



CABINET

7.30 pm	Wednesday 12 April 2023	Council Chamber - Town Hall
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Members 9: Quorum 3

Councillor Ray Morgon (Leader of the Council), Chairman

Cabinet Member responsibility:

Councillor Keith Darvill

Lead Member for Climate Change

Councillor Gillian Ford

Lead Member for Adults and Health

Councillor Oscar Ford

Lead Member for Children and Young People

Councillor Paul McGeary

Lead Member for Housing

Councillor Paul Middleton

Lead Member for Corporate, Culture and Leisure Services

Councillor Barry Mugglestone

Lead Member for Environment

Councillor Christopher Wilkins

Lead Member for Finance and Transformation

Councillor Graham Williamson

Lead Member for Development and Regeneration

Zena Smith
Democratic and Election Services Manager

For information about the meeting please contact:

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Webcast

**Please note that this meeting will be webcast.
Members of the public who do not wish to appear
in the webcast will be able to sit in the balcony,
which is not in camera range.**

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Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

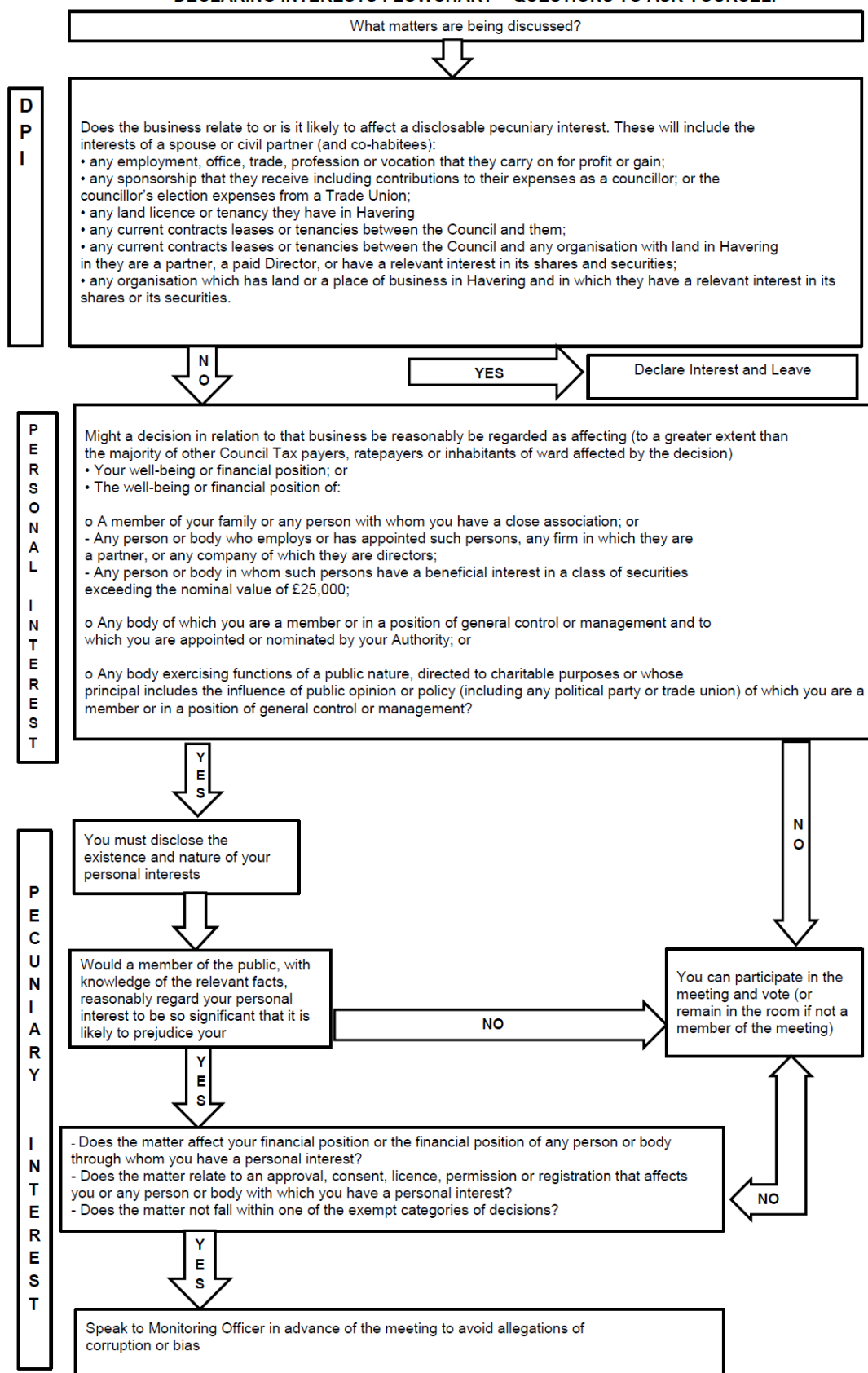
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

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Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA

1 ANNOUNCEMENTS

On behalf of the Chairman, there will be an announcement about the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE

Andrew Blake-Herbert - received

3 DISCLOSURES OF INTEREST

Members are invited to disclose any interests in any of the items on the agenda at this point of the meeting. Members may still disclose an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record, the minutes of the meeting held on **8th March 2023**, and to authorise the Chairman to sign them.

5 DAY SERVICE POLICY (Pages 7 - 44)

Report and appendix attached.

6 FUTURE OF ONESOURCE (Pages 45 - 54)

Report attached

7 DOMESTIC VEHICLE DROPPED KERB POLICY (Pages 55 - 72)

Report and appendix attached

8 EAST HAVERING DATA CENTRE CAMPUS UPDATE (Pages 73 - 84)

Report attached



MINUTES OF A CABINET MEETING
Council Chamber - Town Hall
Wednesday, 8 March 2023
(7.30 - 8.12 pm)

Present:

Councillor Ray Morgon (Leader of the Council), Chairman

Cabinet Member responsibility:

Councillor Keith Darvill

Lead Member for Climate Change

Councillor Gillian Ford

Lead Member for Adults and Health

Councillor Oscar Ford

Lead Member for Children and
Young People

Councillor Paul McGeary

Lead Member for Housing

Councillor Paul Middleton

Lead Member for Corporate, Culture
and Leisure Services

Councillor Barry Mugglestone

Lead Member for Environment

Councillor Christopher Wilkins

Lead Member for Finance and
Transformation

Councillor Graham Williamson

Lead Member for Development and
Regeneration

Apologies were received for the absence of Councillors .

61 ANNOUNCEMENTS

Members were advised of the Fire Safety procedure in the Chamber.

62 APOLOGIES FOR ABSENCE

There were no apologies for absence.

63 DISCLOSURES OF INTEREST

There were no disclosures of interest.

64 MINUTES

The minutes of the meeting held on **8th February 2023**, were agreed as a correct record and the Chair signed them.

65 CCTV OPTIONS FOR THE BOROUGH

Cabinet was presented with the **CCTV Options for the Borough**

Report was introduced by Councillor Barry Mugglestone

The current CCTV infrastructure has been in place since the 1990's. This has resulted in the aging infrastructure becoming prone to breakdowns and reliant on old analogue technology, not all cameras are connected to the Control room that presents a number of issues.

The current CCTV room is located within Mercury House, which has been decommissioned, which requires the relocation and upgrade of the CCTV environment to elsewhere.

The Cabinet agreed the following:

1. Agreed the commencement of phase one of the CCTV Upgrade programme, which includes the creation of a new CCTV Control Room and Server Room environment
2. Agreed the relocation from Mercury House to the second floor of Romford Library as part of this upgrade
3. Agreed to replace the old existing Public Town Centre Space CCTV cameras in Romford and the other Town Centres where applicable.
4. Noted that this upgrade is expected to take between 12-18 months.
5. To link this upgrade to Romford Town Centre SIP project where possible.
6. Noted that the subsequent two phases will be subject to future Cabinet Consideration and costings and consider the options raised above.
7. Agreed the £5m Capital monies are available for the three phases.

66 REVIEW OF THE COMPLAINTS PROCESS

Cabinet was presented with the **Review of the Complaints Process**

Report was introduced by the Leader of the Council – Councillor Ray Morgon

The Leader confirmed two agreed amendments.

All recommendations will now be fully reviewed and ratified through consultation with residents and authorising bodies.

A full and final set of recommendations will be brought back to Cabinet in Summer.

Cabinet agreed to the recommendations

1. We will review and bring together all relevant policies into one easy to understand document, this will include statutory complaints, corporate complaints, data complaints and housing.
2. We will have a clear and concise policy (up to 6 pages) that identifies the legislation covered, the objectives of the policy and the difference between a statutory and corporate complaint.
3. We will have appendices for the definition and procedure for each area (statutory complaints, corporate complaints (including housing complaints), data complaints and Member enquiries.
4. We will provide clear and consistent definitions for complaints, general enquiries and service requests within this policy.
5. We will consider an informal complaint stage for those who would like to raise concerns without lodging a formal complaint.
6. We will review and reduce the current 3 stage process, striving for a right first time, 1 stage policy where applicable (noting some statutory processes will not allow this).
7. We will review and adjust the response timeframe to support a right first time approach, likely to be 20 working days. This gives the officers enough time to conduct a full investigation, with a view that this will then mean they will not develop into an ombudsman complaint.
8. We will ensure that data is used and analysed more effectively. A performance report is produced on a bi-monthly basis and that a quarterly report is taken to Overview and Scrutiny sub-committee.
9. Senior Officers will be accountable for complaints with Assistant Directors/ Heads of Service conducting spot checks which will enable them to make changes to improve services.
10. Service improvements, lessons learnt and trends in activity will be provided to Senior Leaders in order to feed in to strategic improvement plans. This will be further supported by lead members who will be able to consider repeat service issues and whether changes to current policies are required.

67 CHILDREN AND YOUNG PEOPLE EDUCATION PLACE PLANNING PLAN 2023-27

Cabinet was presented with the **Children and Young People Education Place Planning Plan 2023-27**

Report was introduced by Councillor Oscar Ford.

This plan is intended to update the Cabinet on the latest school places data and set out the proposed approach to meet that growing demand for the next five years, in the context of new national expectations about this changing role.

The Cabinet agreed the following:

1. Approved the draft Children & Young People Education Place Planning Plan (C&YPEPPP) in Havering 2023-27;

2. Approved the circulation of the draft C&YPEPPP for consultation to all stake holders in early years and school place planning;
3. Delegated the determination of the final C&YPEPPP, to the Cabinet Member for Children's Services in consultation with the Director of Children's services;
4. Approved for the LA to launch a competition to select a proposer for the new special free school if the application is successful.
5. Noted that a further report will be going to Cabinet, that will set out the details of each proposal, the consultation process and indicative costs and funding for each scheme.

68 BAN ON RELEASING SKY LANTERNS AND INTRODUCE A NEW POLICY

Cabinet was presented with the **Ban on releasing Sky Lanterns and introduce a new Policy**

Report introduced by Councillor Keith Darvill

This report gave details on a proposal to ban the release of sky lanterns and helium balloons and the unauthorised use of fireworks on Council owned or managed land was considered by Cabinet Members and the Senior Leadership Team in 2022.

1. The Cabinet decided, with immediate effect, to adopt the policy banning the release of sky lanterns and the release of helium balloons on Council owned or managed land.
2. The Cabinet agreed that officers, in consultation with the Lead Member, develop a Communications Strategy to educate, influence and support alternative options in order to protect Havering's green heritage and wildlife, in line with the Havering Climate Change Action Plan (HCCAP) and the Council's Local Plan environmental ambitions.
3. Cabinet also agreed to include within the policy a ban on the unauthorised use of fireworks on Council owned or managed land.

69 HAVERING LOCAL DEVELOPMENT SCHEME 2023-2025

Cabinet was presented with the **Havering Local Development Scheme 2023-2025**

Report introduced by Councillor Graham Williamson

The principal policy document is the Local Plan. The current Local Plan was adopted in 2021 following examination by an independent planning inspector. The Inspector found the Local Plan sound and allowed the Council to adopt the plan subject to an immediate review. The LDS 2023-

2025 sets out the timeframe for the production of an updated Local Plan and supersedes the previous LDS (2021).

Cabinet:

1. **APPROVED** the publication of the Local Development Scheme as set out in Annex 1
2. **DELEGATED** authority to the Assistant Director of Planning and Public Protection following consultation with the Leader of the Council to approve changes to the wording and content of the Local Development Scheme as required.

70 **AUTHORITY MONITORING REPORT**

Cabinet was presented with the **Authority Monitoring Report**

Report introduced by Councillor Graham Williamson

The Authority Monitoring Report (AMR) is a monitoring report based on indicators set out in the Havering Local Plan 2016-2031. The requirement for Local Authorities to produce an AMR is set out in section 113 of the Localism Act 2011.

Cabinet:

1. Approved the publication of the AMR 2021-22
2. Delegated authority to the Assistant Director of Planning and Public Protection following consultation with the Lead member for Planning and Regeneration to publish future Authority Monitoring Reports on an annual basis.

71 **FINANCE - PERIOD 9 MONITORING REPORT**

Cabinet was presented with the **Finance Monitoring Report – Period 9**

Report introduced by Councillor Christopher Wilkins

This Report sets out the monitoring position for the Council for 2022/23 based on figures to period nine (31st December). The section also sets out the mitigations and action plans the services are undertaking in order to reduce the current overspend.

Cabinet:

1. **Noted** the revenue and Capital financial positions at Period 9 and the action plans being taken by services to reduce the overspend.

Chairman

CABINET

Subject Heading:

Approval to implement a new Day Services policy which launches a day service model that has 3 pathways which supports both the "Choice" agenda and increased support within the community.

Cabinet Member:

Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services

SLT Lead:

Barbara Nicholls, Director of Adult Services

Report Author and contact details:

Laura Wheatley

Email: Laura.wheatley@havering.gov.uk

Telephone: 01708 434019

Policy context:

The Adult Social Care and Support Planning Policy states that Havering's vision is:

"Supporting excellent outcomes for the people of Havering by helping communities to help themselves and targeting resources and interventions to encourage independence".

Financial summary:

There are no financial implications of this change. All current direct payments for social inclusion will continue and all direct day services for specialist day services will continue.

Is this a Key Decision?

Significant effect on two or more Wards

When should this matter be reviewed?

19/04/2024

Reviewing OSC:

People

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

SUMMARY

To approve the implementation of a new Day Services policy which launches a day service model that has 3 pathways which supports both the “Choice” agenda and increased support within the community.

- (a) Specialist Day Services purchased by the Local Authority as a direct service for adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).
- (b) Supported Day Services purchased by the service user from their direct payment support package to meet their eligible social inclusion needs for adults with low, medium or high learning, physical and sensory disabilities.
- (c) Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.

RECOMMENDATIONS

To approve the Day Services Policy attached at Appendix A.

REPORT DETAIL

Proposal

A new Day Services policy which launches a day service model that has 3 pathways which supports both the “Choice” agenda and increased support within the community.

Description

Day services are an additional option for the council in meeting its obligations under the Care Act (2014) for eligible Adult Social Service Users.

Current Situation

Havering currently provides day services for people with physical and learning disabilities aged 18 and over through Direct Payments and directly commissioned services. There is a need to review the provision within the private sector and to seek to control the costs incurred by Havering.

There are a number of concerns about the current adult day service model which need to be addressed.

- The private providers of day care have been increasing fees and charges on an ad hoc and irregular basis
- The CLDT have an increase in the number of unscheduled reviews being requested. When the provider increases the cost of the day service, the service user and / or their advocates contact the direct payments team to get their adult support plans reviewed, in order to cover the additional cost. This has put heavy pressure on the

CLDT as they do not have the capacity to undertake the large number of unscheduled reviews caused by providers increasing their costs.

- The current fees for use of a day service is equivalent to the pay for a Personal Assistant (PA) for the equivalent amount of time. Up to 15 people can attend a Day service at a time and do not actually receive 1-2-1 support. This raises the question as to whether the service people are paying for is good value for money and if the rate paid for social inclusion should therefore differ from that paid to a PA as the level of support provided is different.
- There is an inconsistency in the day services available as they are not CQC registered and are not monitored for quality standards. This leads us to question whether they offer good value for money and whether they are fully meeting all of the needs of the people accessing them.

Current issues

- Providers are controlling of the market and increasing costs with no market management from the Local Authority.
- There is not a consistent approach regarding what Havering's offer is to service users for day service's regarding funding and transport, as there is no day service policy or quality standards currently in place.
- Service users are reporting changing needs and wanting more flexibility in their day service attendance which needs to be taken into account, in order for them to obtain meaningful social inclusion skills.
- Strength Based is the approach Social Work are taking to develop their intervention plans with service users, but the day service model does not currently align with this approach as there is no clear guidance.

Current Costs

Type	Service users	Current Annual Cost
Direct Payments for Social Inclusion	287	£2,887,865.06
Direct Services for Day Services	127	£2,037,554.92
TOTAL	414	£4,925,419.98

Actions Needed

- To review the quality of provision within the private sector.
- Use external consultation with service users to support providers to develop a sustainable model appropriate to current needs of this service user group.
- Need to understand the lived experience of COVID and service user needs for social inclusion going forward.
- To seek to obtain standardisation of costs and increased transparency from providers regarding their charges to LBH.
- To seek assurances that costs are consistent for both directly commissioned and direct payment purchases.
- To seek to define a standardised offer relating to day services provision.
- To ensure greater efficiency relating to the purchasing of day services provision.

Review Process

The purpose of the review was to ensure that we have a sustainable day service market that is relevant to our community's needs. In addition, the review provided greater clarity on what is purchased and provided in relation to the offer for people with LD, PSD and Older People regarding day time activities and direct payment spend.

It was important to understand what we were spending on day services through direct payments and directly commissioned payments. Therefore the data from all service users who were receiving a direct payment for a day service was reviewed.

It is evident from this review that direct payments are calculated based on the cost of the day service the service user wishes to attend and not on a service user's social inclusion need as defined by the social work assessment of need.

Proposal

The proposed day service model has 3 pathways which supports both the "Choice" agenda and increased support within the community;

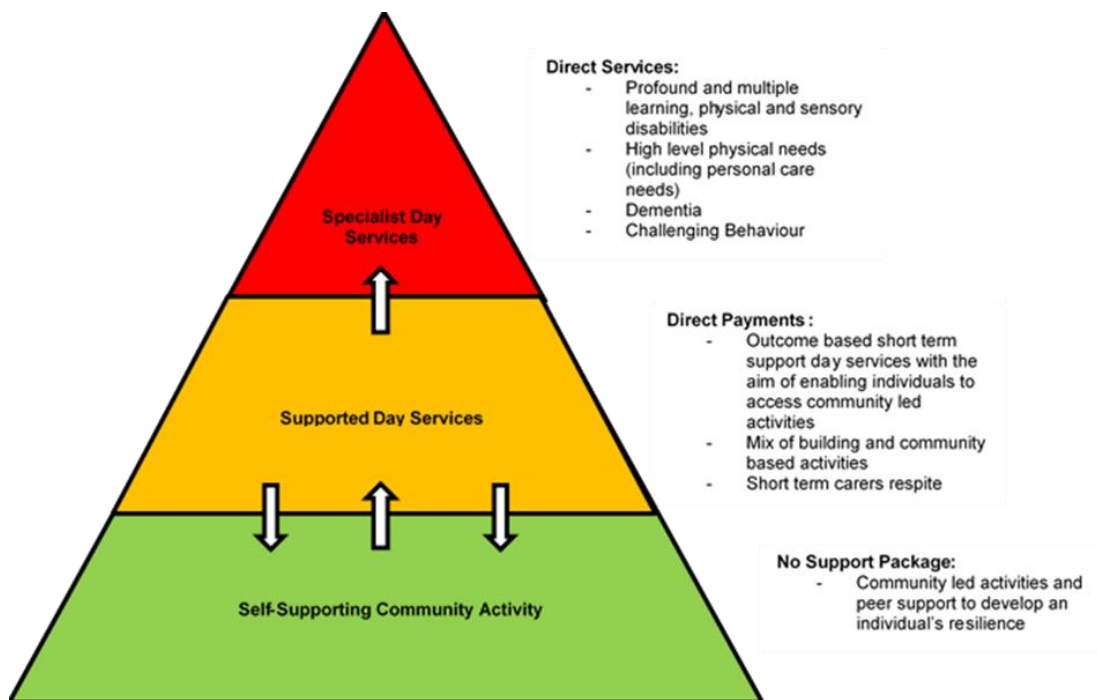
- Specialist Day Services purchased by the Local Authority as a direct service for adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).
- Supported Day Services purchased by the service user from their direct payment support package to meet their eligible social inclusion needs for adults with low, medium or high learning, physical and sensory disabilities.
- Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.

Adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).

- Service users will have their social inclusion needs assessed by a social worker as part of a strength based assessment.
- The Social worker will agree with the Service Users that needs can be best met by attending a day service that offers specialist services that is commissioned by the borough on a spot/contract basis. If the service user requests a direct payment and is eligible then this will be provided.
- Service Users will be offered a choice from a menu of specialist day services to choose from to meet their social inclusion need as well as their physical and cognition needs.

Adults with low, medium or high learning, physical and sensory disabilities:

- Service Users will have their social inclusion needs assessed by a social worker as part of a strength based assessment.
- The social worker will agree with the service user the number of hours required a week to meet their social inclusion need.
- The social worker will then calculate the personal budget amount by multiplying the number of hours to meet the Service User's need with the hourly social inclusion rate.
- The Service User will then be able to use their direct payment to purchase services in the community to meet their need.



Specialist Day Services

- For adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).
- Purchased by the local authority on behalf of the service user via a direct service.
- Where the service user is eligible they may also be provided with direct payments to purchase their own specialist services.
- As commissioners we recognise that there are individuals who require specialist support above and beyond what can easily be provided by communities and supported day services. As a local authority we have a duty of care to ensure that these individuals have access to purposeful activity in a safe environment.
- The aim of these services is to promote and support service user's wellbeing, goals and aspirations in every day community life with the view of sustaining choice, control and independence.
- The day services will support service users to improve or maintain their current level of independence whilst maintaining social friendships, peer group support and social networks.
- It is our intention to commission services that are more responsive to individual needs.
- It is anticipated that at this level of need the services are more likely to be building based. These buildings must be accessible to the local community and wherever possible be used by other groups of people, and fully adapted for disabled access.

Supported Day Services

- For adults with low, medium or high learning, physical and sensory disabilities.
- Purchased by the service user from their direct payment support package to meet their eligible social inclusion needs.
- As commissioners we will encourage communities, and as required, commission outcomes that are specifically designed to enable individuals to access support within their communities to develop/maintain/regain skills of independence. Focusing

on enablement to develop people's capabilities to do things for themselves and become more independent.

- The aim of these services is to support service users to access and autonomously move into mainstream social, leisure, educational activities, employment and other opportunities in the wider community.
- The day services will support service users to develop their individual strengths and build a local network.
- For working aged adults, we want day services to focus on developing skills for employment and independence through progression and enablement wherever possible.
- For older people, we want to ensure that day services focus on maintaining/regaining skills of independence, whilst ensuring that those without reablement capability still have access to purposeful activity in a safe environment.
- For carers, we want to ensure that their needs as carers are recognised and that day services provide purposeful activity for service users.
- It is our intention to encourage individuals to make their own choice on how best to meet their assessed needs through higher uptake of personal budgets for both service users and carers which will allow more flexibility in how service users meet their own needs
- It is likely that these services will focus on group activities because of the number of people using the services and the staff required to support them, however they must be flexible enough to achieve person-centred activities.

Self-Supporting Community Activity

- For adults with low learning, physical and sensory disabilities.
- No support package required.
- As commissioners we will encourage communities to develop a wide range of activities accessible to all that empower individuals to develop support networks and engage in community activity.
- We will look to community groups and social care providers to offer opportunities that help to prevent social isolation; provide support to carers; offer volunteering roles; support the development and sharing of skills and knowledge; provide peer led solutions to meet individual needs.
- The aim of these services is to support small groups of people to access and autonomously move into mainstream social, leisure, educational activities, employment and other opportunities in the wider community.
- Support from these services will reduce over time as the service user's individual strengths are developed, their local networks built and the groups are able to take initiative and provide peer support to one another.
- It is expected that these services will be provided by the voluntary and community sector at no or minimal cost to service users.

Outcomes

- Day services can help people socialise, stay well, stay active and retain or build helpful links with their local community.
- Day services can reduce social isolation, through supporting people to access the community and by developing their social networks. Leading a well-connected life has a significant positive impact on a person's health and life expectancy.

- Day service provisions can support people to develop their aspirations around employment. This is particularly important for those adults with learning disabilities who may have grown-up during a period where expectations of people with learning disabilities were far lower than they are today.
- For individuals who do not aspire to employment or believe that this is not a realistic goal for them, day services may raise their aspirations, developing their skills and giving them opportunities to meet with peers already in employment and providing them with further information and advice.
- For people with learning disabilities, living with ageing carers or young adults ready to move on from the family home, Day Service provision will enable them to develop their resilience and lead to a smooth transition from the family home, enabling them to have more choice and avoiding them unnecessarily escalating to higher dependency services.
- By providing people with the skills to develop their independence, supporting people to develop their local social and support networks to maintain and improve their physical and mental wellbeing, day service provisions can reduce the need for on-going or increased social care support.
- For people with more complex needs day services can support them to remain in the community and avoid them escalating to acute services (e.g. Hospital).
- Carers will benefit from individuals taking part in day services and developing their independence and social networks, as this will enable them to have more time to lead a fulfilling life outside their caring role.
- Carers will benefit from individuals taking part in day services and developing their independence and social networks, as this will enable them to have more time to lead a fulfilling life outside their caring role.

The following actions will need to be taken in order to make the changes:

- The communications produced and sent out need to be amended to explain the transition to an hours based social inclusion payment.
- Communicate the changes to all key stakeholders.
- Work with Strength Based Project and ASC staff training to review the social work team training and implement the system and increase SW knowledge regarding preventative community and commissioned services as part of the Strength Based assessment process.

REASONS AND OPTIONS

Reasons for the decision:

These are set out in the main report.

Other options considered:

Option 1 - Do nothing, continue with the current day service model

This option has been rejected because all of the issues set out in the Report would continue.

Option 2 - Block Contract and Commission Day Services across four bandings.

Day services would be block contracted in 4 bandings based on service users' needs and activities offered and a menu of days services would be created for service users to choose from. There will be a minimum of two day services on the menu in each banding in addition to the two internal day services run by the council. The day services included in the menu will have set cost rates per banding and service users will be able to attend for a maximum of 6 hours per day, 5 days a week and 48 weeks a year and all rates will have transport included. Service users will be assigned one of four bandings for social inclusion as part of their social worker assessment which will be based on their needs. Once assessed service users will be able to choose to attend one or a combination of the commissioned day services on the menu. Alternatively service users can choose to receive a direct payment for social inclusion which they can spend on something that they believe will meet their social inclusion needs in line with the guidelines, however any additional costs incurred will need to be met by the service user. If service users choose to not attend a preferred day service, they can use the direct payment for an alternative day service or any other means allowable instead but any additional costs would need to be met by the service user.

This option has been rejected as if we commission the services we will be committing the contract spend to the commissioned provider, therefore the funds will not be available to give as a direct payments.

Option 3 - Social Inclusion banding based on service user needs.

Social inclusion banding to be based on service user need as part of the Strength Based social work assessment. Set cost rates to be applied per banding with a maximum of 6 hours per day and 48 weeks a year. Additional rates can be applied for 1-2-1 and transport. Both directly commissioned and DP-funded service users would be banded in the same way based on social inclusion needs. Service users will be assigned one of four bandings for social inclusion as part of their social worker assessment. Once assessed service users will then be assigned social inclusion payments based on the correct banding for their needs. Additional 1-2-1 rates should be assessed on an individual service user basis and be based on need and circumstance. Band 4 service users will generally need additional 1-2-1 rates to be applied due to the complex nature of service user needs in this banding. However additional 1-2-1 rates can be applied to Bands 1, 2 & 3 if following an assessment service user needs require it. Transport rates should be assessed on an individual service user basis and be based on need and circumstance. It should be assessed if service user has an eligible need for transport. Consideration should then be given to the most appropriate way to meet this need. Some Day Services offer transport as part of their daily cost. This will need to be checked before applying an additional cost for transport.

This option has been rejected as this could trigger a number of reviews to be undertaken for people who are on the cusp of either banding rate and social work would not have capacity to complete this additional work.

Option 4 - Day Service banding based on support/activities provided.

Day service allocated banding based on support/activities provided. Associated set cost rates applied per band with option of setting maximum hours per day/weeks per year and inclusive/exclusive of transport rates.

Both direct commissioned and DP-funded providers could be categorised into 3 main types and hourly rates could be linked to the current DP rate for set daily hours.

- Band 1 – Education/Employment Training with light touch supervision.
- Band 2 – LD Day services with mid-level support.
- Band 3 – PMLD/LD Day services with high-level support

This option has been rejected as providers may not be happy with the banding proposed for their day service and may put pressure on families to contact local MPs to complain.

IMPLICATIONS AND RISKS

Financial implications and risks:

Day Services are an additional option for the council in meeting its obligations under the Care Act (2014) for eligible Adult Social service users. It also supports both the “Choice” agenda and increased support within the community.

A large number of adults each year attend day services as part of a support package to meet their eligible social inclusion needs. A day service is generally a service that is provided outside of the home, it can be building based, or can offer a wider range of activities within community based settings.

We want to see a much wider and flexible range of services available to meet individual needs and to reduce the need for Havering to take an active role in managing placements into day services. This can be achieved through increasing uptake of personal budgets for both service users and carers.

This will allow the market to develop services that are more person centred to meet individual outcomes, as more bespoke service providers are finding it difficult to identify new service users into their services.

It is important for users of services to be safe but equally this needs to be balanced with the need for people to take responsibility for themselves. The focus should be on what people can do – and could learn to do.

The implementation of this approach would not result in the council or any service users being negatively impacted as all current direct payments for social inclusion will continue and all direct day services for specialist day services will continue.

This approach will provide clear guidance and ultimately will give the council greater control of the day service market. If we did not take this approach the providers would continue to control the market and we would have

Legal implications and risks:

The Local Authority has a duty to provide care and support to those individuals assessed as needing this pursuant to assessments under Part 1 Care Act 2014.

There is also a duty to arrange for direct payments to eligible service users under ss31-33 Care Act.

The proposals in this Report are in line with these duties and therefore there appear to be no legal implications in approving these recommendations.

Human Resources implications and risks:

None

Equalities implications and risks:

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring. 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, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

It is important to the council to ensure that direct payments for social inclusion are relevant to our community's needs.

Health and Wellbeing implications and Risks:

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

It is important to the council to ensure that direct payments for social inclusion are relevant to our community's needs and the new day service policy ensures that there is a clearly defined offer that is based on a service user's needs.

Environmental and Climate Change Implications and Risks:

None

APPENDICES

Appendix A – Day Service Policy

BACKGROUND PAPERS

- Service User Survey
- Strength Based Approach Workbook

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London Borough Of Havering

Day Services Policy

2023

Laura Wheatley
2/22/2023

Document Control

Sign off and ownership details

Document Name	Day Services Policy
Version number	1.0
Approved by	Barbara Nicholls, Director Adult Services
Date Approved	22/02/2023
Date for Review	22/02/2024
Author	Laura Wheatley, Senior Commissioner & Project Manager
Owner	Laura Wheatley, Senior Commissioner & Project Manager
Document Location	https://onesourceict.sharepoint.com/sites/AdultSocialCare

Revision history

Version	Change	Date	Dissemination
V0.1			
V0.2			

Equality & Health Impact Assessment record

1	Title of activity	Day Services Policy		
2	Type of activity	New policy		
3	Scope of activity	<p><i>New Day Services policy which launches a day service model that has 3 pathways which supports both the "Choice" agenda and increased support within the community.</i></p> <p><i>1. Specialist Day Services purchased by the Local Authority as a direct service for adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).</i></p> <p><i>2. Supported Day Services purchased by the service user from their direct payment support package to meet their eligible social inclusion needs for adults with low, medium or high learning, physical and sensory disabilities.</i></p> <p><i>3. Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.</i></p>		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	<p>If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.</p>	<p>If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.</p>
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:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	<p>If you answered NO: (Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.)</p> <p>Please keep this checklist for your audit trail.</p>			

Date	Completed by	Review date
22/02/2023	Laura Wheatley	22/02/2024

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Introduction

Purpose

A large number of adults each year attend day services as part of a support package to meet their eligible social inclusion needs. A day service is generally a service that is provided outside of the home, it can be building based, or can offer a wider range of activities within community based settings.

For working aged adults, we want day services to focus on developing skills for employment and evidencing progression through the development of life skills wherever possible, whilst ensuring that those without employment still have access to purposeful activity in a safe environment.

For older people, we want to ensure that day services focus on maintaining/regaining skills of independence, whilst ensuring that those without reablement capability still have access to purposeful activity in a safe environment.

For carers, we want to ensure that their needs as carers are recognised and that day services provide respite for carers and purposeful activity for service users.

We want to see a much wider and flexible range of services available to meet individual needs and to reduce the need for Havering to take an active role in managing placements into day services. This can be achieved through increasing uptake of personal budgets for both service users and carers.

This will allow the market to develop services that are more person centred to meet individual outcomes, as more bespoke service providers are finding it difficult to identify new service users into their services.

It is critical that day services of the future align to our strategic commissioning principles, focusing on prevention, earlier intervention and engagement by service users for improved health, independence and wellbeing:

- Investment in prevention, early intervention and community wellbeing to encourage the use of existing support networks and services prior to drawing upon public funding is in everyone's interests.
- Focusing on a strength based approach to develop people's capabilities to do things for themselves and become more independent. This way day services will be based on a principle that the solutions that many people have to address their care and support needs rest within themselves, their families, social networks and surrounding communities. This is a process of continually building upon and developing people's skills, confidence and ability in different areas of daily life.
- Identifying specific outcomes that are most relevant to the person and aspirations and embedded within the person's individual support plan based on the principles of normal life e.g. links to college for training etc.

Providers of future day services should offer customisable services that are tailored to the individual, and these must be easy to find and available regardless of whom is paying.

It is important for users of services to be safe but equally this needs to be balanced with the need for people to take responsibility for themselves. The focus should be on what people can do – and could learn to do.

Policy summary

Day Services are an additional option for the council in meeting its obligations under the Care Act (2014) for eligible Adult Social Service Users.

The day service model has 3 pathways which supports both the “Choice” agenda and increased support within the community.

- Specialist Day Services purchased by the Local Authority as a direct service for adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).
- Supported Day Services purchased by the service user from their direct payment support package to meet their eligible social inclusion needs for adults with low, medium or high learning, physical and sensory disabilities.
- Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.

Scope

Adult day services can be provided in a variety of settings and is an important resource that offers both respite for carers and social interaction and meaning activities for those using the service. Day services do not include care at home but can be provided within a residential care home as well as in specialised centres and other community centres.

Day services can help a wide range of people, from those who need support with very complex needs to those where time limited support is needed at different points in their lives. A principal aim of the day services service is to encourage people to remain active members of the community.

Timescales

The policy is applicable for the foreseeable future and will be reviewed annually.

Aims, objectives and outcomes

1. Day services can help people socialise, stay well, stay active and retain or build helpful links with their local community.
2. Day services can reduce social isolation, through supporting people to access the community and by developing their social networks. Leading a well-connected life has a significant positive impact on a person’s health and life expectancy.
3. Day service provisions can support people to develop their aspirations around employment. This is particularly important for those adults with learning disabilities who may have grown-up during a period where expectations of people with learning disabilities were far lower than they are today.
4. For individuals who do not aspire to employment or believe that this is not a realistic goal for them, day services may raise their aspirations, developing their skills and giving them opportunities to meet with peers already in employment and providing them with further information and advice.
5. For people with learning disabilities, living with ageing carers or young adults ready to move on from the family home, Day Service provision will enable them to develop their resilience and lead to a smooth transition from the family home, enabling them to

have more choice and avoiding them unnecessarily escalating to higher dependency services.

6. By providing people with the skills to develop their independence, supporting people to develop their local social and support networks to maintain and improve their physical and mental wellbeing, day service provisions can reduce the need for on-going or increased social care support.
7. For people with more complex needs day services can support them to remain in the community and avoid them escalating to acute services (e.g. Hospital).
8. Carers will benefit from individuals taking part in day services and developing their independence and social networks, as this will enable them to have more time to lead a fulfilling life outside their caring role.

Policy

Detail

Day services are an additional option for the council in meeting its obligations under the Care Act (2014) for eligible Adult Social Service Users.

The day service model has 3 pathways which supports both the “Choice” agenda and increased support within the community.

- Specialist Day Services purchased by the Local Authority as a direct service for adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).
- Supported Day Services purchased by the service user from their direct payment support package to meet their eligible social inclusion needs for adults with low, medium or high learning, physical and sensory disabilities.
- Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.

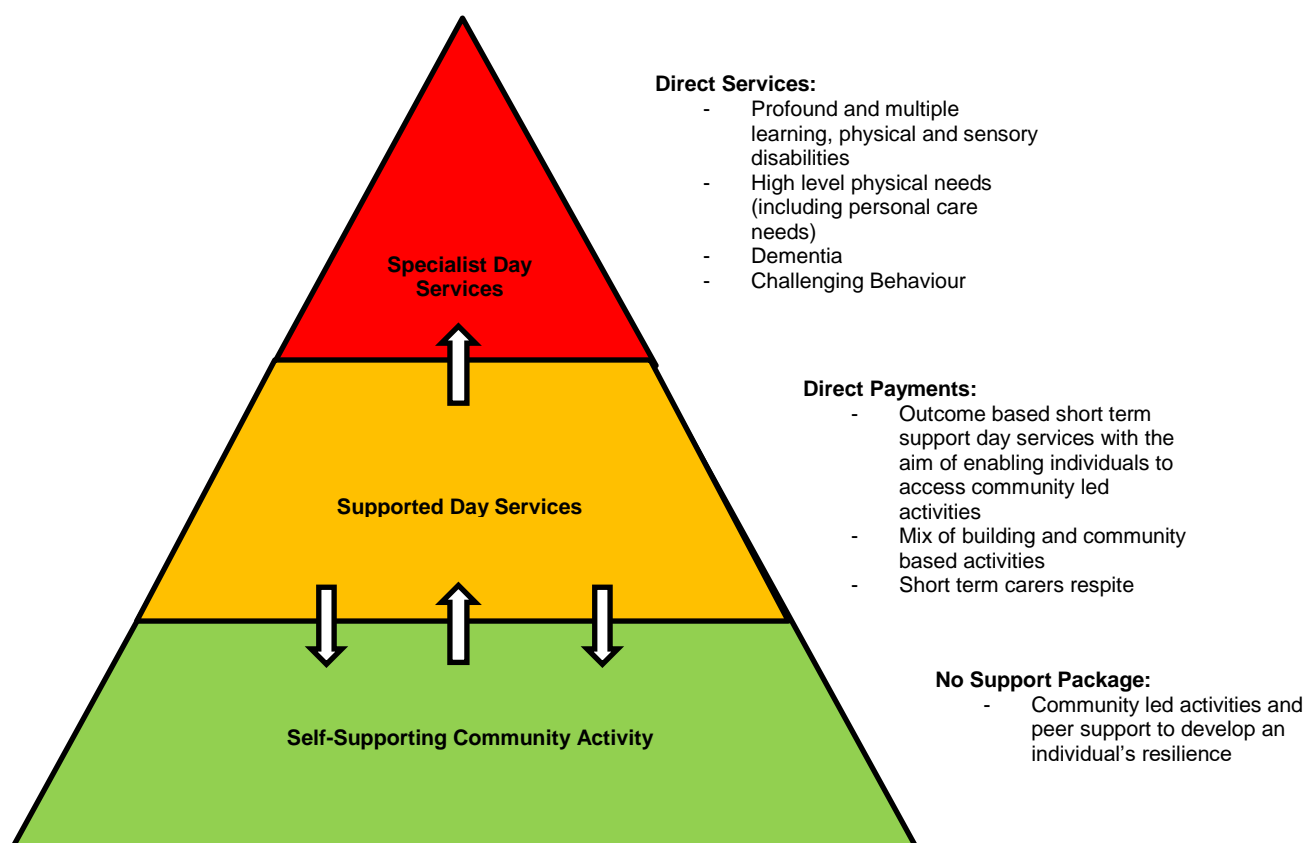
Adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).

- Service users will have their social inclusion needs assessed by a social worker as part of a strength based assessment.
- The Social worker will agree with the Service Users that needs can be best met by attending a day service that offers specialist services that is commissioned by the borough on a spot/contract basis.
- Service Users will be offered a choice from a menu of specialist day services to choose from to meet their social inclusion need as well as their physical and cognition needs.

Adults with low, medium or high learning, physical and sensory disabilities:

- Service Users will have their social inclusion needs assessed by a social worker as part of a strength based assessment.
- The social worker will agree with the service user the number of hours required a week to meet their social inclusion need.
- The social worker will then calculate the direct payment amount by multiplying the number of hours to meet the Service Users need with the hourly social inclusion rate.

Day Service Model



Specialist Day Services

- For adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).
- Purchased by the local authority on behalf of the service user via a direct service.
- As commissioners we recognise that there are individuals that require specialist support above and beyond what can easily be provided by communities and supported day services. As a local authority we have a duty of care to ensure that these individuals have access to purposeful activity in a safe environment.
- The aim of these services is to promote and support service user's wellbeing, goals and aspirations in every day community life with the view of sustaining choice, control and independence.
- The day services will support service users to improve or maintain their current level of independence whilst maintaining social friendships, peer group support and social networks.
- It is our intention to commission services that are more responsive to individual needs.
- It is anticipated that at this level of need the services are more likely to be building based. These buildings must be accessible to the local community and wherever possible be used by other groups of people, and fully adapted for disabled access.

Supported Day Services

- For adults with low, medium or high learning, physical and sensory disabilities.
- Purchased by the service user from their direct payment support package to meet their eligible social inclusion needs.
- As commissioners we will encourage communities, and as required, commission outcomes that are specifically designed to enable individuals to access support within their communities to develop/maintain/regain skills of independence. Focusing on enablement to develop people's capabilities to do things for themselves and become more independent.

- The aim of these services is to support service users to access and autonomously move into mainstream social, leisure, educational activities, employment and other opportunities in the wider community.
- The day services will support service users to develop their individual strengths and build a local network.
- For working aged adults, we want to day opportunities to focus on developing skills for employment and independence through progression and enablement wherever possible.
- For older people, we want to ensure that day services focus on maintaining/regaining skills of independence, whilst ensuring that those without reablement capability still have access to purposeful activity in a safe environment.
- For carers, we want to ensure that their needs as carers are recognised and that day services provide purposeful activity for service users.
- It is our intention to encourage individuals to make their own choice on how best to meet their assessed needs through higher uptake of personal budgets for both service users and carers which will allow more flexibility in how service users meet their own needs
- It is likely that these services will focus on group activities because of the number of people using the services and the staff required to support them, however they must be flexible enough to achieve person-centred activities.

Self-Supporting Community Activity

- For adults with low learning, physical and sensory disabilities.
- No support package required.
- As commissioners we will encourage communities to develop a wide range of activities accessible to all that empower individuals to develop support networks and engage in community activity.
- We will look to community groups and social care providers to offer opportunities that help to prevent social isolation; provide support to carers; offer volunteering roles; support the development and sharing of skills and knowledge; provide peer led solutions to meet individual needs.
- The aim of these services is to support small groups of people to access and autonomously move into mainstream social, leisure, educational activities, employment and other opportunities in the wider community.
- Support from these services will reduce over time as the service user's individual strengths are developed, their local networks built and the groups are able to take initiative and provide peer support to one another.

Applicability

This policy applies to services users who attend day services as part of a support package to meet their eligible social inclusion needs.

Ownership and authorisation

Policy Lead: Laura Wheatley

Authorising Body: Senior Leadership Team

Operational Responsibility: Joint Commissioning Unit

Related documents

None

Dissemination and communication

Disseminated to for comment:

Barbara Nichols – Director of Adult Services

John Green – Assistant Director Joint Commissioning Unit

Andrew Sykes – Service Manager for Learning Disabilities

Location of policy: <https://onesourceict.sharepoint.com/sites/AdultSocialCare>

Implementation

The Day Service Policy does not have a mandatory training requirement or any other training needs.

Monitoring and review

The policy will be monitored quarterly and reviewed annually by the Joint Commissioning Unit.

Further information

For further guidance please contact:

Laura Wheatley

Senior Commissioner & Project Manager

Joint Commissioning Unit

Equality & Health Impact Assessment (EqHIA)

Document control

Title of activity:	<i>Day Service Policy</i>
Lead officer:	<i>Laura Wheatley, Senior Commissioner & Project Manager, Joint Commissioning Unit</i>
Approved by:	<i>Barbara Nicholls, Director of Adult Services</i>
Date completed:	<i>22/02/2023</i>
Scheduled date for review:	<i>22/02/2024</i>

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

1. Equality & Health Impact Assessment Checklist

About your activity

1	Title of activity	Day Services Policy		
2	Type of activity	New policy		
3	Scope of activity	<p>New Day Services policy which launches a day service model that has 3 pathways which supports both the "Choice" agenda and increased support within the community.</p> <p>1. Specialist Day Services purchased by the Local Authority as a direct service for adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).</p> <p>2. Supported Day Services purchased by the service user from their direct payment support package to meet their eligible social inclusion needs for adults with low, medium or high learning, physical and sensory disabilities.</p> <p>3. Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.</p>		
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:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO:			

Completed by:	Laura Wheatley, Senior Commissioner & Project Manager, Joint Commissioning Unit
Date:	22/02/2023

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

Background/context:
<p>Purpose</p> <p><i>A large number of adults each year attend day services as part of a support package to meet their eligible social inclusion needs. A day service is generally a service that is provided outside of the home, it can be building based, or can offer a wider range of activities within community based settings.</i></p> <p><i>For working aged adults, we want day services to focus on developing skills for employment and evidencing progression through the development of life skills wherever possible, whilst ensuring that those without employment still have access to purposeful activity in a safe environment.</i></p> <p><i>For older people, we want to ensure that day services focus on maintaining/regaining skills of independence, whilst ensuring that those without reablement capability still have access to purposeful activity in a safe environment.</i></p> <p><i>For carers, we want to ensure that their needs as carers are recognised and that day services provide respite for carers and purposeful activity for service users.</i></p> <p><i>We want to see a much wider and flexible range of services available to meet individual needs and to reduce the need for Havering to take an active role in managing placements into day services through increasing uptake of personal budgets for both service users and carers.</i></p> <p><i>This will allow the market to develop services that are more person centred to meet individual outcomes as more bespoke service providers are finding it difficult to identify new service users into their services.</i></p> <p><i>It is critical that day services of the future align to our strategic commissioning principles, focusing on prevention, earlier intervention and engagement by service users for improved health, independence and wellbeing:</i></p> <ul style="list-style-type: none"> <i>Investment in prevention, early intervention and community wellbeing to encourage the use of existing support networks and services prior to drawing upon public funding is in everyone's interests.</i> <i>Focusing on enablement to develop people's capabilities to do things for themselves and become more independent. This way day services will be based on a principle that the solutions that many people have to address their care and support needs rest within themselves, their families, social networks and surrounding communities. This is a process of continually building upon and developing people's skills, confidence and ability in different areas of daily life.</i> <i>Identifying specific outcomes that are most relevant to the person and aspirations and</i>

embedded within the person's individual support plan based on the principles of normal life e.g. links to college for training etc.

Providers of future day services should offer customisable services that are tailored to the individual, and these must be easy to find and available regardless of whom is paying.

It is important for users of services to be safe but equally this needs to be balanced with the need for people to take responsibility for themselves. The focus should be on what people can do – and could learn to do.

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Day Services are an additional option for the council in meeting its obligations under the Care Act (2014) for eligible Adult Social Service Users.

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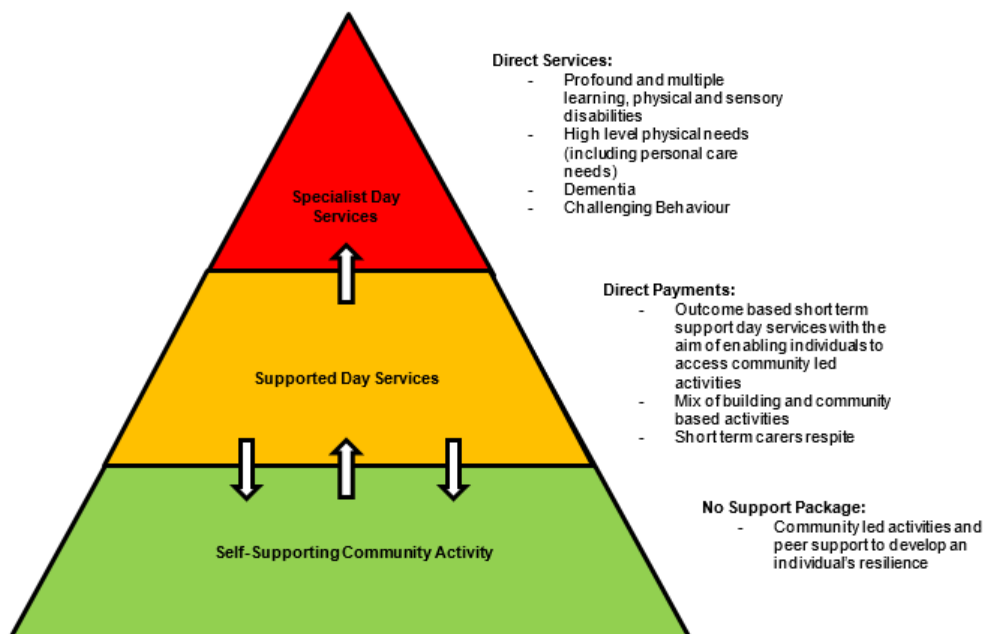
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- Self-Supporting Community Activity which requires no support package for adults with low learning, physical and sensory disabilities.*

Adults with profound and multiple learning, physical and sensory disabilities and high level physical needs (including personal care needs).

- Service users will have their social inclusion needs assessed by a social worker as part of a strength based assessment.*
- The Social worker will agree with the Service Users that needs can be best met by attending a day service that offers specialist services that is commissioned by the borough on a spot/contract basis.*
- Service Users will be offered a choice from a menu of specialist day services to choose from to meet their social inclusion need as well as their physical and cognition needs.*

Adults with low, medium or high learning, physical and sensory disabilities:

- Service Users will have their social inclusion needs assessed by a social worker as part of a strength based assessment.*
- The social worker will agree with the service user the number of hours required a week to meet their social inclusion need.*
- The social worker will then calculate the direct payment amount by multiplying the number of hours to meet the Service Users need with the hourly social inclusion rate.*



Specialist Day Services

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- The aim of these services is to promote and support service user's wellbeing, goals and aspirations in every day community life with the view of sustaining choice, control and independence.
- The day services will support service users to improve or maintain their current level of independence whilst mainlining social friendships, peer group support and social networks.
- It is our intention to commission services that are more responsive to individual needs.
- It is anticipated that at this level of need the services are more likely to be building based. These building must be accessible to the local community and wherever possible be used by other groups of people, and fully adapted for disabled access.

Supported Day Services

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- Support from these services will reduce over time as the service user's individual strengths are developed, their local networks built and the groups are able to take initiative and provide peer support to one another.*

Aims, objectives and outcomes

- 1. Day Services can help people socialise, stay well, stay active and retain or build helpful links with their local community.*
- 2. Day Service services can reduce social isolation, through supporting people to access the community and by developing their social networks. Leading a well-connected life has a significant positive impact on a person's health and life expectancy.*
- 3. Day Service provision can support people to develop their aspirations around employment. This is particularly important for those adults with learning disabilities who may have grown-up during a period where expectations of people with learning disabilities were far lower than they are today.*
- 4. For individuals who do not aspire to employment or believe that this is not a realistic goal for them, day services may raise their aspirations, developing their skills and giving them opportunities to meet with peers already in employment and providing them with further information and advice.*
- 5. For people with learning disabilities, living with ageing carers or young adults ready to move on from the family home, Day Service provision will enable them to develop their resilience and lead to a smooth transition from the family home, enabling them to have more choice and avoiding them unnecessarily escalating to higher dependency services.*
- 6. By providing people with the skills to develop their independence, supporting people to develop their local social and support networks to maintain and improve their physical and mental wellbeing, Day Service provision can reduce the need for on-going or increased social care support.*

7. For people with more complex needs day services can support them to remain in the community and avoid them escalating to acute services (e.g. Hospital).
8. Carers will benefit from individuals taking part in day services and developing their independence and social networks, as this will enable them to have more time to lead a fulfilling life outside their caring role.

Who will be affected by the activity?

This policy applies to services users who attend day services as part of a support package to meet their eligible social inclusion needs.

There are currently 486 service users receiving a direct payment for social inclusion or attending a specialist day service.

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

Please tick (✓) the relevant box:

Positive	<input checked="" type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>

Overall impact:

The new day service policy will have a positive impact on all age groups as it ensures that there is a clearly defined offer that is based on a service user's needs and not age.

Evidence:

Of the service users who attend day services as part of a support package 75.7% are aged 18-64, 4.1% are aged 65-74, 10.5% are aged 75-84 and 9.7% are aged 85+.

The 2021 Census data showed that the biggest growth has been seen in 25 to 39 year olds (an increase of 26.5%) in Havering seeing the second highest growth of all local authorities in the country. Havering also continues to have a high proportion of residents aged over 65 (17.6%). This is the second highest proportion in London and only marginally lower than Bromley's figure of 17.7%. Havering is also becoming a younger borough; the median age has reduced from 40 in 2011 to 39 in 2021. Meanwhile the median age increased in London from 33 in 2011 to 35 in 2021, and England from 39 in 2011 to 40 in 2021.

Sources used:

- Service specific data
- Census 2021 data
- Legal obligation under the Equality Act 2010
- Public Sector Equality Duty under the Health and Social Care Act 2012

Protected Characteristic - Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions		
Please tick (✓) the relevant box:		Overall impact: <i>The new day service policy will have a positive impact on all disabilities as it ensures that there is a clearly defined offer that will support people to access the community and develop their social networks.</i>
Positive	✓	
Neutral		
Negative		
Evidence: <i>Of the service users who attend day services as part of a support package 60.1% require Learning Disability support, 26.5% require Physical support, 5.6% require Social support, 4.1% require Memory & Cognition support, 2.9% require Mental Health support and 0.8% require Sensory support.</i> <i>The 2021 Census data showed that 15.3% of Havering residents have disabilities, similar to London (15.6%) but lower than England (17.7%). 29,742 households in Havering had at least one person with a disability.</i>		
Sources used: <ul style="list-style-type: none"> • Service specific data • Census 2021 data • Legal obligation under the Equality Act 2010 • Public Sector Equality Duty under the Health and Social Care Act 2012 		

Protected Characteristic - Sex/gender: Consider both men and women		
Please tick (✓) the relevant box:		Overall impact: <i>The new day service policy will have a positive impact on all genders as it ensures that there is a clearly defined offer that is based on a service user's needs and not gender.</i>
Positive	✓	
Neutral		
Negative		
Evidence: <i>Of the service users who attend day services as part of a support package 52.7% are male and 47.3% are female.</i> <i>The 2021 Census data showed that males account for 48.2% of Havering's population, while females made up 51.8% of the total. Within the 65+ population, the rate of growth for females is a lot lower than that for males in this age group. The number of males aged 65+ has increased by 15.5%, which is only slightly lower than the increase for London (17.4%). The growth of the female aged 65+ demographic in Havering was just 4.8%, which is considerably lower than the growth in London (13.8%).</i>		

Sources used: <ul style="list-style-type: none"> • Service specific data • Census 2021 data • Legal obligation under the Equality Act 2010 • Public Sector Equality Duty under the Health and Social Care Act 2012

Protected Characteristic - Ethnicity/race: Consider the impact on different ethnic groups and nationalities		
Please tick (✓) the relevant box:		Overall impact: <i>The new day service policy will have a positive impact on all ethnicities as it ensures that there is a clearly defined offer that is based on a service user's needs and not ethnicity.</i>
Positive	<input checked="" type="checkbox"/>	
Neutral	<input type="checkbox"/>	
Negative	<input type="checkbox"/>	
Evidence: <i>Of the service users who attend day services as part of a support package 74.3% are White British, 9.1% are Black, 6.6% are Asian, 4.7% are Other White, 3.5% are Mixed/Other, and 1.9% are not recorded.</i> <i>The 2021 Census data showed that White British remains the most common ethnic group in Havering, with 66.5% (174,232) of the population identifying in this group, down from 83.3% (197,615) in 2011. The next most common ethnic group is Asian, accounting for 10.7% (28,150) of the population, up from 4.9% (11,545) in 2011. London remains the most ethnically diverse region of England and saw an 8.1% percentage point decrease in people who identified as White British from 44.9% in 2011 to 36.8% in 2021.</i>		
Sources used: <ul style="list-style-type: none"> • Service specific data • Census 2021 data • Legal obligation under the Equality Act 2010 • Public Sector Equality Duty under the Health and Social Care Act 2012 		

Protected Characteristic - Religion/fait: Consider people from different religions or beliefs including those with no religion or belief		
Please tick (✓) the relevant box:		Overall impact: <i>Not Known</i> <i>There is no information available to make an assessment on the impact of the new day service policy on this protected characteristic.</i>
Positive	<input type="checkbox"/>	
Neutral	<input type="checkbox"/>	
Negative	<input type="checkbox"/>	
Evidence:		
Sources used:		

Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual		
Please tick (✓) the relevant box:		Overall impact: <i>Not Known</i> <i>There is no information available to make an assessment on the impact of the new day service policy on this protected characteristic.</i>
Positive		
Neutral		
Negative		
Evidence:		
Sources used:		

Protected Characteristic - Gender reassignment: 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		
Please tick (✓) the relevant box:		Overall impact: <i>Not Known</i> <i>There is no information available to make an assessment on the impact of the new day service policy on this protected characteristic.</i>
Positive		
Neutral		
Negative		
Evidence:		
Sources used:		

Protected Characteristic - Marriage/civil partnership: Consider people in a marriage or civil partnership		
Please tick (✓) the relevant box:		Overall impact: <i>Not Known</i> <i>There is no information available to make an assessment on the impact of the new day service policy on this protected characteristic.</i>
Positive		
Neutral		
Negative		
Evidence:		
Sources used:		

Protected Characteristic - Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave	
Please tick (✓) the relevant box:	
Positive	Overall impact: <i>Not Known</i> <i>There is no information available to make an assessment on the impact of the new day service policy on this protected characteristic.</i>
Neutral	
Negative	
Evidence:	
Sources used:	

Socio-economic status: Consider those who are from low income or financially excluded backgrounds	
Please tick (✓) the relevant box:	
Positive	Overall impact: <i>Not Known</i> <i>There is no information available to make an assessment on the impact of the new day service policy on this protected characteristic.</i>
Neutral	
Negative	
Evidence:	
Sources used:	

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.	
Please tick (✓) all the relevant boxes that apply:	
Positive	Overall impact: <i>The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants. It is important to the council to ensure that direct payments for social inclusion are relevant to our community's needs and the new day service policy ensures that there is a clearly defined offer that is based on a service user's needs.</i> Do you consider that a more in-depth HIA is required as a result of this brief assessment? Please tick (✓) the relevant box <div style="text-align: right;"> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> </div>
Neutral	
Negative	

Evidence:

By assessing service user s individually on their social inclusion needs it will:

- *Eliminate unlawful discrimination, harassment and victimization*
- *Advance equality of opportunity between different groups*
- *Foster good relations between different groups*
- *Reduce inequalities in health outcomes*




Sources used:

- *Service specific data*
- *Legal obligation under the Equality Act 2010*
- *Public Sector Equality Duty under the Health and Social Care Act 2012*

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>		Proceed with implementation of your activity
	2. The EqHIA identified some <u>negative impact</u> which still needs <u>to be addressed</u>		COMPLETE SECTION 4: Complete action plan 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		Stop and remove the activity or revise the activity thoroughly . Complete an EqHIA on the revised proposal.

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
<i>All</i>	<i>Positive</i>	<i>Monitor the implications of the new day service policy.</i>	<i>We will monitor the impact of the new day service policy. The data collated will form part of regular reporting arrangements to senior management</i>	<i>Annually</i>	<i>Laura Wheatley</i>

5. Review

In this section you should identify how frequently the EqHIA will be reviewed; the date for next review; and who will be reviewing it.

Review:

The policy will be monitored quarterly and reviewed annually by the Joint Commissioning Unit.

Scheduled date of review: *10/02/2024*

Lead Officer conducting the review: *Laura Wheatley*



CABINET

Subject Heading:

Future of one source

Cabinet Member:

SLT Lead:

Dave McNamara

Report Author and contact details:

Dave McNamara

Tel: 01708 432 201

dave.mcnamara@haverling.gov.uk

Policy context:

The return of key services to Havering will align with the developing TOM in Havering, and support the delivery of key priorities for Havering

Financial summary:

The return to Havering the budgets for shared and non-shared services; the one-off cost for implementing the split

Is this a Key Decision?

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

When should this matter be reviewed?

4th July 2023

Reviewing OSC:

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

People - Things that matter for residents **x**

Place - A great place to live, work and enjoy **x**

Resources - A well run Council that delivers for People and Place. **X**

SUMMARY

- One Source was established in 2014 by way of a Joint Committee and Delegation Agreement (the “Agreement”) as a joint arrangement between The London Borough of Newham (“LBN”) and The London Borough of Havering (“LBH”) to provide most of the back office or support functions that the councils depend on to deliver other services. The arrangement delivered considerable savings on inception and was considered a relatively ground-breaking innovation at the time.
- One Source retains areas of strength and expertise, but each council now needs bespoke and unique support from some services, hence the decision to return some services to each council, and retaining other services as they benefit sharing.
- It is proposed that the following services are returned to the control of the LBH and LBN: Asset Management, Human Resources and Organisational Development, ICT, Procurement and Finance (Pensions Accounting, Treasury and Reconciliations). The following non-shared services currently managed by One Source will also return to sovereign control: Transport (LBH), Education Computer Centre (LBH), Health and Safety (LBH), Finance (LBH).
- It is proposed that the following services remain within One Source: Legal and Governance, Exchequer and Transactional and the Corporate Business Systems Team.
- One Source will continue to need a very small level of support services, the level of which will be determined over the next few months.
- This report seeks Cabinet’s approval for varying the Agreement and revising the delegations therein. An equivalent report is also being taken through Newham’s formal decision making process.

RECOMMENDATIONS

1. For the reasons set out in this report, Cabinet is recommended to authorise all necessary amendments and variations to the Agreement so as to give effect to the following:

- a) The Council to withdraw its delegation from One Source of the following shared services:
 - Human Resources and Organisational Development
 - Procurement
 - ICT
 - Asset Management
 - Finance: Pensions Accountancy and Treasury
 - b) LBH to withdraw its delegation from One Source in respect of the Reconciliations function, following the review of scope. This will be determined once a bi-borough process improvement plan is implemented over the next few months.
 - c) The Council to retain the following functions within one source, namely:
 - Legal and Governance
 - Exchequer and Transactional
 - Corporate Business Systems Team
 - Print Services
2. LBH authorises the s.151 Officer, in consultation with the Chief Executive, to make all necessary arrangements to give effect to the authorisation at 1 above, including but not limited to:
- a) Implementing the HR and other operational processes to give effect to the recommendations.
 - b) Agreeing the dates for the withdrawal of those services listed at 1(a).
 - c) Agreeing, amending and finalising any variation or variations to the Agreement and the delegations contained therein as necessary to give effect to 1 above, and thereafter to sign and complete any variation on behalf of LBH.
 - d) Making arrangements to receive staff into LBH as a result of the amendments to the Agreement.
 - e) Making arrangements to allow LBH to share some of the proposed withdrawn services for a transitional period beyond the agreed date of implementation whilst permanent arrangements are put in place within LBH.
 - f) Making arrangements to provide a support service to the retained One Source services.
 - g) To prepare and / or receive and thereafter agree and set the investment case for the ICT function.

3. The Council waives the right to any compensatory payments due under the Agreement noting that LBN will also be waiving their rights under these reciprocal arrangements.

REPORT DETAIL

Background

Cabinet is aware that the services provided by One Source are delegated from the two partner councils to the One Source Joint Committee (the “Joint Committee”). The Joint Committee has an agreed Scheme of Delegation for the delivery of those services by officers.

When the One Source partnership was set up in 2014 a number of ‘back office’ functions including Exchequer & Transactional, Finance, Asset Management, Legal, HR & OD, Procurement, and ICT were delegated to the Joint Committee by both Councils and operated as a shared and integrated service. It was always the intention that the delegation of functions to One Source would be dynamic and change over time, and indeed over the last eight years there have been several service changes to the delegated functions. For example, Audit and Strategic Property returned to LBN in 2020.

Detailed discussions have taken place between the partner councils regarding the variation of the services that sit within One Source. Following these discussions, the Leader of LBH, the Mayor of LBN and the Chief Executives of both Councils then met in early November to consider and agree the future direction of One Source.

Key Considerations & Proposals

Both councils have recently considered the services delegated to One Source and in addition One Source has conducted its own review. As a result of these reviews a number of changes have been proposed and agreed in principle by all parties.

It is proposed that One Source returns delivery back to the Council the following shared services, with each service reverting back to the oversight as prescribed in the constitution:

Asset Management	HROD	Finance	Procurement	ICT
<ul style="list-style-type: none">• Property Services• Capital Delivery & Corporate estate	Human Resources and Organisational Development	<ul style="list-style-type: none">• Pensions• Accounting• Treasury	All Procurement	All ICT

The function of Reconciliations will also return to sovereign control; the scope will be determined once a bi-borough process improvement plan is implemented over the next few months.

It is further proposed that the following services are to remain under the One Source Shared Service umbrella. Whilst the existing delegations to those functions will remain in principle, the Agreement will be revised and updated to ensure the arrangements for those remaining services are fit for purpose:

Legal and Governance	Exchequer and Transactional	Finance
<ul style="list-style-type: none">• All Legal and Governance	All Exchequer and Transactional	<ul style="list-style-type: none">• Corporate Business Systems Team

One Source will continue to need a very small level of support services. The print function is currently being reviewed, to determine the location within one source. The decision on both should be delegated.

The services being returned to the Council will be aligned under the following three pillars. The Council is currently introducing a new target operating model and structure, and the reporting lines for these returning services will be confirmed in due course.

People	Place	Resources
<ul style="list-style-type: none">• Education Computer Centre	<ul style="list-style-type: none">• Property• Capital Delivery and Corporate Estate	<ul style="list-style-type: none">• Human Resources and Organisational Development• Finance• Procurement• IT

It is envisaged that the returning services will do so on a staged basis.

The Agreement allows for variations to be made by agreement between the parties. Where one party unilaterally agrees to remove services from the Agreement then a compensation payment becomes due to the other. In this case no compensation payment will be required or paid by either council to the other as the proposals are mutually agreed. The costs of functions within the two councils will be a matter for the two councils each to determine. The Council will deliver the services returning to its sovereign control within their current agreed budgets, except for the ICT function which will be subject to a separate investment case.

If approved by each individual council, further work will be undertaken to complete these changes, and staffing changes will follow the usual processes, including consultation with the staff and recognised trade unions. The Chief Executives of LBH and LBN and/or the LBN Corporate Director of Resources, and LBH S151 Officer should be delegated the authority to complete these changes and agree the dates for the withdrawal of services, and road map for implementation.

It is noted and acknowledged that implementation dates will vary between services dependent on the needs and the readiness of the service, and will therefore be decided on a case by case basis. Nevertheless, it is noted that it is the intention of both the Joint Committee and the Councils that these implementation dates should take place as soon as is feasibly possible.

All returning services, apart from ICT, will start formal consultation on the proposed changes after the April cabinets in both councils, with an indicative return to borough milestone of September. The approach and timeframe for the return of ICT to sovereign boroughs is currently being determined.

REASONS AND OPTIONS

Reasons for the decision:

Delivering Council Policy and Corporate Priorities

The variation of the services provided by One Source to LBH will allow for a better alignment to the Council's corporate priorities and its corporate structure. It is recognised that in the eight years since the shared partnership was established, there have been significant changes to local government and there are now different requirements and demands on the 'back office' support services. The rationale behind the changes is that many policies and procedures do not align between the 2 boroughs and therefore do not generate cost savings through economies of scale. Given the significant changes LBH is currently undergoing, LBH now need bespoke and unique support from some services to help them manage those changes. It is anticipated that having "sovereign" support services for certain key functions will better support the delivery of corporate priorities.

Other options considered:

As part of the review a range of options were considered for the services including remaining "as is" and complete disentanglement. Neither of which were considered wholly viable.

The proposals followed a period of negotiation. The One Source agreement between the councils set out the process for the variation and withdrawal from One Source, which would have to be followed if a mutual agreement between the parties was not reached.

IMPLICATIONS AND RISKS

Financial implications and risks:

The One Source 2023/24 net controllable opening shared budget is approximately £25m split £12m LBH and £13m LBN. The costs within the shared area relate mostly (but not entirely) to staffing and are allocated to each authority in proportion to its budget contribution. There are different cost share percentages for different areas within One Source.

The variation to the One Source agreement between LBH and LBN will result in the following services' budgets and costs being removed from the One Source cost sharing arrangement:

Service	Havering Budget	Newham Budget	Total Budget
HR	£1.3m	£2.4m	£3.7m
Procurement	£0.3m	£0.8m	£1.1m
Asset Management	£1.1m	£0.9m	£2.0m
Pensions & Treasury	£0.1m	£0.0m	£0.1m
ICT	£4.2m	£4.5m	£8.7m
Total	£7.0m	£8.6m	£15.6m

The table above does not include the combined £0.5m budget for Reconciliations, as the scope for this is yet to be determined.

Any redundancies arising from the returning of services back to the sovereign authorities will be split in accordance with the cost share percentages for the area which they relate to.

Any requests from staff to be employed by the opposite borough will be accommodated as far as possible which will assist in minimising redundancy and recruitment costs, however, there is no guarantee that any such requests will be able to be fulfilled.

The expectation is that post-split sovereign structures will be designed to be accommodated within the existing budgets, subject to the requirements of each borough.

There will be no penalty payments attributable to either borough by the other as a result of terminating the sharing arrangements for these services.

Costs will be shared until the point at which the service exits the One Source arrangement, after which time each authority will be responsible for 100% of its own costs. Final cost share invoicing will take place between the two authorities to ensure that each council records the appropriate amount of spend within its ledger.

It is envisaged that all of the services listed above will be removed from the One Source sharing arrangement over the course of 2023/24 with the exception of ICT where the complexities involved will result in the exit date being 2024/25.

The one-off spend on the resources required to implement the split have been estimated to be approx. £1.25m which will be shared equally between the London Borough of Havering and the London Borough of Newham.

Duration	Purpose	FTE	Total	Havering	Newham
9 months	Delivery of the split (payroll changes, hierarchy changes, recruitment and project management)	7	400,000	200,000	200,000
6 months	Splitting and bedding in HR	2	70,000	35,000	35,000
18 months	Splitting out of ICT services (project managers, architects, information assurance)	8	780,000	390,000	390,000
	TOTAL		1,250,000	625,000	625,000

The Council has identified £1m within its Medium Term Financial Strategy to fund the establishment of sovereign services. For 2023/24 this will be used to cover any additional costs incurred in transitioning services out of one source.

It is expected that there will be a need to provide additional permanent revenue funding for ICT during the course of its removal from one Source. A piece of work has been commissioned to gain a greater understanding of the size of this growth, however, it is likely that an element of this funding would have been required regardless of whether the service remained within One Source or not. This piece of work will incur a one-off cost of £80k, which will be shared equally between the London Borough of Havering and the London Borough of Newham.

Legal implications and risks:

This report seeks the Cabinet's approval to an agreement between LBH and LBN to vary the services provided on a shared basis and the contractual agreement between the councils to undertake sharing. If the agreement is reached, LBH will agree to withdraw some of the functions currently delegated to the Joint Committee, which are then carried out by officers working for One Source.

The two councils entered into a contractual agreement in September 2014 to share services, including terms for its variation and withdrawal from One Source. The proposals in this report seek to vary the One Source agreement by mutual agreement of the two boroughs and thereby waive the contractual provisions on variation and withdrawal.

LBH has various powers to enter into this agreement and to continue the shared services agreement with LBN (including but not limited to s.1 of the Localism Act 2011 and the powers of delegation below). The terms of the agreement are reasonable and it is noted that (a) the agreement is dependent on approval by both boroughs and (b) will be subject to a contractual agreement between the boroughs.

To give effect to the agreement, Cabinet is asked to withdraw the delegation of executive powers to the Joint Committee (the powers related to those services set out in the report which are returning to the sovereign boroughs) under section 9EB of the Local Government Act 2000 (as amended). It is noted that once this is

finalised, the Joint Committee will amend / update its Scheme of Delegation to reflect the withdrawal of delegated functions.

The Agreement will require variation to provide for the variation of services for Newham and Havering. This may include some transitional provision of shared services and the councils may use their powers under s.113 of the LGA 1972 to second staff to deliver functions for each other or reach a similar agreement under s.1 of the Localism Act 2011.

It is noted that if the agreement is not reached, the terms of the Agreement remain in force, including the terms with regard to variation and withdrawal from the agreement.

Human Resources implications and risks:

All staff within the One Source service remain employed by their “home” borough under the joint committee arrangements and there are no “One Source employed” staff.

In the majority, staff in the affected services will start to work for a single borough (where their contract states is their base) once the agreement is implemented and a number of organisational changes will need to be made to staffing structures. The necessary corporate HR policies and procedures will be followed when implementing these changes. Union engagement has already begun and will continue throughout the consultation and implementation process. Appointment procedures that applies in each council will be applied.

The principles for change underpinning this return of services to sovereign boroughs are as follows:

Where teams are returning to Boroughs they will return to their employing borough (stated in their contract of employment)	TU meetings continue as is including One Source and will be chaired by one of the Directors of One Source and both HRD/Head HR or delegated officers for HR will attend
No one will be forced to go to the other Borough	Each council team will provide a lead point of contact for One Source
If someone wants to move (or stay in a role they have been doing) to the other Borough they will need to apply, we will do our best to accommodate	During the period of change and transition all vacancies will be advertised internally first ahead of external recruitment
Any move to the other Borough will be done on the receiving borough's standard terms and conditions. Pay protection will not apply neither will mileage allowances	Secondments and acting up provisions will be reviewed and if change is needed notice periods will be given for change
A standard 45-day consultation period will apply	It's possible some teams will split back in phases – for example HR Ops may go back to Councils ahead of specialist teams like Policy or Data & Metrics

2017 protocol was for the creation of One Source and does not need to apply for the disbanding of teams – council policies will apply	VR applications not in scope for this change at the outset.
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Equalities implications and risks:

Under section 149 of the Equality Act 2010, LBH has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

“Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for LBH. As long as LBH is properly aware of the effects and has taken them into account, the duty is discharged.

If agreed, the changes may have staffing implications that are currently being assessed. As all One Source employees have remained as employees of their “home” borough, there is very limited impact on employment rights and any staffing changes will be carried out in accordance with HR procedures and following an assessment of the Council’s public sector equality duty. It is unlikely that there will be any significant impact on the Council’s equalities duties.

Health and Wellbeing implications and Risks

People will be supported through the organisational change with interview preparations, inductions, teambuilding and cultural change development. An Employee Assistance Programme is also available for individuals should they feel they need to avail themselves of this.

BACKGROUND PAPERS



CABINET

Subject Heading:	Domestic Vehicle Dropped Kerb Policy
Cabinet Member:	Councillor Barry Mugglestone
SLT Lead:	Imran Kazalbash
Report Author and contact details:	<i>James O Regan</i> <i>James.OREgan@haverling.gov.uk</i>
Policy context:	<i>The new draft policy seeks to replace the existing Vehicle Crossing Policy</i>
Financial summary:	<i>There are no direct financial implications or risks associated with the adoption of a new Domestic Vehicle Dropped Kerb Policy. Domestic Vehicle Dropped Kerbs are funded via fees from applicants.</i>
Is this a Key Decision?	Yes
When should this matter be reviewed?	N/A
Reviewing OSC:	Places

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

SUMMARY

- 1.1 The implementation of a Domestic Vehicle Dropped Kerb Policy is aimed at ensuring that the Council takes a consistent approach to decision making when assessing applications for domestic vehicle crossings under the Highways Act 1980, mainly regarding public safety and the impact on the street environment.
- 1.2 Whilst exact numbers fluctuate between years and even between months the Council would expect to receive between 500 and 1000 applications for dropped crossings per year. Whilst this is an important service for residents and brings benefits for increasing on street parking capacity there are instances where the introduction of a dropped crossing may not be appropriate due to adverse road safety, environmental and other implications.
- 1.3 This Domestic Vehicle Dropped Kerb Policy brings together current guidelines, good practice, and legislation with respect to applications for and the provision of vehicle crossings. As part of the policy the Council seeks to address any adverse effect of crossings on the street-scene and ensure that applications are considered in a consistent and fair manner.

RECOMMENDATIONS

- 2.1 It is recommended that the Dropped Kerb Policy be adopted by the Council. The Dropped Kerb Policy is attached as Appendix A. Details of the differences between the new policy and the 2008 policy are listed below as well as the reasons for a new policy and the consultation that has been undertaken in developing and shaping the new policy.

REPORT DETAIL

- 3.1 The existing dropped kerb policy was adopted in 2008 and is the document used to assess and either approve or reject dropped crossing applications. Whilst there is nothing fundamentally wrong with this policy it has now become quite dated and was therefore subject to review. From review Officers highlighted a number of areas where it was considered that changes could be made to introduce improvements. One issue is that the existing policy contains a certain level of subjectivity and interpretation. Therefore when an application was rejected this could sometimes leave the applicant with dissatisfaction as they have felt that the existing policy was not prescriptive enough. Subsequently appeals have been made on this basis which in turn

can also result in difficulties in the adjudication process. There were also areas of the policy that were outdated in terms of current wording, policies and procedures.

3.2 The new draft dropped kerb policy seeks to address these concerns. In summary the changes that have been made are:

- So that the new policy is clearer and more concise. Both for residents and also for Officers to interpret. Guidance is more prescriptive and easier to apply objectively.
- To update the policy in line with current standards and practices. An example of this would be how assessments are carried out where there are nearby trees.
- Whilst certain outdated standards and guidance have been removed from the old policy to the new policy there is also additional content on certain matters. The section on other related permissions (such as planning) and consents are expanded to assist applicants providing additional required detail.
- To limit subjectivity in the policy as far as possible with a view towards providing a fair and transparent policy that would cut down on any potential complaints and resident dissatisfaction.
- An expanded section on impacts for adjacent Controlled Parking Zones (CPZs) and the assessment of applications in relation to the loss of on street parking spaces which may cause dissatisfaction to other local residents.

3.3 The new Domestic Vehicle Dropped Kerb Policy is attached to this document as Appendix A for reference. Along with setting out the financial / legal implications, environmental implications and inter-relationship with the planning approval process, the core of the document sets out the assessment criteria for which Officers would use against each application. Further reference should be made to the new Domestic Vehicle Dropped Kerb Policy but in brief assessments for each application are made against the following criteria and appraisal areas:

Criteria	Assessment
Forecourt dimensions and the suitability of accommodating a vehicle off of the highway.	The applicant's off-street parking area must measure 2.4 metres wide by 4.8 metres deep and be achieved within the curtilage of a residential property. If a wider width of at least 3.0 metres wide can be achieved that would allow for a vehicle to be parked at any angle then the depth of 4.8 metres can be relaxed to an absolute minimum of 4.6 metres, provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing. There must be clear access to the front door of the property from the street.

To ensure that a standardised dropped crossing length can be achieved and is implemented.	4.5 metres in total made up of two 0.9 metre ramp kerbs, and a length of 2.7 metres of dropped kerb. This can be relaxed to a total of 4.2m owing to site constraints.
To assess the suitability for drainage requirements	The application may be refused if adequate surface water drainage is not provided. Water must not flow from the property directly onto the public highway and must drain onto a garden area or into a drainage channel.
To ensure appropriate siting of a dropped crossing in relation to other highway features such as pedestrian crossings, bus stops, bends and junctions.	A crossing application will not be approved if it is located within 10 metres of a junction due to highway safety concerns. A crossing application will not be approved if it has an adverse effect upon the operation and safety of a bus stop, width restriction, traffic island, pedestrian refuge, pinch point; or within the zig zags of a Zebra, Pelican, Puffin, Toucan or Pegasus crossing; or on a street with a posted limit of 40 miles per hour or more.
Impact upon trees	Street trees will not be approved for removal to facilitate crossings. In exceptional cases, approval may be considered, and this would be conditional upon the viability of replacement with another tree at the applicant's cost as well as compensation being paid by the applicant in accordance with the CAVAT valuation process.
Impact upon street lighting apparatus	All crossings should be sited 1.5m away from lamp columns. If this cannot be achieved the Council's Street Lighting Officers will assess impact and advise if a column can be relocated which will be at the applicant's cost.
Against adjacent on street parking bays and Controlled Parking Zones.	The Council would generally refuse applications which would result in the loss of on street parking or the functionality of on street parking bays within a current CPZ or an area formally agreed to become a CPZ. Where it is considered acceptable for bays to be removed this would be at the applicant's cost.
To assess the impact of affected statutory undertakers' apparatus.	Where an application involves the alteration of Statutory Undertakers' apparatus, and where a payment is required for its alteration, such costs will be passed on to the applicant as they are responsible for these costs.
To assess the impact of nearby or directly adjacent dropped kerbs.	New crossings must be sited at least 2.7 metres away from existing crossings. Where an existing shared crossing serves two properties, an extension may be allowed. Ideally this would be an extension of 7.2 metres offset equally between both properties.

3.4 It will be important to apply the above criteria consistently to applications in order to limit and minimise the level of complaints and provide fairness in the

assessment process. It should be acknowledged that certain criteria can be relaxed in exceptional circumstances however. Such an instance may be where an applicant has significant mobility issues and the approval of a dropped crossing is considered warranted where road safety or operational issues can be slightly relaxed.

3.5 The draft Dropped Kerb Policy was presented and discussed at the Senior Leadership Team (SLT) group, Themed Board (TB) and the Places Overview and Scrutiny Committee (OSC) in February and March 2023. Comments and responses to the comments are documented in the below tables:

3.6 Comments from SLT and responses:

Comment	Response
There is a need to ensure that climate change is addressed in the policy and the briefing note. We also need to ensure that the introduction of forecourt paved areas do not have detrimental impact upon highway drainage and increase effects of climate change on the highway.	Specific reference is made to the fact that water from forecourts should not flow back onto the highway and must drain into a garden or a drainage channel.
We need to say in the policy that dropped crossings will not have any adverse effect upon climate change.	Added a sentence to section 3.4.1 in policy: <i>It will be important that the introduction of dropped kerbs and crossings do not have any adverse implication upon the environment and any adverse effect upon climate change.</i>
We need to ensure that there is no jargon in the policy and that it can be clearly understood by all residents regardless of reading ability and language barriers.	We will work with Comms and the Web Content Team to develop non jargon terminology on our website clearly explaining the key criteria.

3.7 Comments from Themed Board and responses:

Comment	Response
The forecourt depth of 4.8m is excessive. This should be relaxed as far as possible as long as cars can be contained entirely within their forecourts	We have amended the wording in the policy to allow for an absolute minimum of 4.6m in depth as long as a forecourt width of 3.0 metres wide can be achieved provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing.

3.8 Comments from Places OSC and responses:

Comment	Response
The forecourt depth of 4.8m is excessive. This should be relaxed as far as possible	We have amended the wording in the policy to allow for an absolute minimum of

as long as cars can be contained entirely within their forecourts.	4.6m in depth as long as a forecourt width of 3.0 metres wide can be achieved provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing.
The forecourt depth restrictions should be relaxed to allow for electric vehicles	We have reduced the forecourt depth to 4.6m absolute minimum as stated above. Reducing the forecourt depth any further would be problematic as it would mean cars would probably overhang the highway creating pedestrian obstruction and accessibility issues. Relaxing required forecourt depths further specifically in relation to electric vehicles would still result in the same issues of overhanging vehicles and these are really two separate issues.
Any dropped crossing policy needs to account for parking stress. We need to ensure that the implementation of a dropped crossing doesn't displace existing on street parking capacity that would give rise to neighbouring resident dissatisfaction	Section 3.18.1 of the policy states: <i>The assessment of new or extended crossovers will ... consider the impact of parking stress and if it is deemed that the introduction of a new facility would result in an unacceptable loss of kerbside parking – i.e., put other residents at inconvenience or negatively impact nearby roads - then the application may be refused.</i>
The costs for dropped crossings are excessive. Once a resident has paid the application fee and the dropped crossing approved the costs of the application fee should then be discounted from the costs of the actual works.	The fees and charges set for dropped kerbs are irrespective and separate from the dropped kerb policy. Fees for the forthcoming year have been set and agreed at Council.

REASONS AND OPTIONS

Reasons for the decision:

The revised Dropped Kerb Policy will seek to address the issues stated above providing a clearer and more transparent policy reducing future complaints or appeals. The revised policy also brings together current guidelines, best practice and legislation that were outdated in the 2008 policy.

Other options considered:

No other options were considered.

IMPLICATIONS AND RISKS

Financial implications and risks: There are no direct financial implications associated with the adoption or implementation of this policy.

Legal implications and risks: There are no apparent legal implications.

Human Resources implications and risks: None

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, and 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.

Health and Wellbeing implications and Risks

Where a person's disability necessitates a vehicle crossing to improve or facilitate access, these works may be funded by Adult Services in the case of a private property or by the Council in the case of Council owned property.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

It will be important that the introduction of dropped kerbs and crossings do not have any adverse implication upon the environment and any adverse effect upon climate change.

The policy seeks to achieve this by promoting the following:

Street trees will not be approved for removal to facilitate crossings. In exceptional cases, approval may be considered, and this would be conditional upon the viability of replacement with another tree at the applicant's cost as well as compensation being paid by the applicant in accordance with the CAVAT valuation process.

Vehicle crossings that require significant construction across wide grass verges or across highway amenity areas will be refused due to the adverse effect upon the environment and sustainable drainage.

The application may be refused if adequate surface water drainage is not provided. Water must not flow from the property directly onto the public highway and must drain onto a garden area or into a drainage channel.

BACKGROUND PAPERS

Appendix A – Domestic Vehicle Dropped Kerb Policy Draft

London Borough of Havering

Domestic Vehicle Dropped Kerb Policy

April 2023

Author
Date

1. Document Control

1.1 Sign Off and Ownership details

Document Name	Domestic Vehicle Dropped Kerb Policy
Version number	
Approved by	
Date Approved	
Date for Review	
Author	
Owner	Head of Highways, Traffic and Parking
Document Location	

1.2 Revision history

Version	Change	Date	Dissemination
V0.1			
V0.2			

1.3 Equality & Health Impact Assessment Record

1	Title of activity	Domestic Vehicle Dropped Kerb Policy		
2	Type of activity	Policy		
3	Scope of activity	Implementation of an updated policy on Domestic Vehicle Dropped Kerbs. The intended outcome is the adoption and implementation of a new policy which will provide the conditions for installing domestic vehicle crossings and design guidance, as well as ensuring safe access, with minimal impacts on infrastructure, the streetscape, and street trees. The policy will also protect pedestrian amenity and provide guidance on subsidy eligibility.		
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:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO: (Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.) Please keep this checklist for your audit trail.			

Date	Completed by	Review date
16/03/2023	James O Regan	

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2. Introduction

2.1 Purpose

- 2.1.1 The Domestic Vehicle Dropped Kerb Policy is aimed at ensuring that the Council take a consistent approach to decision making when assessing applications for domestic vehicle crossings under the Highways Act 1980, mainly regarding public safety and the impact on the street environment. [A Vehicle Crossing is defined legally within S184 of the Highways Act 1980 and is also frequently known as a 'footway crossover', 'footway crossing' or 'dropped kerb'].

2.2 Policy Summary

- 2.2.1 This Domestic Vehicle Dropped Kerb Policy brings together current guidelines, good practice, and legislation with respect to applications for and the provision of vehicle crossings. As part of the policy the Council seeks to address any adverse effect of crossings on the street-scene and ensure that applications are considered in a consistent and fair manner.

2.3 Scope

- 2.3.1 The scope of this Policy applies to:
- Properties where one or more, domestic vehicle crossings are required to be constructed to gain access from a constructed road carriageway to the property boundary.
 - The process for obtaining formal Council approval to modify an existing domestic vehicle crossing, or to apply for a new crossing; and
 - The construction and responsibilities associated with crossings.

2.4 Aims, Objectives and Outcomes

- 2.4.1 The aim of this policy is to define Havering's principles and procedures for the approval of Domestic Vehicle Dropped Kerbs. This policy is effective from April 2023 and supersedes all previous policies set by the Council.
- 2.4.2 The objectives of the policy are:
- To provide a vehicle crossing design that is uniform and practical.
 - To provide safe access with minimal impact on infrastructure assets in the road and street scene.
 - To provide requirements for subsidy eligibility.
 - To provide a safe amenity for pedestrians.
 - To protect existing street trees.
 - To ensure appropriate drainage and prevention of flooding

3. Policy

3.1 Vehicle Crossings

- 3.1.1 A vehicle crossing is the dropping of the footway kerb to the same level as the adjacent carriageway for a short length, creating a driveway linking the road to property and/or a site. Whilst many residents choose to create a hard standing in their front garden to park their cars within the curtilage of their properties, it should be noted that residents may have not been given permission to drive across the public footway or verge to access their off-street parking unless they have made a successful application for a vehicle crossing. A permitted and approved vehicle crossing is therefore important to ensure that vehicles can safely and legally pass over a public footway and/or grass verge to access their property, and/or a site.

3.2 Financial and Legal Implications

Highways Act, 1980 and London Local Authorities and Transport for London Act, 2003:

- 3.2.1 Residents wishing to gain access to park on their property by driving across the public footway must make an application to the Council under S184 of the Highways Act 1980 to have a vehicle crossing constructed.
- 3.2.2 Section 184 of the Highways Act 1980 allows for the construction of a new or an extension to an existing vehicle crossing. It is in breach of the Act to drive any mechanically propelled vehicle over

the footway without the construction of an authorised vehicle crossing. Any unlawfully constructed dropped crossings or evidence of driving across a footway or verge without the construction of an approved dropped crossing will result in legal action and / or enforcement by the Council against those found responsible.

- 3.2.3 In accordance with the Highways Act 1980, all reasonable costs incurred by the Council will be recovered from the applicant. Under S184 of the Highways Act 1980, the Highway Authority may execute the works and recover the expenses reasonably incurred by them in doing so. The Council may approve the request with or without modification; or may propose alternatives or refuse the request.
- 3.2.4 A vehicle crossing is never owned by the applicant or the freeholder nor does it form part of the premises' boundary. It remains the local highways authority's asset. It only provides a right of access and is part of the public highway and is maintainable at public expense i.e., by the Council.

3.3 Other Permissions

- 3.3.1 Apart from the approval from the Council under the Highways Act 1980, the applicant may also require other permissions listed below:
- a. Planning Permission.
 - b. Written consent from the landowner / freeholder, if different from the applicant.
 - c. All vehicle crossing applications will be checked against the Highways Register to ensure that the Council have the authority to construct the vehicle crossing. Vehicle crossings that are not wholly contained within highway land as shown by the Highways Register but are on land owned by the Council will need to be approved by the department which is responsible for the land in question. This approval needs to be obtained by the applicant.
 - d. Where it is unclear from the Highways Register who the owner of the land in question is, the applicant will need to approach the Head of Land and Property Services, to obtain an access licence. If the land is owned by Housing, the applicant will need to approach the area housing officer to seek approval to cross housing land and such permission must be given in writing. Please visit www.havering.gov.uk/askenvironment for more information.
 - e. Applicants should familiarise themselves with permitted development rights regarding paving over front gardens. Any paving over of a front garden, more than 5m² area, will need planning permission unless it is drained sustainably (this means that surface (rain) water needs to run to a board, gravel, or grassed area where it can naturally drain and not be permitted to run on to the highway or to a nearby drain).

3.4 Environmental Implications

- 3.4.1 It will be important that the introduction of dropped kerbs and crossings do not have any adverse implication upon the environment and any adverse effect upon climate change. Street trees will not be approved for removal to facilitate crossings. In exceptional cases, approval may be considered, and this would be conditional upon the viability of replacement with another tree at the applicant's cost as well as compensation being paid by the applicant in accordance with the CAVAT valuation process. CAVAT works by calculating a monetary value for existing trees, and then working out the average cost for newly planted trees. Exceptional cases, as an example, are where mobility needs necessitate the requirement for off street parking. In such instances a reduced crossing width may also be considered.
- 3.4.2 Vehicle crossings that require significant construction across wide grass verges or across highway amenity areas will be refused due to the adverse effect upon the environment and sustainable drainage. Such requests for tracks across green amenity spaces should be considered and funded as part of a separate scheme as their assessment is outside of the scope of the Dropped Kerb Policy.

3.5 Equal Opportunities Implications

- 3.5.1 Where a person's disability necessitates a vehicle crossing to improve or facilitate access, these works may be funded by Adult Services in the case of a private property or by the Council in the case of Council owned property.

- 3.5.2 If the person lives in a Council property, the crossing will be requested by Adult Services on behalf of Housing and funded by the Housing Capital budget.
- 3.5.3 If the person lives in a private property and the cost of the crossing is more than £1,000 then Adult Services should process the crossing application via the Disabled Facilities Grant. When the cost is below £1,000, the crossing should be funded by the Adult Services Equipment & Adaptations budget.
- 3.5.4 Such applications will be prioritised for construction, usually within 4-6 weeks following approval. All other applications will be treated on a first come, first served basis, and will be installed within 16 weeks from application.

3.6 The Application

- 3.6.1 Application forms can be obtained from Council's website. The application form can be found by clicking [here](#). The applicant may also use the Council's estimate calculator available on the website (the calculator can be found by clicking [here](#)) to obtain a guide price (This is only an estimate. An accurate quotation will be sent by the Council after assessing the application).

3.7 Assessment Criteria

- 3.7.1 In assessing an application, the Council will undertake a site inspection and consider the following:
- a. Highway safety implications of implementing any proposed vehicle crossing point.
 - b. The size of the off-street parking area.
 - c. The impact of the crossing on the street's appearance.
 - d. The need to retain and protect highway trees.
 - e. Existing access provisions for off-street parking.
 - f. The impact within Controlled Parking Zones (CPZs) and potential parking stress to existing on street parking.
 - g. All affected highway assets
 - h. Sustainable drainage and flood risk
- 3.7.2 If the application meets all the criteria for approval, a quote for the works will be sent by the Council to the applicant. If the application does not meet the criteria, in some circumstances an alternative layout or location may be suggested to the applicant rather than rejecting the application.

3.8 Planning Approval

- 3.8.1 Planning approval will be required under the following circumstances:
- a. If the application seeks to create access onto a classified road.
 - b. If the application is in one of the Conservation Areas that have statutory protection.
 - c. If the application is for a Listed Building.
 - d. If the application is for a property which is a flat or a maisonette as these do not have any permitted development rights.
- 8.9.1 Applicants under these circumstances will be notified that their crossing application cannot be considered until a planning decision has been issued.

3.9 Contractors

- 3.9.1 The construction of all vehicle crossings within the Borough will be carried out by the Council and its approved contractor. The Council do not allow private individuals / contractors to install vehicle crossings. This is to prevent possible inconsistencies in construction methods and dangers to road users while works are in progress.

3.10 Dimensional Requirements

3.10.1 Forecourt dimensions and dropped crossing width:

- a. The applicant's off-street parking area must measure 2.4 metres wide by 4.8 metres deep and be achieved within the curtilage of a residential property. If a wider width of at least 3.0 metres wide can be achieved that would allow for vehicle to be parked at any angle then the depth of 4.8 metres can

be relaxed to an absolute minimum of 4.6 metres, provided that any additional manoeuvring to access the parking area would not adversely affect pedestrian safety and traffic flow; and will not extend beyond the limits of the crossing. There must be clear access to the front door of the property from the street.

- a. Minimum dimensions will apply to a vehicle parking area in order that a vehicle can be parked safely off the public highway without overhanging any part of it, allow sufficient space for occupants to get in, out and around the vehicle and so as not to obstruct access to the doors of the property. Additionally, the area should be suitably paved with hard standing before an application is made and any barriers to off street parking areas, such as walls, should be removed. The Council will not commence construction of a dropped crossing until it is satisfied that the applicant's forecourt area is suitably paved and any such barriers are removed.
- b. It is inevitable that applications will be received from applicants where the parking area, whilst large enough for their vehicle, does not meet with the minimum dimensional requirements. Such applications are likely to be refused as it must be recognised that property and car ownership is liable to change at any time. This could potentially involve difficult situations where a new property owner with a larger vehicle (or the original applicant later owning a larger vehicle) causes it to overhang the footway due to insufficient depth of parking area, in which case, the Council will consider enforcement action and may withdraw the vehicle crossover altogether.
- c. In the case of Blue Badge holders, the same dimensional criteria will generally be applied for the reasons given above. However, if it is not possible to provide a crossing due to insufficient parking space, consideration will be given to a relaxation in the required forecourt depth or the provision of a disabled parking bay directly outside the applicant's property or as close to it as possible.
- d. The desirable width for new vehicle crossings is 4.5 metres in total (measured along the kerb line), made up of two 0.9 metre ramp kerbs, and a length of 2.7 metres of dropped kerb. This width is required to accommodate the safe movements of a standard sized vehicle gaining access to and exiting from the property across the public highway. This is a standard width and should be employed wherever possible. In exceptional circumstances, such as highway layout constraints, this width can be reduced to 4.2 metres in total (2.4 metres of dropped kerb) owing to site constraints and the absence of any other practical solutions. In exceptional circumstances dropped crossing widths can also exceed over 4.5 metres in total. Such cases will be reviewed in terms of practicality, merit, and existing site features.

3.11 Drainage

- 3.11.1 It is the responsibility of the applicant to provide adequate drainage for surface water, so that it does not fall or flow on to the highway, as required by Section 163 of the Highways Act 1980. The application may be refused if adequate surface water drainage is not provided. Water must not flow from the property directly onto the public highway and must drain onto a garden area or into a drainage channel. Every step will be taken to ensure that surface water does not flow into the property from the highway because of the construction of the crossover. An application for the extension of an existing crossover must comply with the criteria for a new crossover in relation to hardstanding and drainage.

3.12 Highway Siting

- 3.12.1 A crossing application will not be approved if it is located within 10 metres of a junction due to highway safety concerns. A crossing application will not be approved if its presence has an adverse effect upon the operation and safety of a width restriction, traffic island, pedestrian refuge, pinch point; or within the zig zags of a Zebra, Pelican, Puffin, Toucan or Pegasus crossing; or on a street with a posted limit of 40 miles per hour or more.
- 3.12.2 If the vehicle crossing is near a bus stop, with the footway being block paved, the application will likely be refused. Vehicle crossings will be assessed by Officers if the property is within a turning area. If the vehicle crossing crosses a third party's property, then officers will require consultation to be carried out to engage with the residents (or owner if the resident is a tenant of the property) of these properties.

- 3.12.3 Vehicle crossings shall be sited no closer than 2.7 metres from an existing crossing. This distance is taken from the flat section of kerb of the existing crossing to the flat section of kerb of the proposed crossing (this distance being the equivalent of three standard kerb lengths). If this distance cannot be achieved, then the crossing will join to the existing crossing at the applicants' expense.
- 3.12.4 Applications which do not meet one or more of the conditions will be refused, regardless of whether there are neighbouring properties with existing vehicle crossings.

3.13 Trees

- 3.13.1 Where an application for a crossing is in the vicinity of an existing highway tree, the Council will consider the effect of the crossing installation on the tree.
- 3.13.2 The Council will usually refuse an application for a vehicle crossing if the application involves the removal of a highway tree. However, depending on an Arboriculture Officer's report, the removal of a tree may be approved where its existing condition gives rise to public health and safety concerns, or it is of such size that a semi-mature replacement can be planted nearby with minimal impact on the appearance of the street-scene. Recently planted saplings (less than 2 years of age) may be re-sited with no further approvals. All costs associated with the assessment and removal / relocation of trees will be borne by the applicant.
- 3.13.3 The precautionary area is the area within which harm could be caused to the tree by excavation and is defined in the National Joint Utilities Guidelines as four times the girth of the tree measured at 1.5m above ground level.
- 3.13.4 If the applicant has a tree or other asset that needs removing or relocating, then further guidance from the relevant department/service will be sought and any adverse costs incurred will be the responsibility of the applicant. In some instances the tree may be deteriorating or dead. In these instances, the value remains in the tree pit itself (i.e. the carbon and amenity value potential of a new tree), and Havering will seek to replace the tree. As such, a dead or dying tree does not indicate any greater possibility of removal to enable a crossover installation.

3.14 Streetlamps

- 3.14.1 Any vehicle crossing application which requires the relocation of a lamp column will be passed to the Council's street lighting team to consider. The minimum distance between the crossing and the lamp column, from the lower part of the transition kerb should be 1.5m, if placed at the front of the footway. The unit should not be re-located beyond the projected boundaries of the property.
- 3.14.2 The maximum distance a lamp column can be moved is 4.0m from the middle point between the two nearest lighting units, (to maintain an even light spread). Units will be re-located to the rear of the footway whenever possible, to reduce potential future vehicle damage, unless the lamp column also offers an electric vehicle charging point.
- 3.14.3 The applicant will be contacted giving an estimate of the total cost of the vehicle crossing, including the relocation of the lamp column if relocation is possible, otherwise the application will be refused.

3.15 Parking Bays

- 3.15.1 Any footway parking bays (either 'two wheels up' or 'four wheels up') will be removed once a vehicle crossing has been installed.

3.16 Statutory Undertakers' Apparatus

- 3.16.1 Following site inspection, the Council will obtain details of any Statutory Undertakers and Street Works Licence holders' apparatus in the proposed vehicle crossing location. The Highway Authority will issue the details of any apparatus to the applicant.
- 3.16.2 Where an application involves the alteration of Statutory Undertakers' apparatus, and where a payment is required for its alteration, such costs will be passed on to the applicant as they are responsible for these costs. Examples of this include C.A.T.V and B.T boxes, electricity covers, fire hydrant covers, cabinets and Water company boxes, etc.

- 3.16.3 Vehicle crossings will be sited no closer than 0.45m (18") from the base of any telegraph pole, C.A.T.V or B.T. cabinet, or other street furniture sited on the footway.

3.17 Existing Vehicular Access

- 3.17.1 Where a property already has a reasonable alternative means of rear or side access, an application for a new vehicle crossing should be refused. New crossings must be sited at least 2.7 metres away from existing crossings. Where an existing shared crossing serves two properties, an extension may be allowed. Ideally this would be an extension of 7.2 metres offset equally between both properties. In certain circumstances it may be necessary to increase or decrease this width dependent upon existing site features.

3.18 Controlled Parking Zones (CPZ's) and On Street Parking Stress

- 3.18.1 The Council generally refuses applications which would result in the loss of on street parking or the functionality of on street parking bays within a current CPZ or an area formally agreed to become a CPZ. Where it is agreed to allow a crossing, the fee quotation will include the costs incurred by the Council in amending the restrictions relating to the scheme. Some areas of the borough experience high levels of on street parking stress even though they are not contained within an existing CPZ. The assessment of new or extended crossovers will therefore consider the impact of parking stress and if it is deemed that the introduction of a new facility would result in an unacceptable loss of kerbside parking – i.e., put other residents at inconvenience or negatively impact nearby roads - then the application may be refused.

3.19 Materials

- 3.19.1 Vehicle crossings may be constructed in either asphalt or concrete for the full width of the footway and should be in keeping with the characteristics of the existing road. However, in Conservation Areas or close to Listed Buildings materials will be chosen in consultation with the Council's Conservation Officer, again in keeping with the characteristics of the existing road. These will be at the cost of the applicant.
- 3.19.2 In cases where access to the applicant's property is required over a grass verge, the crossing will be constructed in permeable hard-standing materials to preserve the appearance of the verge area as far as possible. However, the Council cannot guarantee matching materials for the verge and crossing. The decision regarding the materials used will be taken by the Council.

3.20 Fees

- 3.20.1 All fees associated with vehicle crossings can be found in the 'Highway Services List of Current Charges, found [here](#). The application fee includes a maximum of three site visits; at least one is to assess the application and, if approved, a second will be to carry out a works check if these are required to meet the criteria. If any more than three site visits are required, these will be chargeable.
- 3.20.2 Quotes are valid for a period of three months from the date they are issued. Beyond this period the applicant will be required to resubmit an application which will be subject to a revised quote against current policy and assessment criteria and the assessment fee will be charged again.

3.21 Refused Applications and Appeals

- 3.21.1 Where applications do not conform to the policy criteria, applicants will be informed in writing of the reasons for refusal. Appeals can be made through the Council's complaints process. Details of the Council's complaints process can be found on the London Borough of Havering website, which can be found [here](#).

4. Monitoring and review

- 4.1 The Council will review this policy in light of developing practice, guidance and changing legislation as necessary and in any event every three years. The Head of Highways, Traffic and Parking will be responsible for the timely review, update, and dissemination of policy in their service area.



CABINET

Subject Heading:

East Havering Datacentre Campus Update

Cabinet Member:

Councillor Graham Williamson, Cabinet Lead for Regeneration

SLT Lead:

Neil Stubbings

Report Author and contact details:

***Howard Swift, Head of Inclusive Growth
01708 432654
howard.swift@haverling.gov.uk***

Policy context:

The decision supports delivery of the Council's Inclusive Economic Growth Strategy, its Employment and Skills Plan and its Social Value Strategy.

Financial summary:

The proposals discussed in the report could deliver a development premium of £9m, together with a community fund of a further £1.386m per annum, which would be used to resource the realisation of the economic, fiscal, employment and other expected benefits offered by the implementation of the project. There is also the potential for additional business rates to be generated to the council's collection fund from the proposed development.

Is this a Key Decision?

- (a) Expenditure or saving (including anticipated income) of £500,000 or more***
- (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)***
- (c) Significant effect on two or more Wards***

When should this matter be reviewed? November 2023

Reviewing OSC: Places Sub Committee

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

People - Things that matter for residents	<input type="checkbox"/>
Place - A great place to live, work and enjoy	<input checked="" type="checkbox"/>
Resources - A well run Council that delivers for People and Place	<input type="checkbox"/>

SUMMARY

In November 2022, Cabinet considered a report on the East Havering Data Centre Campus opportunity, instructing the Director of Regeneration to progress the initiative. The report seeks to update Cabinet on the progress made in the matter of the proposed inward investment project for the creation of Europe's largest datacentre on a site at East Havering. For the avoidance of doubt, and as stated with the previous report, this update does not seek the predetermination of matters that lie properly within the purview of the Council as Local Planning Authority.

Since November 2022, significant progress has been made in further developing the proposal against the backdrop of emerging national, regional and subregional activity.

Government abandoned its plans to create Investment Zones so the proposal to designate the subject site as such were not successful.

The Council's support for project has given confidence to the developer to progress and enhance the delivery of a low carbon data facility, a centre of research and development concerned with low carbon industry, food production and green energy solutions. In addition, Council support for the initiative has also encouraged potential tenants of the data facility such that the majority of the campus is now reported to have been conditionally pre-let. Consequently, the developer has been able to agree that the proposed development premium of £9m would become payable irrespective of the planning route by which development is permitted. This could be used to resource the realisation of the economic, fiscal, employment and other expected benefits offered by the project.

RECOMMENDATIONS

To note the update

REPORT DETAIL

Background

1. In November of 2022, Cabinet was briefed on the inward investment project proposed to be delivered in East Havering for the creation of a carbon-neutral datacentre and associated works on a site of 202 hectares (499 acres) to create new public open space in the form of an ecology park all resulting in the creation of up to 9,900 jobs and an expected income of up to £13.548m

over the then MTFS period to 2025 in Business Rate uplift to the Council. Further, Cabinet resolved to endorse the inclusion of the development as an Investment Zone potentially as part of the Thames Freeport. The report seeks to update Cabinet on the progress made since that time. For the avoidance of doubt, as stated in the previous report, the update does not seek the predetermination of matters which lie properly within the purview of the Council as Local Planning Authority.

2. The Council has been in discussion with a private sector developer, Digital Reef, in the matter of a £5.3bn inward investment project proposed to be located on green belt land in East Havering. This project is a significant national investment opportunity. To give a sense of financial scale, this would be of similar order of magnitude to the original 2008 budget for the London 2012 Olympics (<https://publications.parliament.uk/pa/cm200708/cmselect/cmpubacc/85/85.pdf> - £4.138bn) and would represent 77% of the economic impact of all inbound FDI to the UK in 2021 (<https://www.gov.uk/government/statistics/departments-for-international-trade-inward-investment-results-2021-to-2022/departments-for-international-trade-inward-investment-results-2021-to-2022-html-version> - £7.034bn). Havering can be duly proud to have sustained investment interest through to this stage.
3. The project envisages the creation of Europe's largest datacentre on a site of 202 hectares (499 acres) but with the majority of the site to be opened up as a public access ecology park and research facility in order to deliver the aspiration for the datacentre to be carbon neutral.
4. Cabinet will recall that the proposals' main components would (subject to design refinement) comprise:
 - A maximum 330,000 sq m of Data Centre use – a scale which has a far-reaching potential to underpin Havering, London and UK data capacity and data security
 - 40,000 sq m of intensive, technology-led horticulture use including R&D capacity;
 - 50,000 sq m of battery storage or grid balancing infrastructure;
 - A very substantial green open space, Havering Earth Park, biodiversity area and Discovery/Learning centre open to the public, in excess of 105 ha in area.
5. As the country moves forward post Covid-19 and post-Brexit data infrastructure will be of national significance. The datacentre will support new creative, research and manufacturing opportunities in the UK, supporting a resurgent UK economy. This initiative would support the UK Government's aspirations to kickstart a data revolution across the UK as set out in the Government's National Data Strategy.
6. The digital infrastructure facilities on the site would enable the Borough to support the UK Government's initiative to build on the UK's existing strength

as a leading “digital nation” with aspirations to build the necessary secure infrastructure for the secure provision of “sovereign data” for the UK as set out in the Government’s Digital Strategy.

The Green Economy

7. The datacentre development is proposed to be developed as a carbon-neutral facility and, through a partnership with the University of Leicester, will establish the Earth and Space Sustainability Institute which has as its core purpose the monitoring of agricultural, industrial and other land use activity to improve the sustainability of the planet. It is expected that this can become a nexus for the development of green technology with resultant positive economic impact.
8. Since November, this has developed through the evolution of an Earth Park partnership with the University of Leicester. Earth Monitoring, using satellite and ground sensors, of intensively farmed land conversion to ecology park to understand the improved carbon sequestration over time and create a template for adoption globally. Earth Park will provide an incubation environment to establish and grow new enterprises in this sector at scale.
9. It is proposed that the datacentre campus will enable the opening up of green belt land currently without public access to a new green bio diverse nature reserve fully accessible to the public. The campus is planned to provide environmentally friendly heat recovery systems for low carbon agritech farming. Educational interpretation facilities on site will engage with schools locally.
10. Earth Monitoring, using satellite and ground sensors, of intensively farmed land conversion to ecology park to understand the improved carbon sequestration over time and create a template for adoption globally.
11. To achieve its required green credentials the developers would provide on-site renewable power generation and Battery Grid balancing to minimise power demand from the National Grid. Links will be effected as appropriate to local solar parks to reduce demand further and tree planting using native species and re-wetting of land to create wetland habitat will create an on-site carbon sink.
12. The ecology park and campus would include:
 - Visitors and education centre for local, national and international visitors of all ages.
 - Agritech space using waste heat from the data centre to farm Zero Carbon food at scale, supporting UK food security.
 - Methane monitoring and study of land fill across Havering as a test bed for air quality, green-house gas release and remediation impact and benefits.

- A Living Lab for the Research & development for the Zero Carbon Initiative for both the Zero Carbon Data, Energy and Farm sectors and Earth Monitoring and impact of different land uses.

Energy

13. Digital Reef's £113m 6 year investment in Warley Sub Station and additional grid infrastructure on site will enable the connection of 560MW of Green energy production for other existing grid customers delivering Solar, Wind, Battery and green hydrogen projects within the Borough. The investment at Warley will also create an additional 300-500MW of capacity for future green energy connections all of which will significantly impact the Borough's ambitions to become a leading Green Energy first authority.
14. The facilitation of up to 1,060 MW of green energy production via the site will offset almost double the required energy to run the data centre campus making the campus truly Zero Carbon in Operation delivering the projects Zero Carbon Data ambitions.
15. On site 50,000 sqm of battery storage, green hydrogen production and micro reactors will provide back up for the grid, allowing the storage of green energy at peak supply times to power the data centres and power the production of green hydrogen on site.
16. The cumulative impact of the approach outlined above is a unique approach to data centre campus delivery and will make Havering a global lead in the delivery of a Zero Carbon Digital Future for the UK and the world.
17. The investment from the project into Warley Sub Station also helps to upgrade and green national power infrastructure at a time when electricity infrastructure in other parts of London are well documented to be limited and lacking the capacity to support further economic or housing development (for example in west London, UKPN are not accepting any new applications for power connection until the mid 2030s due to lack of infrastructure)

Abandonment of Investment Zones

18. The site is close to the designated route of the Lower Thames Crossing and lies within the boundary of the Thames Freeport (TFP) although is not currently designated as a Tax Site. With the announcement in 2022 of the Government's plans to establish Investment Zones and having offered to Freeports the scope to convert into investment zones and to add further tax sites, it had been hoped that the Thames Freeport could express interest to convert in this way and to add the East Havering site as an additional Tax Site. Officers of the Council worked with the TFP team to amend the business case which was duly submitted as required by the timetable.
19. With the ministerial changes in November the policy for the creation of Investment Zones was abandoned. An announcement of a replacement

policy is expected imminently. It cannot be known at this time whether any replacement policy will be open the East Havering site, whether it will offer scope for increased business rate retention or if so, the extent to which this might be the case.

Jobs and Skills

20. This initiative has the potential to create up to 9,900 jobs - 2,800 local jobs during the time-limited construction phase of up to 5 years which would bring a substantial skills legacy for subsequent economic benefit, and 7,100 jobs without limit of time going forward. Of the latter, 2,370 jobs are potentially expected be located within Havering either directly, indirectly or induced.
21. To optimise the extent to which local people can take advantage of emerging employment opportunities offer by the datacentre – directly, and indirectly – it is proposed to establish a Skills Development Board that would have as its aim the identification of future skills needs and the resourcing of appropriate and sufficient skills development provision. This would see the bringing together of parties with an interest in both skills supply and demand.

Planning

22. This report is presented in the context of the pursuit of an inward investment enquiry. As such, it does not address and does not purport to address the planning considerations which the proposed Data Centre gives rise. The planning routes for delivery include three main options: the making of a Local Development Order (LDO) by the Council, application by the developer for planning permission in the usual way, and finally, using the Local Plan refresh to designate the subject site for development in the manner proposed followed by the submission of a planning application. Which option is to be pursued is a matter for consideration by the local planning authority, exercising its statutory functions and duties, in discussion with the promoter of the scheme.
23. This report does not address or pre-judge the outcome of the proper planning process. In particular, unless determined otherwise through the planning process, the Development Premium should be considered to have no relevance or bearing to that process. The Premium has not been confirmed as a material consideration by the Local Planning Authority (nor, for the avoidance of doubt, has the planning route by which the proposals will be considered). If the monies are alternatively offered as part of the planning process through a planning obligation (noting that at paragraph 25 below, there is no current legally binding agreement to secure them), the Local Planning Authority has confirmed that compliance with Regulation 122 of The Community Infrastructure Regulations 2010 (as amended) would be required to be demonstrated before these could be taken into account as a reason for granting planning permission.

Development Premium and Benefit Realisation

24. Support for the investment by Cabinet at its November meeting has given confidence to investors and occupiers of the campus and has resulted in the agreement of conditional pre-lets such that the developer is now able to extend the offer to pay a development premium of £9m upon consent being granted. Previously this premium was to become payable only were the LPA to consent development through an LDO. The confirmed pre-lets have allowed the developer to agree to pay the development premium under all other planning routes.
25. The commitment to pay a Development Premium has been received in good faith but at this time is not legally binding. It will become the subject of such an agreement in due course the terms of which will be within scope of the authority delegated to the Director of Regeneration last November in consultation with the s151 Officer, the Monitoring Officer and the Cabinet Lead for Regeneration. The application of the funds will lie entirely in the purview of the Council.
26. This development premium, together with the community fund of a further £1.386m pa, would be used to resource the realisation of the economic, fiscal, employment and other expected benefits offer by the implementation of the project. These would include, but not be limited to, the delivery of physical and economic regeneration within the borough, physical infrastructure, delivery of jobs and training, and establishing Havering at the centre of the delivery of food, agriculture and energy security for the UK, or other priorities identified through the MTFS process.
27. It is mentioned above that the datacentre project value is in scale of a similar order of magnitude to the London 2012 Olympics. That project brought very significant legacy benefits and it is appropriate therefore for the datacentre project to aspire to deliver a similar level of legacy ambition. This is a project that can bring a fundamental step change in the economy of the Borough, the surrounding districts, the sub-region and nationally. It would be intended that the development premium could be applied to secure this delivery legacy by unlocking opportunities such as a much-needed north-south road and public transport link, the beginnings of a district heating network to deliver sustainable zero carbon energy to local homes, and resources to bring to fruition the ambitions of the nascent Skills Development Board. Alongside this the premium could be used to build a local entrepreneurial ecosystem to leverage the development of low carbon products and services with the associated creation of high value employment opportunities.

Integration with Broader Regional Narrative

28. The investment has positioned itself at the heart of a wider green energy ecosystem for the Thames Freeport. This East Havering project will be supported by a number of additional initiatives across the region that Digital

Reef are currently developing with various partners. These initiatives will have a substantial and very real impact on national energy, data and food security:

- Waste to energy proposal on landfill South of Rainham at Launders Lane, Veolia site where landfill and waste is converted to green energy using gasifier technology.
- Opportunity to create green hydrogen, biofuels and products like builders aggregates whilst remediating land which can be used for community use, vertical farming/greenhouses, advanced manufacturing for the green economy. Vertical farming alone offers the scope for increasing agricultural productivity increases of 10-20%.
- CEME - to focus on being R&D, testing and innovation campus for green energy and the circular economy focusing on digital and zero carbon energy infrastructure.
- Opportunity to bring Digital Space Futures connected to ambitions for DSF at Space Park Leicester and DSF North in Cumbria. Ford Forecourt - plan to connect the hydrogen cluster to Ford Dagenham Forecourt of the future proposals and a hydrogen filling station by the Lower Thames Crossing (which runs to the South of the site)
- Land around CEME and Ford - advanced manufacturing cluster for the zero carbon economy
- Havering at the centre of the Thames Freeport and Thames Estuary decarbonisation plans and hydrogen ambitions linking in with Port of Tilbury, DP World and the wider estuary.
- Support ambitions for the region for the creative sector and film studios promoting a Zero Carbon Futures for the film industry.

Recommendation

29. Cabinet is recommend to note this update report.

IMPLICATIONS AND RISKS

Financial implications and risks:

The report outlines the potential opportunities for the borough from this development, including the realisation of the economic, fiscal, employment and other expected benefits.

The receipt of the development premium and the community fund would come to the council and the work to date has established that these sums will be paid under all the agreement options discussed in the report, with the difference being the profiles of the receipts to match the time lines of each.

The impact on the business rates that would be received and retained by the council is still very much an estimate based on the current 30% retention system and the estimated valuations to hand. There is also the risk that the business rates system itself could be overhauled with any review of the local government funding regime.

Any implications of the revised policy to replace the abandoned Investment Zones scheme will be established once the details have been fully assessed and scoped. There is a considerable amount of work still to be done to achieve this and requires the Council's interests and the business interests of the private sector company to remain aligned.

Legal implications and risks:

There are no legal risks of accepting the recommendation to note the report.

The Assistant Director of Planning and the Local Planning Authority will determine the appropriate planning route for this proposal as part of a separate process.

Human Resources implications and risks:

Acceptance of the recommendation to note the report will not bring additional implications beyond those previously commented upon; that the project will result in the allocation of substantial people resource in supporting the advancement of the subject project. It is expected that the cost of this additional or displaced resource will be met by the developer. It remains the case that the impact of the recommendation on the Council's directly employed workforce can be taken to be neutral.

Equalities implications and risks:

It is considered that an Equalities Assessment is not necessary at this stage as any impact of the recommendation – positive or negative – will be equally felt by those

with protected characteristics as by those without. In general, impacts are expected to be positive and expected to be experienced no less beneficially by those with protected characteristics.

Health and Wellbeing implications and Risks

The project, if it were to proceed, the opportunity for which the recommendation only holds open rather than guarantees, would have a positive impact as follows:

- An individual's behaviour and lifestyle such as diet, and exercise – through the availability locally grown produce and access to public open space.
- Mental health and wellbeing - through the availability access to public open space.
- Access to, and quality of, education or other training opportunities – available to employees on site, in the supply chain and in the entrepreneurial ecosystem around the datacentre and the ecology park
- Employment, income, opportunities for economic development
- Access to green space, and opportunities to be active
- Ability to access health and social care services – potentially through access to emerging remote health monitoring technologies

At this stage, it can be confirmed that were the subject investment to proceed, protocols would be established to optimise these positive outcomes for the whole Havering community. A Health Impact Assessment would be required as part of the planning process, through which a full consideration of the issues would be undertaken.

Environmental and Climate Change Implications and Risks

The recommendation to note the report does not consequentially bring additional direct environmental or climate change impact. Should the project proceed, a full environmental impact assessment would be required. Collateral benefits could also include investment in monitoring technology that would itself allow for broader positive change to be effected.

BACKGROUND PAPERS

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