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**David Marchant** LLB (Hons) BSc (Hons) CEng FICE FCMI  
**Chief Executive**

## **CABINET AGENDA**

**Date:** Wednesday 22nd July 2020

**Time:** 6.00pm NB Time

**Venue:** NB Remote Microsoft Teams

**This meeting will be webcast live on the internet.**

### **Membership:**

<b>Councillor Smith</b>	<b>Chairman - Leader of the Council</b>
<b>Councillor Stanley</b>	<b>Special Projects – Deputy Leader of the Council</b>
<b>Councillor Mrs Egan</b>	<b>Place - Housing</b>
<b>Councillor Hart</b>	<b>Place – Infrastructure</b>
<b>Councillor Isaacs</b>	<b>People – Community</b>
<b>Councillor Johnson</b>	<b>People – Health &amp; Wellbeing</b>
<b>Councillor MacLean</b>	<b>Growth – Strategic Planning</b>
<b>Councillor Sheldon</b>	<b>Environment</b>
<b>Councillor Mrs Thornton</b>	<b>Economic Development Delivery</b>
<b>Councillor Varker</b>	<b>Resources</b>

**Cabinet Enquiries:**

**Ann Horgan ext. 2413  
ahorgan@castlepoint.gov.uk**

**Reference:**

**2/2020/2021**

**Publication Date:**

**Tuesday 14th July 2020**

**AGENDA**  
**PART I**  
**(Business to be taken in public)**

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- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**  
To approve the Minutes of the meeting held on 24th June 2020.
- 4. Forward Plan**  
To review the Forward Plan.
- 5. Financial Update:**  
*(Report of the Cabinet Members for Resources)*
- 6. Covid 19 – Recovery: Pavement Permit Licensing Policy**  
*(Report of the Cabinet Member People - Community)*
- 7. ASELA Update**  
*(Report of the Leader and Cabinet Member for Growth Strategic Planning)*
- 8. Corporate Performance Scorecard Quarter 4 2019/2020**  
*(Report of the Cabinet Member Resources)*
- 9. Food and Health and Safety Service Plan**  
*(Report of the Cabinet Member for Health & Wellbeing)*
- 10. Response to Consultation to Extend Dog Fouling Public Spaces Protection Order**  
*(Report of the Cabinet Member for Place – Infrastructure)*
- 11. Report of the Peer Challenge Working Group – to follow**  
*(Report of the Cabinet Member for Growth Strategic Planning)*
- 12. ICT Contract Report on Tenders - to follow**  
*(Report of the Cabinet Member Resources)*
- 13. Matters to be referred from /to Policy & Scrutiny Committees**  
There are no matters.
- 14. Matters to be referred from /to the Standing Committees**  
There are no matters.

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**PART II**  
**(Business to be taken in private)**  
**(Item to be considered with the press and public excluded from the meeting)**

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- 12. ICT Contract Report on Tenders (Exempt Information Paragraph 3 of Part 1 Schedule 12A Local Government Act 1972 as amended)**  
*(Report of the Cabinet Member Resources)*



## CABINET



24TH JUNE 2020

### PRESENT:

Councillor Smith  
Councillor Stanley  
Councillor Mrs Egan  
Councillor Hart  
Councillor Isaacs  
Councillor Johnson  
Councillor MacLean  
Councillor Sheldon  
Councillor Mrs Thornton  
Councillor Varker

Chairman – Leader of the Council  
Special Projects – Deputy Leader of the Council  
Place – Housing  
Place – Infrastructure  
People – Community  
People – Health & Wellbeing  
Growth- Strategic Planning  
Environment  
Economic Development Delivery  
Resources

### ALSO PRESENT:

Councillors: Skipp and Riley

### 97. MEMBERS' INTERESTS:

No declarations were made.

### 98. MINUTES:

The Minutes of the Cabinet meeting held on 18.3.2020 were approved as a correct record.

### 99. FORWARD PLAN:

To comply with regulations under the Localism Act 2011, the Leader presented a revised Forward Plan to the meeting which outlined key decisions likely to be taken within the next quarter of 2020. The Plan was reviewed each month.

**Resolved** – To note and approve the Forward Plan.

### 101. COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY

Cabinet considered a report providing an overview of work currently being undertaken in relation to the Council's Covid-19 recovery. Cabinet was also requested to agree to implement immediate changes to the Council's financial plans to partly offset the financial implications which had arisen because of lockdown and the consequential disruption to services, facilities and projects.

Cabinet Member for Place – Housing responded to question on arrangements for visitors to sheltered housing schemes.

**Resolved:** That Cabinet: -

1. Notes the work which is in progress as set out in section 5 of the report.
2. Approves the budget amendments as set out in section 6 of the report: Deferral of projects into 2021/22 (£94k), revenue budget reductions (£231k), financial planning changes (£450k).

## **102. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY**

Cabinet considered a report providing an update to the Cabinet and Council on the current RIPA policy and legislation and seeking approval of the Regulation of Investigatory Powers Act 2000 (RIPA) Policy.

Cabinet Member for People – Community responded to a question on use of CCTV to assist in dealing with anti-social behaviour.

**Resolved:** To note the content of this Report and approve the Regulation of Investigatory Powers Act 2000 (RIPA) Policy annexed as an indication of the Council's commitment to complying in its practices with current legislation.

## **103. HOUSING ALLOCATIONS POLICY REVIEW 2020**

Cabinet considered a report seeking approval to the proposed changes to the Housing Allocations Policy and the associated Equality Impact assessment.

**Resolved:**  
To approve the Allocations Policy and the Equality Impact Assessment

## **104. MATTERS TO BE REFERRED FROM / TO POLICY & SCRUTINY COMMITTEES**

There were no matters.

## **105. MATTERS TO BE REFERRED FROM / TO THE STANDING COMMITTEES**

There were no matters.

Chairman



# **Castle Point Borough Council**

## **Forward Plan**

**JULY 2020**

# **CASTLE POINT BOROUGH COUNCIL**

## **FORWARD PLAN**

**JULY2020**

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely:-

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continual

<b>Date</b>	<b><u>Item</u></b>	<b>Council Priority</b>	<b>Decision by Council/ Cabinet</b>	<b>Lead Member(s)</b>	<b>Lead Officer(s)</b>
July 2020	<u>Report of the Peer Challenge Working Group</u>	A Commercially and Democratically Accountable Council	Cabinet	Growth – Strategic Planning	Chief Executive
July 2020	<u>Financial Update – Budget Reset</u> - for approval	A Commercially and Democratically Accountable Council	Cabinet	Resources	Strategic Director (Resources)
July 2020	<u>Food and Health &amp; Safety Service Plan</u> - for approval	People - Health and Wellbeing	Cabinet	Health & Wellbeing	Head of Environment
July 2020	<u>Extension of Public Open Space Protection Order</u>	Environment	Cabinet	Place – Infrastructure	Head of Environment
July 2020	<u>Quarter 4 Corporate Score Card</u>	All	Cabinet	Resources	Strategy Policy & Performance Manager
July 2020	<u>ASELA – Update</u>	Housing and Regeneration A Commercially and Democratically Accountable Council	Cabinet	Leader Growth – Strategic Planning	Chief Executive

July 2020	<u>ICT Contract – Report on Tenders</u>	A Commercially and Democratically Accountable Council	Cabinet	Resources	Strategic Director (Resources)
August/2020 September	<u>Environmental Initiatives</u>	Environment	Cabinet	Environment	Head of Environment
September 2020	<u>Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Rams)</u> <u>Draft Supplementary Planning Document – approval</u>	Housing and Regeneration	Cabinet/ Council	Leader Growth – Strategic Planning	Head of Place & Policy
September 2020	<u>Planning Policy Update - approval</u>	Housing and Regeneration	Cabinet	Growth – Strategic Planning	Head of Place & Policy
September 2020	<u>Labworth Car Park</u>	Housing and Regeneration	Cabinet	Place – Infrastructure	Head of Environment



**CABINET****22nd July 2020****Subject: Financial Update****Cabinet Member: Councillor Varker - Resources**

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**1. Purpose of Report****This report is intended to:**

- **Provide Cabinet with the latest Medium Term Financial Forecast (MTFF) in respect of the General Fund.**
- **Update Cabinet on developments of a financial nature which may impact on the Council's financial plans in respect of either the General Fund, Housing Revenue Account (HRA) or Capital Programme.**

**2. Links to Council's Priorities and Objectives**

**This report is linked to the Council's priority of Commercial and Democratically Accountable Council, although sound and strategic financial management is essential to ensure that resources are available to support all the Council's priorities.**

**3. Recommendation**

**That Cabinet note the content of the report.**

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**4. Background & basis of the financial forecast**

- 4.1** The Financial Planning Strategy is incorporated within the Policy Framework and Budget report which is approved by Council in February each year. The strategy requires the submission of a MTFF, enabling the Cabinet to monitor latest estimates of future spending and resources, and take appropriate action to ensure that the Council's financial targets are met.
- 4.2** The impact of lockdown and the consequential disruption to services, facilities and projects has had a significant impact on the Council's financial plans and these implications are reflected in the MTFF attached as Appendix 1. Greater detail around these implications was reported to Cabinet in June 2020, whilst an update to the position reported at that time is provided below.
- 4.3** The impact of lockdown and the Government support to the economy has compounded the uncertainty around the future of ongoing funding for local government. The new funding mechanism which had already been deferred several times and most recently to 1<sup>st</sup> April 2021, has once again been deferred with implementation now planned for 1<sup>st</sup> April 2022. In the meantime, the Council continues to utilise its resources prudently and maintain reserves at a level

sufficient to enable it to adjust smoothly to any detrimental change to funding which may arise.

- 4.4 This report provides a summary of various finance related issues which Cabinet will wish to be aware of and / or which may have an impact on the Council's spending plans.

## 5. Changes to approved budgets

- 5.1 The following budget changes have occurred since the budget for 2020/21 was agreed by Council in February 2020.

	£	Description
1.	<b>80k</b>	Confirmation received from Essex County Council in respect of funding of the Highway Ranger Service for a further year.
2.	<b>88k</b>	Conclusion of the 2020/21 local government pay negotiations have been delayed. However, the most recent offer exceeded the value assumed in the Council's budget and therefore additional provision has been made (subject to the outcome of the national pay negotiations).

## 6. Financial Impact of covid-19 & lockdown

- 6.1 As reported to Cabinet in June, the health emergency has had a significant impact on the Council's financial position. Table 1 has been updated following recent Government announcements and the budget changes previously approved. The current unmitigated impact is shown on line 7 below incorporated into the financial forecast at Appendix 1. Cabinet will be informed of subsequent revisions as the year progresses.

Table 1 - High Level Summary		General Fund		HRA	
		2019/20 £000's	2020/21 £000's	2019/20 £000's	2020/21 £000's
1	Forecast reduction in income	190	2,394	8	52
2	Forecast reduction in costs	(37)	(327)	(27)	(66)
3	Forecast increase in costs	35	225	7	13
4	Total Impact	188	2,292	(12)	(0)
5	Coronavirus response grant	(40)	(894)	0	0
6	Budget mitigations - June 2020	0	(774)	0	0
7	Net impact to be addressed	148	623	(12)	(0)

- 6.2 On 2nd July 2020, a major new scheme to help Councils respond to the financial impact of Covid-19 was announced by Local Government Secretary Robert Jenrick.

- 6.3 The new scheme is intended to “help to reimburse lost income during the pandemic and boost cash flow”. Broadly, where losses are more than 5% of a Council’s planned income from sales, fees and charges, the Government will cover authorities for 75p in every pound lost.
- 6.4 At the time of writing this report specific detail about how this funding will be allocated to individual authorities is awaited and there are aspects of the scheme which are unclear.
- 6.5 The Government has also announced changes so that deficits on council tax and business rates collection may be spread across three financial years rather than charged against the General Fund in one single year. This will effectively smooth the overall impact and reduce what would otherwise be an abnormally high cost pressure in 2021/22.
- 6.6 The financial forecast at Appendix 1 brings together the budget changes identified at paragraph 5.1 and table 1 above.

## **7. Revenue/Capital Budgets “on-watch”**

- 7.1 This section of the report highlights revenue or capital budgets, HRA or General Fund, which are identified by the Strategic Director (Resources) as “on-watch”. This term refers to expenditure and income budgets where there is reason to believe that performance may not meet expectations (due to reasons other than Covid-19) and where the impact on the Council’s overall financial plan is likely to be material.
- 7.2 For the purpose of this report, items will be included if they have a full year financial impact of at least **£50k** and / or are felt to be of interest to Cabinet.

### **Co-mingled Waste Contract**

- 7.3 There is uncertainty regarding the future cost of the co-mingled waste contract which fluctuates significantly throughout the year. Costs for the first quarter of 2020/21 have fallen from **£78.99** per tonne in April to **£39.53** per tonne in June. An earmarked reserve was established during the 2020/21 budget process to fund any overall variance to this budget arising at the end of the financial year. For the first quarter this variance is in the region of **£14k**.

### **Homeless Accommodation**

- 7.4 Homelessness accommodation budgets are currently under pressure and as at June are **£14k** overspent. Due to an expected increase in housing benefit income and with Wendy Goodwin House opening in July which will reduce costs, it is expected that spend will be in line with budget by year end. However, there is uncertainty due to the unknown potential impact of private sector evictions resuming in August.

### **Thundersley Recreation Ground Playground Replacement**

- 7.5 Within the approved capital programme for 2020/21 is an **£80k** scheme for the replacement of playground equipment at Thundersley recreation ground. Usually the Council would consult with local children on the design of the scheme but obviously this has not been possible. Therefore, it is proposed to consult during

the remainder of the current financial year, once possible, but for spend to slip into quarter 1 of next financial year.

## **8. Key Financial Developments**

Updates to key financial developments are provided within the following paragraphs. Information reported in earlier financial update reports is not reproduced below.

### **Essex Region Business Rates Pool – Outturn 2019/20**

- 8.1 The pooling arrangement delivered a financial gain which effectively reduced the levy payment payable by the Council from **£328k** to **£123k** in 2019/20. The pooled arrangement has continued for 2020/21 with a membership which includes all Essex Authorities and the Fire Authority but excludes Thurrock UA.

### **Council Tax Preceptors Sharing Agreement – Outturn 2019/20**

- 8.2 Cabinet will recall from earlier update reports that Essex District Authorities are party to a “council tax sharing agreement” with Essex precepting Authorities. Under the arrangement, all parties contribute funding to enable the employment of additional staffing resources to support an enhanced council tax collection service. It would not be viable for the Districts to fund an enhanced service on their own.
- 8.3 As part of this agreement, the precepting organisations return to the Council 14% of the additional council tax which we have collected on their behalf.
- 8.4 For the financial year ending March 2020, the return on this investment to the precepting organisations within the Borough of Castle Point has been **£2.8m** of which **£339k** has been returned to the District Council.
- 8.5 Essex Authorities are continuing to work together to identify further ways to increase the Council tax base and Business Rates yield across Essex and ensure that the share back agreement with the precepting authorities continues.

### **Local Government Funding Review**

- 8.6 The Government announced that the “Review of Relative Needs and Resources” (Fair Funding Review) and the move to 75% business rates retention will no longer be implemented in 2021/22. The announcement also explained the Government will continue to work with Councils on the best approach to the next financial year, including how to treat accumulated business rates growth and the approach to the 2021/22 local government finance settlement.

### **Non-Domestic Rating - Revaluation 2021**

- 8.7 The Government has reintroduced the Non-Domestic Rating (Lists) Bill, which will bring forward the next business rates revaluation from 1 April 2022 (with values as at April 2021) to 1 April 2021 (with values as at April 2019). The Bill would require valuations to be based on a valuation date of April 2019, which could allow the revaluation to go ahead without being impacted by Covid-19.
- 8.8 The Bill also moves forward the date of the draft list publication from the 30 September to the 31 December before the start of the list. This will mean that consultations with ratepayers and authorities about transitional relief will take place without the actual valuations (and therefore the amounts to transition to)

being available and that authorities will only have their rateable value (RV) a couple of weeks before they need to submit statutory returns.

- 8.9 There is already lobbying from businesses to revert to the April 2022 revaluation date.
- 8.10 Historically, detrimental financial implications arising from the revaluation (e.g. technical aspects referred to as “top-up” and “tariff” amounts) have been adjusted to remove impacts on local authorities, and to include a provision for appeals.

## **9. Annual Statement of Accounts (SoA) – Outturn for 2019/20**

- 9.1 Because of the impact of lockdown on services, the Government extended the reporting deadlines for the SoA and the Council has taken advantage of this.
- 9.2 The revised statutory deadlines for preparation and publication of the SoA are:
- 31 August (31 May) - approval by s151 officer of un-audited draft.
  - 30 November (31 July) - approval of audited final SoA by full Council and publication.

## **10. Corporate Implications**

### **a) Legal implications**

This report is presented on behalf of the “section 151 officer” – the officer appointed to have responsibility for the Council’s financial administration. It is their duty to ensure that the Council is regularly informed and updated on these matters.

Matters referred to above which require the establishment of agreements between organisations are routinely referred to the Council’s Head of Law and Deputy Monitoring Officer.

### **b) Human Resources and equality implications**

There are no Human Resource or equality implications arising directly from this report.

### **c) Timescale for implementation and risk factors**

The budget report presented to the Cabinet meeting in February and Council on the same night indicated some risk areas that the Cabinet should be mindful of until the position and risk relating to each has been clarified.

Additional financial risks are set out within the main body of the report.

Financial implications of Covid-19 on future years are yet to be determined.

**Report Author:** Chris Mills, Strategic Director (Resources)

### **Background Papers:**

- Policy Framework & Budget Setting 2020/21, incorporating the Financial Planning Strategy. (February 2020)
- COVID-19 Public Health Emergency and Recovery. (June 2020 Cabinet)
- COVID-19 Financial modelling (CPBC) (on-going)

Table 4.1 Medium term financial forecast		2020/21	2021/22	2022/23	Notes
Line	Current policies and service plans	£'000s	£'000s	£'000s	
1	Total net expenditure / estimated exp. for future years	12,839	10,374	10,469	Fluctuations year to year are predominantly caused by phasing of maintenance spend, pension payments and other expenditure "offset" by earmarked reserves
2	Changes to Budget since February 2020 including impact of Covid-19	2,216	268	196	
		15,055	10,642	10,665	
	<b>Funding sources</b>				
3	Council Tax	8,150	8,376	8,637	Introduction of new funding regime deferred until 2022/23
4	Business Rates (related transactions)	2,814	2,297	2,331	
5	New Homes Bonus	218	17	13	
6	Capital grants and other grants and contributions	2,819	200	200	Includes £894k Covid-19 funding and £161k furlough funding (to date)
7	Net Collection Fund(s) surplus / (deficit)	49	0	0	
8	Transfer (to) / from General reserve	0	0	0	
9	Transfer (to) / from Earmarked reserves	307	(737)	(1,111)	Net movement includes NNDR Equalisation Reserve - used to offset specific business rates related transactions and variances and Pension Reserve (every 3 years). Adjustments agreed at June 2020 Cabinet also impacting on this line
10	Total funding sources	14,357	10,153	10,070	
11	Budget / Funding Gap	(698)	(489)	(595)	
	<b>General Reserve</b>	£'000s	£'000s	£'000s	
12	Balance at start of year	5,520	4,617	3,713	Minimum recommended balance for General Reserves is £2m *** Sufficiency of reserve levels are to be reviewed in response to covid-19***
13	Contribution (to) / from General Fund (line 8 & 11)	(698)	(489)	(595)	
14	Potential planning appeals & associated legal costs	(205)	(415)	(910)	
15	Balance / (deficit) at end of year	4,617	3,713	2,208	
	<b>Earmarked Reserves</b>	£'000s	£'000s	£'000s	
16	Balance at start of year	9,817	8,461	8,653	The timing of the use of earmarked reserves is, due to their nature, generally unprecise  Earmarked reserves are reviewed annually to ensure sufficiency and where need has diminished funds will be returned to General Reserves
17	Contribution (to) / from General Fund (line 9)	(307)	737	1,111	
18	Total other expected usage of earmarked reserves - not allocated within the detailed budget	(1,049)	(545)	(715)	
19	Balance at end of year	8,461	8,653	9,049	
	<b>Council Tax</b>				
20	Tax at band D	£ 263.16	268.38	273.69	Target increases within Council Tax referendum limits. The tax at band D does not include the amount charged by Canvey Island Town Council.
21	Increase	1.99%	1.98%	1.98%	

**CABINET**

**22nd July 2020**

**Subject: Covid 19 - Recovery: Pavement Permit Licensing Policy**

**Cabinet Member: Councillor Isaacs – People - Community**

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**1. Purpose of Report**

**To inform the Cabinet of proposals contained the Business and Planning Bill and present the Pavement Permit Licensing Policy.**

**2. Links to Council's Priorities and Objectives**

**This report is linked to the Council's Priorities Aim of**

- Transforming our Community;**
- Public Health and Wellbeing.**

**3. Recommendation**

- That the Cabinet notes the content of this Report.**
  - That the Cabinet approves the Pavement Permit Licensing Policy annexed.**
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**4. Background**

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Bill makes it easier, as lockdown restrictions are lifted but social distancing guidelines remain in place, for premises serving food and drink such as bars, restaurants and pubs, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

## **5. Proposals**

The measures included in the Bill modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

The Bill also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from the Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

The new temporary measure places a cap on the application fee for businesses and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost-effective manner aiding to their financial recovery.

## **6. Corporate Implications**

### **(a) Financial Implications**

Managed within existing service budgets

### **(b) Legal Implications**

The Bill makes district councils responsible for issuing pavement licences under the provisions in Clauses 1 to 10. There is a need for early action by the Council as the Bill may become law as early as next week. At the time of writing this report, the Bill will reach Committee stage in the House of Lords on 13 July 2020.

“Pavement Permit Licences” are subject to 7 days of consultation and then a decision must be taken within a further 7 days otherwise the licence is deemed to have been granted for a year. It is therefore essential that the Council is ready to start receiving licence applications potentially by the latter part of next week and have in place suitable local conditions that can be applied. In the absence of local conditions, there is only one national condition relating to maintaining sufficient access for disabled people and others along pavements.

Even though the “licence” word is used throughout the Bill, and the draft guidance refers to the possibility that licensing committees might be used to consider any “appeals” about refusals, this is self-standing legislation and there is currently no provision in the Bill that puts this matter within the remit of licensing committees. There is therefore no appeals procedure.

The legislation runs only to 30 September 2021 but could be extended by secondary legislation subject to affirmative resolute procedure. The Council will have the ability to grant licences for whatever period it wishes, subject to a minimum of 3 months, although the draft guidance suggests 12 months should be the normal period.



Clause 2(1) makes it a legal requirement that electronic processes for businesses to be able to both apply and pay for their application fee on line. The clause states: an application must:  
be sent to the authority using electronic communications in such manner as the authority may specify, and;

be accompanied by such fee not exceeding £100 as the local authority may require.

The legal implications are therefore clear that a payment will not “accompany” an email/web application if a cheque is sent in the post; and applications cannot be made by post or in person.

**(c) Human Resources and Equality Implications**

**Human Resources**

Managed within existing resources.

**Equality Implications**

Clear routes of access considering the needs of people with disabilities will be maintained.

**(d) IT and Asset Management Implications**

None to be addressed by this report.

**7. Timescale for implementation and Risk Factors**

Publication of the Policy on the Council’s website once a decision has been made by Cabinet.

**8. Background Papers**

Business and Planning Bill 2020

**Report Author:**

Mrs Melanie Harris – Head of Licensing and Safer Communities.



# **Pavement Permit Licensing Policy**

V1 M Harris

July 2020

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Appendix 3	Standard Pavement Licence Conditions	
Appendix 4	National Conditions	

## **1. Introduction**

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Bill, introduced to the House of Commons on Thursday 25 June 2020, makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Bill modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

The Bill also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from Castle Point Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

The new temporary measure places a cap on the application fee for businesses and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost-effective manner aiding to their financial recovery.

## **2. Scope**

### **2.1 Definition of pavement licence**

A pavement licence is a licence granted by the Council which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

### **2.2 Eligible Businesses**

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

### **2.3 Eligible Locations**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

### 2.3 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure and is able to be moved easily and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

### 2.4 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

## 3. **Application and Determination of Pavement Licences**

### 3.1 Submission of the Application

An application for a pavement licence must be made to the Council and the following will be required to be submitted with the application:

- a completed application form – a copy of the application form is shown at Appendix 1;
- the required fee of £100, paid by credit or debit card;
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified;
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area;
- the proposed days of the week on which and the times of day between which it is proposed to put furniture on the highway;
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises (e.g. the lease);

- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks to a minimum value of £5 million, and;
- any other evidence needed to demonstrate how the Council's local conditions and any national conditions will be satisfied.

### 3.2 Fees

The fee for applying for a licence under the new process are set locally but are capped at £100. The Council has determined that the fee for applications will be £100.

### 3.3 Consultation

Applications are consulted upon for 7 days, starting with the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)

The Council is required by law to consult with the Highways Authority. In addition to ensure that there are not detrimental effects to the application the Council will consult with:

- CPBC Environmental Health Service
- CPBC Planning
- Essex Fire & Rescue Service
- Essex Police

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

### 3.4 Site Notice

An applicant for a pavement licence must on the day the application is made fix a notice of the application to the premises so that the notice is readily visible to and can be read easily by members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period.

Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (5 working days starting the day after the application is submitted to the authority).

A template Site Notice is shown at Appendix 2.

### 3.5 Site Assessment

The following matters will be used by the Council in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that use conforms with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
  - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
  - the impact on any neighbouring premises;
  - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility publication [www.gov.uk/government/publications/inclusive-mobility](http://www.gov.uk/government/publications/inclusive-mobility) and
  - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council and so take any issues around noise and nuisance into consideration as part of the proposal.

### 3.6 Determination

Once the application is submitted the Council has 10 working days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 5 working days for public consultation and then 5 working days to consider and determine the application after the consultation.

If the Council determines the application before the end of the determination period the Council can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the Council does not determine the application within the 10-working day period, the application will be deemed to have been granted.

### 3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application the Council will issue a Table and Chairs Licence (Pavement Permit) to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Table and Chairs Licences (Pavement licence) are shown at Appendix 3. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Table and Chairs Licences (Pavement licence) between 09:00 and 21:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

### 3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 5 working days, beginning with the first day after the public consultation period, excluding public holidays) they may specify the duration of the licence, subject to a minimum duration of 3 months.

The expectation from the Government is that Councils will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2021.

If a licence is 'deemed' granted because the Council does not decide on an application before the end of the determination period, then the licence will be valid for a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.



### 3.9 Refusal of Applications

If the site is deemed unsuitable for a Table and Chairs Licence (Pavement licence) or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

## 4. Conditions

The Council's standard conditions are set out at Appendix 3. In some cases extra measures may be required. This will be determined when assessing any application on a case by case basis.

Where a Council sets a local condition that covers the same matter as set out in national published conditions then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all Licences. The National No Obstruction Conditions are shown in Appendix 4.

## 5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. public liability, health & safety at work, food hygiene and safety, alcohol and entertainment licensing, social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
  - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
  - the highway is being obstructed (other than by anything permitted by the licence);
  - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;

- it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
  - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

## **6. Review Procedures**

This policy covers the temporary permission for pavement licences under the Business and Planning Bill which are scheduled to expire on 30 September 2021.

This policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Table and Chairs Licence (Pavement Licence) generally, relevant social distancing measures or as a result of local considerations within the Castle Point Borough.

## Appendix 1

### Application for Pavement Permit

1. Applicant
Name
Address:
Daytime contact telephone number:
Mobile:
E-mail address:

2. Details of application site:
Name of establishment/business:
Address of application site:
Telephone number:
E-mail address:
Premises Licence Number:

3. Days and Hours during which the tables and chairs will be on the street					
Monday		From		To	
Tuesday		From		To	
Wednesday		From		To	
Thursday		From		To	
Friday		From		To	
Saturday		From		To	
Sunday		From		To	

<p>4. Place of Storage  <i>(Please specify the place of storage of the tables and chairs and other items when not on the street)</i></p>
--

5. Number of tables applied for	
6. Number of persons to be seated	

7. Dimensions of area of street to be used	
8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.	

## Checklist

- I have made or enclosed payment of the fee £100.00
- I have enclosed a plan showing the location of the tables, chairs and other items to be placed on the street (this can be hand drawn).
- Confirmation from the highways records of the status of the application site
- Evidence of public liability insurance
- Other associated permissions i.e., any appropriate licences under the Licensing Act 2003

Licence fee payable - £100.00 to 30 September 2021

Signature of Applicant	
Please print name	
Name of Company (if applicable)	
Position in Company (if applicable)	

## Appendix 2

### Site notice for display by an applicant for a Pavement Licence.

#### Business and Planning Bill 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to Castle Point Borough Council for a 'Pavement Licence' at:

*(postal address of premises)*

known as

*(name premises known by)*

The application is for:

*(brief description of application (e.g., outdoor seating to the front of the premises for serving of food and drink))*

Any person wishing to make representations to this application may do so by writing, preferably by email, to:

Castle Point Borough Council  
Licensing  
Council Offices  
Kiln Road  
Benfleet  
Essex SS7 1TF

licensing@castlepoint.gov.uk

by: *(last date for representations being the date 5 working days after the date the application is submitted to the Council (excluding public holidays))*

The application and information submitted with it can be viewed on the Council's website at: [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)

Signed \_\_\_\_\_

Dated \_\_\_\_\_

*(date the notice was placed which must be the same date as the date of application)*

## **Appendix 3**

### **Standard Pavement Licence Conditions**

1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that the Council and others (e.g. police, highways authority) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. The Council requires evidence that the licence holder has Public Liability Insurance for the operation of the Pavement Licensed activities. This must indemnify the Council and Essex County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident.
3. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
4. Castle Point Borough Council and/or Essex County Council are empowered to remove and store or dispose of furniture from the highway at the cost of the licensee if it is left there outside the permitted hours or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
5. The licence holder is not to make or cause to be made any claim against Castle Point Borough Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
7. Unless separately agreed by the Licensing Department the method of marking the boundary of the licensed area shall be;
  - A fixed barrier system, that is suitably stable not to be easily blown or knocked over.
  - A colour that is suitable contrasting with the surrounding environment to ensure it can be easily seen.

Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.

8. Emergency routes to the premises and adjacent buildings must not be obstructed by the pavement licence which should not, in normal circumstances, extend beyond the width of the premise's frontage.

9. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters must not be used.
10. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
11. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
12. Where the consumption of alcohol is to take place only plastic or toughed glasses and bottles are to be permitted within the facility.
13. The operation of the area must not interfere with highway drainage arrangements.
14. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Council.
15. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the facility, for a distance of up to 10 metres from the boundary of the facility. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
16. The licence holder is not permitted to make any fixtures or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway due to the positioning of tables and chairs etc will be recovered in full from the licence holder by Castle Point Borough Council or the Highway Authority.
17. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof must not allow the consumption of alcohol within the licensed area.
18. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof must not allow the consumption of alcoholic within the facility outside the hours in force for the premises itself.
19. The licence must be displayed on the premises with a plan of the agreed layout of the pavement licenced area.



20. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
21. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
22. Castle Point Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

## **Appendix 4**

### **National Conditions**

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the Business and Planning Bill 2020:

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility [www.gov.uk/government/publications/inclusive-mobility](http://www.gov.uk/government/publications/inclusive-mobility)

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

**CABINET**

**22nd July 2020**

**Subject: Association of South Essex Local Authorities  
(ASELA)Update**

**Cabinet Member: Leader of the Council – Councillor Smith**

- 
- 1. Purpose of Report**  
Cabinet is asked to consider the report from ASELA providing an update on work it has recently undertaken and its planned engagement with Central Government over the next few months.
  - 2. Links to Council's Priorities and Objectives**  
This report links to the Council priorities of housing and regeneration and a Commercially and Democratically Accountable Council.
  - 3. Recommendations**  
Cabinet is asked to note the report from ASELA and the recommendations  
That Partner Authorities:
    - 1. Note ASELA's intention to immediately engage with Central Government ahead of the autumn Spending Review, regarding the economic agenda for the South Essex region, how it can deliver new jobs, new transport infrastructure, new homes, and the future governance arrangements to deliver better outcomes for its existing, and new, residents and businesses as set out in the 'Growth and Recovery Prospectus 2020' at Enclosure No. 2;**
    - 2. Note the work commenced by ASELA to begin to consider and explore the most appropriate and effective future governance arrangements to realise South Essex's full economic and social potential and shared ambitions as set out in the independent Review of Governance in South Essex at Enclosure No. 3. This report does not seek approval or endorsement of any specific governance proposals; and**
    - 3. Note that a further report will be presented later in the calendar year to provide an update on the outcome of the discussions with Central Government and any proposals for more formal interim governance arrangements for ASELA to ensure transparency and accountability.**
-

#### 4. **Background**

Castle Point Borough Council signed a Memorandum of Understanding in January 2018 to work together with other local authorities in South Essex through a partnership collectively known as the Association of South Essex Local Authorities ("ASELA" or "Partner Authorities").

The Partner Authorities comprise - Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Councils

The core purpose of ASELA is to provide place leadership for South Essex. Recognising that through a collaborative approach Councils are best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for our communities.

ASELA is focussed on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that would help individual areas to flourish and realise their full economic and social potential.

The work of ASELA is being overseen by the authorities' Leaders and Chief Executives meeting on a monthly basis.

#### 5. **Proposals**

A report is attached at **Appendix 1**. The report and enclosures from ASELA provide an update on work it has recently undertaken and its planned engagement with Central Government over the next few months.

Cabinet is asked to note the recent and planned activity of ASELA and that a further report will be presented to the Council later in the year.

The update report recommends that the Partner Authorities:

1. Note ASELA's intention to immediately engage with Central Government ahead of the autumn Spending Review, regarding the economic agenda for the South Essex region, how it can deliver new jobs, new transport infrastructure, new homes, and the future governance arrangements to deliver better outcomes for its existing, and new, residents and businesses as set out in the 'Growth and Recovery Prospectus 2020' at Enclosure No. 2;
2. Note the work commenced by ASELA to begin to consider and explore the most appropriate and effective future governance arrangements to realise South Essex's full economic and social potential and shared ambitions as set out in the independent Review of Governance in South Essex at Enclosure No. 3. This report does not seek approval or endorsement of any specific governance proposals; and
3. Note that a further report will be presented later in the calendar year to provide an update on the outcome of the discussions with Central Government and any proposals for more formal interim governance arrangements for ASELA to ensure transparency and accountability.

## **6. Corporate Implications**

### **(a) Financial Implications**

There are no direct financial implications arising from this report.

### **(b) Legal Implications**

Cabinet is only being asked to note the report and is not being asked to make any decisions or discharge any of the authority's functions.

ASELA's governance arrangements currently have no direct formal basis and arise from the MOU and the wider joint working arrangements.

### **(c) Human Resources and Equality Implications**

There are none addressed by this report.

### **(d) IT and Asset Management Implications**

There are none addressed by this report.

## **7. Timescale for implementation and Risk Factors**

The risk management implications are set out in **Appendix 1**.

## **8. Background Papers**

Minute 56 Special Council 17.1.2018

## UPDATE REPORT FROM THE ASSOCIATION OF SOUTH ESSEX LOCAL AUTHORITIES (ASELA)

**Enclosures:** Enclosure No. 1 – ASELA Memorandum of Understanding  
Enclosure No. 2 – South Essex Growth and Recovery Prospectus 2020  
Enclosure No. 3 – Review of Governance in South Essex

### Executive Summary

In early 2018, the following councils: Basildon Borough Council; Brentwood Borough Council; Castle Point Borough Council; Essex County Council; Rochford District Council; Southend-on-Sea Borough Council and Thurrock Council signed a Memorandum of Understanding (see **Enclosure No. 1**) to work together through a partnership collectively known as the Association of South Essex Local Authorities ("ASELA" or "Partner Authorities").

The aim of ASELA is for the Partner Authorities to collaborate to secure greater prosperity for all residents and communities within the South Essex sub-region. Despite limited funding and resource, the authorities are working closely together on a number of projects. It has become clear however, that South Essex needs long term investment and greater control over decisions that affect local people, if it going to realise its full potential.

This report therefore, sets out ASELA's intention to engage with Central Government regarding the agenda for the South Essex region, how it can deliver, new jobs and better jobs, new transport infrastructure and accelerate the delivery new homes that are essential to support a growing economy. A document that summaries the proposals, the 'Growth and Recovery Prospectus 2020' is attached at **Enclosure No. 2**.

ASELA have also recently initiated and commenced work to begin to consider and explore the most appropriate and effective future governance arrangements to deliver on this potential and shared ambitions. A preliminary review which considers the various governance options is attached at **Enclosure No. 3** for Members information.

### Recommendations

#### That Partner Authorities:

1. **Note ASELA's intention to immediately engage with Central Government ahead of the autumn Spending Review, regarding the economic agenda for the South Essex region, how it can deliver new jobs, new transport infrastructure, new homes, and the future governance arrangements to deliver better outcomes for its existing, and new, residents and businesses as set out in the 'Growth and Recovery Prospectus 2020' at Enclosure No. 2;**
2. **Note the work commenced by ASELA to begin to consider and explore the most appropriate and effective future governance arrangements to realise South Essex's full economic and social potential and shared ambitions as set out in the independent Review of Governance in South Essex at Enclosure No. 3. This report does not seek approval or endorsement of any specific governance proposals; and**
3. **Note that a further report will be presented later in the calendar year to provide an update on the outcome of the discussions with Central Government and any proposals for more formal interim governance arrangements for ASELA to ensure transparency and accountability.**

## **Background**

Since the Memorandum of Understanding (MOU) was signed by all councils in January 2018, officers across the South of Essex have been working on a number of work streams to deliver the objectives that underpinned the South Essex 2050 vision.

Progress over the last two years includes:

- Pushing ahead with a strategic and statutory spatial plan – the aim is to have this complete by 2022;
- Bringing forward a framework and plan to re-design local connectivity and public transport – so that residents and businesses can go easily about their daily lives;
- Implementing a new economic and productivity strategy for the region that will locally deliver a significant uplift in economic value over the next ten years – it will form part of the local industrial strategy for South East Local Enterprise Partnership;
- Enabling digital infrastructure and connectivity through the Full Fibre network programme with DCMS, and exploring with Strathclyde University and DCMS, the potential to be leaders in 5G technology for an urban and rural area;
- Focusing on re-energising the town centres – so that they become a blend of commercial, residential and retail space;
- Creating a housing delivery plan in conjunction with Homes England and in line with previously set local SHNA targets set by government – to transform housing delivery in the region; and
- Developing an “impact” investment fund to attract private sector finance to commercial schemes – the focus of this report.

It has become clear however, that if the full potential of South Essex is to be realised for all communities then the region needs a bigger and stronger relationship with Government and the private sector. The huge impact that COVID 19 is having on our businesses has further served to illustrate that it is important to act now. This has led to the development of the proposals that ASELA propose to discuss with Government.

## **The ASELA Growth and Recovery Prospectus**

South Essex is an important economy locally and nationally. There is however, a significant amount of levelling up that is required in order for it to realise its full potential. Substantial long-term investment and greater powers are needed, to tackle the challenges facing the area, including education and skills attainment, levels of productivity and average weekly wages for jobs in the local area. Productivity (measured as GVA per job) is lower in South Essex than nationally and any place on the periphery of London. While local earnings are boosted by some residents out-commuting to earn higher salaries elsewhere, particularly in London, workplace earnings in South Essex are notably lower than in comparable local areas. Furthermore transport and connectivity in the region needs to be transformed, providing a viable, deliverable and resilient transport system. The current main road artery system and the two major rail routes have historically operated at, or over, capacity. This has a significant impact on productivity and the way people are able to go about their everyday lives.

A range of new interventions are required to tackle these underlying systemic challenges.

The significant opportunity for South Essex to create greater prosperity and quality of life for all its residents and for the benefit of the UK. With an infrastructure led approach to inclusive and sustainable growth, it provides a rich culture, space and attractive places to live. Work is underway to develop a bold and ambitious economic plan to:

- by 2050 to grow its contribution to the UK economy by £15bn
- to create 100,000 new jobs by 2050.
- to help 50,000 businesses to grow and increase their productivity.
- to achieve combined benefits to the Exchequer of £0.5bn per annum from reduced unemployment and increased business rates by 2050.
- to ensure its businesses and residents recover from the impact of COVID 19 and as many of the 12,000 jobs at risk are replaced by 2022.
- to ensure that all new development is underpinned by infrastructure and especially social infrastructure including education and health services.
- to build an economy that is enabled by the strongest digital network for a mixed rural and urban area in the UK.
- to work with partners to establish a Freeport within South Essex.
- to create an integrated public transport system that puts active travel and decarbonised transport at its heart, enabled by a package of transport investment.
- to unlock £5bn of private sector investment.
- to develop places people want to live and enjoy life.
- to create over 5,000 work opportunities for young people aged 16-24 per annum, and 5,000 apprenticeships per annum in the next ten years.
- to deliver a total of 96,000 new homes, including 29,000 affordable homes for key workers, by 2038 – as determined for each local authority by the already agreed strategic assessment of housing need.
- to become carbon zero region by 2040, utilising a combination of innovative energy technology, minimising harm caused by travel and reshaping why and how we move, and designing in the highest levels of energy efficiency in our town planning and building design.

ASELA intends to engage with Central Government over the next few months regarding the agenda for the South Essex region, as set out in the 'Growth and Recovery Prospectus 2020' at **Enclosure No. 2**.

### **Leadership, decision making and accountability**

ASELA Leaders have recognised that in order to deliver the emerging strategic objectives and realise the opportunity that exists in South Essex, effective and appropriate governance arrangements are essential to underpin and enable delivery.

ASELA recently commissioned a review of the existing governance arrangements and the different governance options that exist. A copy of the preliminary review report is set out in **Enclosure No.3**, for Members information. The independent report identifies that the only viable option to deliver the scale of ambition and priorities and provide the area with significant new powers and funding to increase opportunities and living standards through inclusive growth and productivity improvements would be a Combined Authority with a Directly Elected Mayor. This report does not seek approval or endorsement of any specific proposals



associated with establishment of a Combined Authority, at this time. Nor is there any intention that constituent council functions should be removed from the constituent councils, with the exception of creating a single strategic transport plan for the area. In particular, sovereignty of local councils over planning considerations and decisions will remain with the local authority. Where existing functions or resources currently held by the constituent authorities are to be shared with a Combined Authority, this must be agreed by the constituent councils.

The establishment of any new South Essex Combined Authority would be subject to the outcome of discussions with Government, ratification by each Council and proceeding through the steps necessary to establish a new Combined Authority as set out below.

It is important to note that the Government have clearly indicated their intention to publish a Devolution White Paper in the autumn which it is anticipated will reaffirm the Government's commitment to the establishment of Combined Authorities with a Directly Elected Mayor. It will of course be essential to consider and reflect on the contents of the Devolution White Paper and what the impacts might be on the future governance arrangements in South Essex and progression of the matters referred to in this report.

ASELA intends to report further to all Partner Authorities later in the year to provide an update on the outcome of discussions with Central Government and the impact of the White Paper.

The independent preliminary report sets out five options for exploration:

- Option 1: Strengthening the current arrangements
- Option 2: Establishing a Joint Committee
- Option 3: Establishing a Local Development Corporation
- Option 4: Establishing a Combined Authority
- Option 5: Establishing a Combined Authority with a directly elected Mayor

The detail of the independent review can be read in enclosure 3 but for ease of reference a summary is provided below.

#### Strengthening the current arrangements

The current arrangements in South Essex have historically made it challenging to have a single voice for South Essex. The coherence of South Essex in terms of economy, housing, transport and infrastructure means that it is essential that some form of collaborative governance arrangements for the area are put in place.

The current arrangements lead to an overall picture of fragmentation which is a barrier to:

- Delivering a long term strategy;
- Exercising the necessary powers and resources;
- Being trusted by government to receive devolved powers and resources.

## Joint Committee

Section 102 of the Local Government Act 1972 enables two or more local authorities to set up a Joint Committee to discharge their functions jointly. In this case the joint committee could be established by the seven councils in South Essex or by a sub-set of them. Joint Committees, once established, may be decision-making or advisory and while an “accountable body” is generally appointed to manage the committee and its functions, it has no legal status.

A joint committee would go some way to enhance the transparency and accountability issues ASELA seeks to address in the autumn. The review summarised the weaknesses of a joint committee model as:

- It would not provide the governance and accountability necessary to manage the powers and resources that South Essex is seeking from government;
- It can only use powers devolved to it from the councils that create it, not powers devolved from government;
- It would be relatively easy for one or more councils to leave the committee, undermining its integrity;
- Links with business would be relatively weak: the LEP for example could attend meetings of the committee but would not be a member of it;
- It would be susceptible to the impact of frequent changes in control of the councils in the area all of which have annual elections (apart from the county council).

## Development Corporations

Development Corporations have traditionally been established and led by central government and in 2011, mayoral development corporations became possible in consultation with a Combined Authority. In 2018, government considered that local authorities could oversee locally-led new town development corporations. This allows a new town to be initiated locally and then “approved” by the Secretary of State who in turn would agree the instruments needed to establish as new town development corporation.

LDC’s are a well-recognised tool for their role in delivering major housing and regeneration projects as they have enhanced powers, an ability to attract investment and are “insulated” from local politics. They can also span multiple local authority boundaries so would be an appropriate delivery tool for key regeneration and housing sites in South Essex.

The value of local development corporations is questionable as while this body could address local priorities, it would not have any decision-making powers over wider investment in priorities outside its footprint. This option could be a tool a combined authority wants to set up, but not an alternative to it.

## A Combined Authority

A Combined Authority is a legal entity that enables a group of two or more councils to collaborate and take collective decisions across council boundaries. They can only be created by parliament, although the development and administration of a combined authority must be locally driven by the authorities involved. Combined Authorities utilise powers and resources devolved to them by national government as part of a devolution deal and can also have

powers delegated to them by the partner authorities. Each group of local authorities can determine the powers it wishes to exercise through the combined authority, and negotiates with government on that basis.

Linked to Combined Authorities is the idea of an elected Mayor for the area covered. The government has constantly expressed a strong preference for combined authorities to have an elected mayor for the whole area. As with a Combined Authority, the precise powers exercised by a Mayor are a matter for the authorities involved and form the basis of the "deal" with government, but a single democratically elected representative for an area is seen by the government as the best way to facilitate a constructive two way dialogue and demonstrate local accountability.

There are currently ten Combined Authorities across the country, ranging from the longest established – in Greater Manchester – to the more recently created combined authority in West Yorkshire. Each has a different number of constituent local authorities and varying levels of devolved funding and powers from Government, and a different level of power given to the elected mayor, where there is one in place.

The core legislation relating to Combined Authorities is the Local Democracy, Economic Development and Construction Act 2009 amended by the Cities and Local Government Devolution Act 2016 which sets out the criteria and process associated with establishment of a Combined Authority as summarised below.

To be clear for Members, a Combined Authority is not a merger of authorities or a super unitary, it is a model of governance that enables councils to work together across their administrative boundaries.

### Process for Creation of a Combined Authority

The specific key stages and tasks for a group of councils proposing to establish a Combined Authority are set out in further detail below:

#### Stage 1 - Review:

A group of councils proposing to establish a Combined Authority must carry out a governance review. The focus of this reviews is to consider the potential of different governance models to improve the delivery of the proposed functions of the Combined Authority.

The governance review has to conclude which of governance model would result in the necessary improvements which have been identified. The review will also need to show how the proposals meet the requirement on the Secretary of State, when creating a Combined Authority, to have regard to the identities and interests of local communities and secure effective and convenient local government.

#### Stage 2 - Scheme preparation:

Having decided to proceed, the councils must prepare and publish a scheme for the Combined Authority and undertake consultation. The legislation does not specify the contents of a scheme, but it is clear from the other provisions in the legislation that it should:

- confirm the area to be covered and the consent of the relevant councils to the Proposal
- identify the statutory functions to be transferred, report the results of the review and explain why the transfer of those functions to the Combined Authority is likely to improve their delivery
- propose appropriate governance arrangements including membership, voting etc.
- report the results of public consultation on the proposal.

### Stage 3 - Order making process:

The Secretary of State introduces in Parliament a statutory instrument establishing the Combined Authority.

Detailed below is an illustrative future timeline associated with the establishment of a Combined Authority with a Directly Elected Mayor at the earliest opportunity, should that be the agreed model. A similar timetable would be used if the agreed model is a Combined Authority without a Directly Elected Mayor. It should be noted that the below presents a highly ambitious and challenging timeline which will be subject to a number of factors, including the Devolution White Paper to be published by the Government in the autumn, and others which will be outside of ASELA's control.

<b>Governance Review &amp; Draft Scheme</b>	<b>October 2020</b>  Formal adoption of Governance Review recommending the establishment of a Combined Authority and draft scheme.  The scheme will outline the area covered, the constitution and functions. This will include details of membership of authority, voting and how meetings will be chaired, recorded etc.
<b>Consultation</b>	<b>November 2020</b>  The consultation lends weight to the case that the Secretary of State must consider.  It is recommended to consult stakeholders such as Integrated Transport Authorities, neighbouring authorities, LEP's, Regional MPs, Regional public bodies and the public.
<b>Scheme Published</b>	<b>December 2020</b>  Each constituent council obtains approval of the Scheme and subsequently submits to MHCLG

<b>Parliamentary Approval</b>	<b>March 2021</b>  Prior to parliamentary approval, an Order would need to be drafted, debated in both houses and ratified by Parliament. As part of this, the Secretary of State may undertake further consultation.
<b>Potential Elections for a Directly Elected Mayor</b>	<b>May 2021</b>  An election would need to be held for the Directly Elected Mayor if this is the agreed model.

### **Interim Governance Arrangements**

As referred to above, the work of ASELA has been overseen by ongoing governance that has included monthly meetings of the authorities' Leaders and Chief Executives. The governance arrangements currently have no direct formal basis and arise from the MOU and the wider joint working.

ASELA recognises the importance of ensuring that its governance and operational arrangements are fit for purpose, particularly at this time. The Association is committed to keeping these under constant review and intends to enhance its operating arrangements to ensure transparency and accountability, and will bring forward any proposals for more formal interim governance arrangements for ASELA later in the year.

## 1. Background

1.1 Stemming from housing and local planning issues initially, there has been a growing recognition of the opportunity and need for greater cross-boundary working on strategic infrastructure planning and growth across South Essex. In June 2017 Leaders and Chief Executives of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council (the Authorities) agreed to initiate and shape a programme of work through the summer and autumn to explore a joint 'place vision' and the scope for greater strategic collaboration along the South Essex growth corridor.

1.2 The work during the summer and autumn has resulted in an emerging vision and identification of strategic growth opportunities that need testing and strengthening with the people and stakeholders of South Essex and beyond. It has also built a strong commitment amongst the Authorities to collaborative working. It was agreed that an Association of South Essex Local Authorities (ASELA) should be established to continue this collaborative work.

1.3 The Authorities wish to record the intention to establish ASELA and basis of our collaboration through a Memorandum of Understanding (MoU). This MoU sets out:

- a) The core purpose and aims of ASELA
- b) The principles of collaboration

2.	<b>Core Purpose and aims</b>	<p>2.1. The core purpose of ASLEA is to provide place leadership for South Essex. Recognising that through our collaborative approach we will be best placed to develop and deliver a vision for South Essex up to 2050, promoting healthy growth for our communities.</p> <p>2.2. ASLEA will focus on the strategic opportunities, regardless of individual local authority boundaries for the South Essex economic corridor to influence and secure the strategic infrastructure that will help our individual areas to flourish and realise their full economic and social potential.</p> <p>2.3. The aims of ASLEA will be to:</p> <ul style="list-style-type: none"> <li>• Provide place leadership;</li> <li>• Open up spaces for housing, business and leisure development by developing a spatial strategy;</li> <li>• Transform transport connectivity;</li> <li>• Support our 7 sectors of industrial opportunity;</li> <li>• Shape local labour &amp; skill markets;</li> <li>• Create a fully digitally-enabled place;</li> <li>• Secure a sustainable energy supply;</li> <li>• Influence and secure funding for necessary strategic infrastructure;</li> <li>• Enhance health and social care through co-ordinated planning; and</li> <li>• Work with and provide a voice for South Essex to the Thames Estuary 2050 Growth Commission and Commissioners.</li> </ul>
3.	<b>Principles of collaboration</b>	<p>3.1. Our collaboration will be focused on three key areas:</p> <p>3.2. The Authorities agree to adopt the following principles in working together:</p> <ul style="list-style-type: none"> <li>• Tackling problems we can't solve individually</li> <li>• Creating collective scale and impact</li> <li>• Providing the place leadership to promote and sell the 'South Essex' proposition</li> </ul>
4.	<b>Term and Termination</b>	<ul style="list-style-type: none"> <li>• We are all in this together – and stronger if we work together</li> <li>• We should build our governance incrementally – learning from the lessons from other places who are more advanced</li> <li>• Through our collaboration we should be gaining something not losing something</li> <li>• Local identities should not be lost</li> <li>• We need to be a voice for South Essex</li> </ul>

4.1. This MoU shall commence on the date of the signature by each Authority, and shall expire if ASELA dissolves.

**5. Variation**

5.1. The MoU can only be varied by written agreement of all the Authorities.

**6. Charges and liabilities**

6.1. Except as otherwise provided, the Parties shall bear their own costs and expenses incurred in complying with their obligations under this MoU.

**7. Status**

7.1. This MoU cannot override the statutory duties and powers of the parties and is not enforceable by law. However the parties agree to the principles set out in this MoU.

Signed by

Local Authority	Leader/Chairman of Policy and Resources Committee	Chief Executive	Date
Basildon Borough Council			10/1/18
Brentwood Borough Council			10/1/18
Castle Point Borough Council			10/1/18
Essex County Council			10/1/18
Rochford District Council			10/1/18
Southeast on Sea Borough Council			10/1/18
Thurrock Borough Council			10/1/18



# Growth and Recovery Prospectus

ASSOCIATION OF SOUTH ESSEX LOCAL AUTHORITIES

JULY 2020



Rochford  
District Council

thurrock.gov.uk

BRENTWOOD  
BOROUGH COUNCIL

southeast  
on sea

Basildon Council

castlepoint

SE 2050  
South Essex

# Introduction

## THE OPPORTUNITIES

South Essex is a powerful region with a proactive attitude to delivering growth. The South Essex authorities and local businesses have formed an association which, for the past two years, has developed joined up proposals and prioritised projects, driving change collectively for its people and businesses.

It is also an active member of the Thames Estuary Board and responded positively to the Thames Estuary Commission's recommendations to Government when it published its vision and priorities for the Thames Estuary. South Essex has used this platform to achieve early successes. It is accelerating housing delivery, it is developing a Joint Strategic Plan with support from the Ministry for Housing, Communities and Local Government, secure investment from the Future High Street Fund and the Towns Fund, and is rolling out a local full fibre network with support from the Department for Culture, Media and Sport.

The region is now working hard to build its way forward as it moves its way out of the pandemic, with a vision to deliver for People, productive jobs, blue and green infrastructure, physical and digital connectivity, new homes people need and can afford.

The South Essex economy is more vulnerable than most to the negative impacts of the coronavirus. Factors such as a higher prevalence of small businesses and self-employed, and an occupational mix less suited to working from home, are among those that underpin this assessment. Oxford Economics forecast estimates are that the amenities, green space and homes.



- South Essex has a key role in the local economy and is of great importance to UK PLC:
  - It is home to nearly 1 million people and generated £17.9bn of economic value in 2019.
  - There is a rich culture of entrepreneurship and is home to leading brands including Ford, Amazon, National Westminster Bank and Olympus among others.
  - Industry sectors and clusters are firmly established around Advanced Manufacturing, Logistics, Creative Industries and Health.
- There are significant opportunities to create greater prosperity and quality of life in South Essex and by 2050 it plans to grow its contribution to the UK economy by £15bn, through:
- It has some key infrastructure crucial to the UK, including:
  - Four major ports that are recognised as the UK's fastest growing terminals and vital to the UK fuel and energy economy;
  - an international airport;
  - a Crossrail terminus; and
  - the proposed the Lower Thames Crossing.

**50k businesses to grow and increase their productivity**

**£0.5bn combined benefits to the Exchequer**  
(per annum from reduced unemployment and increased business rates)

**5k+ work opportunities for young people**  
(per annum, and 5,000 apprenticeships per annum by 2030)

**creation of an integrated public transport**  
system that puts active travel and sure its communities have access to the best decongested transport at its heart

**Carbon Zero by 2040**  
(utilising a combination of innovative energy technology, minimising harm caused by travel and restoring why and how we move, and designing in the highest levels of energy efficiency in planning and building design)

**£5bn private sector investment**

**new homes**  
(including 29k affordable homes for key workers by 2035)

**100k creating new jobs**

**strongest digital network**  
for a mixed rural and urban area in the UK

**Physical + Social Infrastructure**  
including Education and Health Services  
(ensuring all new development is underpinned by appropriate facilities)

# Jobs and Opportunity

SKILLS AND FUTURE EMPLOYMENT

The South Essex economy is important. With a business base of over 32,000 enterprises providing more than 354,000 jobs and a population of around 800,000, South Essex is a major economy, comparable in scale to the combined authority areas of Sheffield City Region, West of England or Tees Valley. Its relationship with London should not be underestimated, with around 80,000 people commuting to the capital for work. Although the area has, at times, lacked a sense of identity as a major employer, often seen as a dormitory to London.

This has been acknowledged in both the Thames Estuary Commission's report and other policy documents which have set out South Essex's latent potential and wanting to cement South Essex's USP in employment activity including:

- The manufacturing sector in South Essex consists of around 1,700 businesses providing over 19,000 jobs. The sector includes several specialisms that could be developed to increase business productivity and build a thriving green technology sector.

- A number of specialist areas including engineering, machinery and automotive manufacturing that create a solid foundation for high value growth and exploitation of green technology.

- Creative industries that are prevalent in the Thames Estuary Production corridor.
- Niche medical and dental manufacturers, linked to an emerging health sector in Southend. Allied to manufacturing is a notable concentration of engineering and industrial design jobs (over 6,500) located primarily in Basildon.

- High value manufacturing output, product and process design offer a key opportunity to build innovation networks maximising potential applications in software and control systems, sensor technology, quality control and energy and materials efficiency essential for the green economy. Co-ordinated through a centre for green technology and a network of maker centres, South Essex this provides the basis for significant high value growth.

Skills in the area need to improve and there is significant vulnerability with coastal communities and pockets of long-term unemployment. South Essex has a significant core of low skilled residents and a long standing pattern where those with higher skills commute into London to work. While mobility is generally a positive characteristic, the labour market in South Essex has become polarised, creating a major barrier to change. A dial strategy will be implemented to improve levels, for young people and adults, while also connecting individuals to employment.

Aligning skill supply and demand will not only address unemployment and create pathways into work but can be an important incentive to attract business investment. Reducing commuting levels will only happen when there are sufficient well-paid jobs in South Essex. There is also the threat of automation in the region which could impact significant sectors in the areas including manufacturing, transport and logistics. Between 2009 – 2018 manufacturing employment in South Essex fell by about one quarter. The South Essex authorities want a joined-up approach to work but also seek to support those currently in work but also work with employers and future investors to ensure that local people and new residents, are equipped with the skills they need for productive employment.

The logistics sector is at the forefront of automation, with employer demand and skills requirement evolving to a more efficient use of space and an occupational shift away from elementary roles to skilled process and technical jobs managing intelligent transport and warehouse management systems. The requirement for digital skills, quality control, performance analytics and communication skills will become increasingly important and it will be vital to ensure that employers have access to qualified local labour to fill vacancies and meet replacement demand.

## Future employment

The South Essex authorities will support the transition of advanced green manufacturing businesses to be more productive and expand high skilled employment. Through improved business networking and strengthening local supply chains, targeted business support to assist firm to access higher value national and international markets and investment in workforce and entrant training.

Knowledge intensive services play an important part in the South Essex economy and offer significant potential to create high

## Skills

skilled employment. Some 45.2% of jobs in South Essex are in knowledge intensive sectors, compared to a national (England and Wales) average of 48.5%. Across South Essex, the rates are significantly higher in Southend and Brentwood (55.3% and 51.1%), where knowledge intensive jobs form a majority of employment. South Essex has local concentrations of creative, engineering design, scientific testing and computing and education activities that provide a foundation for knowledge intensive growth.

Capturing the opportunity will be driven by extending production facilities present in Basildon, Southend and Thurrock to build the Thames Estuary Production Corridor, along the South Essex coast.

The logistics sector is at the forefront of automation, with employer demand and skills requirement evolving to a more efficient use of space and an occupational shift away from elementary roles to skilled process and technical jobs managing intelligent transport and warehouse management systems. The requirement for digital skills, quality control, performance analytics and communication skills will become increasingly important and it will be vital to ensure that employers have access to qualified local labour to fill vacancies and meet replacement demand.

The opportunity for South Essex is to capture increased value and productivity in the sector to boost the share of higher skilled jobs and value chain activity. With existing and historical local and infrastructure advantages, South Essex can become a centre for innovation in logistics by growing capacity in digital, AI, data management and control systems technologies. Building on the international recognition the South Essex major ports and access to London, significant benefits can be gained by realising the potential of the sector to generate higher paid jobs, support digital enterprises and offer degree level vocational training through apprenticeship frameworks.

# Connectivity

PHYSICAL AND DIGITAL INFRASTRUCTURE

South Essex plans to transform digital and transport and connectivity in the region, providing contemporary digital infrastructure that will see the entire region super-connected alongside a new business base. This is to attract a viable, deliverable and resilient transport system.

In South Essex the transport network,

especially highways, operate over capacity. This has significant impact on productivity and movement. The authorities want to rebalance modal priorities in favour of active and sustainable modes and deliver a decarbonised, integrated public transport system. Walking, cycling and greener public transport will become the most appealing and practical choice. These will be supported by quality placemaking initiatives improving public realm, regeneration and community led initiatives.

There are a number of guiding principles underpinning South Essex's approach.

Become the leading place in the UK for urban and rural digital connectivity.

Enhancing and connecting local places to reflect the distinctiveness of communities.

Supporting healthier lifestyles by connecting places at a human scale.

Reducing the need for travel by the private car, providing attractive and safer routes for active travel while aggressively reducing emissions between places which will enable a significant shift to movements by active modes.

**Green Blue Integrated Public Transport**  
A rapid transport network that provides high quality, high frequency direct links to public transport hubs (or living stations).

Laying foundations for future working practices by improving connections between existing and future residential and employment areas, supporting logistics and advanced manufacturing sector by creating new opportunities to integrate these land uses and reducing the need to travel.

**Long Range Wide Area Network (LoRAWAN) 5G Network**  
It will be delivered across the sub region, providing an ecosystem for businesses, public sector organisations, educational organisations and the public.

**South Essex Active Travel Network**  
A regional wide active travel programme to provide attractive connections between

places which will enable a significant shift to movements by active modes.

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**Trilling future technologies** to overcome existing challenges and provide flexibility and resilience to respond to the changing needs of employers.

**Supporting access to local services** particularly health and education, by active modes and public transport.

**South Essex's aim to be carbon zero by 2040, with significant progress by 2030.** How successful the region is in this aim will highly depend on reducing emissions from transport.

**Long Range Wide Area Network (LoRAWAN) 5G Network**  
It will be delivered across the sub region, providing an ecosystem for businesses, public sector organisations, educational organisations and the public.

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Visualisation of School Street in Southend-on-Sea

**Living Stations**  
Establishing key public transport hubs (Living Stations) that will be a focus for public transport interchange and opportunities for the delivery of high quality and distinctive public realm, creative employment and retail spaces and education, health and leisure services located at Brentwood, Basildon, Grays, Southend and Southend Airport.

**New strategic Interchange Hubs on the River Thames**  
Located between Tilbury and Southend to support new passenger river services.

**Green and Blue Infrastructure through South Essex Estuary Park**  
Where there is a long term vision to create a single park system that encompasses all of South Essex, framed by five large-scale landscapes and an improved network of blue and green connectors.

**Forward Funding of a new EV Infrastructure Network**  
At scale, providing EV charging points across homes, businesses and existing infrastructure to drive the transition away from petrol and diesel vehicles and securing a step change in decarbonised transport use.





# The Proposition

A TRANSFORMED VISION FOR SOUTH ESSEX

The South Essex Authorities have a strong 'can do' attitude and want to see lifelong improvements for its communities and businesses.

The area knows it can do better and is working hard to achieve a step change in productivity, skills, employment and place making.

It can only do this with both support and long term investment, not just from the public sector but by leveraging its assets and opportunity to drive private investment too.

South Essex is placing strong emphasis on joined up leadership and governance, knowing it can achieve greater than the sum of its parts by working proactively together. South Essex authorities recognise that delivery of these proposals will require appropriate governance arrangements to be in place and has already undertaken a preliminary review of governance in the area to assess future options. If the area is going to build back better then it needs a long term strategy with some short term interventions to recover quickly from Covid-19 and create economically and socially resilient communities. At the heart of the work being undertaken by the South Essex Authorities is an ambition to deliver a series of priorities which the leadership know will deliver long lasting and wider benefits for both people and place.

These priorities need support both locally and centrally and includes:

- Providing excellent and contemporary **digital infrastructure** including 5G and connectivity that will see businesses want to invest in the area and start successful and productive enterprises.
- Delivering significant improvements in **connectivity and public transport** underpinned by investment in active travel projects which benefit people's health and wellbeing and could see major environmental benefits.

- Unlocking **housing** sites to deliver accelerated development seeing new **quality homes**, neighbourhoods and communities brought to South Essex, and enhancing amenity and place for existing local residents.
- Investment in **green and blue infrastructure** to enable new parks and river walks, supporting active use of environmental assets, adding to biodiversity, health and wellbeing outcomes, whilst supporting active and thriving communities.

- Improving **skills** across the region from school aged children through to adult training and education, ensuring that the current and future workforce can access productive and highly skilled jobs.
- A strategy to secure more **commercial development** from employers who can provide productive and well-paid employment, locally.
- Supporting **young people** to achieve their best and build their futures in South Essex.

Visualisation of future Basidon Living Station





thurrock.gov.uk



# A governance review of South Essex

Shared Intelligence

June 2020



## Executive Summary

This report concludes that a Mayoral Combined Authority is the most appropriate governance arrangement to deliver the ambitions set out for South Essex in Prospectus 2020 produced by the Association of South Essex Authorities (ASELA). The conclusion is based on an assessment of the existing arrangements for collaboration across South Essex and a review of possible future governance arrangements.

The existing arrangements we considered included: ASELA, the Greater Essex Leaders' Group, Transport East and the South East Local Enterprise Partnership and its federated body.

We concluded that the current arrangements for collaboration across South Essex and beyond are not capable of delivering the ambitious vision for the area.

South Essex is not benefiting from the arrangements which cover a wider area because of the absence of a single coherent voice for South Essex.

Many of the arrangements cover slightly different geographies creating a fragmented approach.

There is no organisation with an unambiguous focus of South Essex and which is capable of delivering a long term strategy for the area with the support or devolved powers and resources from government.

We considered whether strengthening the existing governance arrangements, including replacing ASELA with a statutory joint committee, would enable the delivery of the ambitions for South Essex. We concluded that simply seeking to strengthen ASELA will not enable the delivery of the prospectus and vision for South Essex. We also concluded that replacing ASELA with a joint committee would not overcome the fundamental weaknesses with the current arrangements but would be an important and potentially useful step on the way to putting more robust arrangements in place.

We have reviewed the case for establishing a South Essex Combined Authority and have concluded that it meets the statutory test for doing so. We are confident that it would:

- Improve the delivery of functions relating to the economy, infrastructure, skills and strategic planning in South Essex;
- Help to secure effective and convenient local government;
- Reflect local identity and the interests of local communities.

Finally we have concluded that Mayoral Combined Authority would have two significant advantages (compared with a non-mayoral one). They are that:

- It would be more likely than a non-mayoral authority to negotiate an ambitious devolution agreement with government;
- A mayor with a four year term of office would provide a degree of stability and certainty that would strengthen governance in the area.

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## Purpose of the review

The Association of South Essex Local Authorities (ASELA) has commissioned a review of the current and potential future governance arrangements in order to determine how to strengthen existing arrangements to deliver economic and inclusive growth. This review also provides an opportunity for some longer-term strategic thinking about what future arrangements may include to support public service reform for South Essex. The review has been conducted independently by Shared Intelligence to set out the options for future governance arrangements.

This review represents one against a backdrop of the Covid-19 pandemic and gives rise to a new conversation with partners and stakeholders about the future of South Essex. It presents an opportunity to consider how a new model of local government could make a strategic move to deliver economic, social and public service transformation in a post-Covid-19 setting.

This report considers the economic profile of the six local authority areas, looks at the current governance arrangements as well as the proposed devolution agreement as set out in the prospectus and considers a range of options, assessing their contribution to economic growth. These options include:

- Option 1: Strengthening the current arrangements;
- Option 2: Establishing a Joint Committee;
- Option 3: Establishing a Local Development Corporation;
- Option 4: Establishing a Combined Authority;
- Option 5: Establishing a Combined Authority with a directly elected Mayor.

To ensure compliance with the relevant legislation contained in Section 111 of the Local Democracy Economic Development and Construction Act of 2009, this Governance Review considers which model is the best in order to:

- Improve the exercise of statutory functions in the area of South Essex;
- Secure more effective and convenient local government for the area; and
- Have a positive or neutral impact on the identities and interests of our local communities.

## The ambition for South Essex

Accompanying this governance review is a Prospectus 2020 developed by the Association of South Essex Local Authorities and Opportunity South Essex. This document sets out that:

“South Essex has a key role in the local economy and is of great importance to UK PLC:

- It is home to nearly 1 million people and generated £17.9bn of economic value in 2019.
- There is a rich culture of entrepreneurialism and is home to leading brands including Ford, Amazon, National Westminster Bank and Olympus among others.
- Industry sectors and clusters are firmly established around Advanced Manufacturing, Logistics, Creative industries and Health.
- It has some key infrastructure crucial to the UK, including:
  - four major ports that are recognised as the UK’s fastest growing terminals and vital to the UK fuel and energy economy;
  - an international airport;
  - a Crossrail terminus; and
  - the proposed the Lower Thames Crossing.

There are significant opportunities to create greater prosperity and quality of life in South Essex and by 2050 it plans to grow its contribution to the UK economy by £15bn, through:

- 50,000 businesses growing and increasing productivity;
- Physical and social infrastructure, including education and health services;
- £0.5bn combined benefits to the Exchequer;
- Creating 100,000 new jobs;
- Delivering 96,000 new homes, including 29,000 affordable homes for key workers by 2039;
- Bringing forward £5bn of private sector investment;
- Enabling the economy with the strongest digital network;
- Creating an integrated public transport system that puts active travel and decarbonised transport at its heart;
- Delivering Carbon Zero by 2040; and
- Developing over 5,000 work opportunities for young people per annum, and 5,000 apprenticeships per annum by 2030.

## Introduction and context

The Association of South Essex Local Authorities (ASELA) is formed of the seven councils of Basildon, Brentwood, Castle Point, Essex County, Rochford, Thurrock and Southend-on-Sea. Its core focus is to work across borders on strategic issues such as infrastructure, planning and growth, skills and economy, housing and transport connectivity. In February 2020, Leaders agreed to develop a set of proposals to submit to Government by July 2020 and to review the current governance arrangements.

The area is adjacent to London in the West, fuelling workforce, goods and service markets across the South East. It is well connected with a national and international gateway, with an airport – London Southend Airport and four major ports on the Thames Estuary to the South with the rest of Essex to the North. The Port of London is the second largest UK port by freight traffic. This strategic location is a considerable factor in the growth of the area and sets the scene for significant future growth potential.

The area is served by good east-west movement with the A13 and A127 providing strategic highway connections carrying large volumes of passenger and freight traffic within South Essex and westward towards London. The c2c/Greater Anglia main lines carry significant passengers to the capital. East-west roads and rail corridors are one of the key factors underpinning the sub-regional economy and housing market area. However, until connectivity on a north-south level between major employment sites and residential conurbations is addressed, there remains a barrier to workforce flow, housing and commercial growth.

Growth plans for the area however have been recently accelerated by Cross Rail, the Lower Thames Crossing and technology change on the C2C Network. The area benefits from direct road and rail links to the capital and, via the M25, to the rest of the south east and UK markets. Investment in the transport networks, both local and national, is pivotal for enabling site development, alleviating pinch points and other congestion issues, and increasing use of sustainable modes of transport. Activity and investment to date has addressed some of these priorities but does not go far enough to ensure growth can be delivered comprehensively. This is also significant for two reasons. There remains capacity at the ports locally which, with investment, could further open up this area as a gateway allowing more growth and if a trade deal with the EU is achieved, this will improve access to the rest of the country.

There are strong economic links with London providing local prosperity and supporting the capital's economy through close commuting links, with a high share of working residents regularly travelling there for work, making a significant contribution to the capital's economy. With a total of 66,584 South Essex residents commuting to London, the sub-region contributed around £4.3bn in GVA to the London economy overall.<sup>1</sup>

The Association of South Essex Local Authorities has a short history of collaboration but during that time, it has worked to build a core vision and set of principles and developed a suite of documents. Since the summer of 2017, it has:

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<sup>1</sup> The average GVA per filled job in London in 2011 was £64,551 – source: ONS (2015) Nominal (smoothed) GVA per filled job (£); NUTS 2 and NUTS 3 sub regions, 2002 - 2012

- Developed a Memorandum of Understanding which was signed in January 2018;
- Committed to a Joint Strategic Plan and published its Statement of Common Ground in March 2018;
- Published Terms of Reference for its Joint Strategic Plan Members Steering Group and Delivery Board in March 2018;
- Pushed ahead with a strategic and statutory spatial plan – the aim is to have this complete by 2022;
- Created a housing delivery plan in conjunction with Homes England – to transform housing delivery in the region;
- Brought forward a framework and plan to re-design local connectivity and public transport – so that residents and businesses can go easily about their daily lives;
- Implemented a new economic and productivity strategy for the region that will locally deliver a significant uplift in economic value over the next ten years – it will form part of the local industrial strategy for South East Local Enterprise Partnership;
- Enabled digital infrastructure and connectivity through the Full Fibre network programme with DCMS, and exploring with Strathclyde University and DCMS, the potential to be leaders in 5G technology for an urban and rural area;
- Focused on re-energising the town centres – so that they become a blend of commercial, residential and retail space; and
- Developed an “impact” investment fund to attract private sector finance to commercial schemes.

However, this vast potential is not fully being realised and more needs to be done to bring forward full economic prospects in the sub-region. It must individually and collectively tackle variations in skills and qualifications levels among residents, falling output in higher productivity sectors like Accommodation and Food Services and Agriculture, and there are significant infrastructure for growth demands including transport and housing infrastructure. These barriers must be addressed to raise GVA per head, labour productivity and encourage greater economic prosperity with infrastructure for growth and transport investment coming forward as a result.

An emerging vision and scope for greater collaboration has been identified as a priority along the South Essex growth corridor. The collaboration has been built up over the past 3-years and focuses on:

- Tackling problems individual councils can’t solve individually;
- Creating collective scale and impact; and
- Providing the place leadership to promote and sell the ‘South Essex’ proposition.

Delivering this vision will provide businesses with the skilled workforce they need and require action by all councils, at a South Essex level and across the Thames Gateway.

## A review of the South Essex Functional Economic Market Area (FEMA)

### Economic spatial profile

With a total population of close to 800,000 residents, its working age population is 487,522 and the area represents the largest of the Greater Essex economies with 36% of GVA (£12bn of the Greater Essex £33bn) coming from the area. The area has particularly high employment in sectors such as Logistics, Wholesale and Retail, Health and Care and Advanced Manufacturing. While the area is dominated micro and small companies dominate the landscape with around 90.7% of enterprises employing less than nine people, there are some significant employers and globally known brands such as Amazon, Ford, and MK Electric. It faces a long-term skills challenge with 11% of the population with no qualifications and in some places only 23% with NVQ4+ (Higher Education equivalent).

The latest figures for employment show that there are some 385,300 employed residents living in one of the six authorities in South Essex, while the total number of those who work there is comparatively lower, at 296,000. This reflects commuting patterns and suggests that at least 23 per cent of South Essex residents commute out of the area. (Considering that excess South Essex commuters are replaced by those commuting in, the true number of residents commuting out of South Essex is likely to be higher.) There has been an increase in the minimum number of residents who commute out of South Essex, with the figure at the time of the 2011 census being 18.5 per cent. However, this still represents a substantial amount of self-containment within this market area.

Growth in the working age population is higher than the average for a number of similar areas. South Essex is expected to see a growth in population of 2.41 per cent by 2020, 3.95 per cent by 2030 and 6.21 per cent by 2040 compared to the current figures, an increase in population from 490,620 to 502,430 in 2025, 510,011 in 2030 and 521,090 in 2040. This growth is expected to be faster than a number of comparable areas, in particular Essex. The growth will also be faster, proportionally, than surrounding areas of London, Essex and Hertfordshire.

Skills in South Essex are, however, comparatively poor. The geography has a comparatively lower skill level than all surrounding areas with the exception of Maldon, with 30.7 per cent of residents having NVQ4+ skills. Within South Essex, generally skill levels are consistently low, although Brentwood has a comparatively higher proportion of residents with NVQ4+ level qualifications, at 42 per cent. Over 10 per cent of residents in South Essex have no qualifications, suggesting that the employment specialisms generally require lower skills.

Looking more widely, estimated GVA for the South Essex area demonstrates that, comparative to the other 'quadrants' of Greater Essex, West Essex, Haven Gateway and Heart of Essex<sup>2</sup>, South Essex has the highest GVA, with a GVA of £18,493 million in 2018. accounting for around 43 per cent of the total GVA of the Greater Essex area.

The labour market of South Essex has a particular bias towards Basildon, which is the largest employment area within Essex, with 68,309, or approximately 28 per cent, of all workers in South Essex working in Basildon. This is followed by Southend-On-Sea at 24 per cent and Thurrock at 21

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<sup>2</sup> <https://www.rochford.gov.uk/sites/default/files/GrowonSpaceFeasibilityStudy.pdf>

per cent. Brentwood, Castle Point and Rochford make up far smaller proportions, suggesting that there are three primary economic centres within the South Essex area FEMA, with considerable crossover between them.

This South Essex FEMA is made up of a number of specific sector strengths, in addition to clusters of businesses. The Transportation and Storage sector is a particular strength in South Essex, comparable to Suffolk, with both the Port of Tilbury and the London Gateway Port both making up a substantial amount of the UK's shipping market share. This demonstrates significantly higher comparable employment in Logistics, in addition to transportation and storage in South Essex. In addition, South Essex specifically has a specialisation in human health and social work, construction and wholesale and retail. These sectors all have higher than average employment compared to the average for Essex, the East of England and Great Britain, therefore representing particular specialisms for the South Essex market.

## Travel to work

A travel to work area (TTWA) is defined as an area in which has a degree of self-containment, where most live and work within a travel to work area. According to the latest commuting data produced by the ONS from the 2011 Census, South Essex has its own TTWA, the Southend TTWA. This roughly comprises the whole of Basildon, Rochford, Castle Point and Southend-On-Sea, however, only includes parts of Thurrock, the remainder of which is in the London TTWA and Brentwood, which is mostly in the Chelmsford TTWA.

When looking at the commuting patterns for all six authorities in South Essex, it is clear that there is a degree of self-containment, with substantial amounts of cross commuting between the different authorities. Of those who work in South Essex, 79 per cent reside and commute from within South Essex, and for those who are a resident of one of the six South Essex local authorities, 65 per cent work within South Essex. These high levels of self-containment suggest that South Essex is market area, although there is an element of commuting out of the area by the residential population however, it also shows that, as an economic area in terms of employment, the area is self-contained.

Brentwood has highest proportion of residents commuting out of South Essex for employment of the six South Essex authorities, with the borough seeing 58 per cent of its residents commute out of South Essex. Similarly, although to a far lower degree, Thurrock also has 42 per cent of its residents commuting out of South Essex, again a comparatively high level. The remainder of the authorities within South Essex are far more contained, with Castle Point and Rochford both seeing very low levels of commuting to areas outside of South Essex.

Commuter flows out of and into the area differ in their origin, although there are some areas of cross commuting. Residential commuting out of South Essex is largely to Central London boroughs, in addition to nearby authorities. The largest commuting destination for South Essex residents is Westminster and the City of London, followed by Tower Hamlets, likely for Canary Wharf. In addition, there is also substantial amounts of commuting to other Inner London Boroughs such as Camden, Islington, Southwark and Hackney. The other significant commuting destination is nearby authorities. This includes areas of Essex such as Chelmsford, in addition to Epping Forest and Braintree, as well as outer London Boroughs such as Havering, Barking and Dagenham, Newham and Redbridge.

Commuters from outside South Essex are predominantly from Chelmsford and Havering, which demonstrates some of the cross commuting between South Essex and nearby market areas. In addition, there are substantial commuter flows from areas such as Maldon, Braintree, Epping Forest



and Colchester in Essex and Barking and Dagenham, Redbridge and Newham, Outer London Boroughs which border or are in proximity to South Essex.

The commuting data suggests that South Essex is a self-contained market area, although with some cross commuting between neighbouring areas, particularly to the West. In addition to this, there is also a substantial unreciprocated number of commuters who commute to inner London Boroughs for employment.

## Housing Market Area

A housing market area is an area for planning new housing developments and is an acknowledgement that housing markets do not precisely follow administrative boundaries. The South Essex Strategic Housing Market Assessment<sup>3</sup> (SHMA) published in 2016 identifies that five of the authorities in South Essex, Basildon, Castle Point, Rochford, Southend-On-Sea and Thurrock, are part of the same housing market area. This is based on factors including household migration and search patterns, house prices and the rate of change in house prices, and other contextual data. Research conducted by the Ministry of Communities and Local Government in 2010 backs this finding, categorising the five authorities in a housing market area called the “Thames Gateway”.<sup>4</sup> Separately, Brentwood is considered to be part of the “London Commuter Belt Housing Market Area” by this piece of work, which includes authorities such as Chelmsford and stretches to Dacorum and St Albans in the West. Brentwood has since developed its own SHMA<sup>5</sup> but in the future will be considered part of the South Essex SHMA.

The evidence presented in the South Essex SMHA is still valid for demonstrating that South Essex is a self-contained housing market area. In terms of household migration, South Essex demonstrates a particularly strong self-containment. The latest available evidence is again based on Census 2011 data, but as presented in the SHMA around 73 per cent of those who moved houses in the year before the census moved within South Essex. Similarly, and importantly, the self-containment within South Essex is higher than that of any authority within South Essex, demonstrating that the area is not made up of a number of housing market areas. The same measure for those moving to South Essex shows similar results, with 74 per cent of those who moved to South Essex in the year prior to the Census moving from a South Essex.

In terms of house prices, the distinction of South Essex is slightly less clear, but still exists. While house prices generally are not particularly comparable in terms of growth, with Thurrock in particular having experienced high levels of growth in the price of housing. However, actual house prices are now even more comparable than at the time of the SMHA, with the September 2019 data showing house prices across Basildon, Castle Point, Southend-On-Sea and Thurrock all being just below or on £300,000, with prices in Rochford being slightly higher, at £335,000. This demonstrates that South Essex continues to have house prices which are below the average in much of the surrounding area.

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[https://www.housingessex.org/assets/uploads/2018/06/South\\_Essex\\_Strategic\\_Housing\\_Market\\_Assessment.pdf](https://www.housingessex.org/assets/uploads/2018/06/South_Essex_Strategic_Housing_Market_Assessment.pdf)

<sup>4</sup> <https://www.gov.uk/government/publications/housing-market-areas>

<sup>5</sup> <http://www.brentwood.gov.uk/pdf/25102018093817000000.pdf>

## Commercial Property Market Area

South Essex, including Brentwood, has a commercial floorspace breakdown which is comparatively similar to Essex. Both areas have sizable industrial areas by square metre, at a higher proportion than England and Wales, in addition, both areas have a higher proportion of retail space, and a lower proportion of office space. Looking specifically at the differences between South Essex and Essex to determine the differences between the areas, there is essentially no difference in the proportion of industrial space between the two, with both areas having about 57 per cent of commercial space being industrial. However, there are comparative differences between South Essex and Essex in the proportion of both retail and office space, where South Essex has a higher proportion of retail space, at around 22 per cent of total compared to 19 per cent of the total for Essex and a lower proportion of office space, at 10 per cent of the total compared to 12 per cent for Essex.

Looking specifically at the six authorities in South Essex shows that there are comparative similarities. Brentwood has a far higher proportion of office space, and Southend has a higher proportion of retail space. Thurrock and Basildon have a high percentage of industrial space. The table below shows the relative proportions for each of the authorities.

	Retail	Office	Industrial	Other
Southend-on-Sea UA	34%	17%	35%	13%
Thurrock UA	20%	4%	67%	8%
Basildon	18%	9%	66%	8%
Brentwood	17%	28%	40%	14%
Castle Point	31%	5%	49%	15%
Rochford	16%	7%	59%	17%
South Essex	22%	10%	57%	11%

However, separately, the London Industrial Land Report identifies Basildon, Brentwood and Thurrock, along with Chelmsford and the Medway towns, as part of the Thames Gateway/Eastern Quadrant Industrial Property Market Area<sup>6</sup>.

In terms of commercial property prices, there is a similar theme. The rateable value of retail space per square metre in South Essex is considerably higher than that of Essex, and of England and Wales, reflecting the speciality in this area. In contrast, the South Essex retail rateable value per square metre is £168, compared to £149 for Essex, and £151 for England and Wales. Conversely, South Essex has a lower rateable value per square metre for Office space than both areas, at £109 compared to £122 for Essex. In both cases, the price for Brentwood pulls the price of space up, considerably so for office space, where per square metre, office space in Brentwood costs nearly £45 more than any other authority in the area. Industrial space is more similarly priced, although South Essex is slightly higher than Essex and England and Wales. These differences in cost reflect how it is a different market area to Essex, with different specialisms.

<sup>6</sup> [https://www.london.gov.uk/sites/default/files/ilds\\_revised\\_final\\_report\\_october\\_2017.pdf](https://www.london.gov.uk/sites/default/files/ilds_revised_final_report_october_2017.pdf)

## Transport and infrastructure

There are substantial transportation opportunities in South Essex, both by rail and by road. It is important to note that the infrastructure predominantly serves an east west direction, with all railway lines and two of the three major A roads in South Essex running roughly East to West. This provides a natural barrier between South Essex and the remainder of Essex and demonstrates why it operates as such a self-sufficient and functional market area.

The London, Tilbury and Southend Railway provides an east-west connection as the main railway line through South Essex, serving the centres of Basildon and Southend, in addition to Lakeside, the main retail centre. The line extends through to London Fenchurch Street, providing opportunities for business partnerships with businesses in London.

The Great Eastern Main Line also runs through the west of South Essex serving Brentwood. North of Brentwood is the start of the Shenfield to Southend Branch line, which provides another east-west connection through South Essex, serving Brentwood, Basildon, Castle Point Rochford, and Southend. Through the connection to the Great Eastern Main Line, the line terminates at London Liverpool street, again opening opportunities for the South Essex area to take advantage of the rapid and close connection.

The South Essex Joint Strategic Plan Statement of Common Ground<sup>7</sup> outlines a number of rail improvements, including improving capacity and the potential for an Eastern section of Cross Rail 2 from Stratford to Shenfield in Basildon, to serve Essex.

There are also major roads serving the area, with the A127 serving the north of South Essex and the A13 serving the south, with both connecting to the M25, providing east to west road connections across South Essex. The A130 also provides a connection from South Essex to Chelmsford. In addition, the A12 provides a connection for Brentwood to London, and to Chelmsford and Ipswich.

The South Essex Joint Strategic Plan Statement of Common Ground outlines some of the agreed infrastructure improvements needed in South Essex to ensure that the goals for South Essex can be achieved. In addition to road capacity improvement, some of the points include the potential for a new Lower Thames Road crossing which will connect South Essex to Kent.

In addition to road and rail, South Essex is also connected by air and sea. South Essex has an airport, London Southend Airport. This airport is served by both road and rail and provides flights to a number of European destinations. In addition, shipping is particularly significant in Thurrock, with commercial ports in the area connecting South Essex to much of the world through shipping.

The infrastructure of South Essex is a particularly significant part of the economy and provides substantial opportunity to the market for internal connections and for connections to the wider region and London.

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<sup>7</sup> [https://www.basildon.gov.uk/media/8838/South-Essex-Joint-Strategic-Plan-Statement-of-Common-Ground-June-2018/pdf/South\\_Essex\\_Joint\\_Strategic\\_Plan\\_-\\_Statement\\_of\\_Common\\_Ground\\_-\\_June\\_2018.pdf?m=636809127016470000](https://www.basildon.gov.uk/media/8838/South-Essex-Joint-Strategic-Plan-Statement-of-Common-Ground-June-2018/pdf/South_Essex_Joint_Strategic_Plan_-_Statement_of_Common_Ground_-_June_2018.pdf?m=636809127016470000)

## Review of current governance arrangements – effectiveness and efficiency

The councils and their partners in South Essex have an ambitious long-term vision for the future of the area. Delivering that vision will require a long-term strategic approach and an ability to take and influence significant investment decisions in relation to, for example, infrastructure and skills. It will also require a new relationship with government, including devolved powers and resources. In this section we explore whether the current arrangements for collaborative working across South Essex and a wider geography are capable of supporting the delivery of these ambitions.

### Transport East

Transport East was established in early 2018 as the sub-national transport body for the East of England. The councils in its area include three county councils (Essex, Norfolk and Suffolk) and two unitary councils in South Essex (Southend and Thurrock). It aims to provide a strategic voice on the transport investment needed across its geography and has input from business leaders, Network Rail and Highways England.

The sub-national transport bodies are playing an increasingly important role in identifying and pursuing strategic transport priorities. Transport investment is key to delivering the ambitions for South Essex, but the fragmented nature of local government in the area is impeding its ability to influence or benefit from the work of Transport East. The two unitary councils and Essex county council are involved, but there is no direct input from the four districts in South Essex.

This in effect means that there are three transport bodies presiding over the area, each competing with individual priorities and not providing a coherent narrative of transport needs and opportunities. In order to satisfy the transport ambitions across South Essex, a coordinated decision-making effort is required.

**A more coherent voice for South Essex in Transport East would enable it to play a bigger role in meeting the needs of this important part of its area.**

### South East Local Enterprise Partnership

Local Enterprise Partnerships (LEPs) were established in 2011 with a remit to drive local growth, job creation and to oversee all economic activity. Strong business involvement combined with public sector leaders ensure that local economic priorities and activities to drive economic growth and job creation, improve infrastructure and raise workforce skills within the local area are delivered.

The South East LEP is the largest LEP. It covers East Sussex, Essex, Kent, Medway, Southend and Thurrock and has a federated structure with four parts to its geography (see below). The LEP has a strategic board with clear leadership and a shared set of growth priorities which consider required investment in its significant asset base and future investment required across the wider geography.

At the present time, it is in the process of drafting its Local Industrial Strategy, working with its four federated areas to develop ambition and priorities. The draft LIS articulates a strong ambition for SELEP as below:

- The South East is the UK's global gateway; powering trade and prosperity throughout the UK, generating £90 billion a year for the economy.

- To accelerate its role as a global region to drive sustainable and innovative growth. Through targeted investment in people and places and progressing our partnership with London, it will enhance the economic vitality of UK plc by increasing productivity across the SELEP area, delivering £28 billion additional Gross Value Added by 2030.

It also sets out how the ambition and distinctive strategic opportunities, will be supported by a specific focus on:

- Increasing the region's innovation activity and R&D performance, working in partnership with industry and the further and higher education sectors;
- Sustaining a workforce and business base that is fully equipped to respond to new technologies and a changing economy and skills needs; and
- Embedding clean growth principles to secure the shift to a net zero carbon economy, and investing to help the region address and mitigate the impacts of climate change.

### **South Essex Federated Board – Opportunity South Essex**

South Essex makes up one of these federated areas which allows for decision-making and project prioritisation at a local level. Opportunity South Essex is the private-public board whose vision is for South Essex to have “one of the fastest growing and the most sustainable economies in the UK which provides opportunities for businesses, is attractive to inward investors and benefits local communities”.

Despite multiple layers of decision-making, funding and accountability with a Strategic Board, Accountability Board and Investment Board offering scrutiny and prioritisation of investment over the federated areas, it does enable collective engagement with all local authority leaders and allows decisions to be taken at the practical level closest to the communities and businesses affected by those decisions.

**In summary the way in which the LEP geography plays out in South Essex adds to the overall story of fragmentation and the absence of a strong, single voice for the area. Opportunity South Essex has demonstrated the value a business-led partnership could add to the area, but it is not capable of enabling the delivery of the economic ambitions for South Essex. its ability to fulfil its potential is constrained by its status as one of four federated boards within a very large LEP and the fragmented nature of local government in the area. There is a need for a mechanism which can provide more alignment between businesses, local government and education institutions to secure economic growth with an unambiguous focus South Essex.**

### **Further and Higher Education**

There is a limited offer when it comes to Higher Education. This has long been considered a barrier to growth of the economy and one of the reasons behind the area's long-term skills challenge. This has caused inequality across the South Essex geography as in some parts, only 23% of residents have NVQ4+ (Higher Education equivalent). In comparison to the rest of the UK, nearly 36% have higher skills (30.5% in Essex)<sup>8</sup>.

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<sup>8</sup> Essex Skills Board 2019

In relation to Further Education, South Essex College has sites in Basildon, Southend and Grays. There is capacity for more technical skills to be built up in response to the industry profile of South Essex.

**Action to raise skill levels in South Essex is critically important. There is currently not an effective mechanism for local government, business and education providers to collaborate to deliver this.**

### **Thames Estuary Commission**

Stretching 40 miles along the River Thames from Canary Wharf in East London to Southend in Essex and Sittingbourne in Kent, the Thames Gateway hosts significant pieces of UK infrastructure and is a major gateway between the UK, Europe and the rest of the world. It is one of the UK's priority areas for growth and has the committed support of the government as well as a large number of private investors such as Ford, Kimberley Clark, Lafarge, BaE Systems, HSBC and DP World. In Lord Heseltine's words the Thames Gateway is "crucial to UK competitiveness".

The Thames Estuary Commission supports the National Infrastructure Commission's aim to reduce congestion and lower carbon emissions. Its focus on nationally significant assets has placed a spotlight on the Thames Estuary. It has a strong vision for quality housing, inclusion of communities through skills and economic resilience and from a South Essex perspective, the Port of Tilbury and London Gateway feature at the heart of plans.

The commission is potentially important for South Essex. However, there are no decision-making powers or substantial routes to inform future plans and allow significant influence for South Essex Authorities. In the "Thames Estuary 2050 Growth Commission" vision published in June 2018<sup>9</sup>, the South Essex geography is fragmented with 4 of the South Essex councils listed under South Essex Foreshore, and Thurrock as Inner Estuary (two of the "5 productive places").

**The ability of South Essex to contribute to and benefit from the work of the Thames Estuary Commission is constrained by the absence of a single voice the area, in the same way as was described above in relation to Transport East.**

### **Greater Essex Leaders**

It is clearly important that the leaders and chief executives of the councils in Greater Essex meet regularly. In terms of delivering significant benefits for South Essex, however, these meetings have two weaknesses. First, the group does not have a specific focus on the needs of South Essex. Second, the meetings are informal with no precise terms of reference, resources or decision-making powers.

**This is a useful liaison body but does not have the role or capacity to pursue the ambitions for growth in South Essex.**

### **Association of South Essex Local Authorities**

In the summer of 2017, the leaders and chief executives of the seven councils (Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council) began to explore a joint place vision and to develop a programme of work through which greater strategic collaboration

could take place across the South Essex Growth corridor. The Association of South Essex Local Authorities was established as a result.

The authorities have worked closely together to provide place leadership which can deliver their collective vision for 2050. The core aims of ASELA are to:

- Provide place leadership;
- Open up spaces for housing, business and leisure development by developing a spatial strategy;
- Transform transport connectivity;
- Support the seven sectors of industrial opportunity;
- Shape local labour and skills markets;
- Create a fully digitally-enable place;
- Secure a sustainable energy supply;
- Influence and secure funding for necessary strategic infrastructure;
- Enhance health and social care through coordinated planning; and
- Work with and provide a voice for South Essex to the Thames Estuary 2050 Growth Commission and Commissioners.

Furthermore, work has begun work on South Essex Joint Strategic Plan and the association developed a productivity strategy as a lead into the preparation of the Local Industrial Strategy at a SELEP level.

The association is governed by a Memorandum of Understanding. This sets out the role of ASELA and the fact that it shall “expire if ASELA dissolves”. Also, that the MOU “cannot override the statutory duties and powers of the parties and is not enforceable by law”.

**In summary our conclusion is that, given its status ASELA has made significant progress. It has developed an ambitious vision for the area, has begun to build the relationships that more robust governance arrangements will require, and it has demonstrated an appetite for collaboration. It is, however, not an appropriate body to develop or deliver the strategy and action required to realise that ambition. In particular:**

- **It is not sufficiently robust to adopt the long-term approach that is required;**
- **It does not have the necessary powers or resources;**
- **Government would not be prepared to devolve powers or resources to it.**

## **Invest Essex**

At present, there is no resource within the South Essex councils or ASELA itself to direct inward investment opportunities. Formerly managed through Invest Essex, an investment promotion agency and business support provider covering Essex, this organisation disbanded in 2019.

**A new arrangement would need to put resource and focus into attracting the level of investment that would successfully promote growth in the area.**



## Strategic Housing Market Assessment Areas

Historically, the South Essex Strategic Housing Market Assessment<sup>10</sup> (SHMA published in 2016) identifies that five of the authorities in South Essex, Basildon, Castle Point, Rochford, Southend-On-Sea and Thurrock, are part of the same Housing market area. This is based on factors including household migration and search patterns, house prices and the rate of change in house prices, and other contextual data. In recent years, Brentwood has become a part of the SHMA for South Essex and helpfully reviewed housing plans and policies will start to contain a single assessment on housing demand going forward.

While it is a positive move for the six councils to feature under one SHMA, the ability to deliver these housing targets and consider strategic housing decisions would be more robustly done through a formal structure. This could enable strategic site master planning and encourage developers and investors to come forward with private sector investment.

## Health governance and policing

### Health governance

The health governance in South Essex is fragmented and complicated with almost as many Clinical Care Groups (CCGs) in South Essex as there are councils (Thurrock, Basildon and Brentwood, Southend, Rochford and Castle Point) and an STP that includes South and Mid Essex (Mid Essex CCG includes Braintree, Chelmsford and Maldon). Therefore, it can be summarised that there is no strategic health focus on South Essex as a single geography.

In relation to the sector as a whole, Health and Social Care make up 12.7 per cent of employment across the ASELA. This is significant when considering the potential for skills development and the economy, the commissioning power of councils with Children's and Adult's Social Care remits and the need to stimulate the market in the post Covid world.

### Policing

South Essex is split between two of Essex Police's three "Local Policing Areas". These are divided as Basildon, Southend, Castle Point and Rochford and in relation not the second, Thurrock and Brentwood plus Harlow and Epping Forest.

Whilst the legislation does allow for combined authorities to adopt wider responsibilities for functions, there are no proposals for any governance arrangements at a South Essex level to take on responsibility for health and care or policing. **We are therefore concluding that the current collaborative arrangements across South Essex are adequate for the purpose of this assessment.**

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[https://www.housingessex.org/assets/uploads/2018/06/South\\_Essex\\_Strategic\\_Housing\\_Market\\_Assessment.pdf](https://www.housingessex.org/assets/uploads/2018/06/South_Essex_Strategic_Housing_Market_Assessment.pdf)



## **Overall critique of the current arrangements**

**The current arrangements for collaboration across South Essex and beyond are not capable of delivering the ambitious vision for the area.**

**South Essex is not benefiting from the arrangements which cover a wider area because of the absence of a single coherent voice for South Essex.**

**Many of the arrangements cover slightly different geographies creating a fragmented approach.**

**There is no organisation with an unambiguous focus of South Essex, and which is capable of delivering a long-term programme with the support or devolved powers and resources from government.**

## Review of current governance arrangements – effectiveness and efficiency – by theme

Theme	Existing arrangement	Considerations for a new governance
Transport	<p>Transport East</p> <p>Projects funded through SELEP</p> <p>Individual relationships with Network Rail, CtoC and Cross Rail</p> <p>Fragmented local government with three highways and transport authorities responsible for South Essex</p>	<p>There needs to be a vehicle to provide a single, coherent response to major, national infrastructure investments such as strategic road and rail projects as well as investment in Lower Thames Crossing</p>
Economy and skills	<p>South East Local Enterprise Partnership</p> <p>One of 4 federated areas of SELEP</p> <p>Limited capacity for economic and skills development</p> <p>Fragmented local government with one county, two unitary and four district councils with responsibility for different parts of the economy and skills agenda</p>	<p>A business board or equivalent could be established in order to take forward the growth needs of the area and improve levels of productivity</p>
Housing and infrastructure	<p>Housing growth has not been delivered to its full potential.</p> <p>Fragmented local government with one county, two unitary and four district councils with responsibility for different parts of the housing and infrastructure agenda.</p>	<p>Combined resources, strategic thinking and an ability to draw in investment across strategic sites would provide critical mass of new homes. Delivery at scale would improve relationship with Homes England and make a significant difference.</p>
Planning	<p>Duty to Cooperate is in place and due to produce a Joint Strategic Plan</p>	<p>Common priorities across South Essex and a delivery vehicle would bring forward new homes and commercial appetite.</p>
Overall	<p>The current decision-making process, accountability and fragmentation of organisations and agendas is not fit for the area's ambitions for the future</p>	<p>Decisions need to be co-ordinated in a way that secures maximum economic and social benefit as well as efficiency, transparency and accountability.</p> <p>There needs to be a single strategic constituted body with decision-making powers to drive forward growth and investment</p>

## Summary of prospectus

There are a number of challenges and opportunities facing South Essex which need to be addressed to ensure growth is healthy, inclusive and sustainable over the long term. The South Essex Councils of Basildon, Brentwood, Castle Point, Essex County Council, Rochford, Southend and Thurrock have produced a prospectus which sets out what new powers and funding is required to increase opportunities, living standards and tackle inclusive growth and further productivity in the area.

This has been built over time and is seen as a positive first stage in an on-going partnership to a comprehensive approach of economic growth and housing delivery. It will also continue to work together to explore opportunities arising from investment in the South Essex strategic growth corridors and other funding streams.

The overall ambitions set out in this prospectus, and which form the basis of a conversation with government include:

- Providing excellent and contemporary digital infrastructure including 5G and connectivity that will see businesses want to invest in the area and start successful and productive enterprises.
- Delivering significant improvements in connectivity and public transport, underpinned by investment in active travel projects which benefit people's health and wellbeing and could see major environmental benefits.
- Unlocking housing sites to deliver accelerated development seeing new quality homes, neighbourhoods and communities brought to South Essex, and enhancing amenity and place for existing local residents.
- Investment in green and blue infrastructure to enable new parks and river walks, supporting active use of environmental assets, adding to biodiversity, health and wellbeing outcomes, whilst supporting active and thriving communities.
- Improving skills across the region from school aged children through to adult training and education, ensuring that the current and future workforce can access productive and highly skilled jobs.
- A strategy to secure more commercial development from employers who can provide productive and well-paid employment, locally.
- Supporting young people to achieve their best and build their futures in South Essex.

The options appraisal in the next chapter set out the five options that have been considered as part of this review, to bring forward the ambitions set out above. These governance arrangements consider the most effective and efficient way to deliver this vision.

In addition to the overall growth ambition for housing, transport and the economy, there are four specific South Essex initiatives which leaders keen to promote. These include:

1. Developing a regional park infrastructure – this would involve working as a collective to join together all of the green and natural assets – marshes, Rochford trawlers, coastal pathway

and parkland area. By bringing a network of these assets together, a Regional Park could be created to deliver greater access to green space.

2. Sustainable energy – the area has ambitions to accelerate the creation and harnessing of clean growth and sustainable energy with an objective to be a generator of its own energy needs. This would reduce South Essex's reliance on the national grid.
3. Town Centres – each council is pursuing a regional programme with varying levels of place-shaping investment.
4. Garden settlements – there are three major opportunities across South Essex. These are sites at Rochford / Southend; East of Basildon; and a site at West Thorndon, Thurrock and Brentwood. Each could be progressed at pace by joining individual authorities to bring sites together, delivering scale, developing cross boundary masterplans and delivering greater impact across the corridor. It would enable greater capacity, investment and deliver required infrastructure. Strategic master planning across the corridor would also bring greater value and quality design while respecting sovereignty and the role of individual councils.

## Options appraisal of future governance structures

South Essex is at an important decision point. It is clear that:

- It is a geography that makes sense (particularly economy, transport, planning, but also potentially for health and police);
- The area faces significant challenges and opportunities, reinforced by Covid-19, and it has an ambitious long-term vision to address and respond to them.
- The current arrangements, most notably ASELA, have developed the vision and demonstrated an appetite for collaboration across South Essex. They are, however, not capable of delivering the vision. There is a fundamental choice between:
  - Putting more effort into making the current voluntary, partnership arrangements work;
  - Making the arrangements a bit more formal and robust through a statutory joint committee;
  - Creating a combined authority (with or without a Mayor).

This choice coincides with the anticipated publication by government of a devolution white paper. It is expected to herald a further round of devolution to mayoral combined authorities. This must be an important consideration because the delivery of the South Essex prospectus hinges on the agreement of a devolution deal with government including devolved powers and resources.

### Options appraisal

There are five options which are being considered as part of this governance review. Each option will be taken in turn to assess their ability to deliver against the requirements set out in this report.

- Option 1: Strengthening the current arrangements
- Option 2: Establishing a Joint Committee
- Option 3: Establishing a Local Development Corporation
- Option 4: Establishing a Combined Authority
- Option 5: Establishing a Combined Authority with a directly elected Mayor

### Option 1: Strengthening the current arrangements

It is important to note that the current statutory local government arrangements in South Essex are complicated involving: two unitary councils, four district councils and a county council (which has responsibility for the part of the area covered by the four districts). The coherence of South Essex in terms of economy, housing, transport and infrastructure means that it is essential that some form of collaborative governance arrangements for the area are put in place.

As we noted above the Association of South Essex Local Authorities has made the case for governance arrangements at this level and it has demonstrated the commitment of local political leaders to closer collaboration. It has also demonstrated the high level of ambition of the councils in the area and their partners. It is also clear, however, that the association is not an appropriate body to take the decisions or actions necessary to deliver the ambitions for South Essex or to mobilise devolved powers and resources from government.

The other arrangements that are in place share a number of significant weaknesses. Many cover a far wider geographical area and the lack of a single coherent voice for South Essex means that it does not get full benefit from them. Others cover slightly different areas making it difficult to maintain a concerted and integrated focus on South Essex. The overall picture is one of fragmentation.

It is difficult to envisage any circumstances in which the current arrangements could be strengthened to the extent necessary to address the weaknesses identified in the previous section. They are simply not capable of:

- Delivering a long term strategy;
- Exercising the necessary powers and resources;
- Being trusted by government to receive devolved powers and resources.

As other parts of the country strengthen and align their decision-making process in relation to devolution deals involving transport, economic development and regeneration, South Essex is at risk of being left behind. To capitalise on this opportunity, South Essex would need a structure which would enable a single democratic and financially accountable body to deliver growth.

## Option 2: Establishing a Joint Committee

The second option considered as part of this review is the establishment a Joint Committee. Section 102 of the Local Government Act 1972 enables two or more local authorities to set up a Joint Committee to discharge their functions jointly. In this case the joint committee could be established by the seven councils in South Essex or by a sub-set of them. Joint Committees, once established, may be decision-making or advisory and while an “accountable body” is generally appointed to manage the committee and its functions, it has no legal status. Furthermore, it has no borrowing powers, nor can it impose any tax-raising measures.

This would enhance some of the current perceived governance and transparency issues associated with ASELA and can be seen as a stepping stone towards more advanced governance structures such as a Combined Authority. However, it would not be sufficiently robust to deliver the ambitions for South Essex. There are five fundamental weaknesses with the joint committee model:

- It would not provide the governance and accountability necessary to manage the powers and resources that South Essex is seeking from government;
- It can only use powers devolved to it from the councils that create it, not powers devolved from government;
- It would be relatively easy for one or more councils to leave the committee, undermining its integrity;

- Links with business would be relatively weak: the LEP for example could attend meetings of the committee but would not be a member of it;
- It would be susceptible to the impact of frequent changes in control of the councils in the area all of which have annual elections (apart from the county council).

In summary, replacing ASELA with a joint committee would not overcome the fundamental weaknesses identified in the previous section. It could, however, be a useful step on the way to more robust arrangements and a longer-term solution to deliver the ambition set out in the prospectus as opposed to a short-term, interim measure. It would in particular:

- Be seen by government as a serious statement of intent, paving the way to discussions about the creation of a combined authority and the negotiation of a devolution agreement;
- Provide a more robust basis for the next phase of collaborative work.

### Option 3: Establishing a Local Development Corporation

Development Corporations have traditionally been established and led by central government and in 2011, mayoral development corporations became possible in consultation with a Combined Authority. In 2018, government considered that local authorities could oversee locally-led new town development corporations. This allows a new town to be initiated locally and then “approved” by the Secretary of State who in turn would agree the instruments needed to establish a new town development corporation.

LDC’s are a well-recognised tool for their role in delivering major housing and regeneration projects as they have enhanced powers, an ability to attract investment and are “insulated” from local politics. They can also span multiple local authority boundaries so would be an appropriate delivery tool for key regeneration and housing sites in South Essex.

The changes in 2018 also saw a greater emphasis on involvement of the private sector at the heart of these corporations. This was in part due to their track record of leveraging high levels of private sector investment as well as delivering quality projects. The new model is intended to work with local communities in order to understand their specific needs in relation to required facilities, infrastructure and housing as well as a route to gaining additional investment in town centres and regeneration areas.

The value of local development corporations is questionable as while this body could address local priorities, it would not have any decision-making powers over wider investment in priorities outside its footprint. This option could be a tool a combined authority wants to set up, but not an alternative to it.

**Establishing a Local Development Corporation would only lead to marginal improvements and does not match the scale of ambition required to fulfil growth for the area.**

### Option 4: Establishing a Combined Authority and Option 5: Establishing a Mayoral CA.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009, as amended by the Cities and Local Government Devolution Act 2016, provides for the establishment of combined authorities. A combined authority is a legal entity that enables a group of two or more councils to collaborate and take collective decisions across council boundaries. They can only be created by parliament, although the development and administration of a combined authority must be locally driven by the authorities involved.

The Cities and Local Government Devolution Act 2016 has removed a number of previous constraints on the area covered by a combined authority, which must include at least two councils and can now include:

- Councils which are not immediately adjacent to each other;
- Part of a county council area.

Where this flexibility is used the legislation contains a more stringent test of the likelihood that the CA will improve delivery. In these cases, the Government must consider the impact on the other councils in the area.

The legislation also:

- Prohibits councils from being a full member of more than one combined authority; and
- Prevents either a district council from blocking the creation of a combined authority in which a county council wished to participate or a county from blocking a proposal in which a district wishes to participate.

We have assessed these options against the three tests set out in legislation and guidance on the establishment of a combined authority:

- Will it improve the delivery of its functions in the area it covers?
- Will the CA help to secure effective and convenient local government?
- Does the proposed CA reflect local identity and the interests of local communities?

We have added a fourth test, which is whether the arrangements would be likely to secure an ambitious devolution agreement with government.

## Will it improve the delivery of its functions in the area it covers?

As the previous sections of this review demonstrate, the geography of South Essex makes sense in terms of action to secure economic growth and improved productivity, raise skill levels, and improve physical and digital connectivity. Action in these areas currently suffers from the fragmentation and governance weaknesses of the current arrangements. Experience in other areas has shown that combined authorities are well-based to lead action on these areas through both a far higher degree of collaboration between the councils in the area and securing and exploiting devolved powers and resources from government. It is clear from the analysis in this report that securing devolution of this type is essential if the ambitions for the area are to be delivered. A combined authority would have the powers and responsibilities needed to develop and deliver a long-term strategy for South Essex overcoming the fragmentation that currently exists.



Health and care and policing are also important to the future of South Essex. Our analysis has shown that the current arrangements do not provide a distinct focus on South Essex. In the future, if it was felt to be appropriate, this focus could be provided by a combined authority.

It is also clear from experience elsewhere that the government has been more willing to devolve a more ambitious set of powers and resources to mayoral CAs, than to non-mayoral CAs.

## Will the CA help to secure effective and convenient local government?

Four factors currently have a significant influence on the effectiveness of local government in South Essex:

- The number of councils involved. At present, for example, three councils have responsibility for highways and transport in an area in which a single, integrated strategic approach is required;
- The existence of two small unitary councils which, in common with other councils of the same generation, face capacity issues in securing change at the scale required to address the economic opportunities and challenges in South Essex;
- Over a third of South Essex has a two-tier system of local government, with the county council being responsible for a far wider geographical area;
- The unitary and district councils in South Essex all have annual elections and many change control frequently and/or have periods of no overall control. This can make it difficult to provide the stable and sustained political leadership that is needed to deliver a programme of activity that is being promoted for South Essex.

A combined authority would address the weaknesses that can arise in these circumstances by providing:

- The powers necessary to make progress on the key strategic issues;
- Additional capacity for South Essex as a whole on those issues;
- An unambiguous focus on South Essex.

A mayor would add further value including:

- The stability of a four-year term of office;
- The personal mandate and soft power it enables;
- The ability to raise a precept and business rate supplement;
- The ability to set up a mayoral development corporation.

## Does the proposed CA reflect local identity and the interests of local communities?

The key to delivering the ambitions for South Essex is a combination of strategic action on skills, the economy and connectivity with place shaping and community wealth creation at a local level. The creation of a combined authority, with devolved powers and resources would deliver the former. It would also free up the councils in the area to empower, enable and support the communities and

places they serve. The role of the councils as members of the CA, alongside a mayor, would ensure a real link between the two. The constitution of the CA could also provide for the creation of a LEP or business board which would have non-constituent member status on the CA and ensure a business voice in the CA's decision-making.

## Will it enable the negotiation of an ambitious devolution agreement with government?

At the time of writing the anticipated devolution white paper has not been published. The experience over the last few years, however, is that the election of a "metro Mayor" has been a precondition of an ambitious devolution agreement with government. There is no reason to think that this position will change.

## Summary of findings with recommendations

This report concludes that the future governance arrangement for South Essex is essentially one of four levels of ambition:

- Simply seeking to strengthen ASELA will not enable the delivery of the prospectus and vision for South Essex.

- Replacing ASELA with a joint committee would not overcome the fundamental weaknesses with the current arrangements but would be an important and potentially useful step on the way to putting more robust arrangements in place.
- The case for establishing a South Essex Combined Authority meets the statutory tests for doing so. A combined authority would have the powers needed to delivery a long term strategy for the area, but a mayoral combined authority would have two significant advantages:
  - It would be more likely than a non-mayoral authority to negotiate an ambitious devolution agreement with government;
  - A mayor with a four year term of office would provide a degree of stability and certainty that would strengthen governance in the area.

**CABINET**

**22nd July 2020**

**Subject: Corporate Performance Scorecard Quarter 4 2019/20**

**Cabinet Member: Councillor Varker - Resources**

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**1. Purpose of Report**

- 1.1 To set out the performance figures for the Corporate Performance Scorecard for quarter 4 2019/20.**

**2. Links to Council's priorities and objectives**

- 2.1 The scorecard is explicitly linked to the Council's priorities.**

**3. Recommendations**

- 3.1 That Cabinet notes the report and continues to monitor performance.**
- 3.2 That Cabinet considers and agrees the proposed indicators for performance monitoring for this financial year as set out in Appendix 2.**
- 

**4. Background**

- 4.1 The Corporate Scorecard reports on performance indicators for important service outcomes that are relevant to the Council's priorities.**
- 4.2 The indicators for the Corporate Performance Scorecard for 2019/20 were considered and approved by Cabinet in June 2019.**

**5. Report**

**5.1 Summary of performance**

- 5.1.1 The performance summary in Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard. Of the 24 indicators reported, 16 are at or above target, a further 4 are near target and 2 indicators did not meet the target. The homelessness indicator – split into two parts – has a new definition for 2019/20 and therefore will not have a target until we can establish a baseline of typical performance over the year. Trend in performance shows that there is improving performance in 14 indicators, decreasing performance for 2 indicators and performance levels maintained for a further 4 indicators. The remaining 4 indicators do not have an indication of trend.**

5.1.2 Performance is set out against the four priorities in the corporate plan as follows:

### ***Environment***

Both the household recycling and household composting (including food waste) figures are above target at year-end. This means that over 50% of household waste collected is either recycled or composted.

The good performance for street cleanliness continues this quarter and is on target with just 8.9% of inspected streets deemed unsatisfactory, down from 9.6% over the same period last year.

Fly tipping removal is above target, maintaining high levels of performance where 99% of fly tips are removed within one working day. Highway grass verge cutting resumed in March and during this month there were no default notices served. The number of requests received in relation to highway grass verge cutting was low with just six requests.

Ordinarily, this year-end report includes some satisfaction measures for the following:

- Parks and open spaces
- Refuse and recycling collections
- Efforts to keep public land free of litter and refuse

Data for this comes from a resident survey commissioned by Essex County Council. Although the survey was undertaken as planned during March through to early April, response rates were lower than normal and analysis has been delayed. Therefore, there is no performance to report at this current time but this will be made available to Cabinet once the survey results are released later in the year.

### ***Housing and Regeneration***

Tenant satisfaction with repairs and maintenance at 99.5% remains strong and is at the highest level it has been in the six years of the contract. The average void turnaround time was 21.1 days for the quarter, just missing target but down from 27.3 days over the same period last year. This is due mainly to several hard-to-let properties which, when eventually let, impacted on performance.

The percentage of planning applications processed within target times has two measures – one for major and one for non-major applications. The method of calculating these planning indicators now mirrors the method used for returns to Government – this gives a longer-term view of performance as it looks over a rolling two-year period. Nationally set targets have been comfortably achieved and performance has improved when compared with the same period last year.

The building control service ensured all applications were processed within statutory timescales.

Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The Council also approved the LDS.

The LDS requires consultation at Regulation 19 which started in December 2019 and ran to 14 February. Responses are being reviewed and summarised into a Statement of Community Engagement. Any further work required to improve soundness and legal compliance in light of the responses is being undertaken. The Plan is to be submitted in Summer 2020.

The JSP is part of a suite of documents that set out how the transformation will be achieved and investment secured for south Essex. The preparation of the Joint Strategic Plan (JSP) has run concurrent with the development of the wider strategies for South Essex and will be based on those strategies. The JSP is part of a suite of documents that set out how the transformation will be achieved and investment secured for south Essex.

### ***Health and Community Safety***

The Homelessness indicator was introduced in Q4 2018/19, following the introduction of the Homeless Reduction Act. This indicator looks at the success rate of the homelessness team in preventing and relieving homelessness. Performance is derived from Government-verified statistics which, at the time of publication of this report, show performance to the end of December 2019. Year-to-date performance shows that the service secured accommodation for 7 out of every 10 households to whom the Council owed a Prevention duty and 4 out of 10 households to whom we owed a Relief duty.

The percentage of food premises that have been awarded a score of at least 3 on the food hygiene rating scheme was 92% (405 of 440 premises) and exceeded the target of 90% which is strong performance.

Satisfaction with Leisure Services is measured by a Net Promoter Score which can range from -100 (where everybody is a detractor and would not recommend the service) to +100 (where everybody is a promoter and would recommend the service). Waterside Farm achieved an exceptionally high score of 79 with Runnymede achieving a very high score of 64. Both scores are improvements on the same period last year, although the Runnymede score is just below target.

The number of leisure memberships stood at 3,068 at the end of Q4 2019/20, an increase from 2,869 memberships at the same point in 2018/19. The service was on target to reach 3,200 memberships by the end of the financial year but March saw a fall in the number of new memberships because of uncertainty around the impact of coronavirus.

### ***A Commercial and Democratically Accountable Council***

The First Contact team continue to deal with queries effectively; 95% of calls received were dealt with at the first point of contact without the need to transfer to the back office. This is on target and maintains a consistently high level of performance.

The sickness absence indicator has been split between short-term and long-term (4 calendar weeks or more) with targets adjusted to reflect levels seen in previous years as well as some comparative data. At 4.6 days against a target of 4.6 days, short-term absence has met target. Long-term absence has increased from the

same period last year (from 4.1 days to 5.4 days) and is missing its target. All sickness absence is reported to First Care who provide health advice to the employee and management information to the services. This includes alerts when triggers are met and reminders to complete Return to Work Interviews. These processes involve referral to Occupational Health/Counselling when required and management review meetings.

Another new measure for 2019/20 is the number of wheeled bin garden waste subscribers. The service has an annual target of 8,970 subscribers to the wheeled bin garden waste collection service. Performance at the end of Q4 (9,444 subscribers) means the service has met this annual target.

The Council is keen to encourage members of the public and businesses to sign up to its e-billing service for council tax and business rates. The number signed up this service is 7,499 which is just one customer below the year-end target of 7,500

- 5.1.3 Further information and commentary on performance is set out in the table in Appendix 1.

## **5.2 Indicators for Corporate Scorecard 2020/21**

- 5.2.1 Appendix 2 details the proposed performance indicators for the Corporate Scorecard. These have been developed to reflect the corporate objectives for 2020/21 whilst paying attention to the areas of the Council's businesses that have been impacted by Covid-19 and will likely continue to be affected over the remainder of 2020/21. They continue to be grouped around the medium-term priorities for the Council as set out in the Corporate Plan 2018-21.
- 5.2.2 The refreshed scorecard includes quarterly and annual performance indicators. It is proposed that annual indicators are removed from scorecard reports until they can be reported at the end of the financial year.
- 5.2.3 Members will see that there it is proposed that all but one of the current indicators are retained. The one indicator proposed for removal is the *Percentage of Building Control applications processed within statutory time limits*. Performance in this area has been consistently high and therefore will continue to be monitored at service level only.
- 5.2.4 It is proposed that the indicator *Take up of e-billing services for Council Tax and Business Rates* is changed to *Channel shift to online services* with two parts to this measure: a) *take up of e-billing for Council Tax and Business Rates*; and b) *use of Open Channel online forms*
- 5.2.5 The following four additional indicators are proposed for inclusion:
- i. *Number of new affordable homes in the Borough* – reflects the corporate plan target of 40 new affordable or social rented homes by March 2021

- ii. *Proportion of people participating in physical activity* – reflects the corporate plan target to increase the proportion of people who are physically active from the 2017/18 baseline of 68%
- iii. *Proportion of people who feel unsafe after dark* – reflects the corporate plan target to reduce this to 35%
- iv. *Average time to process benefits claims: a) new claims b) change of circumstances* – an indicator to allow for oversight of potential economic impact of Covid-19 and performance of the Council in processing benefit claims

5.2.6 It is further proposed that the scorecard is flexible and takes into account any performance issues arising during the year. For example, if performance for a service area is significantly off target, but is currently not on the corporate scorecard, it may be appropriate to include such measures in future scorecard reports to ensure Cabinet are updated of any significant performance issues and any actions being taken to deal with these issues.

## **6. Corporate Implications**

### **a. Financial implications**

Good performance on some indicators can lead to reduced costs.

### **b. Legal implications**

There are no direct legal implications at this stage.

### **c. Human resources and equality**

There are no direct human resource or equality implications at this stage.

### **d. Timescale for implementation and risk factors**




Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

## **7. Background Papers:**

None

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Key	
	More than relative 10% below target
	Less than relative 10% below target
	On or above target

## Appendix 1: Corporate Scorecard 2019/20 (Environment)

Quarter 4: 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020

Note: All performance values are cumulative (i.e. from 1<sup>st</sup> April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q4 Value 2018/2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
OPS4: Percentage of Household Waste Recycled  Service Manager: Operational Services Manager	24.8%	25.9%	25.0%	↑		Performance is above target and an improvement on the same period in 2018/19.  <i>Note: This is now finalised data for the year.</i>
OPS5: Percentage of Household Waste Composted (including food waste)  Service Manager: Operational Services Manager	23.9%	25.6%	25.0%	↑		Performance is above target and an improvement on the same period in 2018/19.  <i>Note: This is now finalised data for the year.</i>
SS2 Percentage of streets inspected which are deemed to be unsatisfactory using Code of Practice for Litter and Refuse methodology.  Service Manager: Contracts Manager	9.6%	8.9%	Less than 10.0%	↑		Pinnacle continue to keep levels of litter below 10%, this shows a continued high performance from the contract. Service requests for litter dropped from 614 for 2018/19 to 461 for 2019/20.




PI Code & Short Name	Q4 Value 2018/ 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
SS3: Fly tips removed within one working day  Service Manager: Contracts Manager	99%	99%	90%	↔		All fly tips except one were removed in Q4 within one working day. Q4 2019/20 showed an increase of six fly tips over the same period in 2018/19, although this is not significant enough for any concern.
SS4: Number of default notices served in relation to Highway Grass Verge cutting  Service Manager: Contracts Manager	0	0	Under 90	↔		No default notices were served in Q4 2019/20. Grass cutting resumed on the 1st March.
SS5: Number of service requests received in relation to Highway Grass Verge cutting  Service Manager: Contracts Manager	5	6	45	↓		Grass cutting resumed in the last month of this quarter and so a small number of service requests were received. There was one more service request this quarter than in the same period last year.

# Corporate Scorecard 2019/20 (Housing and Regeneration)

Quarter 4: 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020

Note: All performance values are cumulative (i.e. from 1<sup>st</sup> April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q4 Value 2018 / 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
HOS1: Overall tenant satisfaction with repairs and maintenance  Service Manager: Housing Services Manager	97.1%	99.5% (YTD)	97%	↑	✓	Resident satisfaction with repairs and maintenance remains in excess of target and is at the highest level it has been in the six years of the contract.
HOS6: Average Void Turnaround Time  Service Manager: Housing Services Manager	27.3 Days	21.1 Days	20.5 Days	↑	⚠	Performance has improved greatly when compared with this time last year and is only just off target. This is due mainly to several hard-to-let properties which, when eventually let, impact on performance.
Percentage of planning applications processed within target time limits for major and non-major applications  Service Manager: Planning & Development Enforcement Manager	97.4%  99.0%	97.8%  99.2% (see note)	Major 60%  Non-Major 70%	↑  ↑	✓  ✓	This definition of this indicator has changed in 2019/20 to reflect the returns to Central Government. Performance is now shown on a two-yearly rolling basis. Performance determining Major and Non-Major applications has improved since the same period last year and both are comfortably above Government-set targets  <i>Note: Figures represent performance for 24 months to the end of December 2019 as Government-produced statistics to the end March 2020 are not yet available.</i>




PI Code & Short Name	Q4 Value 2018 / 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
BC1: Percentage of Building Control applications processed within statutory time limits  Service Manager: Building Control Manager	100%	100%	100%	↔		All applications continue to be processed within time limits.
NEW: Progress of Local Plan against the milestones set out in the Local Development Scheme (LDS)  Service Manager: Head of Place and Policy	N/A	N/A	100%	N/A		<p>Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The Council also approved the LDS.</p> <p>The LDS requires consultation at Regulation 19 which started in December 2019 and ran to 14 February. Responses are being reviewed and summarised into a Statement of Community Engagement.</p> <p>Any further work required to improve soundness and legal compliance in light of the responses is being undertaken.</p> <p>Plan aims to be submitted in Summer 2020.</p>
NEW: Progress of the Joint Strategic Plan against the milestones set out in the Local Development Scheme (LDS)  Service Manager: Head of Place and Policy	N/A	0%	100%	N/A		<p>The JSP is part of a suite of documents that set out how the transformation will be achieved and investment secured for south Essex.</p> <p>The preparation of the Joint Strategic Plan (JSP) has run concurrent with the development of the wider strategies for South Essex and will be based on those strategies.</p> <p>The JSP is part of a suite of documents that set out how the transformation will be achieved and investment secured for south Essex.</p>

# Corporate Scorecard 2019/20 (Health and Community Safety)

Quarter 4: 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020

Note: All performance values are cumulative (i.e. from 1<sup>st</sup> April to end of June/September/December/March) unless otherwise stated




PI Code & Short Name	Q4 Value 2018 / 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
<p>NEW: Percentage of prevention or relief duties which ended during the quarter with a successful outcome of:</p> <p>a) Homelessness Prevented b) Homelessness Relieved</p> <p>Service Manager: Housing Options Manager</p>	N/A	<p>a) 73% b) 44% (Q3 cumulative performance – see note)</p>	TBC	N/A	N/A	<p>This is a new measure for 2019/20 and therefore will not have a target until we can establish a baseline of performance over the entire year.</p> <p>From 1 April 2019 to 31 December 2019:</p> <ul style="list-style-type: none"> <li>the Prevention duty ended for 126 households of which we secured accommodation for 92 households (73%).</li> <li>the Relief duty ended for 115 households of which we secured accommodation for 51 households (44%)</li> </ul> <p><i>Note: Performance is cumulative and figures represent performance from April 2019 to end December 2019 – delay is due to verification process from Ministry of Housing, Communities and Local Government.</i></p>
<p>EH2: Percentage of food premises that are awarded a score of at least 3 on the food hygiene rating scheme.</p> <p>Service Manager: Environmental Health Operational Manager</p>	90%	92%	90%	↑	✓	92% (405 of 440 premises) rated under the food hygiene rating scheme were awarded 3* or above.

PI Code & Short Name	Q4 Value 2018 / 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
<p>L1: Leisure satisfaction – Net Promoter Score</p> <p>a) Waterside Farm b) Runnymede</p> <p>Service Manager: Leisure and Community Services Manager</p>	<p>a) 70 b) 53</p>	<p>a) 79 b) 64</p>	65	<p>↑ ↑</p>	<p>a)  b) </p>	<p>The leisure centres continue to score very highly in the Net Promoter Score with results for both centres showing improvement on performance at the same time last year.</p> <p>The Runnymede score is just below target but has improved from 53 to 64.</p>
<p>L3: Leisure Memberships</p> <p>Service Manager: Leisure and Community Services Manager</p>	2869	3068	3200 (annual target)	↑		<p>The number of leisure memberships stood at 3068 at the end of Q4 2019/20. This was an increase from the same point in 2018/19 although just below target for the year.</p> <p>March saw a fall in the number of new memberships because of uncertainty around the impact of coronavirus.</p>

# Corporate Scorecard 2019/20 (A Commercial and Democratically Accountable Council)

Quarter 4: 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020

Note: All performance values are cumulative (i.e. from 1<sup>st</sup> April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q4 Value 2018/ 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
<p>FC1: Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office</p> <p>Service Manager: Revenues &amp; Benefits Transformation Manager</p>	95%	95%	95%	↔		<p>Performance has been consistently high, is the same at this time last year and has met target.</p> <p>Of the 16,830 calls received, 15,989 were dealt with at the first point of contact without the need to transfer to the back office.</p>
<p>CORP1: Average number of days sickness absence per FTE staff for all Council Services (rolling year)</p> <p>a) Short term b) Long term</p> <p>Service Manager: Human Resources Manager</p>	<p>a) 4.5 days b) 4.1 days</p>	<p>a) 4.6 days b) 5.4 days</p>	<p>a) 4.6 days b) 3.9 days</p>	<p>↑ ↓</p>	  	<p>This measure now shows sickness absence levels split by short-term and long-term (4 calendar weeks or more). Both are reported on a rolling year and targets have been adjusted considering past performance and comparative data.</p> <p>Short-term sickness absence is 4.6 days and meeting the target.</p> <p>Long-term sickness absence is 5.4 days, missing target and up from 4.1 days at the same time last year. This figure is affected by a small number of employees with serious health conditions.</p>

PI Code & Short Name	Q4 Value 2018/ 2019	Q4 Value 2019 / 2020	Target	Trend	Status	Comments
						All sickness absence is reported to First Care who provide health advice to the employee and management information to the services. This includes alerts when triggers are met and reminders to complete Return to Work Interviews. These processes involve referral to Occupational Health/Counselling when required and management review meetings.
NEW: Number of wheeled bin garden waste subscribers  Service Manager: Operational Services Manager	8267	9444	Annual Target 8970	↑	✅	The service has an annual target of 8970 subscribers to the wheeled bin garden waste collection service and this target has been exceeded at the end of Q3.  The number of new subscribers expected in Q4 is very low as it is too close to the end of the financial year.
REV6: Take up of e-billing services for Council Tax and Business Rates  Service Manager: Revenues & Benefits Transformation Manager	6940	7499	7500	↑	⚠️	The number of customers signed up to e-billing was 7499 at the end of Q4 which is 99.99% of the target figure.



## Appendix 2 – Scorecard Indicators 2019/20 and Proposed Corporate Scorecard Indicators 2020/21



# Corporate Plan 2018-21

## Proposed Scorecard Indicators 2020/21



Environment	Housing & Regeneration	Health & Community Safety	A Commercial & Democratically Accountable Council
<p>OPS4: Percentage of household waste recycled <span>Q</span></p> <p>OPS5: Percentage of household waste composted <span>Q</span></p> <p>SS2: Percentage of streets inspected which are deemed to be unsatisfactory using code of practice for litter and refuse methodology <span>Q</span></p> <p>SS3: Percentage of fly tips removed within one working day <span>Q</span></p> <p>SS14: Number of Default Notices served in relation to Highway grass verge cutting <span>Q</span></p> <p>SS13: Number of Service Requests received in relation to Grass Cutting <span>Q</span></p> <p>OPS2: Customer satisfaction with parks &amp; open spaces <span>A</span></p> <p>OPS3: Customer satisfaction with refuse and recycling collections <span>A</span></p> <p>SS1: Public Satisfaction with Council's efforts to keep public land clear of litter and refuse <span>A</span></p>	<p>HOS1: Overall tenant satisfaction with repairs and maintenance <span>Q</span></p> <p>HOS6: Average Void Turnaround Time <span>Q</span></p> <p>DC7 &amp; DC8: Percentage of planning applications processed within target time limits for major, minor and other applications <span>Q</span></p> <p>PP1: Progress of Local Plan against the milestones set out in the Local Development Scheme <span>Q</span></p> <p>PP2: Progress of the Joint Strategic Plan against the milestones set out in the Local Development Scheme <span>Q</span></p> <p>NEW: Number of new affordable homes in the Borough <span>Q</span></p>	<p>HOT21 &amp; HOT22: Percentage of prevention or relief duties which ended during the quarter with a successful outcome: a) prevention b) relief <span>Q</span></p> <p>EH2: Percentage of food premises that are awarded a score of at least 3 on the food hygiene rating scheme <span>Q</span></p> <p>L1: Leisure satisfaction – Net Promoter Score a) Waterside Farm b) Runnymede <span>Q</span></p> <p>L3: Leisure Memberships <span>Q</span></p> <p>NEW: Proportion of people participating in physical activity <span>A</span></p> <p>NEW: Proportion of people who feel unsafe after dark <span>A</span></p>	<p>FC1: Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office <span>Q</span></p> <p>CORP1a &amp; CORP1b: Average number of days sickness absence per FTE staff for all Council Services (rolling year) a) short term b) long term <span>Q</span></p> <p>OPS16: Number of wheeled bin garden waste subscribers <span>Q</span></p> <p>REVISED: Channel shift to online services: a) take up of e-billing for Council Tax and Business Rates b) use of Open Channel online forms <span>Q</span></p> <p>NEW: Average time to process benefits claims: a) new claims b) change of circumstances <span>Q</span></p>
<p><span>Q</span> Quarterly indicator</p> <p><span>A</span> Annual indicator</p>			

**CABINET**

**22nd JULY 2020**

**Subject: Food & Health and Safety Service Plan 2020/21**

**Cabinet Member: Councillor Johnson – Health and Well Being**

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**1. Purpose of Report**

**1.1 This report seeks approval of the Council's Food & Health and Safety Service Plan for 2020/21**

**2. Links to Council's Priorities and Objectives**

**2.1 The service plan links with the Council's Health and Community Safety priority.**

**3. Recommendations**

**That the Cabinet:**

**3.1 Approve the Food & Health and Safety Service Plan for 2020/21**

**3.2 Takes note of the additional work currently being completed by the Environmental Health Service regarding protection of the public during the COVID-19 pandemic.**

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**4. Background**

**4.1 The Food Standards Agency requires every local authority to produce a Food Service Plan in accordance with the guidelines set out in the Agency's Framework Agreement on Local Authority Food Law Enforcement.**

**4.2 The Plan provides the basis on which the Council's food service delivery will be monitored and audited by the Food Standards Agency and must be produced in line with the common format set out by the Agency.**

**4.3 The Agency states that the Service Plan must be approved by the relevant Member forum to ensure transparency and accountability.**



- 4.4 A second section of the service plan covers Health and Safety regulation. Health and Safety Executive (HSE) guidance requires every local authority to publish and make public, a risk-based service plan covering our Health and Safety activities.
- 4.5 This report seeks approval of the 2020/21 Food & Health and Safety Service Plan.
- 4.6 Councilors are also asked to note the potential impact of COVID-19 in terms of the effect on the ability of the Service to complete all aspects of the plan, within the current financial year. Environmental Health staff are currently engaged in additional public protection duties regarding business closures / social distancing in light of the COVID-19 pandemic and expect to have additional involvement with the contact tracing system currently being set up by the government. We are not yet able to know exactly the impact of this additional work on the available staffing resource. In all cases priority is intended to be given to works regulating higher risk activities.

## **5. Corporate Implications**

### **(a) Financial Implications**

There are no financial implications to this report. It is intended that matters referred to in the attached service plan will be met within existing resource.

### **(b) Legal Implications**

Under Section 6 of the Food Safety Act 1990, the Council has a statutory duty to provide a food law enforcement service. The Food Standards Agency takes a pro-active role in setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure this activity is effective and undertaken on a consistent basis. The attached Service Plan at Appendix 1 meets this requirement.

Section 18 of the Health and Safety at Work etc Act 1974 requires the HSE and Councils to make adequate arrangements for the enforcement of the statutory provisions contained in the Act. The latest version of the National Local Authority Enforcement Code contains guidance on how to ensure compliance with S18, which includes the publication of a risk-based service plan. The attached service plan at Appendix 1 meets this requirement.

### **(c) Human Resources and Equality Implications**

There are no human resources or equality implications associated with this report.

## **6. Timescale for implementation and Risk Factors**

Subject to Cabinet approval, the policy will take immediate effect.

Appendix 1: Food & Health and Safety Service Plan 2020/21.

**Report Author – Simon Llewellyn, Environmental Health Operational Manager**



## **Environmental Health Services**

# **Food Service Plan & Health and Safety Service Plan 2020/21**

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## **SECTION 1 – FOOD SAFETY**

### **1.0 Service Aims and Objectives**

#### **1.1 Aims and Objectives**

Environmental Health Services are committed to trying to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the Borough is safe for the consumer. The Service will use a balance of techniques and approaches including an educative approach to ensure the safety and wellbeing of both employees and members of the Public and will target available resources where they are most effective and at the areas of highest risk.

Environmental Health staff will adopt an approach to enforcement based upon an assessment of the risk to Public Health and will include the investigation of cases of food poisoning and food complaints as well as the inspection of food premises. Staff will abide by the Service enforcement policy and due regard will be had to guidance contained in the statutory codes of practice and to guidance from recognised bodies such as the Office for Product Safety and Standards.

Due regard will also be taken of the Statutory “Regulators Code” produced by the Department for Business, Energy and Industrial Strategy. This code is part of the Governments Better Regulation Agenda to enable a risk-based, proportionate and targeted approach to regulatory inspection and enforcement. Staff will carry out activities in this Service Plan in accordance with the principles of the code.

#### **1.2 Links to Corporate objectives and Plans**

The Council Priorities identified in the Corporate Business Plan (2018 -21) are Environment, Housing and Regeneration, Health and Community Safety & a commercial and democratically accountable council. This service plan reflects positively on the priorities and contributes towards the objectives of the Council.

## **2. Background**

### **2.1 Profile of the Castle Point Borough**

The Borough of Castle Point is situated on the coastline of South East Essex and has an area of approximately 63 square km. Canvey Island is to the South with the mainland of Benfleet to the North composing South Benfleet, Thundersley, Hadleigh and Daws Heath. The Borough is essentially urban in character with major residential areas and sites for Industry.

The Borough has a population of approximately 89,000.

### **2.2 Organisational Structure**

The Environmental Health Operational Manager has overall management responsibility for the Service including food service delivery. The day to day work activities are undertaken by a team of Environmental Health Officers, supervised by a Team Leader. As a generic service, all officers also deal with Environmental Protection, Housing, Health and Safety, miscellaneous registration of activities covered under local bylaws (tattooists, electrolysis, ear piercing) and acting as

consultee's for relevant planning and licensing applications. Technical officers are available to assist Environmental Health Officers with their duties.

The Environmental Health Service makes provision for specialist services to be provided by the Public Analyst and Health Protection England whenever the need arises.

### **2.3 Scope of the Food Service**

In addition to undertaking the statutory enforcement responsibilities imposed by food safety legislation, the service adopts an educative approach to food safety through health promotion, coaching sessions and the provision of advice to business.

The scope of food related services provided by Environmental Health Services are as follows:

2.3.1 Establishing and maintaining an up to date **register of all food premises** and mobile food vehicles trading within the district.

2.3.2 **Planned interventions of food premises** – All food premises are currently inspected, or an alternative intervention carried out on a regular basis. The inspection frequency of each food premises is programmed according to the risk rating system prescribed in Food Law Code of Practice (England) which considers potential hazards, level of compliance and confidence in management control systems. Officer's advise on good practice and ensure compliance with legal requirements.

2.3.3 **A range of 'interventions'** are available to officers as an alternative to a full inspection, where the business was rated as 'broadly compliant' during the previous visit. The interventions are split into 'official controls' (such as inspections, audits, sampling visits, verification) and 'other interventions' (education, advice, coaching, etc.) In general, businesses with a risk rating of A or B (and some 'non-compliant' C's) will still require a full or partial inspection. Officers will gain more flexibility when visiting 'broadly compliant' C rated premises, D or E rated premises officers have the option to use an alternative type of intervention, where this is appropriate.

2.3.4 **Revisits** – Where the operator of a food business is required to undertake works in order to comply with the food safety legislation, a revisit (secondary inspection) may be undertaken after the date specified for compliance.

2.3.5 **Investigation of Complaints** – The service responds to all justifiable complaints about food premises and food purchased within the Castle Point Borough. Each complaint is investigated to determine appropriate enforcement and to ensure precautions are taken to prevent a recurrence. This often involves contacting manufacturing companies and other local authorities.

2.3.6 **Investigation of food borne illnesses** – Notification of cases of food poisoning is received from general practitioners, the local health authority and their laboratory services. Each notification is investigated, and appropriate action taken to prevent spread of infection.

2.3.7 **Food Hygiene Promotion and Education** – As part of the services commitment to promoting public health the service undertakes various food

safety initiatives. These have included seminars to local businesses, Food Safety Week, provision of newsletters and providing advice and assistance to businesses at the time of inspection and on request.

- 2.3.8 **Incidents** – On notification from the Food Standards Agency in respect of certain foodstuffs, and where necessary the service takes all appropriate measures to ensure foods are withdrawn from sale within the borough.
- 2.3.9 **Food premises approvals** – Certain food operations require prior approval by the local authority. Premises are inspected prior to issuing approvals and systems regularly monitored thereafter to ensure continued compliance with the legal requirements.
- 2.3.10 **Food sampling** – Sampling is undertaken to monitor food safety standards during inspection and as part of national and local microbiological food sampling programmes.
- 2.3.11 **Food Inspection** -Investigate all food found within the borough that might be contaminated or have been illegally imported and take necessary action.
- 2.3.12 **Food Alerts** – Receive and act (as appropriate) on receipt of food alerts from the FSA.
- 2.3.13 **Food Hygiene Rating Scheme** – Operate the national food hygiene rating scheme (FHRS) on behalf of the FSA in the Borough.
- 2.3.14 **Export certification** – provide export certification for businesses in the borough as appropriate.
- 2.3.15 **Private water supplies** – The service is responsible for the identification, risk assessment and monitoring of private water supplies (boreholes, springs, etc) and private distribution networks within the Borough.
- 2.3.11 **Other Services** – Food safety officers are expected to address occupational safety matters arising during the course of food safety inspections. They also, where necessary, investigate water borne incidents and infectious disease other than food poisoning; comment on applications for premises licences under the Licensing Act 2003 and on planning and building control applications regarding food premises.

## **2.4 Demands on the Food Service**

- 2.4.1 As at 1<sup>st</sup> April 2020 we have identified that the service is responsible for enforcing Food Safety in **505** food premises within the Castle Point Borough. The risk assessment programme for food safety is set out in the Food Law Code of Practice (England) Inspection Rating Scheme. The criteria provides that all food premises should be subject to a degree of surveillance although the code now allows alternative enforcement methods to be used with the lowest risk premises.

The 505 food premises have been categorised as follows:

<b>Risk Category</b>	<b>Number of Premises</b>	<b>Intervention Frequency</b>
A	1	at least every 6 months
B	17	at least every 12 months
C	110	at least every 18 months
D	187	at least every 2 years
E	182	alternative enforcement strategy – 3 years
UNRATED	8	Inspection due within 28 days

Premises grouped by 'main activity'

Premises outside of inspection programme	0
The number identified as Manufacturing premises are	5
The number identified as Retail premises are	118
The number identified as Catering premises are	380
Producers, Packers, wholesalers, Distributors	2

As of 1<sup>st</sup> April 2020, approximately 92% of food premises in the borough are “broadly compliant.” This is a local indicator of the percentage of food premises in Castle Point that score 3 or above using the national Food Hygiene Rating Scheme, when compared against the total number of rated premises. The 2020/21 target is 90%

**2.4.2** The service is delivered from the Council Offices, Kiln Road, Benfleet. The office opening hours are Monday to Thursday 08:45 – 17:15 and Friday 08:45 – 16:45. Out of hours inspections are carried out where premises are not open for trade during the daytime.

**2.4.3** Arrangements are in place for contacting senior officers regarding matters arising outside of normal working hours e.g. food poisoning outbreaks, food safety incidents and food alerts.

**2.4.4 Factors likely to have an impact on service delivery this year include: -**

COVID-19 – The impact of COVID-19 on the Food / H&S service is likely to be a significant factor for Environmental Health, during the 2020/21 financial year and beyond. Due to the initial impact of the virus and safety risks to staff and customers, the Service stopped proactive inspections of food premises in late March 2020. The Food Standards Agency (FSA) subsequently suspended all routine inspections until at least July 2020. Complaints and high-risk situations / premises are still being dealt with by the Service, with site visits subject to risk assessment.

In terms of Health and Safety regulation, the service is now additionally responsible for enforcement of the 2020 Coronavirus Regulations, ensuring businesses that are required to close during the pandemic, remain closed and taking appropriate action where they fail to do so. The service is also responsible for the enforcement of social distancing requirements within businesses and are potentially due to assist the PHE and Director of Public Health with 'Track and Trace' of suspected COVID cases.

All the above is likely to have an impact on overall resource, timings of inspections and our ability to meet targets and aspirations noted in this plan. However, we intend

to prioritise high risk areas of work such as COVID-19 and higher risk food / H&S premises, to ensure that a high standard of public protection is maintained.

## **2.5 Enforcement Policy**

The Service has adopted the Government's "Regulators Code" which contains statutory guidance and means that the Council is committed to open and fair enforcement of the law pertaining to food safety. The service has produced a food safety enforcement policy to further clarify how the code/policy applies to food safety enforcement in the Borough, which is also guided by the overarching corporate CPBC enforcement policy.

## **3.0 Service Delivery**

### **3.1 Food Premises Interventions**

3.1.1) The food service carries out programmed interventions of food premises to assess the hygiene of those premises and the public health protection aspects of the law. The service has a documented procedure for food hygiene interventions which is reviewed regularly and revised as and when legislation/guidance changes.

3.1.2) Following every primary food hygiene intervention officers assess the risk posed by the business with reference to the nature of its operation; the level of compliance with food safety requirements and confidence in its management. The risk rating is used to determine the frequency of inspection.

#### **Intervention programme due 2020/21**

<b>Criteria</b>	<b>Programmed interventions due 2020/21</b>
A - rated premises (highest risk)	1
B – rated premises	17
C – rated premises	79
D – rated premises	99
E – rated premises (lowest risk)	61
Unrated premises	10
<b>Total intervention programme</b>	<b>267</b>

#### **Non-programmed interventions**

3.1.3) Revisits will be undertaken where significant breaches of hygiene regulations are identified during inspection. Based on the percentage of inspections previously generating revisits, it is estimated that at least **25** will be required in 2020/21

3.1.4) Based on previous year's figures there are estimated to be **55** new businesses (including change of ownership) that will require an intervention in 2020/21. These additional visits will be classified as non-programmed interventions. In addition, we expect **20** additional inspections to be undertaken as a result of the 'request for rescore' option under FHRS, where businesses that have completed works required by an inspector can request a further inspection to re-score their business.

3.1.5) It is estimated that **0** premises will require formal approval during 2020/21.

3.1.6) The Food Law Code of Practice requires 100% of premises due for inspection to be inspected during the year within 28 days of their due date. Priority is given to high risk (Category A, B and C) inspections. Category E premises may be risk rated by alternative inspection strategies. Category D premises may be subject to alternative intervention strategies at every other due intervention. **Due to the COVID-19 pandemic, the FSA has formally suspended all routine inspections until at least July 2020.**

3.1.7) Inspections / interventions are undertaken by Environmental Health Officers (EHO's) who also carry out other food safety functions such as investigating food complaints, complaints regarding food business operations, enquiries and requests for advice, food sampling and investigation of poor sampling results. As a generic service, EHO's also cover the full range of Environmental Health disciplines.

3.1.8) All officers have access to the following technical support:

- RIAMS (internet based) suite of EH / Food safety procedures.
- Food Standards Agency (FSA) website, publications and seminars.
- Internet Access.
- Various printed literature and technical documents.

3.1.9) No additional targeted inspection activity will be carried out unless a request is made by the Food Standards Agency as this could require extra resource.

## **3.2 Complaints about Food and Food Businesses.**

3.2.1) Policy and Procedures for responding to and dealing with complaints, enquiries and other requests for service are documented. These are reviewed regularly and revised as and when legislation/guidance changes.

3.2.2) All justified complaints that are investigated are done so in accordance with the services enforcement policy and procedures. Emphasis is placed on those complaints that have the potential to cause most harm to Public Health.

3.2.3) If further investigation is required, the food complaint is sent to the Public Analyst for formal analysis or to the food examiner for microbiological examination. Designated public analysts under S27 of the Food Safety Act are Kent Scientific Services and Hampshire Scientific Services.

**Based on trends over the last three years it is estimated that the following number of complaints will be received during 2020/21**

Category of Service Request	17/18 actual	18/19 actual	19/20 actual	20/21 estimate
Food product complaint	16	13	6	12
Food hygiene complaint	44	37	64	48

### **3.3 Primary Authority**

3.3.1) Castle Point Borough Council has no formal Primary Authority agreements in place for any food business in this area at the present time.

3.3.2) There are an estimated **6** food businesses that originate within this Borough and we are willing to respond to requests from other Local Authorities which have received food complaints originating from businesses in our area and who seek our opinion.

3.3.3) In respect of these premises **2** complaints and referrals are estimated during 2020/21.

3.3.4) Extra resources would be required for meeting and advising those businesses for which we could act as Primary Authority.

3.3.5) The Primary Authority Scheme allows a business, or the Local Better Regulation Office, to nominate a local authority to become a central point of contact on regulatory matters linked to that business. It is not a requirement for the company to be in the nominated authority area. This service would actively consider such an approach but is unlikely to have the resources available to take on a large national organisation, unless funding for additional staff was available from a central source.

### **3.4 Advice to business**

3.4.1) The provision of advice is given to existing or proposed food businesses on request to help them comply with the law and to encourage best practice. This also reflects and contributes towards a major 'Hampton Principle' of providing authoritative, accessible advice easily and cheaply. This is achieved through a range of activities including:

- Advice given during inspections and other visits to premises.
- Provision of advisory leaflets
- Responding to service requests and enquiries
- Through participation in the "Safer Food Better Business" scheme.
- Through information placed on the Council's website.

3.4.2) Officers aim to give advice in accordance with recognised guidance and Codes of Practice and we ensure that on-site visits are made, where necessary, prior to opening of new businesses that we are aware of.

3.4.3) Procedures for responding to and dealing with complaints, enquiries and other service requests are documented. These will be reviewed regularly and revised as and when legislation/guidance changes.

**Based on trends over the last three years it is estimated that the following number of enquiries/requests will be received during 2020/21.**

Category of Service Request	17/18 actual	18/19 actual	19/20 actual	20/21 estimate
Advice requests	104	90	84	93

3.4.4) Extra resources would be required if the service were to have significant input into business partnerships or forums.

### **3.5 Food Sampling**

3.5.1) A procedure for the microbiological sampling of foodstuffs is documented and will be reviewed regularly and revised as and when legislation/guidance changes.

3.5.2) Most of the food sampling carried out by the service is undertaken for monitoring and surveillance purposes, on an informal basis, but occasionally formal food sampling is required.

3.5.3) Public Health England (formerly the Health Protection Agency) produce a regional co-ordinated food sampling programme. Additional sampling will be organised in-house based on local intelligence and previous results.

3.5.4) Other food sampling is undertaken where necessary, as part of food poisoning and complaint investigations or as part of food premises inspections to monitor hygiene standards and confirm adequacy of food processing systems.

3.5.5) Public Health England (PHE) allocates the Council credits for funding examinations of food carried out at the PHE (Food, Water and Environmental Laboratory) London.

3.5.6) The service has appointed Kent Scientific Services and Hampshire Scientific Services as the council's official public analysts, in accordance with section 27 of the Food Safety Act 1990. The public analyst is used by the service when food contaminants cannot be readily identified and require closer examination to discover their true nature.

3.5.7) In addition the department has an allocated budget for sampling purposes.

3.5.8) **14** food samples or food hygiene samples were taken in 2019/20 and it is intended to take approximately **50** food samples for microbiological examination during 2020/21, subject to COVID resource issues.

### **3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease.**

3.6.1) The service assesses all notifications it receives of cases of food poisoning and suspected food poisoning occurring within the Borough and takes appropriate control measures where necessary. When an outbreak is suspected the investigations are carried out either jointly or in close contact with the Consultant in Communicable Disease Control from Public Health England. Outbreak Control will be in accordance with the Control of Communicable Disease Joint Plans of Essex Local Health Protection Team and Essex Local Authorities and following guidance in CDR review.

3.6.2) Procedures for the investigation of food poisoning notifications are documented and are reviewed regularly and revised as and when legislation/guidance changes.



**The table below shows the trend over the past few years. We expect to receive in the region of 80-90 notifications (ex COVID-19 cases) during 2020/21 based on these statistics.**

Previous Year	Number of formal notifications of Food related infectious disease.
2016/17	69
2017/18	60
2018/19	81
2019/20	107

3.6.3) The escalating COVID-19 pandemic is likely to involve Environmental Health staff in the 'track and trace' investigations for potentially affected persons, over current and future financial years. At the time of writing is not know the exact role that the service will play, or the resource that will need to be dedicated to this task.

### **3.7 Food Alerts and Food Safety Incidents.**

3.7.1) A food alert is a communication from the Food Standards Agency to the local food authority concerning a food hazard or other food incident. The food alert may or may not require the Food Authority to take action.

3.7.2) Procedures for responding to and initiating food hazard warnings are documented. These will be reviewed annually and revised as and when legislation /guidance changes.

3.7.3) The service receives Food Alerts via e-mail and the via the FSA Smarter Communication platform. This service delivery area is carried out in accordance with the Food Law Code of Practice (England.)

### **3.8 Liaison with other organisations**

3.8.1) Castle Point Borough Council is represented at regular meetings of the Essex Food Liaison Group by an Environmental Health Officer. To encourage consistency of enforcement within the 14 Essex Authorities the group formulates strategies and procedures, liaises with other professional bodies, liaises with the food trade and trade organisations over specific matters arising, liaises with advisory groups e.g., Food Standards Agency over specific enforcement issues and arranges relevant officer training.

3.8.2) This group includes representatives from food authorities, Trading Standards, The Health Authority and Public Health England.

3.8.3) An Environmental Health Officer regularly attends the Essex Health Protection Liaison meeting. These meetings were set up to develop guidelines on infection control measures, act as advisory groups, making recommendations on all aspects of communicable disease (including food poisoning) and to formulate outbreak control plans and where necessary exercises.

3.8.4) This group includes representatives from food authorities, the Health Authority, and a number of water companies.

3.8.5) The service liaises with other services within the Castle Point Borough Council including Street Scene, Partnerships, Community Safety, Building Control, planning and Licensing.

3.8.6) The service is regularly consulted on planning and building regulation applications regarding new and existing Food premises and in respect of Licensing applications for which we act as a responsible authority. These are used to identify new food business and changes to existing operations.

Category of Service Request	17/18 actual	18/19 actual	19/20 actual	20/21 estimate
Planning/building control consultations	184	95	67	115
Licensing applications	110	104	101	105

### **3.9 Food Safety Promotion**

3.9.1) All notified food poisoning cases are sent or given various advisory leaflets.

3.9.2) Where appropriate, we plan to send mail shots to food businesses containing food hygiene and safety information. Press releases will also be considered in appropriate circumstances.

3.9.3) Substantial information regarding food and infectious disease has been placed on the Environmental Health section of the Council's website.

### **3.10 Safer Food Better Business Coaching sessions**

3.10.1) On request and subject to resource, the service offers one to one coaching sessions on "Safer Food Better Business" with caterers within the Borough.

3.10.2) Subject to resource it hoped to again offer this service to businesses who require assistance during the period covered by this service plan.

### **3.11 Food hygiene rating scheme**

3.11.1) We will continue to promote the Food Standards Agency Food Hygiene Rating Scheme to both members of the public and businesses and will continue to operate it as an integral part of our food hygiene intervention programme. We believe that the 0 – 5\* scoring system acts as an additional motivator to food business to improve and subsequently maintain high standards of food hygiene.

## **4. Resources**

### **4.1 Financial Allocation**

4.1.1) The (nominal) estimated budget allocation for the Food Safety Service for 2020/21 is £106,200. This includes departmental reallocations (i.e. cost of office space, IT equipment and Council support services) in addition to front-line staffing costs.

### **4.2 Staffing Allocation**

4.2.1) The resources available to undertake food law enforcement during 2020/21 are 1.4 full time equivalent officers as detailed below: -

<b>Officer</b>	<b>Full time equivalent (FTE)</b>
EH Operational Manager	0.1
Environmental Health Team Leader	0.05
Environmental Health Officers	0.75
Additional contract inspections	0.5
<b>TOTAL</b>	<b>1.4</b>

4.2.2) We aim to complete the work listed in the 2020/21 service plan within the staffing resource that has been allocated to this area of the service. It should be noted that the service will have significant difficulty in completing any work in excess of that listed due to restricted staffing resource. There may also be resource issues with cover during time consuming work such as outbreaks or prosecutions.

4.2.3) We do not yet know the extent of the involvement of the service in terms of the COVID-19 pandemic 'track and trace' investigations. This is likely to have resource implications and therefore affect the ability of the service to undertake all aspects of the service plan.

### **4.3 Staff Development Plan**

4.3.1) Officers authorised to undertake inspections and other enforcement duties must be suitably qualified, experienced and competent as set out in Chapter 1:2 of the Food Law Code of Practice.

4.3.2) As part of the personal performance and development appraisal scheme all food safety officers undergo annual appraisal interviews which include review of their training requirements and personal development objectives. Regular team meetings are organised to discuss matters and issues of consistency.

4.3.3) The staff covering this service will continue to be encouraged, motivated and trained to develop their potential and use their talents for the benefit of the people of the district.

4.3.4) All officers that are members of the CIEH are required to undergo at least 20 hours of continuing Professional Development (CPD) each year of which 10 hours must be food related if the officer is authorised for food safety work.

4.3.5) Officers whose knowledge in relation to food matters has lapsed or has become out of date must undergo structured revision training before resuming food law enforcement duties. Records of ongoing training are kept by the Environmental Health Department.

4.3.6) To fulfil training needs, officers attend seminars and courses arranged by the Essex Food Liaison Group, Central Government advisory bodies, other local authorities and external training organisations.

## **5. Quality Assessment**

5.1) The quality of service provided by the unit is assessed by:

- Monitoring performance against service and officer targets.
- Monitoring actual working practices against procedures and protocols for:
- Inspection of food businesses
- Investigation of complaints and food poisoning notifications
- Enforcement
- Undertaking customer satisfaction surveys of local businesses receiving inspection.

5.2) Performance monitoring will be undertaken by generating monthly reports from the UNIFORM database on:

- inspections, for comparison against the annual programme and
- Complaints and other service requests to monitor progress.

5.3) Working practices will be monitored routinely through close contact between the food safety officers and the Environmental Health Team Leader / Operational Manager and by monitoring:

- Submission of inspection reports including copy letters for scrutiny of at least 5%
- Scrutiny of at least 5% complaint/ service request/sampling and food poisoning notification files.
- Referral of contentious issues and formal enforcement to EH Team Leader/ Environmental Health Operational Manager for confirmation of action being taken.
- At least one annual joint food hygiene inspection between Environmental Health Officers authorised to carry out food hygiene work.

## **SECTION 2 – HEALTH AND SAFETY**

### **7. Introduction**

7.1) The format of this Plan meets the requirements laid down by the Health and Safety Executive and is designed to ensure that local people and residents can clearly see what we do, how our services are delivered and what resources we have available to do this. It also allows the Health and Safety Executive to assess the services that we offer, so that they can ensure that our services meet the standard required under Section 18 of the Health and Safety at Work etc Act 1974.

7.2) The council is committed to improving health and safety outcomes across the Borough and will commit the necessary resources and capacity to deliver its priorities and plan of interventions for the current year.

7.3) The primary function of the Service is to provide education and advice to businesses in Castle Point to help them comply with the requirements of the legislation.

7.4) Inspections and investigations are undertaken at premises that are classified as either high risk, or where concerns have been raised about working practices or the safety of premises.

7.5) Where businesses fail to comply with the advice given and fail to provide a safe working environment for employees and the public, the Service will use its enforcement policy and the Regulators Code to take appropriate enforcement action.

7.6) Health and Safety is sometimes seen as a burden on business. In fact the opposite is true. Poor health and safety standards will result in accidents and poorer health which results in extensive time off work, and this impacts directly on the business and ultimately on the economy of Castle Point. It also potentially gives an unfair economic advantage to those who might ignore the law.

7.7) Where appropriate, we will co-operate with other organisations including the Inland Revenue; Fire Service; Police Service; Trading Standards; UK Border Agency and Non-Domestic Rates, to maximise intelligence gathering. This will assist in targeting action against poor performing businesses. We will also investigate the possibility of reviewing and updating data, by using data held by other sections within the council to minimise the burden between the council and local businesses.

7.8) In keeping with government reforms over health and safety, the Service will continue to plan and target health and safety interventions having regard to the range of interventions available, the risk profile of the business/sector, national information (accident statistics, national priorities, Lead Authority/Primary Authority inspection plans) and local intelligence and knowledge.

7.9) Proactive inspections will be reserved for the highest risk premises and other forms of interventions, including targeted visits and awareness raising interventions, will be used for other businesses. Reactive work such as accident and complaint investigations will continue to be undertaken and prioritised according to the level of risk identified. Only accidents which meet the HSE accident investigation criteria or are linked to the county work plan as a high priority area will be investigated, unless local intelligence suggests that an appropriate investigation intervention will be beneficial.

## **8) H&S Service Aims and Objectives**

8.1) The overall **aim** of the Service is to work with others to protect people's wellbeing, and health and safety by ensuring risks in the changing workplace are managed properly.

8.2) Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses. (Targeted approach to risk in line with Better Regulation agenda.)
- To proactively inspect businesses identified as being at the highest level of risk
- Investigating major injury incidents and fatalities. (National guidelines are used to assess and target poor management in line with Better Regulation agenda.)
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model. This ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda.
- Train and develop our staff to ensure competence. This encourages staff retention/recruitment and ensures credibility with local business.

8.3) The key **objectives** of the service this year are to:-

- Reduce the number of accidents and illnesses associated with the workplace in the district and within Castle Point Borough Council
- Increase awareness of health and safety in the organisation and the wider Borough
- Work in partnership with others to deliver the HSE strategic programme wherever possible.

## **9) H&S - Links to Corporate Objectives**

9.1) Castle Point Borough Council priorities are;

- Environment
- Housing and Regeneration
- Health and Community Safety
- A commercial and democratically accountable council.

This service plan reflects positively on the priorities and contributes towards the objectives of the Council.

## **10) Scope of the Health and Safety Service**

The Service provides two broad areas of work, which can be classified as either pro-active or reactive.

### *10.1) Pro-active*

- Inspections (programmed interventions) at premises subject to local authority enforcement
- Education of proprietors and employees through guidance, information and training
- Undertaking issue specific targeted interventions
- Liaising with other Council departments and external organisations including Planning, Building Control, Licensing, corporate health and safety, Trading Standards, HSE, Essex Health and Safety Liaison Group, Care Quality Commission and OFSTED
- Assessing ASB5 notifications (Asbestos removal works)
- Devising material to help businesses comply with the law and good practice
- Website maintenance and design

### *10.2) Reactive*

- Investigating reported accidents, diseases and dangerous occurrences
- Responding to complaints and requests for service
- Planning/ building control applications

## **11) Quality Assessment**

11.1) Castle Point Borough Council recognises the need to measure the effectiveness of its health and safety enforcement duties. Auditing, peer review and monitoring are seen as parts of this process to ensure that its procedures result in high quality, consistent interventions. The interpretation and action taken by Officers following an intervention should also be consistent within the authority.

## **12) Setting priorities**

12.1) The regulatory activities of the service are planned in line with the principles of the National Local Authority Enforcement Code and HSE circular LAC 67-2 (rev 9.) Interventions are focussed on outcomes and play an important role in ensuring the effective and proportionate management of risk, supporting businesses, protecting their communities and contributing towards the wider public health agenda.

## **13) Targeting interventions**

13.1) The service uses a range of techniques to increase its impact on H&S and to influence behaviours and improve the management of risk. The service has and will continue to maintain a deterrent by ensuring that it can take suitable action against those businesses who fail to meet their H&S obligations.

## **14) Primary authority inspection plans**

14.1) If issues are identified with a business forming part of a primary authority as a result of local intelligence, contact will be made with the relevant local / enforcing authority to share any relevant information on the organisation. The service will ensure that inspection plans are referred to prior to taking any proactive intervention work with organisations forming part of a PA agreement.

## **15) Data capture and reporting performance**

15.1) The service will continue to ensure that it maintains a database to monitor, capture and share health and safety intervention data enforcement and prosecution activity. This information is shared with the HSE on an annual basis and also forms information held in public registers.

## **16) Qualifications and Training**

16.1) The Authority will ensure that it only appoints appropriately qualified and experienced personnel to health and safety enforcement duties. The level of authorisation given will be appropriate to the training and experience of each individual officer.



16.2) The training needs of officers are identified during the appraisal process known as Personal Performance and Development Plan (PPDP.) An individual training programme is developed once this process is complete. It is the policy of the Council to ensure that officers receive adequate training to fulfil their development needs. This will be provided through a combination of commercial courses, those provided by the HSE, Essex Health and Safety Liaison Group and internal training.

16.3) The Authority will have regard to competencies when assessing the competency of its Officers. Where an Officer cannot be shown to achieve the standard in some areas, the Authority will ensure that that Officer is supervised by an Officer who does possess these competencies.

### **17) Procedural Documents and Statutory Codes.**

17.1) Environmental Health Services operates a system of procedural documents for key areas of health and safety enforcement and makes reference to national codes produced by the Health and Safety Executive and other government bodies.

17.2) In May 2013 the **National Local Authority Enforcement Code** was introduced. This code replaced previous guidance. The Code sets out the risk-based approach to targeting health and safety interventions to be followed by LA regulators.

17.3) The Code provides a principle-based framework that recognises the respective roles of business and the regulator in the management of risk, concentrating on four objectives:

- Clarifying the roles and responsibilities of business, regulator and professional bodies
- Outlining the risk-based approach to regulation that LA's should adopt
- Setting out the need for training and competence of LA health and safety regulators
- Explaining the arrangements for collection/publication of LA data and peer review to give assurance on meeting the requirements of the Code.

17.4) The **Regulators' Code** came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators' Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Local authority enforcement officers must have regard to it when developing policies and procedures that guide their regulatory activities.

17.5) Environmental Health Service maintains a local **Enforcement Policy** which is written in compliance with, and has regard to, relevant national codes and the Castle Point Borough Council corporate enforcement policy.

17.6) Government reforms over health and safety, will be kept under review and incorporated into practice as required. The Service is committed to improving health and safety standards in accordance with this strategy.

## **18) Resource allocation**

18.1) Environmental Health Services operate a generic system of work, where each officer undertakes the full range of Environmental Health activities, the main groupings being Public Health and Nuisance, Pollution / Environmental Protection, Food Safety, Health and Safety, Private Sector Rented Housing and Licensing.

18.2) An Officer has been allocated to each grouping who is expected to take the lead for the subject area. Other qualified officers in the service are also authorised and can use the expertise of the lead officer to assist with more difficult cases.

18.3) Resource allocated to Health and Safety Work has been reduced over the past few years to consider the requirements of the HSE, who no longer allow routine proactive inspections to take place for the majority of workplaces in the Borough.

18.4) Estimated allocation of officer resource required for the 2020/21 financial year is as follows:

Officer type	FTE equivalent
EH Operational Manager	0.05
EH Team Leader	0.05
Environmental Health Officers	0.3
TOTAL	0.4

18.5) The service is currently undertaking additional H&S duties due to the global COVID-19 pandemic. Environmental Health Officers are ensuring businesses that must close, remain closed and that social / safe distancing is maintained by businesses operating in the Borough. The ongoing situation makes it difficult to estimate how much additional resource will be required, but this is likely to have an impact on the availability of staff to undertake non-urgent work described in this service plan.

## **19) Service Delivery**

19.1) The service is delivered both in and out of normal office hours to ensure premises are inspected whilst they are operational and out of hours visits will be undertaken where this is required.

19.2) The Environmental Health Service has a general enforcement policy approved by the council. All enforcement action will be taken in line with this

policy. In addition, there are comprehensive procedures available to ensure consistency of service.

## **20) Legal requirements upon the Service**

20.1) Section 18 of the Health and Safety at Work Act 1974 requires a Local Authority to 'make adequate arrangements for enforcement' of the Act. Guidance relevant to S18 is now incorporated into the National Local Authority Enforcement Code.

## **21) Better Regulation / Regulatory Delivery**

21.1) The Government has made a commitment to cut red tape to lift the regulatory burdens on businesses. Efficient and effective local regulation will play a key role in ensuring that the reduction of regulation really does translate into a reduction in the burden on businesses at a local level. The government department responsible for this function is the Office for Product Safety and Standards.

## **22) H&S Interventions**

22.1) Interventions are targeted on activities that give rise to higher risks or where the hazards are least well controlled, with the aim of maximising their impact on improving health and safety outcomes. Interventions are also designed to stop those that seek economic advantage from non-compliance (e.g. rogue traders.)

22.2) The Health and Safety Executive in association with Local Authorities have agreed a set of national priority topic areas that are considered when targeting interventions at appropriate activities.

22.3) Local priorities have also been identified which represent areas of local concern. These topic areas are chosen to ensure that high risk activities are prioritised for attention by the service.

22.4) When deciding on which complaints to prioritise, which accidents to investigate and which interventions to complete during the year, full account will be taken of relative risk in all cases.

### 23) Presumptive work programme 2020/21

16.1) The following highlights the Health and Safety Activities planned for the 2020/21 financial year.

- Accident investigations to be undertaken, where necessary in accordance with HSE guidelines and Environmental Health Services Enforcement Policy.

2020/21 work estimate	<b>20</b> reported accidents / incidents processed.
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- Provision of information or mail-shots specific to particular risks associated with the main work activity

2020/21 work estimate	Specific information provision to <b>50</b> higher risk businesses.
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- Investigations of complaints made to the service regarding the Health and Safety Standards of workplaces in the Borough

2020/21 work estimate	<b>25</b> H&S service requests processed
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- Environmental Health Officers to undertake H&S hazard spotting as a routine part of Food Safety Interventions.

2020/21 work estimate	<b>100</b> premises checked as part of food premises interventions.
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- Proactive full inspections of H&S premises

2020/21 Work estimate	In accordance with HSE requirements, the service will not routinely undertake any proactive full H&S premises inspections of businesses in the Borough, unless the risk history, local /national intelligence or priorities highlight that an inspection would be the most suitable form of intervention.
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- Cooperation with partners, such as Essex Health and Safety Liaison Group Members to undertake project-based interventions based on national, regional and/or local priorities.

2020/21 work estimate – <b>Subject to COVID-19 related work, which will take priority.</b>	Participate in <b>3</b> H&S projects based on HSE and local priorities. (Subject to resource)  This year's projects are: <ul style="list-style-type: none"> <li>• Safety of beverage gasses in the hospitality industry</li> <li>• Gas safety in commercial catering premises</li> <li>• Carbon monoxide poisoning in catering premises.</li> </ul>
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## 24) Review of 2019/20 work

Amongst the Health and safety related activities / interventions completed by the service during the past year:

- 24.1) Responded and investigated **62** requests for service, covering a wide range of issues relating to Health and Safety such as complaints about unsafe workplaces in the Borough, asbestos notifications and reports of dangerous lifting equipment.
- 24.2) Received / reviewed and/or investigated (taking action wherever appropriate) in response to **5** accidents and incidents reported under the Reporting of Injuries Disease and Dangerous Occurrence Regulations 2013 (RIDDOR), relating to commercial premises regulated by Environmental Health.
- 24.3) Undertook Health and Safety interventions as an integral part of licensing visits which took place throughout the year. Relating to Tattooing, Skin Piercing and Electrolysis with their potential for serious injury and blood borne infections.
- 24.4) Undertook H&S checks as an integral part of food inspections. Every inspector completes a visual hazard check within each food premises during each visit, bringing significant matters of concern to the attention of proprietors. Further action is taken wherever this is appropriate. Environmental Health undertook approximately **100** such visits during 2020/21.
- 24.5) Completed proactive works including raising awareness of safety issues surrounding inflatable play equipment (IPE) for local business users and of deaths involving commercial waste bins, with risks

including the potential death of rough sleepers, crushed in the machinery of waste collection equipment.

- 24.6) Officers also commented on the safety aspects of planning permission and building control applications where appropriate including applications for smoking shelters.

**CABINET**

**22nd July 2020**

**Subject: Castle Point Borough Council Response to Consultation to the extend The Public Spaces Protection Order – (Castle Point Borough Council) 2017 – Dog Fouling.**

**Cabinet Member: Councillor Hart – Place – Infrastructure**

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**1. Purpose of Report**

**To seek approval to extend the Public Spaces Protection Order – (Castle Point Borough Council) 2017 – Dog Fouling for a further three years.**

**2. Links to Council's priorities and objectives**

**Extension of the Public Spaces Protection Order supports the Council's Environment objective.**

**3. Recommendations**

**It is recommended that:**

**The Cabinet notes the responses to the consultation and proceeds with the extension of the Borough- wide Public Spaces Protection Order for a further three years.**

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**4. Background**

**4.1 In October 2017, the Council utilised the powers available to it in The Anti-Social Behaviour, Crime and Policing Act 2014 and adopted a Borough wide Public Spaces Protection Order for dog fouling.**

**4.2 This Public Spaces Protection Order makes it an offence for any person in charge of a dog which defecates on any land which the public have access to, with or**

without charge within the Borough of Castle Point, not to remove the faeces from the land forthwith.

- 4.3 A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of Section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale. A Fixed Penalty Notice for £100.00 for the offence can also be served where an Authorised Officer witnesses a person not complying with the requirements of the Order.
- 4.4 Public Spaces Protection Orders are in place for an initial period of three years but at any point before expiry of an Order it can be extended for up to a further three years if it is considered that it is necessary to prevent the original behaviour from occurring or recurring. There is a requirement to consult with the local police and any other community representatives felt appropriate regarding a proposed extension to an Order.
- 4.5 A consultation letter was sent to the following persons on the 4<sup>th</sup> May 2020 requesting a response by the 1<sup>st</sup> June 2020
- The Chief Executive – Essex County Council
  - The Police and Crime Commissioner for Essex
  - The Police District Commander for Castle Point and Rochford
  - The RSPB Senior Sites Manager, South Essex and Wallasea Island Reserves
  - The Town Clerk – Canvey Island Town Council
- 4.6 Responses supporting the extension of the Order were received from the Chief Executive, Essex County Council and The Town Clerk, Canvey Island Town Council. These responses are attached to this report. There were no other responses.
- 4.7 Since the introduction of the Order in 2017 dog fouling complaints have been fairly low and no Fixed Penalty Notices have been served.
- 4.7 If Cabinet agrees to proceed with the extension of the Order a public notice is required to be placed in prominent areas of the Borough for the period of one month from the 1<sup>st</sup> September 2020, these would include the Council's notice boards, its website and entrances to its public open spaces.

## **6. Corporate Implications**

### **a. Financial implications**

Whilst the Council can keep any income it receives through the service of Fixed Penalty Notices the primary purpose of this Public Spaces Protection Order is to deter offences from being committed and promote responsible dog ownership.

All costs in respect of advertising the public notice will be met by existing budgets.

### **b. Legal implications**



The Council will need to extend the existing Public Spaces Protection Order if it wishes to take enforcement action against a person who does not clean up after his/her dog has fouled on land which the public can access.

To avoid legal challenge the Council will need to satisfy itself extending the Order is necessary and proportionate to the dog fouling problems in the Borough. The proposed Order would not prohibit dogs but would require that owners clean up after their dog has fouled.

The Order would be enforced by existing Borough Council staff who will be authorised and trained to ensure that correct procedures are followed. The Town Council could also if it so wished authorise officers to enforce the Order provided that certain conditions linked to training are satisfied.

Payment of the fixed penalty fine is required within fourteen days to discharge the offence. Failure to pay the fine could result in the offender being prosecuted. There is scope within the legislation to offer a discount for early payment and the guidance recommends that this should not be more than ten days. It is not proposed to offer a discount for early payment as it is likely to cause confusion and offer little benefit to the Council.

**c. Human resources and equality implications**

There are no additional human resource implications. Enforcement action will only be taken against the small number of irresponsible dog owners.

**d. Timescale for implementation and risk factors**

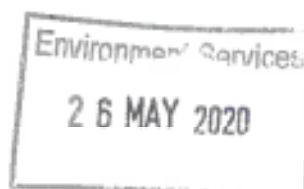
A public notice is required to be placed at prominent locations around the Borough from the 1<sup>st</sup> September 2020 for 1 month. The extension of the Order will take effect from 1 October 2020.

**7. Background Papers:**

None

**Report Author:** Stuart Jarvis, Street Scene and Contracts Manager.

Essex County Council  
**Chief Executive's Office**  
County Hall  
Chelmsford  
Essex CM1 1QH



Mr S Jarvis, Street Scene & Contracts Manager  
Environment  
Castle Point Borough Council  
Council Offices, Kiln Road  
Thundersley  
Benfleet  
Essex  
SS7 1TF

Date: 15 May 2020

Our Ref: GJ/KF/ja150520

Dear Mr Jarvis

**Castle Point Borough Council consultation letter in relation to the – The Public Spaces Protection Order – (Castle Point Borough Council) 2017 – Dog Fouling**

Thank you for your letter dated 06 May 2020.

I can confirm that Essex County Council supports the extension of the Public Spaces Protection Order for a further 3 years.

Yours sincerely

A handwritten signature in dark ink, appearing to be "Gavin Jones".

**Gavin Jones**  
**Chief Executive**



# Canvey Island Town Council



Stuart Jarvis  
Street Scene & Contracts Manager  
Castle Point Borough Council  
Council Offices, Kiln Road  
Thundersley, Benfleet  
Essex SS7 1TF

18<sup>th</sup> May 2020

Environment Services

26 MAY 2020

Dear Stuart,

**Castle Point Borough Council - Consultation letter in relation to the Public Spaces Protection Order - 2017 - Dog Fouling**

Thank you for your letter dated the 4<sup>th</sup> May 2020 in relation to the consultation to extend the Public Spaces Protection Order for a further 3 years.

The Town Council fully support the extension of the Public Spaces Protection Order to ensure that the Council is able to continue to encourage responsible dog ownership and enforce dog fouling contraventions on the public highway and public open spaces.

Yours sincerely,

Mrs E. De Can  
Town Clerk