



CABINET
Monday, 14th September, 2020

You are invited to attend the next meeting of **Cabinet**, which will be held at:

Virtual Meeting on Zoom
on **Monday, 14th September, 2020**
at **7.00 pm** .

G. Blakemore
Chief Executive

Democratic Services
Officer

A. Hendry (Democratic Services)
Tel: (01992) 564246 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors C Whitbread (Leader of the Council & Leader of the Conservative Group) (Chairman), , N Avey, N Bedford, A Patel, J Philip, S Kane and H Whitbread

PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND

WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.
2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

3. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

4. MINUTES (Pages 5 - 24)

To confirm the minutes of the meeting of the Cabinet held on 20 July 2020.

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on this agenda.

6. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

To receive any questions submitted by members of the public and any requests to address the Cabinet.

(a) Public Questions

To answer questions asked by members of the public after notice in accordance with the provisions contained within Part 4 of the Constitution (Council Rules, Rule Q3) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

(b) Requests to Address the Cabinet

Any member of the public or a representative of another organisation may address the Cabinet on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at the meeting, in accordance with the provisions contained within Article 7 of the Constitution (The Executive, Paragraphs 27 and 28).

7. OVERVIEW AND SCRUTINY

To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function and to identify any matters that the Cabinet would like the Overview and Scrutiny Committee to examine as part of its work programme.

8. COUNCIL HOUSEBUILDING CABINET COMMITTEE - 23 JUNE 2020 (Pages 25 - 34)

(Housing and Community Services Portfolio Holder) to consider the attached minutes from the meeting of the Council Housebuilding Cabinet Committee, held on 23 June 2020, and any recommendations therein.

9. RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE (Pages 35 - 64)

Commercial and Regulatory Services – to consider the attached report (C-017-2020-21) – to grant a variation to the covenants on Epping Forest College land.

10. NORTH WEALD AIRCRAFT LANDING FEES IMPLEMENTATION (Pages 65 - 76)

Commercial and Regulatory Services – to consider the attached report (C-018-2020-21) on the introduction of landing fees and the scale of charges.

11. HIGHWAYS RANGER SERVICE UPDATE (Pages 77 - 98)

Environmental and Technical Services – to consider the attached report (C-019-2020/21), an update of the Highway Ranger service that had been transferred from ECC to Epping Forest District Council on 1 April 2020.

12. ACCEPTANCE OF TENDERS - CONTRACT 101 - REMOVAL OF ASBESTOS CONTAINING MATERIALS FROM COUNCIL OWNED PROPERTIES (Pages 99 - 112)

Housing and Community Services – to consider the attached report (C-020-2020-21) to award a contract for removal of asbestos containing material from Council-owned properties.

13. LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22 (Pages 113 - 124)

Customer and Corporate Support – to consider the attached report (C-021-2020/21) on the Local Council Tax Support Scheme annual review.

14. FINANCIAL PLANNING 2020/21 TO 2025/26 (Pages 125 - 134)

Finance and Economic Development - to consider the attached report (C-023-2020-21) - to note and agree the financial planning process for 2021/22 to 2025/26.

15. QUALIS QUARTERLY MONITORING REPORT - Q1 AND Q2 2019/20 (Pages 135 - 156)

Commercial and Regulatory Services – to consider the attached report (C-022-2020-21) to report on the first two quarters on Qualis performance.

Please note that Appendix C (initial Qualis Business plan) will follow.

16. QUALIS GROUP BOARD (Pages 157 - 162)

Commercial and Regulatory Services – to consider the attached report (C-024-2020/21) on the composition of the permanent Qualis Board and the remuneration levels for Qualis Board members.

17. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

18. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 of the Constitution (Access to Information) define background papers as

being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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EPPING FOREST DISTRICT COUNCIL CABINET MINUTES

Committee: Cabinet **Date:** 20 July 2020
Place: Virtual Meeting on Zoom **Time:** 7.00 - 9.13 pm
Members Present: C Whitbread (Chairman), N Avey, N Bedford, A Patel, J Philip, S Kane and H Whitbread

Other

Councillors: R Bassett, P Bolton, R Brookes, L Burrows, D Dorrell, S Heap, S Jones, R Morgan, S Murray, S Neville, D Plummer, C C Pond, C P Pond, S Rackham, M Sartin, J Share-Bernia, D Sunger, B Vaz, J H Whitehouse, J M Whitehouse and D Wixley

Apologies:

Officers Present: G Blakemore (Chief Executive), A Blom-Cooper (Interim Assistant Director (Planning Policy)), N Dawe (Chief Operating Officer), S Devine (Service Manager (Regulatory)), Q Durrani (Service Director (Contracts & Technical Services)), D Fenton (Service Manager (Housing Management & Home Ownership)), J Gould (Housing Needs and Older Persons Services), A Hendry (Democratic Services Officer), S Jevans (Strategic Director), K Lee (Interim Asset & Property Manager), P Seager (Chairman's Officer), A Small (Strategic Director) and G Woodhall (Democratic & Electoral Services Officer)

27. WEBCASTING INTRODUCTION

The Leader of Council made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

28. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

29. MINUTES

Decision:

The Minutes of the Cabinet meetings held on 1st June and 11th June 2020 be taken as read and would be signed by the Leader as a correct record.

30. REPORTS OF PORTFOLIO HOLDERS

There were no verbal reports made by Members of the Cabinet on current issues affecting their areas of responsibility.

31. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

Public Questions

Ms S De Luca the clerk to North Weald Parish Council asked the following question on behalf of the Parish Council relating to the Financial Issues – Covid 19 report:

“It was our understanding that Housing had been removed from North Weald Airfield. Could Cabinet advise as to why it has now appeared on the Agenda again especially as the Airfield Site has been designated within the submission version of the local plan as an employment allocation. In particular the reference to Qualis’ involvement in North Weald development as a whole. The report submitted is not clear and transparent.”

The Portfolio Holder for Planning and Sustainability, replied that in answer to her first point, yes this was the case, however in developing the employment opportunity land and the SANG the plans needed to be mindful of access issues between the developments the nature of the SANG and other spatial issues that once drafted would be shared by means of consultation. The housing mentioned is the Countryside proposal.

The answer to the second part of her question was that the issues that were being reviewed related to: the development of the employment land and the objective of creating high value local employment opportunities that would provide more opportunities to the existing North Weald Basset Community and the proposed Countryside development; and improvements needed to the airfield itself in terms of infrastructure and services so that it remains an operational airfield well into the future, i.e. the runway to last needs significant investment.

It should be noted that the report was setting the scene for detailed master plan and improvement work that would be subject of detailed review, consultation and discussion.

As a supplementary question Ms De Luca asked that in view of the response made to the question, were you able to confirm that there would be no housing built by any developer, either by EFDC or a private developer, on the allocated employment land at the airfield as per the Local Plan submission version.

The Portfolio Holder replied that as per the Local Plan submission version the answer was that there would be no building of houses on that land. However, it should also be noted that beyond this LDP the Cabinet would carefully consider any new proposal that arose.

32. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meetings held on 22 June and 16 July 2020.

The meeting on 22 June was their first of the year and covered the Membership, Chairmanships, and Vice-Chairmanships for the three established Select Committees, now in their second year. Other business considered by the Committee included the Cabinet’s Forward Plan of Key Decisions; as well as the Overview & Scrutiny and Select Committee Work Programmes for 2020. It was agreed that the response and recovery from the Covid-19 pandemic should be added to the Overview & Scrutiny Committee Work Programme as a standing item.

At the 16th July meeting the Committee received a presentation from the Epping Forest Youth Council on the activities that they had undertaken during the previous twelve months and intended to undertake in the next twelve months. They were currently undertaking a post Covid-19 survey of young people on how their health and wellbeing had been affected by the pandemic. The Leader of Council had requested that the Youth Council share with a future Cabinet meeting the results of their current survey.

The Committee then received a short presentation on the new People Strategy of the Council. The ambition of the new Strategy was to have the right people with the right skills who were highly motivated and high performing.

The Committee then considered the Customer Services Annual Report. The Committee raised a concern about the Council potentially providing services via digital means only and felt that Council Offices and telephone support should remain as an option for residents to use.

The Committee received two reports on the Council's performance; the first covering the period January to March 2020 which was the last quarter of the 2019/20 municipal year, and the second covering the period April to June 2020 which was the first quarter of the 2020/21 municipal year.

The Waste Management Task & Finish Panel presented its final report to the Committee, which had been held over from the postponed meeting in March. The Committee welcomed the recommendation to not implement a third wheeled bin for all properties throughout the District and were keen to emphasise that any wide-ranging changes to the current service provision should be subject to extensive public consultation. The Committee agreed the recommendations of the Task & Finish Panel and requested that it reconvene later in the municipal year when more information became available following further Government waste strategy consultations and royal assent for the Environment Bill 2020.

The Cabinet's programme of Key Decisions was reviewed but there were no specific issues identified on any of the items being considered.

33. FINANCIAL ISSUES - COVID 19

The Finance and Economic Development Portfolio Holder introduced the Financial Issues report on Covid 19. He noted that was a long and detailed report on the council's response to Covid and he complimented the staff on their work and dedication to the residents.

Covid 19 had presented the Country and this Council with a massive and unexpected challenge. The changes required to daily life to slow the spread of the virus and protect the most vulnerable were unprecedented and were huge and potentially long lasting. Even beyond the need to actively control the virus, the impact of this event would live on through the cost to the national finances, the impacts on the economy and employment and the acceleration of changes to the way in which people shop, work and live their lives.

In Epping Forest District, the immediate implications were already being felt in the form of increased unemployment numbers. The number of those registered as unemployed rose by 343% between January and May 2020 and now stands at 4,985, (6.1% of the workforce). On top of this, a further 16,700 residents have been furloughed and there was a significant concern that many of these may add to the unemployment totals when furlough ends.

So far, the Council has responded incredibly to the immediate challenge. The vulnerable had been looked after, businesses had been supported and the council had worked closely with partners to maintain the safety of the community. Through all this the council's workforce had rallied to the challenge and ensured that services had been maintained, as far as rules allowed. There was much to be proud of in the council's response.

Financially, the impact on Epping Forest District Council (as with all councils) would be vast. Over the past decade the Government has encouraged all councils to become more self-reliant through locally generated income streams. Covid19 has hit these income streams hard and the impact would last for many months and potentially for years.

He emphasised that the Council did not have enough money to do everything that it would like to do or even sufficient finances to do everything it ought to do. Effort needed to be focused to doing those things that would give the most benefit to our district and to our residents.

The financial impacts on our council were huge, maybe up to £8million. He noted that the employees had almost entirely moved to a work from home approach, but this had its own impacts on health and safety. They would need to work properly and safely. Therefore, one of the recommendations in this report was to allow employees the ability to spend some money to purchase things to allow them to work more effectively and sensibly at home. We will encourage purchases from local suppliers if possible, so we kept that money within the district. We have budget provision to allow us to do this.

Areas where we had lost significant income was the car parks and the leisure centres. With reductions in our council tax and non-domestic rates collection. There had also been increases in housing costs and the provision of homelessness cover.

At the latest government review to help local authorities, Epping Forest gained £211,000 as a reflection of our increased costs.

We have currently made a number of decisions in response to Covid such as works on our High Streets to make them safer places for our residents to come back to, we have also reduced the car parking tariff allowing resident to park and shop for up to two and half hours for only 20p.

It was recognised that significant number of people owed us money and it should be noted that we were deferring payment and not writing off debts.

Going forward, several options were mentioned in the report for recovery from Covid. We would be focusing money on where it would make the biggest impact. The Portfolio Holder also wanted it put on record that recent talk of building a new leisure centre in Loughton was just a copy and paste error in a recent report and should not have been there. There were no plans to produce a leisure centre in Loughton.

They were also proposing to move, where they could, the assets the council had into Qualis so that they could maximise the return that the council could get.

They were also looking at a 'office local' offering offices for people who wanted to stay local and not travel into London; and a 'travel local' option to make it easier for people to get round our district, focusing on the areas of rural economy where travel was difficult at present.

They were proud of having a successful digital enterprise zone and as has been proved recently that we are in a situation where digital was becoming even more critical to the success of businesses and we would look to develop this work further.

The final recommendation was to second a Strategic Director to Qualis as a Managing Director. We need to make Qualis as successful as possible to help us in our recovery and to make this happen, we need to put one of our Strategic Directors in there to make sure they are fully aligned to what we want to do as a council.

Councillor S Kane welcomed the report, it will be crucial in shaping the district across the next few years. The proposals in section 9 were large and he would like to hear his colleagues view on this. They want to accelerate the move into Qualis in order to combat the outcome of the Covid crisis, but it was a big load to put on a newly formed company. He then asked Councillor Philip about recommendation 5, to agree the list. Was this just the various business plans set out in the report. Councillor Philip said they were unless they wanted something added or taken out.

Councillor Patel noted that section 9 was ambitious but set out a proper economic strategy for the council. The recommendation highlighted how important Qualis was to the Council and we needed someone in Qualis to hit the floor running and deliver what we were setting out. He completely agreed with the appointment as there was no time to go through a recruitment phase.

Councillor Holly Whitbread said it was testament to the work of the council over many years that we were in a relatively strong financial position to weather this storm. It was important that we built on the foundation over the few years and to ensure that Qualis was strongly managed. Councillor Philip commented that this was an ambitious list to achieve, one of the biggest challenges that we have faced. And it was only because we were a well run council over the last few years that that we were in a strong position now.

Councillor Heap commented that the compassionate view the council took on debt recovery was exceptionally good. In terms of Loughton Centric Parade, how did this transfer of money work, were there any transactional charges? It said that business rate would increase, did this mean the actual will go up or will there just be more businesses. Asking about the Strategic Director that will be seconded across, would they be collecting two salaries and were there any bonus schemes; and by having a Managing Director, which was a good idea, it did tend to removing the Councillors control of the organisation, it was now just the Cabinet plus the Managing Director making all the decisions. There was no oversight for this process. Councillor Philip replied we need to be compassionate about debt recovery, but still needed to be fair and firm. As far as Centric Parade was concerned, we as a council call down a loan, then lend the money to Qualis at commercial rates and any profits they make can come back to us. There will not be two salaries. Qualis was an entirely separate company from the council which would take on housebuilding for us and the private sector along with repairs. It was a properly constituted independent company, so the Cabinet received the overall business plans and would get a quarterly report from Qualis. But for day to day operation it operates as a company in the real marketplace and was able to react at speed. In seconding an officer, we do not have recruitment costs, nor take the time it would need to do this. That officer will also know Qualis and the Council and understand the situation

Councillor Janet Whitehouse noted that there was no mention of the heritage of Waltham Abbey, such as the Gunpowder Mills and the Abbey which should be added to bring more people into the town. Councillor Philip noted that neither the

Gunpowder Mills or the Abbey were new things and so their attraction should not have changed as a result of Covid. There was a good Town Council in Waltham Abbey publicising the area. We were looking to increase footfall to drive business in the town.

Councillor Murray thanked the staff for their work during Covid. On the arrears and debts, he hoped that in practice it was as good as it read. There was a need to improve travel around the district and must be geared around public transport. He had no problem with the business plans outlined in Section 9. But with the talk about Qualis tonight, it just reinforced his opinion about the lack of accountability and public scrutiny for Qualis. Policies would be discussed in private with public discussion only on the outcomes. Finally, as a trade unionist and a workplace representative he was unclear on the one-off payment for equipment for staff on health and safety issues. The report indicates that the one-off payment was for health and safety issues, but the recommendation reads as though this was an automatic payment to staff. He would have difficulty in justifying a further £180 payment to every member of staff, given that they have had one payment and most of them will still retain their job when lots of residents were facing a real threat of unemployment. He was more than happy to support the £180 if it was for health and safety reasons and if it was not an automatic payment. Councillor Philip agreed with giving the thanks to the staff. The aim in terms of arrears policy was to be sympathetic and fair to our residents. He agreed that there would be significant issues in the district a recent report said that there had been a 340% rise in the number of unemployed in the district, and that was unlikely to fall in the near future. We do have pockets of deprivation across the district which they will deal with. Local transport was key; to be done effectively and to benefit the majority of people. As for the staff, he referred to paragraph 4.10 of the report indicating that they had considered bulk buying items centrally for all staff. There was a difference from choosing to work from home to finding, due to circumstances outside your control, that you would need to work from home. We know that it could be difficult working from home, and this will be able to provide staff with the funding to buy items that they need to have to make their home comply with the health and safety requirements. See paragraph 4.11 and so these requests should be justified on these grounds.

Councillor Sartin asked about the secondment of a Strategic Director to Qualis, how would the remaining Strategic Directors cover the areas of responsibility that were left behind. Councillor Philip pointed to paragraph 10.6 which states that we shall still have a Chief Operating Officer and a Strategic Director. The Chief Executive added that the responsibilities would be transferred to the remaining Strategic Director the COO and the Chief Executive. A lot of the work that was there, the accommodation project and Qualis, was now underway, so this was a reduction in workload. But this will all be reviewed after one year.

Councillor Chris Pond thanked the staff and the council's contractors, especially Biffa who have worked very hard as well as the Cabinet. He noted that the loss of commercial rents were not mentioned and wished to know how many had been unpaid and what was the prognosis of the recovery of the commercial sector over the next few months. Councillor Philip said that he did not have the figures on commercial rents with him but will get back to him on this. It was a constantly changing situation, we did have a slump in our commercial rents at the start of the financial year, but as we moved to reopening businesses, that backlog recovered somewhat. Interestingly it was the smaller businesses that were good at paying their rent and not the multinationals. They would publish figures when they have them either in a report or the bulletin, but he was unsure at present when or where this would be.

Councillor Wixley added the Waltham Abbey Museum and the White Water Rafting centre to Councillor Whitehouse's historic place in Waltham Abbey and that it was also the gateway to Lee Valley Park, we had an officer dedicated to this. He asked about paragraph 9.64 on the concept of Local offices. Could it be explained. Councillor Philip replied that the museum was a great asset and we would not ignore it. The Lee Valley Park and the White Water Rafting was outside our district and people visited there without going into Waltham Abbey. We do not have a dedicated tourism officer, but we do derive a lot of money from tourism in the district and we do it from a small part of our economic development staff. The local office scheme was to encourage local resident to work locally by enabling them to travel easily locally. We were looking at the centres we have in the district and the likely fact that there would be some vacancies occurring in the existing properties. Could we make them into a drop-in office that would allow you to work locally, especially if combined with Travel Local. Businesses will be changing how they work.

Councillor Jon Whitehouse agreed with the approach taken on debt recovery but noted that they would also need good quality advice from the voluntary sector. He agreed that there was a need for a local transport scheme, they have seen various initiatives such as the Chigwell bus, but it would need to be subsidised; where would this money come from. He had no issues with slimming down the corporate management team as he thought it was top heavy, but he thought that Qualis was going to externally recruit to this post. Did that just not happen or were there no appropriate respondents. How will the revenue generated by Qualis be monitored and managed? And finally, he noted from the St John's project, that the expected rate of return had gone up from 6% to 12 to 15%, a big change and raised questions on the funding of facilities and services for which this was intended. How do we make sure the quality and facilities would be delivered? Councillor Philip answered that debt recovery would be treated sympathetically; we did not provide debt advice but would support Citizens Advice on this. The Chigwell bus service was not a good example of local travel and we were looking at something different to this, as setting up an appropriate fleet mix and making it as useful as possible at an appropriate cost. As for the Qualis Managing Director, it was the aim of Qualis to get a Managing Director and a number of other positions and recruitment consultants were approached, and if we do not choose to appoint tonight then we can go back to them. But this was the right approach to take. If we appoint an MD by September, we will be within our timeframe as the interim board would come to an end then. We will receive a quarterly report from Qualis shortly that will look at their proposal for Epping as a whole and to deliver what's needed for the town in a suitable timescale.

Councillor Plummer commented that we needed to get the health and safety assessment right; there was also a local letting agent who was not being as helpful as they could be; and what was happening to the Police Station in Waltham Abbey. Councillor Philip replied that most of his points had already been addressed. And no, we do not interfere with letting agents, it was not part of our remit.

Decision:

- (1) The Cabinet agreed to support staff in managing their health and safety requirements at home by providing an allowance from the funding set aside in the Budget, of no more than £180 one off payment per employee;
- (2) The Cabinet gave their agreement to continue work on mitigation risk package by transferring some commercial rent risk to Qualis;

- (3) The Cabinet agreed the key principles and the approach to debt recovery together with the timetable;
- (4) The Cabinet agreed the Covid19 Response List;
- (5) The Cabinet agreed to the secondment of a Strategic Director to Qualis for a period of up to 2 years with a 1 year review to oversee the development of the commercial operations; and
- (6) The Cabinet agreed to receive regular updates on the Financial impact.

Reasons for Proposed Decision:

This was mainly an information paper on the Covid 19 situation and its financial impact on the council. This paper provided a summary of the impacts to date, assessed the scale of the financial challenge facing the council, highlighted the action now required to accelerate the restoration of services and the economy and it considered the strategic response required to deliver a stable financial base from which to enable the continued provision of core services and support the district through recovery.

Other Options for Action:

No other options available.

34. APPROACH TO MANAGING THE EFFECTS OF AIR POLLUTION ON THE EPPING FOREST SPECIAL AREA OF CONSERVATION

The Planning and Sustainability Portfolio Holder introduced the report on managing the effects of air pollution on the Epping Forest District Special Area of Conservation. He noted that the Special Areas of Conservation were internationally important nature conservation sites within the UK. The Conservation of Habitats and Species Regulations 2017 provided the regulatory framework against which plans and projects, including the Council's Local Plan and individual planning applications, needed to be assessed. In addition, the National Planning Policy Framework (NPPF), affords such sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.

The legislation set out that where a land use plan, either alone or in combination, was likely to have a significant effect on an internationally important site, the plan-making authority must undertake a Habitats Regulations Assessment (HRA). This applied to Local Plans produced by local authorities and in addition to Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of development growth. HRA work must therefore consider the overall impacts of such growth – in combination with neighbouring authorities – and where there were any likely significant effects; adverse effects on the integrity of the site must be ruled out.

A significant proportion, and the most integrated part, of the SAC lies within the Epping Forest District Council administrative area. The remainder lies within the London Boroughs of Waltham Forest and Redbridge (the latter of which accommodates a very small proportion of the SAC). As such, EFDC, as a Competent Authority under the Habitats Regulations, was required to ensure that planning application decisions comply with those Regulations and did not result in adverse effects on the integrity of the Epping Forest SAC.

This report set out the proposed approach to managing and mitigating the effects of new development on the Epping Forest SAC in relation to air quality.

Councillor Chris Pond noted that the strategy was a work in progress that seems to be rather aspirational, we should be working towards mitigation for better human health and bio-diversity. The damaging effects of particulates on the SAC did not seem to be particularly highlighted in the report and it should be comprehensively dealt with. We need to shift development away from the SAC and the most popular parts of the district. Intensification of development on the Epping site would change Epping completely, which may be difficult to justify due to the closeness to the SAC. In his view, development should be shifted to somewhere in the north west of the district, a long way from the SAC and use this to encourage tourism to the forest. He feared that the Inspector and Natural England would find this insufficient.

Councillor Bedford responded that he agreed with some of Councillor Pond's comments but that we were where we were with the Local Plan and had to see it through because developers were waiting to build. The locations had been carefully brought out through the plan; those locations that were closer in were more suitable because of transport links. If we develop out to the west of the district, we will just increase the issues with the SAC as people drive through the forest to get to work. It was a balancing act.

A Blom-Cooper (Interim Assistant Director) added that we had carried out a lot of bespoke work on traffic flow and air quality so that moving forward we will be able to assess the improvement. There were specific short term measures that we can introduce immediately such as supporting walking and cycling, the provision of electric vehicle charging points and other measures such as signage and HGV route management. Some longer term measure would be to look at a clean air zone. More modelling work would need to be done to assess the impact on the forest. Under the habitat regulations we were looking at the natural environment. We had been working with Natural England and the Conservators to bring forward this package, but it should be noted that the work was not over yet.

Councillor Janet Whitehouse referred to the provision of electric charging points could this be elaborated on.

Councillor Jon Whitehouse noted the habitat regulations assessments; he expected more site specific interventions, would they come forward later. There was also less synergy with the Green Infrastructure Strategy. The lower forest was part of an SSSI but not part of the SAC, has anyone looked out for any unintended effects on this area. A Blom-Cooper replied that there was a policy in the plans that specifically required access to electric vehicle charging points for all new development. As for retro fitting for existing properties a policy and guidance will be brought in. Site specific measures will be looked at on a case by case basis. As for recreational pressure issues, there were two issues here, one was the impact on air quality and the second was the impact on recreational pressure. We would need to bring forward a strategy for alternative natural green space and were looking at a number of sites for this to take the pressure off the forest. And yes, we were aware of unintentional consequences and would need to do a lot of preparatory work.

Councillor Philip added that it was important to remember the effects of air pollution on Epping Forest, particularly on what happened around SAC and our ability to issue planning permission. Because of the way this is related to the SAC, development elsewhere in the district had little impact on the overall plan. It would not make it any better. The good thing was if we got permission from Natural England, we would be

in a position for releasing planning permission that we had already granted, and it was critical we moved this forward.

Councillor Neville asked about the Clean Air Zone, did we have a timescale for when a recommendation was to go forward. And, on site specific schemes, there was talk about them being funded by developer contributions and some of the documents related to this mentioned the cycling action plan which sometime has the developer mentioned and sometimes not, will we always have developer contributions? Councillor Bedford said there was no dates set for introducing a clean air zone on roads through Epping Forest. A review will be held on this before 2024. Secondly the council was currently updating the IDP to take account of changes since it was first produced in 2017, recognising the changes to the Local Plan submitted version as a result of the inspector's actions. The council had submitted bids as part of the reopening high street safety fund, including provision for works in Loughton, Debden and Buckhurst Hill. Epping Council has submitted bids for works to Epping and Waltham Abbey to Essex County Council. Applications were now being prepared for tranche two of the emergency active travel funding. To receive funding authorities will need to satisfy the department that they have meaningful plans to update the road system for cyclists and pedestrians. There will also be a car free day on 1st September.

Councillor Neville asked what were the schemes mentioned in Loughton, Debden and Buckhurst Hill. Councillor Bedford said that they were working up projects, but they had not been finalised as yet.

Councillor Wixley spoke about the retro fitting of electric charging points, he noted that a report would be coming to the Cabinet. Would they be on the Public Highway and was this something we would get involved in or was this for Essex CC. Councillor Bedford said that this would create issues for us. At this stage he did not think that Essex CC would be getting involved as it was another major funding project for them. Maybe something for the future.

Councillor Dorrell asked about the strategic Road Signage Strategy which appeared to contradict what we were trying to do here; trying to get more business for the Epping Forest Visitor's Centre while reducing the amount of traffic. Seems confusing, as though we did not understand the desired outcome we wanted. As for the clear air zone, people will have to go through the forest to travel around the district, so introducing charges for people to drive to different parts of the district sounded very strange. We risked cutting off Waltham Abbey from the rest of the district especially access to the Central Line. Councillor Bedford replied that as for signage, the idea was to divert some of the traffic going through the forest. As for the clean air zone, this was for working with others and to get the zone up and running, this might be based around commercial vehicles; but this was only a proposal for now.

Councillor Heap asked about the air quality zone, was this a zero sum gain, to assess what was to be allowable by 2035 for any development. Councillor Bedford said that air quality was based on an assessment already carried out and we need to be seen that we were making a significant improvement. We will be reviewing again in 2023/24.

Councillor Heap said that the Local Plan offered financial aid for sustainable transport, so we would probably need electric busses.

Decision:

- (1) The Cabinet agreed the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation for the purposes of formal consultation with Natural England and the Conservators;
- (2) The Cabinet agreed that any necessary and appropriate changes arising from that consultation and any data and targets arising from the finalisation of the current air quality modelling work would be incorporated into the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation;
- (3) The Cabinet agreed that the adoption of the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation was delegated to the Portfolio Holder for Planning and Sustainability, submitted to the Local Plan Inspector examining the Council's emerging Local Plan and be used to inform the Council's updated Habitats Regulations Assessment for the emerging Local Plan; and
- (4) That upon adoption, the Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation would be a material consideration in the determination of planning applications and permitted development rights proposals within the Epping Forest District Council administrative area.

Reasons for Proposed Decision:

To comply with the Council's general obligations as a competent authority under the Species and Habitats Regulations 2017 (as amended) [Regulation 9(1)] and to support the Examination of the Council's Local Plan Submission Version.

Other Options for Action:

Not to develop and adopt an Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation as a material consideration in the determination of planning applications and permitted development rights schemes which result in a net increase in traffic (based on Annual Average Daily Traffic levels) on roads within 200m of the SAC. This would prevent the Council, as local planning authority, from positively determining such proposals, where appropriate, as advised by Natural England, as the responsible statutory body, in its letter of 15 June 2018. In addition, it would mean that the Local Plan may not be seen as deliverable at examination and therefore would not be found sound.

35. IMPLEMENTATION OF THE LOCAL PLAN: UPDATE ON PROGRESS

The Planning and Sustainability Portfolio Holder introduced the report on the update on the progress of the implementation of the Local Plan.

It was noted that following the October 2018 Cabinet meeting which agreed the governance arrangements for the implementation of the Local Plan, the Implementation Team had made a commitment to provide members with regular updates on the progress of Masterplans and Concept Frameworks within Epping Forest District to ensure that members are kept fully up to date.

This report provided members with an update on the progress of Strategic Masterplans, Concept Frameworks and Planning Performance Agreements within the District. Discussions with site promoters and developers have continued during

the COVID-19 pandemic with meetings taking place virtually. Project programmes were being adjusted where necessary to account of the need for revised community engagement arrangements.

The Council was currently consulting on the Draft Green Infrastructure Strategy which focussed on the future use of existing, and the introduction of new open spaces in the District to form a network of multi-purpose spaces for both people and wildlife to thrive. It would also make provision for Suitable Alternative Natural Greenspace to support the action identified in the Inspector's advice of 2 August 2019 to mitigate the impacts of increased recreational pressure on the Special Area of Conservation. The closing date for responses was 16 July 2020.

Following receipt of leading Counsel advice, the Council was continuing to work proactively to identify an interim strategy to address the backlog of planning applications held in abeyance following the advice from Natural England pending completion of the additional Habitats Regulations Assessment.

Decision:

The Cabinet noted the progress of Masterplans and Concept Frameworks, including the use of Planning Performance Agreements and the progress of other proposals at pre-application and application stage be noted.

Reasons for Proposed Decision

To ensure that members were kept fully up to date on the progress of Masterplans and Concept Frameworks and other major proposals being promoted within the District.

Other Options for Action:

Not to update members on the progress on the above issues would be contrary to the commitment made by the Implementation Team as noted in the 18 October 2018 Cabinet Report.

36. ADOPTING A 2-PART REGISTER FOR SELF-BUILD AND CUSTOM HOUSEBUILDING

The Housing and Community Services Portfolio Holder introduced the report on adopting a two-part register for self-build and custom housebuilding. It was noted that this report had been extensively discussed at the recent Council Housebuilding Cabinet Committee.

The Council currently has a single Self-build and Custom Housebuilding Register which was not divided into two parts.

The registration process in its current form counted all entries in the register as demand for Self-build and Custom Housebuilding (SBCH) in the District. A two part registration would be beneficial in terms of prioritising applicants with local connections to the area and establishing a more realistic assessment of local demand.

Access to Part 1 of the Register should be subject to a local connection test based on living or working in the District and a financial assessment of capability to purchase plots.

The Self-build and Custom Housebuilding register came into effect through the Self-build and Custom Housebuilding Act 2015 amended by the Housing and Planning Act 2016, to promote the Government's Right to Build Scheme supporting individuals and associations wishing to build their own homes.

The legislation created a duty on the Relevant Authorities, including District Councils, to keep a register and have regard to the register when carrying out their planning, housing, land disposal and regeneration functions. Furthermore, a duty to grant planning permission for enough suitable serviced plots of land to meet the demand for Self-build and Custom Housebuilding in the area. This level of demand was established by reference to the number of entries added to an authority's register during each base period.

Decision:

- (1) The Cabinet agreed to adopt a two-part register;
- (2) The Cabinet agreed to adopt and implement local connection and financial solvency tests; and
- (3) The Cabinet agreed the adoption of the overarching policy.

Reasons for Proposed Decision:

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) required the Council to keep a register of individuals and associations who were seeking to acquire serviced plots of land in the District for self-build and custom housebuilding.

With the housing pressure and limited capacity to meet all housing needs, it was essential that the Self-build and Custom Housebuilding Register was effective, by adopting the eligibility criteria noted above and implementing a two-part register, it provided the necessary prioritisation to support local applicants and their housing need.

Other Options for Action:

To continue to use a single register means that the Council had a statutory requirement to provide permissioned serviced plots to all applicants on the register regardless of local connection. This option made it difficult to prioritise limited land supply and meet local need with multiple applications from applicants across various local authorities.

37. HOUSING RENTS POLICY

The Housing and Community Services Portfolio Holder introduced the report on the Council's Housing Rents Policy.

A Housing Rents Policy was required in order to outline how the Council would calculate, consult and charge rent and service charges for Housing Revenue Account (HRA) owned stock that the Council had responsibility to manage and maintain.

The previous Housing Rents Policy 2016-17 had been updated, resulting in a Housing Rents Policy 2020 which reflected the requirements of the Social Housing Regulator's new Rent Standard which came into force on 1 April 2020.

Decision:

The Cabinet agreed to the adoption and implementation of the updated Housing Rents Policy which set out Epping Forest District Council's approach to the setting of rent and service charges ensuring compliance with current legislation, the requirements of the Regulator's Rent Standard and recognised best practice.

Reasons for Proposed Decision:

There was a statutory requirement to have a Housing Rents Policy. The purpose of which ensures compliance with government legislation when setting rent and service charges. It also ensures that the HRA does not fall into a deficit position, helps the Council to plan for future investments, and protects tenants from excessive rent increases.

Other Options Available:

Not to have an updated Housing Rents Policy.

38. TENANCY POLICY

The Housing and Community Services Portfolio Holder introduced the report on the Council's Tenancy Policy.

The meeting noted that under the Localism Act 2011 and the Regulatory Framework for Social Housing in England, Registered Providers must publish clear and accessible policies which outline their approach to tenancy management.

EFDC's Tenancy Policy 2015 (v3) expires and required renewal in July 2020. Full amendments and renewal of the policy require statutory consultation which had not been possible at the current time. Agreement was therefore being sought to extend the life of the current policy by a further 2 years to allow for meaningful consideration and consultation of the policy and in order to bring issue dates in line with the Allocations Policy. This would enable the renewal of both policies, which were intrinsically linked, to be considered, consulted on and renewed together in July 2022.

Agreement was also being sought for several proposed changes to the policy, the main ones of which were as follows:

- Discontinuation of two year fixed-term tenancies
- Introduction of an obligation for tenants to declare any properties/land purchased during their tenancy

Other recommended amendments to the wording of the policy were detailed in the main body of the report.

Decision:

1. The Cabinet agreed to extend the life of the current Tenancy Policy (which expires in July 2020) by a further 2 years to July 2022
2. Having agreed the extension to the life of the Policy, Cabinet agreed to the recommended amendments set out below:
 - Discontinuation of two year fixed-term tenancies
 - Introduction of an obligation for tenants to declare any properties/land purchased during their tenancy.

Reasons for Proposed Decision:

There was a statutory requirement to have a Tenancy Policy. The purpose of the policy ensures compliance with the Regulatory Framework and provides clarity on the circumstances in which EFDC will grant each type of tenancy. Having the policy ensured we offer tenancies which make the best use of our housing stock, while meeting customers' requirements.

Other Options Available:

Not to renew the current Tenancy Policy.

39. ACCEPTANCE OF TENDERS - CONTRACTS 690 AND 790, INSPECTION, MAINTENANCE AND IMPROVEMENTS OF VOID PROPERTIES 2020-25.

The Housing and Community Services Portfolio Holder introduced the report on the acceptance of tender contracts 690 and 790.

The Cabinet noted that in order to undertake the inspection, maintenance and improvement work to Council-owned void properties during the financial year 2020-21 and over the following 4-year period, it was necessary to undertake a procurement exercise based on the Most Economically Advantageous Tender (MEAT) taking cost and quality into account to satisfy the requirements of the Council's Procurement Rules.

Decision:

- (1) The Cabinet agreed that, Gracelands CMS Ltd and Mackie Contracts Essex Ltd be awarded 1-year contracts renewable annually for up to a maximum of 4-further years, for the inspection, maintenance and improvement work to Council-owned void properties in the sum of £277,324.66 and £411,929.58 with an overall weighted price and quality score of 90.96% and 63.04% respectively; and
- (2) The Cabinet agreed that, the overall value of the works be capped to the allocated budgets included in the Capital Programme identified for void works on an annual basis; and
- (3) That, this contract be designated as a serial contract to facilitate the annual adjustment to the tendered rates in accordance with the Royal Institution of

Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index of All Construction: All Repair and Maintenance Work #7419.

Reasons for Proposed Decision:

The existing framework agreements for the inspection, maintenance and improvement work to Council-owned void properties with the current contractors had reached the end of its term.

Qualis Management plan to undertake all the inspection, maintenance and improvement work to Council-owned void properties effective from September 2020 as set out in the Qualis Management Business Plan 2020-26. In order to ensure continuity of service provision until the Qualis Management void team have the resources in place to undertake all the work a new framework contract for the inspection, maintenance and improvements of Council-owned void properties was to be procured for a five-year period based on annual renewals.

The new framework contract would be let with a high degree of flexibility incorporated in the contract conditions to enable Qualis Management to vary, suspend or terminate the contract for Operational reasons without cost or penalty to the Council. Having a flexible framework contract in place enables Qualis Management to utilise the external contractors' resources if required during busy void periods.

Other Options for Action:

The main alternative options considered are:

- (1) To re-tender the contract on an annual basis. However, this would be time consuming and inefficient. Re-tendering would not guarantee more competitive tenders.
- (2) To re-tender the works based on price alone. However, this would not necessarily return a more competitive tender and would not identify or quantify a quality commitment from the lowest tenderer.
- (3) To seek quotations on an individual basis for every void property on an ad-hoc basis. However, this was very time consuming and was not a cost-effective exercise given the volume of ad-hoc void properties carried out per annum, this would breach the Council's Procurement Rules C2 (9b) with the works exceeding £25,000 in value during one financial year.
- (4) Procuring the works with just one Contractor. However, from experience, a lack of competitive benchmarking could lead to increases in resources and costs incurred by the Council for administration and management to ensure the performance of the appointed Contractor. Also, due to ad-hoc nature of void work appointing two Contractors enable the Council to better manage potential peaks in void work ensuring the void turn around periods are kept down to a minimum.

40. BUSINESS AND PLANNING BILL, GRANT OF PAVEMENT LICENCES

The Commercial and Regulatory Services Portfolio Holder introduced the late supplementary report on the Business and Planning Bill, grant of pavement licences.

It was noted that because the implementation of these recommendations would need to be put into immediate practice as soon as the Act received Royal Assent, that the

Chairman of Council was asked and agreed, to waive the call-in period for this decision.

It was noted that Parliament was considering fast-track process for the Business and Planning Bill that was currently at second reading stage in the House of Lords. The reason for this was to ensure the Bill achieved Royal Assent before Parliaments summer recess.

The Bill was intended to assist businesses in recovery from impacts of Covid-19. Measures include ability for bars, pubs and restaurants that had on site alcohol licences to be able to sell off site and allow these premises the flexibility to seek licences for outdoor seating.

Other measures include road hauliers and other passenger and public service vehicles that were dependent on heavy vehicles testing get certificates of exemptions for public services and goods from the Driver Vehicle Standard Agency (DVSA). The Bill introduced a new route for developers to seek to amend planning restrictions on construction site working hours to temporarily allow extended working hours and extend expiration of certain planning permissions and listed building consents.

This report sought approval from Cabinet for necessary consents, approvals, pavement licensing conditions, delegated authority and processes for dealing with objections for applications made under the Act for placing tables and chairs outdoors.

The Licensing Committee had been consulted on the contents of the report and were in agreement.

Councillor Morgan, the Chairman of the Licensing Committee, agreed that this was the way forward to get businesses going again.

Councillor Chris Pond suggested that it should be put into the recommendations that all relevant ward members should also be consulted. This was agreed by the Cabinet.

He also wanted to know about the protection of established markets, and how this would affect them. And how would notification would be given. Councillor Patel said that it would be advertised on our website, and there would also be public notice outside the premises for seven days. As for the protection of existing markets, that was in one of the licensing conditions that the licenced area has to align with existing local business arrangements including regular markets.

Councillor Murray was pleased with the report but offered up a word of warning that by using the pavements it may discourage people from using the high street, with people smoking and drinking on the pavements. Councillor Patel said that smokers would have to have a separate designated area to be identified on the application. Councillor Holly Whitbread noted these comments from a community safety angle and would take them on board.

Decision:

(1) That the Cabinet noted that the Business and Planning Bill was at Committee Stage in the House of Lords and was likely to get Royal Assent this month and that the Council should have a process in place to determine licensing applications made under the Act;

(2) That in order to achieve the tight timelines for determination of Licence Applications under the new Act, the Cabinet agreed:

- (a) To amend the Scheme of Delegation and add decision making authority to the role of Director of Contract and Technical Service / Director of Commercial and Regulatory Services in respect of applications that do not receive any objections and those that do receive objections the Portfolio Holder for Commercial and Regulatory Services or the Leader of the Council be consulted as well as the Chair or Vice Chair of the Licensing Committee before a decision can be made;
- (b) That Consultations on licence applications be carried out by electronic and digital means only;
- (c) That the relevant ward members would be consulted on any license applications related to their ward;
- (d) That Licence fee will be as set out in Resource Implication section of the report;
- (e) That the licence period shall be the maximum permissible under the Act currently likely to be up to September 2021; and
- (f) That Licensing Conditions as attached to the report were adopted.

(3) That the Chairman of Council agreed to waive the call-in for this decision on the grounds that the implementation of these recommendations would need to be put into immediate practice as soon as the Act received its Royal assent.

Reasons for Proposed Decision:

To be able to receive, consider and determine applications from premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary licensing.

Other Options for Action:

If the Council did not have a process in place to determine applications from premises within the 7-day period stipulated in the new Act, then the licence would be automatically deemed to be granted. This was not tenable as the Council would want to be in a position to review and assess applications and if deemed inappropriate refuse Licence.

Consideration was given to requiring the applicants to provide CCTV systems for the external areas however it was felt that it is not reasonable. This was because the legislative requirements would be too onerous especially given the licences were temporary.

41. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Cabinet.

42. EXCLUSION OF PUBLIC AND PRESS

The Cabinet noted that there was no business for consideration which would necessitate the exclusion of the public and press from the virtual meeting.

CHAIRMAN

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Council Housebuilding Cabinet Committee	Date:	Tuesday, 23 June 2020
Place:	Virtual Meeting on Zoom	Time:	7.00 - 7.45 pm
Members Present:	H Whitbread (Chairman), N Avey, N Bedford, A Patel and J Philip		
Other Councillors:	R Brookes, R Morgan, S Murray, C C Pond, J Share-Bernia, D Stocker and C Whitbread		
Apologies:	None		
Officers Present:	D Fenton (Service Manager (Housing Management & Home Ownership)), J Cosgrave (Interim Development Housing Manager), J Leither (Democratic Services Officer), S Mitchell (PR Website Editor) and G Woodhall (Democratic & Electoral Services Officer)		

1. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that the meeting would be broadcast live to the internet and that the Council had adopted a protocol for the webcasting of its meeting.

2. SUBSTITUTE MEMBERS

The Cabinet Committee noted there were no substitute members.

3. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

4. MINUTES

Resolved:

That the minutes of the meeting held on 12 March 2020 be taken as read and signed by the Chairman.

Due to the current Covid-19 situation all minutes agreed at a virtual meeting will be signed by the Chairman at a later date.

5. PROGRESS REPORT - PHASES 2-4

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the report set out the progress that has been made across phases 2 to 4 of the Council Housebuilding programme that had either been completed, were on-site or were currently being procured.

Phase 2 – Burton Road, Loughton

Burton Road, Loughton consisted of 51 properties, 15 x 3 Bed Houses, 2 x 2 Bed Houses, 23 x 2 Bed Flats and 11 x 1 Bed Flats.

There was a delay in the handover of the remaining 6 properties which occurred on the 19 March 2020, this delay was due to a gas supply issue. There remained a 2.5% retention of £271,899.

Phase 3 – Queens Road, North Weald

Queens Road, North Weald consisted of 12 properties, 10 x 3 Bed Houses and 2 x 2 Bed Houses. The original start date was delayed due to the discovery of asbestos and a new road and sub-station works. This was currently forecast to be completed on the 30 September 2020 however, further delay was anticipated due to the Covid-19 restrictions upon the supply chain.

Phase 4.1

There were 14 units in phase 4.1 that had been tendered and were approved at the Council Housebuilding Cabinet Committee on 19 December 2019, contracts had been signed and the start on site dates were as below.

			Latest Anticipated Start on Site	Handover
Chequers Road (A), Loughton	HR 124	3 x units	29:06:20	29:06:21
Bushfields, Loughton	HR 122	2 x units	29:06:20	29:06:21
Chester Road, Loughton	HR 130	3 x units	03:08:20	29:06:21
Queensway, Ongar	HR 140	4 x units	07:09:20	29:06:21
Millfield, Ongar	HR 138	2 x units	07:09:20	29:06:21
Total		14 x units		

Contracts had been signed and the pre-design work had continued to be progressed within the Government Guidelines and restrictions, with the aim of minimising any delay to the commencement of works on site. A staggered start on site was to be made to assist with compliance with the new Covid-19 working arrangements, notwithstanding that it was currently anticipated that all handovers would occur by the end of June 2021.

Phase 4.2

There were 22 units that had been tendered and an update would be reported to the Council Housebuilding Cabinet Committee meeting on the 8 September 2020.

			Latest Anticipated Start on Site	Handover
Hornbeam Road (B), Buckhurst Hill	HR 136	3 x units	12.07:20	12.07:21

Hornbeam House , Buckhurst Hill	HR 137	2 x units	12.07:20	12.07:21
Bourne House , Buckhurst Hill	HR 135	2 x units	12.07:20	12.07:21
Etheridge Road , Debden	HR 127	3 x units	12.07:20	12.08:21
Denny Avenue , Waltham Abbey	HR 144	3 x units	12.07:20	12.08:21
Beechfield Walk , Waltham Abbey	HR 147	5 x units	12.07:20	12.08:21
Kirby Close , Loughton	HR 120	4 x units	12.07:20	12.08:21
Total		22 x units		

Subject to the acceptance by the Cabinet of this the latest anticipated Start on Site and Handover dates which are given above.

Phase 4.3

There were 21 units being progressed for tender and a further report updated report would come to 8 September 2020 meeting of the Council Housebuilding Cabinet Committee.

Pick Hill , Waltham Abbey	HR 145	2 x units
Pentlow Way , Buckhurst Hill	HR 139	7 x units
Bromefield Court , Waltham Abbey	HR 143	1 x units
Bromefield Court , Waltham Abbey	HR 147	1 x units
Stoneyshotts , Waltham Abbey	HR 148	1 x units
Woollard Street , Waltham Abbey	HR 149	8 x units
Wrangley Court , Waltham Abbey	HR 161	1 x units
Total		22 x units

These sites were anticipated to be issued for tender by the end of June 2020 with the aim of making a Start on Site in November 2020 and Handover by November 2021/March 2022.

Notwithstanding the current Government restrictions there had been good progress made in these difficult circumstances to continue to progress due diligence and work towards completing the design to minimise any further potential delays.

Phase 4.4

There were 27 units (including an additional 12 units) which were being technically progressed in anticipation of planning submission and tender.

Chequers Road (B) , Loughton	8 x units
Ladyfields ,	16 x units

Loughton	
Lower Alderton Hall Lane, Loughton	2 x units
Thatchers Close, Loughton	1 x units
Total	27 x units

The table above now reflected a potential increase in affordable units of 12 over what had previously been forecast and approved.

Phase 5

A detailed review was nearing conclusion to identify several potential sites which may be progressed for future development. This would involve engagement with Local Councillors to discuss and address local issues so that these development sites may progress.

Once these have progressed sufficiently and have been initially assessed, a Feasibility Report would be presented to Cabinet for consent to proceed and progress to the planning application and delivery stage.

The Rights of Way/Access issues stemming from the Appropriation process were being addressed in line with the phased programme. A policy is being developed to ensure a fair and consistent approach was being taken.

Councillor A Patel asked in there had been any increase in the cost of the construction and materials post covid-19.

John Cosgrave, Interim Housing Development Manager advised that the contractual position was that they could claim an extension of time but they could not claim any additional prelims. Presently there were no indications of any potential increase in costs associated with materials.

Councillor A Patel asked in terms of the 12 weeks lost due to the Covid-19 lockdown, if the Contractors were unable to complete on the May deadline, should we be negotiating with them now for a contract extension to take this period of time into account.

The Interim Housing Development Manager replied the delay over the last 12 weeks had partially been factored in. As this contract was a predominantly design and build contract there was an obligation on them to carry out certain design work, which fortunately coincided with the Covid-19 lockdown period.

There had been a delay identified in Phase 2, Queens Road where the contract had been due to finish in August 2020 but was now currently running 8 weeks late. The cost associated with that was not anticipated to be excessive, the main for the delay, which were cost related would be due to third party services which have not yet been quantified. These costs associated with the delay are not anticipated to be materially excessive as to what would be reasonable.

Councillor J Philip stated with regard to Phase 4.2 which was supposed to start on site in July this year, the planning permissions were agreed three or four years ago with a commencement start date within three years of approval. Therefore most of the planning permissions would now have expired, so how could a start on site in July be implemented if the planning permissions had expired, new planning

permissions would have to be sought, which would now be caught by the Special Area of Conservation (SAC).

The Interim Housing Development Manager advised that the planning consents were enacted within the time limit. The pre-commencement conditions, in terms of carrying out certain demolition works and contamination surveys, were commenced and signed off so the planning consents were enacted.

Councillor J Philip stated that normally a pre-commencement condition happened before you would commence on site, the commencement of the planning condition happens after you have removed the pre-commencement condition.

The Interim Housing Development Manager advised that the pre-commencement that related to the planning consents had been activated in time and therefore the planning consents had been maintained except for Thatchers Close and Lower Alderton Hall Drive.

Councillor N Bedford asked with regard to Phase 4.1, Queensway and Millfield, Ongar are they scheduled to start on the 7 September 2020 or will there be a delay with regard to the Covid-19 lockdown.

The Interim Housing Development Manager advised that there had been a recent meeting with the contractor and Queensway and Millfield were currently on track to start on the 7 September, the contractor will notify the Council as soon as possible to any anticipated delays.

Councillor N Bedford asked how much was the contingency allowance and should more funds be factored in. On previous sites it was found that when we have hit a contingency it wasn't budgeted correctly, there was an massive overspend on the sites due to asbestos which was found below the sites and these sites are exactly the same sort of garage sites.

The Interim Housing Development Manager advised in terms of contingency I am aware that on previous phases there had been a considerable cost increase experience, due to a number of different factors, a great deal of those issues had been mitigated by the process adopted on Phase 4. In terms of forecasting for contingency we have identified that circa 10% of the construction cost was adequate.

Councillor Patel highlighted a paragraph in the report on agenda page 15:

“Also of note in response to the Councils Climate Emergency pledge on 19 September 2019, “to do everything within the Councils power to make Epping Forest District Council area carbon neutral by 2030” we are currently carrying out a review of the construction proposals with the aim of moving closer to achieving a ‘Passivehaus’ standard by incorporating the ‘Passivehaus’ principals within the massing and fabric design which will go a great way towards achieving the Councils stated aim.”

Councillor Patel stated that he welcomed that paragraph and that as a Committee, supported that move forward.

The Chairman, Councillor H Whitbread advised that the Burton Road development was a very eco-friendly development with smart readers and solar panels and that would help the Council along the way to the net zero target.

Councillor Morgan asked if there was an update to the garages at the Colvers in Matching Green as in the past there had been talk of the site becoming demolished and houses built on it.

The Interim Housing Development Manager advised that the application was refused at committee and due to the Council reorganisation, the garage uses are currently being assessed under the new structuring plan as different people are now responsible for dealing with the functions of managing the garages.

Councillor C C Pond advised that now the Burton Road site was completed he had a number of representations from people who have moved into the Burton Road development asking about parking. Although tenants were told at the beginning that there was none or very limited parking they have requested, through Councillor Avey's team, that season tickets be made available in the Burton Road car park, which is opposite the development, where the residents say that it is very seldom under any stress. Therefore could the Chairman and Councillor Avey meet to see if any scheme could be devised to allow those people to acquire season tickets in the Burton Road car park while there is still capacity in them.

The Service Manager, Housing Management and Home Ownership advised that Torrington Drive, which runs behind Burton Road had some designated parking and the Housing team are looking to see if any of that space could be utilised by the residents in Burton Road. She advised that she would report back the findings at the next meeting.

The Chairman thanked Officers for their continued work on the Burton Road development and advised that at the beginning of the Covid-19 lockdown the opening of Burton Road development was due to go ahead but this had to be cancelled, which was very disappointing. She advised that before the lockdown she did get to visit the site with the local MP who was very impressed with the buildings and hopefully this can be marked when the social distancing has been lifted.

Decision:

- (1) That the contents of the Progress Report on Phases 2 to 4 of the Council House Building Programme be noted and presented to Cabinet in line with the Terms of Reference of the Council Housebuilding Cabinet Committee.

Reasons for the Decision:

Set out in its Terms of Reference, the Council Housebuilding Cabinet Committee is to monitor and report to the Council on an annual basis on progress and expenditure concerning the Council House Building Programme. This report sets out the progress made over the last 12 months.

Other Options Considered and Rejected

This report is on the progress made over the last 12 months and is for noting purposes only. There are no other options for action.

6. ACCEPTANCE OF TENDERS - COUNCIL HOUSEBUILDING PROGRAMME

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the Council's Procurement Rules required a Cabinet decision when awarding contracts in excess of £1m. However, the Cabinet had delegated authority to the Council Housebuilding

Cabinet Committee to agree all tenders associated with the Council's house-building programme as set out in its Terms of Reference. Authorisation to enter into a Build Contract was required to enable a start on site to be made and for these properties to be delivered.

Therefore the decision to award contract 1 to Indecon Building Limited to undertake the construction of 7 properties, for a sum of £2,160.15 together with the proposed construction of 52 weeks and to award contract 2 to Indecon Building Limited to undertake the construction of 11 properties, for a sum of £4,234,504 together with the proposed construction of 52 weeks be agreed by the Cabinet Committee.

Councillor J Philip asked why had the Council only gone out to tender to two companies.

John Cosgrave, Interim Housing Development Manager stated that four companies were on the framework agreement and they were approached to tender for these contracts but two declined to tender.

Councillor J Philip asked how the assumption of 52 weeks to complete the development arrived at.

John Cosgrave replied that was more than a reasonable assumption of time to complete these developments.

Decision:

- (1) That, Indecon Building Limited be awarded the contract to undertake the construction of 7 properties, (contract 1) in the sum of £2,160,015 together with the proposed construction period of 52 weeks; and
- (2) That, Indecon Building Limited be awarded the contract to undertake the construction of 11 properties, (contract 2) in the sum of £4,234,504 together with the proposed construction period of 52 weeks.

Reasons for the Decision:

The Council's Procurement Rules requires a Cabinet decision when awarding contracts in excess of £1m. However, the Cabinet have delegated authority to the Council Housebuilding Cabinet Committee to agree all Tenders associated with the Council's house-building programme as set out in its Terms of Reference. Authorisation to enter into a Build Contract is required to enable a start on site to be made and for these properties to be delivered.

Other Options Considered and Rejected:

To award the contracts to any other contractor that has tendered for the works.

7. ADOPTING A 2-PART REGISTER FOR SELF-BUILD AND CUSTOM HOUSEBUILDING

Deborah Fenton, Service Manager, Housing Management and Home Ownership, presented a report to the Cabinet Committee, she advised that the report related to adopting a 2-part register for self-build and custom housebuilding.

Self-build and custom housebuilding could be one of two things:

- A serviced plot could be provided and the purchaser would build from the ground upwards; or
- The Council could provide six different types of houses on a plot without the interior fitted out and the purchaser could custom design those properties to suit their needs.

It was proposed that following the initial review at the Cabinet Committee, this report would be presented to the Cabinet in July, to recommend the adoption of both the 2-part register and the local connection and financial solvency tests.

The Council currently had a single Self-build and Custom Housebuilding Register which was not divided into 2 parts.

The registration process in its current form counts all entries in the register as demand for Self-build and Custom Housebuilding (SBCH) in the District. A 2-Part registration would be beneficial in terms of prioritising applicants with local connections to the area and establishing a more realistic assessment of local demand.

Access to Part 1 of the Register should be subject to a local connection test based on living or working in the District and a financial assessment of capability to purchase plots.

The Self-build and Custom Housebuilding register came into effect through the Self-build and Custom Housebuilding Act 2015 amended by the Housing and Planning Act 2016, to promote the Government's Right to Build Scheme supporting individuals and associations wishing to build their own homes.

The legislation created a duty on the relevant authorities, including District Councils, to keep a register; and have regard to the register when carrying out their planning, housing, land disposal and regeneration functions. Furthermore, a duty to grant planning permission for enough suitable serviced plots of land to meet the demand for Self-build and Custom Housebuilding in the area. This level of demand was established by reference to the number of entries added to an authority's register during each base period.

Councillor Patel expressed concern and asked for some clarification, in terms of the specification of the build, in the Council housebuilding programme that had been adopted, the Council were incorporating the lifestyle homes specification and the accessible disability specification, would this be incorporated as part of the specification when the register was opened.

The Service Manager, Housing Management and Home Ownership advised in terms of the serviced plots we would just supply a plot and would not have any input as to what was built there. However, whoever purchased the plot would need to go through planning.

In the terms of the custom build the actual shell would be built to the Council's specification and the purchaser would only design the interior.

Councillor Philip advised that custom and self-build still fall under the same planning regulations as non-custom and self-build that come under the Local Plan and therefore would have to comply with the planning regulations.

Decisions:

- (1) That the Cabinet Committee noted the recommendation to adopt a 2-part register; and
- (2) That the Cabinet Committee noted the recommendation to adopt and implement local connection and financial solvency tests.

Reasons for the Decision:

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) required the Council to keep a register of individuals and associations who were seeking to acquire serviced plots of land in the District for self-build and custom housebuilding.

With the housing pressure and limited capacity to meet all housing needs, it was essential that the Self-build and Custom Housebuilding Register was effective, by adopting the eligibility criteria noted above and implementing a 2-part register, it provided the necessary prioritisation to support local applicants and their housing need.

Other Options Considered and Rejected:

To continue to use a single register meant that the Council had a statutory requirement to provide permissioned serviced plots to all applicants on the register regardless of local connection. This option made it difficult to prioritise limited land supply and meet local need with multiple applications from applicants across various local authorities.

8. ANY OTHER BUSINESS

The Cabinet Committee noted that there was no other matters of urgent business for consideration.

9. EXCLUSION OF PUBLIC AND PRESS

The Cabinet Committee noted that there was no other urgent business for consideration.

CHAIRMAN

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Report to the Cabinet

Report reference: C-017-2020/21
Date of meeting: 14 September
2020



**Epping Forest
District Council**

Portfolio: Commercial and Regulatory Services – Cllr. A Patel
Subject: Release of Restrictive Covenants – Epping Forest College
Responsible Officer: Karim Pabani (01992 564123).
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

Epping Forest College is granted a variation to the covenants on the land further to previous removal of restrictive covenants, in order to facilitate the Colleges plans for the site.

Executive Summary:

The Epping Forest College Site was subject to restrictive covenants in favour of Epping Forest District Council in relation to the use of the Property for Education. These were agreed to be released in 2019, but since this time, in order to facilitate further College plans, two variations to the covenants are required. The first involves transfer of land to the residential developer to facilitate housing development. The second involves transfer of development land from the residential developer back to the College and removal of the restriction that said land can only be used for residential purposes. This is to facilitate the Colleges proposed wellness centre.

Reasons for Proposed Decision:

Removal of the covenants benefits the District by allowing the College to develop the Wellness Centre while also assisting the developer in unlocking further housing provision in the District in accordance with the Local Plan.

Other Options for Action:

The restrictive covenants are not released. There is no governance, legal or commercial reason for EFDC to oppose the release of such covenants however and previous larger restrictions were agreed to be released in 2015 and 2019 by Cabinet.

Report:

1. Title number EX535442, being the Epping Forest College Site, was subject to restrictive covenants set out in a 1955 Conveyance and a 1952 Conveyance in favour of Epping Forest District Council in relation to the use of the Property for Education.

2. It was agreed with the Council last year that these covenants would be released and new covenants imposed over two parts of the Epping Forest College site, being the “Middle Site” and “Borders Lane Playing Fields”. These variations were agreed with the Council to enable the College to sell the parts of the property that were unused and also enable the Council to deliver the housing as part of the local plan.
3. The Middle Site is now subject to restrictive covenants for the use for residential purposes.
4. At the Borders Lane Playing Fields Site, the red land is to be used for residential purposes and blue land for community uses as the College will be delivering a wellness centre at this site.
5. Given the development of the site over the course of the last year, two further variations are now required to the covenants – Cabinet need to therefore confirm that the following two variations would be permitted.

Variation 1 – Green Land:

The land edged green on the attached plan ‘FNH436 Plan 1’ is currently subject to the education covenants. The land edged orange and blue forms the “Middle Site” where the covenants were varied last year. The College and housing developer have agreed to transfer the land edged green to the developer. As such, the covenants for this parcel of land would need to be varied to residential.

The College will retain a permanent right of way over the Green Land. The College have confirmed that this land is not used to access the site, nor is it used for emergency access. The developer would like to maintain this land.

It is proposed that a release and variation in the same form as entered into last year for the green land is entered into. Please refer to marked up Deed of Surrender.

Variation 2 - Wellness Centre Land

Following the development of the plans over the last year, the housing developer is going to transfer some land back to the College to enable the College to build a larger, full site wellness centre. The land which is being transferred back to the College is shown edged red on “FNH437...Plan 1 NCC Ownership”. This land is currently subject to a restriction not to use the property other than for residential purposes (as this was part of the land varied last year). The covenants on this land need to be re-varied to permit use for community uses as this is to form part of the wellness centre site.

Legal and Governance Implications:

There are three covenants that affects part of the Epping Forest College Site. These are briefly:

- Not to use the land other than for the purposes of the Education Act 1944 and/or the Nation Health Service,
- Not to erect any buildings on the land without first obtaining consent, and

- Not to sell the land without first offering the land back to the Council and a set timetable for purchase must be followed. The purchase price is to be determined by the District Valuer and calculated in the same way Compulsory Purchase claims are settled.

On previous applications to release covenants on the College Site, Essex County Council have provided that there is no requirement for land to be used for education in this area. In which case the College are able to argue that the need for the covenant is redundant. If the Council refused to release the covenants the owner of the land could therefore apply to the Upper Tribunal to release the covenants.

When considering an application to discharge or modify a restrictive covenant, the Upper Tribunal will take into account the development plan, any pattern for the grant or refusal of planning permission in the relevant area, as well as the time and context in which the covenants were imposed. The Tribunal has the power to order the applicant to pay compensation to the person entitled to the benefit of the covenant.

If the Upper Tribunal decides that a covenant is no longer required, then the amount of compensation would be the reduction in the purchase price due to the imposition of the covenants.

Counsel's opinion has previously been obtained on this issue. The advice was that if the Council refused to release the covenants, the Council would lose the case and any compensation awarded would be small. In addition, the Council would probably have costs awarded against it, (the requirement to pay the other sides legal costs), resulting in the Council paying more than it received in compensation.

Safer, Cleaner and Greener Implications: None.

Consultation Undertaken: None.

Background Papers:

1. 05/11/2015 Cabinet Decision
2. Draft Deed of Surrender
3. College Plan
4. Ownership Plan

Risk Management: N/A

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Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Asset Management Specialist, Commercial & Regulatory Services, Estates Team

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Epping Forest College Land / Title Covenants

Officer completing the EqIA: Tel: 01992 564123 Email: kpbani@eppingforestdc.gov.uk

Date of completing the assessment: 21/07/2020

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes – revision/amendment of an existing decision.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To facilitate the Epping Forest College plan for a 'welcome centre' and facilitate the adjoining residential development by the amendment of existing restrictive covenants on the Title and changing the designation of land within the Title to facilitate said plans.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Following the objectives of the Corporate Plan by facilitating regeneration and housing objectives within the District which the removal of the covenants will unlock.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes – principally the community in the District surrounding the college though it is anticipated it would be to the benefit of the community by facilitating the plans for a welcome centre. This would also unlock additional housing – a long term goal of the Local Plan.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Yes - to the benefit of Epping Forest College.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p>

	<p>No – there will be relatively minor legal costs to make the changes to Title documents and associated correspondence. All other costs will be borne by the developer and the college for their respective projects once the covenants are lifted.</p>
2.5	<p>Is this policy or decision associated with any of the Council’s other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>This supports the Corporate Plan by facilitating regeneration for the educational use. It also facilitates the ongoing Local Plan by facilitating housing in the District.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? N/A
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? N/A
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know. N/A

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age		
Disability		
Gender		
Gender reassignment		
Marriage/civil partnership		
Pregnancy/maternity		
Race		
Religion/belief		
Sexual orientation		

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

**Section 6: Action plan to address and monitor adverse impacts
N/A**

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Jim Nolan

Date: 15/08/2019

Signature of person completing the EqlA: Karim Pabani

Date: 15/08/2019

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.



DECISIONS

Committee:	CABINET
Date of Meeting:	Thursday, 5 November 2015

Date of Publication:	13 November 2015
Call-In Expiry:	19 November 2015

This document lists the decisions that have been taken by the Cabinet at its meeting held on Thursday, 5 November 2015, which require publication in accordance with the Local Government Act 2000. The list specifies those decisions eligible for call-in and the date by which they must be called-in.

Those decisions that are listed as being “recommended to the Council...”, or request the Chairman of the Council to waive the call-in, are not eligible for call-in.

The wording used might not necessarily reflect the actual wording that will appear in the minutes, which will take precedence as the minutes are the official record of the meeting.

If you have any queries about the matters referred to in this decision sheet then please contact:

Gary Woodhall
Democratic Services Officer
Office of the Chief Executive

Tel: 01992 564470
Email: gwoodhall@eppingforestdc.gov.uk

Call-In Procedure

If you wish to call-in any of the eligible decisions taken at this meeting you should complete the call-in form and return it to Democratic Services before the expiry of five working days following the publication date. You should include reference to the item title. Further background to decisions can be found by viewing the agenda document for this meeting at: www.eppingforestdc.gov.uk/local_democracy

Decision No:

13. RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE


Decision:

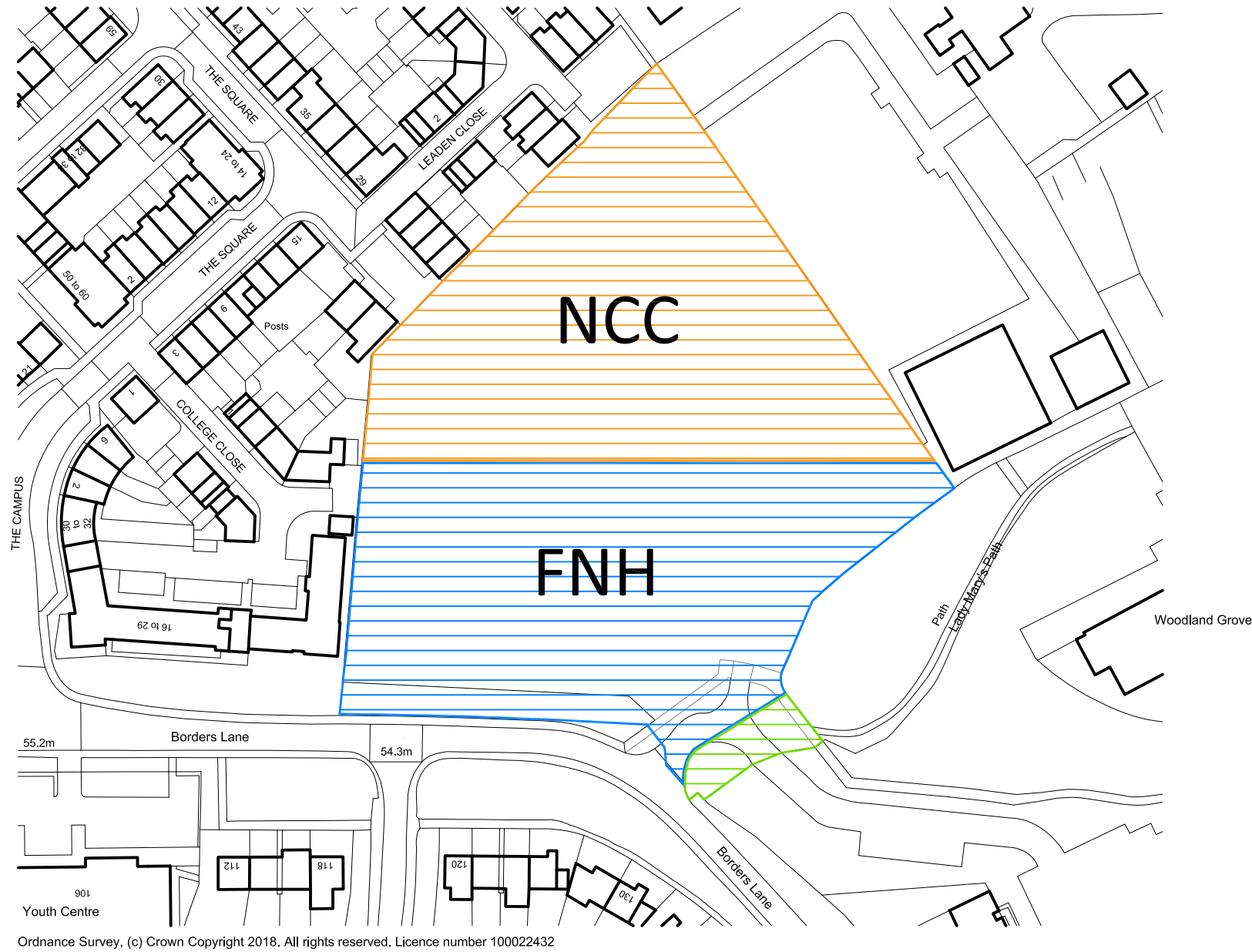
- (1) That a Deed of Release of the 1952 and 1955 Covenants be issued by the

Council, consistent with the previous Deeds of Release on the land at Epping Forest College, on the following basis:

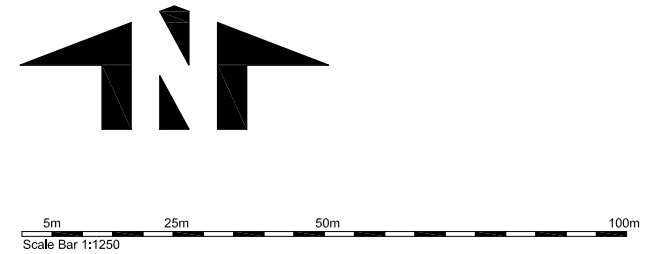
- (a) *A Deed of Release of the 1952 and 1955 Covenants consistent with the previous deeds of release is executed by the Council and is held in escrow pending written confirmation from the College's Solicitors to the Council that:*
 - (i) *the College's application for [outline] planning permission for the development of its new Sports, Health and Well-Being facility for the benefit of the College's students and the wider community has been submitted to the Council; and*
 - (ii) *Contracts for the College's sale of the Middle Site and part of the Playing Fields for residential development, conditional upon execution of such Deed of Release of the 1952 and 1955 Covenants, have been signed and are held in escrow pending execution and delivery of the said Deed of Release; and*
- (2) That the pre-emption rights of the Council not be exercised on the land.

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 Land to benefit from Permanent Right of Way benefiting New City College



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**EPPING FOREST COLLEGE
 EPPING FOREST
 PLAN 1**

Scale 1:1250 @ A3
Date 26/11/19
Drawn GR

FAIRVIEW NEW HOMES Ltd.
 50 Lancaster Road Enfield Middx EN2 0BY
 Telephone: 0208-366 1271 Fax: 0208-366 7219

Drawing No. **Revision**
FNH436/PLAN 1 -

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THIS DEED is made the 29 day of March 2010

BETWEEN:

(1) **EPPING FOREST DISTRICT COUNCIL** of Civic Offices, High Street, Epping, Essex CM16 4BZ ("the Council") and

(2) ~~NEW CITY COLLEGE~~ of 112, Poplar High Street, London E14 0AF ("the College")

Fairways New Homes (Epping Forest) No. 1. Limited ("Fairways")

NOW THIS DEED WITNESSES as follows:

1. Interpretation

In this Deed, unless the context otherwise requires:

1.1 "The Conveyance" means the Conveyance dated 6 January 1955 and made between (1) The London County Council and (2) the County Council of Essex by which the land of which the ~~Red~~ *Green* Land forms part was conveyed to the County Council of Essex.

1.2 "The Council's Land" means the freehold land registered at the Land Registry as follows:

- Title No: EX723226 - Land and Buildings at Chigwell Lane, Ladyfields, Borders Lane, Ladyfields Close, Colson Road and Lushes Road Loughton
- Title No: EX722437 - Land and Buildings at Bushfields, Chequers Road, Colson Green, Colson Road and Lushes Road, Loughton
- Title No: EX723938 - Land and Buildings at Colson Gardens, Colson Road, Homecroft Gardens and Borders Land, Loughton

Copies of the filed plans are attached.

1.3 "The 1955 Covenants" means the covenants set out in the Third Schedule of the Conveyance and mentioned in Entry No. 4 of the Charges Register of Title Number EX535442.

1.4 "The 1952 Covenants" means the covenants set out in the Second Conveyance and mentioned in Entry No. 3 of the Charges Register of the Title Number EX535422.

1.5 "The Plan" means the Plan annexed to this Deed

1.6 "The ~~Red~~ *Green* Land" means the land shown ~~outlined in red~~ *outlined and hatched in green* on the Plan

1.7 "The Red Land Covenants" are the covenants set out in Clause 6 of this Deed

1.8 "The Second Conveyance" means the Conveyance dated 1 May 1952 made between (1) The London County Council and (2) the County Council of Essex by which the land of which the Red Land forms part was conveyed to the County Council of Essex

1.9 The expressions "the Council" and "~~the College~~" ^{Fairview} include the person or persons deriving title under them respectively including their mortgagees or personal representatives

1.10 A covenant by ~~the College~~ ^{Fairview} not to do an act includes an obligation:

- not to permit or suffer that act to be done; and
- to use best endeavours to prevent that act being done by another person.

1.11 **Interpretation**

- Where any party to this Deed for the time being comprises two or more persons, obligations expressed or implied to be made by or with that party are deemed to be made by or with the persons comprising that party jointly and severally.
- Words that indicate one gender include all other genders, words that indicate the singular include the plural and vice versa and words that indicate persons shall be interpreted as extending to a corporate body or a partnership and vice versa.
- References to any numbered clause without any further description shall be interpreted as a reference to the clause of this Deed numbered in that manner.
- The clause headings do not form part of this Deed and shall be ignored in its construction

2. **Recitals**

2.1 ~~The College is~~ ^{Fairview has to equitable opt to be} registered at the Land Registry as proprietor of the land comprised in Title Number EX535442 of which the ~~Red~~ ^{Green} Land forms part.

2.2 The benefit of the 1955 Covenants and 1952 Covenants is vested in the Council pursuant to Article 11 of the Greater London Council (Transfer of Land and Housing Accommodation) Order 1980 (SI1980 No 320) ^{Fairview}

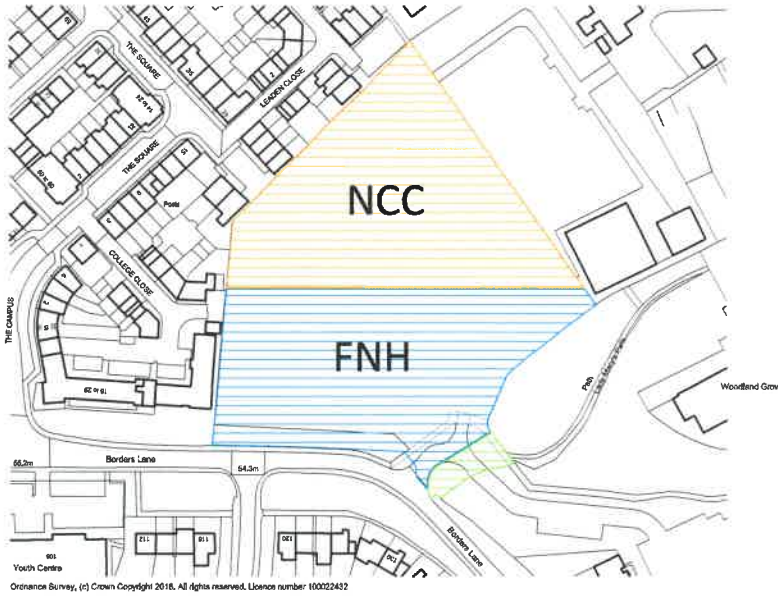
2.4 In consideration of ~~the College~~ ^{Fairview} entering into the covenants set out in clauses 4 hereof the Council has agreed to release the 1955 Covenants and the 1952 Covenants.

3. **Release of the ~~Red~~ ^{Green} Land**


In consideration of the covenants by the College contained below, the Council releases ~~the College~~ ^{Fairview} and its successors in title from the obligations of the 1955 Covenants and 1952 Covenants in respect of the ~~Red~~ ^{Green} Land and every part of them.

4. **~~Red~~ ^{Green} Land Covenants**

In consideration of the release contained above ~~College~~ ^{Fairview} hereby covenants with the Council for the benefit of the Council's Land and every part of it and to the intent that



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 Land to benefit from Permanent Right of Way benefiting New City College



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EPPING FOREST COLLEGE
EPPING FOREST
PLAN 3

Scale 1:1250 @ A3
Date 26/11/19
Drawn GR

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FNH436/PLAN 3 A

such covenant shall be made pursuant to Section 111 of the Local Government Act 1972 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 to comply with the following covenant in respect of the Red Land:

4.1 Except for the erection of the buildings ^{Finns} ~~the College~~ must not use the ^{Green} ~~Red~~ Land for any purpose other than for residential purposes and as amenity space in connection with the residential use.

4.2 Not to use the ^{Green} ~~Red~~ Land or any building for the time being on it for the purpose of any profession, trade, business or manufacture of any description nor use any dwelling house on it except as a single private residence nor use any garage on it except as an ancillary private garage

6. Conveyances to continue otherwise

The parties agree and declare that except for this present release and variation, The Conveyance and The Second Conveyance shall continue in full force and effect in all other respects

7. HM Land Registry applications affecting the Red Land

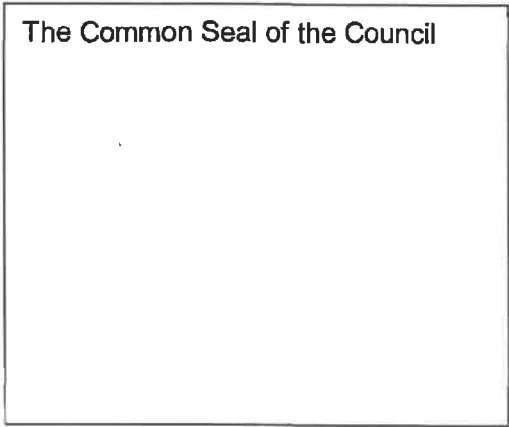
On completion of this deed, ^{Finns} ~~the College~~ shall:

7.1 apply to HM Land Registry to enter a notice of the ^{Green} ~~Red~~ Land Covenants against the registered title to the Red Land; and

7.2 As soon as possible after completion of this deed, ^{Finns} ~~the College~~ shall give to the Council official copies of the registered titles to the ^{Green} ~~Red~~ Land, to show that the ^{Green} ~~Red~~ Land Covenants have been properly and correctly entered against the ^{Finns} ~~College's~~ title.

IN WITNESS whereof the parties have hereunto set their seals the day and year first before mentioned

**THE COMMON SEAL OF
EPPING FOREST DISTRICT COUNCIL
was hereunto affixed
in the presence of:**)
)
)
)



Signature :

Job Title:

THE COMMON SEAL OF
NEW CITY COLLEGE
was hereunto affixed
in the presence of:

)
)
)
)

Authorised Signatory: *[Signature]*

Authorised Signatory: *[Signature]*



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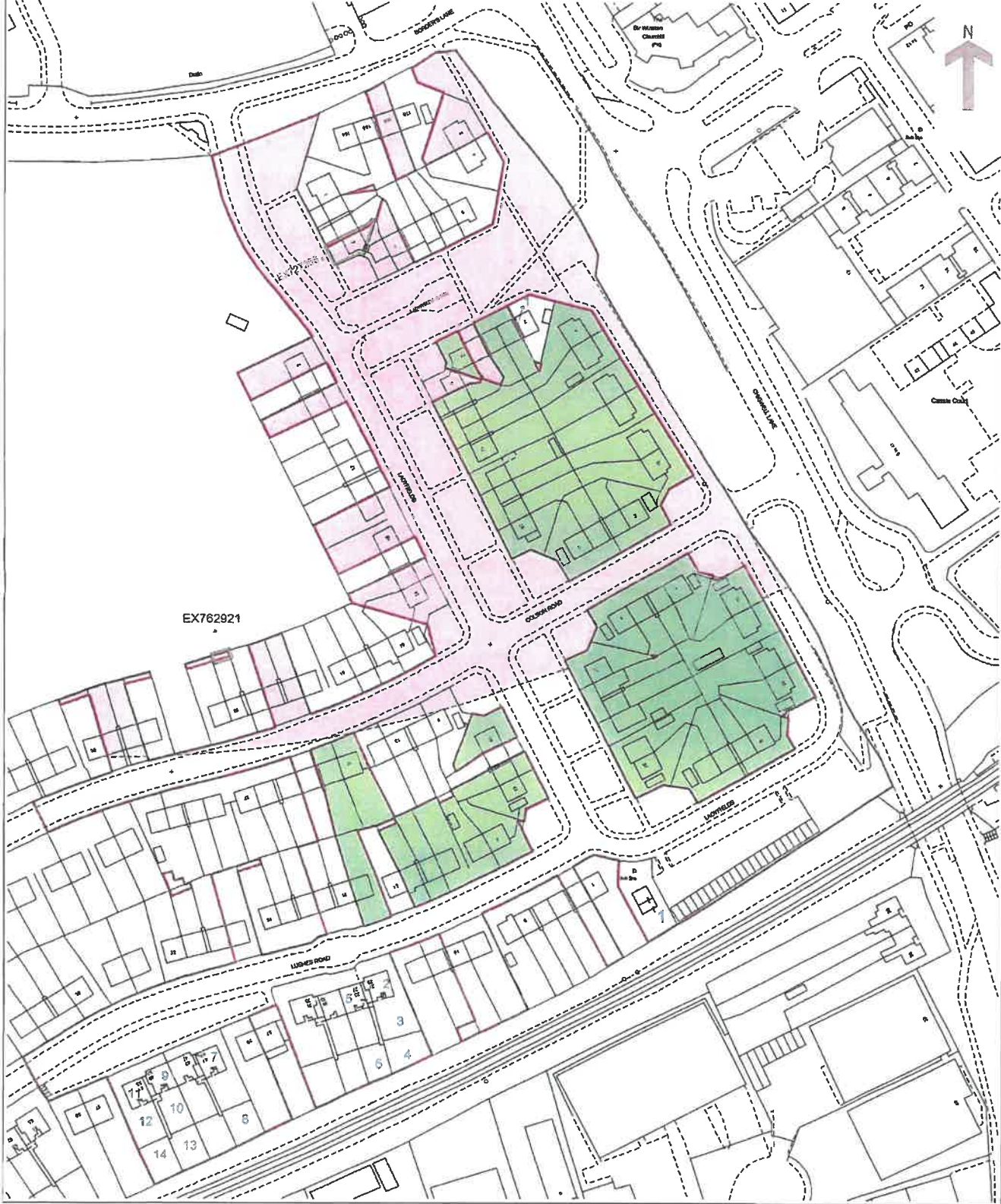
EX 723226
Plan

HM Land Registry
Official copy of
title plan

Title number **EX723226**
Ordnance Survey map reference **TQ4496SW**
Scale **1:1250**
Administrative area **Essex : Epping Forest**



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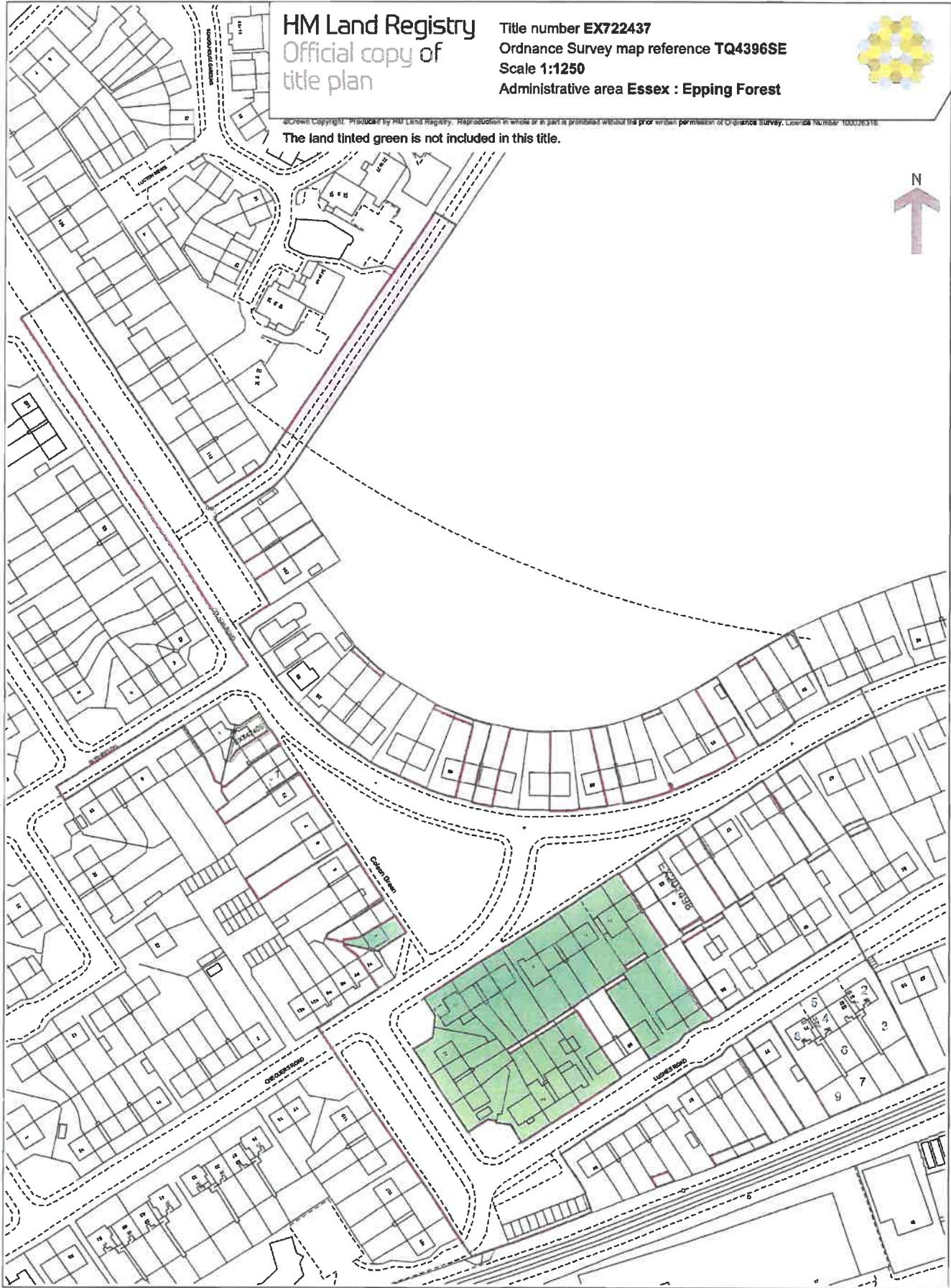
Plan

HM Land Registry
Official copy of
title plan

Title number **EX722437**
Ordnance Survey map reference **TQ4396SE**
Scale **1:1250**
Administrative area **Essex : Epping Forest**



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Plan



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DATED 29 March 2019

EPPING FOREST DISTRICT COUNCIL (1)

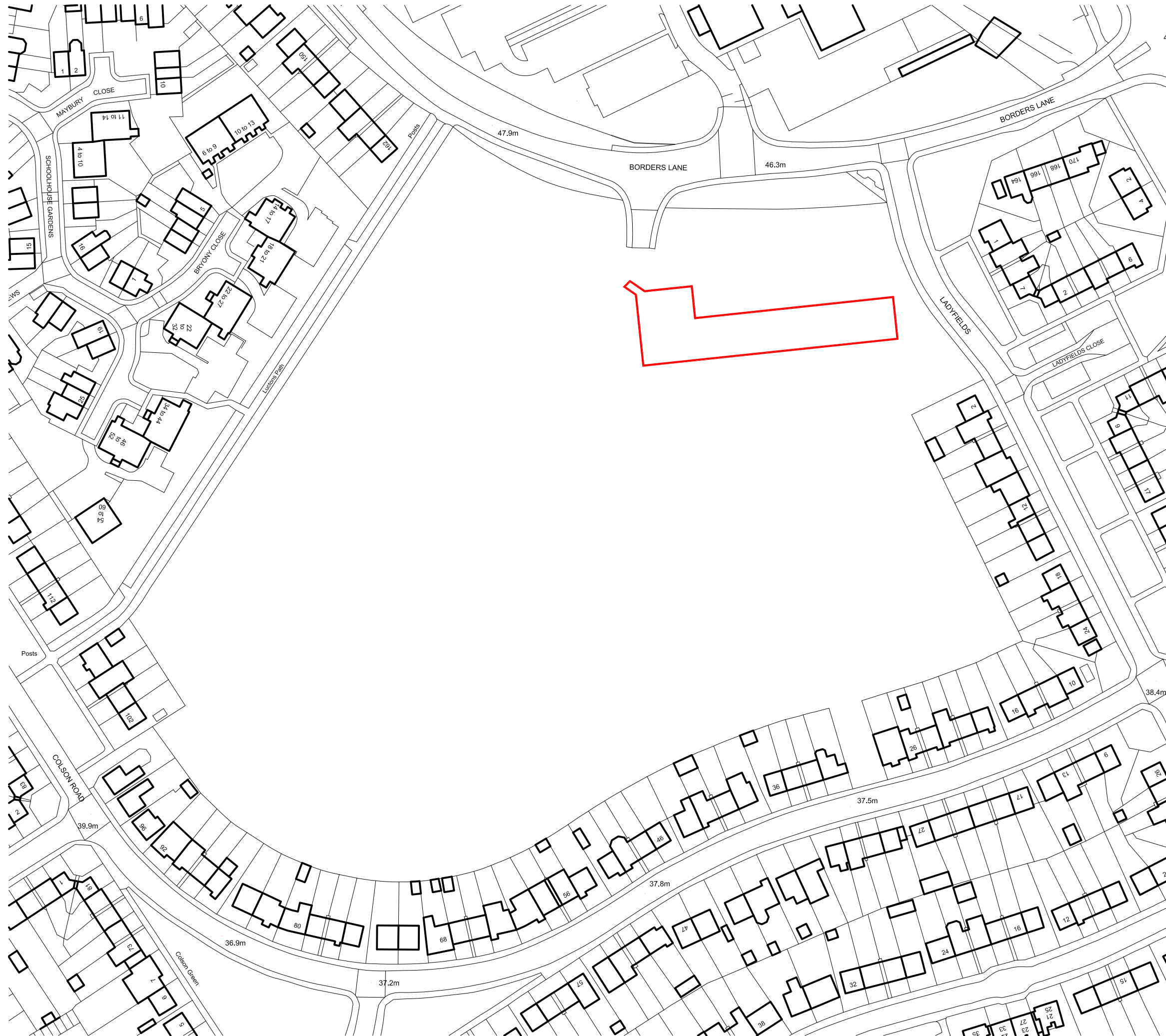
- and -

NEW CITY COLLEGE (2)

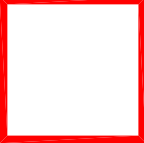
DEED OF RELEASE AND NEW RESTRICTIVE COVENANTS
in respect of Land at Borders Lane, Loughton, Essex, IG10 3SA
known as the "Middle Site"

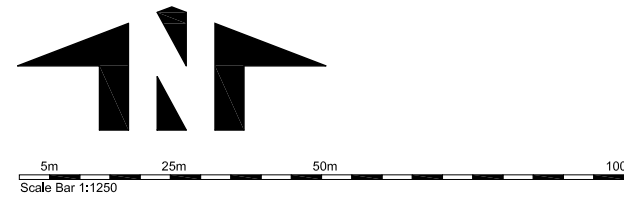
**Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ**

Ref: BSS/RF/CM/809



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 LAND TO BE TRANSFERRED BACK TO NEW CITY COLLEGE



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 NEW HOMES Ltd.

**BORDERS LANE PLAYING FIELDS
 EPPING FOREST
 PLAN 1**

Scale 1:1250 @ A3
 Date 22/01/20
 Drawn GR

FAIRVIEW NEW HOMES Ltd.
 50 Lancaster Road Enfield Middx EN2 0BY
 Telephone: 0208-366 1271 Fax: 0208-366 7219

Drawing No. **FNH437/PLAN 1** Revision -

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Report to the Cabinet

Report reference: C-018-2020/21
Date of meeting: 14th September
2020



Portfolio: Commercial & Regulatory Services – Cllr A Patel
Subject: North Weald Airfield aircraft landing fees implementation
Responsible Officer: Darren Goodey (01992 564501)
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) To agree to the introduction of landing fees at North Weald Airfield for visiting aircraft.
- (2) To agree the recommended scale of landing fee charges.

Executive Summary:

Aircraft visiting North Weald Airfield do not currently pay a landing fee and as such there is an additional potential revenue stream to further increase income from aviation activities. This report seeks Members agreement to implement landing fees for visiting aircraft and the scale of charges to be applied.

Reasons for Proposed Decision:

The implementation of landing fees at North Weald Airfield has a potential to generate approximately £24,000 additional income per annum based on the current level of visiting aircraft.

Other Options for Action:

Not to implement landing fees for visiting aircraft thereby losing the potential for an additional £24,000.

Report:

1. At many airfields across the UK landing fees are imposed on visiting aircraft. It is normal practice that the landing fee is paid to the owner / operator of the airfield and is a contribution to the running and on-going maintenance of the facilities.
2. Landing fees have not been collected at North Weald Airfield in the traditional manner due to the fact that each aviation tenant has a runway license. This license not only permits them access to the runway it also stipulates how many movements (a take off and landing) they are permitted per year for which a fee is charged. There has been no differential between home based and visiting aircraft.

3. The more recently issued runway licenses have a mechanism in place that can be utilised should a tenant exceed their movement allocation. In effect they “buy” additional movements. However, the older runway licenses do not have the means to do this.
4. Currently a very small number of aviation tenants with the older style runway licenses are exceeding their allocation of movements and as such there is the potential to renegotiate them in terms of movements for home-based aircraft and to implement landing fees for non home-based visitors.
5. In the past there has been reluctance to pursue those tenants with the older style runway licenses who were exceeding their movement allocation due to the fragility of the aviation sector and the genuine fear that increasing fees could jeopardise their entire business and in turn actually reduce the Airfield’s income. It should be noted that although the Covid-19 pandemic has adversely affected commercial airlines it would appear that general aviation has recovered quickly with North Weald movements almost back to pre-lockdown volumes.
6. The means of collating movement data was also up until fairly recently unreliable and liable to challenge.
7. However, with a more reliable means of collecting movements data in place and with local authorities under more strain than ever to be self financing there is now the need to renegotiate current runway licenses and to implement a scale of charges for non home -based visitors.
8. It would be the intention to levy a landing fee on all non home-based aircraft as is common practice across UK airfields.
9. In terms of a scale of charges that could be implemented a bench marking exercise has been undertaken whereby 9 other local airfields were examined and the results are detailed below.

Location	Single engine	Twin engine	Rotary	Business Jet
Andrewsfield	£16.00	£25.00	£25.00	N/A
Damyns Hall	£10.00	£10.00	£120.00	N/A
Elstree	£15.00	£30.00	£15.00	£66.00
Earles Colne	£12.00	£17.00	£25.00	N/A
Great Oakley	£10.00	£10.00	£10.00	N/A
Duxford	£18.00	£35.00	£16.95	£44.95
Little Gransden	£10.00	£20.00	£10.00	£20.00
Stapleford	£17.00	£34.00	£34.00	N/A
Thurrock	£10.00	£10.00	N/A	N/A

10. As a result of the benchmarking exercise a recommended scale of charges for North Weald is indicated below. The charges are deemed to be reasonable and at a level that would not deter pilots from visiting.

	Single engine	Twin engine	Helicopter	Business jet
Landing fee	£12.00	£18.00	£12.00 or £24.00	From £60.00

11. The method of collecting landing fees has been examined with possible options being the Operations Team collecting cash from pilots on arrival, tenants acting as an agent and collecting monies on the Council's behalf in return of a percentage of the fee, advance on-line payments combined with the application of a remote payment card reader.
12. The cash collection on arrival is not considered suitable due to audit processes required whilst the tenant collecting fees on the Council's behalf has also been discounted on the basis that there is no actual requirement to share any of the income received.
13. The use of an on-line booking system via the Council's website and a remote payment card reader are considered to be the most suitable means of fee collection on the basis that both are currently being used successfully by other Council functions including Community Services.
14. Working with the Council's Payment Solution team Worldpay was identified as the preferred third party and they would provide the card readers at a cost of £22.50 per month. The fee charged per transaction is 1.5%.
15. Visiting aircraft will be signposted to the on-line payment system when they make contact to PPR (Prior Permission Required) in advance of their visit. However, it is recognised that a number of visiting aircraft will not book in advance and only make first contact with the Airfield once they are airborne. Therefore, these aircraft would be met by a member of the Operations team with the payment card reader once landed. Payments can also be taken in advance over the telephone without the cardholder being present if needed.
16. Prior to the introduction of landing fees there would be an awareness campaign using social media outlets and the Airfield's newsletter plus there would be a programme of updating flight guides such as Pooley's with a view to going live on November 1st 2020.
17. In the financial year 2019/20 there were approximately 2500 movements by visiting aircraft that could have generated approximately £24,000 of additional income based on the proposed scale of charges.
18. It should be noted that the number of visiting aircraft is expected to decrease if the landing fee regime is implemented as it will no doubt deter a number of pilots who will look to go to airfields where a charge is not levied of which there are still some. However, the decrease is not anticipated to be significant.
19. It is not the intention to apply a landing fee to visiting emergency services or military aircraft, those visiting for maintenance purposes or those who have diverted to North Weald for emergency reasons.

Resource Implications:

The cost of the hardware required would be met by the Airfield's revenue budget.

Legal and Governance Implications:

The Council has a duty to utilise its assets in the best way possible, this proposal creates a further revenue stream that will contribute to the maximisation of income potential for the Airfield.

Safer, Cleaner and Greener Implications:

It is not anticipated that the number of aircraft movements will change significantly with the introduction of the landing fee system therefore there will be no change in the SCG implications.

Consultation Undertaken:

Consultation has taken place with the Council's Payment Solution Team.

Background Papers:

None

Risk Management:

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Commercial & Regulatory Services

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: No

Title of policy or decision: N/A

Officer completing the EqlA: Darren Goodey Tel: 4501 email: dgoodey@eppingforestdc.gov.uk

Date of completing the assessment: 01/08/19

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To obtain agreement from members to start the collection of landing fees for visiting aircraft at North Weald Airfield.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>To increase income by £20,000</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Some service users will now have to pay a fee to land at North Weald Airfield which is common practice at many Airfields across the country.</p> <p>NWA employees will be undertaking a new duty in collecting said fees.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>No</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified?
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral	L
Disability	Neutral	L
Gender	Neutral	L
Gender reassignment	Neutral	L
Marriage/civil partnership	Neutral	L
Pregnancy/maternity	Neutral	L
Race	Neutral	L
Religion/belief	Neutral	L
Sexual orientation	Neutral	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Q Durrani

Date: 19/08/20

Signature of person completing the EqIA: Darren Goodey

Date: 01/08/20

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

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Report to the Cabinet

Report reference: C-019-2020/21
Date of meeting: 14 September
2020



Portfolio: Environment & Technical – Cllr Nigel Avey
Subject: Highway Ranger Service Update
Responsible Officer: Mandy Thompson (01992 564076).
Democratic Services Officer: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) To note the progress the progress on devolution of Highway Rangers Service from Essex County Council; and**
- (2) To agree to allocate £1,000 for repair and maintenance of Heritage Finger Posts subject to match funding from Town and Parish Councils.**

Executive Summary:

The Highway Ranger service transferred from ECC to Epping Forest District Council on 1 April 2020; the purpose of this report is to provide an update on the implementation of the service.

Reasons for Proposed Decision:

To update Members on the progress of the Highway Rangers Service.

Options for Action:

None

Report:

1. The Highway Rangers Service provides practical support to the Local Highways Panels (LHP). The Service is funded through the ECC Revenue Budget and will be carried out in partnership with the District Council.
2. The scope of the work that can be undertaken by the Highway Ranger service is determined by the fact that it must be achievable by 2 people and a van, who carry a small selection of hand tools. Requests for Highways Rangers should be limited to work on public highways. The Rangers do not undertake excavations or works that require traffic management such as pot-hole repair which remain the responsibility of the Essex Highways.
3. The two existing Highway Rangers directly employed by Ringway Jacobs staff didn't TUPE transfer to EFDC. Despite restrictions due to Covid-19 a recruitment exercise was

carried out and we have successfully appointed two officers with an anticipated start date in August 2020 once all the appropriate pre-employment checks have been completed

4. The service will sit within the Environmental Protection and Land Drainage Team as there are a number of synergies and expertise with Land Drainage. In the interim period before the two officers take up their appointment as Highway Rangers and are operational any Highway Ranger requests and any work requests for Rangers is assessed by the Highway Liaison Officer and is carried out either by Ringway or EFDC using sub-contractors if necessary.

5. It is anticipated that at the time of Cabinet meeting the new service will be operational. A new dedicated email address will be used for requests for assistance from the Rangers Highwayrangers@eppingforestdc.gov.uk and a web page has been developed with the Councils Communications Team. Both these will be turned on once the new service is operational and a publicity launch of the service will be carried out.

6. A vehicle and equipment have been procured and will be liveried appropriately along with high visibility uniforms (see Appendix 1). In the first two weeks there will be a program of induction and necessary training to ensure the new Rangers are fully complicit with all requirements of EFDC and Health & Safety requirements.

7. As part of the launch of the new service it is proposed that an allocation of a Finger Post fund of £1000 for towns and parishes to request for finger posts to be repaired/maintained on a match funding basis as throughout the district some have fallen into disrepair. Fingerposts are invaluable in directing members of the public around large open spaces including parks, nature reserves and out town centres.

Resource Implications:

None

The Service is funded through an £80,000 ECC Revenue Budget and will be carried out in partnership with Essex County Council. Additional funding was agreed at February Cabinet for the set-up costs of the service.

£1000 match funding for Finger Posts will be allocated from within existing budget provision.

Legal and Governance Implications:

This is a partnership arrangement with ECC who have delegated their Highway responsibility in respect of Highway Ranger work to the District Council. Oversight and performance monitoring of the Service will be carried out through the LHP.

Safer, Cleaner and Greener Implications:

The Council has set aside its own budget in addition to the allocation from ECC. Once the Service commences and the two new operatives get up to speed with the core work there will be opportunities to expand the scope of the Rangers Team. As a first step the finger posts will be repaired and maintained. In the coming months other opportunities for low level maintenance work will be explored. It is intended to get the Rangers Team carry out the work which will improve the street scene.

Consultation Undertaken:

ECC, Ringway Jacobs and the two members of staff in respect of TUPE transfer.

Background Papers:

Highway Ranger Information Booklet

Appendices

Appendix 1 Vehicle and uniform livery

Risk Management:

If the Council fails to deliver the Rangers service, then it would have a negative impact on the street scene. This risk is being managed by working collaboratively with the LHP Liaison Officer who prioritises requests for Ranger work and allocates to Ringway Jacobs or where it is feasible the Council is using our existing maintenance contractors.

Despite issues around Covid-19 the Council has been successful in appointing two operatives to the Team who will be able to carry out the Ranger work once they are fully inducted and trained.

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Appendix 2. Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
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 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: **Environmental and Technical Services**

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: No

Title of policy or decision: Cabinet Update Report (Highway Rangers)

Officer completing the EqlA: Tel: 4076 Email: mthompson@eppingforestdc.gov.uk

Date of completing the assessment: 10/08/2020

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p><i>New Policy</i></p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p><i>To note commencement of a new Service under devolution arrangements with ECC</i></p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p><i>Wider awareness of the provision of Highway Ranger Service</i></p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users – <i>yes local residents and businesses</i> <p>Will the policy or decision influence how organisations operate?</p> <p><i>No</i></p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p><i>No</i></p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p><i>No</i></p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p><i>Repair of minor faults on the public highway in a timely manner will improve the safety of road users,</i></p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p><i>Due to time limitations it has not been possible to carry out a wider consultation.</i></p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p><i>There is a positive impact, no groups will be adversely affected.</i></p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral	L
Disability	Neutral	L
Gender	Neutral This service will operate on the same policy and guidelines for customers of all gender	L
Gender reassignment	Neutral This service will operate on the same policy and guidelines for customers of all gender	L
Marriage/civil partnership	Neutral This service will operate on the same policy and guidelines for all customers	L
Pregnancy/maternity	Neutral	L
Race	Neutral This service will operate on the same policy and guidelines for all customers	L
Religion/belief	Neutral This service will operate on the same policy and guidelines for all customers	L

Sexual orientation	Neutral This service will operate on the same policy and guidelines for all customers	L
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Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	There are no adverse impacts, the impact will be positive as the Highway Ranger Service carry out low level work, pavement repairs etc which will improve the environment for the equality Groups.
			If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service:

Date:

Signature of person completing the EqIA:

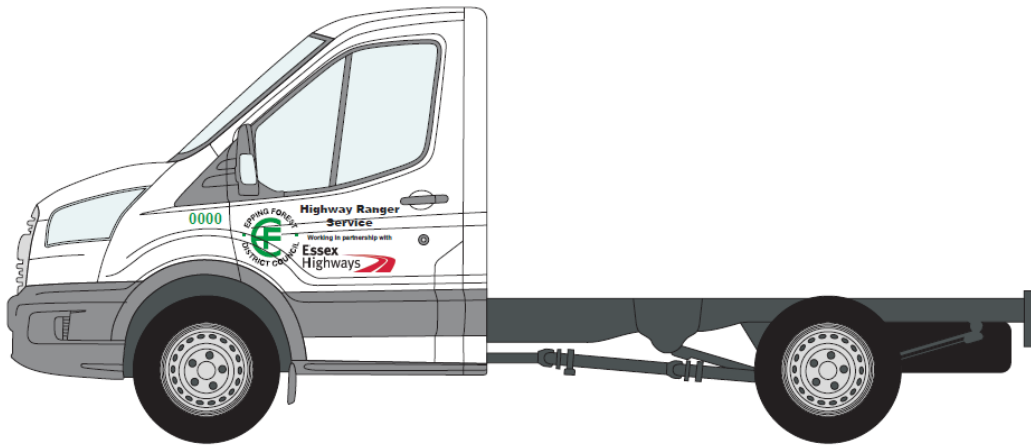
Date:

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

Appendix 1

Proposed vehicle and logo



Proposed uniform



Local Highway Panels Members' Guide

14 Highway Ranger Service



1. Introduction

There are minor improvements that could be made to the highway across the County that are not necessarily highway defects and would not meet the maintenance criteria but that would make a huge difference to the appearance of the local area. These types of works are best carried out by the Highway Ranger Gangs, typically consisting of two people and a van.

The Highway Rangers Service is dedicated to provide practical support to the LHPs. The Service is funded through the ECC Revenue Budget and is carried out either directly, via Essex Highways, or in Partnership with the Borough, City or District Council.



The Ranger Service is managed directly through Essex Highways in the following areas:

- **Basildon**
- **Colchester**
- **Epping Forest**

The following Districts and Boroughs manage the Rangers Service locally:

- **Braintree**
- **Brentwood**
- **Castle Point**
- **Chelmsford**
- **Harlow**
- **Maldon**
- **Tendring**
- **Uttlesford**
- **Rochford**



2. Typical Problems

'Why aren't the verges cut? It makes the area look untidy.'

'How do we get the graffiti removed?'

'The road signs in the village are dirty'

'The gully is blocked'

'Can someone cut down the vegetation that is obscuring the road signs?'

3. Things to Consider

The information in this guide is intended to describe the type of work that Highway Rangers can undertake and highlight the possible constraints. Those Highway Ranger services that are undertaken by individual Borough, City and Districts may differ depending on the individual agreements with Essex County Council.

In general the scope of the work that can be undertaken by the Highway Ranger service is determined by the fact that it must be achievable by 2 people and a van, who only carry a small selection of hand tools.

Requests for Highways Rangers should be limited to work on public highways.

As the Rangers can only carry out a limited scope of work and only on the public highway the following may assist in identifying what type of work to request:

Q. Is the work on the public highway?

A. *If it is on private land it cannot be undertaken. This includes cutting back vegetation on properties adjacent to the highway, even if it overhangs the highway.*

Q. What is the speed limit of the road where work is required?

A. *If the speed limit is greater than 30 mph then the Rangers cannot undertake work that is adjacent to the carriageway unless a site specific safety assessment has been undertaken that confirms that it can be undertaken safely without the need for traffic management.*

3. Things to Consider continued

Q. Is the request for vegetation clearance to hedge cutting?

A. *Hedgerows are normally the responsibility of the adjacent land owner and not the Local Authority. Hedge cutting generally is not the responsibility of the Ranger Service.*

Q. Does the work involve excavation such as digging a hole in the verge for a new post?

A. *Generally Rangers do not undertake work that requires digging. If the work is suitable for the Rangers it will be necessary to check for the existence of underground services. To do this the STATs information must be obtained before any digging can be undertaken. No work can be progressed until all the necessary checks have been carried out.*

Q. Does the work require using a step ladder and working at height?

A. *Work requiring the use of a stepladder cannot generally be undertaken by the Rangers and must be assigned to the maintenance teams.*

Q. Will the works interrupt the flow of traffic and therefore require traffic management?

A. *The Rangers can undertake work on the verge or footway but cannot work on the carriageway as this requires traffic management to protect the workforce.*

Q. Is the scope of the works suitable for 2 people and a van?

A. *If it requires more than two people or requires equipment that cannot be carried in a van, then it cannot be assigned to the Rangers.*

Q. Will any specialist equipment or materials be required to complete the works?

A. *If specialist equipment is required then it will be unsuitable for the Rangers.*

Q. Can painting work being requested?

A. *Repainting work is carried out in spring or summer months, weather permitting.*

Q. Will the work impact on the environment?

A. *The Wildlife and Countryside Act places restrictions on work that may impact on the environment. In particular this will affect when hedge cutting can take place due to the bird nesting season. The standard period during which hedgerows cannot be cut is 1st March to 31st Aug. In exceptionally mild springs this may be brought forward. It is not just nesting birds that may delay work. Any species covered by the act has to be considered. Weed-killers must comply with the current legislation and work can only be undertaken by a licensed company with suitably trained staff. If weed killers are used close to water courses additional care must be taken. Are there any special protections in place such as Tree Preservation Order (TPO), Ancient Hedgerow or Site of Special Scientific interest (SSSI) etc? In these cases additional permissions will be required.*

Q. Have you requested pothole repairs?

A. *The Highway Rangers do not repair potholes on roads or footways. Pothole repairs can only be carried out by Essex Highways Maintenance gangs. Your request should be redirected to Maintenance using the [online report it tool](#).*

While the Districts and Boroughs that manage the service locally may allow Rangers to carry out other work, the work below is the only work that can be assigned via Essex Highways.

4. Scheme Investigation- Scope of Work

The scope of work that can be typically undertaken by the Highways Rangers is set out below. This applies to all the Essex Highways managed Highway Ranger services and is the basis of the individual agreements between Essex County Council and the Boroughs, City and Districts who manage the service at a local level.

Many of the activities are not considered to be highway defects and would not meet the Essex Highways Maintenance criteria but are seen as cosmetic activities to improve the quality of the neighbourhood.

Where the services are managed locally by the Boroughs, City or Districts they may be made aware directly of additional minor defects within their areas and they may choose to undertake to maintain these within the scope of the individual agreements.

4. Scheme Investigation continued

Ranger activities can only be undertaken within the following criteria

It is on the public highway where the speed limit is no greater than 30mph unless there is a signed Site Specific Risk Assessment approving that the Rangers can undertake the activity safely.

If a Rangers Gang arrives on site and other highway activities are being undertaken under a Highway Authority Permit this work must take priority and the Ranger Gang cannot work on that site during the permit period.

It can be undertaken without the need for traffic management and only advisory signing.

The work is on highway land and is not on private property nor does it involve any changes to property owned by a third party such as overhanging vegetation.

Activities suitable for all Ranger Services

- Cleaning and minor repairs (non-electrical road signs and bollards).
- Reinstatement of posts and bollards where no excavation is required. Trimming of vegetation. This is restricted to minor trimming to improve the visibility of signs. Vegetation trimming cannot be carried above head height.
- Ad hoc grass cutting and strimming of highway verges.
- Repairs to light damage of roadside verges. Light damage is cosmetic damage to the verge that would not meet the intervention level for repair by Essex Highways.
- Removal of graffiti from road signs – where this can be done without the use of a ladder or traffic management.
- Painting of street furniture (posts, bollards and benches etc.)
- Removal of weeds.



Hempstead railings- before



Hempstead railings- after

- Removal of illegal signs and fly-posting – where the work can be done safely without the need for ladders or traffic management.
- Resetting slabs – where this can be done without excavating the bed
- Cleaning footway drainage channels.
- Cleaning footway gully pots.

Work that must not be carried out as a Ranger activity

- Work that requires excavation
- Work that requires the use of stepladders
- Maintenance of any apparatus that has an electrical connection
- Cutting back vegetation belonging to private landowners
- Carriageway and footway pothole repairs
- Repairs to kerbs
- Removal of fly tipping (District Council responsibility)
- Salting of footways in winter – Unless this forms part of the specific Rangers agreement
- Drainage clearance
- Resetting slabs where the bed needs excavation

Additional activities

If a Borough, City or District has the capability and the competency to undertake additional Ranger activities that do not require traffic management, these will be specified in the individual agreement.

Activities that are outside the individual agreements cannot be allocated to the Ranger Gangs as Ranger activities.

5. Costs and Timescales

The Ranger Service is funded through the ECC Revenue budget and an allocation is made to each LHP. Where the Service is delivered by the Borough, City, or District, the work undertaken is invoiced to ECC.

In order to ensure the safety of the Rangers, the work has to be approved as suitable by the employer and, in some instances, information about statutory undertaker's equipment may have to be obtained before any digging can be undertaken.

7. Glossary of Terms

AVL	Automatic Vehicle Location (similar to RTPI)
CMA	Cabinet Member Action
CMB	Cabinet Member Briefing
EA	Environment Agency
ECC	Essex County Council
EH	Essex Highways
LHP	Local Highways Panel
NEPP	North Essex Parking Partnership
PP	Parking Partnership
RTPI	Real Time Passenger Information
S106	Section 106 (Money provided by a Developer to County Council to implement infrastructure as an obligation of the planning permission)
S278	Section 278 (Infrastructure required to be implemented by the Developer as an obligation of the planning permission)
SERP	Safer Essex Roads Partnership
SID	Speed Indicating Device
SEPP	South Essex Parking Partnership
SLO	Speed Limit Order
SSSI	Site of Special Scientific Interest
TRO	Traffic Regulation Order
TSRGD	Traffic Signs Regulations and General Directions
VAS	Vehicle Activated Sign

Report to the Cabinet

Report reference: C-020-2020/21
Date of meeting: 14 September
2020



**Epping Forest
District Council**

Portfolio: Housing – Cllr Holly Whitbread

Subject: Acceptance of Tenders – Contract 101- Removal of Asbestos Containing Materials from Council owned properties.

Responsible Officer: Kurtis Lee (01992 562681).

Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) That, AA Woods Ltd be awarded a 1-year contract renewable annually for up to a maximum of 4-further years, for the removal of asbestos containing materials from Council-owned properties in the sum of £82,895.50 with an overall weighted price and quality score of 91.66% being the most economically advantageous tender received; and
- (2) That should it not be possible to enter into contract with AA Woods Ltd, DC (UK) Ltd be awarded the contract as the reserve contractor, being the second most economically advantageous tender received, with a Tender Sum of £116,902.26; and
- (3) That, the overall value of the works be limited to the sum included in the Capital Programme identified for asbestos removal on an annual basis; and
- (4) That, this contract be designated as a serial contract to facilitate the annual adjustment to the tendered rates in accordance with the Royal Institution of Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index of All Construction: All Repair and Maintenance Work #7419.

Executive Summary:

In order to undertake the removal of asbestos containing material from Council-owned properties during the financial year 2020-21 and over the following 4-year period, it was necessary to undertake a procurement exercise based on the Most Economically Advantageous Tender (MEAT) taking cost and quality into account to satisfy the requirements of the Council's Procurement Rules.

Reasons for Proposed Decision:

The existing framework agreement for the removal of asbestos containing material from Council-owned properties with the current contractor is nearing the end of its term. Therefore, it is necessary to undertake a procurement exercise with contractors who are suitably licenced with the Health and Safety Executive for this type of specialist work.

The new framework agreement will be let with a high degree of flexibility incorporated in the contract conditions, this will enable Qualis Management to issue Works Orders based on Operational requirements as and when required.

Appointing licenced contractors ensures the requirements of the Health and Safety Executive are followed in the removal and disposal of asbestos containing material that is identified during planned Capital works programmes. Also, licenced contractors are required to provide an emergency response in the event of asbestos containing material being discovered or disturbed while carrying out ad-hoc property maintenance and repair works.

Other Options for Action:

The main alternative options considered are:

- (1) To re-tender the contract on an annual basis. However, this would be time consuming and inefficient. Re-tendering would not guarantee more competitive tenders.
- (2) To re-tender the works based on price alone. However, this would not necessarily return a more competitive tender and would not identify or quantify a quality commitment from the lowest tenderer.
- (3) To seek quotations on an individual basis for every void property on an ad-hoc basis. However, this is very time consuming and is not a cost-effective exercise given the volume of ad-hoc void properties carried out per annum, this would breach the Council's Procurement Rules C2 (9b) with the works exceeding £25,000 in value during one financial year.

Report:

1. The existing contract for the removal of asbestos containing material from Council-owned properties is nearing the end of its term and therefore it is necessary to re-tender the works.
2. The annual budget for Asbestos Removal identified in the Capital programme is split between asbestos removal and asbestos surveys. Prior to undertaking any major Capital works programmes on Council owned properties, a specialist United Kingdom Accreditation Service (UKAS) accredited asbestos management contractor is commissioned to carry out the asbestos survey of the area to be worked on. Any asbestos containing material identified during the asbestos survey that needs to be removed before undertaking the major Capital work will be removed by the contractor appointed for asbestos removal. This separation of responsibilities ensures that any asbestos containing material removed is appropriate and necessary.
3. A tendering exercise has been undertaken for the Removal of Asbestos Containing Material 2020-25 from Council owned properties and due to the ad-hoc nature of the work the contract documents have incorporated a high degree of flexibility.
4. Incorporating the lessons learnt from previous contracts, the Council has undertaken a tender exercise in accordance with the Council's Procurement Rules, based on and assessed in terms of the MEAT with the criteria based on quality and cost. The tenderers' qualitative responses make up a maximum of 30% of the overall evaluation with cost representing a maximum of 70%.

5. Tenderers were advised that the qualitative assessment would be based on a possible maximum total score of 30% which is split across a set of weighted quality assessment questions shown in the table below;

Quality Method Statement Questions;	Reference;	Maximum Score;
Management and Resources;	1.1 – 1.3	5%
Call Centre and Response Times;	2.1 – 2.2	10%
Emergency Processes and Procedures;	3.1 – 3.2	15%
Total;		30%

6. Tenderers were also advised that the Cost Element Submission of the tender would be based on a possible total maximum score of 70% which is split across the 12-Schedules of Rates which make up the price framework shown in the table below;

Cost Element Submissions;	SOR Reference;	Maximum Score;
Call-Out Charges;	01	10%
Asbestos Removal Occupied Property;		
Non-Licensable asbestos containing material at double storey height;	02	5%
Non-Licensable asbestos containing material at single storey height;	03	7.5%
Non-Licensable asbestos containing material, no special access arrangements;	04	7.5%
Enclosures in occupied properties;	05	2.5%
Licensable asbestos containing material, no special access arrangements;	06	5%
Asbestos Removal Un-Occupied Property;		
Non-Licensable asbestos containing material at double storey height;	07	5%
Non-Licensable asbestos containing material at single storey height;	08	7.5%
Non-Licensable asbestos containing material no special access arrangements;	09	10%
Enclosures in un-occupied properties;	10	2.5%
Licensable asbestos containing material, no special access arrangements;	11	5%
Emergency and Urgent Call-Out Uplift;		
Uplift to Routine Schedule of Rate works costs carried out during an Emergency or Urgent call-outs;	12	2.5%
Total;		70%

7. Tenderers were required to provide individual costs for every schedule of rate item contained in the schedules even if the value of the item is a £0.00 cost. This will ensure a level and transparent tender exercise and that the tenderer has considered and competitively priced every item.
8. The contract, initially for a period of one-year is renewable annually up to a maximum of five-years, subject to the budget allocation within the Capital Programme. The contractors benchmarked performance in terms of service delivery and quality of workmanship is also taken into account.
9. The Interim Asset and Property Manager authorised the Contractor Selection Record Sheet for Invitations to Tender to be sent to 5-contractors who are registered on Constructionline and licensed with the Health and Safety Executive to work on asbestos containing material on the 17th June 2020.
10. Invitations to tender were issued by the Interim Assets and Property Manger on the 25th June 2020, to the following 5-contractors who are registered on Constructionline and capable of carrying out the work;

Contractor;		Constructionline Registration Number;
1.	AA Woods Ltd;	22194
2.	DC (UK) Ltd;	76297
3.	Asgen Ltd;	50685
4.	Asmatt Ltd;	71944
5.	ARG Europe Ltd;	1650

11. The tenderers were advised that their completed scanned Tender Submission for the Removal of Asbestos Containing Materials 2020-25, must be uploaded into the Delta eSourcing Tender-box no later than 12 o'clock midday on Friday 17th July 2020.
12. The tenders were opened on the 21st July 2020, through the Delta eSourcing platform, and present at the tender opening were the Housing Portfolio Holder and three representatives of Epping Forest District Council, a Committee Officer, the Interim Asset and Property Manager and the Team Manager Operational Assets and Compliance.
13. Invitations to tender were sent to 5-contractors and 4-contractors uploaded tender return documents into Delta eSourcing Tender-box before the return date and time. The results of the tender opening based only on the contractors Cost Element Submission is shown in the table below:

Contractor;		Tender Sum £;	Position;
1.	AA Woods Ltd;	82,895.50	1 st
2.	DC (UK) Ltd;	116,902.26	2 nd
3.	Asgen Ltd;	Did not return	
4.	Asmatt Ltd;	160,794.88	4 th
5.	ARG Europe Ltd;	142,675.37	3 rd

14. A full Tender Evaluation Report was undertaken on all 4-tenders submitted.
15. The Tender Evaluation Report included a weighted assessment of the tenderers' Quality Method Statement Questions and a weighted assessment of the tenderers' Cost Element Submission which included a full arithmetical check, a comparison of the tenderers' submitted schedule of rate items and the identification of any pricing inconsistencies or omissions.
16. The tenderers' Quality Method Statement and Cost Element Submission have been evaluated strictly in accordance with the MEAT criteria referenced in the tender documents.
17. The tenderers' Quality Assessment Results which were based on a weighted assessment of the tenderers' Quality Method Statement Questions are shown in the table below;

Quality Assessment Method Statement Question Results				
Contractor;		Max % score available;	Tenderers weighted % score;	Quality Assessment Result;
1.	AA Woods Ltd;	30	25.2	1 st
2.	DC (UK) Ltd;	30	23.3	2 nd
3.	Asgen Ltd;	30	Did not return	
4.	Asmatt Ltd;	30	0	4 th
5.	ARG Europe Ltd;	30	21.4	3 rd

18. The tenderers' Cost Element submission included in the Tender Evaluation Report is based on the results of the tender opening and clarification on a number of Schedule of Rate items were required. The results of the Schedule of Rate clarifications will not alter the contractor's overall positions in the Tender Evaluation Report or the value of the submitted tender sums.
19. The tenderers' Cost Element Results were based on a weighted assessment of the tenderers' Cost Element Submission are shown in the table below;

Cost Element Results				
Contractor;		Max % score available;	Tenderers weighted % score;	Quality Assessment Result;
1.	AA Woods Ltd;	70	25.2	1 st
2.	DC (UK) Ltd;	70	23.3	2 nd
3.	Asgen Ltd;	70	Did not return	
4.	Asmatt Ltd;	70	0	4 th
5.	ARG Europe Ltd;	70	21.4	3 rd

20. The weighted percentage scores of the Quality Assessment Results and the Cost Element Results achieved by each tenderer are then added together to determine the Overall Tender Evaluation Score.
21. The highest combined weighted percentage scores achieved by the tenderers' Quality Assessment Results and their Cost Element Results demonstrate the most economically advantageous tender was received from AA Woods Ltd and the second most economically advantageous tender was received from DC (UK) Ltd as shown in the table below:

Overall Tendered Evaluation Results					
	Contractor;	Quality Element Result;	Cost Element Result;	Overall Evaluation Result;	Overall Position;
1.	AA Woods Ltd;	25.20	66.46	91.66	1 st
2.	DC (UK) Ltd;	23.30	50.57	73.87	2 nd
3.	Asgen Ltd;	Did not return.			
4.	Asmatt Ltd;	0.00	45.11	45.11	4 th
5.	ARG Europe Ltd;	21.40	34.16	55.56	3 rd

22. The contractors Overall Positions are;
- AA Woods Ltd in overall position 1;
 - DC (UK) Ltd in overall position 2;
 - ARG Europe Ltd in overall position 3;
 - Asmatt Ltd in overall position 4;
23. It is therefore recommended that AA Woods Ltd, be awarded a contract for the Removal of Asbestos Containing Material 2020-25, from Council-owned properties within Epping Forest District with annual expenditure limited to the budget included in the Capital Programme, for up to a maximum of 5-years in the sum of £82,895.50 with an overall weighted price and quality percentage score of 91.66%.
24. A review of the Constructionline Supplier Report has been undertaken on AA Woods Ltd, which includes a financial credit check. The outcome revealed that in the latest set of financial accounts AA Woods Ltd had a turnover in 2018 of £11,130,003. A further Constructionline Supplier Report will be undertaken on AA Woods Ltd prior to the contract award.
25. In order to mitigate the risk of the Council not being able to enter into a contract with AA Woods Ltd for whatever reason or if in the future they cease trading or perform poorly, it is recommended that DC (UK) Ltd, be selected as the Council's Reserve Tenderer for the Removal of Asbestos Containing Material 2020-25 from Council owned properties. If necessary, DC (UK) Ltd, the Council's Reserve Tenderer be awarded an annual contract for up to five-years, being the second most economically advantageous tender received, with a Tender Sum of £116,902.26.
26. It should be noted that when the contract is extended beyond the first year, all tendered schedule of rate items are to be increased annually in accordance with the Royal Institution of Chartered Surveyors (RICS) BCIS ALLCOS Resource Cost Index

of All Construction: All Repair and Maintenance Work #7419.

Resource Implications:

The combined budget for Asbestos Removal, Void Asbestos Removal and Asbestos Surveys currently allocated within the existing Capital Programme 2020-21 is £222,000. Expenditure will be limited to the existing Asbestos Removal budget within Capital Programme 2020-21.

Revenue Expenditure on asbestos testing is estimated at £4,000.00 per annum for next five years the sum identified within the Housing Revenue Account.

Legal and Governance Implications:

The estimated annual expenditure of £200,000 for the new Removal of Asbestos Containing Materials 2020-25 framework contract is below that require an OJEU Procurement Exercise. Therefore, this tender complies with the requirements as set out in the Council's Procurement Rules

Safer, Cleaner and Greener Implications:

To ensure the removal and disposal of asbestos containing material from Council owned properties is carried out in line with current Health and Safety Legislation.

Consultation Undertaken:

None

Background Papers:

A Tender Evaluation Report for Contract 101 - Removal of Asbestos Containing Materials 2020-25, from Council-owned properties.

Risk Management:

The new Removal of Asbestos Containing Materials 2020-25 framework contract is being let are based on a 1-year term, and renewable for up to a maximum of 5-years. It will be let with a high degree of flexibility incorporated in the contract conditions to enable Qualis Management to issue Works Orders based on Operational requirements as and when required.

A review of the Constructionline Supplier Report has been undertaken on the current Gold Constructionline Membership of AA Woods Ltd, with a Profile Status listed as;

- Current Level GOLD
- Company Details – Verified
- Financial and Insurance Information - Verified
- Business and Professional Standing - Verified
- Health and Safety - Verified
- Equal Opportunity and Diversity - Verified
- Environmental Management - Verified
- Quality Management - Verified
- Building Information Modelling (BIM) - Verified
- Supplementary Questions - Verified

A further review of the Supplier Report will be undertaken prior to the contract award.

Annual contract extensions are subject to a performance and quality review.

As these works are issued under relatively low value individual Works Orders and the contractors' invoices are not settled until the works have been completed and inspected by Council Officers, these works are therefore considered to represent a low financial risk to the Council.

A Housing Repairs Service and Asset Management Customer Impact Assessment has been carried out for all responsive repairs and planned maintenance works, which includes works to Council properties. This includes identifying housing need, identifying equality related evidence and monitoring customer satisfaction.

The priority for the removal of asbestos containing material work is based on the identification of asbestos in the building elements of the home rather than the individual characteristics of the occupants.

All contractors are required to produce an Equality and Diversity Policy, which is assessed independently as part of the vetting process for the Gold Constructionline Membership of AA Woods Ltd as part of the tender evaluation.

The Equality Impact Assessment produced by Operational Assets and Compliance have been reviewed by the Council as part of this tender exercise and have been found to be acceptable.

The Equality Impact Assessment is available as a background document.

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Housing and Property Services.

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: Acceptance of a Tender - Removal of Asbestos Containing Materials 2020/25 from Council owned properties.

Officer completing the EqIA: Tel: Kurtis Lee
Email: klee@eppingforestdc.gov.uk

Date of completing the assessment: 7th August 2020.

Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>This is referenced in an existing policy - Housing Repairs and Maintenance (incorporating Council house-building programme and Capital works programmes)</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To appoint licenced contractors to ensure the requirements of the Health and Safety Executive are followed in the removal and disposal of asbestos containing material that is identified during planned Capital works programmes.</p> <p>Also, to provide an emergency response in the event of asbestos containing material being discovered or disturbed while carrying out ad-hoc property maintenance and repair works.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>The Council undertakes responsive repairs and major Capital works programmes to all of its 6,500 properties identifying and removing asbestos containing material before commencing work provides a safe working environment for trades operatives.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes – it will provide safe and secure homes for Council tenants and ensure the safe disposal of hazardous material.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>

2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The Councils Procurement Rules dictates the procedures the Council needs to follow concerning the award of contracts.</p> <p>The Council recognises its duty to comply with the Control of Asbestos Regulations (CAR) 2012 and other relevant legislation and the requirement to provide a safe working environment while undertaking maintenance repairs, servicing and major works programmes.</p> <p>Appointing Health & Safety Executive licensed asbestos removal contractors and sub-contractors, with appropriate equipment and working procedures to fully comply with Health and Safety Executive Guidance Notes and recommendations is essential to ensure the safe removal and disposal of asbestos containing material.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>The works are undertaken on Council owned properties and will not affect individual groups of the population. The priority for works is based on the discovery and the condition of asbestos containing material in the property rather than the individual characteristics of the occupants.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Not required.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Community engagement is not required as the work is undertaken within Council owned properties.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive; The work will have a positive effect on all of the identified equality groups as both the tenants and visitors to the property will benefit from the safe removal and disposal of asbestos containing material.	M
Disability		M
Gender		M
Gender reassignment		M
Marriage/civil partnership		M
Pregnancy/maternity		M
Race		M
Religion/belief		M
Sexual orientation		M

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

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Report to the Cabinet

Report reference: C-021-2020/21
Date of meeting: 14th September
2020



Portfolio: Customer & Corporate Support Services – Cllr. S Kane

Subject: Local Council Tax Support Scheme 2021/22

Responsible Officer: Peter Freeman (01992 564191).

Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

That the Cabinet note that the Local Council Tax Support scheme for 2020/21 continues unchanged for 2021/22

Executive Summary:

The Local Council Tax Support Scheme (LCTS) replaced Council Tax Benefit in 2013. Each local authority must review its scheme annually. The Government brought in regulations to ensure that pensioners continue to receive the same level of assistance as they would have done if the Council Tax Benefit scheme was still in place. The Council can therefore only make amendments to the scheme for people of working age. The Council has approved the general principle that the Local Council Tax Support scheme should be cost neutral. In legislative terms the scheme needs to be approved by 11th March each year so for 2021/22 approval needs to be made at Full Council in December 2020.

As there are no proposed changes to the 2020/21 scheme there is no legal requirement to consult residents of the district.

Reasons for Proposed Decision:

Full Council needs to approve the 2021/22 Local Council Support Scheme on 17th December 2020.

Other Options for Action:

To make amendments to the Local Council Tax Support scheme for 2021/22, which would require public consultation.

Report:

In 2013/14 the Government funded Local Council Tax Support (LCTS) with a specific grant, but after that initial year, the grant has been rolled into the Council's overall funding position made up of Revenue Support Grant and locally retained Business Rates. The specific allocation for LCTS funding is not separately identifiable and it is for each local authority to decide on the value of the funding of the LCTS scheme.

2. The Pan Essex LCTS project group continues to look at how schemes can be

changed to simplify the administration of the scheme, particularly in the light of legislative changes and expenditure requirements. As things stand there are no proposals across Essex to change current schemes and no legislative changes that require the council to amend its current scheme, the main principles of which are:

- The calculation of support is based on 75% of the Council Tax bill, rather than 100%.
- The calculation of support is based on a maximum of a band D property. This means that anyone of working age that lives in a property with a Council Tax Band of E, F, G, or H, has their support calculated as if their property was a band D.
- Inclusion of child maintenance in the calculation with a disregard of £15 per week (per family). This is income that is received into a household that may not be available to other households that pay the same amount of Council Tax.
- The capital limit is £6,000, which means that those with capital exceeding £6,000 are required to make full payment of their Council Tax liability.
- There is a Minimum Income Floor for claimants who are self-employed (first introduced in April 2016). Income is assessed using the National Living Wage in cases where the declared income from self-employment is less, in-line with other welfare reforms. A 12month period of grace applies to new businesses.
- Customers receiving Universal Credit receive LCTS for a fixed six-month period before any income changes that occur during that period are taken into account.
- The Exceptional Hardship Scheme for LCTS is intended to support people whose individual circumstances mean that their Council Tax liability is causing them exceptional hardship.

3. Currently, the total expenditure on LCTS is £6,475,794, which is made up of £3,537,760 for elderly recipients and £2,938,034 for working age recipients. This is £330,006 up on last year's expenditure (5.1%) with an increase of £16,720 for elderly recipients and an increase of £313,286 for working age claimants. The total number of recipients of LCTS is 6,219 comprising 2,922 elderly recipients and 3,297 working age. This compares with a total number of claimants at 31st March 2020 of 6,215. Although numbers have increased by few claimants, which may look contradictory in terms of an increase in expenditure on the scheme, the average increase in Council Tax of 4.5% in 2020/21 needs to be factored in. The overall expenditure on the scheme will continue to be monitored over the year as the principle is that it is self-funding. This will also form part of the review for the 2021/22 scheme.

Consultation

4. Consultation with residents is formally required when proposing changes to the existing scheme. As no changes are proposed there is no need to undertake a consultation exercise. Two years back, despite there being no proposed changes to the LCTS scheme for 2019/20, a 3month consultation did take place between October and December 2018, which resulted in only 14 completed responses.

Resource Implications:

LCTS scheme for 2021/22:

From 2014/15 the funding has been rolled into the Council's overall funding position made up of Revenue Support Grant and locally retained Business Rates. The actual amount of funding for LCTS is therefore not identifiable within the settlement figures, although the overall package continues to be reduced each year. The LCTS scheme is designed to ensure, as far as possible, stability and sustainability in the Council's finances. It should be noted that LCTS

is not a form of benefit and it is treated as a discount within the Council Tax calculations. This means that the Council's Taxbase is reduced (as is the Taxbase for all other preceptors) and that a large proportion of the lost Council Tax income is covered by Government funding.

Exceptional Hardship Fund:

For the last five years there has been a small hardship fund to assist households which have been experiencing exceptional hardship. It is anticipated that the current year's budget for this fund will be adequate. The County, Fire and Police are all contributing towards this fund and they have agreed that they will continue with those contributions for 2020/21.

Government Hardship Fund:

In response to the additional financial pressures brought about by Covid-19, Central Government awarded LCTS recipients a one-off £150 reduction in council tax for the current financial year. At present, there are no plans to extend this beyond 31 March 2021.

Legal and Governance Implications:

There is a legal requirement to make a LCTS scheme under the Local Government Finance Act 2012.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

Informal consultation has been undertaken with the other local authorities across Essex, which revealed that none are proposing to make any significant changes to their current LCTS scheme for 2021/2022. No formal consultation has been undertaken with ECC, the Police and Fire authorities and the public.

Background Papers:

Cabinet report 31st October 2019 (LCTS scheme 2020/21)

<https://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=295&MId=10139>

Cabinet report 9th February 2019 (LCTS scheme 2019/20)

<https://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=295&MId=9611>

Risk Management:

There are financial risks associated with the Council's LCTS scheme. Monitoring against the Taxbase and Council Tax collection is ongoing, but no major problems have been identified to date. Council Tax collection rates remain relatively stable, despite the current economic downturn brought about by Covid-19.

The Government grant in 2021/22 is not clearly identifiable and there is a possibility that demand and eligibility for financial support under the LCTS scheme for 2021/22 may be greater than in 2020/21, particularly if economic conditions worsen. The cost of additional discounts would be borne in proportion by the major precepting authorities (ECC, Police, Fire, EFDC). Conversely, if demand falls (e.g. if economic conditions improve), the additional saving would be realised by the same authorities.

Any increase in the Council Tax precept by the County, Police, Fire, District or Parishes, will result in an increase in the cost of the LCTS scheme.

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details

Your function, service area and team: Service Manager for Revenues & Benefits

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Local Council Tax Support Scheme 2021/22

Officer completing the EqlA: Tel: 01992 564191 Email: pfreeman@eppingforestdc.gov.uk

Date of completing the assessment: 13 August 2020

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? No
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To set the council's Local Council Tax Support Scheme for the financial year 20/21 as required by statute.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Agreement that the scheme in operation for the current financial year remains unchanged.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes, all three.</p> <p>Will the policy or decision influence how organisations operate? No.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? No.</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified? The introduction of Universal Credit for all new Housing Benefit claimants has resulted in significant changes and it is not timely to consider making further changes to the council's Local Council Tax Support Scheme. There may be a reduction in support given to people of working age because people of pensionable age are protected from adverse changes to the scheme. The effect of any changes to the scheme will therefore fall disproportionately on those of working age. There is a possibility of animosity being engendered in people of working age due to people of pensionable age being treated more favourably, which could reflect on their actions towards the council's employees. Further changes could result in higher levels of deprivation in certain areas of the community.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? No, as there are no proposed changes.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral	
Disability	Neutral	
Gender	Neutral	
Gender reassignment	Neutral	
Marriage/civil partnership	Neutral	
Pregnancy/maternity	Neutral	
Race	Neutral	
Religion/belief	Neutral	
Sexual orientation	Neutral	

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Peter Freeman

Date: 13 August 2020

Signature of person completing the EqIA: Peter Freeman

Date: 13 August 2020

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

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Report to the Cabinet

Report reference: C-023-2020/21
Date of meeting: 14th September
2020



**Epping Forest
District Council**

Portfolio: Finance & Economic Development – Cllr J Philip

Subject: Financial Planning 2021/22 to 2025/26

Responsible Officer: Andrew Small (01992 564278).

Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) To note the backdrop to the Financial Planning process for 2021/22 to 2025/26, including the impact of Covid-19 and emerging changes in local authority finance; and**
- (2) To agree the proposed approach to Financial Planning, including the reporting and governance timetable summarised in Appendix A.**

Executive Summary:

The Council's financial position has been fundamentally altered by the Covid-19 pandemic.

The Council's General Fund has incurred substantial additional costs in combatting the pandemic and all the main sources of income have been adversely affected.

In recognition of the financial pressures that local authorities are under, the Government has provided significant financial support, although so far, it falls significantly short of the true local cost.

The Housing Revenue Account (HRA) has so far fared better, although there have still been some negative impacts, with tenant rent arrears rising and void periods increasing.

The Council approved a two-year Capital Programme of £26.549 million (GF and HRA) in February 2020. In the light of Covid-19 and the continued development of Qualis, there is a heightened need for longer term planning, and the development of an updated and extended Capital Programme through to 2025/26 will require careful consideration and difficult choices will have to be made.

The Council maintains reserves on its Balance Sheet as a safety net to allow for unforeseen circumstances. A Council strength in recent years has been a healthy level of unallocated balances, available for contingencies. The value of this is vividly illustrated by unprecedented financial pressure triggered by Covid-19. However, contingency reserves can only be used once, and Members will have to carefully consider the Council's future reserve strategy in developing the updated MTFS.

Looking to the future, although the key elements of the current (originally four-year) Local Government Finance Settlement are set to be rolled forward again into 2021/22, there are a number of important variables to be determined within the local government funding regime to be introduced in 2022/23, including:

- Council Tax Referendum Limit
- Review of Relative Needs and Resources (previously referred to as the “Fair Funding Review”)
- Proportion of Business Rates retained by Local Government (currently 50%)
- The Business Rates Baseline (which dictates the amount of Business Rates that individual local authorities may retain locally); and
- Future of specific grants (e.g. New Homes Bonus).

A tailored Financial Planning approach, which develops the 2021/22 Budget and updated MTFS through to 2015/2016 is therefore proposed, within a governance framework spanning five months; beginning with this report and culminating in full Council setting a balanced budget in February 2021.

Reasons for Proposed Decision:

To set a framework within which the Council can develop and set its Budget for 2021/22 and update its Medium-Term Financial Strategy through to 2025/26, ensuring that financial sustainability is maintained in the light of the shock caused by Covid-19.

1) INTRODUCTION AND BACKGROUND

- 1.1 The Council's financial position has been fundamentally altered by the Covid-19 pandemic. A balanced budget for 2020/21 was set by the Council at its meeting on 25th February 2020 based on information available at the time and the assumptions set out in the Budget Report. Since then, the position for 2020/21 and future years has changed.
- 1.2 As reported to Cabinet on 20th July 2020, the Council has incurred substantial additional costs in combatting the pandemic and all the Council's main sources of income have been adversely affected. Broad estimates in that report put the potential financial pressure for 2020/21 in a range of between £4.6 million and £7.6 million.
- 1.3 This report sets out a proposed approach to Financial Planning for the next five years (2021/22 to 2025/26) in the light of the pandemic. The report also considers other changes in local government financing that either will or could impact on the medium-term financial position. The focus for Financial Planning is now as follows:

Corporate Strategy

- *Supporting the Covid-19 Recovery Strategy* – as the emphasis shifts from tackling the immediate impacts of the pandemic, towards returning services to normal and dealing with the long-term impacts (e.g. increased unemployment); essentially ensuring that short, medium and long-term financial strategy is able to support financial recovery and future capital needs, including investing in the practical and financial support required to rebuild the local economy; and

- *Supporting the delivery of the Corporate Plan* – maintaining a clear focus on the core principles in the adopted Plan, despite the unprecedented challenge of the pandemic.

Financial Strategy

- *Re-establishing Financial Sustainability* – ensuring that the Council’s financial strategy adjusts to the financial shock caused by the pandemic, and that financial sustainability is restored; this entails maintaining a Balance Sheet as strong as it can be with significant risks identified and mitigated wherever possible; and
- *Improving Financial Control* – implementing improved and streamlined financial planning, management and reporting processes; an integral part of addressing the recent difficulties experienced within the Council’s Finance function. This will ultimately deliver step-change improvements in financial control, which is essential to successfully navigating the more challenging financial environment ahead. It is also an important step towards achieving compliance with CIPFA’s Financial Management Code (effective from 1st April 2021).

2) GENERAL FUND FINANCIAL POSITION

2.1 The Council’s General Fund revenue position prior to the onset of Covid-19 was sound. Unallocated reserves as at 31st March 2019 were £7.4 million, comfortably in excess of the agreed minimum contingency levels.

2.2 Local authorities have been required to report to MHCLG each month on the impact of additional expenditure pressures and reductions in income due to Covid-19. The latest return was submitted by Epping Forest District Council on 31st July 2020, showing an overall 2020/21 projected financial pressure of £7.461 million. The three largest pressures listed were as follows:

- Leisure Centres (income and expenditure) - £2.857 million
- Business Rates (income) - £1.427 million; and
- Car Parking (income) - £0.538 million.

2.3 In recognition of the financial pressures that local authorities are under, the Government has provided significant financial support, although so far, it falls significantly short of the true local cost. Epping Forest District Council has so far received:

- Covid Response Funding – £1,577,032 – general funding made available by MHCLG in three tranches for the Council to apply as it chooses to support its response to Covid-19; and
- New Burdens Funding – £170,000 – an un-ringfenced allocation to the Council for meeting the additional costs associated with administering the Government’s non-discretionary Business Support Grants scheme. The Department for Business, Energy and Industrial Strategy (BEIS) has indicated that a further allocation will be made to reflect the costs incurred in administering the subsequent discretionary scheme.

2.4 In addition, the Government has provided further support to local taxpayers:

- Business Rates – extended reliefs have been granted to qualifying businesses, predominantly in the retail, hospitality and leisure sectors. The estimated value of additional reliefs awarded in the Epping Forest District area was £14.081 million in 2020/21; as well as providing support to local businesses, it is a guaranteed source of income to preceptors, including this Council (via ‘Section 31’ direct payments from central Government), with no risk of default; and
- Council Tax – the Council has been granted £658,000 in Council Tax Hardship funding, which is to help Council Taxpayers meet their Council Tax bills (this has the effect of ‘de-risking’ this income source to preceptors and improving the collectability of residual bills payable).

2.5 Other support announced by the Government includes:

- A commitment to cover 75% of lost income from sales, fees and charges (excluding commercial income) above an adverse variance threshold of 5%; and
- The phasing over three-years of Collection Fund deficit repayments.

2.6 At the time of preparing this report, the precise details of how the lost income scheme will work have not been released by the Government, although it is understood that Epping Forest – with an outsourced Leisure service – will be eligible for compensation; welcome news given that it is the single most significant pressure.

2.7 The phasing of Collection Fund deficit repayments is also welcomed and will help smooth the 2020/21 impact, but the Council’s General Fund ultimately will still have to meet the Epping Forest District Council share of the cost (although Government has announced that it will consider the apportionment of losses between central and local government in the next Spending Review).

2.8 No date has yet been set for the Budget and Spending Review, but they are expected to take place in Autumn 2020, amid speculation that spending plans may reflect the aspirations of the Government’s forthcoming Devolution White Paper. Indications are that the White Paper will encourage the formation of further unitary authorities with elected mayors. It is therefore possible that there may be financial incentives for local government to reorganise along these lines.

3) HOUSING REVENUE ACCOUNT FINANCIAL POSITION

3.1 The Council’s (unaudited) Housing Revenue Account (HRA) Reserve as at 31st March 2020 had a balance of £2.030 million. This just exceeds the minimum £2 million balance assumed within Council’s 30-Year HRA Plan.

3.2 Whilst the HRA is generally in reasonably good financial health and has not been impacted by the pandemic as much as the General Fund, there have still been some negative impacts, with tenant rent arrears rising and, initially at least, a rise in void periods. The full extent of default on Rent Arrears remains to be seen and there are competing pressures between indirect Government support to tenants (e.g. through the Council Tax Hardship Fund) and an expected rise in unemployment in Autumn 2020.

4) CAPITAL PROGRAMME (GENERAL FUND & HRA)

- 4.1 The Capital Programme plays a vital part in delivering the Corporate Plan, since long-term investment plays an essential role in realising the Council's ambitions for the district. The cost of the Capital Programme is spread over the lifetime of investments, so does not have such an immediate impact on the revenue budget position. However, there are revenue consequences to the Capital Programme.
- 4.2 The Council approved an overall Capital Programme of £26.549 million (including £14.207 million HRA) for 2020/21 on 25th February 2020; the routine mid-year review and re-profiling exercise will be a greater undertaking this year, in the light of operational disruption and shifting priorities caused by the pandemic.
- 4.3 The Council borrowed to fund the General Fund element of the Capital Programme for the first time in 2019/20, with further borrowing required in order to meet capital commitments in respect of Qualis.
- 4.4 The Government is currently concluding its consultation on revising PWLB lending terms. The aim is to ensure that local authorities continue to invest in Housing, Infrastructure, and Public Services. The Capital Programme review will therefore assume that the Council will be unlikely to secure funding for purely commercial investments in future.

5) BALANCE SHEET/RESERVES

- 5.1 The Council maintains reserves as a safety net to allow for unforeseen circumstances. There is no statutory definition of the minimum level of reserves: the amount required is a matter of judgement. On 25th February 2020, the Council resolved to carry a minimum balance of the greater of 25% of Net Expenditure or £4.0 million.
- 5.2 The General Fund (unallocated) balance currently stands at £7.759 million on the (unaudited) Balance Sheet as at 31st March 2020.
- 5.3 In developing the Medium-Term Financial Strategy, Members will wish to consider the appropriate future level of reserves. It could be argued that the increased level of risk highlighted by the Covid-19 pandemic justifies increasing the minimum.

6) FUTURE FINANCIAL CONTEXT

- 6.1 For the past five years, local authority funding has been subject to a national settlement originally announced in 2016; 2019/20 was due to be the final year of a four-year settlement. However – due to Brexit – the key elements of the four-year settlement were rolled forward into 2020/21. They are now set to be rolled forward for a further year into 2021/22, due to Covid19.

- 6.2 Key variables to be determined in the future local government funding regime to be introduced in 2022/23, include the following:
- Council Tax Referendum Limit
 - Review of Relative Needs and Resources (previously referred to as the “Fair Funding Review”)
 - Proportion of Business Rates retained by Local Government (currently 50%)
 - The Business Rates Baseline (which dictates the amount of Business Rates that individual local authorities may retain locally); and
 - Future of specific grants (e.g. New Homes Bonus).
- 6.3 The Council will have to continue to exercise caution in reviewing and updating its Medium-Term Financial Strategy (MTFS). Within the overall local government landscape, the pressures on upper-tier authorities – responsible for delivering social care services – has had a higher profile than those faced by lower tier authorities like Epping Forest. This is likely to affect the outcomes of the Review of Relative Needs and Resources.
- 6.4 Epping Forest DC has benefited significantly from Business Rates growth (including a profitable pooling arrangement with the other Essex authorities) since the introduction of the current funding regime. Much of this benefit risks disappearing if the Business Rates Baseline is reset, and the impact of Covid-19 raises an immediate threat to the viability of the Essex Pool from 2021/22. In any equalisation of Business Rates income between local authorities, Epping Forest District risks losing out because of its relative prosperity.
- 6.5 Covid-19 may even lead to Government reconsidering its plans for future local authority funding. For example, the emergency measures introduced to provide additional Business Rates Relief may be retained. Whilst this in itself has no direct financial impact for local authorities, as these measures are fully funded by Central Government, it would challenge the underlying direction of Government policy towards greater devolution of Business Rates income to local authorities; if there is significantly less Business Rates income available, there would be less merit in allocating a notionally higher percentage of the income to local authorities.
- 6.6 At this stage it is not known when clarity will emerge regarding the funding position for 2021/22 or about the way that the new funding regime due to be introduced in 2022/23 will impact the Council. Given the usual pattern whereby the Local Government Finance Settlement is announced just before Christmas, definitive figures for 2021/22 may not be available until late December 2020.

7) PREPARING THE MTFS

7.1 The MTFS must balance the financial pressure due to Covid-19 with the requirement to deliver the Corporate Plan. The Council's Corporate Plan 2018 – 2023 was adopted in December 2017 and links the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions:

- Stronger Communities
- Stronger Place; and
- Stronger Council.

7.2 It is essential to retain a focus on the strategic priorities, as the local community recovers from the pandemic. Even if revenue resources are constrained, the Council still has the potential to use the Capital Programme, which impacts the revenue budget over a longer time period, to deliver many of the priorities. This could for example mean a stronger focus on regeneration projects, which create local employment, and this will be reflected in a review of the Capital Programme.

8) SUPPORTING STRATEGIES

8.1 There are two other mandatory strategies that require updating as part of the 2021/22 Financial Planning cycle as follows:

- Capital Strategy – a mandatory requirement introduced by CIPFA's updated Prudential Code in 2017. It is a 3-year strategy that gives a high-level overview of how Capital Expenditure, Capital Financing and Treasury Management activity contribute to the provision of local public services, along with an overview of how associated risk is managed and the implications for future financial sustainability. Epping Forest District Council adopted its inaugural Capital Strategy for 2019/20; it now needs to be updated to reflect subsequent developments (most notably Qualis); and
- Treasury Management Strategy (TMS) – an annual requirement in accordance with CIPFA's Treasury Management Code (2017 Edition). The Council is increasing its borrowing levels and is therefore exposed to financial risks such as changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to prudent financial management; the TMS is a key document, which helps to achieve that.

Legal and Governance Implications:

The proposals contained within the report will ensure compliance with the statutory Budget Setting process. This includes the required Governance elements (summarised below in **Appendix A**).

Safer, Cleaner and Greener Implications:

There are no direct SCG implications contained within the report, although the implications will be considered in the detailed development of Budget proposals.

Consultation Undertaken:

None. The proposals in the report require further development. Consultation at a later stage is an in-built feature of the proposed Financial Planning approach and timetable.

Background Papers:

None.

Risk Management:

The consideration of risk will form an integral part of the development of the proposals in the report. In particular, the MTFS is based on a series of estimates and assumptions that are informed by varying forms of intelligence (some certain, some uncertain); that process, including any residual risk in the decision-making process will be clearly indicated.

Proposed Financial Planning Timetable

The timetable below proposes a tailored approach to Financial Planning in challenging circumstances, including the required legal and governance arrangements, spanning a five-month period; beginning in mid-September 2020 with this report and culminating in late February 2021 with full Council adopting a balanced budget for 2021/22.

Date	Committee	Report	Purpose
17th September 2020	Cabinet	Financial Planning 2021/22 to 2025/26	Allowing Members to consider proposals for an updated Financial Planning framework, in the light of Covid-19.
19th October 2020	Cabinet	Updated MTFS 2021/22 to 2025/26 (including Budget Strategy 2021/22)	Members to consider first iteration of updated MTFS for 2021/22 to 2025/26, allowing more informed guidance in developing the Budget for 2021/22.
		Capital Programme (General Fund & HRA) update 2020/21 to 2021/22.	Members to consider currently adopted two-year Capital Programme in the light of Covid-19 and provide guidance on developing a revised Programme for 2021/22 to 2025/26.
3rd December 2020	Cabinet	Draft Budget 2021/22, and updated MTFS (2021/22 to 2015/16)	Members to consider detailed draft proposals for 2021/22 to 2025/26.
		Draft Capital Programme (GF & HRA) 2021/22 to 2025/26	
12th January 2021	Stronger Place Select Committee	Draft HRA Capital Programme 2021/22 to 2025/26	Members to scrutinise draft proposals, providing feedback for Cabinet.
19th January 2021	Stronger Council Select Committee	Draft Budget 2021/22, and updated MTFS (2021/22 to 2015/16)	Members to scrutinise draft proposals, providing feedback for Cabinet.
		Draft General Fund Capital Programme 2021/22 to 2025/26	

Appendix A (cont.)

Date	Committee	Report	Purpose
25th January 2021	Audit & Governance Committee	Draft Capital Strategy 2021/22 to 2023/24	Members to consider strategies, making comments and recommendations to full Council
		Draft Treasury Management Strategy 2021/22	
11th February 2021	Cabinet	Draft Budget 2021/22, and updated MTFS (2021/22 to 2015/16)	Members to review latest Budget & MTFS proposals, making recommendation to full Council. Decisions to take account of scrutiny feedback and public consultation.
		Draft Capital Programme (GF & HRA) 2021/22 to 2025/26	
25th February 2021	Full Council	Budget Report 2021/22, including updated MTFS 2021/22 to 2025/26	Full Council to consider and decide upon the Budget for 2021/22, including relevant linked and supporting strategies. Includes setting the Council Tax on behalf of all preceptors.
		Capital Programme (GF and HRA) 2021/22 to 2025/26	
		Capital Strategy 2021/22 to 2023/24	
		Treasury Management Strategy 2021/22	

Report to the Cabinet

Report reference: C-022-2020/21
Date of meeting: 14 September 2020



Portfolio: Commercial and Regulatory Services – Cllr A. Patel
Subject: Qualis Quarterly Monitoring Report – Q1 & Q2 2019/20
Responsible Officer: Andrew Small (07548 145665).
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

To discuss this report and agree any actions required;

1. Executive Summary

- 1.1. The Governance framework for Qualis, as agreed by Cabinet in February 2020, set the requirement that Qualis should report to Epping Forest District Council on its performance Quarterly.
- 1.2. This report presents the first two quarters of reporting information for consideration by the Cabinet.
- 1.3. Attached to this report as Appendix A is the monitoring report for Quarter 1 and 2 as prepared and agreed by the Qualis Board on 30 July 2020.
- 1.4. The key message for Cabinet is that Qualis has been actively engaged over the first 2 quarters in the set-up phase of its operation and until the transfer of assets, services and the loan facility is completed the performance monitoring will not reflect normal day to day trading activity.
- 1.5. **Given the point above and noting the impact of Covid19 on all Council activities, Qualis has performed in line with expectations.**
- 1.6. In accordance with the commitment given to Council, this report represents the first of what will now be a regular sequence of Quarterly performance reports. For the purposes of transparency this report also sets out the dates for Cabinet and Council consideration of future Qualis Quarterly monitoring reports through the remainder of this Council year.

2. Introduction

- 2.1. The Qualis Shareholder agreement, as agreed by Cabinet on February 2020 includes the following paragraph,

‘The Company shall procure that quarterly management accounts and reports (including a balance sheet, profit and loss account and cash flow statement) containing such information as EFDC may reasonably require are provided to EFDC and EFDC’s Representative.’

- 2.2. The Cabinet resolution also requires that the Council’s S151, as the key conduit between Qualis and the Council, provides a commentary to the Council on the performance of Qualis at each Quarter review.
- 2.3. In compliance with this requirement Qualis has provided the Council with the first two Quarters’ Management Accounts for the Council’s consideration. Production of the first two quarters took longer than original envisaged as Qualis has been focused on its initial set-up and the initiation phase of its Business Plan and all things have been impacted by Covid-19.

3. Commentary on the Trading Performance

- 3.1. The first few months of operation are non-typical in that Qualis needs to secure finance and acquire assets and services to manage before it can trade. Until this has been achieved Qualis will only be incurring cost with no income or assets to offset them against and so these Management Accounts are not representative of planned returns.
- 3.2. It should be stressed that this was expected and allowed for within the Qualis Business Case and the Council has signed this off. Once set-up and initiation work are completed it is expected that the trading activity and management accounts of Qualis should look like more typical trading accounts, (recognising that the business operation of Qualis will still need to be built up over time).
- 3.3. The Qualis report attached at Appendix A represents the requirements placed upon Qualis within the Shareholder agreement. The Board report presents the Balance Sheets, P&Ls and a Cash Flow explanation. It also RAG rates key quarterly deliverables against the Business Plan, (the Business Plan is attached as Appendix C to this report for members’ information).
- 3.4. **Cabinet should note that all deliverables are flagged as Green, with the key exception of agreeing the loan finance from EFDC to Qualis.**
- 3.5. The Covid-19 pandemic has had an impact on the speed at which set-up and initiation could progress and, (as reported in the Qualis Management Accounts for Quarter 1 and 2), agreeing the loan document has taken longer than originally expected on the part of EFDC and Qualis. This delay creates a consequential impact on both the Qualis Business Plan and the EFDC budget. The main contributory factors being;
 - Key Staff (Qualis and EFDC) being focused on Covid19 response
 - Volatility in the asset market which needed time to settle
 - Uncertainty in the capital markets impacting on financing rates
- 3.6. It is recognised that securing loan finance and the sale of the agreed Epping Forest development sites are pivotal to the delivery of the business plan and so every effort is being made by EFDC and Qualis to catch-up the time lost due to Covid-19.

- 3.7. The other consequence of these delays is a slower rate of spending compared to the Business Plan. The table below sets out the actual expenditure against that expected for each of the Qualis companies.

Qualis Company	Expected £	Actual £	Variance £
Group	547,670	526,499	-21,171
Commercial	548,654	269,470	-279,184
Management	48,000	30,021	-17,979
Living	59,191	30,021	-29,170
Total	1,203,515	856,011	-347,504

- 3.8. Whilst the delay in agreeing the loan finance reduces the rate at which cash is spent, until the loan finance is secured and assets either transferred and purchased any spending is doing little to achieve the Business Plan objectives and this emphasises the need to complete the capitalisation of Qualis at the earliest opportunity.
- 3.9. In all other respects the Business Plan objectives against which Qualis's performance is measured are on track, including progress on bringing forward the redevelopment sites in the District.

4. Consideration and Scrutiny of Future Qualis Reports

- 4.1. The Shareholder Agreement and Governance arrangement, agreed by Cabinet in February 2020, set out the decision-making framework for Qualis and the ways in which the Council can influence or control Qualis's activities in its capacity as Shareholder.
- 4.2. Broadly, the principal control will be through the approval of the annual Business Plan. Qualis is required to present its proposals each year within a proposed Business Plan and only if the Council agrees this can Qualis implement the proposals contained within it. This represents the critical control over the activities of Qualis and appropriate and detailed consideration should be given to the sign-off accordingly.
- 4.3. If Qualis wishes to undertake an activity during any year that was not included within the agreed Business Plan then under the 'Reserved Matters' part of the Shareholder Agreement it must ask for the Council's permission first. The full list of reserved matters was published in Schedule 2 of Appendix 1 in the report on Qualis to Cabinet on 6 February 2020.
- 4.4. Matters considered to be 'Reserved' to the Shareholder include issues such as;
- diluting the Council's control,
 - transfer of any part of the business to another body
 - distributing profits outside that agreed
 - allowing its assets to be charged by a third party
 - Winding the company up
 - Or generally acting outside of the approved Business Plan
- 4.5. The construction of the shareholder agreement gives the Council considerable assurance that Qualis can only operate within the mandate given to it by Epping

Forest District Council and for any matter outside of this, it must seek the Council's express authority.

4.6. The Report to Cabinet in February 2020 further set out the following;

- The Section 151 Officer will act in accordance with already sanctioned, business case, budget and loans already agreed or approved by the Cabinet or delegated authorities to the s151 officer (both generally and in its capacity as Shareholder's Representative).
- The Shareholder Representative / the s151 officer will also bring to the attention of the Cabinet any significant issue or deviation from these approvals on the precautionary principle.
- Any issue of concern or requiring a decision beyond the parameters of approvals previously provided by Cabinet and Council to the s151 Officer (in its capacity as Shareholder's Representative the Section 151 Officer will:
 - Firstly, brief the Leader
 - Secondly, if requested set out the issue and decision to Cabinet or Full Council for approval in line with the mandates of the existing EFDC Constitution

4.7. To streamline the approval process and not un-necessarily slow down the decision - making process of Qualis on routine matters (thus undermining one of the key purposes for which Qualis was created), the Section 151 will exercise a graduated approval methodology, consistent with the statement above and the Council's scheme of delegation to officers.

4.8. For members' clarity the decision-making process will generally follow the rules below;

- The Section 151 officer will action any matter that is approved in the business plan agreed by the wider Council, deal with day to day securitisation and land matters, loan administration and any financial transaction approved within a defined Epping Forest Budget heading;
- As agreed above, for matters that either sit outside of the previous bullet point, the current approved Business Plan or for Reserved Matters the Section 151 will firstly consult with the Leader and the appropriate Portfolio Holder and then in accordance with the Council's constitution agree on the appropriate decision-making body.
- Decisions which do not fundamentally change the purpose, control or direction of Qualis, together with funding decisions (provided these sit within the Council's approved budget framework) will generally be referred to Cabinet.
- Those decision which fundamentally change the objectives or control of Qualis, or funding decision which do sit within the approved budget framework, will be matters for Council to decide.

4.9. Once the Business Plan is agreed, the Council monitors delivery through the Quarterly Monitoring reports. This provides the opportunity to monitor progress and to receive assurance that the finances of Qualis are as expected.

- 4.10. As already explained, the first two quarters monitoring reports were delayed as the focus was on set-up and establishing the processes to provide the required information to the Council.
- 4.11. Future Quarterly reports will now be produced in accordance with Qualis Board meeting and the Council's Committee timetable.
- 4.12. To aid transparency, a timetable of which reports will be produced for consideration when is attached as Appendix B for the remainder of this Council year.

5. Resource Implications

- 5.1. The Epping Forest District Council Medium Term Financial Plan approved in February includes assumptions on the returns and income generated from Qualis.
- 5.2. The assumptions included are as follows;

Loan Purpose	Amount and Term	Interest Payments Per Annum £
Working Capital Loan	£5 million for 5 years	£225,000
Asset Purchase	£30 million 30 years	£1,800,000
EFDC Asset Purchase	£22 million 30 years	£1,605,000
Less EFDC Borrowing Costs		-£1,306,337
Net Receipts		£2,323,663

- 5.3. These assumptions were made pre Covid-19 and the information that underpinned these has now changed. For example, interest rates are now lower and the market value of assets to be transferred has reduced on the latest valuation.
- 5.4. Both these factors will reduce the expected gains and therefore add to the Council's ultimate cost of Covid-19.
- 5.5. The actual reduction will depend on the date borrowing is taken and the loans made to Qualis. Cabinet will be updated when this is known.

6. Legal and Governance Implications

- 6.1. None contained within this report.

7. Safer, Cleaner and Greener Implications

- 7.1. None.

8. Consultation Undertaken

- 8.1. None

Background Papers



Qualis Group

Incorporating, Qualis Group, Qualis Living, Qualis Management, Qualis Developments

Paper Ref: QG/20/15

Finance and Performance Monitoring Quarterly Report

**1st November 2019 – 31st January 2020
1st February 2020 – 30th April 2020**

Subject: Finance and Performance Monitoring

Author: Nick Dawe, Qualis Finance Director (interim)

Decision Required: To approve the report.

- 1. To agree that this report should be passed to Epping Forest District Council in line with the shareholder agreement.**
- 2. To support the key actions detailed in Section 8 or this report.**
- 3. To note that the third quarter report, 1st May 2020 – 31st July 2020 will be available at the Qualis August Board Meeting.**



Qualis Group

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1. Introduction

- 1.1 The Qualis Group Board receives at its informal weekly update reports on key financial and operational matters. On a monthly basis at the formal Qualis Group Board Meetings more detailed papers are presented on financial and operational matters as circumstance dictate.
- 1.2 In line with the share holder agreement, and to reflect Qualis Group's needs, a quarterly Finance and Performance Report will be produced, that tracks the success of the Group against the originally agreed Qualis Group Annual Business Plan and Annual Budget.
- 1.3 This formal monitoring will take into account any Board approved amendments to the Business Plan and Annual Budget.
- 1.4 The report will usually be produced quarterly and be considered by the Qualis Board the month after the reporting period covered by the report.
- 1.5 In view of the first quarter being a period of basic set-up activities following company registration in October 2019, this report covers both quarters one and two.

2. Key Performance Indicators

- 2.1 The key performance indicators set-out below are those proposed to be used for monitoring purposes in the future. They are top level indicators of the financial health and operation delivery of the Qualis Group.
- 2.2 Major exceptions are reported in detail at Sections, 3, 5, 6 for finance and Sections 7. 8 and 9 for operations.
- 2.3 Further detail is available on request and/or already exist in the form of detailed Qualis reports and minutes.



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2.4 In line with standard practice, the following colour coded performance flags are used:

Colour	Overall Performance	Detailed Measure
	Cyan, exceptional performance	For finance; over twice the expected figure, for operations, over one month ahead of target delivery
	Green, good performance	For finance; positive performance up to twice the expected figure, for operations, up to one month ahead of target delivery
	Amber, poor performance but will be remedied next quarter	For finance; negative performance variance of between 5% and 10% of the expected figure, for operations, one and three months behind target delivery
	Red, poor performance but will be remedied in two further quarters	For finance; negative performance variance of between 5% and 10% of the expected figure, for operations, one and three months behind target delivery
	Black, poor performance requiring immediate board level intervention	For finance; negative performance variance in excess of 10% of the expected figure, for operations, over three months behind target delivery



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2.5 Direction of travel indicators

These will be: + better than last quarter, - worse than last quarter, = as last quarter.

2.6 Key Performance Indicators: Finance

KPI	Measure	Target £	Actual £	
Cash	Cash held by Qualis Group of companies, target versus actual			=
Income and Expenditure	Total income and expenditure position of Qualis Group of companies, target versus actual			=
Balance Sheet	Net balance sheet worth of Qualis Group of companies, target versus actual			=

2.7 Key Performance Indicators: Operations

KPI	Measure	Target	Actual	
Qualis Commercial	Delivery to plan of Epping sites (at pre-planning submission stage)	Secure Planning Performance Agreement April	Secured	=
Qualis Commercial	Delivery to plan Waltham Abby Roundhills site (in early stages of review)	No action Quarter 2	Not applicable	
Qualis Commercial	Delivery to plan Debden Pyrles Lane site (in early stages of review)	No action Quarter 2	Not applicable	
Qualis Management	Transfer of Housing Maintenance Service	Various TUPE and set-up actions concluded by end of May	Achieved	=



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Qualis Management	Review of potential for other service additions and transfers	Secure consultants for review	Achieved	=
Qualis Living	Obtain up to £30m of other asset purchases from market to provide positive cash flow	Market search as no funding available until August 2020	Market searches in train and evaluation and portfolio approach agreed	=
Qualis Group	Input into North Weald Master Plan options and assessments	Re-launch master plan exercise with consultants	Achieved	=

2.8 Performance Overview

Satisfactory and expected operational progress has been achieved in quarter's one and two with financial performance mirroring this operational delivery.

3. 2019/20 Qualis Business Plan and Amendments

3.1 The Qualis Business Plan and Budget was initially taken to Epping Forest District Council as the shareholder and formally approved by the Qualis Group Board in February 2020. The initial key financial and operational expectations for the first year of operation for the Qualis Group were as follows:

Expectation (1 st November 2019 – 31 st October 2020)	Detail
Loan agreements confirmed with EFDC,	£120m, (consisting of £5m working capital, £30m asset purchase from market, £85m asset purchase from EFDC and construction finance). All to be agreed ideally by 30/04/2020 and no later than the 31/05/2020.



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Loan draw downs in Qualis Year 1	<p>£75m, (consisting off £5m working capital, £30m asset purchase from market, and £40m of the £85m covering asset purchases from EFDC, fees and charges and the first call on construction finance).</p> <p>For Qualis Quarter 1 and Quarter 2, £57m, (consisting of; £5m draw down working capital, £30m asset purchase from market, £22m asset purchase from EFDC. Balance for first financial year to be drawn by 30/09/2020).</p>
Loan and/or financing and partnership agreements from other sources	None
Income and expenditure position <u>Q1 and Q2</u> for Qualis Group	Net Income and costs before internal recharges and interest of £547,670.
Income and expenditure position <u>Q1 and Q2</u> for Qualis Commercial (including project fees and expenses before creation of individual development companies)	Net Income and costs before internal recharges and interest of £191,821.
Income and expenditure position Q1 and Q2 for Qualis Management	Net Income and costs before internal recharges and interest of £48,000. This is for the project manager inly. All other set up costs incurred by EFDC and recovered from Qualis over 5 years commencing October 2020.
Income and expenditure position <u>Q1 and Q2</u> for Qualis Living	Net Income and costs before internal recharges and interest of £59,191.
Final delivery i.e. completion, of Epping sites by Qualis Commercial	Last project, Hemmell Street, completes in 2025/26
Final delivery of Waltham Abbey Roundhills site by Qualis Commercial	To be completed in 2022/23
Final delivery of Debden Pyrles Lane site by Qualis Commercial	Not included in initial plan



Qualis Group

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Operational start date after transfer of Housing Maintenance Service	Operational from 1 st October 2020
Assets brought from market for income earning potential	£30m worth ideally by the 31/05/2020

3.2 The expectations have been reviewed at the end of Quarter 2 reflecting Board approvals, timing changes and review of employment dates and cost issues with the following changes to the initial expectations being recorded (items that are not changed are not listed). **All reporting will be against amended targets if the original target has been changed:**

Revised Expectation (1 st November 2019 – 31 st October 2020)	Detail
Loan agreements confirmed with EFDC	Same value but later agreement dates by request of EFDC, 31/07/2020
Loan draw downs in Qualis Year 1	Same values but later dates by EFDC requests with working loan, asset purchase from market of £30m and loans to support land purchases from EFDC of £20m now taking place by 31/07/2020.
Income and expenditure position full year for Qualis Group	Being reviewed for Quarter 3, where a reduced net cost is expected.
Income and expenditure position full year for Qualis Commercial	Being reviewed for Quarter 3, where a reduced net cost is expected.
Income and expenditure position full year for Qualis Management	Being reviewed for Quarter 3.
Income and expenditure position full year for Qualis Living	Being reviewed for Quarter 3, where a reduced net cost is expected.
Final delivery of Epping sites by Qualis Commercial	Being reviewed for Quarter 3 where a different delivery profile of sites will be proposed.
Final delivery of Waltham Abbey Roundhills site by Qualis Commercial	Being reviewed for Quarter 3



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Final delivery of Debden Pyrles Lane site by Qualis Commercial	Being reviewed for Quarter 3
Assets brought from market for income earning potential	Still £30m in total by the end of year, though purchases are unlikely to commence before August 2020.

4. Cash Flow Summary

- 4.1 The Qualis Group of companies was established on a highly leveraged basis, i.e. supported by loans from Epping Forest District Council and not by equity investment. It should be noted that EFDC has the first option of providing loans to the Qualis Group of companies provided these loans are at market rate.
- 4.2 In practice the margin paid by Qualis on all its planned loans covers all EFDC's general development costs that are now envisaged.
- 4.3 This approach provided start-up security for Qualis, especially as the Covid 19 has distorted the money markets, whilst giving EFDC an income on the additional margin it charges on loans over and above the rate it can secure money for itself. This approach also in line with addressing "state subsidy" concerns.
- 4.4 The draw-back of this approach to Qualis is that it makes asset purchases and construction projects to the Qualis Group of companies marginally more expensive than would otherwise be the case.
- 4.5 As originally envisaged (at the end of quarter two), the Qualis Group of companies would have secured and drawn down loans from EFDC as follows: £5m working capital, £30m asset purchase from market and £22m to purchase Epping assets from EFDC.
- 4.6 At the end of May, EFDC have forwarded two working capital loans of £500,000 to the Qualis Group of Companies. The original plan was by this time a working capital loan of £5m an asset purchase from market loan of £30m and asset purchase from EFDC loan of £22m would have been advanced.
- 4.7 To date, the late agreement of loans has reduced the in-year costs to Qualis without impacting on activity in general or progressing the Epping schemes. On the later case fees that will eventually be charged to the development loan have been covered by the working capital loan. However, when Qualis wants to purchase assets from the market rapidly and decisively use its covenant of available finance the loans will need to be in place with the 31st July 2020 being the new target date.



Qualis Group

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4.8 EFDC loan income receipts from the Qualis Group of companies have as a result reduced as have the range of developments taking into account Covid 19 uncertainties.

5 Balance Sheet Summary

4.1 Reflecting the leveraged position of Qualis and the fact that income earning assets have yet to be purchased and the Housing Maintenance Service has yet to transfer. Please note that these are the interim balance sheets pending a review of the income and expenditure position and the finalisation of loans.

4.2 Qualis Group

		Actual £	Actual £
Assets		0	
Current Assets		866,090	
Current Liabilities		392,589	
Current Assets Less Current Liabilities			473,501
Long Term Assets			
Long Term Liabilities			1,000,000
Total			-526,498
Profit and Loss Account			-526,498

4.3 Qualis Commercial

		Actual £	Actual £
Assets		0	
Current Assets		173,263	
Current Liabilities		2,183	
Current Assets Less Current Liabilities			171,080
Long Term Assets			
Long Term Liabilities			402,000



Qualis Group

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Total			-230,920
Profit and Loss Account			-230,920

4.4 Qualis Management

	Actual £	Actual £
Assets	0	
Current Assets	-22,885	
Current Liabilities	-5,456	
Current Assets Less Current Liabilities		-17,429
Long Term Assets		
Long Term Liabilities		0
Total		-17,429
Profit and Loss Account		-17,429

4.5 Qualis Living

	Actual £	Actual £
Assets	0	
Current Assets	54,240	
Current Liabilities	5,209	
Current Assets Less Current Liabilities		49,032
Long Term Assets		
Long Term Liabilities		25,000
Total		24,032



Qualis Group

Incorporating, Qualis Group, Qualis Living, Qualis Management, Qualis Developments

Profit and Loss Account			24,032

5 Income and Expenditure Summary

5.1 The income and expenditure summary for the individual companies that form the Qualis Group of companies is summarised below. Noting that the figures are cumulative to the end of Quarter 2 and exclude internal recharges, loans and other amendments that will be shown from Quarter 3:

5.2 Qualis Group

	Target Cumulative Q1 and Q2 £	Cumulative Actual £	Variance £
Income	0	0	
Expenditure	547,670	526,499	-21,171
Net +Profit / -Loss	547,670	526,499	-21,171

Key issues to note:

- Agency premium of interim Directors is budget pressure of £141,058 for 6 months.
- Above overspend offset by Board vacancies and less than planned for cost of seconded staff
- In Q3 to note some of the expenditure will move through the other companies.

5.3 Qualis Commercial



Qualis Group

Incorporating, Qualis Group, Qualis Living, Qualis Management, Qualis Developments

	Target Cumulative Q1 and Q2 £	Cumulative Actual £	Variance £
Income	0	0	0
Expenditure, Epping Projects	191,821 356,833	55,534 175,386	-136,287 -181,447
Net +Profit / -Loss	548,654	230,920	-317,734

Key issues to note:

- Project costs only including project manager, architects and other fees. Commercial Director costs (interim) shown in Qualis Group Board Costs.

5.4 Qualis Management

	Target Cumulative Q1 and Q2 £	Cumulative Actual £	Variance £
Income	0	0	0
Expenditure	48,000	17,429	-30,571
Net +Profit / -Loss	48,000	17,429	-30,571

Key issues to note:

- Project manager costs only. Operational Director costs (interim) shown in Qualis Group Board Costs.



Qualis Group

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5.5 Qualis Living

	Target Cumulative Q1 and Q2 £	Cumulative Actual £	Variance £
Income, (less hand-through)	0		
Expenditure	59,191	24,032	-35,159
Net +Profit / -Loss	59,191	24,032	-35,159

Key issues to note:

- Delay in acquiring properties has resulted in operational underspend and no income receipt.

6 Operational Performance Summary

6.1 Key points of progress with the overarching Qualis Group of companies' business plan should be noted.

6.2 Qualis Group

- Set-up activities in terms of governance and procedures have been drafted and approved (in accordance with the shareholder agreement).
- Bankers have been appointed.
- IT office systems and email addresses have been set-up.
- Accounting and payroll systems have been set-up.
- A regular series of meetings has been set-up and operates.
- A risk and investment committee has been established

6.3 Qualis Commercial

- A planning performance agreement has been signed for the Epping sites
- An outline business case has been prepared for the Epping sites
- An optimal outline plan has been prepared for the Epping sites which is in discussion with EFDC Planning



Qualis Group

Incorporating, Qualis Group, Qualis Living, Qualis Management, Qualis Developments

- Options for the leisure centre re-provision have been discussed with the EFDC provider.
- Options for the Epping Town Council have been discussed.
- Project managers, quantity surveyors and architects (up to Stage 2) have been appointed for the Epping sites.
- A preliminary view of the Waltham Abbey Roundhills site has been carried out.
- A preliminary view of the Debden Pyrles Lane site has been carried out.

6.4 Qualis Management ████████

- Progress with the TUPE plan for the housing maintenance staff has been agreed.
- Systems and processes to support the transfer are being delivered to timescale.
- A staff consultation plan has been agreed and has commenced.

6.5 Qualis Living ████████

- Additional purchases of assets to provide cash flow have yet to occur which leads to an amber performance being recorded.
- Management of the private rented properties bought by EFDC in Loughton is being carried out
- A portfolio approach and financial assessment approach to the purchase of income earning assets has been agreed.
- Two potential properties to acquire have been reviewed in detail (purchase not actioned).

7 Key Actions

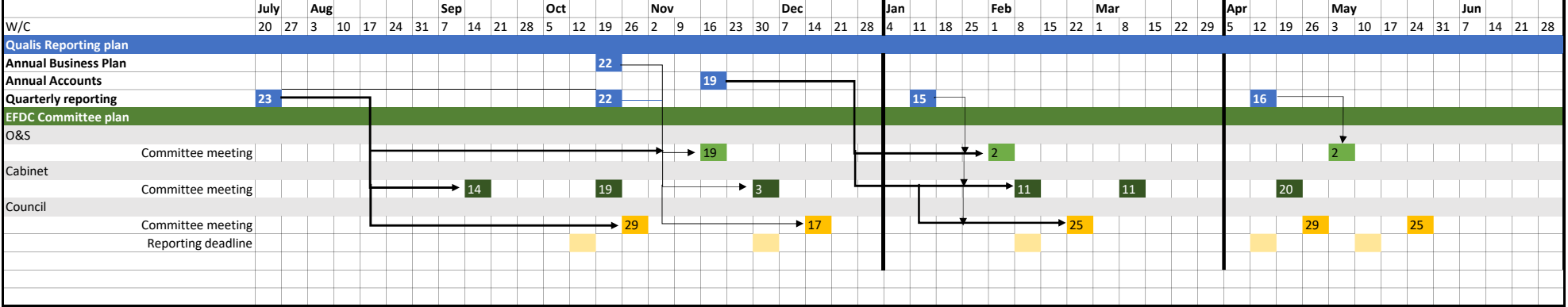
7.1 The following key actions in addition or variation from the original plan are proposed:

7.2 Agree and call down planned loans by the 31st July 2020 (latest).

7.3 To complete the review of targets as shown in detail at Section 3.2.

End

Appendix B



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Report to the Cabinet

Report reference: C-024-2020/21
Date of meeting: 14 September
2020



Portfolio: Commercial and Regulatory Services – Cllr A. Patel

Subject: Qualis Group Board

Responsible Officer: Andrew Small (01992 564229).

Democratic Services: A Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) That Cabinet approve the composition of the permanent Qualis Group Board.**
- (2) That Cabinet approve the remuneration levels for Qualis Group Board members, (excluding member appointments).**
- (3) That the Independent Member Remuneration Panel be asked to review the appropriate level of allowance for the Member Appointments at their next meeting and until then a Special Responsibility Allowance equivalent to that of a Cabinet Member is paid to them by Qualis.**
- (3) That Cabinet note the selection and recruitment process for Group Board Members.**
- (4) That Cabinet approve the changes to the Shareholder Agreement.**

1. Executive Summary:

- 1.1. In February earlier this year the Cabinet approved the composition and appointment of the interim Qualis group board. The decision for an interim board was taken to ensure that the set-up work already undertaken could be continued without a six-month pause whilst recruitment was undertaken. A significant amount of work has been achieved during this period and it is now an appropriate time to create a permanent board.
- 1.2. The last six months have enabled the interim board to establish a programme of work and the operating guidelines to ensure effective governance. As such the paper will set out some suggested changes to reflect learning and progress over this period. The Shareholder Agreement remains the key document that provides the Council with the framework for control of decision making, levels of authority and powers of delegation for Qualis.

2. Composition of the Qualis Group Board

- 2.1. It is proposed that the composition of the permanent board be made up of a combination of the independent non-executive directors, council members, executive directors of Qualis Group and the chief executive of the Council. The chair of the Qualis Group board would be an independent non-executive director appointed for their specific skills and experience relevant to the Qualis business.
- 2.2. The first six months of operations have provided the interim Board with a chance to reflect on how best to ensure the right blend of skills and experience versus council oversight. The interim non-executive chair role has worked well bringing the experience and direction needed particularly during the critical set up stage. It is also felt that the Qualis executive directors are very effective in bringing the strategic oversight and operational guidance that is required. The permanent board will also be supported with two additional independent non-executive directors. One with a background in finance and the other property development and investment.
- 2.3. In terms of the number of elected council members on the board this can be approached in different ways. Some councils decide to have no members on the board and are comfortable with delegating the responsibilities through the governance framework of the company, others retain a presence of members on the board. The current interim board has three council members (two Cabinet and one LRA).
- 2.4. The Qualis board will report financial and operational performance information on a quarterly frequency to cabinet and then through to Full Council. Whilst the first six months have worked well it is felt that the cabinet members should step back from the permanent board and retain their role of oversight through the monitoring mechanisms described above. It is therefore proposed that up to two member positions be made available on the Qualis Board (excluding cabinet members).
- 2.5. The composition of the permanent Qualis board is set out below:
 - Independent Non-Executive Director – Chair of the Qualis Group Board
 - Council Officer Appointee - Chief Executive of the Council
 - Managing Director Qualis
 - Group Finance Director Qualis
 - Group Commercial Director Qualis
 - Group Operations Director Qualis
 - Independent Non-Executive Director x 2
 - Council Members (up to a maximum of 2)

3. Board Remuneration

- 3.1. The February cabinet paper set out the remuneration levels for the interim Board. These were set at a level benchmarked against similar roles in the industry and it is proposed that following review these remain the same for the permanent board. These are allowances specifically paid for the responsibilities and time associated with nomination to the Board and do not represent a salary for employment. It should be noted that since February the interim board has now established three additional committees (Finance and Audit, Risk and Investment, and Remuneration). These committees are an important part of ensuring

good governance and therefore some of the estimated time commitments have increased, particularly the role of the Chair.

3.2. Council members nominated to the Board will need to be remunerated in accordance with the recommendation of the independent Members' Remuneration Panel, as determined at its next meeting. This is in keeping with the legislation applying to member appointments and reflects their elected status. In the meantime, a Special Responsibility Allowance equivalent to that of Cabinet Member be paid by Qualis in recognition of the additional time and responsibility associated with this role.

3.3. The table below sets out the remuneration for the roles:

Role	Remuneration
Independent Non-Executive Director - Chair	£1000 per day, based on one day per week and up to a maximum of an additional 25 days per year dependent on workload.
Council Officer Appointee	£500 per day, one day per week
Qualis Executive Directors x 4	£500 per day, one day per week
Independent Non-Executive Directors x 2	£500 per day, one day per week
Council Members	To be determined by the Independent Members Remuneration Panel

4. Selection and Recruitment Process

4.1. Qualis has commissioned an external recruitment agency to seek candidates for the two additional non-executive independent director roles and the group operations director role. Following Cabinet decision in July it was agreed that the council strategic director will be seconded into the managing director role (initially 12 months and up to two years).

4.2. The senior appointments panel of the Council will interview all members of the permanent board providing their recommendations on appointments. The panel is made up of;

- Chris Whitbread (Chairman)
- Mary Sartin (Vice-Chairman)
- Nigel Bedford
- Bob Jennings
- John Philip
- Caroline Pond
- Jon Whitehouse

4.3. The interviews will be undertaken on 21st and 22nd September with an update to Full Council on the 29th October 2020.

4.4. The applies equally to Council Member appointments and so to ensure that the Board has the right mix of skills and experience Qualis is seeking members to apply for the two Council Member roles. It is recognised that members of the council have a broad mix of relevant experience which they could potentially bring to the Qualis Board and that it would be appropriate to understand these before deciding on the right member appointments. In

particular, this includes building a mix of relevant skills that will complement those of the other Board members and therefore enhance the strength of the Board and the governance arrangements. Qualis have invited members who wished to express an interest to submit a short statement of their relevant skills and experience by 11th September so that invitations for interviews could be made. Member appointments will be for a period of 3 years and members must remain elected members of the council to continue in this role for the whole 3 year period.

4.5. Whilst there will be some new changes proposed for the permanent board there will be some existing members of the interim board that will remain the same.

4.6. It is therefore proposed the following roles will be interviewed by the senior appointments panel:

Role	Name	Existing Qualis Board Member	Interim Board Member
Independent Non-Executive Director - Chair	Paul Ffolks Davis (Current interim Chair)	Yes	
Council Officer Appointee - CEO	Georgina Blakemore	Yes	
Managing Director – Qualis	Sacha Jevans (Seconded Strategic Director)	Yes	
Group Finance Director – Qualis	Nick Dawe	Yes	
Group Commercial Director – Qualis	Chris Ives	Yes	
Group Operations Director - Qualis	Vacant – currently under recruitment TBA	No	
Independent Non-Executive Directors x 2	Vacant – currently under recruitment TBA	No	
Council Member	To be selected	-	
Council Member	To be selected	-	

5. Shareholder Agreement

5.1. The Shareholder Agreement will be amended to reflect the proposed changes in the permanent Board and reflect the changes to meetings, including the new committees. It is recommended that these changes are adopted.

6. Reasons for Proposed Decision:

6.1. It is a requirement the Council ensure that the appropriate governance documents are in place for the commencement of operational activity/trading within the Group Company Structure.

7. Other Options for Action:

7.1. The operation of the new Group Company Structure would not proceed without the correct governance arrangements in place to ensure the effective management and control of decision making between the Council and its companies.

8. Resource Implications:

- 8.1. The total Qualis Group Board costs are contained within the Council budget 20/21 and medium-Term Financial Strategy.

Legal and Governance Implications:

All governance documents will be in place to enable the operational trading and have been reviewed by the Monitoring Officer.

Safer, Cleaner and Greener Implications:

Any construction through the development company will meet standards and requirements of the local plan.

Consultation Undertaken:

External benchmarking review of Board member salaries.

Background Papers:

Shareholder Agreement

Risk Management:

The Group Company Steering Group review and update the risk map on a regular basis. All risks are identified and mitigating actions put into place as appropriate.

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