



CABINET

7.00 pm	Wednesday 12 August 2026	Council Chamber - Town Hall
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Members 9: Quorum 3

Councillor Keith Prince (Leader of the Council), Chairman

Cabinet Member responsibility:

Councillor Sue Benjamins (Vice-Chair)

Deputy Leader, Cabinet Member, Finance

Councillor Terry Brown

Cabinet Member, Planning & Public Protection

Councillor Martynas Cekavicius

Cabinet Member, Public Realm

Councillor Graham Day

Cabinet Member, Adults & Health Care

Councillor Kevin Gill

Cabinet Member, Children

Councillor Martin Lardner

Cabinet Member, Housing Allocation

Councillor Sean McMahon

Cabinet Member, Customer Services

Councillor Alex Sibley

Cabinet Member, Highways

Councillor Robert Whitton

Cabinet Member, Regeneration

Zena Smith

Head of Committee and Election Services

For information about the meeting please contact:

Bernadette Lynch

e-mail: bernadette.lynch@havering.gov.uk

Please would all Members and officers attending ensure they sit in their allocated seats as this will enable correct identification of participants on the meeting webcast.



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.**

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

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.

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

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:-

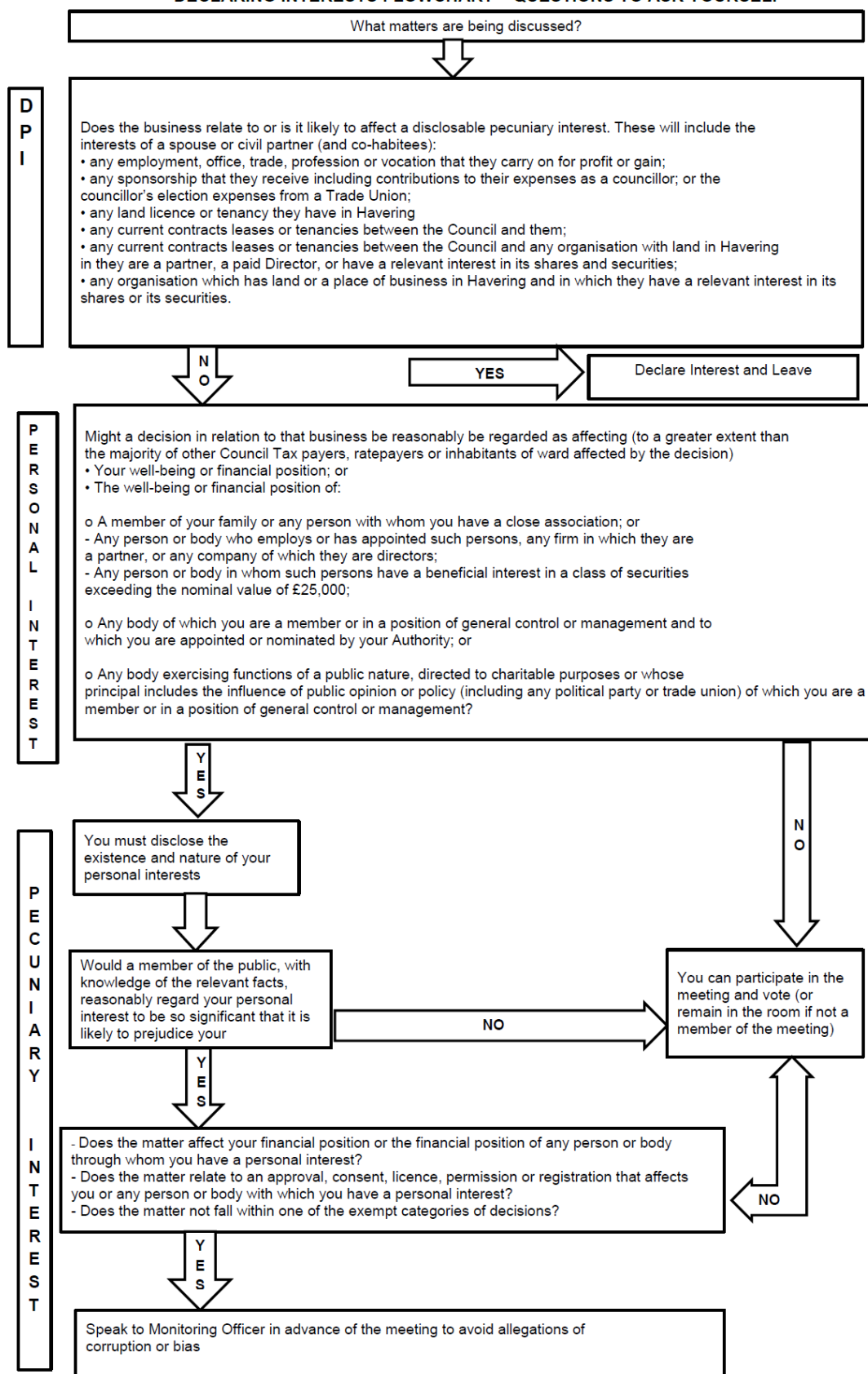
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

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



Principles of conduct in public office

In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member, they are committed to behaving in a manner that is consistent with the following principles to achieve best value for the Borough's residents and to maintain public confidence in the Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

AGENDA

1 ANNOUNCEMENTS

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

If any receive;-

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 7 - 10)

To approve as a correct record the minutes of the meeting held on **8 July 2026** and to authorise the Chair to sign them.

5 AWARD OF CONTRACTS FOR OFSTED REGISTERED PROVISION (Pages 11 - 22)

Report attached.

6 ARNOLD'S FIELD (LAUNDERS LANE) UPDATE (Pages 23 - 40)

Report attached.

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MINUTES OF A CABINET MEETING
Council Chamber - Town Hall
Wednesday, 8 July 2026
(7.00 - 7.55 pm)

Present:

Councillor Keith Prince (Leader of the Council), Chairman

	Cabinet Member responsibility:
Councillor Sue Benjamins (Vice-Chair)	Deputy Leader, Cabinet Member, Finance
Councillor Terry Brown	Cabinet Member, Planning & Public Protection
Councillor Martynas Cekavicius	Cabinet Member, Public Realm
Councillor Graham Day	Cabinet Member, Adults & Health Care
Councillor Kevin Gill	Cabinet Member, Children
Councillor Martin Lardner	Cabinet Member, Housing Allocation
Councillor Sean McMahon	Cabinet Member, Customer Services
Councillor Alex Sibley	Cabinet Member, Highways
Councillor Robert Whitton	Cabinet Member, Regeneration

In attendance: Councillor Chris Wilkins (HARA), Councillor Martin Goode (EHRG), Councillor Matt Stanton (LAB)

1 ANNOUNCEMENTS

The Chair outlined the procedures to be followed in the event of a fire alarm or any other emergency requiring the evacuation of the meeting room or the building.

2 APOLOGIES FOR ABSENCE

All members of Cabinet were present.

3 DISCLOSURES OF INTEREST

There were no disclosures of interest.

4 MINUTES

On guidance from Officers, Cabinet noted the minutes as a reflection of the decisions made and matters addressed at Cabinet on 11 March 2026 and authorised the Chair to sign them.

5 APPROVAL TO ENTER INTO A S75 AGREEMENT WITH THE NHS NORTH EAST LONDON ICB TO GOVERN THE DELIVERY OF THE BETTER CARE FUND 2026-2027

Report Title: **Approval to enter into a section 75 Agreement with the NHS North East London ICB to govern the delivery of the Better Care Fund 2026-2027**

Presented by: **Councillor Graham Day (Cabinet Member for Adults and Health)**

Summary:

This report seeks approval to enter into a s75 Agreement with the NHS North East London ICB to govern the delivery of the Better Care Fund 2026-2027.

The oversight for this in Havering will be the Health and Wellbeing Board, with delegated authority to the Cabinet Member for Adults and Health and the Strategic Director of People, to undertake monitoring and scrutiny of the operation of the arrangements.

Members were advised that the Better Care Fund supports preventative services designed to promote independence, improve outcomes for residents and reduce pressures on hospital and long-term care services. Key priorities include hospital discharge, reablement, domiciliary care, residential and nursing care, support for carers, assistive technology and wider community-based services.

During discussion, Members queried the effectiveness of the neighbourhood model, funding pressures and anticipated savings. It was acknowledged that delivery of improved outcomes would require stronger integration between health and social care partners, particularly with local NHS providers. The importance of prevention and early intervention was emphasised as a means of reducing longer-term costs and improving resident outcomes.

Questions were also raised regarding projected savings and the financial contribution from the Council. Officers confirmed that the Council's contribution remained consistent with the previous year at approximately £8.4 million and highlighted that the Better Care Fund is intended to facilitate preventative approaches that reduce future expenditure. Members recognised that improvements required to address Care Quality Commission findings would require continued investment and may take time to realise.

Cabinet:

1. **Agreed** to enter into a section 75 agreement with NHS North East London ICB, on the terms and conditions outlined in this report, to govern the delivery of the approved Better Care Fund Plan for Havering for the period 2026/2027.
2. **Delegated** authority to approve the final terms of the proposed section 75 agreement to the Cabinet Member for Adults and Health and the Strategic Director of People.
3. **Delegated** the function of monitoring the implementation and operation of the Better Care Fund and s75 Agreement to the Cabinet Member for Adults and Health.
4. **Delegated** authority for all necessary decisions with respect to the implementation and operation of all matters relating to the Better Care Fund and section 75 agreement to the Strategic Director of People.

6 COUNCIL REVENUE AND CAPITAL OUTTURN REPORT 2025/26

Report Title: Council Revenue and Capital Outturn Report 2025/26

Presented by: Councillor Sue Benjamins (Cabinet Member for Finance)

Summary:

1. Executive Summary
 - 1.1. This Report sets out the revenue outturn position for the Council and includes commentary on the variances to budget by service. The report also includes explanation of mitigating corporate items and explains how the outturn position will be financed.
 - 1.2. The report also sets out the Capital outturn for 2025/26 compared to revised budget and explains the variances and capital achievements against the budget.
 - 1.3. The table included in the report sets out the final revenue outturn position of the Council which is a £37.7m overspend against the original budget without exceptional financial support. This table also provides a comparison to the Period 10 forecast which was submitted to cabinet in March.
 - 1.4. Further details of the reported departmental variances are set out in Section 4 of this report. There are then sections setting out the Corporate position, including Treasury management, HRA and Capital Outturn.

The Cabinet Member for Finance emphasised the administration's commitment to achieving financial sustainability while avoiding reductions in frontline services. It was noted that lower borrowing requirements would

also reduce future interest costs and improve the Council's medium-term financial position. Concerns were raised regarding the timeline for eliminating reliance on Exceptional Financial Support; however, officers advised that further analysis was ongoing and that future progress would depend on both local financial performance and wider government funding arrangements.

Members also discussed:

- Ongoing negotiations with NHS partners to secure appropriate funding contributions towards adult and children's social care services.
- The management and review of earmarked reserves, with officers confirming a strategy to strengthen financial resilience by increasing reserve levels over time.
- Future review of the capital programme and the need to align housing delivery with local demand, particularly for larger family homes.
- The impact of inflation and project reprofiling on future capital delivery.

In response to questions regarding debt recovery, officers confirmed that all proposed debt write-offs had been subject to extensive recovery action and legal processes. Members requested greater transparency, and officers agreed to provide more detailed anonymised information in future reports. Cabinet also expressed support for wider cross-party engagement through the Council's Debt Board.

Cabinet:

1. Councillors **noted** the revenue outturn position for the Council and the financing of the overspend (section 7 of the report).
2. Councillors **approved** the Capital Outturn position for 25/26 as set out in section 9 of this report.
3. Councillors **noted** the outturn position for the Council's earmarked reserves and General balances as set out in section 6 of this report.
4. Councillors **noted** the write off of debt approved by the Strategic Director of Resources as set out in paragraph 5.4.

Chairman



CABINET

12 August 2026

Subject Heading:

Award of contracts for Ofsted-registered provision

Cabinet Member:

Cllr Kevin Gill, Cabinet Member for Children

ELT Lead:

Tara Geere

Report Author and contact details:

Callum Watt,
Callum.watt@havering.gov.uk

Policy context:

This decision is made in the context of the LA's statutory duty under Section 19 of the Education Act 1996 to arrange appropriate full-time education for children of compulsory school age who would not receive it otherwise. The Children and Families Act 2014 sets out the LA's wider duties in relation to children with SEND, many of whom are represented in alternative provision.

Financial summary:

The total value of the three block contracts for Ofsted-registered Alternative Provision running from September 2026 to August 2027 with the option to extend for an additional year is approximately £8.4m, covering 166 places per year across three providers. All expenditure will be met from Havering's allocation of the Dedicated Schools Grant (DSG). No new financial pressures are anticipated as a result of this decision.

Is this a Key Decision?

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

When should this matter be reviewed? July 2027

Reviewing OSC: People Overview & Scrutiny Sub Committee

Objectives

People - Supporting our residents to stay safe and well X

Place - A great place to live, work and enjoy X

Resources - Enabling a resident-focused and resilient Council

SUMMARY

1.

1.1 The purpose of this report is to seek approval to award contracts to three Ofsted-regulated providers of alternative provision that the Council currently use. Two of these providers are multi academy trusts and therefore fall outside the scope of the Procurement Act 2023 (PA23). However, one of the proposed direct awards is to a private school and therefore within the scope of the PA23. Therefore, officers also seek a waiver of the Council's Contract Procedure Rules (CPR) for the award to Koru Independent AP Academy (Academy).

1.2 These alternative provision places are required to safeguard pupils whilst the Council's long-term procurement approach is fully devised and enacted, which is forecasted to be September 2028. With that in mind, it is crucial the Council is able to award these contracts for the academic year beginning September 2026, to ensure that we are able to meet our Section 19 Education Act 1996 duty.

RECOMMENDATIONS

2

Cabinet is recommended to:

1. Approve the waiver of the competitive requirements to tender for this opportunity as set out in 2.2 of Schedule 2 of the Council's Contract Procedure Rules.
2. Agree to direct award individual block contracts to Koru Independent Alternative Provision Academy (Koru), The Bridge (Life Education Trust) (The Bridge) and Olive Academy (Olive) to deliver alternative provision on behalf of the Council for the academic year 26/27 with the option to extend for a further year in 27/28, at a total cost of approximately £8.4m for the two years

REPORT DETAIL

3

3.1 The Council seeks to award three block contracts for the delivery of alternative provision for the academic year 2026/27 with an option extend for a further year to Koru Independent Alternative Provision Academy (approximately 50 places), Olive

Academy (approximately 88 places) and The Bridge, part of the Life Education Trust (approximately 28 places) funded from the Dedicated Schools Grant (DSG).

3.2 These contracts are essential to the Council fulfilling its statutory duty under Section 19 of the Education Act 1996, which requires local authorities to arrange suitable full-time education for children of compulsory school age who would not otherwise receive it, including those who have been permanently excluded and those with Education, Health and Care Plans (EHCPs).

3.3 Schools are required to arrange alternative provision from the sixth day of a suspension; for permanent exclusions, the local authority carries this duty. Failure to secure sufficient alternative provision places will leave the Council at risk of being unable to meet this obligation within statutory timeframes. Over-reliance on spot purchasing leaves the Council exposed, as providers can refuse placements and increase prices in response to demand. Spot purchasing could also result in children being placed in provision of unknown or variable quality or not placed at all within the required timeframe.

Out of borough placements compound this further, introducing higher unit costs, increased travel burdens for pupils, and reduced ability for the Council to monitor quality and respond to safeguarding concerns.

3.4 All three providers are Ofsted-regulated and are currently being used by the Council. They have an established track record of delivering high quality alternative provision to some of our most vulnerable pupils. Historically, all commissioned places have been fully utilised by the end of the academic year, reflecting both the level of need within the borough and the effectiveness of these providers in meeting it. Block contracting on a fixed-place basis ensures that placements can be made immediately as need arises.

3.5 These contracts are being awarded for a period of one year with the option of an additional year extension. The contracts will be direct awarded in compliance with Schedule 5 paragraph 7 of the Procurement Act 2023, on the grounds that not to do so would cause significant disruption to an established arrangement, to the detriment of vulnerable pupils.

3.6 Procurement and commissioning officers are currently devising the procurement strategy for 2027/28 onwards, which will be the subject of a separate governance report, but may need to be extended to 2028/2029 due to procurement timelines and the need to carry sufficient pre-market engagement.

REASONS AND OPTIONS

4 Reasons for the decision:

4.1 The Council has a statutory duty under Section 19 of the Education Act 1996 to ensure that children who are permanently excluded receive suitable full-time education from the sixth day of exclusion. Beyond this, the Council has wider statutory obligations to children with Education, Health and Care Plans (EHCPs) and those with Special Educational Needs and Disabilities (SEND), many of whom require specialist alternative provision to meet the needs specified in their plans under the Children and Families Act 2014.

4.2 Awarding these contracts now ensures continuity of provision for pupils already placed with these providers, avoiding unnecessary disruption to some of our most vulnerable children at a critical point in their education. It also allows providers to plan and resource their provision effectively for the 2026/27 academic year, giving them the financial certainty they need to recruit and retain staff appropriately. With the option to extend, this certainty can be afforded to them again for 2027/28 should the need arise.

4.3 Not awarding these contracts would risk the Council being in breach of its statutory duties, being unable to place children within the required timeframes, and potentially exposing itself to increased costs through reliance on unplanned spot purchasing or high transportation costs for out of borough placements. The one plus one-year nature of these contracts reflects the Council's commitment to undertaking a fully compliant procurement ready for September 2027 but also its awareness that, due to tight procurement and governance deadlines, another year may be required. These measures are to ensure no child is left without suitable provision in the interim.

4.4 To provide assurance regarding value for money and effective use of Alternative Provision (AP), occupancy levels across commissioned provisions are monitored throughout the academic year by the School Admissions, Attendance & Inclusions Service. Whilst vacancies can arise at points during the year due to reintegration, admissions, exclusions and changing pupil circumstances, the overall commissioned model is designed to maintain sufficient capacity to meet fluctuating demand and statutory responsibilities.

4.5 The Local Authority commissions a range of Alternative Provision (AP) placements to fulfil its statutory responsibilities and ensure that children and young people who are unable to access mainstream education receive suitable education and support.

4.6 The commissioned provision includes:

- **Day 6 Education Provision** – commissioned through Olive Academies and Koru Independent School, providing education for Havering resident pupils who have been permanently excluded from school, in accordance with the Local Authority's duties under Section 19 of the Education Act 1996.
- **Medical Needs Provision** – commissioned through The Bridge, providing education for children and young people who are unable to attend school due to physical or mental health needs, ensuring the Local Authority meets its responsibilities under Section 19 of the Education Act 1996 to secure suitable full-time education where a pupil would otherwise be without education.

AP Occupancy Levels 2025/26



Provision	Sep 25	Oct 25	Nov 25	Dec 25	Jan 26	Feb 26	Mar 26	Apr 26	May 26	Jun 26	Jul 26	Sep 26
Koru (50)	24	26	31	34	36	38	39	40	44	46	46	37
Olive Academy (88)	27	31	33	36	37	40	43	42	46	50	50	36
The Bridge (28)	9	10	10	10	12	13	18	19	20	21	21	21

4.7 Key Observations

- Occupancy levels increased steadily throughout the academic year across all commissioned providers, reflecting rising demand for Alternative Provision.
- **Olive Academy** reached full occupancy (50 places) by June 2026 and remained at capacity in July 2026.
- **Koru** occupancy almost doubled during the year, increasing from 24 pupils in September 2025 to 46 pupils in July 2026.
- **The Bridge** showed significant growth in demand for medical needs provision, increasing from 9 pupils in September 2025 to 21 pupils by July 2026.
- The number of pupils carried forward into September 2026 demonstrates continuing demand and provides an indication of future capacity requirements.

4.8 Although occupancy is not expected to remain at 100% throughout the year, maintaining available capacity is essential to enable the Local Authority to respond promptly to statutory duties, including permanent exclusions, pupils unable to access mainstream education due to medical needs, and those requiring urgent intervention to prevent permanent exclusion. Demand for Alternative Provision continues to increase, as shown by the higher number across all three provisions next September compared to the last, and current commissioning arrangements ensure sufficient capacity is available to meet both current and projected need, whilst reducing reliance on higher-cost spot-purchased placements and supporting better value for money.

5 Other options considered:

5.1 The Council considered three alternative options before recommending the direct award of these block contracts.

5.2 The first option is to not award the contracts at all. This would risk losing the established relationships and reserved capacity with these three providers, who may not be in a position to hold places for the Council without a contractual commitment.

This would leave the Council without sufficient guaranteed alternative provision to meet its statutory duties and would be likely to result in children not being placed within the required statutory timeframes. This would also mean moving and disrupting children already in situ receiving suitable education.

5.3 The second option is to rely on spot purchasing. Whilst this would provide some flexibility, it offers no guarantee of availability, particularly at short notice. Spot purchasing also typically attracts higher costs and provides no assurance that suitable places will be available when needed. Given that the Council has historically utilised all commissioned places, spot purchasing alone would be insufficient to meet demand.

5.4 The third option is to undertake a full competitive procurement now. Whilst this is the Council's long-term intention, there is insufficient time to design and complete a compliant procurement process before the start of the 2026/27 academic year. Not awarding contracts at this stage would risk a gap in provision and disrupt both current placements and the Council's ability to meet its Section 19 duty. A compliant procurement is being developed.

IMPLICATIONS AND RISKS

6 Financial implications and risks:

Revenue implications

6.1 The proposed decision is to award block contracts for 166 Ofsted-regulated Alternative Provision (AP) places for the 2026/27 academic year, with an option to extend for a further year.

6.2 The total contract value over the potential **two-year term is approximately £8.4m**, with all expenditure to be **funded from the Dedicated Schools Grant (DSG) High Needs Block**.

6.3 The commissioning of block places provides greater financial certainty and value for money than reliance on spot purchasing arrangements. Securing guaranteed capacity enables the Council to meet its statutory duties while mitigating the risk of higher-cost emergency placements, provider price premiums and increased transport costs associated with out-of-borough provision. Historical utilisation demonstrates that all commissioned places have been fully occupied during the academic year, providing assurance that the contracted capacity reflects established demand.

6.4 The expenditure associated with these contracts has been incorporated within the existing High Needs Block financial planning assumptions and therefore does not create a new budget pressure.

6.5 However, it should be recognised that the DSG High Needs Block continues to operate within a structurally challenging funding environment, where increases in demand and the complexity of need have consistently outpaced funding received from the DfE. As a result, the Council continues to carry a significant cumulative DSG deficit, with an in-year forecasted deficit in the region of £44m-£50m during 2026/27.

6.6 Whilst these contracts do not increase that underlying deficit position, they represent essential expenditure required to discharge the Council's statutory responsibilities under Section 19 of the Education Act 1996. Failure to secure these arrangements would expose the Council to both statutory compliance risks and potentially higher financial costs through unplanned spot purchasing, greater use of independent providers and additional home-to-school transport expenditure.

6.7 The proposed block arrangements also deliver economies of scale through agreed pricing and reserved capacity with established providers that are integrated within Havering's local SEND and Alternative Provision system.

6.8 Maintaining these partnerships reduces the likelihood of premium charges that are commonly associated with ad hoc placements and providers operating outside the Council's commissioning framework.

6.9 The approach is consistent with the Council's wider SEND Reform Plan, which seeks to strengthen local inclusion, expand local provision and reduce reliance on high-cost independent and out-of-borough placements over the medium term.

6.10 The Reform Plan identifies improved commissioning, investment in local capacity and earlier intervention as key mechanisms for stabilising High Needs expenditure and improving value for money, with a strategic shift towards prevention and locally commissioned provision. The continuation of these block contracts provides an important element of that transition while the Council develops and implements its longer-term procurement and sufficiency strategy.

6.11 Although future SEND reforms and investment in Inclusion Bases, local specialist provision and enhanced early intervention are expected to reduce demand for higher-cost placements over time, these benefits will be realised progressively. In the interim, maintaining sufficient local alternative provision capacity remains financially prudent and operationally necessary.

Capital Implications

6.12 There are no capital implications arising from this decision.

7 Legal implications and risks:

7.1 The Council has a duty under s19 of the Education Act to '*make provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them*'. The proposed award of contracts ensure the Council comply with duty.

7.2 The Council has the power to award the contracts through section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions, or through its general power of competence in section 1 of the Localism Act 2011 to do anything that individuals generally may do. There are limitations on the general power of competence, but the limitations do not apply to this decision.

7.3 The value of each contract ranges between £700k and £1.3m per annum, which individually are above the threshold for light touch services under the Procurement Act 2023 (PA23). Therefore, any award must be compliant with PA23. The proposed contracts are to be awarded in compliance with section 41 and Schedule 5, para 7 PA23.

7.4 The award must also comply with the Council's Contract Procedure Rules (CPR). The CPR do not permit a direct award in these circumstances therefore officers are seeking a waiver.

7.5 Prior to the award of the contract, the Council must publish a transparency notice as well as contract award and contract details notices and follow a standstill period.

8 Human Resources implications and risks:

8.1 The recommendations made in this report do not give rise to any human resources implications or risks.

9 Equalities implications and risks:

9.1 The decision to award these block contracts for Alternative Provision has a positive equalities impact. The pupils who access alternative provision are among the most vulnerable in the borough and are disproportionately likely to have protected characteristics including disability, and to experience socio-economic disadvantage and poor health and wellbeing. Ensuring that sufficient, high-quality provision is in place directly advances equality of opportunity for these children by enabling them to access education that meets their individual needs.

9.2 Children placed in alternative provision frequently have Special Educational Needs and Disabilities (SEND), including those with Education, Health and Care Plans. Many are also from disadvantaged socio-economic backgrounds. The block contracts ensure that these children have continuity of access to provision that is tailored to their needs, which mitigates the risk of educational disadvantage being compounded by a gap in provision.

9.3 Not awarding these contracts would have a disproportionately negative impact on pupils with protected characteristics, particularly those with disabilities and SEND, who are most reliant on specialist alternative provision.

9.4 Given that this is a one-year contract award to existing providers with an established track record of serving this cohort, and that the decision positively advances equality of opportunity, I would suggest it is not.

9.5 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.

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

9.7 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.

9.8 An EqHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion, this isn't required. Those impacts are outlined above.

9.9 The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

9.10 There are not equalities and social inclusion implications and risks associated with this decision

10 Health and Wellbeing implications and Risks

10.1 Havering Council are committed to protecting and promoting the health and wellbeing of residents.

10.2 There are no health and wellbeing implications related directly to the recommended decision to waive the Council's contract procedure rules to enable direct award of contracts for the delivery of alternative provision.

10.3 Ensuring that the necessary contractual arrangements are in place to enable continued delivery of alternative provision will have a positive impact on the health

and wellbeing of some of the borough's most vulnerable children and young people.

10.4 Children who are permanently excluded or unable to access mainstream education are at significant risk of poor health and wellbeing outcomes. Without suitable alternative provision, they are more likely to experience social isolation, deteriorating mental health, and disengagement from education and wider society.

10.5 Many of the pupils who access these three providers will have experienced adverse childhood experiences, and a number will have identified SEND needs including Social, Emotional and Mental Health (SEMH) difficulties.

10.6 Alternative provision ensures that children remain in a structured educational environment, which directly supports their mental health and emotional wellbeing, reduces isolation and provides access to the support networks and professional relationships that are protective measures against further harm. Conversely, not awarding these contracts risks children spending extended periods outside of education, which evidence consistently links to poorer long-term health outcomes, increased risk of involvement in anti-social behaviour, and greater likelihood of economic disadvantage in adulthood.

10.7 The proposal positively supports the Council's Health and Wellbeing Strategy by addressing wider health determinants, including access to education and reducing the impact of adverse childhood experiences on our most vulnerable residents.

11 ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

11.1 There are no risks related to environmental and climate factors associated with this decision.

BACKGROUND PAPERS

None

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CABINET

12th August 2026

Subject Heading:	Arnold's Field (Launders Lane) Update
Cabinet Member:	Councillor Keith Prince, Leader of the Council
ELT Lead:	Helen Oakerbee, Director of Planning and Public Protection
Report Author contact details:	Ron Belgrave, 01708-434463 ron.belgrave@havering.gov.uk
Policy context:	Public Protection and Public Health. Following the landowner's failure to facilitate voluntary works to stop the fires/smoke/pollution from his "Contaminated Land" site (Arnold's Field), legal action and other steps will need to be taken to protect the health and quality of life of local residents.
Financial summary:	Council expenditure may be needed if the Council is required to use its "Step In" powers to carry out the necessary "Works in Default" if the relevant appropriate persons fail to comply with the Remediation Notice. However, depending on the course of legal action on enforcement of that Notice, it is currently unclear whether that spend, if necessary, would be in 2026/27, 2027/28 or 2028/29. The sum that may be required is initially estimated to be up to £200,000 but is subject to further analysis of the site.
Is this a Key Decision?	Yes – Although only materially affecting one Ward, the significant impact on the community is thought to merit this matter being taken as a Key Decision for maximum transparency.
When should this matter be reviewed?	August 2027
Reviewing OSC	Place Overview & Scrutiny Sub-Committee

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

People - Supporting our residents to stay safe and well	✓
Place - A great place to live, work and enjoy	✓
Resources - Enabling a resident-focused and resilient Council	

SUMMARY

Following the determination, in October 2025, of the Arnold's Field site as "contaminated land" (under Part 2A of the Environmental Protection Act) the Council renewed discussions with the current landowner with a view to seeking a voluntary arrangement to remediate the site – to stop the fires/smoke that were causing harm to the health of local residents.

These discussions were around the proposals (based on the recommendations from research and expert advice) that a cost-effective cement polymer covering (CPC) be placed on key areas of the site to stop or significantly reduce the fires.

As agreed by Cabinet in January 2026, this CPC work would have been procured and paid for by the Council in order to stop or significantly reduce the fires before the 2026 summer fire season.

However, at the end of March 2026, at the last deadline for issuing the final procurement tender documents, the landowner withheld permission for the CPC work and said that he had an alternative proposal which he wanted the Council to pay for instead.

The landowner had mentioned his alternative works proposal ("waste removal") proposal in October 2025 and had promised then to provide details. Although some information was later supplied in April 2026, there were insufficient details to warrant support from public funds. Despite repeated requests up until May 2026, the necessary details were not provided.

Having then exhausted the statutorily required process of voluntary remediation, the Council then began the process of taking further legal and specialist advice and preparing a Remediation Notice requiring that specific action be taken by named persons and entities. The process to reach the point of serving the Notice is continuing.

The process ran alongside bringing the new Council administration up to speed on the issues following the local government elections in May 2026.

However, due to the delays, absence of details and withholding of permission by the current landowner, as no Council-procured or funded works took place to stop the fires for the start of the 2026 season, the previous Cabinet approval (January 2026) of funds for that purpose has lapsed. This new report asks Cabinet to note that a Remediation Notice is being prepared whose aim is now to stop (or significantly reduce) the fires, and consequent harm to residents, in advance of the 2027 fire season.

This report also seeks Cabinet approval to delegate, jointly to the Strategic Director of Place and the Strategic Director of Resources, the authority to decide when to spend any sums (to the limit agreed) that may be necessary – in the event of non-compliance with that Remediation Notice – if the Council has to "step in" and carry out the "works in default".

However, it should be noted that – due to the necessary steps required under the law (including the course of any appeal(s) lodged by the different parties to any Notice) – it may be two or three years before the “step in” point is reached and so there may be two or three more years of fires before the works are done.

In addition, due to the more recent fires that took place at the site (including on 14 July 2026) covering a wider area than anticipated and the consequent need to analyse whether this (or other fires over the summer) might be principally grass wildfires rather than waste wildfires or whether some other shift may have occurred, further assessment of the situation will be conducted during the summer to assist in refining the remediation required at the site. The intention is then to report to Cabinet in October 2026 on progress with the Remediation Notice.

Should it become apparent, in due course, that the Council may need to step in and conduct the required works in default, a further report would be brought forward to Cabinet to address the matter, including if any expenditure is required above £200,000.

Lobbying of Government will continue in order to seek improvements in legislation to facilitate swifter pragmatic action by authorities to address similar sites in future. Lobbying will also continue to seek support (financial and otherwise) from the Environment Agency, DEFRA and the GLA to address the situation at Arnold’s Field – especially as the Environment Agency, under the auspices of DEFRA, is clearing up other sites (smaller than Arnold’s Field) across the country.

RECOMMENDATIONS

Cabinet Members are requested to note that:

1. Once land has been determined as “contaminated land”, the Council must, by law, consider how that land should be remediated and, where appropriate, it must issue a Remediation Notice to require such remediation.
2. Following due consideration, a Remediation Notice is being prepared for serving (after further analysis of recent fires) on the appropriate persons/entities as specified in the law in relation to the “contaminated land” at Arnold’s Field.
3. The Notice would require the appropriate persons to address the smoke pollution (significant contaminant linkage) from the site – which arises from fires due to the combustion of waste both on the surface and the subsurface of the land – by carrying out specific remediation (installing a covering on select areas of the site) with all works to be completed within a set timescale.
4. Failure to comply with the Notice could lead to the above persons being fined and could also lead to the Council carrying out the necessary “works in default” (chargeable to the above persons) under the Council’s “step in” powers.
5. Whilst all efforts would be made to move as speedily as possible, the course of legal proceedings (including any appeals and enforcement etc.) may mean that the works (in default) may not take place for another two to three years and so there may be a further two to three years of fires, smoke and harm to health.

It is recommended that Cabinet Members agree:

6. To delegate, to the Strategic Director of Place in conjunction with the Strategic Director for Resources, authority to:
 - a. exercise, if necessary and at the appropriate point in time, the Council's "Step In" powers to execute any required "Works In Default" in line with the Remediation Notice; AND
 - b. utilise Council funds of up to £200,000 for these purposes.

REPORT DETAIL

Background

1. Arnold's Field on Launders Lane, Rainham, RM13 9FL (the "Site") is a former legal landfill (1960s/70s) that is privately owned. Two substantive reports about the site have previously been considered by Cabinet in September 2025 and January 2026.
2. Between circa 2002/03 and 2009/10, excess material (albeit likely inert) was deposited onto the site – in breach of planning permission – and was subject to enforcement action by the Council. A subsequent appeal against the Enforcement Notice was dismissed by the Planning Inspectorate.
3. Between circa 2010/11 and 2014/15, around 50,000 cubic metres (based on Environment Agency estimates) of waste was illegally dumped onto the site. That dumped waste (including hazardous and non-inert material), combined with the site not being managed in the manner of an authorised landfill, is the root cause of the present ongoing fires (since 2018) and smoke which have become a hazard to the health of local residents and the resultant formal determination of the site as "contaminated land" under the Environmental Protection Act.
4. In addition, due to that significant illegal fly-tipping (plus firearms storage and drug cultivation) on the site, the Police and Environment Agency conducted investigations and prosecutions between 2011 and 2017 resulting in convictions and custodial sentences in 2012 and 2019 respectively.
5. The current landowner bought the site via auction in 2017 and approached the Council in 2018 with a view to submitting a planning application to redevelop and remediate the site. Remediation was acknowledged to be required due to the land contamination risks and the magnitude of material to be moved/removed to restore the site contours to the authorised levels (as per the previous planning permissions).
6. Following the volume and concentration of fires in 2022, the Council conducted an intrusive soil investigation at the site in 2023 and commissioned an options

appraisal, in 2024, for capping the site (to stop the fires). In 2022, the Council began monitoring the air quality (smoke / particulate matter [PM_{2.5}] and NO₂) around the site by establishing a “ring” of nodes – primarily towards residential areas – with data accessible to the public. There are currently six monitoring nodes still in place which are expected to continue into the foreseeable future. In 2023, the Council also commissioned specific air pollution monitoring (PAHs, PCBs, VOCs and metals [Lead and Mercury]) for 2023 and 2024.

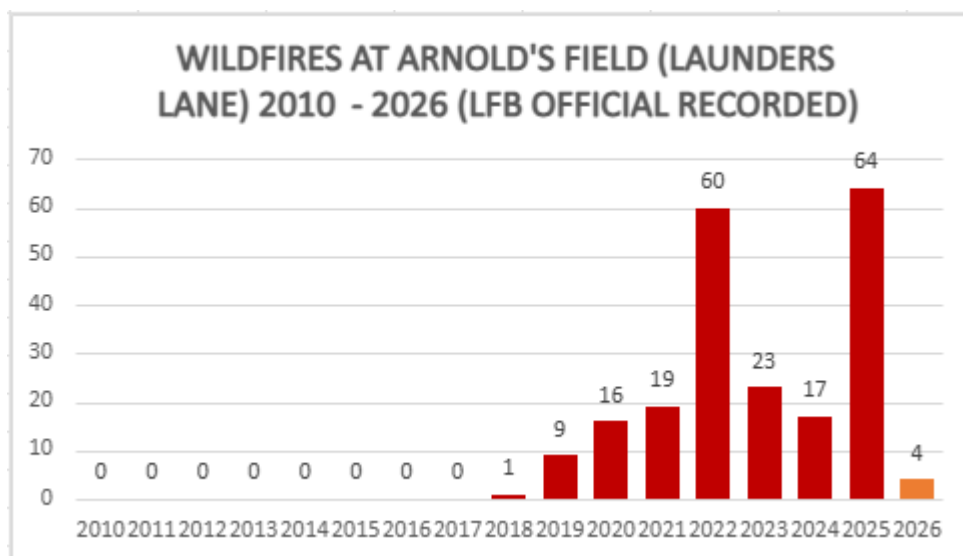
7. Then, in October 2025, the Council formally determined the site as being “contaminated land” within the meaning of Part 2A of the Environmental Protection Act 1990. The key factor in this determination was due to the significant risk of significant harm by the smoke on the health of humans living locally.
8. As a result of the autumn 2025 “contaminated land” determination, it became urgent and necessary to seek to stop (or significantly reduce) the smoke (produced by fires) that causes the adverse effects on human health before the subsequent predicted annual cycle of fires/smoke (expected in the approach to summer 2026).
9. Back in May 2025, following early insights into the outcomes of an options appraisal for “capping” the site, the Council had begun a dialogue with the site landowner with a view to having initial temporary works (cement polymer covering – “CPC”) carried out at the site to stop the fires.
10. The proposed CPC would have involved, in specific areas of the site, an initial clearance of bulky items, followed by light compaction and the laying of around 30cm of inert soil, followed by the spreading (via a hose) of water mixtures of seeds and mulch, then a final thin layer of a polymer strengthened with cement. Whilst vegetation could grow up through the polymer layer, that layer would minimise the amount of oxygen going into the ground and therefore minimise the opportunities for aerobic decomposition, smouldering and combustion of the waste.
11. Note that, of the three options explored for stopping the fires, only one (CPC – albeit a temporary mitigation) appeared to be economically viable and achievable within a timescale to bring a swift halt to, or a substantial reduction in, the smoke from fires at the site.
12. The dialogue took on a more focused impetus in the run up to the contaminated land determination (October 2025) with the aim being for the CPC works to be completed by 30 April 2026. The works would have focused on the areas which were either responsible for most of the fires in the 2025 summer fire season or considered to be the most likely seats of fires in 2026.
13. These works (known as “Phase 1”) were regarded as “initial” due to the possibility that other seats of fire might emerge after the first areas were dealt with; and were also considered as “temporary” due to CPC being significantly

- quicker/cheaper to achieve but not a permanent solution to the fires (it would have needed renewal every few years) and not a full remediation of the site.
14. In January 2026, due to the impact on public health and the need to take all necessary reasonable steps to facilitate the achievement of the works, the Council agreed to make funds available, without prejudice and with no acknowledgement of responsibility for clearing up the wider site, of up to £300,000 for the costs of facilitating and conducting the Phase 1 works.
 15. However, following further detail from the site drone survey results in February and based on provisional costings provided by short-listed works contractors, the actual expected cost of the CPC works (pro-rata to the final specification) was subsequently estimated to be around £170,000 – plus the Council’s overheads.
 16. Discussions continued with the landowner but, just as the March deadline for conducting the full procurement with the potential contractors was reached, the landowner declined to give permission for the CPC works on his private land.
 17. The landowner, since November 2025, had said that he had a preferred works alternative (“waste removal”) and that the necessary details would be provided. Those details were repeatedly requested by officers but were not provided to a satisfactory level to justify the use of public funds to address issues on privately owned land.
 18. It should be noted that the Council had previously looked into matter of waste removal as an option for remediation in the identified areas and found it to be (when done robustly) to be significantly more expensive than CPC. In addition, it should also be noted that waste removal involves digging and so is likely to generate particulate matter and other pollution (both in the air, on the road and across the surrounding area) as well as increased heavy goods traffic and the associated increase in pollution and risk of road traffic accidents. Digging into the site also presents a greater risk of further fires, as oxygen enters the subsurface.
 19. Council officers last met with the landowner on 5 May 2026 in an attempt to secure the necessary details of these alternative works and to ensure that the requirements of public funding support were met. However, as at that date, those required details were still not forthcoming.
 20. Subsequently, the local government elections and the entrance of a new administration to the Council (with the new Cabinet officially came into being at the end of May) meant that a period of time was required to review matters during June. By this time, it was already too late to put a solution in place for summer 2026.
 21. Nevertheless, there is – and has always been – no impediment to the landowner carrying out his preferred alternative works (as long as all regulatory requirements are met) and paying for them himself (ie. without Council funding).

22. After the May 2026 elections, DEFRA wrote to the Council to say that – because it has “contaminated land” – Arnold’s Field would not be included in the Environment Agency’s list of sites of illegally dumped waste to be cleared under their 2026 Waste Crime Action Plan (WCAP). This is despite Arnold’s Field, at 17 hectares and with around 50,000 tonnes of illegally dumped waste, being amongst the largest such sites in the UK, certainly being larger than any of the sites selected by DEFRA as a priority for waste clearance in 2026 and clearly scoring highly using DEFRA’s/EA’s own WCAP criteria.
23. The Council will continue to lobby DEFRA, the Environment Agency and other agencies for the necessary support and changes to legislation required to deal with the challenges faced at Arnold’s Field.

Fires

24. Data from the London Fire Brigade indicates that fires did not start at the site until the end of 2018. The number of fires first increased to double figures in 2020 and first peaked in 2022.
25. The Environmental Health team received the first complaint from the public about smoke in 2019 with six smoke complaints following in 2020 and three in 2021. In response to those complaints, Environmental Health officers visited the site on several occasions in 2020 and 2021 but no smoke was witnessed. However, there were then 34 smoke complaints in 2022 and substantive Council action ensued (as outlined above).



26. Other than a concentration in the summer (i.e. warmer) months, it is difficult to establish a clear pattern to the volume of fires year by year. There were peaks in 2022 and 2025 with the number of fires coinciding with 2022 now holding the record for the highest ever recorded temperature (40.3°C) on a single day in the UK and 2025 holding the record for the hottest year overall in the UK.

27. So far this year (to 15 July 2026) there have only been four recorded fires at the site. Note that, in 2023, all the fires took place in July and August and, in 2024, the vast majority took place in July, August and September.
28. Given the number of heatwaves during June 2026 and the fact that the month was the warmest June on record ever in England, it is surprising that there were no fires at the site in that month. However, in the “non-peak” years of 2020, 2021, 2023 and 2024, there was only one fire throughout June in each of those years.
29. It should be borne in mind that the number of fires recorded by LFB are as a result of fires having been reported (eg. by residents) via a 999 call followed by LFB crews attending the site. Therefore, it is possible that low level smouldering may, in fact, still be occurring but just not reported to and attended by LFB.
30. It has been suggested that the site might have almost "burnt itself out" as regards surface combustible material. With perhaps little new combustible material going onto the site after 2014/15 (and absolutely none after autumn 2024) and the non-vegetative combustible material that had been at the surface now having been significantly consumed, there is the possibility that there may be almost nothing left at the surface left to burn.
31. However, this explanation would not necessarily account for there being so few fires so far in 2026 because, as long as there is sufficient subterranean waste generating heat accompanied by dry vegetation at the surface, there could then still be wildfires using grass as the combustible material which could spread to the waste below the surface.
32. Whilst it could be the case that the subterranean waste has fully degenerated and been largely used up (in relation to its ability to generate heat and smouldering), the uncertainties means that it cannot be assumed that the risk of fires (and therefore the smoke causing the contamination, pollution and harm to local residents' health) has reduced to a negligible level and that the site would no longer qualify as “contaminated land”.
33. Furthermore, even in those previous “non-peak” years with fewer recorded fires, there were still 16-23 fires in each year.
34. Consequently, remedial action must continue to be pursued to address the fires and the matter of the “contaminated land” to ensure that the source-pollution-receiver pathway between the site and residents is broken.
35. The most recent fire, at the time of writing, took place on 14 July. Aerial photography – video, still and thermal (if available) images – are being gathered to see if it can be assessed whether this fire, over a wide and unexpected area of the site, was initiated by the surface or subterranean waste that then spread to the grass/vegetation (in which case the remediation strategy would have to be reviewed) or whether this fire was essentially a grass wildfire similar to other wildfires across the borough in the preceding weeks.

36. That reassessment of what may now be initiating the fires will continue throughout the summer.

Remediation Notice

37. The DEFRA Statutory Guidance on Contaminated Land outlines the requirements, under Part 2A of the Environmental Protection Act 1990, for the steps to be taken following the determination of land as “contaminated land”.
38. One of the key first steps is to engage with “appropriate persons” (e.g. the current landowner, previous landowner and those who dumped the waste) to seek to achieve suitable action, on a voluntary basis, to have the necessary remediation carried out. In the run up to October 2025, it appeared that the previous landowner and those who dumped the waste were not traceable and so discussions were centred on the current landowner.
39. Between the October 2025 determination and May 2026, the Council effected focussed engagement with the current landowner with the aim of securing voluntary action. Those efforts were not successful as the landowner refused permission for the CPC works to be carried out voluntarily and then failed to provide the necessary detail for his alternative proposed works (waste removal).
40. In line with the Cabinet decision of January 2026, either the CPC works would have been funded by the Council, or the alternative works would have received substantive funding from the Council.
41. With the voluntary option not having been fruitful, that obliged the Council to begin preparations for a legally enforceable Remediation Notice. That Notice is being prepared with a view to serving it on the relevant appropriate persons – either the “Class A” persons (the previous landowner at the time of the illegal dumping and three other persons previously convicted of depositing waste illegally on the Arnold’s Field site or, if no “Class A” person can be located, then on a “Class B” person (the current landowner).
42. At the time of writing, efforts are ongoing to trace and locate the Class A persons and no decision on who any Notice might be served on has yet been taken.
43. The purpose of the Notice (as per the EPA 1990) is to ensure that the significant harm caused by the “contaminated land” is prevented, minimised, remedied or mitigated. In the case of Arnold’s Field, that would mean stopping the smoke from affecting the local surrounding area.
44. The law requires that, prior to the serving of any Notice, that all the above “appropriate persons” be identified, located and contacted for the purposes of voluntary discussion and negotiation to stop the contamination. Although some of those persons were located quite quickly, others have been harder to trace.
45. The Notice would require the above persons (whoever is served) to address the smoke pollution (significant contaminant linkage) from the site – which arises

from fires due to the combustion of waste both on the surface and the subsurface of the land – by installing a suitable low-permeability covering on select areas of the site with all works completed by no later than a specified date.

46. It should be noted that – across the 17-hectare site – key areas (as “Phase 1”) were identified for initial remediation. This is because the assessment then available evidence indicated that these areas presented the greatest risk of being the seats of future fires and so would be a reasonable and proportionate action to remedy (entirely or significantly) the contamination.
47. However, as mentioned above, the scale and location of the recent fire on 14 July has prompted a review to confirm whether the previous assessment remains correct.
48. Whilst it is possible that all fires at the site would stop after the Phase 1 remediation has been applied, it is also possible that only a proportion will stop and some fires would continue either in those areas or in other areas within the site. This would be observed under the monitoring requirements of the Notice and, if necessary, further works would be required in the Phase 1 areas or an additional Notice served for further Phases.
49. The Notice would be considered complied with when “the significant contaminant linkage [*i.e. smoke affecting the residents*] is no longer operative”.

Required Works

50. Amongst other things (such as security and monitoring) the current presumption in the draft Notice (pending the assessment review mentioned above) would require the installation and maintenance of a low-permeability cover system across the relevant Phase 1 treatment area. Leaving aside grass wildfires (common across the borough and the rest of the country in hot weather), the particular waste wildfires at the site are caused by oxygen ingress into the fly-tipped waste mass, leading to aerobic decomposition, smouldering, and surface ignition. The cover system is designed to prevent or significantly limit oxygen ingress to the waste mass below, thereby suppressing combustion and breaking the pathway between the waste source and off-site receptors. Based on the research conducted on behalf of the Council, this type of cover system is the most cost-effective approach known.
51. However, if the persons on whom the Notice may be served put forward a feasible and verifiable alternative method of achieving the goal – to break the pathway between the source and receptors (ie. to stop the smoke from the waste fires reaching the residents) – then that may be considered by the Council as effective compliance with the Notice.
52. The current landowner has previously rejected CPC (which is, in effect, a cover system) but also failed to provide sufficient details of his alternative proposal (waste removal).

53. The Council previously looked into the option of waste removal but discounted it on the basis of the significant cost. The landowner indicated that his version of waste removal would have been cheaper due to reducing the disposal costs by removing less waste through “sorting” the waste by hand and eye and leaving non-combustible material on the site. However, insufficient detail and verifiable processes were given by the landowner to achieve the level of assurance needed to justify financial support from public funds.

Potential Costs to the Council

54. The responsibility for carrying out and paying for the required remediation lies with those on whom the Remediation Notice has been served.
55. However, as part of the required discussion/negotiation process and in an effort to protect residents from a further smoke, at Cabinet on 14 January 2026, provision was approved for a maximum sum of up to £300,000 (including Council overheads) to facilitate CPC (or agreed alternative) works that would stop the fires at Arnold’s Field before the 2026 summer fire season.
56. There is no firm definition on when the fire season might be. The core period is often seen as June to August (aka “meteorological summer”). However, the main season can be viewed as being from May to September (where, historically, the vast majority of fires have taken place) or be regarded (e.g. by London Fire Brigade) overall as running from April to October.
57. Nevertheless, as the 2026 season (howsoever defined, including the summer) has already begun and the works have not taken place (with none agreed or known to be planned to take place), by the date of this Cabinet meeting, the “summer” will almost be over.
58. With the 2026 fire season already underway (albeit with relatively few fires to date), the aim for any Remediation Notice now would be to stop the fires prior to the 2027 fire season.
59. In January 2026, the figure of £300,000 was recommended at a time when it was thought that a wider area of the site would need to be addressed for Phase 1. However, the results of the site drone survey then became available in February 2026 and this information was used to more precisely define the area(s) for action. It thus became clear that the combined size of the areas identified for Phase 1 from the drone survey was notably smaller than previously expected.
60. Consequently, based on the median of the estimates received from interested contractors for the larger area, the expected cost of the CPC works alone (excluding Council overheads) was then revised down to £170,000.
61. However, this report does not recommend another round of potential funding for voluntary works.

62. Nevertheless, if any Notice that might be served is ultimately not complied with – even after prosecution and court-imposed fines for non-compliance – then the Council will need to consider using its powers of “Step In” and for the Council to carry out the “Works In Default” in line with the requirements of the Notice. In such circumstances and allowing for potential price rises etc. in the time (up to three years) that it might take to reach that point, it is currently estimated that the costs of the required works would be up to around £200,000.
63. The matter of whether the Council’s costs of such works could be recouped would depend on the particulars of whomsoever the Notice may have been served on.
64. The Council has reached out to the Ministry of Housing, Communities and Local Government (MHCLG), the Department for Environment, Food and Rural Affairs (DEFRA), the Environment Agency and the Greater London Authority (GLA) for potential financial support. However, no financial assistance has, as yet, been forthcoming.
65. Note also that the above costs are in addition to the Council’s ongoing costs (direct and indirect) of addressing the fires at Arnold’s Field. An example is the cost of the continuing air quality monitoring.

Liability

66. Although the overall remediation strategy and remediation schedule (both as part of the Remediation Notice) would be issued by the Council, the liability for any works undertaken at the site lies with the relevant party on whom any Notice was served.

Risks

67. There is a risk that any Notice might be appealed by one of the persons/entities on whom it may be served and that this may result in additional costs and may lead to a delay of some months or years – possibly into the 2027 fire season and the 2027/28 financial year (or beyond).
68. There is also a risk that any Notice may not be complied with and that legal action to enforce the Notice may take a further considerable period of time. That enforcement, whilst possibly leading to fines for the persons/entities concerned, could also result with the Council doing the works itself (“in default”) thereby adding further time. In such circumstances, the Council may be able to recoup its costs depending on the particulars on whomsoever the Notice may be served.
69. There is a further risk that the Notice may be complied with but fires still continue in the identified areas. If so, the Notice would cater for this eventuality and require appropriate action taken. However, if fires then started in other areas, a further Notice would need to be served.

REASONS AND OPTIONS

Reasons for the decision:

The site (Arnold's Field) has been formally identified as contaminated land and so the Council is required, by law, to take steps to seek remediation of the land and to seek resolution of the negative effect on human health in relation to local residents.

If no suitable action is voluntarily taken or agreed by the "Class A" or "Class B" persons, then the Council is required to pursue a Remediation Notice.

Other options considered:

- Do nothing
 - Ensuring that steps are taken to stop the contamination and harm to health is a duty on the Council and so is not a feasible option.
- Provide funds for voluntary works
 - In accordance with the January 2026 Cabinet decision, this option was previously tried but was, in effect, rejected by the current landowner by refusing permission for the CPC works and not providing sufficient details for his waste removal proposal.

IMPLICATIONS AND RISKS

Financial implications and risks:

The report requests Cabinet approval to earmark funding of up to £200,000 as provision for potential Works in Default if the Council must use its Step In powers to remediate the relevant parts of the site in the event of non-compliance with the Remediation Notice. This would come from the Corporate Contingency Fund.

Depending on the timing of the Remediation Notice being served, and the subsequent agreed timeframe to mitigate the fires from occurring and along with any potential appeal, the funding might be required within the next one to three years.

It must be stressed that the requirement in the Notice would not cover the whole 17 hectares but is targeted to where there is a higher perceived risk of fires (Phase 1). The Cabinet Report (September 2025) highlighted that a full permanent solution may cost anywhere between £5m and £10m.

Further funding may be required but this would be by way of a separate decision.

It should be noted that the authority is not accepting any liability of the future costs of the works as we are not the landowner and the costs should be borne by either the original polluters or the current or previous landowner. The authority has received Counsel advice stating that the Council's actions to remediate a particular section does not lead to our acceptance of liability for the wider site.

If a charge, to recover costs incurred for stepping in, is placed by the Council on assets owned by the person(s) whom have had the notice served upon them, then there is a potential option for the authority to enforce a sale to recoup such costs if necessary. However, this can only occur through the appropriate legal process starting with the Remediation Notice being served. It is not possible to place a charge if the Council is voluntarily contributing to an agreed remedial scheme.

Legal implications and risks:

In October 2025 the Council being the relevant enforcing authority for the land at Arnolds Field (Launders Lane) (the "Land") resolved to classify the land as 'Contaminated Land' under the provisions of Part 2A of the Environmental Protection Act 1990 ("EPA 1990").

Contaminated Land is defined in Part 2A of the EPA 1990 as any land which, by reason of substances in, on or under the land, appears to be in such a condition that significant harm to the environment or human health is being caused, or there is a significant possibility of such harm being caused.

Evidence demonstrating a connection between the smoke coming from fires on the Land and adverse health effects for local populations was established.

Where land has been identified as contaminated land, the enforcing authority is under an obligation to serve a remediation notice on the relevant appropriate persons requiring them to remediate the contamination.

The contaminated land regime imposes liability for the remediation of contaminated land on different classes of appropriate persons with the application of complex rules on the exclusion and apportionment of liability.

The enforcing authority can only require remediation that is reasonable, taking into account the cost of the works and the seriousness of the harm. But where served failure to comply with a remediation notice is a criminal offence, punishable by a fine, or imprisonment, or both (section 78M, EPA 1990)

The enforcing authority may also be entitled to step in to carry out the remediation itself, in circumstances that include:

- a) where an appropriate person breaches a remediation notice; or
- b) or where no appropriate person can be found

The enforcing authority may be entitled to recover its reasonable costs when it carries out remediation itself.

Human Resources implications and risks:

There are no known HR implications and risks arising from this report.

Equalities implications and risks:

The burden of poor air quality is unequally distributed. Those living in areas of less socioeconomic advantage not only experience more air pollution on average, but the damage is compounded as residents in less advantaged areas have higher rates of preexisting lung conditions such as asthma and COPD.

Reduced air quality due to environmental pollution is likely to have a greater impact on those with underlying health conditions (particularly respiratory). In addition to socio-economic distribution, such conditions are more likely to be prevalent in the elderly. Young children are also more susceptible to the effects of poor air quality owing to the stage of physical development and respiration rate.

Access to green and blue spaces has a positive effect on mental health and wellbeing. Those with poorer mental health/resilience would be more impacted by a restriction in access to public open spaces.

Residents not being able to use outdoor facilities (such as their gardens or public parks) during warmer weather (particularly school summer holidays) is likely to impact children more significantly (eg. play and development) and less affluent residents or those without private gardens who rely more on public outdoor spaces for recreation.

In addition to the identified impacts, the ongoing pollution events and restricted access to outdoor environments present a range of equalities risks that disproportionately affect vulnerable groups, including disabled residents, older adults, children, pregnant individuals and lower-income households.

The Council recognises that the impacts of ongoing smoke pollution are not experienced equally across the community. Disabled people (particularly those with respiratory or cardiovascular conditions), older people, children, pregnant people, carers, and residents experiencing socio-economic disadvantage are likely to experience disproportionately adverse impacts. To mitigate these risks, the Council will ensure that communications are accessible and inclusive, continue engagement with affected communities and partner agencies, monitor emerging equality impacts, and consider reasonable adjustments where appropriate. In reaching its decision, Cabinet has had due regard to the Public Sector Equality Duty under Section 149 of the Equality Act 2010.

Health and Wellbeing implications and Risks

The significant possibility of significant harm to the health of local residents was a salient factor in the decision-making process to designate the land as Contaminated.

International scientific consensus is that particulate matter, such as that produced by the frequent fires at the site, is harmful to health.

Fires causing frequent but short-lived peaks of particulate air pollution are likely to increase the risk of cardiovascular and respiratory conditions (e.g. heart attack and stroke) amongst those exposed to the increases in pollution. Additionally local data has shown a temporal association between fires occurring at the site and GP attendances by those with pre-existing respiratory conditions in the local population, consistent with an extensive body of international evidence. This work has now been accepted for publication in The Official Journal of the Royal Society for Public Health.

In addition to the potential for continued harm to physical health, continuing resident concern about the fires with no end in sight will have a negative impact on the mental wellbeing of residents if the proposed action to prevent future fires is not taken.

Environment and Climate Change Implications and Risks

Climate change and the resulting increases in extreme weather events (such as drought and heat waves) are likely to increase the number of fires occurring at the site. Repeated fires at the site will increase air pollution of the environment, thereby contributing additional products of combustion (in particular carbon emissions) that contribute to the accumulation of greenhouse gases and subsequent global warming.

Whilst air and water testing has shown that such additional pollution may not have breached any relevant regulatory thresholds, the cumulative impact of such ongoing pollution over several years will be negative. The London Fire Brigade, in responding to multiple repeated fires at this single site, is likely to be using very substantial volumes of water – especially during periods of peak heat and peak likelihood of drought and water shortages. Run-off water from such events is also likely to include several dissolved pollutant compounds that enter the wider ecosystem. Watercourse testing carried out by the Environment Agency to date has not established unacceptable levels of pollution in this regard.

BACKGROUND PAPERS

The background papers relied upon in the preparation of this report are:

- **Cabinet Report – Arnold's Field Works - Contract Award (Phase 1)**
 - Havering Council, 14 January 2026
 - [11.0 Arnolds Field Works - Contract Award Phase 1 - Cabinet 20260114 - final v15.pdf](#)
- **Cabinet Report – Launders Lane (Arnold's Field)**
 - Havering Council, 17 September 2025
 - <https://democracy.havering.gov.uk/documents/s80513/10.0%20Cabinet%20Report%20-%20Launders%20Lane%20Arno>

- **Contaminated Land Determination Record – Arnold's Field**
 - Havering Council, 16 October 2025
 - <https://www.havering.gov.uk/launderslane>
- **EPG Capping Options Appraisal**
 - Environmental Protection Group, 12 September 2025
 - <https://www.havering.gov.uk/launderslane>
- **Havering Time Series Analysis (2018-2023) – Short-Term Respiratory Health Effects of Recurrent Landfill Fires**
 - Official Journal of the Royal Society for Public Health, August 2026
 - <https://www.sciencedirect.com/science/article/pii/S0033350626002465>

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