



CABINET

DATE:	Friday, 10 November 2017
TIME:	10.30 am
VENUE:	Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Stock	- Leader of the Council
Councillor C Guglielmi	- Finance and Corporate Resources Portfolio Holder and Deputy Leader of the Council
Councillor Fairley	- Investment and Growth Portfolio Holder
Councillor Honeywood	- Housing Portfolio Holder
Councillor McWilliams	- Health and Education Portfolio Holder
Councillor Nicholls	- Corporate Enforcement Portfolio Holder
Councillor Skeels (Snr)	- Leisure and Tourism Portfolio Holder
Councillor Talbot	- Environment Portfolio Holder

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For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584.

DATE OF PUBLICATION: WEDNESDAY, 1 NOVEMBER 2017

AGENDA

1 Apologies for Absence

The Cabinet is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting (Pages 1 - 10)

To confirm and sign the minutes of the last meeting of the Cabinet held on Tuesday 5 September 2017.

3 Declarations of Interest

Members are invited to declare any Disclosable Pecuniary Interests, or other interests, and the nature of them, in relation to any item on the agenda.

4 Announcements by the Leader of the Council

The Cabinet is asked to note any announcements made by the Leader of the Council.

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council - Reference from Council - A.1 - Petition: "Say No to plans for Millennium Square, Walton-on-the-Naze - Save our Trees and £90,000 (Pages 11 - 14)

To place before Cabinet, a Petition reported at the meeting of the Council held on 5th September 2017.

7 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership and Partnerships Committee - A.2 - Online Tending Lottery (Pages 15 - 16)

To enable Cabinet to give consideration to comments made to it by the Community Leadership and Partnerships Committee in respect of the above.

8 Matters Referred to the Cabinet by a Committee - Reference from the Corporate Management Committee - A.3 - Waste and Recycling (Pages 17 - 18)

To enable Cabinet to give consideration to recommendations made to it by the Corporate Management Committee in respect of the above.

9 Matters Referred to the Cabinet by a Committee - Reference from the Corporate Management Committee - A.4 - Performance Management - Quarter One (Pages 19 - 20)

To enable Cabinet to give consideration to a comment made to it by the Corporate Management Committee in respect of the above.

10 Matters Referred to the Cabinet by a Committee - Reference from the Corporate Management Committee - A.5 - Corporate Budget Monitoring for the First Quarter of 2017/18 (Pages 21 - 22)

To enable Cabinet to give consideration to a recommendation made to it by the Corporate Management Committee in respect of the above.

11 Matters Referred to the Cabinet by a Committee - Reference from the Corporate Management Committee - A.6 - Long Term Financial Sustainability Plan/Ten Year Forecast (Pages 23 - 24)

To enable Cabinet to give consideration to comments made to it by the Corporate Management Committee in respect of the above.

12 Matters Referred to the Cabinet by a Committee - Reference from the Corporate Management Committee - A.7 - Assets Update (Pages 25 - 28)

To enable Cabinet to give consideration to recommendations made to it by the Corporate Management Committee in respect of the above.

13 Matters Referred to the Cabinet by a Committee - Reference from the Service Development and Delivery Committee - A.8 - Review of Clacton Air Show 2017 (Pages 29 - 30)

To enable Cabinet to give consideration to comments made to it by the Service Development and Delivery Committee in respect of the above.

14 Matters Referred to the Cabinet by a Committee - Reference from the Service Development and Delivery Committee - A.9 - Litter from Fast Food Outlets around the District and on the A120 (Pages 31 - 32)

To enable Cabinet to give consideration to comments made to it by the Service Development and Delivery Committee in respect of the above.

15 Leader of the Council's Items - Joint Report of the Leader of the Council and the Finance and Corporate Services Portfolio Holder - A.10 - Amendments to the Council's Constitution - Financial & Procurement Matters (Pages 33 - 84)

To approve a delegation to the Portfolio Holder for Finance and Corporate Resources and recommend to Council, proposed changes which have been suggested by the Monitoring and Section 151 Officers as part of an annual review of the Constitution.

The main proposals cover a number of miscellaneous amendments to Financial and Procurement matters to reflect changes required to comply with legislation and to ensure the Constitution is both effective and efficient at an operational level.

16 Cabinet Members' Items - Report of the Environment Portfolio Holder - A.11 - Destination Inclusive Play Area, Walton-on-the-Naze (Pages 85 - 144)

- (a) To seek approval for the installation of a destination, inclusive play area on the Bath House Meadow open space, Walton-on-the-Naze based on the design proposed by the selected contractor;
- (b) To seek approval of the Heads of Terms for the Funding Agreement with Essex County Council and use of Section 106 contributions to deliver the project; and
- (c) To delegate further details to officers to facilitate the delivery of the foregoing.

17 Cabinet Members' Items - Report of the Finance and Corporate Services Portfolio Holder - A.12 - Performance Report: July - September 2017 - Quarter Two Report (Pages 145 - 170)

To present the Performance Report for the period July – September 2017 (Q2).

18 Cabinet Members' Items - Report of the Finance and Corporate Services Portfolio Holder - A.13 - Corporate Budget Monitoring Report for the Second Quarter of 2017/18 (Pages 171 - 206)

To provide an overview of the Council's actual financial position against the budget as at the end of September 2017.

19 Cabinet Members' Items - Report of the Health and Education Portfolio Holder - A.14 - Tending Children and Young People's Strategy 2017 - 2020 (Pages 207 - 230)

To present the updated Tending Children and Young People's (C&YP) Strategy 2017 - 2020, including the C&YP Partnership Delivery Plan 2017 – 2018.

20 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.15 The Local Council Tax Support Scheme, Council Tax Exemptions/Discounts for 2018/19 and Annual Minimum Revenue Provision Policy Statement 2018/19 (Pages 231 - 276)

To enable Cabinet to consider and agree for recommending to full Council the following:

- Local Council Tax Support Scheme 2018/19 (including associated exceptional hardship policy);
- Council Tax Exemptions and Discounts 2018/19; and
- Annual MRP Policy Statement for 2018/19.

21 Cabinet Members' Items - Report of the Housing Portfolio Holder - A.16 - Formal Consultation on the future of two Sheltered Housing Schemes (Pages 277 - 290)

To inform Cabinet of the outcome from an initial viability assessment into the Spendells and Honeycroft sheltered housing schemes and seek agreement to commence a formal consultation with residents and affected staff on future proposals for the schemes.

22 Management Team Items

There are none on this occasion.

23 Exclusion of Press and Public

The Cabinet is asked to consider the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 24 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.”

24 Cabinet Members' Items - Report of the Housing Portfolio Holder - B.1 - Land east of Lotus Way, Jaywick, Clacton-on-Sea (Pages 291 - 300)

To provide Cabinet with a progress update on the Jaywick Sands project and note the development of a Starter Homes policy to mirror existing Local Lettings Plan policies.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Essex Hall, Town Hall, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 15 December 2017.

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 24 is likely to be considered in private for the following reason:

The item detailed below will involve the disclosure of exempt information under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) to Schedule 12A, as amended, to the Local Government Act 1972:

Information for Visitors

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON TUESDAY 5 SEPTEMBER 2017 AT 10.30 AM
IN THE ESSEX HALL, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

PRESENT:

Councillor N R Stock OBE
Councillor G V Guglielmi

Councillor Z J Fairley
Councillor P B Honeywood
Councillor L A McWilliams
Councillor M J D Skeels
Councillor M J Talbot

PORTFOLIO:

Leader of the Council (Chairman)
Deputy Leader of the Council & Portfolio Holder for
Finance and Corporate Resources
Portfolio Holder for Investment and Growth
Portfolio Holder for Housing
Portfolio Holder for Health and Education
Portfolio Holder for Leisure and Tourism
Portfolio Holder for Environment

Group Leaders Present by Standing Invitation: Councillors Bray (Leader of the Independent Alliance Group), Broderick (Leader of the Holland Residents Group), Bucke (Deputy Leader of the Tendring First / Liberal Democrats Group) and I Henderson (Leader of the Labour Group)

Also Present: Councillor Steady

In Attendance: Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Karen Neath (Head of Leadership Support and Community), Richard Barrett (Head of Finance, Revenues and Benefits Services) and Katie Sullivan (Committee Services Officer)

71. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Nicholls (Portfolio Holder for Corporate Enforcement), Stephenson (Leader of the UKIP Group) and Scott (Leader of the Tendring First Liberal Democrats Group).

Councillor Stock OBE announced that Anthony Pugh, a former District Councillor had recently passed away.

72. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Cabinet, held on Friday 14 July, be approved as a correct record and signed by the Chairman.

73. DECLARATIONS OF INTEREST

Councillor G V Guglielmi declared a Non-Pecuniary interest in respect of item A.6 by virtue of the fact that he was a Director of Lawford Housing Enterprise Trust, a not for profit organisation.

Later on during the meeting, as mentioned below in minute 79, Councillor Stock OBE declared a Non-Pecuniary interest in respect of item A.2 by virtue of the fact that he was a Director of the North Essex Garden Communities Ltd.

Later on during the meeting, as mentioned below in minute 79, Councillor G V Guglielmi had also declared a Non-Pecuniary interest in respect of item A.2 by virtue of the fact that he was a Substitute Director of the North Essex Garden Communities Ltd.

74. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

75. ANNOUNCEMENTS BY CABINET MEMBERS

The Portfolio Holder for Leisure and Tourism (Councillor M J D Skeels) announced that on Thursday 7 September Tendring would be hosting the 'Tour of Britain' where some of the very best race cyclists from around the world would be taking part.

76. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

There were no matters referred to the Cabinet by the Council on this occasion.

77. REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE - A.1 - COMMUNITY VOLUNTARY SERVICES TENDRING

Cabinet was informed that, at the meeting of the Community Leadership and Partnerships Committee held on 10 July 2017, Community Voluntary Services Tendring's Chief Officer (Sharon Alexander) and Deputy Chief Officer (Lisa Andrews) had been in attendance and gave a presentation to the Committee which had covered the following:-

1. Introduction;
2. Their mission - To lead and support voluntary action in Tendring and empower local people;
3. Member groups;
4. Voluntary Sector Forum;
5. Tendring Trustee Network;
6. Training and courses;
7. Support and services;
8. Partnerships;
9. The various different voluntary opportunities which included Administration, Walking Guides; Business Support and Catering;
10. HILL – Healthier Independent Longer Lives (a short video was shown to the Committee about this project);
11. Plans for the future; and
12. Funding.

Following on from the presentation Members had been given the opportunity to ask questions.

The Community Leadership and Partnerships Committee had decided to recommend to Cabinet that with regard to mental health support in Tendring, the issue of the cycle of referral, delay of appointment and re-referral be raised with the relevant health authorities as this is continually being raised as an important issue that needs some action taken.

Having considered the recommendation of the Community Leadership and Partnerships Committee and the comments of the Portfolio Holder for Health and Education:

It was moved by Councillor McWilliams, seconded by Councillor G V Guglielmi and:

RESOLVED that Cabinet supports the comment made by the Committee and agrees that a letter be written to the relevant health authorities as this is an important issue that does need attention.

78. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

79. REPORT OF LEADER OF THE COUNCIL - A.2 - NORTH ESSEX GARDEN COMMUNITIES - PROGRESS TO DATE AND KEY DEVELOPMENTS

There was submitted a report by the Leader of the Council (A.2), which had provided Cabinet with an update on the progress made and the current position regarding the Garden Communities project and in particular:

- To note that the joint Part One of the Local Plans had been agreed by the three District Councils;
- To note that the proposed governance arrangements approved by the four authorities had been established and that whilst no land deals had been secured, discussions and negotiations were continuing in respect of all three areas;
- To advise Members of the emergence of the potential to deliver the Garden Communities through the delivery model of a locally controlled Development Corporation and that support was sought for the approach proposed by North Essex Garden Communities (NEGC) Limited;
- To advise Members of the potential use of compulsory purchase powers to gain control of the land to deliver the Garden Communities and support was sought in principle to the development of an approach to Compulsory Purchase Order (CPO) powers; and
- To provide Members with an update on the financial position of the project and that a further financial contribution of £250,000 to the project from each of the Councils was sought.

Cabinet was informed that the information and proposals that were set out in the report were being submitted to the Cabinets of all four of the Councils involved in the North Essex Garden Communities project during September 2017. The recommendations

being made had sought the same decisions and commitments from each of the Councils.

Councillor Stock OBE declared a Non-Pecuniary interest in respect of item A.2 by virtue of the fact that he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi also declared a Non-Pecuniary interest in respect of item A.2 by virtue of the fact that he was a Substitute Director of the North Essex Garden Communities Ltd.

Councillor I Henderson (Leader of the Labour Group) requested that his concerns be recorded in the minutes in regards to ensuring that the public are given the right messages and answers in respect of funding the Garden Communities project versus 10 year financial forecasts and budget cuts, especially when the project would not benefit all of the residents in the district. Councillor I Henderson also stated that he supported growth through the Garden communities and development.

Having considered the report, it was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and **RESOLVED** that Cabinet:

1. notes the progress made in respect of the North Essex Garden Communities project and endorses the work of NEGC Ltd;
2. notes the updated position on the control of land and supports the continued work by the Local Delivery Vehicle (LDV) Directors to achieve control of the land for each Community by way of voluntary agreements with the current land owners in accordance with the LDV structure;
3. supports the approach proposed by NEGC Limited that Directors actively engage with Government to promote the positioning of the NEGC Limited as a "Responsible Body" for the establishment of a single new locally-controlled Development Corporation across all three of the proposed North Essex Garden Communities – subject to final consideration of this approach by Members after the publication of the Regulations;
4. supports the signing of a letter (attached as Appendix A) to be sent by the Leaders of all four of the Councils together with NEGC Limited to the relevant Secretary of State to support the promotion of regulations which enable the formation of a New Town Development Corporation with a locally accountable body in a timely and effective way;
5. notes that detailed work is being undertaken by NEGC Limited to assess the financial and legal implications and requirements relating to the use of Compulsory Purchase Orders (CPO) to enable future decisions to be taken by the respective Councils / Development Corporation;
6. supports the principle of using compulsory purchase powers (either as individual Councils or potentially through a new Development Corporation) to secure control of the land if voluntary land agreements cannot be achieved in a reasonable time; and

7. agrees to provide a further contribution of £250,000 to fund the work of NEGC Limited in the development of the project, to be funded from the Garden Communities Project budget which is included within the Council's current budget.

80. REPORT OF FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.3 - LONG TERM FINANCIAL SUSTAINABILITY PLAN/10 YEAR FORECAST

There was submitted a detailed report by the Portfolio Holder for Finance and Corporate Resources (A.3), which had set out an innovative and long term sustainable approach to budgeting, which would set the direction of travel to maximise savings opportunities alongside delivering growth in underlying income to deliver a balanced budget over a ten year forecast. It was reported that:

- The report had been set out in two distinct parts. The first part had set out a new way of thinking about the forecast and budget setting process with the primary aim of setting out a long term sustainability plan and to protect services, as far as is reasonably possible, that the Council provided to its residents, businesses and visitors in the wake of the on-going and significant reductions in government funding. The second part had built on the proposed new approach and had covered the technical aspects of the financial forecasting process;
- Over recent years, the reductions in Government funding had been so significant in comparison to Council's net budget that it had been impossible to generate underlying growth in locally generated income to make up the shortfall at the same pace as the reductions in grant funding;
- The Council had always made it clear that it was committed to 'growing' its own income via regeneration and economic development initiatives for example;
- The pace of the reductions in Revenue Support Grant (RSG) from the Government had meant that local authorities had not had the space and time to become self-sufficient and that the report, therefore, had set out a longer term view of the forecast and proposes the use of one-off money to support the budget until such time as growth in income exceeded expenditure forecasts;
- It had therefore been projected that the revised approach would create the time for income to outperform reductions in RSG and net expenditure pressures with the Council emerging from the current difficult financial environment in good shape with only minimal reductions in service provision compared with the alternative of making significant and short term cuts to services;
- The longer term approach would enable various actions to be developed to deliver the underlying income growth required to offset changes in expenditure with the eventual aim of delivering budget surpluses in the future and recognised that savings could be identified over a longer period of time;
- The approach had relied upon utilising one-off money set aside to support budget deficits in the short term. The one-off money set aside as part of the Outturn for 2016/17 totalled £1.434m, which would provide a strong foundation against which to build on going forward to support the budget;

- The report had also highlighted the various risks associated with taking a longer term approach and had set out how the Council could effectively respond to them over the life of the forecast;
- Appendix A had set out the initial long term forecast with the assumptions behind the various facts and figures set out in the second half of the report;
- Within the forecast, changes were proposed to the Local Council Tax Support Scheme Grant to Town and Parish Council's along with setting aside the full amount in one go to meet the estimated beach recharge costs along the new Clacton to Holland coast;
- The forecast would need to be closely managed with periodic adjustments over time and that should it not be possible to deliver the revised approach, the Council could revert back to the more traditional shorter term strategy;
- Within the proposed approach it was also worth highlighting that the Council may spend the same amount of money on a service as in previous years but the service may have to be redesigned to accommodate unavoidable cost pressures and that a good example of which could be the waste and recycling contract which was due to expire in 2019. The Council was committed to providing the same level of funding to deliver specific areas of the budget, but recognising that the same amount of money may not buy as much as it did in the past. Providing real term increases in alternative funding across the diverse range of services that the Council provided was unlikely to be possible given the reductions in Government funding; and
- Although some elements of the forecast would occur through 'natural' growth, many of the lines included within the forecast would need to be actively managed. Input from Members and Officers would be crucial in developing the associated delivery plan and that it would always be worth reflecting on the fact that the alternative to taking a long term view was the more traditional approach of looking at the budget on an annual basis and making significant short term cuts, which the proposed approach sought to avoid / minimise as far as possible.

The Monitoring Officer was requested by Councillor I Henderson to give advice on the constitutional procedural matters relating to the approval of budgets and a revised approach and be recorded in the minutes. The Monitoring Officer advised that this report was the start of the process, in that if Cabinet agreed the revised approach, Corporate Management Committee would be consulted and a further report would be brought back to Cabinet to recommend a budget to Council for approval in February. The decision being sought today was not to approve a revised budget.

Having considered the report, it was moved by Councillor G V Guglielmi, seconded by Councillor M J D Skeels and **RESOLVED** that Cabinet:

- (a) agrees the revised long term financial sustainability approach and associated ten year forecast that is set out in this report;

- (b) subject to (a) above, requests officers to continue their work in developing an associated delivery plan, in consultation with Portfolio Holders, to support the delivery of the ten year forecast and in particular the budget for 2018/19;
- (c) consults the Corporate Management Committee on the revised approach being taken as set out in this report;
- (d) that subject to (a) above, agrees that the Local Council Tax Support Scheme grant to Town and Parish Council's be removed from the budget via the phased approach set out in the ten year forecast; and
- (e) agrees to make an additional one-off contribution of £1.200m to the Beach Recharge Reserve in 2017/18, funded by £0.202m from the Fit for Purpose budget and £0.998m from the New Homes Bonus Budget.

81. REPORT OF FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.4 - CORPORATE BUDGET MONITORING REPORT FOR THE FIRST QUARTER OF 2017/18

There was submitted a detailed report and appendices by the Portfolio Holder for Finance and Corporate Resources (A.4), which provided Cabinet with an overview of the Council's actual financial position against the budget as at the end of June 2017 (Quarter One).

Cabinet was informed that some of the information that was set out in the appendices had been refreshed for 2017/18 and that separate appendices were no longer included for the significant income streams and council tax and business rate information.

The overview covered the following areas of the budget:-

- (1) General Fund Revenue;
- (2) Expenditure Budgets;
- (3) Income Budgets;
- (4) Delivery of Savings 2017/18;
- (5) 2017/2018 Budget Adjustments and Issues;
- (6) Housing Revenue Account – Revenue;
- (7) Capital Programme – General Fund;
- (8) Capital Programme – Housing Revenue Account;
- (9) Collection Performance; and
- (10) Treasury Activity.

Having considered the report and appendices, it was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and **RESOLVED** that:

- (a) the financial position, as at the end of June 2017, be noted;
- (b) in respect of the General Fund capital programme for 2017/18, a revised capital programme that totals £17.425m as set out in Appendix D be agreed; and
- (c) the repair of the Venetian Bridge, Clacton be agreed and that the 2017/18 General Fund capital programme be increased by £0.205m to meet the cost of the necessary work, funded from the 2017/18 Fit for Purpose Budget.

82. **REPORT OF FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.5 - PERFORMANCE REPORT APRIL - JUNE 2017 - QUARTER ONE REPORT**

There was submitted a report by the Portfolio Holder for Finance and Corporate Resources (A.5), which presented the Performance Report for the period April to June 2017 (Quarter One).

Cabinet was aware that the Performance Report 2017/18 set out the detailed actions and targets for the delivery of the Council's priorities throughout the year.

It was reported that three of the indicators and projects highlighted in the report were deemed 'non measurable' as the Council's role was that of 'influence' only. Of the 15 indicators and projects where performance was measured, 11 (73%) were on, or above, their expected target and 4 (27%) were not currently in line with the expected performance. Explanations of the performance and the supporting data were included under each topic in the report.

Cabinet was informed that the report would be presented to the Corporate Management Committee at its meeting scheduled for 25 September 2017.

Having considered the information provided, it was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and it was **RESOLVED** that the contents of the report be noted.

83. **REPORT OF THE HOUSING PORTFOLIO HOLDER - A.6 - HOUSING MANAGEMENT ON BEHALF OF THE LAWFORD HOUSING ENTERPRISE TRUST**

Councillor G V Guglielmi had earlier declared a Non-Pecuniary interest in respect of item A.6 by virtue of the fact that he was a Director of Lawford Housing Enterprise Trust, a not for profit organisation. Councillor G V Guglielmi withdrew from the meeting whilst Cabinet considered this item and reached its decision.

There was submitted a report by the Portfolio Holder for Housing (A.6), which sought Cabinet's approval, in principle, to enter into a management agreement with Lawford Housing Enterprise Trust (LHET) to manage houses on their behalf.

It was reported that a Section 106 affordable housing contribution for a site in Lawford had been made by way of gifting eight units of accommodation to a specially formed housing enterprise trust (planning application reference 13/00452/OUT).

Cabinet was informed that Lawford Housing Enterprise Trust had proposed to offer up the dwellings as affordable accommodation on fixed term tenancies and that the properties would be owned by them and let to tenants drawn from the Council's Housing Register who had a local connection to Lawford.

Cabinet was made aware that given the intended use of the eight houses, Lawford Housing Enterprise Trust had approached the Council to consider managing the properties on their behalf as they did not have any experience in this area, providing terms could be agreed.

It was reported that whilst management agreements had existed elsewhere in the country the circumstances surrounding the creation of the arrangement with the Lawford

Housing Enterprise Trust were thought to be unique and arose as a consequence of the affordable housing market situation at that point in time.

It was further reported that following a financial and resource analysis officers had believed that it would be viable to enter into a management arrangement with Lawford Housing Enterprise Trust and had calculated a management fee. The fee would include costs associated with allocation and identification of potential tenants, all aspects of tenancy management, rent collection and management of the maintenance of the dwellings.

Following consideration of the report, it was moved by Councillor Honeywood, seconded by Councillor M J D Skeels and:

RESOLVED that Cabinet agrees in principle to the Corporate Director (Operational Services) and Corporate Director (Corporate services) to undertake negotiations and agree the terms of a management arrangement with Lawford Housing Enterprise Trust, the final details of which to be further reported and approved by Cabinet.

84. REPORT OF CORPORATE ENFORCEMENT PORTFOLIO HOLDER - A.7 - CORPORATE ENFORCEMENT STRATEGY

There was submitted a report by the Portfolio Holder for Corporate Enforcement (A.7), which sought Cabinets approval of the Corporate Enforcement Strategy following consultation and Cabinets agreement to implement the Strategy and Services Standards within services.

Cabinet recalled that at its meeting held on 16 December 2016 it had considered, and agreed for consultation, a draft Corporate Enforcement Strategy.

It was reported that the draft Strategy had been considered by the Community Leadership and Partnership Committee, Planning Committee, Licensing and Registration Committee and the Community Safety Partnership. The comments were set out in Appendix A, together with the responses that had been given and an indication as to whether the Strategy had been updated in light of the comment.

Cabinet was informed that the updated Strategy was attached at Appendix B to the report and that as well as amendments for any comments from consultees (highlighted in yellow) the Strategy had been updated to reflect the new responsible Portfolio Holder which was the Portfolio Holder for Corporate Enforcement.

It was reported that once the Corporate Enforcement Strategy was agreed, the next steps would be for services to review their own policies in line with the Corporate Strategy and for the service standards to be embedded across the authority.

It was further reported that the Portfolio Holder would lead on further engagement on the Harm Assessment to develop and agree a harm risk assessment that could be used to prioritise and support decision making on enforcement cases across the authority. The harm risk assessment would need to accommodate both corporate and service specific risks and scoring and set out a consistent approach to judgements on which cases were deemed to be harmful and which were not.

Cabinet was informed that further work would also be undertaken to publicise the corporate approach to enforcement and to update the Council's website.

Having considered the report, it was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and **RESOLVED** that:

- a) the Corporate Enforcement Strategy and Service Standards as set out in Appendix be approved;
- b) each service now reviews its own enforcement policy in line with the Corporate Enforcement Strategy;
- c) services now adopt and use the Services Standards; and
- d) authority be delegated to the Corporate Enforcement Portfolio Holder to develop with Officers and agree a harm risk assessment for use across the Council.

85. MANAGEMENT TEAM ITEMS

There were none on this occasion.

86. EXCLUSIONS OF PRESS AND PUBLIC

It was **RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 17 on the grounds that it involved the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

87. EXEMPT MINUTE OF THE LAST MEETING HELD ON FRIDAY 14 JULY 2017

It was **RESOLVED** that the exempt minute of the last meeting of the Cabinet, held on Friday 14 July 2017, be approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.50 am

Chairman

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

10 NOVEMBER 2017

REFERENCE FROM COUNCIL

A.1 PETITION: “SAY NO TO PLANS FOR MILLENIUM SQUARE – SAVE OUR TREES & £90,000”

(Report prepared by Lisa Hastings, Monitoring Officer)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To place before Cabinet, a Petition reported at the meeting of the Council held on 5th September 2017.

EXECUTIVE SUMMARY

This report places before Cabinet a Petition, which was reported at the meeting of Council held on 5th September 2017, relating to the Plans for Millenium Square, Walton High Road at a cost of £90,000 and which has been referred to Cabinet for consideration in accordance with the provisions of the Council’s approved scheme for dealing with petitions.

Cabinet can determine what action they wish to take having regard to the Petition, which will be presented by the lead Petitioner at the meeting.

RECOMMENDATION

That Cabinet determines what action they wish to take having regard to the Petition.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At the meeting of Council held on 5th September 2017, the Chief Executive verbally reported the receipt of a petition submitted by Mr Brian Green from Walton-on-the-Naze. The petition is signed by 75 residents of the district and states:

“Say no to plans for Millennium Square – Save our trees & save the £90,000”.

In a covering letter, the lead Petitioner refers to the recent decision to alter the configuration of the Millennium Square in Walton High road at a cost of £90,000. The letter states that the scheme necessitates the destruction of two mature horse chestnut trees (with Tree Preservation Orders on them) and the loss of 10 parking spaces in the area that desperately needs parking provision in order to bring more trade to the shops in

the High Street. Reference is made to a lack of consultation with the effected residents.

In accordance with the Council's scheme this matter would be reported and presented to the Cabinet on the basis that it had contained between 30 and 249 signatures. Mr Green, as the lead petitioner, is invited to address the Cabinet, present the petition and outline the action that the petitioners wanted the Council to take. Subsequently, Cabinet will discuss the petition and decide what action, if any, should be taken. Mr Green will be informed, in writing, of the Cabinet's decision and the decision would also be published on the Council's website.

At its meeting on 14th July 2017, Cabinet received a report by the former Portfolio Holder for Commercialisation, Seafronts and Parking (Report A.7), which sought Cabinet's approvals for public realm improvements to the Millennium Square, Walton-on-the-Naze, including funding from the Regeneration and Growth Budget.

Cabinet recalled that the Millennium Square located within the High Street Car Park, Walton-on-the-Naze had been conceived and developed in order to provide a meeting place for visitors to the town centre and a focal point for events. The original design and concept had created a shared area of public space used primarily for car parking, but which could also be used for local events on an ad hoc basis but the reality had been that the result had compromised both and did not perfectly meet either of the Council's ambitions.

Cabinet was informed that the current proposal to address was:

- An enhanced and more attractive public area designed to encourage increased use of high quality public realm in the heart of the town centre; and
- To provide options for year round outdoor market pitches or other uses of the public area that would also provide more effective year round use of the car parking area.
- The specifications for construction, the preferred design and mood board of materials were attached to the report as Appendix A for Cabinet's consideration.

It was reported that the estimated cost for delivering this project was £90,000. Project costs could be reduced if required, or met as outlined in the financial section of the report.

Having considered the information submitted and the advice of Officers contained within the report, it was **RESOLVED** that Cabinet notes the contents of the report and:

- a) approves the principle of public realm improvements to the Millennium Square Walton on-the-Naze, as outlined in Appendix A to item A.7 of the Report of the Portfolio Holder for Commercialisation, Seafronts and Parking;
- b) authorises the seeking of statutory or other consents and agreements as may be required;
- c) authorises a contribution of £50,000 towards delivery of the proposed scheme to be funded from the Regeneration and Growth budget;.
- d) requests that the Head of Public Realm completes the design and costing of the project; and

e) authorises the Corporate Director (Operational Services), in consultation with the Portfolio Holder for Commercialisation, Seafronts and Parking and the Portfolio Holder for Planning and Regeneration, to invite tenders, enter into contracts or commission works by the Engineering Services Team in order to complete the project within the budget and approvals.

AVAILABLE COURSE OF ACTION

There are several course of action available to Cabinet, including:

- No action (with reasons as to why no action is proposed)
- Taking the action requested in the petition
- Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners
- Referring the petition to the relevant Overview and Scrutiny Committee
- Holding a public meeting

BACKGROUND PAPERS FOR THE DECISION

- Petition and covering letter submitted by Mr Brian Green, Walton-on-the-Naze; and
- Report to and minute (no. 76) of Cabinet held on 14th July 2017

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Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE

A.2. PROPOSED LAUNCH OF ONLINE TENDRING LOTTERY

(Report prepared by Karen Neath and Katie Sullivan)

BACKGROUND

At the meeting of the Community Leadership and Partnerships Committee on 2 October 2017, Members were consulted on a potential initiative to launch an online Tendring lottery, using an external lottery manager, to help fund discretionary support to local voluntary and community sector and to enable good causes to raise funds directly.

The Council's Head of Customer and Commercial Services (Mark Westall) was in attendance and gave the Committee an overview of the potential initiative to launch an online Tendring lottery.

Members had before them a report of the Corporate Director (Operational Services) which had reported that as budget pressures had continued to grow on all aspects of the Council's work, there would inevitably be an impact on the funding available for good causes.

It was further reported that a Tendring Lottery had the potential to help organisations address any future funding pressures and also would move the Council into the position of enabler, helping communities to use their capacity to become more resilient and to self-help.

Members were informed that the report had addressed those issues and had provided a model for the implementation of an online Tendring lottery.

The Council's Head of Customer and Commercial Services informed the Committee that they were being consulted to gain their views on the proposed initiative in order for the Health and Education Portfolio Holder to take into account before progressing with the project and gaining the relevant authority and permissions.

Members raised questions and concerns which were responded to by Officers.

Councillor McWilliams (Health and Education Portfolio Holder) was in attendance and gave her view on the proposed initiative.

The Chairman summarised the key points raised during discussion.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

It was **AGREED** that the Committee **COMMENTS TO CABINET** that:-

- (a) the Committee supports the Health and Education Portfolio Holder's proposal to introduce an online District Lottery as outlined in this report and provides the following observations to be considered before the initiative is progressed and the necessary approvals and permissions are sought;

- i. the proceeds to be retained by the Council for allocation to good causes should be managed and allocated by the Big Society Fund Panel subject to a review being conducted on how the Big Society Fund works to ensure that fair shares are distributed across the District.
- ii. a consultation with local charities should take place, facilitated by TCVS, to enable their feedback to be considered and to ensure that smaller scale charities are not missed out;
- iii. the Committee retains some concerns around the ethics of a lottery and accessibility given that the lottery would be internet based and not all residents have access to the necessary IT.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

It is recommended that:-

The Committee be thanked for their support of this project and their helpful suggestions which will be taken into account in bringing this project forward to a future meeting of Cabinet for consideration.

Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

REFERENCE REPORT FROM CORPORATE MANAGEMENT COMMITTEE OF 24 JULY AND 14 AUGUST 2017

A.3 WASTE AND RECYCLING

(Report prepared by John Fox and Anastasia Simpson)

BACKGROUND

At the Corporate Management Committee meetings held on 24 July and 14 August 2017 the Committee received a presentation from the Head of Environmental Services and the Portfolio Holder.

The presentation included an overview of the following:

- Background information regarding current waste contract.
- Recycling figures, including comparisons over the past three years.
- Future service options.
- Appointment of consultants undertaking a review of the current service and future options for the service.
- Tender process for waste and recycling contracts.

A number of questions were asked by the Committee and answered by the Officer. Some questions required the input of Officers from different Council services and will be answered following the meetings.

At the meeting held on 24 July 2017 it was **RESOLVED** that the Committee noted the presentation from the Head of Environmental Services and the Portfolio Holder.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Cabinet is now asked to consider the recommendations of the Corporate Management Committee

At its meeting held on 14 August 2017 the Committee **RECOMMENDED TO CABINET** that:

- (a) A working party be set up by the Cabinet, in order to assist in the preparation and drawing up of the new waste contract.
- (b) An All Members' Briefing to take place in Spring 2018, or at the relevant time, to enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

MEMBER WORKING PARTY

Comments

A Member Working Party is currently unlikely to add value to this process as the focus at this point is to align the financial constraints in relation to the potential service options and if options are widened at this point by a Member Working Party it may slow the process up and require extra work which may not deliver an outcome.

In addition this contract is usually dealt with by a set of agreed objectives for inclusion in a new contract which is prepared and submitted to each of those invited to tender. The tenderer is invited to put forward any proposals of their own for improving the service and often these have proved of great value.

The Constitution itself particularises in Part 5 contracts over £50,000 in Section 5 under 'Tender Rules', so therefore the procedure as laid down will be followed.

Recommendation to Cabinet

As I do not believe a Member Working Party will add significant value to this process my recommendation is that a Member Working Party is not set up.

ALL MEMBERS BRIEFING

Comments

I support the suggested Members' briefing in relation to the waste contract and in particular this will allow members to appreciate the increased costs imposed on our present contractor by legislation which will impose a premium on any future contract.

Recommendation to Cabinet

I therefore recommend that a Members' briefing is held on the renewal of the waste contract in Spring 2018 or at a relevant time enable Members to discuss, and comment on, the proposals for the new waste and recycling contract.

Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

**REFERENCE REPORT FROM CORPORATE MANAGEMENT COMMITTEE
OF 25 SEPTEMBER 2017**

A.4 PERFORMANCE REPORT – QUARTER ONE

(Report prepared by Anastasia Simpson)

BACKGROUND

At the Corporate Management Committee meetings held on 25th September 2017 the Committee received a report from the Corporate Director, Corporate Services regarding the Council’s Quarter 1 Performance (April 2017 to June 2017).

It was explained at the meeting that the report included 15 indicators and projects where performance was measured. Of these 11 (73%) were on or above their expected target and 4 (27%) were not currently in line with expected performance. Three of the indicators and projects within the report were deemed non measurable as the Council’s role was that of ‘influence’ only.

A number of questions were asked by the Committee and answered by Officers in attendance at the Committee.

It was suggested by the Committee that the Education, Health and Wellbeing and Sickness indicators be removed from the Performance Report for the Corporate Management Committee due to the fact that those items were reported to the Human Resources Committee and the Community Leadership and Partnership Committee.

Following discussion, it was **AGREED** that the Committee **COMMENTS TO CABINET** that:

- (a) the Committee notes the Council’s performance report for the period April to June 2017; and
- (b) the Education, Health and Wellbeing and Sickness indicators be removed from the Performance Report for the Corporate Management Committee due to the fact that those items were reported to the Human Resources Committee and the Community Leadership and Partnerships Committee.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Cabinet is now asked to consider the comments of the Corporate Management Committee

At its meeting held on 25 September 2017 the Committee **COMMENTED TO CABINET** that:

(a) the Committee notes the Council's performance report for the period April to June 2017; and

(b) the Education, Health and Wellbeing and Sickness indicators be removed from the Performance Report for the Corporate Management Committee due to the fact that those items were reported to the Human Resources Committee and the Community Leadership and Partnerships Committee.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

The Portfolio Holder thanks CMC for their suggestion.

Recommendation to Cabinet

That the full range of existing indicators should remain in the Performance Report for the benefit of Cabinet and that the Corporate Management Committee can choose not to scrutinise the indicators it has highlighted if they so wish.

Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

**REFERENCE REPORT FROM CORPORATE MANAGEMENT COMMITTEE
OF 25 SEPTEMBER 2017**

A.5 CORPORATE BUDGET MONITORING FOR THE FIRST QUARTER OF 2017/18
(Report prepared by Richard Barrett and Anastasia Simpson)

BACKGROUND

At the Corporate Management Committee meeting held on 25th September 2017 the Committee received a report from the Corporate Director, Corporate Services regarding the Council's Corporate Budget Monitoring for the First Quarter 2017/18.

It was reported that, at its meeting held on 5 September 2017, Cabinet had considered the Corporate Budget Monitoring report for the First Quarter 2017/18 and it was resolved by Cabinet that :

- (a) "the financial position , as at the end of June 2017, be noted;
- (b) in respect of the General Fund capital programme for 2017/18 a revised capital programme that totals £17.425m as set out in Appendix D be agreed ; and
- (c) the repair of the Venetian Bridge, Clacton be agreed and that the 2017/18 General Fund capital programme be increased by £0.205m to meet the cost of the necessary work, funded from the 2017/18 Fit for Purpose Budget"

A number of questions were asked by the Committee and answered by the Head of Finance, Revenues and Benefits, in attendance at the Committee.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Cabinet is now asked to consider the comments of the Corporate Management Committee held on 25 September 2017.

Following discussion, the Committee **COMMENTS / RECOMMENDS TO CABINET** that:-

- (a) the Committee notes the report; and
- (b) the Committee proposes that a review be undertaken in regards to Council owned Garages in the District to determine if the service that is currently being offered is considered cost effective.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

The Portfolio Holder thanks CMC for its comments and recommendations.

Recommendation to Cabinet

That a review of Council owned garages be undertaken and that the findings will be reported back to CMC in accordance with that Committee's work programme.

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Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

REFERENCE REPORT FROM CORPORATE MANAGEMENT COMMITTEE OF 25 SEPTEMBER 2017

A.6 LONG TERM FINANCIAL SUSTAINABILITY PLAN/TEN YEAR FORECAST
(Report prepared by Richard Barrett and Anastasia Simpson)

BACKGROUND

At the Corporate Management Committee meeting held on 25th September 2017 the Committee received a report from the Corporate Director, Corporate Services regarding the Council's Long Term Financial Sustainability Plan/Ten Year Forecast.

It was reported that, at its meeting held on 5 September 2017, Cabinet had considered the Long term Financial Sustainability Plan /Ten Year Forecast and it was resolved:

That Cabinet:

- (a) Agrees the revised long terms financial sustainability approach and associated ten year forecast that is set out in this report;
- (b) Subject to (a) above , requests officers to continue their work in developing an associated delivery plan, in consultation with portfolio Holders , to support the delivery of the ten year forecast and in particular the budget for 2018/19;
- (c) Consults the Corporate Management Committee on the revised approach being taken as set out in this report;
- (d) That subject to (a) above, agrees that the Local Council Tax Support Scheme grant to Town and Parish Council's be removed from the budget via the phased approach set out in the ten year forecast ; and
- (e) Agrees to make an additional one-off contribution of £1.200m to the Beach Recharge Reserve in 2017/18, funded by £0.202m from the Fit for Purpose budget and £0.998m from the New Homes Bonus Budget.

A number of questions were asked by the Committee and answered by the Head of Finance, Revenues and Benefits , in attendance at the Committee.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Following discussion, it was moved by Councillor Steady, seconded by Councillor Scott and **AGREED** that the Committee **COMMENTS / RECOMMENDS TO CABINET** that:-

- (a) the Committee supports the Long Term Financial Sustainability Plan / 10 Year Forecast; and
- (b) In respect of the money set aside for the beach recharge, the Committee thinks that it is important to ensure that the best return is achieved on the £1.5 million that will be held in reserves in the interim period

Councillor Stephenson had voted against the above and confirmed that this was fundamentally because of his concerns in regards to the beach recharge using one off money to pay for an ongoing cost.

Cabinet is now asked to consider the comments and recommendations of the Corporate Management Committee held on 25 September 2017.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

The Portfolio Holder thanks CMC for its comments and recommendations.

Recommendations to Cabinet

- (a) That Cabinet is pleased that the Committee supports the Long term Financial Sustainability Plan and Ten Year Forecast.
- (b) That the Council already has treasury / investment policies in place that seek to obtain the best possible returns on its reserves whilst balancing the security of the investment. However, the Committee's comments will be considered where opportunities to obtain greater returns across its entire investment portfolio become available in the future.

Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

REFERENCE REPORT FROM THE CORPORATE MANAGEMENT COMMITTEE

A.7 ASSETS UPDATE

(Report prepared by Anastasia Simpson and Katie Sullivan)

BACKGROUND

At the meeting of the Corporate Management Committee held on 16 October 2017, the Council's Head of Property Services (Andy White) gave the Committee a presentation on Asset Management. The presentation covered the following:

- (a) The Asset Management Team and what they do;
- (b) Properties and policies; and where to find information;
- (c) Our mission: "Generate and increase revenue" and how to do it;
- (d) Ongoing projects, acquisitions and disposals; and
- (e) Financial changes over 10 years and how to respond;

Members were given the opportunity to make suggestions and ask questions which were responded to by Andy White.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET
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Following discussion, it was **AGREED** that the Committee **COMMENTS / RECOMMENDS TO CABINET** that:

- (a) smaller disposals are given the same priority, as larger land and property disposals;
- (b) Officer time is being taken up sorting and photocopying documents , rather than being solely focused on land disposals;
- (c) timescales of moving projects forward , appear to be due to internal Council processes;
- (d) CAROS – approaches should be made to users to purchase freeholds or relocate users so that assets can be rationalised;
- (e) Parish Councils or neighbouring landowners should be encouraged to purchase or take over the maintenance of small slivers of land;
- (f) wherever possible, maximise the use of grants; and
- (g) the Committee recognises the hard work of Officers within the Assets team.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

I would like to thank the Corporate Management Committee for their time, consideration and suggestions. I am pleased to see that the property team is now up to full strength again after a few testing months.

Prioritisation of tasks is a tough issue for public authorities. We all want to achieve as much as possible. In an era of financial stress this can lead to difficulties. It's important that the team should keep a balanced workload: a mixture of large and small transactions and a mixture of disposals and other work, work that makes sure that the basics are in place and that decisions are made based on accurate information. I have been working with the team and will continue to do so to make sure that we make progress on key priorities as well as making sure that we do so from a platform of robust records and information. A balance is needed and I am determined that we should get it right.

Questions around Community Assets are sensitive. We all want to support the community – it's why we all stood to be elected – we also have wide community responsibilities of fairness and wise use of resources. It is my view that a review of Community Halls and of CAROS is overdue. It has been discussed before and I would like to take this opportunity to recommend to my Cabinet colleagues that it is formally requested and that the Committee's recommendation is considered fully in that review.

The Committee's recommendation on smaller pieces of land aligns closely with the aspirations set out in the Property Strategy recently adopted. A careful approach is needed in order to maintain the integrity of our environment and I wouldn't want to see areas of open space carved up, but there is a strong case for identifying areas that do not contribute to the community. There is also a case for looking a gain at public conveniences in parished areas where this is consistent with the Community Asset Transfer Policy and the Public Conveniences Strategy. Our approach needs to be that if property is not contributing we must seek to dispose of it.

I agree that the appropriate seeking of grants is essential and I am pleased to note that much hard work is done in this area by the Council's Corporate Director for Operational Services and the regeneration and seafronts teams who are pursuing a number of funding opportunities at present.

I thank the Committee for their kind words in respect of the work of the team. A sentiment that I echo in making the following:-

Recommendations to Cabinet

That Cabinet:

- (a) requests that, under the direction of the Deputy Leader, officers pursue a prioritised and balanced programme of work including both large and small transactions, moving positively forward with that programme while addressing the need for accurate, complete, and accessible records and that these transactions are carried out as expeditiously as properly possible.

- (b) requests that reviews of CAROS and of Community Halls be brought forward for its consideration.
- (c) requests that officers consider the potential for the care of community land and facilities to be provided within the community and for a renewed emphasis on the disposal of land that does not, and cannot, contribute to the community.
- (d) requests that officers continue to seek grant funding of projects and initiatives wherever possible.

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Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

REFERENCE REPORT FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

A.8 REVIEW OF CLACTON AIR SHOW 2017

(Report prepared by Mark Westall and Katie Sullivan)

BACKGROUND

At the Service Development and Delivery Committee meeting held on 9 October 2017, the Leisure and Tourism Portfolio Holder (Councillor M J D Skeels) was in attendance and gave the Committee a positive review on Clacton Air Show 2017.

The Council's Head of Sport and Leisure (Mike Carran) gave the Committee a presentation on Clacton Air Show 2017. The presentation covered the following:

- (1) Objectives –
 - Maximise Tourist Opportunities through Events.

- (2) This Year's Key Challenges –
 - Managing a large event in 2017;
 - Managing Visitor safety;
 - Spring Tide; and
 - Rising Costs.

- (3) This Year's Success Stories –
 - Partnership Working;
 - Night Flights; and
 - Managing Visitor Numbers.

- (4) The Big Issues –
 - Spectator Numbers;
 - Income;
 - Staffing; and
 - Economic Benefit.

- (5) What was said? –
 - Social Media Highlights

- (6) Learning Points for 2018 –
 - Security;
 - Develop opportunities from pause in flying displays; and
 - Reinforcing the message about sustainability.

Members were given the opportunity to ask questions which were responded to by Officers.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Following discussion, it was **AGREED** that the Committee **COMMENTS / RECOMMENDS**

TO CABINET that:-

- (a) the Committee recognise and commend the enthusiasm and hard work of the Council's Tourism, Marketing and Events Manager (Sarah Daniells) and Events Officer (Jo Needham) and would also like to thank all Council staff that continue to support the Airshow;
- (b) the Committee would like consideration to be given:
 - i. as to how Airshow programmes may be delivered and sold in other towns around the District;
 - ii. for the provision of extra toilet facilities along the seafront during the Airshow;
 - iii. to improve the disabled access signage by the hospitality tent; and
 - iv. to the types of trade stalls that are allocated to Christmas Tree Island and the potential of adding additional trade stalls to the East of Clacton pier.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

I thank the Committee for their comments which I will take into account going forward.

Recommendation

That Cabinet notes the contents of the report.

Key Decision Required	No	In the Forward Plan	No
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CABINET

10 NOVEMBER 2017

REFERENCE REPORT FROM THE SERVICE DEVELOPMENT AND DELIVERY COMMITTEE

A.9 LITTER FROM FAST FOOD OUTLETS AROUND THE DISTRICT AND ON THE A120

(Report prepared by Mark Westall and Katie Sullivan)

BACKGROUND

At the Service Development and Delivery Committee meeting held on 9 October 2017, the Environment Portfolio Holder (Councillor Talbot) was in attendance and gave the Committee an overview on this item.

The Council's Head of Environmental Services (John Fox) and Street Scene Officer (Jonathan Hamlet) were in attendance to discuss the issue of litter from fast food outlets around the District and on the A120.

The discussion covered the following:

- (1) Drive through Restaurants in the District;
- (2) Where the litter is coming from;
- (3) Cleaner Essex Group;
- (4) Advertising;
- (5) Eliminating litter;
- (6) Litter bins;
- (7) Community litter picks;
- (8) Educating customers;
- (9) Prosecutions; and
- (10) Moving forward.

Members were given the opportunity to ask questions which were responded to by Officers and the Environment Portfolio Holder.

COMMITTEE RECOMMENDATIONS AND COMMENTS TO CABINET

Following discussion, it was **AGREED** that the Committee **COMMENTS / RECOMMENDS TO CABINET** that consideration be given in regards to:-

- (a) promoting community litter-picks in association with fast-food outlets;
- (b) promoting recycling with schools and youth groups; and
- (c) trialling a small number of litter bins on the A120.

PORTFOLIO HOLDER'S COMMENTS AND RECOMMENDATIONS TO CABINET

Comments

I thank the Committee for its comments which I will take into account going forward.

Recommendation

That Cabinet notes the contents of the report.

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

10 NOVEMBER 2017

JOINT REPORT OF THE LEADER OF THE COUNCIL AND FINANCE & CORPORATE RESOURCES PORTFOLIO HOLDER

A.10 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – FINANCIAL & PROCUREMENT MATTERS

(Report prepared by Lisa Hastings, Monitoring Officer)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve a delegation to the Portfolio Holder for Finance and Corporate Resources and recommend to Council, proposed changes which have been suggested by the Monitoring and Section 151 Officers as part of an annual review of the Constitution.

The main proposals cover a number of miscellaneous amendments to Financial and Procurement matters to reflect changes required to comply with legislation and to ensure the Constitution is both effective and efficient at an operational level.

The key changes to each of these documents are highlighted within the body of this Report.

EXECUTIVE SUMMARY

Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date, this function takes into account legislative requirements and best practice.

The previous Constitution Working Party undertook a substantial review of the Constitution in 2014 however; the Monitoring Officer is under a continuing obligation to review the content and can make minor amendments under Article 15, as agreed by Council in June 2014. If the Monitoring Officer considers that any additional changes are required these proposals are reported to Cabinet, who in turn make recommendations to Council.

A summary of the changes compared to the existing Parts are provided under each heading in the Current Position section of this report and in each case, the content has been revised to provide greater clarity, ensure effectiveness and efficient work practices and checked to ensure it is in accordance with legislation, where necessary.

The main proposed changes relate to the Financial and Procurement Procedure Rules and a delegation to the Portfolio Holder for Finance and Corporate Resources in consultation with the Chief Finance Officer to agree the outturn position each year, providing the necessary flexibility to enable the production and publication of the Council's Statement of Accounts, which must now be prepared and published one month earlier from next year. This delegation does not interfere with the statutory requirement to produce the final

accounts to the Audit Committee.

RECOMMENDATION

That Cabinet:

- (a) Agrees the Portfolio Holder for Finance and Corporate Resources be authorised, in consultation with the Chief Finance Officer, to agree the outturn position / report each year to provide the necessary flexibility to comply with the new statutory timetable for publishing the Council's Statement of Accounts;**
- (b) approves that the Scheme of Delegation – Schedule 3 - Responsibility for Executive Functions Part 3.41 of the Constitution be amended to include the specific delegation; and**
- (c) recommends to Council that the Council's Constitution be amended to reflect the proposed changes to the Financial and Procurement Procedure Rules as set out in this report.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities.

FINANCE, OTHER RESOURCES AND RISK

Risk

Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's governance arrangements.

LEGAL

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority operating executive arrangements must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority consider appropriate.

Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.

The Leader of the Council is responsible for approving the delegation of executive functions (Constitution Reference: Article 7 – Part 2.14 and Part 3.32 – Schedule 3 Responsibility of Executive Functions).

Local Audit and Accountability Act 2014 and the Account and Audit Regulations 2015 bring forward the timetable for preparation and approval of accounts. For 2017/18, the deadline for the Section 151 Officer to prepare and sign draft financial statements (i.e. closedown the Council's accounts) is moving to 31 May (currently 30 June). The deadline for the approval and publication of financial statements with an audit opinion is moving to 31 July (currently 30 September).

These amendments to the timetable do not affect the statutory requirement for the approval of the final statement of accounts, which must be undertaken by the Council's Audit Committee, albeit the meeting will have to re-arranged for July in 2018.

Article 15 of the Council's Constitution provides that changes to the Constitution are approved by full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

There are no other implications arising from this report.

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

(a) Outturn Reporting

Each year the outturn report is presented to Cabinet in June for approval along with associated adjustments such as transfers to reserves, carry forwards and the funding of the capital programme.

However from 2018/19 the Statement of Accounts, which are 'built' on the approved outturn position have to be published, prior to audit, by the end of May, a full month earlier than has previously been the case. However, when reflecting on the time required to actually closedown the accounts and prepare the associated outturn report, it is unlikely that this will be possible within the usual Cabinet meeting cycle. Therefore a pragmatic / alternative solution is required to provide the necessary flexibility around which the necessary work can be completed.

It is therefore proposed to delegate approval of the outturn position each year to the Finance and Corporate Resources Portfolio Holder. The item will remain in the forward plan and subject to call-in, as would ordinarily be the case, but it would enable a more timely decision making process to support the new Statement of Accounts timetable.

Any further decisions that may be required following the outturn process, such as allocating money brought forward from the prior year will be reported to Cabinet at a subsequent meeting, so in effect the outturn report delegated to the Finance and Resources Portfolio Holder will primarily only place available funding that needs further allocation in reserves until such time as a formal / separate decision is presented to Cabinet.

Part 5.41 Para 8 of the Constitution will also need to be amended to reflect this change.

(b) Part 5 – Financial Procedure Rules

The Chief Financial Officer has suggested the following amendments for the reasons set out:

i. Rule 6.3.4 – the conditions for a virement are:

Part 5.38 Table (c) **General Fund Revenue and HRA (excluding employees)** – suggested amendment is to remove the text “*excluding employees*” from the heading, because employee costs do form part of these funds and should not be treated differently under any of the other circumstances.

Part 5.39 Table (f) **Between Capital and Revenue** – suggested amendment is to remove text under virement value so that it reads “*(i) Increase in an approved Capital budget*”. In the opinion of the Chief Finance Officer, the additional wording “*which is to be financed by a virement, from an existing revenue budget*” is not relevant and should be deleted. The approval section of the table sets out the two circumstances ‘when’ this increase can occur and the approval process.

ii. Rule 10.7 – the authority to write off debts is delegated by the Council as follows:

Part 5.48 First table - “*Debt due to the Council where the amount owing is a Council Tax or NNDR debt*”, should be extended to include “*Housing Benefit and Rents*” so that these debts are treated consistently. Reference to ‘*housing benefit*’ should be deleted from paragraph 3. The Authority to Write Off should remain delegated to a Corporate Director, but reflect that the recovery of debts is split across different services and therefore, the text should state “*the relevant Corporate Director*”.

Part 5.48 Second Table – amend the reference from “*Specific Debts*” to “*Specific Debtors*”. In criteria (b) replace “*Bailiffs*” with “*Recovery Enforcement Agents*” and insert at the end “*insufficient assets to satisfy the debt*”. Currently bailiffs have to seek enforcement from the same debtor multiple times for different debts, at an additional cost to the Council whereby it is evident from the first or second visit, they had insufficient funds.

Part 5.49 Second Table – increase the level so that the Chief Financial Officer can authorise the write off of individual debts not exceeding £5,000 (current level is £2,500). The actions are still recorded as Officer Decisions.

iii. Rule 13 – Banking Arrangements:

Part 5.53 - Remove Rule 13.2.3 as the Council no longer draws cheques.

iv. Rule 16 – Funding Arrangements:

Part 5.55 - Amend Rule 16.3, so that applications for external funding are approved by Management Team following consultation with the Chief Financial Officer, this is to reflect that approval should be sought to ensure external funding applied for is in accordance with the Council’s priorities and not an additional impact on resources. Such approval will be recorded with an Officer Decision.

(c) Part 5 – Procurement Procedure Rules:

- i. Section 4.2.2 – Procurement over £10,000, but not expected to exceed £50,000:
Part 5.67 – replace the current wording at (v) with *“unless an exemption is obtained from the Head of Finance, Revenues and Benefits or the Head of Governance and Legal Services, the Council Standard Contract for Services must be used when seeking quotations. When seeking an exemption, the relevant department will identify why any additional or replacement terms and conditions are necessary for the service being sought”*. This is to ensure that there is a consistency of terms and conditions being entered into across the Council, providing value for money and fairness.
- ii. Section 4.3.5 – Going out to Tender – General Rules:
Part 5.69 - replace the current wording at (x) with *“unless an exemption is obtained from the Head of Finance, Revenues and Benefits or the Head of Governance and Legal Services, the Council’s Standard Contract for Services must be used. The draft contract must be supplied as part of the tender exercise. When seeking an exemption, the relevant department will identify why an alternative model contract is required or any additional or replacement terms and conditions are necessary for the service being sought”*. This is to ensure that the Council fulfils its requirements under the Public Contract Regulations 2015; there is a consistency of terms and conditions being entered into across the Council; achieving value for money and fairness.
- iii. Section 4.3.7 – Opening of Tenders:
Part 5.70 – remove the requirement for an elected member to be present at the time tenders are opened. Since the Council has been using electronic tendering, the system has a number of security measures in place with access to the electronic tender box only being supplied upon the deadline being reached after being supplied with a passcode. The process, undertaken by either the Committee Services Manager or Officer in connection with IT, is witnessed by a Procurement Officer and representative of the service area. It is suggested that it is not an effective use of the Portfolio Holders time to require their attendance to view an email and this could be delegated to the Corporate Director or Head of Service.
- iv. Section 4.3.9 - Tender Evaluation Panel:
Part 5.71 & 5.72 – amend reference from a *“Panel”* to *“Consultation”*, as it is not always necessary and convenient to convene a Panel, when consultation can be undertaken electronically between the relevant officers. The relevant Corporate Director will nominate the Head of Service to lead on the consultation and record the decision to award as a formal Officers Decision. The decision will take into account those matters identified by the consultees.
- v. Section 5.1 – Contract clauses:
Part 5.72 – it is suggested that this section is replaced with reference to the contractual guidance issued by the Monitoring Officer, the Council’s standard draft contract being used unless an exemption has been sought and enforcing the legislative requirement to send draft contracts with the tender documentation. This will ensure that the guidance and draft documentation is kept up to date and is amended to reflect legislation changes, best practice and operational matters.

BACKGROUND PAPERS

There are no background papers (as defined by the Local Government Act 2000) arising

from this report.

APPENDICES

A.1 – Appendix A: Part 5 – tracked changes to Financial and Procurement Procedure Rules

FINANCIAL PROCEDURE RULES

1. INTRODUCTION

- 1.1 Subject to meeting any requirements contained in the Key Decision Rules and the Decision Making Rules, the Council will conduct its financial affairs based upon its Budget and Policy Framework Procedure Rules, together with these Financial Procedure Rules and the Procurement Procedure Rules. These Financial Procedure rules set out the responsibilities and management arrangements that will be followed to ensure that the Council, Members and its officers exercise due probity and accountability for the public monies for which they have responsibility. These rules and the Procurement Procedure Rules apply to all financial transactions of the Council either for itself or where it is acting as the Accountable Body or Agent.

- 1.2 The Chief Financial Officer shall keep under review these Financial Procedure Rules and the Procurement Procedure Rules and ensure that they are appropriate to the running of the Council. Any proposed changes must be recommended by the Cabinet and subsequently agreed by the Council.

The Financial Procedure rules are set out as follows.

SECTION	TOPIC COVERED
2.	Definitions
3.	Responsibilities
4.	Financial Planning and Budget approval
5.	Authority to Incur Expenditure
6.	Changes to budgets after approval by Council
7.	Financial management of budgets during the year
8.	Final accounts, out-turn and Statement of Accounts
9.	Financial administration
10.	Write-Offs of Sums due to the Council
11.	Insurances
12.	Inventories stocks and stores
13.	Banking Arrangements
14.	Investments, Loans and Borrowing
15.	Land and Property transactions
16.	External Funding
17.	Proceeds of Crime Act 2002 (anti-money laundering)
18.	State Aid

2. DEFINITIONS

For the purpose of these regulations the following definitions will apply:

TERM	DEFINITION
Head of Department	The term Head of Department refers to the officer to whom responsibility for a department, function or action has been delegated in accordance with the Council's Scheme of Delegation.
Service	Service shall be those services as set out in the Council's published budget book or where subsequent amendments have been approved.
Estimate	Each line of budget included within each service, or each project line included in the Capital Programme, in the Council's published budget book or where subsequent approval has been given.
Forecast	An estimate of the likely budget for the years following the financial year for which an estimate has been approved.
Expenditure	All direct expenditure as detailed in the Council's published budget book or where subsequent approval has been given.
Income	All direct income as detailed in the Council's published budget book or where subsequent approval has been given.
Virement	A virement is the transfer of a sum from one estimate to another and may include an increase in expenditure provided it is financed by additional income not already provided in the approved budgets.
Supplementary Estimate	This is an increase in the budget approved by Council and can be in respect of either capital or revenue. A transfer from reserves would finance the additional expenditure.
Negative Supplementary estimate	A Negative Supplementary Estimate is the reverse of a Supplementary Estimate and has the effect of reducing an otherwise available budget with the specific purpose of reducing the Council's net expenditure. A transfer to reserves would arise as a result of reducing expenditure.
Section 106 agreement	Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

3. RESPONSIBILITIES

- 3.1 The Leader, each Portfolio Holder and Head of Department shall consult with the Chief Financial Officer, in advance, in respect of any report/proposal which seeks provisional or final approval to any proposed revenue or capital expenditure or service investment or income which is not included in the Council's approved budgets (without reservation). The Chief Financial Officer will bring all such matters to the immediate attention of Management Team.

(Cream)

- 3.2 The Chief Financial Officer shall be responsible, under the general direction of the Cabinet and Management Team for the financial administration of the Council's activities.
- 3.3 The Chief Financial Officer is responsible for ensuring that the Finance and Revenues and Benefits Portfolio Holder is informed of and consulted on all significant financial issues.
- 3.4 The Chief Financial Officer shall inform and advise Management Team about the Council's finances and financial performance of its activities, who will in conjunction with the Finance and Revenues and Benefits Portfolio Holder ensure that the Leader, each Portfolio Holder, Committees and Council are advised appropriately.
- 3.5 The Chief Financial Officer shall ensure that adequate and prudent financial planning, including annual budgets and longer-term forecasting, is undertaken by the Council to protect its finances.
- 3.6 Any requirement in these Financial Procedure Rules and the Council's other procedures to obtain approval for or to report to the Council, Committee, Cabinet or Portfolio Holder, on any action shall include the requirement to consult with the Chief Financial Officer where Council finances are concerned.
- 3.7 The Chief Financial Officer has a duty to ensure that the financial implications of decisions made by Heads of Department in respect of services are not to the detriment of the Council as a whole.
- 3.8 The Chief Financial Officer, their Deputy or Chief Executive is authorised to deal with any General Fund Revenue or HRA virement on exceptional grounds of urgency, such as civil emergencies. If this exemption is relied upon, the relevant Officer must provide a report to the responsible decision maker as soon as practicably possible.

4. FINANCIAL PLANNING AND BUDGET APPROVAL

- 4.1 In accordance with the timetable and format determined by the Chief Financial Officer, Heads of Department will prepare:
 - 4.1.1 Detailed revised estimates of income and expenditure of revenue accounts for the current financial year
 - 4.1.2 Detailed revised estimates of expenditure on capital projects for the current financial year
 - 4.1.3 Detailed forecasts of expenditure on capital projects for the forthcoming financial years, the number of which is to be determined by Cabinet.
 - 4.1.4 Detailed forecasts of income and expenditure of revenue budgets for the forthcoming financial years, the number of which to be determined by Cabinet.

- 4.2** The information prepared by the Heads of Department will be collated and checked by the Chief Financial Officer.
- 4.3** Each financial year, and in accordance with the agreed Financial Strategy / Forecast determined in accordance with the Budget and Policy Framework Procedure Rule 3, the Chief Financial Officer will submit to Management Team for their consideration:
- 4.3.1** A forecast of net revenue expenditure for the forthcoming year(s);
- 4.3.2** A forecast of capital expenditure for the forthcoming year(s) together with known and anticipated funding streams. All such schemes must be in accordance with the Council's approved Capital Strategy and will have been subjected to an investment appraisal in accordance with the Prudential Code and will only be included if it can be demonstrated that the investment is prudent and within affordable and sustainable levels;
- 4.3.3** The forecast position of the Council's Reserves over the period of the forecast;
- 4.3.4** The Council Tax rate for the forthcoming financial year(s) resulting from the proposals;
- 4.3.5** Initial draft revised prudential indicators for the current year and the following 3 years based on the draft capital programme.
- 4.3.6** Any other information required in accordance with the Financial Strategy / Forecast agreed for the year in question.
- 4.4** Management Team will then, in the light of the Chief Financial Officer submission in 4.3 above, and in accordance with the Budget and Policy Framework Procedure Rule 3, make recommendations to the Cabinet setting out proposed draft budgets.
- 4.5** The Cabinet will, in accordance with the Budget and Policy Framework Procedure Rule 3, draw up firm proposals for consideration by the Council.
- 4.6** In submitting the budget to the Council the Cabinet may attach a reservation to any item and, subject to the approval of the Council, no avoidable expenditure shall be incurred in respect of any such item until the Council has withdrawn the reservation.

5. AUTHORITY TO INCUR EXPENDITURE

In relation to all expenditure both revenue and capital, however funded, and in accordance with delegated powers part 3.19 no. 13 and part 3.75 no. 6 an approved scheme is one where there is:-

- (a) Provision of a service consistent with an historic nature and level that is, and has in prior years, been specifically allocated and defined within the ongoing base Budget;

(Cream)

- (b) Any change to a service set out in 1 above where the appropriate authority to the change has been obtained in accordance with delegated powers;
- (c) Otherwise, a scheme that has the necessary approval from Council, Cabinet, Portfolio Holder or Officer in accordance with delegated powers.

For any expenditure to be incurred the necessary budget must also be in place. Where the necessary budget is not in place then amendments to the budget agreed by Council can only be made in accordance with section 6 below.

6. CHANGES TO BUDGETS AFTER APPROVAL BY COUNCIL

6.1 Supplementary estimates

- 6.1.1 A supplementary estimate will increase the Council's net expenditure and will, if it relates to revenue expenditure, result in a reduction in the Council's reserves. If it relates to capital expenditure it will either increase the Council's use of capital receipts, increase the amount needed to be borrowed or, as in the case of revenue expenditure, reduce the Council's reserves. Therefore a supplementary estimate is needed in all cases of increased overall net expenditure, whether capital or revenue.
- 6.1.2 A supplementary estimate should not normally be considered unless the matter is essential and unavoidable and all other options for applying a virement have been considered.
- 6.1.3 Once the Council Tax for any financial year is set any subsequent increase in items (a) to (d) for that same year will require a supplementary estimate. This does not have to be approved before a commitment is made, if in the opinion of the Chief Financial Officer, the matter is urgent. The Chief Financial Officer shall report any increase in the Council's overall net expenditure to the Cabinet at the earliest opportunity and recommend to Cabinet whether the increased expenditure should be financed by virement or supplementary estimate. If the supplementary estimate is outside the scope of the Cabinet's authority as set out in 5.4.5 below appropriate recommendations will be made to Council.
 - (a) Salaries, wages and pensions increases arising from nationally negotiated decisions, and variations in contributions under the National Insurance and Superannuation Acts;
 - (b) Price increases in connection with continuing contracts for revenue services where, in the opinion of the Chief Financial Officer, such increases are reasonable;
 - (c) Reductions in the amount of income from government, local or public authority sources;
 - (d) Interest rates or other similar financing factors;

(Cream)

6.1.4 No specific supplementary estimate approval is required at any time for the following:

- (a) Expenditure which is being funded entirely by income received under section 106 agreements and held in the section 106 receipts in advance holding account where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (b) Debt written off for which specific provision was made in the Council's bad debt provision at the end of the previous financial year.
- (c) Expenditure on a specific activity that has previously been approved in accordance with the Council's constitution and for which the funding of that expenditure in future years has been placed in a dedicated earmarked reserve, and the expenditure is to be financed by the use of that reserve. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (d) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years.

6.1.5 A supplementary estimate can be approved as follows:

- (a) **Finance and Revenues and Benefits Portfolio Holder** may approve a supplementary estimate of any single item (revenue or capital) up to £50,000 subject to a maximum aggregate value of £150,000 for such single items in any one financial year and providing any single supplementary estimate does not cause the total of supplementary estimates approved by the Finance and Revenues and Benefits Portfolio Holder and Cabinet to exceed £1,000,000 for General Fund Services (capital or revenue) (or £1,000,000 in respect of the Housing Revenue Account (capital or revenue) for the financial year concerned.
- (b) **Cabinet** may approve a supplementary estimate of any single item (revenue or capital) up to £500,000 subject to that supplementary estimate not causing the total of supplementary estimates approved by the Cabinet and Finance and Revenues and Benefits Portfolio Holder to exceed £1,000,000 for General Fund Services (capital or revenue) (or £1,000,000 in respect of the Housing Revenue Account (capital or revenue)-for the financial year concerned.
- (c) **Council** may approve a supplementary estimate up to any amount for General Fund or Housing Revenue Account. However Council must be advised if any decision is likely to result in the Council's agreed minimum working balance not being maintained for the current financial year and the length of the Council's approved financial strategy. In the case of the Housing Revenue Account, Council must be advised if any decision is

(Cream)

likely to result in the Revenue Account balance being in deficit over the same period.

- 6.1.6** Where a Head of Department wishes to apply for a supplementary estimate a report shall be made, following consultation with the Chief Financial Officer, to Management Team. Management Team will then make a recommendation where appropriate to the Finance and Revenues and Benefits Portfolio Holder or Cabinet. Cabinet must recommend any request for a supplementary estimate that requires the approval of Council to Council.

6.2 Negative Supplementary Estimates

A negative supplementary estimate (having the effect of reducing an otherwise available budget) with the specific purpose of reducing the Council's net expenditure may be approved based on the same limits set out in 6.1.5 above.

6.3 Virements

- 6.3.1** A virement, unlike a supplementary estimate, will not increase the Council's overall net expenditure. However to ensure that the budget, functions and service levels approved by council are not compromised virements can only be undertaken under the following conditions.

- 6.3.2** Virement rules do not need to be followed in the following circumstances but a scheme will still need to be approved including agreement of what is to be delivered:-

- (a) Where expenditure is being funded entirely by income received under section 106 agreements and that income has been received and accounted for in the current financial year and where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the Chief Financial Officer must agree the expenditure, and the financing.
- (b) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years. In these circumstances the Chief Financial Officer must agree the expenditure and the financing.

If there are additional costs to the Council then that expenditure must be financed in accordance with these Financial Procedure Rules

- (c) Subject to the agreement of the Chief Financial Officer:
 - (i) Where a decision requires an amendment to the budgetary analysis within the Council's financial information system in order that the

Council's accounts can properly reflect the financial transactions of that decision.

- (ii) Where the budgetary analysis within the Council's financial information system needs to be amended in order to comply with required accounting standards or to properly reflect the costs of an activity or function.

6.3.3 Virement rules are required to be followed in the following circumstances:

- (a) The transfer of a sum from one estimate to another, which can be within or between services
- (b) Where an expenditure estimate is to be increased and offset by a known increase in an income estimate including fees and charges.
- (c) Where reduced income is to be offset by a sustainable reduction in expenditure.

6.3.4 The conditions for a virement are:

All virements must be made within the terms and limits prescribed in these Financial Procedure Rules (see 6.3.5):

- (a) Subject to (b) to (h) below a Head of Department can apply a virement provided that the department is able to ensure that:
 - (i) Overall, the minimum agreed level of service would still be provided
 - (ii) The net service cost will be contained within the overall approved budget and the Council's overall costs will not be increased
 - (iii) There are no additional budgetary implications in future years
 - (iv) The service being provided is within the Council's approved policy
- (b) All virements between **revenue and capital budgets** must be as set out
- (c) A virement cannot be made where the proposed expenditure or reduction in income relates to an item which has **previously been considered** and been rejected by the Council, the Cabinet or responsible portfolio holder.
- (d) Where a virement is proposed and the expenditure is in respect of an item not provided for within an approved budgeted service level, but can be met by fortuitous savings (such as from a tendering process or against growth items identified in the Financial Strategy / Forecast), such expenditure if in excess of £15,000, shall be referred to Cabinet for

(Cream)

approval. This excludes savings from minor restructuring. In respect of savings against Financial Strategy \ Forecast Growth Items, the limit will apply to the aggregated value of all requested virements from such budgets.

- (e) Cabinet must approve all virements, which are likely to result in a further and/or additional burden on future years' Council tax and revenues.
 - (f) Where significant virements are necessary, it is NOT acceptable to disaggregate the total sum into a number of smaller virements so that these smaller sums fall within the rules/limits of these Financial Procedure Rules. The limits will apply to the aggregated value of the transfer to or from any one estimate.
- (a) **From employee costs to temporary agency staff estimates**

Virement Value	Approval Required
Not more than £15,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	Chief Financial Officer
Over £15,000 but not more than £30,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	The Chief Financial Officer with the approval of the Management Team and Finance and Revenues and Benefits Portfolio Holder.
Over £30,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	The Chief Financial Officer with the approval of the Management Team, Finance and Revenues and Benefits Portfolio Holder and Cabinet.

(b) **Transfers within an approved estimate**

Virement Value	Approval Required
No limit	The Head of Department providing the expenditure does not impose an ongoing commitment on the Council, which has not already been approved and budgeted for.

(c) **General Fund Revenue and HRA (excluding Employees)**

Virement Value	Approval Required
Not more than £15,000	The Head of Department.
Over £15,000 but not more than £30,000	The Head of Department, with the approval of the Management Team together with the Portfolio Holder(s) and/or Committee(s)
Over £30,000 but not more than £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and the Finance and Revenues and Benefits Portfolio Holder
Over £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and Cabinet

(d) **General Fund Capital schemes**

Virement Value	Approval Required
Not more than £15,000	The Head of Department.
Over £15,000 but not more than £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and the Finance and Revenues and Benefits Portfolio Holder.
Over £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and Cabinet.

(e) **Housing Revenue Account Capital Schemes**

Virement Value	Approval Required
Not more than £100,000	Corporate Director (Operational Services), provided that the total Capital Scheme allocation as approved is not exceeded and provided the Chief Financial Officer advises that no increase to Housing Revenue Account costs results.

(Cream)

FINANCIAL PROCEDURE RULES

Over £100,000	Housing Portfolio Holder provided the total HIP allocation as approved is not exceeded and provided the Head of Finance, Revenues and Benefits Services advises that no increase to Housing Revenue Account and General Fund revenue costs results.
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(f) **Between Capital and Revenue**

Virement Value	Approval
(i). Increase in an approved Capital budget. which is to be financed by a virement from an existing revenue budget.	<p>a) When the increase in the cost of the project is a supplementary estimate and must be agreed in accordance with these Financial Procedure Rules.</p> <p>b) When the financing from an existing revenue budget is a virement between the revenue financing of capital expenditure budget and the revenue budget which is being reduced and normal virement rules as set out in these Financial Procedure Rules are to apply. In these circumstances the Head of Finance, Revenues and Benefits Services must agree the expenditure and the financing.</p>

Virement Value	Approval
(ii). Increase in an approved capital budget which is to be financed by an increase in borrowing or use of capital receipts	This is a supplementary estimate, which must be agreed in accordance with these Financial Procedure Rules
(iii). Increase in an approved revenue budget, which is to be financed by a reduction in an approved capital budget which results in a reduction in the revenue financing of capital expenditure sufficient to meet the entire increase in the revenue budget.	This is a virement between the revenue financing of capital expenditure budget and the revenue budget, which is being increased, and normal virement rules as set out in these Financial Procedure Rules are to apply. In these circumstances the Head of Finance, Revenues and Benefits Services must agree the expenditure and the financing.
If none of the above circumstances set out in (i), (ii) and (iii) above apply.	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.

Irrespective of the above in all cases where there is a increase to the General Fund revenue costs	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.
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- 6.4 The Chief Financial Officer shall ensure that all virements comply with these Financial Procedure Rules and will amend the Council's financial information systems as appropriate.
- 6.5 The Chief Financial Officer will maintain an up-to-date record of all virements and supplementary estimates that have been actioned to date and make this available to the Finance and Revenues and Benefits Portfolio Holder on request.

7. FINANCIAL MANAGEMENT OF BUDGETS DURING THE YEAR

- 7.1 Once the Council has approved the budget, officers to whom authority has been delegated, may incur expenditure within the amount provided under each head of estimate as varied by any supplementary estimate or virement approved under these Financial Procedure Rules provided that:
 - (a) The matter is not one to which the Cabinet has attached a reservation
 - (b) Where appropriate any necessary external consent has been obtained.
 - (c) Procurement Procedure Rules have been complied with
- 7.2 Responsibility for the control of capital and revenue expenditure (including the award of grants) and income for a service or function shall rest with the appropriate Head of Department. Each Head of Department shall notify the Chief Financial Officer of any actual or prospective overspending of expenditure or shortfall in income in excess of the budget which cannot be met by virement as set out in these Financial Procedure Rules.
- 7.3 The Chief Financial Officer has a duty under Section 28 of the Local Government Act 2003 to monitor budgets and the underlying assumptions formulating the budget throughout the year. Where an approved expenditure budget is likely to be overspent or there is likely to be a shortfall in an income budget the Chief Financial Officer shall ensure that corrective action is taken. In exercising this duty the Chief Financial Officer may, irrespective of section 6.2, above examine all budgets and seek explanations from Heads of Department as necessary. The Head of Department shall provide the Chief Financial Officer with any information and explanation requested
- 7.4 The Chief Financial Officer shall provide Heads of Department with adequate and timely accounting information and reports, in appropriate detail, to enable those Heads of Department to carry out budgetary control of their budgets.

- 7.5** The Chief Financial Officer shall determine the level and detail at which budgets and financial management reports are maintained for use by officers and for reporting to Members.
- 7.6** The Chief Financial Officer shall in conjunction with the Management Team ensure that Portfolio Holders, Cabinet and the Council are fully informed of the Council's financial position.

8. FINAL ACCOUNTS, OUT-TURN REPORT AND STATEMENT OF ACCOUNTS

- 8.1** An Outturn Report for the previous financial year will be prepared by the Chief Financial Officer, in respect of revenue and capital items (including Housing), in accordance with the timetable necessary to produce the Statement of Accounts by the statutory deadline. The outturn report will seek Cabinet approval for
 - 8.1.1** Any transfers to and from reserves.
 - 8.1.2** The funding treatment of capital expenditure and the treatment of capital receipts.
 - 8.1.3** The carrying forward of capital slippage and revenue commitment sums (and the consequential amendments to budgets) in respect of any unspent monies in one year to a later year or to reserves.
 - 8.1.4** The carrying forward of overspent sums in respect of Capital projects and revenue budgets that will be financed by a reduction in the following years budget (and the consequential amendments to budgets) in respect of any overspent monies in one year to a later year or to be financed from reserves.
- 8.2** The Chief Financial Officer will prepare the Council's Statement of Accounts in accordance with statutory requirements and will incorporate all decisions approved by the Cabinet in 7.1 above.
- 8.3** All Heads of Department shall supply the Chief Financial Officer with accurate and timely information as may be required for the compilation of the final and other accounts and matters incidental thereto to enable the above requirements to be achieved. That information shall be supplied in a format specified by the Chief Financial Officer.

9. FINANCIAL ADMINISTRATION

9.1 Internal Audit

- 9.1.1** The designated Head of Internal Audit is the Council's officer for the purposes of compliance with statutory Section 151 responsibilities in respect of Internal Audit along with any other relevant regulations or standards.

- 9.1.2 The designated Head of Internal Audit shall ensure that independent internal audit staff examine and audit the expenditure, income and property and other assets of the Council and its officers. To enable the designated Head of Internal Audit to achieve this, Internal Audit shall have the right of entry to all establishments and the right to examine all records, cash, stores and other properties belonging to or appertaining to the finances of the Council and to carry out such checks and require and receive such explanations as considered necessary.
- 9.1.3 Following completion of each audit a written report shall be submitted to the Head of Department, who must determine and notify the designated Head of Internal Audit of the action they propose to take.
- 9.1.4 In planning the conduct of these audits the designated Head of Internal Audit shall arrange, as far as possible, for the views of the Head of Department to be taken into account.
- 9.1.5 Heads of Department **must** report **any financial irregularity or suspected irregularity**, including those affecting cash, stores or property to the designated Head of Internal Audit **immediately the irregularity or suspected irregularity becomes known**.

9.2 **Accounting Arrangements**

- 9.2.1 The Chief Financial Officer shall determine, provide, and manage the Council's Financial Information System.
- 9.2.2 All financial returns to Government, the Council's Statement of Accounts and all budget monitoring reports will be prepared from the information in the Council's Financial Information System or such other system that the Chief Financial Officer has agreed can be used to provide the information.
- 9.2.3 Each Head of Department is required to obtain the approval of the Chief Financial Officer for all accounting procedures and records that are proposed. This shall include any computer-based systems that store, utilise or process any financial information and must be capable of interfacing and/or integrating with the Council's Financial Information System.
- 9.2.4 All Heads of Department shall ensure that their approved accounting procedures and records are reconciled to the Council's Financial Information System and that adequate records are maintained to demonstrate this.
- 9.2.5 In this respect each Head of Department shall provide the Chief Financial Officer with details of all authorised officers within their department, setting out matters that those officers are authorised to deal with and, where appropriate, the financial limits and shall notify the Chief Financial Officer of those officers' appointment or departure.

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- 9.2.6 Any officer having in their charge money, equipment, stores or other property for which they are accountable to the Council shall take all reasonable precautions for its safe custody and proper use.

9.3 Responsibilities for Computer System Legislation

- 9.3.1 All Heads of Department whose services utilise computer installations and software shall be responsible for the security and privacy of all data held in those installations, and for ensuring compliance with all relevant legislation in respect of the licensing and use of that software. This includes taking all necessary action to safeguard against computer viruses or other form of data corruption.
- 9.3.2 Heads of Department shall also ensure that all necessary registrations are made under the Data Protection Act and that those registrations are regularly monitored and updated where necessary. Staff shall also be reminded of their individual responsibilities under this Act and the Freedom of Information Act.
- 9.3.3 Similarly, each Head of Department shall ensure that all other relevant computer system legislation is complied with, in particular copyright and patents acts concerning the use of software, scanners and other electronic storage means, for which the appropriate (licence) fee has not been paid, and the Computer Misuse Act.

9.4 Orders for Work, Goods and Services

- 9.4.1 All official orders and associated documents shall bear the name and logo of Tendring District Council and shall be in an agreed standard format and produced by the approved ordering system. They shall be issued only by Heads of Department and their authorised staff and be in accordance with these Financial Procedure Rules and the Procurement Procedure Rules.

9.5 Certification and Payment of Invoices

- 9.5.1 Invoices for payment by the Council shall not be made out by any officer of the Council, other than in circumstances agreed in advance with the Chief Financial Officer, nor shall an officer add any item to an invoice rendered by a supplier.
- 9.5.2 The reasons for any amendment to an invoice shall be recorded and retained in a safe and secure manner in accordance with the directions issued by the Chief Financial Officer.
- 9.5.3 Any Head of Department who issues an order shall be responsible for ensuring the examination, verification and certification of the relative invoice(s), except in circumstances as determined by the Chief Financial Officer, and for correctly and promptly recording on the Council's approved ordering system the receipt of goods, works, or services.

- 9.5.4** Before certifying an invoice the certifying officer must be satisfied, within the tolerances specified by the Chief Financial Officer, that:
- (a) The invoice conforms with the official order
 - (b) That the goods have been received, examined and approved for quality and quantity and that any services have been rendered or any work done satisfactorily and receipted on the approved order system.
 - (c) That the prices charged are correct
 - (d) That the expenditure is, to the best of the certifying officer's belief, lawful and has been duly authorised
 - (e) That no invoice for the same goods, service or work has previously been passed for payment
 - (f) The invoice is arithmetically correct
 - (g) That the expenditure has been properly analysed to the appropriate accounting code(s)
 - (h) That the allocation of VAT has been correctly made
 - (i) That the expenditure can be financed from within the appropriate approved estimate

Where a grant has been approved, the above should be followed by the certifying officer where appropriate.

- 9.5.5** It is the responsibility of a Head of Department receiving goods or materials to ensure that appropriate entries are made in inventories, stores or other records.
- 9.5.6** Wherever practicable the respective duties of ordering, receiving and certifying the relevant invoices for payment of goods, services or work shall not be performed by one and the same officer, and in no case shall an invoice be finally certified for payment by an officer assuming personal control over the goods, works or services to which the invoice relates.
- 9.5.7** The Chief Financial Officer shall examine, so far as he/she considers necessary, invoices passed for payment and shall make all such enquiries and receive all such information and explanations, as shall be required.
- 9.5.8** All Heads of Department shall ensure that the Council's prompt payment of invoice are met.

9.6 Income

- 9.6.1 All arrangements for the collection of monies due to the Council and the issuing of debtor invoices shall be as directed by the Chief Financial Officer.
- 9.6.2 All monies received shall, without delay, either be paid in as instructed by the Chief Financial Officer be banked in the Council's name to the bank accounts designated by the Chief Financial Officer.
- 9.6.3 Heads of Department must ensure that where an invoice is to be issued for sums due to the Council, that the invoice is issued immediately the sum due is known. Where a large sum is likely to be due, interim invoices are to be issued.
- 9.6.4 Where an invoice is to be issued the Head of Department issuing the invoice must ensure that the invoice is correct and the sum demanded is properly due to the Council and meets all legal obligations especially those required to enforce non-payment if such circumstances arise.
- 9.6.5 Each officer who banks money to the credit of the Council's bank account shall enter on the paying-in slip, and on the duplicate thereof, particulars of the payment. In the case of each cheque paid in he/she shall record:-
 - (a) The amount of the cheque
 - (b) A reference which shall connect the cheque with the debt or debts in respect of which it was received
- 9.6.6 Where monies are due to the Council under contracts, leases, tenancy agreements, agreements for the sale of property and any other agreements entered into which involve the receipt of money by the Council, the Head of Department shall provide the Chief Financial Officer with all relevant particulars, as soon as possible.
- 9.6.7 Each Head of Department who, under arrangements approved by the Chief Financial Officer, is responsible for the collection or recovery of sums due to the Council shall take prompt action to expedite collection. This action shall comply with the Council's debt recovery procedures as determined and directed by the Chief Financial Officer.
- 9.6.8 Official receipt forms, receipt books, tickets and other documents of a similar nature used to collect revenue due to the Council shall be in a format approved by the Chief Financial Officer.
- 9.6.9 Heads of Department stocking such stationery shall ensure that appropriate security is maintained at all times.
- 9.6.10 Each officer authorised to receive monies on behalf of the Council shall do so only on official receipt forms, tickets or other documents of a similar nature as approved by the Chief Financial Officer, except in respect of payments by

cheque or drafts where no receipt is requested, or for payments received by the Head of Governance and Legal Services for which he/she is satisfied it is appropriate to give a receipt otherwise than in the official form.

9.6.11 Money received shall not be used to cash personal or any other cheques whatsoever except where, due to exceptional circumstances, the Chief Financial Officer has given prior approval.

9.6.12 Where payment is made to the Council by debit or credit card the Head of Department accepting payment must ensure that all sums due to the Council by the Credit Card or Debit Card Company is received in full by the Council and reconciled.

9.7 Remuneration, Gratuities and Allowances

9.7.1 Heads of Department shall provide the Chief Financial Officer with all appropriate details to enable the payment of all salaries, wages, compensation, gratuities and other emoluments in respect of employees or former employees.

(a) The Head of People, Performance & Projects must notify the Chief Financial Officer immediately of all appointments, dismissals, resignations, suspensions, transfers and changes in the rate of remuneration of employees (other than normal increments).

(b) Heads of Department shall notify the Chief Financial Officer of all overtime or additional hours worked for which payment is to be made and all absences through sickness or other absences affecting the payment due to employees.

(c) Claims for travelling and Subsistence allowances shall be assessed monthly by Heads of Department who, within four working days of the end of each month shall notify the Chief Financial Officer of amounts due to be paid.

(d) Each Head of Department shall notify the Chief Financial Officer of the names and specimen signatures of those officers who are authorised to certify salaries, wages and allowances documents.

9.7.2 The Chief Financial Officer shall examine, so far as he/she considers necessary, all claims for payment of salaries, wages or allowances and subject to that examination, shall make all such payments which are certified by the appropriate Head of Department or other officer authorised by them in writing or in an electronic format approved by the Chief Financial Officer.

9.8 Petty Cash and Other Imprest Accounts

9.8.1 The Chief Financial Officer shall make imprest advances to Heads of Department, where appropriate, for the purpose of defraying petty expenses.

The use of any alternative means of meeting expenses shall be agreed, in advance, with the Chief Financial Officer.

- 9.8.2** The amount of each advance and the system of operation shall be determined in consultation between the Head of Department and the Chief Financial Officer.
- 9.8.3** Whenever an Officer leaves the employment of the Council or ceases to be entitled to hold an imprest advance he/she shall account to the Chief Financial Officer for the unexpended balance of their advance.
- 9.8.4** All procurements made using a petty cash imprest shall be in accordance with the Procurement Procedure Rules. All procurements must be evidenced by the production, and retention with the petty cash imprest records, of a valid receipt. Where VAT is to be accounted for a valid VAT receipt shall be obtained.

10. WRITE-OFFS OF SUMS DUE TO THE COUNCIL

- 10.1** The Council has a duty to collect all sums due to it. However there are occasions when it is not possible or cost effective to proceed with recovery of the debt. In these cases the debt needs to be written off and the following conditions, delegations, and limits apply. The Head of Department must be reasonably satisfied that recovery action / options have been 'exhausted' before proceeding to seek a write off of any debt.
- 10.2** Where a debt has been raised in error or is incorrectly calculated then the debt should be either reduced or cancelled by the issue of a credit note or similar reversal of the original charge. Such reversal must be authorised by a responsible officer other than the one who raised the original debt.
- 10.3** All write-offs of debt must be set against the budget to which the original income was credited or an appropriate provision if one has been made.
- 10.4** If the write-off will result in that income budget not being achieved the Head of Department must advise the Chief Financial Officer immediately.
- 10.5** That part of any debt written off, for which provision has been made in the Council's bad debt provision at the end of the previous financial year can be written off without further action as set out in 5.4.4 (b) of these financial procedure rules
- 10.6** If the Chief Financial Officer advises that the whole or part of the debt was not included in the Council's bad debt provision at the end of the previous financial year then the Head of Department must apply a virement or seek a supplementary estimate in accordance with section 5 of these Financial Procedure Rules to finance that part of the debt not provided for within that provision.

10.7 The authority to write off debts is delegated by the Council as follows:

Item For Potential Write Off	Authority To Write Off Delegated To
<p>Debt due to the Council where the amount owing is a Council Tax, or NNDR, <u>Housing Benefit or Rent</u> debt which is either:-</p> <ol style="list-style-type: none"> 1. A ceased account and the debt is equal to the amount charged as summons costs making the debt uneconomical to collect, or 2. Not a ceased account but the amount owing is less than the cost of second class postage 3. The debt due to the Council is Housing Benefit and the amount owing is less than £10 <p><i>In respect of 1. and 3. above, there should be no other 'live' Council Tax or NNDR account in the name of the specific debtor.</i></p>	<p><u>Relevant</u> Corporate Director (Operational Services)</p>

Item For Potential Write Off	Authority To Write Off Delegated To
<p>Specific <u>Debtors</u> where :-</p> <ol style="list-style-type: none"> (a) There is a personal bankruptcy, company insolvency, Individual/ Company Voluntary Arrangement or a Debt Relief Order. (b) The <u>Recovery Enforcement Agent</u> Bailiff has been unable to obtain payment and has returned the debt as "nulla bona" <u>and insufficient assets to satisfy the debt.</u> (c) The company has been struck off by Companies House. (d) The death of a debtor who dies insolvent and the claim against the estate has been made. (e) Death of a debtor who has died with 	<p>The Chief Financial Officer on receipt of a written report from the appropriate Head(s) of Department.</p> <p>Where joint / several liability applies to any of the criteria listed, the criteria applied must be applicable to all parties.</p>

<p>no executor with whom to register a claim.</p> <p>(f) Council Tax Debts – Removal outside the jurisdiction of the Magistrates Courts of the debtor.</p> <p>(g) All other debts – Removal outside the UK of the debtor.</p> <p>(h) The remission of debts by the Magistrates or other court.</p> <p>(i) The committal to prison of the debtor in respect of the non-payment of the debt or associated debt.</p> <p>(j) The abscondment of a debtor where a tracing or other appropriate agency has failed to make a trace.</p>	
<p>ANY OTHER DEBTS</p>	
<p>Individual debts not exceeding £2,000 <u>£5,000</u></p>	<p>The Chief Financial Officer on receipt of a written report from the appropriate Head(s) of Department which should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.</p>
<p>Individual debts exceeding £2,000 <u>£5,000</u> but below £25,000</p>	<p>The Finance and Revenues and Benefits Portfolio Holder on receipt of a written joint report from the appropriate Head(s) of Department, the Chief Financial Officer and the Head of Governance and Legal Services which should include a recommendation as to how the write-off will be financed and should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.</p>
<p>Individual Debts of £25,000 and above</p>	<p>The Cabinet on receipt of a written joint report from the appropriate Head(s) of Department, the Chief Financial Officer and the Head of Governance and Legal Services which should include a recommendation as to how the write-off will</p>

	be financed and should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.
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11. INSURANCE

- 11.1 The Chief Financial Officer shall be responsible for the provision of the Council's insurances. This shall include authority to accept annual renewal terms from the appointed insurer subject to such terms being within the terms of the original contract and the approved budget available. Heads of Department shall be responsible for providing the Chief Financial Officer with all necessary information to do this in the most effective manner.
- 11.2 Each Head of Department shall give prompt notification to the Chief Financial Officer of all new risks, properties or vehicles which require to be insured, and of any alterations affecting existing insurances, indicating the amount or variation in cover required.
- 11.3 Each Head of Department shall also notify the Chief Financial Officer of any other risk which in their opinion should be included within the Council's insurance cover arrangements.
- 11.4 Heads of Department shall, as soon as they become aware of such circumstances, notify the Chief Financial Officer in writing of any claim or likely claim. Heads of Department shall not admit any liability or take any action that may commit the Council or its insurers in respect of any potential or actual claim.
- 11.5 Each Head of Department shall consult the Head of Governance and Legal Services regarding the terms of any indemnity which the Council has been requested to give before authority is sought for the giving of the indemnity.
- 11.6 Each Head of Department shall consult the Chief Financial Officer in any case where, in their opinion, the nature or situation of any equipment, stores or other property for which they are accountable to the Council requires the provision of special security arrangements.
- 11.7 The Chief Financial Officer shall, periodically, provide Heads of Department with full details of the risks insured by the Council so that they may check and review the items for which they are responsible.

12. INVENTORIES STOCKS AND STORES

- 12.1 Inventories shall be properly maintained by Heads of Department to record appropriate items in the possession of the Council regardless of whether an item has been leased, rented, borrowed or purchased.

- 12.1.1** All assets of the Council shall be recorded in inventories or registers maintained by Heads of Department in a form approved by the Chief Financial Officer and in accordance with procedures agreed with him/her.
- 12.1.2** Separate registers will be maintained by the Director of Corporate Services for:
- (a) Land and Buildings
 - (b) IT equipment
- 12.1.3** The level or value of items to be listed shall be determined by each Head of Department in consultation with the Chief Financial Officer.
- 12.1.4** Heads of Department are responsible for the checking and certifying of inventories within their control at least once a year to ensure the security of all property under the Council's control.
- 12.1.5** The Council's property, equipment and other facilities shall not be removed other than in the ordinary course of the Council's business nor shall they be used for any other purpose. Heads of Department should ensure that where equipment is removed from Council premises to be used for work purposes elsewhere, including officers' homes, that an appropriate record is maintained of such movements and that adequate insurance cover exists (including whilst in transit).
- 12.1.6** Heads of Department shall ensure that a record is maintained, in a format approved by the Chief Financial Officer, of all items written off. This record shall detail date, description, reason and include appropriate authorisation.
- 12.2** Where appropriate a Head of Department shall notify the Chief Financial Officer of any acquisition, disposal or change of an item, which is included in the Authority's balance sheet or where changes in the Council's insurance cover may be necessary.
- 12.3 Stocks And Stores**
- 12.3.1** All records of stocks and stores shall be in a form approved by the Chief Financial Officer.
- 12.3.2** Procedures for the receipt and issue of stocks and stores shall be approved by the Chief Financial Officer.
- 12.3.3** Each Head of Department shall be responsible for the custody and physical control of all stocks and stores under their control.
- 12.3.4** Each Head of Department shall arrange for continuous stock checking of stocks in hand and shall ensure that all items of stocks are checked at least once in every financial year.
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12.3.5 Each Head of Department shall furnish the Chief Financial Officer with a certificate showing the value of stock and stores in hand under their control as at 31 March in each year in accordance with the timetable necessary to produce the Statement of Accounts by the statutory deadline.

12.3.6 The relevant Corporate Director is authorised to approve the write off of an inventory item and adjusting stocks and stores accounts up to £250 in respect of any one item or £1,250 per annum in consultation with the Chief Financial Officer.

12.4 Disposal of Stocks and Stores and Items owned or managed by the Council

12.4.1 Where a Head of Department identifies items of equipment on an inventory or stocks or stores no longer required and they are satisfied that the items/stores are of no use to other Heads of Department then they shall arrange for disposal which can include being offered for sale to staff / Council Members where the sale is based on the highest price offered.

Only then:

If the total estimated value of the items is in excess of £1,000 then disposal shall be by means of public auction or open tender

12.4.2 Whatever method of disposal is applied, where the value of the items to be disposed of needs to be written from the accounts, the cost shall be allocated to a separately identifiable write-off code provided by the Chief Financial Officer.

12.4.3 Income from any disposal shall similarly be identifiable using a code provided by the Chief Financial Officer

12.5 Where there is a net cost of disposal the Head of Department must finance the cost by virement or supplementary estimate in accordance with these Financial Procedure Rules.

13. BANKING ARRANGEMENTS

13.1 Only the Chief Financial Officer shall be authorised to open bank accounts for monies under the control of the Council and these shall be in the name of the Council. Day to day operation of bank accounts shall be determined by the Chief Financial Officer.

13.2 The conduct of the Council's business with their bankers shall be made by, or under arrangements approved by, the Chief Financial Officer.

- 13.2.1 A bank account or accounts shall be maintained by the Council into which all monies received by the Council shall be paid. Withdrawals from these accounts and transfers from one account to another shall be made only on the authority of the Chief Financial Officer or other officer authorised by him/her in writing.
- 13.2.2 Payments made on the Council's behalf shall be made using BACS transfers wherever possible or otherwise by crossed cheques. The Chief Financial Officer, or other officer authorised by him/her in writing, may make alternative arrangements where they consider it necessary or appropriate, in the interest of the Council.
- 13.2.3 ~~Cheques drawn on banking accounts of the Council shall bear the pre-printed signature of the Chief Financial Officer.~~
- 13.2.4 Manual signatures of the Chief Financial Officer, or other officers authorised by him/her in writing, shall be required in accordance with arrangements determined by the Chief Financial Officer

14. INVESTMENTS, LOANS AND BORROWING

- 14.1 The Council has adopted the CIPFA Treasury Management in Public Services Code of Practice (The Code) 2009.
 - 14.1.1 All securities in the name of the Council and the title deeds of all property in the ownership of the Council shall be held in the custody of the Property Service
 - 14.1.2 This Council will create and maintain, as the cornerstones for effective treasury management:-
 - (a) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
 - (b) Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
 - 14.1.3 The contents of the policy statement and TMPs will follow the recommendations contained in the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles.
- 14.2 The Council will receive reports on its treasury management policies, practices and activities as follows:-

- 14.2.1** Each year in accordance with statutory requirements and before the start of the forthcoming year Full Council will, following a recommendation by Cabinet and consideration by Corporate Management Scrutiny Committee, approve an Annual Treasury Strategy for the forthcoming year. The Annual Treasury Strategy will include an investment strategy and a borrowing strategy. The investment strategy will include a schedule of those instruments the Council will consider using for investments in the forthcoming financial year. The borrowing strategy will include a statement of the anticipated borrowing requirement for the following financial year. The Annual Treasury Strategy will also include the prudential and treasury indicators for the forthcoming year and at least the subsequent 2 years.
- 14.2.2** The Annual Treasury Strategy will be reviewed as necessary throughout the year. As a minimum the Chief Financial Officer will review the strategy as at the end of September and report the findings of that review to Cabinet, which may at its discretion, forward the report to Council.
- 14.2.3** The Chief Financial Officer will report to Cabinet at the earliest opportunity after 31 March in any year on the Council's Treasury Management performance and activities in the preceding financial year.
- 14.2.4** The Chief Financial Officer will report during the course of the financial year on the Council's Treasury Management performance and activities. Such reports to be considered by Cabinet and the Corporate Management Scrutiny Committee.
- 14.3** The Chief Financial Officer shall, in accordance with the Council's TMPs and the Council's approved Annual Treasury Strategy, be authorised to
- (a) Borrow sums of money.
 - (b) Reschedule or restructure the existing debt portfolio.
 - (c) Invest surplus funds.
 - (d) Determine those counterparties and countries that meet the Council's credit rating criteria.
 - (e) Determine the money brokers the Council will use for temporary borrowing and investment and long term borrowing.
 - (f) Amend as necessary and in accordance with the Council's Treasury Management Practices those schedules set out therein.
 - (g) Take urgent action to safeguard the Council's investments, including where necessary temporarily breaching the conditions set out in the TMP's. The Finance and Revenues and Benefits Portfolio Holder is to be advised of the action taken as soon as practicable.
- 14.4** The execution and administration of treasury management decisions is the responsibility of the Chief Financial Officer, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
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15. LAND AND PROPERTY TRANSACTIONS

- 15.1 All land and property transactions must be undertaken in accordance with the Council's **Property Dealing Procedure**.
- 15.2 Any amendments to the **Property Dealing Procedure** will be made by Full Council as constitutional amendments.

16. EXTERNAL FUNDING

- 16.1 External funding refers to applications to external organisations, including Government departments and agencies for the funding of expenditure. The expenditure may be for the Council's own services or for those services provided in partnership with other public bodies, voluntary sector bodies or private sector organisations.
- 16.2 In any partnership arrangement the Chief Financial Officer must ensure that there are adequate controls in place in respect of the Council's own financial liabilities to the partnership and that there are adequate controls in place for the partnership itself.
- 16.3 Any application for external funding to finance or contribute to the financing of a function, investment or activity for which the Council is either the sole provider or is the accountable body must be approved by Management Team following consultation with the Chief Financial Officer to ensure the external funding being sought is in accordance with the Council's priorities and not an additional impact on resources. Such approval will be recorded with an Officer Decision.
- 16.4 When making application for payment of funds from the body awarding the grant it is a statutory obligation that all figures in the claim be supported by adequate, and comprehensive working papers. All such working papers will be in a format and detail as determined by the Chief Financial Officer.

17. PROCEEDS OF CRIME ACT 2002 (ANTI-MONEY LAUNDERING)

- 17.1 The Proceeds of Crime Act 2002 sets out some of the obligations placed on individuals and organisations to report known or suspected money-laundering activities. This means that both the Council itself and individual officers within the Council are bound by this act. All employees of the Council must report any suspicions. Failure to do so is a criminal offence.
- 17.2 It is the Council's policy to do all it can to prevent, wherever possible, the Council and its staff being exposed to money laundering, to identify the potential areas where it may occur and to comply with all legal and regulatory requirements especially with regard to reporting of actual or suspected cases.

- 17.3** All Heads of Department will ensure that all staff for whom they are responsible and who are involved in financial transactions are aware of the Council's and their own obligations in respect of money laundering.
- 17.4** The Chief Financial Officer, or officer(s) nominated by him/her will be responsible for anti-money laundering measures within the Council to ensure compliance with the Proceeds of Crime Act 2002 and fulfil the Council's policy in respect of money laundering.
- 17.5** The following instances could be an attempt at money laundering and should raise suspicions and must be reported to the Chief Financial Officer or nominated officer(s). The Chief Financial Officer will determine the limits and procedures to be followed in the event of these activities arising.
- 17.5.1** Payment in cash of an unusually large sum of money.
- 17.5.2** Payment in cash of a sum in excess of the amount owing; particularly if a double payment is made, followed by a request for a non-cash refund.
- 17.5.3** The use of Trusts or offshore funds for handling proceeds or settlement of a transaction should be questioned.
- 17.5.4** Care should be exercised and further enquiries may be needed in the following instances.
- (a) A third party intermediary becomes involved in a transaction
 - (b) The identity of a third party is hard to establish or is undisclosed
 - (c) A party is evasive as to the source or destiny of funds
 - (d) A third party uses a vehicle company and the ultimate ownership is concealed or difficult to establish.

18. STATE AID

- 18.1** State aid rules are in place to protect the European Community free market by ensuring state resources are not used to distort competition or give an unfair advantage. State aid rules can apply to voluntary and non-profit making organisations. State aid has four characteristics:
- (a) It is granted by the State or through state resources (this includes local authorities);
 - (b) It favours certain undertakings, or the production of certain goods (this can include voluntary and non-profit making organisations if they are engaged in economic activity);

- (c) It distorts or threatens to distort competition;
- (d) It affects trade between member states;

If all four characteristics are present the state aid is prohibited, subject to certain exemptions. State aid takes many forms, it relates to a financial advantage of any kind.

- 18.2** Any support given to organisations must not breach state aid rules.
- 18.3** Issues regarding state aid must be checked prior to the award of support and advice sought as appropriate (guidance is available from the Department for Business Enterprise and Regulatory Reform).
- 18.4** Where state aid rules are considered to apply appropriate approvals must be obtained from the European Commission prior to the award of the support unless specific regulations do not require advance approval, for example they are covered by a block exemption (limits apply) or the de minimis regulations.
- 18.5** If state aid is being given under a block exemption the aid must comply with every condition stated in the block exemption regulation and appropriate procedures for notifying the Commission of the award must be followed.
- 18.6** If state aid is being given under the de minimis regulation all relevant procedures must be followed, in particular;
 - (a) the recipient must be informed of the de minimis nature of the grant.
 - (b) full information must be obtained from the recipient about other de minimis aid received during the previous three years.
 - (c) new de minimis aid must only be granted if it will not raise the total aid received in the relevant period of three years over the de minimis limit applicable at the time.
 - (d) all records of de minimis aid paid must be kept in accordance with the regulations and for the relevant minimum time period.
- 18.7** All aid given must be notified to the Chief Financial Officer Financial records must separately identify any aid given.

SECTION 1 – SECTION SUMMARY**1.0 Procurement rules are set out across the following sections:**

- SECTION 1 – General Requirements
- SECTION 2 – Exemptions from Procurement Rules
- SECTION 3 – The Procurement Framework and Central Purchasing
- SECTION 4 – Quotation and Tenders

- 4.1 General Requirements
- 4.2 Quotations (*Procurement up to £50,000*)
- 4.3 Tenders (*Procurement over £50,000*)
 - 4.3.1 Selecting Suppliers
 - 4.3.2 Open Competitive Tenders
 - 4.3.3 Selective Tenders
 - 4.3.4 The number of suppliers invited to tender
 - 4.3.5 Going out to Tender
 - 4.3.6 Receipt of Tenders
 - 4.3.7 Opening of Tenders
 - 4.3.8 Acceptance of Tenders
 - 4.3.9 Tender Evaluation Panel

- SECTION 5 – Other Procurement Rules
- SECTION 6 – Official Order Rules

SECTION 1 – GENERAL REQUIREMENTS**1.1 Before undertaking any procurement, Departments should satisfy themselves that**

- The works, goods or services are required and a need can be demonstrated.
- There are no reasonable alternatives e.g. sharing or utilising spare capacity / inventories etc elsewhere within the Council.
- Where relevant, they have considered the requirements of the Public Services (Social Value) Act 2012 and have recorded / evidenced the outcomes against the associated requirements:-
 - ❖ *how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area.*
 - ❖ *how, in conducting the process of procurement, it might act with a view to securing that improvement.*

Procurement Procedure Rules apply to the procurement of ALL goods, works or services. The Council's approved computerised ordering system will be used for all procurement, except where otherwise detailed within these Procurement Procedure Rules.

Procurement can only take place where budgetary provision is available to fund the goods, works or services required (See Financial Procedure Rules).

Where the Council contracts with a third party (who is not an officer of this Council) to supervise a contract on its behalf, the Corporate Director / Head of Department entering into that contract will be required to ensure that the third party complies with the requirements of these Procurement Procedure Rules.

Where the Council enters into or administers a contract either as an agent, or on behalf of another public body the Council's Procurement Procedure Rules will apply unless written instructions have been received by the Council to the contrary.

These Procurement Procedure Rules will not apply where statute or subordinate legislation prescribes otherwise.

Delegation relating to the engagement of consultancy services is set out separately within the 'Common to All Portfolio Holders' section of the constitution. However, for completeness, Corporate Directors / Heads of Department only have delegated authority for the engagement of Consultancy services or Specialist Professional advice up to the value of £15,000 and procurement rules must be followed. For schemes where fees are expected to exceed £15,000 consultation with the Portfolio Holder or Committee Chairman is required.

Procurement within the Council is coordinated by Finance and Procurement Services and in all cases where catalogues or other pre-negotiated approaches are not used, then consultation with the Finance and Procurement Service should be undertaken to identify potential alternative options or additional procurement opportunities.

Where building works form part of the procurement, then it is expected that Departments will discuss their requirements with the internal surveyor as appropriate.

1.2 Use of Local Suppliers

All Procurement should be in line with the Council's Procurement Strategy which includes the recognition of the use of local suppliers and providing a fair basis for them to compete for the provision of goods, works and service required by the Council.

SECTION 2 – EXEMPTION FROM PROCUREMENT RULES

- 2.1 Corporate Directors / Heads of Department shall be exempt from the need to obtain competitive quotations / prices where any of the following circumstances apply: -
- (a) The goods or services are procured from an in-house service.
 - (b) The goods are proprietary items of which there is only one supplier, or are sold by all suppliers at a fixed price.
 - (c) The matter is one of urgency as determined by the appropriate Corporate Director / Head of Department following consultation with the responsible Portfolio Holder or the Leader of the Council.

-
- (d) The contractor or supplier is specified for works to this Council for which an external client is making payment.
 - (d) Where the work is of a specialist nature and the Corporate Director / Head of Department can demonstrate that it is not possible to obtain more than one quotation or tender.
 - (e) For the engagement of Counsel by the Head of Governance and Legal Services.
 - (f) Where a partnership arrangement has been entered into with a contractor or a supplier as a result of competitive tendering, and the proposed procurement is within or related to the documented scope of that partnership arrangement. In such cases the Corporate Director / Head of Department must be able to demonstrate that the proposed procurement through such a partnership arrangement is advantageous to the Council (e.g. continuity of service or product supply, or extension of existing arrangements). The documentation to be issued will take the form of a contract variation as determined in the partnership contract and/or via the Official Ordering rules or if appropriate the documentation to be issued will be as required by Procurement Procedure Rules for the value of the procurement. *(EU Limits must be observed to ensure no thresholds are exceeded)*
 - (g) For purchases made from petty cash.

In all cases where an exemption is applied the Corporate Director / Head of Department shall maintain a record to evidence this.

2.2 Further exemption from Procurement Procedure Rules may be sought where a Head of Department can demonstrate that exemption is justified by special circumstances.

- (a) Where no specific exemption is provided above:
 - Where the value of the contract or procurement is estimated to be less than £50,000 exemption may be granted by the Chief Financial Officer in consultation with the Finance and Transformation Portfolio Holder.
 - Where the total value of the contract, or procurement, is estimated to be between £50,000 and £250,000 the Finance and Revenues and Benefits Portfolio Holder may, on the recommendation of the Chief Financial Officer, grant exemption. In such cases a formal Portfolio Holder decision must be made.
 - Where the total contract, or procurement, is estimated to exceed £250,000, the Cabinet, or a Committee may, on the recommendation of the Chief Financial Officer, grant exemption. In such cases a record of the exemption must be made in the minutes of the Cabinet, or Committee.

2.3 **Alternative / Indirect Service Delivery**

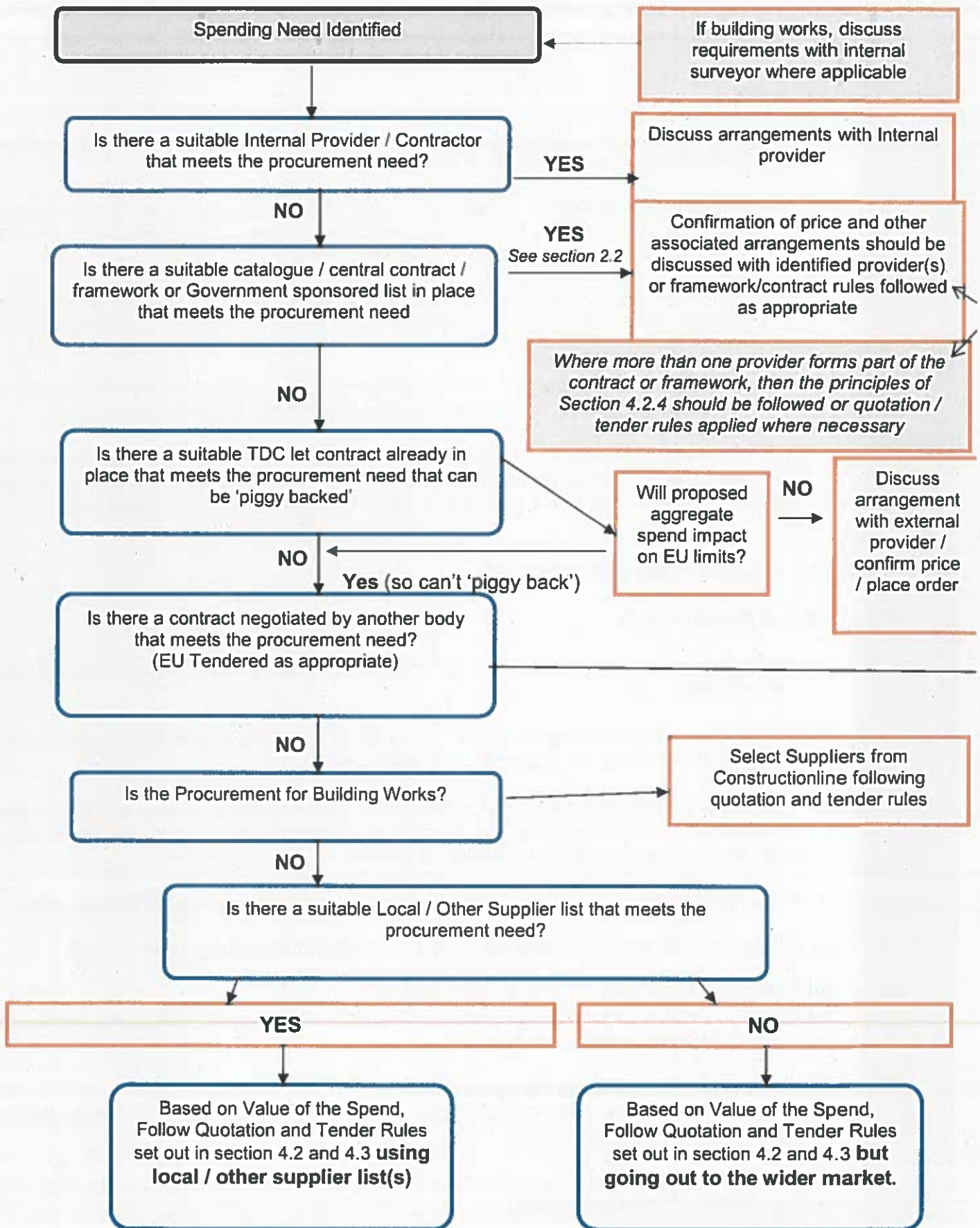
Where the Council seeks to implement alternative delivery options, for whole or parts of services, those procurements will be achieved in accordance with the Council's Procurement Strategy. Such procurements may not necessarily be able to be undertaken within

Procurement Procedure Rules given the number and combination of different procurement routes and processes that may be applicable, but must: -

- (i) Comply with all relevant statutory provisions including European Procurement Directives
- (ii) Follow a documented process determined by the responsible Corporate Director / Head of Department, the Chief Financial Officer and the Head of Governance and Legal Services , and agreed by Management Team and the Cabinet, in advance of the process. The process must demonstrate compliance with the principals of openness and accountability.
- (iii) Be capable of providing clear probity trails, particularly in respect of the opening and evaluation of any associated bids or tenders.
- (iv) Comply with any Procurement Procedure Rules that remain applicable, or offer alternatives that meet the requirements of the Chief Financial Officer and the Head of Governance and Legal Services.

SECTION 3 – THE PROCUREMENT FRAMEWORK

- 3.1** All procurement is expected to follow the following process / framework taking each step in sequence noting that the overall value of procurement is not the initial consideration. Finance and Procurement Services should be consulted at the relevant stage of the process as necessary.



3.2 Central Purchasing

This includes:

- Central Contracts – Where the Council has taken advantage of negotiating with an external provider for the supply of goods, works or services.
- Partnership Agreements – Where the Council has decided to enter into partnership agreements either directly with other public bodies, or as part of a consortium of public bodies, for the procurement of goods, works or services.

Procurement Procedure Rules will be followed to select the supplier / contractor to be used for central contracts or if this Council is undertaking the tendering process to select the supplier / contractor under a partnership approach.

- Specialist call-off contracts – Where contracts have been tendered / negotiated by other public bodies and include the option for other Public Bodies to participate.

If the use of any such contract is not considered to offer Value for Money, then the relevant Corporate Director / Head of Department should consult with Finance and Procurement Services in order to identify the most appropriate / advantageous procurement route.

SECTION 4 – QUOTATIONS AND TENDERS

4.1 General Requirements

- (a) Disaggregation of any procurement, in order to apply a lower level to each of the parts is not permitted.
- (b) Where any procurement spans a number of periods, or years, the total estimated cost will be the cumulative total of all periods, or years covered.
- (c) The use of electronic 'portals' or other electronic means must be used to widely advertise goods, works or services required by the Council where appropriate, to ensure equal opportunity between local and non local suppliers.
- (d) Procurement up to £50,000 (excluding VAT) – Quotation Rules Apply (Section 4.2).
- (e) Procurement over £50,000 (excluding VAT) – Tender Rules Apply (Section 4.3).

4.2 **QUOTATIONS** (Procurement up to £50,000 excluding VAT)

After the appropriate procurement route has been identified by following the framework set out in 3.1 above and if appropriate:

4.2.1 Procurement up to £10,000 (excluding VAT)

Where procurement is less than £2,500 then value for money should be demonstrated by obtaining two prices where possible.

Where procurement is in excess of £2,500, the seeking of two prices would be expected, with evidence retained by the department.

4.2.2 Procurement over £10,000, but not expected to exceed £50,000 (excluding VAT)

A minimum of three quotations shall be sought by the department in addition to the production of a documented specification to include:

- (i) Identification of the procurement of goods, works or services required.
- (ii) Identification of any periods over which the goods, works, or services are to be provided. In appropriate cases, provide for the payment of liquidated damages by a contractor where there is a failure to complete the contract within the period(s) specified.
- (iii) Provision for the retention of stated sums / percentages and the retention period to be applied where appropriate.
- (iv) Provision for the contractor to provide a performance bond, or parent company guarantee where appropriate.
- (v) ~~Identification of any other terms and conditions the relevant department considers necessary including a deadline for receipt of quotations.~~ “unless an exemption is obtained from the Head of Finance, Revenues and Benefits or the Head of Governance and Legal Services, the Council Standard Contract for Services must be used when seeking quotations. When seeking an exemption, the relevant department will identify why any additional or replacement terms and conditions are necessary for the service being sought”.
- (vi) All contractors or suppliers asked to provide a quotation must be advised that the quotations must be sent to a specified e-mail address, and that quotations e-mailed to any other Council e-mail address will be disqualified.

4.2.3 All quotations shall be sought electronically:

The responsible Corporate Director / Head of Department shall arrange for a secure e-mail address to be set up on the Council's e-mail system. Access to this e-mail address must not be available until the time of tender opening. Access to the secure e-mail address shall be controlled by an independent senior member of staff not involved with the project or tender process or a member of the Procurement Service.

Where the lowest quotation received exceeds £50,000 (excluding VAT), Tender Rules shall be followed from that stage as if tenders had been sought.

If the value of the lowest quotation received exceeds the limit of the quotation category applied, then the Corporate Director / Head of Department must seek sufficient further quotations applicable to the level of the value of that lowest quotation.

- 4.2.4** The Corporate Director / Head of Department is under no obligation to accept any of the quotations. However where they are prepared to accept a quotation, the most financially advantageous quotation should be accepted unless other factors such as quality, local supply, performance and deliverability are also considered as part of the selection process. Evidence is expected to be retained to support such decisions where procurement exceeds £10,000.

4.3 TENDERS (*Procurement greater than £50,000 excluding VAT*)

After the appropriate procurement route has been identified by following the framework set out in 3.1 above and if appropriate:

4.3.1 Selection of Suppliers

Tenders Over European Procurement Regulation Thresholds

- (a) Where the total estimated value of a proposed contract over its term is expected to exceed the appropriate current European Procurement regulation thresholds, such regulations will take precedence over these tender procedures.

Tenders Under European Procurement Regulation Thresholds

The appropriate Corporate Director / Head of Department will determine whether to use **Open Competitive Tendering** or **Selective Tendering** as set out separately below

4.3.2 Open Competitive Tenders

A notice inviting tenders shall be prepared which should:-

- (i) Set out the nature and purpose of the contract and specify that expressions of interest are sought and set out details of where further information / tender documents can be obtained
- (ii) Be advertised via the Council's electronic 'portal' that is open to all potential suppliers or alternatively in at least one newspaper or journal circulating among suppliers / contractors who undertake such contracts. The notice period to be allowed for potential suppliers to request additional tender documentation should be determined by the Corporate Director / Head of Department.

Following the expiry of the notice period, Tender documentation will be sent to interested parties in accordance with **SECTION 4.3.5**.

4.3.3 Selective Tendering

Where the Council can access a central / framework arrangement, government sponsored list or a contract negotiated by another public body as set out in **SECTION 3.2** above, more than one supplier may be eligible under such arrangements. If this is the case tender documentation should be sent to the relevant parties in accordance with **SECTION 4.3.5**. In all other cases the following process should be undertaken:

A public notice shall be prepared and advertised via the Council's electronic 'portal' that is open to all potential suppliers or alternatively placed in at least one newspaper or journal circulating among suppliers / contractors who undertake such contracts.

The notice shall: -

1. Specify details of the goods, works or services to be tendered.

2. Specify a time limit determined by the Corporate Director / Head of Department during which time potential suppliers can request that they be considered for inclusion in the associated tender process.
3. After expiry of the period specified in the public notice, the responsible Corporate Director/ Head of Department will undertake an evaluation of the suppliers. This evaluation may be subject to Tender Evaluation Panel review.
4. The responsible Corporate Director / Head of Department, and where appropriate the Tender Evaluation Panel, will in consultation with the appropriate Portfolio Holder or Chairman of the relevant Committee select those contractors suitable and capable to tender for the proposed contract.

Following the conclusion of the evaluation process, Tender documentation will be sent to interested parties in accordance with **SECTION 4.3.5** below:

4.3.4 The Number of Suppliers Invited to Tender

Invitations to tender shall ensure fair competition and where possible include a mix of local and non-local suppliers and shall be sent to: -

Not less than 4 contractors, with the maximum number as determined by the relevant Corporate Director / Head of Department. (Where less than 4 suitable contractors have been identified from the selection process, then all shall be invited to tender).

4.3.5 Going out to Tender

General Rules

Tenders must:

- (i) Specify the goods, works or services to be supplied, contract value, any discounts or other deductions that may apply, the period(s) during which the contract is to be performed and any other relevant terms and conditions that the responsible Corporate Director / Head of Department considers necessary.
- (ii) In appropriate cases, provide for the retention of stated sums / percentages and the retention period to be applied.
- (iii) In appropriate cases, provide for the payment of liquidated damages by a contractor where there is a failure to complete the contract within the period(s) specified.
- (iv) In appropriate cases, and at the discretion of the responsible Corporate Director / Head of Department, make provision requiring the contractor to provide a performance bond and / or a parent company guarantee.
- (v) Identify the basis on which the submitted tenders will be evaluated. (Where the evaluation is other than a straightforward financial evaluation based upon lowest Submitted price, the proposed evaluation process must be submitted to the Tender Evaluation Panel for agreement before tenders are sought).

- (vi) Tenders are required to be submitted on a form of tender prepared by, or agreed by, the Council which shall include a statement that the Council will not be bound to consider or accept any tender.
- (vii) Specify the closing date and time by which tenders must be received.
- (viii) Where a Corporate Director / Head of Department considers that the Council may benefit from the use of post tender negotiation, that officer shall ensure that such intention is included in the documentation submitted to tenderers and before seeking tenders agree a suitable procedure with the Tender Evaluation Panel.
- (ix) Specify social value considerations as appropriate.
- (x) (x) Unless an exemption is obtained from the Head of Finance, Revenues and Benefits or the Head of Governance and Legal Services, the Council's Standard Contract for Services must be used. The draft contract must be supplied as part of the tender exercise. When seeking an exemption, the relevant department will identify why an alternative model contract is required or any additional or replacement terms and conditions are necessary for the service being sought. Any other requirements that may be specified by the Head of Governance and Legal Services.

4.3.6 Receipt of Tenders

Unless determined otherwise by the responsible Corporate Director / Head of Department in consultation with Finance and Procurement Service, all tenders should be requested to be returned electronically by e-mail. However, whatever form of tender response is implemented, all tenders must be submitted in the same manner.

The responsible Corporate Director / Head of Department shall arrange for a secure e-mail address to be set up on the Council's e-mail system. Access to this e-mail address must not be available until the time of tender opening. Access to the secure e-mail address shall be controlled by an independent senior member of staff not involved with the project or tender process or a member of the Procurement Service.

Tender documentation sent to potential providers must state that tenders must only be sent to the specified e-mail address and that tenders e-mailed to any other Council e-mail address or after the closing date and time will be disqualified.

As soon as practical after the closing date and time, tenders must be submitted to the Corporate Director (Corporate Services) or their designated Officer who will arrange for the formal recording of the tenders.

In exceptional circumstances where hard copy tenders are requested, then the email requirement above is replaced by the tender returns being addressed to the Corporate Director (Corporate Services) or their designated Officer. Prospective tenderers must be instructed to clearly mark envelopes with the fact that it is a tender submission and that it is not to be opened until after the relevant closing date and time.

4.3.7 Opening of Tenders

The following rules apply to both electronic and hard copy submission of tenders:

- (a) All tenders shall be opened at the same time in the presence of: -
- (i) ~~One of the Chairman or Vice Chairman of the Council, the Leader, (or failing him the Deputy Leader) the relevant Portfolio Holder or Committee Chairman or Vice Chairman or other Member(s) of the Council who shall have been authorised by the Council for the purpose~~
 - (ii) The Corporate Director (Corporate Services) or other officer to whom they has delegated responsibility
 - (iii) The responsible Corporate Director / Head of Department or other officer to whom they have delegated responsibility
 - (iv) The Chief Financial Officer, or other officer to whom they have delegated responsibility.
- (b) The Corporate Director (Corporate Services), or other officer to whom they have delegated responsibility, shall prepare and maintain a register of tenders received and shall record in that register the following particulars: -
- (i) The closing date and time for receipt of tenders
 - (ii) The date upon which the tender was received
 - (iii) Where a tender is received after the closing time on the closing date and is considered or accepted, the reason(s) why it was considered or accepted
 - (iv) The name of the tenderer and the amount of the tender
 - (v) The date upon which the tenders received were opened
 - (vi) The Member present at the opening of the tenders shall immediately sign against the relevant particulars in the register as evidence of having been present when the tenders were opened.
 - (vii) All officers present at the opening of tenders shall immediately sign against the relevant particulars in the register as evidence of such tenders having been opened in their presence
 - (viii) The signature of the officer to whom the tenders were handed after opening
- (c) Any tender received after the closing time and date shall, unless Procurement Procedure Rule 4.3.7 (b)(iii) applies thereto, be returned by the Corporate Director (Corporate Services) promptly to the tenderer. The tender may be opened to ascertain the name and address of the tenderer, but no details of the tender shall be disclosed.

4.3.8 Acceptance of Tenders

- (a) Unless the requirements of Procurement Procedure Rule 4.3.5 (v) have been applied, the most financially advantageous tender to the Council shall be accepted by the Corporate Director / Head of Department (in consultation with the relevant Portfolio Holder or Committee Chairman).
- (b) Where Procurement Procedure Rule 4.3.5 (v) applies, the tenders must be evaluated in accordance with the agreed evaluation process / criteria, and evidence retained to

demonstrate this. The tender identified as most advantageous to the Council shall be accepted by the Corporate Director / Head of Department (in consultation with the relevant Portfolio Holder or Committee Chairman).

4.3.9 Tender Evaluation Consultation Panel

The Council will ~~maintain~~undertake a Tender Evaluation Consultation of all tenders, estimated at over £50,000 (excluding VAT), being sought. This should include, where appropriate, any proposed method of evaluation of expressions of interest from prospective contractors. Panel chaired The Consultation will be led by the relevant Corporate Director (Corporate Services) or their designated officer and will include ~~comprise~~ officers determined by them along with a senior officer from the department letting the contract.

~~Corporate Directors / Heads of Department are required to notify the chairman of the Tender Evaluation Panel of all tenders, estimated at over £50,000 (excluding VAT), being sought. This should include, where appropriate, any proposed method of evaluation of expressions of interest from prospective contractors. The Chairman of the Tender Evaluation Panel will determine which tenders will be reviewed by the panel and at what stages.~~

The Chairman of the Tender Evaluation Consultation Panel shall also have the right to include call-on technical assistance / expertise from other departments as he considered ed necessary.

Officers Decisions recording the award of contract Reports made to Management Team / Members in respect of these tenders subject to review by the panel should include reference to the views / comments identified by the consultees panel.

An external representative can be accepted ~~e~~ into the Panel at the discretion of the Chairman of the any Tender Evaluation Consultation Panel. In all cases where an external representative is included ~~accepted onto the Panel~~, they must be asked to declare any potential interests.

SECTION 5 – OTHER PROCUREMENT RULES

5.1 Contract Clauses

Unless an exemption is obtained from the Head of Finance, Revenues and Benefits or the Head of Governance and Legal Services, the Council's Standard Contract for Services must be used. The draft contract must be supplied as part of the tender exercise. When seeking an exemption, the relevant department will identify why an alternative model contract is required or any additional or replacement terms and conditions are necessary for the service being sought. In all cases contracts must follow any guidance issued by the Section 151 and Monitoring Officers in this regard.

~~Every contract entered into as a result of these Procurement Procedure Rules shall include clauses regarding:-~~

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|-----|--|
| (a) | British Standards, and British Standard Codes of Practice as issued by the British Standards Institution, or any European standard or equivalent current at the time of tender. |
| (b) | Bribery and corruption, empowering the Council to cancel the contract and recover from the contractor the amount of any loss resulting from such cancellation. |

(c) Freedom of Information
(d) Professional indemnity insurance where consultancy services or specialist professional services are to be procured. Evidence of the proof of such insurance shall be required to be provided.
(e) Equality and diversity
(f) Priority being given to the use of local sub-contractors if required.
(g) Any other standard clauses, amendments or exclusions that are deemed necessary, from time to time, by the Head of Governance and Legal Services.

5.2 Authorised Officers

- (a) Each Corporate Director / Head of Department is responsible for advising the Chief Financial Officer, in writing, of those officers who are empowered to enter into contracts, or procurement, on behalf of the Council, and any maximum limits on the values concerned.
- (b) Each Corporate Director / Head of Department shall advise the Chief Financial Officer, in writing, immediately of any changes to those officers so empowered, or their limits.
- (c) Only officers so empowered will be provided with a level of access to any computerised procurement system operated by, or on behalf of, the Council, that enables them to authorise official orders within the limits set.

5.3 Nominated Sub-Contractors and Suppliers

- (a) Competitive quotations / tenders shall be sought for the execution of works or for the supply of goods or materials by a nominated subcontractor in accordance with these Procurement Procedure Rules, unless it is considered impractical to do so
- (b) Where the estimated value of the subcontract does not exceed £50,000 the responsible Corporate Director / Head of Department shall determine whether it is practical to obtain quotations.
- (c) Where the estimated value of the subcontract exceeds £50,000 and the responsible Corporate Director / Head of Department considers the obtaining of tenders to be impractical the approval of the Leader of the Council, relevant Portfolio Holder or Committee Chairman for the proposed course of action shall be sought.
- (d) The invitation to a subcontractor to quote / tender shall include an undertaking that, if selected, the subcontractor will enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under the main contract in respect of goods, works or services included in the subcontract.

SECTION 6 – OFFICIAL ORDER RULES

6.1 General Requirements

ALL goods, works or services must be subject to an official order unless an exemption is provided in Section 6.2 below.

- (a) All orders shall be placed using the Council's approved ordering computer system, unless exempted elsewhere in these Procurement Procedure Rules.
- (b) The format of the Council's approved standard official purchase orders (either hard copy or electronic) and any standard terms and conditions to be applied to each order shall be determined by the Corporate Director (Corporate Services).
- (c) In the event of the need to issue a variation to an order, this will be by issue of a further order and must clearly identify the order number of the order to be varied.
- (d) All orders must: -

(i) Bear the name and logo of Tendring District Council.
(ii) Clearly identify goods, works, or services to be procured, and all other detail as is mandatory on the Council's approved ordering computer system.
(iii) Contain any other detail, terms and conditions that are applicable to that order. For the engagement of consultancy services or specialist professional advice this must include a condition relating to professional indemnity insurance.
(iv) Have a value or an accurate estimate of the value of the goods, works, or services entered onto the Council's electronic ordering system.
(v) Must be authorised by an officer duly authorised by the responsible Corporate Director / Head of Department.

6.2 Exemptions from Official Order Rules

Verbal orders, orders that are not accompanied by an official order or not exempt as set out below should only be made in special / exceptional circumstances and only after consultation with the Corporate Director (Corporate Services) or their designated officer. In the case of emergencies where an officer needs to take appropriate action to protect the Council's position or its assets then a verbal order can be made but the Corporate Director (Corporate Services) must be informed as soon as practical thereafter.

Where verbal orders are made they should be followed up by entering the necessary details on the Council's ordering system in accordance with 6.1 above as soon as possible.

A Corporate Director / Head of Department shall be exempt from the need to raise an official order in the following circumstances: -

(a) For cash purchases using the Council's Petty Cash system, where ordering using the approved computer system is considered not to be practical. A maximum limit of £50 (excluding VAT) is applicable to each procurement made using the Council's Petty Cash system.
(b) For the periodic payment of rent and National Non Domestic Rates.
(c) For the periodic payment of former public utility supplies.
(d) Where the nature of the goods, works or service requires an appropriate standard form of written contract.

(d)	For contract variations where a written contract requires a form of written contract variation, that is not in the format of the Council's standard official order.
(e)	For HRA assets where orders for goods, works or services are required to be raised through the Council's authorised Housing Management computer system.
(f)	For the engagement of Counsel by the Head of Governance and Legal Services .
(g)	Where the Chief Financial Officer has agreed the use of purchase cards or where one of the Council's credit cards is used.
(i)	Any other circumstances as agreed, in advance of the procurement, by the Corporate Director (Corporate Services).
(j)	Where goods or services are procured in-house.

Key Decision Required:	YES	In the Forward Plan:	YES
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CABINET

10 NOVEMBER 2017

REPORT OF ENVIRONMENT PORTFOLIO HOLDER

A.11 DESTINATION INCLUSIVE PLAY AREA, WALTON-ON-THE-NAZE (Report prepared by Ian Taylor)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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| <ul style="list-style-type: none"> a) To seek approval for the installation of a destination, inclusive play area on the Bath House Meadow open space, Walton-on-the-Naze based on the design proposed by the selected contractor. b) Seek approval of the Heads of Terms for the Funding Agreement with Essex County Council and use of Section 106 contributions to deliver the project. c) Delegate further details to officers to facilitate the delivery of the foregoing. |
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EXECUTIVE SUMMARY

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| <ul style="list-style-type: none"> • The play area incorporates features intended to showcase the local area and is designed in such a way as to enable all children including those with mobility and other special needs to play and interact with each other. • The project will also include the refurbishment of the existing play area on the site located on the public open space known locally as Bath House Meadow situated between the Naze Marine Holiday Park and the beach. The unique design and inclusivity of the play area will ensure the play area becomes a destination in its own right attracting visitors from both inside and outside of the District. The overall cost of the project estimated at £200,000 is to be funded by means of a grant of £100,000 from Essex County Council (ECC) Short Breaks for Disabled Children, £80,000 from section 106 contributions applicable to development in the Frinton and Walton area and a contribution of £20,000 from the play area budget. • Tendring District Council has provisionally agreed the section 106 contribution subject to receipt of the grant from ECC. • Short Breaks for Disabled Children is in addition to the grant also providing a portable Changing Place facility for the site which will considerably improve access to the play area and the adjacent seaside for children and adults who cannot use standard accessible toilets. This includes people with profound and multiple learning disabilities, as well as many other disabled people. • The provision of such a facility in a tourist area is intended to compliment the Council's commitment to improving accessibility to all areas within the Public Realm and will also afford an opportunity for TDC to improve and regenerate the appearance of the existing site. • A play area of this significance and design is anticipated to increase visitor |
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numbers to the District.

RECOMMENDATION(S)

That the Portfolio Holder approves

- a) the construction of a Play Area and portable Changing Place facility in Walton-on-the-Naze at the location, shown red, on the Plan attached as Appendix A to this report using a grant of £100,000 from Essex County Council, s106 contributions of up to £80,000 and £20,000 from existing play area budget.
- b) the heads of terms for the Funding Agreement negotiated by the Corporate Director (Operational Services) with Essex County Council, which are set out in Appendix B;
- c) the final Funding Agreement being completed in consultation with the Head of Governance and Legal Services.
- d) selection of Jupiter Play and Leisure for the design and construction of the Play Area following a competitive tender process under a framework agreement. The design and proposal is attached as Appendix C.
- e) the responsibility for the maintenance and security of the Play Area and Changing Places facility being incorporated into the Public Realm in-house service and the cost being met within existing budget and resources.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The recommendations if approved will contribute to the following corporate priorities:

Our Council / Our Community

- Deliver High Quality Affordable Services
- Make the most of our Assets
- Support the vulnerable
- Transform the way we work

Our Opportunities

Supports

- Vision for economic growth and prosperity
- Our Coast
- Tourism

Our Challenges

- Improving poor infrastructure
- Reducing budgets while delivering key services

Our Values

- Innovative, flexible professional staff committed to delivering excellence

FINANCE, OTHER RESOURCES AND RISK

The proposal if agreed will ensure the provision of high quality facilities available to local children, visitors and the most vulnerable members of the Tendring and wider community with no impact on existing budgets.

There are some implications for on-going future maintenance of the facilities but damage and wear and tear is likely to be minimal based on the design which is intended to be sufficiently robust and relatively maintenance free.

Inspections and maintenance of play areas have been carried out in-house since July 2017 and it is anticipated that all future maintenance requirements for the play area will be absorbed within existing arrangements in Public Realm at no extra cost.

There is a risk associated with non-insurance of the asset by the Council's insurers due to the exposed location and potential high premium associated with such cover.

The play area budget should be able to support replacement of most items damaged should the situation arise.

LEGAL

The land is owned by Tendring District Council and there are two restrictive covenants covering the site dating from 1930 and 1949. These restrictions prevent the erection and placing on the land swings and roundabouts of a musical and electrical nature. However, the land has been used for play equipment for many years and the proposals do not fall within the fair meaning of the restrictions. Indemnity insurance can be obtained to protect the Council against any future attempt to enforce the covenants however; the risk would appear to be minimal based on the existing use of the land.

The Funding Agreement specifically requires Tendring Council to obtain the necessary consents and comply with any pre-conditions. A Planning application has been submitted, which was covered by a previous decision made on 13 July 2017 and the Planning Committee granted permission for the proposals at its meeting on 6th September 2017.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the district. The construction of a play area in Walton is for the benefit of the District and its visitors and there are no restrictions within the Council's legal title of this land.

The procurement process has been undertaken in accordance with the Council's Procurement Rules as set out in Part 5 of the Council's Constitution.

OTHER IMPLICATIONS

Consideration has been given to the implications of the recommendations proposed and any significant issues are set out below.

The proposals, if agreed, will support the Council's vision to put community leadership at the heart of everything it does, supporting the improvement of town centres, seafronts and Council assets in line with tourism and inward investment strategies and policies helping to reduce budgets while delivering key services.

Consultation/Public Engagement – The proposal if agreed will raise the profile of the Walton-on-the-Naze and Tendring generally both from within the District and extensively outside of it. Interest in such facilities is considerable. The open tender process for the design and construction required stakeholder engagement.

Crime and Disorder – Improving assets is part of a wider strategy to combat anti-social behaviour by improving the appearance of public realm, generating increased pride, awareness and responsibility for our District. There is a clear correlation between neat well managed assets and lower crime as opposed to poorly maintained assets.

Equality and Diversity / Health Inequalities – The proposal if agreed will support existing Council policies and further support the most vulnerable members of the community, raising the profile and reputation of the Council. The facility is designed to be fully inclusive for children with a range of physical disabilities.

Area or Ward affected – Walton-on-the-Naze. The project has the support of both local ward members.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Play serves children as a bridge to social situations and gives them an opportunity to learn the rules for getting along with others.

Play areas act as focal points for the community, providing a meeting area for children and parents alike. In an age when younger generations can appear more concerned with the latest technology than social interaction, the importance of playgrounds cannot be underestimated in bringing people together. They offer a place for children to play and forge new friendships, while ensuring they remain healthy and active.

Extending the scope of play areas to include all children and in particular those with special needs can only increase opportunities for the whole community and to broaden children's knowledge and experience.

The benefits of play to children both for their physical and mental health as well as their future emotional development are incalculable.

Play areas provide that platform as well as significant social benefits associated with the community gathering for a common purpose.

CURRENT POSITION

There are over sixty designated play areas with free access to the public across the District, the majority of which are provided by the District Council. The facilities range from general play equipment to skate parks.

There are no freely available play areas with equipment of sufficient size, originality and attractiveness to children to be regarded as destinations in their own right and fewer that could be considered inclusive to the extent whereby they can be used by all children, including those with mobility related and other special needs.

Essex County Council Children's Services, Short Breaks for Disabled Children have made available £100,000 towards the cost of providing a destination, inclusive play area in Tendring. They have also offered provision of a mobile / temporary Changing Place facility to support the needs of the play area.

Tendring District Council has agreed an allocation of up to £80,000 from s106 money towards this project subject to receipt of a further £100,000 contribution from Essex County Council. There remains a significant sum of over £45,000 for other general projects in the Frinton and Walton area as well as additional funds allocated to specific areas under the new rules governing use and allocation of s106 money.

An open tender for the design and construction of the play area has been completed and the contract for delivering the project has been awarded to Jupiter Play and Leisure, subject to funding.

It is anticipated that work will commence in early January 2018 with full completion of the overall scheme in place by Easter 2018.

OPTIONS CONSIDERED AND PROPOSAL

Location

The most suitable and appropriate location for the play area capable of delivering maximum benefit to all children including those with mobility and special needs was identified as Bath House Meadow, Walton-on-the-Naze.

This area is popular with visitors and located between the Naze Marine Holiday Park and the award winning Albion Beach area of Walton-on-the-Naze. The holiday park has a number of caravans available for families with disabled children including some owned by Essex County Council Children's Services.

The size of the open space within the Bath House Meadow, which also contains an existing play area capable of being refurbished and integrated into the overall project, along with extensive available car parking, public toilets, a recently refurbished swimming pool and local community centre on site made this location almost unique within the District in terms of fulfilling the overall aim of the project.

Proposal for Design

The proposal for the project was to create a play area that will attract visitors and showcase the local area.

Also to create a fully inclusive play space that ensures all children and young people are able to play and interact with each other in an open space environment promoting health and wellbeing as well as social engagement.

The proposal required the play area and open space to take into consideration children with mobility issues including wheelchair access as well as children with special educational needs who would benefit from sensory elements.

The new facility was required to be themed in a way that highlights and emphasises the character of the local area and which could also adapt and incorporate existing play equipment on site to maximum effect.

CONCLUSION AND WAY AHEAD

The introduction of this facility along with associated improvements to the existing public realm will attract a great deal of positive attention and will enhance the reputation of Walton-on-the-Naze as a tourist / visitor destination locally, regionally and nationally.

Improved access to the seaside, open spaces and general public realm provides significant benefits to families with disabled children (or adults) which in turn provides considerable benefit to the Council.

This project supports TDC tourism, inward investment and health and well-being strategies.

The project will enable the Council to refurbish and regenerate an existing leisure area which is currently under used, enhancing the local area.

The grant provided by Essex County Council Short Breaks for Disabled Children as well as provision of the new Changing Place facility along with use of existing funds available from local development set aside for this purpose means the project and associated benefits will be achieved at no direct cost to the Council.

APPENDICES

Appendix A – Site Location
Appendix B – Service Agreement
Appendix C – Design Proposal

BACKGROUND PAPERS FOR THE DECISION

None



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DATED

2017

GRANT AGREEMENT

between

ESSEX COUNTY COUNCIL

and

TENDRING COUNCIL

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THIS DEED is dated

2017

PARTIES

- (1) ESSEX COUNTY COUNCIL, whose principal address is at County Hall, Market Road, Chelmsford, Essex CM1 1QH (**Funder**).
- (2) TENDRING COUNCIL, whose principal address is at Tendring District Council, Town Hall, Station Road, Clacton-on-Sea, Essex, CO15 1SE (**Recipient**).

Either of which shall be referred to as a "Party" or the two as "Parties"

BACKGROUND

The Funder wishes to

- (A) Part fund a fully inclusive play space to be located at bath House Meadow, Walton on the Naze, Essex as per the Tendring Council procurement exercise

The Recipient wishes to fund to the sum of Eighty Thousand Pounds (£80,000.00) a fully inclusive play space to be located at Bath House Meadow, Walton on the Naze (**the Facility**).

- (B) The Funder has agreed to pay the Grant to the Recipient to assist it in carrying out the Project.
- (C) This Agreement sets out the terms and conditions on which the Grant is made by the Funder to the Recipient.
- (D) These terms and conditions are intended to ensure that the Grant is used for the purpose for which it is awarded.

AGREED TERMS

1. DEFINITIONS

In this Agreement the following terms shall have the following meanings:

Bribery Act: the Bribery Act 2010 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation.

Commencement Date: December 2017

Conditions Precedent: any one of such pre-conditions that must be met by the Parties as set out in clause 3 of this Agreement.

Grant: the sum of One Hundred Thousand Pounds (£100,000.00) to be paid by the Funder to the Recipient in accordance with this Agreement.

Grant Period: the period for which the Grant is awarded starting on the Commencement Date and ending on 31st March 2018

Intellectual Property Rights: all patents, copyrights and design rights (whether registered or not) and all applications for any of the foregoing and all rights of confidence and Know-How however arising for their full term and any renewals and extensions.

Know-How: information, data, know-how or experience whether patentable or not and including but not limited to any technical and commercial information relating to research, design, development, manufacture, use or sale.

Necessary Consents: means planning permissions and all other consents, licences, permissions, and approvals whether of a public or private nature which shall be relevant in the context of the Project including all necessary approvals required for the land.

Prohibited Act: means:

- (a) offering, giving or agreeing to give to any servant of the Funder any gift or consideration of any kind as an inducement or reward for:
 - (i) doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of this Agreement or any other contract with the Funder **OR** Crown; or
 - (ii) showing or not showing favour or disfavour to any person in relation to this Agreement or any other contract with the Funder;
- (b) entering into this Agreement or any other contract with the Funder where a commission has been paid or has been agreed to be paid by the Recipient or on its behalf, or to its knowledge, unless before the relevant contract is entered into particulars of any such commission and of the terms and conditions of any such contract for the payment thereof have been disclosed in writing to the Funder;
- (c) committing any offence:
 - (i) under the Bribery Act;
 - (ii) under legislation creating offences in respect of fraudulent acts; or
 - (iii) at common law in respect of fraudulent acts in relation to this Agreement or any other contract with the Funder; or
- (d) defrauding or attempting to defraud or conspiring to defraud the Funder

Project: the project described in Schedule 1.

Project Manager: the individual who has been nominated to represent the Funder for the purposes of this Agreement.

2. PURPOSE OF GRANT

2.1 The Recipient shall use the Grant only for the delivery of the Project and in accordance with the terms and conditions set out in this Agreement. The Grant shall not be used for any other purpose without the prior written agreement of the Funder.

2.2 The Recipient shall not make any significant change to the Project without the Funder's prior written agreement.

3. CONDITIONS PRECEDENT

3.1 In addition to clause 4, the rights and obligations of each of the Parties to this Agreement are conditional on

- (a) The Recipient obtaining the Necessary Consents;
- (b) The Recipient taking all reasonable measures to ensure that the Facility shall remain in place for a minimum period of Ten years following the date of this Agreement;
- (c) The Recipient warranting to be responsible for all ongoing costs associated with the Project; including cleaning and maintenance
- (d) The Recipient warranting to be responsible for all ongoing cleaning and maintenance costs for the lifetime of this agreement

4. PAYMENT OF GRANT

4.1 Subject to clause 3, the Funder shall pay the Grant to the in accordance with Schedule 2,.

4.2 No Grant shall be paid unless and until the Funder is satisfied that such payment will be used for proper expenditure in the delivery of the Project.

4.3 The amount of the Grant shall not be increased in the event of any overspend by the Recipient in its delivery of the Project.

4.4 The Recipient shall promptly repay to the Funder any money incorrectly paid to it either as a result of an administrative error or otherwise. This includes (without limitation) situations where either an incorrect sum of money has been paid or where Grant monies have been paid in error before all conditions attaching to the Grant have been complied with by the Recipient.

5. USE OF GRANT

5.1 The Grant shall be used by the Recipient for the delivery of the Project The Recipient shall not use the Grant to:

- (a) purchase buildings or land; or
- (b) pay for any expenditure commitments of the Recipient entered into before the Commencement Date,

unless this has been approved in writing by the Funder.

5.2 The Recipient shall not spend any part of the Grant on the delivery of the Project after the Grant Period.

5.3 Should any part of the Grant remain unspent at the end of the Grant Period, the Recipient shall ensure that any unspent monies are returned to the Funder.

6. ACCOUNTS AND RECORDS

6.1 The Grant shall be shown in the Recipient's accounts as a restricted fund and shall not be included under general funds.

6.2 The Recipient shall keep separate, accurate and up-to-date accounts and records of the receipt and expenditure of the Grant monies received by it.

6.3 The Recipient shall keep all invoices, receipts, and accounts and any other relevant documents relating to the expenditure of the Grant for a period of at least six years following receipt of any Grant monies to which they relate. The Funder shall have the right to review, at the Funder's reasonable request, the Recipient's accounts and records that relate to the expenditure of the Grant and shall have the right to take copies of such accounts and records.

6.4 The Recipient shall provide the Funder with a copy of its annual accounts within six months (or such lesser period as the Funder may reasonably require) of the end of the relevant financial year in respect of each year in which the Grant is paid.

6.5 The Recipient shall comply and facilitate the Funder's compliance with all statutory requirements as regards accounts, audit or examination of accounts, annual reports and annual returns applicable to itself and the Funder.

7. MONITORING AND REPORTING

7.1 The Recipient shall closely monitor the delivery and success of the Project throughout the Grant Period to ensure that the aims and objectives of the Project are being met and that this Agreement is being adhered to.

7.2 The Recipient shall on request provide the Funder with such information, explanations and documents as the Funder may reasonably require in order for it to establish that the Grant has been used properly in accordance with this Agreement.

7.3 The Recipient shall permit any person authorised by the Funder such reasonable access to its employees, agents, premises, facilities and records, for the purpose of discussing, monitoring and evaluating the Recipient's fulfilment of the conditions of this Agreement and shall, if so required, provide appropriate oral or written explanations from them.

7.4 The Recipient shall provide the Funder with a final report on completion of the Grant Period which shall confirm whether the Project has been successfully and properly completed.

8. ACKNOWLEDGMENT AND PUBLICITY

8.1 The Recipient shall acknowledge the Grant in its annual report and accounts, including an acknowledgement of the Funder as the source of the Grant.

8.2 The Recipient shall not publish any material referring to the Project or the Funder without the prior written agreement of the Funder. The Recipient shall acknowledge the support of the Funder in any materials that refer to the Project and in any written or spoken public presentations about the Project. Such acknowledgements (where appropriate or as requested by the Funder) shall include the Funder's name and logo (or any future name or logo adopted by the Funder) using the templates provided by the Funder from time to time.

8.3 In using the Funder's name and logo, the Recipient shall comply with all reasonable branding guidelines issued by the Funder from time to time.

- 8.4 The Recipient agrees to participate in and co-operate with promotional activities relating to the Project that may be instigated and/or organised by the Funder.
- 8.5 The Funder may acknowledge the Recipient's involvement in the Project as appropriate without prior notice.
- 8.6 The Recipient shall comply with all reasonable requests from the Funder to facilitate visits, provide reports, statistics, photographs and case studies that will assist the Funder in its promotional and fundraising activities relating to the Project.

9. INTELLECTUAL PROPERTY RIGHTS

- 9.1 The Funder and the Recipient agree that all rights, title and interest in or to any information, data, reports, documents, procedures, forecasts, technology, Know-How and any other Intellectual Property Rights whatsoever owned by either the Funder or the Recipient before the Commencement Date or developed by either party during the Grant Period, shall remain the property of that party.
- 9.2 Where the Funder has provided the Recipient with any of its Intellectual Property Rights for use in connection with the Project (including without limitation its name and logo), the Recipient shall, on termination of this Agreement, cease to use such Intellectual Property Rights immediately and shall either return or destroy such Intellectual Property Rights as requested by the Funder.

10. CONFIDENTIALITY

- 10.1 Subject to clause 11 (Freedom of Information), each party shall during the term of this Agreement and thereafter keep secret and confidential all Intellectual Property Rights or Know-How or other business, technical or commercial information disclosed to it as a result of the Agreement and shall not disclose the same to any person save to the extent necessary to perform its obligations in accordance with the terms of this Agreement or save as expressly authorised in writing by the other party.
- 10.2 The obligation of confidentiality contained in this clause shall not apply or shall cease to apply to any Intellectual Property Rights, Know-How or other business, technical or commercial information which:
- (a) at the time of its disclosure by the disclosing party is already in the public domain or which subsequently enters the public domain other than by breach of the terms of this Agreement by the receiving party;

- (b) is already known to the receiving party as evidenced by written records at the time of its disclosure by the disclosing party and was not otherwise acquired by the receiving party from the disclosing party under any obligations of confidence; or
- (c) is at any time after the date of this Agreement acquired by the receiving party from a third party having the right to disclose the same to the receiving party without breach of the obligations owed by that party to the disclosing party.

11. FREEDOM OF INFORMATION

- 11.1 The Parties acknowledge that they are both subject to the requirements of the Freedom of Information Act 2000 (**FOIA**) and the Environmental Information Regulations 2004 (EIR) and shall assist and co-operate with each other (at their own expense) to enable the Parties to comply with these information disclosure requirements.
- 11.2 The Parties shall:
- (a) transfer the request for information to the other Party as soon as practicable after receipt and in any event within two Working Days of receiving a request for information;
 - (b) provide the other Party with a copy of all information in its possession or power in the form that the other Party requires within five working days (or such other period as the Parties may specify) of the other Party requesting that information; and
 - (c) provide all necessary assistance as reasonably requested by the other Party for a request for information to be responded to within the time for compliance set out in section 10 of the FOIA or regulation 5 of the EIR.
- 11.3 The Party holding the requested information shall be responsible for determining at its absolute discretion whether the information:
- (a) is exempt from disclosure in accordance with the provisions of the FOIA or the EIR;
 - (b) is to be disclosed in response to a request for information.
- 11.4 It is acknowledged that both Funder and Recipient have duties under the FOIA and EIR and it is agreed that each Party will keep the other fully informed of any requests received and information to be provided, including the consultation requirements through the discharge of its functions under the FOIA or EIR.

- 11.5 The Parties shall both ensure that all information produced in the course of the Agreement or relating to the Agreement is retained for disclosure and either Party may inspect such records as requested from time to time.

12. DATA PROTECTION

The Recipient shall (and shall procure that any of its staff involved in connection with the activities under the Agreement shall) comply with any notification requirements under the Data Protection Act 1998 (**DPA**) and both Parties will duly observe all their obligations under the DPA, which arise in connection with the Agreement.

13. WITHHOLDING, SUSPENDING AND REPAYMENT OF GRANT

- 13.1 The Funder's intention is that the Grant will be paid to the Recipient in full. However, without prejudice to the Funder's other rights and remedies, the Funder may at its discretion withhold or suspend payment of the Grant and/or require repayment of all or part of the Grant if:

- (a) the Recipient uses the Grant for purposes other than those for which they have been awarded;
- (b) the delivery of the Project does not start within [6 months] of the Commencement Date and the Recipient has failed to provide the Funder with a reasonable explanation for the delay;
- (c) the Funder considers that the Recipient has not made satisfactory progress with the delivery of the Project;
- (d) the Recipient is, in the reasonable opinion of the Funder, delivering the Project in a negligent manner;
- (e) the Recipient obtains funding from a third party which, in the reasonable opinion of the Funder, undertakes activities that are likely to bring the reputation of the Project or the Funder into disrepute;
- (f) the Recipient provides the Funder with any materially misleading or inaccurate information;
- (g) the Recipient commits or committed a Prohibited Act;
- (h) any elected member, employee or volunteer of the Recipient who is directly involved with the Project has (a) acted dishonestly or negligently at any time and directly or indirectly to the detriment of the Project or (b) taken any actions which, in the reasonable opinion of the Funder, bring or are likely to bring the Funder's name or reputation into disrepute; or
- (i) the Recipient fails to comply with any of the terms and conditions set out in this Agreement and fails to rectify any such failure within 30 days of receiving written notice detailing the failure.

- 13.2 Wherever under the Agreement any sum of money is recoverable from or payable by the Recipient (including any sum that the Recipient is liable to pay to the Funder in respect of any breach of the Agreement), the Funder may unilaterally deduct that sum from any sum then due, or which at any later time may become due to the Recipient under the Agreement or under any other agreement or contract with the Funder.
- 13.3 The Recipient shall make any payments due to the Funder without any deduction whether by way of set-off, counterclaim, discount, abatement or otherwise.
- 13.4 Should the Recipient be subject to financial or other difficulties which are capable of having a material impact on its effective delivery of the Project or compliance with this Agreement it will notify the Funder as soon as possible so that, if possible, and without creating any legal obligation, the Funder will have an opportunity to provide assistance in resolving the problem or to take action to protect the Funder and the Grant monies.

14. ANTI-DISCRIMINATION

- 14.1 The Recipient shall not unlawfully discriminate within the meaning and scope of any law, enactment, order, or regulation relating to discrimination (whether in race, gender, religion, disability, sexual orientation, age or otherwise) in employment.
- 14.2 The Recipient shall take all reasonable steps to secure the observance of clause 14.1 by all servants, employees or agents of the Recipient and all suppliers and sub-contractors engaged on the Project.

15. LIMITATION OF LIABILITY

- 15.1 The Funder accepts no liability for any consequences, whether direct or indirect, that may come about from the Recipient running the Project, the use of the Grant or from withdrawal of the Grant. The Recipient shall indemnify and hold harmless the Funder, its employees, agents, officers or sub-contractors with respect to all claims, demands, actions, costs, expenses, losses, damages and all other liabilities arising from or incurred by reason of the actions and/or omissions of the Recipient in relation to the Project, the non-fulfilment of obligations of the Recipient under this Agreement or its obligations to third parties.
- 15.2 Subject to clause ~~15.146.1~~, the Funder's liability under this Agreement is limited to the payment of the Grant.

16. WARRANTIES

The Recipient warrants, undertakes and agrees that:

- (a) it has all necessary resources and expertise to deliver the Project (assuming due receipt of the Grant);
- (b) it has not committed, nor shall it commit, any Prohibited Act;
- (c) it shall at all times comply with all relevant legislation and all applicable codes of practice and other similar codes or recommendations, and shall notify the Funder immediately of any significant departure from such legislation, codes or recommendations;
- (d) it shall comply with the requirements of the Health and Safety at Work etc. Act 1974 and any other acts, orders, regulations and codes of practice relating to health and safety, which may apply to employees and other persons working on the Project;
- (e) it has and shall keep in place adequate procedures for dealing with any conflicts of interest;
- (f) it has and shall keep in place systems to deal with the prevention of fraud and/or administrative malfunction;
- (g) all financial and other information concerning the Recipient which has been disclosed to the Funder is to the best of its knowledge and belief, true and accurate;
- (h) it is not subject to any contractual or other restriction imposed by its own or any other organisation's rules or regulations or otherwise which may prevent or materially impede it from meeting its obligations in connection with the Grant;
- (i) it is not aware of anything in its own affairs, which it has not disclosed to the Funder or any of the Funder's advisers, which might reasonably have influenced the decision of the Funder to make the Grant on the terms contained in this Agreement; and
- (j) since the date of its last accounts there has been no material change in its financial position or prospects
- (k) it shall be responsible for all on-going cleaning and maintenance costs arising in connection with the Project.

17. INSURANCE

- 17.1 The Recipient shall effect and maintain with a reputable insurance company a policy or policies in respect of all risks which may be incurred by the Recipient, arising out of the Recipient's performance of the Agreement,

including death or personal injury, loss of or damage to property or any other loss (the **Required Insurances**).

- 17.2 The Required Insurances referred to above include (but are not limited to):
- (a) public liability insurance with a limit of indemnity of not less than [ten] million pounds [(£10,000,000)] in relation to any one claim or series of claims arising from the Service; and
 - (b) employer's liability insurance with a limit of indemnity of not less than [five] million pounds [(£5,000,000)] in relation to any one claim or series of claims arising from the Service.

The Recipient shall (on request) supply to the Funder a copy of such insurance policies and evidence that the relevant premiums have been paid.

18. DURATION

- 18.1 Except where otherwise specified, the terms of this Agreement shall apply from the date of this Agreement until the anniversary of expiry of the Grant Period or for so long as any Grant monies remain unspent by the Recipient, whichever is longer.
- 18.2 Any obligations under this Agreement that remain unfulfilled following the expiry or termination of the Agreement shall survive such expiry or termination and continue in full force and effect until they have been fulfilled.

19. TERMINATION

The Funder may terminate this Agreement and any Grant payments on giving the Recipient three months' written notice should it be required to do so by financial restraints or for any other reason.

20. ASSIGNMENT

The Recipient may not, without the prior written consent of the Funder, assign, transfer, sub-contract, or in any other way make over to any third party the benefit and/or the burden of this Agreement or, except as contemplated as part of the Project, transfer or pay to any other person any part of the Grant.

21. WAIVER

No failure or delay by either party to exercise any right or remedy under this Agreement shall be construed as a waiver of any other right or remedy.

22. NOTICES

- 22.1 The Recipient does not accept service of Notices by email. Notices must be personally delivered or mailed (first class postage prepaid) to the Recipient's address.

- 22.2 All other notices and communications in relation to this Agreement shall be in writing and shall be deemed to have been duly given if personally delivered, e-mailed, or mailed (first class postage prepaid) to the address of the relevant party, as referred to above or otherwise notified in writing. If personally delivered or if e-mailed all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5.00 pm on any working day they shall be deemed received on the next working day) and if mailed all such communications shall be deemed to have been given and received on the second working day following such mailing.

23. DISPUTE RESOLUTION

- 23.1 In the event of any complaint or dispute (which does not relate to the Funder's right to withhold funds or terminate) arising between the parties to this Agreement in relation to this Agreement the matter should first be referred for resolution to the Project Manager or any other individual nominated by the Funder from time to time.

- 23.2 Should the complaint or dispute remain unresolved within 14 days of the matter first being referred to the Project Manager or other nominated individual, as the case may be, either party may refer the matter to the Chief Executive of the Funder and the Chief Executive of the Recipient with an instruction to attempt to resolve the dispute by agreement within 28 days, or such other period as may be mutually agreed by the Funder and the Recipient.

- 23.3 In the absence of agreement under clause [23.224.2](#), the parties may seek to resolve the matter through mediation under the CEDR Model Mediation Procedure (or such other appropriate dispute resolution model as is agreed by both parties). Unless otherwise agreed, the parties shall bear the costs and expenses of the mediation equally.

24. NO PARTNERSHIP OR AGENCY

This Agreement shall not create any partnership or joint venture between the Funder and the Recipient, nor any relationship of principal and agent, nor authorise any party to make or enter into any commitments for or on behalf of the other party.

25. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

This Agreement does not and is not intended to confer any contractual benefit on any person pursuant to the terms of the Contracts (Rights of Third Parties) Act 1999.

26. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the law of England and the parties irrevocably submit to the exclusive jurisdiction of the English courts.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule 1 The Project

[
Part fund a fully inclusive play space at Bath House Meadow, Walton on the Naze as per attached tender document



Inclusive Play Area
Walton (2) (2).doc

Destination, Inclusive Play Area, Walton-on-the-Naze

Project timeline(s)

1. Project tendered – deadline for submissions 18 April 2017
2. Tenders evaluated and successful bidder notified May 2017
3. Requirement for re design and re location of main equipment complete July 12th 2017
4. Planning Application submitted 14 July 2017
5. ECC to provide agreement and confirm share of project cost
6. TDC agreed s106 contribution of £80,000 subject to ECC confirmation of £100,000
7. TDC to submit report to seek approval for heads of terms for the Funding Agreement with ECC and to confirm s106 money for project. - **The report is a Portfolio Holder report and the Portfolio Holder has already signed a concurrence for use of the s106 money under a separate procedure – therefore this will be complete as soon as we have agreement delivered for consideration.**
8. Planning hearing scheduled for 6th October 2017.
9. Subject to above, anticipated construction commence November 2017 with completion of destination play area within 6 to 8 weeks.
10. Landscaping additions to be added in Spring 2018.

Schedule 2 Payment Schedule

Amount of Grant Payable	Date of Payment
£100,000.00	October 2017

Schedule 3 Breakdown of Grant

Comment [.1]: Would suggest removing this section

Comment [np2]: Agreed

Item of Expenditure	Budget (in UK Sterling)
<i>Not required</i>	

This Agreement has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

The Common Seal of **ESSEX COUNTY COUNCIL** was hereunto affixed in the presence of:

.....
Attesting Officer

The **COMMON SEAL of TENDRING COUNCIL** was hereunto affixed in the presence of:

.....
Proper Officer

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Bath House Pier Play Area



Background



Designing with PiPA & Six Senses of Inclusive Play

Plan inclusive Play Areas (PiPA) is a toolkit that Kristina created with KIDS charity, Occupational Therapists and Landscape Architects. This has been championed at political level and is now part of the Government's Accessible Britain Challenge as well as the Design Council, and hailed as a good practice document.

We use the PiPA toolkit to help inform the design process, along with the Six Senses of Inclusive Play as we understand that sensory play is vital for all children's development, but is often omitted from regular community playground designs, in favour for a focus on physical activity. We believe there has to be a balance. The aim of the PiPA Checklist and Inclusive Play as a whole is 'invisible' inclusivity. By letting social and physical barriers disappear in our playgrounds, we provide a change for equal play opportunities for all children whilst allowing them to go on a journey of discovery in a safe and controlled environment.

About us

Innovation is a core value at Jupiter Play. The family behind the brand is passionate about supporting great design and championing new technologies and innovations in the industry, with the aim of inspiring people of all ages to be active and make the most of their community spaces. As an independent consultancy, Jupiter Play's award-winning design team can offer advice on how to develop your play or sport project, without the constraints of being tied to one brand.

Every play, sport or community area will have a unique requirement, such as an aesthetic or character of the location. As we offer such a comprehensive range of products with an equally extensive portfolio of case studies, that reaches every aspect of a playful and active living, we decided to create the six key themes to guide and inspire you for your next play area or sport project.



Understanding Disability and Special Needs

Jupiter Play have a very close working relationship with Inclusive Play - having established the brand in 2006.

Jupiter Play first set up Inclusive Play in a response to the lack of knowledge and products available in the play sector. We felt it was hard to deliver truly inclusive designs as products were designed specifically for physical disabilities and were not the most attractive items. It was at this stage Jupiter Play engaged Barnardo's and started a consultation process to see what the challenges were and how they could be overcome with great product design. That is when Inclusive Play was born.

It is now an independent brand exporting to countries all over the world, including Australia, Russia and across Europe. The success of Inclusive Play is because it is a company completely dedicated to understanding the wide spectrum of disabilities and special needs. Inclusive Play engage specialists, such as medical professionals, charities such as KIDS the Disabled Children's Charity and most importantly families and their children. Jupiter Play work very closely with the Inclusive Play team and our Marketing Manager, Kristina Causer was previously General Manager for Inclusive Play and has brought with her knowledge and experience that is invaluable to us and our clients.

Understanding Inclusion

1 in 20 children under the age of 16 has a special need or disability. The range of these disabilities and special needs is far wider than mobility needs and wheelchairs, in fact many children with a disability will have more than one disability. Our mission is to create play spaces that meet the needs of all children.

Jupiter Play is proud to work with Inclusive Play as their primary partner in this field. They have a unique product portfolio and are trailblazers within the play industry for transforming attitudes to inclusive design. The Inclusive Play partnership is a key part of the Jupiter Play brand and provides expertise to help guide our clients through inclusive design.

Site Survey

This site sits in a seafront location, less than 1km to the amusement pier and Changing Places facilities. There are good access routes between the train station and the Naze due to good bus routes. The site has direct access to a sandy beach and is near to a caravan and camping park which has inclusive facilities. It's also worth noting the site is close to residential areas.



Amblin Centre

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P Coronation Car Park

Frinton & Walton Swimming Pool

Existing Play Area

Existing Shelter/
Proposed Kiosk

A

B

C



Inspiration



The concept for this design is to recreate the traditional seaside theme complete with pier, reflecting the second longest pier in Great Britain at Walton on the Naze, as a fully inclusive sensory play space for the whole family to enjoy. The local area of Walton on the Naze provides a wealth of inspiration for the design such as the miles of clean sandy beaches, glorious natural features such as the acres of rich grasses at the top of the cliffs as well as the wildlife, particularly the seals which attract thousands of visitors to the area and of course not forgetting the Naze tower.

The research has informed the design process helping us to create a sense of place, which is totally unique to Bath House Meadows and the Walton on the Naze community. This is not an identi-kit playground, but a design that reflects local landmarks and design characteristics, including the colour palette of the local beach huts with special reference to the Changing Places facility.

Within our design you will see elements that reflect the site, for example:

- The local Changing Places beach hut facility has provided us the colour palette for the new design helping to tie in the new with the old, repainting where possible and adding it into the new pier design. This captures the essence of the traditional seaside town.
- A completely bespoke pier designed uniquely for this scheme, capturing the character of the beach huts and colours as well as a large tower, designed with a hint to the iconic Naze tower.
- The pier also includes seagulls perched on the posts that offer tactile and sculptural character. There are numerous other sculptures dotted across the area for children to find, complete with Makaton symbols to assist in communication and development. Other wildlife local to the area are of course the seals and these are found as springers over on the 'dry' land overlooking the pier.
- We have also captured the essence of the seafarer's life by creating a miniature version of the famous James Stevens No. 14 Lifeboat. This provides low level play experience to enable the less confident child to interact with themed play, without being at the center of the hectic play and also allows them to observe other children at play too.
- Inspired by the Changing Places facilities around Walton-on-the-Naze we've used the pastel colours throughout the design to evoke a sense of place and continuity with the surrounding area.



Moodboard

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POSTCARD

Wish you were here!



TO THE LOOS



Seal Springer

TO THE BEACH HUT



Seagull Springer

Sand Pit



Seagull Springer

BATHHOUSE PIER

Bespoke Unit



Audionetic



Kinetic Wheel



Wheelchair Access Ramp



Minisphere



Scramble Net



Strong Man Cut-out



Seagull Sculpture



Palm Tree Sculpture



Turbo Racer Play Panel



Fun Reflections



Tin Can Alley



Helter Skelter Tube Slide



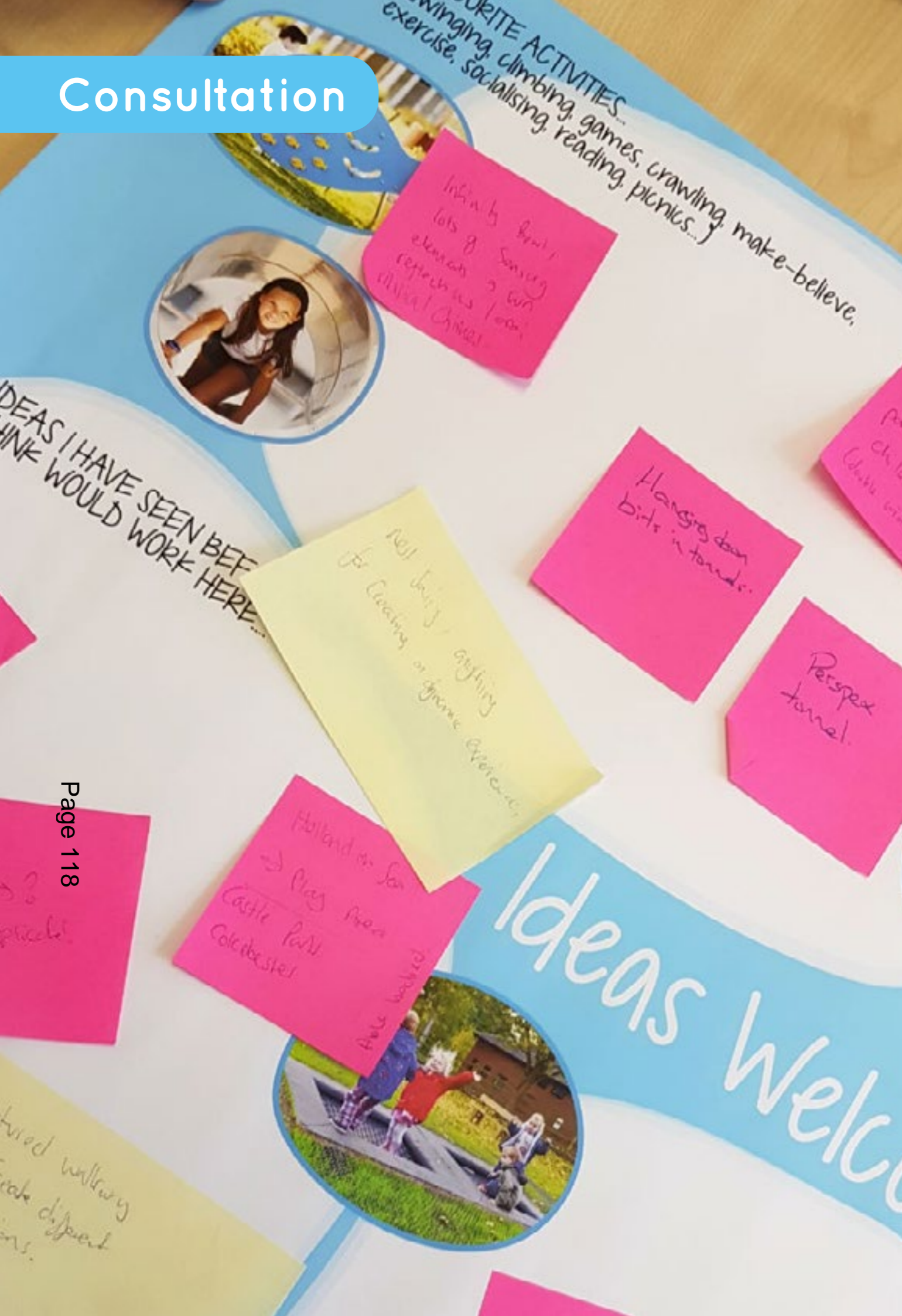
Rammaker

Inclusive Play

PIPA
PLAN INCLUSIVE PLAY AREAS



Consultation



Consultation for Bath House Meadows Play Area

It is particularly important when designing an inclusive space to cater for a variety of ages and abilities. For this project we have already connected with a number of groups to gain valuable feedback from families who are local to the project and will stand to benefit the most from this provision. We felt that it was necessary to consult at the design stage as we are catering to specific needs and disabilities and personal insight is a valuable part of the design evolution and future success of the project.

Parents Evening at Shorefields SEN School.

As part of our consultation process for Bath House Meadow, we consulted with parents from Shorefields School so we could get a better understanding of their needs. This consultation was beneficial as it gave us valuable feedback on what kind of activities they thought would be beneficial to their children. The main responses from this consultation are highlighted below:

1. Nothing currently in the area suitable for children with special needs and disabilities
2. Parents would happily plan and make a trip to visit an inclusive play area
3. Lots of sensory play elements are required
4. Particularly interested in mirrors and musical items
5. Definite needs for completely accessible items such as nest swings and ground level roundabouts
6. Importance of access for parents with their children e.g. double width slide
7. Ensure the space was enclosed so they could locate a child easily if necessary
8. Letting children have the experience of height in a play area

Essex Parent Carer Forum

There is a new parent carer forum being established for Essex and this is being led by Contact a Family. We have been working with Contact a Family via consultation to reach out to families in Essex and to help inform our design. This has also included engaging with Essex Local Offer Forum. Feedback from this consultation was similar to Shorefields School, where it was obvious that there is a real need for this type of play facility in the area. Accessibility and sensory play again were high on the agenda. Jupiter Play has worked closely with a couple of families through this network for feedback on our ongoing design. Some of the design amendments included:

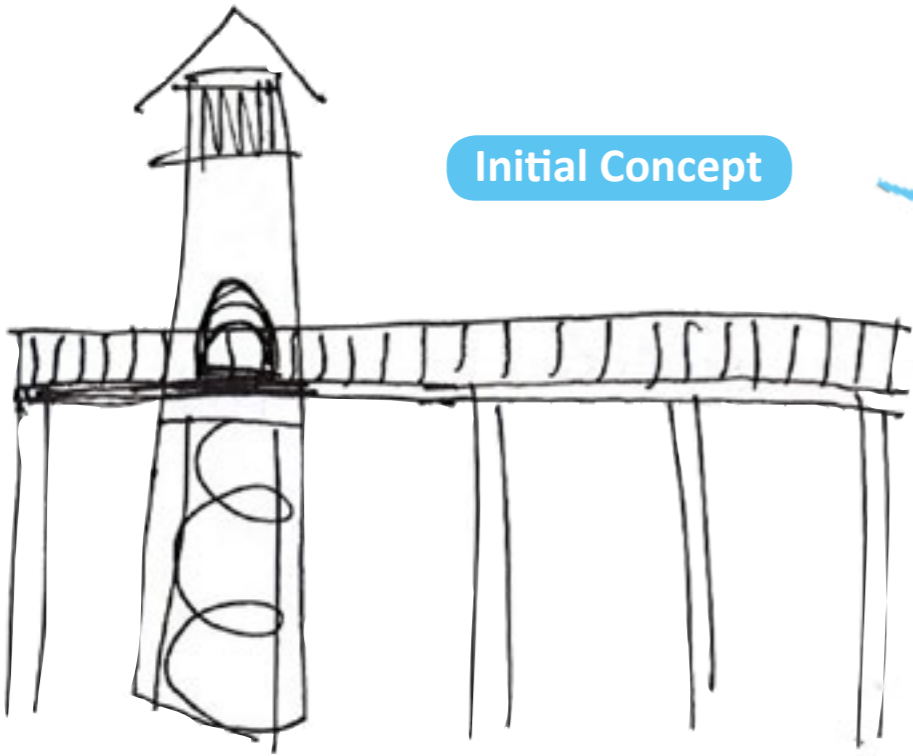
1. Crawl area under pier
2. Accessible steps to the pier for toddlers, and for people with partial mobility to give them the opportunity to climb with support if necessary
3. Trampolines were mentioned several times
4. Positive feedback on having 2 different slides in our design; this ensures all abilities have a challenge suitable for their specific needs, as well as minimising hold ups and queues on popular items within the play area

Summary

To ensure a play area engages the widest possible audience, it is crucial that key stakeholders are involved in every step of the process. Involving local communities and families in projects is essential to ensure that play areas that we deliver are sustainable beyond the development stage. Working with a range of people with experience with disabilities can highlight issues and opportunities that will affect everyone who uses the space. To summarise, the benefits of working with local families is invaluable. This process has also helped raise awareness of a really sought after provision that has also made the community aware that Tendring are committed to delivering inclusion.

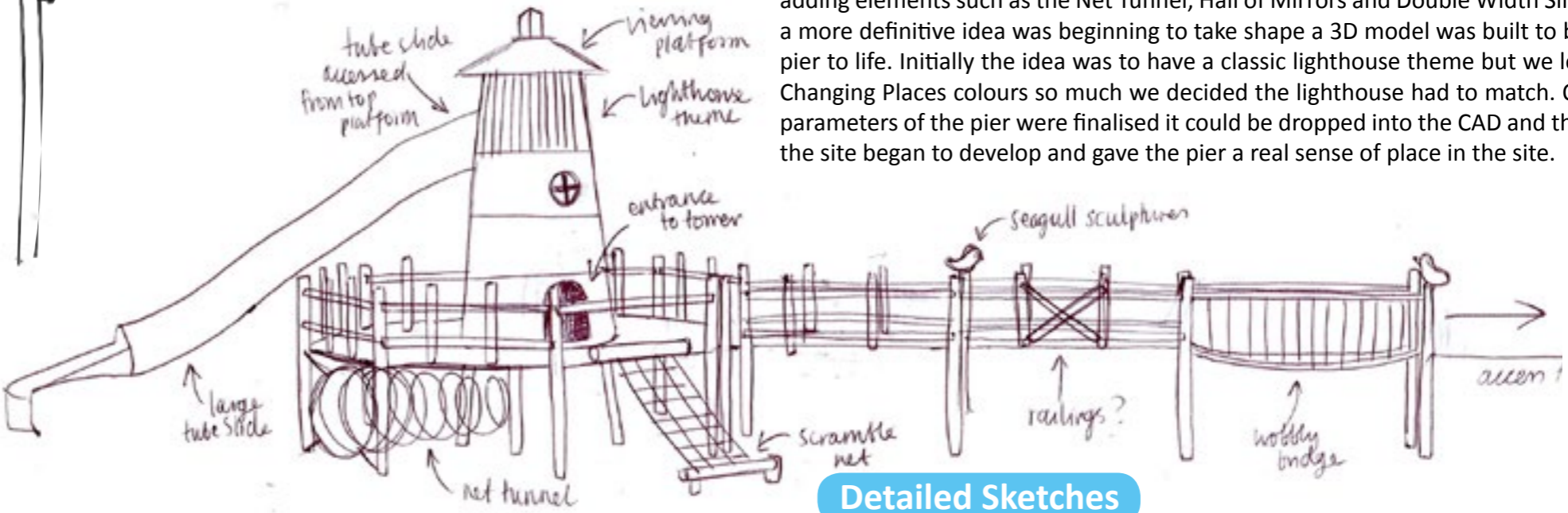
Evolution of the design

Initial Concept



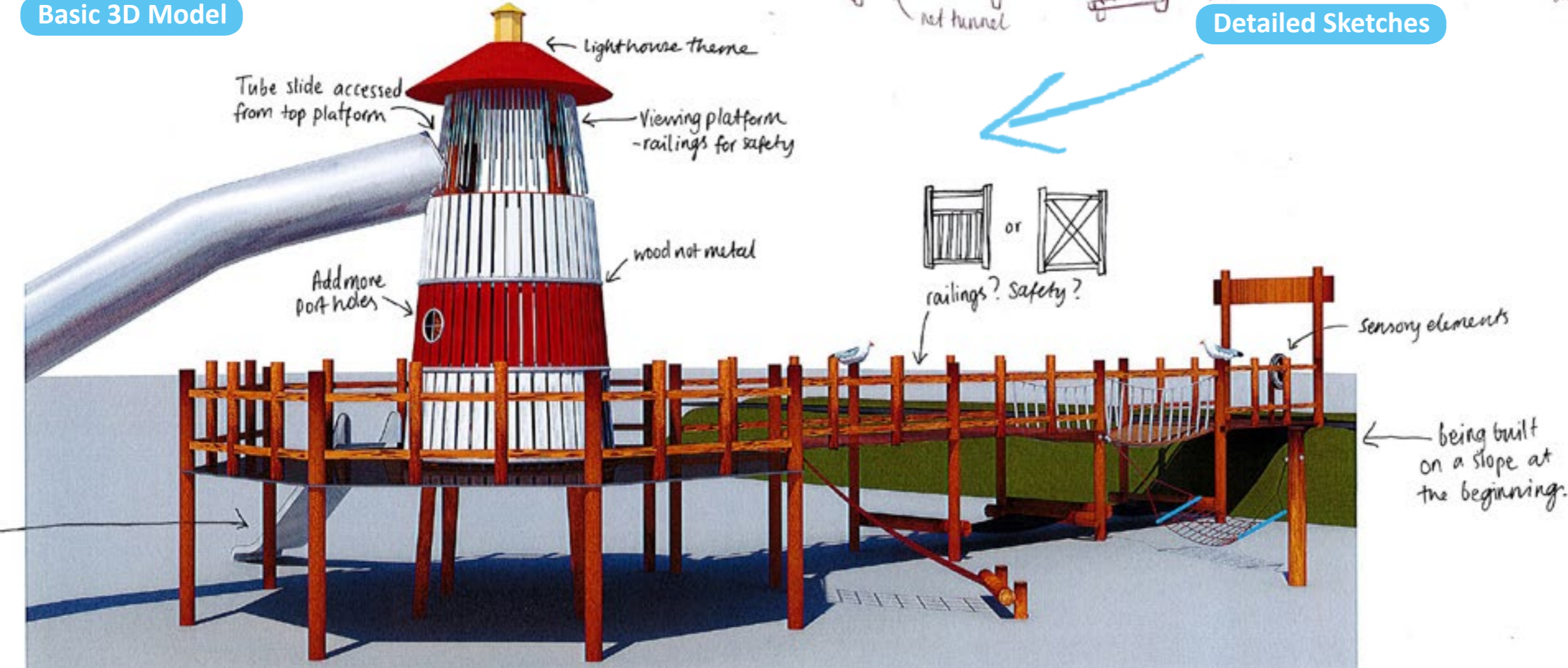
The primary focus of this project was the design of the bespoke unit; a lot of time was spent carefully developing this element into a feature the community could be proud of. We decided a pier would be the perfect concept to develop into a fully inclusive, bespoke play structure. After some initial sketches to get an idea of the elements we could build into the structure a consultation with the community was held to get ideas directly from the users. This consultation led on to further development of the pier, adding elements such as the Net Tunnel, Hall of Mirrors and Double Width Slide. After a more definitive idea was beginning to take shape a 3D model was built to bring the pier to life. Initially the idea was to have a classic lighthouse theme but we loved the Changing Places colours so much we decided the lighthouse had to match. Once the parameters of the pier were finalised it could be dropped into the CAD and the rest of the site began to develop and gave the pier a real sense of place in the site.

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Detailed Sketches

Basic 3D Model



Final Design



Views across the playground, the surrounding area and the coast.

Access to lighthouse tower

Ahoy matey! Climb aboard!

Ride on the James Stevens Lifeboat

Yo Ho! Let's go!

Sculptural Palm Tree

Take a spin in the whirlpool wheelpsin!

Accessible ramp to play area

Suggested sensory planting



Final Design



New Play Area

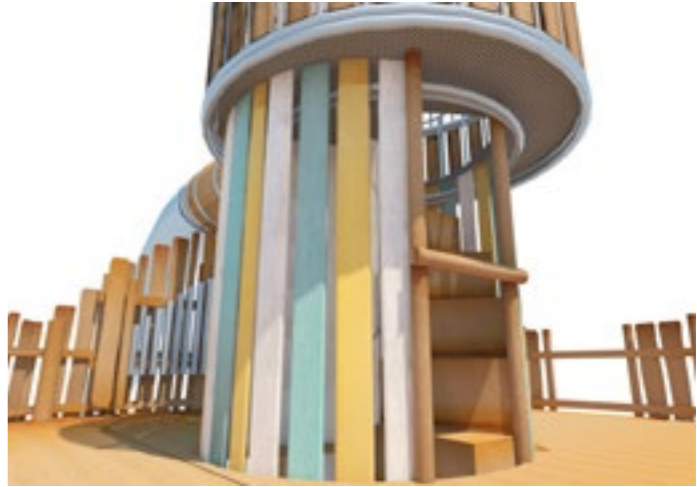
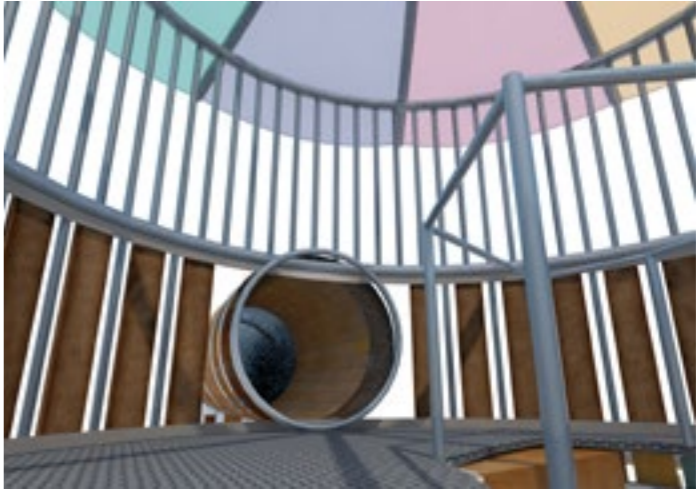
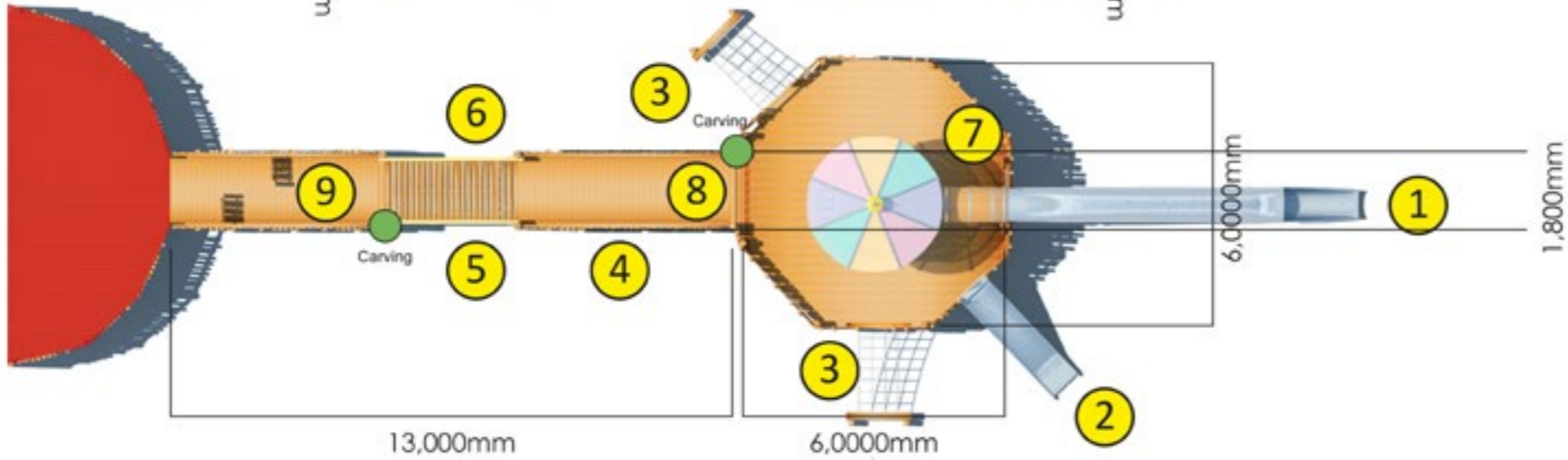
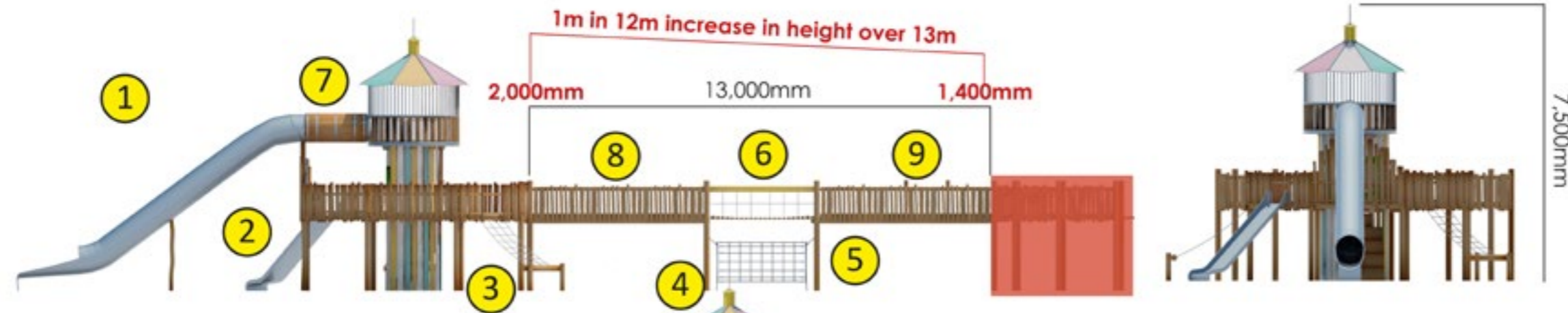
Existing Play Area

Pavement

Suggested Road-side barrier

Existing Stepped access

Hall Ln



Adventure Island



Sit-up Swing Seat

Tango Swing Seat

Swing frames painted to match Changing Places colours

Makaton Posts

Stepping Posts

HDPE Orbs

Pathway linking access gates

Lighthouse Climbing Net

MPU repainted in Changing Places colours

Enhancing the existing provision

The existing play provision offers a lot of physical and dynamic activity which will provide a great themed space, we are calling it "The Adventure Island". This area is already surrounded by a wave fence and through a community engagement activity this fence line could be painted blue to create the feel of the sea, enhancing the island character.

One of the most important factors to increase the accessibility of this space is to include a pathway that links the two spaces together, this also increases the connectivity of the two spaces making them work in harmony together. The walkway will form an 'Island Promenade' and we are suggesting palm trees to be brought into site to help create that holiday adventure getaway feel.

The existing space currently lacks some sensory play and with an anticipated increase in footfall we also felt that toddler provision would be lacking and have included a range of new activities to engage young imaginations.

Bespoke Design

The main value offered to this project is our vision to create an entirely bespoke design that uniquely ties in with the character of Walton-on-the-Naze and will not be captured anywhere else in the UK. It also is designed with the expertise of inclusive design and engagement with families with children with special needs, already proven to be successful at Hylands Park in Chelmsford, designed and installed by Jupiter Play in 2013. However this is also a design that respects the value of the existing provision and it is our role as designers to enhance the provision and maximise value for money by repurposing and reinvigorating where possible.

New Equipment

To enhance what is already there we propose to maximise the toddler provision by incorporating a little lighthouse tower sensory and climbing play as well as the tactile and musical orbs along the Pier and Promenade. We also felt that balancing is a missing play activity and have included the FHS stepping posts which are great for climbing and seating.

We have been mindful not to add too much in, as we wanted to ensure there is still clear access to the Nest swing, which offers a really great piece of inclusive dynamic activity.

FHS Value for Money: Ease of maintenance and likely volume

At a time when other suppliers are driving down the specification and quality of their products, FHS have maintained the same high level of quality. As a result of this we can prove that the FHS product is extremely durable and requires minimal maintenance.

Later in this document you will see a full break-down of the cost of spares which over the last 7 years has totaled the low value of 0.2% of the cost of sales.

FHS are committed to ease of installation and maintenance through their use of universal fixings. We store the complete range of fittings ensuring we can respond quickly to any spare parts/maintenance requests, should they arise.

Existing Equipment and Refurbishment

Through careful inspection we believe the existing equipment is still fit for purpose and just requires some TLC to bring it back to its former glory and tie in with the new design. By using the Changing Places colour palette, as we have suggested on the pier, we aim to use the green, yellow and blue to repaint and refurbish the swings and SMP multiplay unit which will help to tie it with the new space.

In addition, we are also proposing to replace 2 of the flat seat swings with a large sit up swing, this will allow disabled children to access a supportive swing seat, but it is just as fun for group play for any child. This swing seat is large enough for a parent to sit with a child too, helping to increase intergenerational play and activity. We are also making a similar proposal to add the Hags/SMP tango seat to one of the cradle seat bays, this is a new innovation which allows a parent to face their child or for two children to face each other in play, making it a social fun space.

Value for money



Originality

Bespoke Pier Structure

The entire concept of this design is inspired by the local area and has never been created for another site in the country. The detail such as colour, style and play value elements have all been drawn from the local sites and cultural features. In addition, the Bath House Pier is a bespoke design with complete inclusion in mind. The primary access for the pier comes from road level, and features a long walkway with a wobbly bridge leading up to the feature Naze Helter Skelter tower, complete with viewing platform, translucent panels to create soft dappled lighting at the top as well as an impressive tube slide, which takes users to the bottom level of our play area.

The consultation carried out so far led us to ensure we had included lots of sensory play elements, such as musical chimes, mirrors, 3-to-connect game and the interactive kinetic powered Gamenetic, to provide the game play and sounds traditionally featured on a pier. A double width slide was also an important feature to include to ensure parents or carers could slide down with their children.

Another notable dynamic activity is the wobbly bridge that is fully accessible and will allow all children to feel a gentle movement under foot or under their mobility device. This is a feature we used at Hylands Park in Chelmsford and was highly popular, so we felt this was important to include in the new design.

Under the pier there is the 'lobster pot' net which allows children to crawl, balance and hangout and makes use of the space under the pier structure. It is also possible to access the Naze Helter Skelter from under the pier with wide accessible steps with a handrail, allowing children with limited mobility but still able to manage stairs with support to access the central tower.



Interactive Play

We have incorporated a range of interactive products that are exclusive to Jupiter Play in the UK. All of them require no electrical connection since they are powered through Kinetic energy.

Gamenetic

The Gamenetic represents all the fun of the fair. Pump the pedal as fast as you can to power it up. Flashing buttons and an LED screen allows multiple users to compete in fun games.



watch the video

StoryBall

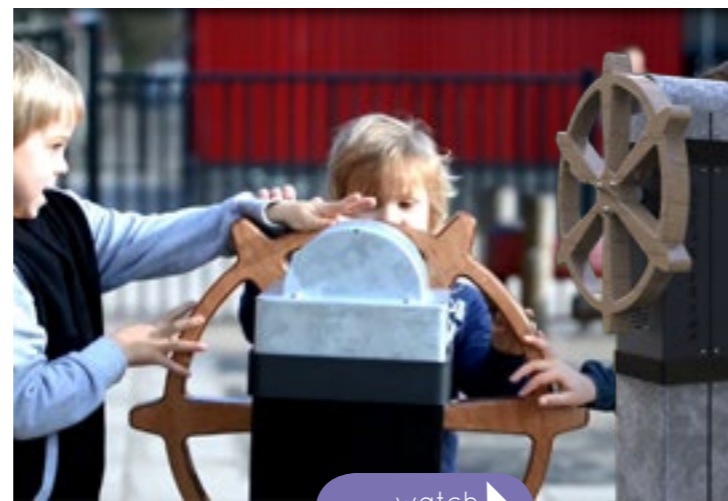
Spin the handle to power up the ball preloaded with a choice of stories and music. This can even be tailored to local content.



watch the video

Kinetic Wheel

Steer the ship using the Captain's Wheel to hear the sounds of the sea, splashing of the waves and cries of the crew.



watch the video

Refresh it!

The content for the Kinetic Wheel and Story Ball can be updated as much as you wish. It's as simple as swapping a USB (content must be in mp3 format).



Inclusive Play

The aim of this project is to create a fully inclusive play space, taking into consideration a range of special needs and disabilities as well as offering challenge and development for children and families who may not live with a disability. When working on these types of projects we always work with the 6 Senses of Inclusive play to inform the design and product mix.

Sensory Play Wheel

Sensory play equipment and environments are critical to a child's development. Research has shown that sensory play builds nerve connections in the brain's pathways, which lead to the child's ability to complete more complex learning tasks. Sensory play also supports language development, cognitive growth, fine and gross motor skills, problem solving skills, and social interaction. This type of play aids in developing and enhancing memory too. Sensory play is also a great for calming an anxious or frustrated child, and helps children learn sensory attributes.

The sensory play wheel reflects many of the comments from the feedback in our consultation sessions, which has enabled us to select a product mix directly reflecting the wishes of the local community.



Inclusive Play PiPA Checklist & Assessment



The PiPA checklist is essentially an audit for anyone assessing a planned or existing play provision to create fully inclusive outdoor play areas. With the combined expertise of our design team and our partners at Inclusive Play we have created a fully accessible play area for Bath House Meadow which has passed the Inclusive Play PiPA assessment. Please find a copy of this assessment attached.



Variety



Sound

The human sense of hearing is attributed to the auditory system, which uses the ear to collect, amplify, and transduce sound waves into electrical impulses that allow the brain to perceive and localise sounds. Engaging this sense is an important part of cognitive development.

Why is it important?

Sound play, whether via musical play or making a noise, helps children to learn and how to concentrate and focus on a sound. Musical play has the added benefits of developing gross motor skills, coordination, language, and even has been linked to an increase in IQ! But even more crucially, it engages children who cannot rely on visual cues in play.

Examples in our design:

- KWP001 Kinetic Wheel
- IP501 Music Ball
- IP14 Rainmaker
- GP72C Gamenetic
- IP05 Orb HDPE



Smell

Our sense of smell is one of our most sensitive senses. Smell and taste contribute to our enjoyment of life by stimulating a desire to eat which not only nourishes our bodies, but also enhances our social activities.

Why is it important?

Smell and taste warn us of dangers, such as fire, poisonous fumes, and spoiled food. Studies have shown that 75% of emotions are triggered by smell which is linked to pleasure, well-being, emotion and memory. For people who are deaf/blind the sense of smell plays a key role in identifying people, places, objects and activities. Although we have not included any play items to stimulate your sense of smell, we have suggested some Sensory Planting within our design scheme. As in designing any garden, plants have been selected that will thrive in the coastal environment.

Examples within our design:

- Angustifolia Hidcote Lavender



Vision

Vision is our most dominant sense, taking up 50% of our brains resources. The definitive purpose of the visual process is to arrive at an appropriate motor/ and or cognitive response.

Why is it important?

Our sight is far more than looking and seeing, it relates to perception, memory, tracking an object in motion, coordination (hand-eye) and spatial awareness amongst many others! For a child, visual play is often the start of literacy, identifying objects, patterns and movement, all of which relate to how we learn languages.

Examples in our design:

- IP305 Fun Reflections (concave and convex)
- IP302 3-to-connect
- Bespoke Pier Roof



Touch

Touch is the second most dominant sense. This Tactile sense helps us to differentiate pressure, texture and traction and is an important way for us to monitor temperature and pain.

Why is it important?

Our sense of touch allows us to receive information about our internal and external environments, making it important for sensory perception. Having a functioning tactile system is beneficial as we will not get distracted by the ongoing tactile information we receive everyday (like the clothes we wear, getting washed, eating etc.)

Examples within our design:

- IP05 Orbs
- 83000001-01 Bespoke Carved posts
- Sensory Planting - Long Grasses
- FAC22 Lighthouse with Net



Proprioception

Proprioception is an awareness of self and joints; it enables us to know where our limbs are without having to look, for example driving or riding a bike.

Why is it important?

Proprioceptive activities engage both the body and the brain and are highly beneficial to people of all ages and abilities as it keeps body and mind engaged. This can be a key area of development for a child with a sensory processing disorder (SPD) or with any neurological damage or development disorder.

Examples within our design:

- Trampoline - Fully Inclusive
- Activities that include push/pull and loads the joints
- Existing multiplay unit on Adventure Island
- Existing Berliner Net
- Scramble Net
- 901330100R Rope Swing
- Lobster Pot Tunnel



Vestibular

Awareness of body balance and movement are monitored by our Vestibular system. The Vestibular sense responds to a change in your head position or having your feet lifted off the ground. It also contributes to balance and equilibrium

Why is it important?

The vestibular is essential for healthy brain development as well as helping us all maintain balance and trunk control. It also helps visual motor skills, for example tracking an object while moving. Some children are unable to engage the vestibular like others - for example children who are blind or with some type of visual impairment; physically disabled children, or those that have a sensory processing disorder.

Examples within our design:

- Wheelspin
- Trampolines
- Various types of swings – FHS Rope End Swing, Existing Swings

Proprioception



Smell



Variety

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Vestibular



Sound



Sight



Touch



Track Record

Over the years we have delivered a vast number of Bespoke FHS and Inclusive Play projects for clients across the UK, from large local authority capital projects, SEN schools to working with hospices and short breaks centres. Each of these projects has enabled us to learn more about the vast array of disabilities and special needs and how to design sensitive, well planned spaces that offer a great amount of sensory stimulation and a choice of challenge to suit each child at their stage of development and ability.

We are also careful not to alienate other family members, so when we refer to inclusion we refer to providing a well balanced play space, that offers the challenge that may be required for a non-disabled sibling but a variety of other choices for children with special needs. This is why we choose to work with the PiPA toolkit (developed by Inclusive Play the only company focused on inclusion and disability in Europe) and since 2014 we always use this tool when developing our inclusive spaces.



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Waterwise Play Area, Worthing Value £130,000

West Parade in Worthing is close to the town centre and has a sculpture garden and bowling green nearby. It lacked a family friendly facility that would encourage more families to make the most of the beautiful coastline in what was a relatively unused stretch of coastline. Adur & Worthing wanted to create an inspiring themed space that would ignite young imaginations and also provide a relaxing family setting.

The location of the play space is overlooked by a residential area and this project had to be carefully planned to be sensitive to both the environment and to avoid obstructing the views from the residents homes. The entire play area had to be built directly onto the beach, which required a highly porous concrete foundation and products that could withstand the wet conditions and cope with the extremes in temperatures. This is why the FHS robinia collection is the best solution as the density of the wood means it doesn't absorb water and will not rot. Once the technicalities of the site had been dealt with the next step was to create an imaginative inclusive space with lots of sea references, sculptures, sensory play elements and large play structures to engage a wide user group.

The project has been an incredible success. This was a space that had low visitor numbers and only really attracted dog walkers and residents. Now it is a popular destination, so much so that Adur & Worthing now lease out a space next to the play area for a small coffee cart, which has attracted a good source of revenue funding for the play area and the council.



Ty Hafan Hospice, Wales Value £250,000

Ty Hafan is one of the UK's leading paediatric palliative care charities and offers the only children's hospice service in south Wales.

With this type of care in mind the team at Ty Hafan had a completely clear vision; a space where families could enjoy their time together like a regular family without worrying about the future. The area had to cater for the most complex needs and fragile children and allow them to play as freely as possible.

Ty Hafan is situated very close to Sully Bay and the requirement was to create a really special structure that had relevance to the area and would be unique to the hospice.

The main focus, however, was on the life-limited children, the young people and their families in the hospice so they can make the most of the time they have left together. Working closely with the hospice, and also partners at Inclusive Play, we had a much better understanding of this unique environment and the children within it to create a sensitive design solution that would allow families to play together.

The outcome was more than we all could have hoped for, with some children experiencing sensations they never had done before. It is a project we are truly proud of and showcases the benefit of working with an independent design consultancy.

"The playground is a dream come true for children in wheelchairs. Lewis is quite movement-dependant so the playground is a fantastic facility for him to not only have fun, but it also helps to relax and soothe him".

Mum, Nicola Smith



Track Record



Hylands Park Chelmsford Value £190,000 Listed as a PiPA site on the PiPA Map

Jupiter Play and Inclusive Play worked together with Chelmsford City Council, Essex County Council and FACE (Families Acting for Change in Essex) to create a WOW play space that was completely wheelchair accessible as part of their vision to provide more quality and equal play opportunities for children. The requirement from the families was to give children with special needs a chance to access really high points and have a feeling of elevation and risk that they may not ordinarily get to feel.

The client was keen to create a unit that would allow children to be elevated 2.5 meters off the ground. A tall order when meeting the regulations of a 1:12 slope for accessibility. This was a challenge Jupiter Play could meet, as our partners at FHS have the expertise and knowledge in creating bespoke products that meet all regulations and this allows Jupiter Play to focus on the creative design work.

The dominant castle façade stands at 2.5m high; behind it there are a plethora of play activities hidden behind the walls. The focus was giving children with special needs play opportunities, but a completely inclusive design was created that offered challenge to all children, regardless of need or ability. Nets, slides, ramps and sensory play are all featured around the castle wall. Working together with Inclusive Play ensures that we always keep a balanced view of the wide range of needs children have and how we can offer the maximum play value for everyone.

“Jupiter Play’s work on the project has been very creative, innovative imaginative. Jupiter understood what we wanted with the overall aesthetics of the unit. The product on site reflects this and meets our expectations.”

Lyn-McLay-Kidd
Landscape Officer at Chelmsford City Council

Facebook Review:

“We love it at Hylands! We have two children aged 10 and 4, their needs from play equipment are quite varied as our youngest has severe autism. He particularly likes climbing, the slides and the sensory elements”.

Vicky Faulks (January 5, 2017)

Method Statement: Quality

Quality is the number one priority for Jupiter Play. We only work with a select list of suppliers that share this same understanding. We are so confident in the durability and quality of our products that we offer comprehensive guarantees for our entire range. Most of the equipment in our design for Bath House Meadow Play Area is supplied by German manufacturer's FHS Holztechnik's stunning hand crafted robinia timber. It is the only timber that offers unique characteristics and unmatched strength, retaining the natural form of the wood; the posts twist and curve as a tree would, creating a play area that complements the surrounding environment and, makes for an inclusive play space for all members of the community to enjoy.

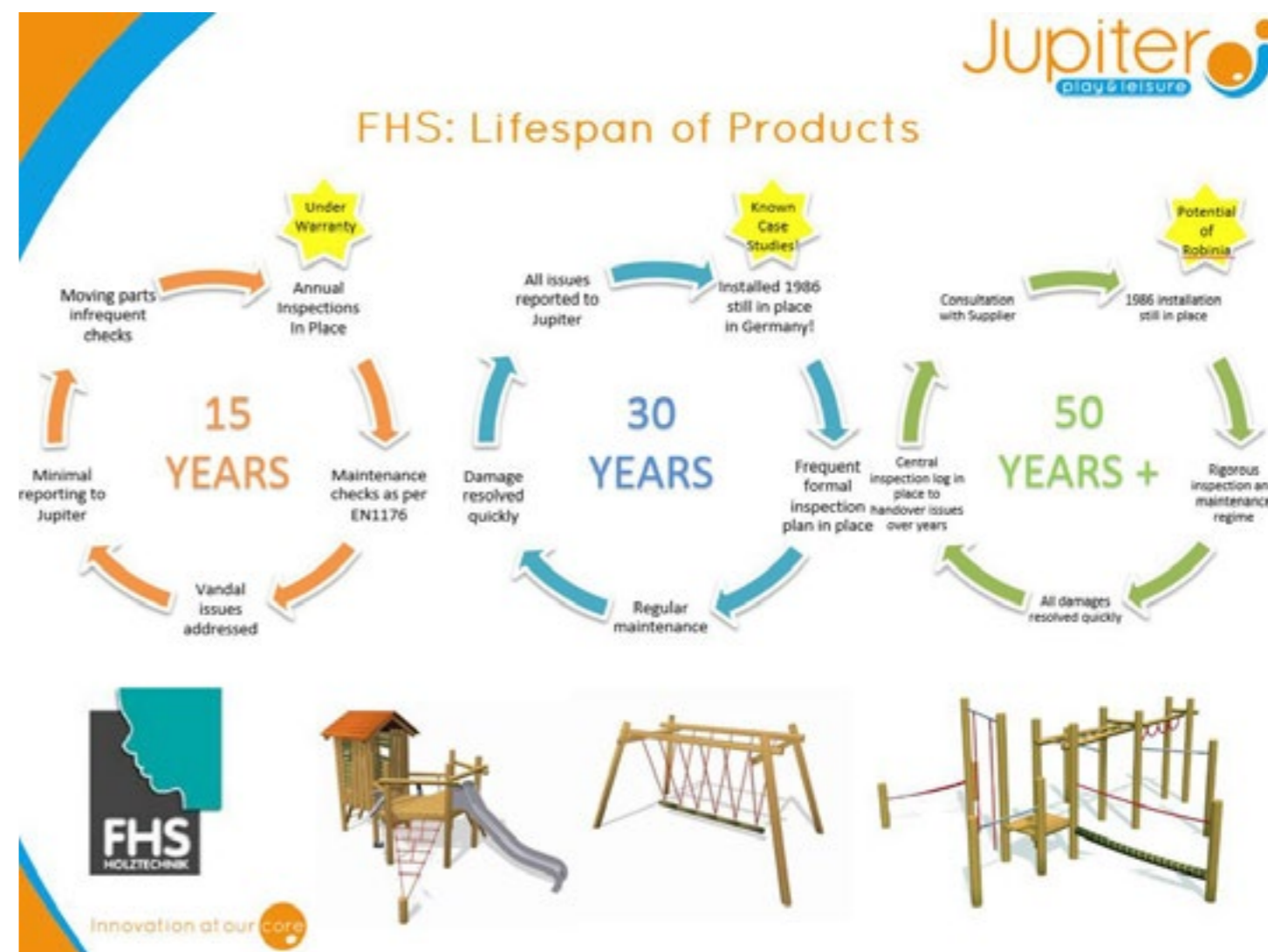
The range of equipment from FHS is extensive and utilises a variety of materials including robinia, larch, pine and steel. Standard elements are complemented by the company's ability to develop large, bespoke adventure play items to a client's specification.



All FHS timber is also sustainably sourced. It is categorised as Class 1 per the EU standard for durability of wood (EN 350-2) and is the densest and hardest timber in the market, even denser and more solid than oak. As an ISO9001 accredited business it offers our customers the reassurance to our commitment to quality. All our equipment comes with a 2-year warranty as standard. This combined with our full guarantees means you should see no additional costs for a minimum of 2 years. We offer a 15-year guarantee for our timber against rotting or structural failure. Our guarantee structure applies to all our brands.

FHS Lifespan

The FHS products are differentiated by the high quality of the timber and the rigorous selection and preparation process they carry out with their robinia timber. Many suppliers still opt for using steel feet for the timbers, because they fail to allow for a 2-3 year resting period and quality process. As a natural material wood will change, reacting to temperature and other environmental factors. The resting period allows FHS to observe the change and after 2-3 years this will settle, exposing any poor quality timbers that may have formed cracks or deep knots that would render the timber structurally unsound.



FHS - Ease of maintenance and likely volume

At a time when other suppliers are driving down the specification and quality of their products, FHS have maintained the same high level of quality. As a result of this we can prove that the FHS product is extremely durable and requires minimal maintenance.

	2009	2010	2011	2012	2013	2014	2015	2016	Total
Value of FHS Sales	£1.2m	£1.48m	£0.60m	£0.67m	£1.02m	£0.52m	£0.63m	£0.7m	£6.82m
No of Spare Parts Orders	-	-	-	-	-	8	9	15	32
Value of Spare Parts Orders	-	-	-	-	-	£2208	£1821	£9341	£13370
No of Warranty Claims	-	-	1	5	4	4	5	8	27

The chart table illustrates that for a sales total of £6.82 million, there has been an extremely low percentage (0.2%) requirement for spare parts. FHS are committed to ease of installation and maintenance through their use of universal fixings. We store the complete range of fittings ensuring we can respond quickly to any spare parts/maintenance requests.

Get to know our timber

Robinia Pre-Treatment Process

Step One: Resting the Timber

FHS fell the tree in the winter months and leave the timbers to rest for up to three years. This resting period is crucial as it allows FHS to ascertain if any cuts of wood have developed unacceptable splits which render the wood unsuitable for use. This is our guarantee that we are supplying products with timbers that are fit for purpose.

Step Two: Remove Bark & Sap

This is a unique process and is a vital component in reducing maintenance requirements and preserving the overall appearance of the product. Removal of the bark and sap is crucial to preventing rotting. If the sap is left on, not only will it become very grey and dull but within two years the sap will flake away. The rotting can create a gap between the upright timbers and adjoining platforms, fixings and foundations, rendering it structurally unsound.

Step Three: Remove all Knots

All knots in the timbers are assessed by drilling out the knot to determine the depth and therefore if the section of timber is still suitable to use. Small knots are removed and in-filled with non-toxic wood filler. The other reason for this is to stop the knot from seeping, which is unsightly and can stain clothing.

Step Four: Cross Bolt all Timber

It is a fact that any timber product will move and split, this is the charm of working with a natural material. FHS combat this by drilling through the ends of the posts and inserting two bolts in a cross formation to prevent the timber from splaying. **Not all Robinia suppliers can offer this level of pre-treatment and we suggest you ask before making a purchase.**

- **Robinia is hard to set fire to and if it does set alight it burns very slowly.** This is due to the lack of oxygen within the wood which is required to accelerate combustion. Any fire damage is limited to the external surface which can be easily removed by sanding the timber down.

Quirky, bespoke and hand crafted

Is using a timber product in your local outdoor play space right for you? Here at Jupiter play we would argue - Yes! As long as you use the right materials and consider the complete play space design; timber products can really add play value and create a stunning feature for the entire community to enjoy.

Our timber supplier, FHS Holztechnik is without question the best supplier we could possibly work with. Their approach to the manufacturing and delivery of their products is exceptionally flawless. But the raw material is only the beginning. FHS have developed many unique quality processes before they even begin to craft the timber to ensure the long term sustainability of the final product.

Robinia properties

Jupiter Play only use the highest quality timber in the construction of our products. This ensures the maximum life term possible and structural integrity of our products.

Heart wood

- Highest quality properties
- Durable and robust
- No need for surface treatment (glaze)
- Natural untreated, a silvery patina occurs
- Brilliant paint application properties
- Preparation is required for manual removal of the sapwood

Sap wood Layer

- Not all suppliers remove the sapwood
- Timber rots quickly if sapwood is not removed
- Pest infestation can be expected if sapwood is not removed
- Sapwood is not an appropriate subsurface for glazes
- Leaving sapwood can in time effect the timber integrity

Outer layer

- Tree Bark - Bark and sap layer is removed to prevent rotting

Strength in Robinia Timber

There is a variety of timber available in the market today. FHS offers products manufactured using three main types of timber: Robinia, Pine and Larch.

Each type of timber has its own application in the market and for certain projects you may very well decide to go for the Pine or Larch options. However when it comes to timber we are 100% confident in recommending Robinia as your first option. FHS Robinia timber will change your perceptions of timber play forever. We have decided to go into detail to explain why...

The density of timber and its resistance to decay is classified on a scale of 1-5 according to the EU standard for durability of wood (BS EN 350-2). Class 1 is categorised as the most robust.

Type	Class
Robinia	Class 1
Oak	Class 2
Larch	Class 3
Douglas Fir	Class 3
Pine	Class 4



Robinia Cross Section

Robinia wood is one of only a few species growing in Europe that is categorised resistance class 1. This demonstrates that it has an extremely dense composition which means:

- Robinia timber does not require any pressure treatment, tanalisation or chemical protection.

Method Statement: Health & Safety

Citation PROFESSIONAL SOLUTIONS

We selected Citation PLC as our partner for managing both our Health & Safety and Employment Law processes. They provide information and advice on all aspects of Health and Safety issues and employment law. Citation are highly experienced, Queen's Award winning Employment Law consultants with over 190 qualified staff and are able to provide us with 24 hour help and advice. All of their highly experienced health and safety consultants have been awarded professional membership, by examination either the International Institute of Risk Safety Management (IIRSM) or the Institute of Occupational Safety and Health (IOSH). We receive regular HSE updates by email or through the Citation web portal which we share with our staff at team meetings or by email where relevant.

Our manufacturing and design teams worked closely with our independent health and safety advisor to ensure the necessary modifications would be made from the previous standards. Our knowledge of the European Standards allowed us to advise our suppliers of the new expectations for the UK market. The outcome is that this range is sold completely in line with all current legislation.

Ensuring compliance

There are several standards that govern our industry and these include:

- EN1176 - Playground Equipment Standards
- EN1177 - Safety Surfacing Standards
- EN16630 - Outdoor Fitness Equipment Standards
- EN15312 - Free-Access Multi-Sports Equipment

We are also members of the API (Association of Play Industries). The API sends out weekly bulletins with industry related information or updated legislation's and these are circulated amongst our staff. In addition, our Director Michael Hoenigmann is the Vice-Chairman of the API and is involved in executive committee meetings on a regular basis.

We also have CHAS and Constructionline accreditation's which are reviewed on a regular basis for Health and Safety compliance. These external bodies ensure that we are always fully up to date with legislation covering Health and Safety for both the office and on site works, sustainability policies and environmental initiatives as well as employment law.



Inclusive Play - Safety Specifications

Inclusive Play's focus is on designing products that open up a wider range of play opportunities for all children. To do this, they look at playground favourites and the general play experiences enjoyed by many children. They also think about the barriers currently in play for children who may not normally have access to all equipment. Then they give these products a makeover – or start again from scratch – and come up with new ideas that all children will love!



All of Inclusive Play's equipment is designed and produced according to the European Safety Standards EN1176: 2008 and are TÜV Verified.

Coastal Grade 316 Stainless Steel Fixings

Due to Bath House Meadow's proximity to the coast, it is important to us that we provide equipment that is going to withstand the effect of the coastal weather conditions. The additional salts within the atmosphere are mainly responsible for the corrosion of metal objects and equipment near the coastline, as these excess salts speed up the corrosion process. We therefore propose an upgrade to all stainless steel components to Coastal Grade 316 Stainless Steel, the optimal choice for steel close to the coast due to its very high resistance to corrosion.

Galopin - Safety Specifications

Galopin, another one of our partners is a trusted partner who complies with all EN standards operates under the ISO14001 quality standard. Galopin is part of the Cetus group which is made up of 2 companies: Galopin and Gefico, a global supplier to the water treatment market and recycling - which subsequently means they are highly motivated and prioritised on environmental issues and sustainability. This is evidenced by their strong partner network and numerous awards in design and environmental innovation. Galopin also source their materials from sustainable sources. Timbers are FSC certified under Galopin's chain of custody. All equipment is also TÜV Certified.

Our Guarantees

Quality is the number one priority for us across all areas of the business. As an ISO9001 accredited business it offers our customers the reassurance to our commitment to quality. This guarantee structure applies to all our brands to ensure a completely transparent guarantee and after-sales support structure. All our equipment we supply has also been independently tested to EN1176. They are TUV certified and tested to the correct European Standards. Please see enclosed our Full Guarantee's.

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-  **25 Year metal work guarantee against structural failure unless stated below**
-  **15 Year timber guarantee against rotting or structural failure**
-  **10 Year guarantee on defects on metalwork for Yalp interactives & Urbanix gym**
-  **10 Year guarantee on HPL for any manufacturing defects**
-  **5 Year guarantee on spring breakage and moulded plastic parts**
-  **5 Year paintwork guarantee against corrosion**
-  **5 Year guarantee on wetpour surfacing, surfacing tiles, jungle mulch and safety grass, if laid onto a prepared base with PCC edging**
-  **3 Year expiring guarantee on all electronics; 1st year 100% warranty part price, 2nd year 75% etc.**
-  **2 Year guarantee on all component parts and climbing ropes for any manufacturing defects**
-  **All spare parts are available for ten years even after a line is discontinued. Common spares are stocked in the UK for a 2-5 day delivery**

Our guarantees exclude normal wear and tear and any damage as a result of vandalism

Method Statement: Guarantees

Spare Parts

Even though we work with so many brands, who all have their own maintenance regimes and spare parts, we are pleased to confirm that all our suppliers are focused on having common parts across the ranges and all have a similar quality ethos. This means that these high-end products are manufactured using only high quality fixings, which require less maintenance and upgrading and therefore fewer out-of-service play spaces.

How Long will pricing be held?

Our Price lists are competitive and have not been inflated to allow large discounts to be offered. We have offered discounts as per the Braintree Framework and our quotes are valid for a period of 90 days from the date of submission.

Programme of works

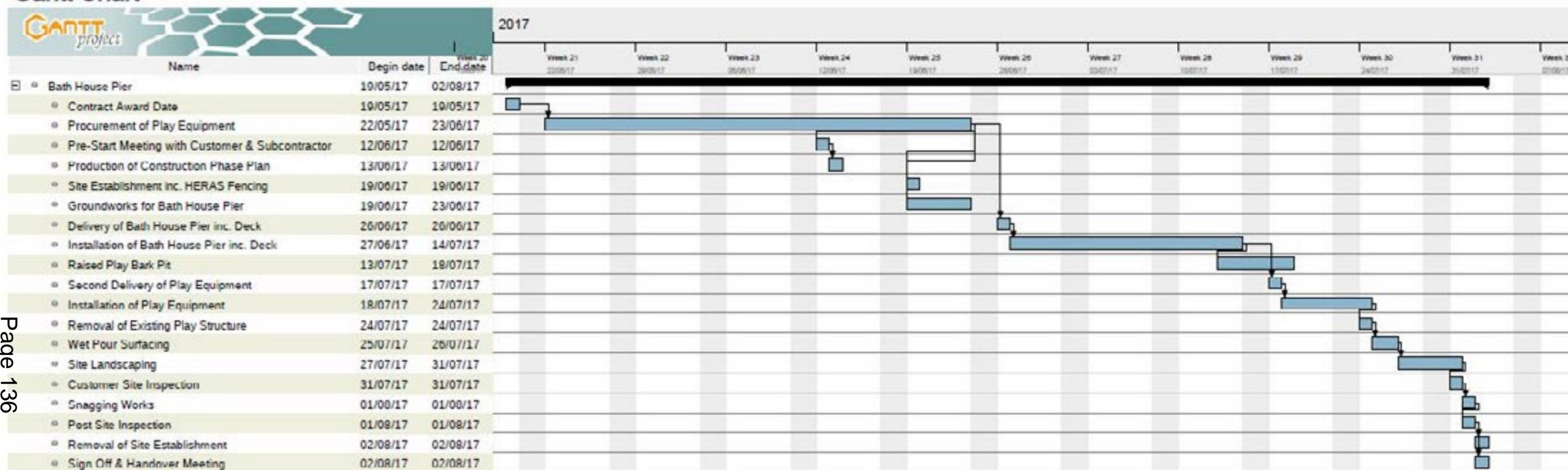
As part of our proposal, we have completed a Programme of Works (POW) for the proposed design and installation of new play equipment, surfacing and associated works at Bath House Meadow. If we are awarded the contract we would begin ordering all of the equipment on 22/05/17, to be delivered on approximately 26/06/17, and the site would be ready for opening at the beginning of August. (Please see next page).

Bath House Pier - Walton-on-the-Naze

11-Apr-2017

Gantt Chart

3



Landscaping ideas to maximise budget

In order to maximise the £200,000 budget, we not only concentrated on our bespoke centre piece pier, but we wanted to enhance the existing equipment and landscape currently at Bath House Meadow. As the current play area is dominated with metal equipment, grass and black wet pour safety surfacing, we really wanted to soften the areas look and feel, so it blended in well with all of the new kit in our design.

Firstly we have suggested repainting the fence that currently surrounds the existing play area. We have chosen colours included in the Changing Places colour scheme (Blue seduction, Party surprise, Grecian garland, Amethyst shower, Lemon chiffon) using these soft pastel shades to help soften the overall look. This painting also includes repainting the existing multiplay unit on site, to fit in with these colours and to give it a modern update.

Sensory Planting For Coastal Climates

Strong, salt-rich winds often present a challenge for planting in coastal parks and gardens. Providing windbreaks/shelters in the form of hedges or netting will widen the range and variety of plants that can be grown in this space.

Grasses

We have opted for long grasses, as they are great for coastal environments, and add to the overall sensory value and feel of the play area.



- Cortaderia selloana Aureolineata (gold Band) Clump forming. Dense tufts of arching green leaves margined yellow with tall stems of silky white plumes. Height and spread to around 2.2 x 1.5m. Any well drained soil in sun.
- Eragrostis spectabilis (Purple Love Grass). Dense clump forming grass with dull green, narrow leaves. This plant comes into it's own from mid to late summer when a mass of airy reddish purple flowers completely cover the plant giving a cloud effect. Height and spread to around 60cm. Any well drained soil in sun to light shade. Spectacular in drifts.
- Cortaderia selloana Silver Fountain Glaucous, silver edged leaves form a grace full mound to around 1m in height. Large white plumes are borne on tall stems in late summer up to 2m high. This is one of the best grasses!



Palm Trees

Washingtonia robusta or Mexican Fan Palm
The Mexican Fan Palm is a tall, vigorous palm that quickly grows a stout trunk and is widely grown worldwide. Trunks are topped by a crown of large (1.5m wide or more) fan leaves that have loose threaded margins and often a purplish brown patch at the base of the leaf stalk. Although often scorched by frost below around -5C or so Washingtonia robusta quickly regrows when the weather improves and replaces the damaged leaves.



Plants and Shrubs

We would also suggest planting Hidcote Lavender to add fragrance to the space and Ox-Eye Daisy's.

- Angustifolia Hidcote Lavender. An extremely popular variety; with its traditional deep purple flowers and easy to maintain nature, it's easy to see why. Great for attracting bees and butterflies, drying and using as a culinary herb or drying for craft purposes. Commonly used in rows and hedges.
- Leucanthemum vulgare or Ox-eye daisy. Ox-eye daisy is a familiar and attractive grassland perennial and the largest native member of the daisy family. It has a medium tall un-branched stem topped by a solitary composite flower of white rays (petals) surrounding a yellow disc floret. The basal leaves of Ox-eye daisy are quite distinctive with their toothed spoon shape and long leaf stalks. Flowers from May to September.



Items List

Proposed Play Area

- A. Bespoke FHS Pier BESPOKE-SP2 to include:
 Gamenetic Custom GP72C
 Fun Reflection Concave IP305_CC
 Fun Reflection Convex IP305_CV
 Rainmaker IP14
 3 to connect IP302
- B. Rope End Swing 901330100R
 C. Trampoline 2m x 2m 97500
 D. Seal Springer x2 90840130RO
 E. Wheelspin with Hot Zinc IP12 Z
 F. Kinetic Wheel type boat KWP001
 G. Rowing Boat 907121120R
 H. Palm Tree AG15-3471
 I. Story/ Music Ball MSP002

Existing Area

- J. Makaton Posts x383000001-01
 K. HDPE Orb Blue/ Yellow IP05 BYB CB
 L. HDPE Orb Green/ Yellow IP05 GYG CH
 M. Lighthouse with net FAC22_SB
 N. Low Stepping Posts (12 set) 906110300R
 O. Sit-up Seat and Chains IP23-SEAT
 P. Tango Swing Seat XX_H8053217

Ancillaries

- Q. A Frame Inclusive Picnic Table VEAPNTS18WA-B
 R. Barford Bench with Back VEBAR18

Key

Wetpour	Cushionfall	Cedec Gravel	Freefall
			Freespace

ALL EQUIPMENT AND SAFER SURFACING CONFORMS TO EN1176/7

REFERENCE: 00002400 Bathhouse Pier £200k

SCALE: Custom

DATE: 13/04/2017

DRAWN BY: RM



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Bath House Meadow - £200,000 budget

With the maximum budget there is the most opportunity to create true inclusion and offer a full sensory experience. It also helps to create a space where all generations can relax and enjoy the new provision, making it a destination site for Walton-on-the-Naze.

Within the design we have included landscaping fundamentals, such as the tarmac access slope from the road to the lower level, as well as a connecting pathway through the existing play area. This will increase accessibility and ensure the 2 play areas work together. Pathways are sometimes the element omitted in favour of adding play value, however for this to really work as an inclusive site these are necessary to the design.

Seating spaces are also a vital component, particularly for a PiPA site and for this location we anticipate the footfall will increase significantly, so the sculptural palm tree provides a focal point and attractive space for resting and relaxing, as well as the nearby wheelchair accessible picnic benches and groynes, with the addition of the sensory play Music ball.



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Pricing Breakdown for: Inclusive Play Area, Walton-on-the-Naze
Client: Tendring District Council
Site Address: Bath House Meadow, Walton-on-the-Naze, CO14 8PZ
Supplier: Jupiter Play & Leisure Ltd
Quote Reference: 00002400
Budget: £200,000.00

Design (including site analysis)	Item:	Sales Price	Discount %	Quantity	Total Price
Bespoke Design	BESPOKE	0	0	1	0
Preliminaries for projects over £80k	PLS9-06	3600	0	1	3600
Post Installation Inspection	PLS2-04	450	0	1	450
Subtotal					4050
Materials (including supply of all equipment and accessories)	Item:	£	%		£
Bespoke FHS Pier for Bath House Meadow	BESPOKE-SP2	88179	16	1	88179
Bespoke Entrance Sign	XX-SD-35	1680	16	1	1680
Gamenetic Custom Design	GP72C	2567.84	12	1	2567.84
Fun Reflection - Concave	IP305_CC	572	12	1	572
Fun Reflection - Convex	IP305_CV	572	12	1	572
Rainmaker	IP14	572	12	1	572
3-to-connect	IP302	418	12	1	418
Sit-up Seat and Chains	IP23-SEAT	1200	0	1	1200
Tango Swing Seat	XX_H8053217	675	0	1	675
Music/ Story Ball Red colour	MSP002	2117.28	12	1	2117.28
Rope End Swing	901330100R	5275.2	16	1	5275.2
Orb HDPE Blue/Yellow - Cat bells	IP05 BYB CB	611.6	12	1	611.6
Orb HDPE Green/Yellow - Wind Chimes	IP05 GYG CH	611.6	12	1	611.6
Low Stepping Posts	906110300R	555	0	1	555
Kinetic Wheel - Boat Type	KWP001	2139.28	12	1	2139.28
Playnetic Precast Base	BP001	61.6	12	2	123.2
Rowing boat	907121120R	2814	16	1	2814
Seal Springer	90840130RO	793.8	16	2	1587.6
Wheelspin with Hot Zinc	IP12-Z	5275.6	12	1	5275.6
Trampoline 2.0 x 2.0m	97500	2831.84	12	1	2831.84
Lighthouse with Net	FAC22_SB	0	100	1	0
Inclusive Play Sign	IP21	132	12	1	132
FHS Palm Tree	AG15-3471	1818.6	16	1	1818.6
Bespoke Carved Makaton Posts	83000001-01	0	100	3	0
1800 A-Frame Recycled Plastic Picnic Table with Wheelchair Access	VEAPNTS18WA-B	701	0	2	1402
Barford Bench With Back - 1.8m	VEBAR18	614	0	2	1228
Subtotal					124958.64
Construction	Item:	£	%		£
Installation (soft dig)	PLS16-01	1200	0	33	39600
<i>(The installation day rate includes making up the perimeter bund around the play bark area)</i>					
Repaint & Refurbishment Equipment	Land 3-Refurb	850	0	1	850
Supply and Lay Wetpour - 40mm Black CFH 1.3m (100-200sqm)	PLS12-165	49	0	90	4410
Wetpir -30% Fleck - Extra over price	PLS12-102	13	0	90	1170
Geotextile Membrane	XX-KC-020	1.8	0	209	376.2
Excavation Area & import 150mm Compacted MOT Type 1 stone: (150sqm+)	PLS4-03	30	0	90	2700
Supply & Lay EcoSmart Grassmat CHF 2.0m (price per m²)	PLS12-102	29	0	105	3045
PCC Edging 1500mm x 50mm including concrete haunching (supply & install)	PLS4-14	24	0	45	1080
Play Grade back	PLS12-130	30	0	122	3660
Tarmac Overlay	PLS7-18	75	0	45	3375
Supply & Lay Cedec gravel path with stone base and timber edgings	XX-KC-047	67	0	77	5159
Subtotal					65425.2



Items List

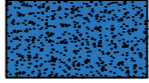


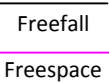

Proposed Play Area

- A. Bespoke FHS Pier BESPOKE-SP2 to include:
 Gamenetic Custom GP72C
 Fun Reflection Concave IP305_CC
 Fun Reflection Convex IP305_CV
 Rainmaker IP14
 3 to connect IP302
- B. Trampoline 2m x 2m 97500
- C. Wheelspin with Hot Zinc IP12 Z

Existing Area

- D. Makaton Posts x383000001-01
- E. HDPE Orb Blue/ Yellow IP05 BYB CB
- F. HDPE Orb Green/ Yellow IP05 GYG CH
- G. Lighthouse with net FAC22_SB
- H. Low Stepping Posts (12 set) 906110300R
- I. Sit-up Seat and Chains IP23-SEAT
- J. Tango Swing Seat XX_H8053217

Key

			
Wetpour	Cushionfall	Cedec Gravel	Freefall
			
			Freespace

ALL EQUIPMENT AND SAFER SURFACING CONFORMS TO EN1176/7

REFERENCE: 00002494 Bathhouse Pier £175k

SCALE: 1:200

DATE: 13/04/2017

DRAWN BY: RM



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Bath House Meadow - £179,000 budget

The main Bath House Meadow Pier is still the prominent part of this design, as well as the access pathways from the road and through the existing space. It is also crucial to keep the fully accessible vestibular activities, hence why this design features the Wheelspin and trampoline and the Rope Swing had to be removed to ensure we can meet the lower value budget.

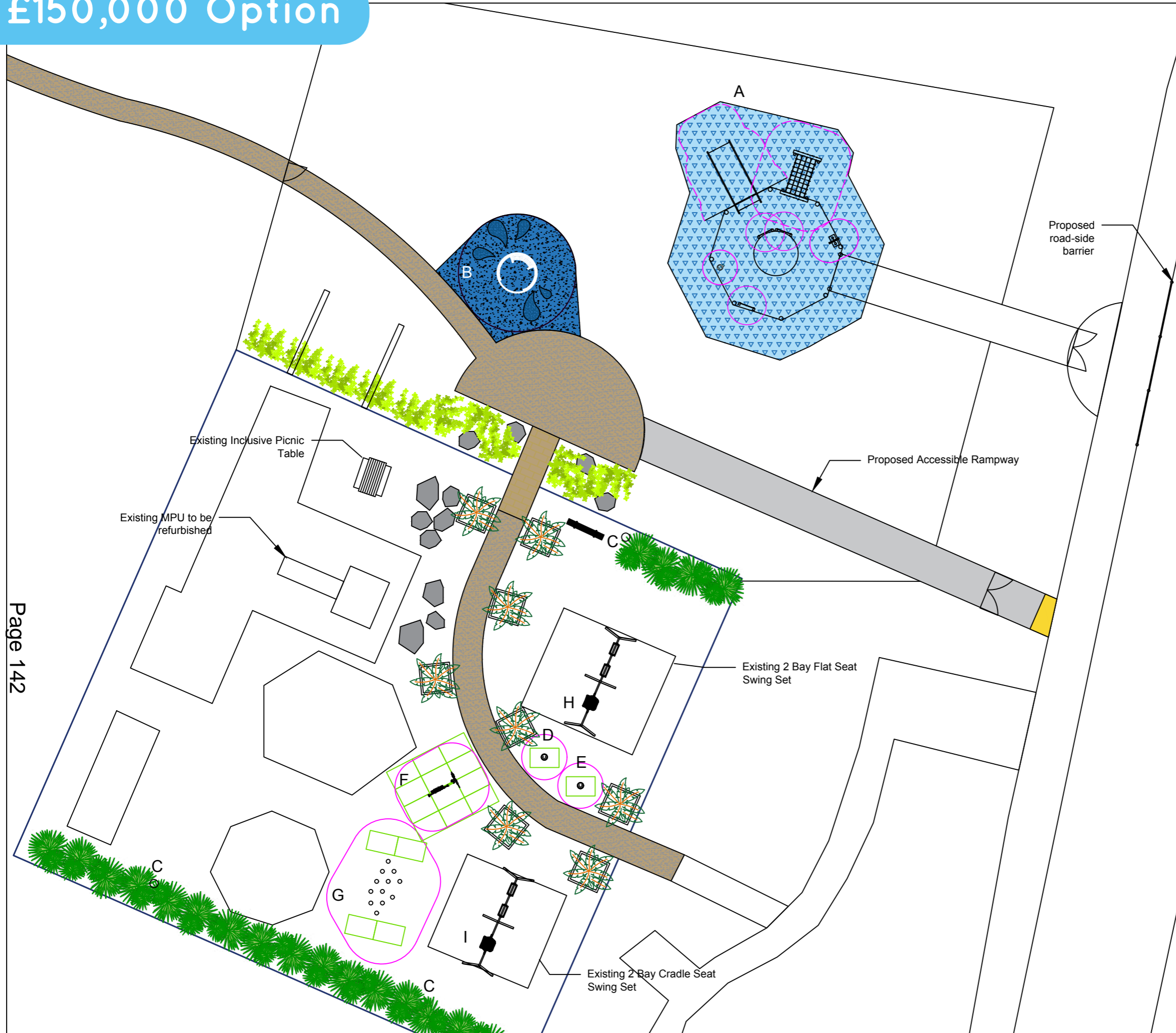
The other items that are omitted from this design are the kinetic play elements, apart from the Gamenetic, as this is a fundamental of the 'arcade' feature of the pier as well as the springers, sculptural palms and less seating.



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Pricing Breakdown for: Inclusive Play Area, Walton-on-the-Naze
Client: Tendring District Council
Site Address: Bath House Meadow, Walton-on-the-Naze, CO14 8PZ
Supplier: Jupiter Play & Leisure Ltd
Quote Reference: 00002494
Budget: £175,000.00 - £180,000.00

Design (including site analysis)	Item:	Sales Price	Discount %	Quantity	Total Price
Bespoke Design	BESPOKE	0	0	1	0
Preliminaries for projects over £80k	PLS9-06	3600	0	1	3600
Post Installation Inspection	PLS2-04	450	0	1	450
Subtotal					4050
Materials (including supply of all equipment and accessories)	Item:	£	%		£
Bespoke FHS Pier for Bath House Meadow	BESPOKE-SP2	88179	16	1	88179
Bespoke Entrance Sign	XX-SD-35	1680	16	1	1680
Gamenetic Custom Design	GP72C	2567.84	12	1	2567.84
Fun Reflection - Concave	IP305_CC	572	12	1	572
Fun Reflection - Convex	IP305_CV	572	12	1	572
Rainmaker	IP14	572	12	1	572
3-to-connect	IP302	418	12	1	418
Sit-up Seat and Chains	IP23-SEAT	1200	0	1	1200
Tango Swing Seat	XX_H8053217	675	0	1	675
Music/ Story Ball Red colour	MSP002	2117.28	12	0	0
Rope End Swing	901330100R	5275.2	16	0	0
Orb HDPE Blue/Yellow - Cat bells	IP05 BYB CB	611.6	12	1	611.6
Orb HDPE Green/Yellow - Wind Chimes	IP05 GYG CH	611.6	12	1	611.6
Low Stepping Posts	906110300R	555	0	1	555
Kinetic Wheel - Boat Type	KWP001	2139.28	12	0	0
Playnetic Precast Base	BP001	61.6	12	2	123.2
Rowing boat	907121120R	2814	16	0	0
Seal Springer	90840130RO	793.8	16	1	793.8
Wheelspin with Hot Zinc	IP12-Z	5275.6	12	1	5275.6
Trampoline 2.0 x 2.0m	97500	2831.84	12	1	2831.84
Lighthouse with Net	FAC22_SB	0	100	1	0
Inclusive Play Sign	IP21	132	12	1	132
FHS Palm Tree	AG15-3471	1818.6	16	0	0
Bespoke Carved Makaton Posts	83000001-01	0	100	3	0
1800 A-Frame Recycled Plastic Picnic Table with Wheelchair Access	VEAPNTS18WA-B	701	0	1	701
Barford Bench With Back - 1.8m	VEBAR18	614	0	1	614
Subtotal					108685.48



Items List

Proposed Play Area

- A. Bespoke FHS Pier BESPOKE-SP2 to include:
 Gamenetic Custom GP72C
 Fun Reflection Concave IP305_CC
 Fun Reflection Convex IP305_CV
 Rainmaker IP14
 3 to connect IP302

- B. Wheelspin with Hot Zinc IP12 Z

Existing Area

- C. Makaton Posts x383000001-01
 D. HDPE Orb Blue/ Yellow IP05 BYB CB
 E. HDPE Orb Green/ Yellow IP05 GYG CH
 F. Lighthouse with net FAC22_SB
 G. Low Stepping Posts (12 set) 906110300R
 H. Sit-up Seat and Chains IP23-SEAT
 I. Tango Swing Seat XX_H8053217

Ancillaries

- J. A Frame Inclusive Picnic Table VEAPNTS18WA-B
 K. Barford Bench with Back VEBAR18

Key

Wetpour	Cushionfall	Cedec Gravel	Freefall
			Freespace

ALL EQUIPMENT AND SAFER SURFACING CONFORMS TO EN1176/7

REFERENCE: 00002493 Bathhouse Pier £150k

SCALE: 1:200

DATE: 13/04/2017

DRAWN BY: RM



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Bath House Meadow - £150,000 budget

To achieve the budget of £150k we have had to remove the large tunnel slide and one of the nets, which still retains the character of the pier, but we feel will impact play value and the amount of children able to benefit from dynamic activity.

Other items also not included in this design are the Trampoline (but still retaining the Wheelspin to ensure there is all access vestibular/dynamic activity).

In this design we have had to omit the pathway through the existing playground, although we believe this is a very important functional piece of the design, but this was necessary to ensure we were not losing more play value than necessary.



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Pricing Breakdown for: Inclusive Play Area, Walton-on-the-Naze
Client: Tendring District Council
Site Address: Bath House Meadow, Walton-on-the-Naze, CO14 8PZ
Supplier: Jupiter Play & Leisure Ltd
Quote Reference: 00002493
Budget: £150,000.00

Design (including site analysis)	Item:	Sales Price	Discount %	Quantity	Total Price
Bespoke Design	BESPOKE	0	0	1	0
Preliminaries for projects over £80k	PLS9-06	3000	0	1	3000
Post Installation Inspection	PLS2-04	450	0	1	450
Subtotal					3450
Materials (including supply of all equipment and accessories)	Item:	£	%		£
Bespoke FHS Pier for Bath House Meadow - the tunnel slide and wooden tunnel and net	BESPOKE-SP2	75604	16	1	75604
Bespoke Entrance Sign	XX-SD-35	1680	16	1	1680
Gamenetic Custom Design	GP72C	2567.84	12	1	2567.84
Fun Reflection - Concave	IP305_CC	572	12	1	572
Fun Reflection - Convex	IP305_CV	572	12	1	572
Rainmaker	IP14	572	12	1	572
3-to-connect	IP302	418	12	1	418
Sit-up Seat and Chains	IP23-SEAT	1200	0	1	1200
Tango Swing Seat	XX_H8053217	675	0	1	675
Music/ Story Ball Red colour	MSP002	2117.28	12	0	0
Rope End Swing	901330100R	5275.2	16	0	0
Orb HDPE Blue/Yellow - Cat bells	IP05 BYB CB	611.6	12	1	611.6
Orb HDPE Green/Yellow - Wind Chimes	IP05 GYG CH	611.6	12	1	611.6
Low Stepping Posts	906110300R	555	0	1	555
Kinetic Wheel - Boat Type	KWP001	2139.28	12	0	0
Playnetic Precast Base	BP001	61.6	12	2	123.2
Rowing boat	907121120R	2814	16	0	0
Seal Springer	90840130RO	793.8	16	1	793.8
Wheelspin with Hot Zinc	IP12-Z	5275.6	12	1	5275.6
Trampoline 2.0 x 2.0m	97500	2831.84	12	0	0
Lighthouse with Net	FAC22_SB	0	100	1	0
Inclusive Play Sign	IP21	132	12	1	132
FHS Palm Tree	AG15-3471	1818.6	16	0	0
Bespoke Carved Makaton Posts	83000001-01	0	100	3	0
1800 A-Frame Recycled Plastic Picnic Table with Wheelchair Access	VEAPNTS18WA-B	701	0	1	701
Barford Bench With Back - 1.8m	VEBAR18	614	0	1	614
Subtotal					93278.64

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Key Decision Required:	No	In the Forward Plan:	No
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CABINET

10 NOVEMBER 2017

REPORT OF FINANCE AND CORPORATE SERVICES PORTFOLIO HOLDER

A.12 PERFORMANCE REPORT JULY - SEPTEMBER 2017 – QUARTER TWO REPORT

(Report prepared by Anastasia Simpson & Katie Wilkins)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Performance Report for the period July – September 2017 (Q2).

EXECUTIVE SUMMARY

The Performance Report 2017/18 sets out the detailed actions and targets for the delivery of the Council's priorities throughout the year.
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Current Performance

The Performance Report for 2017/18 includes the Corporate Plan and Priorities and Projects 2017/18. Of the 16 indicators and projects where performance is measured, 12 (75%) are on, or above, their expected target and 4 (25%) are not currently in line with the expected performance. Explanations of the performance and the supporting data are included in each topic. Three of the indicators and projects highlighted in the report are deemed 'non measurable' as Tendring's role is that of influence only.

This report will be presented to members of Corporate Management Committee on the 4th December 2017.

RECOMMENDATION

That Cabinet considers the Performance Report for the period July – September 2017 (Q2).

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The report shows the high-level projects that are being undertaken to deliver key objectives for the Council. Each project shows details of the objective, how it is being delivered and an update on progress. Furthermore, milestones detail the timeframe that is being worked to, along with the added benefit of any slippage being highlighted.

The performance indicators show key areas of performance in detail, how each is progressing, along with charts and tables to present the ongoing position.

FINANCE, OTHER RESOURCES AND RISK**Resources**

The priorities highlighted within the Performance for the period July – September 2017 (Q2) can be delivered within the Council's existing budgets.

Risk

These priorities are all within the current TDC risk framework.

LEGAL

The actions proposed in this report are within the Council's legal powers.

OTHER IMPLICATIONS

None.

APPENDICES

Appendix A: Performance Report for the period July – September 2017 (Q2).

PERFORMANCE REPORT

Q2 SEPTEMBER 2017

APPENDIX A

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Introduction

The following pages include the Council's Corporate Plan 2016 - 2020 and Tendring District Council's Priorities and Projects 2017/18. There is a clear link between the aspirations, detailed in the Plan, and Priorities and Projects noted. Furthermore, this performance report details our performance against these key projects and targets, as well as headline performance in dealing with complaints and our staff's absence rate. Projects and Performance Indicator targets sit under the following headings:-

PROJECTS

	Council and Community		Health and Housing		Employment and Enjoyment
✓	<u>Transforming the way we work</u> Page 4 & 5	✓	<u>Jaywick Community Development</u> Page 9	✓	<u>Local Plan</u> Page 13
✓	<u>Financial Self Sufficiency</u> Page 6	✓	<u>Cliff Stabilisation</u> (Protecting our Coastline) Page 10	✓	<u>Economic Development Delivery</u> Page 14
Page 148	<u>Property Management</u> Page 7		<u>Health and Wellbeing</u> (Influencing) Pages 11 & 12	✓	<u>Maximising Tourism and Leisure Opportunities</u> Page 15 & 16
	<u>Education</u> (Influencing) Page 8			!	<u>Leisure Facilities</u> Page 17
				✓	<u>Garden Community</u> Page 18

TARGETS

			Miscellaneous Indicators
↑	<u>Fly Tipping</u>		
↑	<u>Missed Bins</u> Page 20	-	<u>Sickness and Authorised Covert Surveillance</u> (Influencing) Page 22
!	<u>Recycling Rate</u> Page 20	!	<u>Complaints</u> Page 23
✓	<u>Handling of Planning Applications</u> Page 21		
!	<u>5 Year Housing Land Supply Approvals</u> Page 21		

Current Position

On each project and target, a colour icon is placed as a quick visual identifier regarding the current position.

Above target	↑
On target	✓
Below target	!

Corporate Plan 2016-2020

Our Council Our Community

What we will achieve:

- Deliver high quality affordable services
- Balance our budget
- Good governance
- Transform the way we work
- Make the most of our assets
- Engagement with the community
- Support the vulnerable
- Support rural communities
- Effective partnership working

Health and Housing

What we will achieve:

- Promote healthier lifestyles and wellbeing
- Support improved community health
- Deliver a quality living environment
- Local regeneration
- Council house building

Community Leadership

Employment and Enjoyment

What we will achieve:

- Support business growth
- Enable better job prospects
- Facilitate improved qualification and skills attainment
- First rate leisure facilities
- Attractive events programme

Our Vision

To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others.

Our Values

- Councillors and staff uphold **personal integrity, honesty** and **respect** for others
- **Innovative, flexible, professional** staff **committed** to delivering excellence
- Recognising the **diversity** and **equality** of individuals
- Working **collaboratively**

Our Challenges

- Poor health
- Pockets of high unemployment
- Low economic activity
- Reducing budgets while delivering key services
- Poor infrastructure

Our Opportunities

- Clear vision for economic growth and prosperity
- Our coast
- Tourism, culture and sport
- Sea, road and rail connectivity

Our Priorities & Projects 2017/18

Chief Executive

- Strategic lead and corporate interface
- External and partnership engagement
- Essex wide board leadership
- Strategic finance
- Community Safety Hub

Corporate Director (Corporate Services)

- Transforming the way we work
 - Digital
 - Property and assets
 - Accommodation
 - People
- Finance
 - Making the most of our money
 - Savings programme
 - Effective financial management
 - Investment and income
- Elections
- Effective governance

Corporate Director (Operational Services)

- Jaywick Sands regeneration and renaissance
- Cliff stabilisation
- Waste contract renewal
- Inspiring tourism and exciting events
- Harwich public realm
- Modern and accessible customer experience

Corporate Director (Planning and Regeneration)

- Place shaping
- Garden Communities
- Local Plan
- Attracting and sustaining employment and business
- Connecting our residents to business opportunities
- Integrated planning and regeneration experience for our residents and businesses

Community Leadership

- Delivery of high quality, affordable services
- Working positively with others

Transforming the way we work (Council and Community)

“Develop firm costed proposals and project plan/timetable, for Members to agree, and deliver on time and budget.”

Martyn Knappett – Corporate Director

Leisure and Tourism Portfolio Holder



Office Rationalisation – A White

Milestones	Progress	To be Completed
Develop detailed delivery plan and seek additional approvals as required.	The Business case was signed off by the CEO: 14 September 17.	Spring 17 <i>(revised target July 17)</i>

Modern and Accessible Customer Experience – M Westall

Milestones	Progress	To be Completed
Recruit temporary staff to address back scanning of archives.	Vacancies closed 24 September 17, recruitment successful, awaiting return of necessary pre-employment checks.	Aug 17
Deploy centralised post processes.	IDOX currently being tested. Awaiting finalisation of hierarchical structures.	Aug 17
Purchase self-serve and CRM software and implement roll-out with Benefits & Revenues team.	Agreed that Cabinet decision is not required as funding has already been set aside. Therefore, Business Case will be reviewed by Management Team early October 17 <i>(slight delay on anticipated date of September 2017, due to awaiting feedback from Intergence)</i> .	Aug 17 <i>(revised target Oct 17)</i>

Transforming the way we work (Council and Community) Continued...



“Develop firm costed proposals and project plan/timetable, for Members to agree, and deliver on time and budget.”

Martyn Knappett – Corporate Director

Leisure and Tourism Portfolio Holder

Programme of works for delivery of £1.5m IT investment – J Higgins (Year 3 of 3)

Milestones	Progress	To be Completed
Savings achieved, return on investment following project.	<i>The investment programme has to date generated one-off savings of £116k with an estimated ongoing saving of £129k (£76k Cabinet target exceeded. Reported on Q1). Process is currently being audited end to end with a report to follow once the audit is completed, relevant feedback will be included.</i>	Sept 17
Wi-Fi Networks, server upgrades and virtualisation to be completed.	The initial Wi-Fi programme is complete but we will be investing /reviewing our Wi-Fi network as a key element of the Transforming Tending Agenda.	Virtualisation - Completed Wi-Fi - Phase 1 Complete
Complete plan for roll-out of self-serve kiosks around Tending District and begin implementation.	IT continues to work with Revenues and Benefits reference 'on site' kiosk self service. Plans for self-service kiosks remain 'on-hold' subject to completion of consultant's 'Digital Transformation' review of Tending's aspirations. Outcome of review anticipated at Management Team 16 October 17.	Aug 17 <i>(revised target Oct 17)</i>
IDOX Document management implemented.	With just two exceptions (Engineering and Career Track services) all services have tested their requested solution and are starting to go live. IT services now offering 'Bulk Scanning training' and have purchased two additional bulk scanners for the Town Hall to assist services with their back-scanning requirements.	Scheduled for completion Sept 17
Mobile hardware issued.	As previously reported the initial phase of rolling out laptops is complete. Enabling mobile working is a project that is likely to be ongoing for the next 12-24 months as each of our core software applications (IDOX, Northgate etc.) provide either mobile applications themselves or unlock their software (release APIs) for the Council to work with 3rd parties to mobilise our staff.	2017-2019
MS Lync rolled out to all users. NOTE: Microsoft Lync is now called Microsoft Skype for Business (MS SfB).	All staff using SfB with the exception of: a) Careline - works in progress. b) Remote Leisure Centres. Pilot investigations at Frinton and Walton to establish a 'standard build' experiencing technical difficulties with broadband stability and transmission problems. Currently being investigated.	Scheduled for completion Sept 17

Financial Self Sufficiency (Council and Community)



“Investigate opportunities to generate a self-sufficiency approach to the funding of the Council’s overall budget.”

Ian Davidson – Chief Executive Finance and Corporate Resources Portfolio Holder

Delivery Mechanism: A revised way of capturing and reporting performance against the new Long Term Stability Plan / 10 Year Forecast is currently being developed.

Update: However, in respect of the 2018/19 budget and based on initial estimates, it is expected that the £0.300m savings requirement, as set out in the 10 Year Forecast, will be met in 2018/19 via a mix of the rental income achieved on the significant commercial property purchase earlier in the year along with staff savings achievable as part of on-going restructuring activities.

Milestone	Position
Increase in Business Rates Collectable	£123,455
Increase in Council Tax Base (properties)	536

Property Management

(Council and Community)

“Strategic management of the Council’s land assets.”

Martyn Knappett – **Corporate Director**

Finance and Corporate Resources Portfolio Holder

Delivery Mechanism: The team will be seeking to take forward the management acquisition of property with a more strategic commercial focus in order to address community needs and the Council wide financial position.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

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Milestones	Progress	To be Completed
Adopt an Asset Management Plan, Property Strategy, Property Programme and procedure rules for Corporate Property Management.	The Asset Management Plan was adopted by full Council in May 17.	Complete (May 17)
Disposal initiative to identify £1m of further disposals.	Two sites (the Old Isolation Hospital Site, Dovercourt and land adjacent 19 Gainsborough Drive, Lawford) are still currently going through the disposal process. The Council's assets are currently being scrutinised for potential disposal opportunities.	Aug 17
Secure an acquisition for Investment in property.	The purchase of a freehold commercial property in Pier Avenue was agreed at Cabinet in July and the acquisition of a major town centre freehold was completed in August 17.	Nov 17
Stock take of property records, create a clear digital archive structure and complete a rationalisation of stored material.	The rationalisation of the paper and digital records has commenced and is ongoing with the team.	Dec 17
Review stock take in the light of the Property Strategy.	Four redundant toilet blocks were recently marketed. One now has a tenant in on a licence. Proposals have been received on two and marketing is continuing on the fourth. A number of projects have been put forward for the Holland Coast to enhance the area and make the most of the new beaches.	Mar 18
Secure the construction and use of the new sports facilities at Eastcliff, Holland on Sea.	Construction commenced in September 17.	Sept 18
Complete action plans for the disposal of poor quality sites at Main Road, Dovercourt and Station Yard, Walton.	The Main Road site is currently on the market with a local agent and a potential purchaser is conducting initial discussions with planners. Several proposals have been drawn up in respect of Station Yard Walton and discussions between departments as to its futures are now taking place.	Nov 18

Education (Influencing Role)

(Council and Community)

“Deliver the agreed plan to improve educational attainment and aspiration in Tendring.”

Martyn Knappett – **Corporate Director** Health and Education Portfolio Holder

Delivery Mechanism: As a community leader, there are a number of education work streams that underpin this, which are to be delivered in 2017 via the Tendring Education Improvement Group.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be Completed
Strengthen links with universities, review Memorandum of Understanding (MOU) with Anglia Ruskin University.	3 year MOU agreed with Anglia Ruskin and signed off by all parties.	New 3 year agreement in place by end June 17
Children and Young Persons Strategy.	Draft amended following comments from Management Team 12 September 17. Strategy is due to go to Community Leadership & Partnerships Committee 2 October 17.	Oct 17
Evaluation of pilot mental health hub in a primary school.	Evaluation of programme, work in progress. Report will be presented at the Health & Wellbeing Board on 9 November 17.	Nov 17
School Places.	Members briefing on school places now planned for 2018 (tbc with ECC), due to current update of the ECC 10 year plan on school places. Due to be finalised early 2018.	Mar 18
Supporting IntoUniversity and Teach First joining Tendring in 2017.	IntoUniversity: Learning Centre now open. 2 secondary and 3 primary schools signed up to date. * 9 teachers placed by Teach First in Tendring to date (from September 16).	Mar 18 (ongoing)

Jaywick Sands Community Development (Health and Housing)

“To increase the stock of new affordable/Council homes.”

Paul Price – Corporate Director Housing Portfolio Holder



Delivery Mechanism: Bring forward at least one development at Jaywick. Work with Essex County Council (ECC) and other potential partners to develop options for residential and other development. Develop options for consideration to establish a housing company to facilitate development. Work with Planning to develop urban design layout.

Update: Planned DERIC (Developing and Empowering Resources in Communities) report is expected back at the end of November 17. Housing Finance Institute (HFI) bid for £10 million for infrastructure submitted and stage 2 accelerated construction bid being evaluated.

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Milestones	Progress	To be Completed
Commence development of one of the three identified preferred development sites.	Ecological survey continuing, new expected date is December 17. The delay in the survey is unfortunately due to the warmer weather meaning the reptiles are not hibernating.	Working towards an ‘on site’ date of August 17
Identify funding mechanisms.	Working with Jaywick Sands Renewal Advisory Panel (JSRAP). Follow up meeting set for 5 October 17.	“Ongoing” - dependent on availability of appropriate funding streams.
Put in place development pipeline based on outputs from funding workshop and collaborative work with ECC and residents.	Development pipeline to commence with five Starter homes and five Council houses. Work continuing with ECC and Homes and Communities Agency (HCA). HFI bid submitted in September 17 for £10 million.	“Ongoing” - dependent on identification of funding streams (as above).
Development vehicle/mechanism agreed, maybe linked to garden settlement delivery vehicle.	Discussion with HFI, Legal and General and Cheyne Capital continues.	Dec 17

Cliff Stabilisation (Protecting our Coastline)

(Health and Housing)



“To protect 5km of coastline and 3,019 properties and businesses from coastal erosion for the next 100 years.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder

Delivery Mechanism: Appoint consultant, via Environment Agencies Government led framework, to undertake detailed geomorphological assessment of the cliff frontage and prepare detailed design of measures to improve performance and stability of those areas of the coastal slope which are identified as greatest risk.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be Completed
Completion of ground investigation.	Ground Investigations are now complete and information is being used to aid the design process.	Complete (Apr 17)
First Design Workshop.	The first design workshop took place on 7 April 17.	Complete (May 17)
Completion of Outline Design.	Design meeting took place 8 June 17, outline design is now complete.	Complete (Jun 17)
Early Contractor Engagement	The early contractor engagement was carried out with Jackson Civil Engineering Limited, by engaging with the contractor we have been able to improve the costs effectiveness and have increased confidences around the target price for phase 1 of the construction.	Complete (Jul 17)
Completion of Detailed Design.	Detailed design element completed.	Complete (Aug 17)
Public Engagement Event	Public Engagement Event planned for 31 October 17 at the Kingscliff hotel, Holland on Sea.	Oct 17
Completion of Tender Documents.	Following completion of detailed design, contract documents expected to be finalised by the end of Dec 17, with tenders being issued in Jan 18.	Dec 17 (1st stage -detailed design completed by previously set deadline, as above)

Health & Wellbeing (Influencing Role)

(Health and Housing)

“Seek to influence and assist partners in the delivery of improved health and wellbeing outcomes for residents and visitors to the area.”

Paul Price – **Corporate Director**

Health and Education Portfolio Holder

Delivery Mechanism: Working with partners to identify shared opportunities to help drive improvements.

Update: This month's progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be completed
Livewell Campaign (Partnership arrangement with Braintree Council and Essex County Council).	Public Health Improvement Coordinator is currently working on collating local Tending information to provide to the 'Livewell Communications Officer', hosted by Braintree District Council, in order to populate the Essex wide Livewell website.	Live Website Jan 18
Public Health Officers Group (PHOG) - Working towards a Health & Wellbeing Strategy.	The Public Health Officers Group met on 31 August 17, the agenda consisted of a presentation from Danny Showell, ECC Public Health Consultant, on the 2017 Tending Health Profile, updates on Livewell Tending and Sport England Local Delivery Pilot, as well as the Tending Health and Wellbeing Strategy development. Next meeting is not yet scheduled, expected to be end of October/start of November 17.	PHOG meet bi-monthly
Outdoor Gym in Cliff Park, Harwich.	Project completed. Launch took place on Saturday 19th August. From Monday 4 September 17, CVS Tending as part of their Healthier Independent Longer Lives (HILL) programme have been running a free circuit class every Monday for 30 minutes to encourage and inform the community to use the equipment.	Complete (Aug 17)

Health & Wellbeing (Influencing Role) Continued...

(Health and Housing)

“Seek to influence and assist partners in the delivery of improved health and wellbeing outcomes for residents and visitors to the area.”

Paul Price – **Corporate Director**

Health and Education Portfolio Holder

Delivery Mechanism: Working with partners to identify shared opportunities to help drive improvements.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be completed
NEW Sport England Local Delivery Pilot.	Contributing to the Sport England Local Delivery Pilot bid which seeks to increase physical activity with innovative approaches. Working with partners across Essex, a two stage submission has been provided and an assessment day undertaken, the outcome of each is expected in mid November 17.	Nov 17
NEW Health and Wellbeing Strategy.	Draft strategy being developed for November to focus on key issues and links to the Essex County Council Strategy.	Nov 17
Housing and Health <i>Increase awareness of housing hazards and strengthen the referral pathway between TDC, and Anglian Community Enterprise (ACE).</i>	Audio has been recorded for the awareness video and editing is now taking place. A meeting has been arranged with Colchester Bough Council Housing Manager to take this forward as a North East Essex approach.	Dec 17
Clacton / Harwich Junior parkrun.	Support with this project will be provided from Active Tendring Apprentice.	Dec-17 <i>(revised target April 18)</i>

Exception: Work on a number of key projects such as the junior parkruns has been delayed due to a focus on a Sport England Local Delivery Pilot which could see significant funding coming to the area around increasing levels of physical activity. The outcome of this bid process is likely to be in mid November 17. This was seen as a priority due to the tight timescales involved.

Local Plan (Employment and Enjoyment)

“Ensure a robust Local Plan is adopted within the timeframe stipulated.”

Ewan Green – **Corporate Director**

Corporate Enforcement Portfolio Holder



Delivery Mechanism: Elements of the evidence base will be updated to inform the plan. The timetable will coincide with that of Colchester Borough Council and Braintree District Council, as far as possible, to support the Council’s duty to co-operate. Publication Draft of Local Plan to be reported to Local Plan Committee 23 May 17 and to Council 15 June 17.

Update: Preparation of documents required to be submitted to Government with the Local Plan has progressed. Early October 17 has been agreed with Braintree DC and Colchester BC for submission of the Local Plans.

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Milestones	Progress	To be Completed
Approval of publication draft for consultation.	Complete.	Jun 17
Publication draft consultation.	Complete.	Jun/Jul 17
Submit draft Plan to Secretary of State.	On target for submission October 17.	Oct 17
Examination in Public	The Plan was submitted to the Planning Inspectorate on time for the Examination in Public (EIP). Therefore, it was anticipated that the EIP would take place in December 17. However, the Planning Inspectorate has suggested that this date is deferred until Jan 18.	Dec 17 <i>(revised target Jan 18)</i>

Economic Development Delivery

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(Employment and Enjoyment)

“To deliver against the objectives of the Council’s Economic Development Strategy. The Council’s approach focuses on the development and delivery of projects already in the pipeline and on those linked to the opportunities afforded by: Offshore Renewables in Harwich; the A120 Growth Corridor; and links with the University of Essex and it’s Knowledge Gateway.”



Ewan Green – **Corporate Director**

Investment and Growth Portfolio Holder

Delivery Mechanism: Projects and other interventions will be developed and delivered in-house and in partnership with the Council’s key public and private sector partners. **Update:** This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be Completed
Deliver a Creative and Cultural Strategy with associated Implementation Plan, detailing project interventions.	In consultation with representatives of the Creative and Cultural Sector, the Regeneration Service has all but completed the Council's draft application for Grants for the Arts funding via Arts Council East. If successful, the funding will enable the Council to establish a Creative and Cultural Strategy for the District. The application will be submitted in early October 17.	Sept 17
Deliver four business/skills events to promote growth in line with the Council’s Economic Strategy.	The Regeneration Service and BEST Growth Hub facilitated a Business Surgery at Dovercourt Library on 28 September 17. Meanwhile work is being progressed to facilitate the annual Jobs & Careers Fair and Blue Ribbon Business Awards Events scheduled to take place in October 17.	Oct 17
Rollout the Council’s Small, Medium Enterprise (SME) Growth Fund targeted on new and existing businesses within the District.	Two applications were circulated to the Grants Panel in September 17 for determination. These applications were supported, and work is now in hand to prepare Funding Agreements for the applicants attention.	Mar 18
Energy, Marine Engineering and Port related activity.	Work is being taken forward with Haven Gateway Partnership (HGP), Essex County Council (ECC) and Invest Essex to identify the opportunities associated with Renewable and Nuclear Energy, including a facilitated workshop to identify the strategic interventions necessary to anchor the industry in Harwich, Tendring and North Essex.	Mar 18
Dig 4 Jaywick Community Garden.	Community Garden Group held an open day in July 17. A visit to the garden as part of Sport England's appraisal of the Council's Funding Application was accommodated on 25 September 17. Provision for a local Toddler Group to visit the garden on a regular basis has been agreed. This will bring 5 to 8 pre-school children to the garden to learn about food and gardening.	Mar 18
South East Local Enterprise Partnership (SELEP) Coastal Communities Group (CCG).	In collaboration with the Regeneration Service SELEP facilitate a Coastal Communities Group meeting on 12 September 17 in order to identify the strategic priorities for the Local Enterprise Partnership's coastal strip, and for these to be used to inform the re-refresh of the Strategic Economic Plan (SEP). The meeting was well attended by coastal authorities. A further meeting has been scheduled to take place on 3 November 17. The SEP is scheduled to be finalised in December 17, but this is subject to the publication of the Government's Industrial Strategy.	Nov/Dec 18

Maximising Tourism and Leisure Opportunities

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(Employment and Enjoyment)

“To deliver our key events to a high standard, working with partners to showcase the District and encourage tourism and inward investment. These high-profile events should contribute towards the Council’s aspiration to stage a year round tourism programme.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder



Delivery Mechanism: The Clacton Air Show will be delivered by the Council’s Tourism and Events Team, with support from our partners in the emergency services and private and voluntary sectors. Tendring are the primary organiser of the Tour de Tendring. The Mayflower 400 will involve working with private and voluntary sector partners, together with the other key destinations involved in the Mayflower story.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be Completed
Page 162 Tour de Tendring	The Tour de Tendring took place on Sunday 14 May 17 and was considered a great success. Approximately 1,000 cyclists took part in the event, despite the early morning rain.	Complete (May 17)
Beside the Seaside	The Harwich Festival Team were commissioned to project manage the events, which included a wide variety of musical and traditional entertainment. The Clacton event took place on Sunday 18th June and the first ever Dovercourt festival was held on 12 August 17. NB: <i>The debrief for these events is taking place with the organising team on 6 October 17.</i>	Complete (Clacton: Jun 17) (Dovercourt Bay: Aug 17)
District Wide Tourism Strategy	A discussion on the tourism strategy is taking place at informal Cabinet level in early October 17, with a view to finalising the position before it is brought forward formally. NB: <i>Draft document complete, reporting delayed due to the requirement for Officers to discuss with new Portfolio Holder.</i>	Aug 17 (revised Oct 17)
Clacton Air Show	The 2018 Clacton Air Show attracted approximately 250,000 visitors and incorporated a second year of night flights which was considered another great success. The final income figures for the event are still being accounted for and a formal debrief was held on 29 September 17. The event is also on the agenda for Service Development and Delivery Committee in early October 17.	Aug 17 Oct 17

Maximising Tourism and Leisure Opportunities

Continued...

(Employment and Enjoyment)



“To deliver our key events to a high standard, working with partners to showcase the District and encourage tourism and inward investment. These high-profile events should contribute towards the Council’s aspiration to stage a year round tourism programme.”

Paul Price – Corporate Director Leisure and Tourism Portfolio Holder

Delivery Mechanism: The Clacton Air Show will be delivered by the Council’s Tourism and Events Team, with support from our partners in the emergency services and private and voluntary sectors. Tendring are the primary organiser of the Tour de Tendring. The Mayflower 400 will involve working with private and voluntary sector partners, together with the other key destinations involved in the Mayflower story.

Update: This month’s progress comments are noted next to each individual milestone in the table below.

Milestones	Progress	To be Completed
Mayflower 400: Series of events and projects to build up to the celebrations in 2020, including:- Agree projects and events for Mayflower 400. Deliver Illuminate Festival. Work with National Partners to deliver national Mayflower Trail to sell to American market.	The next national compact meeting is taking place in Worcester in October 17, where the subject of the submission of regional bids will be discussed. NB: development of action plan will be dependent on success in sourcing funding.	Oct 17 (previously Jul 17) Nov 17
Princes Theatre Delivery of Annual Pantomime Deliver two events/exhibitions	Panto promotion has commenced and sales figures are already reported as £6,000 up on last year’s sales at this time. After many months of developing, the Princes Actors Centre (PAC) had its first show 'Girls Like That' which was a fantastic success and received excellent reviews - this fed into the PAC workshop which had a West End professional teaching audition techniques - again very well received and bookings for the next one 'a fun guide to Shakespeare' are doing well.	Dec 17

Leisure Facilities (Employment and Enjoyment)

“To ensure staff productivity levels are maintained.”

Paul Price – **Corporate Director**

Leisure and Tourism Portfolio Holder

Behind
Target

Delivery Mechanism: This will be achieved by targeting income generating activities which do not involve additional staffing costs.

Update: This new indicator reports 'long term financial sustainability', staffing costs divided productivity (income). The Q2 Target Quarterly Staffing Spend was £441,207 and Target Quarterly Income £587,111 (Target Percentage 75%). The Actual Quarterly Spend was £439,911 and Actual Quarterly Income £546,393 (Actual Percentage 81%) making the Variance -6%.

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Milestones	Progress	To be Completed
Reduce % of salaries against income from 77% to 76%	As above.	Mar 18

NB. Data will be reported one month behind. Comparator now over 2 months to reflect any extra staffing costs being 1 month in arrears to income.

Garden Community (Employment and Enjoyment)



“Innovative joint work with Colchester Borough Council (CBC), Braintree District Council (BDC) and Essex County Council (ECC) to develop a number of communities in North Essex based on Garden City principles.”

Ewan Green – Corporate Director

Leader

Delivery Mechanism: Selection of locations to be part of the Local Plan process. Funding made available by Central Government to support the work (£1.2million up to April 2017 with a further £700k announced for 17/18. Leader (supported by Chief Executive) sits on North Essex Garden Communities Ltd board. Corporate Director and Head of Planning Services sit on senior officer Steering Group and Legal, Finance and Planning Officers participating in topic work streams. Close collaboration on Local Plan process re Garden Communities approach. A shared Chapter1 of the Plan and specific requirements of any proposed Garden Community proposals across North Essex agreed by each Council. NEGC Ltd has formed Local Delivery Vehicles to progress each Garden Community Area allocated in the Local Plan (although potential Development Corporation could change the role of the LDVs).

Update: Report agreed by the four Council’s Cabinets in September 17, providing a general update and seeking Council support for investigation of Development Corporation approach and investigation / assessment of the use of Compulsory Purchase Order (CPO) powers.

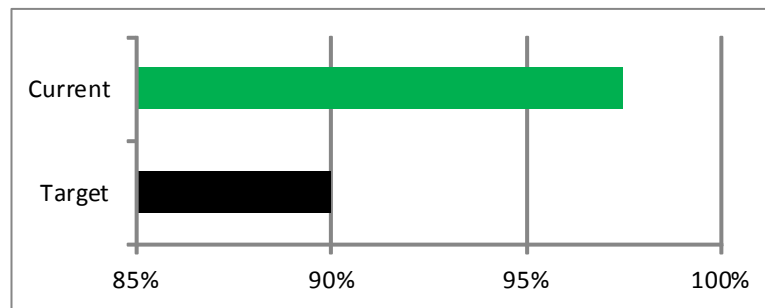
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Milestones	Progress
Governance	North East Garden Communities (NEGC) formed, directors appointed, meeting regularly and overseeing development of the project. LDV’s formed and Council Officer Directors appointed but not yet active as no land agreements are yet in place. Managing Director (Richard Bayley) appointed by NEGC.
Land Negotiations	No agreements yet reached, this is ongoing. Key aim remains to achieve agreements through this route.
Planning	Joint Part 1’s agreed by all partner Councils. Local Plans agreed by Braintree, Colchester and Tendring submitted to the Planning Inspectorate.
Development Corporation / Compulsory Purchase Order	New (May 2017) legislation provides for locally accountable Development Corporations (with extensive powers). NEGC actively investigating as possible strong means of delivering Garden Communities, possibly including the use of CPO.

Fly Tipping (Health and Housing)

To ensure that 90% of all reported incidents of fly tipping are removed within 72 hours of notification.

Monthly Performance Data



Data does not include asbestos fly tipping which is outsourced to a specialist contractor (PHS) and is not subject to 72 hours clearance.

Fly tipping data excludes vehicles, caravans or asbestos; all of which have to be removed by specialist contractors.

ECC have agreed to cover the additional costs incurred by WCAs in clearing fly-tips, which can be directly attributed to the recent operational changes at the sites'. In providing this support there is an expectation that if increases are noted the WCA will work with ECC to make the necessary investigations and take action against the perpetrators.

Month	A	M	J	J	A	S	O	N	D	J	F	M
No. of incidents	116	116	130	103	96	118						
No. r'mvd <72hrs	112	110	123	101	93	115						
Performance (%)	96.6 %	94.8 %	94.6 %	98.1 %	96.8 %	97.5 %						

TARGETS

Missed Bin Collection

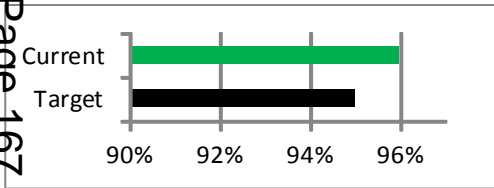
(Health and Housing)

To ensure that 95% of missed bins are collected within 24 hours of being notified.

With approximately 65,000 homes in Tendring, and each property having two bins collected per week, there is over half a million bins collected per month in Tendring.

Monthly Performance Data

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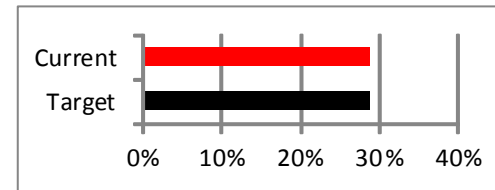
Month	A	M	J	J	A	S	O	N	D	J	F	M
Target	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Performance	96%	96%	96%	96%	96%	96%						

Recycling Rate

(Health and Housing)

Ensure that waste and recycling is disposed of in the most environmental and economically advantageous manner with 29% of household waste sent for reuse, recycling or composting.

Monthly Performance Data



Month	M	A	M	J	J	A	S	O	N	D	J	F	M
Target (%)	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%	29.0%
Performance	27.7%	28.0%	28.4%	25.8%	27.8%	28.9%							

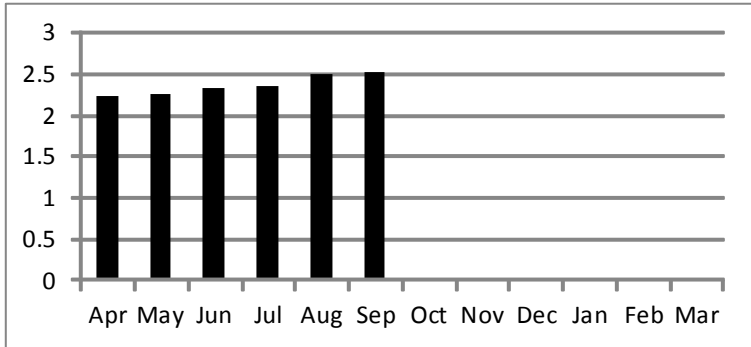
Recycling data minimum of 1 month behind. Revised figure for July is 28.34%.

Sickness (Council and Community)

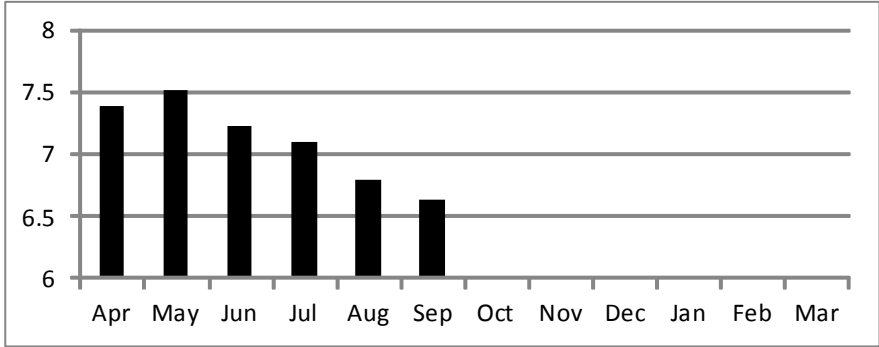
To measure the sickness absence rate of the Council. **Objective:** To measure the rate of sickness absence at TDC.

Mth	S/T	L/T
Apr	2.21	7.39
May	2.24	7.51
Jun	2.32	7.23
Jul	2.34	7.10
Aug	2.49	6.79
Sep	2.50	6.62
Oct		
Nov		
Dec		
Jan		
Feb		
Mar		

Short-term Sickness Absence



Long-term Sickness Absence



Note: Data displayed as both Short-Term (under 28 days) & Long Term (28 days & over).

Notes: - Staff sickness absence is monitored by the HR Committee, who undertake a detailed analysis of all reported figures.

The 2016 CIPD (Chartered Institute of Personnel and Development) absence management publication reports national absence levels in Local Government at 10.5 days per employee.

Authorised Covert Surveillance (Council and Community)

Record of number of approved surveillances under the Regulation of Investigatory Powers Act 2000 (RIPA). **It is important to note that this does NOT apply to all enforcement activity and therefore, it is likely that nil or low returns will be recorded.** Council officers in the course of investigating frauds and certain regulatory criminal offences within the district may be required to undertake covert monitoring operations to gather evidence to present to a court. In doing so those officers must comply with the relevant legislation i.e., the Regulation of Investigatory Powers Act 2000 (RIPA) and the associated regulations and codes of practice. RIPA provides a strict authorisation mechanism for public authorities to undertake covert surveillance in compliance with the [Human Rights Act 1998](#). Lawful interference with Article 8 (right to respect for private and family life) rights is only permissible, if it is necessary and proportionate to do so, therefore can only be undertaken in accordance with the Council's Policy and Procedures, approved by an Authorising Officer and the Magistrates' Court. The Council is required to report the number of authorisations granted on an annually basis to the Office of Surveillance Commissioners.

Type of Surveillance	Number of Approved Authorisations											
	Monthly											
	A	M	J	J	A	S	O	N	D	J	F	M
Directed Surveillance	0	0	0	0	0	0						
Covert Human Intelligence Source	0	0	0	0	0	0						

Complaints (Council and Community)

To measure the number of complaints received and handling of them within the prescribed time limits.

Objective: To measure the standard of performance in responding to complaints against the TDC standards.



Target: 100% within the specified timeframes for each stage of complaint.

Stage 1
Complaints
Performance
Page 170

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
No.	5	10	12	8	12	7						
% Time	100%	90%	100%	100%	100%	86%						

Stage 2
Complaints
Performance

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
No.	1	3	0	2	0	0						
% Time	100%	100%	100%	100%	100%	100%						

Notes: One Stage 1 a Public Realm complaint was responded to late due to a clerical error. The Stage 2 Housing complaint received in August 17 with the reply due in September 17 was withdrawn. There were no ombudsman's complaints for September 2017.

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

10 NOVEMBER 2017

REPORT OF FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER

A.13 CORPORATE BUDGET MONITORING REPORT FOR THE SECOND QUARTER OF 2017/18

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an overview of the Council’s actual financial position against the budget as at the end of September 2017.

EXECUTIVE SUMMARY

- | |
|---|
| <ul style="list-style-type: none"> • The Council’s financial position against the approved budget has been prepared for the period to the end of September 2017 and is the second such report for 2017/18.
 • In respect of the position at the end of September 2017, it is still relatively early in the financial year and therefore some expenditure or income trends may still be emerging / evolving. However any significant issues arising to date have been highlighted and comments provided as necessary.
 • The position to the end of September 2017, as set out in more detail in the Executive Summary attached, shows that overall the actual General Fund Revenue position is behind the profiled budget by £3.354m. After allowing for significant one-off budgets such as the Fit for Purpose Budget where commitments or decisions are still to be made, the position is revised to £1.192m behind the profiled budget. As has been the case in previous years, the variance at the end of the first and second quarters primarily reflects the timing of expenditure and income although as previously mentioned, underlying trends are likely to emerge or be confirmed over the next quarter.
 • In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are no further issues to highlight to date.
 • Any emerging issues will be monitored and updates provided in future budget monitoring reports along with their consideration as part of the Financial Strategy and budget setting framework for 2018/19 where a longer term response may be required.
 • As set out in the Long Term Financial Sustainability Plan / 10 Year Forecast considered by Cabinet at its 5 September 2017 meeting, supporting a favourable outturn position through managed actions forms a significant strand of the process going forward. Some potential favourable variances that are likely to remain over |
|---|

the remainder of the year are emerging but because a more comprehensive review is currently being undertaken as part of the revised budget process, no adjustments are proposed at this point in time but will be included within the revised budget position for 2017/18 that will be reported to Cabinet in December 2017.

- Other emerging issues have also arisen that require budget adjustments and/or specific recommendations with further details highlighted below.
- A half year treasury management review has been carried out with a summary set out later on in this report along with an associated recommendation to temporarily increase the aggregate limit of funds that can be placed overnight with the Council's bankers for the period that the offices will be closed over the Christmas break.

RECOMMENDATION(S)

It is recommended that:

- (a) The financial position as at the end of September 2017 be noted;**
- (b) in respect of the 2017/18 budget, the central agency staff budget be increased by £0.150m funded by a transfer from associated vacancy savings accrued to the end of September 2017;**
- (c) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m for each day the offices are closed over the Christmas break.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The financial implications are considered in the body of the report.

Risk

A number of variances will be subject to change as the year progresses although at this stage it is expected that any adverse position can be managed within the overall budgets. The budget position will be monitored and reviewed as part of both the future budget monitoring arrangements and Financial Strategy Processes.

LEGAL

The Local Government Act 2003 makes it a statutory duty that Local Authorities monitor income and expenditure against budget and take appropriate action if variances emerge.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

There are no direct implications arising from this report.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council's financial position against the approved budget has been prepared for the period ending 30 September 2017.

This is the second such report on the Council's financial position against the budget for 2017/18, and so some expenditure or income trends may still be emerging. However comments are provided below where necessary.

GENERAL FUND REVENUE

The position to the end of September 2017, as set out in more detail in the Executive Summary attached, shows that overall the actual position is behind the profiled budget by **£3.354m**.

After allowing for significant / one-off budgets such as the Fit for Purpose Budget where commitments or decisions are yet to be made, this position is revised to **£1.565m** behind the profiled budget with further details as follows:

Variance As Set out In Executive Summary	(£3.354m)
Less Variances to date for Significant / One-off Budgets	
Fit For Purpose	£0.320m
Contingency	£0.161m
New Homes Bonus	£0.706m
Local Plan	£0.602m
Variance Excluding Significant / One-off Budgets	(£1.565m)

After further excluding the variance for employee costs of **£0.373m**, which is covered separately below, the remaining net variance is **£1.192m**

As set out in the appendices, elements of this remaining variance are due to the timing of expenditure and income or where commitments / decisions have yet to be made.

Appendix B provides further narrative around variances with the following highlighting significant issues at the end of September 2017:

EXPENDITURE BUDGETS

Salaries / Employee Costs

Overall employee expenses are behind profile by **£0.373m**. (*compared with £0.186m behind the profiled budget at the end of the first quarter*)

As previously discussed, departments continue to challenge how they deliver their services so opportunities are taken to review staffing levels, such as when vacancies

emerge, rather than automatically recruit on a like for like basis. Although the above variance may not necessarily translate into on-going budget reductions, it does reflect the one-off savings from vacancies over the first half of the year.

A comprehensive review of employee costs is underway to inform the revised budget for 2017/18 and base budget going into 2018/19 as part of the wider budget setting process. Any adjustments required to reflect any restructures completed to date along with accrued savings will therefore be included as part of that process.

It is however proposed to use a part of the favourable position accruing to date to support an increase to the central agency budget with further details set out further on in this report.

INCOME BUDGETS

In addition to comments set out in the Appendices, some important variances to highlight to date are as follows:

- Parking income is ahead of the profiled budget by **£0.130m**. *(compared with £0.064m ahead of the profiled budget at the end of the first quarter)*
- Crematorium income is still running slightly behind the profiled position with a variance of **£0.045m** to date *(compared with £0.043m behind profile at the end of the first quarter)*. However as previously discussed, income can fluctuate over the year and potentially follow a different trend to previous years and although income has not recovered over the second quarter it may well do so over quarters 3 and 4. This will be reviewed as part of the revised budget process currently underway.
- Beach Hut income is **£0.057m** ahead of the profiled budget to the end of September 2017 which is **£0.042m** ahead of the full year budget. *(compared with £0.022m ahead of the full year budget at the end of the first quarter)*
- Planning income continues to remain very strong with income ahead of the profiled budget by **£0.298m** at the end of September 2017. *(compared with £0.117m ahead of the profiled budget at the end of the first quarter)*

DELIVERY OF SAVINGS 2017/18

Included within the 2017/18 budget were a number of items where actions were required to secure the necessary savings. A brief update against significant items is set out below:

- **Office Transformation** – only modest savings of **£0.020m** were included in 2017/18 from the closure of Clay Hall and other minor properties. The more significant savings will accrue from the closure of the Weeley site. The associated business case supporting the Office Transformation project has recently been approved and the project is now underway and is planned to be completed over the next two years.
- **CAROS** – a saving of **£0.010m** was included for 2017/18 representing the natural growth in rents within the scheme as it currently stands. This remains an on-going action that will be delivered via the negotiation of new leases as the previous ones expire.
- **Open Spaces and Play Areas** – the delivery of the expected savings of **£0.042m** in 2017/18 remain on-going.
- **Reduction in the number of Public Conveniences** – Work remains on-going to deliver budgeted savings of **£0.060m** in 2017/18, following the approval of a Public Convenience Strategy earlier in the year. As highlighted in **Appendix D**, a number

of toilets have been earmarked for closure with the service now identifying costs of the associated decommissioning works.

As highlighted, work remains on-going to deliver these savings, but it is acknowledged that although the total saving expected will be realised, the timing of when they impact on the budget may differ to that initially expected given the lead in times and associated decisions that are required. Therefore the position will remain under review and updates provided in the next quarter's budget monitoring report and / or included as part of the revised budget process for 2017/18 where necessary.

As part of reporting the first quarters position to members earlier in the year, the following career track update was provided:

"it is also worth highlighting the progress being made by the Council in becoming a registered training provider, which effectively replaces the current Career Track Service following the new Apprenticeship Levy arrangements introduced by the Government. All existing contracts with Colchester Institute are continuing throughout the majority of the year. However Government delays in the implementation of new training agreements with training providers mean that recruitment and the financial drawdown of money from the apprenticeship levy 'pot' has been significantly delayed. The impact these delays will have on the budget will be monitored over the remainder of the year"

Unfortunately information / guidance is still awaited from the Government which will have an impact on the 2017/18 budget. Discussions are underway with the relevant service to identify what budget adjustments are required as part of the revised budget process for 2017/18.

2017/18 BUDGET ADJUSTMENTS / OTHER ISSUES

Given ongoing conditions within the wider employment market, two departments within the Council continue to have a limited reliance on agency staff to support the effective delivery of services. Although restructuring opportunities are being explored to provide a longer term solution, a small number of agency staff are expected to remain engaged over the remainder of the year within Planning and Environmental Health.

It is forecast that this will cost **£0.150m** over the second half of the year, which is over and above the existing central agency staff budget of **£0.100m**. However there are corresponding vacancy savings accruing within the same services, which are available to fund this cost. It is therefore proposed to transfer existing employee budgets across to the central agency budget with a recommendation included above to enable this adjustment to be made.

Within the last quarter's budget monitoring report, an update on the implementation of the 20% increase in planning fees that was agreed by Cabinet in June 2017 was provided. Although the original implementation date was the 1 July 2017, this continues to be delayed with guidance still awaited from the Government. It is now expected that a further update will be provided within the budget setting process that will be reported to Cabinet in December 2017.

HOUSING REVENUE ACCOUNT – REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix C**.

As at the end of September 2017, the HRA is **£0.113m** ahead of the net profiled budget (*compared with £0.048m ahead of the profile at the end of the first quarter*). Apart from the issue regarding rents and repair costs set out below, there are no significant issues to highlight to date as this largely reflects the timing of expenditure such as the maintenance and repairs to the tenant's properties.

As reported in earlier quarters, rental income remains behind profile (**£0.141m** at the end of September 2017 compared with **£0.100m** at the end of the first quarter). This largely reflects the on-going issue regarding the increase in the average period properties remain void. As previously highlighted, there is a mix of reasons that contribute to this position such as the condition of some properties when vacated by tenants, asbestos removal work being undertaken before properties are relet and the number of long term voids in sheltered blocks. Although it is expected that this trend should start to reverse over time as asbestos work reduces along with decisions being made about the long term future of sheltered accommodation, the service is also taking the opportunity to undertake more significant repair works during any void periods for reasons of efficiency, as work would otherwise have to be done at a later date when a tenant was in occupation. This has therefore not only had an impact of income budgets but it has also had a knock on impact on the timing of repair work which has led to the associated expenditure budget moving ahead of the profiled position at the end of the second quarter. The overall void position is therefore under review as part of the revised budget process for 2017/18 along with determining any on-going impact in 2018/19 and beyond.

Increased period of voids also increases the level of council tax payable on empty properties which therefore presents a secondary impact to the overall HRA position.

CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix D**.

As at the end of September 2017 the programme is behind profile by **£0.034m**. (*compared with £0.562m behind profile at the end of the first quarter*).

As was the case at the end of the first quarter, a number of schemes have yet to incur any significant expenditure but updates are provided against a number of the larger schemes to inform Members about the progress being made to deliver them.

There are no significant issues to highlight at the present time with additional comments set out in **Appendix D**.

CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

As at the end of September 2017 the programme is behind profile by **£0.787m**. (*compared with £0.229m behind profile at the end of the first quarter*).

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings. There are no specific issues to highlight at this stage and the expectation is that expenditure / commitments will be broadly in line with the budget over the course of the year as work is progressed and procurement processes completed.

As reported at the end of the first quarter, additional capital receipts are now starting to be retained from qualifying right to buy disposals. These are called 1 for 1 receipts and their retention requires the Council to have spent them on delivering affordable / social housing within three years from when they were received. To provide additional controls /

governance around this issue and to ensure that the money is spent in accordance with the retention requirements, attention is being drawn to this issue within **Appendix D** with 'spend by' dates now included.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

There are no significant issues to highlight at the present time. Income will continue to be collected over the remainder of the year with recovery arrangements and action taken as necessary.

Although the collection of general debt is running slightly ahead of the position for the same period last year, there is still a significant impact from the issue previously highlighted regarding theatre income where action is being taken to recover money owed in connection with a potential fraud committed against the Council.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

The Council agreed the Treasury Strategy for 2017/18 on 28 March 2017 and in accordance with Financial Procedure Rules this strategy and associated activity have been subject to a half yearly review with the outcomes set out below:

The Economy and the outlook for next 6 months

A more detailed analysis has been provided by the Council's treasury advisors with highlights set out as follows:

After the UK experienced strong growth in 2016, growth in the first half of 2017 was the slowest for a half yearly position since 2012. The main reason for this has been the sharp increase in inflation, caused by the devaluation of sterling, feeding increases in the cost of imports into the economy. This has caused, in turn, a reduction in consumer disposable income and spending power and so the services sector of the economy, accounting for around 75% of GDP, has seen weak growth as consumers cut back on their expenditure.

The Bank of England Inflation Reports during 2017 have flagged up that they expected Consumer Prices Index (CPI) inflation to peak at just under 3% in 2017, before falling back to near to its target rate of 2% in 2019. At the present time it looks likely that the Bank of England will increase the Bank Rate to 0.5% in November or, if not, in February 2018. The big question after that will be whether this will be a one off increase or the start of a slow, but regular, increase in Bank Rate.

Some forecasters are indicating that they expect growth to improve significantly in 2017 and into 2018, as the fall in inflation will bring to an end the negative impact on consumer spending power while strong export performance will compensate for weak services sector growth.

Investments

Investment returns are slightly behind budget, mainly as a result of the reduction in the bank base rate in August 2016, with the impact now being fully felt with the weighted average interest rate now only 0.38% against a target of 0.40%. However, the anticipated increase in the base rate later in 2017 or early 2018 should help reduce this variance by

the end of the year.

In August 2017, the Council purchased an Investment Property in Clacton at a cost of **£3.245 million**, as shown in the General Fund Capital programme **Appendix D**. The Council will receive rental income in 2017/18 of **£0.122 million**, and in 2018/19 of **£0.206 million**, rising by 1.95% each year until the current lease expires in March 2027. This is an annual full year rate of return on the purchase price in excess of 6%.

The closure of Council Offices between Christmas and New Year 2017 means that daily treasury management actions will not be able to be undertaken for a short period. Despite planning to maintain adequate headroom across the Council's current accounts, significant council tax and non-domestic rates payments are expected during the Christmas closedown period and along with other income the current **£1.000m** limit that can be placed overnight with the Council's current account bankers is likely to be exceeded. A similar situation occurred last year which was brought to the attention of members. Accordingly, it is requested that the limit be temporarily increased to **£1.500m** for this period. Officers will monitor the wider market conditions / intelligence and will only place money up to this revised limit if there are no adverse indicators around Lloyds bank that would increase risks. During the year Lloyds Bank have seen a strengthening position in terms of their overall ratings from the main rating agencies increasing confidence in them and therefore the proposed approach set out above.

Borrowing

The borrowing rates that the Council can access remain relatively low. Due to the low yield on investments, the Council has maintained the position of not replacing the **£1.000m** external loan which matured in March 2014 and no additional borrowing is currently planned in 2017/18.

Other

The Chartered Institute of Public Finance and Accountancy, (CIPFA), is currently conducting an exercise to consult local authorities on revising the Treasury Management Code and Cross Sectoral Guidance Notes, along with the Prudential Code. CIPFA is aiming to issue the revised codes during November. A particular focus of this exercise is to reflect on activities which are not traditional treasury type investments e.g. investment property. One potential recommendation is that local authorities should produce a new report to members to give a high level summary of the overall capital strategy and to enable members to see how the cash resources of the authority have been apportioned between treasury and non-treasury investments. Officers are monitoring developments and will report to members when the new codes have been agreed and issued and on the likely impact on the Council.

Notwithstanding the above, operationally there are no significant matters to highlight at the end of September with investment and borrowing activity on-going in line with the Treasury Strategy and associated practices / requirements.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Front Cover and Executive Summary

Appendix A – Summary by Portfolio / Committee

Appendix B – General Fund Budget Position by Department
Appendix C – Housing Revenue Account Budget Position
Appendix D – Capital Programme
Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and
General Debts
Appendix F – Treasury Activity
Appendix G – Income from S106 Agreements

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Tendring **District Council**



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix B	An analysis by Department of all General Fund Revenue budgets.
Appendix C	An analysis of Housing Revenue Account Revenue budgets.
Appendix D	The position to date for General Fund and HRA capital projects.
Appendix E	Collection Performance - Council Tax, Business Rates, Housing Rents and General Debts
Appendix F	Treasury activity.
Appendix G	Section 106 monies.

Corporate Budget Monitoring

September 2017

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Corporate Budget Monitoring - Executive Summary as at the end of September 2017

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Debt and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	881,370	487,690	450,075	(37,615)
Corporate Services	(19,627,010)	(331,746)	(2,025,809)	(1,694,063)
Operational Services	12,979,510	3,908,990	3,389,012	(519,978)
Planning and Regeneration	5,766,130	1,488,708	386,394	(1,102,314)
Total General Fund	0	5,553,642	2,199,671	(3,353,971)

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(4,907,978)	(4,794,819)	113,158

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	17,676,390	4,028,690	3,994,196	(34,494)
Housing Revenue Account	7,118,860	2,205,235	1,417,947	(787,288)
Total Capital	24,795,250	6,233,925	5,412,142	(821,783)

Debt

	Collected to Date Against Collectable Amount
Council Tax	56.29%
Business Rates	57.38%
Housing Rents	97.80%
General Debt	88.04%

Treasury

	£'000
Total External Borrowing	44,983
Total Investments	61,946

Revenue Budget Position at the end of September 2017

General Fund Portfolio / Committee Summary

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £
Leader	2,000,000	0	0	0
Finance and Corporate Resources	2,696,630	2,775,779	1,188,852	(1,586,927)
Environment	5,535,420	1,606,478	1,637,428	30,950
Housing	2,804,280	1,998,998	1,641,421	(357,577)
Health and Education	526,430	249,160	241,566	(7,594)
Corporate Enforcement	2,995,140	915,861	(276,482)	(1,192,343)
Investment and Growth	2,418,400	158,328	102,094	(56,234)
Leisure and Tourism	5,105,660	778,318	631,088	(147,230)
Budgets Relating to Non Executive Functions	643,310	111,143	127,547	16,403
	24,725,270	8,594,066	5,293,515	(3,300,551)
Revenue Support for Capital Investment	7,770,830	0	0	0
Financing Items	496,860	3,827,464	3,774,060	(53,404)
Budget Before use of Reserves	32,992,960	12,421,530	9,067,575	(3,353,955)
Contribution to / (from) earmarked reserves	(19,296,310)	0	0	0
Total Net Budget	13,696,650	12,421,530	9,067,575	(3,353,955)
Funding:				
Revenue Support Grant	(1,649,840)	(726,182)	(726,182)	0
Business Rates Income	(4,599,140)	(2,417,871)	(2,417,875)	(4)
Collection Fund Surplus	(218,380)	(109,190)	(109,211)	(21)
Income from Council Tax Payers	(7,229,290)	(3,614,645)	(3,614,637)	9
Total	0	5,553,642	2,199,671	(3,353,971)

Revenue Budget Position at the end of September 2017

HRA Portfolio Summary

	2017/18 Current Full Year Budget	2017/18 Profiled Budget to date	2017/18 Actual to date	2017/18 Variance to Profile
	£	£	£	£
Housing	(3,361,770)	(4,907,978)	(4,794,819)	113,158
	(3,361,770)	(4,907,978)	(4,794,819)	113,158
Revenue Support for Capital Investment	780,250	0	0	0
Financing Items	2,404,570	0	0	0
Budget Before use of Reserves	(176,950)	(4,907,978)	(4,794,819)	113,158
Contribution to / (from) earmarked reserves	176,950	0	0	0
Total	0	(4,907,978)	(4,794,819)	113,158

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2017

Department - Office of Chief Executive

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	373,940	191,025	185,295	(5,730)	95,522	
Transport Related Expenditure	14,930	7,600	5,502	(2,099)	3,820	
Supplies & Services	637,490	315,855	288,919	(26,936)	124,617	
Total Direct Expenditure	1,026,360	514,480	479,716	(34,764)	223,960	
Direct Income						
Government Grants	0	0	(2,853)	(2,853)	0	
Other Grants, Reimbursements and Contributions	(26,790)	(26,790)	(26,788)	2	0	
Total Direct Income	(26,790)	(26,790)	(29,641)	(2,851)	0	
Net Direct Costs	999,570	487,690	450,075	(37,615)	223,960	
Net Indirect Costs	(118,200)	0	0	0	0	
Total for Office of Chief Executive	881,370	487,690	450,075	(37,615)	223,960	

Department - Office of Chief Executive

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Leadership and Community Support	881,370	487,690	450,075	(37,615)	
Total for Office of Chief Executive	881,370	487,690	450,075	(37,615)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2017

Department - Corporate Services

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	10,248,070	6,228,750	6,078,712	(150,038)	1,190,560	
Premises Related Expenditure	190,620	178,625	190,856	12,231	5,998	
Transport Related Expenditure	59,320	45,200	45,801	601	8,195	
Supplies & Services	7,424,000	2,518,131	1,284,062	(1,234,069)	1,066,418	
Transfer Payments	55,291,550	24,058,000	24,926,757	868,757	12,029,000	
Interest Payments	63,670	29,661	31,411	1,750	0	
Total Direct Expenditure	73,277,230	33,058,367	32,557,599	(500,768)	14,300,171	
Direct Income						
Government Grants	(59,317,650)	(25,532,360)	(26,723,949)	(1,191,589)	(12,635,200)	
Other Grants, Reimbursements and Contributions	(1,547,420)	(822,718)	(757,092)	65,626	(428,008)	
Sales, Fees and Charges	(16,660)	(12,800)	(9,872)	2,928	(930)	
Rents Receivable	(70,440)	(9,070)	(8,457)	613	(4,535)	
Interest Receivable	(218,870)	(145,277)	(216,135)	(70,858)	(67,818)	
RSG, Business Rates and Council Tax	(13,696,650)	(6,867,888)	(6,867,904)	(16)	(4,132,302)	
Total Direct Income	(74,867,690)	(33,390,113)	(34,583,408)	(1,193,295)	(17,268,794)	
Net Direct Costs	(1,590,460)	(331,746)	(2,025,809)	(1,694,063)	(2,968,623)	
Net Indirect Costs	1,259,760	0	0	0	46,470	
Net Contribution to/(from) Reserves	(19,296,310)	0	0	0	0	
Total for Corporate Services	(19,627,010)	(331,746)	(2,025,809)	(1,694,063)	(2,922,153)	

Department - Corporate Services

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director, PR and Electoral Services	542,020	215,837	308,617	92,780	This primarily reflects election expenditure that will be reimbursed by the Government / ECC later in the year.
Total for Governance and Legal Services	58,020	211,575	182,512	(29,063)	
Total for Finance, Revenues and Benefits	1,395,730	1,159,042	972,493	(186,549)	Similarly to the last quarter's position, this variance reflects a number of smaller variances across a range of budgets along with salary costs following a restructure which was finalised during the first half of the year. The grant receivable from the Government for LCTS Administration is also £0.030m higher than budgeted, which will be addressed in the revised budget process later in the year along with any other grant funding changes.
Total for Finance - Other Corporate Costs	3,939,440	(279,722)	(1,656,728)	(1,377,006)	The current variance primarily reflects the position against the Fit for Purpose, Contingency and New Homes Bonus budgets which remain subject to commitments and decisions. In addition, insurance premium costs have increased but discussions remain on-going with the Council's insurers to see if this can be reduced by adjusting the level of excess payable against various policies.
Total for Finance - Financing Items	(12,491,810)	3,939,500	3,954,893	15,393	

Department - Corporate Services

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Total for Finance - RSG, Business Rates and Council Tax	(13,696,650)	(6,867,888)	(6,867,904)	(16)	
Total for Property Services	151,100	120,455	125,145	4,690	
Total for People, Performance and Projects	350,200	375,820	371,712	(4,108)	Although not showing within the overall net position, an adverse variance continues against the Career Track budget. As mentioned in the previous quarter, there has been a delay in guidance from the Government so this new initiative cannot move forward until such time as the necessary information has been made available to the Council.
Total for IT and Corporate Resilience	124,940	793,635	583,451	(210,184)	As mentioned at the end of quarter 1, due to the reactive nature of IT expenditure the timing is difficult to predict. However there are no significant issues to raise at present with the roll out of Skype for Business continuing along with the purchase of Microsoft software licences expected in the second half of the year following an associated 'audit'.
Total for Corporate Services	(19,627,010)	(331,746)	(2,025,809)	(1,694,063)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2017

Department - Operational Services

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	8,559,920	4,288,708	4,134,884	(153,824)	2,118,538	
Premises Related Expenditure	3,050,700	1,698,722	1,501,780	(196,942)	579,293	
Transport Related Expenditure	546,580	189,862	184,273	(5,589)	183,290	
Supplies & Services	4,425,780	1,856,143	1,743,694	(112,449)	747,386	
Third Party Payments	4,432,600	1,525,589	1,534,690	9,101	1,131,403	
Transfer Payments	121,000	60,500	84,815	24,315	30,250	
Total Direct Expenditure	21,136,580	9,619,525	9,184,136	(435,389)	4,790,161	
Direct Income						
Government Grants	(375,530)	(320,930)	(320,937)	(7)	0	
Other Grants, Reimbursements and Contributions	(1,386,980)	(596,797)	(490,396)	106,401	(400,962)	
Sales, Fees and Charges	(7,733,490)	(4,557,175)	(4,772,367)	(215,192)	(1,633,935)	
Rents Receivable	(260,150)	(160,563)	(172,809)	(12,246)	(36,739)	
Total Direct Income	(9,756,150)	(5,635,465)	(5,756,509)	(121,045)	(2,071,637)	
Net Direct Costs	11,380,430	3,984,060	3,427,627	(556,434)	2,718,524	
Net Indirect Costs	1,599,080	(75,070)	(38,614)	36,456	(100,078)	
Total for Operational Services	12,979,510	3,908,990	3,389,012	(519,978)	2,618,446	

Department - Operational Services

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Corporate Director and Administration Operational Services	716,620	109,175	81,869	(27,306)	
Total for Public Realm	1,413,050	271,671	71,500	(200,171)	The variance to date primarily reflects the timing of expenditure on items such as utility bills and building repairs along with the continuing favourable position relating to parking income (£0.130m ahead of profile). As highlighted at the end of the first quarter, crematorium income remains behind profile by £0.045m. Although the timing of income is difficult to predict, this position will be kept under review over the second half of the year.
Total for Environmental Services	5,098,650	1,434,155	1,485,011	50,856	
Total for Coastal Protection	1,249,880	200,275	137,774	(62,501)	Income from street naming and numbering is now running ahead of the profile (£0.035m)
Total for Customer and Commercial Services	301,710	445,863	344,080	(101,783)	The variance to date reflects a number of smaller variances but mainly in connection with employee costs and income budgets.

Department - Operational Services

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Total for Sports and Leisure	3,029,430	11,191	(56,478)	(67,670)	As reported at the end of the first quarter, income from beach huts is ahead of the full year budget with the figure at the end of quarter 2 being £0.042m. Overall the leisure facilities budgets are generating a net neutral position although there are favourable positions against some sites compared with adverse positions against others such as Clacton Leisure Centre. A contribution remains outstanding from Brightlingsea Town Council towards the cost of operating the open air pool with the position for the year being finalised now that the 2017 season is over.
Total for Housing	1,150,830	400,865	375,790	(25,075)	
Total for Building and Engineering	19,340	1,035,795	949,467	(86,328)	The position to date primarily reflects employee costs and the timing of building related works.
Total for Operational Services	12,979,510	3,908,990	3,389,012	(519,978)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2017

Department - Planning and Regeneration

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	2,209,190	1,046,840	983,565	(63,275)	523,420	
Premises Related Expenditure	28,530	21,005	18,370	(2,635)	3,763	
Transport Related Expenditure	37,010	18,500	13,833	(4,667)	9,360	
Supplies & Services	4,047,880	1,103,155	402,159	(700,996)	440,582	
Third Party Payments	870	0	0	0	0	
Total Direct Expenditure	6,323,480	2,189,500	1,417,927	(771,573)	977,125	
Direct Income						
Government Grants	(17,500)	(17,500)	(17,506)	(6)	0	
Other Grants, Reimbursements and Contributions	(4,200)	(4,200)	(7,220)	(3,020)	0	
Sales, Fees and Charges	(1,303,290)	(652,375)	(980,717)	(328,342)	(325,457)	
Rents Receivable	(52,940)	(26,717)	(26,091)	626	(13,111)	
Total Direct Income	(1,377,930)	(700,792)	(1,031,534)	(330,742)	(338,569)	
Net Direct Costs	4,945,550	1,488,708	386,394	(1,102,314)	638,556	
Net Indirect Costs	820,580	0	0	0	0	
Total for Planning and Regeneration	5,766,130	1,488,708	386,394	(1,102,314)	638,556	

Department - Planning and Regeneration

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Head of Planning and Customer Services	4,720	216,900	227,933	11,033	
Total for Planning and Development	952,010	51,290	(313,787)	(365,077)	In continuing the trend in recent years and during the first quarter of this year, planning fee income remains ahead of the budget at the end of the second quarter by £0.298m.
Total for Planning Policy	1,701,050	758,340	133,609	(624,731)	As highlighted in previous budget monitoring reports, this position reflects the timing of expenditure associated with the Local Plan process.
Total for Building Control	205,720	48,405	(14,561)	(62,966)	Building Control income has moved ahead of the profile along with employee costs being behind profile at the end of the second quarter.
Total for Regeneration	2,902,630	413,773	353,199	(60,574)	
Total for Planning and Regeneration	5,766,130	1,488,708	386,394	(1,102,314)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of September 2017

Housing Revenue Account

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Next Quarters Profile £	Comments
<u>Analysis by Type of Spend</u>						
Direct Expenditure						
Employee Expenses	813,490	199,180	200,094	914	99,590	
Premises Related Expenditure	3,619,310	1,402,553	1,481,284	78,731	991,679	
Transport Related Expenditure	18,320	9,160	8,938	(222)	4,580	
Supplies & Services	433,310	208,625	168,630	(39,995)	86,204	
Third Party Payments	1,030	515	0	(515)	258	
Transfer Payments	17,000	8,500	9,961	1,461	4,250	
Interest Payments	1,492,430	404,380	410,849	6,469	301,236	
Total Direct Expenditure	6,394,890	2,232,913	2,279,755	46,842	1,487,796	
Direct Income						
Other Grants, Reimbursements and Contributions	(8,000)	0	(853)	(853)	0	
Sales, Fees and Charges	(667,220)	(376,174)	(445,357)	(69,183)	(139,024)	
Rents Receivable	(13,525,710)	(6,764,717)	(6,628,366)	136,351	(3,380,462)	
Interest Receivable	(51,600)	0	0	0	0	
Total Direct Income	(14,252,530)	(7,140,891)	(7,074,575)	66,316	(3,519,486)	
Net Direct Costs	(7,857,640)	(4,907,978)	(4,794,820)	113,158	(2,031,690)	
Net Indirect Costs	7,680,690	0	0	0	0	
Net Contribution to/(from) Reserves	176,950	0	0	0	0	
Total for HRA	0	(4,907,978)	(4,794,819)	113,158	(2,031,690)	

Housing Revenue Account

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance, Revenues and Benefits	(8,735,040)	(6,168,782)	(6,002,963)	165,819	This reflects reduced income from void periods with further details set out in the main body of the report.
Total for Finance - Financing Items	3,184,820	0	0	0	
Total for Corporate Director and Administration	581,800	38,685	30,048	(8,638)	
Total for Customer and Commercial Services	(62,920)	(84,000)	(187,153)	(103,153)	
Total for Housing	1,293,010	93,666	31,663	(62,003)	
Total for Building and Engineering	3,738,330	1,212,453	1,333,587	121,134	This reflects the timing of repairs that are undertaken during void periods and is therefore linked to the rental issue highlighted above. Further details are set out in the main body of the report.
Total for HRA	0	(4,907,978)	(4,794,819)	113,158	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Expenditure					
Corporate Enforcement Portfolio					
Millenium Square Works	90,000	0	0	0	
Total for Corporate Enforcement Portfolio	90,000	0	0	0	
Environment Portfolio					
Cremator Replacement and Crematorium Car Park	19,790	5,620	5,621	1	Scheme is largely completed, with new Cremator in use. Final minor works currently in progress
Brook Country Park	530	0	0	0	
Cranleigh Close, Clacton, landscaping works	6,660	0	0	0	
Environmental Health Database Migration	5,250	0	0	0	
Public Access Module to CAPS	56,000	0	0	0	
Laying Out Cemetery	170,120	0	0	0	Initial planning works have now been completed
Crematorium Flower Court Extension	150,000	0	0	0	Options to take this project forward remain under consideration.
Total for Environment Portfolio	408,350	5,620	5,621	1	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Finance and Corporate Resources Portfolio					
Audit management software	2,230	0	0	0	
Joint HR and Payroll System	8,430	0	5,700	5,700	
Lacton Bowls Club Roof	0	0	965	965	
Westleigh House Demolish/additional parking provision	23,710	0	0	0	
Commercial Property Investment Fund	3,244,500	3,244,500	3,244,500	0	
Information and Communications Technology Core Infrastructure	102,070	0	1,232	1,232	
IT Strategic Investment	222,010	38,000	37,669	(331)	
Agresso e-procurement	84,000	0	0	0	
Channel Shift	350,000	0	0	0	Work is well under way in terms of taking a number of key actions forward within this general project
Individual Electoral Registration - Scanning Equipment	1,560	0	0	0	
New Committee Management System	400	200	0	(200)	
Enhanced Equipment replacement - Printing and Scanning	3,610	0	0	0	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Office Rationalisation	1,160,000	0	0	0	The business plan for the project was signed off in September 2017 It is expected to incur expenditure from October 2017 on commissioning of consultants, planning fees and preliminary matters. The physical work is expected to begin in Pier Avenue from December 2017/ January 2018 once the appropriate procurement processes have been undertaken
Total for Finance and Corporate Resources Portfolio	5,202,520	3,282,700	3,290,066	7,366	
Housing Portfolio					
Replacement of High Volume Printers	29,000	0	0	0	
Replacement of Northgate Unix Server	60,000	0	0	0	
Replacement debit and credit card payment facility	14,630	0	0	0	
Replacement Scan Stations	42,000	0	0	0	
Alteration of Redundant Cash Office	29,260	0	0	0	
Housing in Jaywick	500,000	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	563,420	51,000	50,718	(282)	
Disabled Facilities Grants	3,047,160	575,080	573,302	(1,778)	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Private Sector Leasing	75,660	0	0	0	The service is currently looking to utilise this budget to assist with increasing the supply of private sector housing in the district.
Empty Homes funding	164,220	0	0	0	This project has not been deliverable so will now be reconsidered to identify alternative options / opportunities
Total for Housing Portfolio	4,525,350	626,080	624,020	(2,060)	
Investment and Growth Portfolio					
Clacton Regeneration	41,180	0	0	0	
Regeneration Capital Projects	308,000	0	0	0	Schemes to support the delivery of the Council's priorities will be considered against this budget within the wider financial forecast process
SME Growth Fund Capital Grants	125,000	30,000	30,000	0	This is supported by external funding and will be committed as successful applications are made against the SME Scheme. A number of successful applications have been made during 2017/18
Harwich Public Realm	1,000,000	0	0	0	
Total for Investment and Growth Portfolio	1,474,180	30,000	30,000	0	

Corporate Budget Monitoring - General Fund Capital Programme

Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Leisure and Tourism Portfolio					
Replacement of beach hut supports - The Walings	11,620	0	0	0	
Frinton & Walton Swimming Pool Re-Development	0	0	1,888	1,888	
Clacton Leisure Centre Air Handling Units	210,540	11,640	9,951	(1,689)	The project remains on-going with tenders recently received.
Princes Theatre Toilets	40,000	40,000	0	(40,000)	Discussion on Listed Building consent is ongoing. The appropriate procurement processes are under review. Design specifications are being prepared.
Princes Theatre Tiered Seating	46,470	0	0	0	Project will commence on the 23rd October with a completion date of 26th October.
Coast Protection - Cliff Road Sea Wall	15,130	0	0	0	This project is now complete, with services working to finalise the grant funding position with the Environment Agency.
Venetian Bridge Clacton	355,000	0	0	0	Additional funding reflected in budget, with project due to start October 2017

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
New Beach Huts	64,600	0	0	0	
Cliff Stabilisation Scheme	5,092,630	32,650	32,649	(1)	Design phase of project is complete, with works due to start early 2018
Public Conveniences Works	140,000	0	0	0	A number of Public Conveniences are currently earmarked for closure, with services investigating cost of works to be carried out.
Total for Leisure and Tourism Portfolio	5,975,990	84,290	44,488	(39,802)	
Total Approved General Fund Capital Programme	17,676,390	4,028,690	3,994,196	(34,494)	

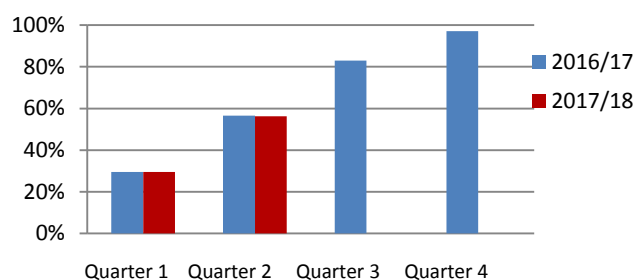
Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of September 2017

	2017/18 Current Full Year Budget £	2017/18 Profiled Budget to date £	2017/18 Actual to date £	2017/18 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	3,649,520	1,140,765	949,066	(191,699)	This budget covers a range of individual schemes which will be delivered as the year progresses and are subject to the appropriate procurement processes, which are planned, being progressed or are underway.
Page 209 T Upgrade & Replacement	20,000	70	468	398	
Disabled Adaptations	457,910	257,910	172,684	(85,226)	Similarly to the above, it is anticipated that works will be progressed over the remainder of the year.
Cash Incentive Scheme	60,000	0	0	0	
New Build Initiatives and Acquisitions *	2,931,430	806,490	295,728	(510,762)	
*Within the budget of £2,931,430, £791,780 relates to projects supported by one for one capital receipts with spend by dates as follows: 31/12/2019 £102,150 31/03/2020 £413,570 30/06/2020 £276,060					
Total Housing Revenue Account Capital Programme	7,118,860	2,205,235	1,417,947	(787,288)	

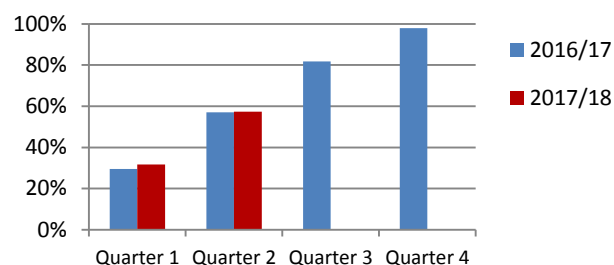
Corporate Debt : Position at the end of September 2017

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax (against annual amounts)

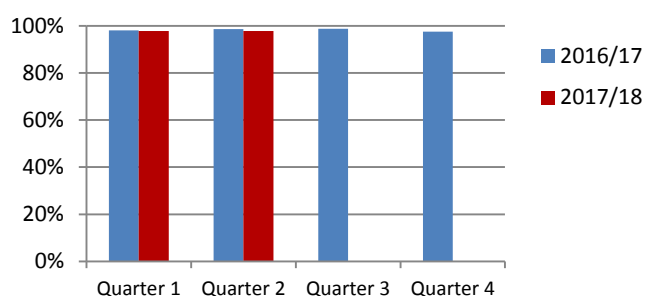


Business Rates (against annual amounts)

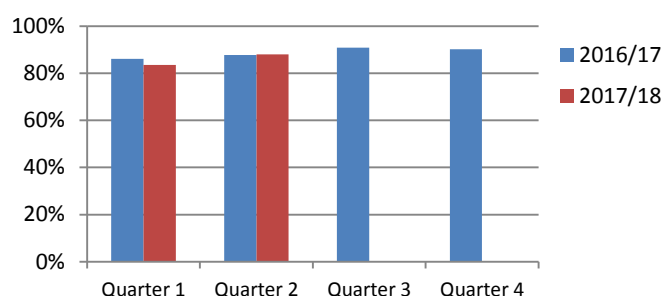


	2016/17	2017/18		2016/17	2017/18
Quarter 1	29.59%	29.58%	Quarter 1	29.60%	31.67%
Quarter 2	56.59%	56.29%	Quarter 2	57.14%	57.38%
Quarter 3	83.02%		Quarter 3	81.74%	
Quarter 4	97.11%		Quarter 4	97.95%	

Housing Rents



General Debt



	2016/17	2017/18		2016/17	2017/18
Quarter 1	98.09%	97.85%	Quarter 1	86.17%	83.64%
Quarter 2	98.64%	97.80%	Quarter 2	87.85%	88.04%
Quarter 3	98.76%		Quarter 3	90.87%	
Quarter 4	97.53%		Quarter 4	90.22%	

Treasury Activity : Position at the end of September 2017

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	771	0	54	717	
Long Term PWLB Borrowing - HRA	45,098	0	832	44,266	
TOTAL BORROWING	45,869	0	886	44,983	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	36,000	146,800	145,400	37,400	Net investments have increased over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure.
Investments with UK financial Institutions (including Money Market Funds)	16,865	30,250	22,569	24,546	At the end of the period, investments were held with 13 counterparties.
Investments with non-UK Financial institutions	0	0	0	0	
Total Investments for less than a year	52,865	177,050	167,969	61,946	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	52,865	177,050	167,969	61,946	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	56	30	29	(1)	The weighted average rate of interest on the Council's GF borrowing is currently 8.14%. (on an accrued basis)
Interest Paid on Borrowing - HRA	1,492	404	411	7	The weighted average rate of interest on the Council's HRA borrowing is currently 3.34%. (on an accrued basis)
Interest Received on Investments	(236)	(130)	(125)	5	The weighted average rate of interest being received on the Council's investments is currently 0.38%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	75,270	45,869	Borrowing has remained within approved limits.		
Operational boundary for external borrowing	67,743				
Debt Cap - HRA	60,285				

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme	Amount Committed / Planned to be Spent in 2017/18 (including accrued interest as appropriate) £'000
Capital Schemes	
Cranleigh Close, Clacton - landscaping works	7
Revenue Schemes and other Contributions	169
TOTAL	176

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year	1 to 2 Years	2 to 4 Years	4 years +
	£'000	£'000	£'000	£'000
Regeneration Programme and Initiatives	0	0	0	7
Affordable Housing	0	92	0	108
Town Centre Improvements	0	0	0	43
Open Space*	6	21	27	807
TOTAL	6	113	27	965

* For schemes with a 'spend by' date of less than one year, this money must be spent by March 2018

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

10 NOVEMBER 2017

REPORT OF THE PORTFOLIO HOLDER FOR HEALTH AND EDUCATION

A.14 TENDRING CHILDREN & YOUNG PEOPLE STRATEGY 2017 – 2020

(Report prepared by Rebecca Morton and Anastasia Simpson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the updated Tendring Children & Young People’s (C&YP) Strategy 2017 – 2020, including the C&YP Partnership Delivery Plan 2017/2018.

EXECUTIVE SUMMARY

Tendring District Council’s Corporate Plan 2016-2020 puts Community Leadership at the heart of everything we do and within this context, the children and young people living within our District, their education, safety, health and wellbeing, and raising aspirations continues to be a priority.

In Essex, the overall responsibility and accountability for meeting the needs of children and young people in the area rests with Essex County Council as lead authority. Tendring District Council has an influencing role and can also provide support bringing agencies together.

The Tendring Children & Young People Partnership Delivery Plan 2015/2016 was reviewed at the end of December 2016, and an update provided at the Community Leadership & Partnership Committee in January 2017.

Further work has now been undertaken to research, consult and develop an updated Strategy and Partnership Delivery Plan to reflect the changing priorities and needs within the District. Consultation has included members of the North East Essex Children’s Partnership, Tendring Youth Strategy Group, Tendring Community Safety Partnership, Tendring Public Health Officer, as well as consideration of feedback from young people and their views on needs and priorities – Essex Youth Service Young People Consultation 2016.

The revised and updated C&YP Strategy focuses on four priority areas. Progress will only be achieved on these priorities through working in partnership. The role of the Council is to influence and bring partners together to support the delivery of tangible outcomes for the children and young people of Tendring:-

PRIORITIES	
1.	<p>Start Well – to continue to support schools in improving and maintaining attainment levels, promoting school readiness, and a positive experience and opportunities through school to allow each child to achieve their full potential</p>

2.	Stay Safe – children and young people feeling safe in their community
3.	Mental Health & Emotional Wellbeing – enjoying good mental health and wellbeing
4.	Positive Futures - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing

At the meeting of the Community Leadership and Partnerships Committee on 2 October 2017, Members considered the draft Tendring Children & Young People’s (C&YP) Strategy 2017 – 2020, and Partnership Delivery Plan 2017/2018 and provided the following comments to Cabinet:-

- (a) the Committee supports the draft Tendring Children & Young People Strategy 2017 – 2020 at Appendix A;
- (b) the Committee supports the draft C&YP Partnership Delivery Plan 2017/2018 at Appendix B in support of the Corporate Plan priorities;
- (c) the Tendring Children & Young People Partnership Delivery Plan will be reviewed annually and updates provided to the Community Leadership & Partnerships Committee;
- (d) the Committee would like to express that it has very strong concerns about child poverty in the District and the lack of resources available to support early intervention; and
- (e) the Committee considers that a more in depth and better understanding of the true levels and causes of child poverty in the District is needed. To this end it was agreed to invite the Essex County Council Child Poverty Officer to a future meeting of the Committee together with representatives from other groups addressing child poverty.

RECOMMENDATION(S)

It is recommended that Cabinet:-

- (a) Notes the comments from the Community Leadership & Partnerships Committee;
- (b) approves the Tendring Children & Young People Strategy 2017 – 2020 at Appendix A;
- (c) approves the Children and Young People Partnership Delivery Plan 2017/2018 at Appendix B in support of the Corporate Plan priorities;
- (d) agrees that the Tendring Children & Young People Partnership Delivery Plan be reviewed annually with updates provided to the Community Leadership & Partnerships Committee.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's Corporate Plan 2016-2020 puts Community Leadership at the heart of everything we do, and within that has a focus on education, physical and mental health for the children and young people of Tendring through the following priorities:-

- Facilitate improved qualification and skills attainment
- Enable better job prospects
- Promote healthier lifestyles and wellbeing
- Support improved community health
- Supporting the vulnerable

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Most of the projects identified rely on the input of officer time to ensure successful delivery.

Otherwise any costs to support these projects are minimal and will be met from existing budgets.

Risk

There is a limited risk that projects may fail. However, robust project management and good partnership working help to mitigate this.

LEGAL

It is recognised that Tendring District Council does not have specific statutory powers in relation to education and health but through its Community Leadership role does engage with partners in supporting improvements in relation to these areas.

Under Section 21 of the Child Poverty Act 2010, the District Council, acting as a partner authority, has a duty to co-operate with the County Council, being the responsible authority, to reduce child poverty in the local area.

Section 11 of the Children's Act 2004 places duties on the Council to ensure that all internal functions and services that are contracted out to other providers are discharged having regard to the need to safeguard and promote the welfare of children.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The Strategy and Delivery Plan seek to strengthen the District's response to the needs of Children and Young People and in so doing will respond to the challenges and opportunities at District, Ward and Sub-ward level.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Tendring Children and Young People Strategy was produced in 2011 and updated for a five year period and outlined the Council's vision of:

'Helping to provide young people with the tools and opportunities to make positive life choices and to reach their full potential'.

In this respect it focussed on three priorities for the Council with priority four added later:

Priority 1: Child Poverty – Tendring District Council is committed to ensuring children and young people are able to live their lives free from poverty, abuse and discrimination. Tendring District Council is committed to improving the life chances of all and providing support for those you need it; wanting to break the cycles of poverty; remove barriers to work and reduce inequalities.

Priority 2: NEETS (Not in Education, Employment or Training) – Tendring Council is committed to help reduce the high number of young people between who are not in education, employment or training. Tendring Council will work closely with partners to increase opportunities and access to training, education and employment through strategic collaboration, mapping and delivery of appropriate and targeted support.

Priority 3: Safeguarding – Tendring District Council has a statutory duty, to ensure that its functions and any services that are delivered either in house or externally are discharged having regard to the need to safeguard and promote the welfare of children. Children and young people have the right to participate and be safe in the services provided for them.

Priority 4: Education - was added following review and agreement in 2015, to reflect the scale of need locally and the range of partnership working already being undertaken. Also recognising that improving the opportunities for children and young people to achieve their full potential is pivotal to addressing many of the wider issues facing our community.

CURRENT POSITION

The above priorities were reviewed and an update on progress provided to the Community Leadership & Partnerships Committee in January 2017.

The flow chart Ref Appendix B of the Tendring C&YP Strategy 2017-2020, reflects the current Essex Children and Young People strategic priorities (2016), and the links with the Council's current work streams and priorities/challenges.

Community Leadership role – the role of the Council as Community Leader remains the key focus within the Corporate Plan 2016 – 2020 and therefore will remain of primary importance in the delivery of our priorities for the children and young people in the district going forward. In Essex, the overall responsibility and accountability for meeting the needs of children and young people in the area rests with ECC as lead authority.

Delivery Plan - The partnership approach is essential in delivering wide-reaching outcomes as it ensures creative, multi-faceted, longer-lasting solutions. The key therefore is to work with all partners, in particular utilising the skills of the voluntary and community sector, to develop innovative solutions which deliver outcomes in the most cost-effective manner.

In practice this is achieved through:

- Formal partnerships which currently include: Tendring Education Improvement Group, Tendring Health and Wellbeing Board, NEE Children's Partnership Board, Stay Safe and Youth Strategy Groups

The Delivery Plan reflects the partnership working and aims to avoid duplication of provision of services and where possible, includes clear measurable targets.

Governance – As a result of the inclusion of a Delivery Plan with the Strategy in 2015, and this being included within the Strategy update this year. It is important that accountability for delivery continues, and updates on the Delivery Plan 2017/2018 provided to the Community Leadership and Partnerships Committee.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Tendring Children & Young People Strategy 2017 - 2020

Appendix B - Tendring Children & Young People Partnership Delivery Plan 2017/2018

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Tendring Children & Young People Strategy 2017 - 2020

Tending Children & Young People Strategy 2017 – 2020

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Tendring Children & Young People Strategy 2017 – 2020

Vision

“actively listening and engaging children and young people. Through our support and influence, helping them to have the tools and opportunities to make positive life choices and to reach their full potential.”

Forward

“Welcome to the Tendring Children and Young People Strategy 2017 – 2020.

We want to help and support all our children and young people to have the tools and opportunities to make positive life choices and to reach their full potential.

This Children and Young People (C&YP) Strategy sets out our ambitions in working together to provide support to the children, young people and families in our district to enable them to have a positive future. Fundamental to this, is to continue our commitment to working in partnership with statutory, voluntary and independent sectors to ensure the best possible opportunities, experiences and outcomes for all. We must also ensure that children and young people are involved, listened to and given a voice in respect of shaping services and ensuring these are built around their needs.

The Tendring C&YP Strategy sets the direction and priorities for children, young people and their families for the next three years. The Partnership Delivery Plan 2017-2018 supports the strategy and sets out our actions and work streams over the next year. To achieve this, our role is to influence and bring partners together, and in doing so, contribute to improving outcomes for our children, as well as recognising the need to support the most vulnerable and excluded.

In developing this Strategy and delivery plan, consideration has been given to local & county data as well as other relevant local research. We have also actively engaged with professionals and partners including the Essex Youth Service, Community Safety Partnership, Officers from North East Essex Children’s Partnership Board and Essex County Council, Tendring Public Health and Housing teams as well as considering feedback from young people living in the district.

Thank you for your continued commitment and support for improving the outcomes for children, young people and their families. We look forward to continuing to work with partners in delivering the Strategy and Plan and most importantly our children experiencing a positive future.”

Cllr Lynda McWilliams, Portfolio Holder for Education, Health & Wellbeing & Community Safety

1.0) Introduction

Tendring District Council's (TDC) Children and Young People's Strategy 2017 – 2020, sets out our aims in respect of children, young people and their families within the district.

Children and young people are defined as 0-19 year olds inclusive or up to 25 where a young person has a physical or learning disability.

This Strategy builds on the work undertaken through our Children and Young People Strategy agreed in 2011. We have reviewed our strategic priorities to align and be informed by the following:-

- Essex Children and Young People's Strategic Plan 2016
- Feedback from young people and their views on needs/priorities including, the Essex Youth Service - Young People Consultation 2016 and the Essex Healthwatch reports – Essex Yeah!2 - 2015/16, and Sweet!2 - July 2017
- Tendring Health Profile 2017 – Public Health England
- Essex Child Poverty Strategy 2015-2020, including the Tendring update November 2016
- Forthcoming Tendring Health and Wellbeing Strategy and **liveWell** Tendring – consultation with Public Health Officer
- North East Essex Children's Partnership & Tendring Youth Strategy Group members – research & consultation

In undertaking this review, it will ensure we are in the best possible position to support both national and local developments and priorities.

In Essex the overall responsibility and accountability for meeting the needs of children and young people in the area rests with Essex County Council as the lead authority. However as a democratically accountable body with wide reaching influence, TDC plays an important role to:

Identify local needs of the community

Agree local priorities

Lead, support and influence partners in respect of these priorities and to ensure that resources are targeted effectively

Fundamental to this Strategy is our commitment to working in partnership, recognising that much more can be delivered through working together with all the agencies concerned from the statutory, voluntary and independent sectors, and of course involving our children, young people and families.

Heathwatch Essex, in the recently published Sweet! 2 report – July 2017, conducted a focused study with a group of young people in Tendring. Key findings in this report emphasised the importance of engaging with young people, and working with a range of services to achieve the best possible outcomes.

2.0) Key Facts & Figures

Tendring district has a population size of 142,600, 26,000 of which are children and young people aged between 0-19. (Data source: A Profile of People Living in Tendring 2017 – Organisational Intelligence, ECC)

Below provides recent data provided by Essex County Council (ECC) on the Tendring district related to the key indicators within the Child Poverty Strategy - update May 2017 (see Appendix A – ECC/Current Data progress by District for further information).

95.7% of children are in good or outstanding schools (most improved in Essex)

19.0% of children are in non-working households (highest number in Essex)

26.2% of children are in low income families (highest number in Essex)

8.0% of households are in fuel poverty (lower than national average which is 10.6%)

67.0% of children have a good level of development

49.0% of children have an expected level of education standard or above at Key Stage 2

48.7% of young people have 5 A* - C at GCSE (incl maths and English) – lowest in Essex

25.5 (per 1000) teenage pregnancy rate (2nd highest rate in Essex, although rates rates dropped by 7% between 2012 - 2015)

0.94% current mental health prevalence (by Clinical Commissioning Group area) – highest prevalence of mental health conditions in Essex

3.0) Corporate Priorities

Tendring Children and Young People Strategy aligns and supports the Tendring Corporate Plan priorities as follows:-

- Our Community Leadership role – it is recognised that effective partnership working will enable us to achieve the best possible outcomes and opportunities for the children and young people of Tendring.
- Promoting healthier lifestyles and wellbeing and supporting improved community health
- Enabling better job prospects
- Facilitate improved qualification and skills attainment

4.0) Tendring Children & Young People Priorities

To achieve our vision we will focus on four priority areas, working in partnership to influence and support the delivery of tangible outcomes for the children and young people of Tendring.

All four priorities are underpinned by a focus on improving outcomes for all, reducing inequalities and narrowing the gap between those who are vulnerable or disadvantaged and their peers.

We want all our children and young people living in the District to have a positive future.

PRIORITIES	
1.	Start Well – to continue to support schools in improving and maintaining attainment levels, promoting school readiness, and a positive experience and opportunities through school to allow each child to achieve their full potential
2.	Stay Safe – children and young people feeling safe in their community
3.	Mental Health & Emotional Wellbeing – enjoying good mental health and wellbeing
4.	Positive Futures - working together with partners to enable families to lift themselves out of poverty, enhance aspirations and provide opportunities for life long wellbeing

4.1) Start Well

Tendring District Council is committed to working in partnership in order to raise aspirations in families and improve and maintain educational attainment across the district. Improving the opportunities for children and young people to achieve their true potential is pivotal to addressing many of the wider issues facing our community.

Tendring District Council has a well established approach to working with partners, including Essex County Council and primary and secondary schools through the Tendring Education Improvement Group (TEIG). Every child deserves the best possible start in life and the support that enables them to fulfil their potential.

With this and our overall vision in mind, we would like to see:

1. Every child in Tendring is ready for school;
2. Every child in Tendring is able to attend a school that is good or outstanding;
3. Each child in Tendring has a positive experience during their school years;
4. Children in Tendring have high aspirations and opportunities to achieve their potential.

4.2) Safeguarding

Tendring District Council is committed to promoting the welfare and protection of our children and young people, and responding appropriately in relation to our safeguarding duties.

“Everyone who comes into contact with children and their families has a role to play in safeguarding children.” – Keeping children safe in Education (DfE, 2015)

In Essex, Essex County Council (ECC) and the Essex Safeguarding Children Board aim to keep children and young people in the county safe from harm. Tendring District Council has a duty to co-operate with ECC in discharging its duties as a Children’s services authority and to promote the welfare and protection of children and young people. In carrying out these duties Tendring District Council will:-

Maintain a clear line of accountability for safeguarding (Children Act 2004). The Corporate Director for Operational Services has overall responsibility for safeguarding within the Council.

Operate fit for purpose safeguarding policy and procedures

Ensure that staff are adequately trained to the appropriate level in safeguarding using a variety of delivery methods

Effectively report safeguarding concerns in line with Southend, Essex and Thurrock Children and Young People and Adult Safeguarding Policies and Procedures

Information is shared utilising established principles of good practice – safeguarding concerns, incidents or allegations are recorded and reported appropriately, accurately and timely

Ensure that safe recruitment procedures are in place with children and young people

Ensure all Members, employees and volunteers adhere to all appropriate safe working practices when working

Review the Council safeguarding policies and procedures every year

This Strategy is supported by the Southend, Essex and Thurrock Children and Young People and Adult Safeguarding Policies and Procedures. As well as, the Essex Safeguarding Children’s Board (ESCB) guidance, “Effective Support for Children & Families.”

4.3) Stay Safe

Tendring District Council is committed to our children and young people living in safe communities.

The Tendring Community Safety Partnership (CSP) identifies and reviews Strategic Priorities for the District on an annual basis. For 2017/2018 these priorities are as follows:-

Tackling Anti Social Behaviour
Protecting Vulnerable People from Hidden Harms*
Reducing Reoffending

*Current risks for our children and young people are the emerging issues of gangs and youth violence, child sexual exploitation, preventing violent extremism, modern slavery, human trafficking and substance misuse. These are often termed hidden harms.

The CSP aims to increase the understanding and awareness of the hidden harms our communities face.

Reoffending affects families and communities and by reducing it can help increase community cohesion, improve quality of life, and help build safer communities.

Working with multi agency groups, including North East Essex Stay Safe and MACE - Missing & Child Exploitation, these priorities are reviewed each year to reflect changing priorities, new key issues and emerging crime trends within the District.

4.4) Mental Health & Emotional Wellbeing

Tendring District Council is committed to improving both the physical and mental health of our children and young people in the District. Improving physical and mental health can significantly improve the young person's prospects, both in terms of their educational attainment levels and their future. (Heathwatch Essex, Sweet! 2 report – July 2017).

A recent survey in Tendring in 2016 by the Essex Youth Service evidenced that one of the most important issues for our children and young people was emotional wellbeing, concerns were expressed over self esteem, confidence, having positive relationships with friends and parents and mental health issues.

Tendring District Council are committed to working with our partners to take a proactive and early intervention approach to tackling the health and emotional wellbeing of our children and young people in the District.

4.5) Positive Futures

Tendring District Council is committed to taking a “whole community” approach to reducing child poverty – i.e. working together with partners across a range of services, engaging with

young people and their families, and equipping them with the tools and skills to make positive choices.

Child Poverty is an extremely complex, multifaceted issue with both drivers and consequences including physical and emotional health, housing, debt, education and skills, aspirations and isolation; compounding financial shortcomings often make it difficult for families to move forward.

Each priority within this Strategy and Delivery Plan supports working towards our vision, with the overall aim of providing opportunities for young people to have a positive future.

5.0) Delivering in Partnership

The partnership approach is essential in delivering the wide-reaching outcomes set out in this strategy. Working collaboratively in partnership ensures creative, multi-faceted, longer-lasting solutions. This is crucial to ensure that the needs of children and young people in the district are met in a planned, and sustainable way. This is particularly relevant given increasingly limited resources across public sector services. The key therefore is to work with all partners, in particular utilising the skills rupo of the voluntary and community sector, to develop and facilitate innovative solutions which deliver outcomes in the most cost-effective manner.

In practice this is achieved through:

- Formal Partnerships (including North East Essex Children’s Partnership Board, Stay Safe, Youth Strategy Groups, the Tendring Health and Wellbeing Board and Tendring Education Improvement Group);
- Mutually agreed strategies;
- Operational arrangements for joint working;
- Pooling of resources.

5.0) Governance

Overarching accountability for delivery against the Children and Young People Strategy priorities and Delivery Plan rests with the Portfolio Holder for Education, Health and Wellbeing & Community Safety. The review of delivery against our priorities will be scrutinised by the Community Leadership & Partnerships Committee.

Support for this process will be provided by the Executive Projects Officer, People, Performance and Projects.

Appendix A – ECC Data/progress by District – Child Poverty

Appendix B

Overview of the Strategic vision for the Children & Young People Strategy 2017 – 2020.

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Current data/progress by District - Child Poverty

This table shows the basket of indicators set out in the Essex Child Poverty Strategy, broken down to District level. The data on this slide shows the current data across each indicator and compares progress across the Districts.

	% Children in non working households (2014) ¹	% Children in low income families (2014) ²	% Children in households in fuel poverty (2014) ³	% Children of Good Level Development (GLD) (2016) ⁴	% of expected standard or above at KS2 English (2016) ^{5*}	% of 5 A*-C at GCSE (inc Maths and English) (2016) ⁶	% of children Good or outstanding schools (feb 2017) ⁷	Rates of teenage pregnancy (per 1000) (2015) ⁸	% Mental health Prevalence by CCG area (2016) ⁹
Basildon	17.4 (+2.8)	20.8 (-0.7)	6.3 (-0.2)	71 (+9)	54	52.1 (-0.7)	95.9 (+31)	27 (-7.9)	0.84 (+0.05)
Braintree	11.9 (-6.7)	13.8 (+0.2)	8.4 (+0.3)	72 (+15)	57	52.3 (+4.9)	88.1 (+17)	17.8 (-5.2)	0.70 (+0.02)
Brentwood	6.3 (+3.3)	10.7 (+0.5)	7.0 (0.7)	75 (+12)	62	68.1 (+4.6)	100 (+11.9)	14.3 (+2.3)	0.84 (+0.05)
Castle Point	12.1 (+8.8)	16.4 (+0.6)	6.4 (-0.2)	72 (+13)	54	55.2 (0.0)	95.1 (+7.9)	21.3 (+0.5)	0.62 (+0.03)
Chelmsford	11.2 (+4.1)	12.5 (+0.5)	6.9 (-0.3)	73 (+8)	60	66.8 (+5.8)	96.3 (+8.2)	15.7 (-3.7)	0.70 (+0.02)
Colchester	15.2 (+2.6)	16.1 (+0.6)	7.8 (-0.5)	70 (+10)	58	63.1 (+8.1)	91.9 (+23.7)	19.1 (-8.4)	0.94 (+0.04)
Epping Forest	5.6 (-7.8)	14.4 (+0.6)	7.8 (-0.4)	70 (+9)	53	59.5 (-1.3)	89 (+7.1)	21.2 (-0.5)	0.71 (+0.02)
Harlow	15.3 (-4.2)	19.7 (0)	7.1 (+0.7)	71 (+12)	54	53.5 (-5.1)	91.2 (+10.8)	29.1 (-8)	0.71 (+0.02)
Maldon	14.4 (+4.9)	13.0 (+0.8)	9.1 (+1.2)	74 (+6)	53	61.5 (+9.5)	94.2 (+9.1)	14.0 (-2.6)	0.70 (+0.02)
Rochford	13.3 (+0.6)	11.2 (+1.5)	6.2 (-0.3)	74 (+13)	59	58.9 (-4.9)	94 (+25.6)	13.4 (-1.6)	0.62 (+0.03)
Tendring	19.0 (-5.2)	26.2 (+2.8)	8.0 (-0.6)	67 (+9)	49	48.7 (-2.6)	95.7 (+39.3)	25.5 (-6.9)	0.94 (+0.05)
Uttlesford	0.1 (-1.8)	7.8 (+0.3)	9.7 (+0.3)	79 (+14)	62	69.2 (+5.3)	97.4 (+14.1)	8.2 (-1.6)	0.71 (+0.02)
Essex	12.5 (+0.3)	16.0 (+0.6)	7.5 (-0.1)	72 (+11)	56	58.7 (+2.2)	93.9 (+19.9)	19.6 (-4.3)	0.83 [^] (+0.1)
England	13.2 (-1.8)	19.9 (+1.3)	10.6 (+0.2)	69 (+9)	53	53.5 (+0.1)	87 (+8.6)	20.8 (-6.9)	0.88 (+0.02)

Key: (boxes) – Compared to Essex Average

Worse than Essex average Average Better than Average

Key: (numbers) – Compared to previous stats

A worse score Equal Improved

*Please note KS2 assessment changed 2016 so it is not possible to compare to previous years
[^]Mean average across the 5 Essex CCGs

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TENDRING CHILDREN AND YOUNG PEOPLE PARTNERSHIP DELIVERY PLAN 2017/18

It should be noted that SMART targets have been included within this Delivery Plan where possible. As much of this work is with partners in an influencing role, it is likely that some of the targets/work will continue beyond 2018. However progress against this Plan will be reviewed and reported back to the Community Leadership & Partnerships Committee.

TENDRING CHILDREN AND YOUNG PEOPLE PARTNERSHIP DELIVERY PLAN 2017/18			
Performance Target	Key Partner(s)	2017/18 Target	Contribution to Corporate Priorities/Goals
<p>Education - To continue to work proactively with partners to maintain and improve educational attainment and aspirations in Tendring.</p>	<p>Essex County Council, IntoUniversity, Tendring Education Improvement Group, TeachFirst, Anglia Ruskin/Essex University/Colchester Institute, North Essex Teacher Training (NETT), Virgin Healthcare/Barnado's (0-19 services)</p>	<p>i) To continue to work with primary and secondary schools in the District and North Essex Teacher Training (NETT) to support the recruitment and retention of teachers and head teachers. To include consideration to be given to key worker housing.</p> <p>ii) Working with schools / early years providers and other relevant services to raise awareness of the concept of school readiness and promote the development of targeted support to improve school readiness for young children in Tendring:-</p> <p>To develop information to key groups, including parents and professionals about what school readiness means and why it is so important for success later in life and how they can have an influence.</p> <p>iii) Apprenticeships –</p> <p>To actively work with local businesses to promote, secure and, where appropriate, support apprenticeships in order to increase the range of employment and training opportunities across the District. As a major local employer and Approved Provider TDC will continue to recruit and employ apprentices across its service areas.</p>	<p>Effective partnership working</p> <p>Facilitate improved qualification & skills attainment levels</p> <p>Enable better job prospects</p>

	Essex County Council, Members, TDC Community Safety Team, Police, Teen Talk & other partner agencies as required	i) See “ Community Safety Partnership Strategic Priorities & Action Plan ” (ref Appendix B)	Effective partnership working Support the Vulnerable Engagement with the Community
Safeguarding	Essex County Council, Members, TDC Community Safety Team & other partner agencies as required	i) Ongoing review of Safeguarding policies. ii) Ongoing employee and volunteers safeguarding training	Effective partnership working Support the Vulnerable
Emotional Health & Wellbeing – livewell Tendring	Essex County Council, Tendring Schools, Tendring Education Improvement Group, Tendring Health & Wellbeing Board, Virgin Healthcare & Barnado’s 0-19 services, EWMHS (Emotional Wellbeing & Mental Health service – Southend, Essex & Thurrock).	i) Wellbeing Hub Pilot , Gt Bentley Primary school. Planned cascade of Wellbeing Hub model including Mental Health First Aid training to other schools in the District to enable other schools to have the skills and training to facilitate their own individual Wellbeing Hubs. Funding options to be explored by Jan 2018. ii) livewell Tendring website to be launched in Sept 2017. This will greatly enhance TDC’s opportunities to promote all aspects of physical & emotional health initiatives & activities available for children & young people across the District. iii) Revise and update the mental health mapping tool – Dec 2017. Supporting the parents and carers of our children and young people in the District. This will provide guidance on self-help tools and signposting to local/national agencies for further assistance. To be made available on our website, Intranet and also to interested partners.	Promote healthier lifestyles and wellbeing Support improved community health Support the vulnerable Effective partnership working
Positive Futures		Positive Futures - Recognising the challenges faced within the District. TDC will undertake the following: i) Multi agency hub In early 2017, Job Centre Plus/TDC	Effective partnership working Support the

	<p>Essex County Council including Family Solutions team, Job Centre Plus, IntoUniversity, & other relevant partners as required</p>	<p>set up targeted agency events in Jaywick community centre to provide a support for the local community on a number of issues, including education/housing/benefits/finance, volunteering and first aid training.</p> <p>To continue to work with Job Centre plus to consider the possibility of replicating this model elsewhere in the District. This will be subject to resources, looking at what is already in place and understanding the needs of the customer base in local areas.</p> <p>ii) Partner project – TDC/Job Centre Plus and Family Solutions. Partners to develop guidance and signposting information for a range of issues a family may be facing. To include information on debt, rent arrears, housing, education and health etc. AND a reminder around how important it is to keep agencies informed of change of circumstances, accommodation changes etc as soon as possible.</p> <p>Alongside these reminders will be details of the support available through Citizens Advice, foodbanks and other partner agencies that are able to provide early intervention advice and guidance before matters start to escalate. For use and circulation by Family Solutions team, Job Centre Plus, Schools, School nurses (Virgin Healthcare), and libraries across the District.</p> <p>iii) Family Solutions TDC Family Support worker seconded into the Family Solutions team. Working directly with families to address a variety of issues and challenges they are facing including housing, benefits, debt, and physical & mental health issues.</p> <p>iv) IntoUniversity – Learning Centre to open Sept 2017. The team offer targeted work with schools, children & young people (there is criteria for support) with the aim of raising aspirations, & providing a number of programmes with schools, individual after school support, careers advice, mentoring & assistance with applications to further education. Yr 5 - yr 13.</p>	<p>vulnerable</p> <p>Engagement with the Community</p> <p>Facilitate improved qualification & skills attainment levels</p> <p>Enable better job prospects</p>
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Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

10 NOVEMBER 2017

REPORT OF THE HOUSING PORTFOLIO HOLDER

A.15 THE LOCAL COUNCIL TAX SUPPORT SCHEME, COUNCIL TAX EXEMPTIONS / DISCOUNTS FOR 2018/19 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2018/19

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to consider and agree for recommending to full council the following:

- Local Council Tax Support Scheme 2018/19 (including associated exceptional hardship policy)
- Council Tax Exemptions and Discounts 2018/19
- Annual MRP Policy Statement for 2018/19

EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and Council Tax exemptions and discounts for 2018/19.
- Given the on-going impact on residents from welfare reforms, including universal credit, it is proposed to provide some financial stability to Tendring claimants by keeping the LCTS scheme for 2018/19 the same as this year, which was approved by Full Council in November 2016. The current scheme provides for a maximum discount of 80% for working age claimants.
- The associated exceptional hardship policy has also been reviewed for 2018/19 and it is not proposed to make any changes from the scheme operating this year, which saw an increase to the eligibility criteria compared to the 2016/17 scheme.
- In respect of council tax discounts and exemptions for 2018/19, it is proposed to continue with the same level of discounts as agreed for 2017/18 that were approved by Full Council in November 2016.
- The Annual Revenue Provision Policy Statement has also been reviewed for 2018/19 with no changes proposed although attention is drawn to the fact that this may need to be reviewed at some point in the future in light of the Garden Communities project that is currently developing.
- If it is agreed that no changes are necessary to the proposed LCTS scheme, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council on 21 November 2017, then public consultation will be required before the final scheme can be agreed and adopted. Consequently, if consultation is

required, this Council will have to notify the precepting authorities that the final Council Tax base will be delayed and not available until late in the budget cycle.

- The Corporate Management Committee would ordinarily consider the proposed scheme prior to Cabinet considering the report. Given the recommendation to continue with the existing LTCS scheme, the report will be circulated to CMC Members for information and comment. Any comments received will be made available to Cabinet in advance of the meeting.

RECOMMENDATION

It is recommended:

- a) **That Cabinet agrees that the LCTS scheme will remain the same as the current year, as set out as Appendix A and recommends to full Council:**
 - i) **that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants.**
 - ii) **that subject to a)i) above, delegation be given to the Corporate Director (Corporate Services) in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2018;**
- b) **that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;**
- c) **that Cabinet agrees that the Council Tax exemptions and discounts remain unchanged in 2018/19, which are set out in Appendix C, and recommends the same to full Council for approval:**
 - i) **that subject to c) above, delegation is given to the Corporate Director (Corporate Services) in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the Council Tax exemptions and discounts from 1 April 2018; and**
- d) **that Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2018/19 as set out in Appendix D be approved.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In developing a local scheme the Council must be mindful of their duties to vulnerable groups, and Council Tax payers set against the Council's overall financial position.

FINANCE, OTHER RESOURCES AND RISK

LCTS scheme for 2018/19

LCTS is treated as a discount within the council tax calculations which means that the Council's taxbase is reduced (as will the taxbase for County, Fire, Police and Parishes).

Although the link to funding coming from the Government via the Revenue Support Grant has weakened over time as that grant continues to be phased out by 2019/20, the cost of the LCTS

scheme needs to be considered in the context of the Council's overall budget position like any other area of the Councils expenditure / income.

There is some logic in arguing that the same level of reductions in revenue support grant year on year should be 'passported' across to the LCTS scheme and therefore reduce the support available in line with those reductions. However as has been the case in previous years, for 2018/19 it is proposed to protect the current position with the scheme proposed remaining unchanged from 2017/18 where a maximum discount of 80% can be awarded to working age claimants, the cost of which can be accommodated within the Council's overall budget position.

Similarly to last year, it is not proposed to remove the family premium element from the LCTS scheme which is covered in more detail further on in this report. The cost to the Council of maintaining the family premium in 2018/19 is approximately **£20,000**.

As at the end of September, the total estimated annual 'cost' of the LCTS scheme in 2017/18 is **£11.495m**, with approximately 10% of this amount (**£1.150m**) falling to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the council would gain / lose approximately **£50,000** per year.

For information, the following sets out the total cost of the LCTS scheme over recent years, which shows a trend of year on year reductions in the overall cost of the scheme:

2015/16 - **£11.725m**
2016/17 - **£11.577m**
2017/18 - **£11.495m** (forecast)

Council Tax Hardship Scheme

The Council has operated a council tax exceptional hardship policy since the inception of the LCTS scheme with the total cost of the scheme over recent years as follows:

Year	Applications Rec'd	Amount Awarded
2014-2015	46	£12,838.84
2015-2016	24	£5,201.73
2016-2017	27	£15,572.85

The policy was reviewed for 2017/18 with eligibility criteria extended and as at the end of September 2017, the total amount of hardship relief awarded was **£8,534.04**.

As highlighted during the review of the policy last year, as with any exceptional hardship scheme, it is difficult to define exceptional hardship or descriptive criteria that will apply as there may be a number of variables to consider when an application is made. However the policy sets out broad guidelines, which promotes transparency and openness in the Council's decision making processes. The policy also has a focus on 'reasonable' expenditure and affordability for the claimant and is based on evidence that they are also being proactive themselves in managing the situation. This mirrors the same approach being applied to discretionary housing payments where in consultation with the Department for Works and Pensions, support is focused on those claimants who are seeking employment for example.

The policy also highlights that a senior officer will review all decisions to demonstrate fairness and consistency to the application process.

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall Council Tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total of **£24,374**. For any awards over and above this annual amount, 100% of the cost is met by TDC in accordance with the wider council tax sharing agreement with the major preceptors.

As no changes are proposed to the policy in 2018/19, no additional costs over above those included within existing budgets are expected

Council Tax exemptions and discounts for 2018/19

It is proposed to keep the level of exemptions and discounts at the same level as 2017/18 which are as follows:

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

- **0% discount** (on the days when the property cannot be used due to a planning restriction an exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

- **0% discount**

Class C – Unoccupied and substantially unfurnished dwellings.

- **0% discount**

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

- **100% discount**

By leaving the current level of discounts / exemptions unchanged it supports the Council Tax base which is one of the Council's core income streams especially as the revenue support grant decreases year on year. It is worth highlighting that for every 10% increase in any one class of discount, the Council's would lose up to approximately **£25,000** per year income.

Council tax Income raised from the above locally determined discounts also has the additional benefit of increasing the contribution receivable from the major preceptors under the current council tax sharing agreement which is based on total council tax income collectable.

As highlighted in previous years, the Council does receive feedback from residents such as owners of empty and furnished properties and those who occupy caravans and chalets on caravan parks.

A number of owners of empty and furnished properties consider it to be unfair that they are charged 100% for a property that demands little from local services while a single occupant of the property receives a 25% discount. However, this approach supports this Council's ambition to reduce the number of empty properties and therefore does not necessarily directly link the amount paid for the services received.

During the past year, a number of owners / occupiers of caravans / chalets within caravan

parks in Tendring have raised an issue regarding periods that they cannot occupy their properties due to lease restriction imposed by the private owners of the sites. They have suggested that it is unfair to have to pay council tax for these periods. However this needs to be considered against the periods that they cannot occupy their properties due to planning restrictions which already attract a discount equivalent to the period that they cannot use their properties for. Although the position across Tendring will differ between caravan sites, the specific issue that has been raised to date relates to where the period restricted by the private landlord of the site is longer than the period restricted via the planning process. It could therefore be argued that the issue is between the owner/occupiers and their landlord rather than the Council being asked to consider a local discretionary discount. The scale of the issue across Tendring is difficult to determine, as such restrictions could apply to other properties and not just caravans / chalets. Although there is sympathy for the issue faced by affected owners / occupiers, it is considered a matter for them to resolve with their landlord.

Minimum Revenue Provision Policy Statement (MRP)

In respect of the annual MRP policy statement, this sets out how the Council will make provision for the repayment of loans taken out to finance capital investment. For the General Fund, the MRP is a direct charge on the revenue budget. At present no MRP over and above the amount of principal being repaid is calculated for the Housing Revenue Account capital investment, although future provision will be considered within the business planning process in future years.

Other Financial Considerations

Although changes to the New Homes Bonus (NHB) were introduced by the Government in 2017/18, a factor in the calculation of any NHB due to the Council is the number of empty properties. The more empty properties there are will therefore have an impact on the NHB receivable.

In terms of the Council's overall collection fund performance to date, at the present time it is forecast that the overall amount of council tax collected for the year will be in line with the budgeted amount.

Risk

The LCTS affects low income working age families, and therefore a key risk is their ability to pay if the level of support awarded reduced which would have a knock on impact on the overall collection rate. This is potentially compounded by the Government's ongoing welfare reforms such as benefit 'capping' and the ongoing roll out of universal credit.

The annual review process therefore seeks to balance such issues along with the Council's overall financial position and as highlighted, it is not proposed to make any changes to the LCTS scheme in 2018/19 to support the financial stability of residents especially during the continuing roll-out of the Government's welfare reforms.

LEGAL

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (SI 2012/2885).

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 (SI 2013/501).

In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable.

The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2016/17, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

The LCTS scheme set out in the body of the report will not disproportionately impact on the following groups in that the relevant income will continue to be disregarded in calculating entitlement to support:-

- Families in receipt of child benefit; The Child Poverty Act 2010
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment(PIP); The Equality Act 2010
- War widows/disabled. The Armed Forces Covenant 2011

The recommendations on discounts apply a 0% (zero percentage) discount to all second homes and a 0% discount on empty properties, across the entire district. The implications will apply to all property owners and it is considered that there are no equality and diversity issues specific to this issue

Empty properties can attract vandalism and increase the potential for crime. The approach taken to the amount of council tax charged on empty properties aims to encourage their return to occupation.

PROPOSED LCTS SCHEME 2018/19

A level of funding is received from the Government via the RSG to support the cost of the scheme. Given the significant reductions in RSG over recent years and the phasing out of this funding by 2019/20, any LCTS funding rolled into this grant is significantly lower than the 90% commitment originally made by the Government. The cost of the scheme is therefore no different to any other expenditure item within the Council's budget which is subject to review each year as part of the annual budget cycle.

There are two parts to the LCTS scheme;

- one for pension age claimants where 100% support is provided
- one for working age claimants.

The Pension Age Scheme is set in accordance with rules laid down by the Government whereas the Working Age Scheme rules are decided locally by each local authority (billing authority).

The Government removed the family premium element for housing benefit applications for new claims in 2017/18. This change effectively reduces the amount of money claimants can earn before they lose benefit by way of a taper. However this Council determined as part of agreeing

the scheme for 2017/18 in November last year that it would not follow this approach locally within the LCTS scheme and instead retain this element, which increases the support available to claimants. This therefore remains within the proposed scheme for 2018/19.

The support provided to the pensioner age group under the Council's LCTS scheme remains unchanged.

Authorities must adopt a scheme on an annual basis which must be agreed by 31 January each year for the subsequent year's scheme. A summary of the proposed scheme for 2018/19 is set out as **Appendix A**, which remains unchanged from 2017/18.

The LCTS scheme proposed includes the following elements :-

- All child minders income
- All household income (i.e. remove deductions for non-dependents)
- no backdating of claims
- no underlying entitlement
- no second adult rebate
- further 25% reduction in support for those who have been in receipt of Job Seekers Allowance (JSA) for more than 3 years
- blanket charge of 20% on all "non-pensioner" Council Tax liability

For information, statistics relating to the LCTS scheme in 2017/18 are set out below:

As at the end of September 2017:

There are currently 14,066 households receiving LCTS at a cost (forgone income due to the discount awarded) of approximately **£11.495m**

The total working age households receiving support is 6,703

The total pensioner households receiving support is 7,363

The collection performance for those accounts where LCTS has been awarded is 47.6% (total overall council tax collection performance is 56.29%)

PROPOSED COUNCIL TAX DISCOUNTS AND EXEMPTIONS 2017/18

The discounts proposed for 2018/19 remain the same as those agreed for 2017/18 by Full Council in November 2016.

Full details of the proposed discounts are set out in **Appendix C**, which remain based on the underlying principle of encouraging property to be maintained in use or brought back into use.

No changes are proposed to be made to the discounts awarded due to the lease restriction issue highlighted within the financial section of this report.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix D** is the proposed Annual MRP policy statement for 2018/19 that sets out how assets funded by borrowing are accounted for, which is required to be approved by Full Council each year.

The policy sets out how the Council will make provision for the eventual repayment of any borrowing undertaken to finance capital expenditure. The policy, which is unchanged from 2017/18, proposes that where new borrowing is undertaken in accordance with the prudential code, and is therefore not supported by Central Government via the formula or specific grant, the provision is calculated on a straight line method over the initial life expectancy of the asset.

Although there are no expectations of supported borrowing within the General Fund, for completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2018/19 over the coming months.

It is recognised that the Council's MRP Statement may need to be reviewed in the context of the Garden Communities project as it continues to develop. If any changes are required then they will be presented to members as part of the Garden Communities decision making processes and/or as part of this annual review process in future years.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2018/19

Appendix B Council Tax Exceptional Hardship Policy

Appendix C Council Tax Discounts and Exemptions 2018/19

Appendix D Annual Minimum Revenue Provision Policy Statement 2018/19



Local Council Tax Support Scheme (LCTS) 2018/2019

**A summary of the scheme for Working Age persons and
the Government scheme for Pension Age claimants**

DRAFT

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DRAFT

Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), on maximum Universal Credit or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on maximum Universal Credit or on an income-related employment and support allowance.
- c. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- d. be somebody in respect of whom a maximum LCTS amount can be calculated

- e. not have capital savings above the capital limit set by the Council
- f. be a person who's *income* is **more** than their living allowances (*applicable amount*)
- g. have made a valid claim for support

What LCTS will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *applicable amounts*, that person qualifies for a reduction on their council tax liability. The Council has decided that for 2018/19, the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount*. Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2018/19, the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

Protection for certain working age persons

Relevant income disregards in the calculation of Local Council Tax Support will be applied to the following groups:-

- Families in receipt of child benefit;
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA) / Personal Independence Payment (PIP)
- War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council on the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will

provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mental incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of LCTS

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that your liability starts. You then get support from the day you start being liable for Council Tax. If you

claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of LCTS where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of LCTS

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

Non-dependants for Pension Age Scheme

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on maximum Universal Credit, income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;
- tenants of owner occupiers; and

- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance, maximum Universal Credit or income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Discount (SAD) for Pension Age Scheme

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult’s capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;

Second Adult	Alternative Maximum LCTS
(a) Where the second adult or all	25 per cent of the Council Tax

<p>second adults are in receipt of income support, maximum Universal Credit, an income-related employment, and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;</p>	<p>due in respect of that day;</p>
<p>(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, maximum Universal Credit an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—</p>	<p>Gross Income is less than £187.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £187.00 per week but less than £243.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p>
<p>(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, maximum Universal Credit income-related employment and support allowance or income support, living with a full-time student(s).</p>	<p>100 % of the Council Tax due in respect of that day.</p>

Income less than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance / Personal Independence Payment

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or
- either of you gets one of the qualifying benefits listed below; or

- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service

Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced

component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:

- a rate for each dependent child/young person in your household who receives the highest rate of DLA/ Enhanced component of Personal Independence Payment;
- a rate for a single person who receives the highest rate of DLA/ Enhanced component of Personal Independence Payment;
- a rate for couples where at least one member of the couple receives the highest rate of DLA/ Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.

Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings.

The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or
- the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £350 for 2 or more children per week per family can be offset against your earnings. This disregard, which is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered child-minders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out LCTS.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the Council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the Council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, and in other cases it is all counted.

State benefits

The following benefits are counted in full as income for LCTS:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).

Unearned income that is not counted

The following types of income are not counted by the Council when it works out your LCTS:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA)/ Personal Independence Payment (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance;
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.

If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.

How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does

cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependant's grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for LCTS. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the Council works out your joint income for LCTS. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

This will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of LCTS, council tax liability, billing, administration and enforcement

The Council may receive and obtain information and evidence relating to claims for LCTS from–

- a. persons making claims for LCTS;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for, LCTS purposes.

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of LCTS;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.

DRAFT

Localised Support for Council Tax Exceptional Hardship Policy

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1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist Council Tax payers who are facing 'exceptional hardship'. Although it is envisaged that the majority of recipients will be in receipt of local council tax support (LCTS), in exceptional circumstances, applications will also be considered from council tax payers who do not qualify for LCTS.

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:
- Make a separate application for assistance;
 - Provide full details of their income and expenditure;
 - Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
 - Identify potential changes in payment methods and arrangements to assist the applicant;
 - Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
 - Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
 - Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.
- 4.2 Through the operation of this policy the Council will look to
- Support those in exceptional hardship;
 - Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
 - Enable long term support to households in managing their finances;
 - Help applicants through personal crises and difficult events that affect their finances;
 - Help those applicants who are trying to help themselves financially; and
 - Encourage and support people to obtain and sustain employment.
- 4.3 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is being met by Council Tax Support;
 - For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.
- 7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton between 10am and 4pm Monday to Friday.
- 7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.

14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.

14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's 'Compliments and Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discounts will apply for the 2018/2019 financial year:-

Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.

0% discount (on the days when the property cannot be used due to a planning restriction an exemption is allowed under Class G).

Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

Class D – Unoccupied and unfurnished requiring major repairs or alterations.

(a) which satisfies the requirement set out in the regulations unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.

100% discount up to 12 months

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ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2018/19

The Council is required to have a policy on providing a prudent minimum revenue provision which must be approved by Full Council each year.

Unlike a mortgage where amounts of principal are repaid each month, the borrowing undertaken by this Council is usually repayable on maturity at an agreed future date. To reflect this, the minimum revenue provision (MRP) exists which is a concept whereby an amount is charged to revenue each year in order to have sufficient monies set aside to meet the future repayment of principal on any borrowing undertaken.

The regulations require Local Authorities to set aside as its annual MRP an amount that it considers to be “prudent”. The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset.

However in the case of the Housing Revenue Account (HRA) it has been the Council’s policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the value of the housing stock. Following the implementation of the new self financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for ‘old’ HRA debt, this will be reviewed as part of future HRA business planning processes.

The options applicable in calculating MRP are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle.
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

A significant advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

Having reviewed the position for 2018/19, no changes compared to 2017/18 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2018/19 is as follows:

In accordance with the Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2018/19 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

Key Decision Required:	Yes	In the Forward Plan:	Yes
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CABINET

10 NOVEMBER 2017

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

A.16 FORMAL CONSULTATION ON THE FUTURE OF TWO SHELTERED HOUSING SCHEMES

(Report prepared by Tim Clarke)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To inform Cabinet of the outcome from an initial viability assessment into the Spendells and Honeycroft sheltered housing schemes and seek agreement to commence a formal consultation with residents and affected staff on future proposals for the schemes.

EXECUTIVE SUMMARY

Following Cabinet’s decision in June 2016, viability appraisals of two Sheltered Housing Schemes, Spendells House and Honeycroft, including the future of the two sites has been undertaken by Officers.

The viability work has considered the level of occupancy at both schemes and costs associated with running them. Various options were produced and presented to residents within the Schemes in October 2016 as part of an informal consultation exercise. It was clear from that consultation there was little support for continuing to operate the schemes without making significant changes to the layout and quality of the accommodation.

Options 1 and 2 demonstrate that the Housing Revenue Account would have to continue subsidising an ongoing revenue loss. As a result it is not a viable option to keep operating these two premises with such low occupancy rates.

Therefore, it is proposed that the Spendells House scheme should be closed which will provide annual savings to the Housing Revenue Account (HRA). Options in respect of the future use of the site will be brought back to Cabinet once fully evaluated.

The recommendation is that the sheltered accommodation in the Honeycroft scheme, not including the 8 bungalows, will also be closed which will provide on-going savings to the HRA, but with further work being undertaken to explore future possibilities for the site. These may include the provision of alternative bungalow accommodation potentially for the use of existing residents but such options will require detailed financial modelling within the HRA to determine viability.

A statutory formal consultation on these proposals must be undertaken with residents and affected staff before the final recommendation is brought back to Cabinet.

RECOMMENDATION(S)

It is recommended that Cabinet agrees:

- 1. That the Spendells and Honeycroft Sheltered Housing schemes have proven to be unpopular for several years due to their shared facilities and dated design and that it is economically unviable for the Housing Revenue Account to continually subsidise the on-going and increasing revenue loss of rental**

income at the schemes;

2. formal consultation on the principle of closing both the schemes be commenced with residents in accordance with Section 105 of the Housing Act 1985;
3. that the Portfolio Holder for Housing will present the outcome of the viability work for each scheme to the Service Development and Delivery Committee, during the consultation period;
4. the outcome of formal consultation along with more detail on the costs associated with closure be reported back to Cabinet to inform the final decisions on the future of these schemes;
5. to establish an associated budget of £200,000 within the HRA in 2017/18, to support residents throughout the whole process, funded from the HRA General Reserve.
6. Officers be authorised to commence preparations to secure alternative accommodation for affected residents in the event that Cabinet decides to close the schemes, including holding open voids at other sheltered schemes; and
7. further work be undertaken by officers exploring the provision of alternative sheltered type housing accommodation after detailed financial modelling within the HRA.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The decisions will contribute to the following priorities in the Corporate Plan 2016-2020:

Health and Housing – The appraisal has focussed on ensuring the provision of good quality and appropriate housing that meets local needs.

Our Council Our Community – The continued provision of sheltered housing and support services will ensure the delivery of high quality affordable services. The proposals overall will rationalise and potentially improve our housing assets whilst supporting the vulnerable. Future uses for the sites at both Spendells House and Honeycroft present an opportunity to engage with the community and support effective partnership working.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

As highlighted in the appendices, the net cost of operating both Honeycroft and Spendells has increased to a level that is no longer sustainable, and when taken into account with the estimated significant capital costs associated with major repairs and remedial works results in a negative initial viability assessment. This is further compounded by the cost of the empty properties such as Council Tax during void periods.

It is worth highlighting that although a consultation period will commence, the longer term future of the sites can be considered in parallel.

Although subject to consultation, taking practical steps in acknowledgement of the potential costs of supporting residents if they have to move is useful to highlight at this stage. Tenants are entitled to a home loss payment if they have been a secure tenant for longer than a year – currently set by legislation at £5800 - and a disturbance allowance to cover the cost of moving. Based on current occupancy the likely total cost for this could be **£184,000** but will be dependent on what each tenant makes a claim for. A policy on when

these payments will be made has been prepared for each scheme. It is proposed that a budget of **£200,000** be established now so as residents can be assured that they will be supported once a final decision is made.

The HRA General Reserve currently totals **£4.562m**, and it is proposed to fund the budget of **£200,000** mentioned above from this reserve. After allowing for this transfer, the HRA General Reserve would reduce to **£4.362m**. Although subject to the end of year process, it is forecast that a further contribution to HRA General Reserves of **£0.177m** will be made in 2017/18. There are currently no further commitments against this reserve, which would be subject to separate decisions and/or the budget setting process in future years.

As previously mentioned, at this stage the decision sought is to commence a consultation with residents and staff on the proposals to close both of the schemes at Spendells and Honeycroft. Further detail on the capital and revenue investment required within the Housing Revenue Account will be set out in the report seeking the final decision on conclusion of the consultation process.

Risk

There are risks associated with the proposals:

Reputational – the closure of any sheltered housing scheme will be unpopular amongst its residents and may attract wider media interest. The publicity and consultation must be handled sensitively and tenants consulted and supported throughout the process. There is also a reputational risk from not doing anything. It is not responsible as a social landlord to continue running schemes that are dated and make significant financial losses each year. Additionally the decision had to be taken in October 2017 to ask residents of Honeycroft to move out temporarily due to concerns over legionella. Questions have been asked around the timing of that decision and whether it was a precursor to the decision proposed in this report but the timing of the decision was purely coincidental.

Financial – there is a financial risk associated with not doing anything. Both schemes are under occupied and cost the Council money to run. This risk can be mitigated by taking a decision to do something different that improves the financial predicament of each scheme and its contribution to the Housing Revenue Account. The redirection of funds from the HRA capital programme carries the risk that other works are delayed to the detriment of tenants or the buildings themselves. Any adjustment to the programme will need to be carefully considered.

Tenant unwillingness to co-operate – it is fair to say that some tenants at each scheme have already expressed an unwillingness to move out and this is understandable given that the schemes are their homes and connection to the local community. Elsewhere this has caused problems but the Council does have the power to seek possession of premises where there is a need but this will be used only as a last resort.

LEGAL

Under Section 105 of the Housing Act 1985 the Council has a legal obligation to consult its secure tenants on 'matters of housing management' such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities.

Should Cabinet agree with the recommendations, as set out in this report, it is proposed the consultation with tenants affected by these proposals will be for a four week period and commence with a meeting at each scheme in November, followed by a letter being sent to each tenant affected by these proposals.

Separate consultation will be undertaken with any staff affected by the proposals in

accordance with the relevant Human Resources Policies and Procedures.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Area or Ward affected – Ward Members from Lawford and Walton have been involved in the consultation process alongside the tenants and will continue to be involved from here onwards.

Consultation – tenants were involved in a consultation event in November 2016 where they were invited to give their view on the six options for each scheme considered in this report. Tenants now need to be consulted on the recommended options.

Equality and Diversity – Decisions sought through this report focus primarily on housing for older persons (those aged over 60). The Council is developing an Interim Housing Strategy that addresses the housing needs of all age groups. The future of sheltered housing and support provision for older persons will be considered as part of that strategy. An equalities impact assessment has been undertaken in relation to the recommendations to close both schemes. Whilst the proposals clearly affect a specific group of people as opposed to the population at large the support arrangements that are proposed act in mitigation of the negative impacts. The Council will do all it can to minimise the impact of what is a largely vulnerable group of people.

PART 3 – SUPPORTING INFORMATION

BACKGROUND & VIABILITY ASSESSMENT

At its meeting in June 2016, the Portfolio Holder for Housing confirmed to Cabinet that Officers had been instructed to commission a report on the viability of the schemes at Spendells House and Honeycroft.

Sheltered Housing Provision in Tendring

The Council owns and manages 10 sheltered housing schemes, providing a total of 324 units of accommodation.

Sheltered Housing units represent approximately 10% of the Council's total housing stock with a potential rental income to the Housing Revenue Account (HRA) of £1.2m per year. These schemes were built between 1961 (Honeycroft) and 1989 (Belmans Court). Just over 50% of the sheltered units are bedsit/studio units with shared bathrooms/shower-rooms.

The table below indicates the occupancy rates at each scheme over the past three years:

Snapshots of all Schemes Occupancy Rates over last three years				
Scheme	Total Units at Scheme	Snapshot Occupancy		
		July 2015	March 2016	March 2017
Groom House - Clacton	31	97%	97%	94%
St Marys - Clacton	25	100%	100%	96%
Belmans - Dovercourt	45 44Units up to 2014*	100%	100%	100%
Crooked Elms - Dovercourt	30 28 Units up to 2014*	93%	73%	80%
Greenfields - Frinton	34	100%	94%	100%
Honeycroft - Lawford	39 (includes 8 bungalows that are fully occupied)	54%	51%	44%
Mead - Walton	29 28 Units up to 2014*	100%	100%	90%
Spendells House - Walton	30	47%	47%	54%
Kate Daniels - Weeley	30	73%	80%	80%
Vyntoner – St Osyth	30	93%	93%	87%

***Conversion of ex wardens accommodation created additional sheltered units in some schemes after 2014**

The schemes showing the lowest occupancy rates are Spendells and Honeycroft, being around 50% occupied for each of the three years. It should be noted that the Honeycroft scheme includes eight bungalows that are fully occupied, the under occupancy affects the main sheltered scheme building.

As with any business, reduced income and, in this case, high void (unoccupied) rates and lack of demand going forward calls into question the financial sustainability of continuing with the existing approach. Sheltered Housing is exempted from Right to Buy so all the units in each scheme are in Council ownership. Both the ex-wardens units at each scheme are in Council ownership and let to tenants who will be affected by the recommendations in this report. The Council has to pay Council Tax and standing charges for utilities on all voids so there is a cost to the Council for each void in addition to the loss of revenue income.

Given the high proportion of older persons living in the district and the projected growth in those age ranges over the next 10 – 20 years it is important that the Council sets out its future aspirations in respect of the provision of sheltered or older persons housing. An interim Housing Strategy is being developed that will set out this vision with reference to central government policy around the future provision of council housing and the funding landscape for supported housing provision.

The Occupancy Problem

It is important to explore the reasons behind the levels of occupancy and under-occupation at Spendells and Honeycroft.

53% of the Council's sheltered stock are Bedsits with shared facilities and provided by five of our older schemes - all of which are 40 - 50 years old:

Spendells Ho.	built	1967
Honeycroft.		1961
Kate Daniels		1971
Vyntoner Ho.		1967
Mead Ho.		1975

Whilst accommodation with shared facilities is generally no longer desired and difficult to let the current exceptions are Vyntoner (due to its close proximity to Clacton and lack of any local alternative) and Mead House (due to its central town location).

During 2014/15 the Tenancy Management team undertook some work to identify the reasons for low demand and to see if occupancy could be increased. Open days were held at both Spendells and Honeycroft but did not result in additional tenants coming forward.

Nationally it is recognised that bedsit accommodation is no longer an acceptable type of provision for sheltered housing and many housing providers are converting or closing schemes that were built around the same time as Spendells and Honeycroft.

The Options

The following are the options in relation to both schemes that do not require any significant alterations to the use or design of the buildings:

Option 1 – Continue with no change

This is the “do nothing” option and would see the Council continue to run the schemes in the same format and continuing to promote the schemes to the current range of eligible residents.

Option 2 – Increase the range of occupancy

Currently the minimum age for access to the schemes is 60 years. This option could include lowering this age range to 55, 50 or lower in order to increase eligibility to a wider pool of people.

Other possibilities within this option include opening up currently vacant accommodation to much younger people or families who are currently in or in need of temporary accommodation. The mixing of temporary accommodation with sheltered housing use is in reality not likely to be practical without separating the two uses, perhaps by designating a wing for each use. There are examples of good practice from abroad where introducing a small cohort of young people or students can add benefits for the existing sheltered residents. Often the accommodation is provided free of charge on the basis that around 30 hours a month is devoted to supporting the older residents. This is a possibility but would not solve the issues around reduced rental income.

Information on each Scheme and an initial viability assessment has been undertaken and is contained within Appendix A for Honeycroft and Appendix B for Spendells, with an emerging recommended proposal for each.

Feedback from resident consultation events

In October 2016 the Council held a consultation event with the residents of both schemes and their relatives. Also present were members of the Service Development and Delivery Committee and members of the Sheltered Housing Panel.

Attendees heard about the background to this report and evidence of under occupancy and the financial impacts of this on the Council. It was made clear that the status quo could not reasonably be maintained given the financial impacts on the Council and the Housing Revenue Account of the low occupancy rates. After a tour of the scheme everyone was given the opportunity either on a 1-2-1 basis or in small groups to have their say on the future of the schemes and suggest ideas on the way forward.

There was little support for carrying on and not making any changes. There was almost no support for closing either of the schemes. Increasing the age range, converting to flats and replacing with bungalows were the most popular options.

Overall residents reported that they were very satisfied with the support they receive through being in the sheltered schemes.

The consultation events demonstrated that there is interest in the schemes from the current residents and members of the sheltered housing panel. There is also a good level of involvement from the Ward Members.

Supporting Residents

Given the various issues discussed, the recommended option for each scheme involves its closure but in parallel, and alongside the associated consultation process, consideration will be given to the longer term future of the sites.

The Council recognises the importance of supporting residents through the process of moving to alternative accommodation. It is therefore proposed that each tenant will have a nominated Sheltered Support Officer who will assist them in identifying alternative accommodation and helping them move to it.

Recent changes to the way in which the Older Person's team operates now means that most residents do have a nominated Sheltered Support Officer.

Policies have been drafted that set out how residents will be supported through the closure process and how they will receive dedicated support and financial assistance with moving to alternative accommodation.

The Council will need to help find alternative homes for the residents and some voids at other sheltered housing schemes have already been identified. Approval is sought from Cabinet to put the necessary support arrangements in place, including the policies referred to above and the creation of a budget within the Housing Revenue Account. Approval is also sought to hold voids open in order that if the final decision is to close the schemes the residents can be adequately housed elsewhere with the minimum of delay.

Whilst it was in no way planned, the recent concerns arising over legionella at Honeycroft have seen the Council put in place support arrangements to help residents move to alternative accommodation. There were an intense few days of discussion and liaison with affected residents that led to a range of solutions for all of them whilst minimising the impact that moving someone from their home can have.

Conclusions

The current poor occupancy rate at both schemes reflects the low quality of accommodation whilst revealing that the design of the schemes is no longer popular. The poor occupancy rates reflect the outdated nature of the accommodation but access to local facilities is also a big factor, particularly in the case of Spendells. Residents at Honeycroft were keen to highlight that amenities were within their reach and that actually there is a lot to do in the Mistle / Manningtree / Lawford area. In particular Honeycroft came across as having a community associated with the scheme and this will continue as the bungalows will remain open on the site.

Each site offers up different potential but the Council has to consider the fact that the financial sustainability of the schemes in their current form is requiring a larger subsidy from the overall net rental income received across the Council's overall housing stock. There is potential for future investment but the first step is to close both schemes allowing for further discussions around the future of each site. It is now necessary to consult formally with residents and the staff that are likely to be affected by the options recommended above.

The feedback from the consultation process will be presented in a more detailed report on the options and costs involved in order that Cabinet has all the information needed to make a decision on the future of both schemes.

BACKGROUND PAPERS FOR THE DECISION

Report to and Minutes of Service Development and Delivery Committee meeting April 2016

Report to and Minutes of Cabinet – June 2016

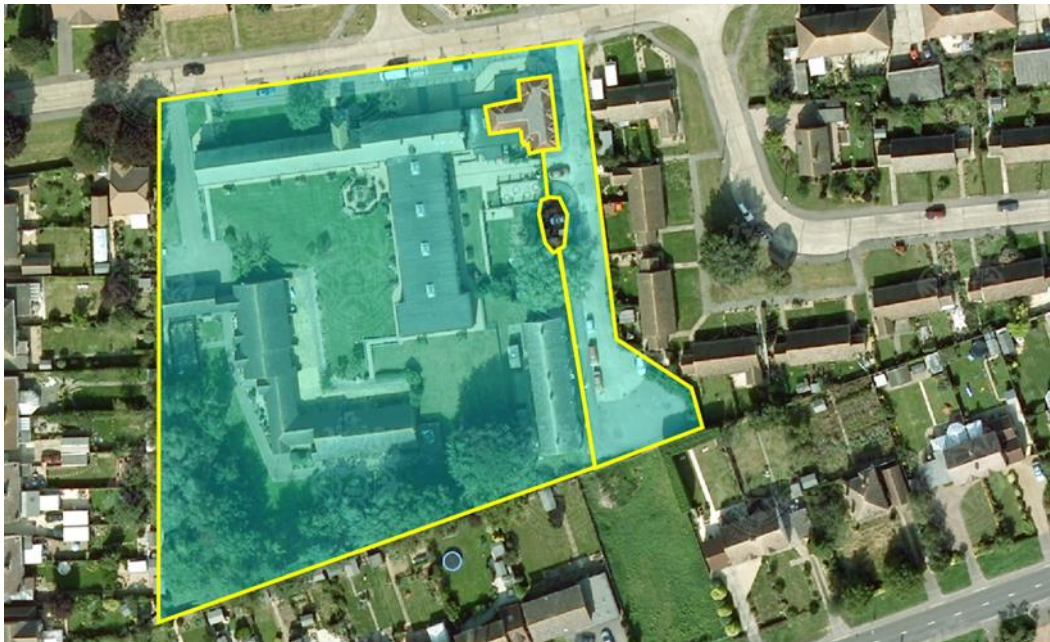
APPENDICES

Appendix A - Honeycroft Options Appraisal

Appendix B - Spendells Options Appraisal

Appendix A

SCHEME INFORMATION AND INITIAL VIABILITY ASSESSMENT - HONEYCROFT SHELTERED HOUSING SCHEME, LAWFORD



The Honeycroft site comprises a plot of around 9,000m² including 32 bedsits, 8 general purpose flats, 8 bungalows, communal areas and various service accommodation. The buildings were constructed in 1961 and are typical of the era.

Each bedsit comprises a single room with small kitchen and a WC opening off. Bathrooms are communal. The bedsits are arranged over two two storey wings with spinal corridors tied with staircases in the central communal area and at the ends of the wings.

The units of accommodation are comprised of:

8 Bungalows – all fully occupied

29 Bedsits – 6 occupied -

2 Flats – both occupied

1 ex-wardens house – occupied

Initial Viability Assessment Summary (Looking at the main scheme building (29 bedsits, 2 flats

and 1 ex-wardens house)

The total net cost of operating the 10 Sheltered Schemes is in excess of £300,000 per annum based on average occupancy levels across the schemes and including housing related support costs. Approximately 30% of this net cost is in respect of Honeycroft.

The above includes day to day maintenance costs but excludes major capital works. A summary of the cost of such works is set out below:

Major works required in next 5 years	Asbestos removal, legionella mitigation works Overhaul windows Upgrade kitchens Overhaul lifts Recover flat roof and overhaul gutters Total estimated over £300,000
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There has recently been a discovery of asbestos in the roof void of the main building. The quantity of asbestos discovered is greater than it was previously believed was present in the structure of the building. The asbestos was discovered during a survey of the water supply systems which themselves were found to present a risk of legionella. The legionella risk is being carefully monitored and controlled but on 10th October 2017 specialist consultants advised that due to high temperature readings on cold water outlets and the unknown condition of water tanks and pipework the chances of a legionella outbreak were very high. Sampling of the water was arranged but the decision was taken to also ask residents to move out to alternative accommodation whilst the issue was investigated. Investigation of the legionella issues will require controlled access to the roof voids due to the presence of the asbestos. The costs of these works including asbestos removal are likely to reach £80,000. The Council cannot compromise the health and safety of the tenants at the scheme so the need to make a decision on the future of the scheme is now essential.

Housing Demand and Needs in the area

The scheme is located on the edge of an estate made up of a number of Council owned dwellings and many of the current tenants of Honeycroft have grown up and lived in the area prior to moving into sheltered housing. There is therefore a natural demand for dedicated older persons housing in the area. The nearest scheme operated by the Council is Kate Daniel's House in Weeley. Overall the Manningtree / Lawford area sees a high demand for housing.

Options and Costs

- **Continue as at present** – The cost of Honeycroft would continue to make up a significant element of the overall cost of Sheltered Housing due to the high level of void loss. Significant capital investment of £300,000 is estimated to be required over the next five years. This is unsustainable with continued financial pressure on the HRA and ongoing maintenance costs to consider.
- **Increase the range of occupancy** – The cost would be similar to the above but it may be possible to reduce the net overall cost with increased rental and service charge income. However this option is unlikely to work as the design of the building remains the same and has proven to be unappealing. Reducing the eligibility range to 50 or 45 is unlikely to

encourage any new tenants. Continued loss to the HRA will be experienced.

INITIAL VIABILITY ASESMENT FOR HONEYCROFT AND RECOMMENDED OPTION

The figures presented above indicate that continuing to operate the scheme is not financially sustainable in its current form. Significant capital investment is also required to address remedial works such as asbestos and legionella issues along with works to the roof, lift and windows over the next 5 years.

The layout of the building and the bedsit style units are proven to be unpopular and the Council is in step with other housing providers in looking at the future viability of such schemes. Without significant investment and change the scheme would not be financially sustainable.

Given the issues highlighted, the logical conclusion is to take the necessary steps to close the scheme and in parallel, consider the potential future options. The bungalows on the site will remain open and arrangements can be made to enable them to operate without the facilities provided by the main scheme building.

The site does offer redevelopment potential and it could be possible to provide further bungalows on the site for older persons. Some basic plans have been drawn up for this but it is an option that needs further exploration and detailed viability assessment given the capital investment that would be required from the HRA.

On closing the main scheme the Council would need to fund the cost of moving tenants to alternative accommodation which is likely to be in another sheltered housing scheme. Home Loss and Disturbance Allowance payments will need to be made. Estimated costs per tenant could reach up to £10,000. Based on the 12 tenants in the main scheme this equates to £96,000 based on a payment of £8,000 each. A policy on the support arrangements that will be put in pace for residents has been drafted.

Appendix B

SCHEME INFORMATION AND VIABILITY ASSESSMENT - SPENDELLS HOUSE SHELTERED HOUSING SCHEME, WALTON-ON-THE NAZE





Spendells House comprises a plot of around 3,200m² including 30 bedsits a bungalow, communal areas and various service accommodation. The buildings were constructed in 1967.

Each bedsit comprises a single room with small kitchen and a WC opening off. Bathrooms are communal throughout. The bedsits are arranged over two storey wings with spinal corridors tied with staircases in the central communal area and at the ends of the wings.

Accommodation and current occupancy

26 bedsits – 10 occupied

4 flats – 4 occupied

1 ex-wardens flat – fully occupied

Basic Rental Income and Scheme costs

Initial Viability Assessment Summary

The total net cost of operating the 10 Sheltered Schemes is in excess of £300,000 per annum based on average occupancy levels across the schemes and including housing related support costs. Approximately 17% of this net cost is in respect of Spendells.

The above includes day to day maintenance costs but excludes major capital works. A summary of the cost of such works is set out below:

Major works required in next 5 years	Re-roof Overhaul windows Upgrade kitchens Overhaul lift Total estimated £218,000
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Housing Demand and Needs in the area

The scheme sits on the edge of the main housing developments in Walton and is not far from Mead

House which is located next to the town centre and is a very popular scheme with a low void rate. Given that the schemes have similar facilities it is hard to see how an improved scheme in the same location, away from the town centre amenities, could be popular. There used to be a convenience store near to the Spendells site but this closed a number of years ago. Whilst there is undoubtedly a demand for older persons housing in the area it seems important that such housing is located nearer to amenities, at least a convenience store, as the Council's nine other schemes are.

Essex County Council, through One Housing Group, is in the process of completing an extra care scheme in Walton. This scheme is open to those with a care need of 6 or more hours per week and there is the option on site to receive meals. The location of the building is reasonably near to the town centre, certainly nearer than Spendells. Given the care needs and the associated price of the scheme it is not considered a direct competitor to sheltered housing as such.

Options

- **Continue as at present** – The cost of Spendells would continue to make up a significant element of the overall cost of Sheltered Housing due to the high level of void loss. Significant capital investment of £218,000 is estimated to be required over the next five years. This is unsustainable with continued financial pressure on the HRA and ongoing maintenance costs to consider.
- **Increase the range of occupancy** – The cost would be similar to the above but it may be possible to reduce the net overall cost with increased rental and service charge income. However this option is unlikely to work as the design of the building remains the same and has proven to be unappealing. Similar to Honeycroft, reducing the eligibility range to 50 or 45 is unlikely to encourage any new tenants. Continued loss to the HRA will be experienced.

INITIAL VIABILITY APPRAISAL FOR SPENDELLS HOUSE AND RECOMMENDED OPTION

The figures presented above indicate that continuing to operate the scheme is not financially sustainable in its current form. Significant capital investment is also required over the next 5 years in order to keep the building operational.

The layout of the building and the bedsit style units are proven to be unpopular and as with Honeycroft the Council is in step with other housing providers in looking at the future viability of such schemes. Without significant investment and change the scheme will not become financially viable again.

Given the issues highlighted, the logical conclusion is to take the necessary steps to close the scheme and in parallel, consider the potential future options. A local housing provider has registered a formal interest in leasing the building but this has not been explored in detail yet until a decision on closure of the scheme has been made.

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