



CABINET
Thursday, 6th September, 2018

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

Council Chamber, Civic Offices, High Street, Epping
on Thursday, 6th September, 2018
at 7.00 pm .

Derek Macnab
Acting Chief Executive

Democratic Services
Officer

A. Hendry (Democratic Services)
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Members:

Councillors C Whitbread (Leader of the Council) (Chairman), S Stavrou (Deputy Leader and Housing Portfolio Holder) (Vice-Chairman), N Avey, A Grigg, H Kane, A Lion, J Philip, G Mohindra and S Kane

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

1. WEBCASTING INTRODUCTION

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of subsequent repeated viewing, with copies of the recording being made available for those that request it.

By being present at this meeting, it is likely that the recording cameras will capture your image and this will result in your image becoming part of the broadcast.

You should be aware that this may infringe your human and data protection rights. If you have any concerns then please speak to the Webcasting Officer.

Please could I also remind Members to activate their microphones before speaking.”

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 - 16)

To confirm the minutes of the last meeting of the Cabinet held on 14th June 2018.

5. REPORTS OF PORTFOLIO HOLDERS

To receive oral reports from Portfolio Holders on current issues concerning their Portfolios, which are not covered elsewhere on the 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 refers) 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 & 28 refers).

7. OVERVIEW AND SCRUTINY

(a) To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function; and

(b) To consider any matters that the Cabinet would like the Overview and Scrutiny Committee to examine as part of its work programme.

8. FINANCE AND PERFORMANCE CABINET COMMITTEE (Pages 17 - 36)

(Finance Portfolio Holder) to consider the minutes from the meetings of the Finance & Performance Management Cabinet Committee, held on 21 June and 26 July 2018, and any recommendations therein.

9. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE (Pages 37 - 42)

(Asset Management & Economic Development Portfolio Holder) To consider the minutes from the last meeting of the Asset Management & Economic Development Cabinet Committee held on 19 July 2018, and any recommendations therein.

10. CORPORATE ENFORCEMENT POLICY (Pages 43 - 80)

(Leader of Council) To consider the attached report (C-009-2018/19).

11. LOCAL COUNCIL TAX SUPPORT SCHEME 2019/20 (Pages 81 - 90)

(Finance Portfolio Holder) To consider the attached report (C-011-2018/19).

12. ESSEX AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION (Pages 91 - 146)

(Housing Portfolio Holder) To consider the attached report (C-010-2018/19).

13. PARKING TARIFF REVIEW ACROSS ALL COUNCIL OWNED CAR PARKS (Pages 147 - 178)

(Safer, Greener and Transport Portfolio Holder) To consider the attached report (C-012-2018/19).

14. CHRISTMAS/NEW YEAR CLOSURE OF COUNCIL OFFICES (Pages 179 - 188)

(Technology and Support Services Portfolio Holder) To consider the attached report (C-007-2018/19).

15. STAFF APPEALS PROCEDURE (Pages 189 - 196)

(Technology and Support Services Portfolio Holder) To consider the attached report (C-008-2018/19).

16. 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.

17. EXCLUSION OF PUBLIC AND PRESSExclusion

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.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Cabinet **Date:** 14 June 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.45 pm

Members Present: C Whitbread (Chairman), S Stavrou (Vice-Chairman), N Avey, A Grigg, H Kane, A Lion, J Philip and S Kane

Other Councillors: N Bedford, L Burrows, G Chambers, S Heather, L Hughes, J Share-Bernia, D Stocker, B Vaz, J H Whitehouse, R Bassett, D Dorrell, M Sartin, H Whitbread and J M Whitehouse

Apologies: G Mohindra

Officers Present: D Macnab (Acting Chief Executive), D Bailey (Head of Transformation), Q Durrani (Assistant Director (Technical Services)), P Maddock (Assistant Director (Accountancy)), T Carne (Public Relations and Marketing Officer), G Woodhall (Senior Democratic Services Officer), S Mitchell (PR Website Editor)

1. 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.

2. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Member Code of Conduct, Cllr J H Whitehouse declared an interest in item 12, Receipt of Petition – Future of Epping Sports Centre, by virtue of being a member of Epping Sports Centre. The Councillor had determined that her interest was non-pecuniary and would remain in the meeting for the consideration of the issue.

(b) Pursuant to the Council's Member Code of Conduct, Cllr N Avey declared an interest in item 13, Corporate Plan Key Action Plan – Outturn 2017/18, by virtue of being the Chairman of Epping Town Council. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration for the issue.

3. MINUTES

Decision:

(1) That the minutes of the meeting of the Cabinet, held on 10 April 2018, be taken as read and signed by the Leader as a correct record.

4. REPORTS OF PORTFOLIO HOLDERS

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

5. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET

The Cabinet noted that no public questions or requests to address the Cabinet had been received for consideration at the meeting.

6. OVERVIEW AND SCRUTINY

The Chairman of the Overview & Scrutiny Committee reported that the following items of business had been considered at its meeting held on 17 April 2018:

- (a) a short presentation, followed by a question-and-answer session with A Whitehead for the East of England Ambulance Service;
- (b) a review of the Youth Council's request for £8,000 to fund their current projects; and
- (c) an update on progress with the Transformation Programme.

The Chairman of the Overview and Scrutiny Committee reported that the following items of business had been considered at its meeting held on 4 June 2018:

- (a) written answers from County Cllr Gooding on Passenger Transport issues as he had withdrawn from attending a few days before the meeting;
- (b) a presentation on the West Essex and Eastern Hertfordshire Digital Innovation Zone; and
- (c) resolved to invite Epping Forest College, Essex County Highways, Essex County Mental Health Services and representatives from Stansted Airport to future meetings of the Committee.

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

7. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 22 MARCH 2018

In the absence of the Finance Portfolio Holder, who had tendered his apologies for the meeting, the Leader of Council presented the minutes from the meeting of the Finance & Performance Management Cabinet Committee, held on 22 March 2018.

The Cabinet Committee had made recommendations to the Cabinet concerning the update of the Corporate Risk Register. Other issues considered by the Cabinet Committee included: the Quarter 3 performance of the Key Performance Indicators during 2017/18; and the Quarterly Financial Monitoring reports.

Decision:

Risk Management – Corporate Risk Register

- (1) That the Risk Owners for Risk 4, Finance Income, Risk 6, Data/Information, Risk 8, Partnerships, and Risk 11, Transformation Programme, be updated;
- (2) That the Key Date and Required Further Management Action for Risk 3, Welfare Reform, be updated;
- (3) That the Required Further Management Action for Risk 11, Transformation Programme, be updated;
- (4) That Risk 1, Local Plan, be reviewed by the Acting Chief Executive and Planning Portfolio Holder; and
- (5) That, including the amendments above, the revised Corporate Risk Register be approved.

Reasons for Decision:

The Cabinet was satisfied that the Cabinet Committee had fully addressed all of the relevant issues.

Other Options Considered and Rejected:

The Cabinet was content that the Cabinet Committee had considered all of the relevant options and that there were no further options to consider.

8. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE - 19 APRIL 2018

The Portfolio Holder for Asset Management & Economic Development presented the minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 19 April 2018.

The Cabinet Committee had not made any recommendations to the Cabinet on this occasion. Other issues considered by the Cabinet Committee included: a progress report from the Economic Development Team; a progress report on the Asset Management Development projects; and a progress report on current developments at North Weald Airfield.

Decision:

- (1) That the minutes of the meeting of the Asset Management & Economic Development Cabinet Committee, held on 19 April 2018, be noted.

Reasons for Decision:

The Cabinet was satisfied that the Cabinet Committee had fully addressed all of the relevant issues.

Other Options Considered and Rejected:

The Cabinet was content that the Cabinet Committee had considered all of the relevant options and that there were no further options for consideration.

9. TRANSFORMATION PROGRAMME MONITORING REPORT - APRIL 2018

The Leader of Council presented a report outlining the progress made by the Transformation Programme during April 2018, along with the planned actions for May 2018.

The Leader reminded the Cabinet that regular monitoring reports on the progress of the Transformation Programme were presented to the Cabinet. This was the monitoring report for April 2018 and covered the progress made for all chartered projects of Medium and High Risk Potential, as well as key aspects of the Transformation Programme. The Cabinet noted that, overall, progress indicators for 'cost' and 'benefits' were Green for the period, The status indicator for 'time' was reported as Amber to highlight that 18 actions (from a total of 110) were overdue on its deadline, when compared with planned timelines. Project and Programme Managers had actions in place to deal with any potential negative effects. Progress would be kept under review and it was anticipated that the status of the majority of these items would return to Green in the next report.

In response to questions from the Cabinet, the Leader acknowledged that 19% of the actions were still outstanding for the current chartered projects, and there would be some extra Officers joining the Transformation Team shortly, but there were a variety of reasons for projects not being on target, not necessarily just resources. In relation to the Pay and Benefits Review project, the Head of Transformation stated that the Council's Management Board had recently discussed the initiation of this project, and it was their view that – given the current capacity of the People Team - it was sensible to defer this project until September when the new Strategic Directors should be in situ.

Decision:

(1) That the progress of the Projects and Programmes within the Transformation Programme for April 2018 be noted, alongside the planned actions for May 2018.

Reasons for Decision:

To inform the Cabinet of the progress with the Transformation Programme, including work streams, programmes and projects.

Other Options Considered and Rejected:

No other options were available as failure to monitor and review the progress of the Transformation Programme and to consider corrective action where necessary, could have negative implications for the Council's reputation, and might mean that opportunities for improvement were lost.

10. SERVICE ACCOMMODATION REVIEW

The Leader of Council presented a report on the Service Accommodation Review.

The Leader reminded the Cabinet that the Civic Offices had been awarded Grade II Listed Building status in December 2017, which had resulted in the need to undertake further work to complete the Stage 2 Outline Business Case for the Service Accommodation Review project. A Portfolio Holder Delegated Decision had been signed on 8 May 2018 to vary the contract with Pricewaterhouse Coopers to achieve this, at a cost of £72,000 funded from the Transformation budget (formerly the 'Invest to Save' fund). It would take 2 to 3 months to complete the Stage 2 Outline Business Case, which would provide an initial design for preliminary discussions with Historic England. Further work would then need to be undertaken to

gain Listed Building consent from Historic England, alongside the development of plans to be used in the planning application and procurement processes. A further report would be considered by the Cabinet in September 2018, which would make recommendations for the Council's Service Accommodation, based on the Outline Business Case.

When questioned by the Members present, the Leader explained that extra work was required as it was not just the Council Chamber which had been highlighted as part of the listing but also the main Reception and Planning Reception areas as well. Therefore, the Council had to work very closely with Historic England to gain approval for its plans and this was what the extra funding would achieve. If there were any grants available to fund this additional work then the Council would apply, but the Council's approach was considered the most appropriate for what the Council wanted to achieve from the Accommodation Review. It was vital to progress this project as quickly as possible, and if it proved impossible to house all of the Council's staff in the newer Civic Offices building then the Cabinet would have to consider the feasibility of the alternative approaches in September.

Decision:

(1) That the progress with, and the next steps for, the Service Accommodation Review project be noted; and

(2) That £72,000 be allocated from the Transformation Budget (formally the 'Invest to Save' fund) to complete the update of the Stage 2 Outline Business Case.

Reasons for Decision:

To inform the Cabinet of the current progress with, and next steps for, the Service Accommodation Review project, and to agree to allocate £72,000 from the Transformation budget to complete the update of the Stage 2 Outline Business Case.

Completion of the Stage 2 Outline Business Case was required in order to present the Cabinet with sufficient evidence with which to decide whether to continue with proposals to refurbish the Civic Offices.

Other Options Considered and Rejected:

To halt work on the Review. However, this would impact adversely on both the draft Local Plan and the Council's Medium Term Financial Strategy (MTFS).

11. RECEIPT OF PETITION - FUTURE OF EPPING SPORTS CENTRE

The Portfolio Holder for Leisure & Community Services presented a report on the receipt of a petition regarding the future of Epping Sports Centre.

The Portfolio Holder informed the Cabinet that a petition seeking the retention of a Sports Centre in Epping, and containing 1790 signatories, had been received by the Council. The full description of the petition was as follows:

"We petition the Council to keep a sports centre within Epping Town. Not necessarily in the existing location but within the boundary of Epping Town. The reason is to ensure that people who are unable to drive have access to a sports centre (as is currently the case) and to avoid the additional traffic fumes and congestion in Epping Town that an out of town sports centre would generate."

The Portfolio Holder assured the Cabinet that the Council had yet to take any formal decision on the future of Epping Sports Centre, and was currently exploring options to meet the leisure needs of residents. However, the Council's preferred approach would be to ensure that the existing Sports Centre in Epping remained open until any new facilities were provided. The petitioners would be advised of the Council's position.

Cllr J H Whitehouse pointed out that the contract for Epping Sports Centre was only for 5 years, not 20 as was the case for the other three Sports Centres, and the current site had been earmarked for development in the Local Plan. The Acting Chief Executive stated that the contract to manage all four Sports Centres in the District was for 20 years, but the procurement process had included a hypothetical bid for the replacement of Epping Sports Centre. It had been agreed in the contract for the Council to accept the risk for the major structural elements at the Epping Sports Centre, and work had already started on the options appraisal for Epping Sports Centre to be considered at the September meeting of the Leisure Contract Partnership Board. Each option would have an indicative timeline against it when they were considered in the autumn.

Cllr Avey inquired whether the potential increased traffic flows had been considered if the Epping Sports Centre was re-located to North Weald Airfield. The Planning Portfolio stated that such analysis would be undertaken, but also pointed out that the current Sports Centres were not just for the residents of those settlements as other users would drive to use them currently. The Planning Portfolio Holder also reiterated that the decision taken at the special Council meeting in December regarding the draft Local Plan was to not commit to having a Sports Centre in Epping, rather than to not have a Sports Centre in Epping.

The Cabinet welcomed the news that Epping Sports Centre would not close in the immediate future. Cllr Bedford inquired whether the contract would be re-negotiated if it became clear that Places for People would need to make a substantial investment into a new Sports Centre? The Acting Chief Executive stated that this was correct, and the Council also had the option to seek an alternative provider if necessary.

The Leader of Council felt that the discussion had been useful for dispelling myths in the public arena. The District was really lucky to have so many Sports Centres, where many Districts had little or no Sports Centre provision. The Leader also reminded the Cabinet that Waltham Sports Centre had remained open whilst the new Centre was being built.

Decision:

- (1) That the Petition received in support of retaining a Sports Centre within Epping Town be noted;
- (2) That the Petitioners be advised:
 - (a) the Council had yet to take any formal decision on the future of Epping Sports Centre; and
 - (b) at this point, the Council was exploring options to meet the leisure needs of existing and future residents of the local area; and

(3) That the Council's preferred approach would be to ensure that the existing Sports Centre in Epping remained open until any new alternative facilities were provided.

Reasons for Decision:

In accordance with the Council's Constitution, any Petition containing at least 1200 signatories required the relevant Portfolio Holder to submit a report for consideration to the next available meeting of the Cabinet.

Other Options Considered and Rejected:

There were no other options available as the petition was simply reported to the Cabinet for noting.

12. CORPORATE PLAN KEY ACTION PLAN - OUTTURN 2017/18

The Leader of Council presented a report on the 2017/18 outturn for the Council's Key Action Plan.

The Leader reminded the Cabinet that the Corporate Plan was the Council's key strategic planning document, setting out its priorities over the five-year period from 2015/16 to 2019/20. The priorities or Corporate Aims were supported by Key Objectives and the annual identification of Key Objectives provided an opportunity for the Council to focus attention on how areas for improvement would be addressed, opportunities exploited and better outcomes delivered during the year. The Key Objectives were intended to provide a clear statement of the Council's overall intentions for each year, and were supported by a range of actions and deliverables designed to achieve specific outcomes.

The Leader reported that a range of Key Objectives for 2017/18 was adopted by the Council, at its meeting on 27 September 2016, and at the end of the fourth quarter: 28 Key Actions (56%) had been achieved; 15 Key Actions (30%) were under control; 6 Key Actions (12%) were behind schedule; and 1 Key Action (2%) was pending. Progress in relation to individual actions was reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

Decision:

(1) That, as part of the Council's Corporate Plan for the period 2015/16 to 2019/20, the progress made with the achievement of the Council's Key Action Plan for 2017/18 at the end of Quarter 4 be noted.

Reasons for Decision:

It was important that relevant performance management processes were in place to review progress against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under-performance. This report presented the year-end progress for 2017/18 against the key objectives.

Other Options Considered and Rejected:

No other options were appropriate in this respect. Failure to monitor and review performance against the key objectives and to consider corrective action where necessary, could have negative implications for the Council's reputation and

judgements made about its progress, and might mean that opportunities for improvement were lost. The Council had previously agreed arrangements for the review of progress against the key objectives.

13. ANY OTHER BUSINESS

The Cabinet noted that there was no other urgent business for consideration at the meeting.

14. EXCLUSION OF PUBLIC AND PRESS

Decision:

(1) That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated, and the exemption was considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
16	The Financial Impact of the Inability to Sell Recycling Materials in the Chinese Market	3
17	Implementation of the People Strategy	1

15. THE FINANCIAL IMPACT OF THE INABILITY TO SELL RECYCLING MATERIALS IN THE CHINESE MARKET

The Environment Portfolio Holder presented a report on the financial impact of the inability to sell recycling materials in the Chinese market.

The Portfolio Holder reminded the Cabinet that, at its meeting on 10 April 2018, it had considered a report setting out the difficulties arising from the Chinese Government's decision to ban the import of paper produced by Material Recycling Facilities (MRF) in the United Kingdom. This had resulted in excess paper in the reprocessing market, which in turn had led to a major drop in its resale value, and, as it was a buyer's market, there was an increased focus on quality. Biffa had made significant capital investment in improving their Edmonton MRF, approximately £4.6million, where the recycling materials from the District were processed. Biffa had claimed that the capital and ongoing operational costs amount to £133,680 per annum attributable to the processing costs of the Council's recyclate. In addition, Biffa had asked for an additional £39,000 in relation to historical errors in the way Recycling Unit Index Rate (RIUR) was calculated.

The Portfolio Holder explained that the Council could reject all of Biffa's requests for making a contribution towards these costs. However, there were two risks with this approach:

- (i) Biffa might elect to cease processing materials and recycling materials could end up in landfill; and
- (ii) this would put further significant financial pressure on the Waste Management contract.

The Portfolio Holder explained that specialist advice was obtained by the Council from WYG Environmental Limited, who had considered the options and provided market intelligence to enable Officers to recommend a settlement offer to Biffa. Although the capital investment would benefit the MRF for longer, it was not reasonable for the Council to pay for more than the first ten years of contract. Some of the costs were related to contamination found in the recycling materials, as inadvertently some non-recycling materials had found their way into recycling, and in arriving at the settlement figure the Council had factored in contamination levels.

The Portfolio Holder stated that a settlement of £500,000 split into a one off capital contribution of £200,000 and six yearly payments of £50,000 was considered a fair and reasonable commercial offer; particularly if it was linked to the mitigation of risks on the future market for commodity prices. It was felt that these steps were necessary to guarantee the future stability of the current contract.

The Assistant Director of Neighbourhoods reiterated that one of the reasons for appointing WYG Environmental was to gain access to data from other Councils and judge whether the Council was being treated in a fair and equitable manner. The Acting Chief Executive added that the contract had been procured through a competitive dialogue process which had produced a risk sharing arrangement for recyclable materials between the Council and Biffa. Not many Councils had this sort of arrangement so this Council was achieving good value for money from this aspect of the contract, generating an income of £2.5million for the Council over the first four years of the contract.

The Acting Chief Executive counselled the Cabinet that there was still an underlying question concerning the stability of the contract, and it was necessary to resolve a number of these outstanding issues to provide a fair commercial deal and avoid such requests in the future. It was possible that a further test of the market would be recommended after the first ten years of the contract.

The Acting Chief Executive stated that the risk-reward mechanism aspect of the contract was still in place, so market changes could yet work in the Council's favour. The changes made by the Chinese Government were trying to encourage their population to increase their recycling rate. The Assistant Director of Neighbourhoods added that the Council would benefit when the price of recycling materials rose. However, the price of recycled paper had dropped from £100 to £5 per tonne in the last twelve months, for which Biffa had taken 20% of the loss.

Decision:

- (1) That the background into difficulties in exporting recycling materials to China resulting in significant capital and ongoing investments made by Biffa in their Material Recycling Facility (MRF) to improve and enhance the quality of output materials be noted;
- (2) That the making of a financial contribution be agreed in recognition of the investment made by Biffa which would improve the quality of output materials from their MRF ensuring all of the Council's recycling materials were reprocessed and recycled and nothing was sent to landfill;
- (3) That the following be agreed for payment to Biffa in the total sum of £500,000 over the remaining six years of the contract:
 - (a) a supplementary capital estimate in the sum of £200,000 for 2018/19 be recommended to the Council for approval for the one off capital payment;

- (b) a supplementary revenue estimate in the sum of £50,000 for 2018/19 be recommended to the Council for approval for the first of the revenue payments; and
- (c) revenue growth bids in the sum of £50,000 per annum for five years starting in 2019/20 be approved for the remaining revenue payments;
- (4) That the Recycling Index Unit Rate (RIUR) of £44.66 for the period from November 2017 to November 2018 be agreed and that the consequential loss of income to the Council of £8,650 in 2018/19 be found from within the budget of the Neighbourhoods Directorate;
- (5) That the Procurement Rules be waived for the appointment of WYG Environmental Limited to assist with the contractual variation to the Waste Management contract with Biffa agreed above; and
- (6) That any opportunities for increasing income across all Council services to mitigate the risk of increased costs to the Council as a result of market fluctuation in income from recycling materials be considered by the Acting Chief Executive.

Reasons for Decision:

To consider options for dealing with Biffa's request for financial support to ensure the stability of the Waste Management contract and guarantee end use of the recycling materials collected in the District.

Other Options Considered and Rejected:

To refuse to consider the request made by Biffa and enforce the contract. However, the risk with this approach was that if Biffa were unable to recycle all the materials collected then these would have to be sent to landfill or Biffa could, if the losses mounted, decide that they wanted to pull out of the contract and issue a termination notice.

In respect of the Recycling Index Unit Rate (RIUR) the Council had no choice as this was part of the contractual arrangement with Biffa.

16. FURTHER IMPLEMENTATION OF PEOPLE STRATEGY - SERVICE DELIVERY STRUCTURE

The Leader of Council presented a report on the proposed Service delivery structure as part of the further implementation of the People Strategy.

The Leader reminded the Cabinet that, in April 2018, it had considered a report which proposed change to the Council's Management Board, as part of the implementation of a new Common Operating Model which would alter the way Council Services were delivered. The recommendations of Cabinet were subsequently endorsed by the Council and the recruitment of the two new Strategic Director roles had commenced.

The Leader stated that the current establishment of 15 Assistant Directors, plus the posts of Head of Transformation and Head of Customer Services would be reduced. In the new structure, it was proposed that each of the eight new service groups should be led by a new Service Director, and to reflect the additional levels of delegated authority and enhanced spans of control it was recommended that the roles were remunerated in the range of £70,000 to £75,000. In the first instance, it

was the intention that a ring-fenced internal recruitment process was undertaken with the current Assistant Directors and Heads of Service, who comprised the Council's Leadership Team. Two requests for voluntary severance from the Assistant Director of Legal Services and the Assistant Director of Housing Operations were received and it was recommended that these requests be granted.

The Leader reported that the implementation of a new Common Operating Model and Management Structure was central to the Council's Transformation Programme in order to ensure that the authority was fit for purpose to meet future challenges. The appointment process previously agreed by the Council of the two new Strategic Director roles was an important initial step towards this objective, and in order to maintain progress, agreement was sought for the next phase of the implementation of the People Strategy, namely the new service delivery structure.

It was pointed out that Finance and ICT were generally mutually exclusive skills, and there was an argument that the specialist skills required for ICT should form its own Service. The Acting Chief Executive acknowledged that the Council would need to retain sufficient Finance and ICT skills to deal with the usual peaks and troughs of the workload demands. However, historically, ICT had always sat within a wider Directorate at the Council. The ICT department would have the necessary resource to deliver the ICT Strategy.

The Cabinet debated whether the Building Control section should remain within the Regulatory & Commercial Services sector, or be moved to the Planning Services Directorate. Arguments were heard for and against the proposal, but the Cabinet eventually voted for the Section to remain within the Regulatory & Commercial Services sector.

It was highlighted that the Service Director for Strategy & Member Services could get confused with the two Strategic Director roles, and the Acting Chief Executive agreed to review this Service Directorate title. The Acting Chief Executive also explained that, as the core activity of the Public Relations team was internal and external communications, it was felt that it would be better served sitting within the Customer Services Directorate. It was also felt that perhaps the name of the Public Relations team could be revised to reflect its core activities.

The Leader stated that the Council had made substantial progress with the Transformation Programme, particularly since February 2018, and it would retain its importance in the new structure. The Acting Chief Executive added that one of the key skills in the shortlisting process for the Strategic Director roles was good change management and a proven track record in managing major projects.

Overall, the Cabinet felt that the proposals was an improvement on the previous structure.

Decision:

- (1) That the proposed new structure in accordance with the Common Operating Model for the delivery of the Council's Services, comprising of the eight new groups as detailed in Appendix 3, be agreed.
- (2)
 - (a) That eight new Service Director posts be created at a salary range from £70,000 to £75,000 to lead each new service group;
 - (b) That the Job Description and Person Specification for the new Service Director roles, contained at Appendix 1 of the report, be agreed;

- (c) That recruitment to the new Service Director posts be commenced on the basis of an internal ring-fence process, comprising the Council's current Leadership Team;
 - (d) That voluntary severance on the terms contained within the report be agreed for the Assistant Director (Housing Operations) and Assistant Director (Legal Services) posts, the costs to be met from the existing District Development Fund budget agreed for the implementation of the People Strategy;
 - (e) That the leaving date for the two post holders be mutually agreed with the Acting Chief Executive, to ensure sufficient management capacity was maintained until the revised arrangements were in place;
 - (f) That, in accordance with the new structure, the vacant Assistant Director (Planning Policy and Economic Development) post be deleted from the establishment, once the current temporary cover arrangements were no longer required to support the development of the Local Plan through the Examination in Public process;
 - (g) That the proposed title for the Service Director of Strategy & Member Services be reviewed to avoid possible confusion with the Strategic Director posts; and
 - (h) That clarification be sought concerning the exact role of the Public Relations Team in delivering internal and external communications, with a potential change of name for the Team to better reflect their role; and
- (3) That a further report be submitted to the Cabinet on proposals for the structure of each individual service group, further to the appointment of the Service Directors and a review of the most efficient delivery model within their new areas of responsibility.

Reasons for Decision:

The Cabinet had previously requested that further reports be submitted, setting out proposals for the future structure of the Council.

Other Options Considered and Rejected:

To not implement a new Common Operating Model for the management of the Council; however, it would not be possible to achieve the benefits sought through the new Corporate Plan nor the requirements of the Council's Medium Term Financial Strategy.

To develop alternative structure proposals; however, this would inevitably lead to delay in delivering service improvements, fail to address current capacity issues at senior management level, and cause uncertainty amongst the Council's workforce.

CHAIRMAN

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** Thursday, 21 June 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 8.15 pm

Members Present: Councillors J Philip, C Whitbread, A Grigg, H Kane and S Kane

Apologies: G Mohindra, A Lion and S Stavrou

Officers Present: P Maddock (Assistant Director (Accountancy)), D Macnab (Acting Chief Executive), D Bailey (Head of Transformation), E Higgins (Insurance & Risk Officer), S McNamara (Procurement Manager), M Chwiedz (Performance Improvement Officer), G. Nicholas (Senior Project Improvement Officer), R Perrin (Democratic Services Officer) and A Rose (Marketing & Digital Content 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 meetings.

2. Substitute Members

The Cabinet Committee noted that Councillor S Kane would substitute for Councillor G Mohindra and Councillor H Kane would substitute for Councillor A Lion at this meeting.

3. Appointment of Chairman

In the absence of the Chairman, the Leader requested nominations for this role, for the meeting.

RESOLVED:

That Councillor C Whitbread be elected as Chairman for the duration of the meeting.

4. Declarations of Interest

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

5. Minutes

RESOLVED:

That the minutes of the meeting held on 22 March 2018 be taken as read and signed by the Chairman as a correct record.

6. Key Performance Indicators - 2017/18 Quarter 4 (Outturn) Performance.

The Performance Improvement Officer reported that the Council was required to make arrangements to secure continuous improvement in the way in which its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness. As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's service priorities and key objectives, were adopted each year. Performance against all of the KPIs was reviewed on a quarterly basis.

The position with regard to the achievement of target performance for the KPIs at the end of the year (31 March 2018) was as follows:

- (a) 21 (66%) indicators achieved the cumulative end of year target;
- (b) 11 (34%) indicators had not achieve the cumulative end of year target, although 5 (16%) of the KPIs had performed within the agreed tolerance for the indicator.

The Outturn performance against the indicator set for this year was slightly worse than last year when 28 (75%) of the 37 indicators had achieved target.

The members enquired about RES 002 – What percentage of the invoices we received were paid within 30 days? The Assistant Director of Accountancy advised that this KPI was marginally short of the target and this should improve with the introduction of electronic invoicing across the Council.

Resolved:

- (1) That the Quarter 4 performance for the Key Performance Indicators adopted for 2017/18 be noted.

Reasons for Decision:

The KPIs provided an opportunity for the Council to focus attention on how specific areas for improvement would be addressed, and how opportunities would be exploited and better outcomes delivered. It was important that relevant performance management processes were in place to review and monitor performance against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

Other Options Considered and Rejected:

No other options were appropriate in this respect. Failure to review and monitor performance could mean that opportunities for improvement were lost and might have negative implications for judgements made about the progress of the Council.

7. Corporate Plan 2018-2023 - Benefits Maps, Performance Indicator Set, Targets and Progress Reporting

The Head of Transformation presented a report on the Corporate Plan 2018-2023 including the benefits maps, performance indicator set and target and progress reporting.

The new Corporate Plan runs from 2018/19 to 2022/23 and lays out the journey the Council would take to transform the organisation to be 'ready for the future'. This plan

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links the key external drivers influencing Council services, with a set of corporate aims and objectives, grouped under three corporate ambitions.

The success of the new Corporate Plan would be assessed through the achievement of a set of benefits, focussed on what the Council achieves for customers. These benefits in turn were evidenced through a set of performance indicators, with each indicator having a target and amber tolerance threshold. A Corporate Specification for each year details how the Corporate Plan was being delivered through operational objectives, with these in turn linked to annual business plans and projects and programmes from the Transformation Programme.

A combined quarterly report, containing the benefits maps, performance indicator set, Corporate Specification and Transformation Programme Highlight Report was proposed, to supersede these separate reports. The report gave an overview of performance across the Corporate Plan using benefits maps and Red-Amber-Green traffic light status indicators.

The Cabinet Sub-Committee discussed the Corporate Plan benefits maps and performance indicator set which they felt required further work, to provide a clearer understanding of what the proposed targets were for each year as a measurement and that the commentary referred back to background documents.

The following comments were made regarding the Performance Indicators 2018/19 – Proposed Targets;

- M1.1 – Delivery of the Epping Forest Health and Wellbeing Strategy – that the target 2018/19 needed to be clearly defined;
- M1.3 – Percentage of Independent Living Homes in the district – that the target for 2018/19 did not match the target commentary and should be nil for 2018/19;
- M1.4 – Cost of Bed & Breakfast accommodation for homeless people – that the target should be reduced to reflect when the pods become available and that the amount of the budget be reflected in the target not the savings;
- M2.1 - Number of safeguarding concerns – that the target should be on the action taken rather than the amount of incidents reported;
- M2.3 – Compliance checks on housing council tax support benefit – that the target be amended to 20% of claims checked per year;
- M3.1 - Number of community leaders and volunteers – that the target be reflected as a number not a percentage;
- M3.3 – Cultural activity attendance – to define whether the cultural activities or increasing attendance at cultural events was the target;
- M3.4 – Number of reported crimes – that the target should reflect the outcome or action taken, as this was not in the Councils control;
- M4.4 - What percentage of our district had unacceptable levels of litter – to correct a typo in the title to litter;
- M5.1 – Number of new dwellings completed in the district – that the target was unrealistic and should be set in between historical data and what the Council would like to achieve;
- M6.3 – Maximisation of Business Rates Tax Base – that the title be changed to ‘Increasing of Business Rates Tax Base’ and the target required clarification;
- M6.5 – Visits to the Council’s ‘Visit Epping Forest’ Website – that the target should be number, not a percentage;
- M7.2 – Customer first contact resolution – that the description needed to include details on the information being collected and whether first contact had resolved the issue or if it was a follow up call;

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- M7.3 – Customer complaints resolved – that target was a number and not a percentage;
- M8.1 Cabinet Structure and M8.2 – Council Structure – that the target should be based on the decision not whether the structure changed;
- M8.5 – Turnout for Youth Council elections – that the target should relate to the number of young people nominating themselves for election;
- M8.6 – Delegated authorities for officers – that no target should be set until the Constitutional review had taken place;
- M9.1 Workforce operational costs – that there was consistent between the target 2018/19 and commentary and the target was a number not a percentage;
- M9.7 Successfully delivered projects – that the target should be reflected as a number not a percentage;
- M10. 3– Staff workstation to head ratio – that a change to the title be made ‘Staff desks to head ratio’;
- M10.4 – Income from commercial leases – that the description reflect the increasing in total income which included new leases and the removal of ‘and contracts’ from the description.

The Chairman advised that the corporate plan in its entirety should be brought back for consideration and that officers should report back to the Cabinet and Management Board meeting before it was brought back before members for a decision.

Resolved:

- (1) That, minor amendments to the Corporate Plan 2018-2023 authorised by the Leader of the Council in consultation with the Chief Executive, be noted;
- (2) That a combined quarterly report, containing the benefits maps, performance indicator set, Corporate Specification and Transformation Programme Highlight Report, which supersede these separate reports, be agreed; and
- (3) That the Performance Indicators 2018/19 – Proposed Targets be reviewed by the Management Board joint meeting with Cabinet.

Reasons for Decisions:

The Council has ambitious plans for the future and a clear corporate plan was essential. The Corporate Plan sets out a clear and cohesive view from strategic drivers, through aims and objectives, to benefits which measure real improvements for customers. This plan would enable the Council to focus on what was most important to our stakeholders – what ‘good’ looks like. The Corporate Plan included a set of benefits maps which show how the success of the plan would be measured, and collectively indicate how well the Council was delivering the benefits to the customers. These arrangements demonstrate how the Council secures the management of change and continuous improvement, having regard for economy, efficiency and effectiveness. A set of performance indicators and benefits measures was agreed each year, with targets.

The Corporate Plan 2018-2023 was adopted by Council in December 2017. It was agreed that the four Select Committees – Communities, Governance, Neighbourhoods and Resources – be consulted on the draft benefits maps and performance indicator set. This consultation ensures that the benefits maps had both the style and the content which the Select Committees found most useful in undertaking their scrutiny of Council performance. Final benefits maps and

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performance indicator set profiles would be agreed by the Finance and Performance Management Cabinet Committee, in consultation with the Head of Transformation.

A combined report, bringing together the performance of the Council against the Corporate Plan would supersede the current Key Performance Indicator, Corporate Plan Key Action Plan, and Transformation Programme Highlight Reports. This combined report would give 'clear line of sight' for performance across the Council via the new benefits maps.

Other Options Considered and Rejected:

The Committee could, in consultation with the Head of Transformation, agree that specific components of the proposed performance indicator set, targets and/or benefits maps be further reviewed, amended or removed, or new components be considered and included (Report to Cabinet, 7 December 2017).

The Committee could ask for specific components of the Corporate Plan to be further reviewed, amended or removed, or new components to be considered and included, as authorised by the Leader of the Council in consultation with the Chief Executive (Report to Council, 21 December 2017).

8. Essex Procurement Hub SLA 2019-23

The Procurement Manager presented a report regarding extending the Essex Procurement Hub Service Level Agreement for a further 4 years until 2023.

He advised that Epping Forest District Council had been a member of the Essex Procurement Hub, run by Braintree District Council since 2006, which included other members such as Colchester, Castle Point, Rochford and Maldon Councils. The Hub provided a professionally qualified procurement resource, expertise and advice to all EFDC officers 3 days a week and ran procurement exercises on the Council's behalf when required. Furthermore, in the last 12 months it had also provided access to an e-Tendering system at no extra cost.

The Cabinet Sub-Committee commented that the Essex Procurement Hub provided value for money.

Resolved:

That the proposal to sign an extended agreement (4 years) to allow Epping Forest DC to remain members of the Essex Procurement Hub be noted.

Reasons for Decision:

The Council was nearly at the end of the period covered by the current Service Level Agreement, and a decision was required as to whether or not the Council would sign the new Agreement, which would commence from April 2019.

Other Options Considered and Rejected:

There were no other options to consider.

9. Provisional Revenue Outturn 2017/18

The Assistant Director (Accountancy) provided the Cabinet Sub-Committee with an overall summary of the revenue outturn for the financial year 2017/18.

The net expenditure for 2017/18 totalled £12,766,000, which was £343,000 (2.7%) below the original estimate agreed in February 2017 and £96,000 (7.5%) below the revised estimate compiled in December 2017. The variance on the revised position was almost entirely due to a change in accounting treatment relating to the rent free periods on the shopping park.

There was an in year surplus on the business rates collection fund of £1,115,000 which had moved the fund into an overall surplus of £1,028,000. There was still a significant amount set aside for Business Rate appeals

The medium term financial strategy had estimated that the Council's portion of the deficit on the business rates collection fund would be £542,000 and on the council tax collection fund would be a surplus of £192,000. In actuality, the business rates collection fund showed a surplus at the end of March 2018 of £411,000 and the Council Tax collection fund showed a surplus of £119,000 which would be paid into the General Fund in future years and provided a combined net position of £880,000 better than anticipated.

The Continuing Services Budget (CSB) expenditure was £343,000 below the original estimate and £830,000 lower than the revised. The variances had arisen on both the opening CSB, which was £252,000 above the revised estimate, and the in-year figures which were £1,082,000 lower than the revised estimate.

Unlike most recent years, when measured against the original budget, salaries were overspent by £99,000. Actual salary spending for the authority in total, including agency costs, was £23,439,000 compared against an original estimate of £23,340,000. When comparing to the revised estimate there was an underspend of £301,000, most of which related to the General Fund, although some salary costs were DDF and showed a small underspend.

The actual opening CSB was £38,000 below the original and £252,000 above the revised position. The main overspend related to Housing Benefits expenditure but this was offset partially by the underspend on salaries.

The in year CSB movements were rather different to the revised estimate, with the actual CSB in year reduction of £1,763,000 being £1,082,000 lower than the revised estimate. The largest individual item was a change in accounting treatment for the rental income from the shopping park. In effect income relating to the whole period of the leases had been spread over the whole period rather than just the time when income was actually received. The effect was that additional CSB income originally included in later periods had been accounted for in 2017/18 and there would be no change to the overall position once all tenants were paying. The other two more significant items were a reduction in expected savings from the leisure contract of £106,000 due to some additional maintenance and TUPE related costs and offsetting this, additional interest income of £148,000 as cash balances available for investing did not reduce as quickly as expected.

A transfer to the DDF of £1,000,000 was included in the Medium Term Financial strategy and revised budget as there would be a significant one off expenditure over the next couple of years as the people strategy was implemented.

The net DDF expenditure was £968,000 which was £922,000 below the original estimate and £1,333,000 below the revised estimate. There were requests for carry forwards totalling £1,470,000 and therefore the variation actually equated to a £137,000 net over spend on the DDF items undertaken. These one-off projects were

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akin to capital, in that there was regular slippage and carry forward of budgetary provision.

The DDF increased between the Original and Revised position by £411,000, overall this was more significant than the previous year and as always there were some large swings on both income and expenditure. On the Income side additions relating to the technical agreement with major preceptors (£285,000) and various benefit related grants (£111,000). Offsetting this was an amount included for the People Strategy costs (£300,000), reduced Development Control income (£205,000), amounts brought forward from 2016/17 and additional resources provided for the Local Plan (£199,000), and an amount brought forward relating to the Garden Town project of £178,000. As always there were a significant number of other more minor items of both additions and reductions to the programme totalling £75,000.

The £1,333,000 difference against the revised estimate arose largely in the Neighbourhoods Directorate with an underspend of £971,000 showing. The main two items related to £272,000 slippage on Local Plan expenditure and £527,000 relating to additional income and slippage on the Garden Town project. Other significant underspends were Revenues Staffing (£84,000), Building Maintenance (£83,000), unused Flexible Homeless Grant (£83,000) and Smart Places funding (£70,000).

The DDF with the balance as at 31 March 2018 being £4,220,000, was actually a small increase on the previous year. However with the expected spend in 2018/19 particularly relating to the People Strategy, there would be nothing left unallocated in the DDF going forward so any further DDF requirements would need to be met via a transfer from the General Fund. The spending from the Invest to Save fund was expected to be exhausted by the end of 2018/19.

A deficit within the HRA of £1,674,000 and of £1,564,000 was expected within its original and revised revenue budgets respectively; the actual outturn was a deficit of £1,576,000. There was therefore a difference of only £12,000 between the revised estimate and the actual. The major change between the Original and Revised estimates was due to the cessation of the transitional measures regarding depreciation brought in when the Housing Subsidy system had ended. The variance between the actual and revised was due to a lower depreciation charge, which had in turn enabled the Council to increase the contribution to capital by a similar amount. The HRA started the new financial year in a slightly better position than expected at £2,280,000. There was still significant uncertainty facing the HRA going forward with continued 1% rent reductions and the potential high value void levy

Recommended:

- (1) That the provisional 2017/18 revenue outturn for the General Fund and Housing Revenue Account (HRA) be noted;
- (2) That as detailed in Appendix E, the carry forward of £1,470,000 District Development Fund (DDF) and £23,000 Invest to Save Reserve (ITS) expenditure be noted.

Reasons for Decision:

To note the provisional revenue outturn.

Other options Considered and Rejected:

No other options proposed.

10. Provisional Capital Outturn 2017/18

The Assistant Director (Accountancy) advised that the report set out the Council's capital programme for 2017/18, in terms of expenditure and financing, and compared the provisional outturn figures with the revised estimates. The revised estimates, which were based on the Capital Programme, represented those adopted by the Council on the 22nd February 2018.

The overspends totalled £13,000 on the General Fund, £144,000 on the HRA, and £37,000 on REFCuS schemes. There were savings of £35,000 on the General Fund and £355,000 on the HRA. In terms of slippage, carry forwards were recommended for totals of £799,000, £2,468,000, £67,000 and £30,000 for the General Fund, HRA, loans and REFCuS respectively; and brought forwards were recommended for totals of £1,355,000 and £15,000 for the General Fund and HRA respectively. Other variations total £11,000 on the General Fund and £5,000 on the HRA which represented additional expenditure funded from external and direct revenue sources.

The Assistant Director (Accountancy) advised that the funds available to finance the capital programme include Government grants, other public sector grants, private contributions to capital schemes, capital receipts and direct revenue funding from the General Fund and HRA. Initially any specific grants and private contributions made for particular projects were used to finance the appropriate projects, taking into account any restrictions with regard to usage and time scales. Other sources of capital finance, which carried restrictions, were also applied at the earliest opportunity in order to avoid losing potential funds and included the element of capital receipts generated from the sale of council houses, which was available solely for replacement affordable housing (often referred to as 1-4-1 receipts) and must be used within three years of receipt. As a consequence, the maximum sum allowable had been applied to the 2017/18 HRA house building programme.

Another element of capital receipts available for capital funding was known as 'attributable' or 'allowable' debt. The Council was free to use all, none or indeed a portion of the money to fund HRA expenditure. Cabinet had made a decision to use part of this sum for the new housebuilding programme, based on 30% of the 'assumed' debt of Council dwellings, calculated when the new self-financing regime was introduced in April 2012. The sum calculated for 2017/18 was £104,000.

In total, grants of £788,000 were used last year compared to an estimated sum of £666,000, representing an increase of £122,000. This resulted primarily from the increase in private funding made available by more section 106 monies having been received for funding the new housebuilding programme. Other private contributions utilised included a section 106 sum of £23,000 relating to the St John's school site used by Epping Town Council to renovate the Jack Silley pavilion, a contribution of £30,000 for an improved retail unit in Loughton Broadway and a contribution of £14,000 for the Shopping Park.

The generation of capital receipts was £2,533,000 higher in 2017/18 than had been anticipated, which was mostly due to more council houses being sold than expected. A total of 42 properties were sold in 2017/18 compared to 46 in 2016/17. Consequently the total 1-4-1 capital receipts retained for replacement homes were £1,908,000 higher than anticipated. In addition to this, the Council received further capitals receipts after the budgets were prepared, the largest of which was the repayment of a loan to Brentwood Borough Council. As a result of the higher level of capital receipts, more funds were available to finance the capital programme than anticipated and the unused HRA capital receipts were used to partially fund the new

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shopping park by way of an internal loan. This meant that the year-end balance on the Capital Receipts Reserve was maintained at zero as at 31 March 2018.

The external borrowing had been avoided in 2017/18, partly by means of the internal borrowing of HRA capital receipts by the General Fund and partly by utilising other General Fund reserves of £13,239,000. However, the Council would need to borrow externally in 2018/19 to be able to fund its General Fund capital programme.

With regard to the use of direct revenue funding, the HRA contribution of £6,171,000 was higher than the revised budget by £991,000. The use of funds from the Major Repairs Reserve was £922,000 lower as a result. However, there was a reduction in the Major Repairs Allowance transfer, which resulted an overall reduction in the in the Major Repairs balance to £11,693,000 as at 31 March 2018. On the other hand, no funds had to be withdrawn from the HRA Self-financing Reserve, so maintaining the balance at £12,720,000.

The Cabinet Sub-Committee noted the report.

RECOMMENDED:

- (1) That the provisional outturn report for 2017/18 be noted;
- (2) That retrospective approval for the over and underspends in 2017/18 on certain capital schemes as identified in the report be recommended to Cabinet;
- (3) That approval for the carry forward of unspent capital estimates into 2018/19 relating to schemes on which slippage had occurred be recommended to Cabinet;
- (4) That approval of the funding proposals outlined in this report in respect of the capital programme in 2017/18 be recommended to Cabinet;
- (5) That the approval to enhance the 2018/19 HRA structural schemes budget by £653,000 via a combination of virements of £494,000 from other budgets in 2018/19 and £159,000 of savings generated in 2017/18 be recommended to Cabinet;
- (6) That the approval for other virements within the HRA capital programme totalling £372,000 to supplement the windows, doors and roofing budget and the disabled adaptations budget as detailed in the report be recommended to Cabinet;
- (7) That the approval to bring forward a budget of £30,000 for an urgent planned maintenance project from 2020/21 to 2018/19 be recommended to Cabinet.

Reasons for Decision:

The funding approvals requested were intended to make best use of the Council's capital resources that were available to finance the Capital Programme

Other Options for Action:

The Council's current policy was to use all HRA capital receipts from the sale of assets, other than Right to Buy Council House sales, to fund the Council's house building programme. However, Members had the option to use these capital receipts for other HRA or General Fund schemes if they chose. This option had been rejected to date because, unless HRA receipts were applied to affordable housing schemes,

50% of each receipt would be subject to pooling i.e. the council would be required to pay 50% of these receipts to central government.

The Council retained an element of the right to buy receipts classified as 'allowable' debt. It had been agreed that 30% of the 'assumed debt' part of this element should be set aside to help finance the HRA housebuilding programme. The percentage applied to the housebuilding programme was seen as reasonable but could be amended.

11. Risk Management - Corporate Risk Register

The Risk Management and Insurance Officer presented a report regarding the Councils Corporate Risk Register.

The Corporate Risk Register had been considered by the Risk Management Group on 22 May 2018 and Management Board on 6 June 2018. The review identified amendments and one new risk as follows;

(a) Risk 1 Local Plan

The risk had been extensively updated to clearly reflect the Vulnerability, Trigger and Action Plan. The Vulnerability advised the need for the Local Plan to be submitted within six months of the publication of the revised National Planning Policy Framework (NPPF), which was expected in summer 2018. Missing this timescale would result in the Council having to use the standard methodology, which would see a much increased housing target of around 923 per annum, rather than the 518 homes currently identified as the District's housing requirement. The Trigger advised that the Council was awaiting the decision on a claim for judicial review, which was holding up the submission of the Local Plan Submission Version (LPSV). The outcome of the review could result in the Council having to take the LPSV back to full Council and a further Regulation 19 publication prior to submission. The Action Plan advised the current controls and actions to address the risk and also the required further management actions.

(b) Risk 9 Safeguarding

The existing controls had been updated to advise the development of a bespoke EFDC e-learning training resource which all EFDC staff and Members would be required to undertake. The update also advised of a bespoke face to face training session. Both these training developments would be rolled out during summer 2018.

(c) New Risk 12 Waste Management

A new Waste Management risk had been added to the Corporate Risk Register. The risk centres on the ability of the Council's partner waste contractor securing profitable outlets for recycling materials processed through the Material Recycling Facility (MRF) and the possible reduction in income. The trigger for the risk had been brought about due to the Chinese government banning the import of MRF paper, which had resulted in the saturation in the commodity market. Management Board were to continue monitoring the costs and market fluctuations. The new risk had been scored C2 (Medium Likelihood/Moderate Impact).

Resolved:

- (1) That the Vulnerability, Trigger and Action Plan for Risk 1 be updated;

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- (2) That the existing controls for Risk 9 be updated;
- (3) That the wording and scoring for the new risk 12 - Waste Management be agreed;

Recommended:

- (4) That the amended Corporate Risk Register be recommended to Cabinet for approval.

Reason for Decision:

It was essential that the Corporate Risk Register was regularly reviewed and kept up to date.

Other Options Considered and Rejected:

Members to suggest new risks for inclusion or changes to the scoring of existing risks.

12. Any Other Business

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

CHAIRMAN

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DISTRICT DEVELOPMENT FUND 2017/18 - 2018/19

Directorate	Description	C/Fwd £000's	Year of Approval	Comments
Chief Executive	Transformation Prototype Fund	29	2016/17	
		<u>29</u>		
Communities	Legal Challenges	15	2017/18	Contingency Budget reviewed annually
	Flexible Homelessness Grant	64	2017/18	Unspent Grant money
	Homelessness Data Grant	9	2017/18	Unspent Grant money
	Flexible Homelessness Grant : Incentives for Genesis	8	2017/18	Unspent Grant money
	Flexible Homelessness Grant :Zinc Arts	2	2017/18	Unspent Grant money
	Security Costs	12	2017/18	
		<u>110</u>		
Governance	Development Control Agency Staff	11	2017/18	
	Document Scanning	29	2017/18	
	Casual Staff Re Scanning / Indexing Building Control Files	5	2017/18	
	Individual Registration Costs	9	2017/18	
	Trees and Landscape Agency Staff	5	2017/18	
	Local Land Charges Agency Staff	7	2017/18	
	Contingency for Appeals	9	2017/18	Contingency Budget reviewed annually
		<u>75</u>		
Neighbourhoods	Economic Development Strategy	8	2015/16	
	Town Centres Support	13	2015/16	
	Smart Places	87	2015/16	
	Local Plan	272	2017/18	Budget reviewed quarterly
	Strategic Implementation Team	100	2017/18	
	Brownfield Register	17	2016/17	
	Garden Town	527	2017/18	Additional funding received toward year end
	Community Housing	54	2017/18	Additional funding received toward year end
	Open Spaces - Tree Planting	(1)	2016/17	
	Roding Valley Development - Woodland Planting	10	2016/17	
	Roding Valley Dev. - Demolition of Building Roding Lane	7	2017/18	
	DCLG recycling reward scheme	18	2016/17	Unspent Grant money
	Reduction in recycling income	(75)	2017/18	
		<u>1,037</u>		
Resources	Planned Building Maintenance Programme	38	2017/18	
	Waltham Abbey Kiosk Replacement & Licence fees	(5)	2016/17	
	Local Council Tax New Burdens Expenditure - E-Services	(2)	2016/17	
	Implementation of People Strategy	32	2016/17	
	Benefits Specific Grants - Data Matching	8	2015/16	Unspent Grant money
	Benefits Specific Grants	9	2016/17	Unspent Grant money
	Benefits Specific Grants - Agency Staff / Equipment New	19	2017/18	Unspent Grant money
	People Team additional resources	36	2017/18	
	Temporary Additional Staffing	84	2016/17	
		<u>219</u>		
	Total	<u><u>1,470</u></u>		
INVEST TO SAVE RESERVE 2017/18 - 2018/19				
Chief Executive	Behavioural Insights project	<u>4</u>	2017/18	
Neighbourhoods	Replacement LED lighting	1	2016/17	
	New Car Parks	13	2017/18	
	Vere Road Pay & Display	5	2017/18	
		<u>19</u>		
	Grand Total	<u><u>23</u></u>		

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** Thursday, 26 July 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 7.37 pm

Members Present: Councillors G Mohindra (Chairman), A Lion, J Philip, S Stavrou and C Whitbread

Other Councillors:

Officers Present: P Maddock (Assistant Director (Accountancy)), R Perrin (Senior Democratic Services Officer), A Rose (Marketing & Digital Content Officer) and D Bailey (Head of Transformation)

13. 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 meetings.

14. Substitute Members

The Cabinet Committee noted that there were no substitute members for this meeting.

15. Declarations of Interest

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

16. Minutes

RESOLVED:

That the minutes held on 21 June 2018 be taken as read and signed by the Chairman as a correct record.

17. Any Other Business

That, as agreed by the Chairman of the Cabinet Committee and in accordance with Section 100B(4)(b) of the Local Government Act 1972, the following items of urgent business be considered following the publication of the agenda:

- Annual Governance Report; and
- Financial issues Paper.

18. Annual Governance Report

The Assistant Director (Accountancy) presented a report regarding the Annual Governance Report. The International Standard on Auditing 260 required the

Finance and Performance Management Cabinet Committee
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External Auditor to report to those charged with governance on certain matters before they gave an opinion on the Statutory Statements of Accounts. The audit of the Council's Statutory Statement of Accounts for 2017/18 would be presented to the Audit and Governance Committee on 30 July 2018.

The audit report highlighted the key findings of the financial statements of the Council for the year ending 31 March 2018, and had only been received today as the audit was still ongoing and had been tabled for information.

The Assistant Director (Accountancy) advised the Cabinet Committee that the key findings were;

(a) That no additional significant audit risks had been identified during the course of the external audit procedures subsequent to the Audit Plan on 19 January 2018;

(b) That the final materiality was £2,000,000, which had not required reassessment;

(c) That there were no significant changes to the planned audit approach nor were any restrictions placed on the audit;

(d) That the audit identified the following material misstatements:

- Upon transfer of the Langston Road Retail Park from Assets Under Construction to Investment Properties, the Revaluation Reserve balance was not removed via the Capital Adjustment Account. The revaluation reserve was therefore overstated by £6.503 million and this had been adjusted in the revised financial statements;

- The St John's Road site was classified as an asset held for sale within current assets at £6.139 million in the draft financial statements. However, planning permission had not yet been granted on the site and therefore the site should have been classified as a surplus asset within non-current assets. Surplus assets were consequently understated by £6.139m and this had been adjusted in the revised financial statements; and

- The Essex Pension Fund actuary reissued its IAS19 actuarial valuation report in June 2018 following publication of the Council's draft financial statements as there had been a significant movement in the estimate used in the actuarial calculation and the actual fund value at the year end of £111 million. The impact for the Council was that the pension scheme liability had increased by £2.859 million to £74.860 million and this had been adjusted in the revised financial statements.

(e) That there had been no unadjusted audit differences;

(f) That the audit identified no significant deficiencies in internal controls;

(g) That following the receipt of the draft accounts, the Pension Actuary had issued an updated IAS19 report and the audit was in progress;

(h) That a number of presentational changes had been made to the draft financial statements as a result of the audit;

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(i) That management reported at the end of the year a General Fund balance of £6.7 million, which was an improved position compared to the opening balance of £0.5 million predominantly due to a change in accounting treatment. Management were planning for reserves to be 37% of the Council's net funding requirement by 2021/22 with the minimum requirement being set by Members at 25%;

(j) That the Council had healthy levels of reserves when compared to the minimum requirement and a strong asset base. The impact of the Transformation Programme and the commercial strategy the Council had adopted on its finances were appropriate to continue to deliver the strategies;

(k) That subject to the successful resolution of outstanding matters, it had been anticipated that a unmodified opinion on the financial statements for the year ended 31 March 2018 would be issued;

(l) That there were no exceptions to report in relation to the consistency of the Annual Governance Statement with the financial statements; and

(m) The Council was below the audit threshold for a full assurance review of the Whole Government Accounts return and no other powers or duties under the Local Audit and Accountability Act 2014 had been exercised.

Resolved:

That the External Auditor's Annual Governance Report be noted.

Reason for Decision:

To ensure that Members were informed of any significant issues arising from the audit of the Statutory Statement of Accounts.

Other Options Considered and Rejected:

The report was for noting, no specific actions were proposed.

19. Financial issues Paper

The Assistant Director (Accountancy) advised that the report provided a framework for the Budget 2019/20 and updated Members on a number of financial issues that would affect the Authority in the short to medium term.

He advised that following the General Election on 8 June 2017, a formal date had now been set for leaving the EU on 29 March 2019; the economy had endured low interest rates for nearly a decade with further rate increases yet to materialize; the Consumer Prices Index (CPI) had fallen to 2.3%; and firmly remained within the tolerance set by Government. It was hoped that the Autumn budget would provide more clarity on the two big issues of the Fair Funding Review and Business Rates Retention and it was unlikely that any improvement in District Council funding would be seen in the near future.

The Assistant Director (Accountancy) advised that the following issues represented the greatest areas of current financial uncertainty and risk to the Authority;

Central Government Funding – The Settlement Funding Assessment (SFA) had reduced over the four year period by £2.48m or over 45%. Consequently, resulting in a negative Revenue Support Grant of £0.28 million in 2019/20 and an additional tariff

to be paid to Central Government. Currently no information had been provided on the settlement for 2019/20, although the Fair Funding Review (FFR) would affect allocations and distributions between local authorities from 2020/21 onwards. It had been assumed that the FFR would affect New Homes Bonus, Housing Benefit Admin grant and how Business Rates retention was going to evolve over the next few years.

The Council had increased Council Tax in 2018/19 by 2.48% to provide for additional policing for three years and the MTFs had assumed that the police contribution would cease after the three years with Council tax reverting to its former level. The Local Council Tax Support (LCTS) funding would also be phased out by 2019/20.

Business Rates Retention - There was very little growth anticipated after 2017/18 despite the building of the retail park and other known likely developments within the district with particular caution required over the estimates for 2017/18 and beyond. The new rating list was being used and there was still no data available. The complexity around the introduction of the new list had been made worse by changes to transitional relief and the appeals system; however there were still around 100 outstanding appeals from the previous list including the one property in the south of the district which had a rateable value approaching £6 million. The total provision against appeals was currently £3.39m.

This time last year the Government announced 100% local retention of business rates which has since been amended to 75% with a view for implementation in 2020/21. In addition, a proposal within the FFR formula suggested that the average Council Tax be used to calculate the assumed amount a Council could raise from the Council Tax and that the Council Tax be set in line with the average for the Country, which was much higher. Lastly, the Council remained within the business rates pool for 2018/19.

Welfare Reform - Overall the Local Council Tax Support (LCTS) had been successful in collecting some Council Tax from most of the people receiving support. The Universal Credit (UC) had been progressing slowly with different parts of the district moving over to UC at different times. Originally bed and breakfast accommodation had been included in UC but the DWP made the decision to remove this. Clarity over the time period and process for the migration of the existing housing benefit claims to UC and the role local authorities would perform under the new system were still awaited. The grant paid to local authorities to administer housing benefit would also see a further reduction of £29,000 for 2018/19.

New Homes Bonus - During 2017/18 significant changes were made to the way New Homes Bonus (NHB) was allocated and the reductions in grant were far greater than had been anticipated. In 2018/19 it had dropped to £849,000, a fall of over £1,100,000 and estimates in 2019/20 and 2020/21 were £700,000 and £200,000 respectively, so in a relatively short period of time the income source had been removed almost entirely. However, given the significant number of properties due to be constructed in the district set out in the Local Plan, it could be reasonable to assume that NHB would increase again.

Development Opportunities - The retail park was now operational with only one unit still under negotiation and once all units were operating, the income from leases should be over £2,500,000. The MTFs still showed a more prudent view to allow for any shortfall, management costs and interest. It was anticipated that the St Johns development agreement would be concluded within the next couple of weeks and that the capital receipt would be available to the Council around May 2019. The former Winston Churchill pub site was progressing well and the majority of the units were under offer or in negotiation with the MTFs assuming income of £350,000.

There had been a small overspend on the General Fund capital programme, but the programme had been funded without any additional borrowing. However, going forward any significant additional capital expenditure either HRA or General Fund would no longer be freely available and borrowing costs would need to be considered as part of any option appraisal.

Transformation - The front Council Offices had now been listed by Historic England, which had put the accommodation review back. Discussions were being held with Historic England to establish what could be achieved in order not to breach the listing conditions and free up the Conder Building and rear extension part of the site for redevelopment. The remaining unallocated monies within the Invest to Save reserve had been allocated to the accommodation review. The People and ICT Strategy were both now underway with one of the two Strategic Director being recruited and the structure and interviews commencing for Service Director Level. The Business Support team had brought together other parts of the Council in order to provide a comprehensive council wide support and admin unit that would reduce duplication and increase efficiency.

Waste and Leisure Contracts - The Waste and Street Cleaning service had been procured at a lower cost with the savings being included in the MTFS. However, since then there had been further increases relating to loss of recycling income and in June 2018, the requirement of additional funding to meet the issues relating to the Chinese recycling market. These costs were not sustainable in the long term and various options were being discussed with Biffa at the Waste Management Partnership Board, to examine how overall costs could be reduced in future years. The current Leisure Management contract started on 1 April 2017 with Places for People for a period of 20 years. Over the lifetime of the contract the average CSB savings would be more than £1,000,000 per year and given the length and value of the contract.

Miscellaneous – It was noted that Members should be advised of the potential recession and there had been a period of slow growth and inflation. Consequently, any property related income streams such as development control and rent from commercial estate could suffer and be magnified as the proportion of the income coming from retained business rates increased. The Council's single largest cost was the annual pay bill of around £24m, with the pay award for 2018/19 averaging out at around 2.3%, 2.5% in 2019/20, 2% in 2020/21 and 1% in 2021/22.

The Cabinet Committee noted that the Council remained in a strong financial position and had substantial reserves during a period of uncertainty and higher level of financial risk. There was particular uncertainty around the financing situation for 2020/21 and beyond.

Recommended:

1. That the establishment of a new budgetary framework including the setting of budget guidelines for 2019/20 be set including;
 - (a) The ceiling for Continuing Services Budget expenditure be no more than £12.689 million including net growth;
 - (b) The ceiling for District Development Fund expenditure be no more than £553,000;
 - (c) That balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement; and
 - (d) The District Council Tax not be increased, with Council tax for a Band 'D'

property remaining at £152.46.

2. That the revised Medium Term Financial Strategy for the period to 2021/22 be developed accordingly;
3. That the Medium Term Financial Strategy be communicated to staff, partners and other stakeholders;
4. That the parish support grants be implemented in equal stages to achieve complete removal by 2019/20.

Reasons for Decision:

By setting out clear guidelines at this stage the Committee established a framework to work within in developing growth and savings proposals. This should help avoid late changes to the budget and ensure that all changes to services had been carefully considered.

Other options Considered and Rejected:

Members could decide to wait until later in the budget cycle to provide guidelines if they felt more information, or a greater degree of certainty, were necessary in relation to a particular risk. However, any delay would reduce the time available to produce strategies that comply with the guidelines.

CHAIRMAN

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Asset Management and Economic Development Cabinet Committee **Date:** Thursday, 19 July 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 7.55 pm

Members Present: Councillors A Grigg (Chairman), N Avey, H Kane, S Kane and J Philip

Other Councillors: Councillor J M Whitehouse

Apologies: G Mohindra

Officers Present: D Macnab (Acting Chief Executive), M Warr (Economic Development Officer), J Leither (Democratic Services Officer) and S Kits (Social Media and Customer 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 meetings.

2. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor J Philip substituted for Councillor G Mohindra.

3. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor N Avey declared a personal interest in agenda item 7, St John's Road Development by virtue of being the Chairman of Epping Town Council. The Councillor had determined that his interest was non-pecuniary but would leave the meeting if the discussion became too detailed and required a pecuniary interest to be declared.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 7, St John's Road Development by virtue of being an Epping Town Councillor and a resident of St John's Road, Epping. The Councillor had determined that his interest was non-pecuniary but would leave the meeting if the discussion became too detailed and required a pecuniary interest to be declared.

4. MINUTES

Resolved:

That the minutes of the meeting held on 19 April 2018 be taken as read and signed by the Chairman as a correct record.

5. ECONOMIC DEVELOPMENT - PROGRESS REPORT

The Economic Development Officer (EDO) presented a report to the Cabinet Committee and updated them on a number of projects and issues being explored by the Economic Development Team.

6. Digital Innovation Programme

At the last meeting of the Cabinet Committee held on the 4 April 2018, at the request of the Chairman, the EDO agreed to give a presentation to the Cabinet Committee regarding the background of the Digital Innovation Programme. The EDO advised that with the Digital Innovation Strategy now due to be launched in September 2018 rather than July 2018 a more substantial presentation would now come to the next meeting of the Cabinet Committee on the 18 October 2018.

A team led by Epping Forest District Council (EFDC) on behalf of the DIZ Board and in conjunction with Princess Alexandra Hospital, West Essex CCG and Essex Partnership University Trust had been successful in gaining a place on the LGA / The Design Council programme 'Design in the Public Sector' and had been examining options to use digital approaches to reduce A&E attendance amongst the Over-75s. The training programme had now concluded but the work continued and the Economic Development Team were currently prototyping laptop technology for ambulance crews to improve the flow of patient information. The LGA had approached EFDC to feature the project in 'first' magazine and the article would be published in the edition at the end of July 2018.

7. Superfast Broadband

The Rural Challenge Project had now been completed. The Project had seen in excess of 4,000 properties connected to the fibre broadband network installed by Gigaclear.

Following agreement by the Cabinet to contribute a further £350,000 of Council funding towards further broadband infrastructure, Phase 4 could begin and would bring a further 2,188 properties able to be connected to the fibre broadband network. Phase 4 would be delivered by the end of 2019 and would bring the superfast broadband coverage in the district up to 99.67%.

Resolved:

- (1) That the current progress and work programme of the Council's Economic Development Section were noted; and
- (2) That the EDO would give a presentation to the next meeting of the Cabinet Committee regarding the Digital Innovation Zone.

Reasons for Decision:

To appraise the Committee on the progress made with regard to Economic Development issues.

Other Options Considered and Rejected:

None, as this was a monitoring report for information, not action.

6. ASSET MANAGEMENT DEVELOPMENT PROJECTS - PROGRESS REPORT

The Director of Neighbourhoods presented a report to the Cabinet Committee and updated Members on further developments to the report since it had been published.

(1) Epping Forest Shopping Park

The remaining three units had now been secured. Mountain Warehouse were actively trading and reported that trade was proving popular with customers. Home Bargains were in the process of fitting out their unit and the unit acquired by Boots was in the hands of Solicitors and should be concluded by the end of August 2018. All aspects of the construction of the park have been completed and the Council were now in the default notice period.

There had been an issue to the roof of one of the units, Smyths Toys, which had a leak. The contractors had been back on site to fix the leak and the Council were confident that this had now been remedied.

The Shopping Park was approaching its first anniversary and the feedback from the traders was very positive.

(2) Oakwood Hill Depot

The Depot had been open for approximately 2 years and was constructed in order for the Council to relocate services the Fleet and Grounds Maintenance Service from Langston Road. As part of the St John's Road redevelopment and as part of the Council's rationalisation it was intended to move the Housing Repair Service to some surplus capacity at Oakwood Hill. It had been ascertained that before the Housing Repairs Service could move to the Depot a requirement for more car parking was needed. A feasibility study had been completed and a planning application to provide the extra car parking to facilitate the Housing Repairs Service had now been submitted.

(3) Pyrles Lane Nursery

As previously reported it had been the intention to auction this site. The auctioneers had advised that the scale of the development was too large and they advised that the most appropriate means of disposing of the site would be to actively market it by the Council's Agents. The sale was being promoted within the property market on the basis of a private treaty expecting offers in excess of £3m. An option has been included in the sales particulars for any potential developer to build the affordable housing element of the scheme with a view to the Council purchasing the homes to form part of the Council's housing stock. To date there had been in excess of 40 expressions of interest which was very encouraging.

(4) St John's Road Redevelopment

Frontier Estates have signed the documents and they were now in the hands of the solicitors acting for Epping Town Council. Epping Town Council's solicitor has requested an email from EFDCs solicitor advising that the Council are satisfied with all the amendments which were a result of the Town Council and Frontier Estates.

A meeting was held in late June with Frontier Estates, Epping Town Council and the District Council to finalise the details. It was confirmed that Frontier Estates wished to proceed with the same mixed use scheme in accordance with their expression of interest and the agreed Design and Development Brief. Frontier Estates were being

encouraged to enter into a Planning Performance Agreement to assist them in bringing their planning application forward.

(5) North Weald Airfield

As highlighted at the last Cabinet Committee meeting, the lease with the National Police Air Service had been completed and work would commence shortly on the construction of their new facilities. In the first instance the new facilities would be temporary as they were keen to relocate from their current operational site as soon as possible. To reduce the risk, an option to relocate the model flying club to an alternative site on the old golf range, just outside the perimeter of the Airfield was being actively pursued. Negotiations were ongoing with operators who wish to increase flight training activity at the Airfield.

The Chairman enquired as to when the National Police Air Service (NPAS) would have permanent accommodation.

The Director of Neighbourhoods stated that the temporary accommodation would be in situ for approximately a year to 18 months and during this time temporary hangars would be put in place whilst a permanent construction was built on the site.

Councillor S Kane asked if the NPAS would be fully operation whilst the temporary accommodation was in situ.

The Director of Neighbourhoods stated that it would be fully operational during the temporary period.

Councillor S Kane asked if there had been any indication as to when Lippitts Hill would be cleared.

The Director of Neighbourhoods advised that they would vacate Lippitts Hill as soon as the temporary arrangement was in place but to date there had been no planning application or planning advice sought. The Director advised that he would take this on board and pursue an answer to report back to members.

(6) Landmark Building

The tenancy of all the retail units had now been secured. The occupancy of the retail units had been delayed by Higgins not releasing the units. The middle unit was a Mediterranean Restaurant and they had started fitting out the unit. It was reported that the Public House legal agreement would complete in approximately two weeks.

(7) Hillhouse Development

The new Waltham Abbey Leisure Centre was on track to open to the public in November 2018. All Members had been invited in advance to the public opening to view the progress and facilities that were on offer, this would take place in September 2018.

A meeting had taken place between the joint working group which involved officers from Essex County Council and Health regarding the Independent Living Scheme. The procurement process had been procured through Essex County Council and they had a developer/operator had been appointed. A full planning application was imminent.

The new Health Centre had changed by the NHS where they would provide the building but the GP practice was now self-funding. The Council were waiting for the GPs to come forward with their proposals.

The Chairman asked if there was an estimated time frame for the Health Centre.

The Director replied that he did not have any time frame details but he would enquire and report back to members.

Resolved:

(1) That the current progress on the Council's Asset Management and Development projects were noted; and

(2) That the Director of Neighbourhoods would pursue an enquiry as to when the National Police Air Service would be relocating from Lippitts Hill to North Weald Airfield.

Reasons for Decision:

To comply with the Cabinet Committee's previous request to monitor the development of the Council's Property Assets on a regular basis.

Other Options Considered and Rejected:

None, as this was a monitoring report for information, not action.

7. ANY OTHER BUSINESS

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

8. EXCLUSION OF PUBLIC AND PRESS

The Cabinet Committee noted that there were no items of business on the agenda that necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

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**Epping Forest
District Council**

Report to the Cabinet

Report reference : C-009-2018/19
Date of meeting : 6 September 2018

Portfolio: Leader

Subject: Corporate Enforcement Policy

Responsible Officer: Robin Ray (01992 564146).
Democratic Services Officer: Adrian Hendry (01992 564246).

Not a key decision

Recommendation:

That the amended Corporate Enforcement Policy, attached as an Appendix, be adopted.

Executive Summary:

Part of the Council's role is regulatory and we have a duty and a power to take action to enforce a wide range of statutes relating, but not limited, to:

- public health and safety,
- quality of life,
- preservation of public and residential amenity,
- maintenance of the environment and
- protection of public funds.

Following the introduction of the Regulators Code a review has been undertaken of the Council's Corporate Enforcement Policy and amendments made to reflect operational and legislative changes. The opportunity has also been taken to broaden the policy so that it covers the areas common to each area of the Council's regulation in a consistent manner.

The Corporate Enforcement Policy represents the Council's overarching policy relating to enforcement. It does not enter into the specifics of all areas of regulation but, to allow for greater clarification around specific areas of regulation, the Corporate Enforcement Policy will be supplemented by separate Enforcement and Service Standards specific to individual service areas/legislation (each to be approved by the relevant Portfolio Holder).

The Council is committed to ensuring that the district continues to be a great place to live, work, play, study and do business. The policy contributes to the following areas of the Corporate Plan 2018-2023:

- Stronger Communities
 - 1.3 Safeguarding and supporting people in vulnerable situations.
 - 1.6 Keeping the district safe.
- Stronger Place
 - 2.1 Keeping the district clean and green.

- 2.2 Improving the district housing offer.

Reasons for Proposed Decision:

The existing policy was last amended in December 2015. It is important the policy is kept up to date to ensure that it both follows operational changes within the Council and legislative changes that may have come into force.

The policy must remain robust and able to stand up to scrutiny in the case that a member of the public or business makes a complaint relating to the way we have handled their case, or the decision we have made relating to enforcement, and is essential to provide clarity to residents and businesses in how we enforce and minimise the risks associated with failed enforcement action.

Other Options for Action:

The existing policy is not reflective of current best practice and the amendments are required to bring it up to date. Not to approve the amendments leaves the Council at risk for the reasons outlined above.

Report:

1. As noted above the policy has been updated to reflect the changes introduced by the Regulators Code but also extended to ensure that it covers all areas common to our regulatory activity.
2. The policy, which is attached as an Appendix to this report, introduces the Regulators Code and the Principles of good enforcement. These are that any person exercising a regulatory function must carry out their regulatory activities in a way which is:
 - transparent
 - accountable
 - proportionate
 - consistent

and should be targeted only at cases in which action is needed.

3. The policy then sets out specific commitments about the way in which we will conduct our regulatory activity. These are:
 1. We will carry out our enforcement activities in a way that supports those we regulate to comply and grow.
 2. We will provide simple and straightforward ways to engage with those regulated and listen to their views.
 3. We will base our regulatory activities on risk.
 4. We will share information about compliance and risk with other regulators.
 5. We will provide clear information, guidance and advice to help those we regulate meet their responsibilities to comply.
 6. We will ensure that our approach to regulatory activities is transparent.
4. The policy also provides guidance relating to safeguarding in the case of a person who, at the time the offence was committed, was vulnerable (e.g. suffering from significant mental or physical ill health). In these cases the Council will consider

whether formal enforcement action is appropriate having regard to the need to safeguard others and taking into account the public interest.

5. Included within this section, the policy also references our corporate aim of providing a high standard of service which is accessible to all and that we will treat everyone and fairly according to their needs.
6. Although the policy is in the main about how we will treat those we regulate, a section does relate to how we will treat victims and witnesses. We will (where relevant) ensure that victims and witnesses:
 - are free of the burden of decisions relating to the offender;
 - receive timely information and explanation about the progress of their case, and have the opportunity to provide their own information about the case for use in the criminal justice process;
 - are protected in any way necessary;
 - receive compensation when appropriate;
 - receive respect, recognition and support;
 - have their fundamental human rights respected.
7. Enforcement will normally involve observing or investigating the conduct of others; in most cases, Council officers carry out these functions openly. However, there are rare cases where it is necessary for officers to use covert surveillance techniques to undertake a specific investigation. The policy details the use of covert surveillance techniques (regulated by the Regulation of Investigatory Powers Act 2000 (RIPA)). This ensures that the public interest and human rights of individuals are appropriately balanced.
8. Since the policy was last amended the way regulatory authorities gather evidence has changed and the policy has been updated to reflect this with guidance on the use of Closed Circuit Television (CCTV), aerial cameras/drones and body worn cameras.
16. The main body of the report details the various enforcement options available to the Council as a means of regulation. These include:
 - Prevention
 - Approvals, Consents and Licences
 - Informal Action
 - Formal Action
 - Prosecution
 - Restorative Justice
 - Proceeds of Crime
17. It is an expectation of the policy that all officers taking enforcement decisions will:
 - Take this policy as a guide when making their decision.
 - Be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.
 - Have the proper powers delegated to them to assist them in carrying out their role. For example, this can include the power to require answers to questions and the power to enter premises.

The Council's Scheme of Delegation specifies the extent to which enforcement powers are delegated and are the responsibility of the Council, Cabinet, Committees, Portfolio Holder or Leader, Regulatory and other Committees and Officers.

18. The policy also covers the circumstances where the matter falls within the remit of another regulator (such as the Police or Health and Safety Executive). In these circumstances officers will attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience. Wherever possible, in situations where there is a shared enforcement role, the most appropriate authority will, by mutual agreement, carry out the enforcement action. Exchange of information with other enforcement teams within the Council will take place wherever appropriate and liaison undertaken to avoid potential conflicts of interest and to co-ordinate actions.
19. The Policy finally sets out what can be expected from us, how to complain if someone is dissatisfied with the service and how to contact us in the event of query.

Resource Implications:

The policy has no additional resource implications. An up to date policy will reduce enforcement risks and support the potential award of costs for carrying out enforcement work.

Legal and Governance Implications:

Relevant statutory powers, plus any further legal implications arising from the recommendations including Human Rights Act issues.

Safer, Cleaner and Greener Implications:

The strategy document sets out the Council's overarching approach enforcement and having a modern and effective policy will contribute towards the broad aims of the Cleaner, Safer, Greener Strategy to provide a safer district and tackle anti-social behaviour and environmental crimes.

Consultation Undertaken:

The policy has been subject to consultation with internal regulatory services, members, external organisations and public. In the main the responses have been incorporated into the final version.

Background Papers:

None.

Risk Management:

NA.

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: Communities

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

Title of policy or decision: Corporate Enforcement Policy

Officer completing the EqlA: Tel: 4146 Email: rray@eppingforestdc.gov.uk

Date of completing the assessment: 19/7/2018

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>Change to existing.</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>The policy outlines the general principles of enforcement that the council will follow and apply.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>This policy enables the council to effectively enforce against and reduce illegal activities. This update policy includes the principles that will be followed by all officers undertaking enforcement activity.</p>
2.3	<p>Does or will the policy or decision affect:</p> <p>Potentially the policy could affect all persons and businesses in the district, the aim of the policy is not just to tackle those who choose not to comply with the relevant legislation but also to protect the overwhelming majority of people and businesses abide by the law.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Correct application of the policy will encourage compliance.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>

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

The policy potentially affects all persons and business within the district.

3.1	What does the information tell you about those groups identified? NA
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? NA
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: NA

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, no identified negative impacts.	Low
Disability	Neutral, no identified negative impacts.	Low
Gender	Neutral, no identified negative impacts.	Low
Gender reassignment	Neutral, no identified negative impacts.	Low
Marriage/civil partnership	Neutral, no identified negative impacts.	Low
Pregnancy/maternity	Neutral, no identified negative impacts.	Low
Race	Neutral, no identified negative impacts.	Low
Religion/belief	Neutral, no identified negative impacts.	Low
Sexual orientation	Neutral, no identified negative impacts.	Low

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

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: 19/07/2018

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.

Corporate Enforcement Policy

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A. Introduction:

1. Enforcement Activity

The Council is committed to ensuring that the district continues to be a great place to live, work, play, study and do business. Part of its role is regulatory and the Council has a duty and a power to take action to enforce a wide range of statutes relating to:

- public health and safety,
- quality of life,
- preservation of public and residential amenity,
- maintenance of the environment and
- protection of public funds.

This document represents the Council's overarching Enforcement Policy and supersedes any previous policy statements on enforcement and is supplemented by more specific Enforcement and Service Standards relating to specific service areas and legislation.

If it is concluded that, on the basis of material evidence, that a specific provision of this Policy, the Enforcement or Service Standards is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

The collection of civil debts and parking regulation should be considered out of scope of the document.

2. The Regulators Code

The Regulators Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act") and the Council **must** have regard to the Code when developing policies and operational procedures that guide our regulatory activities.

We must also have regard to the Code when setting standards or giving guidance which will inform the regulatory activities of other regulators. If we conclude, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, we are not bound to follow that provision, but should record that decision and the reasons for it.

The full code is may be found here:

www.gov.uk/government/publications/regulators-code

The principals of the code are that, we should:

1. Carry out our activities in a way that supports those we regulate to comply and grow.
2. Provide simple and straightforward ways to engage with those we regulate and hear their views.
3. Base our regulatory activities on risk.
4. Share information about compliance and risk.
5. Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply.
6. Ensure that our approach to their regulatory activities is transparent.

3. Principles of good enforcement

The Act also states that any person exercising a regulatory function subject to the code must carry out their regulatory activities in a way which is:

- transparent
- accountable
- proportionate
- consistent

and should be targeted only at cases in which action is needed.

4. Scheme of Delegation

The Council's Scheme of Delegation specifies the extent to which enforcement powers are delegated and are the responsibility of the Council, Cabinet/its Committees, Portfolio Holder or Leader, Regulatory and other Committees and Officers.

5. Overview

The Council fully supports the principles outlined above and has set out within this Policy the procedures to be adopted by all services and expects all officers taking enforcement decisions to follow this Policy when making their decision.

Every case must be decided on its own individual facts and officers must ensure that, if they depart from the Policy when they make their decision, they can provide reasons for doing so.

Along with following the principals of the Code and Act we will observe the requirements of approved national bodies and, where practicable, approved national good practice guidance.

Where appropriate, services will provide enforcement advice, support and information in accessible formats.

B. Specific Commitments:

1. We will carry out our enforcement activities in a way that supports those we regulate to comply and grow

Where possible and appropriate we will avoid imposing unnecessary regulatory burdens through our activities and will assess whether a similar outcome could be achieved by a less burdensome method. We will consider proportionate approaches to those we regulate, based on relevant factors including, for example, business size and capacity.

When designing and reviewing policies, operational procedures and practices, we will consider how we might also support or enable economic growth for compliant businesses and other regulated entities, by:

- understanding and minimising negative economic impacts of any regulatory activity;
- minimising the cost of compliance;
- improving confidence in compliance for those we regulate, by providing greater certainty; and
- encouraging and promoting compliance.

We will also ensure that the appropriate officers:

- have the necessary knowledge and skills to support those regulated;
- have an understanding of those regulated to enable proportionate and effective approaches;
- understand the principles of good regulation, the Code and this policy and how we deliver our activities in accordance with them.

2. We will provide simple and straightforward ways to engage with those regulated and listen to their views

Where appropriate before changing policies, practices or service standards, we will consider the impact on business and give them the opportunity to offer views and contribute to the development of their policies and service standards.

Where non-compliance is identified we will clearly explain:

- what the non-compliant item or activity is,
- the advice being given,
- actions required or decisions taken, and the reasons for these.

We will provide an opportunity for dialogue in relation to the advice, requirements or decisions, to ensure that we are acting in a way that is proportionate and consistent.

This however does not apply where we believe that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

In all cases and where ever possible in writing we will provide an impartial, timely and clearly explained route to appeal against any regulatory decision made. This

explanation will be in plain language and if appropriate include practical information on the process involved.

Where those we regulate:

- feel we have failed to provide a service, or are dissatisfied with the way we have provided a service
- feel we have created an unreasonable delay with the provision of a service
- feel dissatisfied with the way a policy has been applied or a decision made
- feel we have failed to fulfil our statutory responsibilities
- feel we have provided inaccurate or false information and advice to them
- wish to complain regarding the inappropriate conduct of a member of staff, partner organisation or contractor.

The Council also have a formal complaints process set out here:

<http://www.eppingforestdc.gov.uk/contact-us/compliments-complaints>

And have in place a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate.

3. We will base our regulatory activities on risk

Wherever possible each service will take an evidence based approach to determine the priority risks in their area of responsibility and allocate resources appropriately.

Risk will be considered at every stage of the decision-making processes, from choosing the most appropriate type of intervention/way of working with those regulated to targeting checks on compliance and taking enforcement action.

Where a system is designed to inform targeting of regulatory activities appropriate consultation with those affected will take place and the effectiveness of the system reviewed on a regular basis.

In determining risk we will recognise the compliance record of those we regulate and consider all available and relevant data, including evidence from appropriate external bodies.

The effectiveness of our regulatory activities will be reviewed with the aim of delivering the desired outcomes and make any adjustments accordingly.

4. We will share information about compliance and risk with other regulators

When the law allows, we will agree secure mechanisms to share information with other regulators about businesses and other bodies they regulate, to help target resources and activities and minimise duplication. Where possible we will follow the principle of “collect once, use many times” when requesting information from those they regulate.

5. We will provide clear information, guidance and advice to help achieve compliance

We will provide advice and guidance that is focused on assisting those we regulate to help them understand and meet their responsibilities. When doing so we will distinguish providing advice and guidance on good practice from legal requirements and do so in a way that does not impose unnecessary burdens in itself.

We will aim to signpost or publish guidance and information in a clear, accessible and concise format using the most media appropriate to the target audience. We will listen to those we regulate in relation to any guidance they produced to ensure that it meets their needs.

Overall we will seek to create an environment in which those regulated have confidence in the information they receive and feel able to seek advice without fear of triggering enforcement action.

Where a business or individual is regulated by more than one body we will aim to work collaboratively and provide consistent advice.

6. We will ensure that our approach to regulatory activities is transparent

For each service area we regulate we will aim to publish a set of clear service standards including any fees and charges that may apply (including how they are calculated where requested), how to appeal, comment or complain about the service provided and setting out to those we regulate what they should expect from us. Along with this document these will be published in the Enforcement Standards relating to specific service areas.

Information published to meet the provisions of the Regulators Code will be easily accessible and be kept up to date.

Where available, we will publish performance against service standards, including feedback received from those we regulate, such as customer satisfaction surveys, and data relating to complaints and appeals against our decisions

We have in place mechanisms to ensure that officers act in accordance with published service standards including this policy.

C. Other Considerations:

1. Safeguarding

“Epping Forest District Council is committed to safeguarding and promoting the welfare of all children, young people and adults with needs for care and support, as service users, residents and visitors to the area. The Council acknowledges the importance of working with partner agencies to ensure that children have safe, healthy and happy childhoods and that young people and adults with needs for care and support are given the support they need to enjoy quality of life and well-being”.

In the case of a person who was at the relevant time vulnerable (e.g. suffering from significant mental or physical ill health) the Council will consider the desirability of using formal enforcement balancing the need to safeguard others and taking into account the public interest.

We will consider our Safeguarding policy and procedures when determining what (if any) enforcement action to take. The Council's Safeguarding policies and procedure can be found here:

<http://www.eppingforestdc.gov.uk/residents/crime-and-safety/safeguarding>

2. Equality and Diversity

“Epping Forest District Council is committed to ensuring that all individuals and groups are treated with respect and are valued equally;”

Promoting equality through our services is very important to us. We work closely with customers, residents and employees to make sure that everyone can access our services and these services meet their needs. We publish information about the work we are doing to reduce inequality and show the progress we are making.

We aim to provide a high standard of service which is accessible to all. Reducing inequality is an integral part of what we do and we will treat everyone and fairly according to their needs. We are actively seeking to narrow the gap between those people who are disadvantaged in comparison to others. We do this through a range of initiatives across our housing, planning, benefits, community and environmental services; and by identifying our priorities and objectives to work towards

We have a range of documents which provide more information on our equality work, including our Equality Framework which provides structure to our equality agenda and the systems to deliver it. The Frameworks and associated documents can be found here:

<http://www.eppingforestdc.gov.uk/your-council/plans-and-performance/equality>

3. Victims and witnesses

We will at all times have regard to the Crown Prosecution Service (CPS) guidance relating to Victim and Witness care the basic principles of which are that each agency

involved in the criminal justice system should, where relevant, ensure that victims and witnesses:

- are free of the burden of decisions relating to the offender;
- receive timely information and explanation about the progress of their case, and have the opportunity to provide their own information about the case for use in the criminal justice process;
- are protected in any way necessary;
- receive compensation when appropriate;
- receive respect, recognition and support;
- have their fundamental human rights respected.

The CPS guidance on the care and treatment of victims and witnesses can be found here:

http://www.cps.gov.uk/legal/v_to_z/care_and_treatment_of_victims_and_witnesses/

4. The Regulation of Investigatory Powers Act 2000 (RIPA)

The Council has various functions which involve observing or investigating the conduct of others, for example, investigating anti-social behaviour, fly tipping, noise nuisance control, planning (contraventions), benefit fraud, licensing and food safety legislation. In most cases, Council officers carry out these functions openly. However, there are rare cases where it is necessary for officers to use covert surveillance techniques to undertake a specific investigation.

The use of covert surveillance techniques is regulated by the Regulation of Investigatory Powers Act 2000 (RIPA), which seeks to ensure that the public interest and human rights of individuals are appropriately balanced. The Council's policy and procedures on the use of covert surveillance techniques and the conduct and use of a Covert Human Intelligence Source can be found here:

<http://rds.eppingforestdc.gov.uk/ieDecisionDetails.aspx?ID=2173>

5. Aerial Camera

In March 2016 Epping Forest DC purchased two Aerial Camera Systems to be available for use by all Directorates for to:

- Monitor Land, Sites and Flood Zones
- Survey Roofs, Land and Buildings
- Collect Topographic Images
- Capture Video

The operational procedures and instructions laid out in the Flights Operation Manual must be adhered to at all times by all personnel involved in the flight and use of the UAV. The Accountable Manager must sign off on all uses and activities involving the UAV at the Planning Stage and it is the responsibility of the Directorate end user of the imaging gathered to ensure that the imaging is properly and lawfully used and not used for anything other than official EFDC purposes. The Data Protection Act 1998 (DPA) and Human Rights Act 1998 (HRA) are both applicable to the use of the RPAS's.

Any use that may come within the scope of the Regulation of Investigatory Powers Act 2000 (RIPA) will be discussed prior to the flight with the Councils RIPA Officer, and if required the necessary authorisation obtained in writing before the flight takes place.

The Flights operation Manual and Aerial Camera Usage Policy can both be found here:

<http://www.eppingforestdc.gov.uk/residents/crime-and-safety/unmanned-aerial-vehicle-uav>

6. Body cams

In Epping Forest the North Essex Parking Partnership (NEPP) are responsible for on-street parking services, including enforcement.

The service is a partnership between Essex County Council and six district/borough councils:

- Braintree District Council
- Colchester Borough Council - who are the lead authority for the partnership
- Epping Forest District Council
- Harlow Council
- Tendring District Council
- Uttlesford District Council

Off street parking is undertaken by NSL Limited, officers from both services are equipped with body worn cameras.

The use of body worn cameras will improve the Health and Safety of parking enforcement officers by ensuring that wherever possible, video and audio evidence will be available to the Police and Courts in the event of any of their officers being subject to incidents of physical or verbal abuse, threats or aggressive behaviour.

The use of body worn cameras also protects the person subject to enforcement action in the event that that they believe they were treated improperly by the enforcement officer and reduces the number of unfounded complaints being made against the officers.

NEPP's policies and procedures relating to their use of body worn cameras can be found here:

<http://www1.parkingpartnership.org/north/bodyworncameras>

8. Closed Circuit Television (CCTV)

Epping Forest District Council's CCTV schemes exist in order for us to record, view and monitor activity within the intended area of coverage, for the purpose of crime detection, prevention anti-social behaviour and public safety.

It has operated since the late 1990s and since that time and with the advancement of technology our CCTV has grown and developed. Today we operate over 48 schemes with over 629 cameras across the Epping Forest District (correct at time of publication).

We use overt CCTV in pursuit of a legitimate aim; necessary to meet a pressing need; proportionate; effective, and compliant with any relevant legal obligations. As a member of the National CCTV User Group we work closely with the Surveillance Camera Commissioner in adopting the National CCTV Strategy for best practice. The aim of providing CCTV in Epping Forest DC is to:

- Help secure and maintain safe environments for those who visit, work in, trade in or enjoy leisure pursuits within the district.
- Operate the council's CCTV schemes fairly and lawfully and only for the purpose for which they were established, or subsequently agreed in accordance with the CCTV code of practice

What is CCTV?

As the name implies, CCTV is a system in which the circuit is closed and all elements are directly connected. This is unlike broadcast television where any receiver that is correctly tuned can pick up a signal from the airwaves.

Some now refer to CCTV as VSS (Video Surveillance Systems), this is due to significant advances in technology that now allow video images to be streamed over the internet or through Wi-Fi and micro wave links etc.

Probably the most widely known use of CCTV is in security systems and such applications as retail shops, banks, government establishments, etc. The true scope for applications is almost unlimited...some examples are listed below:

- Automated Number Plate Recognition (ANPR)
- Environmental Services
- Transportation
- Public places such as high streets
- Casinos
- Domestic and private property.

How does CCTV reduce crime?

CCTV has become an increasingly valued tool in the fight against crime and anti-social behaviour. It provides a permanent record of an incident which may be used as evidence in a court of law. Its mere presence can deter criminal activity and alert authorities to enable a faster response to an incident

The Council's code of practice for the operation of CCTV and other associated documents can be found here:

<http://www.eppingforestdc.gov.uk/index.php/residents/crime-and-safety/introduction-to-cctv>

9. Data Protection and Privacy

The Data Protection Act 1998 protects the privacy of individuals and places obligations on organisations that process personal data. Personal data is any information about a living individual that can identify them. The council needs to process and store personal data in order to provide its services effectively.

Our Data Protection Policy explains the way that our councillors, employees and anyone else working with the council must handle personal information.

To view our Data Protection Policy click [here](#).

D. Enforcement options:

When making enforcement decisions officers must have regard to any relevant local or national guidance (such as the Regulators Code) as well as the provisions of the Human Rights Act 1998, Equalities Act 2010 and this Policy.

For many areas of our enforcement activity government guidance already exists in the form of Codes of Practice, Planning Policy Guidance, and Government Circulars etc. and there may also be local or regional Codes of Practice which have been produced locally to promote consistency in enforcement.

1. Prevention

We believe that the first step in enforcement is to promote good practice, ensure policy compliance and prevent contravention of the law by raising awareness and promoting good practice. Methods of achieving this include training courses, seminars, special promotions, the issuing of press releases, newsletters, the Council's web site, the production of leaflets and other forms of written guidance and opportunities presented by day to day contact with businesses and others that we regulate.

This approach will be applied when we are not aware of any specific contraventions of the law.

2. Approvals, Consents, Registrations and Licences

We provide a range of approvals, consents, registrations and licences as specified by individual pieces of legislation. Many are compulsory in order to operate or undertake work, such as planning applications, licensing applications and building regulation approvals, but a few are optional. The approval, rejection and imposition of conditions all form part of an enforcement option.

We will work with applicants to help them to understand what is required to gain approval through pre-application advice, published guidelines, and post-application discussion.

Applications may be approved, varied by agreement and then approved, approved subject to conditions, or rejected. Applicants, or their agents, will always be notified, in writing, of the outcome of their application, including the reasons if rejected. Details of any rights of appeal will be provided at the time the decision is notified.

Examples of where an application might be approved but with the addition of conditions might include (but are not limited to):

- building work is not inherently wrong but plans need to be modified or further plans are required
- developments would be refused if conditions were not attached
- conditions are necessary to ensure that the purpose of an approval, licence or registration is adhered to (for example animal welfare conditions for a Pet Shop licence)
- where a food premises meets all the infrastructure and equipment requirements for Approval but does not fully comply with some other requirements

Examples of where it might be appropriate for an application to be refused include (but are not limited to):

- where plans do not show compliance with Building Regulations
- where a reply to a plan assessment letter is not received, is received too late to allow an adequate response, or is unsatisfactory
- where work, at inspection stage, does not meet minimum standards and remedial action is required
- where other contraventions exist
- where an application is against local or national policy
- where there is reason to believe that the applicant will not comply with the purpose of a licence or registration or any conditions attached to it (for example where there have been previous infringements)
- where a food business operator fails to meet all the structural and equipment requirements

any rejection notice will inform the applicant, or their agent, of the reasons for refusal and any right of appeal.

3. Informal Action

Where appropriate we will therefore use our best efforts to resolve situations on an informal basis. Informal action may include mediation, schedules of work to be undertaken, the issuing of a warning regarding behaviour. This may not necessarily be confirmed in writing but it should be clear what is required from us in order to avoid more formal measures. We will confirm the situation in a clear manner and explain why the action is necessary and over what timescale it should be completed in and it will be clear those actions which are legal requirements and those that are recommendations.

This approach will only be appropriate where there is no statutory duty to take formal action and the consequences of non-compliance are considered acceptable. This would not for example include occasions where:

- the time period allowed to seek compliance presents a significant risk to or impact on health and safety, welfare or the environment,
- there is demonstrable harm to the amenity of the area,
- the past history (of the individual or business) suggests that informal action will not achieve legal compliance in a reasonable timescale,
- standards are generally poor, suggesting a low level of awareness of and/or compliance with statutory responsibilities,
- the action is being taken on behalf of a customer/victim, who prefers the matter to be handled informally.

4. Formal Action

Circumstances where formal action will be considered include (but are not restricted to):

- there is a significant contravention of legislation
- legislation requires the Council to take a specified action
- an informal approach has failed
- there is a history of non-compliance with informal action

- there is a lack of confidence in the successful outcome of an informal approach
- standards are generally poor, suggesting a low level of awareness of, and/or compliance with, statutory responsibilities
- the consequences of non-compliance, for health, safety, the environment, or other Council priorities, are unacceptable and/or immediate
- there is clear harm to the amenity of the area
- effective action needs to be taken quickly in order to remedy conditions which are deteriorating
- formal action is expected to achieve the desired outcome without incurring expense or inconvenience that is disproportionate to risk
- legal requirements, relevant formal guidance, or other Council policies or strategies require formal action to be taken
- undertaking formal action is likely to result in improved levels of compliance in the future

Only officers who have reached a sufficient level of competence will be given the delegated authority to take formal action. The following are the most commonly used forms of formal action, it should be noted that depending on the statute each option is not mutually exclusive to another.

5. Non Compliance options

Statutory Notices

Much of the legislation that we enforce provide and in some cases require for the service of 'statutory notices' on individuals, businesses and other organisations requiring them to meet specific legal obligations.

Where a 'statutory notice' is served, the method of appealing against the notice and the timescale for doing so will be provided in writing at the same time. The notice will explain what is wrong, what is required to put things right and what the likely consequences are if the notice is not complied with.

In some cases a 'statutory notice' can be served to prevent the occurrence or recurrence of a problem e.g. a noise nuisance. In most cases, failure to comply with a 'statutory notice' will result in more severe formal action being taken. In some cases (such as the service of a notice under Part 1 of the Housing Act 2004) there will be a charge for serving a statutory notice.

Fixed Penalty Notices and Penalty Charge Notices

These are notices that apply a penalty for specific offences (listed in each service Enforcement Standard). The standards will include details of the level of fine, any early payment discount, what will happen if offenders don't pay and, where it differs from this policy, how FPNS are issued, how to appeal, how the money received from FPNS will be spent and what records will be kept.

In general a penalty notice will only be issued when:

- an offence has been committed
- a FPN is a proportionate response
- there's evidence to support prosecution if the offender doesn't pay the fixed penalty

- the offender understands why the FPN is being issued
- you believe that the name and address offered by the offender are correct

A FPN should generally not be issued if any of the following apply:

- there is no criminal liability
- enforcement action is inappropriate or would be disproportionate for the offence
- prosecution is more suitable

No criminal liability

- the person in question is exempt, eg a blind person whose dog has fouled in an area where a public spaces protection order applies
- the offender is a child under the age of 10 (inform the child's parents instead)

Enforcement action is inappropriate or disproportionate

- it is not in the public interest to do so
- the offender is vulnerable
- the offence is trivial

Prosecution is more suitable

- the offence is major, e.g. deliberate smashing of glass or racist graffiti
- the offence is committed by a persistent offender
- the offender is violent or aggressive

Work In Default

In certain cases the Council may undertake work to achieve compliance on behalf of others. This may occur if the responsible person fails to comply, cannot comply by virtue of genuine hardship, or is unable to comply by virtue of being absent. In these cases the Council's costs will normally be recovered from the responsible person. If the costs cannot be recovered, they will usually be placed as a charge against the property, to be recovered at a later date.

This kind of formal action will be considered (but is not limited to) where:

- a 'statutory notice' requiring work to be undertaken has not been complied with,
- immediate work is required and it is not practicable to contact the responsible person, or they are not willing to respond immediately,
- there is no responsible person e.g. burial or cremation of a deceased person with no next-of-kin.

Cautions

A simple caution (previously known as a formal caution) may be issued as an alternative to a prosecution and will be considered during any decision to prosecute.

Cautions will be issued to:

- deal quickly and simply with less serious offences;

- divert less serious offences away from the courts; or
- reduce the chances of repeat offences.

To safeguard the suspected offender's interests the following conditions will be fulfilled before a caution is administered:

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction; and
- the suspected offender has admitted the offence; and
- the suspected offender understands the significance of a caution and gives informed consent to being cautioned.

A caution is a serious matter, which will influence any future decision should the company or individual offend again. It can be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than 3 years before. Where the offer of a caution is refused, a prosecution will generally be pursued. No pressure will be applied to a person to accept a caution.

Prosecution

The Council recognises that the decision to prosecute is significant and would be a last resort and could have far reaching consequences on the offender. The investigating officer will prepare a case for prosecution and pass to the Council's Solicitor to review the evidence and assess the viability of a prosecution.

All relevant evidence and information will be considered before deciding upon a prosecution in order to enable a consistent, fair and objective decision to be made. The Council will have regard to the Code for Crown Prosecutors, which is available here:

https://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

In summary a two stage process will be considered:

The evidential stage

The Council must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the suspect on each charge. The finding that there is a realistic prospect of conviction will be based on an objective assessment of the evidence, including the impact of any defence, and any other information that the suspect has put forward or on which he or she might rely.

It means that an objective, impartial and reasonable jury or bench of magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge. A case which does not pass the evidential stage must not proceed.

When deciding whether there is sufficient evidence to prosecute we will consider:

Can the evidence be used in court?

Is there is any question over the admissibility of certain evidence. In doing so we will make an assessment of:

- the likelihood of that evidence being held as inadmissible by the court; and
- the importance of that evidence in relation to the evidence as a whole.

Is the evidence reliable?

We will also consider whether there are any reasons to question the reliability of the evidence, including its accuracy or integrity.

Is the evidence credible?

We will consider whether there are any reasons to doubt the credibility of the evidence.

Is the prosecution in in the public interest?

In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest.

It has never been the rule that a prosecution will automatically take place once the evidential stage is met. A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour. In some cases the prosecutor may be satisfied that the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by an out-of-court disposal rather than bringing a prosecution.

Prosecutors should consider each of the following questions:

How serious is the offence committed?

The more serious the offence, the more likely it is that a prosecution is required.

When deciding the level of seriousness of the offence committed, prosecutors should include amongst the factors for consideration the suspect's culpability and the harm to the victim.

What is the level of culpability of the suspect?

Culpability is likely to be determined by the suspect's level of involvement; the extent to which the offending was premeditated and/or planned; whether they have previous criminal convictions and/or out-of-court disposals and any offending whilst on bail; or whilst subject to a court order; whether the offending was or is likely to be continued, repeated or escalated; and the suspect's age or maturity (see below for suspects under 18).

Prosecutors should also have regard when considering culpability as to whether the suspect is, or was at the time of the offence, suffering from any significant mental or physical ill health as in some circumstances this may mean that it is less likely that a prosecution is required. However, prosecutors will also need to consider how serious the offence was, whether it is likely to be repeated and the need to safeguard the public or those providing care to such persons.

What are the circumstances of and the harm caused to the victim?

The circumstances of the victim are highly relevant. The greater the vulnerability of the victim, the more likely it is that a prosecution is required. This includes where a position of trust or authority exists between the suspect and victim.

A prosecution is also more likely if the offence has been committed against a victim who was at the time a person serving the public.

Prosecutors must also have regard to whether the offence was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or the suspect demonstrated hostility towards the victim based on any of those characteristics. The presence of any such motivation or hostility will mean that it is more likely that prosecution is required.

In deciding whether a prosecution is required in the public interest, prosecutors should take into account the views expressed by the victim about the impact that the offence has had. In appropriate cases, this may also include the views of the victim's family.

Prosecutors also need to consider if a prosecution is likely to have an adverse effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence. If there is evidence that prosecution is likely to have an adverse impact on the victim's health it may make a prosecution less likely, taking into account the victim's views.

However, the CPS does not act for victims or their families in the same way as solicitors act for their clients, and prosecutors must form an overall view of the public interest.

Was the suspect under the age of 18 at the time of the offence?

The criminal justice system treats children and young people differently from adults and significant weight must be attached to the age of the suspect if they are a child or young person under 18. The best interests and welfare of the child or young person must be considered including whether a prosecution is likely to have an adverse impact on his or her future prospects that is disproportionate to the seriousness of the offending. Prosecutors must have regard to the principal aim of the youth justice system which is to prevent offending by children and young people. Prosecutors must also have regard to the obligations arising under the United Nations 1989 Convention on the Rights of the Child.

As a starting point, the younger the suspect, the less likely it is that a prosecution is required.

However, there may be circumstances which mean that notwithstanding the fact that the suspect is under 18, a prosecution is in the public interest. These include where the offence committed is serious, where the suspect's past record suggests that there are no suitable alternatives to prosecution, or where the absence of an admission means that out-of-court disposals which might have addressed the offending behaviour are not available.

What is the impact on the community?

The greater the impact of the offending on the community, the more likely it is that a prosecution is required. In considering this question, prosecutors should have regard to how community is an inclusive term and is not restricted to communities defined by location.

Is prosecution a proportionate response?

Prosecutors should also consider whether prosecution is proportionate to the likely outcome, and in so doing the following may be relevant to the case under consideration:

The cost to the CPS prosecution service and the wider criminal justice system, especially where it could be regarded as excessive when weighed against any likely penalty (Prosecutors should not decide the public interest on the basis of this factor alone. It is essential that regard is also given to the public interest factors identified when considering the other questions in paragraphs above, but cost is a relevant factor when making an overall assessment of the public interest).

Cases should be capable of being prosecuted in a way that is consistent with principles of effective case management. For example, in a case involving multiple offenders, prosecution might be reserved for the key main participants in order to avoid excessively long and complex proceedings.

Do sources of information require protecting?

In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that could harm sources of information, international relations or national security. It is essential that such cases are kept under continuing review.

Where there has been a breach of the law leading to a work-related death, the Council will liaise with the police, coroner, the CPS and, if there is evidence of manslaughter, we will pass the case to the police or, where appropriate, to the CPS and /or the Health & Safety Executive (HSE).

6. Restorative Justice

Where appropriate and available, the Council will consider the use of Restorative Justice. Restorative Justice is a process through which parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.

7. Proceeds of Crime

Where appropriate the Council will consider the use of the Proceeds of Crime Act 2002. The Proceeds of Crime Act allows Local Authorities to recover assets that have been accrued through criminal activity.

E. Training and appointment of officers:

All officers undertaking enforcement duties will be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.

Officers will be mentored and shadowed to ensure that there is a consistent approach to enforcement

The Council supports the principle of continuing professional development and will ensure that all officers are given additional in-post training to maintain up to date knowledge and skills. This will be highlighted through their learning and development plan as part of their performance review

Officers may have a variety of delegated powers to assist them in carrying out investigations. For example, this can include the power to require answers to questions and the power to enter premises, usually during reasonable hours e.g. normal opening times. Officers will carry an identity card and their authorisation with them at all times. Except in the event of a serious and imminent risk to harm we will not insist on entry into a person's home without giving 24 hours notice or producing a Court Order.

In the event of any doubt as to an officer's powers, confirmation can be obtained from the Council describing their powers, or by contacting their manager at the Council. It can be an offence in itself to obstruct an authorised officer who is conducting an inspection or investigation which may lead to prosecution.

F. Shared Regulatory Roles:

Where the Council has a complementary regulatory role or is required to inform an outside regulatory agency of an incident or occurrence it will do so. Such external agencies include (but are not restricted to):

Police	Health and Safety Executive
Fire Authority	Environment Agency
County Council services	Utility Providers
Other Council services	Other Councils

Officers will attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience for those who are being visited, inspected, or subject to other enforcement action.

Wherever possible, in situations where there is a shared enforcement role, the most appropriate authority will, by mutual agreement, carry out the enforcement action.

Exchange of information with other enforcement teams within the Council will take place wherever applicable. Liaison will also take place between relevant services and Members within the Council to avoid potential conflicts of interest.

G. What You Can Expect From Us:

We will be objective to ensure that our decisions are not influenced by gender, ethnic origin, religious or political beliefs, disability or sexual orientation

We will enter into discussion and offer advice to anyone to try to ensure that they do not unnecessarily expose themselves to the possibility of formal action through a lack of understanding or information.

We will be consistent in our approach by following the criteria and guidance set down in relevant legislation, codes of practice, and our own written procedures and work instructions.

We will ensure that before deciding to offer a caution, or take a prosecution, the case will be subject to independent review by a senior manager.

We will provide a courteous and efficient service and our staff will identify themselves by name when they visit you, or speak to you on the telephone.

We will respect confidentiality subject to any legal requirements to disclose information (for example disclosure to support a prosecution)

We are committed to making sure that this Policy is effective. To ensure that it is we would encourage businesses regulated bodies and citizens to challenge us they believe we not acting in accordance with this policy, our standards or more broadly the Regulators Code.

H. How to complain:

If you are dissatisfied with the service you have received, please let us know. We are committed to providing quality services and your suggestions and criticisms about any aspect of our service will help us to do this. Most problems can be resolved with the Council employee who has been dealing with the matter in and the first instance we would encourage you to contact them, or you may wish to speak to their supervisor.

If you are still not happy, you can make a formal complaint using the Council's Complaints Procedure.

If you would then like to raise a concern with us please use our [online form](#).

You can also email us at: contactus@epppingforestdc.gov.uk or call us on 01992 564000.

The full Council complaints procedure (including what we can and cannot investigate for you) can be found here:

<http://www.epppingforestdc.gov.uk/contact-us/compliments-complaints>

I. How to contact us:

If you need more information please visit www.eppingforestdc.gov.uk to find the information you require.

If you cannot find what you need on our site please email contactus@eppingforesdc.gov.uk and we will contact you as soon as possible.

You can also contact us via [Social media](#).

Alternatively you can call our main switchboard on 01992 564000 during office hours.

And you can also write to us at:

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

Change log:

- | | |
|---------|--|
| 19.1.18 | Updated How to contact us section Para I.
Out of scope services/functions added to Para. A1.
Service specific documents added to Para A1.
Added data protection section and changed running order, Para C.
Corrected typo's Para. C7.
Added wording 'Non Compliance options' to Para D4
Renumbered bullets Para D,
Produced summary, plain English version. |
| 12.2.18 | Amended Body cam section, C6.
A1 removal of specific service area documents
Amended sections D3, D4 and D5
Amended E
Amended typo to H |

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Report to the Cabinet

Report reference: C-011-2018-19
Date of meeting: 6 September 2018



**Epping Forest
District Council**

Portfolio: Finance
Subject: Local Council Tax Support scheme 2019/20
Responsible Officer: Janet Twinn (01992 564215).
Democratic Services Officer: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) That Members agree that a public consultation exercise on the Local Council Tax Support Scheme for 2019/20 is undertaken between the end of September and the end of November 2018.**
- (2) That consultation is undertaken on the proposal that no changes need to be made to the scheme for 2019/20.**

Executive Summary:

On 21 December 2017, Council adopted the Local Council Tax Support scheme for 2018/19. Consideration now has to be given to the scheme for the financial year 2019/20 which will require approval by full Council in February 2019.

Public consultation is undertaken on amendments to the Council's scheme each year before the revised scheme for the next financial year is adopted by Council. In view of the timescales, it will be necessary for the consultation to be undertaken between the end of September and the end of November 2018 in order to ensure that the Authority will have consulted correctly and that Council can adopt the scheme at the February meeting.

Reasons for Proposed Decision:

In previous years every Local Authority was required to approve a Local Council Tax Support scheme by 31 January. However, the Ministry of Housing Communities and Local Government have brought in changes for the 2019/20 schemes and the Local Council Tax Support scheme for the following financial year now needs to be approved by 11 March each year. The 2019/20 scheme for Local Council Tax Support will therefore need to be agreed by full Council on 21 February 2019.

In view of the timescales, consultation needs to be undertaken between September and November 2018. If consultation is commenced later, it will not be possible to complete the consultation and make any amendments to the scheme in time for a further report to Cabinet on 7 February 2019.

Other Options for Action:

(1) As it is not intended to make any changes to the current Local Council Tax Support scheme, advice has established that the Council is not required to undertake public consultation. Cabinet could therefore decide not to carry out a consultation exercise for the 2019/20 Local Council Tax Support Scheme. Several other Essex Authorities are not intending to make changes to their schemes for 2019/20 and will not be carrying out any public consultation.

(2) The Cabinet could propose changes to the Scheme.

Report:

Local Council Tax Support schemes

1. Local Council Tax Support (LCTS) replaced Council Tax Benefit with effect from 1 April 2013. People of pension age continue to be protected from adverse changes as required by the Government, although the Government can introduce legislation to change the scheme for people of pension age. Every Local Authority must then amend their scheme to reflect the legislative changes. For people of working age, the Council has adopted a scheme which has the following key elements which are different to the scheme for people of pension age:

- 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, so those with capital exceeding £6,000 are required to make full payment of their Council Tax liability.
- A Minimum Income Floor for claimants who are self-employed (from April 2016). Where the declared income from self-employment is less than the National Living Wage, income is assessed using the National Living Wage instead. This is in line with other welfare reforms.
- Claimants 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.

2. The scheme was designed to take into account the ability to pay and the collectability of the resultant Council Tax liability. Across Essex, annual collection rates have been higher than originally anticipated, which is due partly to the caseload decreasing as the economy recovers, but also due to the proactive work that Officers have undertaken with people affected by the Local Council Tax Support scheme. Council Tax Officers have been proactively contacting people and have set up special arrangements to help people who do not receive their income on a monthly basis. The scheme design has been successful to date.

Consultation for 2019/20

3. In previous years, the Council has always made some changes to the scheme, many of which have become necessary due to changes in legislation, either for Housing Benefit or

for Local Council Tax Support for people of pension age. However, this year there are no legislative changes that would require the Council to consult before it could implement a change. There are also no other changes that are required for 2019/20 to either reduce expenditure or to simplify the administration of the scheme.

4. The consultation will be quite short and respondents will be asked if they agree that no changes should be made to the current scheme. If a respondent thinks that changes should be made, they will be asked to give details of the change that they think is required. A question about the funding for the scheme will also be included.

5. If it becomes necessary to make further cuts to the expenditure on Local Council Tax Support, the maximum Support payable for people of working age could be reduced from 75% to a percentage that would achieve the required savings. However, although collection rates have been better than expected, if the scheme is changed and people have to pay more, there will become a point at which collection rates will significantly reduce as the liability becomes too much and people stop paying altogether. Consultation will be required on this particular aspect of the scheme, together with options for alternative funding arrangements, rather than making savings through the scheme itself.

5. The Essex Authorities have continued the joint work that they have carried out to implement their schemes for the last six years. Meetings take place on a monthly basis and ECC regularly attend these meetings. Although the Police and Fire Authorities are invited, they rarely attend because ECC act as their representative and they are sent minutes of those meetings. In this way, the requirement to consult with major precepting Authorities is met.

6. It is proposed to carry out public consultation for the 2019/20 scheme between September and November 2018. Essex County Council has previously hosted the on-line consultation for the Essex Authorities and it is hoped that they will also agree to host the on-line consultation for 2019/20. For anyone who does not have access to the internet, the ability to respond in paper format will be made available.

Resource Implications:

The cost of consultation on the Local Council Tax Support scheme for 2019/20 will be met from existing budgets.

Legal and Governance Implications:

There are no specific implications

Safer, Cleaner and Greener Implications:

There are no specific implications.

Consultation Undertaken:

Consultation has been undertaken with ECC and the Fire and Police Authorities through the regular meetings with the Essex Benefit Managers.

Background Papers:

None

Risk Management:

Risk register

A risk register was produced as part of the process for devising the Local Council Tax Support scheme. It has not been necessary to make any amendments.

Caseload growth risk

If more people become eligible to claim LCTS e.g. because of economic downturn, then the cost of the scheme will increase. However the caseload has been reducing as the economy has improved.

Collection risk

If there is a reduction in the maximum percentage of Council Tax liability that is eligible for Local Council Tax Support, the impact of the scheme is that low income working age households have to pay a proportion of their Council Tax liability. Inevitably there will be bad debts but the collection rate has been higher than anticipated. However, there will be a point where people are asked to pay more Council Tax, therefore making the liability too high for them, that they will not make any payments at all.

Funding reduction risk

The Local Government Finance Settlement will reduce again in 2019/20. This could lead to either making changes to the LCTS scheme to reduce expenditure or to make savings elsewhere, either from Council budgets, increasing the Council Tax or using Council reserves.

Precept increase risk

LCTS costs will increase if any of the precepting Authorities increase their Council Tax.

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to the report.

Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

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

If you require further help, please contact the Performance Improvement Unit.

Step 1. About the policy, service change or withdrawal

Name of the policy, service or project: <i>be specific</i>	Local Council Tax Support scheme
Revised / new / withdrawal:	Revised
Intended aims / outcomes/ changes:	Up to date assessment of impact to support the Local Council Tax Support policy
Name of senior manager for the policy / project:	Janet Twinn
Name of policy / project manager:	Alan Hall

Step 2. Decide if the policy, service change or withdrawal is equality relevant

<p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>Yes. Council tax payers in the District and the County, adults on a low income with low savings, precepting authorities that levy a charge on the council tax.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p>	<p>If yes, state which protected groups: All groups</p>
	<p>If no, state reasons for your decision:</p>

Step 3. Gather evidence to inform the equality analysis

What evidence have you gathered to help you understand the impact of your policy or service change or withdrawal on people? What does your evidence say about the people with the protected characteristics? If there is no evidence available for any of the characteristics, please explain why this is the case, and your plans to obtain relevant evidence. Please refer to Factsheet 2 'Sources of evidence for the protected characteristics'

<i>Characteristic</i>	<i>Evidence (name of research, report, guidance, data source etc)</i>	<i>What does this evidence tell you about people with the protected characteristics?</i>
Age Disability Sex Marriage and civil partnership Pregnancy and maternity Race / ethnicity	Data from current claims for Local Council Tax Support relating to age, disability, sex, marital status and whether pregnant. If provided by the claimant, data is held on race/ethnicity	50% of the Local Council Tax Support caseload are of pension age.
Religion or belief Gender reassignment Sexual orientation	Limited data relating to current claims for Local Council Tax Support as this data is not required for the assessment of entitlement to Local Council Tax Support	

Steps 4 & 5 Analyse the activity, policy or change (*The duty to eliminate unlawful discrimination*)

Based on the evidence you have analysed, describe any actual or likely adverse impacts that may arise as a result of the policy decision. Where actual or likely adverse impacts have been identified, you should also state what actions will be taken to mitigate that negative impact, ie what can the Council do to minimise the negative consequences of its decision or action.

<i>Characteristic</i>	<i>Actual or likely adverse impacts identified</i>	<i>Actions that are already or will be taken to reduce the negative effects identified</i>
Age Disability Gender reassignment Marriage and civil partnership Race / ethnicity Religion or belief Sex Sexual orientation	<p>People with disabilities or people of pension age or people with children, may experience hardship because of their reduced capacity to increase their income from other means. This scheme provides some protection against welfare reform cuts for these groups</p> <p>The scheme for people of working age applies to all claimants regardless of their characteristics, although persons with a disability</p>	The Exceptional Hardship Payment (EHP) fund can be used in exceptional circumstances to assist people who are struggling financially and to mitigate some of the adverse effects of the scheme.

	and/or dependant children are treated more favourably within the scheme.	
Pregnancy and maternity	These groups are dealt with in the same way as other working age claimants. There is limited data on pregnancy as there is no requirement for us to be told.. Once the baby is born, the scheme is more generous to people with children.	Additional allowances and premiums are included in the calculation for children.

Step 6.

The duty to advance equality of opportunity

Can the policy, service or project help to advance equality of opportunity in any way? If yes, provide details. If no, provide reasons. *(Note: not relevant to marriage and civil partnership)*

<i>Characteristic</i>	<i>Ways that this policy, service or project can advance equality of opportunity</i>	<i>Why this policy, service or project cannot help to advance equality of opportunity:</i>
Age Disability	The scheme is more generous to people of pensionable age and people with disabilities. This is a positive thing in terms of equality of opportunity as these groups are less likely to be able to change their financial position, for example' by finding work.	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
Gender reassignment Religion or belief Sex Sexual orientation	These groups are dealt with in the same way as other working age claimants. It is not considered that their ability to access other sources of income is less because of these characteristics.	
Race / ethnicity	A translation service can be provided for people whose English is limited	
Pregnancy and maternity	The scheme is more generous to people with children. The EHP scheme can assist people who find themselves in exceptional financial hardship	

The duty to foster good relations

Can the policy, service or project help to foster good relations in any way? If yes, provide details. If no, provide reasons. *(Note: not relevant to marriage and civil partnership)*

<i>Characteristic</i>	<i>How this policy, service or project can foster good relations:</i>	<i>Why this policy, service or project cannot help to foster good relations:</i>
Age	<p>The policy can assist people of pensionable age to remain in their home contributing to more stable communities, but in any event the EHP scheme can help people who find themselves in exceptional circumstances.</p> <p>The clarity provided by having a Local Council Tax Support scheme in place, can help people to understand why different groups of people are being treated differently. This is relevant for all groups.</p>	There is a possibility of animosity being engendered in people of working age due to people of pensionable age being treated more favourably
Disability	People with a disability are treated more favourably within the scheme. This allows greater disposable income and therefore allowing greater independence within the community, but, in any event the EHP scheme can help people who find themselves in exceptional circumstances.	
Gender reassignment Pregnancy and maternity Race / ethnicity Religion or belief Sex Sexual orientation	No identified impact, but the EHP scheme can help people who find themselves in exceptional circumstances.	

Step 7. Documentation and Authorisation

Summary of actions to be taken as a result of this analysis (add additional rows as required):	Name and job title of responsible officer	How and when progress against this action will be reported
1. Non identified		

2.		
3.		

Name and job title of officer completing this analysis:	Janet Twinn
Date of completion:	01/08/18
Name & job title of responsible officer: (If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit)	Alan Hall Director of Communities
Date of authorisation:	
Date signed copy and electronic copy forwarded to PIU equality@eppingforestdc.gov.uk	

Step 8. Report your equality analysis to decision makers:

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

Your summary of equality analysis must include the following information:

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.

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Report to the Cabinet

Report reference: C-010-2018/19
Date of meeting: 6th September 2018



Portfolio: Housing Housing – Cllr S. Stavrou

Subject: Essex Amenity Standards for Houses in Multiple Occupation (HMOs)

Responsible Officer: Sally Devine (01992 564149).

Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

That the 'Essex HMO Amenity Standards' attached as Appendix 3, be approved and adopted, as the minimum amenity standards generally required for houses in multiple occupation in the Epping Forest District.

Executive Summary:

Local authorities are responsible for ensuring that the number and location of washing, cooking and toilet facilities in houses in multiple occupation (HMOs) are reasonably suitable for the number of people living in them. Officers have until now been guided by specific standards prescribed by legislation and also locally applied 'Essex standards' that have been produced collaboratively by Environmental Health Officers across Essex. These assist in deciding whether a licensable HMO is suitable, what if any additional amenities are required through licence conditions and advise landlords of what is expected of them.

The current 'Essex standards' are now outdated. It is appropriate therefore that these standards are reviewed generally and it is also timely in light of the fact that the Government has extended the scope of licensable HMOs from 1 October 2018 (to include all HMOs occupied by 5 or more people sharing an amenity regardless of the number of storeys).

The proposed 'Essex HMO Amenity Standards' produced by the Essex Private Sector Housing Officers Group have been subject to a full consultation across Essex and Cabinet is being asked to approve and adopt these standards as the minimum requirements generally expected in HMOs in the Epping Forest District; which can be used as a guide to landlords operating HMOs and for enforcement officers within the Council.

Reasons for Proposed Decision:

The existing Essex Standards for HMO amenity provision are outdated, are not fit for purpose and were not formally adopted. They require updating generally and to take account of recent regulations prescribing national minimum standards for room sizes in licensable HMOs.

Other Options for Action:

Not to adopt the Essex HMO Amenity Standards – but this would leave officers responsible for enforcing property standards without a suitable benchmark against which to refer when setting amenity requirements in HMOs. This could expose the Council to potential challenge in court and subsequent costs as a result of landlords successfully appealing that the amenity requirements being imposed on them are not fair and equitable.

An option of each local authority producing its own individual standards rather than an Essex-wide standard – but this has been discounted since the consultation results show a preference for a county-wide approach and officers' opinion from Essex councils is that Essex-wide standards will evidence a fair and equitable enforcement approach across the county.

Report:

1. Houses in multiple occupation (HMOs) are houses or flats that are occupied by more than one household who share one or more amenity. This typically includes shared houses occupied by students or young professionals, or bedsit type accommodation where separate unrelated individuals or families occupy a room in a dwelling and have shared use of communal kitchen, bathroom or wc facilities.
2. The Council has enforcement powers to ensure that all HMOs in its district are safe to live in and are properly managed and it is recognised that these types of properties are often occupied by the most vulnerable residents in the District. Certain HMOs require a licence to operate and the Council is responsible for ensuring that these properties are suitable for occupation by the number of people proposing to live in them including provision of an adequate number and location of washing, toilet and kitchen facilities and adequate space for sleeping and general living.
3. Certain statutory minimum standards are prescribed by regulations and the Housing Act 2004 also empowers local authorities to set their own standards through licence conditions which may be higher than the statutory minimum. These local standards should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable for the number of people occupying an HMO taking account of property type and layout. "The Essex Approved Code of Practice: Amenity Standards for HMOs", produced by the Essex Private Sector Housing Officers Group (that includes officers from this Council) and were last reviewed in 2012, have been the standards generally applied for HMOs across Essex, although they have never been formally adopted by this Council.
4. The existing Essex standards are now outdated and require reviewing. In addition, the Government, as part of its commitment to addressing property standards in the private rented sector, has extended the scope of HMO licensing, so that from 1 October 2018 all HMOs occupied by 5 or more people will require a licence whereas it has until now been limited to properties of 3 storeys or more. It has also introduced new national minimum room size standards for sleeping accommodation and a specific requirement to comply with councils' household waste storage and disposal schemes. It is therefore timely to review the existing standards generally, taking account of the new prescribed minimum requirements and for them to be formally approved and adopted by the Council.
5. Following a full review by the Essex Private Sector Housing Officers Group, the proposed 'Essex HMO Amenity Standards' have been produced and have been subject to an initial pilot followed by a full consultation across all 13 participating councils in Essex. The consultation consisted of an on-line survey that ran for 4 weeks from 22 May to 19 June 2018 and was open to all, but particularly targeted towards landlords, agents and tenants operating or having experience of living in HMOs. The consultation was publicised on the Epping Forest Council website and promoted

using social media. A letter and, where possible, email was sent to over 1000 landlords and agents including those known or suspected of operating an HMO within the Epping Forest District. Members were notified, in the 1 June 2018 Council Bulletin, about the consultation and invited to respond to the survey. The other participating councils similarly published and promoted the consultation.

6. Analysis of the survey was carried out by Colchester Borough Council using SNAP software and a summary report is attached at Appendix 1. Unfortunately, the response rate was poor and so the quantitative analysis (particularly percentages) should be read with caution. However, to summarise:

(a) 61 people completed the survey across Essex, 16% of them had a connection with Epping Forest District.

(b) 33% were landlords or prospective landlords and 13% were tenants.

(c) There were no responders with any interest in Braintree, Brentwood, Castle Point, Chelmsford, Harlow and Maldon.

(d) Within Essex, the most common problems encountered by tenants were problems with damp and mould (75% of tenants) and inadequate heating (63% of tenants).

(e) Overall, the majority felt that the room sizes and the proposed facilities on a sliding scale were 'about right'; the next strongest category was that the proposals set-out in the consultation were too small.

(f) 63% of Essex-wide respondents felt that the HMO standards should be Essex-wide rather than having separate standards for each local authority area.

7. Subject to some minor amendments to the original draft, which are summarised in a table at Appendix 2, officers representing the Essex Private Sector Housing Officers Group consider the proposed Essex HMO Amenity Standards as the appropriate standards that should be applied across the 13 participating local authorities. Taking into account the report recommendations and the short time constraints faced by councils in implementing the standards in time for the new extended licensing regime, the Standards will be kept under review and any significant amendments will be brought forward for consideration by the Group.

8. A Framework Agreement has been produced to be signed by each participating council once agreed and adopted through its local governance process. This means each individual council is not dependent on the progress of others before implementing the Standards in its own District, nor does it affect the status of the document itself.

9. It is therefore recommended that the Essex HMO Amenity Standards attached at Appendix 3 are approved and adopted as the amenity standards expected in HMOs in Epping Forest District.

Resource Implications:

All costs are contained within existing budgets and do not impact other service areas.

Legal and Governance Implications:

The adoption of the Essex HMO Amenity Standards will ensure that the standards that landlords are expected to meet and that tenants can expect to enjoy are fairly applied in Epping Forest District and will be consistent with the standards expected across Essex.

Safer, Cleaner and Greener Implications:

One of the main aims of the Council's Private Sector Housing function is to protect the health and safety of people living in and visiting private sector residential properties including HMOs. The proposed Essex HMO Amenity Standards that will be used to support enforcement action to ensure that minimum standards are met is key to achieving this.

Consultation Undertaken:

Following a pilot to test the survey questionnaire, a full consultation has been carried out with landlords, agents, tenants and councillors across Essex and both national and regional landlord associations. The consultation using SNAP software has been reported and analysed by Colchester City Council.

Background Papers:

None

Risk Management:

Failure to have an adopted standard for amenity provision in HMOs may compromise the health and safety of the residents living in HMOs and the effectiveness of officers in court when defending requirements that have been imposed on a landlord.

Equality Analysis:

The Equality Act 2010 requires that the Public-Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report.

The Equality Analysis at Appendix 4, which relates to the Portfolio Decision Report HSG-003-2018/19: Enforcement and Service Standards, provides an overarching impact analysis for enforcement in the private sector. The proposed Essex HMO Amenity Standards falls within this enforcement framework and it is therefore appropriate that the same Equality Analysis is read in connection with this report.

Key Decision Reference (Y):

Essex Amenity Standards 2018



JUNE 29

Colchester Borough Council
Authored by: Research and Engagement Team



What Facilities and Space are needed in a shared flat?

Key Points and Recommendations

More and more people across Essex are living in houses or flats where they share basic facilities such as kitchens and bathrooms with friends, colleagues or people they don't know.

*61 people completed the survey across Essex, 34% of them had a connection to Colchester.

*33% were landlord or prospective landlords and 13% were tenants.

*There were no responders with any interest in Braintree, Brentwood, Castle Point, Chelmsford, Harlow and Maldon.

*Within Essex, the most common problems encountered by tenants were problems with damp and mould (75% of tenants) and inadequate heating (63% of tenants).

*0% of tenants declared having experienced problems with not having enough wash hand basins or a lack of facilities for washing or drying clothes

*Overall, the majority of people felt that the room sizes and proposed facilities on the sliding scale were 'about right', the next strongest category was that the proposals made in the consultation were too small.

*65% of Colchester interested parties and 63% of Essex wide respondent's felt that the HMO standards should be Essex Wide.

Recommendations

- ***There was a low response rate to this consultation and the sample is heavily skewed to landlords. Further engagement with tenants and other interested parties is recommended.***
- ***A frequent theme in the comments is that the guidance needs to be clearer and that size shouldn't matter, it is about the useable space.***
- ***Although the consultation response implies that standards should be Essex wide, not enough of Essex has been consulted. We recommend to talk to the unrepresented local authorities before moving forward.***

What Facilities and Space are needed in a shared flat?

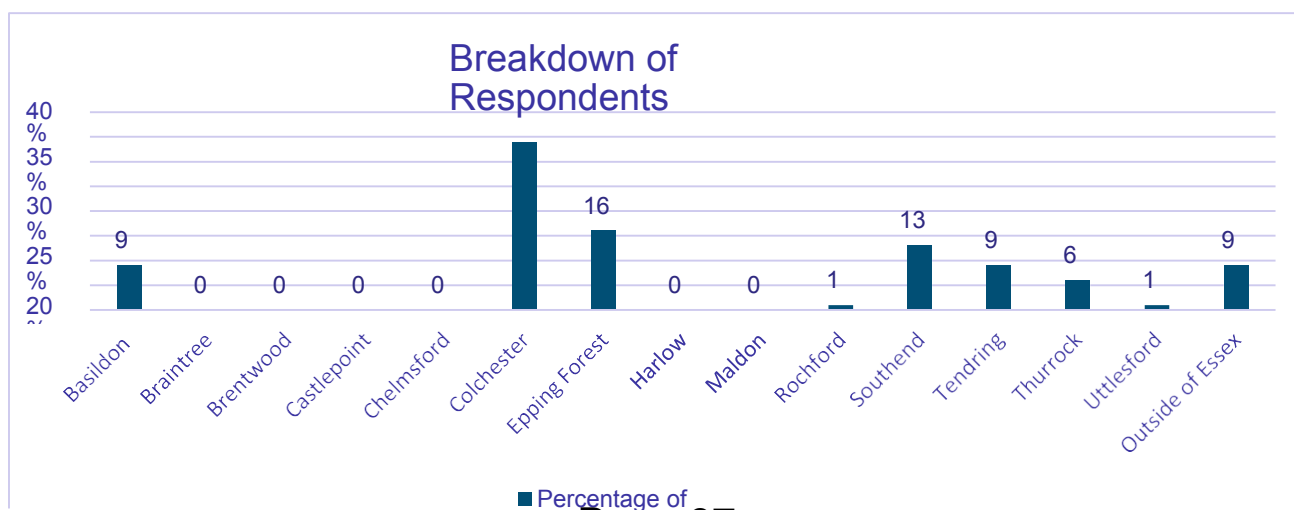
Introduction

More and more people across Essex are living in houses or flats where they share basic facilities such as kitchens and bathrooms with friends, colleagues or people they don't know.

The Government is concerned that this shared accommodation (aka Houses in Multiple Occupation or HMOs) is where overcrowded and dangerous living conditions are most likely to be found and where vulnerable residents are more likely to be exploited. As a result it is changing the law from 1 October 2018 to expand the licensing of HMOs and bring in minimum room sizes.

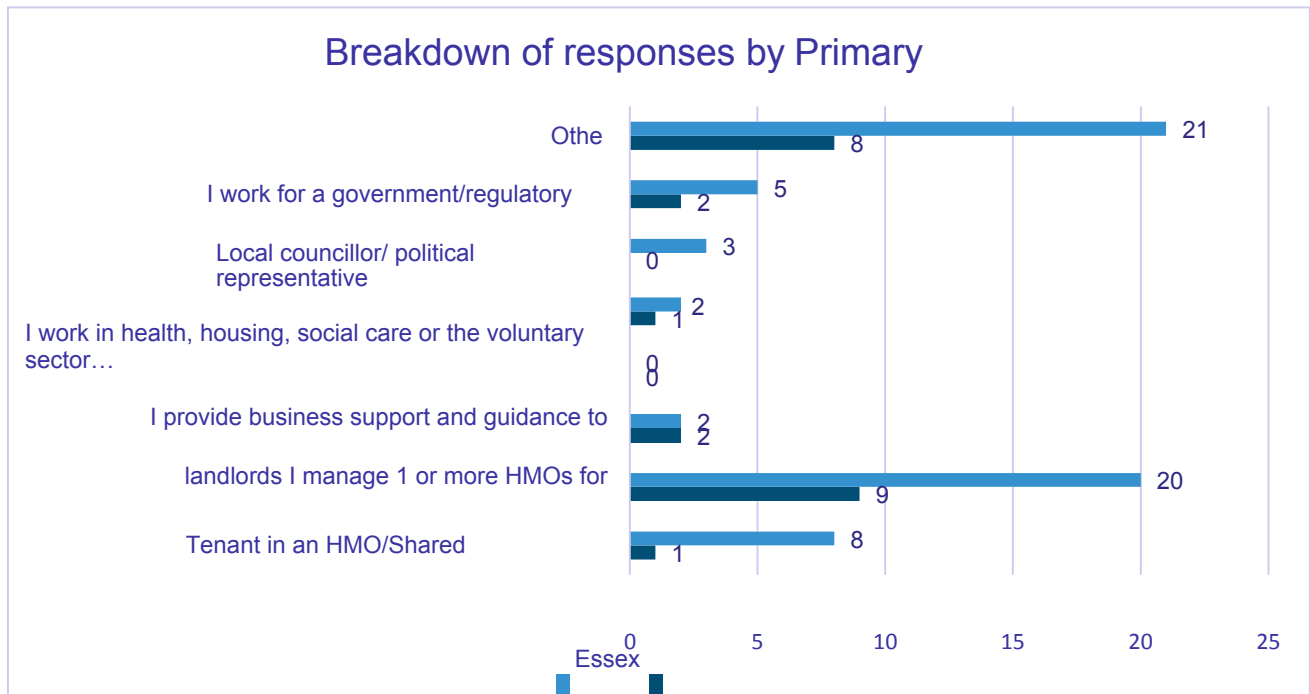
To support this aim Essex Councils want to ensure that clear space and amenity standards for HMOs are in place across the County so that landlords and residents know what is expected. All parties with a potential interest in this have been invited to take the opportunity and have their say through a survey consultation which ran for a period of 4 weeks from 22nd May until 19th June 2018. This input and feedback will help with the development of those standards as we seek to ensure that HMOs are safe, suitable and well managed without adding unnecessary costs to for landlords or residents.

There were 61 individual respondents across Essex who submitted view for a total of 67 locations and 23 locations were within Colchester. This accounted for 34% of all views.



What is your interest in this Subject?

Respondents were asked what their *primary* interest in HMO standards are. This survey consultation appreciates that an individual may have more than 1 interest i.e. working for a government body and living in shared accommodation, but requested that only a primary interest be selected.



The strongest category within Colchester was ‘HMO Landlord/ Prospective Landlord’, the strongest category for Essex was ‘Other’.

Tenant’s Experiences

This next part of the analysis focuses on the answers which were provided by respondents who classed themselves as primarily tenants.

There were 8 tenants who responded throughout Essex and 1 who resided in Colchester. This accounted for 13% of all tenant respondents.

Importance of Specific Factors

Tenants were asked to rate how important they felt each of the following factors are. The below table compares the total number of votes for both **Colchester** and **Essex**.

	Very Important		Quite Important		Somewhat Important		Not at all Important		No Opinion	
Enough toilets	1	6	0	1	0	0	0	1	0	0
Enough showers or baths	1	5	0	1	0	1	0	1	0	0
Wash hand basin in bedrooms	0	2	0	0	0	1	1	5	0	0
Enough kitchen facilities (Sinks/Cooker/Fridge/Freezer/Work top space)	1	5	0	2	0	0	0	1	0	0
Locks on kitchen cupboards and fridge/freezer compartments	0	1	0	0	0	1	1	6	0	0
A dining table, large enough so that most residents can eat together if they like	0	2	0	1	1	1	0	4	0	0
Enough space (in bedrooms or shared areas) for daytime visitors	1	5	0	1	0	0	0	2	0	0
Washing machine and clothes drying facilities	1	5	0	1	0	0	0	2	0	0
Enough power points in bedrooms	1	4	0	1	0	1	0	2	0	0
No issues of damp or mold	1	6	0	1	0	0	0	1	0	0
Adequate and affordable heating	1	7	0	0	0	0	0	1	0	0
Security (Unauthorised entry into common parts and rooms)	1	5	0	0	0	2	0	1	0	0
Good management – repairs and cleanliness of shared areas	1	6	0	0	0	1	0	1	0	0

- **Colchester tenant classed 77% of the above points as ‘Very Important’**
- **Only 13% of Essex tenants felt that locks on kitchen cupboards and fridge/freezer compartments was ‘Very’ or ‘Quite Important’**

“It is important to have good security on the premises, like front door locking. To have enough space for personal belongings and not have to put up with mould growing in the room...It is hard enough as it is being in a HMO so just the basics makes your life easier”

“Finding accommodation near to work is very difficult so I think that is more important than some of the above points”

“I live in a HMO and I enjoy it. Every time there are changes to legislation some people lose their home and I think the council should do more to support the landlords that provide the much needed accommodation that councils can’t because all the council properties are sold off. What was not on the list of questions was proximity to local amenities which would be extremely important as most of us here don’t drive and less of those that do, have a car”

Encountered Difficulties

Tenants were asked whether or not they had encountered any of the following difficulties, multiple responses were permitted.

	Colchester	Essex
Not enough toilets	0	3
Not enough showers or baths	1	4
Problems due to not having enough wash hand basins	0	0
Food or equipment being taken from my cupboard/fridge	1	3
Not enough kitchen facilities	0	2
Not enough space to eat meals with other people in the house or visitors	0	4
No space to socialise	0	3
No facilities for washing or drying clothes	0	0
Not enough power points in the bedroom	0	3
Problems of damp and mould	0	6
Heating is inadequate, not available when needed or too expensive to use	0	5
Worried about personal safety or safety of my possessions	1	3
Poor management, including repairs and cleanliness	1	4

- ***Within Essex, the most common problems encountered by tenants were problems with damp and mould and inadequate (75% of tenants) heating (63% of tenants). Neither of these have been experienced by the Colchester tenant***
- ***0% of tenants declared having experienced problems with not having enough wash hand basins or a lack of facilities for washing or drying clothes***
- ***Colchester tenant has experienced difficulties with 31% of the above points***
- ***50% of Essex tenants have experienced difficulties with the number of baths or showers in the property, not having enough space to eat with others in the house or visitors and poor management, including repairs and cleanliness***

“One shared kitchen between 30 people”

“The council will only cause more accommodation to be lost should there be a change in standards. The council should try building and running their own homes”

Room Sizes and Sharing Facilities

Bedrooms

The Government proposes to introduce minimum room sizes of 6.52 metres squared (one person) and 10.23 metres squared (two people). We take the view that these are reasonable where there are adequate shared facilities including shared bathrooms, shared kitchens and shared living/dining space. In circumstances where residents rely on their rooms for living space (e.g. to eat meals, have friends visit etc) we expect slightly larger rooms to be provided.

All respondents were asked their view regarding bedroom sizes.

Bedrooms where there is no shared living room

This is a comparison of **Colchester** to **Essex**

	Too Small		About Right		Too Big		No Opinion	
For one person: 8.5m Squared, (equal to just under 3 metres by 3 metres) which gives space for a bed, wardrobe, chest of drawers, a desk or small table and chair	4	14	9	32	8	11	1	2
For two people: 12m Squared (equal to 3 metres by 4 metres) which gives space for a double bed or two single beds, two wardrobes, two chest of drawers, a desk or small table and chairs.	4	16	10	31	5	8	2	3

- **There were 59 views submitted across Essex and 22 views from people who had connections to Colchester**
- **Across Essex, the majority of respondents felt that the room sizes for both one person (55%) and two person (53%) properties were ‘about right’**
- **For Colchester respondents, this dropped to 41% (one person room size) and 45% (two person room size)**
- **Only 18% of Colchester respondents felt that the room sizes were too small**
- **For Essex respondents this increased to 24% (one person) and 28% (two people) who felt that the room sizes were too small.**

Next is a comparison of **Tenants**, **Landlords**, and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
For one person: 8.5m Squared, (equal to just under 3 metres by 3 metres) which gives space for a bed, wardrobe, chest of drawers, a desk or small table and chair	2	2	10	4	9	19	1	8	2	0	1	1
For two people: 12m Squared (equal to 3 metres by 4 metres) which gives space for a double bed or two single beds, two wardrobes, two chest of drawers, a desk or small table and chairs.	2	2	12	4	10	17	2	4	2	0	2	1

- **24% of all Essex respondents felt that the room size for one person was ‘Too Small’. This increased to 28% of people when asked their views on room sizes for 2 people**
- **For both room sizes the majority of respondents felt that the sizes were just right; 54% (one person) and 53% (two people)**
- **19% of all Essex respondents felt that the room size for one person was ‘Too Big’, this reduced to 14% of respondents who felt that the room size for two people was ‘Too Big’**

Living/Dining Spaces

Where, due to the use of one or more smaller bedrooms, there is a need for shared living/dining space the below requirements based on a sliding scale were proposed.

All respondents were asked their view regarding Living/Dining sizes. There were at most, 56 Essex responses to this set of questions and 19 if these had an interest in Colchester. Not all responders choose to answer every question.

This is a comparison of **Colchester** to **Essex**

	Too Small		About Right		Too Big		No Opinion	
Up to 5 people sharing, with a living/dining space of 11 metres squared	6	13	9	28	4	7	0	8
6 people sharing, with a living/dining space of 12 metres squared	6	12	7	27	4	6	1	9

7 people sharing, with a living/dining space of 13 metres squared	6	14	7	25	3	5	0	8
8 people sharing, with a living/dining space of 14 metres squared	7	17	6	21	3	6	0	8
9 people sharing, with a living/dining space of 15 metres squared	6	14	7	22	3	6	0	8
10 people sharing, with a living/dining space of 16.5 metres squared.	6	17	7	23	3	6	0	7

- Dining space room size for up to 5 people had more answers than any other living arrangement. 23% of Essex responders and 31% of Colchester responders felt that this size was 'Too Small'***
- Overall, more people felt that the room sizes were 'About Right'. This was true for both Essex and Colchester with the exception of the 8 people sharing scenario where Colchester respondents mostly felt that the sizing was 'Too Small'***
- Tenant's opinions did not change according to scenario. Those that thought the rooms were 'Too Small' or 'About Right' etc continued to feel that as the number of people sharing increased***

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
Up to 5 people sharing, with a living/dining space of 11 metres squared	2	1	10	2	11	15	1	4	2	3	1	4
6 people sharing, with a living/dining space of 12 metres squared	2	1	9	2	10	15	1	4	1	3	2	4
7 people sharing, with a living/dining space of 13 metres squared	2	3	9	2	8	15	1	3	1	3	1	4
8 people sharing, with a living/dining space of 14 metres squared	2	5	10	2	6	13	1	3	2	3	1	4
9 people sharing, with a living/dining space of 15 metres squared	2	5	7	2	6	14	1	3	2	3	1	4
10 people sharing, with a living/dining space of 16.5 metres squared.	2	5	10	2	6	15	1	3	2	3	1	3

“The fact that there will be a shared living space to me is an improvement. While I was homeless we had no shared living space and were stuck in our rooms with sleeping babies feeling trapped like we were in a prison, which had a huge mental and in turn physical impact. We said every day that if we had a shared living space it would have helped in so many ways...”

“What is perhaps more appropriate for modern living is a combined kitchen/diner/living room for tenants. We feel for a 6 bedroom HMO that a combined space of this nature of around 16-20sqm works well and allows tenants to socialise should they wish to...”

“I don’t think there should be any (minimum) living / dining room requirement - if tenants need a dining / living room they won’t rent a room that doesn’t have one! Some tenants just want a small, cheap and cheerful room so why should they be denied this by forcing landlords / developers to waste space on lounges which not all end users want?”

Dining Spaces

We proposed that the dining room should be big enough to seat most, if not all residents at the same whilst allowing safe movement.

All respondents were asked their view regarding Dining

Room sizes. This is a comparison of Colchester to Essex	Too Small	About Right	Too Big	No Opinion				
Up to 5 people sharing - Shared dining area of 5 metres squared	5	16	10	23	4	7	1	9
6 people sharing - Shared dining area of 6.5 metres squared	5	15	8	22	3	6	2	10
7 people sharing - Shared dining area of 8 metres squared	5	15	9	23	3	6	1	9
8 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	5	14	9	24	3	6	1	9
9 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	5	14	9	22	3	6	1	10
10 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	5	14	9	23	3	6	1	10

- The strongest response for both Essex and Colchester is that the proposed room sizes were ‘About Right’***
 - Between 16 and 19% of all Essex respondents had no opinion on the proposed size of a dining area***
- Between 26 and 29% of respondents felt the room was ‘Too Small’, only 11-13% felt that the room sizes were ‘Too Big’***

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
Up to 5 people sharing - Shared dining area of 5 metres squared	2	3	11	2	7	14	1	4	2	3	3	3
6 people sharing - Shared dining area of 6.5 metres squared	2	3	10	2	6	14	1	3	2	3	3	3
7 people sharing - Shared dining area of 8 metres squared	2	3	10	2	6	15	1	3	2	3	3	3
8 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	2	3	9	2	6	16	1	3	2	3	3	3
9 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	2	3	9	2	6	14	1	3	2	3	3	4
10 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	2	3	9	2	6	15	1	3	2	3	3	4

“Your question is somewhat misconceived. In many HMO’s there is a shared kitchen/living area rather than a separate kitchen and dining room. If a room is 6.5 metres squared...it may be 2.5 metres by 2.6 metres. A table for 6 people is 1.5 metres by 0.75 metres. This leaves very little space for the door to open into the room or to put 6 chairs in and then for people to move around. Try putting 10 people in a dining room of 10 square metres. Practically impossible.”

“People do not eat together and will automatically go back to their room to eat and watch the television they want to watch. Most people do not get on with each other in order to sit for hours eating and talking. People like to give each other their privacy so they will let people eat rather than join in with them.”

Kitchen Sizes

All respondents were asked their view regarding Kitchen sizes. Between 55 and 52 respondents who answered these questions, between 17 and 19 of them had an interest in Colchester.

This is a comparison of **Colchester** to **Essex**

	Too Small		About Right		Too Big		No Opinion	
Up to 5 people sharing - within a kitchen area of 7 metres squared	6	18	11	26	1	4	1	7
6 people sharing - within a kitchen area of 8.5 metres squared	6	16	10	26	1	4	1	7
7 people sharing - within a kitchen area of 10 metres squared	5	15	10	25	1	5	1	7

8-10 people sharing - within a kitchen area of 14 metres squared	5	15	9	24	1	5	2	8
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- **For both Essex wide and specifically Colchester interested parties, between 29% and 33% of Colchester respondents felt that these kitchen sizes were ‘Too Small’**
- **Between 46% and 49% of respondents across Essex felt that the room sizes were ‘About Right’. For respondents who had an interest in Colchester, this increased to 53-59%**

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
Up to 5 people sharing - within a kitchen area of 7 metres squared	1	1	16	3	12	11	2	2	0	2	2	1
6 people sharing - within a kitchen area of 8.5 metres squared	1	1	14	3	11	12	2	2	0	2	2	3
7 people sharing - within a kitchen area of 10 metres squared	1	2	12	3	9	13	2	2	1	2	2	3
8-10 people sharing - within a kitchen area of 14 metres squared	1	3	11	3	7	14	2	2	1	2	3	3

“Hobs come in sizes up to 6 rings, so it would make sense for the standard to include a provision of one hob per tenant. When it comes to sinks, clarity on whether the standards refer to single or double sinks would be useful. Again, we rarely find that all the tenants will be trying to cook at the same time – it’s generally a maximum of 50% of the tenants at one time in any of our HMOs”

“In reality, if each individual was to prepare, cook and store regular healthy meals the kitchen spaces need to be bigger, with much more than 2 cookers and 2 sinks for 10 people who will all likely be jostling for space around 6-7pm every night”

“I would specifically add a refrigerator into your ‘set’”

Kitchen Facilities

A minimum size and the facilities available is proposed as being dependent upon the number of people sharing. 1 ‘set’ of facilities means a sink, an oven, grill, 4 hob rings and space for food storage and preparation. Where we suggest a combination microwave as an alternative to a second oven this means a microwave oven that has a grill facility.

All respondents were asked their view regarding Kitchen facilities.

This is a comparison of Colchester to Essex

	Too Many		About Right		Not enough facilities		No Opinion	
Up to 5 people sharing - with 1 'set'	1	2	14	37	5	13	0	4
6 people sharing - 1 'set' plus a combination microwave and dishwasher	2	5	10	30	6	14	0	5
7 people sharing - 1 'set' plus a combination microwave and dishwasher	1	5	8	22	8	21	0	5
8-10 people sharing - 2 'sets'	1	5	11	31	5	12	0	5

- **40% of respondents across Essex felt that there were not enough facilities proposed for 7 people sharing. This increased to 47% of respondents with ties to Colchester**
- **There was most agreement with the proposed facilities for houses of up to 5 people sharing; 66% across Essex thought that these facilities were 'About Right', this increased to 70% of Colchester respondents**

Next is a comparison of Tenants, Landlords and People of Interest

	Too Many			About Right			Not enough facilities			No Opinion		
Up to 5 people sharing - with 1 'set'	1	0	1	4	15	18	2	1	10	1	1	2
6 people sharing - 1 'set' plus a combination microwave and dishwasher	2	1	2	3	12	15	2	2	10	1	1	3
7 people sharing - 1 'set' plus a combination microwave and dishwasher	2	1	2	1	9	12	4	4	13	1	1	3
8-10 people sharing - 2 'sets'	1	2	2	5	11	15	1	1	10	1	1	3

“An oven must be an actual oven, not a portable table top one. Regardless, 10 people in one kitchen with only 2 ovens and 2 sinks is woefully inadequate. Taken from someone with experience”

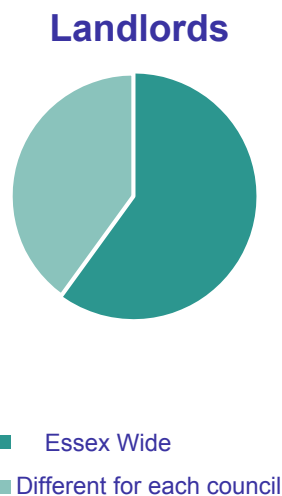
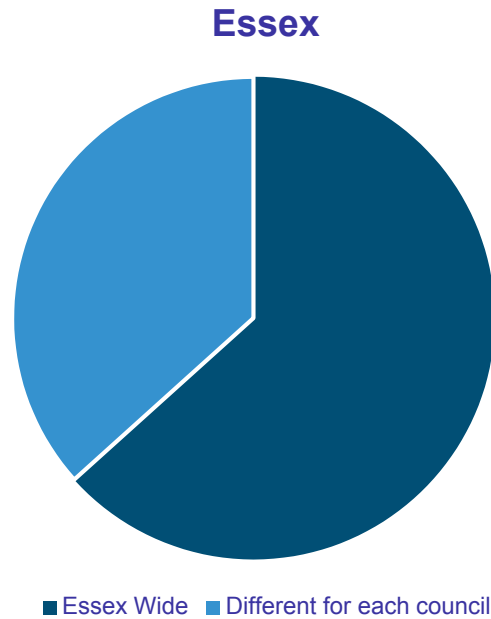
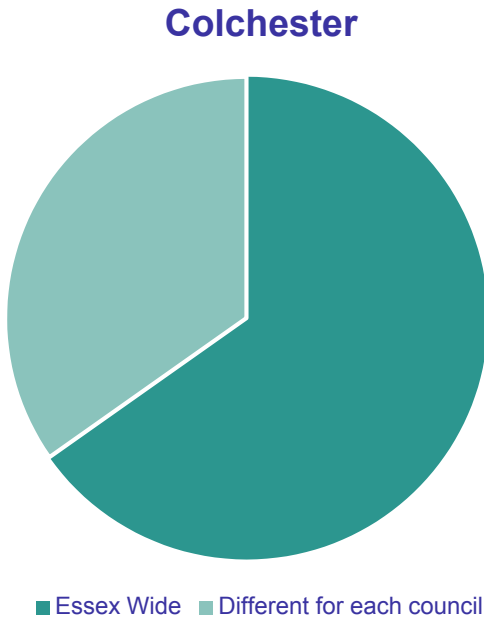
“Combination microwaves require much more regular cleaning. HMO tenants as a rule (there are exceptions) do not clean ovens or microwaves. At least with ovens the heat burns off the crud. With microwaves they end up disgusting. Whilst grilling may be seen as "healthier" it is inherently a more dangerous method of cooking and should not be encouraged”

“Disagree with inclusion of a dishwasher. Tennant’s won’t ever empty them so pointless”

“The real issue is the amount of fridge and freezer space. 2 large fridge freezers at least for 6+ people”

HMO Standards Preference

All respondents were asked whether or not they would prefer for the changes that will be made to current living standards to be true Essex wide or variable within each council area.



Other Comments

Minimum room size requirements

“I'd just reiterate the need to take into account fully combined kitchen/dining/living areas (open plan) which are a feature of modern living and end up in a grey area in the standards at present”

“Residents with disabilities need to be taken into consideration - wheelchairs need room to turn/manoeuvre so extra space in a dining or food preparation area would be needed”

“Many older properties won't allow these room sizes to be met. How do you propose to deal with this?”

“My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Minimum requirements for kitchen facilities

“Dishwasher addition not necessary”

“Dry food storage requirements seem big - a 1,000mm wall unit is a big cupboard. The standards need to be practical and combined together to see how they would actually work on a kitchen plan! Sinks need to be carefully defined (refer to the number of bowls rather than sinks)”

“As for kitchen appliances, forget about fancy microwave ovens.....every appliance needs to be basic and simple, easily replaceable as it all gets rough treatment. Then the landlord will not be so reluctant to replace it. Given fancy appliances they will be wrecked quickly and just sit there unusable, the landlord and other tenants fuming. This is the voice of years of experience, with tenants staying with us for years, reporting necessary repairs directly to us, which are then done quickly.”

Minimum requirements for bathroom/shower rooms and WC compartments

“This guidance seems really confusing and doesn't seem clear at all when you consider ensuite bathrooms? If the standards ignored all self-contained ensembles from the occupant count it would be easier to understand. So for example in a 6 bedroom HMO. 3 bedrooms have ensembles. So you have 3 tenants sharing one remaining bathroom”

“My view is that any new minimum requirements for bathrooms/shower rooms and WC compartments must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

“Keep rules flexible, if the accommodation is kept in good repair, and there are no complaints, don't impose ridiculous standards that do not improve anyone's life, or increase the number of available rooms”

Guidance relating to all HMOs

“Lighting and ventilation - I think the point about a bedroom not being allowed to be ventilated by an external door is over zealous. We have rooms which have a set of UPVC patio doors (with trickle vents), but without a window panel. The tenants have never complained and actually love this feature. I think there should be some discretion for the HMO officer to allow these in circumstances where ventilation and moisture isn't an issue. Security - your comment about thumb turn locks where it 'avoids occupants locking themselves out of their room'....isn't true - tenants still lose keys and lock themselves out (believe me). It would be better to say it minimises the risks of locking themselves out”

“Planning should be required for all HMO's- parking (cars and bikes) access to garden / balcony / open space should also be required”

Anything else covered within this survey

“Appreciate that there is a need to provide HMO facility but....landlords will, in the main, provide as little as required to obtain their £160 a week or so. If that is refused them until the facilities are in place then changes will happen. Only refusal to accept substandard will improve standards. Some of the examples above were from Ipswich accommodation...which Colchester pays for....some were from Colchester. There is an HMO landlord in Colchester who is providing very nice, newly decorated modern comfortable accommodation....there may be more than one. It is possible and it is vital that it is done. Paying for anything less is not fair on the people living there....or the taxpayers propping up bad landlords. I also recognise that some tenants don't look after their property..I've tried to provide in my suggestions optimum circumstances to get them to try. Motivation in this situation is difficult. Penalties may be used as last result...after all...as a part of this process anyone in HMO doesn't have to pay water, electric, gas bills for the whole period. Massive loss to councils....why are these bills paid for tenants?”

“Get the landlord to keep the upkeep of the outside of the property in a clean and tidy manner I.e windows cleaned at least once a year, gardens maintained once a month in the summer, kept tidy over winter. Grass to be cut once a month not left to look like a jungle, some of us have to live next door to such properties. Make it the landlord's responsibility to make sure tenants recycle not just leave them to it so the neighbours have to help them with it ALL the time! Make all HMO 's no smoking do you know what it's like to live next door to 5 people hanging out of windows smoking??”

“I would welcome a meeting with other HMO landlords and Council Officers to share information and to encourage good practice. Some of the question in this survey seem to me (a landlord with 30 years' experience) to misunderstand HMOs”

“I feel the council could to look at each situation individually as there is a vast difference in the circumstances in the wards of each town in Essex, socio economic considerations and in housing stock available”

Appendix 1 – List of full Comments

Thinking about living in an HMO, how would you rate the importance of the following factors – Any other comments? (Tenants only)

Tendring Tenant: “I live in a HMO and I enjoy it. Every time there are changes to legislation some people lose their home and I think the council should do more to support landlords that provide the much needed accommodation that councils can’t because all the council properties are sold off. What was not on the list of questions was proximity to local amenities which would be extremely important as most of us here don’t drive and less of those that do have a car”

Epping Forest Tenant: “It is important to have good security on the premises, like front door locking. To have enough space for personal belongings and not have to put up with mould growing in the room. To be able to cook for your family and to have Washing facilities and a fridge to keep food fresh. It is hard enough as it is being in a HMO so just the basics makes your life easier”

Uttlesford Tenant: “I have none”

Outside of Essex Tenant: “Bedrooms should all be equally sized with locks on the doors. There should be at least 1 toilet per 4 people and at least 1 shower per 3 people”

Epping Forest Tenant: “Finding accommodation near to work is very difficult so I think that is far more important than some of the above points”

Thinking about living in an HMO, what issues have you encountered – Any other comments? (Tenants only)

Tendring Tenant: “As said before. The council will only cause more accommodation to be lost should they be a change in standards. The council could try building and running their own HMOs”

Colchester Tenant: “One shared kitchen between 30 people”

Do you have any comments on this sliding scale approach used to assess how much shared living space is needed? (All respondents)

Epping Forest Landlord: "We have an Autistic young lady living with us for the last 18 months it's working fine she is welcome to eat with us like a member of the family we do not wish to have any others sharing other rooms on the same basis."

Outside of Essex Landlord: "Difficult to be definitive because of wide range of furniture possible, room shape and arrangement of facilities. With as many as 10 people sharing, I would be tempted to suggest either a much larger single room or two rooms!"

Tendring Local Councillor: "Check Parker Morris 1961. 5 people in a flat= 79 later 82.3 square metres 5 x 6.23= 31.15 + 11= 41.15 square metres or HALF of the PM 1967 MINIMUM"

Tendring Tenant: "Where is this space going to come from? People losing their rooms so dining and living areas that will never be used can be made bigger. Honestly do you have any idea?"

Southend Tenant: "You are miss describing the sizes you saying metres squared that is (as above) 12metres by 12 metres not 3 by 4 metres which is 12 metres square not squared. If this lack of attention to detail is continued you will be courting disaster, either in the increase in the number of homeless you create, or the regulations that are not worth the paper they are written on"

Colchester Landlord: "What is perhaps more appropriate for modern living is a combined kitchen/diner/living room for tenants. We feel for a 6 bedroom HMO that a combined space of this nature of around 16-20sqm works well and allows tenants to socialise should they wish to. It's generally not viable in Essex, with the state of capital prices of houses in 2018, to provide large spaces such as lounges separately"

Colchester Other: "Sliding scale is fine....but hygiene cannot be restricted to a single person space...whatever the size a dirty person will have a severe effect on the mental (and possible physical) health of another individual. Cooking facilities take up minimal space and should be included in room space"

Southend Landlord: "As a very old and experienced landlord of HMOs they should not be eating and entertaining more than an occasional friend in their bedrooms. How unhygienic is that. They should be cooking and eating in a kitchen/diner, and what happens in reality is that the kitchen diner is the communal chatting point. Rarely do they cook together. The tenants tend to be young and workers or students in some cases, all on different shifts. Many work in catering and many rarely eat at home. Just look for the evidence in the kitchen cupboards. Where we operate if too many exact restrictions are placed on the properties, there will be even more homelessness"

Basildon Landlord: "I do not think that any HMO should be available without living space/ kitchen amenities"

Colchester Other: "One square metre is not sufficient for an extra person"

Colchester Tenant: "The fact that there will be a shared living space to me is an improvement. While i was homeless we had no shared living space and were stuck in our rooms with sleeping babies feeling trapped like we were in a prison which had a huge mental and in turn physical impact. We said every day that if we just had a shared living space it would have helped in so many ways. We had a shared kitchen with no seating and was clearly just a kitchen. Make it a shared living/dining space and enable people to just sit at a table rather than a countertop makes it less homeless and as if we don't count as humans which in many other ways the process of housing is done is crystal clear."

Area outside of Essex Other: "With more people there is less likelihood that they will all share the living space at the same time. Therefore the scale is too large."

Rochford Local Councillor: "Are these people all male, all female, male and female, large, small. The term people seems a bit general. Five Polish builders will take up a bit more space than five Thai nail technicians"

Colchester/Tendring Landlord: "Seems reasonable"

Colchester/Area outside of Essex Manager of HMOs: "I think it is down to the actual occupants to decide on whether they are happy with the amount of communal space available"

Colchester/Area outside of Essex Manager of HMOs: "I don't think there should be any (minimum) living / dining room requirement - if tenants need a dining / living room they won't rent a room that doesn't have one! Some tenants just want a small, cheap and cheerful room so why should they be denied this by forcing landlords / developers to waste space on lounges which not all end users want?"

All comments on the proposal for assessing how much shared dining space is needed
(All respondents)

Epping Forest Landlord: "Not interested in having more than one person"

Area outside of Essex Landlord: "I have a 5 bedroom HMO for students in a university town in Wales. Each room has its own study facilities; so I have a good idea of this requirement. All of these sizes seem very tight! 1 square metre/person to sit and eat is very tight"

Tendring Other: "It would depend on the number needing to use the communal area"

Tendring Local Councillor: "See previous comments"

Epping Forest Tenant: "I think this is a secondary luxury"

Colchester/Area outside of Essex Manager of HMOs: "Not all tenants want, need or care about having a dining room so my view is that a dining room shouldn't be a hard requirement"

Southend Landlord: "Again it is overkill to imagine that these people will all sit down together to eat. It might be what you think is good for them, but many do not even talk the same language, let alone work the same hours. Of more importance is the existence of washing machines and dryers, places to put the washing that has been left, work tops and cupboards"

Basildon Landlord: "I would have thought that providing there is a decent size lounge area for people to sit there should not be a requirement for a dining room/ table etc- most houses these days don't even have that for families"

Colchester Landlord: "Your question is somewhat misconceived. In many HMOs there is a shared kitchen/living area rather than a separate kitchen and dining room. If a room is "6.5 metres squared" as you put it ("six point five square metres" when I was growing up) it may be 2.5 metres by 2.6 metres. A table for six people is 1.5 metres by 0.75 metres. This leaves very little space for the door to open into the room or to put six chairs in and then for people to move around. Try putting 10 people in a dining room of 10 square metres. Practically impossible"

Southend/Area outside of Essex Other: "Again people do not eat together and will automatically go back to their room to eat and watch the television they want to watch. Most people do not get on with each other in order to sit for hours eating and talking. People like to give each other their privacy so again they will let people eat rather than join in with them"

Rochford Local Councillor: "Are they all going to be present at one time. The answer is almost certainly no. This is not usually accommodation for families. There will be little nine to five activity. Work hours are likely to be 24/7"

Any comments regarding kitchen sizes and the level of people using them (All respondents)

Epping Forest Landlord: "We only have one person using and working with my wife"

Area outside of Essex Landlord: "I would specifically add a refrigerator into your "set"

Tendring Local Councillor: "A kitchen is the centre point of any dwelling. So must be welcoming big enough for all residents to move around in and chat. Essential for the health and wellbeing of Residents. Once in their rooms the world can fall on their heads, and does. The act of going to a good kitchen or lounge area and meeting a fellow traveller puts parts of life into perspective and thus improves the health and wellbeing"

Tendring Tenant: "A couple of people max use them at any one time so why make a bigger empty space?"

Colchester Tenant: "In reality, if each individual was to prepared, cook and store regular healthy meals the kitchen spaces need to be bigger, with much more than 2 cookers and 2 sinks for 10 people who will all likely be jostling for space around 6-7pm every night"

Colchester Landlord: "Hobs come in sizes up to 6 rings, so it would make sense for the standard to include a provision of one hob per tenant. When it comes to sinks, clarity on whether the standards refer to single or double sinks would be useful. Again, we rarely find that all the tenants will be trying to cook at the same time - it's generally a maximum of 50% of the tenants at one time in any of our HMOs"

Colchester Other: "See previous comments re sharing. People need to have their own space. This improves everyone's mental health. Sharing this particular experience does not encourage people to get out of the system it simply makes sure they stay longer. Through depression and a complete inability to see an alternative"

Southend Landlord: "You go on like this you will not have any HMO's left and hugely increased homelessness. Who is doing this survey, certainly practical experience is lacking. A well planned space can be a lot better than a badly planned bigger space"

Basildon Landlord: "When it's up to 6 sharing I have never experience an issue with shared kitchen facilities- think it needs to be remembered that people work all different hours- e.g. they do not all arrive home at 6 pm and start cooking- it's very much spread over several hours"

Colchester Landlord: "Again the question does not distinguish between houses with a kitchen/living area and those with just a separate kitchen with no seating. This Council's proposals seem much more logical and practical: <http://www.swpshp.org/CHttpHandler.ashx?id=12805&p=0> "

Southend/Area outside of Essex Other: "Again if you provide a microwave people are not in the kitchen for hours they are in there for minutes. They do not make their own food i.e. pastry for a meat pie, they will just buy a meat pie"

Area outside of Essex Tenant: "Microwave oven with a grill facility is NOT good enough. There should be at least 1 oven per 4 people"

Rochford Local Councillor: "Unlikely to be occupied by all residents at one time. No mention made about other domestic activities that gravitate around kitchens, such as washing clothes"

Southend Government/ Regulatory body: "If you work on the ' worst case scenario' of everyone being in the kitchen at the same time, with fixed components in place, the space for 5 people sharing sounds a bit too small"

Any comments regarding kitchen facilities and the level of people using them (All respondents)

Epping Forest Landlord: "Only have one person"

Area outside of Essex Landlord: "I think this is generally correct, based on my experience of 5 sharing. BUT dishwashers can be a nightmare in a sharing/limited space scenario!! By all means have it as an option but give the landlord the choice to put in a second sink/water supply?"

Tendring Local Councillor: "Dishwasher not needed. Big fridge essential, as arguments over space is common. Where are the washing machines and dryers?"

Tendring Tenant: "I live in a large HMO and can tell you I've never seen anyone cook much more than some pasta and sauce. Mostly it's microwave meals or pizza in the oven as we either eat out or with friends and family so the kitchen space is largely redundant. More space and facilities will ultimately have to be paid for by the tenants"

Southend Landlord: "You have not differentiated between individuals and couples. Why do 5 couples (10 people) need twice as much cooking etc facilities as 5 individuals, (who may be chefs). You also are creating a huge cliff edge, at 7 persons, who would invest in a second kitchen just to house one extra person, much better to invest that money and uplift the specification of the property and thus uplift the rent per unit. You are walking into the law of unintended consequences. The less well-off will have less choice of accommodation, local councils have limited resources to help, you will then be housing them in hostels, which are by far worse than the average HMO. Additionally hostels cost council tax payers dearly, for what is by any view a very substandard accommodation"

Colchester Landlord: "I'd specify that 6 people need a 5 ring hob, and 7 persons need 6 ring hob - these are both easily available in retail outlets"

Colchester Other: "Imagine yourself trying to share a microwave with someone who has just heated up their crack spoon in the kitchen. This does happen. Or trying to get to the kitchen past one person's latest 'client'... Or making your way through the cannabis fug. The more facilities allow a person to remain in their own space the more chance that person can re-enter a normal productive life. Be very aware that HMO are a very expensive way of increasing a whole societal problem. All examples given have been within the last two years"

Southend Landlord: "Are you mad.....the dish washer will remain full, no one will empty it, and there will have to be several sets of crockery, cutlery, glasses pots and cooking dishes. Have you never seen how lazy the tenants are? The washing up needs to be done, drained and put away. Otherwise they will just leave it in the dishwasher and forget it. Please go and live in an HMO and see how tenant cope"

Colchester Tenant: "An oven must be an actual oven, not a portable table top one. Regardless, 10 people in one kitchen with only two ovens and two sinks is woefully inadequate. Taken from someone with experience"

Thurrock Health/Housing/Social care or voluntary sector worker: “Even for up to 5 people should be dishwasher”

Basildon Landlord: “As per previous comment”

Colchester Landlord: “Combination microwaves require much more regular cleaning. HMO tenants as a rule (there are exceptions) do not clean ovens or microwaves. At least with ovens the heat burns off the crud. With microwaves they end up disgusting. Whilst grilling may be seen as "healthier" it is inherently a more dangerous method of cooking and should not be encouraged”

Uttlesford Tenant: “The real issue is the amount of fridge and freezer space. 2 large fridge freezers at least for 6+ people”

Southend/Area outside of Essex Other: “Again people do not cook food from scratch so they will not make a meat stew, they are more than likely to buy sausages and bacon and fry food. They do not need a dishwasher as it will be too expensive no one will maintain it and no one will empty it taking out other people’s things and putting them away in their cupboards.”

Rochford Local Councillor: “Different cultures prepare food to their own tastes. Some may be more labour intense and time consuming than others”

Colchester/Tendring Landlord: “Disagree with inclusion of a dishwasher. Tennant's won't ever empty them so pointless”

Minimum room sizes – any other comments? (All respondents)

Epping Forest Landlord: “200 acres of farm Land and an 8 acre garden with two Gardeners. The house is Detached with three Reception Rooms With five bedrooms and a utility room Craft Room Swimming Pool and a Garden Room”

Tendring Tenant: “More help should be available to help those that want to move on from an hmo to do so, not turn them into flats”

Southend Landlord: “if that were to read square metres not metres squared it would be reasonable”

Colchester Landlord: “I'd just reiterate the need to take into account fully combined kitchen/dining/living areas (open plan) which are a feature of modern living and end up in a grey area in the standards at present”

Colchester Other: “A very small room could be perfectly adequate...if it is a self-contained unit. A small room which means all facilities are shared is less conducive to helping a person remain sane.”

Colchester Other: “Residents with disabilities need to be taken into consideration - wheelchairs need room to turn/manoeuvre so extra space in a dining or food preparation area would be needed”

Southend Landlord: “The minimum room size for one person of 6.51 is not necessary. The hard and fast rule should be are all the facilities there in a usable layout. That space can be achieved in an unusable way. As an architectural designer who became a landlord in order to provide good standards of accommodation, I have achieved very pleasant accommodation in less space. I will now have to find some more useless space by building over a porch, or spoiling the integrity of the room next door, and building into it, taking space from that room. The small room is always full, and it is cheap, a very good start for someone, who can then live in a very nice house. The enlarged small room will cost a few thousand either way, the rent for that room will go up, and that money will not be spent on repairs as it had to be spent on the useless enlargement, certainly not required by the end user, the tenant who wanted a cheap room. Y” (missing text)

Southend Other: “Not enough room for number of people to live comfortably”

Colchester Landlord: “For single room minimum of 6.5 square metres should be required. Consideration should be given to the amount of shared facilities. If there is no communal seating area then even 8.5 sqm on the small side. If there is a large area then requiring a minimum of 8.5 sqm takes many many rooms off the market. Some tenants would rather have a cheaper small room than no room.”

Rochford Local Councillor: “Migrant workers may wish to sacrifice comfort over the short term. Many would rather reduce costs on accommodation in order to send earnings back to their home country. Pounds sterling generate extra value when converted into Polish, Bulgarian, Romanian etc. currencies. There is reduced value with countries that have transitioned to the Euro, but still worth doing”

Southend/Area outside of Essex Other: “HMO facilities are not usually for family's they are used by multiple people of different cultures, therefore they do not mix readily. You are trying to create a family home setting but they do not want this”

Colchester/Tendring Landlord: “Many older properties won't allow these room sizes to be met. How do you propose to deal with this?”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum room size requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted.”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Colchester Landlord: “Each option depends very much on individual circumstances, the age and requirements of the tenants and the houses...”

Minimum requirement for kitchen facilities – any other comments? (All respondents)

Tendring Tenant: “They’re fine as they are”

Southend Landlord: “Cliff edge problem, creates a huge disincentive”

Colchester Landlord: “Dry food storage requirements seem big - a 1,000mm wall unit is a big cupboard. The standards need to be practical and combined together to see how they would actually work on a kitchen plan! Sinks need to be carefully defined (refer to the number of bowls rather than sinks)”

Colchester Other: “Most people in this situation are ingenious. They have to be. They have nothing. They would be able to cook and wash up in a very limited space. They would be much more able to keep it clean if it was simply their own mess to clear up and they didn't have to wonder exactly what a particular substance was and whether it should be touched. Shared facilities remove pride”

Southend Landlord: “As for kitchen appliances, forget about fancy microwave ovens.....every appliance needs to be basic and simple, easily replaceable as it all gets rough treatment. Then the landlord will not be so reluctant to replace it. Given fancy appliances they will be wrecked quickly and just sit there unusable, the landlord and other tenants fuming. This is the voice of years of experience, with tenants staying with us for years, reporting necessary repairs directly to us, which are then done quickly”

Basildon Landlord: “I think that the whole of the common space area needs to be considered as an overall space for example there might be a smaller lounge area but larger dining area/ vice versa rather than some hard and fast rule applied because a room is a few ml too small when the overall sizes are more than adequate”

Southend Other: “Too few facilities means too many people trying to access appliances at same time, could cause friction!”

Southend/Area outside of Essex other: “Hob, microwave, fridge & freezer, table and chairs for four people surface for kettle and toaster. Cupboard each”

Rochford Local Councillor: “Huge difference depending on the activities of the occupants. This type of accommodation is usually taken up by people with low income fairly intense work regimes. i.e. bar work, agricultural workers, car wash operatives”

Colchester/Tendring Landlord: “Dishwasher addition not necessary”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum requirements for kitchen facilities must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Minimum requirements for bathrooms/shower rooms and WC compartments – any other comments? (All respondents)

Epping Forest Landlord: “Every Bedroom has a Shower and WC”

Tendring Tenant: “Fine as they are”

Southend Landlord: “Already below what I have”

Colchester Landlord: “This guidance seems really confusing and doesn't seem clear at all when you consider ensuite bathrooms? If the standards ignored all self-contained ensembles from the occupant count it would be easier to understand. So for example in a 6 bedroom HMO. 3 bedrooms have ensembles. So you have 3 tenants sharing one remaining bathroom.”

Colchester Other: “There should be no shared facilities. Highly dangerous. Even in a single sex property...people have their friends over....some have their clients over...it is highly stressful even moving around a building...let alone having to take clothes off to wash in shared facilities. Example of mental anguish caused... Woman in HMO. Locked connecting door. Told not to worry perfectly safe. First night and next door becomes a party for 6 men describing in detail what they would like to do to her. Child asleep in bed. Initially not allowed to bring own bedding in case of infestation...allowed when shown to manager in wrapping with 10 minute old shop receipt. Shower the next day....took one look and asked manager for bleach...apparently a first...cleaned shower. Two days later shower infested...complained and asked management to fix issue. Told the infestation must have come from either her body or her child's. Add sharing the shower to that”

Southend Landlord: “Keep rules flexible, if the accommodation is kept in good repair, and there are no complaints, don't impose ridiculous standards that do not improve anyone's life, or increase the number of available rooms”

Southend Other: “Essential to have enough for people to be able to carry out their basic hygiene requirements especially if they need to get to work etc”

Southend/Area outside of Essex Other: “Bath with a shower. Separate toilet”

Rochford Local Councillor: “As above”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum requirements for bathrooms/shower rooms and WC compartments must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Colchester Landlord: “One toilet and one bathroom per 3 tenants”

Guidance for all HMOs – any other comments? (All respondents)

Area outside of Essex Landlord: “Seems to be reasonable”

Tendring Tenant: “Fine as they currently are”

Southend Landlord: “Your room door lock shown is rather prescriptive, and is way too detailed as any set of rules that is designed to last more than five minutes must allow for developments that we do not yet know about. A lock that is released by proximity to your phone for example.”

Colchester Landlord: “Lighting and ventilation - I think the point about a bedroom not being allowed to be ventilated by an external door is over zealous. We have rooms which have a set of UPVC patio doors (with trickle vents), but without a window panel. The tenants have never complained and actually love this feature. I think there should be some discretion for the HMO officer to allow these in circumstances where ventilation and moisture isn't an issue. Security - your comment about thumb turn locks where it 'avoids occupants locking themselves out of their room'....isn't true - tenants still lose keys and lock themselves out (believe me). It would be better to say it minimises the risks of locking themselves out”

Colchester Other: “Please try and consider some of the points made”

Southend Other: “The biggest problem in the Southend area is parking. Each resident has a car but many of the larger houses used for HMOs have no parking at all or insufficient parking so that all the roads are clogged with parked cars. Many of the roads are narrow so people have two wheels on the pavement which makes it difficult for pram and wheelchair users. There should be a cap on the number of HMOs in any given street”

Epping Forest Other: “Planning should be required for all HMO's- parking (cars and bikes) access to garden / balcony / open space should also be required”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum amenity requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Colchester/Area outside of Essex Manager of HMOs: “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Anything else covered within this survey - comments (All respondents)

Area outside of Essex Landlord: "I try to be a responsible landlord and I welcome anything that improves standards and forces the "cowboys" out of the system! There is always going to be a need for decent rental properties and consistently applied regulation is overdue and will be welcomed by most landlords. If you can't meet reasonable standards you should be renting properties!"

Tendring Other: "We think a lot depends of the MHO is being used for e.g. support with carer, homeless etc. to what is necessary"

Tendring Local Councillor: "Your sizes are more appropriate to a prison than healthy living in the 21st Century"

Basildon Other: "This survey is not very accessible. I found it really hard to imagine room sizes and so stated no opinion. More should've been done to make the survey easier to complete. Diagrams would help showing standard size furniture. Many HMO have foreign people living in them. I don't think this survey is accessible to them. I don't think you can capture the true opinions from the people who count. Feels like lip service"

Southend Landlord: "It is always tempting to write overly detailed and prescriptive regulations, but you should first look at what we need to achieve in totality, (Especially now with shortage of rental properties), then this will inform the individual parts of a set of rules rather than create ever tighter rules, which just increase the costs and therefore the rents needed to justify them. There is then a potential danger of a large portion of the HMO market either ceasing to exist or moving up market. We all want good quality homes for people to live in, there are things that government can and should do to help increase the supply of properties, at reasonable cost"

Colchester Other: "Appreciate that there is a need to provide HMO facility but....landlords will, in the main, provide as little as required to obtain their £160 a week or so. If that is refused them until the facilities are in place then changes will happen. Only refusal to accept substandard will improve standards. Some of the examples above were from Ipswich accommodation...which Colchester pays for....some were from Colchester. There is an HMO landlord in Colchester who is providing very nice, newly decorated modern comfortable accommodation....there may be more than one. It is possible and it is vital that it is done. Paying for anything less is not fair on the people living there....or the taxpayers propping up bad landlords. I also recognise that some tenants don't look after their property..I've tried to provide in my suggestions optimum circumstances to get them to try. Motivation in this situation is difficult. Penalties may be used as last result...after all...as a part of this process anyone in HMO doesn't have to pay water, electric, gas bills for the whole period. Massive loss to councils....why are these bills paid for tenants?"

Colchester Other: "Put a dining table in each property where people are having to share if they have children in their room and are trapped will make more difference than anyone who hasn't been homeless can imagine"

Colchester Other:

and tidy manner i.e windows cleaned at least once a year, gardens maintained once a month in the summer, kept tidy over winter. Grass to be cut once a month not left to look like a jungle, some of us have to live next door to such properties. Make it the landlord's responsibility to make sure tenants recycle not just leave them to it so the neighbours have to help them with it ALL the time! Make all HMO 's no smoking do you know what it's like to live next door to 5 people hanging out of windows smoking??"

Southend Other: "I think it is important to cover the arrangements for waste collections. For example, where there are over six people sharing, I believe there should be some form of Eurobin arrangement otherwise waste ends up being left in the kitchen or placed on the street as soon as a bin bag is full."

Basildon Landlord: "Whilst I think it's a really good thing to have these standards I do think that council inspectors need to have an overall judgement of whether a house is suitable rather than just a simple tick box exercise, I am also very concerned that what these type of rules cause is those that already operate bad practice will become more "underground" and those that are honest suppliers of decent properties will end up with either more expense or even not be able to trade at all- which would just leave more bad rather than decent accommodation available in the marketplace. I would like to see the unlicensed heavily targeted but also I think that the standards that live in landlords just renting a room needs to be addressed- I have heard of many really appalling stories of poor treatment of tenants in these areas just get away with things under the radar."

Southend Other: "Not covered - refuse and parking"

Colchester Landlord: "I would welcome a meeting with other HMO landlords and Council Officers to share information and to encourage good practice. Some of the question in this survey seem to me (a landlord with 30 years' experience) to misunderstand HMOs"

Southend Other: "The level of HMOs in the Westcliff area is too high. It puts a strain on the area and specifically parking. Residents cannot park anywhere near their houses due to the increase of these properties"

Rochford Local Councillor: "The age, overall size, suitability of converting flats and houses is not touched upon. Some properties will not even be able to meet the lower proposed size requirements"

Thurrock Landlord: "Try living in one yourself"

Colchester/Area outside of Essex Manager of HMOs: "The link to the "National Guidance" on page 10 does not work / is a broken link"

Colchester Landlord: "I feel the council could to look at each situation individually as there is a vast difference in the circumstances in the wards of each town in Essex, socio economic considerations and in housing stock available"

Appendix 2:

Summary table of amendments made to draft Essex HMO Amenity Standards

Draft condition	Amended condition	Reason for alteration
Table 1: Minimum standard for a single and 2 person occupancy room is 6.52sqm and 10.23 sqm respectively	Minimum standard for a single and 2 person occupancy room is 6.51sqm and 10.22 sqm respectively	An error on original draft
<u>Table 2: Minimum requirement for kitchen facilities</u> One suitably located fire blanket in accordance with the current BS 6575	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal	The amended condition allows the Amenity Standards to remain up to date without the need for revising if a BS number changes.
<u>Table 3: Minimum requirements for bathrooms/ shower rooms and wc compartments.</u> Bathrooms <u>must</u> contain a wc Properties with 6-9 occupiers must have 2 bathrooms and a separate wc	Bathrooms <u>may</u> contain a wc Properties with 6-9 occupiers must have 2 bathrooms and 2 wcs <u>one of which must be separate</u>	The first draft requires that an occupancy of 6-9 persons must have 3 wcs. This is above the statutory minimum, is not practically achievable in many HMOs and was not what was meant by the authors. The amended requirement is in line with legislation and is considered that it can be reasonably achieved in HMO properties.

The Essex HMO Amenity Standards

A guide to the minimum standards for amenities and space permitted in a house in multiple occupation

Introduction

[Houses in Multiple Occupation \(HMOs\)](#) play an important role in local housing markets across Essex. Increasingly HMOs are becoming more diverse as housing pressures and costs rise and a wider range of residents seek some form of shared accommodation. Essex councils want to ensure that this growing sector has clear guidance on how to develop suitable accommodation with some flexible options based on an understanding of the housing stock and the need for good quality HMOs across the County.

For the purposes of this guide to amenity standards, we have distinguished HMOs according to whether they are:

HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (but without shared living space)	HMO without shared facilities (i.e. traditional bedsits or studio flats including kitchen facilities)
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Status of this Document

Enforcement of amenity standards in HMO's is undertaken using the Housing Health and Safety Rating System (HHSRS) created by the introduction of the Housing Act 2004. In addition, most HMOs occupied by 5 or more people will require a licence under the Housing Act 2004 and in considering an application for such a licence the Authority must be satisfied that the property is reasonably suitable for occupation by the number proposing to live there.

Some standards are prescribed in the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006(SI2006/373). The Authority also has power to specify other standards and this document outlines those standards which should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable taking account of property type and layout. It should also be noted that a Local Authority may consider, in certain justified circumstances that a higher standard than specified in this guidance is required and landlords are advised to discuss their specific property with council officers prior to carrying out alterations.

This document has been put together by the Essex Local Authorities as a guide on the Standards expected in HMO's within Essex taking account of the aforementioned Regulation and also includes recommendations for good practice. The standards have been widely consulted upon and adopted by each participating Local Authority, giving the standards significant weight behind their application to support enforcement in such properties. Full compliance with the standards contained in this document means that formal enforcement action against an HMO Landlord for amenity-related issues should not be necessary. Conversely, failure to comply with them places a Landlord at heightened risk of enforcement action.

This document will be subject to review at least every 3 years or earlier if considered necessary as a result of any relevant legislation or changes in government guidance or policy.

The structure of this document identifies:

Legal Requirements which are set out in bold type – these are requirements contained within National legislation. Non-compliance with the requirement is an offence for which a Landlord may face formal enforcement action, potentially including prosecution or a civil penalty of up to £30,000.

Requirements which are set out in black standard type – these are the minimum requirements generally expected, whilst also considering the individual property itself. Non-compliance with such a requirement may not constitute an offence in its own right, but a local authority is likely to require it as a condition of the licence which can then be enforced as such.

Recommendations which are set out in blue standard type – these are recommendations agreed upon by the Essex Local Authorities and are suggestions/good practice designed to help minimise issues for tenants in the property and to help create good quality HMO accommodation.

Links to other design and management considerations

At the back of this document Table 5 provides information and links to a range of design and management considerations which need to be considered to ensure that extra legal requirements and the additional responsibilities of running HMO accommodation can be fully demonstrated. Where landlords and managers are not clear about what is required then they should make enquiries with the relevant council.

Table 1: Minimum room size requirements

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

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Notes:

- From 1 October 2018 National legislation requires that in all HMOs requiring a licence the minimum permitted floor area for any room used for sleeping is as follows:

10.22 sqm	Two people over 10 years old
6.51 sqm	One person over 10 years old
4.64 sqm	One person under 10 years old
Less than 4.64 sqm	Must not be used as sleeping accommodation

2. Bedrooms, living rooms and dining rooms are all classed as habitable rooms and require adequate natural lighting (suitable window) and ventilation (normally by means of an openable window). Dimensions are based on useable room sizes with standard room heights (2.2-2.3 metres) and will not take into account any floor area where the floor to ceiling height is less than 1.5 metres
3. These room sizes do not include space for bathroom/shower room or WC. Where ensuite facilities are provided then this must be in addition to the space indicated above
4. *In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves

Table 2: Minimum requirements for kitchen facilities

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
All Shared Kitchens										
Up to and including 5	7	2	3 double	4	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal
6	8.5	2.4	4 double	4	2 ⁺	2 ⁺	2 [#]			
7	10	2.8	4 double	6	2 ⁺	2 ⁺	2 [#]			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			
10	14 (7 x 2)	4	5 double	8	2	2	2			
Kitchens in individual lettings (Bedsits and Studios)										
1 or 2	4.5	1	2 double	2	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with BS 6575
					or a safely located combination microwave/oven/grill					

Notes:

- To provide some flexibility where 6 or 7 occupants share a kitchen:
 - a safely located combination microwave/oven/grill is acceptable in place of an additional oven and grill (+)
 - a dishwasher is acceptable in place of an additional sink/drainer (#)
- To clarify, where the requirement is for a space minimum of 14sqm this can be achieved by providing 2 rooms each of 7sqm
- See Table 4 below for general guidance relating to all HMOs including requirements for mechanical extract ventilation, waste disposal, hygiene and storage

Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments

Occupants sharing	Bathrooms Comprising 1 Bath/Shower Unit <i>(With Hot and Cold Water)</i> and may contain a WC <i>(but see * below)</i>	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. <i>It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.</i>	Bath only 2.3sqm Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm WC & WHB 1.2sqm
5	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
Ensuite for 1 or 2	1	0	Comments as above	

Notes:

- (*) For properties with 6-9 occupants sharing there shall be a minimum of 2 wcs and 2 bathrooms and one of the wcs must be separate.
- All bathrooms and toilets must be suitably located in relation to the living accommodation**-where facilities are shared they must be accessible from a common area; a bathroom must be no more than one floor distant in relation to the bedroom and the toilet must be within one floor of living and bedrooms
- See Table 4 below for general guidance relating to all HMOs**

Table 4: Guidance relating to all HMOs

<p>Insulation and heating</p>	<p>Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.</p> <ol style="list-style-type: none"> 1. Heating shall be provided in every habitable room, the common parts and bathroom capable of maintaining following internal temperatures when the external temperature is -1°C: Living room, dining room and rooms used for sleeping 21°C Bathroom 22°C Elsewhere 18°C 2. The heating provision must be capable of being safely used at any time and be suitably guarded. It must be suitable, affordable to operate, appropriate to the design, layout and construction of the dwelling and be controllable by the occupants. 3. In the case of gas central heating, radiators must be fitted with thermostatic valves and a programmable timer clock fitted. 4. An electrical heating system will be acceptable in the form of a combined storage heater/panel heater that can be run on both “off peak and standard day rate” electricity tariffs, together with a fixed electric fan heater, located in the bathroom, powered from a fused spur. It must be capable of providing instantaneous energy efficient heating and controllability, on the optimum electricity tariff available. 5. All appliances shall be maintained by a competent person. Gas appliances shall be inspected annually by a Gas-Safe Registered Engineer and certificated in accordance with the Gas Safety (Installation & Use) Regulations 1994 and all applicable British Standards. Work to electrical appliances must be undertaken by an electrician able to certify the work under the one of the following schemes: BRE Certification Limited British Standards Institution (BSI) ELECSA Limited NAPIT Registration Limited NICEIC Group Ltd. 6. The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant. <p>All reasonable steps should be taken to insulate HMO accommodation to improve energy efficiency and reduce condensation risk. Particular attention should be paid to basement and attic rooms and conversions must comply with Building Regulations.</p>								
<p>Power supply and Electrical Sockets</p>	<p>HMOs must be designed with adequate electrical power output for their expected loading. Conversion of buildings to large HMOs will require an increased electrical supply, over and above a standard domestic supply.</p> <p>Electrical sockets must be adequate in number and suitably located to minimise the need for use of adaptors and trailing leads which introduce additional hazards. The following is expected as a minimum:</p> <table border="1" data-bbox="322 1129 2083 1284"> <thead> <tr> <th data-bbox="322 1129 913 1241">Bedrooms in shared houses (separate kitchen facilities and living room)</th> <th data-bbox="913 1129 1503 1241">Bedsit (separate kitchen facilities)</th> <th data-bbox="1503 1129 2083 1241">Bedsit or studio flat (containing kitchen facilities)</th> </tr> </thead> <tbody> <tr> <td data-bbox="322 1241 913 1284">2 double sockets</td> <td data-bbox="913 1241 1503 1284">3 double sockets</td> <td data-bbox="1503 1241 2083 1284">5 double sockets</td> </tr> </tbody> </table> <p>Adequate electrical sockets must be provided to serve all electrical appliances provided by the landlord. In shared kitchens a minimum of 3 double sockets must be suitably located above work surfaces.</p> <p>In shared living rooms, a minimum of 3 double sockets must be provided.</p>			Bedrooms in shared houses (separate kitchen facilities and living room)	Bedsit (separate kitchen facilities)	Bedsit or studio flat (containing kitchen facilities)	2 double sockets	3 double sockets	5 double sockets
Bedrooms in shared houses (separate kitchen facilities and living room)	Bedsit (separate kitchen facilities)	Bedsit or studio flat (containing kitchen facilities)							
2 double sockets	3 double sockets	5 double sockets							

Lighting and ventilation

All habitable rooms must be provided with **natural lighting** with a glazed area of window equivalent to 1/10 of the floor area of the room. Bedsit rooms that do not have access to shared communal living space are expected to have an external view, not just a skylight view.

Artificial lighting must be sufficient to adequately illuminate the room for its intended uses.

All habitable rooms must be provided with **adequate ventilation**, normally by means of an openable area of window equivalent to 1/20 of the floor area of the room. Ventilation of a room through reliance on opening an external door is not permitted.

All habitable rooms, kitchens, bathrooms, and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Floor area measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.

Mechanical ventilation in kitchens, bathrooms and WC compartments must operate on suitable systems to remove moist air and minimise noise disturbance. Mechanical ventilation must comply with the Building Regulations that are current at the time of application. Any installation shall be fitted with an overrun device usually connected to the lighting circuit of the room unless the fan is humidity controlled, where this may not be possible.

All rooms must have controllable trickle vents and/or windows that can be securely locked in the night-latch position to provide background ventilation without losing too much heat.

Recommendation/Good practice

[Positive pressure whole house ventilation systems](#) are becoming increasingly popular with HMO landlords as a way of managing indoor air quality and reducing the risk of condensation and mould growth. All such systems must be installed and serviced in accordance with manufacturers recommendations and have room by room control.

HMOs located where **air pollution** levels are likely to be particularly high should be designed with air intakes that minimise pollution ingress into the building, having regard to the design principles contained in [Appendix D of Building Regulation Approved Document F](#).

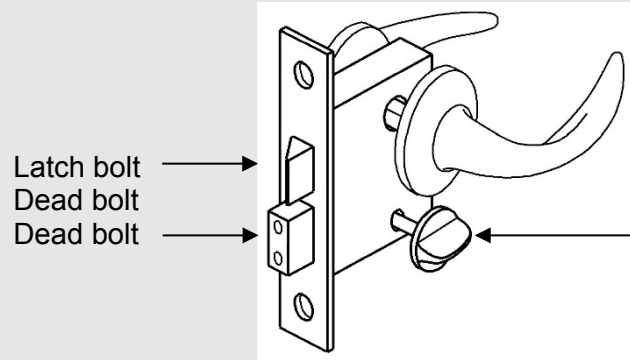
<p>Hygiene in kitchens and bathrooms</p>	<p>Floor and wall coverings, kitchen and sanitary fittings must be washable and impervious and be capable of being easily cleaned.</p> <p>Recommendation/Good Practice</p> <p>Floor and wall coverings around baths and showers in particular should be designed to minimise the risk of leaks. Correctly installed specialist flooring and wall-boards can help to reduce this risk. Regular maintenance checks will ensure that facilities are being used correctly and help to identify damage to seals, screens, doors and other fittings.</p>
<p>Clothes washing and drying</p>	<p>Recommendation/Good Practice</p> <p>Adequate facilities should be provided for washing and drying clothes, including a washing machine for up to 6 occupants. Drying facilities must be designed for year round use to minimise condensation and mould growth, particularly in bedrooms. In practice this means that unless a whole house, positive pressure ventilation system is installed then either an externally vented or condensing type tumble drier or a suitably heated and ventilated drying room should be provided in addition to any external drying facilities.</p>
<p>Food storage</p>	<p>In addition to the sink base unit and hygienic storage for cooking utensils, cutlery and crockery, a food storage cupboard minimum (500mm wide base unit or 1000mm wide wall unit) must be provided per occupant. In HMOs let under separate tenancies cupboards and a small fridge may be located in bedrooms (if no more than one floor distant from the nearest kitchen) but this must not unreasonably compromise the overall bedroom floor area.</p> <p>Adequate space for the storage of fresh and frozen food must be provided for each occupant. This means space equivalent to one good sized shelf/compartments in a shared refrigerator and a good sized shelf/compartments in a shared freezer.</p> <p>Recommendation/Good Practice</p> <p>In HMOs let under separate tenancies secure storage of dry, fresh and frozen food is desirable, either in lockable cupboards, fridge and freezer compartments or suitably stored in bedrooms (if no more than one floor distant from the nearest kitchen).</p>
<p>Waste Disposal</p>	<p>Adequate and hygienic waste disposal arrangements must be in place within the HMO. In practice this means the provision of suitable bins/receptacles and on-site waste management arrangements having regard to:</p> <ul style="list-style-type: none"> • The number of occupants • The type and size of HMO accommodation • The waste collection and recycling arrangements available either through the local council domestic collection service or a commercial waste contract <p>From 1 October 2018 all HMOs requiring a licence must comply with the local authority storage and waste disposal scheme (if one exists)</p> <p>The adequacy of waste disposal arrangements will also be subject to compliance checks under the HMO management regulations.</p>

Security

HMO design must adequately control security risks without compromising fire safety. **External doors** must be openable from inside without the use of a key and securely lockable from the outside with either:

- A key
- A security code
- A door entry system

In all circumstances other than HMOs which are occupied by a stable, cohesive group of sharers (i.e. a genuine shared house), individual letting rooms must be securely designed. This means **doors to individual lettings** must be fitted with a combined lock and latch, where the lock is operated from the inside of the bedroom by a thumb-turn or lever, rather than a key. For example a euro cylinder type lockset:



Note. The 'thumb-turn' operated lock should be sited on the room side of the door to facilitate escape without the use of a key.

This provides adequate security and ease of escape, and avoids occupants locking themselves out of their rooms.

Key operated window locks are required to all accessible windows (ground floor, basement and adjacent to external structures such as fire escapes and flat rooves). Where the window is an escape window that is an integral part of the means of escape from fire then a suitable alternative security feature will be required.

(Please also see section above regarding food storage and security)

Table 5: Other design and management considerations

<p>HMO Licensing</p>	<p>Certain HMOs must be licensed and it is the responsibility of HMO owners and managers to check requirements in the areas in which they operate HMOs. Failure to licence a licensable HMO is an offence which may result in:</p> <ul style="list-style-type: none"> • Prosecution or a civil penalty of up to £30,000 • Rent repayment orders for rent paid when the HMO was required to be licensed • Naming on a national rogue landlord list
<p>Planning permission</p>	<p>Planning permission is required where 7 or more (non-family) residents will share facilities. Also required where a larger building will be divided to create two or more smaller units of self-contained accommodation.</p> <p>In some Council areas, additional controls on the conversion of smaller HMOs (known as Article 4 Direction Orders) have been introduced. In those areas, planning permission will be required in order to create an HMO with less than 7 residents.</p> <p>Check with your local Planning Department to find out whether there are any planning restrictions which could impact on your business plans.</p>
<p>Building Regulations</p>	<p>Approval under the Building Regulations is likely to be required for a range of HMO conversion works including:</p> <ul style="list-style-type: none"> • Installation of additional kitchen or bathroom facilities that require waste connections • Changes in layout including adding or removing walls and or doors and windows <p>Compliance with Building Regulations can be achieved through Local Authority Building Control or alternative providers.</p>
<p>Council Tax</p>	<p>Council tax is charged on any individual unit of accommodation that has its own kitchen facilities. In such circumstances the occupier is liable for payment of the Council Tax bill</p> <p>Liability for Council tax will remain with the HMO owner where kitchen facilities are shared, although HMOs occupied entirely by full time students will be exempt from Council Tax, subject to submission of the documentation required by the local council house.</p> <p>Council Tax fraud is an offence which deprives funding for local services. Check Council Tax liability with the local council.</p>
<p>Fire Safety</p>	<p>National guidance was published in 2008 to address fire safety requirements in certain types of housing including HMOs. It includes examples of how to develop risk appropriate designs having regard to the size and type of HMO proposed. Further guidance is likely to be available through your local council’s private sector housing/housing standards team or its website.</p> <p>A fire safety risk assessment is required in all HMOs and shared buildings, except those occupied by a cohesive group of sharers under a single tenancy. The responsible person (normally the HMO owner) must undertake a fire safety risk assessment to identify fire safety risks and controls throughout communal areas of the building. Management arrangements must be put in place to ensure that risks are adequately controlled.</p> <p>There is further guidance on fire safety risk assessment in sleeping accommodation and via Essex County Fire and Rescue Service.</p>

HMO Management Regulations	<p>The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all houses which are occupied by three or more unrelated people where one or more basic amenities (WCs, bathrooms, kitchens) are shared. HMO owners and managers must ensure that their accommodation is adequately managed in accordance with these requirements which reflect the additional risks and responsibilities associated with managing this type of accommodation.</p> <p>The Licensing and Management of Houses in Multiple Occupation (Additional Provisions)(England) Regulations 2007 apply to houses converted into self-contained flats, as defined by s257, Housing Act 2004 (known as section 257 HMOs).</p> <p>It is a criminal offence to breach HMO management regulations.</p>
Parking and/or cycle storage	<p>Where required, planning permission is likely to be dependent on the provision of either adequate vehicle parking and/or secure cycle storage for the number of occupants.</p> <p>Regardless of planning requirements, we recommend that you plan these facilities wherever possible to help occupants to address their transport needs, to reduce the potential for conflict with neighbours, and to help avoid management problems such as cycles blocking fire escape routes.</p>
Private Rented Sector Code of Practice	<p>The Private Rented Sector Code of Practice has been produced by the lettings industry to cover the entire private rented sector. It is a useful central source of information and covers many issues relevant to HMOs. The code makes it clear to all members that a professional approach to letting is required and that ignorance and inexperience are no excuse for poor practice.</p>

Appendix 4

Equalities 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: Private Sector Housing Enforcement, Private Sector Housing Team, Communities Directorate

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

Title of policy or decision: Enforcement and Service Standards: Private Housing; Updating Fees and Charges Schedule to reflect new HMO licence fees and charging for works in default

Officer completing the EqlA: Tel: 01992 564149 Email: sdevine@eppingforestdc.gov.uk

Date of completing the assessment: 30.4.2018

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? This is a new Enforcement and Service Standards document for Private Housing to sit under the Council's existing Private Sector Housing Enforcement Policy and includes, attached as an appendix, financial penalty notice matrix to be used in the issuing of civil penalties for certain Housing Act related offences The proposed HMO Licence Fees for new applications and renewals is a revision of an existing document</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To explain more specifically, within the framework of the Private Sector Housing Enforcement Policy, the steps that officers will take when responding to private sector housing service requests and the considerations that will be taken when deciding appropriate enforcement action. It also includes new enforcement options available to officers as a result of recently introduced legislation that has extended the scope of powers to the Council for dealing with non-compliant landlords and substandard properties. Additionally, request is being sought to revise the fees for HMO licensing following the extension in scope of properties falling within the new licensing regime</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)? The impact of these recommendations will directly penalise the worst landlords and are designed to bring about behavior change in the larger landlord population to increase housing standards. The compliant landlords who provide well managed and safe rented properties for tenants should in fact benefit as the rogue landlords lose their competitive advantage. The extension in scope of HMO licensing will allow officers to be made aware of high risk dwellings, previously not known about allowing action to be taken to ensure conditions are safe for occupiers</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>The decision affects individuals and families living in private rented accommodation and private landlords; HMO licensing relates affects more specifically, landlords operating and tenants living in HMOs</p> <p>Will the policy or decision influence how organisations operate? Yes.</p> <p>The use of the new enforcement powers means that bad landlords that flout the law will be heavily penalised and that the worst, criminal landlords will be put out of business not just in Epping Forest District but the country as a whole. The use of the Rogue Landlord database will mean that local authorities can be alerted to and share information about poor and criminal landlords so that they can enforce more effectively. The new Enforcement and Service Standards, incorporating the powers introduced under the Housing and Planning Act 2016 should ultimately benefit and promote the good professional landlords and raise standards generally in the private rented sector</p> <p>The introduction of mandatory HMO licensing brings more properties into the scope of licensing and will affect a larger number of landlords. The proposed fee structure is designed based on identified risks and the time spent by officers dealing with a property; the poor landlords are penalised and the good landlords are rewarded with the overall objective of encouraging landlords to comply with the law and operate safe well managed HMOs.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No change in existing resources is anticipated</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 Council's Housing Strategy includes a chapter 'Housing in the Private Sector' and one of the objectives within it is to 'take action to ensure that the condition of the privately rented accommodation meets the standards required by legislation and good practice.' The Private Sector Housing Enforcement Policy sets out the Council's approach to ensuring minimum standards are met where enforcement action is considered appropriate. The new Enforcement and Service Standards: Private Housing explains in more detail the steps that officers will take when responding to private sector housing service requests and the considerations that will be taken when deciding appropriate enforcement action</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, e.g. 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 groups that will be affected by the Enforcement and Service Standards will be individuals and families who rent properties in the private sector and landlords who let their properties to them.</p> <p>The 2011 House Condition Survey for Epping Forest reported that the number of private rented properties on the district totalled 7,750 representing 15% of the private sector stock. There are 42,820 households representing 6423 household living in rented accommodation on the District.</p> <p>The survey report also suggests that in 2011, 1,880 rented properties had at least one category 1 hazard (24.3%); 1060 were in need of repair (13.7%); 130 lacked modern facilities (1.7%); and 2,940 (37.9%) had poor thermal comfort. This gives an indication of the need for and potential effect the Enforcement and Service Standards will have on improving living conditions for tenants in the private rented sector.</p> <p>The Housing Health and Safety Rating System (HHSRS) Operating Guidance identifies 29 hazards associated with property defects and assesses the likelihood and extent of harm to the 'vulnerable' group for each potential hazard. The vulnerable group for HHSRS purposes is based on Age (only).</p> <p>This Guidance (2006) forms the basis of setting and enforcing property standards throughout the country including the proposed Enforcement Standards for Epping and is supported by extensive health related (including psychological) research and statistics obtained nationally.</p> <p>The HHSRS identifies the age characteristic most at harm as a result of a particular defect e.g. >65 year olds for excess cold; >60 years falls on stairs; >60 years for fire related incidents, <5 years for falls between levels, <14 years for damp and mould. The Epping Forest House Condition Survey 2011 indicates that the District has an ageing population with higher rates of heads of household aged 65 and over than that found nationally (30.0% c.f. 25.1%).</p> <p>The 'Impact of an ageing population study Epping Forest District' anticipates that between 2015 and 2025 the number of over 65s in Epping Forest will increase from 25,400 to 30,000 and over 50's -64's, from around 24,200 to 27,400.</p> <p>Fuel poverty can be an issue for those with protected characteristics especially those based in a rural areas with hard to treat properties and this can have a detrimental impact on both physical and mental wellbeing.</p> <p>There is an acute housing shortage nationally and locally and more households are choosing to live in HMOs as the only affordable and available solution. These properties are often in the poorest condition and there are additional risks associated with shared living especially for young families. The extension of HMO licensing will have a positive impact on regularising this area of the housing market and ensuring that at least minimum standards are met to provide safe, properly managed properties.</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>No consultation has been carried out. The Enforcement and Service Standards relate to powers directed by Central Government for the Council to impose in order to protect residents on the District. The Service standards explain how officers will provide this service within the remit of these powers.</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>Extensive national consultation has already been undertaken by the DCLG (links to documents above) on measures to deal with rogue landlords who rent out unsafe, overcrowded and badly managed properties on which this Council has also contributed to. There is no obligation to carry out a local consultation.</p>
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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	<p>Positive: The evidence indicates that older people are most susceptible to hazards in the home due to excess cold, excess heat, falls, fire related incidents and CO poisoning. Young children are most susceptible to collisions, cuts and strains, electrical incidents, falls and illnesses from poor hygiene and sanitation.</p> <p>The enforcement tools embedded within the Enforcement and Service Standards document will have a positive impact on the vulnerable groups by ensuring that landlords improve property conditions to remove significant risks and reduce the likelihood of harm outcomes.</p>	M
Disability	<p>Positive: The introduction of the new Energy Efficiency Regulations within the Enforcement and Service Standards will allow enforcement of substandard properties that are expensive to run and are more likely to have an excess cold hazard. Cold living conditions are particularly detrimental to disabled people (and older people) with poor mobility or other ill health such as poor heart condition.</p>	M
Gender		
Gender reassignment		
Marriage/civil partnership		
Pregnancy/maternity		

Race		
Religion/belief		
Sexual orientation		
General	<p>Positive: this is relevant to all tenants including all tenants in the above groups</p> <ol style="list-style-type: none"> The Marmot Review into The Health Impacts of Cold Homes and Fuel Poverty (2011) identified that: <ul style="list-style-type: none"> Mental health is negatively affected by fuel poverty and cold housing for any age group. More than 1 in 4 adolescents living in cold housing are at risk of multiple mental health problems compared to 1 in 20 adolescents who have always lived in warm housing. Cold housing increases the level of minor illnesses such as colds and flu and exacerbates existing conditions such as arthritis and rheumatism. Improving the energy efficiency of the existing stock is a long-term, sustainable way of ensuring multiple gains, including environmental, health and social. Better quality housing conditions for private tenants will lead to a beneficial impact for physical and mental well-being. The introduction of Rent Repayment Orders included within the Enforcement and Service Standards will empower tenants and allow the Council (where housing benefit has been paid) to recover up to 12 months rent paid where a housing related offence has been committed The standards will help to prevent overcrowding particularly in licensed HMOs which would otherwise have an adverse impact on the health and well-being of families and development of children With the extension of HMO licensing, officers will become aware of more high-risk properties that generally house the more vulnerable people and will be able to ensure that at least minimum standards are met 	<p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>L</p> <p>M</p> <p>L</p>

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 <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

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
A risk that the effect of the enforcement action may lead to the displacement of tenants by rogue landlords (tenants in general not specifically those that have protected characteristics).	We will liaise with the police, Shelter and other agencies to ensure everybody is aware of the rights. In the long term this power will provide greater protection from tenants	On-going as part of general duties
Some landlords could decide to leave the lower end of the private rented sector and this could result in evictions and homelessness. However, this would be a short-term problem that should lead to long term positive effect as the worst landlords are driven out of the business and the reputation of the sector will improve and make the profession more marketable.	Action as above to ensure tenants are aware of their rights. We will liaise with Housing Options to facilitate tenants who find themselves in housing need as a result of eviction	On-going as part of general duties

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: **Sally Devine**

Date: 30.4.2018

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-012-2018/19
Date of meeting: 06 September 2018



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport
Subject: Parking tariff review across all Council owned car parks
Responsible Officer: Qasim (Kim) Durrani (01992 564055).
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

(1) That following a review of car parking tariff in all Council owned car parks carried out under the objectives and principles set out in paragraph 2 of the report the following be agreed to be implemented by 1 March 2018:

- (a) The existing tariff of 20 pence for 30 minutes, 80 or 90 pence for up to one hour and £1.60 or £1.80 for up to 2 hours be retained across the District;
- (b) To accept and retain the principle of differential tariff between the car parks in towns with London Underground stations and rest of the District car parks,
- (c) That the current tariff structure for stays above 2 hours be replaced with a linear hourly tariff structure as set out in paragraph 6,
- (d) That short and long stay car parks be retained,
- (e) To remove the five hour maximum stay in Cottis Lane and Civic Offices Car Parks in Epping and turn them back into short stay car parks,
- (f) To discontinue Season Ticket holders of Bakers Lane Car Park in Epping from parking in Cottis Lane Car Park,
- (g) To have the same price for on and off street resident parking permit and to achieve that to increase price from the current £48 to £50 per year,
- (h) To increase Season Tickets prices in line with all day parking charges and incrementally remove the current subsidy of 15% over the next four years,
- (i) That the £1 all day charge, payable in some car parks, on Saturday and Sunday is retained and the free period reduced from 2 hrs to 1 hr.
- (j) In car parks currently free on Saturday or Sunday a £1 all day charge is introduced with a 1 hr free period.
- (k) All car parks where a full tariff is payable on Saturday will remain as such,
- (l) The free Saturday, Sunday and Bank Holiday parking during the month of December will be retained,

- (m) To continue to allow free parking for Blue Badge holders and motor bikes,
- (2) To agree to reallocate a sum of £30,000 from the Contaminated Land DDF budget by means of a virement to a budget for making the changes to traffic orders and replacing notice boards in car parks,
- (3) To agree to recommend to the Council a growth bid of the following additional funding:
- (a) £100,000 Capital budget allocation in 2019/20 for environmental improvements,
 - (b) £100,000 Capital budget in 2019/20 pending the outcome of ongoing feasibility study of installation of electric charge points,
 - (c) £130,000 Capital budget in 2019/20 for installation of new CCTV systems and LED lighting,
 - (d) £40,000 DDF in 2019/20 for carrying out an assessment of suitability for new technological features like Automatic Number Plate Recognition facilities in car parks and feasibility of constructing additional levels above existing car parks, and
 - (e) Continued Services Budget growth of £20,000 in 2019/20 for ongoing costs associated with electrical charge points, environmental improvements and new CCTV systems
- (4) To note, subject to approval of recommendations above, that the total investment in car parks of £400,000 represents a pay back of a year and a quarter for the best case estimate income of £320,000 per year;
- (5) To note the annual report on the performance of off street parking operations for 2017/18
- (6) To agree to charge £1 all day, outside of school pick up and drop times, in the currently free Council owned car park in Roydon

Executive Summary:

The last tariff review was carried out in 2015. The Council owned car parks are under considerable pressure. Short stay shoppers and workers in town centres routinely complain about the lack of paid for parking. There is a perception, due to Council car parking charges being significantly lower than those at station car parks, that all day parking is taken up by commuters using the London Underground. The demands for parking by Season Tickets holders as well as workers in shops and local businesses regularly outstrip capacity. A number of new car parks have been created in the last few years however this is not enough. This review attempts to simplify parking tariff, accept the principle of controlling demand by price, help local businesses by keeping the lower charge bands unchanged, gradually removing subsidy from Season Ticket prices, continue the differential tariff across the District, create uniformity in charging on weekends and reinvest some of the additional income in improving and enhancing user experience.

Reasons for Proposed Decision:

To review the current charging regime in car parks. London Underground charges are 80% to 50% higher than the long stay car parking charges in Council owned car parks. This results in increased parking stress causing hardship to local businesses, workers and shoppers.

To generate additional income for the Council to assist in dealing with the funding pressure faced by the Council.

Other Options for Action:

It would be possible to delay the introduction of new tariffs, but this would not address the parking stress in car parks and could endanger the Council's budget objectives.

Report:

1. There are 20 pay and display car parks across the District that are owned and managed by the Council. These car parks play an essential role in servicing high streets and towns across the District by providing safe parking spaces to: shoppers, short and long stay visitors, workers and commuters. Use of these car parks is subject to parking charges which were last reviewed in 2015. Since then parking charges in the London Underground Car Parks have increased and it is much more attractive for Underground users to park in Council owned long stay car parks, the table below sets out the difference in weekday parking charges:

Town	EFDC all day long stay car park charge	London Underground all day charge
Epping	£3.80	£6.90
Debden	£3.80	£5.90
Loughton	£3.80	£5.70
Buckhurst Hill	£3.80	£5.70

2. The objectives of the parking review are to address the conflicting requirements of shoppers, long and short stay visitors, local workers, within District commuters, all day workers and businesses. The review will attempt to balance these needs by adoption of the following principles:
 - a) Create capacity in car parks by ensuring turnover of users,
 - b) Deter all day commuters using the London Underground from taking up too many spaces,
 - c) Ensure availability of short stay parking for shoppers and visitors,
 - d) Simplify tariff structure,
 - e) Rationalise Season Tickets prices and gradually remove subsidy,
 - f) Control car park usage by tariff and not length of stay,
 - g) Encourage the use of sustainable modes of travel,
 - h) Reinvest in car parks to enhance and improve safety, capacity and user experience,
 - i) Seek innovation and improvement in management of car parks,
 - j) Accept the principle of differential tariff between the towns served by London Underground (Epping, Loughton and Buckhurst hill) and Waltham Abbey and Ongar
3. Car parks are categorised as short or long stay with each category attracting a different type of customer. It is recommended to retain the current short and long stay tariff for the first three bands: 20 pence for half hour, 80 or 90 pence for up to 1 hour and £1.60 or £1.80 for up to 2 hour stay. The tariff is then recommended to increase incrementally by £1 an hour reaching £6 for over five hours stay in long stay car parks and £10 in short stay. The higher short stay tariff is designed to ensure turnover of parking spaces, something essential for shoppers and short stay visitors to high streets and local shops. The relatively lower long stay tariff is intended to allow parking for all day visitors, workers and out of town commuters who visit the District. The demands on car parking spaces is higher in towns served by London Underground Stations, by accepting the principle of differential tariff this varied demand can be addressed.
4. The existing tariff structure is complex and while it has been adequate thus far it is felt that a simpler hourly charge would be simpler. It is also recommended that car park stays should be regulated by parking charges instead of limiting the length of stay and the five hour maximum

stay in Cottis Lane and Civic Offices Car Park should be removed and the car parks turned back into short stay car parks. The change of Cottis Lane Car Park in Epping back to a short stay car park along with the decision to not allow Season Ticket holders from Bakers Lane Car Park to park in Cottis Lane Car Park will free up spaces. The higher all day tariff of £10 will hopefully encourage out of town commuters using the London Underground to use Bakers Lane Car Park or the London Underground Station Car Park.

5. The current tariff structure consists of multiple charge bands and is set out below:

Existing tariff structure:

Type of car park	Up to 30 min	Up to 1 hr	Up to 2 hr	Over 2 hr	Up to 3 hr	Over 3 hr	Up to 4 hr	Up to 5 hr
Cottis Lane								
Tariff	£0.20	£0.90	£1.80		£2.30		£3.00	£3.70
Short Stay								
Epping, Loughton and Buckhurst Hill	£0.20	£0.90	£1.80		£3.50	£10.0		
Waltham Abbey and Ongar	£0.20	£0.80	£1.60		£3.20	£10.0		
Long Stay								
Epping, Loughton and Buckhurst Hill			£1.80	£3.80				
Waltham Abbey and Ongar			£1.60	£3.50				
Combined								
Epping, Loughton and Buckhurst Hill	£0.20	£0.90	£1.80	£3.80				
Waltham Abbey and Ongar	£0.20	£0.80	£1.60	£3.50				

6. It is proposed that the new tariff structure as set out in the table below be adopted:

Proposed tariff structure:

Type of car park	Up to 30 min	Up to 1 hr	Up to 2 hr	Up to 3 hr	Up to 4 hr	Up to 5 hr	Over 5 hr	Over 5 hr
Short Stay	No change							
Epping, Loughton and Buckhurst Hill	£0.20	£0.90	£1.80	£3	£4	£5		£10
Waltham Abbey and Ongar	£0.20	£0.80	£1.60	£3	£4	£5		£10
Long Stay								
Epping, Loughton and Buckhurst Hill	£0.20	£0.90	£1.80	£3	£4	£5	£6	
Waltham Abbey and Ongar	£0.20	£0.80	£1.60	£3	£4	£5	£6	
Combined								
Epping, Loughton and	£0.20	£0.90	£1.80	£3	£4	£5	£6	

Buckhurst Hill								
Waltham Abbey and Ongar	£0.20	£0.80	£1.60	£3	£4	£5	£6	

A more detailed tariff structure for each car park is attached as appendix-1

7. Additionally in the Debden Broadway area, owing to lack of parking provision, Resident Parking Permits are also available in car parks. The price for these annual permits is £48. It is recommended that this price be brought in line with the on street resident parking permit price of £50 per annum. Going forward the price of off street parking permits is recommended to be the same as on street, currently £50.
8. Season tickets are sold to motorists for a car park once they demonstrate that they work in the area and if there is capacity, season tickets do not guarantee a parking space. Regular users can benefit from purchasing a Season Ticket by not having to pay every day. Historically Season tickets have been sold at a reduced price, 15% cheaper than paying all day parking charge over a month, three months or a year. It is recognised that offering cheaper Season Tickets when the car parks are under considerable stress is not helpful. It is recommended that the Season Ticket prices be gradually brought to the equivalent of paying all day charge in increments of 5% per annum such that there is price parity in year four.
9. Business Permits for a month, three months and a year are available to assist local businesses. It is recommended that the prices of these permits be gradually increased to bring them in line with the equivalent of paying an all-day charge. The charges are prorated against all day parking charge. Table below sets out existing and proposed charges:

Existing and proposed permit prices (Epping, Loughton and Buckhurst Hill):

	Season Ticket Prices, Long Stay Car Parks		Season Ticket Prices, Short Stay Car Parks		Resident Permits		Business Permit Prices	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
1 month	£102 *	£65	£170	£125				
3 months	£306	£190	£510	£320				
12 months	£1224	£750	£2040	£1275	£50**	£48	£52	£52
2 nd Permit for 3 months					£90	£80	£255	£190
2 nd and subsequent for 12 months							£1020	£750

* Price of £102 is 85% of all day parking for a month (£6 per day x 5 days a week x 4 weeks)

** going forward the price will match the on street price as set by NEPP

Existing and proposed permit prices (Waltham Abbey and Ongar):

Existing Long Stay	Proposed Long Stay	Existing Short Stay	Proposed Short Stay
£50	£102	£125	£170
£135	£306	£320	£510
£450	£1224	£1275	£2040

10. The Council currently offers a 2 hour free parking period in some car parks on weekends followed by a £1 all day and some are free on weekends. It is recommended that in these car parks there is a one hour free period followed by £1 all day charge, this means those car parks

that are currently free on Saturday and/or Sunday a free one hour period followed by £1 all day be introduced. All other car parks that attract a full tariff will remain unchanged.

11. It is acknowledged that the free weekend and bank holiday parking during the month of December is assisting the high streets and local shops in increasing foot fall. It is therefore recommended that this arrangement be continued. The free parking for Disabled Badge holders and motor bikes is also proposed to continue.
12. Following the last tariff review in 2015 a series of investments were made in improving and enhancing the car parks, these included: installation of new 'smart meters', chip and pin devices, LED lighting programme, CCTV upgrade and improvements and creation of four new car parks creating 60 additional spaces. These projects have been significantly completed, some delays have occurred in LED project due to complications arising from technical design requirements and lack of in house capacity.
13. The £30,000 DDF budget recommended to be vired from an allocation originally set aside for Contaminated Land has become available as a result of re-prioritisation of contaminated land assessments. If approved, this budget will pay for making new traffic regulation orders to reflect the new tariff and associated changes for example updating all notice boards in car parks.
14. Additional Capital funding of £330,000 is sought to: carry out environmental enhancement including landscaping and planting, replace and upgrade dated CCTV systems, complete the LED lighting project by hiring external consultants to provide design expertise, install electrical charging points in the busy car parks if these are deemed feasible under the ongoing study.
15. An additional £40,000 DDF budget is recommended to fund a feasibility study into Automatic Number Plate Recognition (ANPR) and digital bay sensor technology for better management of car parks and feasibility of increasing car park capacity.
16. A Continued Services Budget (CSB) growth bid of £20,000 is also sought for the following: £3,000 associated with the running costs of new CCTV systems, £5,000 for maintenance of new planting including large potted plants, and £12,000 with the operational, back office and 24/7 support for the electrical charging points.
17. The Council is a member of the North Essex Parking Partnership (NEPP) and officers believe the Partnership is best placed to carry out the necessary legal and technical work associated with the introduction of new tariff. The Council has already engaged NEPP to deliver the Loughton Broadway Parking Review scheme.
18. At the time of award of the Off Street enforcement contract to NSL Limited Cabinet resolved to receive yearly updates on contract performance within six months of the end of the financial year. The report attached at appendix-2 sets out the operational performance of the contract.
19. There is a Council owned car park in Roydon which is free to use. It provides a safe parking area for parents dropping off children to the local primary school and also benefits local businesses and residents. The costs of maintenance in recent years have increased, for example costs associated with repairs to the car park surface, signs and lines and maintenance of vegetation etc. by introducing a £1 all day charge, outside of school pick up and drop times, the Council will recover some of the costs incurred in keeping the car park safe and in good state of repair.

Resource Implications:

In the 2017/18 financial year the income from the car parks was £1,347,000. This consisted of

£300,000 from payments made by phone, £918,000 by cash in pay and display machines, £25,000 by using chip and pin devices at the pay and display machines and £104,000 by purchase of Season Tickets and Resident Permits.

The revision in parking charges will lead to an increase in income for the Council. In order to estimate the likely additional income a modelling exercise has been carried out which relies on current usage data. The modelling is based on a number of assumptions:

- (a) Due to changes in tariff structure, new charge bands of stays up to 4, 5 and 6 hours have been introduced, for which usage data is not available. Existing usage data for all day parking band has been split across these new bands assuming an equal split,
- (b) The same number of Season and Business Permits will be purchased as at present,
- (c) The capacity of car parks will be maintained,
- (d) Same number of parking stays will occur as in the last year,
- (e) A sensitivity analysis has been carried out modelling 5%, 10% and 15% reduction in usage,

Income:

It is estimated, based on the modelling assumptions above, that an additional income of £320,000 per financial year could be generated if there was no change in user behaviour. This would drop to £250,000, £175,000 and £100,000 if there were 5%, 10% and 15% drop in customers respectively. Details of the modelling calculations are attached as appendix-3

Costs:

The DDF virement of £30,000 from the Contaminated Land budget is for making changes to the tariff structure as recommended in this report.

The DDF growth bid of £40,000 is for carrying out feasibility studies for the recommendations.

The total Capital budget of £330,000 is an estimate of costs associated with carrying out works recommended in this report.

The details of the CSB ongoing costs of £20,000 from 2019/20 is provided in paragraph 16 of the report

Legal and Governance Implications:

The changes to the tariff structure will require a Notice of Variation under sections 35C and 46A of the Road Traffic Regulation Act 1984. The Council does not have the expertise to prepare and implement such notices. This could be done by the NEPP who have the expertise and carry out such work across all the other members of NEPP.

Safer, Cleaner and Greener Implications:

All the Council car parks have Park Mark accreditation. Most of the car parks have had new CCTV systems. Replacement of some of the dated end of life CCTV camera systems will further enhance safety and security for users. All car parks are regularly maintained, all equipment kept in good working order, hedges, fences and signs are checked and updated when required. New pay and display machines enable remote access to officers to monitor usage of the machines. Use of credit and debit card and payment by phone enable easy payment options for customer.

Consultation Undertaken:

NSL – Council’s parking enforcement contractor
RTA Associates for validation of parking modelling.

Background Papers:

Cabinet resolved on 9 March 2017 “That an annual report setting out the activities of the service be presented to Cabinet within six months of the end of each financial year”

Risk Management:

There is a risk around the modelling assumptions and until the new tariff is implemented, it would not be possible to ascertain if the income assumption will be realised or not.

The best case estimate, no change in lengths and number of parking stays across all car parks from last year, is for an additional £320,000 per year. The assumptions made in the modelling are listed under the Resource Implication section of the report. One of the significant assumption is the way the current all day tariff has been split, equally, across the new 4, 5 and 6 hour stay periods. It is not clear how motorists will react to this change. In the worst case scenario if all the motorists currently paying for all day stay decided to only stay for three hours and paid the new £3 tariff then the estimated income will drop from £320,000 to £190,000.

The Council last increased tariffs in 2015. The Council is keen to help local businesses and high streets. However the increase could be seen as a further burden on local businesses and high streets. That said the lower charge bands of up to 2 hour stay have not been changed, these represent over 80% of the usage in car parks.

Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

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

If you require further help, please contact the Performance Improvement Unit.

Step 1. About the policy, service change or withdrawal

Name of the policy, service or project: <i>be specific</i>	Car parking tariff review across the District
Revised / new / withdrawal:	New
Intended aims / outcomes/ changes:	Revision of tariff at all Council car parks
Relationship with other policies / projects:	Corporate Plan, Stronger Communities and Stronger Place
Name of senior manager for the policy / project:	Q Durrani
Name of policy / project manager:	A Hoadley

Step 2. Decide if the policy, service change or withdrawal is equality relevant

Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.	If yes, state which protected groups: Council Officers will monitor Car Park users
If no, state your reasons for this decision. Go to step 7. <i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i>	If no, state reasons for your decision:

Step 3. Gather evidence to inform the equality analysis

What evidence have you gathered to help you understand the impact of your policy or service change or withdrawal on people? What does your evidence say about the people with the protected characteristics? If there is no evidence available for any of the characteristics, please explain why this is the case, and your plans to obtain relevant evidence. Please refer to Factsheet 2 ‘Sources of evidence for the protected characteristics’

<i>Characteristic</i>	<i>Evidence (name of research, report, guidance, data source etc)</i>	<i>What does this evidence tell you about people with the protected characteristics?</i>
Age	Corporate Plan 2018 -23. Themes: Stronger Communities, Stronger Place and Stronger Council by aspiration to make the District a great place to live, work, study and do business in	Some elderly patrons may have difficulty in understanding how the pay and display machines work or understanding the tariff boards
Dependents / caring responsibilities	Corporate Plan 2018 -23. Themes: Stronger Communities, Stronger Place and Stronger Council by aspiration to make the District a great place to live, work, study and do business in	Those with caring responsibilities may find the tariff systems in car parks complex to follow
Disability	Corporate Plan 2018 -23. Themes: Stronger Communities, Stronger Place and Stronger Council by aspiration to make the District a great place to live, work, study and do business in	Patrons with disabilities may have problem finding a disabled bay, not being able to reach to insert coins into pay and display machine and reading and understanding the tariff boards
Gender reassignment	Corporate commitment to Equality. Promoting culture and leisure	In the case of gender reassignment it may be that they feel uncomfortable to speak with a CEO to seek further information or clarification.
Marriage and civil partnership	Corporate Plan 2018 -23. Enabling Communities to support themselves	Might feel insecure approaching a Civil Enforcement Officer (CEO)
Pregnancy and maternity	Corporate Plan 2018 -23. Supporting healthy lifestyles	Pregnant women may have difficulty in walking long distances to get pay and display tickets.
Race / ethnicity	Corporate Plan 2018 -23. People and communities achieve their full potential	In the case of Race/Ethnicity some groups may feel uncomfortable to speak with a CEO to seek further information or clarification on the service.
Religion or belief	Corporate Plan 2018 -23. Promoting culture and leisure	In the case of Religion some groups may feel uncomfortable to speak with a CEO to seek further information or clarification on the service.
Sex	Corporate Plan 2018 -23. Adults and children are supported in times of need	Some patrons may feel vulnerable using the car parks when it is dark.
Sexual orientation	Corporate Plan 2018 -23. People and communities	There is limited information available to enable an assessment of the impact on this Characteristic.

	achieve their full potential	
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Steps 4 & 5 Analyse the activity, policy or change (*The duty to eliminate unlawful discrimination*)

Based on the evidence you have analysed, describe any actual or likely adverse impacts that may arise as a result of the policy decision. Where actual or likely adverse impacts have been identified, you should also state what actions will be taken to mitigate that negative impact, ie what can the Council do to minimise the negative consequences of its decision or action.

<i>Characteristic</i>	<i>Actual or likely adverse impacts identified</i>	<i>Actions that are already or will be taken to reduce the negative effects identified</i>
Age	Some elderly patrons may have difficulty in understanding how the pay and display machines work or understanding the tariff boards	The notice boards in car parks clearly explain the requirements for compliance, these will be reviewed to check if the information can be made clearer
Dependents / caring responsibilities	Those with caring responsibilities may find the tariff systems in car parks complex to follow	The notice boards in car parks clearly explain the requirements for compliance, these will be reviewed to check if the information can be made clearer
Disability	Patrons with disabilities may have problem finding a disabled bay, not being able to reach to insert coins into p&d machine and reading and understanding the tariff boards	Disabled badge holders can park in all Council car parks for free
Gender reassignment	Might feel insecure approaching a Civil Enforcement Officer (CEO)	NSL, the enforcement contractor, is fully aware of the equality legislation and will be reminded of ongoing staff training to ensure awareness remains high.
Marriage and civil partnership	In the case of gender reassignment it may be that they feel uncomfortable to speak with a CEO to seek further information or clarification.	NSL, the enforcement contractor, is fully aware of the equality legislation and will be reminded of ongoing staff training to ensure awareness remains high.
Pregnancy and maternity	Pregnant women may have difficulty in walking long distances to get pay and display tickets.	CEOs will observe the vehicle before issuing a PCN, this will allow sufficient time for drivers to walk to a machine and buy adequate ticket.
Race / ethnicity	In the case of Race/Ethnicity some groups may feel uncomfortable to speak with a CEO or member of Council staff to seek further information or clarification on the service.	Information is available on the Council Website and can also be requested by email
Religion or belief	In the case of Religion some groups may feel uncomfortable to speak with a CEO to seek further	Information is available on the Council Website and can also be

	information or clarification on the service.	requested by email
Sex	Some patrons may feel vulnerable using the car parks when it is dark.	All Council car parks are Park mark accredited; CCTV and lighting systems are being upgraded through the ongoing work on the Parking Strategy.
Sexual orientation	There is limited information available to enable an assessment of the impact on this Characteristic. It is assumed that some members of this group may feel uncomfortable approaching a CEO or Council officer	Information is available on the Council Website and can also be requested by email

Step 6.

The duty to advance equality of opportunity

Can the policy, service or project help to advance equality of opportunity in any way? If yes, provide details. If no, provide reasons. *(Note: not relevant to marriage and civil partnership)*

<i>Characteristic</i>	<i>Ways that this policy, service or project can advance equality of opportunity</i>	<i>Why this policy, service or project cannot help to advance equality of opportunity:</i>
Age	Improvement in signage and due consideration to observation time before issue of a PCN.	
Dependents / caring responsibilities	Observation by CEO before issuing a PCN and ability for motorists to call the Council and speak with a staff member.	
Disability	Provision of bays for disabled badge holders, free parking across all car parks.	
Gender reassignment	Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public.	
Pregnancy and maternity	Observation time before issue of a PCN, use of CEOs as agents of the Council when dealing with the members of the public	
Race / ethnicity	Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public.	
Religion or belief	Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and	

	members of the public.	
Sex	Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public.	
Sexual orientation	Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public.	

The duty to foster good relations

Can the policy, service or project help to foster good relations in any way? If yes, provide details. If no, provide reasons. (*Note: not relevant to marriage and civil partnership*)

<i>Characteristic</i>	<i>How this policy, service or project can foster good relations:</i>	<i>Why this policy, service or project cannot help to foster good relations:</i>
Age	Ability to ring the Council for information,	
Dependents / caring responsibilities	Observation by CEO before issue of a PCN to ensure that those with caring responsibilities have adequate time to attend to those cared for.	
Disability	Free parking in all Car Parks throughout the year.	
Gender reassignment	Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board	
Pregnancy and maternity	Observation before issue of a PCN will ensure those with mobility restrictions can get ample time to purchase pay and display tickets	
Race / ethnicity	Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board	
Religion or belief	Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board	
Sex	Ability to monitor enforcement contractors commitment to equality legislation and foster good	

	relations via the Car Parking Partnership Board	
Sexual orientation	Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board	

Step 7. Documentation and Authorisation

Summary of actions to be taken as a result of this analysis (add additional rows as required):	Name and job title of responsible officer	How and when progress against this action will be reported
<ol style="list-style-type: none"> The actions/decisions have the potential to adversely affect the characteristic groups. This will be mitigated by ensuring that the enforcement contractors activities are managed and monitored through the formal contractual arrangements and the proposed new Car Parking Partnership Board. Equalities monitoring and reporting will be reviewed by the Car Parking Partnership Board and corrective measures reviewed periodically. The opportunity to replace the display signs and boards in the car parks will be taken to simplify the information on display, as much as permissible under the relevant legislation, to make it easier for some of the adverse impacts identified in this analysis to be mitigated. CEOs will be the Councils interface with the public, they will, through the enforcement contractor, be encouraged to play a supportive and helpful role. 	Mrs A Hoadley Car Park and Street Furniture Manager	Regular reviews and on going monitoring updates to be provided to Assistant Director

Name and job title of officer completing this analysis:	Amanda Hoadley Car Parking and Street Furniture Manager
Date of completion:	07/08/2018
Name & job title of responsible officer: (If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit)	Qasim (Kim) Durrani Assistant Director (Technical) Neighbourhoods
Date of authorisation:	
Date signed copy and electronic copy forwarded to PIU equality@eppingforestdc.gov.uk	

Step 8. Report your equality analysis to decision makers:

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be

updated as your policy or service changes develop, and it exists as a log of evidence of due regard;

- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

Your summary of equality analysis must include the following information:

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.

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OFF STREET CAR PARK PROPOSED CHARGES FROM February 2019

Times Charges Applicable	Car Park	Mi-Permit Ref	S/L	0-30 mins	Up to 1 hour	Up to 2 hours	Up to 3 hours	Up to 4 hours	Up to 5 hours	Over 5 Hours	Sat - 1 hr free or £1 all day	Sun - 1 hr free or £1 all day
8:00 - 18:00	Bakers Lane, Epping, Essex CM16 5EG	737615	S/L	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£6.00	✓	✓
8:00 - 18:00	Bansons Lane, Ongar, Essex CM5 9AA	737609	S	£0.20	£0.80	£1.60	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:30 - 17:30	Burton Road, Debden, Essex IG10 3ST and access road	737617	S/L	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£6.00	✓	✓
8:30 - 17:30	Burton Road South, Debden, Essex IG10 3ST	737627	S/L	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£6.00	✓	✓
8:00 - 18:00	Civic Offices, Epping Forest District Council Offices, 323 High Street, Epping, Essex CM16 4BZ (1st hour free/enter reg no.)	737604	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	** ✓	** ✓
8:00 - 18:00	Cornmill, High Street, Waltham Abbey, Essex EN9 1RB	737619	S/L	£0.20	£0.80	£1.60	£3.00	£4.00	£5.00	£6.00	✓	✓
7:30 - 18:00	Cottis Lane, Epping, Essex CM16 5EG	737616	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	✓	✓
8:00 - 18:00	Darby Drive, Waltham Abbey, Essex EN9 1EE	737620	S/L	£0.20	£0.80	£1.60	£3.00	£4.00	£5.00	£6.00	✓	✓
8:00 - 18:00	High Beech, High Beach Road, Loughton, Essex IG10 4HH	737605	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:30 - 17:30	Oakwood Hill East, Oakwood Hill Industrial Estate	737625	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:00 - 18:00	Old Station Road (Sainsbury's), Loughton, Essex IG10 4PE	737606	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:00 - 18:00	Quaker Lane, Waltham Abbey, Essex EN9 1ER	737611	S	£0.20	£0.80	£1.60	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:00 - 18:00	Queens Road Lower, Queens Road, Buckhurst Hill, Essex IG9 5BZ	737612	L	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£6.00	✓	✓
8:00 - 18:00	Queens Road Upper, Queens Road, Buckhurst Hill, Essex IG9 5AZ	737603	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:00 - 18:00	Sainsbury's Ongar, Bansons Lane, Ongar, Essex CM5 9AG	737610	S	£0.20	£0.80	£1.60	£3.00	£4.00	£5.00	£10.00	*full tariff	✓
8:00 - 18:00	Smarts Lane, Loughton, Essex IG10 4BG	737613	L	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£6.00	✓	✓
8:00 - 18:00	The Drive, Loughton, Essex IG10 1HW	737607	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	*full tariff	✓

8:00 - 18:00	The Pleasance , High Street, Ongar, Essex CM5 9AG	737614	L	£0.20	£0.80	£1.60	£3.00	£4.00	£5.00	£6.00	✓	✓
9:00- 18:00	Traps Hill , Loughton, Essex IG10 1HD	737618	S/L	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£6.00	✓	✓
8:30 - 17:30	Vere Road , Debden, Essex IG10 3SW	737608	S	£0.20	£0.90	£1.80	£3.00	£4.00	£5.00	£10.00	*full tariff	✓

* Full Tariff means that these car parks run the weekly tariff on Saturday aswell. Normal tariff Monday to Saturday

✓ This means that a 1 hour period can be obtained by pressing the button for a ticket. If more than 1 hour is required then a ticket must be obtained by inserting £1 for the whole day

** This car park has a vehicle key pad and a free 1 hour option is available by using the vehicle key pad to obtain a ticket for an hour. More than an hour then cash/card must be inserted to obtain a ticket. The same applies to Saturday/Sunday 1 hour free.

Disabled Badge holders can park in any space free of charge as long as they display their badge and time clock

December - Saturdays/Sundays only all car parks free throughout December (including Sainsbury's)

Ticket Expiry - If a whole day ticket purchased expiry to read as start time for the following day

Min Permit - can only buy minimum 1hr ticket as each transaction costs 28p.

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Appendix-2

Annual Report for Off Street Parking 2018 – Off Street operational report

This paper gives Members an update of operation progress since NSL Ltd were awarded the contract to carry out the enforcement of the off street car parks owned by Epping Forest District Council.

Background

Since 2012, EFDC car parks were managed by the North Essex Parking Partnership (NEPP) who carried out the enforcement for on and off street parking across six districts, Colchester, Tending, Uttlesford, Braintree, Harlow and Epping. In 2016 notice was given to NEPP informing them that we were taking back enforcement of our car parks.

Following a successful procurement exercise, the Council entered into a 5 year Contract with NSL to carry out the enforcement in all 18 Council owned off street car parks.

The North Essex Parking Partnership still carry out the enforcement for on street operations and are also responsible for implementing new restrictions across the Epping Forest District in conjunction with Epping Forest District Council

Off Street Operational Update

This report gives an overview of the first year of the operations.

The Contract commenced with NSL on the 1st April 2017 and the data migration from The North Essex Parking Partnership took place over that weekend and was completed successfully with just a few minor hiccups where season ticket holders had to change their MiPermit details.

NSL deployed a staffing compliment fairly quickly. This included part time Civil Enforcement Officers and a Supervisor employed on a shift pattern basis, which means that the weekends are now also fully enforced. There is no travelling back to a base for lunch or breaks so cuts down on travelling time.

There are two vehicles - one covering the south of the district and the other covering the north. The vehicles are parked at night - one in our Oakwood Hill Depot and the other one in Civic Offices.

The Civil Enforcement Officers (CEO) wear body worn cameras and so can work alone and some have also been trained in machine maintenance, which cuts down on a lot machine downtime.

Since August 2016, the Council added the ability to accept chip and pin payments at the pay and display machines. One machine in each car park has a chip and pin device enabling multiple methods of payment.

Resources:

The income stream consists of: cash and card payments to pay and display machines, virtual parking payments through MiPermit system, Season Tickets for those who pay in advance and any Penalty Charges collected from contravening motorists.

Issues Encountered

Since the commencement of the contract the one main issue that caused a problem was obtaining the agreement from DVLA for the purpose of obtaining Keeper Details, this took a couple of months to obtain which held up the process of sending out the Statutory Documents. This now resolved we are back on track with the processes and we have recently received a green light for our DVLA audit from DVLA..

Issues were also uncovered with the permit/season ticket purchase following the migration from NEPP. It appeared that there were paper permits that NEPP were still renewing and also issuing season tickets at the incorrect prices all of which we have now stopped.

There were also issues with staffing from an NSL point of view and we have had a quick turnover of staff (Civil Enforcement Officers) but we are now fully staffed.

We also experienced a spate of vandalism to the pay and display machines where the monetary loss was not large as the vandals found it very difficult to locate where the vault actually was and were not easily broken into but it meant the loss of a machine whilst repairs were made and we ultimately then fixed plates around the machines which made access to the vault even harder. During this time collections were made more frequent in the busier car parks.

Number of Penalty Charge Notices Issued

Month	1 April 2016 to 31 March 2017	1 April 2017 to 31 March 2018
April	432	697
May	520	696
June	450	524
July	463	660
August	371	430
September	354	420
October	505	443
November	564	438
December	219	283
January	363	360
February	327	392
March	308	434
Total	4876	5777

As you can see from the above the number of penalty charge notices issued has increased by nearly 900 which is partly due to enforcement being carried out 7 days a week.

Income Streams 2016/2017

2016/2017	Mi Permit	Pay & Display	Chip & Pin	Season Ticket
April	£18,482.60	£91,183.19	0.00	£9,958.87
May	£17,716.60	£83,406.30	0.00	£3,835.00
June	£19,077.50	£88,549.60	0.00	£3,008.24
July	£16,868.90	£86,231.10	0.00	£13,246.74
August	£16,471.40	£83,474.15	0.00	£6,005.58
September	£19,325.10	£85,895.60	£277.30	£11,315.66
October	£18,823.80	£85,071.00	£581.10	£28,052.50
November	£22,155.80	£86,420.20	£644.20	£6,631.16
December	£16,872.60	£77,553.45	£451.10	£11,197.04
January	£21,289.10	£76,597.55	£988.10	£16,066.24
February	£22,054.90	£72,591.05	£1,277.60	£2,102.44
March	£26,905.80	£88,486.35	£1,605.90	£2,532.34

Sub Total £236,044.10 £1,005,459.50 £5,825.30 £113,951.81

Total for Year £1,361,288.70

The income from Penalty Charge Notices is another £126,646.70

Income Streams 2017/2018

2017 to 2018	Mi Permit	Pay & Display	Chip & Pin	Season Ticket
April	£17,622.10	£75,936.15	£1,104.20	£3,985.00
May	£21,835.40	£81,194.25	£1,451.70	£3,479.00
June	£23,976.30	£79,482.80	£2,159.70	£2,903.00
July	£22,927.80	£81,526.75	£1,807.10	£6,222.46
August	£19,746.30	£80,780.55	£2,597.60	£9,009.80
September	£23,734.50	£81,946.70	£2,521.40	£21,585.00
October	£27,377.50	£75,244.50	£2,299.80	£5,267.00
November	£30,795.90	£75,375.80	£2,810.60	£16,915.00
December	£25,041.80	£64,995.65	£1,937.50	£8,542.00
January	£28,113.20	£75,278.10	£2,201.00	£7,933.00
February	£29,646.60	£72,484.40	£2,052.50	£11,170.00
March	£33,283.90	£77,249.30	£2,215.70	£3,150.00

Sub Total £304,101.30 £921,454.95 £25,158.80 £100,161.26

Total for year £135,0876.60

Penalty Charge Notice income is another £119,354.00

Future Works

We are currently in the process of applying for planning permission to demolish the existing garages in Vere Road to create more parking spaces (approx. 23) and to also turn an existing space into a car park by demolishing a brick wall and creating parking spaces (approx. 10) which the Loughton Broadway is in need of. With the addition of these spaces we will be adding some disabled bays and the possibility of an electric car charging point.

Civic Offices is possibly the subject of a trial for an electric car charging station so that we can gauge the use and demand and then possibly rolling out installations in more of our car parks across the district..

On the 11th/12th April a member of the parking team accompanied the Park Mark Safety Officer as our Park Mark Award was up for renewal for all our car parks across the Epping Forest District.

The Park Mark Safer Parking Scheme is a Police Crime Prevention Initiative and is aimed at reducing crime and the fear of crime in parking facilities. This award is awarded to parking facilities that have met the requirements of a risk assessment conducted by the police. We are delighted to announce that we have secured the Park Mark Award for a further 2 years and it was also noted that the assessor said that these car parks were some of the cleanest he had visited.

The DVLA have carried out our first audit since we took back the off street parking enforcement in March 2018 and we achieved a green light.

On May 6th 2018 Ongar Town Forum hosted a very successful Petanque Day which took place in The Pleasance Car Park which they had the use for the day. The car park was swept and cleared and ready for use again on the Monday morning. The event was so well received that they have already asked for permission for the us of the car park next year.

On Friday the 18th of May. Essex County Council and Essex Police were working in the Epping Forest district to target road traffic offences such as mobile phone use, not wearing seat belts and no insurance.

We gave them permission to use 5 of the bays in the car park in Ongar, next to the library to pull these vehicles into. This is an example of a highly visible community safety event which has in the past taken drug dealers and burglars off of the streets while tackling local road safety matters.

To compliment this they also had the fire service and road safety staff engaging the public outside of Greggs in Epping and children from a local school speaking to drivers that are speeding outside of their school.

The results of op Nash are as follows

- 95 x No Seatbelts
- 33 x using Mobile Phone
- 5 x Careless Driving/Riding
- 2 x No insurance
- 2 x DOWL
- 3 x Section 165's
- 19 x Excess Speed (SL)
- 3 x Other Offences

David Raven also captured 163 people in Excess of the speed limit using Trucam

A total of 13 people were stopped on School Speed Watch, with the highest recorded speed being 55mph in a 30 limit.

The engagement team had 70 good engagement discussing road safety issues in Epping High street.

Calculation to take out WA and Ongar income (new tariff):										
Waltham Abbey and Ongar P&D tickets (with 10% Sainsbury Ongar)	156087	63438	30228	7089	2829	2829	2829	278		
Waltham Abbey and Ongar P&D income (new tariff)	£31,217	£57,094	£54,410	£21,267	£11,317	£14,146	£16,976	£2,783		
Net EFDC income without Waltham Abbey and Ongar (new tariff)	£37,408	£175,451	£356,416	£152,126	£133,071	£246,994	£142,025	£35,669		
Calculation to add WA and Ongar income (existing tariff):										
Waltham Abbey and Ongar P&D tickets (with 10% Sainsbury Ongar)	156087	63438	30228	7089	2829	2829	2829	278		
Waltham Abbey and Ongar P&D income (existing tariff)	£31,217	£50,750	£48,364	£21,267	£11,317	£14,146	£16,976	£2,783		
EFDC P&D income (with differential tariff change in W. Abbey and Ongar)	£68,625	£226,201	£404,781	£173,393	£144,388	£261,140	£159,000	£38,452		£1,475,980
Income (differential increase in WA and Ongar)	£1,883,205									
Income (differential increase in WA and Ongar), after VAT	£1,569,337									
Loss of income (differential increase in WA & Ongar), after VAT	-£10,324.44									
Increase in income relative to existing tariff(differential increase in WA and Ongar)			£392,007.28							
Income (differential increase in WA and Ongar), after VAT	£326,672.73									
Income after VAT with 5% drop in usage	<u>£252,873.74</u>	£3,431.26	£11,310.06	£20,239.04	£8,669.63	£7,219.40	£13,057.00	£7,950.00	£1,922.60	£73,798.99
Income after VAT with 10% drop in usage	<u>£179,074.75</u>	£6,862.53	£22,620.12	£40,478.09	£17,339.25	£14,438.80	£26,114.00	£15,900.00	£3,845.20	£147,597.98
Income after VAT with 15% drop in usage	<u>£105,275.76</u>	£10,293.79	£33,930.18	£60,717.13	£26,008.88	£21,658.20	£39,171.00	£23,850.00	£5,767.80	£221,396.98

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Report to the Cabinet

Report reference: C-007-2018/19
Date of meeting: 6 September 2018



Portfolio: Technology and Support
Subject: Christmas/New Year Closure of Council Offices
Responsible Officer: Paula Maginnis (01992 564536).
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

To agree the Joint Consultative Committee's recommendation to continue the current Christmas/New Year arrangements for 2018 – 2020, in accordance with the Schedule at appendix 1.

Executive Summary:

For the past 16 years the Council has closed a number of Council offices throughout the Christmas and New Year period. The closure is facilitated by fixing the 2 statutory days, account for the bank holidays and, where necessary, the Council giving an additional day(s). The current schedule was agreed by Cabinet in December 2014, which came to an end in 2017/2018.

Consultation has taken place with staff and Management Board about access to services over the Christmas/New Year period. Both staff and Management Board were of the view that because of the continuing lower demand for services over this period, the most efficient way to meet this demand is by signposting the public to services rather than opening the Council offices. All essential services are covered either by the out of hours contact centre or specific staff on call over the period. Management Board also supported the continuation of the arrangements for the next 2 years.

Reasons for Proposed Decision:

Consultation with staff showed that 97% of respondents wished the arrangements for the closure of Council offices over the Christmas/New Year period continued.

The report recognises the strong support of staff and Management Board regarding the current arrangements for the Christmas/New Year Period.

Other Options for Action:

The Committee could substitute other arrangements.

The Committee could decide not to continue with the current arrangements.

Report:

Background

1. Since 2002 the Council has closed the Civic and other offices over the Christmas and New Year period. The current arrangements make use of the 2 statutory days, bank holidays and, when necessary, 'special leave' days to facilitate the closure.

2. Employees are entitled to 2 statutory days each year which with the agreement of both the Council and staff have been fixed at Christmas/New Year to facilitate the closure of offices (as opposed to having it their leave to take at any time). Members agreed that additional a 'special leave day' (s) would be given to enable the closures.
3. Management Board agree that the closure arrangements should be supported and continued on the following basis;
 - (a) Very strong support expressed in the staff survey (see below) and the positive effect on staff morale (and notes that there has been an increase in the number of respondents and the amount of support for the arrangements);
 - (b) Arrangements with Mears for out of hours cover allow the Council to continue to be contactable over a range of frontline services;
 - (c) Experience has demonstrated that effective on-call arrangements are able to be put in place over the Christmas period
 - (d) Electronic services operated by the Council are available, including on-line payments, reporting issues and information;
 - (e) Staff are currently dealing with a significant amount of change and the wish is that staff continue to be engaged with this, maintaining the momentum.
 - (f) Many private and public organisations the Council deal with are closed over the Christmas/New Year period;
 - (g) Cover arrangements for monitoring social media enquiries and for updating the website remotely have been working successfully for a number of years.
 - (h) It is preferable to have staff absent at this much less busy time of the year, than at other times when greater public contact is required
 - (i) There are staff wellbeing benefits of ensuring that staff have an uninterrupted Christmas break
4. Furthermore, Management Board recognised that as the Council adopts flexible working practices and maximises the use of technology (both for staff and the public), access to Council services will continue to evolve over the coming years.
5. The Committee are aware that there are a number of services available to the public during this period and the Mears Contact Centre is taking the out-of-hours calls on behalf of the Council, both for routine housing repairs calls and general emergency calls to the switchboard number.
6. The proposed schedule is attached at Appendix 1.

Consultation

7. Consultation took place with staff in 2003, 2006, 2013 and a further Survey has just been completed (in 2018). In 2013, 395 employees responded to the survey and 94% wished the arrangements to continue. In 2018, 525 employees responded and 97% would like the arrangements to continue – representing an increased response rate and an even greater level of support. The results of the 2018 consultation are attached at Appendix 2.
8. Only 1% of staff (5 comments) reported in the recent survey that they had received an adverse comment from the public. Two of these respondents did not wish the arrangements to continue.
9. Of the respondents to the public consultation in 2014, 99.8% said they had not been inconvenienced by not being able to access a Council service during this period.
10. Members highlighted a range of services that should be contactable during this period as follows;

- Housing Repairs
- Housing Options
- Waste, recycling and other environmental services
- Benefits/Council Tax/Rent

It is worth noting that the Council's website and telephone messages signpost the public to report environmental issues on-line and to call Mears for routine housing repairs and for all emergencies. The website can be used by the public for on-line reporting, payments and information for Council Tax and Benefits.

Resource Implications:

There are no additional resource implications to the Council.

Legal and Governance Implications:

None

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

Consultation has been undertaken with staff and Management Board. Previously consultation has been carried out with residents and members

Background Papers:

None

Risk Management:

The Council is not closed during this period and the public can still access a range of services, emergency or otherwise. Scheme Managers make visits to residents over this period, North Weald Airfield is open on the non-Bank Holidays. In addition, the Waste Management Officers provide a regular service on the non-Bank Holidays.

Out-of-hours calls to the main switchboard number are answered by Mears, with the majority of calls being for housing repairs. Arrangements are in place to call out Council staff and/or contractors to deal with issues if required.

Equality Impact Assessment

Is this a new policy (or decision) or a change to an existing policy, practice or project?	Extension of an existing practice that has been in place since 2002
Describe the main aims, objectives and purpose of the policy (or decision)	Closure of the majority of the Council's offices over the Christmas/New Year period. Using a range of other methods to signpost the public to the right place and increasing the availability of online reporting, payments and information.
What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?	Extending the current arrangements
Does or will the policy or decision affect: service users employees the wider community or groups of people, particularly where there are areas of known inequalities?	Employees. The facilitation of office closures of the Christmas/New Year period.
Will the policy or decision influence how organisations operate?	It may have an impact on partner organisations and service providers. However, staff ensure that information is provided in advance of the Council office closures.
Will the policy or decision involve substantial changes in resources?	No
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
What does the information tell you about those groups identified?	An employee survey was recently completed (June 2018) and the results are set out in Appendix 2 of the report.
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?	Staff were consulted in June 2018. The public and members were consulted in 2014. All the consultation showed that religious belief was not a factor in whether or not respondents supported the arrangements (staff) or inconvenienced by the office closures (public) *
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:	

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	low
Disability	Neutral	low
Gender	Neutral	low
Gender reassignment	Neutral	low
Marriage/civil partnership	Neutral	low
Pregnancy/maternity	Neutral	low
Race	Neutral	low
Religion/belief	Neutral * (see comment)	low
Sexual orientation	Neutral	low
Does the EqIA 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 to describe the adverse impacts and what mitigating actions you could put in place.

Action plan to address and monitor adverse impacts		
What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
N/A at this stage		

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PROPOSED SCHEDULE OF CHRISTMAS AND NEW YEAR LEAVE ARRANGEMENTS: 2018 - 2020

	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs
2018/2019	22 nd	23 rd	24 th	25 th	26 th	27 th	28 th	29 th	30 th	31 st	1 st	2 nd	3 rd
	Weekend	Weekend	Special Leave Day	Christmas Day	Boxing Day	Statutory Day	Statutory Day	Weekend	Weekend	Special Leave Day	New Year's Day	Normal Work Day	Normal Work Day
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri
2019/2020	22 nd	23 rd	24 th	25 th	26 th	27 th	28 th	29 th	30 th	31 st	1 st	2 nd	3 rd
	Weekend	Normal Work Day	Close at noon	Christmas Day	Boxing Day	Statutory Day	Weekend	Weekend	Statutory Day	Special Leave Day	New Year's Day	Normal Work Day	Normal Work Day

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Results of Employee Survey

	Office Closure*	Female	Male	Religion	Would Agree to use further leave	
					Yes	No
YES	97%	62%	35%	Christian – 47% Jewish – 0.8% Buddhist – 0.4% Hindu – 0.4% Muslim – 0.4% Sikh – 0.4% Other – 2.5% Not disclosed – 17.7% No religion – 26.7%	9%	88%
No	3%	1%	2%	Christian – 1.2% Muslim – 0.2% Not disclosed – 1% No religion – 0.8%	0.2%	3%

*A total of 525 responses were received

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Report to the Cabinet

Report reference: C-008-2018/19
Date of meeting: 6 September 2018



Portfolio: Technology and Support
Subject: Staff Appeals Procedure
Responsible Officer: Paula Maginnis (01992 564536).
Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) That the proposed Appeal Procedure be approved and adopted; and
- (2) That, pursuant to the adoption of the policy, a report be made to Council recommending that the Monitoring Officer removes reference to the Staff Appeals Panel from the Constitution.

Executive Summary:

Currently the Council's Short of Dismissal - Appeal Hearing Procedure which includes Stage 3 Grievances is usually heard by a Director as they are deemed to have 'sufficient seniority' to carry out this function, as provided by the Procedure.

Appeals made against a decision to dismiss an employee are heard by the member Staff Appeals Panel comprising of five members who are not members of the Executive Committee. The Presenting Officer at these appeals has been the Director of Governance.

The People Team are proposing that the Procedure is amended and as a consequence the member Staff Appeals Panel is removed from the Constitution at the next available opportunity.

It is proposed that officer dismissals and appeals (of employees below Chief Officer level) are dealt with by a wider number of senior managers rather than Directors and Members, subsequently freeing up Directors and the Chief Executive in order to chair any dismissal appeal hearings.

Reasons for Proposed Decision:

This is a change to the existing Procedure which the Committee is asked to consider. The proposal is timely due to the exit of the Director of Governance who was the Council's representative on the Staff Appeals Panel. The proposal adopts one procedure for all employees (below Chief Officer, as separate arrangements apply) appealing against any formal action or dismissal taken against them.

Other Options for Action:

The Committee could substitute other arrangements.

The Joint Consultative Committee proposed an alternative option whereby a member of the Executive is a joint Hearing 'Officer' with a Director or the Chief Executive at an Appeal Hearing for

dismissal.

Report:

1. The new Appeals Procedure is attached at Appendix 1 and it is proposed it will replace the Staff Appeals Panel and the Short of Dismissal - Appeal Hearing Procedure.
2. The People Team are proposing to change the appeals procedure so that senior officers have the authority to chair potential dismissal hearings and appeals.
3. The proposal will align with the Council's transformation programme reflecting the new Decision Making Accountability model. This model will see decision making clarified at each layer of management with some accountabilities moved further down the organisation. It is also hoped that the new procedure will avoid the management chain being placed in any potential compromises due to possible involvement in operational issues or the original investigation process.
4. The proposed changes will also ensure that the process will require less resource to support in terms of member training, committee processes, time and the number of people required to be involved in an appeal against dismissal.
5. The change will also present a more efficient and flexible process for an appeal hearing to be arranged which could also minimise the amount of stress added to an employee who would be required to appear before a member panel, specifically for more junior members of staff.
6. The employee will still have the right of appeal on the same grounds as the current procedure. ACAS guidance advises that the process should be impartial and wherever possible provide for the appeal to be heard by someone with higher authority than the person who took the original decision. The ACAS guidance also states that appeals should be dealt with speedily, particularly those involving suspension or dismissal. This guidance has been reflected in the process.
7. It is worth noting that employees must exhaust all internal procedures before bringing any case to an Employment Tribunal.
8. That the proposed changes will mean that the Staff Appeals Panel is no longer required. This will require a change to the current constitution and it is recommended that the council, consequent on the approval of the new policy, be requested to remove references to that Panel from its constitution.

Resource Implications:

There are no additional resource implications to the Council.

Legal and Governance Implications:

An appeal is not intended to be a substitution for, or prejudicial to, an employee's right of appeal to an Employment Tribunal. However, Employment Tribunals do expect internal appeals procedures to have been exhausted before a complaint is brought before them. The Procedure ensures that appeals are heard by an independent manager which is set out in ACAS advice and guidance.

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

Consultation has been undertaken with Management Board and the Joint Consultative Committee.

Background Papers:

None

Risk Management:

The authority is at risk from complaints brought before them from an Employment Tribunal if a robust structured Appeals Procedure is not present. Under the procedure employees can appeal against a formal decision made against them and it is essential to natural justice. Defects in the original disciplinary procedure may often be remedied through a properly held appeal.

Equality Impact Assessment

Section 1: Identifying details

Your function, service area and team: **Human Resources - People Team**

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: **The procedure will be applied corporately**

Title of policy or decision: **Appeal Procedure**

Officer completing the EqIA: Tel: ext **4073** Email: **hpether@eppingforestdc.gov.uk**

Date of completing the assessment: **15 March 2018**

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>New procedure</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>Put in place a robust and structured Appeals Procedure to;</p> <ul style="list-style-type: none">▪ Allow employees the opportunity to appeal any formal decision made against them which is essential to natural justice.▪ Allow employees to raise an appeal on various grounds for example new evidence, undue severity or inconsistency of the penalty.▪ Allows defects in the original hearing outcome to be remedied through a properly held appeal.▪ Allow employees the opportunity for appeals to be dealt with as quickly as possible. <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <ul style="list-style-type: none">• Changing the existing procedure for employees will present a quicker more efficient process for an appeal hearing to be arranged which could also minimise the amount of stress added to an employee who has raised an appeal against dismissal.

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>It will affect all employees who wish to raise an appeal against a formal decision made against them with the exception of those in statutory roles (and their deputies)</p> <p>Will the policy or decision influence how organisations operate?</p> <p>It will not affect partner organisations but will affect senior officers who will be required to chair formal hearings which could result in the dismissal of an employee.</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 new Appeals Procedure will align with the Council's transformation program reflecting the new DMA model when the new structure is in place.</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>It will affect all employees who wish to raise an appeal against a formal decision made against them with the exception of those in statutory roles (and their deputies)</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>N/A</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>The right to appeal has not changed only who will chair the appeal hearing, as always any member of staff who has appealed will be given the appropriate information and be given an appropriate appeals hearing.</p>
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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	The Procedure will apply to all employees regardless of characteristic.	
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 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 X	No
			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.
N/A		

Section 7: Sign off

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

Signature of Assistant Director: Paula Maginnis	Date: 16 March 2018
Signature of person completing the EqIA: Hilary Pether	Date: 15 March 2018

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