



# CABINET

29 August 2018

A meeting of the CABINET will be held on Thursday, 6th September, 2018, 6.00 pm  
in Committee Room 1 - Marmion House

## A G E N D A

### NON CONFIDENTIAL

**1 Apologies for Absence**

**2 Minutes of Previous Meeting (Pages 3 - 6)**

**3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 Question Time:**

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

**5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules**

None

**6 Quarter 1 Performance Report 2018/19 (Pages 7 - 58)**

**7 Staffordshire Pilot for Business Rates Retention in 2019/20 (Pages 59 - 94)**  
(Report of the Portfolio Holder for Assets and Finance)

**8 Proposals for additional Public Space Protection Orders Kettlebrook (Pages 95 - 108)**

(Report of the Portfolio Holder for Communities and Public Health)

**9 Additional Public Space Protection Order Moor Lane/Dormer Avenue**

(Pages 109 - 122)

(Report of the Portfolio Holder for Communities and Public Health)

**10 Exclusion of the Press and Public**

To consider excluding the Press and Public from the meeting by passing the following resolution:-

*“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”*

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

**11 Grants To Voluntary Organisations (Small Grants Scheme)/Local Arts Grant Scheme/Sports Grants Scheme/Festive Grants Scheme (Pages 123 - 130)**

Yours faithfully

A handwritten signature in black ink, appearing to be 'AOS', followed by a long horizontal line extending to the right.

**Chief Operating Officer**

*People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail [committees@tamworth.gov.uk](mailto:committees@tamworth.gov.uk) preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.*

To Councillors: D Cook, R Pritchard, J Chesworth, S Claymore, S Doyle and M Thurgood.



**MINUTES OF A MEETING OF THE  
CABINET  
HELD ON 2nd AUGUST 2018**

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard (Vice-Chair), J Chesworth, S Claymore, S Doyle and M Thurgood

The following officers were present: Andrew Barratt (Chief Executive), Stefan Garner (Executive Director Finance), Michael Buckland (Head of Revenues) and Paul Weston (Assistant Director Assets)

**22 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**23 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**24 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 5<sup>th</sup> July 2018 were approved and signed as a correct record.

*(Moved by Councillor Robert Pritchard and seconded by Councillor John Chesworth)*

**25 UPDATE FROM CHAIR**

There was no update from the Chair.

**26 QUESTION TIME:**

None.

**27 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE  
OVERVIEW AND SCRUTINY PROCEDURE RULES**

None.

**28 BUDGET AND MEDIUM TERM FINANCIAL PLANNING PROCESS 2019/20**

Report of the Leader of the Council seeking agreement to the Proposed Budget and Medium Term Financial Planning Process for General Fund and the Housing Revenue Account for 2019/20

**RESOLVED** That Cabinet adopted  
The proposed process for the General Fund and Housing Revenue Account Budget and Medium Term Financial Planning Process for 2019/20

*(Moved by Councillor Daniel Cook and seconded by Councillor Robert Pritchard)*

**29 INVITATION OF TENDERS FOR REFURBISHMENT OF CASTLE GROUND TOILETS**

Report of the Portfolio Holder for Culture and Operational Services seeking approval to invite tenders for the refurbishment of the Public Conveniences in the Castle Grounds.

**RESOLVED** That Cabinet

1. Authorised that the invitation of tenders for the refurbishment of the Public Conveniences in the Castle Grounds be delegated to the Assistant Director Assets in consultation with the Procurement Officer; and
2. Authorised that the award of a contract to the most economically advantageous Contractor be delegated to the Executive Director Communities in consultation with the Head of Legal and Democratic Services with the approval of the Portfolio Holder for Culture & Operational Services

*(Moved by Councillor John Chesworth and seconded by Councillor Robert Pritchard)*

**30 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2017/18**

The Portfolio Holder for Assets and Finance informed Members that the Annual Treasury report was a requirement of the Council's reporting procedures. It covered the Treasury activity for 2017/18, and the actual Prudential Indicators for 2017/18.

The report met the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council was required to comply with both Codes in accordance with Regulations issued under the Local Government Act 2003. It also provided an opportunity to review the approved Treasury Management Strategy for the current year and enabled Members to consider and approve any issues identified that require amendment.

**RESOLVED**

That Members asked Council to

1. Approve the actual 2017/18 Prudential and Treasury Indicators within the report and shown at Appendix 1; and
2. Accept the Annual Treasury Management Report for 2017/18.

*(Moved by Councillor Robert Pritchard and seconded by Councillor Daniel Cook)*

**31 WRITE OFFS - 01.04.18 TO 30.06.18**

The Portfolio Holder for Assets and Finance provided Members with details of write offs from 01 April 2018 to 30 June 2018

**RESOLVED**

That Cabinet;  
endorsed the amount of debt written off for the period 01 April 2018 to 30 June 2018

*(Moved by Councillor Robert Pritchard and seconded by Councillor Daniel Cook)*

**32 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

*(Moved by Councillor Daniel Cook and seconded by Councillor John Chesworth)*

**33 UPGRADE OF CAPITA PAYMENT SYSTEM**

Report of the Portfolio Holder for Assets and Finance seeking approval for the upgrade of the Council's payment collection system, and for the release of funds from capital contingency budgets

**RESOLVED** That Cabinet approved

the upgrade of the payment collection system; and  
to release capital funding in respect of the system  
upgrade.

*(Moved by Councillor Robert Pritchard and seconded by  
Councillor John Chesworth)*

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Leader

WEDNESDAY 15 AUGUST 2018

**REPORT OF THE LEADER OF THE COUNCIL  
QUARTER 1 PERFORMANCE REPORT 2018/19**

**EXEMPT INFORMATION**

Not applicable

**PURPOSE**

This report aims to provide Corporate Scrutiny Committee with a performance and financial health-check. The report will then be considered by Cabinet on 6<sup>th</sup> September 2018

**RECOMMENDATIONS**

That Corporate Scrutiny Committee endorses the contents of this report.

**EXECUTIVE SUMMARY**

This report is divided into the following sections:

1. Overview of corporate plan actions, measures and corporate risks,
2. Impact of welfare benefit reform,
3. Sustainability Strategy,
4. Financial health check

**OPTIONS CONSIDERED**

Not applicable

**RESOURCE IMPLICATIONS**

There are none

**LEGAL/RISK IMPLICATIONS BACKGROUND**

There are none

**SUSTAINABILITY IMPLICATIONS**

There are none

**REPORT AUTHOR**

John Day

**APPENDICES**

Quarter One 2018/19 Performance Report

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## Quarter One 2018/19 Performance Report

1. Overview of corporate plan actions and corporate risks
2. Impact of Welfare Benefit Reform on Council services
3. Sustainability strategy
4. Financial healthcheck

**Appendix A** 2017 to 2020 Corporate Plan actions and performance measures update,

**Appendix B** Corporate Risks,

**Appendix C** General Fund & Housing Revenue Account main variances,

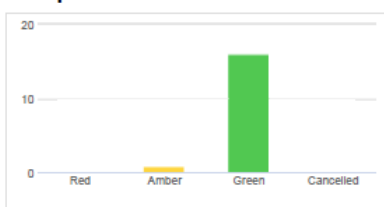
**Appendix D** Capital programme monitoring,

**Appendix E** Treasury management update.

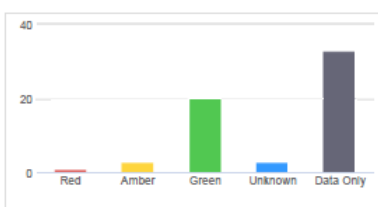
### 1. Overview of corporate plan actions, performance measures and corporate risks

The current status of corporate plan actions, measures and corporate risks is shown below.

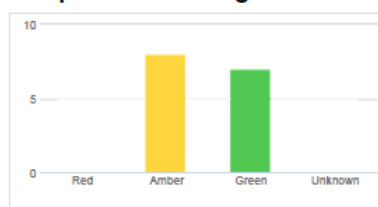
**Corporate Plan Actions**



**Performance Measures**



**Corporate Risk Register**



Further details are available in the appendices:

- Corporate plan actions and performance measures: **Appendix A**
- Corporate risks: **Appendix B**

### 2. Impact of Welfare Benefit Reform on Council services

Quarterly updates are presented to monitor the impact of welfare benefit reform changes on Council services including customer demand via monitoring of calls/contacts together with the financial impact of collection and demand for benefits and effect on income streams such as rent, council tax and business rates.

#### Benefits

An increase in DHP claims is reported - DHP claims paid total £46k (£6k higher than at June 2017 - £40k) with 113 successful claims from 158 applications (compared to 90 successful claims from 139 applications at June 2017). There is a 2.5 day backlog (2 weeks as at 30 June 2017) with claims still to be processed which may increase this figure.

Live caseload figures are 414 lower than 2017/18 – currently 5,652 (6,066 at June 2017). The average time taken to process new Housing Benefit/Council Tax Benefit claims and change events was 12.8 days to June 2018 (11.8 days to June 2017).

#### NNDR

Reminders (305 at June 2018) are lower than 2017/18 levels (482 at June 2017) with summons, liability orders and enforcement agent referrals also at slightly lower levels to 2017/18.

Strong collection performance is reported - current year collection levels are at 29.3%, ahead of target by 0.9% at 30 June. Court costs of £1k are lower than the target of £3k.

Arrears for 2017/18 are ahead of target at 10.1% compared to target of 4.8%.

### Council Tax

Reminders are 137 lower than 2017/18 levels (5944 at 30 June 2018 compared to 6081 at 30 June 2017), with summonses, liability orders and enforcement agent referrals also lower.

Current year collection levels at 29.9% are behind the target of 30.3% at June 2018 (with a target of 98% for the 2018/19 financial year) due to higher levels of re-profiling of payment instalments over 12 months. Court cost income is lower than profiled by £3k at £43k.

Arrears for 2017/18 are slightly behind of target at 22.0% compared to target of 22.2% - work on further approaches to realise more Council Tax revenue is in place.

Collection Fund – the estimated surplus is £4k for the year with a LCTS projected underspend of £21k (total £25k).

### Housing

Total Rent arrears (excluding former tenants) at 30 June 2018 were £641k compared to £379k (as adjusted) at 31 March 2018 – an increase of £262k (compared to a £211k increase as at 30 June 2017).

Total arrears (including garages etc.) are £1.93m at 30 June 2018, compared to £1.68m at 31 March 2018, an increase of £244k (compared to a £191k increase between 31 March 2017 and 30 June 2017).

Total arrears (including garages etc.) were £1.68m at 31 March 2018 compared to 31 March 2017 - £1.6m (£81k higher).

There were 3 evictions during Quarter 1 2018/19 compared to 3 during Quarter 1 of 2017/18.

There was 1 court case where bedroom subsidy, cap or other is primary reason for possession proceedings (nil to June 2017).

### **3. Medium Term Financial Strategy 2017 to 2022 monitoring**

The budget setting process has faced significant constraints in Government funding in recent years - over 50% in real terms since 2010. The 4 year Local Government Finance Settlement confirmed in February 2016 that austerity measures are to continue with Revenue Support Grant (RSG) all but eradicated for most Councils by 2020 – and suggests that the key challenges that the Authority is currently addressing are likely to become greater.

The Authority has been proactive in the design and implementation of innovative and effective measures for driving efficiency and reducing cost within the Medium Term Financial Strategy (MTFS).

The Council remains committed to promoting and stimulating economic growth and regeneration, meeting our housing needs, creating a vibrant town centre economy and protecting those most vulnerable in our communities. To this end, we pledge to explore and invest in viable and sustainable methods of generating income and moving towards financial independence.

In addition, through the adoption of a 'Demand Management' operating model, the Council will have far greater control upon the alignment of services or 'supply' to the increased needs and expectations of the public or 'demand'. Key to this will be the application of existing and new technology to capture, collate and analyse customer insight, intelligence and data so as to understand not just the 'need' but the cause, behaviours or decisions creating the need.

This approach will change the organisation and how it works; will require Members to put evidence and insight at the heart of our decision making to ensure that we are transparent about the rationale for our decisions and plans; will involve managed risks; and will sustain essential services critical in supporting the most vulnerable in our communities at a time when demand is increasing and resources reducing.

However, there remains a high degree of uncertainty arising from the most significant changes in Local Government funding for a generation in 2020/21 arising from:

- The Government's Fair Funding Review (FFR) of the distribution methodology including:
  - changes to the needs assessment (which will determine each Council's share of the national funding for Local Government – it is likely that this will reflect the impact of Social Care demands and that funding will be redistributed to Unitary and County Councils to the detriment of District Councils);
  - treatment of relative resources (to determine how much each Council can fund locally through income from fees and charges and council tax); and
  - any transitional arrangements to protect Councils from significant reductions in funding – and the impact from their unwinding from 2021/22.
- Spending Review 2019 (SR19) – where the total spending allocation for Government Departments will be set – including national control totals for Local Government spending. It has already been announced that significant additional funding will be

diverted to the NHS which could mean further reductions for other Departments including Local Government;

- The ongoing review of the Business Rates Retention (BRR) scheme – the Government announced that Councils will be able to retain 75% of business rates collected from 2020/21 rather than 100% as previously planned with work progressing on the design of the new system including the impact of ‘rolling in’ grants such as Housing Benefit administration and New Homes Bonus;
- The planned reset of the Business Rates baseline for each Council from 2020/21 and redistribution of the growth achieved since 2013 (of over £1m p.a.);
- Uncertainty over the ongoing funding for the *New Homes Bonus scheme*, local growth in housing numbers and share of the national pool (including potential increases to the ‘deadweight’ for which Councils no longer receive grant).

In addition, the next planned national Business Rates Revaluation will take effect from 2021/22 – with latest indications that the Government will also aim to introduce a centralised system for business rate appeals at the same time to cover future changes arising from the 2021 valuation list.

While we are aware of these forthcoming changes, little to no information is available on the potential impact for individual Councils’ finances.

A summary of the indicative Government timetable for the reviews is shown below:

Date	Issues
May 2018	Risk and gearing; appeals and loss payments; updates on Pool prospectus; update on FFR consultation.
July 2018	Resets and measuring growth; Revaluation; BRR transitional arrangements; Pooling; FFR – structure of needs assessment, treatment of relative resources, principles for transitional arrangements.
Oct 2018	Overall short term package and future reform; update on SR 2019; Potential consultation on BRR Baseline reset.
Early 2019	Technical BRR consultation and links to FFR; SR 2019 emerging issues; Potential consultation on BRR Baseline reset.
Mid 2019	Results of consultations (hopefully); SR 2019 emerging issues.
Later 2019	Indicative impact of systemic changes potentially this late
Late 2019 / Early 2020	Provisional Local Government Finance Settlement detailing impact for Councils

Corporate Management Team (CMT) review the most up-to-date budget forecasts on a quarterly basis, and discuss the delivery of the planned savings to support our Medium Term Financial Strategy (MTFS) – as outlined below.

Work is continuing to mitigate the financial position in future years through:

- Delivering Quality Services project – the demand management approach to shift demand to more efficient methods of service delivery – online and automation (Interactive Voice Response).  
A savings target of £100k p.a. has already been included within the MTFS together with reduced CRM costs of £62k p.a. from 2019/20.

- Recruitment re-justification process – where possible, temporary 12 month appointments are now only being made; there is a robust challenge / re-justification process in place for all vacant posts with a requirement to investigate alternative options including restructuring to fill vacancies / looking at what we can stop doing.

We took the opportunity to increase the vacancy allowance from 5% to 7.5% by 2021/22 c. £45k p.a. year on year for the General Fund, c.£14k p.a. for the HRA (It should be noted that staffing in some services e.g. planning, are key to the delivery of the Council's economic growth agenda and have significant demand from the public and local businesses but can also experience severe recruitment difficulties – which may lead to the use of market supplements to attract staff).

- Spend freeze – Managers have previously been required to restrict / limit spending to essential spend only (there was a £1.8m underspend in 2017/18 – although much of this arose from windfall income, c. £1m was lower level underspends). A review of the underspend position is planned with a view to driving out as many savings as possible.
- Alternative investment options arising from the Commercial Investment Strategy (as well as the Treasury Management Investment Strategy, including any prudential borrowing opportunities) to generate improved returns of c. 4 to 5% p.a. (plus asset growth) including:
  - Set up of trading company to develop new income streams;
  - Local investment options – Lower Gungate / Solway Close development including the potential to drawdown funding from the Local Growth Fund / Local Enterprise Partnerships (GBS and Staffordshire);
  - Investments in Diversified Property Funds – a savings target to return c.4% p.a. from £12m invested has already been included from 2019/20.

Note: these would represent long term investments of between 5 – 10 years (minimum) in order to make the necessary returns (after set up costs).

- Review of reserves (including ensuring adequate provision for the funding uncertainties) / creation of a fund for transformation (if needed).
- Targeted Savings – to identify potential areas for review in future years.
- Review and rationalisation of IT systems.

## General Fund

The updated forecast as at June 2018 is detailed below:

MTFS Projections 2017/18 - 2023/24	General Fund						
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Projected Balances per MTFS Council February 2018	(6,631 )	(3,553 )	(1,846 )	(551)	428	1,429	-
<b>Revised Stress Tested Forecasts:</b>							
Best Case Revised Forecast Balances - June 2018	(6,918 )	(4,488 )	(3,817 )	(2,236 )	(904)	534	1,962
Central Case Revised Forecast Balances - June 2018	(6,918 )	(4,066 )	(3,098 )	(1,127 )	669	2,571	4,462
Worse Case Revised Forecast Balances - June 2018	(6,918 )	(4,066 )	(2,710 )	78	2,764	5,624	8,473

Detailed information is shown at **Appendix C** for the Central Case.

Currently, the central case projections identify a shortfall in General Fund balances of £1.2m over 3 years (compared with a forecast shortfall in the February 2018 MTFS projections of £0.9m) – with a shortfall of £3.1m to 2022/23 increasing to £5m over 5 years (the shortfall was previously forecast at £1.9m in 2022/23), including the minimum approved level of £0.5m;

Further savings of around £0.4m p.a. will be required over the next 3 years (based on annual £5 increases in Council Tax). On an annualised basis this would equate to a year on year ongoing saving of £0.2m over 3 years.

The forecast has been updated to include:

- The final outturn for 2017/18 – additional balances of £0.3m from a higher than forecast underspend position of £1.8m. No variance for 2018/19 has been included (including potential returned business rates levy from GBSLEP of £0.4m);
- Potential impact from the Business Rates Baseline reset – c. £1.2m p.a. reduced income / increased tariff from 2020/21 from a reset to the Council's baseline need level. No further changes to the level of Government support / grants arising from the Fair Funding Review / SR 2019 have been included given the uncertainty;
- Revised new homes bonus levels through the redistribution process - a 50% reduction in New Homes Bonus funding has been assumed, £0.5m over 3 years;
- Additional income from the Commercial Investment Strategy acquisitions – c.£0.25m to 2020/21;

- e) Additional savings arising from phases 1 and 2 of the Senior Management Review – c.£0.5m over 3 years;
- f) Lower than expected reductions in recycling credits following the review by Staffordshire County Council, c.£100k p.a. ongoing. No further savings arising from Joint Waste arrangements have been assumed;
- g) Potential savings in CIS revenue budgets – to be capitalised in future c.£0.2m over 3 years, £50k ongoing;
- h) Potential savings in contingency budgets - General Contingency £100k p.a. (no change in Waste Management, NNDR reserve and Assembly Rooms contingencies);
- i) Potential savings of £0.3m p.a. arising from a review of the 2017/18 outturn underspend of £1.8m;
- j) any known uncertainties / changes to the savings targets included within the current MTFs (Marmion House accommodation £92k p.a.);
- k) Work is progressing to understand the impact of the recent pay award and associated changes to pay scales arising from implementation of the national living wage – at this stage no additional costs have been included.

## Housing Revenue Account

The updated forecast as at June 2018 is detailed below:

	Housing Revenue Account						
MTFS Projections 2017/18 - 2023/24	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Projected Balances per MTFS Council February 2018	(6,850)	(3,045)	(2,223)	(1,565)	(1,048)	(698)	-
<b>Revised Stress Tested Forecasts:</b>							
Best Case Revised Forecast Balances - June 2018	(6,824)	(3,018)	(2,326)	(1,800)	(1,416)	(1,201)	(987)
Central Case Revised Forecast Balances - June 2018	(6,824)	(3,018)	(2,326)	(1,800)	(1,416)	(1,201)	(987)
Worse Case Revised Forecast Balances - June 2018	(6,824)	(3,018)	(2,326)	(1,800)	(1,416)	(1,201)	(987)

Detailed information is shown at **Appendix C** for the Central Case.

Currently projections identify HRA balances of £1.4m over 3 years (compared with a forecast in February of £1m) with balances of £1.2m over 4 years to 2022/23 reducing to £1m over 5 years (balances were previously forecast at £0.7m in 2022/23), including the minimum recommended balances of £0.5m.

The forecast has been updated to include:

- a) The final outturn for 2017/18 - No variance for 2018/19 has been included;
- b) Savings arising from phases 1 and 2 of the Senior Management Review – c.£0.1m p.a.;
- c) Potential savings of £40k p.a. arising from a review of the 2017/18 outturn underspend of £0.8m;
- d) No changes have been assumed regarding from the ongoing reviews of the HRA Business plan and repairs contract arrangements.



## 4. Financial Healthcheck

### Executive Summary

This section to the report summarises the main issues identified at the end of June 2018.

### General Fund

#### Revenue

GENERAL FUND	YTD Budget £000	YTD Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000
Chief Executive	473	521	48	1,349	1,323	(26)
AD Growth & Regeneration	356	254	(102)	1,976	2,003	27
ED Organisation	165	152	(13)	598	617	19
AD People	793	809	16	206	297	91
AD Operations & Leisure	899	967	68	2,783	2,878	95
ED Finance	29	38	9	91	98	7
AD Finance	1,436	1,371	(65)	1,554	1,403	(151)
AD Assets	(187)	(264)	(77)	(945)	(1,007)	(62)
AD Neighbourhoods	177	184	7	1,261	1,297	36
AD Partnerships	192	196	4	1,397	1,436	39
<b>Total</b>	<b>4,333</b>	<b>4,228</b>	<b>(105)</b>	<b>10,270</b>	<b>10,345</b>	<b>75</b>

The General Fund has a favourable variance against budget at Period 3 of £105k.

- The projected full year position identifies an unfavourable variance against budget of £75k or 0.73%.
- This projection has highlighted several budget areas for concern (detailed at **Appendix C**).
- A balance of £192k was held in the General Contingency Budget at the end of June 2018.

## Capital

GENERAL FUND	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000
Chief Executive	-	4,000	3,266	(734)	4,000	4,000	-	-	4,000
AD Growth & Regeneration	771	864	27	(837)	973	973	-	-	973
ED Organisation	-	-	-	-	-	-	-	-	-
AD People	208	235	8	(227)	313	313	-	-	313
AD Operations & Leisure	1,276	2,003	3,164	1,161	4,182	4,182	-	-	4,182
ED Finance	-	-	-	-	-	-	-	-	-
AD Finance	6,000	7,500	1,862	(5,638)	12,000	12,000	-	-	12,000
ED Communities	-	-	-	-	-	-	-	-	-
AD Assets	155	381	221	(160)	1,060	1,060	-	-	1,060
AD Neighbourhoods	44	55	17	(38)	89	89	-	-	89
AD Partnerships	92	92	-	(92)	92	92	-	-	92
GF Contingency	559	577	-	(577)	629	629	-	-	629
<b>TOTAL GENERAL FUND</b>	<b>9,105</b>	<b>15,706</b>	<b>8,565</b>	<b>(7,141)</b>	<b>23,338</b>	<b>23,338</b>	<b>-</b>	<b>-</b>	<b>23,338</b>

- Capital expenditure incurred was £8.565m compared to a profiled budget of £15.706m.
- At this stage it is predicted that the full year budget of £23.338m will be spent by the year-end (this includes re-profiled schemes from 2017/18 of £9.105m).
- A summary of Capital expenditure is shown at **Appendix D**.

## Treasury Management

- At the end of June 2018 the Authority had £58.46m invested in the money markets. The average rate of return on these investments is 0.71% though this may change if market conditions ease.
- Borrowing by the Authority stood at £63.060m at the end of June 2018, all being long term loans from the Treasury Public Works Loans Board. The average rate payable on these borrowings equates to 4.05%.
- A more detailed summary of the Treasury Management situation, detailing our current Lending and Borrowings can be found at **Appendix E**.

## Balances

Balances on General Fund are projected to be in the region of £3.77m at the year-end from normal revenue operations compared to £3.55m projected within the 2018/19 budget report – additional balances of £0.2m.

## Housing Revenue Account (HRA)

### Revenue

HOUSING REVENUE ACCOUNT	YTD Budget £000	YTD Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000
HRA Summary	(4,424)	(4,577)	(153)	(429)	(509)	(80)
AD Operations & Leisure	118	133	15	563	582	19
AD Assets	125	141	16	48	74	26
AD Neighbourhoods	655	592	(63)	3,624	3,731	107
Housing Repairs	1,187	1,106	(81)	-	-	-
<b>Total</b>	<b>(2,339)</b>	<b>(2,605)</b>	<b>(266)</b>	<b>3,806</b>	<b>3,878</b>	<b>72</b>

- The HRA has a favourable variance against budget at Period 3 of £266k.
- The projected full year position identifies an unfavourable variance against budget of £72k. Individual significant budget areas reflecting the variance are detailed at **Appendix C**.

### Capital

HOUSING REVENUE ACCOUNT	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000
AD Assets	18,098	22,872	3,649	(19,223)	31,622	31,622	-	-	31,622
HRA Contingency	100	100	-	(100)	100	100	-	-	100
<b>TOTAL HOUSING REVENUE ACCOU</b>	<b>18,198</b>	<b>22,972</b>	<b>3,649</b>	<b>(19,323)</b>	<b>31,722</b>	<b>31,722</b>	<b>-</b>	<b>-</b>	<b>31,722</b>

- Housing Capital expenditure of £3.649m has been incurred as at the end of Period 3 compared to a profiled budget of £22.977m.
- At this stage it is predicted that the full year budget of £31.722m will be spent by the year-end (including £18.198m re-profiled from 2017/18);
- A summary of Capital expenditure is shown at **Appendix D**.

### Balances

- Balances on the Housing Revenue Account are projected to be in the region of £2.95m at the year-end compared to £3.05m projected within the 2018/19 budget report – lower balances of £0.1m.

2017 -2020 Corporate Plan Progress Report

2017 – 2020 Corporate Plan Actions

Corporate Priority

1. Living a quality life in Tamworth

Project/Action

Maintain & Manage the environment within Tamworth

Desired Outcome

Well managed local nature reserves and sports pitches that are maintained at a level proportionate to their use.  
 Provision of high quality open spaces both existing and arising from new developments.  
 Ensure the Council meets its obligations to ensure its watercourses and drainage systems are maintained.  
 Provision of well-maintained play facilities.  
 To ensure cleansing is carried out to a standard that meets or exceeds measured requirements  
 Achieving a gold standard in the 'Tamworth in Bloom' programme

Latest Update

Milestones

Due Date

Completed (Yes/No)

Note

Tamworth In Bloom Judging 2017

18-Jul-2017

Yes

Judging took place on 18th July 2017.

Play area provision scoped

30-Sep-2017

Yes

Project scoped and considered by Cabinet in August 2017.  
 Project now in tender stage.

Tamworth in Bloom 2017 award notification

30-Sep-2017

Yes

'Gold' award achieved for the eighth consecutive year.

Installation of a new play facility

31-Mar-2018

Yes

The play facility was installed in December 2017






Balancing pond dredging works scoped in accordance with the management plan

30-Jun-2018






No

Tender documents are prepared and waiting to be put out through procurement, we have been waiting for








			a silt analysis report to include with the documents which had led to the delay.
Tamworth In Bloom Judging 2018	31-Jul-2018	No	
Tamworth in Bloom 2018 award notification	30-Sep-2018	No	
Ongoing commitment throughout the year to ensure green spaces are managed	31-Mar-2020	No	Identified projects are underway.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Tamworth 'In Bloom' Gold Award		3	2017/18	'Gold' awarded for the eighth year in a row.
Improved street and environmental cleanliness – Detritus		7.52%	March 2018	
Improved street and environmental cleanliness – Graffiti		1.32%	March 2018	
Improved street and environmental cleanliness – Litter		4.11%	March 2018	
Improved street and environmental cleanliness – Dog Fouling		2.3%	March 2018	

<b>Project/Action</b>	<b>Delivery of the Community Safety Partnership</b>			
<b>Desired Outcome</b>	The adoption of the community safety action plan Early intervention programmes commissioned for priority themes Continued development of the multi-agency approach to problem solving			
<b>Latest Update</b>				
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>	
Commissioning process for the action plan commences	30-Apr-2017	Yes	Commissioning is ongoing throughout the year.	
Community Safety Assessment received.		Yes	Assessment received and used to inform the current community	








				assessment action plan.
Performance Measures	RAG Status	Current Value	Last Update	Latest Note
All Crime – Total		2,811	2018	For the period January 2018 to May 2018.  (Figure was 3059 for the same period last year).
Incidents of Anti-Social Behaviour		860	2018	For the period January 2018 to May 2018. (Figure was 944 for the same period last year).
Percentage of people surveyed who feel very/fairly safe outside in their local area after dark (FTD survey)		85%	H2 2017/18	March 2018 survey (Waves 21 to 24).
Percentage of people surveyed who feel very/fairly safe outside in their local area during the day (FTD survey)		98%	H2 2017/18	March 2018 survey (Waves 21 to 24).
Percentage of people surveyed who had been a victim of crime in the last twelve months (FTD survey)		7%	H2 2017/18	March 2018 survey (Waves 21 to 24).
Percentage of people surveyed who feel very/fairly likely to be a victim of crime in their local area (FTD survey)		13%	H2 2017/18	March 2018 survey (Waves 21 to 24).

<b>Project/Action</b>	<b>Delivery of an effective regulatory service</b>		
<b>Desired Outcome</b>	Continue to support businesses to comply with legislation Ensure the statutory inspection plan of food businesses provides a high standard of hygiene in the Borough. Delivery of effective taxi, gambling and premise licensing Delivery of an effective and responsive development control service		
<b>Latest Update</b>			
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>

<b>Performance Measures</b>	<b>RAG Status</b>	<b>Current Value</b>	<b>Last Update</b>	<b>Latest Note</b>
The number of food businesses that are 0 and 2 star rated		45	Q1 2018/19	
The quarterly percentage of planned high risk interventions undertaken		98%	Q1 2018/19	
The percentage of planned interventions undertaken		98%	Q1 2018/19	
The percentage of complaints relating to smoking legislation responded to		100%	H2 2017/18	
The annual percentage of planned inspections undertaken of industry for environmental emissions		100%	2017/18	
Satisfaction of business with local authority regulation services (Tamworth)		83%	2017/18	
Food establishments in the area which are broadly compliant with food hygiene law (Tamworth)		91.4%	2017/18	







Project/Action	Growth & Regeneration in Tamworth		
<b>Desired Outcome</b>	<p>Enterprise Quarter regeneration including a modernised cultural offer, enhanced night-time offer, quality public realm, and facility for new businesses to grow</p> <p>The delivery of a vibrant and meaningful inward investment strategy to promote the Town to business</p> <p>Delivery of a trading arm to provide facility to invest in assets such as housing and commercial facilities which can provide sustainable income to the Council</p> <p>Continued progression of enhancement to Tamworth's gateways</p> <p>The production of a town centre strategy Continued engagement with WMCA, LEPS for the purpose of growth, skills, infrastructure and economy</p>		
<b>Latest Update</b>			
Milestones	Due Date	Completed (Yes/No)	Note
The Opening of the Enterprise Centre	31-May-2017	Yes	The centre is operational and currently 100% occupied.
Scoping works for both the production of an inward investment strategy and a town centre strategy.	30-Jun-2017	Yes	
Adoption of the inward investment strategy and the town centre strategy	31-Oct-2018	No	
Re-opening of the Assembly Rooms and new facility at the Carnegie Centre	28-Feb-2019	No	
Completion of the public realm enhancements	30-Apr-2019	No	
Completion of works to Tamworth Library	30-Apr-2019	No	
Scoping works with partners to look at viability/opportunities with the current vacant site at Gungate.		No	Report to Full Council 11th April 2018 to consider the proposal. The site was acquired by the Council in May 2018 for investment purposes with the longer term aim of unlocking it for regeneration.



Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Number of Businesses		2,335	2017/18	
Number of empty Business Premises		181	June 2018	
Percentage of total rateable value of commercial floor-space that is unoccupied		5%	2017/18	
Percentage change in rateable value of commercial buildings		1.61%	Q2 2017/18	
Birth of New Business Enterprises in the year		355	2016/17	
Death of Business Enterprises in the year		290	2016/17	
Number of active Business Enterprises		2,620	2016/17	



Project/Action	<b>Tinkers Green &amp; Kerria Regeneration</b>			
Desired Outcome	Access to suitable housing is improved Neighbourhoods are improved Satisfaction with neighbourhoods increased			
Latest Update				
Milestones	Due Date	Completed (Yes/No)	Note	
Demolition at Kerria commenced	01-Jul-2018	Yes	Demolition commenced	
Contractor start on site	31-Jul-2018	Yes	The contractor has taken possession of the site and commenced some preparatory work.	
Completion of build	31-Jul-2020	No		
Allocation of New Homes	31-Jul-2020	No		
Demolition at Tinkers Green completed		Yes	The demolition at Tinkers Green is now complete	

Contractor appointed		Yes	Contractor appointed
Demolition at Kerria completed		No	Date TBA

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Satisfaction of tenants with new homes and neighbourhood – Tinkers Green				
Satisfaction of tenants with new homes and neighbourhood – Kerria				
Number of new homes built and allocated to those who need them – Kerria				
Number of new homes built and allocated to those who need them – Tinkers Green				
New Retail Facility Created – Tinkers Green				
New Retail Facility Created – Kerria				



<b>Project/Action</b>	<b>Garage sites redevelopment</b>		
<b>Desired Outcome</b>	Access to suitable housing is improved Neighbourhoods are improved Satisfaction with neighbourhoods increased		
<b>Latest Update</b>	The programme is currently on hold with a revised programme to be completed by August 2019.		
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>
Phase One start on site	30-Apr-2017	Yes	Work has started on Phase One.
Phase One Completed	31-Dec-2017	Yes	Phase one was completed ahead of schedule at the end of November 2017 and provided 19 units of accommodation across the borough.
Revised programme		No	A revised approach to garage sites redevelopment is to be considered by

Cabinet.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Satisfaction of tenants with new homes and neighbourhood – Garage Sites Redevelopment				
Number of new homes built and allocated to those who need them – Garage Sites Redevelopment				

Project/Action	New Repairs Contract			
Desired Outcome	Council homes and neighbourhoods are maintained to a high standard Tenants receive a responsive repairs service The housing asset is maintained in accordance with stock condition requirements			
Latest Update				
Milestones	Due Date	Completed (Yes/No)	Note	
Commission consultants to support options review	30-Apr-2017	Yes		
New contractor mobilised	30-Apr-2017	Yes		
Review of new contract performance	30-Sep-2017	Yes		
Findings of options review agreed	31-Dec-2017	Yes	Findings of options review agreed and being considered by Cabinet in February 2018.	
Report to members on future arrangements for service delivery	22-Feb-2018	Yes	Report at Cabinet on 22nd February 2018.	
Further report to members to enable a final decision to be taken on the financial and commercial viability of an in-house contractor	28-Feb-2019	No		
Implement future options		No		



Measure satisfaction	No
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Performance Measures	RAG Status	Current Value	Last Update	Latest Note
KPI 1 – (Responsive) To determine the overall satisfaction with the works		95.33%	2018/19	
Percentage of local authority dwellings that achieve the decent homes standard		99.07%	2017/18	

<b>Project/Action</b>	Preparation for collection of the Business Improvement District (BID) Levy			
<b>Desired Outcome</b>	Implementation of the software necessary to facilitate collection of the levy income Maximise the level of income collected for investment in local infrastructure			
<b>Latest Update</b>	As the ballot resulted in the BID being rejected, the software is now no longer required.			
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>	
Budget approval for purchase of software	30-Apr-2017	Yes	Budget approved by Council on 21 February 2017	
Software purchased	03-Nov-2017	Yes	Original plan was to purchase software by 31 August – delayed until result of the ballot known early in November 2017. As the ballot resulted in the BID being rejected, the software is now no longer required.	
Software installed and tested	31-Dec-2017	Yes	As the ballot resulted in the BID being rejected, the software is now no longer required.	
Levy included on 2018/19 bills	31-Mar-2018	Yes	As the ballot resulted in the BID being rejected, the software is now no longer required.	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note

<b>Project/Action</b>	<b>Business Rates Retention</b>			
<b>Desired Outcome</b>	Maximise collection of business rates within the GBS rate retention pool			
<b>Latest Update</b>	<p>The Council is a member of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Business Rates Pool – for 2017/18 a levy of £1.2m (payable to the GBSLEP pool) was generated through additional growth in business rates income.</p> <p>As a result of the pool being in place, the GBSLEP will have an additional £3.3m in total from LEP members from the outturn for 2017/18 to support projects to improve the economy and infrastructure of the region.</p>			
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Percentage of Non-domestic Rates Collected		29.30%	June 2018	
Percentage change in rateable value of commercial buildings		1.61%	Q2 2017/18	

<b>Project/Action</b>	<b>Commercial opportunities in business decision making</b>			
<b>Desired Outcome</b>	<p>A risk/reward based return on investment requirement within planned projects</p> <p>Producing options appraisals, business cases and review opportunities for setting up Local Authority Trading Companies as well as other business models for service to maximise return on Council assets and increase economic benefit for the Council</p>			
<b>Latest Update</b>	<p>The Tamworth Commercial Investment Strategy to promote growth and regeneration was approved by Cabinet on 16th June 2016.</p> <p>Key outcomes such as the revitalisation of the Town Centre; the regeneration of the Gungate site; the development of an Inward Investment Strategy that will seek to provide the basis for ongoing managed growth, future funding bids and more.</p>			



Work has progressed on the development (and set up) of a trading company (including the potential for development of private sector housing for market rental), the regeneration of the Gungate site and the development of an Place Investment Strategy. A Business Case investment model was finalised during the first quarter of 2018, including advice on the treatment of taxation.

Council on 17th July 2018 will consider approval for establishing a Local Authority Trading Company which will provide the means and structure from which we can generate sustainable income streams on behalf of the Council. Initially this will be by acting as Private Sector Landlord; but could lead to, subject to viability and a robust business plan, operating services on a commercial footing. The establishment of the Trading Company is very much seen as the precursor to us building new houses for market rent in the very near future.

Further work has centred on the regeneration of the former Gungate Precinct site, including the acquisition of the site by the Council in June 2018, and the potential to increase the size of the site to include other land in order to encourage a more ambitious development scheme.



Progress has been made on the third work stream with proposals designed to encourage both Inward Investment and the continued Growth of Existing Business with the consequence that we now have an outline specification/brief to support the commissioning of the strategy.

Milestones	Due Date	Completed (Yes/No)	Note

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Income collected through adopted commercial approach		N/A	Q4 2017/18	This performance indicator can be updated when a Commercial Investment Strategy project progresses to income generation stage.
Rate of return on identified projects in excess of 5%		N/A	Q4 2017/18	This performance indicator can be

				updated when a Commercial Investment Strategy project progresses to income generation stage.
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<b>Project/Action</b>	<b>Heritage, leisure &amp; events</b>			
<b>Desired Outcome</b>	A defined successful outdoor events programme is implemented Heritage venues are well maintained and open to the public Heritage lottery bid submitted to progress improvement works at the Castle			
<b>Latest Update</b>				
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>	
Outdoor events plan published	30-Apr-2017	Yes		
Castle Heritage Lottery bid submitted	31-Aug-2017	Yes	The bid was submitted in August 2017 and was successful; £499,000 was awarded. The money will be used for a project that will create an innovative and engaging permanent exhibition exploring and celebrating Tamworth's important Anglo-Saxon history.	
Events held throughout the year	31-Mar-2019	No		

<b>Performance Measures</b>	<b>RAG Status</b>	<b>Current Value</b>	<b>Last Update</b>	<b>Latest Note</b>
Number of attendees at Arts Development Events		9,451	2017/18	
Number of participants at Arts Development Events		7,006	2017/18	

Visitor Numbers (Outdoor Events)		65,322	2017/18	
Overall Satisfaction Rate "Good to Excellent" (Outdoor Events)		99%	2017/18	
Percentage of people surveyed who would recommend event (Outdoor Events)		100%	2017/18	
Number of additional events supported – Outdoor Events		74	2017/18	
Total Number of visits/usages – Tamworth Castle		10,377	2018/19	
Total Number of Visitors – Tamworth Castle		10,173	2018/19	
Trip Advisor Rating – Tamworth Castle		4.5	2017/18	



**Corporate Priority**

**3. Delivering quality services in Tamworth**

<b>Project/Action</b>	<b>Organisational well-being</b>			
<b>Desired Outcome</b>	A workforce that is dynamic, agile and capable to adapt to our changing environment			
<b>Latest Update</b>				
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>	
Corporate Well-being day	30-Apr-2017	Yes		
Time to Change Pledge	30-Apr-2017	Yes		
Staff Attitude Survey	31-Dec-2017	Yes	Survey undertaken in November 2017. Results to be analysed and will form the basis for the development of an action plan.	
Payroll/HR services available via self serv	31-Jan-2018	Yes	All services now available.	
Delivery of Corporate Plan	31-Mar-2018	Yes		
Staff Annual General Meeting/Celebration event	31-Oct-2018	No	Celebration event held. Staff AGM to take place by October	










			2018.
Completion of the Agile Working Project	31-Dec-2018	No	A new implementation plan will be developed immediately following the Senior Management Review.
Workforce Development Plan approved	31-Dec-2018	No	Work has commenced on this and is linked to the senior management review.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
Working Days Lost Due to Sickness Absence (Year to date)		1.87	June 2018	
Results of Staff Attitude Survey		Yes	2017/18	A Communications Strategy and Action Plan have been developed and are going to be discussed by Corporate Management Team.

<b>Project/Action</b>	Digital Customer Services		
<b>Desired Outcome</b>	Council services available for customers available on-line		
<b>Latest Update</b>			
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>
Customer Access Survey	30-Apr-2017	Yes	
Specification of Customer Portal	30-Apr-2017	Yes	
Procurement of customer portal	31-May-2018	Yes	A specification has been detailed. Soft

			market testing carried out with several suppliers. Specification launched in January 2018 and procurement anticipated by end of May 2018. The portal was purchased in July 2018.
Approve revised Customer Services, Access & Digital Strategy	30-Jun-2018	Yes	The Customer Services, Access & Digital Strategy is complete and now needs to link to the ICT Strategy
Communications and Marketing Plan	31-Dec-2018	No	The review of PR, communications & marketing activities is to be completed by December 2018.
Implementation of customer portal commencing with Council Tax	31-Dec-2018	No	The portal has now been purchased and will commence with Council Tax. A project plan has been developed and will 'Go live' by the end of December 2018.
Review of Customer Services and Access Strategy	30-Jun-2019	No	The strategy is scheduled for completion by June 2018 consequently, the review will be undertaken by June 2019
Review portal implementation and customer satisfaction.	30-Sep-2019	No	
Website Development Plan (static content)	30-Sep-2019	No	The Content Management System (CMS) is being upgraded from Drupal 7 to 8 over the next two years up to 30th September 2019. All content will be reviewed during this process which has commenced with the 'Visit Tamworth' site.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The number of face to face enquiries		9,210	2017/18	
The number of self-serve processes available for customers		67	2017/18	
The number of Portal users		0	2017/18	Portal not yet procured.
The number of downloads from the Tamworth App		504	2017/18	
The number of active users of the Tamworth App		411	Q1 2018/19	
The number of Ombudsman complaints received		7	2016/17	
The number of Ombudsman decisions made		8	2016/17	

Project/Action	Corporate Knowledge Hub			
Desired Outcome				
Latest Update				
Milestones	Due Date	Completed (Yes/No)	Note	
Workshop to scope design and delivery	31-May-2017	Yes		
Plan submitted and approved	30-Sep-2018	No	The development of the 'Tamworth Community Offer' is now in the final stages of design with a supporting action plan. Approval will then be required from Cabinet.	

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
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Number of Reports delivered to support the Tamworth Community Offer			
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<b>Project/Action</b>	<b>New General Data Protection Regulations</b>		
<b>Desired Outcome</b>	Processes and procedures to enable compliance with data legislation		
<b>Latest Update</b>	Activity in the third quarter of 2017/18 has seen the development of the Information Asset and an awareness campaign.		
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>
Endorsement of action plan for implementation	30-Apr-2017	Yes	Action plan endorsed and in progress Two members of staff qualified as practitioners in General Data Protection Regulations to enable implementation. A new statutory role of Data Protection Officer has been established.
All staff trained in internal framework and legislation	31-May-2018	Yes	On line training commenced in March 2018 with three modules; 'Accountability and the GDPR', 'Preparing for GDPR' and 'The right to be forgotten'. In addition, 'face to face' training given to those members of staff in higher risk areas. Three additional modules were rolled out in April 2018.
Processes and procedures tested and developed into local framework	31-Jul-2018	No	The development of processes is on-going and on target for completion by the end of July 2018.

<b>Performance Measures</b>	<b>RAG Status</b>	<b>Current Value</b>	<b>Last Update</b>	<b>Latest Note</b>
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The number of data breaches		N/A	Q4 2017/18	This performance indicator will measure reportable data breaches as defined by the regulations and won't commence until 25/05/2018.
The number of complaints upheld by the Information Commissioner's Office			2017/18	The criteria around this still needs to be agreed and measurement of this performance indicator won't commence until 25/05/2018.






<b>Project/Action</b>	<b>Office 365</b>			
<b>Desired Outcome</b>	Corporate roll out of Office 365 functionality All officers trained and competent in use of technology Access to Exchange online Access to cloud services			
<b>Latest Update</b>	Progress in the trial areas: <ul style="list-style-type: none"> <li>• Revenues – Managers trained and testing the product and providing fortnightly updates on progress. Training is being arranged for the rest of the team,</li> <li>• Housing – Training scheduled for managers,</li> <li>• ICT – Managers trained and testing virtual meetings.</li> </ul>			
<b>Milestones</b>	<b>Due Date</b>	<b>Completed</b>	<b>Note</b>	

		(Yes/No)	
Roll out of technology	31-Jan-2018	Yes	The technology is installed and dependent on feedback from Revenues, Housing and ICT.
New working practises in place	30-Jun-2018	Yes	Pilots are in place in Revenues, Planning and Housing. Once the pilots are completed, the learning will be available on Infozone as case studies for reference for the rest of the organisation.
Training completed	30-Jun-2018	Yes	All those in the areas doing the pilots have been trained.

Performance Measures	RAG Status	Current Value	Last Update	Latest Note
The percentage of the organisation using Office 365		N/A	Q4 2017/18	Trials of this in the scoped service areas (ICT, Housing, Revenues) has commenced and subject to the testing it will be rolled out corporately after the trial.

<b>Project/Action</b>	<b>Enablement of Self-Service</b>		
<b>Desired Outcome</b>	Delivery of technology to support self-service including portal, online forms, mobile apps and website development		
<b>Latest Update</b>	The contract for the customer portal was awarded in July 2018.		
<b>Milestones</b>	<b>Due Date</b>	<b>Completed (Yes/No)</b>	<b>Note</b>
Implementation of customer portal and integration to support website development	31-Jan-2019	No	Two responses were received to the procurement activity; one of these was discounted due to it being cost prohibitive. The contract for the customer portal was awarded in July 2018. Site visits and scoping will take place next prior the project 'kick off'
Implementation of mobile apps and online forms	31-Jan-2019	No	The first mobile app 'Report It' is under development with implementation due for the end of July 2018.

<b>Performance Measures</b>	<b>RAG Status</b>	<b>Current Value</b>	<b>Last Update</b>	<b>Latest Note</b>
The number of face to face enquiries		9,210	2017/18	
The number of telephone calls into the Customer Services Centre		19,632	Q4 2017/18	
The number of self-serve processes available for customers		67	2017/18	

PI RAG Status	
	Alert
	Warning
	OK
	Unknown
	Data Only













Corporate Risk Register



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Risk	Description of Risk	Date Last Reviewed	Severity	Likelihood	Current Risk Rating	Current Risk Status
Loss of Community Cohesion	Failure to achieve community cohesion	04-May-2018	3	3	9	
Safeguarding Children & Vulnerable Adults	Failure to safeguard children and vulnerable adults	04-May-2018	3	3	9	
Medium Term Financial Planning & Sustainability Strategy	Loss of Funding and Financial Stability & application of uncertainties of Brexit	04-May-2018	4	2	8	
Inability to manage the impact corporately of the Government Austerity measures and new legislative requirements	Inability to manage the impact corporately of the Government Austerity measures and new legislative requirements	04-May-2018	4	2	8	
Implementation of response to GDPR Legislation	General Data Protection Regulations (GDPR) coming into effect in May 2018 resulting in significant change for the organisation, including substantial penalties for failing to adhere and breaches	04-May-2018	4	2	8	
Information Management & Information Technology	Failure to secure and manage data and IT infrastructure	04-May-2018	3	2	6	
Health & Safety	Failure to manage Health & Safety	04-May-2018	3	2	6	
Reputation	Damage to Reputation	04-May-2018	2	2	4	

Risk	Description of Risk	Date Last Reviewed	Severity	Likelihood	Current Risk Rating	Current Risk Status
Governance & Regulatory Failure	Failure to achieve adequate Governance Standards and statutory responsibilities	04-May-2018	2	2	4	
Partnership Working and Supply Chain Challenges	Failure in partnership working, shared services or supply chain	04-May-2018	2	2	4	
Emergency & Crisis Response Threats	Failure to manage an external or internal emergency/disaster situation	04-May-2018	2	2	4	
Workforce Planning Challenges	Failure to manage workforce planning challenges	04-May-2018	2	2	4	
Corporate Change	Failure to manage corporate change	04-May-2018	2	2	4	
Taxi Licences	Taxi Licensing process not followed, giving rise to licenses being issued to persons who are not fit and proper	04-May-2018	4	1	4	
Economic Changes	Failure to plan and adapt services to economic changes within the community	04-May-2018	3	1	3	

Risk Status	
	High Risk
	Medium Risk
	Low Risk

## General Fund – Main Variances

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
Public Spaces	Vacancy Allowance	-	(19,290)	19,290	(77,160)	77,160	-	Not currently offset by salary savings temp staff being used to cover a number of ongoing staffing issues
ICT	Vacancy Allowance	-	(8,130)	8,130	(32,480)	32,480	-	Vacancy Allowance
Commercial Property Management	Finance Lease Income	(30,457)	-	(30,457)	-	(30,460)	(30,460)	Windfall Income - Gungate lease income
Homelessness	Provision For Bad Debts	8,515	57,700	(49,185)	57,700	-	57,700	Report to go to Cabinet re write off of historical B&B debt
	Bed & Breakfast Income	(14,209)	(50,760)	36,551	(203,000)	-	(203,000)	Report will be going to Cabinet outlining changes to charging policy for B&B
Joint Waste Arrangement	Specific Contingency	-	50,000	(50,000)	50,000	(50,000)	-	Specific contingency that may be required to delivery services through the joint waste arrangement
Development Control	Fees & Charges Planning App	(134,448)	(52,010)	(82,438)	(208,080)	(20,000)	(228,080)	Fee income is well above profiled budget to date due to two major applications. Should the trend continue the current predicted outturn could well be more significant. Part of the surplus will need to be re-invested in the service as per government guidelines following an increase in fees.
Benefits	Rent Allowances	1,849,781	2,146,000	(296,219)	9,175,580	(1,236,940)	7,938,640	Based on DWP est claim @ P3

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
Benefits	Non-Hra Rent Rebates	6,242	69,030	(62,788)	275,980	(231,470)	44,510	Based on DWP est claim @ P3
	Council Tenant Rent Rebates	2,652,789	2,728,570	(75,781)	10,074,830	(1,015,200)	9,059,630	
	Council Tenant Grant	(2,576,868)	(2,680,730)	103,862	(9,897,950)	1,062,970	(8,834,980)	
	Private Tenant Grant	(1,746,281)	(2,080,700)	334,419	(8,896,620)	1,335,220	(7,561,400)	
	Non-Hra Rent Rebate Grant	(9,489)	(28,860)	19,371	(115,260)	80,010	(35,250)	
	Overpayment Private Tenant	(173,214)	(93,570)	(79,644)	(374,320)	(318,540)	(692,860)	Based on e-Fins @ P3
	Overpayment Council Tenant	(90,146)	(74,640)	(15,506)	(298,550)	(62,030)	(360,580)	
	Pt Overpayment Recovery	76,306	-	76,306	-	305,220	305,220	
	Ct Overpayment Recovery	34,855	-	34,855	-	139,420	139,420	
Benefits Administration	Government Grants	(52,154)	(17,160)	(34,994)	(17,160)	(29,070)	(46,230)	Offsetting vacancy allowance
Corporate Finance	NNDR Levy Payments	-	-	-	781,960	37,690	819,650	Higher levy due to additional business rates income
	Government Grants	(140,726)	(162,660)	21,934	(650,600)	(109,100)	(759,700)	Additional S31 Grant income for Business Rates Relief
Treasury Management	Minimum Revenue Provision Gf	26,070	26,070	-	104,270	66,000	170,270	Offsetting underspend on interest income
	Misc Interest & Dividends	(106,650)	(43,980)	(62,670)	(175,970)	(250,690)	(426,660)	Interest expected above budget

**Housing Revenue Account – Main Variances**

Cost Centre	Account Code	Year To Date Position Sub Total	Year To Date Position Budget	Year To Date Position Variance	Full Year Position Budget	Full Year Position Predicted Outturn Variance	Full Year Position Predicted Outturn	Comment
H R A Summary	Provision For Bad Debts	105,669	196,200	(90,531)	196,200	-	196,200	Bad debt is likely to increase whilst the rollout of UC continues. Income recovery remains a priority to limit any increase in arrears.
	Rents	(4,745,551)	(4,691,053)	(54,498)	(17,320,810)	(80,000)	(17,400,810)	Rent income is currently exceeding budget due to void levels being lower than budgeted. The acquisition programme also continues to provide additional properties let at Affordable Rent and offset those sold under the Right to Buy.



Replacement It Technology	7	33	5	(29)	112	112	-	-	112	At this stage budget is expected to spent in line with requirements set out in capital appraisal
<b>Directorate</b>	<b>Budget Reprofiled from 2017/18 (memo only) £000</b>	<b>YTD Budget £000</b>	<b>YTD Actual Spend £000</b>	<b>Variance £000</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>	<b>Reprofile to 2019/20 (memo only) £000</b>	<b>Outturn £000</b>	<b>Comments</b>
EDRMS (Electronic Document Records Management System)	63	63	0	(63)	63	63	-	-	63	Scoping of project following migration from Oracle platform to SQL server to be agreed with supplier
Gazetteer Development	9	9	4	(5)	9	9	-	-	9	Amount re-profiled for further development of the system
New Time Recording System 17/18	15	15	-	(15)	15	15	-	-	15	Project to commence shortly
Self Service Customer Portal	115	115	-	(115)	115	115	-	-	115	Standstill in progress before award of contract
<b>Directorate Total</b>	<b>208</b>	<b>235</b>	<b>8</b>	<b>(227)</b>	<b>313</b>	<b>313</b>	<b>-</b>	<b>-</b>	<b>313</b>	
<b>AD Operations &amp; Leisure</b>										
Streetscene Service Delivery Enhancements	30	30	-	(30)	30	30	-	-	30	Delays in the project due to the delays in the full implementation of the CRM system.
Wigginton Park Section Section 106	20	20	9	(11)	20	20	-	-	20	Plans ongoing to deliver items from the Wigginton Park Management Plan

Broadmeadow Nature Reserve	23	23	-	(23)	23	23	-	-	23	Ongoing works to complete management plan and HLS agreement. Bridge works now completed however ongoing contractual dispute over rates and works undertaken.
<b>Directorate</b>	<b>Budget Reprofiled from 2017/18 (memo only) £000</b>	<b>YTD Budget £000</b>	<b>YTD Actual Spend £000</b>	<b>Variance £000</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>	<b>Reprofile to 2019/20 (memo only) £000</b>	<b>Outturn £000</b>	<b>Comments</b>
Public Open Space Section 106	24	24	9	(15)	24	24	-	-	24	Project group established - list of works currently being collated.
Street Lighting	4	5	4	(1)	7	7	-	-	7	Works to be delivered in line with 30 year project plan
Local Nature Reserves	36	36	7	(29)	36	36	-	-	36	Work ongoing to deliver items from management plan
Community Woodland Cycleway	-	40	-	(40)	160	160	-	-	160	At this stage budget is expected to spent in line with requirements set out in capital appraisal
Amington Community Woodland	-	13	4	(9)	50	50	-	-	50	At this stage budget is expected to spent in line with requirements set out in capital appraisal
Assembly Rooms Development	1,140	1,788	3,131	1,343	3,732	3,732	-	-	3,732	Work started on site December - Building works to be finished in approx. 15 months.





Property Funds	6,000	7,500	1,862	(5,638)	12,000	12,000	-	-	12,000	Opportunities to invest being continuously reviewed. As such the budget will be spent on an ad-hoc basis throughout the financial year.
<b>Directorate Total</b>	<b>6,000</b>	<b>7,500</b>	<b>1,862</b>	<b>(5,638)</b>	<b>12,000</b>	<b>12,000</b>	<b>-</b>	<b>-</b>	<b>12,000</b>	
<b>Directorate</b>	<b>Budget Reprofiled from 2017/18 (memo only) £000</b>	<b>YTD Budget £000</b>	<b>YTD Actual Spend £000</b>	<b>Variance £000</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>	<b>Reprofile to 2019/20 (memo only) £000</b>	<b>Outturn £000</b>	<b>Comments</b>
<b>AD Assets</b>										
Page 50 Disabled Facilities Grant	31	193	221	28	681	681	-	-	681	Current referrals nearly accounts for the budget available for the full year and new cases are still being opened all the time. <b>This position confirms the current budget allocation is significantly insufficient to meet demand. Monies allocated but not actually paid to 3rd parties - outside TBC control.</b>
Agile Working Phase 2	124	124	-	(124)	124	124	-	-	124	Expenditure of this budget is reliant upon us entering into a formal lease agreement with the a 3rd party to occupy space in Marmion House.

Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
Energy EFF Upgrade Commercial and Industrial Properties	-	19	-	(19)	75	75	-	-	75	The energy efficiency works will largely be allocated to bringing vacant properties up to the minimum required standard for letting. As such the budget will be spent on an ad-hoc basis throughout the financial year.
Castle Grounds Toilet Refurbishment	-	45	-	(45)	180	180	-	-	180	Tenders for this work will be invited through the summer months with a view to commencing works in the Autumn/Winter period in readiness for the toilets to re-open in the Spring. Anticipate full spend before March 31st.
<b>Directorate Total</b>	<b>155</b>	<b>381</b>	<b>221</b>	<b>(160)</b>	<b>1,060</b>	<b>1,060</b>	<b>-</b>	<b>-</b>	<b>1,060</b>	
<b>AD Neighbourhoods</b>										
Homelessness Reduction Act	-	8	-	(8)	30	30	-	-	30	At this stage budget is expected to spent in line with requirements set out in capital appraisal

Cctv Camera Renewals	44	48	17	(31)	59	59	-	-	59	Further report to Scrutiny Committee in 2018 to discuss way forward.
<b>Directorate Total</b>	<b>44</b>	<b>55</b>	<b>17</b>	<b>(38)</b>	<b>89</b>	<b>89</b>	<b>-</b>	<b>-</b>	<b>89</b>	
<b>Directorate</b>	<b>Budget Reprofiled from 2017/18 (memo only) £000</b>	<b>YTD Budget £000</b>	<b>YTD Actual Spend £000</b>	<b>Variance £000</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>	<b>Reprofile to 2019/20 (memo only) £000</b>	<b>Outturn £000</b>	<b>Comments</b>
<b>AD Partnerships</b>										
Private Sector Coalfields Fund	92	92	-	(92)	92	92	-	-	92	Programme of new initiatives to be developed to target help for vulnerable residents based on results of recent stock condition survey
<b>Directorate Total</b>	<b>92</b>	<b>92</b>	<b>-</b>	<b>(92)</b>	<b>92</b>	<b>92</b>	<b>-</b>	<b>-</b>	<b>92</b>	
<b>GENERAL FUND TOTAL</b>	<b>9,105</b>	<b>15,706</b>	<b>8,565</b>	<b>(7,141)</b>	<b>23,338</b>	<b>23,338</b>	<b>-</b>	<b>-</b>	<b>23,338</b>	

HOUSING REVENUE ACCOUNT										
Directorate	Budget Reprofiled from 2017/18 (memo only) £000	YTD Budget £000	YTD Actual Spend £000	Variance £000	Budget £000	Predicted Outturn £000	Variance £000	Reprofile to 2019/20 (memo only) £000	Outturn £000	Comments
<b>AD Assets</b>										
Structural Works	-	25	16	(9)	100	100	-	-	100	This is an ad-hoc budget that is driven by reported repairs.
Bathroom Renewals	-	204	78	(126)	817	817	-	-	817	Sufficient works issued to take up full spend by year-end.
Gas Central Heating Upgrades and Renewals	-	105	46	(59)	420	420	-	-	420	Sufficient works issued to take up full spend by year-end.
Kitchen Renewals	8	250	74	(176)	1,228	1,228	-	-	1,228	Sufficient works issued to take up full spend by year-end.
Major Roofing Overhaul and Renewals	-	41	-	(41)	166	166	-	-	166	Sufficient works issued to take up full spend by year-end.
Window and Door Renewals	12	75	10	(65)	262	262	-	-	262	Sufficient works issued to take up full spend by year-end.
Disabled Facilities Adaptations	108	189	25	(164)	432	432	-	-	432	Sufficient works issued to take up full spend by year-end. Likelihood of being more demand than we can fund.
Strode House Car Park and Garages	-	133	-	(133)	530	530	-	-	530	Awaiting final project costs, anticipate full spend by year-end.

Renew High Rise Lifts	-	70	-	(70)	280	280	-	-	280	Extension of current project. May extend into 2019/20. Confirmation of programme during year.
<b>Directorate</b>	<b>Budget Reprofiled from 2017/18 (memo only) £000</b>	<b>YTD Budget £000</b>	<b>YTD Actual Spend £000</b>	<b>Variance £000</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>	<b>Reprofile to 2019/20 (memo only) £000</b>	<b>Outturn £000</b>	<b>Comments</b>
Renew Walkways Magnolia	-	65	-	(65)	260	260	-	-	260	Awaiting final project costs, anticipate full spend by year-end.
High Rise Lift Renewals 2012	278	278	153	(126)	278	278	-	-	278	Contract currently on site, may extend into 2019/20.
Fire Upgrades To Flats 2012	2,057	2,057	-	(2,057)	2,057	2,057	-	-	2,057	Tenders received, awaiting contract award. Programme of works to be agreed but likely to extend into 2019/20
Roofing High-Rise	43	43	39	(4)	43	43	-	-	43	Due to be completed summer 2018.
High Rise Balconies	577	577	519	(58)	577	577	-	-	577	Contract currently on site, may extend into 2019/20.
Works to High Rise Flats	573	705	990	285	1,098	1,098	-	-	1,098	Contract currently on site, may extend into 2019/20.
Retention of Garage Sites	15	10	-	(10)	385	385	-	-	385	Scheme to be agreed.
Capital Salaries	-	-	-	-	177	177	-	-	177	
CDM Fees	-	1	-	(1)	5	5	-	-	5	No longer required
Creation of Erigden Office	-	3	2	(0)	10	10	-	-	10	Subject to planning consent works to be completed during the summer of 2018.

Tinkers Green	8,554	11,845	61	(11,783)	13,070	13,070	-	-	13,070	Contract currently on site, will extend into 2019/20
Kerria Estate Project	2,178	3,986	51	(3,935)	6,840	6,840	-	-	6,840	Contract currently on site, will extend into 2019/20
<b>Directorate</b>	<b>Budget Reprofiled from 2017/18 (memo only) £000</b>	<b>YTD Budget £000</b>	<b>YTD Actual Spend £000</b>	<b>Variance £000</b>	<b>Budget £000</b>	<b>Predicted Outturn £000</b>	<b>Variance £000</b>	<b>Reprofile to 2019/20 (memo only) £000</b>	<b>Outturn £000</b>	<b>Comments</b>
Other Acquisitions	1,461	2,211	1,585	(626)	2,586	2,586	-	-	2,586	Scheme to be agreed.
<b>Directorate Total</b>	<b>18,098</b>	<b>22,872</b>	<b>3,649</b>	<b>(19,223)</b>	<b>31,622</b>	<b>31,622</b>	<b>-</b>	<b>-</b>	<b>31,622</b>	
<b>HRA Contingency</b>										
HRA Contingency	100	100	-	(100)	100	100	-	-	100	Will require approval from Cabinet to release funds
<b>Directorate Total</b>	<b>100</b>	<b>100</b>	<b>-</b>	<b>(100)</b>	<b>100</b>	<b>100</b>	<b>-</b>	<b>-</b>	<b>100</b>	
<b>HRA Total</b>	<b>18,198</b>	<b>22,972</b>	<b>3,649</b>	<b>(19,323)</b>	<b>31,722</b>	<b>31,722</b>	<b>-</b>	<b>-</b>	<b>31,722</b>	

**Treasury Management Update – Period 3 - 2018/19****Investments held as at 30<sup>th</sup> June 2018:**

Borrower	Deposit £	Rate %	From	To	Notice
Lloyds Bank	1,000,000	0.90%	30-Nov-17	30-Nov-18	
Lloyds Bank	1,000,000	0.90%	01-Dec-17	30-Nov-18	-
Bank of Scotland	2,000,000	0.85%	03-Jan-18	03-Jan-19	-
Bank of Scotland	2,000,000	0.85%	05-Jan-18	04-Jan-19	-
Barclays Bank	2,000,000	0.46%	17-Jan-18	17-Jul-18	-
Lloyds Bank	1,000,000	0.80%	09-Feb-18	08-Feb-19	-
Bank of Scotland	2,000,000	0.85%	12-Feb-18	11-Feb-19	-
Coventry BS	4,000,000	0.60%	13-Mar-18	13-Sep-18	-
Lloyds Bank	2,000,000	0.90%	03-Apr-18	03-Apr-19	-
Lloyds Bank	2,000,000	0.90%	03-Apr-18	03-Apr-19	-
Barclays Bank	2,000,000	0.75%	05-Apr-18	05-Oct-18	-
Royal Bank of Scotland	2,004,563	0.87%	10-Apr-18	27-Nov-18	-
Barclays Bank	2,000,000	0.76%	10-Apr-18	10-Oct-18	-
Coventry BS	2,000,000	0.67%	25-May-18	26-Nov-18	-
National Westminster Bank plc	2,000,593	0.94%	29-Jun-18	28-Jun-19	-
Goldman Sachs	10,000,000	0.67%	-	-	180 day
Santander	10,000,000	0.70%	-	-	180 day
MMF - Ignis	3,217,000	0.49%*	-	-	On call
MMF – PSDF	6,233,000	0.54*	-	-	On call
<b>Total</b>	<b>58.46</b>	<b>0.71 (avg)</b>			

\* Interest rate fluctuates daily dependant on the funds investment portfolio, rate quoted is approximate 7 day average.



**External Borrowing as at 30<sup>th</sup> June 2018:**

<b><u>Borrowing from PWLB</u></b>				
<b><u>Loan Number</u></b>	<b><u>Rate</u></b>	<b><u>Principal</u></b>	<b><u>Start</u></b>	<b><u>Maturity</u></b>
475875	8.875%	1,200,000	29/04/1995	25/04/2055
478326	8.000%	1,000,000	17/10/1996	17/10/2056
479541	7.375%	1,000,000	28/05/1997	28/05/2057
479950	6.750%	2,000,000	02/10/1997	03/09/2057
481087	5.625%	3,000,000	22/06/1998	22/06/2058
481641	4.500%	1,400,000	09/10/1998	09/10/2058
483694	4.875%	92,194	21/12/1999	18/10/2059
488835	5.000%	2,000,000	01/07/2004	01/07/2034
490815	4.250%	1,000,000	24/11/2005	24/05/2031
494265	4.430%	2,000,000	21/01/2008	01/01/2037
494742	4.390%	700,000	15/08/2008	15/08/2058
500759	3.520%	5,000,000	28/03/2012	28/03/2053
500758	3.510%	5,000,000	28/03/2012	28/03/2054
500757	3.510%	5,000,000	28/03/2012	28/03/2055
500761	3.510%	5,000,000	28/03/2012	28/03/2056
500755	3.500%	5,000,000	28/03/2012	28/03/2057
500756	3.500%	3,000,000	28/03/2012	28/03/2058
500753	3.500%	1,000,000	28/03/2012	28/03/2059
500760	3.490%	5,000,000	28/03/2012	28/03/2060
500762	3.490%	5,000,000	28/03/2012	28/03/2061
500754	3.480%	5,668,000	28/03/2012	28/03/2062
504499	3.230%	3,000,000	30/11/2015	30/11/2065
<b>Total</b>		<b>63,060,194</b>		

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## CABINET

THURSDAY, 6<sup>TH</sup> SEPTEMBER 2018

### REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE

#### STAFFORDSHIRE PILOT FOR BUSINESS RATES RETENTION IN 2019/20

##### PURPOSE

- 1.1 To update members on the implications of the 75% Business Rates Retention pilots proposed for 2019/20.
- 1.2 To seek approval to submit an Expression of Interest to pilot 75% Business Rates Retention in 2019/20.

##### RECOMMENDATIONS

###### **Cabinet are recommended to:**

- 2.1 To note the changes to the criteria to be a pilot in 2019/20.
- 2.2 Delegate approval for the Executive Director Finance (Section 151 Officer), in consultation with the Leader of the Council and the Chief Executive, to agree, in conjunction with the other eleven authorities of the proposed pilot, the detail of the 2019/20 application.

##### EXECUTIVE SUMMARY

- 3.1 An invitation to pilot 75% Business Rates retention in 2019/20 was published on the 24 July 2018. The invitation applies to new pilot applications together with the ten pilots that were formed as part of the 2018/19 Local Government Finance Settlement. The 2019/20 pilots being governed by the 2019/20 Prospectus.
- 3.2 Cabinet at its meeting on the 19<sup>th</sup> October 2017 approved the submission of an Expression of Interest to be a pilot in 2018/19. The Expression of Interest related to all eleven of the authorities within Staffordshire notably the County; City; 8 Districts/Boroughs and the Fire and Rescue Service. The 2018/19 process involved 26 applications and although the Staffordshire and Stoke on Trent Application met all of the selection criteria the affordability envelope of Government limited the programme to only 10 pilots.
- 3.3 The principles and governance arrangements as agreed for the 2018/19 application have been replicated in determining and evaluating the 2019/20 prospectus. Two major changes arise in the 2019/20 prospectus notably that the government will retain 25% of business rates growth resulting in a 75% pilot scheme, rather than 100% as at present, and a "No Detriment Clause" will not be in place for 2019/20.

- 3.4 A 75% scheme is less rewarding than a 100% scheme however following clarification of the treatment of Business Rates Section 31 Grants the actual financial business case is as strong as that of the 2018/19 application considered for Staffordshire. **The potential “windfall” for Staffordshire for 2019/20, based upon the 75% prospectus, is estimated to be £13.265 million.**
- 3.5 The Local Government sector is currently subject to a claim in relation to mandatory business rates relief, backdated for 6 years, from NHS Foundation Trusts. This would appear to be the material issue in relation to the “No Detriment” clause not being available. However, it is now likely that if any potential liability arises it will be determined and more importantly accounted for in 2018/19 rather than the pilot year. Nevertheless representations will be made directly to the Ministry of Housing, Communities and Local Government (MHCLG) and via the Local Government Association that any such issues arising from changes in policy/legislation and legal interpretation are dealt with equitably between ongoing pilots and new pilots created in 2019/20 as well as the overall Local Government sector.
- 3.6 Subject to the considerations in paragraph 3.5, the experiences to date of the respective Business Rates Pools in Staffordshire, there being no apparent call on the “No Detriment” clause by other pilots, together with the £13.265 million loss / trigger point, it is considered the reward from a pilot greatly outweighs the risk of a “No Detriment” clause not applying.
- 3.7 The requirements to be a pilot and the proposed Governance arrangements of the Staffordshire and Stoke on Trent Business Rates Pool are in accordance with those approved by Cabinet in considering the 2018/19 application. The only change is amending the tier splits to reflect a 75% scheme rather than 100%.
- 3.8 District / Borough tier splits remain as at present with the additional allocation being passported to upper tier authorities. Each authority is guaranteed a minimum of £200,000 additional retention from the scheme whereas risks will be managed on a “No loss”, as compared to existing arrangements, at individual authority level.
- 3.9 “No loss” is determined to be that a Member will be no worse off:
- by being a Member of the Pool than they would have been if they had not been a Member of the Pool. Each Member will retain the income they would have received if they were not a member of the Pool.
  - No Member will be worse off as compared with previous pool arrangements for Staffordshire and Stoke on Trent Business rates Pool (2012) or Greater Birmingham and Solihull Business Rates Pool.
  - **No Member will be worse off as a result of the increased retained % arising from the Pilot Scheme.**

- 3.10 The Pilot governance arrangements will enable authorities to retain effective membership of other LEP'S via contributions to virtual Business Rate pools etc. The continuation of 100% Business Rates for Devolved areas will ensure that, for 2019/20 at least, membership of more than one pool will remain and hence the ability to stay in a pool whether the application is successful or not will remain in place. The application will, as in 2018/19, contain details of each authority's pooling requirements if the application is again unsuccessful.
- 3.11 The deadline for submission of an Expression of Interest is 25 September 2018. The process requires the Section 151 Officer of each member of the pool to confirm that "it fully supports the application and the proposed pooling arrangements".
- 3.12 MHCLG have indicated that the number of pilots may be less than in 2018/19 (such pilots having to re-apply to be a pilot under the 2019/20 prospectus conditions) since there are now fewer issues to test via pilots. The process is likely to be very competitive and combined with the tight deadline for applications delegated authority is requested to submit and agree the details of the application.

#### **OPTIONS CONSIDERED**

- 3.13 As outlined within the report.

#### **RESOURCE IMPLICATIONS**

- 3.14 The financial implications of a Business Rates Pilot have been discussed within the report.

In accordance with the locally agreed "No Detriment" Clause the Council will not only receive the same level of resources as determined by the current 50% Business Rates retention Regime but also additional resources of £373k are envisaged for 2019/20 reflecting this Council's share of the previous 25% growth passed to Central Government. It is proposed that this additional resource is initially treated as windfall income until decisions are made whether the pilot scheme is extended.

#### **LEGAL/RISK IMPLICATIONS BACKGROUND**

- 3.15 The Risk Management Implications of pooling arrangements for the proposed pilot have been referred to throughout the report but can be summarised as follows.

The pooling of Business Rates under pilot arrangements enables a greater proportion of Business Rates to be retained by Authorities by retaining the Government's share of growth achieved within the pooled area. An equivalent risk exists whereby the Council would be responsible for the Government's share if business rates contracted below the current level of business rates.

There are a large number of risks that already exist in relation to Business Rates Retention however the greatest risk is in relation to the level of appeals.

The proposed pool would potential be subject a material detriment dependent upon the outcome of the NHS Foundation claim to be treated as a Charity and claim mandatory relief for six years.

In the context of the Pilot Business Case any potential liability is likely to be determined and accounted for in 2018/19.

Further clarification in relation to how the pilot will test other aspects of the appeal system etc. are being sought from MHCLG.

## **SUSTAINABILITY IMPLICATIONS**

3.16 None.

## **BACKGROUND**

- 4.1 Cabinet at its meeting of 19<sup>th</sup> October 2017 approved the submission of an Expression of Interest to pilot 100% Business Rates Retention in 2018/19.
- 4.2 The Expression of Interest related to a new Staffordshire and Stoke on Trent Business Rates Pool consisting of the County Council; Stoke on Trent City Council, all 8 District /Borough Councils and the Staffordshire and Stoke on Trent Fire Service. The report highlighted the Financial Business Case for the Expression of Interest together with the proposed Governance arrangements (Memorandum of Understanding) for the proposed new business rates pool.
- 4.3 The outcome of the pilot application was announced in December 2017, as part of the 2018/19 Provisional Local Government Settlement, with 10 new pilots being selected. In total 26 applications had been submitted and although the Department for Communities and Local Government considered that all applications had met the criteria the key overriding factor in determining pilots was affordability and a programme was constructed that “covered a wide spread of geographical areas across England; focussed on rural authorities; and contained authorities with a variety of different rates bases” within the financial envelope available.
- 4.4 The 2018/19 announcement stated further pilots would be created in 2019/20 and a pilot prospectus (see **Appendix 1**) was issued on the 24 July entitled “Invitation to pilot 75% Business Rates Retention in 2019/20”.

## 2019/20 Business Rates Pilots

4.5 The Invitation contains two major changes in relation to Piloting Business Rates Retention in 2019/20, as compared to 2018/19, notably:

- Piloting a 75% scheme;
- No Detriment not applying.

In addition the application process is likely to be more competitive than in 2018/19 with the new pilots established in 2018/19, excluding London, being terminated and the affordability envelope potentially reduced. Separate discussions are taking place with the London Pilot and the Pilots created in 2017/18 in relation to devolution areas.

4.6 The 2019/20 Invitation relates to piloting a 75% Business Rates scheme as compared to the 100% in 2018/19. The original intention of Business Rates reform was to enable Local Government to retain 100% Business Rates from 2019/20, however, following the last General Election the new Parliamentary timetable prevented the necessary legislation being in place. The Government although approving 100% Business Rates Pilots as part of the 2018/19 settlement announced that 2020/21 would see a 75% Business Rates Retention scheme being introduced combined with Fair Funding determined baselines and a the first Reset of the growth arising from the current Business Rates Retention scheme.

4.7 A 75% scheme by its nature means that a local authority or pilot, in this instance, would be able to retain 75% of future growth, as compared to the current 50%, together with a “windfall” representing the government share of underlying growth achieved at the date of creation of the pilot (in this case representing 25% of growth achieved by the 31 March 2019). The impact of a 75% scheme is discussed in more detail in Section 5 however it should be noted that the financial gain from a Pilot is still material.

4.8 The prospectus contains the majority of conditions as per previous pilots notably:

- To be accepted as a new pilot for 2019/20 all parties must be designated as a pool to share business rates income (paragraph 2.4 of the prospectus). **Authorities cannot be members of two pools** (paragraph 4.3);
- The 2018/19 pilot programme will last for one year only (Paragraph 7.4);
- No additional responsibilities are indicated within the prospectus with only Revenue Support Grant (RSG) and Rural Services Grant funding streams to be directly funded from Business Rates (paragraph 1.4).

4.9 However, new pilots will not be subject to a “No Detriment” policy. This was proposed as part of the 2018/19 prospectus but rescinded following representations from the Local Government Association.

The new prospectus states that “As the pilots are testing the pooled authorities” approach to risk, the government has agreed that a ‘no detriment’ clause will not be applied to the 2019/20 pilots. Instead, selected areas will test a 95% safety net to reflect increased risk in the proposed increased business rates retention system. Applying a “no detriment” clause to the pilots would not be reflective of the reformed business rates retention system that the government aims to introduce in 2020/21”.

- 4.10 The 2019/20 process is likely to be as competitive as in 2018/19 with the ten pilots created in 2018/19 being required to apply to become a 75% pilot governed by the 2019/20 Prospectus. In addition Government have indicated that the 2019/20 pilot programme may be smaller than in 2018/19 since there are fewer issues to test before 2020/21. However, this is slightly contradictory since (a) the 2018/19 Programme was curtailed due to affordability and a 75% scheme will double the affordability envelope; (b) a 75% scheme is now being tested and (c) a no detriment clause will not now apply, both now being tested for the first time.

#### **Updated Business Case for a Pilot - Evaluation of Risks and Benefits**

- 5.1 The evaluation of the risks and benefits of the Business Case for a pilot were contained in detail in the report to Cabinet in October 2017. The impact of the changes arising from the 2019/20 Invitation can be summarised as follows:

##### **Financial Benefit**

- 5.2 The potential “windfall” for Staffordshire for 2019/20, based upon the 75% scheme, is estimated to be £13.265 million and is in line with the Business Case approved by each authority in 2017.
- 5.3 In essence, the 75% scheme is less favourable than the 100% pilots, however, the potential loss has been more than offset by confirmation of the treatment of Section 31 Grants in relation to Small Business Rates Relief etc.

The Business Case in October 2017 at £12.635 million represented the worst case scenario, however, confirmation was received in advance of the final application that grants would be increased to reflect the 100% scheme. To set the Business Case in context a 100% pilot would have generated a windfall of £26.5 million.

- 5.4 The £13.265 million potential windfall of the 75% scheme is solely based upon the pool retaining the additional proportion of the Central Share (currently paid to Government) and Section 31 grants being paid in accordance with a 75% scheme. No account has been made at this stage for any new growth in 2019/20.



## No Detriment - Pilot Area

- 5.5 All existing pilots have been created on a no detriment basis. The “no detriment” provision ensures that **collectively** the authorities in the pilot are no worse-off than if they had remained in the existing 50% scheme. In particular the agreement ensures that if new burdens arise or the assumptions in relation to the funding stream change, then the Pilot Area is protected.
- 5.6 No detriment will however not apply for the pilot or pool for 2019/20 although protection is provided at an authority level via the proposed internal governance arrangements for the Staffordshire and Stoke on Trent Pool.
- 5.7 In considering the “No Detriment” requirement a key factor is whether the reward of retaining 75% growth outweighs the risk. “No detriment” as applied to existing pilots would only apply if the proceeds from the scheme were less than the 50% scheme and if the cost of additional responsibilities were greater than the resource required. In accordance with the prospectus no additional responsibilities are to be transferred.
- 5.8 All authorities currently manage the risk in volatility of business rates by being a member of a Business Rates pool. The respective governance arrangements share the risk and reward on the basis that no authority will be worse off as compared to not being part of a pool. In accordance with the 2019/20 Prospectus 25% of the risk /reward will remain with Central Government and due to the scale of the windfall Business Rates would need to contract by in excess of £13million or 7% for a detriment issue to even apply.
- 5.9 As highlighted in the 2017 report two key risks exist in relation to pooling without a “No detriment” clause:
- A major Business Closes in the Area;
  - The level of Appeals exceeds Governments expectation / provision made by each authority.
- 5.10 The diverse nature of Businesses in Staffordshire combined with the operation of the scheme to date indicates that it is very unlikely that the closure of a business etc. will be a material factor in relation to the lack of a no detriment clause.
- 5.11 The greatest risk in relation to the non-existence of a “No Detriment” clause is the level of appeals. The initial business case in 2017 indicated that although the pool would be willing to accept the risk of volatility, due to changes in circumstances and its share of appeals, it is unwilling to become a pilot unless a “No detriment” clause applies for the loss of business rates income due to:
- The consolidation of hereditaments as a single assessment;
  - Transfer from the Local Rating List/Central Rating Lists;
  - Changes in Mandatory Relief Policy Charitable Status;

- Changes in the basis of determining the basis of Rateable Values;
- The backdated cost of new appeals post 1 April 2018.

- 5.12 A review of the proposals for the design of the new system to date indicates that the majority of such issues will be addressed in the new system and hence the pilot. Clarification will be sought from MHCLG to confirm that the pilot will operate / test such measures and hence it is the Mandatory Rate Relief for NHS Foundations issue that remains unresolved.
- 5.13 The impact of any such change in the determination of 80% relief for such organisations would undoubtedly create a situation which would completely negate the financial business case and hence on face value would be a caveat that would need to be included in any application. The claim for charitable status is being defended collectively via the LGA and following clear Counsel Advice has been refuted but nevertheless is being tested in the high Court arena. Nevertheless, and at the same time acknowledging that such a liability could not in any event be met by the Local Government Sector, the actual timeline for determination of the claim will be known this Autumn, and hence any potential liability would be accounted for in the current year as part of the current business rates regime.

### **The Proposal for a 2019/20 Staffordshire Pilot**

- 6.1 In accordance with the principles agreed as part of the Financial Business Case for 2018/19 the additional resources generated via the windfall would be distributed on a 59/40/1 basis for the two tier structure (County/District /Fire) and 99/1 distribution for the Unitary/Fire authority arrangement. Each authority is, however, guaranteed a minimum £200,000 of the windfall allocation.
- 6.2 The tier splits which determine the distribution of new growth generated with effect from 1 April 2020 have been amended to reflect the change to a 75% scheme as follows:

<b>Table A: Potential Tier Splits 75% Scheme</b>			
Two Tier Authorities	(50% Scheme )	100% Scheme Windfall	75% Scheme
Central Government			25%
Staffordshire County Council	9%	59%	34%
Staffordshire Fire and Rescue Service	1%	1%	1%
District /Borough Councils	40%	40%	40%
Unitary Authority	(50% Scheme )	2018 Pool	2018 Pool
Central Government			25%
Stoke on Trent City Council	49%	99%	74%
Staffordshire Fire and Rescue Service	1%	1%	1%

- 6.3 The potential distribution of the windfall for 2019/20 based upon Business Rates estimates submitted to Government for the current year would be as follows:

<b>Table B: 2018/19 Windfall as per 75% Pilot</b>			
		<b>75% pilot</b>	
<b>Authority</b>		<b>Revised Additional Growth Retained</b>	<b>Distribution</b>
		<b>£'000</b>	<b>£'000</b>
Stoke on Trent		<b>4,171</b>	<b>4,213</b>
Cannock Chase		<b>914</b>	<b>453</b>
East Staffs		<b>428</b>	<b>212</b>
Lichfield		<b>1,159</b>	<b>575</b>
Newcastle under Lyme		<b>488</b>	<b>242</b>
South Staffordshire		<b>878</b>	<b>435</b>
Stafford		<b>1,915</b>	<b>950</b>
Staffordshire Moorlands		<b>674</b>	<b>334</b>
Tamworth		<b>752</b>	<b>373</b>
Staffordshire County Council		<b>1,618</b>	<b>5,274</b>
Staffs Fire and Rescue		<b>265</b>	<b>200</b>
		<b>13,262</b>	<b>13,262</b>

## **Governance Arrangements**

- 7.1 The Draft Governance arrangements for the proposed pool are attached as **APPENDIX 2** in the form of a Memorandum of Understanding. The arrangements reflect the Governance arrangements as per the 2018/19 application and changes arising from a 75% scheme are annotated via “tracked changes”.
- 7.2 The Governance arrangements reflect the Membership of the Pool; Duration; Governance and Voting Rights; Amounts to be pooled and Distribution methodology; Safety Net; Accountable Body and Termination.
- 7.3 As stated with the 2018/19 application arrangements are in place to ensure that the Pool will be based upon a “No Loss” basis for each Member.

“No loss” is determined to be that a Member will be no worse off:

- by being a Member of the Pool than they would have been if they had not been a Member of the Pool. Each Member will retain the income they would have received if they were not a member of the Pool.

- No Member will be worse off as compared with previous pool arrangements for Staffordshire and Stoke on Trent Business rates Pool (2012) or Greater Birmingham and Solihull Business Rates Pool.
- **No Member will be worse off as a result of the increased retained % arising from the Pilot Scheme.**

7.4 Similarly the sovereignty and individual funding allocations for each authority will be maintained. The amount of core funding for each authority in any potential pilot will still be separately identified as part of the Local Government Settlement. Each authority will receive their allocated amount. There is no commitment as part of the pilot to share needs/resources and risk other than under the current 50% scheme. Business rates will still be collected and retained by each authority with only the additional resources arising from the 75% scheme being accounted for on a Staffordshire “Area” basis.

7.5 The Pilot governance arrangements will enable authorities to retain effective membership of their respective Local Enterprise Partnerships via contributions to virtual Business Rate pools etc. The continuation of 100% Business Rates for Devolved areas will ensure that for 2019/20 at least that membership of more than one pool will remain in place and hence the ability to stay in a pool whether the application is successful or not will remain in place. Similar to 2018/19 any changes in existing pooling arrangements will need to be notified to existing pools in advance of the submitting the application and details are required of pooling arrangements if the application was unsuccessful .

### **Process and Timetable**

8.1 Applications for 2019/20 are to be submitted on the Template provided by MHCLG.

8.2 Section 4 of the Prospectus (see **APPENDIX 1**) outlines the requirements of the Application in terms of:

- Membership Details of Proposed Pilot;
- Bid Details;
- Additional supporting Information;
- Membership;
- Lead Authority;
- Pooling arrangements if pilot bid is unsuccessful;
- Other Information.

8.3 Subject to the approval to submit an Expression of Interest the application will be developed by Staffordshire Chief Finance Officers Group and nominated policy officers in further discussions with MHCLG.

- 8.4 The Deadline for Expressions of Interest is the 25<sup>th</sup> September 2018. In order to meet this deadline, subject to the approval to submit an expression of interest by each member, delegated authority is requested for the Section 151 Officer, in consultation with the Leader of the Council and the Chief Executive, to agree, in conjunction with the other eleven authorities of the proposed pilot, the detail of the 2019/20 application.
- 8.5 Successful applications will be determined and announced as part of the provisional 2019/20 Local Government Settlement in late November/Early December.

#### **REPORT AUTHOR**

If Members would like further information or clarification prior to the meeting please contact Stefan Garner, Executive Director Finance, tel. 709242.

#### **LIST OF BACKGROUND PAPERS**

Staffordshire Pilot for 100% Business Rates Retention in 2018/19, Cabinet 19<sup>th</sup> October 2017.

#### **APPENDICES**

**Appendix 1 The Ministry of Housing, Communities and Local Government (MHCLG) - Invitation to Local Authorities in England to pilot 75% Business Rates Retention in 2019/20, July 2018**

**Appendix 2 Draft Memorandum of Understanding**

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Ministry of Housing,  
Communities &  
Local Government

# Invitation to Local Authorities in England

to pilot 75% Business Rates Retention in 2019/20



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July 2018

ISBN: 978-1-4098-5265-0



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# Section 1 – The purpose of these invitations

- 1.1 The government is committed to continuing to give local authorities greater control over the money they raise locally. In December 2017, the government announced the aim of increasing the level of business rates retained by local government from the current 50% to the equivalent of 75% in April 2020.
- 1.2 In order to test increased business rates retention and to aid understanding of how we transition into a reformed business rates retention system in April 2020, the government is inviting local authorities in England to apply to become 75% business rates retention pilots in 2019/20. This will be focussed on the learning necessary for transition to the proposed new scheme in 2020/21, allowing the Government to test business rates retention at 75% in line with proposed level of retention for 2020/21 and resulting in a smoother transition to full implementation. Given the limited time before 2020/21, there are fewer issues we can usefully test in pilots. It is therefore likely that this pilot programme may be smaller than in 2018/19.
- 1.3 As part of the move towards a reformed business rates retention system in 2020/21, the government intends to devolve Revenue Support Grant (RSG), Rural Services Delivery Grant (RSDG), the Greater London Authority (GLA) Transport Grant and the Public Health Grant (PHG) to local government when the new system commences. The government also intends to use the intervening period to develop a set of measures that support a smooth transition of funding for public health services from grant funding to retained business rates.
- 1.4 To ensure that piloting in 2019/20 closely reflects the government's proposals to date for a reformed business rates retention system, authorities selected as pilots in 2019/20 will be expected to forego Revenue Support Grant (RSG) and Rural Services Delivery Grant (RSDG).
- 1.5 New 75% retention pilots in 2019/20 will provide the opportunity to test and gather information on the design of the new business rates retention system in preparation for 2020/21. The pilots will test authorities' administration, technical planning for implementation, and look at system maintenance; how the accounting, data collection and IT systems will work. They will also aid our understanding of how we transition into and operationalise the proposed 75% business rates retention system from 2020 onwards.
- 1.6 Collaboration between the government and local government has been central to the ongoing development of the business rates retention system and the reform of the local government finance system more widely. Piloting increased business rates retention will continue to form a key part of this collaboration and help design a system that truly delivers for the sector.

- 1.7 MHCLG are evaluating pilots during their operation and will continue to develop and share 'lessons learnt' from the implementation of increased business rates retention.

## Background to current business rates pilots

- 1.8 On 1 April 2017 the government launched five initial 100% business rates retention pilots<sup>1</sup> in devolution deal areas. These pilots were continued into 2018/19. The government will continue to have separate discussions with the devolution deal areas about their pilot programme.
- 1.9 On 1 April 2017 we also transferred the responsibility for funding TfL investment grant to the Greater London Authority (GLA), increasing their share of business rates to 37%.
- 1.10 At the 2017 Autumn Budget it was confirmed that London would become a 100% business rates retention pilot for the duration of the 2018/19 financial year. The pilot comprises of the thirty-two London Boroughs, the City of London and the Greater London Authority. The government will continue to have separate discussions with London about their pilot programme.
- 1.11 At the provisional Local Government Finance Settlement in December 2017, the government announced a further ten 100% business rates retention pilots for the duration of the 2018/19 financial year in local authority areas across England<sup>2</sup>. Whilst these pilots are set to end on 31 March 2019, we are inviting the areas involved to apply to become 75% business rates retention pilots in 2019/20.

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<sup>1</sup> These pilots are in Greater Manchester, Liverpool City Region, the West Midlands, Cornwall and the West of England.

<sup>2</sup> These pilots are in Berkshire, Derbyshire, Devon, Gloucestershire, Kent, Leeds, Lincolnshire, Solent, Suffolk and Surrey.

## Section 2 – The invitation to authorities to pilot

- 2.1 This invitation is addressed to all authorities in England, excluding those with ongoing business rates retention pilots in devolution deal areas and London, which are expected to have separate discussions with the department.
- 2.2 Other ongoing business rates retention pilots, set to operate for the duration of the 2018/19, will end on 31 March 2019. We are inviting these authorities, alongside other authorities in England, to make a proposal to pilot 75% business rates retention in 2019/20, should they wish to do so.
- 2.3 Applications from current pilot authorities will not be influenced by the success of those authorities in last year's application process. Authorities may reference their previous experiences of piloting increased business rates retention when writing their applications. However, all applications for the 2019/20 pilots, whether from piloting or non-piloting authorities, will be assessed on their merits and on an equal footing.

### Terms of the invitation

- 2.4 The government is interested in exploring how 75% rates retention can operate across more than one authority to promote financial sustainability and to support coherent strategic decision-making across functional economic areas. Accordingly, the government would like to see authorities form pools (either on existing or revised boundaries) and, with agreement in place from all participating authorities, to apply jointly for pilot status. We would expect a proposed pool to comprise a county council and all of the associated district councils; a group of unitary authorities; or a two-tier area and adjoining unitaries, but it should extend across a functional economic area. Proposals will need to set out tier split arrangements of all precepting authorities, including Fire and Rescue authorities.
- 2.5 To be accepted as a pilot for 2019/20, agreement must be secured locally from all relevant authorities to be designated as a pool for 2019/20 (in accordance with Part 9 of Schedule 7B to the Local Government Finance Act 1988) and to put in place local arrangements to pool their additional business rates income.
- 2.6 We require bids to explain how the pilot will manage risk and reward at a strategic level. Bids should pay regard to the financial sustainability of all local authorities involved, as well as laying out how any potential growth in business

rates may be spent. The bid will also need to outline the governance arrangements for strategic decision making.

- 2.7 The government will use the 2019/20 pilots to deepen its understanding of how different local arrangements, including governance and information systems, work in relation to 75% business rates retention. As such, the government will seek to gather evidence from the pilots by conducting interviews with a sample of piloting authorities once the pilots are operational.
- 2.8 Participating authorities will be expected to work with MHCLG officials on the system design of the new business rates retention system and share additional data and information, as required. Pilot bids should clearly confirm the participating authorities' willingness to aid MHCLG officials in this work.
- 2.9 Authorities may propose new pooling arrangements should they wish to apply to become 75% business rates retention pilots in 2019/20. In two-tier areas, applications should propose a tier split.
- 2.10 The proposal will need to show that all participating authorities have agreed to become part of the suggested pool and share additional growth as outlined in the bid. The s.151 officer of each authority will need to sign off the proposal before its submission.
- 2.11 The value of grants devolved as part of business rates pilots will be taken into account when revised tariffs and top-ups for the piloting authorities are set up. This is to ensure that pilots are fiscally neutral against business rates baselines, and only benefit financially if actual revenues exceed baselines.
- 2.12 Pilot areas will be expected to operate under the arrangements that currently determine safety net payments for pools. In other words, each 'pool' will have a single safety net threshold determined on the basis of the pool's overall baseline funding level and business rates baseline. However, the pool's safety net threshold will be set at 95% of its baseline funding level, instead of 92.5%, to reflect the additional risk of 75% retention. Pilots will operate with a 'zero levy', as is the case for the current 2018/19 pilot areas.
- 2.13 As the pilots are testing the pooled authorities' approach to risk, the government has agreed that a 'no detriment' clause will not be applied to the 2019/20 pilots. Instead, selected areas will test a 95% safety net to reflect increased risk in the proposed increased business rates retention system. Applying a 'no detriment' clause to the pilots would not be reflective of the reformed business rates retention system that the government aims to introduce in 2020/21.

- 2.14 Given the timetable for pilot applications and the proximity to the finalisation of the local government finance settlement, all applications must outline, with agreement from all participating authorities, what pooling arrangements they would like to see if their application to become a pilot were unsuccessful. In addition, any authority which is part of a current pool but wishes to apply to become a pilot as part of a different pool, must inform the current pool of its intention prior to submitting its application to the department.
- 2.15 Alongside this prospectus we are publishing supplementary information on how pooling arrangements will be managed in line with applications to become pilots. Please consult this document for further information.
- 2.16 The government reserves the right to pilot a full range of options and so to create a single authority pilot if it is deemed useful as a result of our discussions with applicants. The government will not compel any authority to become a pilot that does not wish to, and we cannot designate a pool without explicit agreement from all participating local authorities.
- 2.17 We recognise that in some cases functional economic areas can extend beyond traditional administrative areas. Unless locally agreed otherwise, the government will assume that in the exceptional event that a district council successfully applies to become a business rates retention pilot as part of a pool to which its county council, or other major precepting authority does not belong, its major precepting authorities will continue to receive the same share of business rates from the district as they would have done under the current 50% business rates retention system if they are not part of a separate successful pilot. The separate 75% business rates pool, of which the district is a member, will therefore need to account for this when determining the pool's internal split for sharing business rates income.
- 2.18 Where a county and one, or more, of its districts are successful in applications for separate 75% business rates retention pilots, we would expect them to reach agreement about the share of business rates that the districts are to pay to the county. In the absence of such local agreement, the Secretary of State will determine the shares, considering proposals made in applications to the department on a case by case basis.

## Response to the invitation

- 2.19 It is wholly at the discretion of authorities whether or not they choose to apply to the pilot scheme outlined above.

- 2.20 Any proposals for new pilots must be received by the Ministry of Housing, Communities and Local Government by midnight on Tuesday 25 September 2018.
- 2.21 It is expected that successful applications will be announced before or alongside the publication of the provisional Local Government Finance Settlement.

## Section 3 – The criteria for becoming a pilot

- 3.1 The department will consider all applications to pilot 75% business rates retention that are received by the deadline at midnight on 25 September 2018 and conform to the scheme as outlined in Section 2.
- 3.2 Because of affordability constraints, it may be necessary to assess applications against selection criteria. In these circumstances, the following criteria will be considered:
  - a. Proposed pooling arrangements operate across a functional economic area;
  - b. Proposal demonstrates how pooled income from growth will be used across the pilot area to either boost further growth, promote financial sustainability or a combination of these;
  - c. Proposal sets out robust governance arrangements for strategic decision-making around the management of risk and reward and outlines how these support the participating authorities' proposed pooling arrangements.
- 3.3 If further assessment criteria are required, the government may select pilots in order to:
  - a. Achieve a wide geographical spread across England;
  - b. Achieve a pilot programme with a range of arrangements to be tested. This might include selecting pilots with different kinds of business rate bases, different pooling or governance arrangements as part of the pilot;
  - c. Achieve variation in the types of tier split arrangements that are being piloted in the case of two-tier areas.



## Section 4 – The authorities’ proposal to become a pilot

- 4.1 Any proposal must be in accordance with the invitation and criteria outlined in Sections 2 and 3, and summarised in paragraph 5.2.
- 4.2 Proposals must address all questions in the 75% business rates retention pilot application form and clearly set out the following:

### Membership details of proposed pilot

- a. Local authority membership of the proposed pool, explaining its business rates base and relevance to the economic geography of the area;
- b. Evidence (i.e. signature of each area’s s.151 officer) that each local authority in the proposed pool fully supports the application and the proposed pooling arrangements;
- c. The lead authority and contact details of the lead responsible official for matters relating to the application;
- d. The proposed position of all precepting authorities, including Fire and Rescue authorities.

### Bid details

- e. Details of your bid should include a summary of governance arrangements, as well as agreement on how any additional business rates income is to be used across the pilot area; how risk is to be managed; and how residual benefits/liabilities would be dealt with once the pilot ends;
- f. An indication of how the pool will work together in the longer term;
- g. Proposals for sharing additional growth across the pilot area. We are interested in seeing how additional growth may be used to promote financial sustainability, as well as further growth through investment;
- h. Confirmation that all participating authorities are willing to work with MHCLG officials on the system design of the new business rates retention system and share additional data and information, as required.

## Additional supporting evidence

- i. In relation to authorities in two-tier areas, applications should propose a tier split.

## Membership

- 4.3 Authorities cannot apply to pilot 75% business rates retention as part of more than one application. Where authorities have two possible options, they must choose which pilot they wish to apply to participate in. We will reserve the right to refuse applications from authorities that have sent in multiple applications.
- 4.4 If existing pooling arrangements need to be reconfigured as a result of a pilot proposal, the department would expect to make the necessary determinations at the same time as confirming its agreement to the pilot arrangements. In the event that a pilot proposal is not accepted, the government will make 2019/20 pooling arrangements with the authorities concerned, taking into account their expressed preferences on their pilot application, as requested in paragraphs 2.14 and 5.6.

## Lead authority

- 4.5 Participating pools will be treated as one entity by the department for the purposes of business rates retention and one calculation will be made regarding top-up/tariff and the safety net payment. Therefore, the pool must nominate a Lead Authority to receive payments from and make payments to the department on behalf of the entire pool. Any authority within the pool is eligible to fulfil this role. Applications must state which authority will be acting as the Lead Authority for the duration of the pilot.

## Pooling arrangements if pilot bid is unsuccessful

- 4.6 The pilot bid will need to clearly outline, with agreement from all participating authorities, what pooling arrangements the authorities would like to see in case that the application to become a pilot was unsuccessful.

## Other information

- 4.7 Authorities may include any further materials they see fit in support of their proposal. These should be included as an Annex to the main pilot application form.

## Section 5 – The government’s handling of proposals

- 5.1 All proposals received on or before 25 September 2018 by the department will be carefully considered, and the results announced before or alongside the publication of the provisional Local Government Finance Settlement. After the announcement the department will support successful authorities in preparing for implementation.
- 5.2 The first assessment of proposals will ensure that all conform to the terms of the invitation (see Section 2).
- 5.3 If it is necessary for a selection to be made, for reasons of affordability, then the proposals will be subject to a further assessment against the criteria outlined in Section 3, 3.2.
- 5.4 If a third assessment is required, then proposals will be assessed against further criteria to ensure a variety of useful pilots are created, including those outlined in Section 3, 3.3.
- 5.5 The government may request further information in carrying out this assessment from the authorities submitting the proposal and from other persons and bodies that it deems appropriate.
- 5.6 Where information is not available the government reserves the right to make assumptions and estimates as it sees fit.

## Section 6 – Submission of proposals

6.1 Any proposals for new pilots must be received by the Ministry of Housing, Communities and Local Government by the deadline at midnight on 25 September 2018. The Secretary of State may publish proposals in the Libraries of Parliament.

6.2 Proposals should be submitted to:

Local Government Finance Reform Team

Ministry of Housing, Communities and Local Government

Fry Building

2 Marsham Street

Westminster

London

SW1P 4DF

Email: [Businessratespilots@communities.gsi.gov.uk](mailto:Businessratespilots@communities.gsi.gov.uk)

## Section 7 – Conditions

- 7.1 In designating a pool for 2019/20, the department will attach conditions to the designation in accordance with paragraph 35(1) of Schedule 7B to the Local Government Finance Act 1988. The department will appoint a lead authority to exercise the functions specified in other conditions attached to the designation, taking into consideration the suggestion made in the pool's application as stated at 5.5. above, and will require the authorities to take the steps set out in its application in the event that the pool is dissolved, as suggested at 5.2(f) above.
- 7.2 It also reserves the right to attach such other conditions as it sees fit, in accordance with paragraph 35(2) of Schedule 7B. If the department attaches conditions these are likely to be around the publication of information by the lead authority in the interests of transparency.
- 7.3 The department also reserves the right to modify, add or remove conditions at any point in the future, as becomes necessary.
- 7.4 The 2019/20 pilot programme will last for one year only in preparation for the full implementation of a reformed business rates retention system that the government aims to introduce on 1 April 2020 and does not prejudice the discussion the department will be continuing to have with Local Government on the future of the business rates retention system as a whole.

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**Memorandum of Understanding - Subject to Contract  
Business Rates Pooling Agreement  
Pilot Arrangements  
Staffordshire and Stoke –on –Trent**

- (a) All Local Authorities are currently obligated to pay a percentage of their Business Rate collection to Central Government. In accordance with the proposed ~~75400%~~ Business Rates Retention Scheme only 25% of all Business Rates will be retained by Central Local Government
- (b) In order to pilot the ~~75400%~~ scheme Members have agreed , subject to designation by DCLG, to join together the net Business Rates collected and establish a Business Rate Retention Scheme in accordance with the Local Government Finance [Bill July 2012] (“the Pool”).
- (c) The rationale of the Pool is
- (i) to utilise the additional resources available to the pool , resources that would otherwise have been returned to central government, to
    - deliver sustained economic growth by building on and strengthening its partnership arrangements reflecting the economic geography of Staffordshire
    - the generation of additional resources for both direct service provision, and preventative , social care
  - (ii) to utilise tier splits to manage the risks and rewards across the pool

## **1. Membership**

- 1.1 Membership of the pool is open to the following Councils/ authorities;
- Cannock Chase District Council
  - East Staffordshire Borough Council
  - Lichfield District Council
  - Newcastle-under-Lyme Borough Council
  - South Staffordshire District Council
  - Stafford Borough Council
  - Staffordshire County Council
  - Staffordshire Fire and Rescue Service
  - Staffordshire Moorlands District Council
  - Stoke-on-Trent City Council
  - Tamworth Borough council
- 1.2 The Pool Board will review its membership annually and will consider requests for new members to join or existing members to leave provided applications to join or leave are made at least 2 months prior to the Ministry of Housing Department for Communities and Local Government (“MHDCLG”) deadline for pre designation of a Pool each year.

- 1.3 The Pool is open to the possibility of accepting additional members to its pooling arrangement. New members, as existing members, will be accepted subject to:
- there being a unanimous decision of the Pool Leaders to accept the new member(s)
  - new membership will begin from 1 April of the following financial year
  - consultation and designation requirements of [MHDC](#)CLG.
  - their full acceptance of the [MHDC](#)CLG' s Business rates retention scheme – pooling prospectus and any subsequent amendments to or iterations thereof.

## 2. Duration

- 2.1 Subject to the pool being designated by [MHDC](#)CLG, the pool will come into effect from 1 April 20198. The period of membership will be for a minimum of the 20198/2019 financial year.
- 2.2 The Pool is a voluntary arrangement and Members will be able to review their continuing membership up to [2 months] prior to the annual nomination of the forthcoming year's Pool in accordance with [MHDC](#)CLG' s timetable.
- 2.3 Should a Member withdraw from the Pool during the annual settlement consultation period the Pool will be dissolved in accordance with [MHDC](#)CLG rules.

## 3. Governance

- 3.1 A Pool Board consisting of a representative from each of the Members will be responsible for the Governance arrangements of the Pool.
- 3.2 The Pool Board will be made up of one nominee from each of the Members, being the Leader/Chief Executive or nominated substitute.
- 3.3 Each Member will have equal voting rights and voting will be by a simple majority. If there are an equal number of votes for/against a decision, the Chair will provide a casting vote.
- 3.4 A schedule of meetings will be agreed annually in advance of each financial year and a quorum for meetings will be 50% of the Membership of the Pool Board.
- 3.5 The Board will be hosted in each turn by each Member and chaired by the host Member.
- 3.6 The Pool Board will receive appropriate Legal and Financial support as required as from the Lead Authority.



3.7 The Members shall at its first meeting agree terms of reference for the Pool Board, subject to the clauses as contained in Section 4 of these Heads of Terms.

#### **4. Pooled Fund**

4.1 The Pool will be based upon a “No Loss “basis for each Member.

4.2 “No loss” is determined to be that a Member will be no worse off

- by being a Member of the Pool than they would have been if they had not been a Member of the Pool. Each Member will retain the income they would have received if they were not a member of the Pool.
- No Member will be worse off as compared with previous pool arrangements for Staffordshire and Stoke on Trent Business rates Pool (2012) or Greater Birmingham and Solihull Business Rates Pool.
- No Member will be worse off as a result of the increased retained % arising from the agreed Tier Splits of the Pilot Scheme.

4.3 Each Member will retain the net Business Rates calculated in accordance with the 50% Business Rates Scheme (pre to any Levy Deduction). Member authorities will pay the same level of tariff or receive the same level of top up and receive the same level of safety net payment as if they were not in the pool;

4.4 Tariffs/Top ups for each Member as determined by the Annual Settlement, as adjusted for the consolidation of Revenue Support Grant and Rural Services Grant will be paid into/ received from the Pool via the Accountable Body in accordance with the timetable as approved by the Board. The accountable body will be responsible for payment/ receipt of the net Tariff or Top Up due to/from Central government.

4.5 Additional income in excess of the amount that would have been retained under the 50% Business Rates Scheme will be paid into the pool via the Accountable Body no later than the point at which they would otherwise have been paid to the Government had no pool existed.

4.6 The pool will be distributed in accordance with the following methodology

- The Accountable Body will receive a fixed annual sum of £XX,000
- Each Member Authority will receive a guaranteed payment of £200,000 per annum
- Compensation to a Member arising from the change in tier splits between the 50% and ~~75%~~100% scheme whereby an authority is worse off due to the increased % arising from the pilot.

- 4.7 The residual balance representing “ongoing growth” to 31 March 2019~~8~~ and new growth thereafter will be split in accordance with the following Tier Splits reflecting the growth achieved by that Member

Two Tier Authorities	<u>Growth to 31 /3/20192018 Pool</u>	<u>(Growth thereafter 7550% Scheme )</u>
Staffordshire County Council	59%	<u>349%</u>
Staffordshire Fire and Rescue Service	1%	1%
District /Borough Councils	40%	40%
Unitary Authority	<u>Growth to 31 /3/20192018 Pool</u>	<u>Growth thereafter (75.50% Scheme )</u>
Stoke-on-Trent City Council	99%	<u>7449%</u>
Staffordshire Fire and Rescue Service	1%	1%

- 4.8 The above distribution mechanism will remain in place for the duration of the pool
- 4.9 The distribution of pooled funds will be made by 30 June following the end of the relevant financial year.
- 4.10 Billing authority Members will retain their own collection funds and will retain their existing responsibility for bearing any shortfall in collected business rates.

## 5. Levy Savings

- 5.1 The amount retained by each Member is gross of the 50% levy payments that would have been paid to the Government. Each Member will determine how such Levy savings are distributed and are outside of the remit of the pool. However the pool is to operate on a “no detriment” basis with other partners/stakeholders.
- 5.2 Each Member should agree with the relevant partner or body how/whether existing arrangements are to be addressed

	S&SOT (2012)	GBS Pool
Local Retention- Tariff	40%	32.5%
- Top Up		7.5%
Economic Development	40%	40%
Contingency	20%	20%

## 6. Safety Net/Contingency Fund

- 6.1 If a Member’s business rate income drops by more than the Government determined safety net trigger, then a Party will be entitled to receive a Safety Net Payment from the Pool.
- 6.2 The overall Pool, under pilot arrangements, will receive a Safety Net payment that guarantees 95.7% of its Baseline figure. Individual Members are not protected by the Government Safety Net provision. However in accordance with the “no detriment provision” existing 50% Business Rates Retention safeguards will apply.
- 6.3 Safety Net payments ensuring each authority receives 92.5% of its Business Rates Baseline will be paid from the Pool. The payment will match any safety net payments that would otherwise be made if they were outside the Pool.
- 6.4 At the formation of the pool each Member will be required to transfer to the Accountable Body their proportion of the Contingency Fund held within the Staffordshire and Stoke on Trent Business Rates (2012) Pool or Greater Birmingham and Solihull Business Rates Pool.
- 6.5 In addition, in accordance with previous pooling arrangements, Members will make a contribution amounting to 20% of its Levy Saving to the Contingency Fund.
- 6.6 The amount of the Contingency Fund will be reviewed on an annual basis by the Pool Board.
- 6.7 If in a Financial Year there are insufficient sums in the Contingency Fund then Staffordshire County Council and Stoke-on-Trent City

Council will transfer an amount equal to the shortfall to enable the Contingency Fund to make the Safety Net Payments. This payment will be split on a pro rata basis, based on respective population sizes in the two areas.

- 6.8 Staffordshire County Council and Stoke-on-Trent City Council will be reimbursed for any such payments made from the contingency in the following financial year.
- 6.9 Safety net payments will be made as a first call on sums in the contingency fund, before reimbursements are made.
- 6.10 The Contingency Fund will be reviewed on an annual basis by the Pool board. Where the existing contingency fund is, or is anticipated to be, insufficient, the % of the "levy savings" will be amended to increase the proportion allocated to the contingency fund and to reduce the allocation to the local incentive fund accordingly on a pro rata equal basis as agreed by the Pool Board.
- 6.11 If Staffordshire County Council and Stoke City Council are required to make Payments to the Contingency Fund in two (plus) consecutive Financial Years then they may notify the Members that a Variation to or Termination of the is needed.

## **7. The Lead Authority/Accountable Body**

- 7.1 The Pool Board will nominate the Finance Shared Service for Cannock Chase/Stafford Borough as Lead Authority.
- 7.2 The Lead Authority is responsible for all accounting and administration of the Pooled Fund and the Contingency Fund.
- 7.3 The Lead Authority is responsible for all auditing and accounting requirements as set out in legislation.
- 7.4 Each Member is be required to provide all relevant information to the Lead Authority as required to carry out its responsibilities. [to be determined by DCLG].
- 7.5 Each Member will transfer the relevant funds to the Lead Authority enabling the Lead Authority to carry out its responsibilities under this agreement.
- 7.6 The Members agree that the Pool will operate on a cash flow neutral basis. Payments should be actioned in accordance with the dates as determined by DCLG (as reasonably practical) on a net basis.
- 7.7 In addition Members will be required to provide medium term forecasts and monitoring information as determined by the Pool Board.

- 7.8 The Lead Authority will be accountable for producing as a minimum an annual report to the Pool Board or other such reports as required by the Pool Board.
- 7.9 The Lead Authority will be subject to no additional burdens other than those required to meet the normal requirements associated with the administration of the Pool and will receive an agreed fixed annual sum (as determined by the Board) for undertaking the Accountable Body status ..

## **8. Termination**

- 8.1 A Pool will remain in place for each financial year that it has been designated by [MHDC](#)CLG. Once designated, Members are not able to withdraw from the Pool for that financial year.
- 8.2 Prior to designation, the Pool is on a voluntary basis and all members will be able to choose to be a Member of the Pool for the forthcoming year's designation. In considering their continued Membership, Members will need to have due regard to the Pool Fund aims and objectives and the impact on remaining Members.
- 8.3 Members must give a minimum of 2 months' notice of intention to withdraw from the Pool prior to the provisional designation of the Pool in accordance with [MHDC](#)CLG' s timetable.
- 8.4 If a Member or Members leave the Pool without the required notice set out in 8.3 and it is not possible for other Members to form an alternative pool for the forthcoming year then the exiting Member or Members shall pay 250% of the lost benefit to the Member Authorities directly affected in accordance with the Tier splits. The lost benefit relates to the additional retained growth as compared to the 50% scheme that would have been available to the Members in the forthcoming year had the Member or Members not exited.
- 8.5 Clause 8.4 of this Memorandum of Understanding shall not apply to the first year of the Pool or if the Pool Board unanimously agrees that it shall not apply.
- 8.6 In the event that the Pool is terminated the Pool Board must unanimously agree how any balances in the Pooled Fund or the Contingency Fund are shared amongst the Members. For the avoidance of doubt this will include both positive and negative balances which will be netted off each other. If the pool board cannot reach a unanimous decision then the matter will be referred to mediation and/or arbitration as per the dispute resolution procedure set out in the pooling agreement.

**9. Other Terms**

- 9.1 The Pooling Agreement will also include other terms standard in xxxxx documents of this type e.g.: Freedom of Information Act provisions, anti-discrimination provisions, Data Protection Act provisions etc.
- 9.2 Each Member will be responsible for its own legal fees in the connection with the drafting, negotiation and completion of the Pooling agreement.
- 9.3 A dispute resolution shall be included in the Pooling agreement.

**Signed (for and on behalf of):.....**

**Name:.....**  
**Title:.....**  
**Date:.....**

THURSDAY, 6 SEPTEMBER 2018

## REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH

ASB, CRIME AND POLICING ACT - PUBLIC SPACE PROTECTION ORDER  
CONSIDERATION

## EXEMPT INFORMATION

## PURPOSE

To consider proposals for new Public Space Protection Orders (PSPOs) areas in Kettlebrook/Borrowpit Lake

## RECOMMENDATIONS

That Cabinet approve the progression to public consultation for the above PSPO and submission to Scrutiny Committee, as per process

## EXECUTIVE SUMMARY

Processes for the consideration of Public Space Protection Orders, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality **OR**
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

As per the process agreed, each area has been considered and all evidence gathered, including police report and resident's impact statements.

PSPOs are intended to deal with a particular nuisance or problem in a specific area, be focussed on specific behaviours and is proportionate to the detrimental effect that the behaviour is causing and is necessary to prevent it from continuing.

An evidence determination sheet has been completed and recommendations given on each area to proceed to a statutory public consultation of 28 Days in accordance with the PSPO Guidelines.

The Tamworth Community Safety Partnership have received requests via the Police, Councillor's and members of the public for the consideration for the use of this power at the following locations:-

### **Peelers Way**

- 1) The area considered include the underpass from Peelers Way, Snowdome car park, Borrowpit Lake, Underpasses to NAMCO Funscape (as areas open to the public) and the open space in Reedmace (see map attachment Appendix 1)
- 2) Under the proposed terms the following prohibitions are to be considered:
  - a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
  - b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
  - c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
  - d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
  - e) Barbeques, fires and littering
  - f) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.

- 3) An authorised person can also require any person:
  - a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
  - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

**Lead Agency:** Staffordshire Police

### **Evidence**

Police have evidence of ongoing ASB and nuisance to the public in and around the underpass on Peelers Way, open space at Celandine/Borrowpit Lake and underpass to Namco (Strikers). (Determination sheet Appendix 4)

### **Recommendation**

That a PSPO is considered for area considered and that 28 day further public consultation period is commenced as per the process.



The Snowdome and Namco Operations will also be included in the consultation as land operated by them is subject to public have access.

Draft PSPO attached as Appendix 3 with a recommendation that the order remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The results of further consultation and move to implementation will be discussed at Healthier and Safer Scrutiny Committee in October 2018 for sign off by the Portfolio Holder and public notice commenced as per the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

The earliest implementation date is 1<sup>st</sup> November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

## **OPTIONS CONSIDERED**

All options and evidence has been considered as per Appendix 2 and proposals contained within the executive summary.

## **RESOURCE IMPLICATIONS**

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Community Wardens, Police officers and other Council officers as designated by Tamworth Borough Council.

Any PSPOs put in place require appropriate signage and advertising as per the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 to be met from existing Partnerships revenue budgets. There is no requirement for public notice in the local newspaper.

The POSP order can be enforced by the Police and Community Wardens (when patrolling) and will be monitored over the next three years. Signage will provide details for the public to call to report breaches, but the order will not have immediate call out.

All residents will be informed of the decision of the Council by letter/email.

All other recommendations will be subject to continued review by the Tamworth Community Safety Partnership as is the current arrangement.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

All legal risks covered by legislation and agreed process

A community impact assessment is attached

## **SUSTAINABILITY IMPLICATIONS**

The order will be monitored on an ongoing basis for effectiveness and monitored accordingly after 3 years

## **BACKGROUND INFORMATION**

A Public Space Protection Orders (PSPO) is a measure to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The process is outlined in the Cabinet report of 18 June 2015.

If after consideration, areas are to be subject to a PSPO, Cabinet is to agree a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for sign off and implementation.

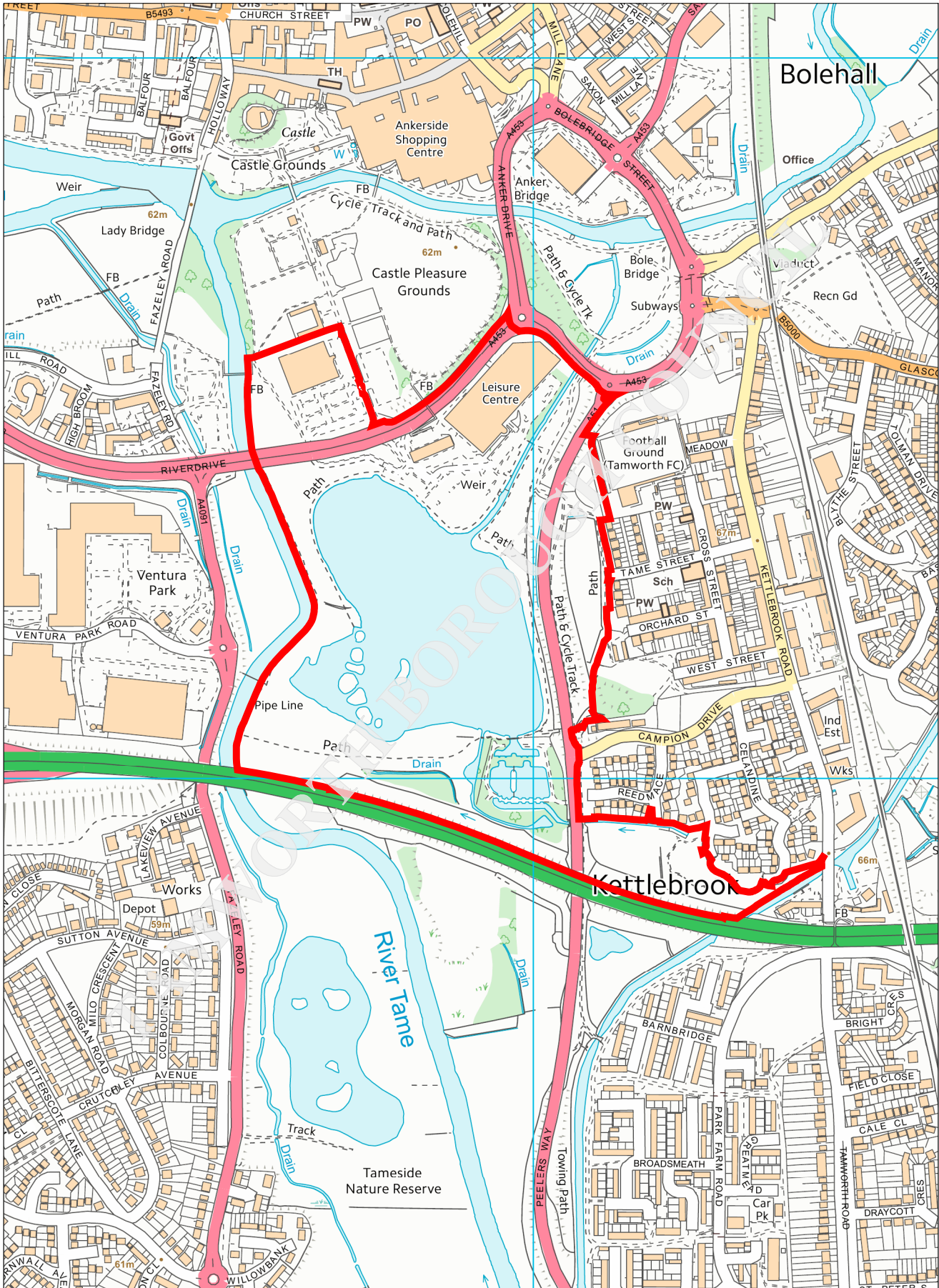
## **REPORT AUTHOR**

Jo Sands, Assistant Director Partnerships

## **LIST OF BACKGROUND PAPERS**

Cabinet Report 18 June 2015

Anti-Social Behaviour, Crime and Policing Act 2014



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 Ordnance Survey 100018267

**Tamworth**  
 Borough Council

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## TAMWORTH COMMUNITY SAFETY PARTNERSHIP

### **NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER** **Section 59 Anti-Social Behaviour Crime and Policing Act 2014**

- 1) Following representations from members of the public and in relation to evidence that has been gathered and reviewed, the Tamworth Community Safety Partnership (lead agency Tamworth Borough Council), intends to apply a Public Spaces Protection Order on the area defined below:

#### **AREA FROM REEDMACE, PEELERS WAY, SNOWDOME, BORROWPIT LAKE AND NAMCO FUNSCAPE**

**See map attached (outlined in red as the restricted area)**

**The area includes all spaces within this boundary accessible to the public**

- 2) Under the terms and restrictions of the Public Spaces Protection Order the following is **PROHIBITED**:

- a) Congregating or loitering at any time where any **such activity causes or is likely to cause** noise, harassment, alarm or distress
- b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
- c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
- d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
- e) Barbeques, fires and littering
- f) Smoking, using or selling **ANY** substance likely to cause intoxication or odour nuisance to members of the public

**Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.**

- 3) An authorised person can also require any person:
- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
  - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol



## TAMWORTH COMMUNITY SAFETY PARTNERSHIP

- 4) If any local resident or member of the public is found to be committing the acts that are prohibited above, the following sanctions may be applied:
  - The issue of a £100 Fixed Penalty Notice payable within 28 days and/or
  - Prosecution for breach of an Order and a maximum penalty fine not exceeding level 3 on the standard scale (currently £1,000)
- 5) It is the intention that this Public Spaces Protection Order will begin on the 1<sup>st</sup> November 2018 and will expire on 31<sup>st</sup> October 2021
- 6) If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not be complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.

DRAFT



# Community Impact Assessment

## Part 1 – Details

What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Public Space Protection orders 2018	
Date Conducted	14 August 2018	
Name of Lead Officer and Service Area	Jo Sands, Assistant Director Partnerships	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Jo Sands	
Who are the main stakeholders	Residents of Tamworth	
Describe what consultation has been undertaken. Who was involved and what was the outcome	Initial consultation with Staffordshire Police and internal departments to assess anti-social behaviour impact  Wider public consultation to take place after approval by Cabinet	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	Community Safety Partnership and ASB, Crime and Policing Act 2014 Tamworth Borough Council policy	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	
	A Strategy/Policy/Procedure	
	A function, service or project	X
What kind of assessment is it? Indicate with an 'x' which applies	New	X New restrictions
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>



## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

Implementation of two Public Space Protection Orders to restrictions and prohibitions on ASB in two parts of Tamworth. (Kettlebrook and Moor Lane Bolehall)

Who will be affected and how?

Tamworth residents who must comply with the orders in place  
TBC staff and Police who must implement

Are there any other functions, policies or services linked to this impact assessment?

Yes                      No                      X

If you answered 'Yes', please indicate what they are?

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	x	<input type="checkbox"/>	May be some negative impact on young people in so much as restrictions are in placed due to evidence of anti-social behaviour Positive impacts on protecting vulnerable young people
Disability	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Gender Reassignment	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Marriage & Civil Partnership	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Pregnancy & Maternity	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Race	x	<input type="checkbox"/>	Positive impact in increasing efforts to



			provide community reassurance
Religion or belief	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Sexual orientation	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Sex	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Gypsy/Travelling Community	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Caring/Dependent responsibilities	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those having an offending past	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Children	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Vulnerable Adults	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Families	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those who are homeless	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those on low income	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Drug or Alcohol problems	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Mental Health issues	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Physical Health issues	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Other (Please Detail)	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Young People</i>	<i>Potential for increased concern around perceptions of young people and adverse reaction to normal behaviours</i>	<i>Working with Police and other partners to consider the complaints received and act accordingly. Fixed penalties can be issued to those over 16 years of age. Lower level interventions for younger people</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			

Date of Review (If applicable) .....November 2021.....

**Antisocial Behaviour, Crime & Policing Act 2014**  
**Tamworth Borough Council**  
**PSPO Test Evidence Summary.**

Address Complainant:	
Address subject:	Kettlebrook Area

Date: 6 August 2018	Officer: Jo Sands	M3 Ref
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Criteria *	Evidence	Criteria met
Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality <b>OR</b>	Alleged:  Evidenced:  Police evidence – 21 reported incidents of ASB reported between March and July 2018 – hotspot area Assault and community concerns Separate reports of extensive gatherings and drink related littering  Individual actions against some young people	Y
It is likely that activities will be carried out in a public place within the area that will have such an effect	Incidents of extensive littering and drink related litter	Y
Persistent or continuing	Alleged: Youths gathering during summer evenings causing nuisance and on a regular basis  Evidenced: Evidence of gatherings and criminal damage Alarm and distress to neighbours	Y
Are the Activities unreasonable	Alleged: Excessive littering caused by youth gathering  Evidenced: Police reports and Council concerns align to those of distress and alarm caused to residents	Y
Justifies the restrictions imposed by the order	Supported by Police and Council officers	Y

All criteria\* MUST be satisfied

	Evidence summary	Indicative of Offence
Visits made	Area patrolled regularly by PCSOs and Specials. Ongoing	

	resident concerns responded to by PCSOs	
Evidence from reliable 3 <sup>rd</sup> parties	Obtained	

Other relevant factors	
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Criteria* Met	Summary of Evidence/Test met
Y	Supported by the Police on evidence of ongoing ASB and residents concerns.

## CABINET

THURSDAY, 6 SEPTEMBER 2018

### REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH

#### ASB, CRIME AND POLICING ACT - PUBLIC SPACE PROTECTION ORDER CONSIDERATION

#### EXEMPT INFORMATION

#### PURPOSE

To consider proposals for new Public Space Protection Orders (PSPOs) at Warwickshire Moor Nature Reserve/Open space Rene Road

#### RECOMMENDATIONS

That Cabinet approve the progression to public consultation for the above PSPO and submission to Scrutiny Committee as per process

#### EXECUTIVE SUMMARY

Processes for the consideration of Public Space Protection Orders, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality **OR**
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

As per the process agreed, each area has been considered and all evidence gathered, including police report and resident's impact statements.

PSPOs are intended to deal with a particular nuisance or problem in a specific area, be focussed on specific behaviours, and are proportionate to the detrimental effect that the behaviour is causing and is necessary to prevent it from continuing.

An evidence determination sheet has been completed and recommendations given on each area to proceed to a statutory public consultation of 28 Days in accordance with the PSPO

## Guidelines.

The Tamworth Community Safety Partnership have received requests via the Police, Councillor's and members of the public for the consideration for the use of this power at the following locations:-

### **Warwickshire Moor**

- 1) The area considered is the Nature Reserve Moor Lane, Open Space to the rear of Rene Road, Bolehall and the area known as the Monkey Bridge (Map – Appendix 1)
- 2) Under the proposed terms the following prohibitions are to be considered:
  - a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
  - b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
  - c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
  - d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
  - e) Barbeques, fires and littering
  - f) Camping
  - g) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.

- 3) An authorised person can also require any person:
  - a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
  - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Lead agency: Tamworth Borough Council/Staffordshire Police

### **Evidence**

Police have evidence of ongoing ASB and nuisance to the public in and around the Warwickshire moor

### **Recommendation**

That a PSPO is considered for the area considered and that 28 day further public consultation period is commenced as per the process.

Draft PSPO attached as Appendix 3 with a recommendation that the order remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The wider issues in the park to be considered as per the larger project for public space in Tamworth.

The results of further consultation and move to implementation will be discussed at Healthier and Safer Scrutiny Committee in October 2018 for sign off by the Portfolio Holder and public notice commenced as per the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

The earliest implementation date is 1st November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

## **OPTIONS CONSIDERED**

All options and evidence has been considered as per Appendix 2 and proposals contained within the executive summary.

## **RESOURCE IMPLICATIONS**

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Community Wardens, Police officers and other Council officers as designated by Tamworth Borough Council.

Any PSPOs put in place require appropriate signage and advertising as per the The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 to be met from existing Partnership revenue budgets. There is no requirement for public notice in the local newspaper.

The PSPO can be enforced by the Police and Community Wardens (when patrolling) and will be monitored over the next three years. Signage will provide options for the public to call to report breaches, but the order will not have immediate call out.

All residents will be informed of the decision of the Council by letter/email.

All other recommendations will be subject to continued review by the Tamworth Community Safety Partnership as issues present.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

All legal risks covered by legislation and agreed process

## **SUSTAINABILITY IMPLICATIONS**

### **BACKGROUND INFORMATION**

A Public Space Protection Orders (PSPO) is a measure to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The process is outlined in the Cabinet report of 18 June 2015.

If after consideration, areas are to be subject to a PSPO, Cabinet is to agree a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for sign off and implementation.

### **REPORT AUTHOR**

Jo Sands, Assistant Director of Partnerships

### **LIST OF BACKGROUND PAPERS**

Cabinet Report 18 June 2015

Anti-Social Behaviour, Crime and Policing Act 2014



## TAMWORTH COMMUNITY SAFETY PARTNERSHIP

### **NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER** **Section 59 Anti-Social Behaviour Crime and Policing Act 2014**

- 1) Following representations from members of the public and in relation to evidence that has been gathered and reviewed, the Tamworth Community Safety Partnership (lead agency Tamworth Borough Council), intends to apply a Public Spaces Protection Order on the area defined below:

#### **AREA KNOWN AS WARWICKSHIRE MOOR NATURE RESERVE AND PLAYING FIELDS RENE ROAD, BOLEHALL**

**See map attached (outlined in red as the restricted area)**

**The area includes all spaces within this boundary accessible to the public**

- 2) Under the terms and restrictions of the Public Spaces Protection Order the following is **PROHIBITED**:

- a) Congregating or loitering at any time where any **such activity causes or is likely to cause** noise, harassment, alarm or distress
- b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
- c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
- d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
- e) Barbeques, fires and littering
- f) Camping
- g) Smoking, using or selling **ANY** substance likely to cause intoxication or odour nuisance to members of the public

**Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.**

- 3) An authorised person can also require any person:
- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
  - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol



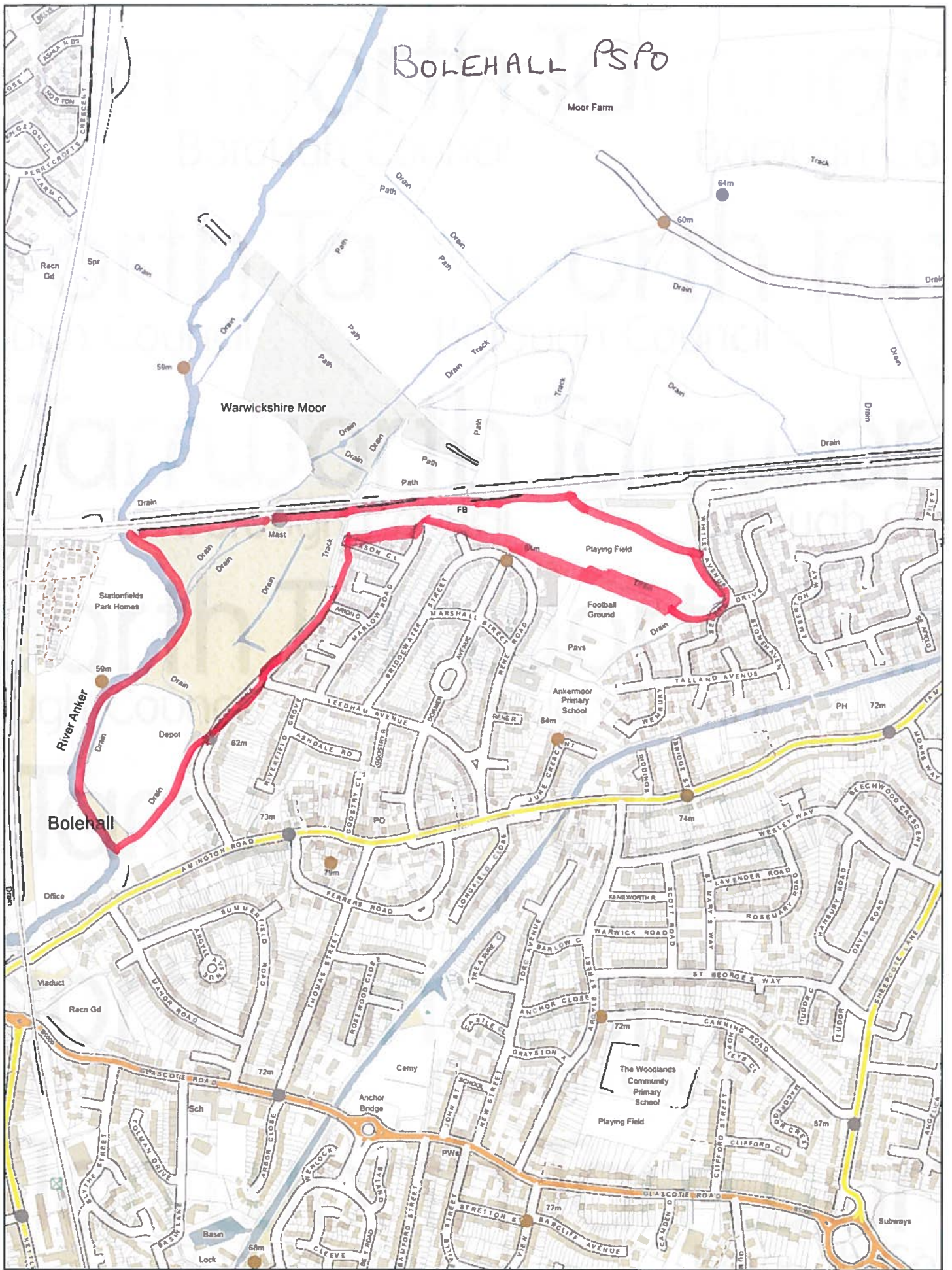
## TAMWORTH COMMUNITY SAFETY PARTNERSHIP

- 4) If any local resident or member of the public is found to be committing the acts that are prohibited above, the following sanctions may be applied:
  - The issue of a £100 Fixed Penalty Notice payable within 28 days and/or
  - Prosecution for breach of an Order and a maximum penalty fine not exceeding level 3 on the standard scale (currently £1,000)
- 5) It is the intention that this Public Spaces Protection Order will begin on the 1<sup>st</sup> November 2018 and will expire on 31<sup>st</sup> October 2021
- 6) If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not be complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.

DRAFT



# BOLEHALL PSPO



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# Community Impact Assessment

## Part 1 – Details

What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Public Space Protection orders 2018	
Date Conducted	14 August 2018	
Name of Lead Officer and Service Area	Jo Sands, Assistant Director Partnerships	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Jo Sands	
Who are the main stakeholders	Residents of Tamworth	
Describe what consultation has been undertaken. Who was involved and what was the outcome	Initial consultation with Staffordshire Police and internal departments to assess anti-social behaviour impact  Wider public consultation to take place after approval by Cabinet	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	Community Safety Partnership and ASB, Crime and Policing Act 2014 Tamworth Borough Council policy	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	
	A Strategy/Policy/Procedure	
	A function, service or project	X
What kind of assessment is it? Indicate with an 'x' which applies	New	X New restrictions
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

Implementation of two Public Space Protection Orders to restrictions and prohibitions on ASB in two parts of Tamworth. (Kettlebrook and Moor Lane Bolehall)

Who will be affected and how?

Tamworth residents who must comply with the orders in place  
TBC staff and Police who must implement

Are there any other functions, policies or services linked to this impact assessment?

Yes                      No                      X

If you answered 'Yes', please indicate what they are?

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	x	<input type="checkbox"/>	May be some negative impact on young people in so much as restrictions are in placed due to evidence of anti-social behaviour Positive impacts on protecting vulnerable young people
Disability	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Gender Reassignment	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Marriage & Civil Partnership	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Pregnancy & Maternity	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Race	x	<input type="checkbox"/>	Positive impact in increasing efforts to

			provide community reassurance
Religion or belief	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Sexual orientation	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Sex	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Gypsy/Travelling Community	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Caring/Dependent responsibilities	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those having an offending past	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Children	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Vulnerable Adults	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Families	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those who are homeless	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those on low income	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Drug or Alcohol problems	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Mental Health issues	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Those with Physical Health issues	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance
Other (Please Detail)	x	<input type="checkbox"/>	Positive impact in increasing efforts to provide community reassurance

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Young People</i>	<i>Potential for increased concern around perceptions of young people and adverse reaction to normal behaviours</i>	<i>Working with Police and other partners to consider the complaints received and act accordingly. Fixed penalties can be issued to those over 16 years of age. Lower level interventions for younger people</i>

## Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			

Date of Review (If applicable) .....November 2021.....



**Antisocial Behaviour, Crime & Policing Act 2014**  
**Tamworth Borough Council**  
**PSPO Test Evidence Summary.**

Address Complainant:	
Address subject:	Warwickshire Moor/Rene Road Open Space

Date: 6 August 2018	Officer: Jo Sands	M3 Ref
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Criteria *	Evidence	Criteria met
Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality <b>OR</b>	Alleged:  Evidenced:  Police evidence – 20 incidents of ASB reported between March and July 2018 – hotspot area Incidents include deliberate fire ignitions and assault. Separate reports of extensive gatherings and drink related littering  June 2017 – serious arson on the Boardwalk to the river July 2018 – further arson damage and deliberate criminal damage  Damage to goal posts – August 2018	Y
It is likely that activities will be carried out in a public place within the area that will have such an effect	Incidents of extensive littering reported around the 'Monkey Bridge' Rene Road each year  Ongoing fly tipping reports  Concern expressed by members of Staffordshire Wildlife	Y
Persistent or continuing	Alleged: Youths gathering during summer evenings causing nuisance and on a regular basis Fly tipping  Evidenced: Historical evidence of arson Evidence of gatherings and criminal damage Alarm and distress to neighbours	Y
Are the Activities unreasonable	Alleged: Excessive littering caused by youth gathering  Evidenced: Police reports and Council concerns align to those of distress and alarm caused to residents	Y
Justifies the restrictions imposed by the order	Supported by Police and Council officers	Y

All criteria\* MUST be satisfied

	Evidence summary	Indicative of Offence
Visits made	Area patrolled regularly by PCSOs and Specials. Ongoing resident concerns responded to by PCSOs	
Evidence from reliable 3 <sup>rd</sup> parties	Obtained	

Other relevant factors	
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Criteria* Met	Summary of Evidence/Test met
Y	Supported by the Police on evidence of ongoing ASB and residents concerns. Criminal damage and arson on a regular basis

By virtue of paragraph(s) 1,3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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