



# Havering

LONDON BOROUGH

## OVERVIEW & SCRUTINY BOARD AGENDA

**7.30 pm**

**Tuesday  
13 October 2020**

**Havering Town Hall,  
Main Road, Romford**

Members 16: Quorum 6

**COUNCILLORS:**

**Conservative Group  
(8)**

Ray Best  
Philippa Crowder  
Judith Holt  
Sally Miller  
Nisha Patel  
Christine Smith  
Maggie Themistocli  
Michael White (Vice-Chair)

**Residents' Group  
(2)**

Ray Morgon  
Barry Mugglestone

**Upminster & Cranham  
Residents' Group(2)**

Linda Hawthorn  
Christopher Wilkins

**Independent Residents'  
Group  
(2)**

Natasha Summers  
Graham Williamson

**Labour Group  
(1)**

Keith Darvill

**North Havering  
Residents' Group  
(1)**

Darren Wise (Chairman)

**For information about the meeting please contact:**

**Anthony Clements 01708 433065  
anthony.clements@onesource.co.uk**

## **OVERVIEW AND SCRUTINY BOARD**

Under the Localism Act 2011 (s. 9F) each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements.

The Overview and Scrutiny Board acts as a vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed sub-committees can be coordinated to avoid duplication and to ensure that areas of priority are being reviewed. The Board also scrutinises general management matters relating to the Council and further details are given in the terms of reference below. The Overview and Scrutiny Board has oversight of performance information submitted to the Council's executive and also leads on scrutiny of the Council budget and associated information. All requisitions or 'call-ins' of executive decisions are dealt with by the Board.

The Board is politically balanced and includes among its membership the Chairmen of the six themed Overview and Scrutiny Sub-Committees.

### **Terms of Reference:**

The areas scrutinised by the Board are:

- Strategy and commissioning
- Partnerships with Business
- Customer access
- E-government and ICT
- Finance (although each committee is responsible for budget processes that affect its area of oversight)
- Human resources
- Asset Management
- Property resources
- Facilities Management
- Communications
- Democratic Services
- Social inclusion
- Councillor Call for Action

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## AGENDA ITEMS

### 1 CHAIRMAN'S ANNOUNCEMENTS

### 2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies have been received from Councillor Darren Wise (Councillor Martin Goode substituting).

To receive any other apologies for absence.

### 3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### 4 MINUTES (Pages 1 - 18)

To approve as a correct record the minutes of the meetings of the Board held on 21 July, 19 August and 15 September 2020 (attached) and to and to authorise the Chairman to sign them.

### 5 PROTOCOL ON THE OPERATION OF OVERVIEW AND SCRUTINY BOARD MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS REPORT (Pages 19 - 22)

Attached for noting.

### 6 PROTOCOL FOR PRE-DECISION SCRUTINY - UPDATE (Pages 23 - 30)

Report attached.

### 7 CAL-IN OF EXECUTIVE DECISION - DISPOSAL OF LAND AT HALL LANE PITCH & PUTT COURSE, UPMINSTER FOLLOWING ITS APPROPRIATION FOR PLANNING PURPOSES (Pages 31 - 94)

Report attached.

### 8 PRE-DECISION SCRUTINY OF A CABINET REPORT - UPDATING PARKS AND OPEN SPACES BYELAWS (Pages 95 - 150)

Report and appendices attached.

### 9 UPDATE - BUDGET MONITORING (Pages 151 - 182)

Report attached for comments to be made to Cabinet.

**10 TOPIC GROUP UPDATE**

Report to follow.

**11 CORPORATE FORWARD PLAN** (Pages 183 - 190)

The Board is asked to review the Corporate Forward Plan (attached) and agree any items that it wishes to select for pre-decision scrutiny.

**12 WORK PROGRAMME** (Pages 191 - 194)

Report attached.

**13 NEXT MEETING**

It is recommended that the Board agreed to meet next on **Tuesday 10 November** in order to allow comments on any pre-decision scrutiny items to be fed back the Cabinet meeting scheduled for 11 November.

**Andrew Beesley**  
**Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
OVERVIEW & SCRUTINY BOARD  
Havering Town Hall, Main Road, Romford  
21 July 2020 (7.30 - 10.00 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Philippa Crowder, Judith Holt, Robby Misir, Dilip Patel, Nisha Patel, Christine Smith, Maggie Themistocli and Michael White (Vice-Chair)
<b>Residents' Group</b>	Ray Morgon and Barry Mugglestone
<b>Upminster &amp; Cranham Residents' Group'</b>	Linda Hawthorn and Christopher Wilkins
<b>Independent Residents' Group</b>	Natasha Summers and Graham Williamson
<b>Labour Group</b>	Keith Darvill
<b>North Havering Residents' Group</b>	Darren Wise (Chairman)

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

**1 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**2 COVID-19 OUTBREAK MANAGEMENT PLAN**

Members received a presentation on the Covid-19 Outbreak Management Plan.

The presentation outlined the number of current cases of Covid-19 in the borough. At present the number of positive tests in the borough ranged between 7 and 14. The current rate was approximately 5 positive tests per 100,000 residents. These figures were from people testing positive in the borough and not from BHRUT hospital admission numbers.

Officers advised that the Coronavirus had not disappeared and there were still low levels of transmission as the lockdown was easing. Lockdown had controlled the first wave of the disease but had itself caused economic and health harm.

Relaxation of social distancing was underway and there was no sign, so far, that new cases were increasing but the risk of further waves remained, which in turn would cause more deaths and significant ongoing health problems. NHS test and trace had also been launched as an additional control measure

The aim of the outbreak control plan was to minimise further harm to local residents and prevent local outbreaks by maintaining public support and compliance with social distancing and the NHS Test & Trace system. This would ensure the borough was Covid secure and that an effective response to bring local outbreaks under control could be mobilised when required.

The current communications encouraged residents to “Keep Havering Safe” by carrying out hand washing and maintaining social distancing.

The Council was assisting with ensuring settings across the borough were compliant with relevant guidance, prioritising higher risk settings and providing support to encourage compliance with enforcement where this was necessary. The report also highlighted the outbreak management plan process and the governance arrangements for the outbreak plan.

In relation to care homes, residents were highly vulnerable as had been evidenced across the country and worldwide. The next step would be to focus on the use of mass testing to minimise risk posed by asymptomatic carriage and to do more to prevent entry of Covid into the homes. The very elderly also sometimes developed different symptoms aside from the usual high temperature, continuous cough and changes in taste and smell. There were also plans in place to minimise the amount of different homes that agency staff visited to keep the virus controlled.

With regards to schools the priority was to minimise harm to children in schools as closures harmed children and the economy. DfE guidance regarding social distancing and the physical redesign of classrooms to accommodate children of essential workers by the use of extended bubbles had enabled the return of Years Reception, 1 and 6. Schools were also considering staggering start and finish times for children. Transport to and from schools could prove to be a problem for many families and there was also likely to be an increase in private vehicle use as the use of public transport was currently discouraged.

In response to a question relating to businesses keeping open books of visitors which could lead to GDPR breaches and could encourage people to leave false details, officers advised that there was guidance relating to this



and that it was important to keep people's confidence in the system. Once the 14 day infectious period had ended then the data should be destroyed.

To the present date there had been no businesses in the borough that had reported a number of employees that had tested positive. There had been businesses across London that had reported cluster cases but there were none in Havering at present.

There had been 2000 tests carried out in the last week in Havering which had generated 10 positive cases. Havering's rate of testing was comparable with other London boroughs. To date there had been no evidence of any clustering in any areas of the borough.

With regards to communications and getting the message across to hard to reach groups, example of communication forms included social media, newsletters, webinars with faith based groups, texts, phone calls and email.

The Board **noted** the presentation.

### 3 **SMART WORKING AT HOME**

The presentation detailed what measures the Council had taken pre Covid-19 to help introduce smarter working including the roll out of IT equipment and the rationalisation of office space which enabled staff to work from home. The presentation also highlighted which Council services had received Windows 10 enabled devices.

Officers were currently using Zoom for meetings but it was planned to migrate over to Microsoft Teams in the future.

Members were advised that staff completed e-learning followed by a checklist e-form and condensed DSE assessment (special requirements), which were then processed by the Health and Safety team before items were collected

The Council had introduced an Innovative drive through collection process which was now considered gold standard and being adopted across London. To date Over 700 requests for office equipment had been received.

The presentation also highlighted the S4 project which had started with the discovery phase. The project would consider how the Council could streamline and reduce the use of paper. As the majority of staff were working from home, the enforced break from using printers regularly was also an opportunity for the S4 project to rationalise printers.

In response to a question officers confirmed that they would ensure staff are reminded about GDPR and customer confidentiality. Officers also confirmed that plans were in place to allow some members of staff to work in the workplace if they were unable to work from home.

The Board **noted** the presentation.

4 **REMODELLING OF ONESOURCE SERVICES: NEW ARRANGEMENTS FOR THE FINANCE FUNCTION FOR HAVERING**

The report before Members gave an update on the future of the Finance service provision to LB Havering following the decision taken at the 26 June 2020 oneSource Joint Committee meeting to vary the current Agreement.

The oneSource Joint Committee had agreed to the request of LB Newham and LB Bexley to make the following changes to the shared arrangement:-

- Bexley to withdraw all services from oneSource.
- Newham to withdraw from all Finance Services except for the Finance services provided currently by the Transactional Team, Treasury and Pensions and the Oracle Systems Support Team (the latter initially for one year only).

These changes would create additional costs for Havering which would lose some of the economies of scale that had been achieved by sharing services. Under the Partnership Agreement between the three boroughs, the two boroughs requesting the withdrawal of services had to compensate Havering for the additional costs this change created

In light of the decision made by the oneSource Joint Committee there was a need to review the finance service for Havering. Other possibilities included sharing services with another provider and there was also the introduction of the new Fusion system which should provide efficiencies.

The annual compensation figure was in the region of £346,000 and would cover the loss of revenue from the shared agreement. This was however only payable for 30 months.

The Board **considered** the report and made the following recommendations:

- That Cabinet reports on these issues should be more detailed
- That the Board have sight of the papers that went to the Joint-Committee
- That the Board be advised how the compensation figures are calculated.

5 **AUTHORISATION TO AWARD A CONTRACT FOR THE EXTENSION OF UPMINSTER CEMETERY PHASES 2&3**

Members carried out pre-decision scrutiny of a report which sought authorisation to award a contract up to the value of £5,050,000 contained

within the overall budget of £5,500,000 that had previously been agreed by Cabinet as part of the Council's Medium Term Financial Strategy.

Land of 5.5 hectares was identified adjacent to the existing cemetery, sufficient to provide burial space for approximately 30 years at that time. To date only phase 1 of this land had been developed. A report had previously been agreed by Cabinet which agreed to the further extension of Upminster Cemetery (Phases 2 & 3).

Officers confirmed there had been an increase in burials without the pandemic factored in and that Havering currently carried out approximately 300 burials a year.

Members asked if the access road could be extended at the entrance as at present it was a very tight entrance.

The Board **considered** the report and made the following recommendations to the Executive;

- That the section of the report re procurement and the Council's preferred way of doing this be strengthened.
- That the possibility of extending the entrance or access road be explored.

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**Chairman**

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**MINUTES OF A MEETING OF THE  
OVERVIEW & SCRUTINY BOARD  
Havering Town Hall, Main Road, Romford  
19 August 2020 (7.30 - 9.15 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Philippa Crowder, Judith Holt, Sally Miller, Robby Misir, Dilip Patel, Nisha Patel, Christine Smith and Michael White (Vice-Chair)
<b>Residents' Group</b>	Ray Morgon and Barry Mugglestone
<b>Upminster &amp; Cranham Residents' Group'</b>	Linda Hawthorn and Christopher Wilkins
<b>Independent Residents' Group</b>	Graham Williamson
<b>Labour Group</b>	Keith Darvill
<b>North Havering Residents' Group</b>	Darren Wise (Chairman)

An apology for absence was received from Councillor Natasha Summers.

All decisions were taken with no votes against.

**6 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**7 MINUTES**

The minutes of the meeting held on 17 June 2020 were agreed as a correct record, subject to Councillor Barry Mugglestone being recorded as sending apologies to the meeting, and signed by the Chairman.

**8 POLICY & STRATEGY DEVELOPMENT FRAMEWORK**

The report before Members detailed a high-level framework that had been written to provide in-house guidance for the development of policies and

strategies and to provide a consistent approach to all stages of policy and strategy formation, approval and review.

Attached as an appendix to the report was a library of current policies and strategies in Havering, which would be maintained corporately (by Policy, Performance and Communities), so that Members and officers have up to date information readily available for review.

The purpose of the framework was to provide a consistent approach to all stages of policy and strategy development, as well as ensuring the Council had consistent, relevant and up-to-date governance documentation. This supported the 2019 LGA Peer Review improvement recommendation.

The Senior Leadership Team (SLT) considered the framework in January 2020 and agreed the next step would be to disseminate this to the Opportunities Theme Board in February 2020 and then to present it to the Overview and Scrutiny Board for its information.

The key policy list showed that the Council had over 300 policies and strategies. During the Opportunities Theme Board, it was agreed that a review of the key policy list would be undertaken within six months.

The review was to detect any duplicated policies and to identify any policies and strategies that did not meet the definition as set out within the framework. Officers would then start to consider which of the policies on the list were to be kept, decommissioned or amalgamated together in the hope to reduce the number of policies held within the council to approximately 50-60 or to a maximum of 100.

The reduced list could then be looked at for quality and reviewed on a regular basis. The next step would be to make sure all the policies delivered against the priority outcomes for the Council.

Members felt it was a very useful document that would assist overview & scrutiny going forward. Members also felt it would be useful if the document was listed under service areas.

Members were advised that officers were working with London Council's to benchmark policies.

Officers advised that it would take approximately six months to go through the list and cull the policies that were no longer relevant or needed. It was suggested that the Board could consider the shortened list perhaps in March 2021

In response to a question as to how the policies list would work in tandem with the contracts list, officers replied that another piece of work was being carried out regarding the outcomes that the policies affect which would include the commissioning of contracts and the links between the two.

The Board **considered** the Policy and Strategy Development Framework and **noted** the status of current policies and strategies as set out in the appendix to the report.

## 9 PRE-DECISION SCRUTINY PROTOCOL

The report before Members detailed how Overview & Scrutiny could support the Council's transition from lockdown, following the Covid-19 pandemic, through an emphasis on pre-scrutiny of forthcoming executive decisions. To facilitate this, a pre-decision scrutiny protocol was proposed for adoption.

Overview and Scrutiny had the potential to play a significant role in assisting in the Council's recovery from the pandemic in the months ahead and to provide a 'critical friend' in identifying areas for improvement should there be further spikes in the virus which required additional periods of lockdown.

Pre-decision scrutiny should feature as part of the Overview & Scrutiny Board's work programme with regular monitoring of forthcoming decisions via the Forward Plan of key decisions. The Council was required to give 28 days' notice of a planned key executive decision.

Similar to arrangements for the administration of call-in, responsibility for considering requests for pre-decision scrutiny rested with the Overview & Scrutiny Board.

Historically, there had been an absence of engagement in pre-decision scrutiny with post-scrutiny call-in being the option of choice.

Appended to the report was a protocol on how pre-scrutiny would work going forward. The aim of the protocol was to set out an agreed way of working with the Cabinet, in line with the Council's Constitution, to facilitate the proper role of Overview and Scrutiny in respect of pre-decision scrutiny.

Pre-decision scrutiny allowed Members the opportunity to provide comment or alternative recommendations.

The Forward Plan would become a standing item for the Board which was a common practice across many local authorities.

Any items that Members wished to undertake pre-decision scrutiny on would be added to the Board's work programme and would be earmarked for particular scheduled meetings or, in necessary, additional meetings to allow decision making to be carried out in a timely manner.

When pre-decision scrutiny took place it was likely to remove the opportunity for call-in at a later date.

In response to a question relating to how pre-decision scrutiny would work in practice alongside Cabinet deadlines, officers responded by advising the

Forward Plan was regularly monitored and updated and that items added to the plan were emailed to all Members.

If Members highlighted a particular decision that they wished to scrutinise and the majority of the Board also agreed then an additional meeting of the Board would be convened to allow for consideration of the item before the decision by Cabinet or the designated officer.

Members felt it would be useful if there was some more clarity around the timetabling of the pre-decision scrutiny process particularly around timescales that Members would need to adhere to when requesting pre-decision scrutiny. One suggestion was the creation of a flow chart or decision tree detailing timescales etc.

The Board **adopted** the Protocol on Pre-Decision Scrutiny subject to the creation of a flowchart/decision tree document to sit alongside the protocol.

## 10 **FORWARD PLAN**

The report before Members contained a printed version of the Statutory Forward Plan which would become a standing item for the Board.

When entries were added to the plan all Members were emailed with details of the decision, who was taking the decision and the date it was due.

Members suggested that items for future scrutiny included the Inclusive Growth Strategy and Bretons Phase 2 Master plan. However if the latter scheme was passed by Cabinet in September there was a possibility that the decision may be called in as some Members questioned the validity of the proposal.

It was **agreed** unanimously that pre-decision scrutiny on the Inclusive Growth Strategy take place before the next scheduled meeting of the Board.

The Board **considered** the Statutory Forward Plan and **noted** its contents

## 11 **OVERVIEW & SCRUTINY BOARD WORK PROGRAMME**

The report before Members detailed the Overview & Scrutiny Board's work programme for the forthcoming year.

It was agreed that the lead Members on the two Covid-19 topic groups would meet shortly to discuss the scopes of the two groups.



Officers advised that the terms of reference of any topic groups needed to be agreed by the Board and these would need to be brought to the next meeting of the Board.

Members requested that the Homeless Prevention and Rough Sleeper Strategy and the Parks Strategy be brought to the next meeting of the Board.

Members also requested that the Council's contract register and its links with policies be updated at a future meeting.

It was **agreed** unanimously that the Homeless Prevention and Rough Sleeper Strategy be reviewed via pre-decision scrutiny.

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**Chairman**

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# Public Document Pack

**MINUTES OF A MEETING OF THE  
OVERVIEW & SCRUTINY BOARD  
Havering Town Hall, Main Road, Romford  
15 September 2020 (8.00 - 9.40 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Ray Best, Philippa Crowder, Judith Holt, Sally Miller, Nisha Patel, Christine Smith, Maggie Themistocli and Michael White (Vice-Chair)
<b>Residents' Group</b>	Ray Morgon and Barry Mugglestone
<b>Upminster &amp; Cranham Residents' Group'</b>	Linda Hawthorn and Christopher Wilkins
<b>Independent Residents' Group</b>	Natasha Summers and Graham Williamson
<b>Labour Group North Havering Residents' Group</b>	Darren Wise (Chairman)

Councillors Robert Benham and Joshua Chapman were also present.

Officers present

Robert South, Director of Children's Services  
Ian Elliott, Programme Manager, Children's Services  
Patrick Odling-Smee, Director of Housing Services  
Alfreda Boateng, Housing Solutions Manager  
Denise Reece, Housing Solutions Rough Sleeping Lead Officer  
Sandy Hamberger, Assistant Director of Policy, Performance and Community  
Abdus Choudhury, Deputy Director of Legal Services  
Andrew Beesley, Head of Democratic Services  
Anthony Clements, Principal Democratic Services Officer  
Richard Cursons, Democratic Services Officer

**12 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Keith Darvill.

**13 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

14 **PROTOCOL ON THE OPERATION OF OVERVIEW AND SCRUTINY BOARD MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

The protocol on the operation of Overview and Scrutiny Board meetings during the Covid-19 Pandemic Restrictions was noted by the Board.

15 **PRE-DECISION SCRUTINY PROTOCOL**

The Pre-Decision Scrutiny Protocol was noted by the Board.

16 **PRE-DECISION SCRUTINY OF A CABINET REPORT - HAVERING CORPORATE PARENTING STRATEGY**

The Cabinet Member addressed the Board and stated that Corporate Parenting was, in his view, one of the most important duties of elected Members. There were in excess of 400 Looked After Children in Havering and the Corporate Parenting Strategy would commission safeguarding training for Members which it was hoped all Group Leaders would support.

The strategy would be reviewed annually and a full review would be undertaken in 2023. Officers added that they had sought to keep the strategy brief and understandable.

The training available to Members would use real world examples to give an in depth understanding of the Corporate Parenting responsibility on Councillors. A former OFSTED inspector would be introduced to give an external input to much of the Councillor training. Training would be available to all Members with enhanced and bespoke training available for members of the Corporate Parenting Panel and the relevant Overview and Scrutiny Sub-Committee.

Progress with the Corporate Parenting Strategy could be considered as part of the work of the Children & Learning Overview & Scrutiny Sub-Committee with topic groups formed as appropriate. Members felt that as many Looked After Children as possible should be involved in the strategy.

Officers clarified that efforts were made to place a child with family members wherever possible and that foster care was only used as a last resort. The figure of more than 400 Looked After Children also included care leavers over the age of 18 although the overall numbers in the Havering care system had reduced. Children were however presenting with greater complexity, often due to their coming into care at an older age (12-13 years or greater) or at a moment of crisis. The number of care leavers had grown by 100% to more than 170 and the Council continued to have duties to this group up to the age of 25.

Performance indicators used were now consistent with the whole of London. It was noted that it was also important to track children who had not needed to go into care as a result of the Council's input. Benchmarking would be

undertaken across London Local Authorities as well as with Havering's statistical neighbours. The Council's would provide monitoring of the benchmarking data which could be shared with Members.

It was also confirmed that all Havering foster placements were regulated even though the sector was not fully regulated at a national level.

The Board AGREED unanimously that the following comments be passed back to the Cabinet Member as part of its pre-decision scrutiny of this item:

- **The importance of training in the Corporate Parenting role and in associated issues being made available to all Members and that Group Leaders encourage as many Members as possible to attend. Enhanced training should also be made available to Members in roles related to Corporate Parenting such as members of the Children and Learning Overview and Scrutiny Sub-Committee and the Corporate Parenting Panel.**
- **A wish to see as much involvement as possible of Looked After Children themselves in the strategy and its associated groups etc. This should not be limited to solely the Corporate Parenting Panel.**
- **The need for a sufficiently robust and consistent set of performance indicators to allow progress against objectives in the strategy to be reported on and scrutinised.**

17 **PRE-DECISION SCRUTINY OF A CABINET REPORT - PREVENTION OF HOMELESSNESS & ROUGH SLEEPING STRATEGY 2020 - 2025**

The Cabinet Member addressed the Board and advised that he planned to build on the ambition to end long term rough sleeping in the borough by 2022. There was also a wish to reduce the numbers of people living in temporary accommodation and to develop ways to support people who did become homeless. The strategy also sought to provide good value, integrated services that deliver excellent customer care.

An integrated outreach team would be provided to assist rough sleepers. This would provide a safe environment, healthcare and pathway management to rough sleepers. Work would also be undertaken to improve the hospital discharge process and to develop a homelessness charter for local businesses. A new, high quality family welcome and assessment centre would be opened for the homeless under the strategy.

The strategy would be funded principally via grant funding and officers accepted that there would be severe financial implications for the Council if this funding was not to be continued by central government. Officers also confirmed that a great deal of work had been undertaken to establish if

homeless people had local connections with Havering. Work would also be undertaken with a homeless person's 'home' borough if required and Members agreed it was important that there was a clear policy to deal with this situation.

A total of 12 people had been identified in March as rough sleeping in Havering and a total of 35 homeless had been accommodated at the start of lockdown, in a hotel in Ilford. All but three of these had now been found accommodation. Homeless accommodation provided during the Covid-19 period had been paid for by the Government but this cost was normally covered via the benefits system. Benefits claims were still able to be submitted, even if a person did not have a permanent address. Staff sought to engage with the homeless and offer care and support but it often took time to build a relationship.

The level of budget available for this work depended on Government funding although officers felt that there was only a minimal risk to funding for this work as it was a Government priority. Staffing levels were an issue for all Councils although efforts were ongoing to build the homelessness team including using apprenticeships, training etc. There were currently sufficient staff numbers in place to implement the strategy. Any evictions that would restart were likely to be for anti-social behaviour rather than rent arrears. The eviction notice period had also been extended for six months.

It was confirmed that the service now had powers to use prevention measures to stop people becoming homeless. Work was therefore put in place with clients before an eviction may have taken place. An action plan would be developed with a client to try to prevent homelessness. Similar work was also undertaken with organisations representing ex-service personnel who were given priority for housing allocation schemes.

It was clarified that the Council did not have a statutory duty to support groups such as 'couch surfers' but advice and support would be provided. Members also felt it was important that the Equalities Impact Assessment for the proposals was fully considered.

The Board AGREED unanimously that the following comments be passed back to the Cabinet Member as part of its pre-decision scrutiny of this item:

- **To flag the risk to the strategy if Central Government funding was not to be continued.**
- **The need for a clear policy for homeless people in Havering who come from other boroughs.**
- **The importance of having sufficient staff capacity to ensure the successful operation of the strategy.**
- **That the Equalities Impact Assessment of the strategy be fully taken into account**

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**Chairman**

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## LONDON BOROUGH OF HAVERING

### PROTOCOL ON THE OPERATION OF OVERVIEW AND SCRUTINY BOARD MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

#### 1. Introduction

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Overview and Scrutiny Board Committee hearings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

#### 2. Prior to the Hearing

Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

#### 3. Format

For the duration of the Covid-19 restrictions period, all Board meetings will be delivered through conference call, using Zoom software. This can be accessed using a PC, laptop or mobile/landline telephone etc. and the instructions sent with meeting appointments will cover how to do this.

#### 4. Structure of the Meeting

Although held in a virtual format, Overview and Scrutiny Board Meetings will follow the standard procedure with the following principal stages. Board Members may ask questions of any party at any time. Questions are however, usually taken after each person has spoken.

- The Chairman's announcements, apologies and disclosures of Member interests will be dealt with.
- Consideration of reports as shown in the agenda papers. Officers will introduce the report, questions will be asked by Board Members and the report debated. The Board will make any decision that it wishes with regards to the report and/or make any recommendations for further action.
- The clerk will confirm the details of any decision made by the Board or the nature of any comments to go back to the relevant decision maker.

## **5. Technology Issues**

An agenda setting out the items for the meeting will be issued in advance, to all parties in accordance with statutory timetables. This will include details of reports to be considered and any other relevant documents. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, Zoom meetings may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker and etiquette of participants during the call.

Members and the public will be encouraged to use any Zoom video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by other electronic means.

Remote access for members of the public and Members who are not attending to participate in the meeting, together with access for the Press, will be provided via a webcast of the meeting at [www.havering.gov.uk](http://www.havering.gov.uk).

If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled ordinary meeting of the Board.

## **6. Management of Remote Meetings for Members**

The Chairman will normally confirm at the outset and at any reconvening of an Overview and Scrutiny Board meeting that they can see and hear all participating members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

The attendance of Members at the meeting will be recorded by the Democratic Services Officer. The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting.

If a connection to a Member is lost during a meeting of the Board, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion, as they would not have heard all the facts.

## **7. Remote Attendance of the Public**

Any member of the public participating in a meeting remotely in exercise of their right to speak (subject to the Chairman) at an Overview and Scrutiny Board must meet the same criteria as members of the Board (outlined above) in terms of being able to access and, where permitted, speak at the meeting. The use of video conferencing technology for the meeting will facilitate this and guidance on how to access the meeting remotely will be supplied by the clerk.

## **8. Etiquette at the meeting**

The following rules must be adhered to and etiquette observed:

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, Members or other participants should make their statement, then wait until invited to speak again if required;
- If it is possible, participants should find a quiet location to participate in the Zoom meeting where they will not be disturbed as background noise can affect participants.
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent technological faults during the meeting then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

## **9. Meeting Procedures**

Democratic Services Officers will facilitate the meeting. Their role will be to control conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chairman.

The Council has put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution.

The Chairman will follow the Overview and Scrutiny Procedure rules set out in the Council's Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

The Chairman, at the beginning of the meeting, will make reference to the protocol for Member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.

Members are asked to adhere to the following etiquette during remote attendance of the meeting:

- Board Members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services Officers the opportunity to test the equipment.
- Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and Members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard and use the 'raise hand' function in the participant's field.
- All participants should only speak when invited to by the Chair.
- Only one person may speak at any one time.
- When referring to a specific report, agenda page, or slide, participants should mention the report title, page number, or slide so that all members have a clear understanding of what is being discussed at all times
- Should any voting be required, the clerk will ask Members individually to indicate their vote – either FOR, AGAINST or ABSTAIN, on the recommendations as shown in the report, once the debate has concluded.
- The Democratic Services Officer will clearly announce the result of the vote and the Chairman will then move on to the next agenda item.

Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. The Democratic Services Officer or meeting facilitator, will confirm the departure and will also invite the relevant Member by link, email or telephone to re-join the meeting at the appropriate time, using the original meeting invitation,

#### **10. After the Hearing - Public Access to Meeting Documentation following the meeting**

Members of the public may access minutes, decision and other relevant documents through the Council's website. [www.havering.gov.uk](http://www.havering.gov.uk)

For any further information on the meeting, please contact [richard.cursons@onesource.co.uk](mailto:richard.cursons@onesource.co.uk), tel: 01708 432430.



## Overview & Scrutiny Board 13 October 2020

<b>Subject Heading:</b>	<b>Protocol for pre-decision scrutiny - update</b>
<b>SLT Lead:</b>	<b>Andrew Blake-Herbert Chief Executive</b>
<b>Report Author and contact details:</b>	Andrew Beesley Head of Democratic Services Andrew.beesley@onesource.co.uk 01708 432437
<b>Policy context:</b>	Overview & Scrutiny
<b>Financial summary:</b>	There are no significant financial implications.

### The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

### SUMMARY

At its meeting in August 2020, O&S Board agreed a protocol for pre-decision scrutiny. There were a number of suggested amendments which have now been incorporated and the updated version of the protocol is attached to this report for noting.

### RECOMMENDATION

To note the amendments to the protocol for pre-decision scrutiny attached at Appendix A & B.

**REPORT DETAIL**

Members agreed the protocol for pre-decision scrutiny at the meeting of O&S Board in August. As part of the debate, there were a number of suggested amendments which would assist in providing clarity regarding process and timescales. It was agreed that the matter would be reported back to the O&S Board for completeness.

Those amendments have now been incorporated into the protocol, a copy of which is attached at Appendix A & B.

**IMPLICATIONS AND RISKS**

**Legal Implications and Risks**

It is a matter for overview & scrutiny to determine how it wishes to conduct pre-decision scrutiny. The proposed protocol complements guidance which has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

**Finance Implications and Risks – None**

**HR Implications and Risks – None**

**Equalities Implications and Risks - None**

**BACKGROUND PAPERS**

None

## Overview & Scrutiny Protocol – Pre-decision Scrutiny

### WHAT IS PRE-DECISION SCRUTINY?

Cabinet and Overview and Scrutiny recognise that in order for effective scrutiny to happen they need to work together for the benefit of the Council and to improve decision-making.

The Council is required to give 28 days' notice of a planned key decision. The decisions are brought to scrutiny as drafts of the final cabinet or delegated decision report.

The range of possible outcomes may include support for a decision, a different view on the way forward, the flagging up of concerns (e.g. in relation to the consultation process), or a recommendation that the decision should be deferred pending further work etc. It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

Overall, pre-decision scrutiny can help the decision-making process by:

**Providing an impartial perspective** – scrutiny can gather its own evidence to contribute towards the decision-making process, and consult those directly affected by the decision impartially and independently.

**Challenging assumptions and making evidence-gathering more robust** – scrutiny can look at projections relating to the impact of the decision – financial, social, economic, environmental – and consider whether those projections and assumptions are justified.

**Developing realistic plans and targets** – scrutiny can help to develop challenging but realistic targets that will be impartial and focused on outcomes rather than outputs.

**Securing ownership and buy-in to the final decision** – engaging with scrutiny will help the executive to understand the expectations of the wider group of elected councillors and, by extension, the public.

### WHAT PRE-DECISION SCRUTINY IS NOT

Pre-decision scrutiny does not replace decision-making. It is not intended to blur the lines of accountability, which will always rest with the Executive.

Pre-decision scrutiny is not the same as general service or policy development / formulation. Separate to pre-decision scrutiny there are occasions where scrutiny is already involved at an earlier point in the development of policy or service proposals.

## WHY IS A PROTOCOL NEEDED?

The aim of this protocol is to set out an agreed way of working with the Cabinet, in line with the Council's Constitution, to facilitate the proper role of Overview and Scrutiny in respect of pre-decision scrutiny.

### Protocol for pre-decision scrutiny of Forward Plan items

1. Overview and Scrutiny Board will monitor and review the Council's Forward Plan of forthcoming key decisions (as standing items on agenda) to determine which items they would like an input into before decisions are made by the Cabinet or the individual decision maker with delegated responsibility. Members will be notified by email when an item is added to the Forward Plan. Members will have 5 calendar days to make a request for pre-decision scrutiny to the Chairman and Clerk of O&S Board.
2. It is permissible for the Leader or individual Cabinet Members to suggest topics for pre-decision scrutiny however the decision to accept rests with the Board. The request, stating reasons, will be made in writing to the Chairman and Clerk of the Board within 5 calendar days of the item being added to the Forward Plan. ~~The clerk of the O&S Board will write to Members giving up to 5 working days for the suggestion to be accepted onto the agenda for the next scheduled meeting.~~
3. Where a request has been received in accordance with Points 1 or 2 above, ~~t~~he clerk of the O&S Board will write to O&S Board Members giving up to 5 working days for the suggestion to be accepted onto the agenda for the next scheduled meeting. A majority of Members from the committee is required to achieve this. In the event of a tie, the Chairman will have a second and casting vote. That a suggestion is rejected does not prevent the use of call-in at a later date. The matter will progress for consideration by Cabinet or delegated decision maker and be available for call-in subject to any exemption.
- 2.4. Where pre-decision scrutiny of a forthcoming key decision is agreed requested by the Overview & Scrutiny Board, a draft copy of the Cabinet report or Executive Decision will be provided. Where necessary and following consultation with the Chairman, an extraordinary meeting of Board or committee will be convened in accordance with procedure rules.
- 5.4. The relevant Cabinet Member, Director, Assistant Director and/or appropriate officer(s) will attend the Overview and Scrutiny meeting to present the draft report and answer any questions posed by members of the committee.
- 6.5. The Overview and Scrutiny Board discusses the report and identifies any points it would like addressed in the final report to be presented before Cabinet or the individual decision maker with delegated responsibility; this could include any alternative recommendations which the Board consider necessary.



6. Unless the proposal is different from that which the decision-maker is subsequently required to consider, the pre-decision scrutiny of the subject prevents the opportunity for call-in once the decision is made by the Cabinet or the individual decision maker with delegated responsibility.

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Pre-decision Scrutiny Timetable

		<b>Calendar days before decision due date</b>
1	Notice of intended key decision published (minimum)	28
2	Last date for request for pre-decision scrutiny to be submitted to Chairman and committee clerk	23
3	Determination by O&S Board Members of request for pre-decision scrutiny	15
4	Publication of O&S Board agenda, including draft Cabinet or delegated decision report	9-12
5	O&S Board meeting	1-4
9	Intended date of decision	0

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# Overview & Scrutiny Board

13 October 2020

# REPORT

**Subject Heading:**

Call-in of a Cabinet Decision – Disposal of Land at Hall Lane Pitch and Course, Upminster following its appropriation for planning purposes

**SLT Lead:**

Abdus Choudhury – Deputy Director of Legal & Governance

**Report Author and contact details:**

Anthony Clements Principal Democratic Services Officer  
anthony.clements@onesource.co.uk

**Policy context:**

The report deals with a statutory process.

**Financial summary:**

There is no significant financial impact from the statutory processes as these are being met by existing budgets.

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[ ]

**SUMMARY**

In accordance with paragraph 17 of the Overview & Scrutiny Committee Rules, a requisition signed by six Members representing more than one Group (Councillors Gillian Ford, Ray Morgon, Linda Hawthorn, David Durant, Graham Williamson and Chris Wilkins) have called-in the Cabinet Decision dated 16 September 2020.

**RECOMMENDATION**

**That the Board considers the requisition of the Cabinet Decision and determines whether to uphold it.**

**REPORT DETAIL**

As per Appendices

Appendix A – Grounds for requisition and response by Council officers

Appendix B – Cabinet report

Appendix C – Cabinet decision

18<sup>th</sup> September 2020

Councillor Gillian Ford, Councillor Linda Hawthorn, Councillor Ray Morgan, Councillor Chris Watkins, Councillor Graham Williamson and Councillor David Durrant are requisitioning the Cabinet Decision made on the 16<sup>th</sup> September for the disposal of the Land at Hall Lane Pitch & Putt Course, Upminster, on the following grounds:

1. The site is classified in Havering's Draft Local Plan as Open Space. The disposal of the land is a deviation from the Draft Local Plan.
2. 3.2 Identifies approximately 75% loss of existing open space for the area with a suggested 25% of public space retention. No evidence as to how "full access public open space" will be maintained and retained as public open space.
4. Wrong information provided in the report in relation to the location of Cranham Golf Course therefore the detail within the report is wrong in relation to accessibility.
5. Lack of consideration for alternative usage of the site on health grounds in regard to mental health, site and hearing requirements as quoted within the report.
6. Lack of evidence on original acquisition of the site and legitimacy of rights of disposal.
7. Total disregard for residents rights of access onto the site.
8. Dereliction of duty to maintain the facility to a high standard.
9. Information on opening times of the site is misleading. The amount of hours the site was open does not equate to the reference made within the report.
10. The loss of open space against the London Plan Policy is "partially compliant with policy 7.18 of the London Plan" not fully.
11. Lack of detail as to how the provision of primary and secondary education places against school capacity will be achieved beyond investment.
12. Lack of security of existing trees despite suggested TPO's.
13. Insufficient consideration has been given to increasing carbon offset.
14. The Hall Lane Policy Area should be extended to incorporate this site.

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1<sup>st</sup> October 2020

**Councillor Gillian Ford, Councillor Linda Hawthorn, Councillor Ray Morgan, Councillor Chris Watkins, Councillor Graham Williamson and Councillor David Durant are requisitioning the Cabinet Decision made on the 16<sup>th</sup> September for the disposal of the Land at Hall Lane Pitch & Putt Course, Upminster, on the following grounds:**

The purpose of the Cabinet decision made on 16<sup>th</sup> September 2020 was to consider responses with respect to the appropriation for planning purposes and disposal of the land at Hall Lane Pitch and Putt Course, Upminster.

The following decision was made by the Cabinet:

1. That, having considered the responses received as a result of the public notices, and pursuant to the Cabinet decision of 13 March 2019, Cabinet approval is given to proceed with:
  - a) The appropriation for planning purposes of the land at Hall Lane Pitch and Putt, Upminster.
  - b) The disposal of the land at Hall Lane Pitch and Putt, pursuant to section 233 of the Town and Country Planning Act 1990. A Plan of the site is attached as Appendix 1 of the report.
2. That the Head of Property Services - in consultation with the Cabinet Member for Finance and Property - will as a result of this decision deal with all matters arising including the appropriation for planning purposes and thereafter the completion of the disposal of the land.

The purpose of the decision, therefore was not to consider the merits or demerits of the planning application or the planning position of the site. Notwithstanding the fact that a number of the grounds for requisition relate to matters that have already been considered and determined under the planning application, for which a resolution to grant permission has been made, the following responses have been provided:

- 1. The site is classified in Havering's Draft Local Plan as Open Space. The disposal of the land is a deviation from the Draft Local Plan.**

Policy DC18 of the Havering Core Strategy and Development Control Policies DPD states that the Council will seek the retention of all public space and recreation, sports and leisure facilities. Alternative uses will be allowed where the land is surplus to requirements because of other facilities existing in the locality and/or there is no need for other leisure/recreation uses. Any loss of open space must be accompanied by an improvement to the quality of open space in the vicinity.

Although there is an overall loss of open space as a result of the proposal, the current use of the land is considered surplus to requirements and at least 25% of the site would be public open space, as opposed to the current restricted access. In addition, a £120K financial contribution for improvements to Upminster Hall Playing Fields is to be made upon grant of planning consent (secured by legal agreement).

On balance (and taking into account the Council's obligation to increase housing supply) planning officers consider that the loss of open space accords with relevant planning policy.

**2. 3.2 Identifies approximately 75% loss of existing open space for the area with a suggested 25% of public space retention. No evidence as to how "full access public open space" will be maintained and retained as public open space.**

It is to be expected that the detailed arrangement would be negotiated at detailed planning stage. Council officers have anticipated this discussion however, hence the following resolutions:

Strategic Planning Committee (9 July 2020) resolved to grant permission subject to the prior completion of a legal agreement to secure (amongst others) the following planning obligations:

(i)(4) Public access rights to open space provided within the development

(i)(5) Satisfactory maintenance of all open space and other common areas within the development including any facilities/furniture provided as part of the common/public areas

Furthermore, the same committee resolved that the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure (amongst others) the following matters:

(7) Minimum provision of public open space

(9) Minimum provision of play space

**3. Wrong information provided in the report in relation to the location of Cranham Golf Course therefore the detail within the report is wrong in relation to accessibility.**

The Golfing Facilities Needs Assessment Final Report (November 2018) (GFNA) does indeed describe (on page 19) Cranham Golf Course as being within Cranham Ward which is an error. However, this section of the report highlights that both this course and Upminster Golf Course are located within the central part of Havering alongside Hall Lane P&P. Cranham GC is described as being within 6 minutes drive time of the subject site. The report goes on to say that Cranham GC is an attractive proprietary pay and play 18 hole golf course which is recognised in player reviews as a good quality facility for beginners with good quality social facilities which are [at the time of the report] being extended and enhanced.

This report concludes that there is a good quantity of supply of golf facilities in Havering borough and its immediate surrounding area and this supply is well distributed to provide good accessibility from all parts of the borough.

**4. Lack of consideration for alternative usage of the site on health grounds in regard to mental health, site and hearing requirements as quoted within the report.**

The current facility (pandemic related closure notwithstanding) is an open space leisure facility that is underutilised and requires Council subsidy if it is to continue in operation.

The GFNA considered the amenity value of the existing facility in the context of national, regional and local planning policy. The report recognises recent policy changes in respect of justifying investment in community sports infrastructure in the light of rising levels of inactivity and consequent adverse effects on health and wellbeing. The report demonstrates clearly that it is surplus. The losses made year on year also prove this.

The Open Space Assessment recommends that with enhancements through public access – “a park [as the illustrative layout provided] would be much more beneficial to the area and the benefits are likely to outweigh the loss of part of the site to development”.

Nevertheless, the report concludes that Hall Lane P&P offers little value as a site to deliver the Council’s health and wellbeing policies. It is located in one of the borough’s least deprived wards where rates of physical activity are much higher than within the poorer wards.

The report highlights adequate alternative locations for golf users but does not address alternative leisure uses that might be undertaken on this site. That said, Upminster Hall Playing Fields lies in close proximity, is a much larger site and offers sports pitches, skate park, play facilities and large open space. The immediate locality is therefore well served in terms of alternative sport and recreation opportunities.

**5. Lack of evidence on original acquisition of the site and legitimacy of rights of disposal.**

The Cabinet Report sets out in some detail the process that must be followed (which is governed by statute) to enable it to be sold (including: identification as a surplus asset, appropriation to planning powers, associated consultation and consideration of responses). As a matter of practice, where there is no evidence to indicate that land was acquired for a particular purpose it is assumed that it is held for general land holding purposes and there are no special constraints on its disposal.

## **6. Total disregard for residents rights of access onto the site.**

The Council does not recognise any rights of access or use acquired by any of the said residents but assuming such rights exist in law, to the extent to which they interfere with the use and development of the land (the subject of the statutory notices and which has been appropriated for planning purposes and then to be disposed of) for planning purposes, these rights will be overridden to the extent the development and use of the land extinguishes those rights – in exchange residents will be entitled to compensation to the extent the loss of the right diminishes the market value of their property.

## **7. Dereliction of duty to maintain the facility to a high standard.**

The GFNA recognises that the Hall Lane P&P facility offers a low quality of course and ancillary facilities and there is no on-site parking. It also requires a substantial subsidy to operate.

The GFNA reported that the site offered no potential to be enhanced to become financially viable. Standalone Pitch and Putt and/or Crazy Golf is only attractive to sufficient numbers of users to achieve financial viability in locations where these facilities are complementary to other sports and recreational facilities - for example in destination parks such as Battersea Park or Alexandra Park, or in commercial golf centres as part of a wider offer with parking and hospitality facilities such as Golf Kingdom Family Golf Centre in Romford or West Park in Chelmsford.

Despite the above advice, at the time of the 2019 report, the Council had obtained quotations for necessary remedial works to sustain the current operation (replacement of fencing/gates to Hall Lane, tree works and works to the pavilion) which together totalled approximately £35K. Were these works to be undertaken, the facility was still predicted to run at a loss.

That is not to say that the Council has not kept the course regularly maintained to keep it in a usable condition (essential for any golf facility) and therefore that there has been any dereliction of duty.

## **8. Information on opening times of the site is misleading. The amount of hours the site was open does not equate to the reference made within the report.**

The information of opening hours is based on the published opening hours on the Council website and the site itself. However, the GFNA states that the Hall Lane P&P is available for use between 10am and 5pm at weekends, bank holidays and on weekdays in the school holidays between April to October, subject to suitable weather conditions.

This report was prepared by Continuum in accordance with the latest guidance published by Sport England and the requirements of the NPPF 2018. It relied on Continuum's own research/site visits, was project managed by the council's Head of Property Services and other Council officers were consulted to inform this review.

Information on opening hours will have been provided by Council staff who also had the chance to review and comment upon the draft report prior to it being more widely circulated.

1<sup>st</sup> October 2020

It is to be expected that any errors, including those in respect of opening times, would have been picked up at that stage.

**9. The loss of open space against the London Plan Policy is “partially compliant with policy 7.18 of the London Plan” not fully.**

Policy 7.18 of the London Plan states that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.

London Plan policy is not the only planning policy against which this proposal must be judged however. The Cabinet Report (Appendix 3, Para 3.2) also reflects the conclusion that the proposal does accord with paragraph 97 of the NPPF and Havering planning policies.

The Council also has obligations in respect to the creation of new, high quality, housing under national, regional and local planning policy.

**10. Lack of detail as to how the provision of primary and secondary education places against school capacity will be achieved beyond investment.**

LBH School Organisation was consulted regarding the planning application and its response was that the development would generate additional children and this should result in a CIL or s106 contribution for additional school places. So, in effect, this response envisages a financial investment approach to enhancing school provision.

Havering CIL would be applicable at £125 per square metre of new development floor space. The final CIL figure would be calculated once any reserved matters application pursuant to the outline permission is submitted.

**11. Lack of security of existing trees despite suggested TPO's.**

Strategic Planning Committee (9 July 2020) resolved to grant permission subject to the prior completion of a legal agreement to secure (amongst others) the following planning obligation:

(ii) Prior to issuing decision, issuing of a Tree Preservation Order covering the most important trees on the site

Furthermore, the same committee resolved that the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure (amongst others) the following matters:

(39) Tree root protection zones and other protection measures

(40) Landscaping approved as part of reserved matters to be retained/maintained for 5 years

(41) Landscaping as part of reserved matters to show tree retention plan

(42) Removal of permitted development rights (including).....no extensions or outbuildings within 5 metres of trunk of any protected tree.....no hard surfaces within 5m of protected trees....

## **12. Insufficient consideration has been given to increasing carbon offset.**

Strategic Planning Committee (9 July 2020) resolved to grant permission subject to the prior completion of a legal agreement to secure (amongst others) the following planning obligation:

(i)(2) Carbon Offset payment [this will be secured through a s106 agreement]

Furthermore, the same committee resolved that the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure (amongst others) the following:

(23) Any boilers to be ultra low NOx boilers

The planning application was supported by an Outline Energy Statement, prepared by XCO2. In terms of carbon offset, this report concluded that the proposed development complies with the London Plan CO2 savings target of 35% to be achieved on site. To achieve 'zero carbon' as required for major residential developments, the equivalent of 2,070 tonnes over 30 years should be offset offsite (hence the reference to the s106 payment above).

This statement concludes that, overall, the proposed development has been designed to meet energy policies set out by the GLA and LB Havering which demonstrates the client and design team's commitment to enhancing sustainability of the scheme.

It is important to note that this report addressed the original 48 unit development proposal. The current proposals, containing a maximum of 37 dwellings, will no doubt reduce the offsite requirement for offset.

## **13. The Hall Lane Policy Area should be extended to incorporate this site.**

Whilst the subject site is excluded from this policy area, it is surrounded by HLPAs Zone B. The policy area designation does not preclude development activity and the proposals for the Hall Lane P&P site, following consultations with Council officers, were amended to comply with the requirements of the adopted planning policy as it affects development within Zone B of the HLPAs. It is thus not clear how the inclusion of this site within the policy area would have affected the outcome in town planning terms.

### **Summary Comments**

Points 1,2 (to a degree),9,10,11,12, and 13 relate to planning considerations, which have already been considered and determined under the planning application, for which a resolution to grant permission has been made. The rest of the points broadly relate to the 2019 Cabinet decision where the principle that the site was surplus to requirement was agreed.

1<sup>st</sup> October 2020

The 16<sup>th</sup> September 2020 cabinet report reiterates the Council's intention to see the land used for development. By securing outline planning and other relevant consents, the Council will be able to maximise the anticipated capital receipt from the site and demonstrate compliance with obligations to achieve the best consideration reasonably obtainable. The anticipated capital receipt site will fund priority capital projects approved as part of the Council's Medium Term Financial Strategy and Capital Strategy.

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## CABINET

**Subject Heading:**

**Disposal of land at Hall Lane Pitch & Putt Course, Upminster following its appropriation for planning purposes.**

**Cabinet Member:**

**Councillor Roger Ramsey, Cabinet Member for Finance and Property**

**SLT Lead:**

**Simon Pollock, Executive Director for OneSource**

**Report Author and contact details:**

**Simeon Nnyombi, Strategic Asset Manager  
Tel: 01708 432573  
Email:simeon.nnyombi@onesource.co.uk**

**Policy context:**

**The report deals with a statutory process**

**Financial summary:**

**There is no significant financial impact from the statutory processes as these are being met by existing budgets.**

**Is this a Key Decision?**

**Yes**

**Expenditure or saving (including anticipated income) of £500,000 or more**



**SUMMARY**

- 1.1 On 13 March 2019, Cabinet authority was given to consider any objections to the intended appropriation and disposal of the Council-owned land at Hall Lane Pitch and Putt, Upminster. Cabinet also agreed to the principle of disposing of the land following its appropriation for planning purposes, subject to the required statutory processes being undertaken.
- 1.2 The statutory process governing these activities requires the proposal to be publicly advertised and for any objections to be duly considered. Therefore in connection with the appropriation and disposal of the land, authority was also given by Cabinet to formally advertise the proposed intentions.
- 1.3 This report describes the background to these proposals, sets out the responses received to the relevant public notices and provides an analysis of these responses for consideration by Members. Inevitably, a large number of representations relate to the planning application for which resolution to grant permission has been obtained.

**RECOMMENDATIONS**

- 2.1 That, having considered the responses received as a result of the public notices, and pursuant to the Cabinet decision of 13 March 2019, Cabinet approval is given to proceed with:
  - (a) The appropriation for planning purposes of the land at Hall Lane Pitch and Putt, Upminster.
  - (b) The disposal of the land at Hall Lane Pitch and Putt, pursuant to section 233 of the Town and Country Planning Act 1990. A Plan of the site is attached as Appendix 1 of this report.
- 2.2 That the Head of Property Services - in consultation with the Cabinet Member for Finance and Property - will as a result of this decision deal with all matters arising including the appropriation for planning purposes and thereafter the completion of the disposal of the land.

**REPORT DETAIL**

- 3.1 The Council owns the freehold interest in the land at Hall Lane Pitch and Putt, Upminster. The site has been identified for disposal following its appropriation for planning purposes.
- 3.2 The principle of disposal of the site was approved by Cabinet on 13 March 2019. The approval authorised the commencement of the relevant disposal and appropriation processes. A Plan showing the extent of the site referred to in the Recommendations at 2.1 is attached to this report at Appendix 1.
- 3.3 The Council is authorised to dispose of any land that it owns but where such land can be regarded as open space (defined under section 336(1) of the Town and Country Planning Act 1990 as “any land laid out as a public garden or used for the purposes of public recreation...”) the Council must advertise its intention to dispose of the land for two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections which may be made to them.
- 3.4 Furthermore, all Council-owned land is held for a particular purpose as the Council has the power to acquire and hold land for various statutory purposes to perform its functions. In order to hold land for a purpose other than one at the time it was acquired the land must be appropriated for a different purpose. Appropriation is a statutory process that allows the Council, following consultation, to change the purpose for which it holds property in its ownership from one purpose to another. As an in principle decision has been made by Cabinet to dispose of the land for development (subject to obtaining the usual development consents) the relevant purpose for holding the land is now required to be changed to that for planning purposes pending disposal.
- 3.5 The Council is authorised to appropriate land that it owns for planning purposes under Section 122 of the Local Government Act 1972 which, subject to a number of provisions, allows “a principal Council to appropriate land which belongs to the Council and is no longer required for the purpose for which it was held immediately before the appropriation....”
- 3.6 When the appropriation is in respect of open space the Council is required under Section 122 (2A) of the Local Government Act 1972 to advertise its intention to do so for two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections which may be made to them.

- 3.7 By formally appropriating the land for planning purposes the Council or any other person may – subject to Section 241 of the Town & Country Planning Act 1990 – develop the land in accordance with a planning permission.
- 3.8 The Council should only propose to appropriate land for planning purposes if it has an intention to see the land used for development which promotes or improves the economic, social or environmental wellbeing of its area and believes that the appropriation is needed in order to facilitate or achieve any of these aims. In this case, the Council does intend to see the land used for development. There has been a resolution to grant planning permission under planning reference PO248.19-outline planning application for the demolition of all buildings and structures on site, and redevelopment of the site providing up to 37 residential dwellings, creation of a new highway access, public open space and landscaping and related infrastructure. The reasons for this proposed disposal were set out in the 13 March 2019 Cabinet report including the continuing need to generate capital receipts from the disposal of assets in order to pursue capital projects. The review and identification of new disposal and capital receipt opportunities makes an essential contribution to the funding of the Council's capital programme.
- 3.9 The decision to initiate the process of proposed appropriation and disposal of open space was confirmed on 13 March 2019. Public notices were placed in the Romford Recorder on 5th and 12th July 2019. Copies of the notices are shown in Appendix 2. The final date for submission of any responses was 5th August 2019.
- 3.10 If representations are made to the Council in response to notices of this type, it is necessary for the Council to consider these representations and to take them into account in deciding whether to proceed with the appropriation and disposal of the open land. It should be stressed that the consideration in this report is whether the proposed appropriation of the disposal site for planning purposes and the proposed disposal of the land should proceed and the representations need to be considered in that context.
- 3.11 Representations of objection were received in response to the site notices. An analysis and commentary on the issues raised within the representations is set out in Appendix 3.
- 3.12 In summary, the consultation resulted in 868 responses being received. The majority of these representations represented objections to the Council's proposals and most contained multiple reasons for making these objections. In terms of the number of individual grounds for objection, recurring themes included the loss of open space/biodiversity/trees and their deleterious effects on health & wellbeing, congestion & pollution, pressure on local infrastructure & services and the inappropriate form of development.
- 3.13 It is now necessary for Cabinet to formally consider the responses and to decide whether the proposed actions within this report should be authorised.

## **REASONS AND OPTIONS**

### **Reasons for the decision:**

- 4.1 This decision is required as a result of the statutory process involved in dealing with the proposed disposal of and appropriation of the subject land for planning purposes

### **Other options considered:**

- 5.1 Having placed the notices, it is necessary for the Council to formally consider the responses received. As this report only concerns the consideration of these responses, no other options are available.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

- 6.1 There are no direct financial implications in considering the responses received to a public notice dealing with the disposal and appropriation of land for planning purposes.
- 6.2 If the appropriation and disposal go ahead, presale expenses up to the allowable maximum of 4% of sale proceeds will be offset against the capital receipts. Any costs over and above this, or of a revenue nature will be met through the prioritisation of existing resources. The net capital receipts from the future disposal can be utilised to fund capital projects approved as part of the Medium Term Financial Strategy and Capital Strategy. This may involve the flexible use of receipts to fund transformation costs of a revenue nature.

### **Legal implications and risks:**

- 7.1 The Council is seeking to appropriate land for planning purposes under section 122 of the Local Government Act 1972 and then dispose of the same pursuant to section 233 Town and Country Planning Act 1990.

- 7.2 Section 122 of the Local Government Act 1972 (“the Local Government Act”) enables the Council to appropriate land which belongs to the Council for any statutory purpose for which it is authorised to acquire land and which is no longer required for the purpose for which it is held immediately before the appropriation. The Council must, therefore, consider whether the land is no longer needed for the purpose for which it is so held if it is to be appropriated for planning purposes.
- 7.3 The meaning of the words “no longer required for the purpose for which it was held immediately before the appropriation” was considered by the Courts in the context of the predecessor to section 122. In that instance “not required” was held to mean “not needed in the public interest of the locality”.
- 7.4 Appropriation of the land for “planning purposes” (in order to engage the provisions of sections 203 – 205 Housing and Planning Act 2016 (“the 2016 Act”)) requires the Council to consider the following factors whether;
- a. the appropriation will facilitate the carrying out of development, re-development or improvement on or in relation to the land or is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated;
  - b. the proposed development, re-development or improvement will contribute to the promotion or improvement of the economic, social and/or environmental well- being of the area;
  - c. it is in the public interest that the proposed development should be carried out, having regard to the provisions of the development plan, whether planning permission is in force and any other considerations that would be material to the determination of a planning application for development of the land;
  - d. as noted above, the land is no longer required for the original purpose for which it was acquired
  - e. rights capable of being overridden by sections 203 - 205 of the 2016 Act exist and whether interference with such rights is necessary
- 7.5 “Planning purposes” is defined in section 246(1) of the 1990 Act and acquisition for such purposes includes acquisition under section 226 or 227 of the 1990 Act.
- 7.6 Where land is appropriated for planning purposes, it is then held by the Council under the statutory provisions of Part 9 of the 1990 Act. The consequence (by virtue of section 203 - 205 of the 2016 Act) is that the erection, construction or carrying out of any maintenance or any building or work on the land and subsequent use of the land is authorised under those planning powers, if the works are carried out in accordance with planning permission, even if they interfere with third party rights.

- 7.7 The purpose of section 203 - 205 of the 2016 Act is to ensure that where land has been appropriated for planning purposes, and provided that work is carried out in accordance with planning permission, then existing rights, which could prevent the development of that land from proceeding, can be overridden. The rights are overridden whether the Local Authority or a person deriving title from it undertakes the development. Persons who would otherwise benefit from those rights are entitled to claim compensation for the interference with them.
- 7.8 Section 122(2A) of the Local Government Act requires that before appropriating and disposing of any land consisting of or forming part of open space the Council must advertise the proposed appropriation in two consecutive editions of a local newspaper and consider any objections received in response. It is considered that the consulting requirements of section 122(2A) and the site notices and objections have been correctly considered.
- 7.9 It is considered reasonable for the Council to use its powers in this case to appropriate and dispose of the land, within the red line areas as on the Plan attached at Appendix 1 for planning purposes as the appropriation will facilitate the carrying out of development and improvement to the land and contribute to the promotion of the economic, environmental or social well-being of the Borough.
- 7.10 The Human Rights Act 1998 ("the 1998 Act") prevents public authorities from acting in a way that is incompatible with rights protected by the 1998 Act. Of particular relevance to the acquisition of interests in land or overriding of interests/rights in land are Article 8 of the European Convention regarding respect for privacy and family life and Article 1 of the First Protocol which concerns the protection of property.
- 7.11 Such rights are qualified rights and may therefore be overridden where it is considered that the interference with these rights are proportionate and that the interference is necessary in the interests of, amongst other things, national economic wellbeing.
- 7.12 It is acknowledged that the appropriation of land for planning purposes may result in interference with property rights. However, compensation will be payable in accordance with statute. The assessment undertaken by the Council has taken into account the social, economic and environmental wellbeing of the locality. Moreover, in considering this appropriation, the Council has carefully considered the balance to be struck between individual rights and the wider public interest and considers that there are no such rights to be considered in this assessment that are likely give rise to compensation.



- 7.13 The disposal of the land will be pursuant to section 233 of the Town and Country Planning Act 1990. The Council has, in addition to advertising the intended appropriation of the land (pursuant to section 122 Local Government Act 1972) advertised the intended disposal (on the same basis) in accordance with section 233(4) of the Town and Country Planning Act 1990.
- 7.14 In considering representations made following the advertising of the intended appropriation and the subsequent intended disposal, the Council is required to take these into account in reaching their decision to appropriate and dispose. This involves the exercise of a discretion and the duty to act reasonably in a “Wednesbury” sense. In practice this will involve balancing the benefits of appropriating and then disposing of the land as against the loss suffered by those landowners that benefit from rights affecting the land and those members of the public that use and enjoy the land for open space purposes. Adjoining landowners will have their rights overridden (in exchange for compensation) by the appropriation process, for example, this would include landowners that have acquired rights to light or have the benefit of restrictive covenants that affect the land. Members of the public that use the open space for recreational purposes will have their ability to use the open space land for these purposes taken away.
- 7.15 In exercising the authority recommended at 2.2 of this report, the Head of Property will need to dispose of the land in accordance with Section 233 Town and Country Planning Act 1990 which requires that the Council on disposing of the land must secure the best consideration on the disposal that can be reasonably be obtained.

**Human Resources implications and risks:**

- 8.1 There are no Human Resources implications or risks in considering the responses received to a public notice dealing with the disposal and appropriation of land for planning purposes.

**Equalities implications and risks:**

- 9.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
  - (iii) foster good relations between those who have protected characteristics and those who do not. .

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

9.2 Following a consultation exercise, to ascertain the views of residents impacted by the potential loss of open space, there were responses around the deleterious effects on the health and wellbeing of our residents. All comments on health can be mitigated through the alternative open spaces nearby. There were comments around socio-economic status (more expensive membership at nearby golf course).

9.3 It is considered that there are no communities falling under the list of "protected characteristics" that would be significantly or unduly harmed by the proposals, which is outlined in the Equality and Health Impact Assessment.

### **Health and Wellbeing Implications and Risks**

10.1 Without the mitigation measures, the disposal and re-appropriation of the land at Hall Lane Pitch & Putt Course, Upminster could have a net negative impact on health. The effect is due to the loss of 75% of the green space, access to a sports facility, the threat to biodiversity, net increase in private vehicle movement and the loss of a local community group. The new development might create a few jobs for local subcontractors although the new properties will not be affordable to those who need most.

10.2 However, the negative impacts could be mitigated. Some of the measures are seen in the proposal. The proposal includes the provision of at least 25% of the site area allocated as public open space accessible free by all residents. Besides, environmental impacts can be mitigated by retaining most of the existing significant trees, planting more trees in the open space area, protect the trees inhabited by rare species if they happen to be on the development site, and containing a wildlife area. A standard wildlife assessment must be carried out. Moreover, in the public open space area, cycle racks, green gym, walking paths, benches and children play areas should be installed to allow physical activity and community activities and to make the best use of the space. Revenue from the sale of the land could be used to invest in affordable housing or converting empty offices.

**BACKGROUND PAPERS**

Redacted Representations received



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**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 233(1), (4)  
DISPOSAL OF LAND AT GOOSHAYS GARDENS, HAROLD HILL,  
ROMFORD, ESSEX**

NOTICE is hereby given that the London Borough of Havering intends, following its appropriation to planning purposes, to dispose of an area of approximately 1.99acres (0.81 hectares) of open space land at Gooshays gardens, Harold Hill, Romford, Essex

A plan reference SPS11 showing the land at Gooshays Gardens, Harold Hill, Romford, Essex edged red is available for inspection between 9.30am and 4.30pm on normal working days at the offices of London Borough of Havering, PASC (Public Advice Service Centres), Liberty Shopping Centre, Romford RM1 3RL

In accordance with the provisions of section 233(4) of the Town and Country Planning Act 1990, any person wishing to object to the proposed disposal should write setting out the details of such objection to: Ms Sarah Chaudhry - Director of Asset Management Services, 2 River Chambers, High Street, Romford, RM1 1HR or by email to [property@onesource.co.uk](mailto:property@onesource.co.uk) quoting reference 'Gooshays Gardens Disposal' and must be received no later than 4.00pm on 5th of August 2019.

Dated 5 July 2019  
Anne Brown  
Interim Director of Legal and Governance  
London Borough of Havering

**London Borough of Havering  
Town and Country Planning Act 1990 Section 233(1), (4)**

**Disposal of land at Hall Lane, Uppminster, Essex**

NOTICE is hereby given that the London Borough of Havering intends, following its appropriation to planning purposes, to dispose of land having an area of approximately 8.5acres (3.4hectares) at Hall Lane, Uppminster, Essex comprising Hall Lane Pitch and Putt Course, Uppminster which consists or forms part of an open space.

A plan with reference SPS23 showing the Land at Hall Lane, Uppminster, Essex edged red is available for inspection between 9.30am and 4.30pm on normal working days at the offices of London Borough of Havering, PASC (Public Advice Service Centres) Liberty Shopping Centre, Romford RM1 3RL

In accordance with the provisions of section 233(4) of the Town and Country Planning Act 1990, any person wishing to object to the intended disposal should write setting out the details of such objection to: Ms Sarah Chaudhry - Director of Asset Management Services, 2 River Chambers, High Street, Romford, RM1 1HR or by email to [property@onesource.co.uk](mailto:property@onesource.co.uk) quoting reference 'Hall Lane Disposal' and must be received no later than 4.00pm on 5th of August 2019.

Dated 5 July 2019  
Anne Brown  
Interim Director of Legal and Governance  
London Borough of Havering

	Lane 7 Park Farm Road and Warwick Lane / Uppminster Road North Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>					
1246	Road Closure Church Lane Closed at its junction with Ockendon Road Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>	Carriageway Surface Dressing	No permissible diversion	13th July 2019 08:00 to 17:00 daily, 20th July 2019, 08:00 to 17:00 daily, 29th July 2019, 08:00 to 17:00 daily or upon completion of the works whichever is the sooner		
PART 2 - MADE NOTICE (CONFIRMED RESTRICTIONS)						
1134	Road Closure Links Avenue Temporary road closure of Links Avenue, between the northern kerb line of Hockley Drive and its northern most extremity, Contact: <a href="mailto:jain.hardy@havering.gov.uk">jain.hardy@havering.gov.uk</a>	Street Party Event	None, access only	Between noon and 20:00 hours on the 6th July 2019 or upon completion of the event whichever is the sooner		
1227	Road Closure Tudor Gardens, Uppminster Closed between its junction of St Marys Lane and Sunnyside Gardens, Suspension of parking restrictions in Tudor Gardens Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>	Carriageway resurfacing	St Marys Lane, Sunnyside Gardens (in both directions) Sunnyside Gardens, Argyle Gardens, St Marys Lane (in both directions)	Between 08:00 to 17:00 daily on the 10th July 2019 to 12th July 2019 or upon completion of the works whichever is the sooner		
1230	Road Closure Mount Pleasant Road, Collier Row Closed between its junction of Highfield Road and Chase Cross Road. Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>	Carriageway resurfacing	Highfield Road, Avelon Road, Chase Cross Road (in both directions) Highfield Road, Bellevue Road, Chase Cross Road (in both directions)	Between 08:00 to 17:00 daily on the 11th July 2019 to 12th July 2019 or upon completion of the works whichever is the sooner		
1233	Road Closure Stanley Road South, Rainham Closed between its junction of Cherry Tree Lane and Stanley Road North/ Philip Road. Hubert Road and Nelson Road closed at its junction with Stanley Road South. Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>	Carriageway resurfacing	Cherry Tree Lane, Rainham Road, Stanley Road North (in both directions) Cherry Tree Lane, Edmund Road, Philip Road (in both directions)	Between 09:30 to 15:00 daily on the 8th July 2019 to 11th July 2019 or upon completion of the works whichever is the sooner		
1241	Road Closure Cowper Road, Rainham Closed outside No 115 Cowper Road Contact: <a href="mailto:Dean.martin@havering.gov.uk">Dean.martin@havering.gov.uk</a>	Essex and Suffolk Water - rainstatement works	No diversion route	Between 09:00 to 15:00 on the 10th July 2019 or upon completion of the works whichever is the sooner		
YOU CAN GET MORE INFORMATION AND MAKE COMMENTS ABOUT THE PROPOSED RESTRICTIONS BY CONTACTING THE APPROPRIATE EMAIL ADDRESS						



Servicing shown are stocked in participating stores and subject to availability. Varieties as stocked.

Your new Gidea Park Co-op is now open  
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Legal and Public Notices

**LONDON BOROUGH OF HAVERING**  
**LOCAL GOVERNMENT ACT 1972 SECTION 122(1),(2A)**  
**APPROPRIATION OF LAND AT HALL LANE,**  
**UPMINSTER, ESSEX**

NOTICE is hereby given that the London Borough of Havering intends to appropriate land held for recreational purposes which consists of an open space to planning purposes having an approximate area of 8.5 acres (3.4 hectares) at Hall Lane, Uppminster, Essex comprising Hall Lane Pitch and Putt Course.

A plan reference SP523 showing the land at Hall Lane, Uppminster, Essex edged red is available for inspection between 9.30am and 4.30pm on normal working days at the offices of London Borough of Havering, PASC, (Public Advice Service Centres) Liberty Shopping Centre, Romford RM1 3RL in accordance with the provisions of section 122(2A) of the Local Government Act 1972, any person wishing to object to the proposed appropriation should write setting out the details of such objection to: Ms Sarah Chaudhry - Director of Asset Management Services, 2 River Chambers, High Street, Romford, RM1 1HR or by email to: [property-services@onesource.co.uk](mailto:property-services@onesource.co.uk) quoting reference 'Hall Lane Appropriation' and must be received no later than 4.00pm on 5th day of August 2019.

Dated 5 July 2019  
Anne Brown  
Interim Director of Legal and Governance  
London Borough of Havering



PUBLIC NOTICES

ROAD TRAFFIC REGULATION ACT 1984 SECTION 14(1) AND 16, PROPOSED AND MADE ORDER NOTICES WE THE LONDON BOROUGH OF HAVERING GIVE NOTICE THAT WE PROPOSE TO MAKE THOSE RESTRICTIONS REFERRED TO IN PART 1 TO THIS NOTICE AND HAVE MADE THE RESTRICTIONS REFERRED TO IN PART 2 TO THIS NOTICE, IN EACH CASE FOR THE REASONS AND DURATION STATED (OR UNTIL THE COMPLETION OF THE WORKS - WHICHEVER IS THE SOONER) AND WITH DIVERSION ROUTES AVAILABLE.

DIPTI PATEL, ASSISTANT DIRECTOR OF ENVIRONMENT (PUBLISHED IN THE ROMFORD RECORDER 5TH JULY 2019)  
PART 1 - PROPOSED NOTICE (PROPOSED RESTRICTIONS)

TT No	Road Name and Restriction(s)	Reason	Diversion Route	Duration of Works - Between:
1228	Road Closure Bevan Way, Hornchurch Closed between its junction of Alma Avenue and Newmarket Way. Haydock Close closed at its junction with Bevan Way. Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>	Carriageway resurfacing	Phase 1 - Alma Avenue, Kempston Avenue, Newmarket Way (in both directions) Phase 2 - Hacton Lane, Uppminster Road, Station Lane, Vaughan Avenue, Ascot Gardens, Newmarket Way	15th July 2019 to 18th July 2019, 09:30 to 15:00 daily or upon completion of the works whichever is the sooner
1231	Road Closure Hillview Avenue, Hornchurch Closed between its junction of Alma Avenue and Newmarket Way. Lewis Road closed at its junction with Hillview Avenue Contact: <a href="mailto:Bryn.jellis@havering.gov.uk">Bryn.jellis@havering.gov.uk</a>	Carriageway resurfacing	Staverton Road, Fanshawe Crescent, Maiden Way, Slewins Lane, Kirtraus Avenue (in both directions).	18th July 2019 to 23rd July 2019, 08:00 to 17:00 daily (Excluding weekend or upon completion of the works whichever is the sooner)

Order/Advertisement or any response to any of them We receive (including passing on Your details):

- that We may record and use Your details to perform Our obligations under these Conditions and publish Your Advertisement (including by passing them to other group companies and/or contractors as reasonably necessary to do so);
- if You are an agency acting for a client, that We may provide a proof of the Advertisement direct to the client for approval by whatever means We deem appropriate;
- that We may hold Your details on record for a reasonable period and contact You about future advertising opportunities which We believe may be of interest to You;
- that any material submitted by You is held by Us at Your own risk and should be insured by You against loss or damage from what ever cause. We reserve the right to destroy without notice all such property after the date of its last appearance in an advertisement unless You have given written instructions to the contrary;
- that You acknowledge that We shall have no liability for any variation of up to 10% in the final published size of any advertisement.

**5. Cancellation**

- 5.1 We are not obliged to accept a cancellation request (which We may require to be made in writing). All magazine cancellations must be made in writing a least one calendar month prior to the publication date. All other cancellations should be made within four working days of publication.
- 5.2 If We accept a cancellation for part of a series of Advertisements, We may substitute You (or any insertions in that series which are not cancelled).

**6. Advertisements**

- 6.1 We retain copyright (and any other intellectual property rights) in all Our artwork, copy and other materials in any Advertisement (even if combined with any of Your copyright materials). In addition, You agree that We own the copyright in the typographical arrangement of all Advertisements. No copy in any form will be returned unless agreed in writing by Us at the time of placing the Order.
- 6.2 We will not be liable for accidental loss or damage to Your copy, including artwork and photographs, in any form. Accordingly, Our liability for non-accidental damage to Your copy will be limited to the value of the medium in which they are embodied.

**7. Errors, omissions or inaccuracies in Advertisements**

- 7.1 We will not be liable for:
  - any error (including but not limited to spelling and text errors), misprint, inaccuracy or omission in Advertisements, a proof of which has been agreed by You;
  - any error (including but not limited to spelling and text errors), misprint, inaccuracy or omission in an Advertisement, if that error is notified to Us more than one week after its publication;
  - any error (including but not limited to spelling and text errors), misprint, inaccuracy or omission in a second or subsequent Advertisement in a series;
  - any error (including but not limited to spelling and text errors), misprint, inaccuracy or omission in an Advertisement which does not detract from the essence of that Advertisement;
- 7.2 Where We acknowledge an error (including but not limited to spelling and text errors), misprint, inaccuracy or omission We will, at Our choice, either publish the corrected Advertisement, or issue You a credit note to a value not exceeding the price of the Advertisement, and this will be the limit of Our liability in respect of the error, misprint, inaccuracy or omission.

**8. Payment**

- 8.1 Except where We state otherwise, all prices are exclusive of VAT.
- 8.2 You will pay for an Advertisement on placing an Order, unless credit terms have been agreed. You will be sent an invoice unless You have pre-paid for a direct debit arrangement (in which case You will only be sent an invoice if You request one).
- 8.3 Credit terms are that payment is due seven days from the date of invoice, unless You apply for, and We grant, a monthly account.

- 8.4 A query on an item on an invoice issued by Us will not affect the time at which You are liable to pay the rest of that or any other invoice issued by Us.
- 8.5 If You do not pay a sum due to Us by the due date, all sums due by You to Us become payable on the due date for the sum not paid and We may suspend further advertising for You and charge You compensation and interest according to the Late Payment of Commercial Debts (Interest) Act 1998.

**9. Applicable Law**

- 9.1 Nothing in these conditions shall exclude or limit Our liability for death or personal injury caused by Our negligence, for Our fraud or otherwise to the extent it would be illegal to do so.
- 9.2 These Conditions shall be governed by and construed in accordance with the laws of England and Wales.

ARCHANT Regional Ltd, Reg. No. 00019300 ENGLAND  
Registered Office: PROSPECT HOUSE, ROUEN ROAD, NORWICH NR1 1RE

or buildings where the floor space to be created by the development is 1000 square metres or more.

The application does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated

Application details, including the plans, can be viewed online at [www.havering.gov.uk/planning](http://www.havering.gov.uk/planning) or at the Planning reception, located in the Public Advice and Service Centre (PASC), accessed via the Liberty Shopping Centre, Romford, between 9am and 11am, Monday to Friday, except for the last Wednesday of each month when the reception is closed. If you wish to comment on an application, please use the online comment form available on the Council's web site or alternatively write to Development, 5th Floor, Mercury House, Mercury Gardens, Romford, RM1 3SL quoting the application number and location. Comments must be received within 21 days from the date on this notice. Please note that members of the public are entitled to see and take copies of any comments you make and your comments may also be available to view on the internet. **Development & Building Control-Published in the Romford Recorder on 5th July 2019**

**London Borough of Havering  
Local Government Act 1972 Section 122(1), (2A)  
Romford, Essex**

**Appropriation of land at Gooshays Gardens, Harold Hill, Romford, Essex**

NOTICE is hereby given that the London Borough of Havering intends to appropriate an area of approximately 1.99 acres (0.81 hectares) of open space land at Gooshays Gardens, Harold Hill, Romford, Essex for planning purposes.

A plan reference SPS11 showing the land at Gooshays Gardens, Harold Hill, Romford, Essex edged red is available for inspection between 9.30am and 4.30pm on normal working days at the offices of London Borough of Havering, PASC (Public Advice Service Centres) Liberty Shopping Centre, Romford RM1 3RL

In accordance with the provisions of section 122(2A) of the Local Government Act 1972, any person wishing to object to the proposed appropriation should write setting out the details of such objection to: Ms Sarah Chaudhry - Director of Asset Management Services, 2 River Chambers, High Street, Romford, RM1 1HR or by email to [property/services@onesource.co.uk](mailto:property/services@onesource.co.uk) quoting reference 'Gooshays Gardens Appropriation' and must be received no later than 4.00pm on 5th day of August 2019.

Dated 5 July 2019  
Anne Brown  
Interim Director of Legal and Governance  
London Borough of Havering

time for which a person is liable on summary conviction for the offence is unlimited.

**NOTICE OF APPLICATION FOR  
A CLUB PREMISES CERTIFICATE UNDER  
SECTION 17 OF THE LICENSING ACT 2003**

Notice is hereby given that UK's Caffé Ltd has applied for a premises licence in relation to UK's Caffé Ltd, 154 Balgones Lane, Romford, RM2 6BP.

To permit the provision of the following licensable activities:

Time: Monday to Sunday 08:00am To 23:00pm  
Supply of Alcohol

Full details of the application can be inspected at the address noted below during normal business hours. A representation by any person or a responsible authority regarding this application can be made to The Licensing Authority, Town Hall Main Road Romford RM1 3BD [www.havering.gov.uk](http://www.havering.gov.uk)

Such representation must be received in writing by 5th July 2019 clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003.

It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is unlimited.

**Goods Vehicle  
Operator's Licence**

Onsite Ready/mix Ltd of 26 Waddington Street, Stratford, London E15 1PJ is applying to change an existing licence as follows: To add an operating centre to keep 3 goods vehicles and 0 trailers at Springvale Farm, Goatswood Lane, Navestock, Romford, Essex RM14 1HE

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

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**APPENDIX 3**  
**ANALYSIS OF REPRESENTATIONS/OBJECTIONS**  
**INTRODUCTION**

In total, 868 representations were received by letter and e-mail in response to the public notices placed in the Romford Recorder on 5<sup>th</sup> and 12<sup>th</sup> July 2019.

Of these, 426 representations were made in respect of the proposed Appropriation and 442 in respect of the proposed Disposal and, in the main, the same comments were made in respect of both activities.

These representations were received between 5<sup>th</sup> July and 8<sup>th</sup> August 2019.

It is important to note that the development proposals for the site at the time of this consultation exercise were for a 48 unit residential scheme comprising 42 houses and six flats, the latter being located towards the Hall Lane entrance to the site. Subsequent revisions to the development proposal included a reduction in the total number of units. The revised planning application description for the site is “Outline planning application for the demolition of all buildings and structures on site, redevelopment of the site providing up to 37 residential units, creation of a new highway access, public open space and landscaping and related infrastructure”.

The indicative mix accompanying the revised application shows 37 house units with no flats. It is this development for which a resolution to grant planning permission has been made subject to final agreement of the terms of the accompanying Section 106 Agreement.

Almost all representations constituted objections to the Council’s proposals to both appropriate the site and dispose of it. Many of the grounds of objection were repeated and related to each of these proposed actions. Most of the respondents objected on more than one ground and, in many cases, these grounds echoed the substance of the objections previously made in respect of the planning application. The grounds for objection have been aggregated and are set out below and accompanied by (A) where the objections apply to the proposed appropriation and (D) where they apply to the proposed disposal:

**1.1 Objection: The proposed development will have an adverse impact on traffic both during and post development – increased congestion, pollution, littering, noise, health impact, danger from construction vehicles. Particular health and danger impacts on children. The proposal is in contravention of Council Policy DC32 – The Road Network (A)(D):**

**1.2 Comment:** Policy DC32 states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. The Council will require the submission of a transport assessment to ensure this requirement is met.

In terms of congestion and pollution caused by additional cars, the Transport Statement (supporting the original larger 48 unit development) prepared by TPP concludes that the development would generate an increase of 2.5% of the two way traffic flow on Hall Lane in the AM peak and 2.0% in the PM peak, thus there is expected to be a minimal impact on the local road network. The subsequent addendum to this report concludes that this anticipated impact would be lower with a 37 unit development.

In terms of danger from construction vehicles, prior to development of the site, the developer will be required to draw up a Construction Management Plan (CMP) and to commit to signing up to the Considerate Constructors Scheme. Within the CMP, the developer will have to address, amongst other things, details of neighbour consultation, hours of working, a traffic management plan, dust, noise & vibration, health & safety, waste & material management and environmental issues.

**2.1 Objections: The proposed development is in contravention of the following policies contained within the Council's LDF Core Strategy and Development Control Policies (A)(D):**

**Policy DC3 – Housing Design and Layout. The proposed new development is not in keeping with/will change the character of the area, including flats on Hall Road frontage**

**2.2 Comment:** Paragraph 127 of the National Planning Policy Framework (NPPF) states that decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting. Policy 3.5 of the London Plan requires all new housing to enhance the quality of local places, taking account of character. Policy DC 61 seeks to maintain the character and appearance of a local area, including retention of existing trees and landscape, respond to local building forms and respect the scale, massing and height of the surrounding physical context.

The site is surrounded by, although not contained within, the Hall Lane Policy Area which has its own Supplementary Planning Document (SPD) including specific guidance on maintaining and enhancing the character of this area. Following discussions with Council officers, this guidance was reflected, resulting in a reduction in the number of proposed units (48 to 37), retention of most of the existing important trees and retention of the existing open aspect to the Hall Lane frontage. No flat units are contained within these revised proposals.

The Design Code sets out a number of mandatory elements of any reserved matters and is a comprehensive code. Compliance with this mandatory code would ensure that any development coming forward would respect the character of the site and the wider Hall Lane area. Adherence to the code will be secured through planning condition plus some other conditions, particularly concerning restricting permitted development rights which could particularly adversely affect character and landscape.

These objections are essentially town planning related and it is considered that the proposal, in outline form, is considered to demonstrate that a satisfactorily high quality residential and landscape quality can be achieved in accordance with national, London Plan and local planning policy. Resolution to grant planning permission has been obtained.

**3.1 Policy DC18 – Protection of Public Open Space, Recreation, Sports and Leisure Facilities. Development of this site represents the removal of a “green lung” for the area; and**

**Policy DC20 – Access to Recreation and Leisure including Open Space**

**3.2 Comment:** The site is currently open, undeveloped land, used as a pitch & putt facility, open to customers at selected times throughout the year. It is not readily accessible by the general public so cannot be described as public open space but it provides a facility used by local residents of the borough and those from elsewhere. The site contains mature planting, particularly around its perimeter and several high quality trees. The proposal includes the provision of at least 25% of the site area allocated as public open space so approximately 75% of the existing open space area will be lost.

Paragraph 97 of the NPPF states that existing open space and sports land should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space....to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy 7.18 of the London Plan states that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.

Policy CP7 of the Havering Core Strategy and Development Control Policies DPD states that the Council will seek to retain access to recreation and leisure opportunities by retaining existing facilities where a need exists. Policy DC18 states that the Council will seek retention of all open public space and recreation, sports and leisure facilities. Alternative uses will be allowed where the land is surplus to requirements because other facilities exist in the locality and/or there is no need for other recreation/leisure uses (by reference to Policy DC20 – Access to Recreation and Leisure Including Open Space). Any loss of open space must be accompanied by an improvement to the quality of open space in the vicinity.

The planning application was accompanied by an Open Space Assessment (OSA) and a Golf Facilities Needs Assessment (GFNA). The GFNA concludes that the current pitch & putt facility is surplus to requirements due to the following factors:

- a. the facility is loss making with every round of golf in effect being subsidised
- b. the facility is not of a high standard
- c. there is a good choice of golfing facilities in the local area
- d. even though the price charged is affordable, the facility is not well used

The OSA concludes that although there are some deficiencies in some open space provision in the vicinity of the area, overall the existing level of provision is good and the current facility offers little in terms of publically accessible open space (as per the GFNA conclusions). In particular, the shortfalls in existing open space provision in the area identified include:

- a. access to parks and gardens (although improvements to nearby facilities may address this)
- b. allotment space (although the area is characterised by mainly large gardens that may fulfil some of this function)
- c. natural and semi-natural greenspace within 800m of the site (although the actual quantity available in the ward as a whole is exceeded)
- d. small gaps in the quantum of children's play space (although the quality standard of that existing is exceeded)

The planning permission will include an obligation on the part of the developer to pay a contribution of £120K to improve facilities to the nearest public open space at Upminster Hall Playing Fields, some 240m north of the subject site. This is a public park containing car park, sports pitches, Skate Park, play facilities, large open space and trees. Improvements to this park would go some way to addressing the loss of up to 75% of the existing open space on the subject site.

In assessing the loss of open space against national planning policy:

- a. It is considered that the proposal meets the requirement of paragraph 97(a) of the NPPF – the submitted assessments satisfactorily demonstrate that the current facility is surplus to requirements and that alternative golfing facilities exist in the area. There is no evidence that the facility has been deliberately run down for the purposes of redevelopment nor is there evidence that substantial investment would make the facility more viable. The evidence is that the facility, whilst well regarded, is not frequented enough to viably continue.
- b. The proposal does not meet criteria (b) of paragraph 97, in that a similar quantity open space is not being provided, given that up to 75% of open space is to be lost. However, the NPPF does not require all criteria to be met.
- c. In respect of criteria (c) of paragraph 97, it is not clear whether this criteria is met. Given the low use of the current facility, its benefits are largely visual due to the open aspect and quality of some of the trees and landscape, as well as providing an attractive backdrop for residents who live in houses adjoining the site or who travel past it. The development proposals do provide for alternative recreational provision through the proposed public open space to the front and

rear of the site – not restricted access as presently exists. In respect of public access and facilities that may appeal to a wider range of the population, the proposed development does provide benefits compared to existing, but it is considered that this does not “clearly outweigh” the loss given that much of the site would be given over to residential development. However, as for criteria (b), the NPPF does not require all criteria to be met.

- d. In conclusion, it is considered that the proposal does accord with paragraph 97 of the NPPF as the current facility has been demonstrated to be surplus to requirements.

In assessing the loss of open space against London Plan policy:

- a. Policy 7.18 of the London Plan requires that equivalent or better quality provision be provided in the catchment area. In respect of this there would be improvements to open space provision in that unrestricted public open space and play facilities would be provided on site as part of the proposal. Improvements to Upminster Hall Playing Fields would also be made.
- b. It is a matter of judgement as to whether the replacement provision and improvements could be considered to represent equivalent or better quality provision. The policy and associated commentary give no further guidance on how equivalency or quality should be assessed other than to say that one open space should not be replaced by another without an up to date needs assessment. This development proposal includes a detailed needs assessment showing that the current pitch & putt is not viable and is surplus to requirements, so it is considered that re-provision is not necessary.
- c. In conclusion, it is considered that the proposal is partially compliant with policy 7.18 of the London Plan.

In assessing the proposal against Havering Development Plan policy:

- a. Similar to paragraph 97 (a) of the NPPF, Policy DC18 allows for loss of open space where it is surplus to requirements with an additional requirement that any loss be accompanied by improvements in the vicinity.
- b. The assessments submitted with the planning application are considered to adequately demonstrate that the current facility is surplus to requirements.
- c. There is some shortfall in the area of some public open space (as set out in Policy DC20), but these are minor in nature with good standards overall of open space provision in the vicinity of the site.
- d. The provision of public open space, including children’s play space, on the subject site plus improvements to Upminster Hall Playing Fields are considered to be sufficient to satisfy the requirements of Policy DC18 and Core Policy CP7.

In conclusion, the proposed loss of open space could be considered to be in accordance with national and Havering planning policies, although it is a matter of judgement as to whether the London Plan policy expectation is met.

If the loss of open space is considered to be acceptable in this case, then residential redevelopment is considered acceptable in principle, meeting the objectives of planning policy, including paragraph 117 of the NPPF – “Planning decisions should promote an effective use of land in meeting the need for homes”. Policies within the London Plan seek to increase and optimise housing in London, in particular Policy 3.3 on “Increasing Housing Supply” and Policy 3.4 on “Optimising Housing Potential”. Policy CP1 of the LDF on “Housing Supply” expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supercedes this target and increases it to a minimum ten year target for Havering (2015 – 2025) of 11,701 new homes or 1,170 new homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper.

**4.1 Objection: Loss of open space and existing facility takes away facilities from youngsters that encourage fitness and combat both obesity and mental health issues.**

**4.2 Comment:** The Golf Facility needs assessment concludes that the current facility is not well used. Under the terms of this proposal, at least 25% of the current site will comprise public open space and a contribution of £120K will be made to improve facilities to the nearest public open space at Upminster Hall Playing Fields, some 240m north of the subject site. This is a public park containing car park, sports pitches, skate park, play facilities, large open space and trees.

**5.1 Objection: The proposals are contrary to Havering Local Plan 2016-2031 3.2.1xv – to maintain and enhance biodiversity and geodiversity (A)(D)**

**5.2 Comment:** Clause 3.2.1 xv (with proposed amendments) states “Increase the quantity, quality and accessibility of Havering’s public open spaces and maintain and enhance biodiversity and geodiversity”

Whilst the development proposals do result in a loss of open space, at least 25% of the site area will be given over to full access public open space. Policy DC59 seeks enhancements to biodiversity as an integral part of new development and ecological reports and surveys supporting the planning application have not identified the presence of any protected species, although there is evidence of use of some of the trees by bats. These trees, located on the western part of the site, would be retained under the development proposals. The ecological reports recommend a range of enhancements, the provision of which would be sought by planning condition.

It was considered that the impact on biodiversity is acceptable, in accordance with both clause 3.2.1 xv of the HLP and Policy DC59 of the DPD.

**6.1 Objection: The development would result in a loss of valuable trees and to date no Tree Survey has been undertaken. The proposals are contrary to Policy DC60 – Trees and Woodlands (A) (D)**

**6.2 Comment:** Two Arboricultural Impact Assessments (February 2019 & November 2019) were commissioned and form part of the suite of documents supporting the planning application. The submitted parameter plans and Design Code indicate the retention of the majority of significant and high quality trees that currently exist on the site. A Tree Preservation Order will add protection to the trees from the issuing of any decision and a condition attached to any planning consent will include an obligation to establish tree root protection zones amongst other protection measures.

**7.1 Objection: Development of this site will degrade air quality. Proposals contrary to Policy DC 52 (Air Quality), HLP Policies 33 (Air Quality) & 34 (Managing Pollution) (A)(D)**

**7.2 Comment:** DC52 states that planning permission will only be granted where new development...does not cause significant harm to air quality and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan.

The Outline Sustainability Statement prepared by XCO2 (accompanying the planning application) includes an outline of the sustainability measures that have been adopted to address the relevant planning policies and concludes that the proposed development meets the targets set out by the Council.

In terms of pollution caused by additional cars, the Transport Statement (supporting the original larger 48 unit development) prepared by TPP concludes that the development would generate an increase of 2.5% of the two way traffic flow on Hall Lane in the AM peak and 2.0% in the PM peak, thus expects there to be a minimal impact on the local road network. The addendum to this report concludes that this anticipated impact would be lower with a 37 unit development.

**8.1 Objection: The proposed development will have an adverse impact on already overstretched local infrastructure – schools, hospital, doctors' surgeries, dentists, bus and rail transport systems, utilities. The proposals are not in line with Policy DC29 – Educational Premises nor Policy DC30 – Contribution of Community Facilities (A)(D)**

**8.2 Comment:** TPP were commissioned to undertake a Transport Statement to support the planning application. It was prepared in accordance with TFL's "Transport Assessment Best Practice" guidance document and its findings were that the then proposed (48 unit) development would have a minimal impact on the local road network, the local bus network, train services and underground services.

The subsequent Transport Statement Addendum (again prepared by TPP) concluded that the revised, lower density 37 unit development would further minimise the impact on these networks and services.

Under Policy DC 29, the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of

residents. One of the means of meeting this goal is by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development. There are three primary schools within a kilometre of the site and a secondary school 1.6km distant.

The pre-planning consultees included the Council's School Organisation which observed that the development would generate additional children and this should result in CIL or section 106 contribution for additional school places.

Under Policy DC30, the Council will, where appropriate in major new development, seek contributions towards the provision of essential new community facilities.

There are three medical centres within a kilometre of the site.

In respect of utilities, it has been established that, due to the site topography and surface/foul water network limitations, it is likely that a pumping station would be required on the site. Details would be required as part of any reserved matters but there are no significant concerns in respect of flooding or drainage issues.

**9.1 Objection: Loss of this facility could result in an increase in anti-social behaviour (A)(D)**

**9.2 Comment:** The Metropolitan Police Designing Out Crime Officer was consulted as part of the application process. No objection to the proposed development was raised. A suitable condition is recommended and further consideration of crime and design will be undertaken at the reserved matters stage.

**10.1 Objection: The Transport Statement fails to recognise new Council policy to introduce CPZs. Adverse impact on parking in the area (A)(D)**

**10.2 Comment:** The Transport Statement confirms that the site is not located within a CPZ. Policy DC32 requires development to have no significant adverse impact on the road network, whilst Policy DC33 requires sufficient provision for parking to be made in new developments.

Approval of access is sought through this application with all other matters being reserved. The access arrangements have been reviewed by the Highways Engineer who has raised no objections. The Design Code specifies two parking spaces per dwelling which is considered to be acceptable. The final layout of the streets will be subject to reserved matters application(s) with consideration being given at that time to the provision of visitor spaces.

There are no significant concerns with regard to highway or parking issues at this stage given the outline nature of the application and a resolution to grant planning permission was granted on this basis.

**11.1 Objection: Appropriation/disposal of the site is not in line with Havering Local Plan (2016 – 2031) Policy 28 – Heritage Asset. The site was bequeathed to the Council many years ago. Heritage site - LDP 2016-2031 xiv states that preserving Havering's heritage is a key issue (A)(D)**



**11.2 Comment:** The site is not designated as a heritage asset, nor is it immediately adjacent to any heritage asset. The nearest designated heritage assets to the site are:

- a. Upminster Hall (Grade II\* listed) and the Tythe Barn (Scheduled Ancient Monument) – some 240m to the north and separated by properties in The Fairway and the Upminster Golf Club car park.
- b. Upminster Court (Grade II\* listed) and Gardens (Registered Park and Gardens) some 380m north of the site

It is considered that, given the nature of the proposed development, (low density, low scale development) and the presence of intervening development, there is no harm to the setting of these heritage assets.

The site is recognised as one of potential archaeological significance and Historic England have recommended a suitable condition to ensure further investigation prior to commencement of development.

**12.1 Objection: The proposals are not in line with Policy DC34 – Walking/Policy DC35 – Cycling/Policy DC38 – Park & Ride**

**12.2 Comment:** Policy DC34 essentially aims to encourage walking within the borough and, in appropriate circumstances, contributions will be sought towards initiatives to support this aim. The subject site lies approximately 650m (so, easy walking distance) from Station Road with its local shops, restaurants, cafes, banks, Post Office and library. Three medical centres are located within a kilometre of the site. In addition, the site has excellent access to bus services and also Upminster Railway and Underground Station, located some 700m from the site.

Policy DC35 aims to encourage cycling. The development will provide cycle parking in accordance with the London Plan as per this Council policy. The local area is covered by TFL Cycle Map 5 and Hall Lane is identified as a road recommended by cyclists.

Policy DC38 is concerned with park and ride provision serving Romford Town Centre. It is therefore not clear how this objection can be said to be relevant to this proposal.

**13.1 Objection: Development of the site will cause flooding and drainage problems. Proposals contrary to Policy DC51 (Water Supply, Drainage and Quality) (A)(D)**

**13.2 Comment:** DC51 states, inter alia, that developers must demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users.

The Flood Risk Assessment prepared by Weetwood concludes that flood risk from all sources is generally regarded as low. The risk of flooding from surface water and residual risk of flooding from groundwater will be mitigated by finished floor levels being set at a minimum of 0.15m above adjacent ground levels following reprofiling of the site. Surface water run off from the developed site can be sustainably managed in accordance with planning policy. However it will be necessary to pump surface water

from the site to facilitate a connection to the public sewer network located along Hall Lane.

It is therefore considered that there are no significant concerns in respect of drainage and flooding issues.

**14.1 Objection: The Council has not justified the need for more housing provision (A)(D)**

**14.2 Comment:** The Council's Core Strategy recognises the need for additional housing and, in respect of suburban sites, its vision is "Outside the town centres the borough's suburban character will be maintained and enhanced by sympathetic residential development.....All groups within the community will have good affordable access to the housing they need, including those needing larger, family sized accommodation"

The Havering Local Plan 2016 – 2031 (PSV) contains, as one of its strategic objectives, an increase in the supply of high quality housing in Havering by a minimum of 17,550 dwellings over the Plan period.

**15.1 Objection: Proposed new development represents an overdevelopment of the site. Expensive houses to be constructed, not affordable. Properties will be bought by investors leading to overcrowded tenanted houses. Proposals contrary to Policy DC2 (Housing Mix and Density) (A)(D)**

**15.2 Comment:** Since these objections were received, the planning application has been revised, resulting in a reduction in the number of proposed units from 48 to 37.

Policy DC2 states that the Hall Lane Special Policy Area is subject to a special policy formulated to ensure that its existing special character of large units in generous landscaped plots is retained and to ensure that an adequate stock of this type of housing is maintained to attract high earning private and public sector professionals in the borough. It is considered that the revised development proposal meets this policy aim.

Affordable housing (the equivalent of 50% provision) is provided off site as part of this proposal. The nature of the potential buyers for the completed units (owner occupiers versus investors) is neither a town planning nor appropriation/disposal matter.

**16.1 Objection: Adverse effect on neighbouring properties, including noise, overlooking, loss of privacy, loss of view, reduction in property values (A)(D)**

**16.2 Comment:** Policy DC61 of the DPD requires that development should not result in unacceptable overshadowing, loss of daylight/sunlight or loss of privacy to existing and new properties nor have adverse impact by reason of noise impact.

Noise – the developer will be required to agree a Construction Management Plan with the planning authority prior to commencement of works. A key element of this plan is concerned with the minimisation of disruption to neighbours in terms of noise, dust, road safety and hours of operation during the construction phase. Subject to suitable

attenuation of any plant proposed, it is not considered that noise potential from the pumping station will be a major issue.

Overlooking/Loss of Privacy –the submitted plan of development is of very low density and includes generous plot sizes. The application has been submitted in outline with siting, appearance and layout as reserved matters however the parameter plans and Design Code would mean all proposed dwellings are set at least 10m away from the site’s boundaries thus preserving the residential amenity of neighbours. Loss of View/Property Prices – it is considered that the low density of the proposed development, together with the emphasis on retention of existing important trees, will not result in a materially poorer view for neighbouring properties. Nor is it considered that the development will have a deleterious effect on neighbouring house prices.

**17.1 Objection: Other brownfield development sites should be considered first/repair of existing run down housing stock/conversion of empty offices should be given priority (A)(D)**

**17.2 Comment:** National planning policy does seek to maximise the use of previously developed land, particularly for housing, but there are no planning policies that require any non-previously developed land to be considered suitable for development only if there is no brownfield land.

**18.1 Objection: The Council has deliberately let the existing pitch and putt facility run down (A)(D)**

**18.2 Comment:** There is no evidence that the facility has been deliberately run down for the purposes of redevelopment.

**19.1 Objection: The materials used in the construction of the housing units will seriously impact the environment (D)**

**19.2 Comment:** The Outline Sustainability Statement prepared by XCO2 (accompanying the planning application) includes an outline of the sustainability measures that have been adopted to address the relevant planning policies and concludes that the proposed development meets the targets set out by the Council.

XCO2 have also prepared an Outline Energy Statement that assesses the predicted energy performance and carbon dioxide emissions of the proposed development. It concludes that the proposed development complies with the London Plan CO2 savings target of 35% to be achieved on site. To achieve “zero carbon” as required for major residential developments, approximately 69 tonnes per annum of regulated CO2, equivalent to approximately 2,070 tonnes over 30 years, should be offset offsite.

Prior to the grant of planning permission, a legal agreement is to be entered into to secure, inter alia, the following planning obligations: carbon offset payment, any boilers to be ultra-low NOx units and water efficient dwellings.

**20.1 Objection: Appropriation/disposal is in contravention of “The Hall Lane Policy Area” Zone B provisions – resist large scale development. The Hall Lane Policy Area planning document concerns an area that entirely surrounds the**

**course. Contravention of Policy DC69 – Other Areas of Special Townscape or Landscape Character (A)(D)**

**20.2 Comment:** The observation that the subject site sits outside the boundary of the Hall Lane Policy Area is correct. It follows that the site is not bound by the Zone B provisions of that policy, however, Council officers have advised that any development should follow the principles set out within this policy. This has resulted in the reduction in the proposed number of dwellings (48 to 37), retention of the majority of mature trees on site and retention of the existing open character to the Hall Lane frontage to the site. (The policies in respect of the surrounding area are contained within a Supplementary Planning Document that seeks to provide further detail on the implementation of Development Control Policy DC69 (Other Areas of Special Townscape or Landscape character). In summary, the policies seek to resist large scale development that would detract from the existing character of the area, particularly those above existing densities or resulting in a loss of existing landscape features or open areas).

It is considered that the proposed development meets these objectives.

**21.1 Objection: The Council has undertaken no wildlife surveys (A)(D)**

**21.2 Comment:** Surveys in respect of bats, badgers, reptiles and great crested newts have been undertaken post consultation and form part of the suite of documents supporting the planning application.

**22.1 Objection: Sale of land at below residential land value to Mercury Land Holdings Limited. Reference to Council's obligations on best consideration under Local Government Act 1972 s123 (A)(D)**

**22.2 Comment:** The Council is aware of its obligations under the above Act and will proceed with any disposal in accordance with its provisions. There has been no sale to Mercury Land Holdings.

**23.1 Objection: No public consultation has been undertaken in respect of the proposed change of land use, including during Local Plan consultations (A)(D)**

**23.2 Comment:** For proposals such as this, there is no requirement to undertake pre-submission consultation.

**24.1 Objection: The pitch and putt facility is the only one of its kind in the area/available to those who cannot afford golf club fees or membership. Loss of a valuable community facility/sporting amenity providing an opportunity for youngsters to learn golf without joining a golf club (A)(D)**

**24.2 Comment:** A Golf Facilities Needs Assessment (Final Report) was undertaken by Continuum Sport & Leisure Ltd in November 2018. The report sought to establish whether the current facility remains surplus to the needs for golf facilities in the borough and whether there are any shortfalls to meet likely future golf demand.

This report concludes that the current facility is very outdated, and whilst it offers a low cost point of entry to the sport, it offers poor availability and requires a substantial subsidy to operate. Moreover, the site offers no potential to be enhanced to become

financially viable. On the basis of their research and consultation, the report's authors conclude that facility supply and demand for golf within the borough is broadly in balance with no gaps in provision and some spare capacity to cater for population growth.

**25.1 Objection: No detail on sustainability issues –energy efficiency, car charging points, solar panels etc (A)(D)**

**25.2 Comment:** This is an outline planning application. More detailed information relating to the above would accompany a subsequent full planning application. Accompanying this application is an Outline Sustainability Statement prepared by XCO2 that confirms the proposed development meets the sustainability targets set out by the Council.

**26.1 Objection: Friends of Upminster Mini Golf Course have undertaken fundraising which has been used to improve the current facilities. The development would eradicate the Friends Group (A)(D)**

**26.2 Comment:** Closure of the golf facility would inevitably result in the activities of the Friends group ceasing however the Golf Facilities Needs Assessment concludes that supply and demand for golf facilities within the borough is broadly in balance with no gaps in provision and some spare capacity to cater for population growth.

**27.1 Objection: Proposals not in line with Council's Core Strategy six major objectives: a more prosperous community, improved lifelong learning, better health & welfare, increased community participation, protect & improve the environment, a safer community (A)(D)**

**27.2 Comment:** The proposal will provide high quality housing provision (prosperous community), at least 25% of the site will be public open space as opposed to the current restricted access (better health & welfare/increased community participation) and the submitted plans indicate the retention of many of the significant and high quality trees and planning conditions will ensure biodiversity (protect & improve the environment).

**28.1 Objection: The site is within the Green Belt. Proposals contrary to Policy DC45 (Appropriate Development in the Green Belt) (A)(D)**

**28.2 Comment:** The site does not lie within the Green Belt

**29.1 Objection: Three neighbouring householders claim rights of way/access over the site (two supported by statutory declarations) (D)**

**29.2 Comment:.** Any disposal of the site will respect any such rights over the land should they exist.

**30.1 Objection: This consultation is being rushed through at a time when many are on holiday (A)(D)**

**30.2 Comment:** The Council has complied with its statutory obligations.

**31.1 Objection: Concern from neighbour over noise and smells generated by adjacent pumping station (A)(D)**

**31.2 Comment:** A future detailed planning consent will be accompanied by an obligation upon the developer to include sound attenuation/rating analysis in respect of all external plant & machinery including the proposed pumping station. The pump exists to push waste water/matter through an enclosed pipework system so should not give rise to foul smells.

Subject to details to be submitted at reserved matters stage, it is considered that this element of the proposal would not significantly impact upon existing residential amenity.

**32.1 Objection: Concern from neighbours regarding the impact of the development on family members with asthma (A)(D)**

**32.2 Comment:** Prior to development of the site, the developer will be required to draw up a Construction Management Plan (CMP) and to commit to signing up to the Considerate Constructors Scheme. Within the CMP, the developer will have to address, amongst other things, details of neighbour consultation, hours of working, dust mitigation and air quality issues.

**33.1 Objection: The Council has not commissioned an independent assessment of the Open Space value of the site (A)(D)**

**33.2 Comment:** Such an assessment is not necessary in respect of appropriation and is not material to the determination of the planning application.

**34.1 Objection: Proposal contradicts the Mayor of London's strategy to make London the greenest global city (A)(D)**

**34.2 Comment:** The Mayor's policy centres upon planning and managing London's green places and features as an integrated green infrastructure to provide more benefits to Londoners as the city grows, its climate changes and poor air quality is tackled. One of the aims, within the new London Plan, is to ensure new developments include enough urban greening. It is considered that the proposed development, being low density, containing public open spaces, retaining most of the existing significant trees and containing a wildlife area, substantially if not wholly meets the Mayor's objectives in this respect.

**35.1 Objection: The site is protected by the provisions of the Wildlife & Country Act [sic] (A)(D)**

**35.2 Comment:** The Wildlife and Countryside Act 1981 is an Act of Parliament implemented to comply with a European Council directive that relates to the conservation of wild birds. Policy DC59 seeks enhancements to biodiversity as an integral part of new development and ecological reports and surveys supporting the planning application have not identified the presence of any protected species, although there is evidence of use of some of the trees by bats. These trees, located on the western part of the site, would be retained under the development proposals.



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## Equality & Health Impact Assessment (EqHIA)

### Document control

<b>Title of activity:</b>	<i>Hall Lane Pitch &amp; Putt Course, Upminster Appropriation to Planning Powers and Disposal</i>
<b>Lead officer:</b>	<i>Mark Leeson Principal Asset Surveyor Strategic Asset Management Property Services</i>
<b>Approved by:</b>	<i>Simeon Nnyombi Strategic Asset Manager Strategic Asset Management Property Services</i>
<b>Date completed:</b>	<i>04/09/2020</i>
<b>Scheduled date for review:</b>	<i>Not applicable. The site is to be sold for development.</i>

<b>Did you seek advice from the Corporate Policy &amp; Diversity team?</b>	Yes
<b>Did you seek advice from the Public Health team?</b>	Yes
<b>Does the EqHIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?</b>	No

# 1. Equality & Health Impact Assessment Checklist

## About your activity

1	Title of activity	<i>Disposal of land at Hall Lane Pitch &amp; Putt Course, Upminster following its appropriation for planning purposes.</i>		
2	Type of activity	<i>This project concerns the appropriation of this Council owned site to planning powers prior to its future disposal for residential development.</i>		
3	Scope of activity	<i>This proposal involves the closure of the existing pitch &amp; putt facility to enable the site to be sold for the purposes of creating a 37 unit residential development on the site.</i>		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	Yes		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes		
5	If you answered YES:	<b>Please complete the EqHIA in Section 2 of this document.</b> Please see Appendix 1 for Guidance.		
6	If you answered NO:			

Completed by:	<i>Mark Leeson Principal Asset Surveyor Strategic Asset Management Property Services</i>
Date:	<i>04/09/2020</i>

## 2. The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

### Background/context:

On 13 March 2019, Cabinet authority was given to consider any objections to the intended appropriation and disposal of the Council-owned land at Hall Lane Pitch and Putt, Upminster. Cabinet also agreed to the principle of disposing of the land following its appropriation for planning purposes, subject to the required statutory processes being undertaken.

The statutory process governing these activities requires the proposal to be publicly advertised and for any objections to be duly considered. Therefore in connection with the appropriation and disposal of the land, authority was also given by Cabinet to formally advertise the proposed intentions.

Following 868 responses being received amendments to the proposal has been put in place and Cabinet approval is now being sought for the disposal of the land, which will result in the closure of a pitch and putt golf facility, currently (although presently closed due to Covid) owned and operated by the Council on a pay and play basis.

*\*Expand box as required*

### Who will be affected by the activity?

- Those who pay to use the existing facility,
- Neighbouring householders.

*\*Expand box as required*

### Protected Characteristic - Age: Consider the full range of age groups

Please tick (✓) the relevant box:

Positive	
Neutral	
Negative	✓

#### Overall impact:

*The proposal involves the withdrawal of a facility with limited users. Following a consultation exercise, to ascertain the views of residents impacted by the potential loss of space, it was identified that families with small children would be those impacted the most, but this can be mitigated by the alternative public open space (which includes a children's play area) plus a developer contribution to enhance the facilities provided at the nearby Upminster Hall Playing Fields.*

*\*Expand box as required*

**Evidence:**

The estimated population of the London Borough of Havering is 256,039.

- It has the oldest population in London with a median age of approximately 40 years old, as recorded in the 2011 census.
- As well as increases in the number of births in Havering, there has been an increase in the general fertility rate from 58 (per 1,000 women aged 15-44) in 2004 to 68 in 2017. This equates to an additional 10 births per 1,000 women aged 15-44 within the period.
- From 2011 to 2016, Havering experienced the largest net inflow of children across all London boroughs. 4,580 children settled in the borough from another part of the United Kingdom during this six year period.
- It is projected that the largest increases in population will occur in children (0-17 years) rising from 58,500 in 2018 to 72,100 in 2033 and older people age groups (65 years and above) from 46,900 in 2018 to 61,400 in 2033.

The current facility is only available at weekends, bank holidays and on weekdays in the school holidays between April and October. We haven't completed a survey into the age of users at the pitch and putt but the above opening times suggest that the users of the facility are families with a mix of young and older. It is likely that, as a pitch and putt operation with opening times that have regard to school holidays, the activity offered represents an entry level to the game of golf, suggesting a significant proportion of users are in the younger age bracket. Participation levels are well below the capacity of the site however.

Within Cranham Ward, there are two alternative golf sites, Upminster Golf Course and Cranham Golf Course – the latter being a pay and play 18-hole course which is recognized as a good facility for beginners with good quality social facilities which are currently being extended and enhanced.

*\*Expand box as required*

**Sources used:**

Golf Facilities Needs Assessment Final Report – November 2018  
Continuum Sport & Leisure Ltd

*\*Expand box as required*

**Protected Characteristic - Disability:** Consider the full range of disabilities; including physical mental, sensory and progressive conditions

<i>Please tick (✓) the relevant box:</i>		<p><b>Overall impact:</b></p> <p><i>In terms of people with physical disabilities, it should be noted that the existing facility has no on-site parking and the only structure is a small low grade brick pavilion including basic wc facilities. Of the proposed 37 residential units, 10% are required to be wheelchair accessible with the remaining 90% being wheelchair adaptable.</i></p> <p><i>In terms of mental/sensory/progressive conditions, the existing facility is restricted access and the proposed redevelopment of the site will incorporate at least 25% site area as public open space so increasing future public accessibility. A contribution of £120K (secured by planning condition) will also be allocated to upgrading the facilities at the nearby Upminster Hall Playing Fields which contains publicly accessible open space in addition to sports pitches.</i></p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Positive</b>		
<b>Neutral</b>	✓	
<b>Negative</b>		

**Evidence:**

- According to the latest ONS Annual Population Survey (Jan 2015-Dec 2015), 19% of working age people living in Havering have disclosed that they have a disability or long term illness. This is a similar proportion to England (20%).
- The estimated number of people in Havering aged 18-64 living with moderate physical disabilities was 11,870 in 2017 – a rate of 7,865 per 100,000 population aged 18-64 years. This rate is one of the highest among London local authorities. It is statistically similar to England but significantly higher than the London average.

**Mental Health Statistics**

- At least one in four people will experience a mental health problem at some point in their life and one in six adults have a mental health problem at any one time
- One in ten children between 5 and 16 years has a mental health problem, and many continue to have mental health problems in adulthood.
- Half of those with lifetime mental health problems first experience symptoms by the age of 14, and three quarters before their mid-20's.
- Self-harming in young people is not un-common (10-13% of 15-16 year olds have self-harmed).
- Almost half of all adults will experience at least one episode of depression during their life-time.
- One in ten new mothers experience postnatal depression.
- About one in 100 people has a severe mental health problem.
- Some 60% of adults living in hostels have a personality disorder.
- Some 90% of all prisoners are estimated to have diagnosable mental health problem (including personality disorder) and / or substance misuse problem.

## Sensory Impairment

### Sight

- The estimated number of people living with sight **loss** in **England** is 1.7 million.
- Only 17 per cent of people experiencing sight loss are offered emotional support in response to their deteriorating vision.
- Only 27 per cent of blind and partially sighted people of working age are in employment – a fall from 33 per cent in employment in 2006.
- 39 per cent of blind and partially sighted people of working age say they have some or great difficulty in making ends meet.
- 35 per cent of blind and partially sighted people say that they sometimes, frequently or always experience negative attitudes from the public in relation to their sight loss.
- 31 per cent of people are rarely or never optimistic about the future.

### Hearing

- There are 11 million people with hearing loss across the UK, that's around one in six of us.
- By 2035, we estimate there'll be around 15.6 million people with hearing loss across the UK - that's one in five.
- There are 50,000 children with hearing loss in the UK. Around half are born with hearing loss while the other half lose their hearing during childhood.
- An estimated 900,000 people in the UK have severe or profound hearing loss.
- We estimate that there are at least 24,000 people across the UK who use British Sign Language (BSL) as their main language (although there are likely to be more that we don't know about).
- More than 40% of people over 50 years old have hearing loss, rising to 71% of people over the age of 70.
- Around one in 10 UK adults has tinnitus.

*\*Expand box as required*

### Sources used:

- Detail contained within Planning Application No. P0248.19
- Mental Health JSNA January 2015
- Royal National Institute for the Blind
- Action on Hearing Loss

*\*Expand box as required*

Protected Characteristic - Sex/gender: Consider both men and women		
<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  <i>A person's sex or gender will not be affected by the closure of the pitch and putt.</i>  <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input checked="" type="checkbox"/>	
<b>Negative</b>	<input type="checkbox"/>	
<b>Evidence:</b>  No assessment of users has been undertaken to establish the relative proportion of male vs female participants.  <p style="text-align: right;"><i>*Expand box as required</i></p>		
<b>Sources used:</b>          <p style="text-align: right;"><i>*Expand box as required</i></p>		

Protected Characteristic - Ethnicity/race: Consider the impact on different ethnic groups and nationalities		
<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  <i>A person's Ethnicity or race will not be affected by the closure of the pitch and putt.</i>  <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input checked="" type="checkbox"/>	
<b>Negative</b>	<input type="checkbox"/>	
<b>Evidence:</b>  No assessment of users has been undertaken to establish the relative proportion different ethnic groups or nationalities.  <p style="text-align: right;"><i>*Expand box as required</i></p>		

**Sources used:**

*\*Expand box as required*

**Protected Characteristic - Religion/faith:** Consider people from different religions or beliefs including those with no religion or belief

<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  <i>A person's religion or faith will not be affected by the closure of the pitch and putt.</i>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input checked="" type="checkbox"/>	
<b>Negative</b>	<input type="checkbox"/>	

*\*Expand box as required*

**Evidence:**

No assessment of users has been undertaken to establish the relative proportion of different or non-religious groups.

*\*Expand box as required*

**Sources used:**

*\*Expand box as required*

**Protected Characteristic - Sexual orientation:** Consider people who are heterosexual, lesbian, gay or bisexual

<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  <i>A person's sexual orientation will not be affected by the closure of the pitch and putt.</i>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input checked="" type="checkbox"/>	
<b>Negative</b>	<input type="checkbox"/>	

*\*Expand box as required*



<p><b>Evidence:</b></p> <p>No assessment of users has been undertaken to establish sexual orientation.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<p><b>Sources used:</b></p> <p style="text-align: right;"><i>*Expand box as required</i></p>

<p><b>Protected Characteristic - Gender reassignment:</b> Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth</p>							
<p><i>Please tick (✓) the relevant box:</i></p> <table border="1"> <tr> <td><b>Positive</b></td> <td><input type="checkbox"/></td> </tr> <tr> <td><b>Neutral</b></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><b>Negative</b></td> <td><input type="checkbox"/></td> </tr> </table>	<b>Positive</b>	<input type="checkbox"/>	<b>Neutral</b>	<input checked="" type="checkbox"/>	<b>Negative</b>	<input type="checkbox"/>	<p><b>Overall impact:</b></p> <p><i>A person currently seeking, undergoing or have received gender reassignment surgery will not be affected by the closure of the pitch and putt.</i></p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<b>Positive</b>	<input type="checkbox"/>						
<b>Neutral</b>	<input checked="" type="checkbox"/>						
<b>Negative</b>	<input type="checkbox"/>						
<p><b>Evidence:</b></p> <p>No assessment of users has been undertaken to identify gender reassignment issues</p> <p style="text-align: right;"><i>*Expand box as required</i></p>							
<p><b>Sources used:</b></p> <p style="text-align: right;"><i>*Expand box as required</i></p>							

<p><b>Protected Characteristic - Marriage/civil partnership:</b> Consider people in a marriage or civil partnership</p>	
<p><i>Please tick (✓) the relevant box:</i></p>	<p><b>Overall impact:</b></p>

<b>Positive</b>		<i>A person's marital status will not be affected by the closure of the pitch and putt.</i>
<b>Neutral</b>	✓	
<b>Negative</b>		
<i>*Expand box as required</i>		
<b>Evidence:</b>		
<p>No assessment of users has been undertaken to establish the marriage or civil partnership status of users.</p>		
<i>*Expand box as required</i>		
<b>Sources used:</b>		
<i>*Expand box as required</i>		

<b>Protected Characteristic - Pregnancy, maternity and paternity:</b> Consider those who are pregnant and those who are undertaking maternity or paternity leave		
<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>
<b>Positive</b>		<i>A person who is pregnant or who are undertaking maternity or paternity leave will not be affected by the closure of the pitch and putt.</i>
<b>Neutral</b>	✓	
<b>Negative</b>		
<i>*Expand box as required</i>		
<b>Evidence:</b>		
<p>No assessment of users has been undertaken to establish how many users are pregnant or who are undertaking maternity/paternity leave. The current facility is restricted access and the proposed redevelopment of the site will incorporate at least 25% of the site area as landscaped public open space to include a children's play area which could appeal to new mothers/fathers in the locality.</p>		
<i>*Expand box as required</i>		

**Sources used:**

*\*Expand box as required*

**Socio-economic status:** Consider those who are from low income or financially excluded backgrounds

<i>Please tick (✓) the relevant box:</i>		<b>Overall impact:</b>  <i>Broadly neutral as this low cost facility is underutilised and there is alternative provision available at reasonable cost within the borough. This is not a deprived part of the borough.</i>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input checked="" type="checkbox"/>	
<b>Negative</b>	<input type="checkbox"/>	

*\*Expand box as required*

**Evidence:**

Ticket prices for the current facility are £5 per adult and £3 per junior/concession. It is therefore a low cost facility.

However, the research undertaken for the GFNA reveals that there are a range of entry level golf facilities in the borough and its immediate catchment area where the prices to access these facilities are set at a reasonable level which bear comparison with the much poorer quality facilities at the Hall Lane site.

Furthermore, this report notes that Havering is a relatively affluent borough based on an IMD 2015 ranking of 166 out of the 326 local authorities in England.

Within Havering, Upminster Ward has the highest proportion of residents in groups 1 and 2 (40.7%). Cranham Ward's percentage is 36.3% so this is not an area experiencing high levels of deprivation.

*\*Expand box as required*

**Sources used:**

Golf Facilities Needs Assessment Final Report – November 2018  
Continuum Sport & Leisure Ltd (GFNA)

*\*Expand box as required*

**Health & Wellbeing Impact:** Consider both short and long-term impacts of the activity on a person's physical and mental health, particularly for disadvantaged, vulnerable or at-risk groups. Can health and wellbeing be positively promoted through this activity? Please use

the Health and Wellbeing Impact Tool in Appendix 2 to help you answer this question.

<i>Please tick (✓) all the relevant boxes that apply:</i>		<b>Overall impact:</b>  <i>The withdrawal of an existing leisure facility, however underutilised, could be said to have a negative impact on health and wellbeing.</i>  <i>*Expand box as required</i>
<b>Positive</b>	<input type="checkbox"/>	
<b>Neutral</b>	<input type="checkbox"/>	
<b>Negative</b>	<input checked="" type="checkbox"/>	
		<b>Do you consider that a more in-depth HIA is required as a result of this brief assessment?</b> Please tick (✓) the relevant box Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**Evidence:**

Despite its low level of usage, the closure of the existing pitch and putt facility could have a negative net impact on health.

The GFNA however concludes that while the Hall Lane facility is “nice to have” as a low cost entry to the game of golf, it offers little value as a site to deliver the Council’s health and wellbeing policies.

On the basis of the research and consultation undertaken in preparing the GFNA, the report concludes that facility supply and demand is broadly in balance with no gaps in provision and some spare capacity to cater for population growth.

Any negative impact on health resulting from the closure of this facility might be mitigated, for example:

The applicant (Planning Application P0248.19) has agreed to make a financial contribution of £120K towards the upgrading of the nearest public open space at Upminster Hall Playing Fields, some 240m north of the Hall Lane site. This is a public park containing car park, sports pitches, skate park, play facilities, large open space and trees.

The proposed residential redevelopment of the site will incorporate at least 25% of the site area as public open space (the current facility is restricted access to paying users) and this open space will be subject to agreed landscaping proposals and incorporate a children’s play area – secured by the relevant planning conditions attached to any approval.

In order to address environmental concerns and concerns from neighbouring property owners relating to density of development, disruption and increased congestion/pressure on local services, the planning application was amended to reduce the numbers of housing units from 48 to 37 units. The proposed development as revised is therefore low density, retains most of the existing trees and has reduced impact on local infrastructure and the amenity of neighbouring properties.

*\*Expand box as required*

**Sources used:**

Golf Facilities Needs Assessment Final Report – November 2018  
Continuum Sport & Leisure Ltd (GFNA)

Planning Application No. P0248.19

*\*Expand box as required*

### 3. Outcome of the Assessment

The EqHIA assessment is intended to be used as an improvement tool to make sure the activity maximises the positive impacts and eliminates or minimises the negative impacts. The possible outcomes of the assessment are listed below and what the next steps to take are:

Please tick (✓) what the overall outcome of your assessment was:

✓	1. The EqHIA identified <u>no significant concerns</u> OR the identified <u>negative concerns</u> have already been <u>addressed</u>	➔	<b>Proceed with implementation</b> of your activity
	2. The EqHIA identified some <u>negative impact</u> which still needs to be <u>addressed</u>	➔	<b>COMPLETE SECTION 4:</b> <b>Complete action plan</b> and finalise the EqHIA
	3. The EqHIA identified some <u>major concerns</u> and showed that it is <u>impossible to diminish negative impacts</u> from the activity to an acceptable or even lawful level	➔	<b>Stop and remove</b> the activity or <b>revise</b> the activity <b>thoroughly</b> . <b>Complete an EqHIA on the revised proposal.</b>

## 4. Action Plan

The real value of completing an EqHIA comes from the identifying the actions that can be taken to eliminate/minimise negative impacts and enhance/optimize positive impacts. In this section you should list the specific actions that set out how you will address any negative equality and health & wellbeing impacts you have identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

Protected characteristic / health & wellbeing impact	Identified Negative or Positive impact	Recommended actions to mitigate Negative impact* or further promote Positive impact	Outcomes and monitoring**	Timescale	Lead officer
Health & Wellbeing	Negative - Closure of an existing leisure facility	Imposition of planning conditions to granting of consent for development.	<ol style="list-style-type: none"> <li>1. Provision of at least 25% public open land within the new development.</li> <li>2. Developer contributions to upgrade Upminster Hall Playing fields</li> </ol>	Timing – in tandem with the redevelopment of the site	LBH Planning/Building Control
Age	Negative – closure of an existing leisure facility used by young people	Imposition of planning conditions to granting of consent for development.	<ol style="list-style-type: none"> <li>1. Provision of at least 25% public open land within the new development to include a children’s play area.</li> </ol>	Timing – in tandem with the redevelopment of the site	LBH Planning/Building Control

			2. Developer contributions to upgrade Upminster Hall Playing fields which is within walking distance of the subject site		

**Add further rows as necessary**

\* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts

\*\* Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).



## 5. Review

**Review:**

Subject to Cabinet approval, the site will be sold to a third party for redevelopment and therefore no further review of the EqHIA is envisaged.

**Scheduled date of review:** N/A

**Lead Officer conducting the review:** N/A

*\*Expand box as required*



**Cabinet, 16 September 2020**

**DECISION RE DISPOSAL OF LAND AT HALL LANE PITCH AND PUTT  
COURSE, UPMINSTER FOLLOWING ITS APPROPRIATION FOR PLANNING  
PURPOSES**

That, having considered the responses received as a result of the public notices, and pursuant to the Cabinet decision of 13 March 2019, **Cabinet approval is given to proceed with:**

(a) The appropriation for planning purposes of the land at Hall Lane Pitch and Putt, Upminster.

(b) The disposal of the land at Hall Lane Pitch and Putt, pursuant to section 233 of the Town and Country Planning Act 1990. A Plan of the site is attached as Appendix 1 of the report.

That the Head of Property Services - in consultation with the Cabinet Member for Finance and Property - will as a result of this decision deal with all matters arising including the appropriation for planning purposes and thereafter the completion of the disposal of the land.

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# Overview & Scrutiny Board

13 October 2020

**Subject Heading:**

Pre-Decision Scrutiny of a Cabinet Report – Updating Parks and Open Spaces Byelaws

**SLT Lead:**

Abdus Choudhury – Deputy Director of Legal & Governance

**Report Author and contact details:**

Anthony Clements – Principal Democratic Services Officer  
anthony.clements@onesource.co.uk

**Policy context:**

Within the Places theme:

*Making sure that our neighbourhoods are a great place to live by investing in them and **keeping them clean, green and safe with access to quality parks and leisure facilities***

Within this priority an outcome for parks is:

*Havering has excellent leisure facilities and **award winning parks***

**Financial summary:**

The cost of adopting the new byelaws is limited to the cost of consultation and signage which is anticipated to be in the region of £5,000. This will be contained within the Public Realm revenue budget.

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering  
Places making Havering

**SUMMARY**

In accordance with the pre-decision scrutiny protocol adopted by the Board, the attached report is brought to the Overview and Scrutiny Board for scrutiny and comment prior to a final decision being made by Cabinet.

**RECOMMENDATION**

**That the Board considers the Cabinet report and appendices and determines whether there are comments or, if appropriate, alternative recommendations they wish to be passed to the appropriate Cabinet Member.**

**REPORT DETAIL**

**The attached report on updating Parks and Open Spaces Byelaws has been selected by the Board as a subject for pre-decision scrutiny. It is suggested that the Board discuss the proposals contained in the report and agrees any points, comments or, if appropriate, alternative recommendations it would like addressed when the report is presented to Cabinet on 14 October. These will be addressed by the Cabinet Member in his introduction to the report at the Cabinet meeting.**

It should be noted that, unless the proposal is different from that which the decision-maker is subsequently required to consider, the pre-decision scrutiny of the subject is likely to mean that any call-in once the decision is made by the Cabinet is unlikely be accepted as valid.

Appendices:

Appendix A – Cabinet report with appendices



## CABINET

**Subject Heading:**

Updating Parks and Open Spaces  
Byelaws

**Cabinet Member:**

Councillor Dervish

**SLT Lead:**

Barry Francis

**Report Author and contact details:**

**James Rose, x3868,  
james.rose@havering.gov.uk**

**Policy context:**

As part of the Havering Plan 2019 to 2020  
within the Places theme:

*Making sure that our neighbourhoods are  
a great place to live by investing in them  
and **keeping them clean, green and safe  
with access to quality parks and leisure  
facilities***

Within this priority an outcome for parks is:

*Havering has excellent leisure facilities  
and **award winning parks***

**Financial summary:**

The cost of adopting the new byelaws is  
limited to the cost of consultation and  
signage which is anticipated to be in the  
region of £5,000. This will be contained  
within the Public Realm revenue budget.

**Is this a Key Decision?**

This will have an effect on every ward in  
the borough.

**When should this matter be reviewed?**

Annually

**Reviewing OSC:**

Environment

**The subject matter of this report deals with the following Council  
Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

**SUMMARY**

The Council is responsible for various parks, open spaces and public gardens in the Borough. The conduct of the public in these locations is regulated by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users. The byelaws were last updated in 1983 and over time the nature of park usage has altered and the expectations of park users have also changed. The updated byelaws reflect the way in which the Borough's parks and open spaces are used today and the reasonable expectations of users. The updating also ensures that they are easier for park users to understand. Once approved by Cabinet, full Council will formally decide on whether to adopt the updated byelaws, as set out in Part 1 Paragraph 4.01 (j) of the Constitution.

**RECOMMENDATIONS**

Cabinet recommends to full Council:

- a) the making of new byelaws to regulate the borough's pleasure grounds, public walks and open spaces, substantially in the form set out in Appendices' 1 and 2; and
- b) the commencement of public consultation on the proposed changes to the borough's byelaws set out in recommendation (a) above; and
- c) that if, following consultation, no objections are received to the proposals they should be submitted to the relevant Secretary of State for consideration; and
- d) that if, the proposals are submitted to the Secretary of State, any recommendation of the Secretary of State is considered by Cabinet in a further report; or
- e) that if, following consultation, any objections are received to the proposals they are considered by Cabinet in a further report prior to submission to the relevant Secretary of State.



## **REPORT DETAIL**

### **1. Background**

1.1 The Council is responsible for public parks, open spaces and gardens in the Borough. The conduct of the public in these locations is currently regulated primarily by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users.

1.2 The Council's byelaws were last updated in 1983 but were based on the Victorian model where much of the content is now irrelevant. A copy of the existing byelaws is attached as Appendix 3, these will need to be revoked as part of this process. Over time the nature of park usage has altered as has the expectations of users. In addition, the penalties which may be imposed in serious cases of a breach are insufficient to act as a deterrent.

1.3 A key theme in The Havering Plan 2019-20 is to keep our neighbourhoods safe and clean. The updated byelaws are therefore required to reflect the way in which the Borough's parks and open spaces are used today and the responsible expectations of users.

1.4 The updated byelaws which are based upon model wording published by the Department for Communities and Local Government (DCLG) now The Ministry for Housing, Communities and Local Government (MHCLG), also ensures that they are easier for park users to understand. Officers from Parks, Legal and Enforcement have been working together to produce draft byelaws using the DCLG model. A copy of the 1<sup>st</sup> draft is in Appendix 1 and a 1<sup>st</sup> draft of the schedule listing the grounds to which the byelaws will apply is attached as Appendix 2.

1.5 Since the model byelaws have been amended to address specific issues within the London Borough of Havering, the Ministry for Housing, Communities and Local Government (MHCLG), formally DCLG, will need to approve these changes as part of the consultation process.

1.6 In addition to modernising the existing clauses the following new bylaws are proposed:

#### **Temporary Accommodation**

This is more specific to prohibiting the use of green spaces for unauthorised accommodation with tents, caravans or any other structure or vehicle.

#### **Overnight Parking**

This prohibits leaving vehicles in car parks when the sites are closed.

**Children's Play Areas**

This prohibits older children (over 14) using play areas. This is already on signage but it is not enforceable.

**Public shows, performances, events and organised activities**

This prohibits unauthorised events or activities.

1.7 The following bylaw has been significantly amended:

**Cycling**

The existing bylaw makes it an offence to cycle in any other areas except designated routes in certain sites.

The proposed amendment only makes it an offence to cause annoyance of risk to any others (including rider). Therefore, as long as people cycle responsibly then it will not be a bylaw offence to use any of the sites, unless specifically stated by official signage, e.g. in children's play areas.

1.8 The schedule of sites to which the bylaws apply (Appendix 2) will also be updated to include spaces left out of the existing bylaws. This includes Bretons Outdoor Recreation Centre which has suffered from multiple incidents of anti-social behaviour. The inclusion of all the sites within this schedule will help improve the management and protection of these areas, however it will not prevent future changes of use of the land in question.

1.9 The updated schedule will in addition to parks and open spaces also include all green spaces that the public have access to that are managed by Housing and Highways. This will ensure that these areas can also have any potential anti-social behaviour managed.

1.10 The adoption of the new bylaws is clearly set out and will assist with the enforcement of these rules and regulations but will also give other stakeholders, e.g. Friends Groups, a better understanding and assurances around community safety.

1.11 Should a decision be made to proceed with updating the bylaws the process will take approximately 12-18 months. This will involve a public consultation using the corporate platform for a period of 8 weeks and will be undertaken by Council Officers or their agents. The Council is required to consult with members of the public and other bodies and organisations who have any interest or are users of the areas which will be the subject of the new Byelaws. The organisations who will be consulted are key stakeholders including friend's groups, sports and recreation groups and equal access groups. A detailed table of the process is in Appendix 5.

1.12 Should the Cabinet and then full Council decide to proceed with the process to update the bylaws, a Communications plan to emphasise the positive impact of the new bylaws on improving the management and protection of the boroughs parks and open spaces will be prepared.

1.13 Enforcement of the Byelaws will be undertaken by the Council's Tactical Enforcement Team who will have the relevant authority to ensure they are being adhered to.

1.14 Attachments to the report:

- Appendix 1 - (1<sup>st</sup> Draft of updated Byelaws)
- Appendix 2 - (1<sup>st</sup> Draft of schedule of sites)
- Appendix 3 - (Existing Byelaws)
- Appendix 4 - (Existing schedule of sites)
- Appendix 5 - (Project Timeline)

## REASONS AND OPTIONS

### **2. Reasons for the decision:**

2.1 The existing byelaws are significantly out of date, in some cases irrelevant, unclear to the public and without sufficient clauses to enable effective enforcement in our parks and open spaces to ensure they meet the objectives of the Council.

2.2 It is essential that the Council is able to effectively control activities within the parks and open spaces and when necessary take enforcement action to prevent damage and nuisance to other users and local residents. Therefore the byelaws need to be up to date and cover all sites.

### **3. Other options considered:**

3.1 By continuing to use the existing byelaws certain activities and behaviours cannot be effectively controlled and enforced. Whilst the Tactical Enforcement Team are able to use persuasion in the absence of the necessary byelaws this is not always effective. Bretons Outdoor Recreation Centre has suffered from various incidents of anti-social behaviour, including the frequent and high profile fly-grazing and cart riding. Since this is not covered under the existing byelaws limited or no enforcement action can be taken. This is both harmful for the Council's relationship with the several user groups but also any long-term strategic plans for the site.

3.2 The current bylaws are not fit for purpose and do not reflect how our parks are used. For example it is currently an offence to cycle in parks other than on certain designated routes. Responsible cycling is something that should be encouraged and not prohibited in our open spaces.

3.3 Under section 59 of the Anti-social Behavior, Crime and Policing Act 2014 a Public Space Protection Order (PSPO) can be created if a local authority is satisfied, on reasonable grounds, that activities carried on in public in the local authority's area have had a detrimental effect on the quality of life of those in the locality (or such activities are likely to occur), and the effect of those activities is, or is likely to be, of a persistent and continuing nature, is such as to make the activities unreasonable, which justifies the restrictions imposed by the PSPO. There must be sufficient evidence gathered of complaints and nuisance etc. to justify such an Order and there is a requirement to consult with the relevant bodies and members of the public who would be affected. Although this can apply to parks and open spaces, the evidence must be of a high standard and an Order will only last for three years. In the circumstances, it has been considered the most appropriate option is to update the existing Byelaws.

## **IMPLICATIONS AND RISKS**

### **4. Financial implications and risks:**

4.1 Consultation and the necessary advertising, including signage, will require funding and although exact costs are not known at this stage it is anticipated that they will not be significant so will be contained within the existing Public Realm budget.

### **5. Legal implications and risks:**

5.1 Byelaws are local laws made by the Council under an enabling power contained in a public general act or a local act requiring something to be done or not done in a specified area. Apart from any general power to make byelaws the relevant legislation supporting the byelaws in this case are The Public Health Act 1875 and The Open Spaces Act 1906. These Acts enable local authorities to make byelaws for the regulation of public walks and pleasure grounds and of open spaces respectively.

5.2 Byelaws are enforced through the magistrates' court and upon successful conviction of contravening these particular byelaws (if adopted) could result in a level 2 fine of up to £500.

5.3 Byelaws are generally considered a measure of last resort after alternative attempts to address the relevant issues has been unsuccessful. . A byelaw cannot

be made where alternative legislative measures already exist that could be used to address the problem. Byelaws should always be proportionate and reasonable. Where a byelaw is no longer necessary, it should be revoked.

5.4 The Byelaws (Alternative Procedure) (England) Regulations 2016 introduced new arrangements for byelaws. The regulations simplify the procedures for making new byelaws and amending byelaws, including replacing the Secretary of State for Communities and Local Government's role in confirming byelaws. This is now a matter for the Council, having taken account of any representations made about the proposed byelaw. The Secretary of State's role now is simply to consider an application to make byelaws, and then give leave to do so.

5.5 The regulations also give councils powers to revoke byelaws under an entirely local process. The regulations do not give local authorities powers to create new categories of byelaws. Hence the need to follow the Secretary of States model byelaws.

5.6 The new arrangements transfer the accountability for making byelaws to local councils. The Council should ensure that a proposed byelaw is proportionate and necessary before making any new byelaw. Under these new arrangements, the Secretary of State now only considers the draft byelaws, report and deregulatory statement provided by the local authority, and will either give or refuse leave to proceed. In this case leave has been given. The new arrangements allow the Council to make only minor modifications to the proposed byelaws after leave has been given.

## **6. Human Resources implications and risks:**

6.1 There will be the need for the Tactical Enforcement Team and Parks Officers to be briefed by their managers on the new byelaws so that they fully understand the new clauses however this is not considered to have any effect on the services.

6.2 There are sufficient resources within the current team to undertake the consultation required and to update signage where necessary.

## **7 Equalities implications and risks:**

7.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and

those who do not.

7.2 Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

7.3 The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

7.4 The adoption of the new byelaws will clearly set out rules and regulations, which aim to ensure that all members of the community are able to use parks without unreasonably inconveniencing other users.

7.5 A EqHIAs (Equality and Health Impact Assessments) will be carried out prior to commencement of the public consultation. This will enable informed decision-making when finalising the updated bylaws.

7.6 The consultation will include those individuals and groups with protected characteristics. The appropriate EqHIAs will be undertaken in line with the timescales set out in appendix 5.

## **8 Health and Wellbeing implications and Risks**

8.1 The adoption of fit for purpose bylaws will contribute to the effective management of our Parks and Open Spaces. These assist with users mental and physical health, e.g. socialising, reflection, access to nature, informal and formal recreation.

**BACKGROUND PAPERS**

**None**

# APPENDIX 1 – DRAFT UPDATED BYLAWS

## THE LONDON BOROUGH OF HAVERING

### BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

#### ARRANGEMENT OF BYELAWS

##### PART 1

##### GENERAL

1. General interpretation
2. Application
3. Opening times

##### PART 2

##### PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

##### PART 3

##### HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses- Horse riding prohibited except in certain grounds (subject to bridleway, etc)
16. Cycling
17. Motor vehicles
18. Overnight parking

PART 4  
PLAY AREAS, GAMES AND SPORTS

- 19. Interpretation of Part 4
- 20. Children's play areas
- 21. Children's play apparatus
- 22. Skateboarding, etc permitted but must not cause danger or annoyance
- 23. Ball games - Prohibition of ball games
- 24. Designated areas for certain Ball Games
- 25. Ball games - Generally
- 26. Archery
- 27. Field sports
- 28. Golf

PART 5  
WATERWAYS

- 29. Interpretation of Part 5
- 30. Bathing
- 31. Ice skating
- 32. Model boats
- 33. Boats- To prohibit use of boats etc without permission
- 34. Fishing-requirements
- 35. Fishing- generally
- 36. Overnight Fishing
- 37. Fishing- permanent removal of fish
- 38. Pollution
- 39. Blocking of watercourses

PART 6  
MODEL AIRCRAFT

- 40. Interpretation of Part 6
- 41. Model aircraft - Model aircraft prohibited in certain areas
- 42. Model aircraft - Model aircraft permitted but must not cause danger or annoyance



PART 7  
OTHER REGULATED ACTIVITIES

- 43. Provision of services
- 44. Excessive noise
- 45. Public shows and performances
- 46. Aircraft, hang-gliders and hot air balloons
- 47. Kites prohibited
- 48. Kites permitted but must not cause danger or annoyance
- 49. Metal detectors- designated area
- 50. - generally

PART 8  
MISCELLANEOUS

- 51. Obstruction
- 52. Savings
- 53. Removal of offenders
- 54. Penalty
- 55. Revocation

SCHEDULE 1- Grounds to which byelaws apply generally

SCHEDULE 2 - Grounds referred to in certain byelaws

Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by the London Borough of Havering with respect to those pleasure grounds, public walks and open spaces as listed in Schedule 1

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

“the Council” means the London Borough of Havering;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“designated times” means the times an activity is permitted indicated by notices placed in a conspicuous position

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

“permission” means written permission from the Parks and Open Spaces manager obtained prior to the activity which will not be unreasonably withheld

### **Application**

2. These byelaws apply to all of the grounds listed in the Schedule 1 unless otherwise stated.

### **Opening times**

- 3. (1) No person shall enter or remain in the ground except during opening hours.
- (2) “Opening hours” means when the ground is open to the public by 8am every morning until approximately 30 minutes after sunset..
- (3) Byelaw 3(1) applies only to the grounds listed in part 1 of Schedule 2 and car parks listed in part 2 of Schedule 2.
- (4) The Council reserves the right to alter the opening hours of car parks depending on usage

## PART 2

### PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

#### Protection of structures and plants

4. (1) No person shall without permission remove from or displace within the ground:
  - (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, stand, sit, lie, drive or station a horse or any vehicle over:
  - (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
  - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

#### Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building, shelter or any other structure temporary or otherwise.

#### Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

#### Animals

7. No person shall without the consent of the Council keep any animal in the ground or turn out or permit any animal for which he is responsible to graze in the ground.

#### Protection of wildlife

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

#### Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

- (2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

## Temporary Accommodation

10. No person shall without the consent of the Council erect a tent, use a caravan or any other structure or vehicle being used for the purpose of temporary accommodation

## Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire,
  - (2) Byelaw 11(1) shall not apply to:
    - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; eg fireworks displays etc

## Missiles

12. No person shall throw or use any device to propel or discharge within the ground any object which is liable to cause injury to any other person.

## Interference with life-saving equipment

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

### PART 3

### HORSES, CYCLES AND VEHICLES

#### Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

## Horses

15. (1) No person shall ride a horse except:
- (a) in the designated areas of the grounds listed in Part 4 of Schedule 2 or
  - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw 15(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause annoyance or risk to any others (including rider)

## Cycling

16. No person shall cycle in such a manner as to cause annoyance or risk to any other others (including rider)

## Motor vehicles

17. No person shall without permission bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.

## Overnight parking

18. No person shall without permission leave or cause or permit to be left any motor vehicle between closing and opening times

### PART 4

### PLAY AREAS, GAMES AND SPORTS

#### Interpretation of Part 4

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, putting, batting or running with any ball or other object designed for throwing and catching,

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons

skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

## **Children's play areas**

20. No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

## **Children's play apparatus**

21. a) Where a notice is conspicuously displayed on or near apparatus states it is to be for the exclusive use of persons under a certain age, no person over that age shall use such apparatus.
- b) Where a notice is conspicuously displayed on or near apparatus states it is to be for the exclusive use of persons over a certain age, no person under that age shall use such apparatus.

## **Skateboarding, etc**

22. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to any others .

## **Ball games**

23. No person shall play ball games in the grounds listed in Part 3 of Schedule 2.
24. Where a notice is conspicuously displayed on or near ground states that ground is a designated area for a particular ball game, no person shall play any other game.
25. Where ball games are permitted no person shall play such games in a manner:
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
  - (b) which is likely to cause damage to any tree, shrub or plant in the ground.

## **Archery**

26. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

## **Field sports**

27. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with permission from the Council

### **Golf**

28. No person shall drive, chip, or pitch a hard golf ball except on Hall Lane Miniature Golf Course

## **PART 5**

### **WATERWAYS**

#### **Interpretation of Part 5**

29. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances; and electricity

“waterway” means any river, lake, pool or other body of water and includes any fountain.

#### **Bathing**

30. No person shall without permission bathe or swim in any waterway.

#### **Ice skating**

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

### **Model boats**

32. No person shall operate a power-driven model boat on any waterway listed in Part 5 of Schedule 2
33. Where model boats are permitted, no person shall operate a power-driven model boat on any waterway in a manner
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
  - (b) which is likely to cause damage to any waterway,
  - (c) which is likely to cause harm to any fish, bird or other animal

### **Boats**

34. No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council.

## Fishing

35. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing in the sites listed in Part 6 of Schedule 2
36. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals in a manner:
- (a) as to cause danger or give reasonable grounds for annoyance to any other person
  - (b) which is likely to cause damage to any waterway, tree, shrub or plant
  - (c) which is likely to cause harm to any fish, bird or other animal
37. No person shall without permission from the Council in any waterway cast a net or line for the purpose of catching fish or other animals overnight.
38. No person shall permanently remove any fish from the water
39. No more than **two** rods per person shall be used.
40. Fishing may be prohibited during the closed season (15<sup>th</sup> March – 15<sup>th</sup> June) on lakes where prior notice is given

## Blocking of watercourses

41. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

## PART 6

### MODEL AIRCRAFT

#### Interpretation of Part 6

42. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or



- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

### **General prohibition**

- 43. No person shall cause any power-driven model aircraft to:
  - (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
  - (b) land in the ground without reasonable excuse;in any ground other than the designated area in Bretons Outdoor Recreation Centre
- 44. Where model aircraft are permitted no person shall use any power-driven model aircraft in a manner to recklessly or deliberately :
  - (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground or surrounding area; or
  - (b) which is likely to cause damage to any tree, shrub or plant in the ground.

## **PART 7**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

- 45. No person shall without permission from the Council provide or offer to provide any service for which a charge is made.

#### **Excessive noise**

- 46. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
  - (a) shouting or singing;
  - (b) playing on a musical instrument; or
  - (c) by operating or permitting to be operated any radio, amplifier, music player or similar device.
- (2) Byelaw 40(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

## **Public shows, performances, events and organised activities**

47. No person shall without permission from the Council hold or take part in any public show, performance, meeting, event or organised activity.

#### **Aircraft, hang gliders and hot air balloons**

48. No person shall except in case of emergency or with the permission of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

#### **Kites**

49. No person shall fly any kite in the grounds listed in Part 3 of Schedule 2
50. Where it is permitted no person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

### **Metal detectors**

51. No person without permission from the Council shall use any device designed or adapted for detecting or locating any metal or mineral in the ground.
52. Where permission has been granted no person shall use any such device in a manner
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
  - (b) which is likely to cause damage to any flower bed, lawn, tree, shrub or plant in the ground.

## **PART 8**

### **MISCELLANEOUS**

#### **Obstruction**

53. No person shall obstruct:
- (a) any officer of the Council or constable in the proper execution of his duties;
  - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) any other person in the proper use of the ground.

#### **Savings**

54. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

#### **Removal of offenders**

55. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

#### **Penalty**

56. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Revocation**

57. The byelaws made by the London Borough of Havering on *insert date* and confirmed by the Secretary of State for the Department of Communities and Local Government *insert date of confirmation* relating to the ground are hereby revoked.

## SCHEDULES

### SCHEDULE 1

#### GROUNDS TO WHICH BYELAWS APPLY GENERALLY

A12/Whitland Way Bund  
Abbey Wood Lane Open Space  
Abbs Cross Land  
Airfield Way Land Site 1  
Airfield Way Land Site 2  
Ashbourne Road Amenity land  
Avelon Road  
Balgores Lane Playing Fields  
Bancroft Chase  
Bedfords Park  
Bell Avenue Playground  
Bretons Outdoor Recreation Centre  
Bridge Road Land, Rainham  
Briscoe Road Verge  
Brittons Playing Fields  
Brookway Amenity Space/  
Broxhill Centre  
Byron Way Amenity Land  
Cavendish Crescent Playsite  
Central Park, Harold Hill  
Charlbury Crescent Playsite  
Chelmsford Avenue Amenity Land/Playgrounds  
Chudleigh Road Open Space  
Clockhouse Gardens, Upminster  
Colchester Road/Cornflower Way Open space  
Collier Row Recreation Ground  
Collier Row Green Link/Bacon Link  
Coronation Gardens  
Cottons Park, Romford  
Cranham Brickfields (aka Cranham Playing Fields)  
Cross Road Playsite

Dagnam Park  
Dagnam Park Amenity Land  
Dorking Road Playsite  
Duck Wood and adjacent Land  
Elliot Playing Field  
Faringdon Avenue Flood Lagoon  
Fir Wood  
Fielder's Sports Ground, Hornchurch  
Fleet Close/Severn Drive Recreation Ground  
Forest Row Playsite  
Frederick Road Playing Fields/Mardyke Open Space  
Front Lane Land  
Gaynes Parkway, Upminster  
Gidea Park Playing Fields/Sports Ground

Glen Estate Playspace  
Gooshays Gardens/ Gooshays Drive Amenity Land Site 1  
Gooshays Gardens/ Gooshays Drive Amenity Land Site 2  
Grenfell Park, Hornchurch  
Hacton Parkway, Upminster  
Halesworth Road Playground  
Hall Lane Miniature Golf Course  
Harlow Gardens Playsite  
Harold Wood Park  
Harrow Lodge Park, Hornchurch  
Hatters Wood  
Hatters Wood Land Junction of Whitchurch Road and Dagnam Park Drive  
Havering Country Park  
Havering Playing Field  
Havering Road Land  
Havering Village Green  
Havering Well Garden  
Haynes Park, Hornchurch  
Heaton Avenue Playsites: Dryden & Kipling  
Hitchin Close  
Hornchurch Country Park/Ingrebourne Nature Reserve  
Hylands Park, Hornchurch  
Jutsums Lane Recreation Ground  
Keats Avenue Playsite  
Kilmartin Way Amenity Land Site 1  
Kilmartin Way Amenity Land Site 2  
King George's Playing Field, Romford  
Land adjacent to 20 Queen Mary Close  
Knightswood Recreation Ground  
Langtons Gardens, Hornchurch  
Launceston Close, Tavistock Close and Widecombe Close  
Lawns Park, Romford  
Lexington Way  
Lilliput Road Open Space  
Lodge Farm Park  
Lower Mardyke Avenue Land  
Malan Square Amenity Space  
Mawney Close Playground  
Maybank Avenue/South End Road Playsite/Louis Marchesi  
Montgomery Crescent Amenity Land  
Morris Road/ Meynell Road Playsite  
Myrtle Road Open Space  
New Road Land, Rainham  
New Road Land/Dunedin Road  
Newbury Road/ Newbury Close Playsite  
Noak Hill Playing Field/Recreation Ground  
North Hill Drive Recreation Ground  
Ockendon Road Land  
Old Church Parksite  
Painesbrook Open Space/Adventure Playground  
Painesbrook Way/Amersham Amenity Land Site 1  
Painesbrook Way/Amersham Amenity Land Site 2  
Park Lane Recreation Ground  
Parklands Open Space, CorbetsTey Road, Upminster  
Penzance Gardens Amenity Land

Petersfield Avenue/A12  
Petersfield Avenue/ Fairford Way  
Platford/ Tyle Green  
Priory Road Land  
Priory Road Open Space/Little Hatters Wood  
Queens Theatre Green, Billet Lane, Hornchurch  
Rainham Bowling Green  
Rainham Creekside Path  
Rainham Recreation Ground  
Raphael Park  
Rise Park  
Robert Beard Youth Centre land  
Rodney Way Playsite  
Romford Library Gardens  
Romford Ice Rink  
Rush Green Road Open Space  
Sage Wood Site 1  
Sage Wood Site 2  
Sage Wood Site 3  
Heffield Drive Open Space  
Shoulder of Mutton Wood Site 1  
Shoulder of Mutton Wood Site 2  
Spring Farm Park, Rainham  
St Andrews Park, Hornchurch  
St Neots Adventure Playing Fields  
Stirling Close, Rainham (Bunded Land adjacent to New Road)  
Straight Road Woodland, Harold Wood  
Stratton Wood  
Sunflower Way Flood Lagoon  
Suttons Parkway  
Swanbourne Drive Amenity Land  
The Chase  
The Dell Open Space  
The Glen, Rainham  
The Green, Wennington  
Thurloe Gardens adjacent 18 King Edward Road  
Thurloe Gardens, Romford  
Tiverton Grove/Bedale Road  
Tring Gardens/ Whitchurch Road Lane  
Tring Gardens Land  
Tring Green Amenity Land  
Tweedway Hall Land  
Tylers Common  
Upminster Hall Playing Field  
Upminster Park, Upminster  
Upminster War Memorial  
Upminster Windmill Open Space  
Upper Rainham Road Land  
Victory Way Amenity Land  
Waltom Road Amenity Land  
Warley Hall Wood, A127 (Southend Arterial Road)  
Waycross Road  
Westlands Playing Fields  
Land to rear of 6-12 Wheatsheaf Road, Romford  
White Hart Lane Playsite, Collier Row

Whybridge Close Playsite  
Wigton Way Land  
Wrexham Road Amenity Lad

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SCHEDULE 2  
**GROUNDS REFERRED TO IN CERTAIN BYELAWS**

PART 1

OPENING TIMES (BYELAW 3(1))

Broxhill Centre  
Brookway Open Space  
Chelmsford Avenue Open Space  
Clockhouse Gardens  
Collier Row Recreation Ground  
Cottons Park  
Fielders Sports Grounds  
Forest Row Playsite  
Gidea Park Sports Ground  
Harold Wood Park  
Haynes Park  
Hylands Park  
Jutsums Recreation Ground  
King George's Playing Field  
Langtons Gardens  
Lawns Park  
Lodge Farm Park  
Louis Marchesi  
Park Lane Recreation Ground  
Raphael Park  
Rise Park  
Spring Farm Park  
St Andrews Park  
The Glen Elm Park  
Westlands Playing Field



PART 2  
CAR PARKS

Bedfords Park  
Bretons Outdoor Recreation Centre  
Brittons Playing Field  
Cranham Brickfields  
Dagnam Park  
Harrow Lodge Park  
Haynes Park  
Hornchurch Country Park  
Parklands Open Space  
Upminster Hall Playing Fields  
Tylers Common  
Upminster Park

PART 3  
BALL GAMES and KITES

Byron Way Amenity Land  
Clockhouse Gardens  
Coronation Gardens  
Galleywood Crescent Amenity Land  
Gooshays Drive Amenity Land- 2 sites  
Hacton Lane Land  
Kingbridge Circus Amenity land  
Langtons Gardens  
Louis Marchesi Playsite  
St Edward the Confessor Churchyard  
St Helen and St Giles Churchyard  
St Neots Road/ Penzance Road Amenity Land  
Swanbourne Drive Amenity Land  
Walton Road Amenity Land

PART 4

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS SUBJECT TO  
BRIDLEWAY, ETC

Brettons Outdoor Recreation Centre  
Dagnam Park (aka The Manor)  
Havering Country Park  
Hornchurch Country Park

PART 5  
MODEL BOATS

Clockhouse Gardens  
Langtons Gardens

PART 6  
FISHING

Bedfords Park,  
Brettons Outdoor Recreation Centre  
Dagnam Park,  
Harrow Lodge Park,  
Hornchurch Country Park,  
Parklands,  
Raphael Park,

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## Appendix 2 - Draft Amended Schedules

### SCHEDULE 1

#### GROUNDS TO WHICH BYELAWS APPLY GENERALLY

##### Part 1 – Parks and Open Spaces

A12/Whitland Way Bund  
Abbey Wood Lane Open Space  
Bancroft Chase  
Bedfords Park  
Bretons Outdoor Recreation Centre  
Briscoe Road Verge  
Brittons Playing Fields  
Brookway Open Space  
Maybank Avenue/South End Road Playsite/Louis Marchesi  
Central Park, Harold Hill  
Chelmsford Avenue Amenity Land/Playgrounds  
Chudleigh Road Open Space  
Clockhouse Gardens, Upminster  
Collier Row Green Link/Bacon Link  
Collier Row Recreation Ground  
Coronation Gardens  
Cottons Park, Romford  
Cranham Brickfields (aka Cranham Playing Fields)  
Dagnam Park  
Duck Wood and adjacent Land  
Elliot Playing Field  
Faringdon Avenue Flood Lagoon  
Fielder's Sports Ground, Hornchurch  
Fir Wood  
Fleet Close Open Space  
Forest Row Playsite  
Mardyke Open Space  
Gaynes Parkway, Upminster  
Gidea Park Sports Ground  
Grenfell Park, Hornchurch  
Hacton Parkway, Upminster  
Harold Wood Park  
Harrow Lodge Park, Hornchurch  
Hatters Wood  
Havering Country Park  
Havering Playing Field  
Havering Village Green  
Havering Well Garden  
Haynes Park, Hornchurch  
Hornchurch Country Park/Ingrebourne Nature Reserve  
Hylands Park, Hornchurch

Jutsums Lane Recreation Ground  
Keats Avenue Playsite  
King George's Playing Field, Romford  
Lessa Open Space  
Langtons Gardens, Hornchurch  
Lawns Park, Romford  
Lilliput Road Open Space  
Lodge Farm Park  
Myrtle Road Open Space (aka Bosworth Field)  
New Road Land, Rainham  
Noak Hill Playing Field/Recreation Ground  
Noak Hill Sports Ground  
North Hill Drive Recreation Ground  
Ockendon Road Land  
Oldchurch Play site  
Painesbrook Open Space  
Painesbrook Way Open Space  
Park Lane Recreation Ground  
Parklands Open Space, CorbetsTey Road, Upminster  
Platford/ Tyle Green  
Priory Road Open Space/Little Hatters Wood  
Queens Theatre Green, Billet Lane, Hornchurch  
Rainham Bowling Green  
Rainham Creekside Path  
Rainham Recreation Ground  
Rainham Wildspace Local Nature Reserve  
Raphael Park  
Rise Park  
Romford Library Gardens  
Rush Green Road Open Space  
Sage Wood  
Shoulder of Mutton Wood  
Spring Farm Park  
St Andrews Park  
St Helens & St. Giles Churchyard  
St Neots Open Space (Amys Playsite)  
Stirling Close, Rainham  
Straight Road Woodland, Harold Wood  
Stratton Wood  
Sunflower Way Flood Lagoon  
Suttons Parkway  
The Chase  
The Dell Open Space  
The Glen, Rainham  
The Glens, Elm Park  
Tylers Common  
Upminster Hall Playing Field  
Upminster Park, Upminster  
Upminster Windmill Open Space  
Westlands Playing Fields

Whybridge Close Playsite

Part 2 – Green space where the public have access to

a. Housing Land

Abberton Way  
Aldingham Court  
Avelon Road (Rainham)  
Barham Close  
Barnstable Road  
Briar Road Estate  
Cambourne Avenue  
Cavendish Crescent  
Cross Road  
Dartfields  
Dunedin Road  
Dunningford Close  
Durham Avenue  
Firbank Road  
Gooshays Gardens/ Gooshays Drive Amenity Land  
Heaton Avenue  
Halesworth Road  
Highfield Towers  
Hitchin Close  
Kingsbridge Circus  
Leyburn Road  
Lexington Way  
Lindfield Road  
Malan Square / Bader Way  
Mawney Close  
Morris Road/ Meynell Road  
Neave Crescent  
Newbury Road/ Newbury Close  
Owletts Hall Close  
Petersfield Close  
Prospect Place  
Rodney Way  
Rush Green Gardens  
Sedgefield Close  
Straight Road  
Sunrise Avenue  
Trowbridge Road  
Waterloo Road / Gardens  
Wigton Way

b. Highway Land

Airfield Way Land  
Ashbourne Road Amenity land  
Bridge Road Land, Rainham  
Bridport Avenue  
Byron Way Amenity Land  
Charlbury Crescent  
Front Lane Land  
Hamilton Drive  
Havering Road / Garry Way  
Kilmartin Way Amenity Land  
Land adjacent to 20 Queen Mary Close  
Land to rear of 6-12 Wheatsheaf Road, Romford  
Launceston Close, Tavistock Close and Widecombe Close  
Lower Mardyke Avenue Land  
Macon Way  
Montgomery Crescent Amenity Land  
New Road Land/Dunedin Road  
Penzance Gardens Amenity Land  
Petersfield Avenue/ Fairford Way  
Petersfield Avenue/A12  
Priory Road Land  
Swanbourne Drive Amenity Land  
Thurloe Gardens adjacent 18 King Edward Road  
Thurloe Gardens, Romford  
Tiverton Grove/Bedale Road  
Tring Gardens Land  
Tring Gardens/ Whitchurch Road Lane  
Tring Green Amenity Land  
Tweedway Hall Land  
Upminster War Memorial  
Upper Rainham Road Land  
Victory Way Amenity Land  
Waltom Road Amenity Land  
Waycross Rad  
Willoughby Drive land  
Wincanton Road  
Wrexham Road Amenity Land



SCHEDULE 2  
**GROUNDS REFERRED TO IN CERTAIN BYELAWS**

PART 1

OPENING TIMES (BYELAW 3(1))

Brookway Open Space  
Chelmsford Avenue Open Space  
Clockhouse Gardens  
Collier Row Recreation Ground  
Cottons Park  
Fielders Sports Grounds  
Forest Row Playsite  
Gidea Park Sports Ground  
Harold Wood Park  
Haynes Park  
Hylands Park  
Jutsums Recreation Ground  
King George's Playing Field  
Langtons Gardens  
Lawns Park  
Lodge Farm Park  
Louis Marchesi  
Noak Hill Sports Ground  
Park Lane Recreation Ground  
Raphael Park  
Rise Park  
Spring Farm Park  
St Andrews Park  
The Glen Elm Park  
Westlands Playing Field

PART 2  
CAR PARKS

Bedfords Park  
Bretons Outdoor Recreation Centre  
Brittons Playing Field  
Cranham Brickfields  
Dagnam Park  
Harrow Lodge Park  
Haynes Park  
Hornchurch Country Park  
Parklands Open Space  
Upminster Hall Playing Fields  
Tylers Common  
Upminster Park  
Clockhouse Gardens (Housing)  
Hacton Parkway  
Hylands Park  
Langtons Gardens  
The Dell

PART 3  
BALL GAMES and KITES

Byron Way Amenity Land  
Clockhouse Gardens  
Coronation Gardens  
Galleywood Crescent Amenity Land  
Gooshays Drive Amenity Land- 2 sites  
Hacton Lane Land

Kingbridge Circus Amenity land  
Langtons Gardens  
Louis Marchesi Playsite  
St Edward the Confessor Churchyard  
St Helen and St Giles Churchyard  
St Neots Road/ Penzance Road Amenity Land  
Swanbourne Drive Amenity Land  
Walton Road Amenity Land

#### PART 4

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS SUBJECT TO  
BRIDLEWAY, ETC

Bretons Outdoor Recreation Centre  
Dagnam Park (aka The Manor)  
Havering Country Park  
Hornchurch Country Park

#### PART 5 MODEL BOATS

Clockhouse Gardens  
Langtons Gardens  
Cranham Brickfields  
Parklands  
Harrow Lodge Park  
Tyle Green

PART 6  
FISHING

Bedfords Park

Bretons Outdoor Recreation Centre

Dagnam Park

Harrow Lodge Park, (Fishing lake only NOT boating lake)

Hornchurch Country Park

Parklands

Raphael Park

## Appendix 3 – Existing Bylaws

### PLEASURE GROUND BYELAWS

1. In these byelaws "the Council" means the Council of the London Borough of Havering and "the pleasure ground" means each of the pleasure grounds named in the First Schedule hereto.

2. An act necessary to the proper execution of his duty by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

3. Each of the pleasure grounds mentioned in the Second Schedule to these byelaws except the pleasure ground known as Lawns Park shall be opened at 8.00 a.m., on each day throughout the year and shall be closed a half an hour after sunset on each day throughout the year, except that in the months of June and July they shall be closed at 9.30 p.m. on each day.

The pleasure ground known as Lawns Park shall be opened at 7.30 a.m., on each day throughout the year and shall be closed at 8.00 p.m., or half an hour after sunset, whichever shall be the earlier on each day throughout the year.

Provided always that this byelaw shall not be deemed to require the pleasure ground to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council close the pleasure ground to the public.

4. On any day on which the pleasure ground is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed in the foregoing byelaw.

5. A person shall not in the pleasure ground without reasonable excuse:-

(i) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post, or other erection;

(ii) remove or displace any barrier, railing, post, or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the pleasure ground.

6. A person shall not in the pleasure ground light any fire or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

7. A person shall not, except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any cattle, sheep, goats or pigs, or any beast of draught or burden.

8. A person shall not, except along the bridleways in the pleasure ground known as Bedfords Park or in the exercise of any lawful right or privilege, ride a horse in the pleasure ground.

9. (i) A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any barrow, truck, machine or vehicle other than:-

a wheeled bicycle or other similar machine;

a wheelchair, perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the pleasure ground of any vehicle of the class for which it is set apart.

(ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the pleasure ground.

10. A person who brings a vehicle into the pleasure ground shall not wheel or station it over or upon:-

(i) any flower bed, shrub or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant;

(ii) any part of the pleasure ground where the Council by a notice board affixed or set up in some conspicuous position in the pleasure ground prohibits its being wheeled or stationed.

11. A person shall not in the pleasure ground, walk, run, stand, sit or lie upon:-
- (i) any grass, turf, or other place where adequate notice to keep off such grass, turf, or other place is exhibited; provided that such notice shall not apply to more than one-fifth of the area of the pleasure ground;
  - (ii) any flower bed, shrub, or plant or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub, or plant.
12. No person shall in the pleasure ground remove or displace any soil or plant.
13. A person shall not, to the danger or annoyance of any other person in the ground, throw or discharge any missile.
14. A person shall not in the pleasure ground:-
- (i) bathe, wade, or wash in any ornamental lake, pond, stream or other water;
  - (ii) without reasonable excuse foul or pollute any such water;
- Provided that the foregoing byelaw shall not be deemed to prohibit wading in a children's paddling pool.
15. No person shall without lawful excuse or authority in the pleasure ground kill, molest or disturb any animal or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
- Provided that this byelaw shall not be deemed to prohibit any fishing which may be authorised by the Council.
16. A person shall not, except in the exercise of any lawful right or privilege, have in his possession while he is on the ground any firearm unless it is so cover with a security fastened gun cover that it cannot be fired.
- In this byelaw, firearm means any lethal barrelled weapon of any description from which any shot, bullet or other thing can be discharged.
- This byelaw shall apply to all parts of the land except any part thereof which is a public right of way.
17. No person shall by operating or causing or suffering to be operated any

wireless set, gramophone, amplifier or similar instrument or any musical instrument make, cause or suffer to be made any noise which is so loud and so continuous or repeated as to give reasonable cause for annoyance to other persons on the land. Provided that this byelaw shall not apply to any person holding or taking part in a band show or any other entertainment held in the ground in pursuance of an agreement with the Council.

18. Where the Council set apart any such part of the pleasure ground as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position in the pleasure ground, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or time discomfort to any person in the pleasure ground may necessitate at any time during the continuance of the game., the exclusive use by the player or players of any space in such part of the pleasure ground - a person shall not in any space elsewhere in the pleasure ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from use of such a space.

19. A person resorting to the pleasure ground and playing or taking part in any game for which the exclusive use of any space in the pleasure ground has been set apart shall:-

- (i) not play on the space any game other than the game for which it is set apart;
- (ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the pleasure ground by other persons;
- (iii) when the space is already occupied by other players not begin to play thereon without their permission;
- (iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein.

20. A person shall not in the pleasure ground drive chip or pitch a hard golf ball except on land set aside by the Council as a golf course, golf driving range or putting course.



21. A person shall not in any part of the pleasure ground which may have been set apart by the Council for any game play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the pleasure ground.
22. A person shall not in the pleasure ground:-
- (i) except as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building, or other structure;
- provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure upon such occasion and for such purpose as are specified in the application;
- (ii) sell, or offer or expose for sale, or let to hire, or offer to expose for letting to hire, any commodity or article, unless in pursuance of an agreement, with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire in the pleasure ground such commodity or article.
23. (i) No person shall cause any power driven model aircraft to take off or land in the pleasure ground;
- provided that this byelaw shall not apply to the pleasure ground known as Bedfords Park..
- (ii) Where an area within part of the pleasure ground so set apart for the flying of power-driven model aircraft is designated by the Council as an area from which aircraft may be launched and is described in a notice affixed or set up in some conspicuous position on the ground, a person shall not release such an aircraft for flight, or cause such an aircraft to take off, in any part of the ground other than that area.
- (iii) No person shall (a) in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft; or (b) cause such an aircraft to take off or land in the ground, unless it is attached to a control line and is kept under effective control.
- (iv) In this byelaw the expression "power driven model aircraft" means

any model aircraft driven by the combustion of petrol vapour or other combustible substances.

24. A person shall not in the pleasure ground:
- (a) intentionally obstruct any officer of the Council in the proper execution of his duties;
  - (b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council;  
or
  - (c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

25. A person shall not take part in any public show or performance in the pleasure ground provided that this byelaw shall not apply to any person taking part in a band, show or any other function held in the pleasure ground in pursuance of an agreement with the Council.

26. Every person who shall offend against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.

27. Any person who shall offend against these byelaws may be removed from the ground by any officer of the Council, or any constable.

28. The byelaws relating to pleasure grounds which were made by the Mayor Aldermen and Burgesses of the London Borough of Havering acting by the Council on the seventeenth day of July 1968 and were confirmed by the Minister of Health on the twenty-ninth day of November 1968 are hereby repealed.

29. The byelaw relating to pleasure grounds which was made by the Mayor Aldermen and Burgesses of the London Borough of Havering acting by the Council on the first day of November 1977 and was confirmed by the Secretary and State on the eleventh day of July 1978 is hereby repealed.

30. The byelaws relating to pleasure grounds which were made by the Mayor and Burgesses of the London Borough of Havering acting by the Council on the twenty-sixth day of February 1980 and were confirmed by the Secretary of State on the seventeenth day of July 1980 are hereby repealed.

**THE FIRST SCHEDULE** hereinbefore mentioned

Pleasure Grounds to which byelaws are made under Section 164 of the Public Health Act 1875

Bedale Road Playground, Harold Hill	King George's Field, Romford
Bedfords Park, Romford	Langtons Gardens, Hornchurch
Berwick Pond Open Space, Hornchurch	Lawns Park, Romford
Brittons Playing Fields, Hornchurch	Lilliput Road Open Space
Central Park, Harold Hill	Lodge Farm Park, Romford
Clockhouse Gardens, Upminster	Land, New Road, Rainham
Cottons Park, Romford	Noak Hill Sports Ground
Cranham Playing Fields	North Hill Recreation Ground, Harold Hill
Dagnam Park, Harold Hill	Hill
Fielder's Sports Ground, Hornchurch	Oldchurch Park, Romford
Gaynes Parkway, Upminster	Parklands, Upminster
Gidea Park Sports Ground	Park Lane Recreation Ground, Hornchurch
Glen The, Rainham	
Grenfell Park, Hornchurch	Paynesbrook (Land), Harold Wood
Hacton Parkway, Upminster	Raphael Park, Romford
Halesworth Road Playground, Harold Hill	Rainham Recreation Ground
Hall Lane Miniature Golf Course, Upminster	Rise Park, Romford
	Rush Green Play Space, Romford
Harold Wood Park	Suttons Parkway, Upminster
Harrow Lodge Park, Hornchurch	Spring Farm Park, Rainham
Havering Playing Field	St. Andrew's Park, Hornchurch
Haynes Park, Hornchurch	St. Neot's Land, Harold Hill
Hornchurch Stadium	Upminster Park
Hylands Park, Hornchurch	Upminster Hall Playing Fields

Jutsums Park, Romford

Warley Hall Woods, Cranham

Open Spaces to which byelaws are made under Sections 12 and 15 of the Open Spaces Act 1906

Coronation  
Gardens, Romford      Havering Well Gardens, Hornchurch

Elliott Playing  
Fields, Hornchurch      Lucas Playground, Hornchurch

**THE SECOND SCHEDULE** hereinbefore mentioned

Central Park, Harold Hill

Clockhouse Gardens, Upminster

Collier Row Recreation Ground

Coronation Gardens, Romford

Cottons Park, Romford

Gidea Park Sports Ground

Hall Lane Miniature Golf Course, Upminster

Harold Wood Park

Hylands Park, Hornchurch

Hornchurch Stadium

Jutsums Park, Romford

King George's Field, Romford

Langtons Gardens, Hornchurch

Lawns Park, Romford

Lodge Farm Park, Romford

Noak Hill Sports Ground

North Hill Recreation Ground, Harold Hill

Park Lane Recreation Ground, Hornchurch

Raphael Park, Romford

Rainham Recreation Ground

Rise Park, Romford

Rush Green Play Space, Romford

Spring Farm Park, Rainham

St. Andrew's Park, Hornchurch

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## Appendix 4 – Existing Schedule of Sites

### THE FIRST SCHEDULE hereinbefore mentioned

Pleasure Grounds to which byelaws are made under Section 164 of the Public Health Act 1875

Bedale Road Playground, Harold Hill	King George's Field, Romford
Bedfords Park, Romford	Langtons Gardens, Hornchurch
Berwick Pond Open Space, Hornchurch	Lawns Park, Romford
Brittons Playing Fields, Hornchurch	Lilliput Road Open Space
Central Park, Harold Hill	Lodge Farm Park, Romford
Clockhouse Gardens, Upminster	Land, New Road, Rainham
Cottons Park, Romford	Noak Hill Sports Ground
Cranham Playing Fields	North Hill Recreation Ground, Harold Hill
Dagnam Park, Harold Hill	Hill
Fielder's Sports Ground, Hornchurch	Oldchurch Park, Romford
Gaynes Parkway, Upminster	Parklands, Upminster
Gidea Park Sports Ground	Park Lane Recreation Ground, Hornchurch
Glen The, Rainham	Hornchurch
Grenfell Park, Hornchurch	Paynesbrook (Land), Harold Wood
Hacton Parkway, Upminster	Raphael Park, Romford
Halesworth Road Playground, Harold Hill	Rainham Recreation Ground
Hall Lane Miniature Golf Course, Upminster	Rise Park, Romford
Harold Wood Park	Rush Green Play Space, Romford
Harrow Lodge Park, Hornchurch	Suttons Parkway, Upminster
Havering Playing Field	Spring Farm Park, Rainham
Haynes Park, Hornchurch	St. Andrew's Park, Hornchurch
Hornchurch Stadium	St. Neot's Land, Harold Hill
Hylands Park, Hornchurch	Upminster Park
Jutsums Park, Romford	Upminster Hall Playing Fields
	Warley Hall Woods, Cranham

Open Spaces to which byelaws are made under Sections 12 and 15 of the Open Spaces Act 1906

Coronation  
Gardens, Romford    Havering Well Gardens, Hornchurch

Elliott Playing  
Fields, Hornchurch    Lucas Playground, Hornchurch



## Appendix 5 - Byelaws Draft Project Timeline

[Authority for a change to the Byelaws is a decision for Full Council not the Executive however authority from the Executive (Cabinet) will be required to commence the statutory process / consultation / submission of an application to the Secretary of State – Democratic Services will need to advise on process / timeframe]

Stage	Detailed Task	Date and Timescale
Assessment and Consultation Preparation	<ul style="list-style-type: none"> <li>• Prepare a draft of the Byelaws – <b>Done</b></li> <li>• Carry out an Assessment of whether the regulatory burden imposed by the Byelaws is proportionate</li> <li>• Prepare a Statement if the Assessment</li> <li>• In carrying out Assessment consult with such persons considered potentially affected by the Byelaw</li> <li>• Preparation of Equality and Health Impact Assessments.</li> <li>• Publicise statement on website and in manner considered likely to bring the statement to the attention of persons who may otherwise be affected</li> </ul>	6 Weeks  (indicative time frame – will be determined by Client department)
Determination of Enabling Powers	<ul style="list-style-type: none"> <li>• Establish the enabling power for making Byelaw for each site               <ul style="list-style-type: none"> <li>a) Review registered title / deeds for each site to establish statutory authority from which Councils interest in land is derived</li> <li>b) Establish Byelaw making power for each site</li> <li>c) Where joint interest in land seek</li> </ul> </li> </ul>	6 Weeks

	permission for making Byelaw	
Public Consultation	<ul style="list-style-type: none"> <li>• Issue public notice – local press</li> <li>• On site consultation</li> <li>• Letter drop to local residents and businesses</li> <li>• Site poster</li> <li>• Monitor website</li> <li>• Receipt of paper questionnaires</li> <li>• Receive electronic questionnaires</li> </ul>	8 Weeks  (timescale to take account of number of sites – Site Notices)
Analysis of consultation feedback	<ul style="list-style-type: none"> <li>• Consolidate manual feedback into electronic form</li> <li>• Summarise feedback</li> <li>• Review proposed Byelaw in light of feedback</li> </ul>	2 Weeks
<b>Executive Briefing</b>	<ul style="list-style-type: none"> <li>• <b>Executive briefing to approve to approve Byelaw changes and authority to make application to Secretary of State</b></li> </ul>	<b>(To be determined by Democratic Services)</b>
<b>Executive Approval</b> <b>(Decision of Cabinet)</b>	<ul style="list-style-type: none"> <li>• <b>Executive report to approve Byelaw changes and authority to make application to Secretary of State</b></li> </ul>	<b>(To be determined by Democratic Services)</b>

Application for Approval	<ul style="list-style-type: none"> <li>• Apply to Secretary of State for approval, providing:-             <ol style="list-style-type: none"> <li>a) Draft Byelaw</li> <li>b) Statement</li> <li>c) Report</li> </ol> </li> </ul>	
Application Approval	<ul style="list-style-type: none"> <li>• The SoS must respond in writing to an application made within 30 days of submission date</li> <li>• The SoS can either:-             <ol style="list-style-type: none"> <li>a) Give leave to make Byelaw</li> <li>b) Send an acknowledgement stating it will issue a substantive response as soon as practicable</li> <li>c) Refuse to give leave to make Byelaw</li> </ol> </li> </ul>	<p>30 Days</p> <p>(SoS notice that response will be sent as soon as practicable – no specified timeframe)</p>
Publication of Proposals	<ul style="list-style-type: none"> <li>• If SoS grants leave to make Byelaw, publication of notice on Councils website and in one or more of the local papers circulating in the area in which land is situated in respect of which Byelaw will apply</li> <li>• Requirement to publicise notice in manner Council thinks fit (site notices)</li> </ul>	<p>8 Weeks</p> <p>(timescale to take account of number of sites – Site Notices)</p>
Consideration of Representations	<ul style="list-style-type: none"> <li>• Consider any written representations before making decision</li> </ul>	

<p><b>Decision</b> <b>(Full Council)</b></p>	<p><b>No later than six months after the expiration of the period specified in the notice:</b></p> <ul style="list-style-type: none"> <li>• <b>Make the Byelaw without modification</b></li> <li>• <b>Make the Byelaw with minor modification</b></li> <li>• <b>Not make the proposed Byelaw</b></li> </ul>	<p><b>(To be determined by Democratic Services)</b></p>
<p>Making the Byelaw</p>	<p>Under the Common Seal of the Council</p>	<p>1 day</p>
<p>Publicity</p>	<p>(Not less than seven days before the day on which the Byelaw comes into force)</p> <ul style="list-style-type: none"> <li>• Deposit a copy of the Byelaw at PASC</li> <li>• Public notice of making on website</li> <li>• Publicise Byelaw in such other manner the Council thinks fit (site notices)</li> </ul>	<p>8 weeks  (timescale to take account of number of sites – Site Notices)</p>
		<p>12 – 18 months (approximately)</p>

**OVERVIEW AND SCRUTINY BOARD**

<b>Subject Heading:</b>	August 2020 Financial Monitoring Position
<b>SLT Lead:</b>	Jane West
<b>Report Author and contact details:</b>	Julie Oldale, Deputy s151 Officer 01708 433957

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

**SUMMARY**

Attached is a draft August 2020 Financial Monitoring Position Cabinet report. The report will be presented to the Cabinet on 14 October 2020.

**RECOMMENDATIONS**

The Board is requested to consider the draft report and provide comments to the Cabinet.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None arising from this report

**Legal implications and risks:**

None arising from this report

**Human Resources implications and risks:**

None arising from this report

**Equalities implications and risks:**

None arising from this report



## CABINET

**Subject Heading:**

**Budget monitoring report and covid update 2020/21 period 05 (August)**

**SLT Lead:**

Jane West

**Report Author and contact details:**

Richard Tyler, Finance Strategy Manager,  
oneSource  
01708 433 957

**Policy context:**

This Report sets out a full monitoring position for the Council for 2020/21 based on figures up to Period five (31st August). The report provides a full statement on the estimated costs and lost income relating to the COVID pandemic and analyses the Government support to date giving a net projected shortfall for the year.

**Financial summary:**

This report includes:

- A summary of the outturn for 2019/20
- Estimated financial impact of the pandemic on the Council for August 2020
- Government support provided to date and potential future commitments
- A financial projection setting out the potential impact on 2020/21

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

[X]  
[X]  
[X]  
[X]

**SUMMARY**

This Report sets out a full monitoring position for the Council for 2020/21 based on figures up to Period five (31st August). The report provides a full statement on the estimated costs and lost income relating to the COVID pandemic and analyses the Government support to date giving a net projected shortfall for the year.

The report goes on to provide an update on the other Government Support schemes and the progress the Council has made in applying these funds to support our citizens.

The report then considers the period five position on the Business as Usual including emerging pressures and also savings that are unlikely to be achieved in 2020/21 due to delays caused by the pandemic. The report then reviews the Corporate position and aggregates all this information to give a forecasted general fund outturn projection for the year.

## **RECOMMENDATIONS**

The cabinet is asked to

- Note the Council's draft summary financial outturn for 2019/20
- Note the financial projections for 2020/21 set out in this report
- Note that officers will be reviewing actual expenditure, shortfalls in income and the impact on savings both for 2020/21 and the medium term in order to update the forecasts at regular intervals during the year.

## **REPORT DETAIL**

### **1. EXECUTIVE SUMMARY**

- 1.1. This Report sets out a full monitoring position for the Council for 2020/21 based on figures up to Period five (31st August). The report provides a full statement on the estimated costs and lost income relating to the COVID pandemic and analyses the Government support to date giving a net projected shortfall for the year.
- 1.2. The next section of the report provides an update on the other Government Support schemes and the progress the Council has made in applying these funds to support our citizens.
- 1.3. The report then considers the period five position on the Business as Usual including emerging pressures and also savings that are unlikely to be achieved in 2020/21 due to delays caused by the pandemic. The report then reviews the Corporate position and aggregates all this information to give a forecasted general fund outturn projection for the year.
- 1.4. The report then has a section setting out the position on the HRA.



- 1.5. The Headline position for the Council is a general fund overspend of £35.998m as set out below

**Table 1: Summary Position**

<b>Financial Position</b>	<b>£m</b>
Projected COVID Expenditure for the year (See para. 2.1)	11.870
Potential income loss for the year (See para. 2.2)	12.194
Potential gap in 2020/21 MTFS savings delivery (See para. 4.2)	6.879
Business As Usual Net Position (See para. 3.3)	5.055
<b>Total Pressures</b>	<b>35.998</b>
Government Support to date including food supply (See para. 2.3 & 2.4)	(15.781)
Projected value of Government support on loss of income (See para. 2.3)	(4.000)
Corporate Underspends (See para. 5.1)	(1.906)
<b>Remaining Gap</b>	<b>14.311</b>
Required use of reserves and balances (See para. 6.2)	(14.311)
<b>TOTAL</b>	<b>0.0</b>

## 2. FINANCIAL IMPACT OF THE COVID PANDEMIC

### Expenditure on the COVID Pandemic

The Council has been incurring expenditure since March relating to the COVID Pandemic. The table below sets out the costs to date for 2020/21 and projected costs for the remainder of the year.

**Table 2: COVID Expenditure**

<b>COVID Expenditure</b>	<b>(April - August) £m</b>	<b>Projection to Year End £m</b>
Neighbourhoods	0.960	1.340
Housing Service (GF)	0.217	0.329
oneSource Non Shared	0.392	0.937
oneSource (LBH share)	0.000	0.000
Adults	1.969	5.130
Public Health	0.000	0.000
Children	0.236	0.836
Chief Operating Officer	2.304	3.298
<b>General Fund Total</b>	<b>6.078</b>	<b>11.870</b>

The money spent on the COVID pandemic has provided a wide range of services to support our citizens and businesses. The main areas of expenditure are:

### **Neighbourhoods**

Public Realm – Increase in vehicles and staff for waste to maintain social distancing.

Public Protection - Enhanced out of hours staffing to ensure compliance with Coronavirus Regulations and to support businesses reopening, Environmental Health Officer time spent on Test & Trace/Outbreak Control Planning and shielding calls.

Enforcement - The provision of the Traffic Marshalls for the Gerpins Lane RRC, between May and July and the COVID19 Compliance Team, provided by staff from different areas of Neighbourhoods, working on overtime.

Registrars, Cemeteries and Crematories - removal of excess spoil from all the additional burials and the supply of a temporary mortuary.

Planning - The retention of agency workers in line with council policy.

Business Support – Includes assumed Havering share of London wide mortuary costs

### **Housing**

This expenditure relates to the cost of accommodating rough sleepers of the borough in the Cranbrook Hotel and the provision of support and security staff. The projection is currently being reviewed, as the intended departure from the hotel, by the end of July, was not achieved, due to the complexity of some of the cases. Three individuals remain in the Hotel. Consideration is also being given to the severe weather provision that will be required if the Covid-19 restrictions continue into the new year.

### **OneSource Non-Shared**

Election Services - additional printing and postage costs anticipated early 2021 ahead of the GLA elections to boost postal votes.

Transport costs - cleaning of buses, cost of drivers working on Covid effort, delivery of food parcels.

Health and Safety social distancing costs - hand sanitisers and protective screens for libraries, children's centres and other council buildings.

Note there are significant amounts of Covid spend relating to benefits processing and Emergency Assistance Scheme spend within oneSource non-shared which are not forecasted above because they are being met from council reserves

### **Chief Operating Officer**

Distribution Hub costs relate to security, food refrigeration, PPE and transportation costs re Covid food distribution; note these costs are forecasted to the end of summer and may increase if a second wave is experienced.

Support is being given to SLM to assist with running costs whilst the leisure centres are closed to prevent deterioration of the council's assets.

Communication - Production of Covid-19 leaflets and staff time.

Emergency Planning - emergency payments to the Havering Volunteer Centre, staff overtime and unbudgeted staff working on the Covid-19 hotline.

### **Adult Services**

The Council has recognised the need to fully support our social care and home care providers to enable them to continue to deliver services in a safe environment through the pandemic.

One-off lump sum payments have been made to our Residential, Nursing, Supported Living, Home care and Live-in Care Providers to support the additional financial pressures they are facing during the pandemic. In addition to this, existing payments have been maintained to Day Centre providers and voluntary sector providers despite service closures to protect their sustainability and direct payments have been paid at pre-Covid levels, with a review of spend to be carried out following the pandemic period.

In line with the NHS Discharge Guidance, actual expenditure incurred during the pandemic on new and increased packages of care following a discharge from hospital, is being recharged to the NHS, over and above the costs the LA would normally incur in a non-Covid period (the LA contribution) for the period 19th March to 31st August 2020 (Phases 1 and 2). The LA and CCG are processing these payments for 2020/21 outside of the formal BCF s75 payments.

During 2020/21, the pressures already being faced in the Directorate, as seen last year, will be compounded as we come out of the pandemic, with additional risks being identified as follows:

- Current placements are being made above existing residential and nursing market rates, significantly in some cases, to assure a safe placement. Although we will move people to less costly placements, when feasible, this may not be a viable option once a vulnerable resident is settled into a care home setting. This situation will need to be monitored carefully during 20/21.
- The CCG are placing directly to nursing care homes on discharge and at some point the ongoing care of these clients will need to pass to the Local Authority. Under the new Discharge Guidance, from the 1st September (Phase 3), all discharges will require an assessment to confirm eligibility for CHC funding or transfer to Local Authority Funding. We are awaiting further confirmation on this, and technical guidance to be issued. Work is underway now to understand the likely cost pressure from these cases due to transfer. The CCG and LA partners have also commenced a review of its hospital discharge pathway to care homes with implementation of step-down provision in preparation for a second wave of the pandemic.
- We are also seeing a significant impact on carers, who may be in need of urgent and additional respite as a result of other care provision having stopped (for example day care), and the subsequent impact on carer wellbeing and ability to cope with challenging situations.
- Although demand has taken a downwards trend (or stabilised) for a variety of reasons, we are seeing increases to complexity when people are being assessed, resulting in more costly packages. We are also as yet unaware of the true impact of those who will have either refused care, or not visited the hospital as usual, and expect as these people present that demand will subsequently rise, with an impact due to care being delayed due to a reluctance to engage with the health and care system.
- We are currently carrying out provisional financial assessments with full assessments being carried out at such as time as it is feasible to do so, per the recent ED in terms of changes to process. There are certain risks around the full recovery of income inherent in this approach. It should also be noted that income collection rates were initially impacted due to people not paying bills in such a timely manner as previously (non-residential income collection rate during April was down by 40% compared to last year, although this has improved in subsequent months). There will be a loss of day care income for the period that day centres are closed.

- We are expecting a sharp rise in terms of Mental Health implications. Also we have seen a number of DV cases coming to our Safeguarding Team. We are not yet sure of the support that those who are homeless may require, or if those who have been released from prison early will have a social care need.
- 2020/21 savings are currently flagged as red due to the necessity to pause on savings plans due to the crisis situation, and the need to reevaluate before savings plans can be put back on track. Better Living will continue and there will be a need to manage expectations and redefine the strength based model.

The actual costs to date and projection of Covid spend for 20/21, include the current known discharge income recovered from the CCG to date, but currently include additional block purchase provision that has been put in place that is being recovered in claims to the CCG. The financial implications on budgets for 2020/21 will need to be appraised fully during the year to see the effects of Covid-19 and recovery plans, the impacts of the implementation of the Phase 3 Discharge Guidance, and any further local or national peaks of the pandemic that may have an impact on demand for services.

### **Children's Services**

During 2020/21, the pressures already being faced in the Directorate will be compounded as we come out of the pandemic with additional risks being identified as follows:

- Demand across the Directorate's provision is likely to grow significantly as the consequences of the pandemic is experienced across communities in the Borough. It is not possible to specify what the nature and extent of such latent and new demand may be until the schools fully return in September and other aspects of day to day settle into a "new normal". Additional demand pressure will be related to domestic abuse, mental health issues, socio-economic challenges, and "hidden" familial abuse and criminal/sexual exploitation.
- There remains a considerable challenge to recruit and retain foster carers, due to the highly competitive nature of this sector and places pressure on the Council to use external placements, which cost significantly more
- The recruitment and retention of qualified social workers is likely to prove a challenge as the Service moves in recovery phase as a result greater numbers of staff leaving the profession both nationally and locally.

- Greater pressures are expected for Leaving Care, due to an expanding over 18s population, especially former relevant UASC together with an expansion of statutory duties to the age of 25.
- There is a significant risk within the external placements market, including SEN Transport and placements, due to an increase of costs incurred during the pandemic being distributed back to LAs.
- A plan is currently being developed on the risks identified when schools are reopened. In addition, school transport arrangements may need to be reworked to allow safe travel, adding a further resource pressure on service delivery.

The financial implications on budgets for 2020/21 will need to be appraised fully during the year to see the effects of Covid-19 and recovery plans, and any further peaks of the pandemic that may have an impact on demand for services in the autumn. The actual spend at period five is £0.236m, although the Directorate is projecting Covid-19 related expenditure of £0.836m for 20/21.

### **Public Health**

Covid related costs are currently anticipated to be £0.040m due to staff resources required over and above business as usual activities during the course of the year. These will be confirmed in the next period.

## **2.1 Loss of Income during the pandemic**

The lockdown resulted in most of the Council's income generating services being suspended. As the recovery period commences a number of these services are re opening but it will be sometime before pre-COVID income levels are reached again. The table below sets out the losses of income by department for the first five months of the year and a forecast of the likely income shortfall to year end.

**Table 3: COVID Income Loss**

<b>COVID Income Loss</b>	<b>(April - August) £m</b>	<b>Projection to Year End £m</b>
Neighbourhoods	2.628	4.599
Housing Service (GF)	0.000	0.000
oneSource Non Shared	1.444	2.135
oneSource (LBH share)	0.589	1.361

Adults	0.156	0.375
Public Health	0.000	0.000
Children 's Services	0.629	1.510
Chief Operating Officer	0.923	2.214
<b>General Fund Total</b>	<b>6.369</b>	<b>12.194</b>

As stated above the Council is reopening its services where it is safe to do so and is therefore generating income. The Council fully recognises the need to balance supporting residents and businesses as best it can through this period with the practicalities of a significant financial shortfall. The main areas where income has been lost are:

### **Neighbourhoods**

Parking £3.538m – Parking charges were ceased to enable key workers plus those providing care, shielding and isolating the flexibility to park where and when required, the council relaxed enforcement and only enforced serious/dangerous parking offences. The estimated loss of income in relation to this is £3.538m based on resident and business permits which resumed July 2020 and on and off street parking in August 2020. The assumption had been that new charges would result in 25% less income compared with August 2019 due to the introduction of 1 hour free for onstreet parking and 20% discount with Ringo in carparks, but actual reduction has been 35%.

Garden Waste £0.125m – the period of non-collection potentially resulting in the issue of refunds up to £0.114m. Income from Pitch lettings has fallen due to restriction on people not being able to play sport in the parks, the impact has reduced from previous month forecast as this was based on the full year and the decision has been made that pitch sports can recommence this autumn £0.011m.

Public Protection £0.156m – a delay in implementing Private Sector Housing Licencing scheme two of £0.105m and the removal of Transport for London's Local implementation Plan funding £0.051m.

Registrars, Cemeteries and Crematoria - £0.204m Closure of many services and the redirection of focus over the last few months and the subsequent cancellation and reduction of bookings especially for wedding ceremonies £0.229m; Memorial sales have declined, it is thought that £0.067m is as a direct result of the Pandemic; these pressures are being mitigated by the increase in fee income from death registrations £0.092m.

Planning £0.537m – Due to Transport for London decision to suspend the Local Implementation Plan (LIP) until at least September 2020 (suspension beyond that anticipated), LIP monies will not be received in full this year, creating a pressure of £0.040m. Other income streams affected by the pandemic include Local Land Charges £0.122m; Building Regulation Applications £0.148m and Planning fee income £0.266m.

**OneSource Non-Shared**

Transport - loss of internal recharge income (offset by a reduction in forecasted spend within the social care directorate) and external route income; there is chance the council will stand to gain routes from suppliers who are no longer operating, however, it is too early to reflect this in the forecast.

Post room - loss of internal printing recharge income.

Exchequer - loss of court fee income due to temporary closure.

**OneSource Shared**

Enforcement - loss of bailiff fee income whilst recovery measures are relaxed as a response to Covid; it is unknown at this stage when recovery will recommence. The forecast assumes minimal recovery action for the entirety of 20/21.

Legal - Loss of legal fee income due to temporary suspension of Property and Regen schemes.

ICT - Reduced print recharges.

**Chief Operating Officer**

SLM - loss of management fee income whilst the leisure service offering is postponed

Libraries - Loss of fine income, photocopying income etc. due to the temporary closure of libraries, which although reopened it is still assumed income collection will be minimal in 20/21.

Arts Services - It is assumed no sale or rental income will be received for Fairktyes.



Music Services - loss of income due to cancelled lessons and parent direct debits. The service are trying to stimulate income by trialling online lessons.

### **Adult Services**

The projected loss of income for Adult Services for 20/21 due to Covid is estimated to be £0.375m. This is a revision downwards of £0.412m after a review of the recoverability of debts from charges issued to service users in this financial year. Under the Care Act Easements Guidance issued, Local Authorities are not charging any new clients who have been through the hospital pathway during the emergency period, and invoices for care will be issued to this cohort once this period is over. Letters have been sent to all known individuals or their financial representative who may be subject to charging once the emergency period ends.

The service have been financially assessing all those who started services via community means during the lockdown period, although in line with Care Act Easements Guidance, a full assessment has not been possible in all cases. Full assessments will be carried out as soon as feasible with backdated invoices then being issued, based on a full customer declaration.

It is important to note that we expect there to be an impact on the bad debt provision as a result of the situation. This will be dependent on the individual service users' financial circumstances and how they have been affected by the pandemic.

Further financial pressure exists due to a current ceasing of CHC assessments on Community packages by the CCG. This has increased the net costs of care packages to the Local Authority.

There is also a loss of income projected for the Avelon Centre, which has remained closed during this period. Plans are now being considered for a phased reopening of the service, including planning for further lockdown measures if required during the period of the pandemic. Yew Tree Day Centre has also been closed, resulting in some loss of income for room bookings.

### **Children's Services**

Children's Social Care – With the closure of schools for majority of primary and secondary pupils there have been income losses to services in the Children's Directorate during periods of temporary closure, including Children's Centres and My Place. Financial risk related to loss of rental income and fees and charges is £0.200m.

Learning and Achievement Service - The Catering Service is forecasting a significant loss of income due to reduced charges for catered meals in schools associated with school closures and reduced numbers in schools. The full year estimate of lost income is circa £3.8m, but this has been mitigated by reduced spend on produce, and staffing (subject to successful Furloughing), resulting in a net effect of £0.290m. There is a further risk, as schools open in September, as parents may retract from the cold lunch service offer. The financial impact will not be known until schools reopen.

The Adult College is forecasting a significant loss of income due to reduced fees and grants associated with current course closures, and reductions in provision from September 2020. The full year estimate is circa £0.370m.

In addition, the loss of income from the cancellation of HES courses and services provided to schools as part of the Traded Services model as well as reduction in provision from September 2020 is approximately £0.650m.

The total loss of income due to Covid for the Children's Directorate is currently projected at £1.510m for 2020/21.

## **2.2 Government Support to mitigate pressures and income losses**

The Government have now made three announcements regarding one off funding to support general pressures. The first announcement totalling £1.6bn nationally was an un-ringfenced grant distribution largely based on an Adults' needs formula. This was reflective of the understanding that the initial pressures were being experienced in that area. The second allocation (again £1.6bn nationally) was distributed on a more general population based formula.

On July 2nd the Secretary of State announced a third allocation which is split into two segments. Firstly £500m was based on the proposed methodology for the Foundation Formulas in the Review of Relative Needs and Resources. In the second part of the announcement the government is introducing a scheme to compensate all relevant losses, over and above the first 5% of planned income from sales, fees and charges. This will be compensated at a rate of 75p in every pound.

The table below sets out the general funding allocated nationally and specifically to Havering

**Table 4 Government Support**

<b>FUNDING</b>	<b>Nationally £m</b>	<b>Havering £m</b>	
March General Funding	(1,600.0)	(6.334)	1st Tranche (85% allocated via adults formula, 15% via historic relative need)
April General Funding	(1,594.0)	(7.098)	2nd Tranche Allocated on a population based formula
July General Funding	(500.0)	(2.103)	3rd Tranche
Reimbursement for lost income from sales, fees, and charges <b>(the LBH figure is a prudent estimate)</b>	TBC	(4.000)	A scheme to reimburse councils for lost income from sales, fees, and charges. The scheme will involve a 5% deductible rate, whereby councils will absorb losses up to 5% of their planned sales, fees and charges income, with the government compensating them for 75p in every pound of relevant loss thereafter.
<b>Total Support</b>	<b>(3,694.0)</b>	<b>(19.535)</b>	

\* Note our allocation was £6.433m but £99k was utilised to fund pressures in 2019/20

The proposed reimbursement for lost income £4m is being shown at a very prudent level. If we are fortunate enough to receive more support from the MHCLG through the fees and charges claim, or we improve the position of our in-year overspends, we will still have some of our General Fund reserves remaining. However if more pressures emerge e.g. increased client numbers in Adults, Children’s or Homelessness, we may have to call on the Earmarked Reserves such as the Business Risk Reserve and/or the Business Rates Reserve to balance the overspends.

**2.3 Other Government Support**

The Government has also provided ringfenced support to be administered by local authorities in other specific areas. This section presents progress on these funding streams.

**Table 5 Other Government Support**

<b>FUNDING</b>	<b>Nationally</b>	<b>Havering</b>
----------------	-------------------	-----------------

	£m	£m	
Infection Control Fund ASC	(600.0)	(2.669)	Funding provided to support Care Providers based on bed numbers (75%) with the remaining 25% earmarked for infection control
Hardship Fund	(500.0)	(1.807)	The government expects most of this funding to be used to provide more council tax relief, either through existing Local Council Tax Support schemes, or through complementary reliefs.
Test and Trace	(300.0)	(1.022)	Ring fenced allocation to develop action plans to reduce the spread of the virus locally
Reopening of the High Street Safely	(50.0)	(0.231)	To support the safe re-opening of High Streets locally
Homelessness Self Isolation Support	(3.2)	(0.006)	Initial emergency funding will be available to all local authorities in England
Food and Essentials Support	(63.0)	(0.246)	Funding to assist those struggling to afford food and essentials
Homelessness Funding	(105.0)	TBC	The additional £105 million will be used to support rough sleepers and those at risk of homelessness into tenancies of their own, including through help with deposits for accommodation, and securing thousands of alternative rooms already available and ready for use, such as student accommodation.
Change in UASC Support	N/A	TBC	Home Office improved funding for UASC – change in the weekly amount and the removal of the non payment of the first 25 rule announced
<b>Total</b>	<b>(1,621.2)</b>	<b>(5.981)</b>	<b>Other Current Government Support</b>

From the above list only the following can be used for the non specific general fund overspend

Food and Essentials Support	(63.0)	(0.246)	Funding to assist those struggling to afford food and essentials
<b>Total</b>	<b>(63.0)</b>	<b>(0.246)</b>	<b>Other Current Government Support</b>

### 2.3.1 Adult Social Care Infection Control Grant

The total allocation to Havering for the Adult Social Care Infection Control Grant is £2.669m (ring-fenced). The first instalment was received in the amount of £1.334m in June 2020. Within the grant conditions were requirements to meet State Aid requirements, and payments were made to

providers on the return of State Aid declarations to the LA and Grant agreements. 75% of this grant had to be paid direct to Care Homes based on CQC registered bed numbers. The remaining 25% was up to LA discretion, and we have paid Supported Living, Live-in Care, Homecare and Extra Care providers. As at the end of August 2020, £2.53m of the grant had been paid to providers (94.6%) with full payment of the grant to be made by September 2020.

### **2.3.2 Hardship Fund**

The Government has made £500m available to local authorities as a hardship fund. Havering has been allocated £1.807m of this fund. The Government therefore expects that billing authorities will primarily use their grant allocation to reduce the council tax liability of individuals in their area, using their discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992. Havering is using the grant to award £150 hardship payments to qualifying working age tax claimants. Funding is based on 8,368 economically vulnerable households. The expectation is the majority of the hardship fund is used to provide council tax relief, alongside existing local council tax support schemes. The majority of this fund has now been distributed.

### **2.3.3 Test and Trace**

The total allocation to Havering for the Test and Trace Grant is £1.023m (ring-fenced). The grant can be utilised to develop local tailored outbreak control plans, working with local NHS and key partners, and deploying testing capacity to high risk areas. Work is ongoing to develop a finance plan for use of this funding with the Director of Public Health,.

### **2.3.4 Grant to assist re-opening of high streets**

On 26 May 2020, Government announced that a sum of £231k was to be made available to Havering to help fund the Reopening of High Streets Safely. Members confirmed on 15 July 2020 the application of these funds subject to acceptance by MHCLG. It is likely that the funds will be used to allow additional Trading Standards support to be secured until 31 March 2021, marketing campaigns to encourage consumers to return to the High Street, and to work with consumers and businesses of the High Street to create COVID-secure trade on the High Street of the future. At 8 September 2020 the Council still awaits confirmation by MHCLG of the acceptability of these proposals. No spend commitment will be made against these resources until acceptance is confirmed.

### **2.3.5 LA Emergency Assistance Grant for Food and Essential Supplies**

The LA has accepted a grant allocation of £0.246m (not ring-fenced) from the Department for Environment Food and Rural Affairs to continue to support those struggling to afford food and other essentials due to Covid-19. Funds must be expended during the 20/21 financial year, but it is expected that the majority of the funding will be used in accordance with the grant

guidance, within 12 weeks of receipt of the funding (by the end of September 2020).

### **2.3.6 Small Business Grant Scheme**

In late March Government announced the allocation of £40.5m to Havering to be disbursed as Small Business Grants of £10k to each business property with an RV under £15k where the ratepayer was eligible for SBRR, and grants of £10k and £25k to businesses with an RV under £51k in the Retail, Hospitality and Leisure Sectors (businesses with an RV of £15k up to £51k would be awarded grant at the £25k level). As at 6 September 2020, 2,808 businesses were awarded grants totalling £37.725m. Grants were paid to eligible businesses in accordance with the Local Rating List as at 11 March 2020. 100% of eligible businesses have now received a payment.

In early May a further top up grant to the Council of £1.758m was awarded and was intended to assist companies that had not previously been aided on account of their paying business rates only as part of a rates-inclusive property rental cost and who had suffered a significant drop in their income as a result of the COVID pandemic. A 20% drop was established as the minimum level of reduction that would qualify for this purpose. The Council elected to target these funds at occupiers of incubator accommodation with wrap around business support, market traders, and occupiers of retail space in multiple occupation not otherwise separately rated.

At 12 July, grants to the total of £0.244m had been paid.

On 13 July a second phase of funding was announced to broaden the eligibility to any micro business operating otherwise than only from a private residence. It was anticipated that further grants totalling £1.461m would be allocated by 31 July to those businesses whose income has been most severely impacted by COVID. A further £53k was to be paid to 160 OFSTED-registered childminders across the Borough.

Demand from eligible applicants was lower than expected and as a result it was possible to raise the level of grant payment from £5k to £10k and the total payments made available for childminders was increased to £77k.

At 8 September, grants in the following sums had been paid:

<b>Category</b>	<b>Number</b>	<b>Grant Paid £'000</b>
A Micro enterprises in business incubators and other space not separately rated	89	780
B Retailers occupying space not separately rated	42	420
C Established Market Traders	31	82
D Registered childminders	128	77

<b>Totals</b>	<b>290</b>	<b>1,359</b>
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A further 20 grants of £10k are currently being processed thus containing grants within the relevant funding envelope. Final payments will be made on 24 September with any unallocated funds being returned to HM Government.

### **3 REVENUE MONITOR PERIOD FIVE (NON COVID) AND SAVINGS**

3.1 Understandably the focus during lockdown has been on our response to the crisis and delivering a comprehensive safe service to our businesses and the most vulnerable members of our community. As the recovery period commences the Council has recommenced many of its services and support it provides to the public. This process has identified new pressures in services experiencing greater demand but also potential efficiencies through different ways of working adopted during lockdown.

3.2 This monitoring report sets out the service reported position at the end of August and the directorates view on the potential outturn position from all known information. The table below sets out non COVID departmental variances and projected variances from the savings originally agreed in February. The paragraphs below then set out department commentary on these variances.

**Table 7 Non-COVID Department projections**

<b>Service</b>	<b>Revised Budget (£m)</b>	<b>BAU Forecast Variance (£m)</b>	<b>MTFS Tracker Shortfall (£m)</b>	<b>BAU &amp; MTFS Shortfall (£m)</b>
<b>Public Health</b>	<b>(0.209)</b>	0.000	0.000	<b>0.000</b>
<b>Children</b>	38.207	1.678	0.467	<b>2.145</b>
<b>Adults</b>	60.500	1.110	1.035	<b>2.145</b>
<b>Neighbourhoods</b>	5.872	1.050	0.135	<b>1.185</b>
<b>Regeneration Programme</b>	1.006	0.000	0.000	<b>0.000</b>
<b>Housing Service (GF)</b>	3.833	0.313	0.000	<b>0.313</b>
<b>oneSource Non Shared</b>	2.379	0.156	0.756	<b>0.912</b>
<b>Chief Operating Officer</b>	6.424	0.059	0.000	<b>0.059</b>
<b>SLT</b>	1.797	0.000	0.000	<b>0.000</b>
<b>oneSource (LBH share)</b>	12.625	0.689	0.300	<b>0.989</b>
<b>Held Centrally</b>	0.000	0.000	4.186	<b>4.186</b>
<b>General Fund Sub Total</b>	<b>132.434</b>	<b>5.055</b>	<b>6.879</b>	<b>11.934</b>

#### **Neighbourhoods**

Highways and Environment – Pressures and savings include:

- £0.330m on Staffing/Agency;
- £0.360m for loss of income. It is anticipated that both the 20% discount and the 1 hour free parking offer introduced in an effort to help boost local business' economy will continue for the remainder of 2020/21.
- £0.020m for loss of income from pitch lettings.
- £0.136m of contractual savings are mitigating some of the pressures
- £0.180m across the service due to reductions in expenditure and increases in income lines.
- £0.252m undelivered Public Realm vacancy factor saving of £0.202m and reduced income due to the delayed adoption of Street Trading policy £0.050m.

Registrars and Bereavement – Pressures and Income include:

- £0.294m Terms and conditions pressures;
- £0.043m loss in Memorial sales
- £0.104m cancellations and reductions of bookings for wedding ceremonies
- £0.103m increased income from Birth registrations
- £0.216m Increased cremation and cemetery income and a decrease in transportation costs are mitigating some of the pressures.
- Unachievable savings of witness committal plan of £0.020m and premium Saturday Appointment of £0.015m

Planning – Pressures and underspends include:

- £0.251m unachieved income due to the budget for the principal fees & charges within Planning being built in anticipation of a 20% fee uplift, which Government has not introduced to date
- £0.112m a cost pressure in relation to the Terraquest contract.
- £0.120m unbudgeted legal and ICT expenditure.
- £0.165m under achievement of Community Infrastructure Levy (CIL) administration fees and Planning Performance Agreement (PPA) income.
- £0.248m salary underspends reduced by costs of Interim Head of Development Management costs and OneSource legal resource and other minor underspends.
- The £0.050m MTFS saving for Building Control income 2020-21 will not be achieved this year due to Covid.

Business Support –forecast underspend £0.069m

- The Neighbourhoods Supplies and Services saving of £0.088m has been identified as not achievable. However, reductions in support costs £0.045m; staffing £0.107m for 2020-21 and minor underspends of £0.005m are mitigating this pressure in year.

**Housing General Fund**



The overspend is due to the a fall in rental income on the HMO properties, as a result of Universal Credit only allowing residents to claim the LHA single room rate of £101 per week, instead of the one bedroom rate of £149 per week, which was recoverable previously.

This position could be improved by £0.214m, if the decision to apply an uplift to rental income is reversed. This is going to be reviewed.

This forecast also assumes the New Burdens carry forward of £0.201m, will be available in 2020/21. A decision is awaited from Members.

### **Regeneration**

The Regeneration Programme Delivery forecasts a balanced position. Total costs of £0.191m have been offset by a drawdown from an earmarked reserve. Costs include Bridge Close advisors' fees £0.145m and Romford Masterplan costs £0.046m. The reserve balance remaining after drawdowns is currently forecast at £0.395m.

Regeneration continues to progress the existing JVs and Regeneration Projects including Rainham and Beam Park, Bridge Close and Mercury Land Holdings (MLH). Regeneration also continue to explore new opportunities - to date there are no financial implications to report as monitored by the Regeneration Officer Board.

### **OneSource Non-Shared**

oneSource non-shared are forecasting an overspend of £0.912m which relates to a combination of unmet savings of £0.756m and a BAU variance of £0.156m. The unmet savings are a combination of ICT's borough wide wifi, £0.150m, savings in relation to Fusion implementation and Asset Management's rental income target due to be achieved as a result of vacating administrative buildings, £0.455m. The BAU variance of £0.156m relates in the main to the historic income shortfalls against target relating to Romford Market of £0.300m. There are also pressures in relation to HR Trade Union support costs of £0.147m which were engaged to support the Council through its Terms and Conditions review. These pressures are offset in part by a forecasted surplus relating to housing benefit subsidy overpayments.

### **Chief Operating Officer**

The forecasted overspend within the Chief Operating Officer directorate of £0.058m relates in the main to unfunded posts within the Joint Commissioning Unit. The service are hopeful of securing funding over the coming months which should lead to an improvement within the forecast. There are other pressures within the directorate such as pre-existing income shortfalls within the Music School due to a decline in pupil numbers,

however these are being offset from an underspend within the Library Service of £0.2m due to unused growth that was built into the MTFS to fund the cost of extending opening hours.

**OneSource Shared**

The oneSource shared overspend of £1.040m relates to a combination of unmet savings, £0.300m and a BAU variance of £0.689m. The unmet savings result from delays in restructuring within Finance which should be resolved with full effect by 21/22 and unachievable ICT savings in relation to switching off legacy systems and reducing CRM agency spend. The BAU variance of £0.689m is derived from a combination of expensive interim and agency costs within Finance coupled with a pressure on the Microsoft licences budget.

**Adults Directorate**

The period five reported position for BAU and including unachieved savings for the Adults' Directorate is an overspend of £2.145m (BAU pressure of £1.110m and unachieved MTFS of £1.035m). This is an increase of £0.641m from the period four position of £1.504m, the increase is due to changes in forecast across a number of services within the directorate including a review of income, including what losses are likely to be recoverable from central government.

Adults' were expected to deliver £2.542m in MTFS savings for 2020/21 plus a further £0.234m of corporate savings. At present it is predicted £1.035m of the £2.542m will not be achieved leaving £1.507m of achieved savings, however, further work is being undertaken by the Service and the Joint Commissioning Unit to review the position and to re-commence savings delivery work which has ceased during the pandemic.

Adult social care budgets are experiencing pressure this year due to an increase in commissioned costs and an expected fall in income. A lot of investigation has been carried out in prior periods to data-cleanse the activity and make forecasts as robust as possible, however there is still a level of ambiguity due to Covid-19 and related uncertainty around longer term care provision requirements, and how the needs of the community might have been impacted by the pandemic. The long term impact of Covid-19 is still being evaluated in terms of cost, a further unknown impact is the cost of Nursing clients that have been directly placed by Health but after the emergency period will transfer to social care. The pandemic is forecast to impact on income as well, notably due to changes in process and national decisions as a result of the pandemic. There is also an impact on the bad debt provision.

Uplifts to provider rates have been applied, these have a net cost to the service of some £0.306m. Income inflation of £0.310m has also been applied, which is flagged as unachievable due to income rates only increasing either due to demand increases or policy change.

At period five there are pressures due to suspension of CHC assessments, due to levels of complexity and due to transition cases coming to ASC. These areas need attention to help manage ongoing high cost pressures. A review of all MTFS savings is underway.

The Mental Health – non Section 75 service is currently projected to overspend by £0.589m, this is largely due to the impact of Covid-19 but also due to supported accommodation/living transition cases coming across to this service which were not expected. Costs due to transition are currently £0.004m per week. A plan to address budget overspend is being developed.

An overspend of £1.099m is currently predicted for The Adult Community Team, due to pressures in provisions. Spend has increased overall by £0.364m largely due to increases in residential care of £0.250m, homecare of £0.049m, supported accommodation of £0.039m, direct payments of £0.065m and a reduction to day care £0.038m. The forecast includes costly 1 to 1 packages (e.g., one package costs £0.153m). Overall, forecasts are up on last year by some £0.400m despite hospital discharges since 19 March being funded by the CCG. There is therefore the risk that CCG funded packages, which may be above our usual rates (particularly in nursing care) will revert to ASC at some point, pushing up costs in excess of budget. CHC assessments are currently suspended by the Trust, meaning that community care costs, that would have been expected to be health funded, are currently falling to the local authority. Generally, complexity is increasing, as was the case in 2019/20. We have more 1 to 1 support in place, despite there being a thorough review of this provision. Sometimes 24 hour support is required, with the local authority picking up the majority of the costs, as the S117 funding tool only allocates 25% of the package cost to be health funded. The impact of this, and the implications of CHC assessments being suspended, are being raised with health colleagues via appropriate forums.

Learning Disabilities is predicting an overspend of £2.394m, which is an increase of £0.251m from the previous period. The main change this month is due to one transition case which is expected to cost £0.010m per week due to the need for high support once the individual turns 18. This case was receiving 4 to 1 support, which is expected to move to 2 to 1 support. This change has been factored into the forecast. Other movement is due to provisions increasing by £0.046m in total. Two other very high cost transition cases have transferred from Children's Services at a cost of £0.105m and

£0.150m per year.. The high cost of out of borough placements is also an area of concern. The commissioning of more local provision would ensure lower costs and therefore less requirement to use more expensive out of borough providers.

There is an underspend of £0.534m predicted at period five within Strategy and Commissioning which reduces the directorate overspend overall. There are a number contract budgets which are no longer required in the service to be adjusted for.

### **Children's Directorate**

The projected overspend at period five for the Children's Directorate is £4.491m, which is a £0.206m decrease on the period four forecast of £4.697m. The BAU overspend at period five amounts to £1.678m.

The Learning and Achievement Service is forecasting a BAU underspend of £0.024m at period five, including projected unachieved MTFs of £0.100m.

At period five, the Children With Disabilities Placement budget is currently forecast to underspend by £0.013m, this position is made up of £0.160m overspend on Direct Payments which will be offset with the underspend of £0.156m on Short Breaks spend due to reduction in spend on commissioned holiday clubs (FIG & DABD) not going ahead due to COVID-19.

The forecast for SEN Transport is currently £0.950m lower than the actual spend in 2019/20, but this is still a forecast overspend of £0.162m against the revised budget. The forecast will be subject to change in September. The routes will be closely monitored, and whilst we are seeing an initial reduction in spend linked to the closure of schools; as numbers attending schools in September increase, demand for transport will also increase due to social distancing which will be linked to increase in unit cost.

Reduction in Education Support Grant (ESG) leaves a shortfall against the cost of providing LA statutory services, in spite of the savings made centrally and a contribution from LA maintained schools to meet the cost of central services. The Education Services team has reduced its operational costs by £0.590m through various service transformations, and contributions from schools thereby reducing the shortfall to £0.888m. Further mitigations (increased traded income target £0.100m, 'Fines' income target £0.150m, savings £0.050m) were planned to reduce the pressure to £0.600m, but this is proving challenging due to COVID-19.

Underspends in the Learning & Achievement Service includes: £0.019m in HIAS Development Leadership; £0.055m in Quality Assurance, Personnel Quality & Schools Provision & Commissioning and £0.014m in CWD Placements.

In **Children's Services**, the forecast BAU position at period five is an overspend of £2.169m, included projected unachieved MTFs of £0.367m.

Pressures continue to be experienced in relation to significant demand in the following areas: Leaving Care and UASC over 18 where changes to statutory duties for care leavers which is extended up to age 25 has resulted in an increase of 100% in numbers for this year within the Service. There are currently 22 young people with UASC status over the age of 18 with a further 14 transitioning from the Intervention and Support Service. This number is likely to increase as some of the young people are coming into care post 17 with a historically underfunded budget to meet these demand pressures.

There is continued pressure in S17 budget due to high cost of homeless families despite robust screening and assessment. The project to progress this area of work has been delayed due to Covid-19, the Service has been unable to recruit to specialist worker post despite extensive work on recruitment and retention.

The LAC Placements budget is currently underspent by £0.186m due to the numbers of young people presenting as LAC remaining stable in the last quarter.

The DSG High Needs Block has a carried forward deficit from 2019/20 of £1.1m. Current level of spending is £4.6m with a further overspend projected for 2020/21. Havering's allocation for the High Needs Block DSG funding increased by £3.5m compared to 2019/20, and the Schools Funding Forum has agreed to transfer £0.500m from the Schools Block. This will result in a projected overspend on the DSG High Needs Block for 2020/21 of £2.7m. A funding paper is being developed on this for consideration.

### **Public Health Directorate**

The period five position for the Public Health Directorate is a nil BAU variance. Expenditure of £11.612m is projected against £11.178m ring-fenced 2020/21 Public Health grant, with a drawdown of the public health reserve of £0.434m resulting in a balanced position. The use of reserve is required to manage the recovery of services required to improve public health, and the impacts of agenda for change and HIV Pre-Exposure Prophylaxis (PrEP) services.

Central Government announced that the PHG in 2020/21 is £11.178m; this is an increase of £532k from 2019/20, which represents a 5% increase. The increase included funding for NHS Agenda for Change pay cost increases for eligible staff and also funding to deliver services to administer the drug PrEP for HIV prevention which is to be made available across England. Expenditure of £200k from 2020/21 is factored in to the table above to reflect these additional costs.

The brought forward balance of the Public Health Reserve in 2020/21 is £1.485m and on period four projections is expected to be £1.051m at the end of this financial year.

The costs of the current Outbreak Control Plan for Havering will be funded via the LA allocation for Test and Trace funding of £1.023m. The grant will be utilised by working with local NHS and key partners, and deploying testing capacity to high risk areas. Work is ongoing to develop a finance plan for use of this funding.

On current estimates the projected reserve balance at the end of financial year 2022/23 is expected to be £0.850m, assuming the Public Health Grant income remains at the same level as 2020/21, and assuming that the reserve is maintained at its current level at the end of 2020/21 at £1.051m. Despite prudent management of the PH Grant, the existing MTFS makes provision for a recurrent contribution of £0.707m per annum from 2021/22, to offset recurrent grant reductions. An additional £0.867m is also within the MTFS from 2022/23 to meet increased HCP contract costs.

## **2. MONITORING SAVINGS 2020-21**

4.1 Due to the current COVID-19 pandemic, much of the work to realise the 2020-21 savings was suspended and/or delayed. As stated above all the proposals will be reviewed as part of the recovery strategy. At present out of the £14.5m savings approved by Members in the 2020-21 budget cycle, it is presumed only £7.621m of the savings will be achieved and £6.879m potentially unachieved.

4.2 A list of the unachievable savings are listed below:

### **Table 8 Unachieved Savings**

<b>FIS Ref</b>	<b>Description</b>	<b>Total Forecast Variance 2020/21</b>
		<b>£'000</b>
AS9	Day Care Services Review	100
various	ASC Commissioning	935
<b>Adults Total</b>		<b>1,035</b>
COM03	Review of Transport	45
CH7	Scale and spread of Pathways Innovation Programme in Children's Social Care	50
PLACE07	Fostering recruitment and retention	125
PLACE08	Early Help and education inclusion	100
PLACE09	SEND passenger transport (existing MTFS saving).	100
PLACE06	Children's Centres - PLACE06	47
<b>Children's Total</b>		<b>467</b>
PLACE01	Registration and Bereavement Services - Implementation of Witness Committal officers and increased WC ceremonies	20
PLACE14	Increase income from Building Control	50
PLACE15	Street Trading	50
PLACE21	Premium Saturday Appointment Fee	15
<b>Neighbourhoods Total</b>		<b>135</b>
Various	Commercial Income	150
OPP09	Oracle Fusion Project	151
PLACE05	Asset Mgt Romford Administrative Buildings - PLACE05	455
<b>oneSource NS Total</b>		<b>756</b>
Various	OneSource	300
OPP13	Debt Enforcement - OPP13	0
<b>oneSource S Total</b>		<b>300</b>
various	Business Intelligence and Analytics	306
various	Centralisation of Services	300
various	Contracts and Procurement Review	1,140
various	Digital Platform	227
various	Full Cost recovery	200
various	Process Redesign, Automation and Robotics	250
OPP23	Reduction in support service costs	60
OPP18	Review of Business Support ( E) - OPP18	250
OPP10	S106/CIL	470

FIS Ref	Description	Total Forecast Variance 2020/21
various	Service Reviews, Re-Design and Commissioning	983
<b>Section 151 Total</b>		<b>4,186</b>
<b>Grand Total</b>		<b>6,879</b>

## 5 CORPORATE BUDGETS AND CONTINGENCY

- 5.1 The Council holds a central contingency of £1m each year. This is held for unforeseen events and the Council will only use this as a last resort if no other funding is available.

An example of this is the recent pay offer made by the employers (although not yet accepted by all the unions nationally), which is in excess of the budgeted amount by £0.684m. This leaves £0.316m available to mitigate the corporate position

The Council also holds a number of budgets centrally mostly pending allocation to departments. These budgets are reviewed on a monthly basis, by the Section 151 officer, as part of the monitoring cycle. The current forecast position on these budgets is as set out in the table below.

**Table 9 Corporate Budgets**

Corporate Funding Update at 2020/21 - Period Five			
	Revised Budget	Known Commitments	Forecast (Under)/ Over spend
Base Budgets	£m	£m	£m
Corporate Risk Budget	0.229	(0.139)	(0.090)
Corporate Budget	12.689	(12.689)	0.000
<b>Sub Total</b>	<b>12.918</b>	<b>(12.828)</b>	<b>(0.090)</b>
Corporate Contingency	1.000	(0.684)	(0.316)
Treasury Management			(1.500)
Corporate Budget Fund	<b>13.918</b>	<b>(13.512)</b>	<b>(1.906)</b>



## 5.2 Treasury Management

The Council sets its treasury budgets based on the assumed Capital programme and forecasted level of cash balances each year. There are fluctuations on these budgets due to slippage and changes to the Capital programme, prevailing interest rates and borrowing decisions and the level of cash balances held by the Council.

The Council has not externally borrowed in the first five months of the year which has resulted in an underspend against the projected budget. This is mainly due to delays in the joint ventures resulting in slippage in the capital programme.

MRP for 2020/21 has also been calculated and is £430k less than the budget set aside. This underspend is partly offset by lower than budgeted interest received due to prevailing interest rates and cash balances reducing (£142.2m on 17<sup>th</sup> September).

The outturn on the treasury budget will largely be determined by how quickly the capital programme gets back on track and the extent and timing of any external borrowing decisions. This will be updated as the position becomes clearer later in the financial year.

## **6 EARMARKED AND GENERAL RESERVES**

- 6.1 The Council holds general balances to mitigate against unforeseen risks. At the end of 2019/20 General Fund Balances stood at £12.687m and a further £900k is budgeted to be added in 2020/21 making a total available of £13.587m. The current overspend is projected to be £14.311m. The Council will do everything it can to identify efficiencies in order to reduce the overspend but if the overspend for the year exceeds the General Fund Balances, it will need to utilise Earmarked Reserves such as the Business Risk Reserve and the Business Rates Reserve to balance any remaining gap.
- 6.2 In a previous budget round the Council identified and agreed that balances should be increased to £20m over the next few years to properly reflect both the size of the authority and also the current risks it faces. This remains a priority for the authority and if balances were depleted at the end of 2020/21 then the medium term financial strategy will need to include funding to reach this target. The MTFs already includes planned contributions to reach the £20m target by 2024 but these will need to be increased if the overspend of £14.311m in 2020/21 is not reduced.
- 6.3 The Council holds General Fund Earmarked Reserves which totalled £49.663m\* at the end of 2019/20. These reserves have varying levels of flexibility in terms of what they can be used for.

*\*Excludes schools, HRA and public health*

**7 HOUSING REVENUE ACCOUNT**

	COVID EXPENDITURE (April-Aug)	PROJECTION TO YEAR END
	£m	£m
<b>Housing Revenue Account</b>	0.361	0.361

The COVID costs incurred in the HRA relate to expenditure on Brunswick Court and Queen Street, to provide accommodation for hospital discharge patients and those individuals required to self isolate. Expenditure was also incurred on Royal Jubilee Court, to equip it for use by Key Workers.

Directorate	COVID INCOME LOSS (April-Aug)	PROJECTION TO YEAR END
	£m	£m
<b>Housing Revenue Account</b>	0.148	0.372

Since the start of the COVID pandemic, 228 tenants have expressed difficulties in paying their rent and service charges, as a consequence of the lockdown. The forecasted income loss resulting from this is £0.372m.

<b>Table 8 Non-COVID Department projections</b>				
	<b>Exp Budget</b>	<b>Inc Budget</b>	<b>TOTAL Budget</b>	<b>BAU Variance</b>
Housing Services (HRA)	29,623,070	(55,048,950)	(25,425,880)	131,500

The HRA Period 5 position is an overspend of £0.131m.

This is due to higher than expected utility bills, an additional staff requirement in the Compliance Team and Regeneration consultancy costs.

**Rent & Service Charge Income.**

The figures below are for the first 21 weeks of 2020/21.

	<b>Rent Debit Raised</b>	<b>Income</b>			<b>Arrears</b>	<b>Collection Rate</b>
		<b>Housing Benefit</b>	<b>Direct Payments</b>	<b>Total Income</b>		
<b>Rent</b>	<b>22,752,452.55</b>	- 8,579,252.53	- 13,326,612.65	- <b>21,905,865.18</b>	<b>937,114.78</b>	<b>96%</b>

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

The financial implications are included in the body of this report.

**Legal implications and risks:**

The content of this report is legally compliant and follows Government guidance.

**Human Resources implications and risks:**

There are no immediate Human Resource implications arising from the report at this stage and any specific workforce impact is difficult to assess at the present time. However, any future savings proposals or changes to the funding regime that impact on staff numbers, will be managed in accordance with both statutory requirements and the Council's Managing Organisational Change & Redundancy policy.

**Equalities implications and risks:**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants and this has been considered in its response to Covid-19.

**Health and Wellbeing implications and risks:**

The Council considers health and wellbeing implications in all the decisions it takes. The impact on general health and wellbeing is fully considered in setting and actioning the Council's budget each year

**BACKGROUND PAPERS**

None

## LONDON BOROUGH OF HAVERING - PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN

Where the Leader of the Council, the Cabinet, an individual Cabinet Member or an Officer intend to make a key decision, the Council is required to give a minimum of 28 clear days public notice.

The Council's Constitution, in accordance with the relevant legislation, defines a key decision an Executive decision which is likely

(i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates. For this purpose, "significant" is defined as expenditure or savings

(a) In excess of £500,000

(b) In excess of 10% of the gross controllable composite budget at Head of Service/ Assistant Chief Executive level (subject to a minimum value of £250,000)

whether relating to revenue expenditure/savings or capital expenditure

(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.

### Private meetings

A decision-making body may only hold a meeting in private if a minimum of 28 clear days public notice has been given.

As it is probable that some of the business at any of the meetings listed above that have yet to be held will include some business that will need to be transacted in private, notice is hereby given that it may be necessary to exclude the press and public from part of each meeting listed, due to the likelihood that, if members of the press or public were present during an item of business, confidential or exempt information would be disclosed to them.

A statement of reasons for the meeting to be held in private will given in each case with reference to the definitions of confidential and exempt information

below will be published at least 5 clear days before a private meeting and available for inspection on the Council's website.

'private meeting' means a meeting or part of a meeting of a decision making body which is open to the public except to the extent that the public are excluded due to the confidential or exempt business to be transacted.

'Confidential information' means information provided to the Council by a Government Department on terms (however expressed) which forbid the disclosure of the information to the public or information the disclosure of which to the public is prohibited by or under any enactment of a court.

'Exempt information' comprises the descriptions of information specified in Paragraphs 1-7 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**LONDON BOROUGH OF HAVERING  
PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN**

	What is being decided?	Who is taking the decision?	When will the decision be made? *
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Information falling within the above categories is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

If you wish to make any representations as to why the proposed private meeting should be held in public please write to contact the Proper Officer who is Andrew Beesley, Head of Democratic Services, Town Hall, Main Road, Romford. RM1 3BD, or email [andrew.beesley@onesource.co.uk](mailto:andrew.beesley@onesource.co.uk)

Page 184

Page 184	Disposal of land at Hall Lane Pitch & Putt Course, Upminster following its Appropriation for Planning Purposes. Appropriation for planning purposes and disposal of the land at Hall Lane Pitch and Putt Course, Upminster. This matter has been Called-in and will be considered by the Overview and Scrutiny Board on 13 <sup>th</sup> October 2020. The outcome of that meeting will be reported to Cabinet on 14 <sup>th</sup> October and further process will continue if necessary.	O&SB  Cabinet	13 October  14 October
	Parks Byelaws Cabinet will be asked to agree the content of the amended byelaws and submit an application to the DCLG.	Cabinet	14 October
	Private Sector Housing Enforcement Scheme Two.	Cabinet	14 October

**LONDON BOROUGH OF HAVERING  
PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN**

	What is being decided?	Who is taking the decision?	When will the decision be made? *
Page 185	<p>Expand Additional Licensing for Housing of Multiple Occupation and Introduce Selective Licensing Implementation and Enforcement</p> <p>The Leader of the Council will be asked to approve whether the service should implement and enforce further extension of landlord licensing across the Borough to have additional licensing Borough wide and Selective licensing in Brooklands and Romford Town.</p>		
	<p>Paid for parking charges and Havering Hero permit</p> <p>Cabinet will be asked:</p> <ul style="list-style-type: none"> <li>• Make permanent the 20% discount which is offered for anyone using a council car park only via the cashless service (pay and display machines will not offer the 20% discount)</li> <li>• Make permanent the hours free parking for all customers, on street only, via cashless and at on-street pay and display machines</li> <li>• To extend the Havering Hero's permit until the end</li> </ul>	Cabinet	14 October

**LONDON BOROUGH OF HAVERING  
PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN**

	What is being decided?	Who is taking the decision?	When will the decision be made? *
	of January 2021, under the existing terms and conditions.		
Page 186	Dynamic Purchasing System (DPS) for Taxi Services Key decision to create a DPS for Taxi service provision and associated delegations following a tender evaluation process, during the full contract period (5 years). The contract value will be approximately up to £6 million.	Cabinet Member for Education, Children & Families	Not before 15 <sup>th</sup> October
	Approval of Phase Viability Plan (PVP) Residual land To approve the Phase Viability Plan (PVP) in relation to the residual land in respect of the Napier and New Plymouth Site. This will take account the revised Business Plan taking into account the Council acquiring 197 units.	Director of Regeneration Programme Delivery	22 October
	Out of Hours Service- Contract Award A decision on whether to award a contract	Cabinet Member for Housing	Not before 22 October
	Approval to enter into Call-Off Contract from the Procurement Across London (PAL) Framework Agreement for the Supply of Fresh Fruit and Vegetables.	Cabinet Member for Education, Children & Families	Not before 22 October



**LONDON BOROUGH OF HAVERING  
PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN**

	What is being decided?	Who is taking the decision?	When will the decision be made? *
	Approval to enter into a Call off contract for the supply to Havering Schools for the supply of fresh and frozen meat and poultry for the school catering services.		
Page 187	Decision to end free bulky waste collections for NHS shielding customers Decision to end free bulky waste collections for NHS shielding customers.	Cabinet Member for Environment	29 October
	Bretons Phase II Masterplan Cabinet to agree the Bretons Phase II Masterplan and progress Phase 1 of the Masterplan.	Cabinet	11 November
	Temporary Agency Worker Contract Award Report Award of the new agency worker contract.	Cabinet	11 November
	Asset Management Strategy and Plan 2019-2022 Cabinet will be asked to approve the Council's Asset Management Strategy and Plan 2018-2022.	Cabinet	11 November
	CCTV Strategy 2021 - 2026 Agreement of the CCTV Strategy, which sets out the	Cabinet	11 November

**LONDON BOROUGH OF HAVERING  
PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN**

	What is being decided?	Who is taking the decision?	When will the decision be made? *
	commitment to delivering a Public Space CCTV system across the Borough and how it will be used.		
Page 188	East Havering Opportunity Cabinet will be asked to give approval to proceed	Cabinet	11 November
	Update on the 21/22 Council Budget and Medium Term Financial Strategy Cabinet will be asked to note the latest position on the Councils budget for 21/22 and approve the proposed consultation process.	Cabinet	11 November
	Inclusive Growth Strategy Cabinet is asked to endorse the Inclusive Growth Strategy to guide the delivery of future plans for economic development and regeneration through the delivery of homes, jobs and investment in Havering for the benefit of our entire community. It is further asked to accept the Inclusive Growth Implementation Plan comprising indicative projects and workstreams acknowledging that further approvals might be required to be sought	Cabinet	11 November
	Agreement of Aims and Objectives of East London Joint	Cabinet	11 November

**LONDON BOROUGH OF HAVERING  
PUBLICITY IN CONNECTION WITH KEY DECISIONS INTENDED TO BE TAKEN**

	What is being decided?	Who is taking the decision?	When will the decision be made? *
	Resources and Waste Strategy Cabinet will be asked to agree the aims and objectives of the East London Joint Resources and Waste Strategy, as proposed by the East London Waste Authority.		
Page 189	Parks Strategy 2020 to 2030 Cabinet will be asked to agree the Parks Strategy.	Cabinet	17 March
	Bridge Close Regeneration - making of the Compulsory Purchase Order Cabinet will be asked to approve the making of the Bridge Close Regeneration Compulsory Purchase Order (CPO).	Cabinet	17 March

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# Overview & Scrutiny Board

13 October 2020

# REPORT

**Subject Heading:**

Review of Board Work Programme

**SLT Lead:**

Abdus Choudhury – Deputy Director of Legal & Governance

**Report Author and contact details:**

Anthony Clements – Principal Democratic Services Officer  
anthony.clements@onesource.co.uk

**Policy context:**

To ensure the Board has a robust and relevant work programme

**Financial summary:**

None of this covering report

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

**SUMMARY**

This report presents the Board with a summary of its current work programme and asks for any comments or amendments.

**RECOMMENDATION**

**That the Board considers the attached work programme and makes any additions or amendments that it wishes.**

**REPORT DETAIL**

The attached document lists the current position with the Board's work programme, including topic groups. The Board is asked, as part of a standing agenda item, to consider this and agree any amendments or changes that it wishes to make.

Appendix:

Appendix A – Current Overview and Scrutiny Board work programme.

**Appendix A: Overview and Scrutiny Board Work Programme 2020-21**

ITEM	SCHEDULE OF MEETINGS DATES					
	13 October 2020	November – Date tbc	2 December 2020	3 February 2021 (Council Tax)	10 March 2021	
Principal committee items						
Call in: Hall Lane Pitch and Putt Course land disposal	X					
Pre-decision scrutiny – Parks Byelaws	X					
Pre-decision scrutiny – Investment Growth Strategy		X				
Review of Corporate Forward Plan	X		X	X	X	
Review of Board work programme	X		X	X	X	
Asset Management and Property Resources Update					X	
<b>TOPIC GROUPS</b>						
To strengthen the Councils Covid-19 Pandemic Command			Scope to be agreed at meeting of O & S Board, 13 October 2020.			

Response (Cllrs M White, Miller, Wise, N Patel and P Crowder)			
To strengthen the Councils Covid-19 Pandemic Multi-Agency Partner working Approach (Cllrs Darvill Morgon, Hawthorn and Smith)			Scope to be agreed at meeting of O & S Board, 13 October 2020.
Debt Recovery (Cllrs Williamson, Morgon, D Patel and Mugglestone)			Current position to be discussed at meeting of O & S Board, 13 October 2020.