

NON-CONFIDENTIAL  
BOROUGH OF TAMWORTH



# CABINET

22 November 2023

A meeting of the CABINET will be held on Thursday, 30th November, 2023, 6.00 pm in Town Hall, Market Street, Tamworth

## A G E N D A

### NON CONFIDENTIAL

**1 Apologies for Absence**

**2 Minutes of Previous Meeting (Pages 5 - 14)**

To approve the minutes of the previous meetings held on the 26<sup>th</sup> October 2023 and 9<sup>th</sup> November 2023

**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**

**6 Draft Base Budget Forecasts 2024/25 to 2028/29 (Pages 15 - 78)**  
*(Report of the Leader of the Council)*

**7 Nature Recovery Declaration (Pages 79 - 148)**

*(Report of the Leader of the Council)*

- 8 Local Council Tax Reduction Scheme 2024/25** (Pages 149 - 178)  
*(Report of the Portfolio Holder for Operations and Finance)*
- 9 Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2023/24** (Pages 179 - 200)  
*(Portfolio Holder for Operations and Finance)*
- 10 Environmental Crime Policy Update 2023** (Pages 201 - 290)  
*(Report of Portfolio Holder for Environmental Health and Community Partnerships)*
- 11 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 paragraph 3 of Part 1,2,3,4 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.
- 12 Update on Commercial Lease** (Pages 291 - 294)  
*(Report of the Portfolio Holder for Town Centre and Commercial Property)*
- 13 Eringden Tenancy Services - Resident Support** (Pages 295 - 326)  
*(Report of the Portfolio Holder for Housing and Planning)*
- 14 Homelessness Statutory On-Call & Out of Hours Arrangements** (Pages 327 - 340)  
*(Report of the Portfolio Holder for Housing and Planning)*
- 15 Leisure Strategy Update** (Pages 341 - 346)  
*(Report of the Portfolio Holder for Entertainment and Leisure)*
- 16 Swimming Subsidy** (Pages 347 - 354)  
*(Report of the Portfolio Holder for Entertainment and Leisure)*

Yours faithfully



## Chief Executive

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### **Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

### **Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.*

### **FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

To Councillors: T Jay, A Cooper, S Smith, P Thompson, M Summers and T Clements.

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## **MINUTES OF A MEETING OF THE CABINET HELD ON 26th OCTOBER 2023**

**PRESENT:** Councillor P Turner (Chair), Councillors S Smith, P Thompson and M Summers

The following officers were present: Andrew Barratt (Chief Executive), Rob Barnes (Executive Director Communities), Tina Mustafa (Assistant Director Neighbourhoods), Paul Weston (Assistant Director Assets), Leanne Costello (Senior Scrutiny and Democratic Services Officer) and Tracey Smith (Democratic Services Assistant)

### **57 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor T Jay and Councillor A Cooper.

### **58 MINUTES OF PREVIOUS MEETING**

The minutes of the previous meetings held on 31<sup>st</sup> August 2023 and 28<sup>th</sup> September 2023 were approved as a correct record.

*(Moved by Councillor S Smith and seconded by Councillor P Thompson)*

### **59 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **60 QUESTION TIME:**

None.

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

Report of the Chair of the Corporate Scrutiny Committee notified Cabinet of the report and recommendations from the Financial Strategy item that was discussed at the meeting of Corporate Scrutiny on the 4th October 2023.

No recommendations were moved however in respect of recommendation one: the Leader of the Council agreed that he supported the first recommendation for Cross party write to Government to lobby for a better position for long term strategic planning.

In respect of recommendation two the Leader of the Council agreed that he would diarise regular updates with the three Scrutiny Chairs to Feedback on the budget process.

## **62 LOCAL PLAN ISSUES AND OPTIONS CONSULTATION RESPONSES**

Report of the Portfolio Holder for Housing and Planning sought Cabinet approval to publish the Local Plan Issues and Options Consultation Responses.

### **Resolved That Cabinet**

1. Approved the publication of the Local Plan Issues and Options Consultation Responses, as included in Appendix A
2. Delegated authority to the Assistant Director – Growth and Regeneration to make any final typographical and formatting amendments to the document prior to publication.

*(Moved by Councillor S Smith and seconded by Councillor M Summers)*

## **63 VIREMENT OF FUNDS WITHIN HOUSING CAPITAL PROGRAMMES.**

Report of the Portfolio Holder for Housing and Planning to agree the virement of funds from within existing budgets to enable payment for the Soil Ventilation Pipe works project which has overspent budget by £215,000.00 due to unforeseen additional works identified as the project has progressed. Virements of budgets of a value greater than £100,000.00 requires Cabinet approval.

### **Resolved That Cabinet**

1. Agreed the virement of funds from existing underspent budgets within the 2023/2024 Capital programme as set out below:
  - £124,250 from CR4028 (High Rise Refuse Chute Renewals).
  - £90,750 from CR4024 (High Rise Ventilation).

*(Moved by Councillor S Smith and seconded by Councillor P Thompson)*

## **64 UPDATE ON LEASEHOLD SERVICE CHARGES**

Report of the Portfolio Holder for Housing and Planning updated on the current position in relation to Leaseholder Service Charges and set out the details and programme for the Strategic Review of Leasehold Service Charges.

**Resolved That Cabinet**

1. Endorsed the actions to date.
2. Endorsed the Strategic Review procurement brief, procurement process and project timetable.
3. Delegated authority to the Portfolio Holder of Housing and Planning, along with the Assistant Director of Assets, to initiate Stage 3 consultations and apply service charges for works that pertain to urgent matters, health and safety, or compliance. This action requires the approval of the Portfolio Holder of Housing and Planning.

*(Moved by Councillor S Smith and seconded by Councillor M Summers)*

**65 COUNCIL HOUSING - ANNUAL REPORT 2022-2023**

Report of the Portfolio Holder for Housing and Planning. Set out the detail informing the production of the Councils Annual Report for council housing tenants' (2022/23). Highlighted to Cabinet the Regulatory Social Housing's requirements in relation to the Council's stock retained service and the findings of the Regulator of Social Housing's Consumer Regulation Review 2022/23.

**Resolved that Cabinet**

1. Approved the draft `Council Housing Tenants Annual Report 2022/23` for circulation to all Council tenants via the Council's website as required by the Regulator for Social Housing, to support effective scrutiny by tenants of their landlord's performance. Appendix A.
2. Delegated authority to the Portfolio Holder for Housing and Planning to make the final amendments to the draft Council Housing Tenants Annual Report 2022/23, prior to digital circulation to Council tenants.
3. Acknowledged findings contained within the Consumer Regulation Review 2022/23. Appendix B.

*(Moved by Councillor S Smith and seconded by Councillor P Thompson)*

**66 SOCIAL HOUSING REGULATORY PROGRAMME**

Report of the Portfolio Holder for Housing and Planning. Updated Cabinet on the comprehensive preparations for the Council's compliance with the Social Housing (regulation) Act 2023. Specifically, the; Programme Launch and associated Project(s) management infrastructure, Terms of Reference and assurance sought via the Housing & Homelessness Advisory Board ,collection of required Tenant Satisfaction Measures in readiness for submission to the Regulator Social Housing by April 2024 and procurement of external resources to collate and prepare for submission by April 2024, required tenant perception measures and associated improvement planning.

**Resolved That Cabinet**

1. Approved the Social Housing Programme detailed in Annex one. Detailing the Programme Highlight Summary, Eight (8) associated Projects and internal work-shop presentation held 04/10/23
2. Approved the Terms of Reference for the Housing & Homelessness Advisory Board, agreed on the 060923 with Portfolio Holder Housing & Planning in consultation with the Labour & independent Leaders / members and the Tenant Consultative Group
3. Endorsed the current Performance set out in the Tenant Satisfaction Measures, shown at annex four. And note the Housing & Homelessness Advisory Board will receive these Tenant Satisfaction Measures at each meeting to ensure observations are referred to the relevant Scrutiny Committee(s) for recommendations to Cabinet where performance assurances are sought
4. Endorsed the Specification to procure specialist resource to undertake, compile and report on the required Tenant Perception Measures, forming part of the Tenant Satisfaction measures required for the Regulator of Social Housing by April 2024.
5. Endorsed a 3 monthly review of the programme by the Executive Leadership Team with specific regard to both the work plans and resourcing requirements.

*(Moved by Councillor S Smith and seconded by Councillor P Thompson)*

**67 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 P Turner and seconded by Councillor S Smith)*

## 68 FHSF UPDATE

Report of the Leader of the Council. To provide an update on the Future High Streets Fund (FHSF) programme of works.

### **Resolved That Cabinet**

1. Endorsed the report.

*(Moved by Councillor M Summer and seconded by Councillor P Thompson)*

## 69 UPDATE ON COMMERCIAL LEASE

Report of the Portfolio Holder for Town Centre and Commercial Property to provide a further update on a commercial lease in Tamworth.

### **Resolved That Cabinet:**

1. Approved the three recommendations within the report.

*(Moved by Councillor P Turner and seconded by Councillor P Thompson)*

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Leader

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## **MINUTES OF A MEETING OF THE CABINET HELD ON 9th NOVEMBER 2023**

**PRESENT:** Councillor P Turner (Chair), Councillors T Jay, A Cooper, S Smith, P Thompson and M Summers

**GUEST:** Councillor Chris Bain (Chair of Health and Wellbeing Scrutiny)  
Councillor Carol Dean (Chair of Infrastructure, Safety and Growth Scrutiny)

The following officers were present: Andrew Barratt (Chief Executive), Rebecca Smeathers (Executive Director Finance (S151)), Tina Mustafa (Assistant Director Neighbourhoods), Joanne Sands (Assistant Director Partnerships), Thomas Hobbs (Head of Economic Development and Regeneration), Leanne Costello (Senior Scrutiny and Democratic Services Officer) and Tracey Smith (Democratic Services Assistant)

### **70 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **71 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **72 QUESTION TIME:**

There were none.

### **73 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES (TO FOLLOW)**

Report of the Chair of the Health and Wellbeing Scrutiny Committee. Notified Cabinet of the report and recommendations from the Housing Strategy Wellbeing Update review item that was discussed at the meeting of Health and Wellbeing Scrutiny on the 17th October 2023.

#### **Resolved That Cabinet**

1. Continue to Lobby Government to have funding for DFG to be allocated on the need of the district rather than the current

calculation.

*(Moved by Councillor T Jay and seconded by Councillor M Summers)*

#### **74 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 T Jay and seconded by Councillor M Summers)*

#### **75 OFF STREET CAR PARKING TARIFF AND STRUCTURE REVIEW**

It was clarified that this report was incorrectly named on the agenda and is the Report of the Portfolio Holder for Town Centre and Commercial.

**Resolved that Cabinet**

1. Approved the recommendations from the report.

*(Moved by Councillor T Jay seconded by Councillor A Cooper)*

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

Report of the Chair of the Infrastructure, Safety and Growth Scrutiny Committee.

**Resolved that Cabinet**

1. Approved the recommendation from the report.

*(Moved by Councillor T Jay and seconded by Councillor A Cooper)*

#### **77 SHELTERED HOUSING - COMMUNITY ALARM & LIFELINE PROVISION**

Report of the Portfolio Holder for Housing and Planning.

**Resolved that Cabinet**

1. Approved the recommendations in the report.

*(Moved by Councillor S Smith and seconded by Councillor A Cooper)*

**78 TAMWORTH BOROUGH COUNCIL PREVENT DUTY COMPLIANCE**

Report of the Portfolio Holder for Environmental Health and Community Partnerships.

**Resolved That Cabinet**

1. Approved the recommendations in the report.

*(Moved by Councillor M Summers and seconded by Councillor P Thompson)*

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Leader

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30<sup>th</sup> November 2023

### REPORT OF THE LEADER OF THE COUNCIL

#### DRAFT BASE BUDGET FORECASTS 2024/25 to 2028/29

##### **Purpose**

To inform Members of the re-priced base budget for 2024/25, base budget forecasts for the period 2024/25 to 2028/29 (the 5 Year Medium Term Planning Period) and the underlying assumptions and to consider the future strategy to address the financial trends.

##### **Recommendations**

###### **That:**

- 1. the technical adjustments and re-priced base budget figures for 2024/25 and indicative budgets to 2028/29 be approved (as attached at Appendix B, C, D, E, F, G and H);**
- 2. consideration be given to the proposed Policy Changes and Capital Programmes, as detailed within the report;**
- 3. consideration be given to the planned changes to Council Tax and Housing Rent for 2024/25, as detailed within the report;**
- 4. in compliance with the Constitution of the Council, note that the Leader's Budget Workshop were due to consider the budget proposals contained within this report on 29<sup>th</sup> November 2023.**

##### **Executive Summary**

The following detailed budget information is contained within the report:

**Re-priced base budget information (and the associated technical adjustments) for 2024/25 in respect of the General Fund (GF) and Housing Revenue Account (HRA);**

**A five year, medium term financial forecast for the General Fund and HRA;**

**The associated strategy to address the financial trends and projection;**

**The Provisional Capital Programmes for the General Fund and Housing Revenue Account for the period 2024/25 to 2028/29.**

When Council approved the 2023/24 Budget and Medium Term Financial Strategy in February 2023, the ongoing impact of the Covid-19 pandemic on the economy and ultimately the impact for the Council's finances was uncertain - including any lasting effects for individual businesses and their employees.

Significant uncertainties around the Council's finances remain, pending an update on the planned fair funding review (& business rates reset), as well as significant cost pressures arising from the current economic situation – Members will face difficult decisions around prioritising services, when faced with significant reductions in funding.

On 12th December 2022, the Secretary of State for Levelling Up, Communities and Local Government published a written ministerial statement which was accompanied by a policy statement on the 2023/24 local government finance settlement and assumptions about the 2024/25 local government finance settlement.

This statement came ahead of the 2023/24 provisional local government finance settlement announcement, which was published in December 2022, detailing local authority-level figures for 2023/24.

The Government has set out some planning assumptions for the 2024/25 local government finance settlement as follows:

- The Review of Relative Needs and Resources ('Fair Funding Review') and a reset of Business Rates growth will not be implemented in 2024/25.
- The council tax referendum principles will continue the same as 2023/24.
- Revenue support grant will continue and be uplifted in line with baseline funding levels (assumed now to be now based on September 2023 CPI), while social care grants will increase.
- Business rates pooling will continue.
- The Government will set out the future position of New Homes Bonus ahead of the 2024/25 local government finance settlement.

This settlement represents a 'holding position' until the next Parliament, aiming at stability. The ruling out of a business rates reset, or a fair funding review, means that the funding distribution will stay fairly stable (with the exception of Extended Producer Responsibility funding). But this means that the big questions about the future of the funding system remain unaddressed one way or another.

While this means the Council will be able to retain its business rate growth for 2023/24 and 2024/25, it also means that the uncertainty continues and potentially the Council still faces losing this growth from 2025/26.

**There is a high risk that these reforms will have a significant effect on the Council's funding level from 2025/26.**

There are also further uncertainties arising from current cost pressure and inflationary increases which have compounded the likely price increases for supplies that are required for building or construction/maintenance works.

It is anticipated that amendments to the Decent Homes Standard will look at building safety and energy efficiency for Council Housing. The cost is likely to be significant and could mean exploration of new ways of funding such as the application of service charges and support through available grants.

An increase in the cost of repairs has been included in the MTFs due to the current market cost pressures. The RICS through their Building cost indicator service (BCIS) are predicting increasing tender prices over the next 5 years so this is likely to impact on



existing contracts. There is the risk that if costs continue to increase in excess of CPI, contractors will seek further uplifts. The impact on planned work is that less work will be done, this will extend the renewal period for key components which will increase demand on responsive repairs. The volume of responsive repairs is unlikely to change.

Income from the commercial/industrial portfolio has held up during the pandemic, but underlying market issues and the increase in online shopping (increased by the pandemic) mean that there is an immediate risk in relation to the income achievable from the Council's commercial property portfolio, which while not known at present, could result in a significant loss of income.

Financial resilience is and has been the key requirement for local authorities at any time, but in the current crisis it has assumed unprecedented importance.

The overriding goal is to make sure our organisation remains fit for the future, while protecting services to the most vulnerable in our community.

The Recovery & Reset Programme package of savings originally reported in July 2022 estimated savings to be in the region of c£3.5m over 5 years; £2.8m of which was unbudgeted capital costs for continuing to occupy Marmion House.

As part of the update report to Cabinet on 10th November 2022, including those already built into the medium-term financial plan, the revised programme potentially delivers efficiencies of c£5.1m over the next 5-year medium term. This includes the c£3.5m already identified; plus, an additional £1.6m already delivered through the service re-design project within the programme.

In light of the base budget and MTFS forecast considered by Cabinet on 1st December 2022, following the Leaders Budget Workshop on 30th November 2022, Managers were asked to identify further areas for potential savings – which have now been included in the policy changes, amounting to c.£1.8m over 5 years.

Corporate Management Team (CMT) and Cabinet 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).

### **Updated Forecasts**

As a result of the updated base budget forecast during October 2023, the forecast projections now identify General Fund balances of £4.9m by 2025/26 (compared to £1.1m as part of the approved MTFS forecast in February 2023), a shortfall of £0.2m by 2026/27 (compared to a shortfall of £4.1m), a shortfall of £4.7m by 2027/28 (compared to a shortfall of £9m), with a shortfall of £9.5m by 2028/29.

With regard to the Housing Revenue Account, a 5 year MTFS was approved by Council including significant investment in meeting future housing needs to sustain the HRA in the longer term.

As a result of the updated forecast at quarter 2, October 2023, the forecast projections now identify HRA balances of £4.5m by 2025/26 (compared to £2.8m as part of the

approved MTFFS forecast in February 2023), £6m by 2026/27 (compared to £2.4m), £7.8m by 2027/28 (compared to £2.2m), with balances of £8.5m by 2028/29.

This includes the additional cost pressures of £81k p.a over 5 years identified to date in the proposed HRA policy changes but it does not include the anticipated cost pressures for the HRA capital programme arising from the ongoing work in updating the 30 year HRA business plan). Early indications from the modelling are a potential shortfall over 30 years of £37m plus a significant and unsustainable increase in HRA debt levels arising from the capital programme pressures (of over £376m over 30 years).

The increased cost pressures currently being experienced will have an impact on the level of rent increase for 2024/25. The MTFFS included a forecast increase of 3% p.a. based on the formula allowed under the Rent Setting Guidance of CPI plus 1%. Given the current level of CPI of 6.7% (September 2023), the budgeted increase for 2024/25 will be 7.7% (based on the forecast CPI inflation rate for September 2023) in line with the maximum allowed by the Government's Rent Standard (that social housing rents can increase to include 'up to' a factor of the consumer price index (CPI) measure of inflation (for September of the preceding year) plus 1% for five years from 2020) - in order to support the continued investment in the housing stock. Each 1% increase would equate to additional income of c.£200k p.a. (£1m over 5 years). However, for 2023/24 DLUHC implemented of a rent cap 7% (with alternative options of 3% or their preferred 5% indicated).

From indications last year that a cap may also be considered for 2024/25, together with a likely increase of over 7%, there is a possibility that DLUHC may consult on capping again (e.g. at a 5% capped increase, the annual rent loss would equate to £578k, £3million over 5 years).

The key uncertainties which will inform further budget considerations before the final budget proposals are developed are:

- Future Government financial support and Revenue Support Grant levels for future years - the budget setting process has faced significant constraints in Government funding in recent years - following years of austerity.

On 12<sup>th</sup> December 2022, the Secretary of State for Levelling Up, Communities and Local Government published a written ministerial statement which was accompanied by a policy statement on the 2023/24 local government finance settlement and assumptions about the 2024/25 local government finance settlement.

This statement came ahead of the 2023/24 provisional local government finance settlement announcement, which was published in December 2022, detailing local authority-level figures for 2023/24.

The Government has set out some planning assumptions for the 2024/25 local government finance settlement as follows:

- The Review of Relative Needs and Resources ('Fair Funding Review') and a reset of Business Rates growth will not be implemented in the next two years (2023/24 and 2024/25).
- The council tax referendum principles will continue the same as 2023/24.

- Revenue support grant will continue and be uplifted in line with baseline funding levels (assumed now to be now based on September 2023 CPI), while social care grants will increase as set out in the table above.
- Business rates pooling will continue.
- The Government will set out the future position of New Homes Bonus ahead of the 2024/25 local government finance settlement.

This settlement represents a 'holding position' until the next Parliament, aiming at stability. The ruling out of a business rates reset, or a fair funding review, means that the funding distribution will stay fairly stable (with the exception of Extended Producer Responsibility funding). But this means that the big questions about the future of the funding system remain unaddressed one way or another.

While this means the Council will be able to retain its business rate growth for 2023/24 and 2024/25, it also means that the uncertainty continues and potentially the Council still faces losing this growth from 2025/26.

**There is a high risk that these reforms will have a significant effect on the Council's funding level from 2025/26.**

There are also further uncertainties arising from current cost pressure and inflationary increases which have compounded the likely price increases for supplies that are required for building or construction/maintenance works.

In addition, there are significantly increased interest rates, and it can be expected that this will have a negative effect on the price of goods and services but a positive effect from the return from the Council's Treasury investments.

Energy efficiency is likely to be a significant feature across all of our property portfolio including Council Housing. The commitment to achieve zero carbon within our own operations will present difficulties when considering our historic buildings like the Assembly Rooms, Castle and Town Hall. It is likely that investment in the property portfolio will be needed which has not yet been quantified and will need to be considered in future, in line with the Corporate Capital Strategy objectives.

It is anticipated that amendments to the Decent Homes Standard will look at building safety and energy efficiency for Council Housing. The cost is likely to be significant and could mean exploration of new ways of funding such as the application of service charges and as included within the 2022/23 capital programme, through grants available.

An increase in the cost of repairs has been included in the MTFs due to the current market cost pressures. The RICS through their Building cost indicator service (BCIS) are predicting increasing tender prices over the next 5 years so this is likely to impact on existing contracts. There is the risk that if costs continue to increase in excess of CPI, contractors will seek further uplifts. The impact on planned work is that less work will be done, this will extend the renewal period for key components which will increase demand on responsive repairs. The volume of responsive repairs is unlikely to change.

Income from the commercial/industrial portfolio has held up during the pandemic, but underlying market issues and the increase in online shopping (increased by the pandemic) mean that there is an immediate risk in relation to the income achievable from the Council’s commercial property portfolio, which while not known at present, could result in a significant loss of income.

- For 2021/22 a 1.75% increase in Local Government pay was agreed. For 2022/23, an offer of a £1,925 increase on all pay points was subject to union ballot and subsequently agreed. For 2024/25 the same increase of £1,925 has also recently been agreed. Future years remain uncertain but a 4.0% increase has been assumed for 2024/25 with annual increases of 2% p.a. from 2025/26.
- Challenge to continue to achieve high collection rates for council tax, business rates and housing rents – in light of the welfare benefit reforms and the impact of the current cost pressures on economic conditions and uncertainty.

### Options Considered

As part of the budget setting process a number of options for the council tax increase levels for 2024/25 and future years have been modelled / considered.

<b>Council Tax</b>	<b>Option Modelled / Considered</b>
<b>Model 1</b>	<b>£5.00 (2.5%) increase in Council tax in 2024/25 (followed by increases of £5.00 p.a.)</b>
Model 2	5.1% increase (£10.00 in 2024/25) in Council tax in 2024/25 (followed by increases of £5.00 p.a.)
Model 3	£1 increase (0.5%) in Council tax in 2024/25 (followed by increases of £1 p.a.)
Model 4	7.1% (£14.00 in 2024/25) increase in Council tax in 2024/25 (followed by increases of £5.00 p.a.)
Model 5	0% increase in Council tax in 2024/25 (followed by increases of 0% thereafter)
Model 6	2.99% increase (£5.89 in 2024/25) in Council tax in 2024/25 (followed by increases of 2.99% thereafter)

<b>Rent</b>	<b>Option Modelled / Considered</b>
CPI plus 1%	The Government previously confirmed that social housing rents can increase to include ‘up to’ a factor of the consumer price index (CPI) measure of inflation plus 1% for five years from 2020, following the conclusion of a consultation on the new rent standard
CPI	General increase in line with CPI
Cap at 3%	DLUCH consulted on the implementation of a rent cap in 2023/24 (& potentially 2024/25) at 3%, 5% or 7% (subsequently confirmed at 7% for 2023/24). No update has been received for 2024/25.
Cap at 5%	
Cap at 7%	
No increase	No general increase in annual rent

### Resource Implications

The detailed financial and budgetary implications are outlined within the report.

As a result of the updated base budget forecast during October 2023, the forecast projections now identify General Fund balances of £4.9m by 2025/26 (compared to £1.1m as part of the approved MTFs forecast in February 2023), a shortfall of £0.2m by 2026/27 (compared to a shortfall of £4.1m), a shortfall of £4.7m by 2027/28 (compared to a shortfall of £9m), with a shortfall of £9.5m by 2028/29.

With regard to the Housing Revenue Account, a 5 year MTFs was approved by Council including significant investment in meeting future housing needs to sustain the HRA in the longer term.

As a result of the updated forecast at quarter 2, October 2023, the forecast projections now identify HRA balances of £4.5m by 2025/26 (compared to £2.8m as part of the approved MTFs forecast in February 2023), £6m by 2026/27 (compared to £2.4m), £7.8m by 2027/28 (compared to £2.2m), with balances of £8.5m by 2028/29.

This includes the additional cost pressures of £81k p.a. over 5 years identified to date in the proposed HRA policy changes but it does not include the anticipated cost pressures for the HRA capital programme arising from the ongoing work in updating the 30 year HRA business plan. Early indications from the modelling are a potential shortfall over 30 years of £37m plus a significant and unsustainable increase in HRA debt levels arising from the capital programme pressures (of over £376m over 30 years).

### Legal / Risk Implications

The Council's constitution requires Cabinet publish initial proposals for the budget, having first canvassed the views of local stakeholders as appropriate - budget proposals will be referred to the Joint Scrutiny Committee (Budget) for further advice and consideration.

In line with the constitution a Leaders Budget Workshop has been arranged for 29<sup>th</sup> November. In order to allow Scrutiny Committees to respond to the Cabinet on the outcome of their deliberations, a meeting of the Scrutiny Committee (Budget) has been arranged for 31<sup>st</sup> January 2024. Proposed amendments to the 2023/24 base budget, approved by Council on 23<sup>rd</sup> February 2023, are detailed within the report.

Risks to Capital and Revenue Forecasts:

<b>Risk</b>	<b>Control Measure</b>
Major variances to the level of grant / subsidy from the Government (including specific grants e.g. Benefits administration, Business Rates Section 31 funding); <b>(High)</b>	Sensitivity modelling undertaken to assess the potential impact in the estimation of future Government support levels; <b>(High / Medium)</b>
Potential 'capping' of council tax increases by the Government or local Council Tax veto / referendum; <b>(Medium)</b>	Current indications are that increases of 3% or £5 for District Councils risk capping in 2024/25; <b>(Low)</b>
The achievement / delivery of substantial savings / efficiencies will be needed to ensure sufficient resources will be available to deliver the Council's objectives	A robust & critical review of savings proposals will be required / undertaken before inclusion within the forecast;

<b>Risk</b>	<b>Control Measure</b>
through years 4 to 5. Ongoing; <b>(High)</b>	<b>(High/Medium)</b>
Pay awards greater than forecast; <b>(Medium)</b>	An offer of £1,925 for 2023/24 has been agreed. Increases of 2.0% p.a. assumed from 2025/26 following 4% in 2024/25; <b>(High / Medium)</b>
Pension costs higher than planned / adverse performance of pension fund; <b>(Medium)</b>	Regular update meetings with Actuary; Following an option to 'freeze' the 'lump sum' element for the 3 years from 2020/21 (after the triennial review during 2019), with a further freeze to 2025/26 followed by 1% p.a. year on year increases included from 2026/27; <b>(Medium/Low)</b>
Assessment of business rates collection levels to inform the forecast / budget (NNDR1) and estimates of appeals, mandatory & discretionary reliefs, cost of collection, bad debts and collection levels;  New burdens (Section 31) grant funding for Central Government policy changes – including impact on levy calculation; <b>(High)</b>	Robust estimates included to arrive at collection target. Ongoing proactive management & monitoring will continue;  Business Rates Collection Reserve - provision of reserve funding to mitigate impact of any changes in business rate income levels;  Monitoring of the situation / regular reporting; <b>(High / Medium)</b>
Local Council Tax Reduction scheme potential yield changes and maintenance of collection levels due to increases in unemployment caused by the pandemic; <b>(High)</b>	Robust estimates included. Ongoing proactive management & monitoring (including a quarterly health check on the implications on the organisation – capacity / finance) will continue; <b>(High / Medium)</b>
Achievement of income streams in line with targets in light of the economic conditions e.g. treasury management interest, car parking, planning, commercial & industrial rents etc.; <b>(High / Medium)</b>	Robust estimates using a zero based budgeting approach have been included; <b>(Medium)</b>
Continue to achieve high collection rates for council tax, business rates and housing rents – in light of the welfare benefit reforms and the impact of the current cost pressures on economic conditions and uncertainty <b>(Medium)</b>	Robust monitoring and evaluation of the situation <b>(Medium)</b>
Impact of potential conflict in Middle East resulting in volatile financial markets/impact on oil prices and consequential inflation/energy price increases. <b>(High / Medium)</b>	Robust monitoring and evaluation of the situation <b>(Medium)</b>
Delivery of the capital programme (GF /	Robust monitoring and evaluation – should

<b>Risk</b>	<b>Control Measure</b>
HRA – including Regeneration schemes) dependent on funding through capital receipts and grants (including DFG funding through the Better Care Fund); <b>(High / Medium)</b>	funds not be available then schemes would not progress; <b>(Medium)</b>
Dependency on partner organisation arrangements and contributions e.g. Waste Management (SCC/LDC). <b>(High / Medium)</b>	Memorandum of Understanding in place with LDC. <b>(Medium)</b>
Maintenance and repairs backlog for corporate assets – and planned development of long term strategic plan to address such. <b>(High / Medium)</b>	Planned development of long term strategic corporate capital strategy and asset management plan to consider the requirements and associated potential funding streams. <b>(Medium)</b>
Significant financial penalties arising from the implementation of the General Data Protection Regulations (GDPR). <b>(High / Medium)</b>	Implementation plan in place with corporate commitment and good progress. <b>(Medium)</b>
Property funds are not risk free - as such a risk based approach will need to be adopted – to balance risk against potential yield or return. Based on past performance there is the potential for returns of c.4% p.a. but this is not guaranteed.  The value of the funds are also subject to fluctuation – which could mean a capital loss in one year (as well as expected gains).  The initial cost associated with the purchase of the investment in the funds is expected to be in the region of 5% - which would have to be recovered over the life of the investment (either from annual returns or capital appreciation). There is a real risk of a revenue loss therefore in the first year.  <b>(High/Medium)</b>	Any investment in funds which are deemed as capital expenditure will require the necessary capital programme budgets to be approved by full Council. Risk is inherent in Treasury Management and as such a risk based approach will need to be adopted – to balance risk against potential yield or return. It is suggested that risk be mitigated (although not eliminated) through investment in a diversified portfolio using a range of property funds.  The Council used the secondary market for purchases to potentially gain access to a fund at a lower level of cost than via the primary route. Mitigation regulations are in place to defer any potential principal loss for 5 years.  Property Fund investment review carried out 2021. <b>(Medium)</b>

### Report Author

If Members would like further information or clarification prior to the meeting please contact Rebecca Smeathers Executive Director Finance ext. 242 or Joanne Goodfellow, Assistant Director Finance ext. 241.

Background Papers:-	Corporate Vision, Priorities Plan, Budget & Medium Term Financial Strategy 2023/24, Council 23 <sup>rd</sup> February 2023
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	Budget and Medium Term Financial Planning Process 2024/25, Cabinet 31 <sup>st</sup> August 2023
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## Base Budget Forecast 2024/25 to 2028/29

Revisions / updates have been made to the 2023/24 base budget in order to produce an adjusted base for 2024/25 and forecast base for 2024/25 onwards.

### General Fund Revenue

*Forecast* – When the budget for 2023/24, and indicative budgets for 2024/25 to 2025/26, were approved by Council in February 2023 it was anticipated that balances would remain above the minimum approved level of £0.5m for the 3 year period.

As a result of the updated base budget forecast during October 2023, the forecast projections now identify General Fund balances of £4.9m by 2025/26 (compared to £1.1m as part of the approved MTF5 forecast in February 2023), a shortfall of £0.2m by 2026/27 (compared to a shortfall of £4.1m), a shortfall of £4.7m by 2027/28 (compared to a shortfall of £9m), with a shortfall of £9.5m by 2028/29.

The forecast has been updated to include:

<b>Change:</b>	<b>Budget Impact</b>
<b><i>Savings / increased income</i></b>	
Increased balances b/f from 2022/23 due to additional underspend	£(445)k 22/23 only
Projected outturn Q2 2023/24	£(1.411)m 23/24 only
Reduced electricity and gas costs following notification from Utility framework	£(330)k pa from 24/25
Increased treasury management income from investment interest	£(443)k 24/25
National Insurance revision to 10% following reversal of Social Care levy	c.£(30)k pa from 24/25
Fees & Charges additional income arising from changes approved from 1/4/23	£(76)k pa from 24/25
<b><i>Additional costs / reduced income</i></b>	
Revenue impact of FHSF increased capital spend financed from retained capital receipts	£120k pa
Increased pay award	c. £220k pa from 24/25
Proposed Policy Changes	£1.8m over 5 years (c.£0.3m p.a.)

- For future years from 2025/26, it has been assumed that the retained growth will be redistributed as part of the business rates reset and therefore business rates received will be equivalent to the tariff payable – meaning the Council will only retain the Government assessed Business Rates Baseline. The reset may yet be delayed until 2026/27 or beyond;
- The previously approved policy changes are included within this forecast – Assistant Directors were issued with the provisional information in August to

review, confirm & resubmit by the end of September.

Balances held within earmarked reserves for Transformation and Business rates retention will also be available to support the development of the budget and MTFS.

### ***Implications & Options***

Consideration of the level of Council tax increases over the 5-year period is also needed to account for potential 'capping' by the Government or a local referendum / veto and to ensure that balances are maintained at the minimum approved level of £0.5m.

Decisions on future funding will need to be made with reference to the Council's Corporate Priorities together with the feedback & issues raised by the budget consultation exercise. There is a need to consider how the limited resources can be 'prioritised' (& whether service improvements in a priority area should be met from service reductions elsewhere).

Responses / indications from Scrutiny Committees on priority areas for the future allocation of resources will be sought, as part of the consultation required by the constitution.

### **Housing Revenue Account**

*Forecast* – When the budget for 2023/24, and indicative budgets for 2024/25 to 2028/29, were approved by Council in February 2023 it was anticipated that balances would remain above the minimum approved level of £0.5m for the 5-year period.

With regard to the Housing Revenue Account, a 5 year MTFS was approved by Council including significant investment in meeting future housing needs to sustain the HRA in the longer term.

As a result of the updated forecast at quarter 2, October 2023, the forecast projections now identify HRA balances of £4.5m by 2025/26 (compared to £2.8m as part of the approved MTFS forecast in February 2023), £6m by 2026/27 (compared to £2.4m), £7.8m by 2027/28 (compared to £2.2m), with balances of £8.5m by 2028/29.

This includes the additional cost pressures of £81kp.a. over 5 years identified to date in the proposed HRA policy changes but it does not include the anticipated cost pressures for the HRA capital programme arising from the ongoing work in updating the 30 year HRA business plan. Early indications from the modelling are a potential shortfall over 30 years of £37m plus a significant and unsustainable increase in HRA debt levels arising from the capital programme pressures (of over £376m over 30 years).

The forecast has been updated to include:

<b>Change:</b>	<b>Budget Impact</b>
<b><i>Savings / increased income</i></b>	
NI revision to 10%	c.£(9)k pa from 24/25
Reduction in RCCO from depreciation & increase from affordable rent	£(1.5)m pa from 24/25
Revised gas and electricity costs	£(255)k pa from 24/25
Projected outturn Q2 2023/24	£(40)k 23/24 only
Rent increase 7.7% plus additional rent week	£(1.5)m 24/25
<b><i>Additional costs / reduced income</i></b>	
Updated balances b/f from increased overspend	£1.669m 22/23 only
Increased pay award	c.£84k pa from 24/25
Increased depreciation & RCCO from affordable rent	£1.5m pa from 24/25
Proposed Policy Changes	£81k from 24/25

## Detailed Considerations

### Base Budget Forecasts 2024/25 to 2028/29

Revisions / updates have been made to the 2022/23 base budget in order to produce an adjusted base for 2024/25 and forecast base for 2024/25 onwards. These changes, known as technical adjustments, have been informed by feedback from budget managers and calculated to take account of:

- virements approved since the base budget was set;
- the removal of non-recurring budgets from the base;
- the effect of inflation;
- changes in payroll costs and annual payroll increments;
- changes in expenditure and income following decisions made by the Council;
- other changes outside the control of the Council such as changes in insurance costs and reduction in grant income;
- The 'Zero base budgeting' review of income levels.

### General Fund – Technical Adjustments Summary

<b>Technical Adjustments</b>	<b>2024/25 £'000</b>	<b>2025/26 £'000</b>	<b>2026/27 £'000</b>	<b>2027/28 £'000</b>	<b>2028/29 £'000</b>
Base Budget B/Fwd	8,806	8,083	11,878	12,117	12,469
Committee Decisions	(183)	1,866	(57)	25	0
Inflation	21	35	30	45	46
Other	(812)	1,412	(37)	2	134
Pay Adjustments (Including pay award / 7.5% reduction for vacancy allowance)	251	482	303	280	265
Revised charges for non-general fund activities	0	0	0	0	0
Virements	0	0	0	0	0
<b>Total / Revised Base Budget</b>	<b>8,083</b>	<b>11,878</b>	<b>12,117</b>	<b>12,469</b>	<b>12,914</b>

The technical adjustments are shown in detail at **Appendix B** with a summary by Directorate at **Appendix D**. The key assumptions made during the exercise are summarised at **Appendix A**.

## Future Revenue Support Grant & Business Rate Income

On 6<sup>th</sup> February 2023, the Secretary of State for the Department for Levelling Up, Housing and Communities (DLUHC), Rt. Hon. Michael Gove MP, released a written statement to Parliament regarding the final local government finance settlement 2023/24.

The updated National Core Spending Power figures are detailed below and include the Settlement Funding Assessment (SFA); Council Tax; the Improved Better Care Fund; New Homes Bonus (NHB); Transitional Grant; Rural Services Delivery Grant; the Lower Tier Services Grant and the Adult Social Care Support Grant. The table shows the national changes to Core Spending Power between 2015/16 and 2023/24. It shows an increase of 9.4% for 2023/24 and an overall increase for the period 2015/16 to 2023/24 of 32.9%.

<b>Core Spending Power National Position</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Settlement Funding Assessment	21,250	18,602	16,633	15,574	14,560	14,797	14,810	14,882	15,671
Under-indexing business rates multiplier	165	165	175	275	400	500	650	1,275	2,205
Council Tax	22,036	23,247	24,666	26,332	27,768	29,227	30,327	31,922	33,928
Improved Better Care Fund	-	-	1,115	1,499	1,837	2,077	2,077	2,140	2,140
New Homes Bonus	1,200	1,485	1,252	947	918	907	622	556	291
Rural Services Delivery Grant	16	81	65	81	81	81	85	85	95
Lower Tier Services Grant	-	-	-	-	-	-	111	111	-
Services Grant	-	-	-	-	-	-	-	822	484
Transition Grant	-	150	150	-	-	-	-	-	-
Adult Social Care Support Grant	-	-	241	150	-	-	-	-	-
Winter pressures Grant	-	-	-	240	240	-	-	-	-
Social Care (Support) Grant	-	-	-	-	410	1,410	1,710	2,346	3,852
Market Sustainability & Fair Cost of Care	-	-	-	-	-	-	-	162	-
ASC Market Sustainability & Improvement Fund	-	-	-	-	-	-	-	-	562
ASC Discharge Fund	-	-	-	-	-	-	-	-	300

Grants Rolled In	209	257	248	239	232	232	238	239	-
Funding Guarantee	-	-	-	-	-	-	-	-	133
<b>Core Spending Power</b>	<b>44,876</b>	<b>43,986</b>	<b>44,544</b>	<b>45,337</b>	<b>46,445</b>	<b>49,231</b>	<b>50,611</b>	<b>54,541</b>	<b>59,661</b>
<b>Change %</b>		<b>(2.0)%</b>	<b>1.3%</b>	<b>1.8%</b>	<b>2.4%</b>	<b>6.0%</b>	<b>2.8%</b>	<b>7.8%</b>	<b>9.4%</b>
<b>Cumulative change %</b>		<b>(2.0)%</b>	<b>(0.7)%</b>	<b>1.0%</b>	<b>3.5%</b>	<b>9.7%</b>	<b>12.8%</b>	<b>21.5%</b>	<b>32.9%</b>

Whilst the provisional settlement only shows figures for 2023/24, there will be scope to forecast 2024/25 amounts, given what is known regarding the 2024/25 control totals for funding and the certainty provided regarding the delay to reform to the system (i.e. Fair Funding review and the Business Rates Reset). The planned reforms were due to be in place by 2019/20, were deferred until 2022/23 and have been deferred again until 2025/26. There is a possibility that they may be further delayed until 2026/27 or beyond.

The business rates multiplier was frozen again for 2023/24 at 49.9p. Whilst it will remain unchanged, it is important to understand that, whilst the result is net zero change, there are actually three changes to the multiplier for 2023/24.

Change 1 – A reduction in the multiplier of equal and opposite magnitude to offset the impact of the national change in Rateable Value due to Revaluation 2023 (assumed to reduce it to 46.5p).

Change 2 – The allowance for subsequent appeals from Revaluation 2023 (estimated 3.3%, taking the multiplier to 48.0p).

Change 3 – An element for inflation, assumed at 3.74%, taking the multiplier back to 49.9p.

These changes therefore mean that the inflation within the business rates system is 3.74%, resulting in the corresponding changes to Baseline Need, NNDR Baselines and therefore Top Up /Tariff amounts.

The business rates tariff for Tamworth has been revised to £10,686,850 – which means that due to the retention of business rates growth since 2013 of c.£2m, the Council will benefit from net additional funds for 2023/24 and 2024/25.

While this means the Council will be able to retain its business rate growth, it also means that the uncertainty continues and potentially the Council still faces losing this growth from 2025/26.

**There is a high risk that these reforms will have a significant effect on the Council’s funding level from 2025/26.**

It will be late December when the final situation for 2024/25 will be known - when the Draft Local Government Finance Settlement is published.

For future years (post 2024/25), it has been assumed that there will be an inflationary increase in Revenue Support Grant, as detailed below.

<b>BASE BUDGET</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Revenue Support Grant	302,008	308,289	314,455	320,744	327,159	333,703
% Increase / (Reduction)	55.2%	2.1%	2.0%	2.0%	2.0%	2.0%

## Business Rates

The 2023/24 finance settlement represents the eleventh year in which the Business Rates Retention (BRR) scheme is the principal form of local government funding. As in the previous years, the provisional settlement provides authorities with a combination of provisional grant allocations and their baseline figures within the BRR scheme.

Additional monthly monitoring has been implemented since the implementation of business rate retention from 2013/14 – following approval of the NNDR1 form (Business Rates estimates) by Cabinet in January each year.

The latest estimates for 2023/24 indicate additional business rates receivable above the baseline – of which the Council will receive 40% less the Government set tariff payment of c.£10.7m (plus an agreed share of the surplus from the Staffordshire pool arrangement - after deduction of the 25% Central Share, 9% County & 1% Fire & Rescue Authority shares).

For 2025/26 onwards, it has been assumed that the retained growth will be redistributed as part of the business rates reset and therefore business rates received will be equivalent to the tariff payable – meaning the Council will retain the Government assessed Business Rates Baseline.

For future years, the Government assessed Business Rates Baseline is detailed below:

<b>BASELINE</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>MTFS Forecast (February 2023):</b>						
Retained Business Rates	13,112,868	13,385,616	15,407,081	15,715,223	16,029,527	16,350,118
Less: Tariff payable	(10,686,850)	(£10,909,136)	(£12,881,072)	(£13,138,694)	(£13,401,467)	(£13,669,497)
Total SFA	2,426,018	2,476,479	2,526,009	2,576,529	2,628,060	2,680,621
% Reduction	3.7%	2.1%	2.0%	2.0%	2.0%	2.0%
<b>Base Budget Forecast (November 2023):</b>						
Retained Business Rates	13,112,868	13,385,616	15,407,081	15,715,223	16,029,527	16,350,118

Less: Tariff payable	(£10,686,850)	(£10,909,136)	(£12,881,072)	(£13,138,694)	(£13,401,467)	(£13,669,497)
Total SFA	2,426,018	2,476,479	2,526,009	2,576,529	2,628,060	2,680,621
<b>% Reduction</b>	<b>3.7%</b>	<b>2.1%</b>	<b>2.0%</b>	<b>2.0%</b>	<b>2.0%</b>	<b>2.0%</b>
<b>Increase / (Decrease)</b>	-	-	-	-	-	-

Due to the variable nature of the BRR element of local authority funding, the baseline settlement no longer provides the absolute funding level for authorities.

The Government's assessed Business Rates Baseline for the authority is only based on an adjusted average income figure, and therefore is not representative of the actual Business Rates Baseline. The business rates forecast income estimates are detailed below:

<b>BASE BUDGET</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
	£	£	£	£	£	£
<b>MTFS Forecast (February 2023):</b>						
Retained Business Rates	14,797,200	15,104,982	15,407,081	15,715,223	16,029,527	16,350,118
Less: Tariff payable	(£10,686,850)	(£10,909,136)	(£12,881,072)	(£13,138,694)	(£13,401,467)	(£13,669,497)
Total	4,110,350	4,195,845	2,526,009	2,576,529	2,628,060	2,680,621
% Reduction	44.4%	2.1%	-39.8%	2.0%	2.0%	2.0%
<b>Base Budget Forecast (November 2023):</b>						
Retained Business Rates	14,797,200	15,104,982	15,407,081	15,715,223	16,029,527	16,350,118
Less: Tariff payable	(10,686,850)	(10,909,136)	(12,881,072)	(13,138,694)	(13,401,467)	(13,669,497)
Total	4,110,350	4,195,845	2,526,009	2,576,529	2,628,060	2,680,621
% Reduction	44.4%	2.1%	-39.8%	2.0%	2.0%	2.0%
<b>Increase / (Decrease)</b>	-	-	-	-	-	-

\* The reduction in retained business rates for the base budget reflects the assumed re-distribution of accumulated growth with retained business rates falling to baseline from 2024/25.

Based on this Government financial support is shown below:

<b>BASE BUDGET</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
	£	£	£	£	£	£
<b>MTFS Forecast (February 2023):</b>						
Revenue Support Grant	302,008	308,290	314,456	320,745	327,160	333,703
Retained Business Rates	14,797,200	15,104,982	15,407,081	15,715,223	16,029,527	16,350,118
Less: Tariff payable	(£10,686,850)	(£10,909,136)	(£12,881,072)	(£13,138,694)	(£13,401,467)	(£13,669,497)
Total	4,412,358	4,504,135	2,840,465	2,897,274	2,955,220	3,014,324
% Reduction	45.1%	2.1%	-36.9%	2.0%	2.0%	2.0%



% RSG Reduction	55.2%	2.1%	2.0%	2.0%	2.0%	2.0%
<b>Base Budget Forecast (November 2023):</b>						
Revenue Support Grant	302,008	308,290	314,456	320,745	327,160	333,703
Retained Business Rates	14,797,200	15,104,982	15,407,081	15,715,223	16,029,527	16,350,118
Less: Tariff payable	(10,686,850)	(10,909,136)	(12,881,072)	(13,138,694)	(13,401,467)	(13,669,497)
<b>Total</b>	<b>4,412,358</b>	<b>4,504,135</b>	<b>2,840,465</b>	<b>2,897,274</b>	<b>2,955,220</b>	<b>3,014,324</b>
<b>% Reduction</b>	<b>45.1%</b>	<b>2.1%</b>	<b>-36.9%</b>	<b>2.0%</b>	<b>2.0%</b>	<b>2.0%</b>
% RSG Reduction	55.2%	2.1%	2.0%	2.0%	2.0%	2.0%
<b>Increase / (Decrease)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

## New Homes Bonus (NHB)

There remains significant uncertainty over the ongoing funding for the New Homes Bonus scheme, as it has been 'rolled over' for another year, with allocations made for 1 year only. There is no planned legacy payment for 2023/24 (as in 2020/21, 2021/22 and 2022/23).

The Government consulted on the future of the New Homes Bonus in 2021 and set out its intention to hold a consultation on the future of the New Homes Bonus, with a view to implementing reform in 2023/24. No New Homes Bonus income had been forecast for 2023/24 pending the consultation.

However, following the announcement of additional funding for 2023/24, forecasts have subsequently been updated:

<b>BASE BUDGET NHB</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Base Budget Forecast (November 2022)	212,700	-	-	-	-	-
Revised MTFS forecast (December 2022)	917,070	347,127	-	-	-	-
<b>Increased / (Reduced) income</b>	<b>704,370</b>	<b>347,127</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

No New Homes Bonus income has been forecast for 2024/25 pending the consultation.

## Forecast

Using the funding forecast and assuming increases in Council Tax of £5 per annum for 2024/25 onwards, the five year base budget forecast is as follows:

<b>Summary</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Estimated Net Cost of Services</b>	<b>8,083</b>	<b>11,878</b>	<b>12,118</b>	<b>12,469</b>	<b>12,914</b>
Proposed Policy Changes / Additional Costs Identified	412	366	475	289	291

Net Expenditure	8,495	12,244	12,592	12,759	13,205
<b>Financing:</b>					
RSG	308	314	321	327	334
C'Tax Support Grant (nil Ctax Increase)	-	-	-	-	-
Collection Fund Surplus	33	33	33	33	33
Tariff Payable	(10,909)	(12,881)	(13,139)	(13,401)	(13,669)
Non Domestic Ratepayers	13,864	15,407	15,715	16,030	16,350
Council Tax Income	4,740	4,899	5,060	5,222	5,387
Gross Financing	8,036	7,772	7,990	8,211	8,435
Surplus(-)/Deficit	458	4,472	4,603	4,548	4,771
Balances Remaining (-) / Overdrawn	(9,360)	(4,888)	(286)	4,262	9,033

Per Council, 28 <sup>th</sup> February 2023	(5,870)	(1,105)	-	-	-
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Band D Equivalents	23,479	23,679	23,879	24,079	24,279
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As a result of the updated base budget forecast during October 2023, the forecast projections now identify General Fund balances of £4.9m by 2025/26 (compared to £1.1m as part of the approved MTFs forecast in February 2023), a shortfall of £0.2m by 2026/27 (compared to a shortfall of £4.1m) after taking into account the £0.5m minimum balance requirement, a shortfall of £4.7m by 2027/28 (compared to a shortfall of £9m), with a shortfall of £9.5m by 2028/29.

Balances are forecast to be £8.9m at 31<sup>st</sup> March 2024.

A detailed summary of the budget for 2024/25 is attached at **Appendix F** with 5 years attached at **Appendix G**.

### *Future Strategy*

Due to the adverse financial forecast in the longer term, there is a need to reconsider the inclusion of items contained within the forecast / budget:

#### 1) *Variations to Council Tax Policy/Strategy*

For future years potential 'capping' of the increase by the Government or a proposed local council tax referendum/veto needs to be considered when setting future Council Tax increases. The Council's Council Tax is currently £196.89.

The indication is that the 'capping' threshold for District Councils will be the higher of £5 or 3.0% - following a freeze in 2011/12 & 2012/13 and a below 2% increase from 2013/14 to 2016/17 (followed by c.3% or £5 p.a. to 2023/24).

<b>Council Tax</b>	<b>Option Modelled / Considered</b>
<b>Model 1</b>	<b>£5.00 (2.5%) increase in Council tax in 2024/25 (followed by increases of £5.00 p.a.)</b>
Model 2	5.1% increase (£10.00 in 2024/25) in Council tax in 2024/25 (followed by increases of £5.00 p.a.)
Model 3	£1 increase (0.5%) in Council tax in 2024/25 (followed by increases of £1 p.a.)
Model 4	7.1% (£14.00 in 2024/25) increase in Council tax in 2024/25 (followed by increases of £5.00 p.a.)
Model 5	0% increase in Council tax in 2024/25 (followed by increases of 0% thereafter)
Model 6	2.99% increase (£5.89 in 2024/25) in Council tax in 2024/25 (followed by increases of 2.99% thereafter)

The impact of a £5 p.a. increase (Band D) is outlined below:

**Model 1 Impact of £5 increase in Council Tax in 2024/25 (followed by £5 p.a.)**

Year:	2024/25	2025/26	2026/27	2027/28	2028/29
Forecast:	£'000	£'000	£'000	£'000	£'000
Surplus (-) /Deficit	459	4,472	4,603	4,547	4,770
<b>Balances Remaining (-) / Overdrawn</b>	<b>(9,364)</b>	<b>(4,892)</b>	<b>(289)</b>	<b>4,258</b>	<b>9,028</b>
£ Increase	5.00	5.00	5.00	5.00	5.00
% Increase	2.54%	2.48%	2.42%	2.36%	2.31%
Note: Resulting Band D Council Tax	201.89	206.89	211.89	216.89	221.89

Indicating a potential shortfall in General fund balances of approx. £0.2m over 3 years (with a shortfall of £4.7m over 4 years & £9.5m over the 5 year period) - including the minimum approved level of £0.5m.

In order to consider alternative options, the following scenarios have been modelled:

**Model 2 Impact of 5.1% (£10) increase in Council tax in 2024/25 (followed by increases of £5 thereafter)**

Year:	2024/25	2025/26	2025/26	2027/28	2028/29
Forecast:	£'000	£'000	£'000	£'000	£'000
<b>Increase in Council Tax £</b>	(117)	(117)	(117)	(117)	(117)
Revised Surplus (-) / Deficit	341	4,355	4,486	4,431	4,654
<b>Balances Remaining (-) / Overdrawn</b>	<b>(9,477)</b>	<b>(5,122)</b>	<b>(637)</b>	<b>3,794</b>	<b>8,448</b>
£ Increase	10.00	5.00	5.00	5.00	5.00
% Increase	5.08%	2.42%	2.36%	2.31%	2.25%
Note: Resulting Band D Council Tax	206.89	211.89	216.89	221.89	226.89

Indicating General fund balances of approx. £0.6m over 3 years (with a shortfall of £4.2m over 4 years & £8.9m over the 5 year period) - including the minimum approved level of £0.5m.

**Model 3 Impact of £1 increase in Council tax (followed by increases of £1 p.a.)**

Year:	2024/25	2025/26	2026/27	2027/28	2028/29
Forecast:	£'000	£'000	£'000	£'000	£'000
<b>Reduction in Council Tax £</b>	94	189	285	381	478
Revised Surplus (-) / Deficit	552	4,661	4,888	4,929	5,249
<b>Balances Remaining (-) / Overdrawn</b>	<b>(9,266)</b>	<b>(4,605)</b>	<b>282</b>	<b>5,211</b>	<b>10,460</b>
£ Increase	1.00	1.00	1.00	1.00	1.00
% Increase	0.51%	0.51%	0.50%	0.50%	0.50%
Note: Resulting Band D Council Tax	197.89	198.89	199.89	200.89	201.89

Indicating a potential shortfall in General fund balances of approx. £0.7m over 3 years (with a shortfall of £5.9m over 4 years & £10.9m over the 5 year period) - including the minimum approved level of £0.5m.

**Model 4 Impact of 7.1% (£14.00) increase in Council tax (followed by increases of £5.00 thereafter)**

Year:	2024/25	2025/26	2025/26	2027/28	2028/29
Forecast:	£'000	£'000	£'000	£'000	£'000
<b>Reduction in Council Tax £</b>	(211)	(211)	(211)	(211)	(211)
Revised Surplus (-) / Deficit	247	4,261	4,392	4,337	4,560
<b>Balances Remaining (-) / Overdrawn</b>	<b>(9,571)</b>	<b>(5,310)</b>	<b>(919)</b>	<b>3,418</b>	<b>7,978</b>
£ Increase	14.00	5.00	5.00	5.00	5.00
% Increase	7.11%	2.37%	2.32%	2.26%	2.21%
Note: Resulting Band D Council Tax	210.89	215.89	220.89	225.89	230.89

Indicating balances of £0.9m over 3 years (with a shortfall of £3.9m over 4 years & £8.4m over the 5 year period) - including the minimum approved level of £0.5m.

**Model 5 Impact of 0% increase in Council tax (followed by increases of 0% thereafter)**

Year:	2024/25	2025/26	2026/27	2027/28	2028/29
Forecast:	£'000	£'000	£'000	£'000	£'000
<b>Reduction in Council Tax £</b>	117	235	354	474	595
Revised Surplus (-) / Deficit	575	4,707	4,957	5,022	5,366
<b>Balances Remaining (-) / Overdrawn</b>	<b>(9,243)</b>	<b>(4,536)</b>	<b>420</b>	<b>5,442</b>	<b>10,808</b>
£ Increase	0.00	0.00	0.00	0.00	0.00
% Increase	0.0%	0.0%	0.0%	0.0%	0.0%
Note: Resulting Band D Council Tax	196.89	196.89	196.89	196.89	196.89

Indicating a potential shortfall in General fund balances of approx. £0.9m over 3 years (with a shortfall of £5.9m over 4 years & £11.3m over the 5 year period) - including the minimum approved level of £0.5m.

**Model 6 Impact of 2.99% (£5.89) increase in Council tax (followed by increases of 2.99% thereafter)**

Year:	2024/25	2025/26	2026/27	2027/28	2028/29
Forecast:	£'000	£'000	£'000	£'000	£'000
<b>Reduction in Council Tax £</b>	(21)	(46)	(76)	(111)	(150)
Revised Surplus (-) / Deficit	437	4,426	4,527	4,437	4,621
<b>Balances Remaining (-) / Overdrawn</b>	<b>(9,381)</b>	<b>(4,955)</b>	<b>(429)</b>	<b>4,008</b>	<b>8,629</b>
£ Increase	5.89	6.06	6.24	6.44	6.62
% Increase	2.99%	2.99%	2.99%	2.99%	2.99%
Note: Resulting Band D Council Tax	202.78	208.84	215.08	221.52	228.14

Indicating a potential shortfall in General fund balances of approx. £0.07m over 3 years (with a shortfall of £4.5m over 4 years & £9.1m over the 5 year period) - including the minimum approved level of £0.5m.

2) *Potential Savings / additional costs*

Potential revenue policy changes are highlighted below:

Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>PE1</b>	To extend the corporate training budget in order to meet needs identified in PDR process, inclusive of essential training such as health and safety for Street Scene and training to meet legislative requirements set by the Social Housing Regulatory Programme.		10.00	-	-	-	-
<b>PE2</b>	To extend the elected members training budget to account for the high amount of new councillors		2.00	-	-	-	-
<b>PE3</b>	Additional funding for targeted marketing, including Christmas and Aethelfest in 2024, and the purchase of a gazebo and additional casual staff costs to enable a presence at various events		17.80	(17.80)			
<b>PE4</b>	Increase budget for postage to meet continuing demand and increased postage costs		40.0				
<b>PE5</b>	Remove income budget for sale of goods at TIC (£15k) net of associated budget for purchase of retail stock (£6k)		9.0				
<b>PE6</b>	Retain CSA staff provision and make permanent 1.71 FTE posts to meet continuing demand re enquiries and service requests		51.50				

Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>PE7</b>	New post 0.2 FTE Box Office Asst to support Arts & Events team		8.10				
<b>PE8</b>	Make permanent current temporary CSO post 0.81 FTE		27.30				
<b>PE9</b>	Revenue implications of proposed capital schemes - £26k Civica EDM; £50k CRM & Customer Portal; £28k Contact Centre/Telephony		104.00				
<b>OPS 1</b>	Heritage Lights Festival - three year programme net of grant funding to be confirmed			75.00	90.00	(165.00)	
<b>OPS 2</b>	Assembly Rooms cinema - increase in Broadcasting costs budget £5k pa to improve the offer and associated increase/re-alignment of income £2.5k pa		2.50				
<b>OPS 3</b>	Following 2023 trial event 'Christmas Wonderland in Tamworth' additional budget of £40k pa for 3 years to repeat and build on this event.		40.0			(40.0)	
<b>OPS 4</b>	Increased budget for outdoor summer events 'We Love Tamworth' to grow the event		10.0				
<b>OPS 5</b>	Increased budget for Fireworks event to keep pace with additional costs and fund external traffic management plan		6.0				



Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>OPS 6</b>	Funding to subsidise public swimming at Snowdome (contract to be re-negotiated)		110.0				
<b>OPS 7</b>	Creation of 3-person multi-skilled reactive maintenance team - 2 EMOs £60k; 1 Chargehand £35.53k; annual vehicle rental £6.4k, fuel £3k, machinery and tools £7k		111.95				
<b>FIN1</b>	Removal of ongoing consultancy fees budget	If required for specific projects to be requested/built in as part of budgetary proposal	(50.00)	-	-	-	-
<b>FIN2</b>	Local Government Services Grant confirmed for 25/26 onwards			(94.58)			
<b>PAR1</b>	Remove budget for the St Peter's Community Centre, as the 5 year grant agreement for £9k per annum has ended.			(9.0)			
<b>AST1</b>	The creation of a permanent Senior Adaptations Caseworker post (across both services) into the Disabled Adaptations Team to manage increased demand, support service improvements and overall delivery timescales. Projected Grade G (split GF and HRA)			45.01	-	-	-
<b>AST2</b>	Recharge of the above post to Capital CA1002 78%			(45.01)	-	-	-

Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>CE1</b>	Electoral Process – new apprentice post at National Minimum Wage		13.86				
<b>CE2</b>	Ongoing software licence costs of Modern Democracy system		34.50				
<b>G&amp;R1</b>	To make the Regeneration Projects Officer post, which is currently a fixed term 3 year post, permanent, recognising the pipeline of Regeneration projects, including Gungate, LUF 3, Homes England, Amington Local Centre, Marmion House redevelopment, Solway CIs disposal, etc. The post is funded to 2025/26 via FHSF and Gungate capital budgets, and there is also the potential to offset future costs with expected grant from the Enterprise Zone Regional Investment Fund (subject to approval)		-	-	19.07	39.58	1.47
<b>G&amp;R2</b>	To establish an annual budget over three years for the delivery of Saxon Living History events in the Castle & Grounds		20.00	-	-	(20.00)	-
<b>G&amp;R3</b>	To establish indicative operational budgets for The Flex building, planned to be delivered by November 2024 as part of the FHSF regeneration programme, net of expected income.		9.11	(8.46)			

Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>G&amp;R4</b>	Additional car parking income under scenario modelling re revised tariffs and charges approved by Cabinet November 23		(157.00)				
<b>Total New Items / Amendments</b>			<b>411.62</b>	<b>(45.84)</b>	<b>109.07</b>	<b>(185.42)</b>	<b>1.47</b>

As part of the planned review & scrutiny process leading up to formal presentation of the budget, Executive Management Team will consider feedback received from the Budget Consultation process, the Joint Scrutiny Budget workshop and the Joint Budget Scrutiny Committee (planned for 31<sup>st</sup> January 2024) in order to inform the next stages of the budget process:

- a review of the proposals including:
  - Reference to the Council's corporate priorities together with the feedback & issues raised by the budget consultation exercise, and
  - Consideration of how the limited resources can be 'rationed' (& whether service improvements in a priority area should be met from service reductions elsewhere).
- Inclusion of any further potential savings in order to mitigate the forecast budget shortfall. This process is ongoing and will be reported as policy changes in the next phase of the budget process in order to formulate a balanced medium term financial strategy for approval by Cabinet and Council in February 2024.

## Housing Revenue Account – Technical Adjustments Summary

<b>Technical Adjustments</b>	<b>2024/25 £'000</b>	<b>2025/26 £'000</b>	<b>2026/27 £'000</b>	<b>2027/28 £'000</b>	<b>2028/29 £'000</b>
Base Budget B/Fwd	823	(1,315)	(1,278)	(1,540)	(1,782)
Committee Decisions	87	(74)	97	49	0
Inflation	253	190	195	235	242
Other	(2,582)	(254)	(654)	(620)	715
Pay Adjustments (Including pay award / reduction of 7.5% for vacancy allowance)	104	175	100	94	90
Revised charges for non-general fund activities	0	0	0	0	0
Virements	0	0	0	0	0
<b>Total / Revised Base Budget</b>	<b>(1,315)</b>	<b>(1,278)</b>	<b>(1,540)</b>	<b>(1,782)</b>	<b>(735)</b>

The detail of the technical adjustments are shown in Appendix C with a more detailed summary of the HRA Technical Adjustments at Appendix E. Assuming increases in Rent in line with the maximum allowed by the Government's Rent Standard (CPI plus 1% p.a.) in order to support investment in the housing stock, the five year base budget forecast is as follows:

<b>Summary</b>	<b>2024/25 £'000</b>	<b>2025/26 £'000</b>	<b>2026/27 £'000</b>	<b>2027/28 £'000</b>	<b>2028/29 £'000</b>
<b>Estimated Net (Surplus) / Deficit</b>	<b>(1,315)</b>	<b>(1,278)</b>	<b>(1,540)</b>	<b>(1,782)</b>	<b>(735)</b>
Proposed Policy Changes / Additional Costs Identified	81	-	-	-	-
Surplus (-) / Deficit	(1,234)	(1,277)	(1,539)	(1,781)	(734)
Balances Remaining (-) / Overdrawn	(3,211)	(4,488)	(6,027)	(7,808)	(8,542)
Per Council, 28 <sup>th</sup> February 2023	(3,328)	(2,846)	(2,430)	(2,148)	-

As a result of the updated forecast at quarter 2, October 2023, the forecast projections now identify HRA balances of £4.5m by 2025/26 (compared to £2.8m as part of the

approved MTFS forecast in February 2023), £6m by 2026/27 (compared to £2.4m), £7.8m by 2027/28 (compared to £2.2m), with balances of £8.5m by 2028/29.

This includes the additional cost pressures of £81k p.a. over 5 years identified to date in the proposed HRA policy changes but it does not include the anticipated cost pressures for the HRA capital programme arising from the ongoing work in updating the 30 year HRA business plan. Early indications from the modelling are a potential shortfall over 30 years of £37m plus a significant and unsustainable increase in HRA debt levels arising from the capital programme pressures (of over £376m over 30 years).

The increased cost pressures currently being experienced will also have an impact on the level of rent increase for 2024/25. The MTFS included a forecast increase of 3% p.a. based on the formula allowed under the Rent Setting Guidance of CPI plus 1%. Given the current level of CPI of 6.7%, the increase for 2024/25 will be at 7.7% (based on the forecast CPI inflation rate for September 2023) in line with the maximum allowed by the Government's Rent Standard (that social housing rents can increase to include 'up to' a factor of the consumer price index (CPI) measure of inflation (for September of the preceding year) plus 1% for five years from 2020) – in order to support the continued investment in the housing stock. Each 1% increase would equate to additional income of c.£200k p.a. (£1m over 5 years).

However, for 2023/24 DLUCH implemented of a rent cap 7% (with alternative options of 3% or their preferred 5% indicated).

From indications last year that a cap may also be considered for 2024/25, together with a likely increase of over 7%, there is a possibility that DLUHC may consult on capping again (e.g. at a 5% capped increase, the annual rent loss would equate to £578k, £3million over 5 years).

A summary of the HRA over the 5 year period is shown at **Appendix H**. Potential HRA revenue policy changes are highlighted below:

Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>HASS1</b>	Budget provision to cover cost of using existing TBC employed Cleaners to ensure cleaning of HRA communal areas can continue to be carried out in the event that any current cleaning staff member becomes unavailable due to sickness or long term absence. In the last couple of years the demand to use Agency Cover for staff absence has increased significantly whilst the same level of cleaning is still expected to be carried out. The creation of a permanent Senior Adaptations Caseworker post (across both services) into the Disabled Adaptations Team to manage increased demand, support service improvements and overall delivery timescales. Projected Grade G (split GF and HRA)  Recharge of the above post to Capital CR2008 22%		40.00	(40.00)	-	-	-
<b>HASS2</b>			12.70				
<b>HASS3</b>			(12.70)				

Item No	Proposal/(Existing Budget)	Implications	Budget Change	Budget Change	Budget Change	Budget Change	Budget Change
			24/25 £'000	25/26 £'000	26/27 £'000	27/28 £'000	28/29 £'000
<b>HNEI1</b>	Budget provision to cover the cost of extending the temporary post `Resident Support Worker` at Eringden Block for a further year until March 2025 on a Grade E.		41.43	(41.43)	-	-	-
<b>Total New Items / Amendments</b>			<b>81.43</b>	<b>(81.43)</b>			



## Rent Setting Policy

The introduction of rent restructuring in April 2003 required the Council to calculate rents in accordance with a formula on a property by property basis and account separately for rental payments and payments which are for services (for example grounds maintenance, upkeep of communal areas, caretaking) within the total amounts charged.

This framework removed the flexibility to independently set rent levels from Social Landlords and replaced it with a fixed formula (RPI plus 0.5% plus £2.00) based on the value of the property and local incomes.

The aim of the framework was to ensure that by a pre-set date all social landlord rents have reached a 'target rent' for each property that will reflect the quality of accommodation and levels of local earnings. In achieving this target rent councils were also annually set a "limit rent" which restricted the level of rent increase in any one year.

From 2015/16, Councils could decide locally at what level to increase rents. Government Guidance suggested an increase of CPI plus 1%, however, the Council agreed to vary this level, and applied the formula CPI plus 1% plus £2 (capped at formula rent) **for 2015/16 only**, to generate additional funding to support increased maintenance costs and the regeneration of key housing areas within the Borough.

The effect of the reduction in Social Housing Rents announced in the Summer Budget 2015 means that rents were reduced by 1% a year for the four years from 2016/17.

The Government has now confirmed that social housing rents can increase to include 'up to' a factor of the consumer price index (CPI) measure of inflation plus 1% for five years from 2020, following the conclusion of a consultation on the new rent standard.

On 30<sup>th</sup> November 2017, Cabinet considered and approved amendments to the Council's Rent Setting Policy to include arrangements to charge affordable rents on new and affordable housing.

The policy provides a framework within which Tamworth Borough Council will set rents and service charges and draws on the Department for Communities and Local Government Guidance on Rent Setting for Social Housing.

In setting the rent setting policy the Council had full regard to legislation, regulations and associated rent setting guidance including the Welfare Reform and Work Act 2016 which gave effect to the Government's 1% rent reduction for four years up to 2020/21.

For 2024/25 (and in the medium term), should rents be set in line with the approved policy including a general increase of the consumer price index (CPI) measure of inflation of plus 1% - this would equate to a 7.7% increase (followed by forecast increases of 3% p.a.), due to the increased cost pressures currently being experienced. The MTFs included a forecast increase of 3% p.a. based on the formula allowed under the Rent Setting Guidance of CPI plus 1%. Given the current level of CPI of 6.7% (September 2023), the forecast increase for 2024/25 will be 7.7% in line with the maximum allowed by the Government's Rent Standard (that social housing rents can increase to include 'up to' a factor of the consumer price index (CPI) measure of inflation (for September of the preceding year) plus 1% for five years from 2020) - in

order to support the continued investment in the housing stock. Each 1% increase would equate to additional income of c.£200k p.a. (£1m over 5 years).

However, for 2023/24 DLUCH implemented of a rent cap 7% (with alternative options of 3% or their preferred 5% indicated).

From indications last year that a cap may also be considered for 2024/25, together with a likely increase of over 7%, there is a possibility that DLUHC may consult on capping again (e.g. at a 5% capped increase, the annual rent loss would equate to £578k, £3million over 5 years).

The following options have been modelled:

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2026/27 £	2027/28 £
<b>Option 1: CPI + 1%</b>						
Rent (52 Weeks)	92.13	99.23	102.20	105.27	108.43	111.68
Rent (48 Weeks)	99.81	107.50	110.72	114.04	117.46	120.99
% Increase	7%	7.7%	3.0%	3.0%	3.0%	3.0%
	-	-	-	-	-	-
		<b>5 year impact</b>				<b>0</b>
<b>Option 2: CPI</b>						
Rent (52 Weeks)	92.13	98.31	100.27	102.28	104.32	106.41
Rent (48 Weeks)	99.81	106.50	108.63	110.80	113.02	115.28
% Increase		0.067	0.02	0.02	0.02	0.02
<b>Reduced Rent compared to Option 1</b>		<b>213,950</b>	<b>438,230</b>	<b>676,830</b>	<b>925,760</b>	<b>1,185,330</b>
		<b>5 year impact</b>				<b>3,440,100</b>
<b>Option 3: No increase</b>						
Rent (52 Weeks)	92.13	92.13	92.13	92.13	92.13	92.13
Rent (48 Weeks)	99.81	99.81	99.81	99.81	99.81	99.81
% Increase		0.0%	0.0%	0.0%	0.0%	0.0%
<b>Reduced Rent compared to Option 1</b>		<b>1,681,550</b>	<b>2,284,330</b>	<b>2,971,150</b>	<b>3,674,690</b>	<b>4,395,380</b>
		<b>5 year impact</b>				<b>15,007,100</b>
Inflation at CPI + 1%		7.7%	3.0%	3.0%	3.0%	3.0%

Effect of the potential cap:	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£	£	£	£	£	£
<b>CPI + 1%</b>						
Rent (52 Weeks)	92.13	99.23	102.20	105.27	108.43	111.68
Rent (48 Weeks)	99.81	107.50	110.72	114.04	117.46	120.99
% Increase		7.7%	3.0%	3.0%	3.0%	3.0%
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>5 year impact</b>					-	<b>0</b>
<b>CAP 3%</b>						
Rent (52 Weeks)	92.13	94.90	97.74	100.68	103.70	106.81
Rent (48 Weeks)	99.81	102.80	105.89	109.07	112.34	115.71
% Increase		3.0%	3.0%	3.0%	3.0%	3.0%
		1,005,560	1,011,660	1,038,980	1,067,040	1,095,850
<b>5 year impact</b>					-	<b>5,219,090</b>
<b>CAP 5%</b>						
Rent (52 Weeks)	92.13	96.74	99.64	102.63	105.71	108.88
Rent (48 Weeks)	99.81	104.80	107.94	111.18	114.52	117.95
% Increase		5.0%	3.0%	3.0%	3.0%	3.0%
		577,670	581,160	596,860	612,990	629,530
<b>5 year impact</b>					-	<b>2,998,210</b>
<b>CAP 7%</b>						
Rent (52 Weeks)	92.13	98.58	101.54	104.59	107.72	110.95
Rent (48 Weeks)	99.81	106.80	110.00	113.30	116.70	120.20
% Increase		7.0%	3.0%	3.0%	3.0%	3.0%
		149,770	150,670	154,730	158,930	163,210
<b>5 year impact</b>					-	<b>777,310</b>

## Corporate Capital Strategy

The Council has an ongoing capital programme of over £44m for 2023/24 and an asset base valued at £300m (as at 31<sup>st</sup> March 2023).

The strategy sets out the Council's approach to capital investment and the approach that will be followed in making decisions in respect of the Council's Capital assets.

Capital investment is an important ingredient in ensuring the Council's vision is achieved and given that capital resources are limited it is critical that the Council makes best use of these resources.

This Strategy sets the policy framework for the development, management and monitoring of this investment and forms a key component of the Council's planning alongside the Medium Term Financial Strategy.

The Capital Strategy will:

- Reflect Members' priorities as set out in the Corporate Plan;
- Balance the need to maintain the Council's existing asset base against its future ambition and associated long term asset needs and consolidate assets where appropriate;
- Recognise that growth is the strategic driver for financial self-sufficiency;
- Be affordable in the context of the Council's MTFS;
- Seek to ensure value for money through achieving a return on investment or by supporting service efficiency and effectiveness;
- Be flexible to respond to evolving service delivery needs;
- Seek to maximise investment levels through the leveraging of external investment;
- Recognise the value of assets for delivering long-term growth as opposed to being sold to finance capital expenditure;
- Recognise the financial benefits and risks from growth generated through investment to support investment decisions; and
- Reflect the service delivery costs associated with growth when assessing the level of resources available for prudential borrowing.

The capital strategy feeds into the annual revenue budget and MTFS by informing the revenue implications of capital funding decisions. The implications for the MTFS are fully considered before any capital funding decisions are confirmed.

Equally, the availability of prudential borrowing means that capital and revenue solutions to service delivery can be considered, and ranked, alongside each other as part of an integrated revenue and capital financial strategy.

The Capital Strategy further sets out the Council's approach to the allocation of its capital resources and how this links to its priorities at a corporate and service level. It describes how the Council has responded to the opportunities provided by prudential borrowing and other new sources of finance.

All proposed schemes requiring capital investment should have as a minimum the following information:

- A description of the scheme;
- The estimated financial implications, both capital and revenue;
- The expected outputs, outcomes and contribution to corporate objectives;
- The nature and outcome of consultation with stakeholders and customers (as applicable);
- Any impacts on efficiency and value for money;
- Risk assessment implications and potential mitigations; and
- Any urgency considerations (e.g. statutory requirements or health and safety issues).

All capital bids should be prepared in light of the following list of criteria, and the proposed investment should address and be assessed with regard to:

- **the contribution its delivery makes towards the achievement of the Council's Corporate Priorities;**
  - **the achievement of Government priorities and grant or other funding availability;**
- the benefits in terms of the contribution to the Council's Corporate Objectives and compliance with the Corporate Capital Strategy requirements of:
  1. Invest to save
  2. Maintenance of services and assets
  3. Protection of income streams
  4. Avoidance of cost.

The current de-minimis for capital expenditure is £10k per capital scheme.

It is important that capital investment decisions are not made in isolation and instead are considered in the round through the annual budget setting process.

Corporate Management Team and Service Managers identify the potential need for capital investment. This will take account of issues including the condition of council owned assets (including reference to the Council's Asset Management Plan), health and safety requirements, statutory obligations of the Council, operational considerations and emerging opportunities for investment including possible sources of external financing.

Corporate Management Team (CMT) review capital bids prior to consideration by Members. Once capital bids have been prioritised, Executive Management Team will review the outcome of the deliberations of CMT and will make recommendations to Cabinet through an updated Medium Term Financial Strategy (MTFS) report on a proposed budget package which will include capital budget proposals.

The MTFS report (including capital budget proposals) will ultimately be considered by Budget Setting Council each year.

Following a review of the Capital Programme approved by Council on 28<sup>th</sup> February 2023, a revised programme has been formulated including additional schemes which have been put forward for inclusion.

A schedule of the capital scheme appraisals for the General Fund (GF) & Housing Revenue Account (HRA) received for consideration is attached at **Appendix I – General Fund Services (GF) and Appendix J – Housing (HRA)**, together with the likely available sources of funding (capital receipts / grants / supported borrowing etc).

A significant number of new or amended schemes have been proposed and the forecast highlights that insufficient resources are available to finance all of the schemes submitted.

The forecast highlights that insufficient resources are available to finance all of the GF schemes submitted. The minimum approved level of GF capital balances is £0.5million and, should the programme progress without amendment, this would mean a £1.3m shortfall over the next 5 years (£1.08m over 3 years) which would have to be funded from revenue and makes the revenue shortfall worse

There has been an increase of £1.1m over 5 years since the provisional programme was approved (including new year 5 costs of £910k). The current GF Capital Financing Requirement (CFR) stands at £3.785m with planned borrowing in 2023/24 of £2.951m.

There has been some significant changes in the Housing capital programme from that provisionally approved – with a number of new schemes proposed. It has also been updated to include the new year 5 costs for 2028/29.

Work is progressing on the updated forecast resources but given the significant changes in spend over the 5 years of c.£14m (£7.6m in year 5) then there will be a significant funding gap for the HRA capital programme.

It should be noted that there are no debt repayment costs for the HRA and the Government has now lifted the previous debt cap (of £79.407m). The current HRA Capital Financing Requirement (CFR) stands at £69.981m with planned borrowing in 2023/24 of £1.159m. However it should be noted that the additional borrowing associated with unsupported costs will mean higher debt interest costs for the HRA.

With regard to the contingency schemes/allocation **£350k** remains in current year contingency funds (£250k GF/ £100k HRA) - which will be re-profiled into 2024/25 to provide General Contingency funding.

To inform discussions, the proposals have been reviewed by the Corporate Management Team with initial comments & suggestions for each of the schemes outlined below.

## General Fund

### 1) Replacement TEC Roof *Project score 48*

A new scheme has been proposed to replace the roof at the TEC £63.3k

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**2) EDM System Upgrade/Replacement**

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**Project Score 12**

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New scheme proposed in line with the approved ICT Strategy and Cloud first approach to ICT Service provision and in order to continue to benefit from on-going development of the EDM system and maintain flexible access to core systems, a migration from our existing legacy W2 system to the W3 cloud based EDM system or an alternative offering the required functionality is necessary.

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**3) CRM & Customer Portal**

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**Project Score 12**

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New scheme proposed to leverage newer technology and benefit from continued development, expedite our digital transformation, deliver efficiencies and automation between front and back office and offer a modern digital enabled customer experience, a replacement CRM and Customer portal system.

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**4) Contact Centre/Teams Telephony**

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**Project Score 12**

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New scheme proposed in line with our approved ICT Strategy, digital transformation aspirations to move more customer contact to digital channels to deliver efficiencies and to meet customer expectations for high-quality customer experiences across all contact channels and to also leverage new technology such as AI, a new omnichannel capable contact centre system is required. To compliment this, a move to Microsoft Teams Telephony will also be implemented to improve contact between employees and service areas and to further enhance the flexibility of the Council's workforce.

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**The provisional capital programme has been reviewed and includes the following schemes:**

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**5) Capital Repairs Programme - Castle**

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**Project Score: 9**

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Year 2 of total capital bid for £375k for completion of repair and maintenance works to the Scheduled Monument identified in Condition Report 2019 as urgent or required (desirable) within 10 years.

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Year one design and prelims (£100k), year two capital works delivery (£250k). £25k originally requested in year 2 for an updated condition report no longer required as this is being met from current year revenue reserve.

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Project forms part of match funding for proposed grant application.

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**6) Capital works required to general fund assets**

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**Project Score: 18**

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Year 2 costs in relation to the following schemes:

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£100k Refurbishment of Anker Valley changing rooms to improve facility and address water storage/heating issues

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**7) Replacement of Open Space Assets**

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**Project Score: 12**

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Year 2 £80k to Replace the existing wooden Snowdome footbridge. A recent structure inspection highlighted that the existing wooden footbridge near to the Snowdome will require replacement in the medium term.

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**8) Play Area Refurbishment**

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**Project Score: 12**

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£50k p.a. years 2-5 - complete one play area refurbishment p.a.

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**9) Balancing ponds and sustainable drainage systems**

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**Project Score: 63**

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£100k 2024/25, £300k 2025/26, and £220k 2026/27

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A 30 year rolling programme of works was approved for inclusion in the capital programme, with an annual spend required from 2023/24, for the 8 ponds at Stonydelph, Belgrave, Lakeside, Peelers Way.

The total cost of the programme over 30 years is £4.68m partially financed by existing reserves of £604k and annual revenue contributions totaling £1.92m, leaving a balance of £2.156m (from existing reserves/retained fund (£200k), Section 106 commuted sums (£404k) and ongoing annual revenue contributions (of £64k p.a.).

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**10) Technology Improvement/Replacement (Replacement PCs, Servers & Printers)**

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**Project Score: 12**

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A rolling programme was approved for £70k in 2023/24 followed by £60k p.a. from 2024/25 to 2027/28 – no indication of likely cost for 2028/29 or updated capital appraisal has been received.

Significantly increased reliance on ICT has resulted in a commitment to ongoing, large scale upgrade and maintenance to the TBC infrastructure, in line with technology lifecycles. The Council is also on a journey towards to digital transformation and self service for customers, demand for flexible resilient and available ICT services to support this requires continued investment into the authorities hardware and associated software. The organisation is also establishing new, more flexible and agile ways of working which requires investment into technology to support ongoing effectiveness.

External factors including legislative requirements from central government in the guise of the Public Sector Network (PSN) Code of Connection, and the increase in required investment into cyber security to keep the councils network secure and available means continued investment is essential..It should be noted that corporate applications are excluded from this schedule of planned work.

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**11) Endpoint Protection and Web-Email Filter**

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**Project Score: 60**

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A rolling programme was approved for £40k in 2022/23 followed by £40k every 3 years for Endpoint Protection (covering Anti Virus, Anti Malware and Encryption and the contract for Web and Email filtering). There is currently provision for £40k in 2025/26 however future requirements will be subject to confirmation as to whether we will be moving to a subscription model and incurring revenue rather than a capital cost.

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**12) Street Lighting**

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£120k in 2024/25 and £50,960 in 2025/26

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A rolling programme was approved with an annual spend required from 2016/17. The Council has its own stock of street lighting across the borough, mainly in housing areas and other communal parts such as play areas and car parks. The street lighting assets are inspected and maintained by Eon on behalf of the Council under the terms of Staffordshire County Council PFI contract with Eon. Eon have produced a replacement street lighting programme which spans 40 years and include the replacement of all the lighting columns based on 'their life expectancy' and a lighting head replacement programmed based on providing more efficient low energy lighting heads. This appraisal is based on years 5-10 years of the replacement programme. The 40 year costed programme has been submitted as a whole life cost document.

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**13) Disabled Facilities Grants (DFG)**

£650k pa to 2027/28

The provisional programme included £650k p.a. part funded by redistributed Better Care Fund (BCF) grant of £547k.

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**14) Energy Efficiency Upgrades to Commercial & Industrial Units**

£75k pa to 2027/28

A rolling programme with an annual spend of £75k was approved from 2017/18.

To fund a degree of improvement to industrial units when they become vacant in order to be able to re-let them – as, with effect from April 2018, it will not be possible to enter into long term lease agreements for commercial and industrial units with and EPC rating of 'E' or less.

Depending on void levels, we could expect to lose around £20k p.a. increasing by £20k p.a. for the next 5 years (c.£300k over 5 years).

If we are able to let on License or Tenancy at Will arrangements we may be able to maintain a level of income but there will be an increase in other costs such as NNDR payments, repair costs, security costs and the like.

Investment in enveloping works to improve energy efficiency will prolong the life of the estate at the current rent levels but ultimately Sandy Way phase 2 will require a more significant investment project to give a long life expectancy.

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**15) CCTV Upgrades**

£45,710 pa to 207/28

Following approval of the Shared Service, Capital budgets of £45,714 p.a. have been included.

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**16) General Fund Capital Contingency Budget**

The remaining 2023/24 contingency budget totaling £250k will be rolled forward to 2024/25.

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## Housing

There have been some significant changes in the Housing capital programme from that provisionally approved – with a number of new schemes proposed. It has also been updated to include the new year 5 costs for 2028/29.

It should be noted that there are no debt repayment costs for the HRA and the Government has now lifted the previous debt cap (of £79.407m). The current HRA Capital Financing Requirement (CFR) stands at £69.981m with planned borrowing in 2023/24 of £1.159m.

## **Housing Revenue Account**

### **1) Council House Adaptations**

#### ***Project Score 2***

A new scheme has been proposed to increase the current budget for Disabled Facilities Adaptations to £700k pa from £250k pa, including amalgamation of budgets for Sheltered Lifts and Stairlift renewals, currently £250k for 24/25 and £50k pa thereafter.

### **2) HRA Capital Programmes**

#### ***Project Score 48***

New scheme for investment works in line with HRA business plan  
High Rise Ventilation £1.7m 24/25 renewal to all 6 blocks compliance requirement.

Fire Door Replacement on low level blocks £404k pa yr1 - 5

Garage site renewals 10 sites in 24/25 £930k

Roofing Programme increase in funds £250k 24/25

**The provisional capital programme has been reviewed – assumed continuing with same amounts required in 2028/29:**

Structural Works £200k pa to 2027/28

Bathroom Renewals £575k pa to 2027/28

Gas Central Heating Upgrades and Renewals £685.5k pa to 2027/28

Kitchen Renewals £700k pa to 2027/28

Major Roofing Overhaul & Renewals – updated appraisal received for additional funds in 2024/25, then £1.5m pa thereafter to 2027/28

Window & Door Renewals - £400k pa to 2027/28

Neighbourhood Regeneration - proposal for additional £60k in 24/25 for provision of parking spaces, then £200k pa to 2027/28

Rewire £100k pa to 2027/28

CO2/Smoke Detectors £64k pa to 2027/28

Fire Risk Mitigation Works £300k 2024/25 only

Damp and Mould works £100k pa to 2027/28

High Rise Refuse Chute Renewals £150k 2024/25 only

Works to Achieve Zero Carbon - £1m 2024/25 to 2026/27

Sheltered Lifts and Stairlift Renewals - £250k 2024/25 then £50k pa to 2027/28

Internal Flooring and Decoration at Eringden £90k 2024/25 only

Street Lighting - £180k 2024/25 and £76.44k 2025/26 - HRA share to continue in line with the approved 30 year programme .

Regeneration and Affordable Housing - £250k 2024/25, then £1.75m 2025/26 to 2027/

## Main Assumptions

Inflationary Factors	2024/25	2025/26	2026/27	2027/28	2028/29
Inflation Rate - Pay Awards	4.00%	2.00%	2.00%	2.00%	2.00%
National Insurance	10.00%	10.00%	10.00%	10.00%	10.00%
Superannuation	22.1%	22.1%	22.1%	22.1%	22.1%
Inflation Rate (RPI)	3.40%	2.40%	2.40%	2.80%	2.80%
Inflation Rate (CPI)	3.50%	2.40%	2.40%	2.80%	2.80%
Investment Rates	4.25%	2.75%	2.60%	2.50%	2.50%
Base Interest Rates	5.00%	3.00%	2.50%	2.50%	2.50%

1. For 2022/23 a £1,925 increase on all pay points for Local Government pay was agreed. For 2023/24, an offer of a £1,925 increase on all pay points has been subject to union ballot and has been included. Future years remain uncertain but a 4.0% increase has been assumed for 2024/25 with annual increases of 2.0% p.a. from 2025/26.
2. Overall Fees and Charges will rise generally by 5% in 2024/25 (2.5% p.a. thereafter) except where a proposal has otherwise been made (car parking charges, corporate & industrial property rental income, statutory set planning fees, leisure fees);
3. Revised estimates for rent allowance / rent rebate subsidy levels have been included;
4. At this stage no changes to the level of recharges between funds has been included;
5. Revenue Support Grant of £302,008 will increase annually by inflation from 2024/25 after an inflationary increase for 2023/24, following the deferral of the funding reforms. The impact for the Council will be confirmed by MHCLG as part of the *Local Government Finance Settlement* with a provisional announcement in December 2023.
6. The New Homes Bonus scheme ends pending consultation on the future of the scheme;
7. An increase of £5 p.a. in Council Tax - current indications are that increases of 3% or £5 and above risk 'capping' (£5 for District Councils for 2023/24 was confirmed);
8. The major changes to the previously approved policy changes are included within this forecast – Assistant Directors were issued with the provisional information in August to review, confirm & resubmit by the end of September;
9. Future Pension contribution levels – following an option to 'freeze' the 'lump sum' element for the 3 years from 2020/21 (after the triennial review during 2019), a further overall freeze has been agreed in line with the Actuary's indications for the 3 years from 2024/25 (together with a pre-payment of the 3 year contributions in April 2023). The primary contribution rate is 22.1% from 2023/24 (16.5% 2022/23) with a corresponding reduction in the lump sum element – better reflecting the split between future costs (funded by the primary contribution) which are expected to rise

in line with inflation and past service costs (funded by the lump sum element). 1% p.a. year on year increases have been included from 2026/27;

10. Increase in rent levels by CPI plus 1% (7.7% for 2024/25 based on the September CPI figure of 6.7%) - the Government has confirmed that social housing annual rent increases can rise by up to the consumer price index (CPI) measure of inflation plus 1% for five years from 2020, following the conclusion of a consultation on the new rent standard. Current indications that sales of council houses will be approximately per annum. However, DLUCH consulted on the implementation of a rent cap in 2023/24 (& potentially 2024/25) at 3%, 5% or 7% (with a preferred 5% indicated – subsequently confirmed at 7%). This meant a rent loss to the HRA of £4.2m over 5 years based on a 7% rent cap. There has been no further information on a potential cap for 2024/25.
11. Forecasts have been informed by the Bank of England Inflation report (August 2023), HM Treasury – Forecasts for the UK Economy (August 2023)). Any significant variances will be considered later in the budget setting process.

## Technical Adjustments Analysis – General Fund 2024/25

( ) denotes saving

<u>Director</u>	<u>Data Type</u>	<u>Narative</u>	£	£	£
<b>Chief Executive</b>					
	Virements				-
	Committee Decisions				
		2020/21 Policy Change WM1 Potential Waste Management Cost Increases	34,850		
		Cabinet 09/09/21 Dry Recycling Update	2,000	36,850	
	Inflation			(33,270)	
	Other				
		2024/25 BWP 002 Vacancy Allowances	(280)		
		2024/25 BWP 044 Insurances	80		
		2024/25 BWP 051 Essential Car Users	(3,660)		
		2024/25 BWP 053 Audit Service Costs	4,100	240	
	Pay Adjustments			(4,750)	
	Changes in Recharges				-
					<b>(930)</b>
<b>Assistant Director Growth and Regeneration</b>					
	Virements			(19,500)	
	Committee Decisions				
		2023/24 Policy Change G&R 1 Additional costs to make Senior Licencing Officer Permanent	40,000		
		2023/24 Policy Change G&R 1 Additional funding from Community Safety Grant and additional income	(46,600)		
		2023/24 Policy Change G&R 2 Additional post for Net Zero Work Stream	2,700		
		2023/24 Policy Change G&R 5 TEC2 Operating Budgets	(56,910)		
		2023/24 Policy Change G&R 6 Contribution from Shared Prosperity Fund	(25,000)		
		Cabinet 17/03/22 Agenda Item 8 Economic Development Service Workplan	20,000		
		Removal of FHSF honorarium	(14,580)	(80,390)	
	Inflation			(16,340)	
	Other				
		2024/25 BWP 002 Vacancy Allowances	(10,890)		
		2024/25 BWP 005 Depreciation	20,990		
		2024/25 BWP 011 TBC NNDR Properties	35,310		
		2024/25 BWP 021 Bank Charges and Cash Security	(1,960)		
		2024/25 BWP 034 Gas and Electricity Charges	(56,830)		
		2024/25 BWP 044 Insurances	1,610		
		2024/25 BWP 051 Essential Car Users	(2,080)	(13,850)	
	Pay Adjustments			39,290	
	Changes in Recharges				-

**(90,790)**

**Executive Director Organisation**

Virements		-
Committee Decisions		
2022/23 Policy Change OR 1 Increase in Legal Shared Service costs	11,000	11,000
Inflation		21,710
Other		
2024/25 BWP 002 Vacancy Allowances	(900)	
2024/25 BWP 008 Mayor & Deputy Mayors Allowance	(340)	
2024/25 BWP 009 Land Charges	8,000	
2024/25 BWP 017 Conveyancing & Right to Buy	8,820	
2024/25 BWP 044 Insurances	120	15,700
Pay Adjustments		4,780
Changes in Recharges		-
		<b>53,190</b>

**Assistant Director People**

Virements		-
Committee Decisions		
2020/21 Policy Change A&G1 Elections	(66,240)	
2021/22 Policy Change A&G1 Elections	6,030	
2022/23 Policy Change PE1 Increase in Long Service Award costs	2,590	
2022/23 Policy Change R&R 1 Digitalisation of Customer Service Team	(50,000)	
2023/24 Policy Changes PE 1 Customer Services Resources	(73,540)	
2023/24 Policy Changes PE 5 Remove Temp Elections Officer	(25,000)	(206,160)
Inflation		25,000
Other		
2023/24 BWP 049 Cabinet 10/11/22 R&R savings not achieved	50,000	
2023/24 Service Review	(22,740)	
2024/25 BWP 002 Vacancy Allowances	(5,800)	
2024/25 BWP 005 Depreciation	24,090	
2024/25 BWP 011 TBC NNDR Properties	180	
2024/25 BWP 021 Bank Charges and Cash Security	60	
2024/25 BWP 023 Healthshield Staff Health Insurance	10,020	
2024/25 BWP 034 Gas and Electricity Charges	(480)	
2024/25 BWP 044 Insurances	(980)	
2024/25 BWP 051 Essential Car Users	(400)	53,950
Pay Adjustments		47,460
Changes in Recharges		-
		<b>(79,750)</b>

**Assistant Director Environment, Culture and Wellbeing**

Virements		-
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Committee Decisions		
2022/23 Policy Change OPS 1 Delete Mobile Leisure Assistant Post	(25,800)	
2023/24 Policy Change OPS 1 Assembly Rooms Operating Budgets	(158,600)	
2023/24 Policy Change OPS 2 Infrastructure Costs Electric Vehicles	(30,000)	
2023/24 Policy Change OPS 7 Remove additional budget for WAMITAB Qualification	(15,000)	
2023/24 Policy Change OPS 8 Remove additional budget for illegal encampments	(50,000)	(279,400)
Inflation		(2,540)
Other		
2024/25 BWP 002 Vacancy Allowances	(12,660)	
2024/25 BWP 005 Depreciation	161,450	
2024/25 BWP 011 TBC NNDR Properties	9,030	
2024/25 BWP 014 Snowdome Swimming Subsidy	(113,580)	
2024/25 BWP 021 Bank Charges and Cash Security	2,360	
2024/25 BWP 034 Gas and Electricity Charges	(120,270)	
2024/25 BWP 044 Insurances	16,960	(56,710)
Pay Adjustments		55,320
Changes in Recharges		-
		<u><u>(283,330)</u></u>

#### Executive Director Finance

Virements		-
Committee Decisions		-
Inflation		100
Other		
2024/25 BWP 002 Vacancy Allowances	(30)	
2024/25 BWP 044 Insurances	(130)	(160)
Pay Adjustments		(2,700)
Changes in Recharges		-
		<u><u>(2,760)</u></u>

#### Assistant Director Finance

Virements		32,000
Committee Decisions		
2020/21 Policy Change FIN 3 Revenue Implications of Capital Programme	9,000	
2020/21 Policy Change FIN 4 Revenue Implications of Capital Programme	15,000	
2022/23 Policy Change FIN 6 Revenue Implications of Capital Programme	1,000	
2022/23 Policy Change R&R 19 Phase 2 Targeted Savings	(90,000)	
2023/24 Policy Change FIN 3 Removal of HM King Charles III Celebration budgets for 2023	(50,000)	
2023/24 Policy Change FIN 7 New Homes Bonus recalculation	347,130	
2023/24 Policy Change FIN 8 Business Rates Levy recalculation	30,700	
2023/24 Policy Change FIN 10 Business Rates Relief Section 31 Grants recalculation	(51,670)	

	2023/24 Policy Change FIN 12 Item 8 Charge to HRA recalculated	27,330	
	2023/24 Policy Change FIN 12 Revenue Implications of Capital Programme	42,800	281,290
Inflation			7,640
Other			
	2023/24 BWP 049 Cabinet 10/11/22 R&R savings not achieved	58,000	
	2023/24 Service Review	(20,330)	
	2024/25 BWP 002 Vacancy Allowances	(8,240)	
	2024/25 BWP 005 Depreciation	(450,880)	
	2024/25 BWP 006 Benefits Estimate	(23,640)	
	2024/25 BWP 010 NNDR Cost of Collection	(680)	
	2024/25 BWP 012 Revenues Court Income	48,500	
	2024/25 BWP 018 Superannuation Allowances	(3,070)	
	2024/25 BWP 020 Audit Fee	9,540	
	2024/25 BWP 021 Bank Charges and Cash Security	8,440	
	2024/25 BWP 022 Apprenticeship Levy	3,930	
	2024/25 BWP 024 Treasury Management	(443,450)	
	2024/25 BWP 031 Pensions Lump Sum Freeze for 3 years	13,020	
	2024/25 BWP 044 Insurances	(780)	
	2024/25 BWP 051 Essential Car Users	(800)	(810,440)
Pay Adjustments			44,120
Changes in Recharges			-
			<b>(445,390)</b>

#### Executive Director Communities

Virements			-
Committee Decisions			-
Inflation			-
Other			-
Pay Adjustments			-
Changes in Recharges			-
			-

#### Assistant Director Assets

Virements			19,500
Committee Decisions			
	2020/21 Policy Change AST 7 Marmion House Accommodation	1,000	1,000
Inflation			24,120
Other			
	2023/24 BWP 048 Marmion House R&R deferral	(1,000)	
	2024/25 BWP 002 Vacancy Allowances	(15,150)	
	2024/25 BWP 003 Cost Pressures and Income Changes	5,250	
	2024/25 BWP 005 Depreciation	247,350	
	2024/25 BWP 011 TBC NNDR Properties	38,400	
	2024/25 BWP 034 Gas and Electricity Charges	(150,470)	
	2024/25 BWP 041 Commercial and Industrial Rents	(122,100)	
	2024/25 BWP 044 Insurances	18,250	



2024/25 BWP 051 Essential Car Users	1,870	22,400
Pay Adjustments		19,230
Changes in Recharges		-
		<u><u>86,250</u></u>

#### Assistant Director Neighbourhoods

Virements		(32,000)
Committee Decisions		
2023/24 Policy Change NEI 1 Reduced BT Redcare costs following review with WMCA	(17,000)	
Appt & Staffing 26/01/23 Transformation Neighbourhood Impact Team	(50,770)	(67,770)
Inflation		1,000
Other		
2024/25 BWP 002 Vacancy Allowances	3,720	
2024/25 BWP 005 Depreciation	700	
2024/25 BWP 025 Alarm Call Contract	120	
2024/25 BWP 034 Gas and Electricity Charges	(1,560)	
2024/25 BWP 040 Housing Bad Debt Provisions	(13,500)	
2024/25 BWP 044 Insurances	70	
2024/25 BWP 051 Essential Car Users	(1,320)	(11,770)
Pay Adjustments		20,110
Changes in Recharges		-
		<u><u>(90,430)</u></u>

#### Assistant Director Partnerships

Virements		-
Committee Decisions		
2022/23 Policy Change R&R 11 Review of Cross Subsidy HRA & GF	200,000	
2023/24 Policy Change PAR 1 Increased CPE Income (post COVID)	(59,190)	
Cabinet 17/03/22 Agenda Item 8 Economic Development Service Workplan	(20,000)	120,810
Inflation		(6,580)
Other		
2024/25 BWP 002 Vacancy Allowances	(4,250)	
2024/25 BWP 005 Depreciation	(3,700)	
2024/25 BWP 021 Bank Charges and Cash Security	10	
2024/25 BWP 044 Insurances	(380)	
2024/25 BWP 051 Essential Car Users	(2,950)	(11,270)
Pay Adjustments		27,780
Changes in Recharges		-
		<u><u>130,740</u></u>

## Technical Adjustments Analysis – Housing Revenue Account 2024/25

( ) denotes saving

Director	Data Type	Narative	£	£	£
<b>HRA Summary</b>					
	Virements			90,840	
	Committee Decisions				
		2020/21 Policy Change HRA 20 RCCO	400,000		
		2020/21 Policy Change HRA 9 Fire Risk Assessments	(65,000)		
		2022/23 Policy Change R&R 11 Review of Cross Subsidy HRA & GF	(200,000)		
		2023/24 Policy Change HRA 1 Rent Cap Recalculation	24,260		
		2023/24 Policy Change HRA 3 Item 8 Debit Recalculation	(27,330)	131,930	
	Inflation			199,740	
	Other				
		2023/24 BWP 038 Housing Rent			
		2024/25 BWP 004 HRA Garage Rent	14,820		
		2024/25 BWP 005 Depreciation	338,530		
		2024/25 BWP 022 Apprenticeship Levy	2,000		
		2024/25 BWP 024 Treasury Management	128,160		
		2024/25 BWP 031 Pensions Lump Sum Freeze for 3 years	3,980		
		2024/25 BWP 033 HRA Service Charges	(33,700)		
		2024/25 BWP 038 Housing Rent	(2,230,400)		
		2024/25 BWP 040 Housing Bad Debt Provisions	17,000		
		2024/25 BWP 052 Affordable Rents to Capital	(227,400)	(1,987,010)	
	Pay Adjustments			-	
	Changes in Recharges			-	
					<b>(1,564,500)</b>
<b>ED Communities</b>					
	Virements			-	
	Committee Decisions			-	
	Inflation			80	
	Other				
		2024/25 BWP 002 Vacancy Allowances	(30)		
		2024/25 BWP 044 Insurances	1,080		
		2024/25 BWP 051 Essential Car Users	(1,110)	(60)	
	Pay Adjustments			(2,700)	
	Changes in Recharges			-	
					<b>(2,680)</b>
<b>AD People</b>					
	Virements			-	

Committee Decisions		
2022/23 Policy Change HPEO1 Removal of Temp Repairs Officer Post	(27,000)	(27,000)
Inflation		280
Other		
2024/25 BWP 002 Vacancy Allowances	1,580	
2024/25 BWP 044 Insurances	(70)	1,510
Pay Adjustments		1,590
Changes in Recharges		-
		<u>(23,620)</u>

#### AD Environment Culture and Wellbeing

Virements		-
Committee Decisions		-
Inflation		2,050
Other		
2024/25 BWP 002 Vacancy Allowances	(5,720)	
2024/25 BWP 034 Gas and Electricity Charges	2,000	
2024/25 BWP 044 Insurances	550	(3,170)
Pay Adjustments		13,380
Changes in Recharges		-
		<u>12,260</u>

#### AD Assets

Virements		-
Committee Decisions		-
Inflation		5,030
Other		
2024/25 BWP 002 Salaries	(24,350)	
2024/25 BWP 002 Vacancy Allowances	(3,130)	
2024/25 BWP 025 Alarm Call Contract	210	
2024/25 BWP 034 Gas and Electricity Charges	(132,310)	
2024/25 BWP 044 Insurances	(60)	
2024/25 BWP 051 Essential Car Users	(9,430)	(169,070)
Pay Adjustments		41,980
Changes in Recharges		-
		<u>(122,060)</u>

#### AD Neighbourhoods

Virements		(90,840)
Committee Decisions		
2023/24 Policy Change HASS 1 Additional funding for Stock Condition Survey	20,000	
2023/24 Policy Change HNEI 2 Remove Additional funding for Resident Support Worker	(38,000)	(18,000)
Inflation		45,930
Other		
2023/24 BWP 027 Enhanced Housing Management Charges	(2,170)	

2024/25 BWP 002 Vacancy Allowances	(22,210)	
2024/25 BWP 005 Depreciation	(1,050)	
2024/25 BWP 011 TBC NNDR PROPERTIES 2024-25	2,850	
2024/25 BWP 018 Superannuation Allowances	(160)	
2024/25 BWP 020 Audit Fee	3,340	
2024/25 BWP 021 Bank Charges and Cash Security	560	
2024/25 BWP 023 Healthshield Staff Health Insurance	500	
2024/25 BWP 025 Alarm Call Contract	(4,210)	
2024/25 BWP 027 Enhanced Housing Management Charges	(19,600)	
2024/25 BWP 033 HRA Service Charges	(7,390)	
2024/25 BWP 034 Gas and Electricity Charges	(290,800)	
2024/25 BWP 038 Housing Rent	(3,900)	
2024/25 BWP 039 HRA Sheltered Housing Heating Recharges	(52,870)	
2024/25 BWP 044 Insurances	9,400	
2024/25 BWP 051 Essential Car Users	(36,890)	(424,600)
Pay Adjustments		49,650
Changes in Recharges		-
		<b>(437,860)</b>

## General Fund – Technical Adjustments 2024/25

	Technical Adjustments								
	Budget 2023/24	Virements £	Committee Decisions £	Inflation £	Other £	Pay Adjustments £	Changes in Recharges £	Total Adjustments £	Total Adjusted Base 2024/25
Chief Executive	1,890,420	-	36,850	(33,270)	240	(4,750)	-	(930)	<b>1,889,490</b>
AD Growth & Regeneration	945,870	(19,500)	(80,390)	(16,340)	(13,850)	39,290	-	(90,790)	<b>855,080</b>
ED Organisation	610,280	-	11,000	21,710	15,700	4,780	-	53,190	<b>663,470</b>
AD People	2,445,180	-	(206,160)	25,000	53,950	47,460	-	(79,750)	<b>2,365,430</b>
AD Environment Culture & Wellbeing	3,824,980	-	(279,400)	(2,540)	(56,710)	55,320	-	(283,330)	<b>3,541,650</b>
ED Finance	90,630	-	-	100	(160)	(2,700)	-	(2,760)	<b>87,870</b>
AD Finance	(2,638,720)	32,000	281,290	7,640	(810,440)	44,120	-	(445,390)	<b>(3,084,110)</b>
ED Communities	-	-	-	-	-	-	-	-	-
AD Assets	(125,610)	19,500	1,000	24,120	22,400	19,230	-	86,250	<b>(39,360)</b>
AD Neighbourhoods	875,250	(32,000)	(67,770)	1,000	(11,770)	20,110	-	(90,430)	<b>784,820</b>
AD Partnerships	887,800	-	120,810	(6,580)	(11,270)	27,780	-	130,740	<b>1,018,540</b>
<b>Grand Total</b>	<b>8,806,080</b>	-	<b>(182,770)</b>	<b>20,840</b>	<b>(811,910)</b>	<b>250,640</b>	-	<b>(723,200)</b>	<b>8,082,880</b>

## Housing Revenue Account – Technical Adjustments 2024/25

	Technical Adjustments								
	Budget 2023/24	Virements £	Committee Decisions £	Inflation £	Other £	Pay Adjustments £	Changes in Recharges £	Total Adjustments £	Total Adjusted Base 2024/25
HRA Summary	(4,620,760)	90,840	131,930	199,740	(1,987,010)	-	-	(1,564,500)	(6,185,260)
ED Communities	28,060	-	-	80	(60)	(2,700)	-	(2,680)	25,380
AD People	268,240	-	(27,000)	280	1,510	1,590	-	(23,620)	244,620
AD Environment									
Culture & Wellbeing	391,100	-	-	2,050	(3,170)	13,380	-	12,260	403,360
AD Assets	283,660	-	-	5,030	(169,070)	41,980	-	(122,060)	161,600
AD Neighbourhoods	4,473,180	(90,840)	(18,000)	45,930	(424,600)	49,650	-	(437,860)	4,035,320
Housing Repairs	-	-	-	-	-	-	-	-	-
<b>Grand Total</b>	<b>823,480</b>	<b>-</b>	<b>86,930</b>	<b>253,110</b>	<b>(2,582,400)</b>	<b>103,900</b>	<b>-</b>	<b>(2,138,460)</b>	<b>(1,314,980)</b>

## General Fund Summary Budgets – 2024/25

<i>Figures exclude internal recharges which have no bottom line impact.</i>	<b>Base Budget 2023/24 £</b>	<b>Technical Adjustments £</b>	<b>Policy Changes £</b>	<b>Budget 2024/25 £</b>
Chief Executive	1,890,420	(930)	48,360	1,937,850
AD Growth & Regeneration	945,870	(90,790)	(127,890)	727,190
ED Organisation	610,280	53,190	-	663,470
AD People	2,445,180	(79,750)	269,700	2,635,130
AD Environment Culture & Wellbeing	3,824,980	(283,330)	280,450	3,822,100
ED Finance	90,630	(2,760)	-	87,870
AD Finance	(2,638,720)	(445,390)	(50,000)	(3,134,110)
ED Communities	-	0	-	0
AD Assets	(125,610)	86,250	-	(39,360)
AD Neighbourhoods	875,250	(90,430)	-	784,820
AD Partnerships	887,800	130,740	(9,000)	1,009,540
<b>Total Cost of Services</b>	<b>8,806,080</b>	<b>(723,200)</b>	<b>411,620</b>	<b>8,494,500</b>
<b>Transfer from Business Rates Reserve</b>		-	-	0
<b>Net Cost</b>	<b>8,806,080</b>	<b>(723,200)</b>	<b>411,620</b>	<b>8,494,500</b>
Transfer to / (from) Balances	(1,207,869)	749,458	-	(458,411)
Revenue Support Grant	(302,008)	(6,281)	-	(308,289)
Retained Business Rates	(13,581,271)	(282,490)	-	(13,863,761)
Less: Tariff payable	10,686,850	222,286	-	10,909,136
Collection Fund Surplus (Council Tax)	(59,581)	26,581	-	(33,000)
Collection Fund Surplus (Business Rates)	260,300	(260,300)	-	-
<b>Council Tax Requirement</b>	<b>(4,602,501)</b>	<b>273,946</b>	<b>(411,620)</b>	<b>(4,740,175)</b>

General Fund Summary Budgets – 2023/24 to 2028/29

<i>Figures exclude internal recharges which have no bottom line impact.</i>	<b>Base Budget 2023/24</b> £	<b>Budget 2024/25</b> £	<b>Budget 2025/26</b> £	<b>Budget 2026/27</b> £	<b>Budget 2027/28</b> £	<b>Budget 2028/29</b> £
Chief Executive	1,890,420	1,937,850	1,936,480	1,925,390	1,913,880	1,902,090
AD Growth & Regeneration	945,870	727,190	789,840	820,590	877,430	911,870
ED Organisation	610,280	663,470	689,290	710,010	732,060	754,670
AD People	2,445,180	2,635,130	2,774,890	2,843,870	2,914,990	2,982,910
AD Environment Culture & Wellbeing	3,824,980	3,822,100	4,076,550	4,193,890	4,060,830	4,129,680
ED Finance	90,630	87,870	92,660	95,170	97,760	100,380
AD Finance	(2,638,720)	(3,134,110)	34,690	425,000	520,130	721,150
ED Communities	-	0	0	0	0	0
AD Assets	(125,610)	(39,360)	590	(307,370)	(278,360)	(249,370)
AD Neighbourhoods	875,250	784,820	800,890	815,670	830,280	844,620
AD Partnerships	887,800	1,009,540	1,048,360	1,070,230	1,089,650	1,107,170
Recharges	-	0	0	0	0	0
<b>Total Cost of Services</b>	<b>8,806,080</b>	<b>8,494,500</b>	<b>12,244,240</b>	<b>12,592,450</b>	<b>12,758,650</b>	<b>13,205,170</b>
<b>Transfer from Business Rates Reserve</b>	-	0	-	-	-	-
<b>Net Cost</b>	<b>8,806,080</b>	<b>8,494,500</b>	<b>12,244,240</b>	<b>12,592,450</b>	<b>12,758,650</b>	<b>13,205,170</b>
Transfer to / (from) Balances	(1,207,869)	(458,411)	(4,471,828)	(4,602,456)	(4,547,937)	(4,770,580)
Revenue Support Grant	(302,008)	(308,289)	(314,455)	(320,744)	(327,159)	(333,702)
Retained Business Rates	(13,581,271)	(13,863,761)	(15,407,082)	(15,715,224)	(16,029,528)	(16,350,119)
Less: Tariff payable	10,686,850	10,909,136	12,881,073	13,138,695	13,401,468	13,669,498
Collection Fund Surplus (Council Tax)	(59,581)	(33,000)	(33,000)	(33,000)	(33,000)	(33,000)
Collection Fund Surplus (Business Rates)	260,300	-	-	-	-	-
<b>Council Tax Requirement</b>	<b>(4,602,501)</b>	<b>(4,740,175)</b>	<b>(4,898,948)</b>	<b>(5,059,721)</b>	<b>(5,222,494)</b>	<b>(5,387,267)</b>

\* Figures include proposed Policy Changes



## Housing Revenue Account 2022/23 to 2028/29

<i>Figures exclude internal recharges which have no bottom line impact.</i>	<b>Base Budget 2023/24</b> £	<b>Budget 2024/25</b> £	<b>Budget 2025/26</b> £	<b>Budget 2026/27</b> £	<b>Budget 2027/28</b> £	<b>Budget 2028/29</b> £
HRA Summary	(4,620,760)	(6,185,260)	(6,189,070)	(6,572,170)	(6,938,810)	(6,014,020)
ED Communities	28,060	25,380	30,160	32,660	35,240	37,850
AD People	268,240	244,620	251,190	254,710	258,340	262,090
AD Environment Culture & Wellbeing	391,100	403,360	419,630	430,380	440,000	449,150
AD Assets	283,660	201,600	212,980	245,210	275,550	304,980
AD Neighbourhoods	4,473,180	4,076,750	3,997,930	4,070,490	4,149,150	4,226,000
<b>Grand Total</b>	<b>823,480</b>	<b>(1,233,550)</b>	<b>(1,277,180)</b>	<b>(1,538,720)</b>	<b>(1,780,530)</b>	<b>(733,950)</b>

\* Figures include proposed Policy Changes

## Draft General Fund Capital Programme 2024/25 to 2028/29

General Fund	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Capital Programme	£	£	£	£	£	£
Capital Repairs Programme - Castle	250,000	-	-	-	-	250,000
Roofing Renewal at Tamworth TEC	63,340	-	-	-	-	63,340
Replacement PC's, Servers and Printers	60,000	60,000	60,000	60,000	60,000	300,000
Endpoint Protection and Web-Email Filter	-	40,000	-	-	-	40,000
Civica EDM System upgrade	149,950	-	-	-	-	149,950
CRM & Customer Portal	20,000	-	-	-	-	20,000
Contact Centre & Telephony	35,000	-	-	-	-	35,000
Street Lighting	120,000	50,960	-	-	-	170,960
Refrubishment of Play Areas	50,000	50,000	50,000	50,000	-	200,000
Balancing Ponds	100,000	300,000	220,000	-	80,000	700,000
Snowdome Footbridge	80,000	-	-	-	-	80,000
Refrubishment of Anker Valley changing rooms to improve facility and address water storage/heating issues.	100,000	-	-	-	-	100,000
GF Capital Salaries	45,000	45,000	45,000	45,000	45,000	225,000
Disabled Facilities Grant	650,000	650,000	650,000	650,000	650,000	3,250,000
Energy Efficiency Upgrades to Commercial and Industrial Units	75,000	75,000	75,000	75,000	75,000	375,000
CCTV Upgrades	45,710	45,710	45,710	-	-	137,130
<b>Total General Fund Capital</b>	<b>1,844,000</b>	<b>1,316,670</b>	<b>1,145,710</b>	<b>880,000</b>	<b>910,000</b>	<b>6,096,380</b>
<b>Proposed Financing:</b>						
Grants - Disabled Facilities	546,890	546,890	546,890	546,890	650,000	2,837,560
General Fund Capital Receipts	4,400	49,400	59,400	45,000	-	158,200
Golf Course Receipts	63,340	-	-	-	-	63,340
Sale of Council House Receipts	294,420	275,420	266,420	-	260,000	1,096,260
General Fund Capital Reserve	220,000	324,960	20,000	-	-	564,960
<b>Unsupported Borrowing</b>	<b>714,950</b>	<b>120,000</b>	<b>253,000</b>	<b>288,110</b>	<b>-</b>	<b>1,376,060</b>
<b>Total</b>	<b>1,844,000</b>	<b>1,316,670</b>	<b>1,145,710</b>	<b>880,000</b>	<b>910,000</b>	<b>6,096,380</b>

## Draft Housing Revenue Account Capital Programme 2024/25 to 2028/29

<u>Housing Revenue Account Capital Programme</u>	2024/25 £	2025/26 £	2026/27 £	2027/28 £	2028/29 £	TOTAL £
Structural Works	200,000	200,000	200,000	200,000	200,000	1,000,000
Bathroom Renewals	575,000	575,000	575,000	575,000	575,000	2,875,000
Gas Central Heating Upgrades and Renewals	685,500	685,500	685,500	685,500	685,500	3,427,500
Kitchen Renewals	700,000	700,000	700,000	700,000	700,000	3,500,000
Major Roofing Overhaul and Renewals	1,750,000	1,500,000	1,500,000	1,500,000	1,500,000	7,750,000
Window and Door Renewals	400,000	400,000	400,000	400,000	400,000	2,000,000
Neighbourhood Regeneration	260,000	200,000	200,000	200,000	200,000	1,060,000
Disabled Facilities Adaptations	250,000	250,000	250,000	250,000	250,000	1,250,000
Disabled Facilities Adaptations - ADDITIONAL FUNDING	450,000	450,000	450,000	450,000	450,000	2,250,000
Rewire	100,000	100,000	100,000	100,000	100,000	500,000
CO2 / Smoke Detectors	64,000	64,000	64,000	64,000	64,000	320,000
Install Fire Doors High Rise	404,800	404,800	404,800	404,800	404,800	2,024,000
High Rise Ventilation System	1,715,280	-	-	-	-	1,715,280
Fire Risk Mitigation Works	300,000	-	-	-	-	300,000
Damp and Mould Works	100,000	100,000	100,000	100,000	100,000	500,000
High Rise Refuse Chute Renewals	150,000	-	-	-	-	150,000
Works to Achieve Zero Carbon	1,000,000	1,000,000	1,000,000	-	-	3,000,000
Sheltered Lifts and Stairlift Renewals	250,000	50,000	50,000	50,000	50,000	450,000
Internal flooring and decoration at Eringden	90,000	-	-	-	-	90,000
Retention of Garage Sites	930,000	-	-	-	-	930,000
Capital Salaries	200,000	200,000	200,000	200,000	200,000	1,000,000
Street Lighting	180,000	76,440	-	-	-	256,440
Regeneration & Affordable Housing	250,000	1,750,000	1,750,000	1,750,000	1,750,000	7,250,000
<b>Total HRA Capital</b>	<b>11,004,580</b>	<b>8,705,740</b>	<b>8,629,300</b>	<b>7,629,300</b>	<b>7,629,300</b>	<b>43,598,220</b>

<u>Housing Revenue Account Capital Programme</u>	2024/25 £	2025/26 £	2026/27 £	2027/28 £	2028/29 £	TOTAL £
<b>Proposed Financing:</b>						
Major Repairs Reserve	4,360,500	3,800,500	3,620,500	3,610,500	3,620,500	19,012,500
HRA Capital Receipts	950,000	200,000	100,000	450,000	340,000	2,040,000
Regeneration Revenue Reserves	3,464,000	2,586,000	2,584,000	2,554,800	2,618,800	13,807,600
Capital Receipts from Additional Council House Sales (1-4-1)	100,000	700,000	700,000	700,000	700,000	2,900,000

Regeneration Reserve	704,800	486,440	370,000	314,000	350,000	<b>2,225,240</b>
Affordable Housing Reserve	625,280	410,000	400,000	-	-	<b>1,435,280</b>
Other	-	-	-	-	-	-
Unsupported Borrowing	800,000	522,800	854,800	-	-	<b>2,177,600</b>
<b>Total</b>	<b>11,004,580</b>	<b>8,705,740</b>	<b>8,629,300</b>	<b>7,629,300</b>	<b>7,629,300</b>	<b>43,598,220</b>

**Key:**



Capital appraisal received with New Scheme for 2024/25 or adjusted figures supplied



Figure agreed to previous years report or ongoing scheme assumed at same amount



Confirmation/updated capital appraisal still required

**Contingencies 2024/25 – 2028/29**

<b>Revenue</b>	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Specific Earmarked & General	£'000	£'000	£'000	£'000	£'000	£'000
<b>General Fund</b>						
<b>General Contingency</b>						
<i>General Contingency</i>	132	132	132	132	132	132
<b>Total General Contingency</b>	132	132	132	132	132	132
<b>Total GF Revenue</b>	132	132	132	132	132	132
<b>Housing Revenue Account</b>						
<i>HRA - General Contingency</i>	130	130	130	130	130	130
<b>Total HRA Revenue</b>	130	130	130	130	130	130

<b>Capital</b>	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Specific Earmarked & General	£'000	£'000	£'000	£'000	£'000	£'000
<b>General Fund</b>						
<b>General Contingency</b>	100	-	-	-	-	-
Return on Investment	20	-	-	-	-	-
Plant & Equipment	100	-	-	-	-	-
Castle Curtain Wall	30	-	-	-	-	-
<b>Total GF Capital</b>	250	-	-	-	-	-
<b>Housing Revenue Account</b>						

<b>General Contingency</b>	100	-	-	-	-	-
<b>Total HRA Capital</b>	100	-	-	-	-	-

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Thursday, 30 November 2023

**Report of the Leader of the Council**

**Leader of the Council**

**Nature Recovery Declaration**

**Not Exempt**

**Purpose**

To declare that nature is in crisis and to commit to the recovery of nature across the Borough and wider Staffordshire.

**Recommendations**

It is recommended that:

- 1) the Borough Council makes a Nature Recovery Declaration, Appendix 1.

**Nature Recovery Declaration - background**

As a point of fact, we are experiencing a nature crisis. Data confirms that 41 per cent of wild species in decline nationally, and 15 per cent facing extinction.

Government has made legally binding commitments to end these declines and for nature to recover. This is important for nature's own sake and for all the things that we rely on nature for, like clean water and food production. For nature to recover, targeted, co-ordinated and collaborative action will be required.

The Environment Act 2021 seeks to address the state of nature in the UK, seeking to halt its decline and offer a 'net gain' of biodiversity towards nature recovery by 2050. A further target is to reverse the decline in species abundance by the end of 2030.

Committing to nature's recovery, through a Nature Recovery Declaration, would obligate the council to undertake targeted actions which make a real difference to nature locally, and ensure that Tamworth Borough Council makes a positive contribution to the Local Nature Recovery Strategy and the Nature Recovery Network, by embedding nature recovery across Council policy and all work areas.

Nature Recovery is expected to address the 4 key principles of the Lawson Report (2010):

- There must be more space given to wildlife.
- Existing wildlife spaces must be expanded.
- The quality of existing wildlife spaces should be improved by better habitat management.
- The connectivity between wildlife spaces must be enhanced.

Bodies including the Wildlife Trust and Staffordshire Sustainability Board (SSB), are keen for local authorities to make a commitment to nature's recovery by implementing a Nature

Recovery Declaration. Both bodies are strongly encouraging partners to take action on the ecological crisis. Some Authorities within Staffordshire have already made declarations, with all boroughs and districts expected to make declarations this year with the new focus on Local Nature Recovery Strategies.

### ***Local Nature Recovery Strategy***

Each Local Nature Recovery Strategy will agree priorities for nature recovery and propose actions in the locations where it would make a particular contribution to achieving those priorities. The Secretary of State for Environment, Food and Rural Affairs has appointed 48 responsible authorities to lead on preparing a Local Nature Recovery Strategy for their area, which for Staffordshire is the County Council.

Each local nature recovery strategy will be specific and tailored to its area. The responsible authorities and people involved in preparing a strategy can choose how they want it to look, but every strategy must contain:

1. A local habitat map.
2. A written statement of biodiversity priorities.

When adopted, the Local Nature Recovery Strategy will both guide local policy at District and Borough level in Staffordshire and take account of local priorities in partnership with local bodies. The County Council held their first meeting relating to the delivery of their Local Nature Recovery Strategy in September.

It is anticipated that most responsible authorities will take 12 to 18 months to prepare and publish their strategy. By March 2025 Local Nature Recovery Strategies should be in place across the whole of England.

Responsible authorities will then be required to review progress periodically and to update their strategy to reflect what has been done and where more action is needed.

As part of The Wildlife Trust's work on a 'Nature Recovery Network', Tamworth Borough council commissioned Staffordshire Wildlife Trust to complete a Nature Recovery Network map of the Borough in 2021, see Appendix 2, which outlines the current situation and opportunities for nature recovery and enhancement across the borough and places us in a strong position for supporting nature recovery requirements.

### ***Biodiversity Net Gain***

Action taken for biodiversity will contribute to the achievement of national goals and targets on biodiversity. The Environmental Improvement Plan published in January 2023, sets out government plans for significantly improving the natural environment.

To reverse biodiversity decline and bolster resilience to climate change, scientists warn that we must protect at least 30% of our lands, rivers, lakes, and wetlands by 2030. The United Nations Biodiversity Conference (COP15) in December 2022 resulted in the adoption of the Global Biodiversity Framework (GBF), which includes the '30 by 30' target to protect 30% of our land and seas for nature's recovery by 2030. The UK Government has committed to the 30 by 30 target.

By 2030, the government has committed to:

- halt the decline in species abundance
- protect 30% of UK land

By 2042, the government has committed to:

- increase species abundance by at least 10% from 2030, surpassing 2022 levels



- restore or create at least 500,000 ha of a range of wildlife rich habitats
- reduce the risk of species extinction
- restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term

Of particular relevance to the Borough Council is biodiversity net gain (BNG) which is an approach to development or land management that aims to leave the natural environment in a measurably better state than it was beforehand. The Borough Council's Local Plan policy EN4 seeks to protect and enhance biodiversity and has been used since adoption in 2016 to improve biodiversity and protect important habitats. That said, the Local Plan Review will address BNG further and in line with new regulatory requirements.

Whilst BNG is part of the Borough Council's vocabulary already, the target for legal requirement, as a consequence of the Environment Act 2021, is November 2023.

Future development projects (apart from exempt developments) will need to achieve a 10% biodiversity net gain. This is expected to be required from:

- January 2024 for Town and Country Planning Act 1990 (TCPA) projects not falling under the small sites definition.
- April 2024 for TCPA small sites
  - Residential small sites will have either:
    - 1 to 9 dwellings on sites of less than one hectare
    - an unknown number of dwellings on sites of less than 0.5 hectares
  - Non-residential small sites will have either:
    - less than 1,000 square metres of floor space
    - a site area of less than one hectare
- the end of 2025 for Planning Act 2008 (Nationally Significant Infrastructure Projects)

### ***Road Verges***

Across the UK there are around 300,000 miles of road verge, which, if managed for wildlife while keeping road safety in mind, can provide a huge network of corridors and refuges for nature. Road verges are home to almost half of the UK's wildflower species (that's 720 different flowers!).

### ***Tree planting***

UK woodlands cover approximately 13% of land area and are estimated to soak up around 21 million tonnes of carbon dioxide a year. Tree-planting is a fantastic natural solution to help tackle climate change – and it's great for wildlife and people too. However, it is really important to ensure that new woodland creation is planned carefully to make sure it's in the right place and not planted over the top of other valuable habitats like peatland or grassland, as this can lead to the release of carbon, rather than the opposite. The type of woodland is also important, with mixed native woodland better for climate change and wildlife than plantations of single tree species.

### ***Protecting peatlands***

Peatlands are carbon-rich wetlands which occupy 3% of the global land surface and 12% of UK land area. In a natural condition, peatlands have a net cooling effect on climate, reduce flood risk, and support biodiversity. They provide important nesting and feeding grounds for many wading birds, as well as important habitats for rare insects and plants.

In England, peat-based compost will be banned from sale to amateur gardeners but will still be available for use in the professional horticulture market (eg. as a growing medium for

nursery grown plants) until 2030. In order to protect peatlands around the globe, Staffordshire Wildlife Trust is encouraging all local authorities to go peat free in their Nature Recovery Declaration

### ***Nature-based solutions to climate change***

The natural environment can play an important part in tackling climate change, as all healthy natural habitats absorb and store atmospheric carbon (not just trees!) In order to establish the potential of the local authority landholding to support efforts to tackle climate change, Staffordshire Wildlife Trust would suggest carrying out a carbon audit. This will show what management interventions could be introduced to increase carbon sequestration and storage too.

### ***Access to Nature***

Evidence shows that a thriving, wildlife-rich environment benefits both physical and mental health. People with nature on their doorstep are more active, mentally resilient and have better all-round health. Staffordshire Wildlife Trust suggest improving access using Natural England's Green Infrastructure Guidance as part of Tamworth's declaration.

The declaration is set out in Appendix 1, broken down into the various topics set out in the report.

### **Options Considered**

Do nothing. Not approving and making a Nature Recovery Declaration, will result in Tamworth Borough Council not making progress against the objectives of the Staffordshire Sustainability Board (SSB) or the Environment Act 2021.

### **Resource Implications**

There are no direct financial implications associated with making a Nature Recovery Declaration. However, responding to the nature crisis, which has been articulated within this report, may have financial implications which would be dependent on the mitigating activities chosen and carried out. Any such new financial implications would be subject to the usual annual budget setting (policy change) approval process.

Much of the commitment arising from the nature recovery declaration is aligned with the requirements of the Environment Act 2021, the requirement to work towards net zero and other strategies such as biodiversity net gain, and the expected actions arising from the implementation of the Local Nature Recovery Strategies.

It is important to identify a Portfolio and officer lead within the authority to drive the agenda forwards.

Monitoring and scrutiny will be required to keep delivery on track.

### **Legal/Risk Implications Background**

Making a Nature Recovery Declaration will put the council in a stronger position to understand and fulfil the full requirements and legal obligations of the Environment Act 2021, some of which come into force in November 2023. Without a declaration the Borough Council will be open to challenge due to lack of action. Tamworth's reputation as a responsible authority who take ecological matters seriously is jeopardised.

By making a Nature Recovery Declaration, the Borough Council will actively work to create, restore, and enhance the boroughs local wildlife, which will positively impact the environment and respond to the climate and nature crisis. Staying ahead and involved with the collaborative

work from the Staffordshire Sustainability Board (SSB) can lead to bigger/better environmental outcomes.

All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process.

### **Equalities Implications**

The most vulnerable to the climate crisis will benefit from nature recovery.

### **Environment and Sustainability Implications (including climate change)**

A Nature Recovery Declaration is intended to develop and build on the work already being undertaken by the council and increase collaboration with other authorities of the Staffordshire Sustainability Board with regards to the climate and nature crisis.

The Declaration will help focus on the important commitments to the environment by helping create more, bigger, better, and joined up habitats. Investing in nature recovery and nature based solutions will also help alleviate and resolve impacts of Climate Change.

### **Background Information**

Through amendments to the Town and Country Planning Act 1990, the Environment Act 2021 requires all planning permissions in England to be granted subject to a new general pre-commencement condition that require approval of a Biodiversity Gain Plan.

The Planning Authority can only approve the Biodiversity Gain Plan if the biodiversity value attributable to a development exceeds the pre-development biodiversity of onsite habitat by 10% which, for the purposes of legislation is known as the ‘biodiversity gain objective’.

The Biodiversity Gain Plan must include the steps taken to achieve the ‘biodiversity gain objective’.

Once delivered the biodiversity works must be maintained for period of 30 years.

Onsite enhancements must be secured by planning condition, Section 106 obligation or a conservation covenant. Offsite enhancements must be secured under either a Section 106 obligation or a conservation covenant.

Biodiversity credits are a means of providing biodiversity offsetting. Similar to providing off-site BNG, offsetting is where a developer provides BNG off-site, by paying an offset provider to do this for them. Biodiversity units are sold by the offset provider at an approximate price of £20000 per biodiversity unit. habitat banks are free to set offsite costs at whatever level they wish – the ‘spatial multiplier’ will add 25% to the cost for out of borough purchases. It is understood that neighbouring authority Lichfield District Council are currently charging £26,000 per credit on their own land.

As a largely urban area we only have limited opportunity within our boundary to consider this action. Work is ongoing within the planning team to identify our green spaces to look at what opportunities exist.

UK gov cost for offsets = **£42,000 each and 2 must be purchased for each credit required** <https://www.gov.uk/guidance/statutory-biodiversity-credit-prices> .

The mitigation hierarchy of avoidance, mitigation, and compensation for biodiversity loss applies. The preference is for improvement works to be delivered either on or off site. All possible alternative solutions should to be approached before the use of biodiversity credits are considered.

Delivery of BNG through the planning system is being worked upon by the planning team. In preparation are changes to the planning validation requirements, working collaboratively with

The Wildlife Trust to understand BNG metrics and ecological assessments for applications eligible for BNG, and changes to report writing and legal agreements are underway. The team will be ready by November 2023 for the first round of applications eligible. It should be noted that an assessment of sites to determine the number that would have been eligible to provide an indication of the scale of the requirement within the Borough, is provided in the table below.

Analysis of the last three years planning applications shows:

	2020- 2021	2021- 2022	2022- 2023
Total applications	130	476	366
Require full BNG requirement	15	6	7
Subject to Small Sites Metric	37	33	22
Total number of applications subject to BNG requirements	52	39	29
Small site, residential	24	15	15
Small site, non-residential (commercial /civic)	13	12	17
Larger site, residential	8	2	3
Larger site, non-residential (commercial / Civic)	7	4	4

Of particular note is the potential for the Borough Council to put forwards its own land to contribute to off-site BNG and this potential should be explored further by the Assets Team/Open Spaces team.

**Report Author**

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 Niki Stokes – Planning Assistant (Policy)

**List of Background Papers**

<https://www.gov.uk/government/publications/environmental-improvement-plan/environmental-improvement-plan-2023-executive-summary>

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

<https://www.wildlifetrusts.org/nature-health-and-wild-wellbeing#evidence>

**Appendices**

Appendix 1: Nature Recovery Declaration  
 Appendix 2: Tamworth Nature Recovery Network Map

# Declaration:

## ***Tamworth Borough Council recognise that:***

- Nature is in long-term decline, and the requirement to take action to halt and reverse this is urgent;
- Nature provides us with vital support systems, and severe declines in biodiversity are undermining nature's productivity and adaptability, posing excessive uncertainty for our economies and wellbeing;
- A thriving natural environment underpins a healthy, happy, prosperous society;
- The impacts of climate change are driving nature's decline, while restoring nature provides a wide variety of cost-effective benefits to mitigate and adapt to the impacts of climate change.
- Many of our areas of work across the Borough have an impact on nature, and we have responsibilities to make decisions to protect and enhance it.
- That the 'Bigger, Better, More and Joined-up' principles of the 2010 Lawton Report – 'Making Space for Nature' - should be followed to help rebuild nature:

## ***Tamworth Borough Council will:***

### **Putting Nature into Recovery:**

1. Create and implement an evidence-based Local Nature Recovery Action Plan for Tamworth that will support the Stoke and Staffordshire Local Nature Recovery Strategy (LNRS), when available, in collaboration with partners.

The Tamworth Action Plan will include short and long-term targets for putting nature into recovery over a specified timeframe, and reports on progress will be published on an annual basis.

2. Embed nature's recovery into all strategic plans and policy areas, not just those directly related to the environment. Use the council's Nature Recovery Network map to inform strategic plans and policy areas, and to help guide development and land allocation decisions. Ensure the Nature Recovery Network map is embedded within the authority's Local Plan, ensuring that there are dedicated, joined-up spaces for nature as well as housing, industrial areas and other land uses.'
3. Ensure local nature recovery is well understood across the authority and complements other relevant plans and strategies. Provide training and resources for councillors and council employees about the ecological emergency.

### **Biodiversity Net Gain:**

4. To ensure that Biodiversity Net Gain (BNG) legislation delivers real benefits for nature, the council will develop a locally-specific BNG policy which requires developers to take into account the Local Nature Recovery Strategy and the Local Nature Recovery Action Plan for Tamworth when selecting locations and delivering both on- and offsite BNG.'

### **30 by 30:**

5. Seek to manage at least 30% of council-owned greenspace for the benefit of wildlife by 2030.

### **Protected and Designated Landscapes:**

6. Produce a monitoring plan for all council-managed protected and designated nature sites, eg. SSSIs, LNRs and LWSs, with a view to achieving favourable condition status by 2030.

### **Road Verges**

7. After satisfying safety and visibility priorities and the Highway Code, develop highways verge cutting regimes that maximise potential for biodiversity, carbon storage and sequestration.

### **Tree-planting**

8. Formulate a tree policy and strategy which is underpinned by Nature Recovery Network mapping across the local authority area, pursuing a “right tree, right place” approach.

### **Protecting Peatlands**

9. Consider the adoption of a peat-free policy for all council contracts and supplies.

### **Nature Based Solutions**

10. Carry out a carbon audit of local authority sites to establish how carbon storage and sequestration can be improved.

### **Access to Nature**

11. Improve access to good quality natural spaces for Tamworth Borough residents by following Natural England’s Green Infrastructure Framework.’

### **Communications**

12. Begin sharing joint nature-based communications created by Staffordshire Wildlife Trust.
13. Demonstrate leadership by championing Nature Recovery and supporting and educating residents as well as the local business and communities to take action to put nature into recovery.

### **Responsibility and Governance**

14. That the Leader of the Council is responsible for ensuring the delivery of the declaration.
15. Appoint the Assistant Director Operations and Leisure as the Lead Officer for coordinating council operations in relation to local nature recovery.
16. That the Infrastructure Safety and Growth Scrutiny Committee monitor the Local Nature Recovery Action Plan.
17. Work closely with Staffordshire County Council and other local partners to form a Staffordshire-wide Local Nature Recovery Partnership.

# Tamworth Borough Nature Recovery Network Mapping



## FINAL REPORT

Staffordshire Wildlife Trust 2021



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# 1. Executive Summary

Staffordshire Wildlife Trust was commissioned by Tamworth Borough Council to carry out a strategic assessment of the District's biodiversity and habitat networks. This document outlines the existing picture of the District's nature network and describes key locations where habitats may be created or enhanced to contribute to nature's recovery (the Nature Recovery Network), as well as delivering against objectives set out in national planning policy legislation.

Existing data, previous biodiversity opportunity mapping, along with local, regional and national landscape designations and projects were taken into account in this assessment methodology.

The developed methodologies aim to deliver against national policies and are used in conjunction with the Department for Environment Food and Rural Affairs biodiversity metrics 2.0 (beta test version) to carry out a strategic broad scale District level spatial assessment of the 'quality components' described in the metric. This included:

1. Habitat distinctiveness
2. Strategic significance (of habitat areas)
3. Habitat connectivity

By using the results above and specific habitat connectivity modelling software it has been possible to define Habitat Connectivity Opportunity (HCO) areas based on habitat types. This is an important next step in identifying areas which possess existing good habitat connectivity and where there is potential for future habitat creation or restoration to contribute to a more successful nature recovery network.

The HCO areas are described in terms of their key opportunities, threats, key species and other habitats which they support along with any potential 'add-on' benefits (e.g. ecosystem services) which could be derived from having well-connected diverse habitat networks contributing to a healthy nature recovery network.

The opportunity map is not static and as physical habitats change on the ground and are subsequently mapped and monitored, the map itself will evolve with these updates. The opportunity areas themselves are where work to enhance habitats can be focussed, where the opportunity to get the greatest benefits lies.

Analysis and opportunity areas mapped within the nature recovery network completed as part of this study are to a fine scale and based around a more robust defensible methodology that can more clearly deliver against National Planning Policy Framework and Planning Policy Guidance objectives, as well as those likely to emerge as outlined in the Environment Bill (House of Commons, 2019).

## 2. Introduction

Staffordshire Wildlife Trust were commissioned by Tamworth Borough Council to carry out a strategic assessment of the District's biodiversity and habitat networks, to form part of an evidence base in order to ensure biodiversity is an integral part of policy development.

The project encompassed some additional phase one habitat survey; habitat connectivity analysis mapping and Local Nature Recovery mapping. These elements will enable the District to address the requirements articulated within para 170 and para 174 of the National Planning Policy Framework 2019 - *To provide for the protection and support enhancements to the Districts natural environment through the identification, mapping and safeguarding the components and enabling connectivity, interpretation and integration of the natural resources to deliver overall net gain for biodiversity.*

Geographic Information System (GIS) tools were used in the creation of the Nature Recovery Network maps. A GIS software package called MapInfo was used for the digitisation of habitats and network maps. A second piece of software called Condatis was used to model potential species movement through habitat connectivity, the outputs of which were digitised in MapInfo. These technologies are relatively recent and are continuing to develop therefore the results generated by these software are likely to become more sophisticated and accurate over time.

Ecosystem services are the freely gained human benefits provided by natural processes in properly functioning ecosystems for example flood prevention or climate regulation. Whilst ecosystem services have not been assessed as part of this project it is important to recognise that a strong Nature Recovery Network will also provide strengthened Ecosystem Service benefits.

### Policy Background

Since previous opportunity mapping for the District was carried out over 10 years ago, there have been considerable changes both in the knowledge, practical assessment and planning of landscape ecology as well as new policy requirements for councils to consider how to protect, enhance and restore biodiversity and the services that it provides.

Key stimuli in updating spatial environmental objectives were documents such as *Making Space for Nature: A review of England's wildlife sites and ecological networks* report by Lawton *et al.* (2010), the Government's 25 Year Environment Plan (2018) and most recently The Environment Bill.

The fundamental principles behind the Making Space For Nature report are for England's ecological network to be 'more, bigger, better and joined' to ensure the survival of species in the face of multiple pressures at a range of scales. The Government's 25-year environment plan puts more impetus on the statutory need to consider the conservation of biodiversity and ensure that it is effectively accounted for through the spatial planning system and the recently published DEFRA Environment Bill.

The emerging Environment Bill sets out environmental principles directed toward the restoration and enhancement of nature and plots a course for how these should be achieved through Nature Recovery Network mapping at a local level ('Local Nature Strategies') and will be a key document in driving the way that these networks are developed and delivered.

Additionally, updated guidance through the National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2019) and Planning Practice Guidance (PPG) (Ministry of Housing, Communities and Local Government, 2019) have served to put more emphasis on the protection and conservation of nature and our natural resources through spatial planning, providing further justification for the need to have a Nature Recovery Network in place to create a roadmap of where these enhancements could and should go.

The Environment Bill intends to bring in mandatory biodiversity net gain provision, and the use of biodiversity metrics to assess this provision. The Biodiversity Metric 2.0 provides a means of assessing changes in biodiversity value (losses or gains) brought about by development and changes in land use management. The metric is habitat based and gives consideration to improved ecological connectivity.

Habitat opportunity maps are designed to be used in conjunction with biodiversity metrics, in particular Biodiversity Metric 2.0. They can also be used to both inform the metric and target the location and application of future ecological enhancements contributing to a functional nature recovery network.

### **3. Review of previous biodiversity opportunity mapping assessments**

Before using new methods of spatially assessing and targeting opportunities for the enhancement of biodiversity, it is important to ensure that they:

1. Can provide additional detail which complements existing objectives.
2. Can provide standalone detail in addition to existing objectives which can be used as evidence in its own right.

The previous methodologies used for biodiversity opportunity mapping throughout the county were based largely on local expert knowledge and stakeholder engagement via practical mapping exercises. Stakeholders and local experts were asked to highlight areas geographically that they saw as priorities for specific habitat and species conservation within a local authority (LA) area. The results of this were sense checked by Staffordshire Wildlife Trust, using available environmental data synthesized into a combined opportunity map and report. These defined spatial landscape areas and detailed conservation priorities within each LA area. The resulting map was effective in that by using expert knowledge, alongside ecological data, as opposed to purely relying on available datasets it was possible to produce an opportunity map with zero white space (areas of a map which have no information). This is something which is important to inform decision making on a broad scale and to develop a nature recovery network.

Whilst new methodologies provide a level of additional detail and scientific rigour, local expert knowledge is still vital to ensure that spatial analyses and metrics make sense in a local context.

## 4. Existing evidence base review

Gathering a robust evidence base is the first step to inform the assessment of opportunities to enhance habitats. The evidence base enables the production and justification of opportunity areas and the assessment of the potential to provide ecosystem services. An inventory of available datasets is one way of bringing together an evidence base forming a platform on which to carry out further analysis.

### 4.1 Available environmental datasets

A list of relevant Geographic Information Systems (GIS) datasets available for use in completing the mapping assessment are listed in Appendix C, these include datasets held by Staffordshire Ecological Record (SER).

Using the data held by SER and SWT along with publicly available datasets accessible either through an Open Government License (OGL) or through Creative Commons licensing identified in the Natural Capital Committee workbook (Natural Capital Committee, 2017) it was possible to bring together a comprehensive inventory of datasets for review.

Many of the datasets in the inventory are raw or primary data generated directly from information gathered from either desk based or field surveys and remote sensing.

Identification of the coverage and quality of a local authority's environmental dataset provides the baseline for analysis. The results then show how the environment can be protected and enhanced to continue to provide both public and further environmental benefits. By aggregating datasets it is possible to build a composite assessment of the biodiversity within an area without any white space

A breakdown of the extent of the habitats dataset can be found in Appendix A

### 4.2 National Character Areas in Tamworth Borough

There are 159 National Character Areas (NCA) in England, each of which is distinctive with a unique 'sense of place'. These broad divisions of landscape form the basic units of cohesive countryside character, on which strategies for both ecological and landscape issues can be based. The Character Area framework is used to describe and shape objectives for the countryside, its planning and management. These NCA areas are very broad and can encompass a number of different objectives and opportunities depending on the designated landscape and its respective character, biodiversity and challenges.

Tamworth Borough is covered by 3 NCA's (Appendix H), The Trent Valley Washlands occupy the Western half of the Borough, The Mease/Sence Lowlands occupy the North-eastern part of the borough and Arden occupies the South-eastern area. Key statements of environmental opportunities for each of the NCAs are as follows:

## Trent Valley Washlands

- Carefully plan and manage new development within the NCA to ensure that landscape character and ecosystem services are strengthened, that heritage features, wildlife habitats, woodland and the hedgerow network are enhanced, and that opportunities for creation of multifunctional green infrastructure are realised so that this landscape is resilient to the forces of change that it is experiencing.
- Manage and enhance the Trent Valley Washlands' river and flood plain landscape to combine its essential provision and regulation of water role with landscape enhancement, nature conservation, climate regulation, farming, recreation and a resource for understanding geodiversity.
- Protect, manage and enhance the pastoral landscape of the Trent Valley Washlands, seeking to join up and expand areas of pasture and associated attributes and habitats, to preserve heritage features, enhance biodiversity and geodiversity, protect farmland and provide additional recreational opportunities.
- Protect and enhance the historic environment of the Trent Valley Washlands and their characteristic historic landscape. Increase awareness of the richness of this resource, protect it from neglect and physical damage, and ensure that future development complements and enhances the sense of history of the NCA.

## Mease/Sence Lowlands

- Protect and appropriately manage this important network of natural and manmade rivers, streams, ponds, canals and other wetland habitats for its internationally important populations of white-clawed crayfish, spined loach and bullhead fish and their contribution to sense of place, water quality and climate regulation.
- Manage and conserve the woodland habitat of the landscape and plan to expand appropriately scaled woodland cover, particularly in The National Forest, to increase people's access and enjoyment and to secure opportunities to enhance biomass and biodiversity and manage the impact of climate change.
- Protect and appropriately manage the historic character, settlement pattern and features of this landscape, in particular its ancient woodlands, veteran trees, landscaped parklands and areas of archaeological interest, including ridge and furrow.
- Protect the overall strong rural, open and tranquil character of this well-ordered lowland agricultural landscape; increase the opportunity to encourage sustainable food production; and enhance access to and enjoyment of the wider countryside for both residents and visitors.

## Arden

- Manage and enhance the valuable woodlands, hedgerows, heathlands, distinctive field boundaries and enclosure patterns throughout the NCA, retaining the historic contrast between different areas while balancing the needs for timber, biomass production, climate regulation, biodiversity and recreation.
- Create new networks of woodlands, heathlands and green infrastructure, linking urban areas like Birmingham and Coventry with the wider countryside to increase biodiversity, recreation and the potential for biomass and the regulation of climate.
- Conserve and enhance Arden's strong geological, industrial, and cultural resource, to increase public access, enjoyment, recreation and to retain a sense of place and history.
- Enhance the value of Arden's aquatic features such as the characteristic river valleys, meadows and standing water areas like Bittell Reservoirs to increase resource protection, such as regulating soil erosion, soil quality and water quality.

## 4.3 Minerals Safeguarding Zones in Tamworth Borough

There is a need to consider minerals safeguarding zones in the nature recovery network mapping as these areas present both challenges and opportunities from a nature conservation perspective. Whilst the nature recovery network mapping is not spatially aligned on the minerals safeguarding zones. It is important to recognise that that these areas could potentially have a huge impact on the nature recovery network in future, either positively, negatively or both. Where overlaps exist between the maps, there is opportunity to deliver multiple outcomes.

The likelihood is that much of the safeguarding area will never undergo any mineral extraction, planning any developments within a mineral safeguarding zone must be considered to ensure that this will not prevent mineral extraction on potential future extraction sites.

It is possible that high quality habitats may be lost as a result of mineral extraction, a mineral safeguarding zone may also provide protection to important habitats by protecting them from other types of developments.

Post extraction habitat restoration should be guided by the nature recovery network map to create habitats which will most suitably contribute to habitat connectivity within the landscape. In doing this it is possible for mineral extraction sites to contribute to the creation of a diverse and well-connected landscape.

Land within the minerals safeguarding zone may never be actively worked in the long term but could be of great value in terms of contributing to diverse well connected habitats and landscape either if no mineral extraction were to occur or through well planned sympathetic habitat restoration.

## 4.4 Data used and limitations

It is important to determine the limitations of any datasets identified to ensure that the best possible dataset(s) are used to give the best outcomes for connectivity mapping.

A number of factors can influence whether a dataset is suitable, for example age of the data and whether the data is in a format which can easily and readily be interrogated are crucial in deciding which datasets should be used.

Following a data review the combined habitat map produced during the earlier stages of this assessment was used as a primary baseline as this represented the most complete habitat dataset for the area and would easily work with the preferred methodologies to generate the desired technical outputs detailed in sections 5-7.

Several datasets were used in the production of the Nature Recovery Network mapping, justification on their use and relevant limitations can be found in Appendix B.

A full inventory of available datasets has been collated (Appendix C) where each dataset was allocated a 'confidence' rating based on that particular datasets desirability and reliability which helps to justify a hierarchy of use i.e. where there is commonly high desirability and reliability there is a higher 'confidence' in that dataset and it is placed higher in the hierarchy than a dataset which for instance may have a high desirability but a low reliability.



## 5. Mapping the opportunities to enhance habitats for biodiversity

The first step in analysis to establish opportunities for nature's recovery is to take the data evidence base established previously and carry out a variety of habitat analyses to determine distinctiveness /character for use within other recognised methods (for example, DEFRA biodiversity metric 2.0\* etc...). Furthermore, using the evidence base to apply methods to identify strategic habitat areas and habitat connectivity opportunity areas in relation to creating a robust nature recovery network for the District.

By utilising the knowledge of the county's habitats and species, experience of technical GIS systems and data management, coupled with the available datasets identified in the evidence base, it was possible to produce a number of outputs which are robust, challengeable and can deliver the Districts nature recovery network.

### 5.1 Habitat distinctiveness mapping

Habitat distinctiveness mapping is one of several elements included within the biodiversity metric 2.0 (Crosher et al. 2019) by using habitat as a proxy for wider biodiversity value via associating and scoring different habitat types according to their relative biodiversity value. An example of this would be irreplaceable ancient woodlands scoring very highly (higher biodiversity value) whereas intensively managed amenity grassland or highly improved agricultural arable land score lower (lower relative biodiversity value).

The criteria used for the creation of the habitat distinctiveness map was based on the Biodiversity Metric 2.0 Beta test (Crosher et al., 2019) which loosely defines what habitats are included within each distinctiveness band. These metrics are currently emerging and form the basis of the Environment Bill (House of Commons 2019), but represent the most comprehensive set of standards for which to base the distinctiveness mapping on.

The distinctiveness map (map 1) was produced using Phase 1 habitat data by associating a distinctiveness value to each specific habitat type (e.g. arable land) in a GIS package based on guidance provided in Crosher et al. 2019, selecting and isolating the habitats spatially into the 5 respective distinctiveness bands. Further ratification to the irreplaceable habitats in the very high distinctiveness band was completed by use of priority habitat inventory (Ancient Woodland Inventory) boundaries. A spatial GIS file was produced for each distinctiveness band.

Further detail of the habitat distinctiveness mapping and the breakdown of habitats included within each distinctiveness band can be found in Appendix D.

Habitat distinctiveness mapping provides multiple uses outside of the biodiversity metric 2.0, including:

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\* <http://publications.naturalengland.org.uk/publication/6020204538888192> ,  
<http://publications.naturalengland.org.uk/publication/5850908674228224>

1. Identifying areas of high biodiversity value that are a priority for protection and expansion within a local plan whilst working in line with biodiversity mitigation hierarchy (avoid, minimise, remediate, compensate).
2. Flagging areas that may contain medium value (semi-natural) habitat. These could be highlighted in policy as requiring a comprehensive biodiversity evaluation if they are put forward for planning purposes (based on mitigation hierarchy). Biodiversity offsetting/compensation may be required in these areas if they are developed.
3. Identifying possible wildlife corridors which can be highlighted and designated as part of a local plan/Green Infrastructure Strategy. These areas could be the target of restoration projects/funding/aspirational opportunity areas funded through development compensation (obviously the allocation of funds is based on broad scale spatial analysis as opposed to the methods of calculating the offsetting requirement of a specific site).

Planning policy supports application of the mitigation hierarchy which determines a hierarchy of actions when using the biodiversity metric 2.0, as well as a consideration within paragraph 171 of the National Planning Policy Framework\*. This may mean retaining habitats in situ or avoiding habitat damage. It is easier to achieve biodiversity net gains where habitat impacts are avoided due to the way that habitat creation and enhancement risks are accounted for. The mitigation hierarchy is in the desirability order as follows:

- **Avoid** – Where possible habitat damage should be avoided
- **Minimise** – Where possible habitat damage and loss should be minimised
- **Remediate** – Where possible any damaged or lost habitat should be restored
- **Compensate** – As a last resort, damaged or lost habitat should be compensated for

The mitigation hierarchy corresponds with the habitat distinctiveness mapping, e.g. very high distinctiveness habitats such as irreplaceable ancient woodlands should be avoided from development and 'low' value habitats should be compensated.

The habitat distinctiveness mapping is based on available habitat data and the designated nature conservation site boundaries for the District, including UK Biodiversity Action Plan (UKBAP) and priority habitat areas.

Habitat distinctiveness mapping does not include species explicitly. Instead, it uses broad habitat categories as a proxy for the biodiversity 'value' of the species communities that make up different habitats. The metric does not change existing levels of species protection and the processes linked to protection regimes are outside the scope of the metric.

Habitats are assigned to distinctiveness bands based on an assessment of their distinguishing features including for example rarity (at local, regional, national and international scales), and the degree to which a habitat supports species rarely found in other habitats. It must also be noted that this mapping is at a broad district-wide scale for

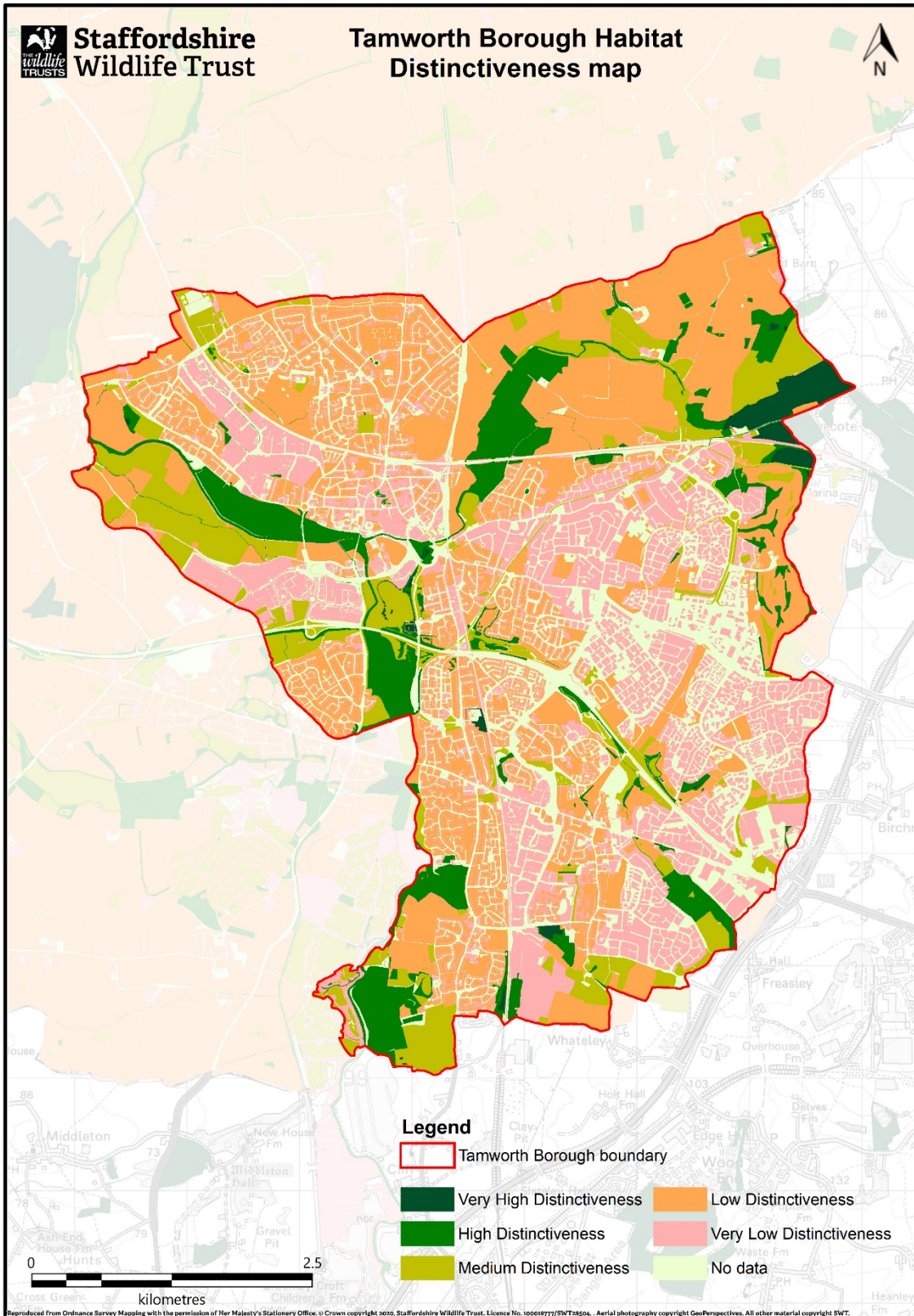
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\* <https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment>

identifying risk where there may potentially be losses to important habitat. Full ecological surveys and Preliminary Ecological Appraisals (PEA) or Environmental Impact Assessment (EIA) should be carried out at a site specific level to determine the ecological value and amount of 'biodiversity units'\* a site level.

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\* <https://www.biodiversityinplanning.org/news/bd-net-gain/>



Map 1 Habitat distinctiveness map for Tamworth Borough (2021)

## 5.2 Habitat distinctiveness mapping limitations

The distinctiveness mapping has been carried out using a desk-based methodology utilising available habitat datasets at a landscape scale with a view of being able to quickly determine on a wider scale the likely impacts of a development. As such the landscape level distinctiveness map in some cases may not provide an accurate account of a sites full habitat distinctiveness at a finer scale (for example at site level). Due to this, developments requiring distinctiveness mapping as part of biodiversity net gain analysis should be subject to a thorough Preliminary Ecological Assessment (PEA) to determine the full extent of in situ habitats and the expected biodiversity impact of any potential habitat loss or damage.

## 5.3 Biodiversity metric 2.0\* and Biodiversity Net Gain

The DEFRA Biodiversity metric 2.0 is designed to quantify biodiversity to inform and improve planning, design, land management and decision-making.

The metric can be used to both:

- Assess or audit **the biodiversity unit value** of an area of land and
- **Calculate the losses and gains** in biodiversity unit value from changes or actions which affect biodiversity, for example building houses or a change of use in a land holding.

The biodiversity metric 2.0 has 4 ‘quality components’ namely:

- **Distinctiveness** – based on the type of habitat present. For example, modified/amenity grassland is given a score of “2”.
  - Distinctiveness is determined by the habitat distinctiveness mapping (see section 5.2).
- **Condition** – based on the quality of the habitat. This is determined by condition criteria set out in the technical supplement.
  - This cannot be achieved as part of this exercise due to the difficulty of determining condition from a desk based methodology.
- **Strategic Significance** – based on whether the location of the development and or off-site work has been identified locally as significant for nature.
  - Strategic significance is determined by the individual habitat strategic areas and the combined strategic areas map (see section 5.4).
- **Connectivity** – based on the proximity of the habitat patch to similar or related habitats.
  - Connectivity is determined by combined strategic areas map & habitat connectivity opportunity maps (see sections 5.4 & 6).

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\* The DEFRA Biodiversity metric 2.0 is currently in a beta testing period, the final metric may be different to the metric used in this report.

<http://publications.naturalengland.org.uk/publication/5850908674228224>

Through the current study 3 of the 4 quality components have been assessed and defined at a District scale, the only exception being habitat condition which cannot realistically be assessed through a desk based methodology on such a scale and would require further ground-truthing to determine actual unit values (for example through a Preliminary Ecological Appraisal (PEA) or Environmental Impact Assessment (EIA)).

Potential delivery mechanisms of future Biodiversity Net Gain offsetting were considered as part of this study and how these may be applied in the District in the future (Appendix K (Separate document)). This includes the prioritisation and suitability of site selection in the case of off-site net gain mitigation and the creation of an initial District-wide live representation of potential receptor sites. As this map is a live representation it is subject to change and further refinement.

## 5.4 Strategic Habitat Areas

The Strategic habitat area methodology we have applied was developed and is currently being implemented by Warwickshire County Council (WCC) and was developed in partnership with Warwickshire Habitat Biodiversity Audit (WHBA), The University of York and Warwickshire Wildlife Trust. The methodology forms part of WCCs Sub Regional Green Infrastructure Strategy\* and is used in targeting areas for habitat enhancement through biodiversity offsetting compensation.

This model was chosen for this assessment because it can be relatively easily applied with the habitat data available; it is robust having been peer reviewed during development, it is already in use by an adjacent local authority and it is based on the fundamental principles of habitat connectivity identified in Lawton et al. (2010).

The model assesses the proportion of broad habitats e.g. woodland, grassland, heathland etc. within an area to determine whether these are 'strategic', 'semi-strategic' or 'non-strategic' for the creation or restoration of further habitat based on the proportion of habitat already present in the area.

The strategic habitat areas were produced using the composite habitat dataset identified in the evidence base review. Firstly, specific higher quality habitats were selected and isolated from the composite habitat map (e.g. heathlands or species-rich grassland etc). The proportion of the selected habitats that overlap individual Ordnance Survey 1km grid squares was then calculated in a GIS package and each square subsequently classified into one of the area bands below, based on the area of habitat overlapping the 1km square.

In the case of Tamworth it was obvious that a 1x1km grid resolution was going to be far too coarse for use in identifying strategic areas owing to the largely urban and built up nature of the borough. The same methodology of semi-natural habitat selection etc. was used but the 1x1km resolution grid was replaced by a 100x100metre resolution grid to provide a finer scale assessment which is able to pick up the smaller areas of semi-natural habitat in the borough.

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\* <https://www.warwickshire.gov.uk/directory-record/2160/sub-regional-green-infrastructure-strategy>

Specific details on the strategic areas are listed in Appendix E.

The strategic habitat areas can be viewed as a hierarchy when it comes to the creation of a particular type of habitat:

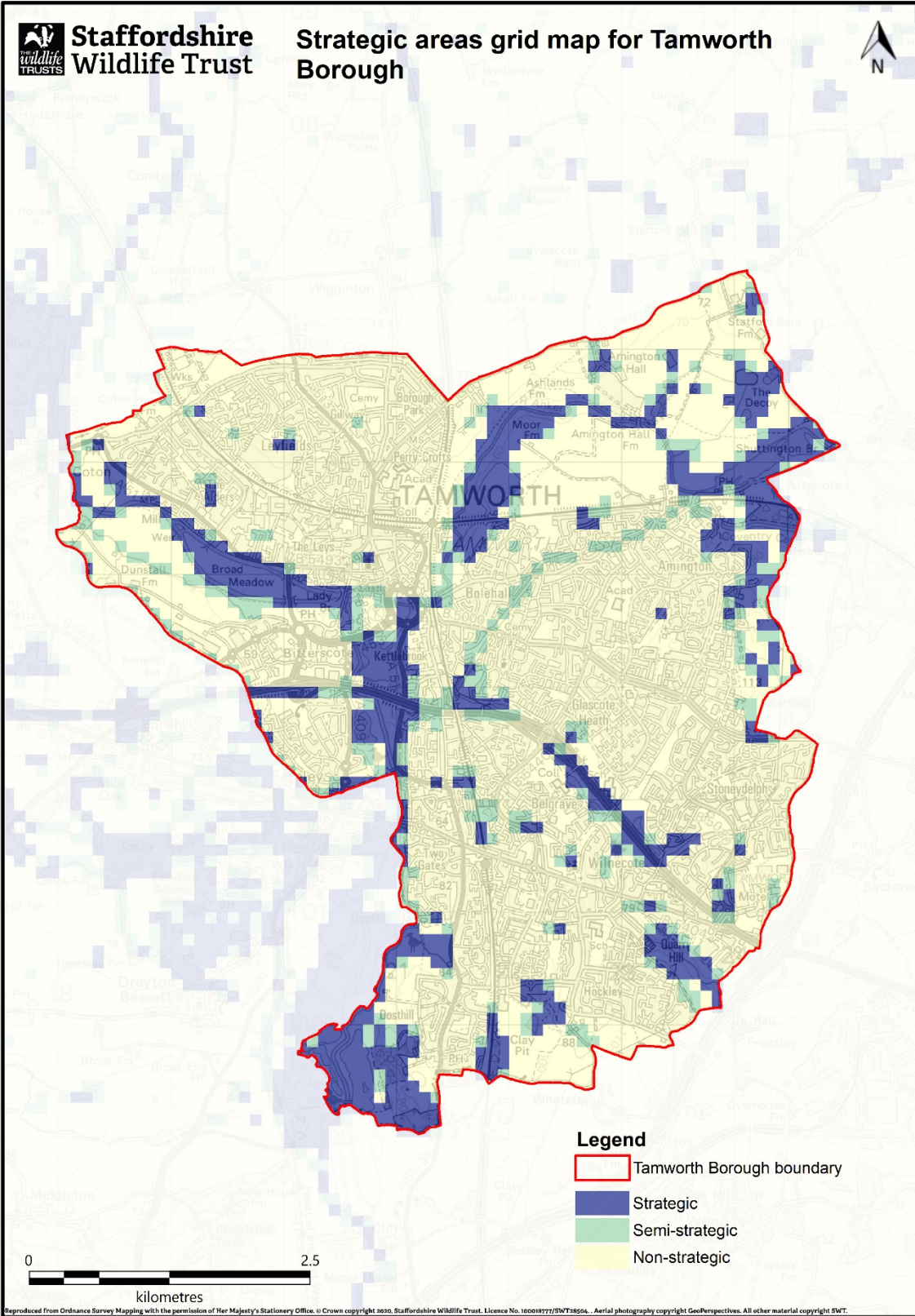
1. **Strategic areas** are key areas to focus habitat creation or restoration. There is some high quality semi-natural habitat but additional high quality semi-natural habitat would improve the function of the network.
2. **Semi- strategic areas** are the next preferred areas in terms of habitat creation – These areas already have a relatively large area of high quality semi-natural habitat but more would still be of benefit.
3. **Non-strategic areas** are where there is very little or no high quality semi-natural habitat where it would be difficult to create enough high quality semi-natural habitat for it to be functional. (This is not to say that semi-natural habitats should not be created in this area but that it is lower in the overall hierarchy).

The strategic area mapping described will be crucial in delivering the fundamental principles in Lawton et al. (2010).

An overall strategic areas map was produced based on the combination of all the habitats analysed as part of the strategic mapping exercise (map 2). For this map, the criteria for strategic and semi-strategic areas have been swapped so that strategic areas are those with the highest amount of overall habitat. By altering the methodology in this way it is possible to create a coarse overall 'connectivity map' by highlighting the areas with highest combined overall habitat availability and connectivity as opposed to those areas where it is best to create habitats.

The strategic areas are not static and are merely a snapshot in time, changes are an inevitable part of the mapping as available habitat data changes. To an extent the strategic areas mapping is self-fulfilling, as opportunities to enhance habitats described by the map are practically implemented on the ground, mapped through subsequent monitoring and the new habitat data being incorporated into future maps will influence future changes in the areas on the map (described in more detail in section 10.2).

**All strategic areas for each of the habitat types assessed are supplied as digital GIS appendices to this report.**



Map 2 Combined strategic areas map for Tamworth Borough (2021)



## 6. Establishing the Habitat Connectivity Opportunity Areas (HCO) for Tamworth Borough

The strategic areas mapping described previously still leaves gaps between areas deemed to be strategic or semi-strategic for a particular habitat type, therefore the creation of habitats solely within these areas may still end up leaving isolated habitat patches which potentially do not link to one another within a landscape. In the interests of driving habitat creation in the direction of connecting these isolated spaces it is important to map an aspirational 'ideal' connected habitat network to work toward: A Nature Recovery Network.

Using local knowledge coupled with additional datasets including soils, nature conservation site boundaries, Staffordshire Biodiversity Action Plan (SBAP) Ecosystem Action Plan Areas (EAPs (Appendix I) and priority habitat inventories along with a piece of ecological modelling software called Condatis (Wallis & Hodgson, 2012), it was possible to further scrutinise and refine the strategic areas map to define comprehensive Habitat Connectivity Opportunity (HCO) areas map for the District based on individual habitats.

The HCO areas add another dimension to the strategic areas modelling detailed previously to define where habitats are both already well connected and equally as crucially broadly identify where to direct the delivery of habitat creation or restoration to create a connected habitat network.

### 6.1 Habitat Connectivity Opportunity Areas Rationale

The decision to use Condatis to build upon the strategic mapping was in part due to the fact the software has previously been used to identify habitat connectivity in other areas of the county (Churnet Valley Landscape Ecology Pilot Partnership, 2014), where it worked well at identifying rough habitat corridors. Condatis also works on a per habitat basis it is therefore possible to analyse habitat connectivity on an individual habitat basis (A full technical explanation of the Condatis software can be found in Appendix F). Condatis has some limitations in that it only takes into account a single habitat at a time and does not account for other potential connectivity barriers, for example urban areas. It is therefore crucial that these outputs were vetted against other relevant datasets such as soils data; ensuring that identified connectivity opportunities fall in line with the SBAP EAPs areas and that crucially the connectivity opportunity areas correspond with how local expert knowledge would expect the habitat connectivity areas to look in the District, to sense check what is produced by the models.

# 7. Results

## 7.1 Habitat Connectivity Opportunity Areas identified

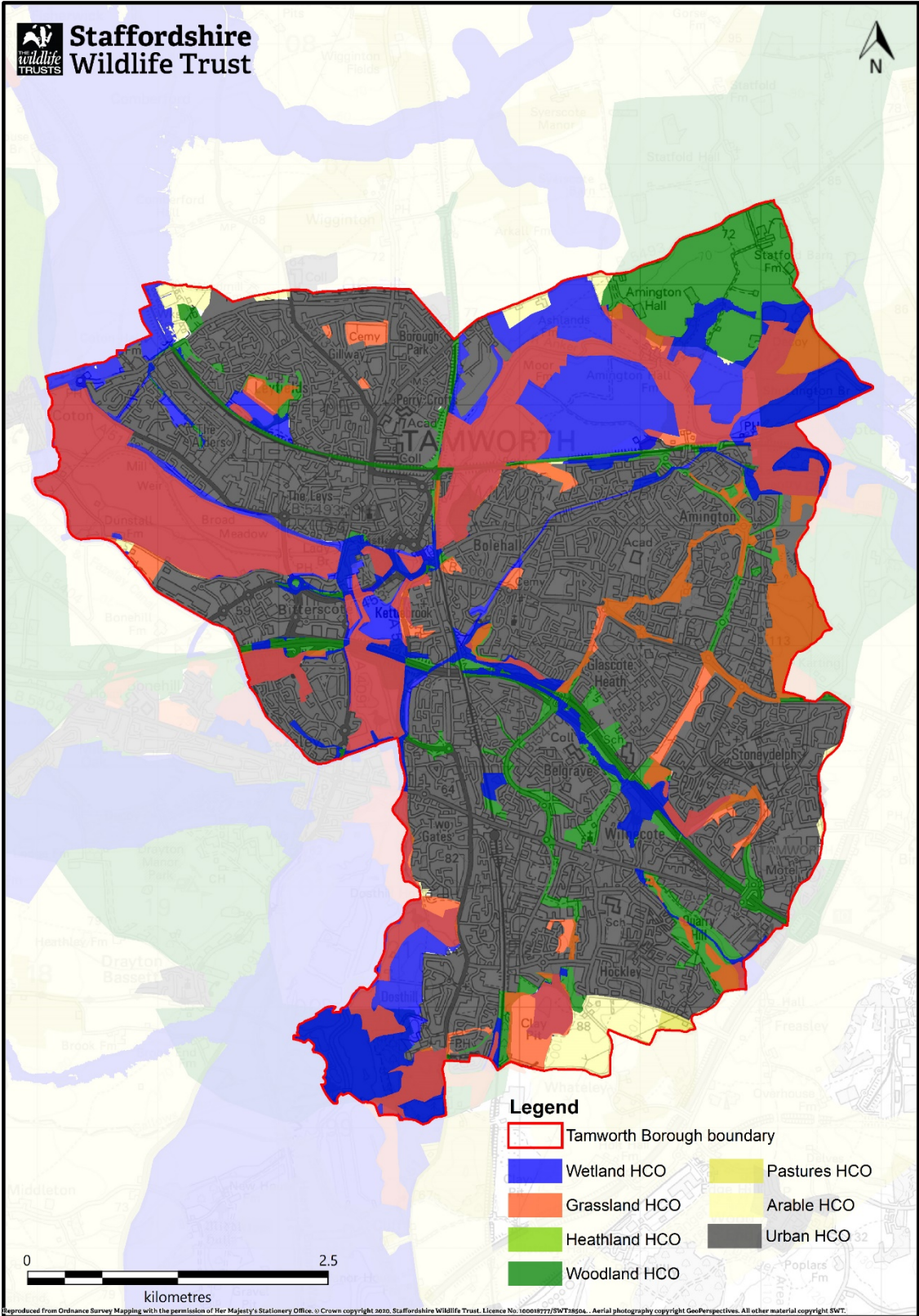
A total of 6 separate Habitat Connectivity Opportunity area types have been identified and mapped covering the entirety of Tamworth Borough:

1. Heathland
2. Woodland
3. Grassland
4. Wetland
5. Pasture and arable land
6. Urban

Each opportunity area is described in terms of its key habitat or habitats. This should not be taken to mean that other habitats are absent from the opportunity area, or that habitats identified as a priority in the opportunity areas should replace existing non-target high quality habitats of a different type.

The Habitat Connectivity Opportunity areas were brought together to produce a combined HCO map for the District (map 3).

Each opportunity area is described in more detail in the following sections, along with relevant associated land uses, environmental issues, and the overarching objectives and opportunities for each zone.



Map 3 Combined habitat connectivity opportunity areas map for Tamworth Borough (2021) NB: some of the HCO areas overlap one another which can lead to the colouring of the map being distorted.

## 7.2 Woodland Opportunity Area

Woodlands in the borough are generally narrow and confined to roadsides and on the periphery of other linear features such as railway lines, watercourses and canals. There are some larger areas of woodland in the less urban areas in the North and South of the borough, mainly around Dosthill and Amington and Alvecote.

There are no designated Ancient Woodland Inventory (AWI) or (Re)Planted Ancient Woodland Inventory sites (PAWS) and there is no predominant type of woodland in the borough, the woodlands the urban areas mostly consist of plantation deciduous and mixed deciduous woodlands, the larger homogenous blocks of woodland are made up of a mixture of semi-natural and plantation deciduous woodlands.

The A5 which runs through the centre of the borough has almost a continuous band of woodland either side which provides screening to the nearby housing, but also is likely to act as a good ecological pathway.

The areas of woodlands at Wiggington Park reflect a more traditional parkland landscape with associated with mature and veteran trees important for a range of species.

### 7.2.1 Key Habitats

- Woodlands (e.g. semi-natural ancient woodlands, coniferous plantation)
- Wood Pasture and Parkland are of particular importance in the District.
- Dense Continuous and Scattered Scrub
- Lowland Heathland
- Traditional Orchards
- Lowland Meadows and floodplain meadows

### 7.2.2 Key species

- Butterflies
- Cuckoo
- Owl Species
- Bluebell
- Amphibian species (Great Crested Newt, Common Frog, Common Toad), specifically as terrestrial refuge sites.
- Native Black Poplar

### 7.2.3 Threats

- Loss and fragmentation of irreplaceable woodland habitats (ancient woodland inventory sites).
- Both residential and industrial development.
- Inappropriate management of species-rich and/or ancient woodland sites either directly within or surrounding these sites leading to deterioration and lowering overall diversity.
- Loss or deterioration of hedgerows and other associated habitats severing connectivity between woodlands and to other habitats.

### 7.2.4 Opportunities

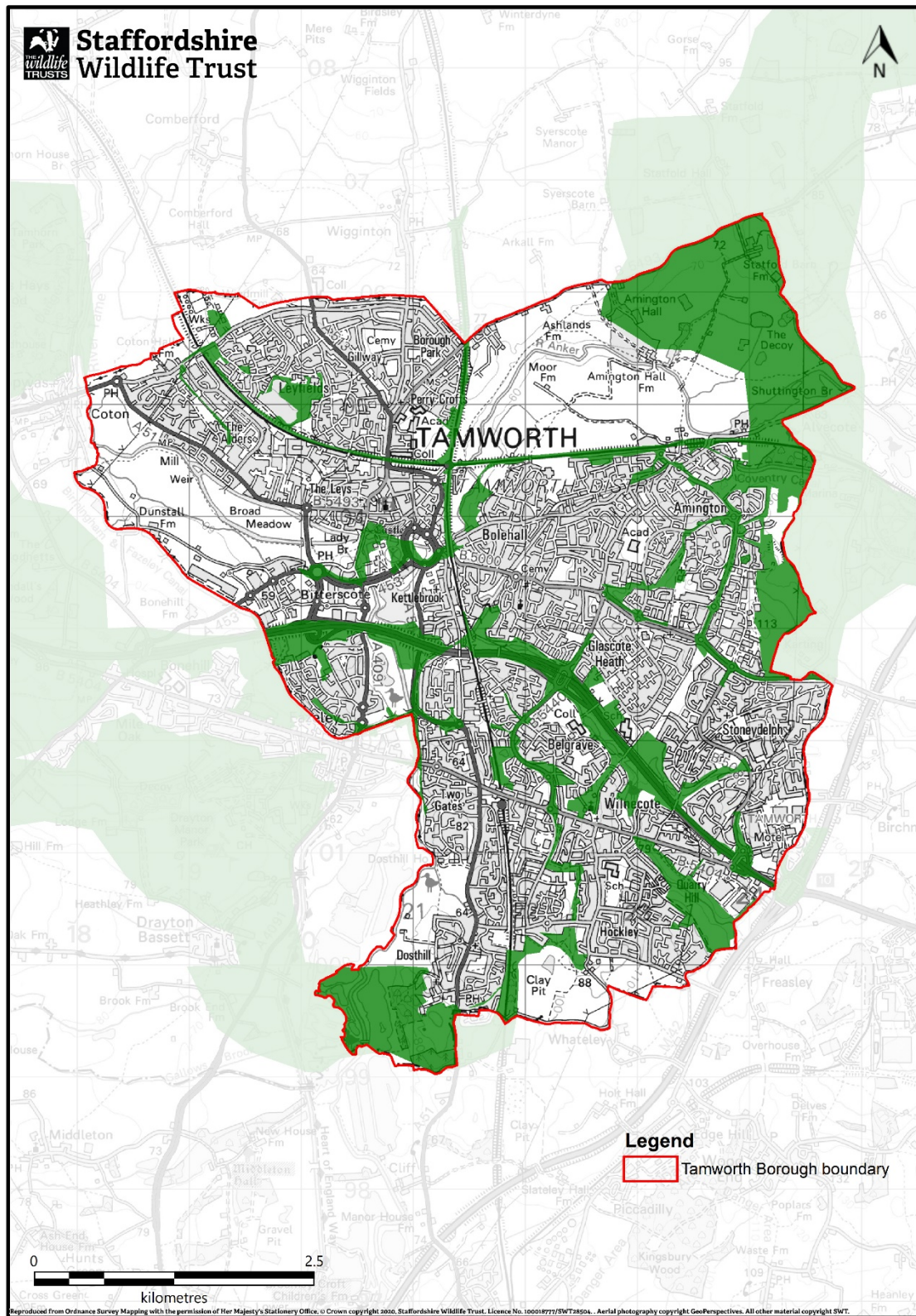
- Protection of existing sites, particularly ancient woodland inventory sites and woodlands which are designated as Local Wildlife Sites. Planting of further future woodlands on sites which do not already support a priority habitat to improve connections of existing areas of high quality woodland and increase the area of woodlands which are ecologically functional for the species that they support.
- Encourage relaxed management on the fringes of woodlands to provide a softer edge (e.g. scrub formation) habitat which is able to support both more and a wider diversity of species, particularly birds and butterflies.

<ul style="list-style-type: none"> <li>• Unsympathetic or poorly thought out woodland planting and creation on sites which already support another important habitat of conservation concern, e.g. species rich lowland meadows, causing irreversible loss.</li> <li>• Replanting of ancient woodland sites with species which are not characteristic or native to the area.</li> <li>• Scrub removal either through intensive management regimes or development.</li> </ul>	<ul style="list-style-type: none"> <li>• Expand the area of existing woodlands. Create new areas of woodland that are in strategic locations and are of suitable size to act as stepping stones between existing woodlands. Woodland expansion and creation must not be detrimental to other high quality habitats for instance diverse grassland habitats.</li> <li>• Use historical maps and data to determine the past extent of woodland areas, particularly where there may still be a rich ground flora in the seedbank for the restoration and expansion of ancient woodland sites.</li> <li>• Planting new and maintaining existing hedgerows to better connect smaller isolated woodlands benefiting species migration and chances of breeding.</li> <li>• Avoidance from or incorporating key woodlands into development sites, this is achievable through mitigation hierarchy within the National Planning Policy Framework.</li> <li>• Restoration of Planted Ancient Woodland sites (PAWS) to native broadleaf or diversification of coniferous woodlands to include more native planting.</li> <li>• Ensure that there is no loss or damage to known wood-pasture or parkland sites or sites which may have similar habitats.</li> <li>• Identification of, and promotion of the importance of veteran trees, both in woodland and in the wider landscape.</li> </ul>
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### 7.2.5 Opportunities to enhance other benefits

- Flood risk mitigation
- Urban Cooling
- Carbon storage
- Recreation and aesthetic
- Cultural heritage
- Wood fuel, timber and fibre
- Foraging / wild food

## 7.2.6 Map of Woodland Opportunity Area



## 7.3 Grassland Opportunity Area

Grasslands are an important feature throughout the district ranging from small discreet areas of public amenity space to large expanses of species rich floodplain pastures and meadows. Many of the important grassland areas within the district are already designated as Local Nature Reserves (LNR) and are mostly publicly accessible, allowing people to get closer to nature.

Species-rich grasslands occur in high concentration for such a small and urban borough. For the most part the species-rich grasslands are closely associated with watercourses in the borough; the corridors of both the River Tame and the River Anker support a number of important grassland sites, in addition to the many other smaller watercourses such as the Kettle, Mill and Bourne Brooks all of which support some species-rich grassland areas.

Notable grasslands include Broad meadow which supports one of the only remaining native populations of Snake-head Fritillary in the county, the only other sites with populations as significant as these in the county are internationally designated for their conservation importance.

Another area of importance is the Kettle Brook LNR which also possesses some species rich grasslands which are publicly accessible.

Even in the very centre of the urban areas species-rich grasslands are still present in and around 'Egg Meadow' the area in the centre of Bole bridge and Anker Bridge close to the town centre.

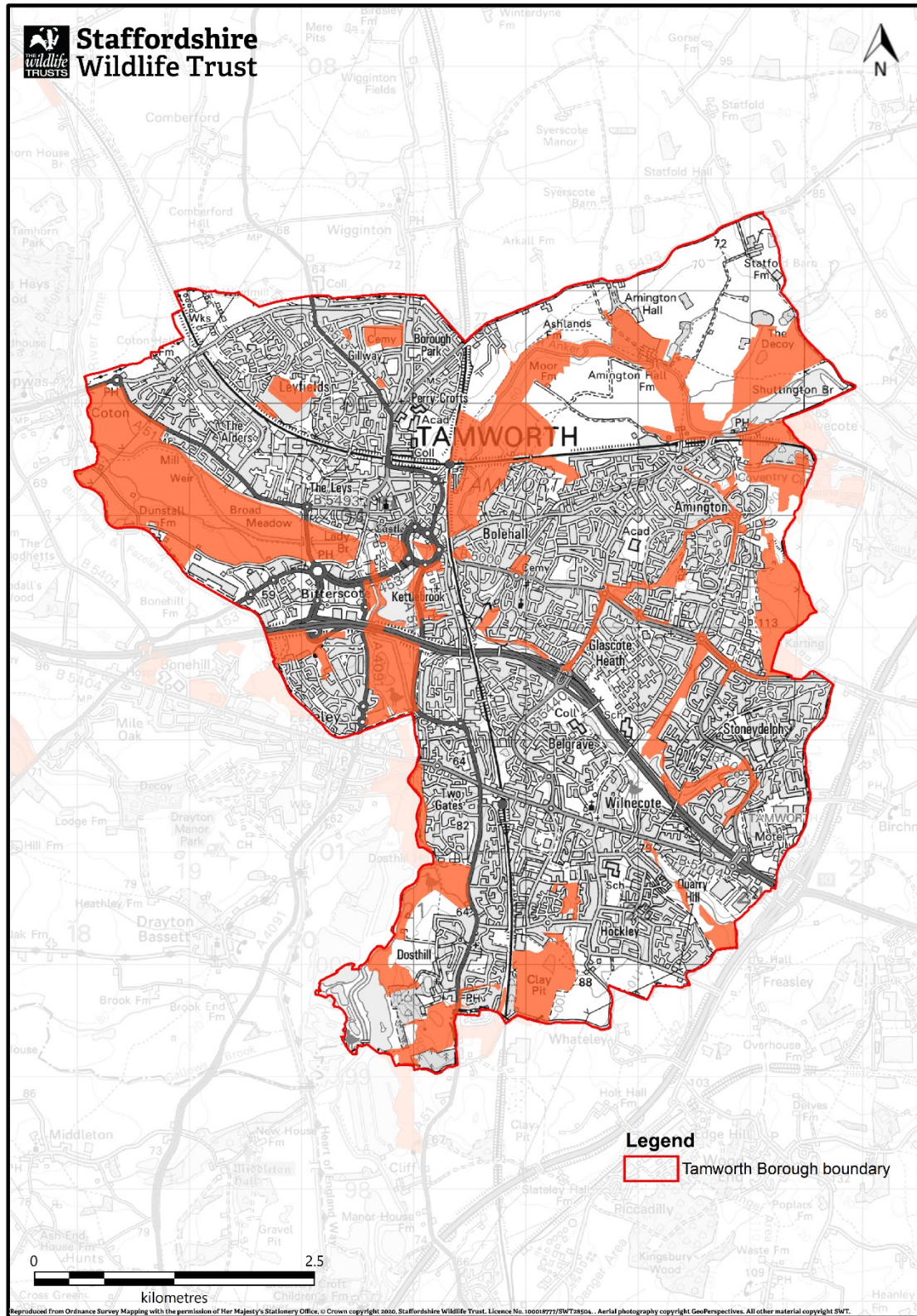
Whilst not strictly just grassland habitat, Open Mosaic Habitats on Previously Developed Land (OMHPDL) also known as 'brownfield habitats of high environmental value' are also of importance in the borough, but generally do not fit into a single habitat categorisation. OMHPDL habitats are generally made up of a mosaic of 2 or more specific habitats such as short ephemeral vegetation, grasslands and scrub. As the name suggests occur on land which has previously been developed e.g. from mineral extraction, building development etc. and provide conditions capable of supporting very specific groups of plants and animals which often aren't found elsewhere.

7.2.1 Key Habitats	7.3.2 Key Species
<ul style="list-style-type: none"> <li>• Lowland meadows</li> <li>• Semi-improved Pastures</li> <li>• Hedgerows</li> <li>• Arable land</li> <li>• Open mosaic habitat on previously developed land</li> <li>• Ponds</li> <li>• Traditional Orchards</li> <li>• Coastal Floodplain Grazing Marsh</li> <li>• Purple Moor Grass and Rush Pastures</li> </ul>	<ul style="list-style-type: none"> <li>• Skylark</li> <li>• Farmland birds</li> <li>• Bats (specifically Brown Long-eared, Noctule and Pipistrelle species)</li> <li>• Butterfly species such as Dingy Skipper and Small Pearl-bordered Fritillary.</li> <li>• Reptiles, specifically Common Lizard and Adder</li> <li>• Snakes-head Fritillary</li> </ul>
7.3.3 Threats	7.3.4 Opportunities
<ul style="list-style-type: none"> <li>• Development pressure</li> <li>• Poor management of key diverse sites including:</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that all high quality grassland sites remain in positive conservation management, securing vital areas which</li> </ul>

<ul style="list-style-type: none"> <li>○ Over-grazing</li> <li>○ Poaching</li> <li>○ Neglect of Hedgerows</li> <li>○ Over-cutting of Hedgerows</li> <li>● Nutrient intensification both from agricultural practices as well as diffuse pollution sources - nitrogen deposition.</li> <li>● Agricultural intensification</li> <li>● Neglect of sites and lack of appropriate conservation management. This is a major threat to diverse grassland sites not only in the District but in the county as a whole.</li> <li>● Global and local climate change.</li> <li>● Habitat loss and fragmentation</li> </ul>	<p>can be used as sources of biodiversity into the future.</p> <ul style="list-style-type: none"> <li>● Protection of existing high quality grasslands and buffering these from potentially detrimental neighbouring land uses such as intensive farming practices. This could be achieved through encouraged uptake of agri-environment schemes, landowner liaison/education</li> <li>● Enhancement of any existing grassland sites or restoration of degraded sites so that they may achieve Local Wildlife Site Status and ensure that the management of these sites persists to ensure that they remain diverse.</li> <li>● Reversion of arable land to diverse grassland where soils dictate. This is usually only carried out in certain circumstances due to the difficulty and cost associated however there are examples of this being successfully carried out in the District.</li> <li>● It is critical that areas of high quality grassland are linked with mosaics of other high quality grassland to ensure that species reliant upon these habitats are able to move freely between them.</li> <li>● Use of Light Detection And Ranging (LiDAR) imagery to identify historical field patterns and features i.e. ridge and furrow to indicate where grassland restoration may be most successful as these areas have not or are unlikely to have undergone any serious agricultural improvement in the past.</li> </ul>
<p><b>7.3.5 Opportunities to enhance other benefits</b></p>	
<ul style="list-style-type: none"> <li>● Pollination</li> <li>● Recreation and aesthetic</li> <li>● Cultural heritage</li> </ul>	



### 7.3.6 Map of Grassland Opportunity Area



## 7.4 Wetland Opportunity Area

Watercourses and wetlands are undoubtedly the most significant features of the borough. The confluence of two large watercourses the Rivers Tame and Anker occurs within the centre of the town, along with a number of additional smaller watercourses such as the Kettle, Bourne and Mill Brooks also running through the district along with dozens of drains and ditches.

Many of the watercourses in the borough have large areas of associated floodplain, in particular the River Tame and Anker, but also to a lesser degree some of the smaller watercourses such as the Kettle Brook. The floodplains of the River Tame support a number of different wetland habitats, to the south of the borough in the former mineral workings now supports a range of wetland habitats which are of high importance to a huge diversity of species.

Both the floodplains of the River Tame and Anker support a wet grassland habitats as a result of the periodic flooding and inundation, these are important both locally and within the county. Key sites are Broad Meadow, Tameside Nature Reserve on the River Tame and Warwickshire Moor on the River Anker.

The Kettle Brook also supports a good linear pathway of wetland habitats but in addition also supports areas of grassland and wet woodland habitat at Stonydelph which are also of a high biodiversity value.

In addition to the rivers and their associated wetland habitats Coventry and Birmingham and Fazeley Canals run through the borough, providing additional linear wetland habitat and increased habitat connectivity, in the case of the Coventry Canal through dense urban areas.

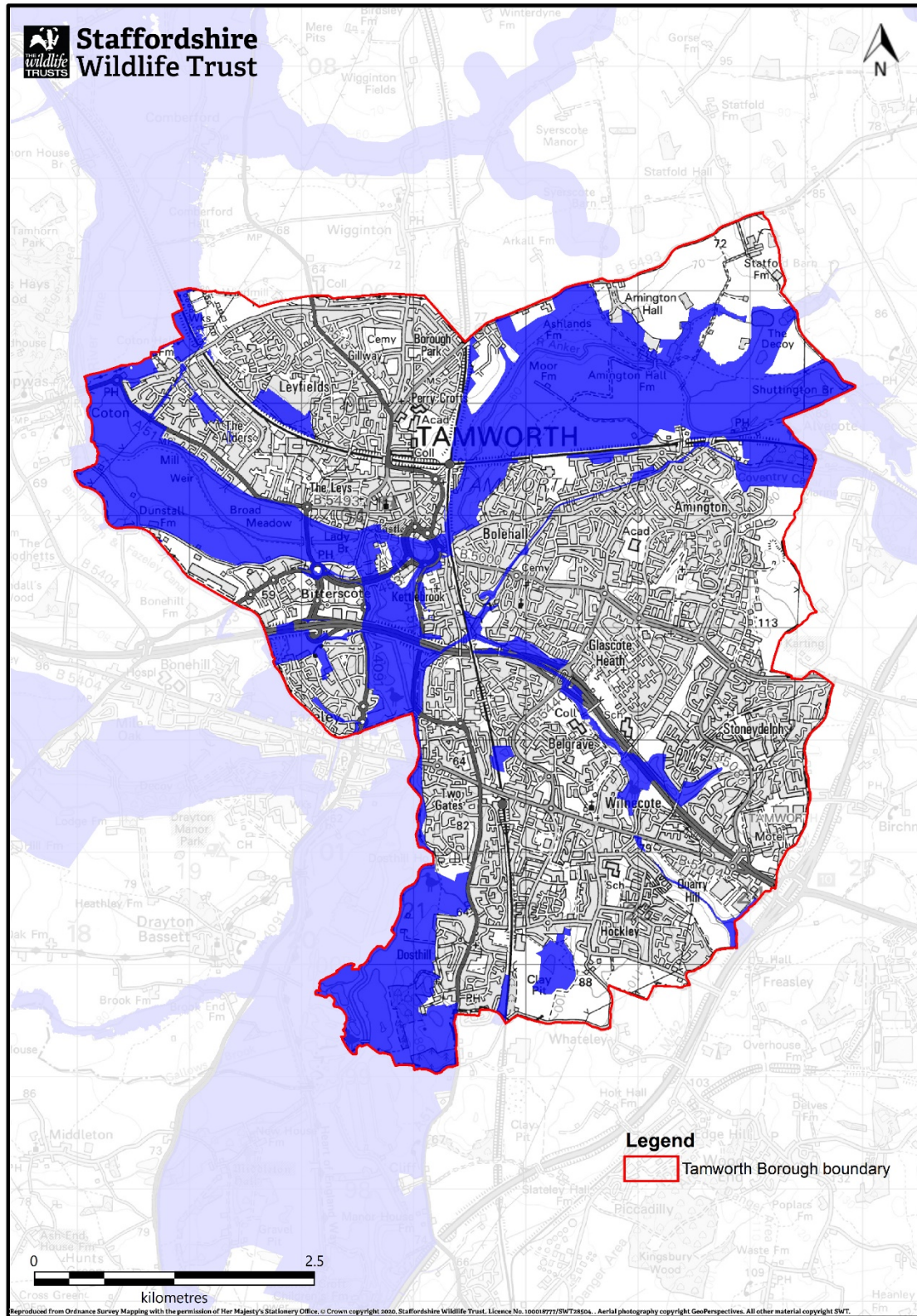
The area around Hockley Clay pit also supports some diverse wetland and grassland habitats which are important locally.

7.4.1 Key Habitats	7.4.2 Key Species
<ul style="list-style-type: none"> <li>● Woodland</li> <li>● Grassland</li> <li>● Pasture</li> <li>● Arable</li> <li>● Urban fabric/mosaic habitats</li> </ul>	<ul style="list-style-type: none"> <li>● Otter</li> <li>● Great Crested Newt</li> <li>● Freshwater White-clawed Crayfish</li> <li>● European Water Vole</li> <li>● Harvest Mouse</li> <li>● Various Reptiles and Amphibians</li> <li>● Waders and wintering wildfowl</li> <li>● Brown Trout</li> </ul>
7.4.3 Threats	7.4.4 Opportunities
<ul style="list-style-type: none"> <li>● Mineral extraction.</li> <li>● Pollution from acute and diffuse sources.</li> <li>● Poor land management, livestock in and near watercourses and waterbodies, soil erosion leading to</li> </ul>	<ul style="list-style-type: none"> <li>● Protection of existing high quality wetland sites particularly those with a nature conservation designation. This will be achieved through the identification of environmental issues for example pollution from agricultural run-off and subsequent remediation for instance through Rural SuDS. These</li> </ul>

<p>eutrophication of water bodies and loss of habitat in watercourses.</p> <ul style="list-style-type: none"> <li>● Historic deepening and straightening of watercourses, meaning that rivers and streams lack natural features such as gravel beds. Water is disconnected from floodplains.</li> <li>● In some areas removal of tree cover and grazing leading to habitat degradation.</li> <li>● Lack of understanding of the need to protect water throughout the catchment including areas where there are no obvious watercourses.</li> <li>● Global and local climate change.</li> <li>● Loss of ‘coarse’ habitat to development or agricultural intensification which would otherwise impede the flow of water leading to: <ul style="list-style-type: none"> <li>○ Increased flood risk.</li> </ul> </li> <li>● Invasive Non Native Species (Himalayan Balsam (<i>Impatiens glandulifera</i>), Parrot’s-feather (<i>Myriophyllum aquaticum</i>), <i>Azolla</i> sp, <i>Crassula helmsii</i> etc.).</li> <li>● Plant and animal disease, transmission and biosecurity.</li> </ul>	<p>sites should be buffered from any potential sources of damage both through creation of habitat around key sites to provide a ‘soft edge’ habitat and landowner liaison to address issues.</p> <ul style="list-style-type: none"> <li>● Identification of the most suitable locations for the targeting and prioritisation of further wetland creation and enhancements.</li> <li>● Seek opportunities to deliver Natural Flood Management in the headwaters of rivers and streams to address flood risk and provide additional areas for habitat provision.</li> <li>● Look for opportunities to carry out river reprofiling/naturalisation, improve flood storage and provide additional habitats suitable for a range of species particularly breeding waders and wintering wildfowl.</li> <li>● Use historical maps and LiDAR information to identify historical wetland and river features, sluices, water meadows etc. which could potentially be restored to deliver both flood risk mitigation and habitat improvements.</li> <li>● Use flood models to dictate where work can be targeted to both deliver improved flood mitigation as well as deliver further habitat works</li> <li>● Ensure that sand and gravel quarry extraction sites are effectively restored and provide additional benefits for wildlife. There is a huge opportunity here to deliver biodiversity and flood mitigation objectives.</li> <li>● Effective mitigation for the loss of Great Crested Newt (GCN) habitat as a result of development. (Priority areas for the creation of compensatory pond clusters would need to be addressed at a finer scale using Great Crested Newt (GCN) metapopulation data and modelling).</li> </ul>
<p><b>7.4.5 Opportunities to enhance other benefits</b></p>	

- Flood risk mitigation
- Water quality
- Recreation and aesthetic
- Cultural Heritage

## 7.4.7 Map of Wetland Opportunity Area



## 7.5 Pasture and Arable Opportunity Area

Only a very small amount of the pasture and arable opportunity area is present in the borough owing to the largely urban nature, this is mostly confined to the North alongside the River Anker and a small area of farmland to the south around Dosthill and Hockley.

### 7.5.1 Key Habitats

- Grassland
- Woodland
- Hedgerows
- Mature and veteran trees

### 7.5.2 Key Species

- Barn Owl
- Brown Hare
- Harvest Mouse
- Polecat
- Grey Partridge
- Wall Brown butterfly
- Arable 'weeds' and cornfield annuals rare to the county found in set-aside ground, headlands and field margins.

### 7.5.3 Threats

- Habitat fragmentation.
- Agricultural intensification.
- Urban encroachment.
- Pollution of waterways.
- Loss and deterioration of ponds for example through changes in water management or nutrient intensification.
- Improper management e.g.
  - Over-grazing
  - Poaching
  - Neglect of hedgerows
  - Over-cutting of hedgerows

### 7.5.4 Opportunities

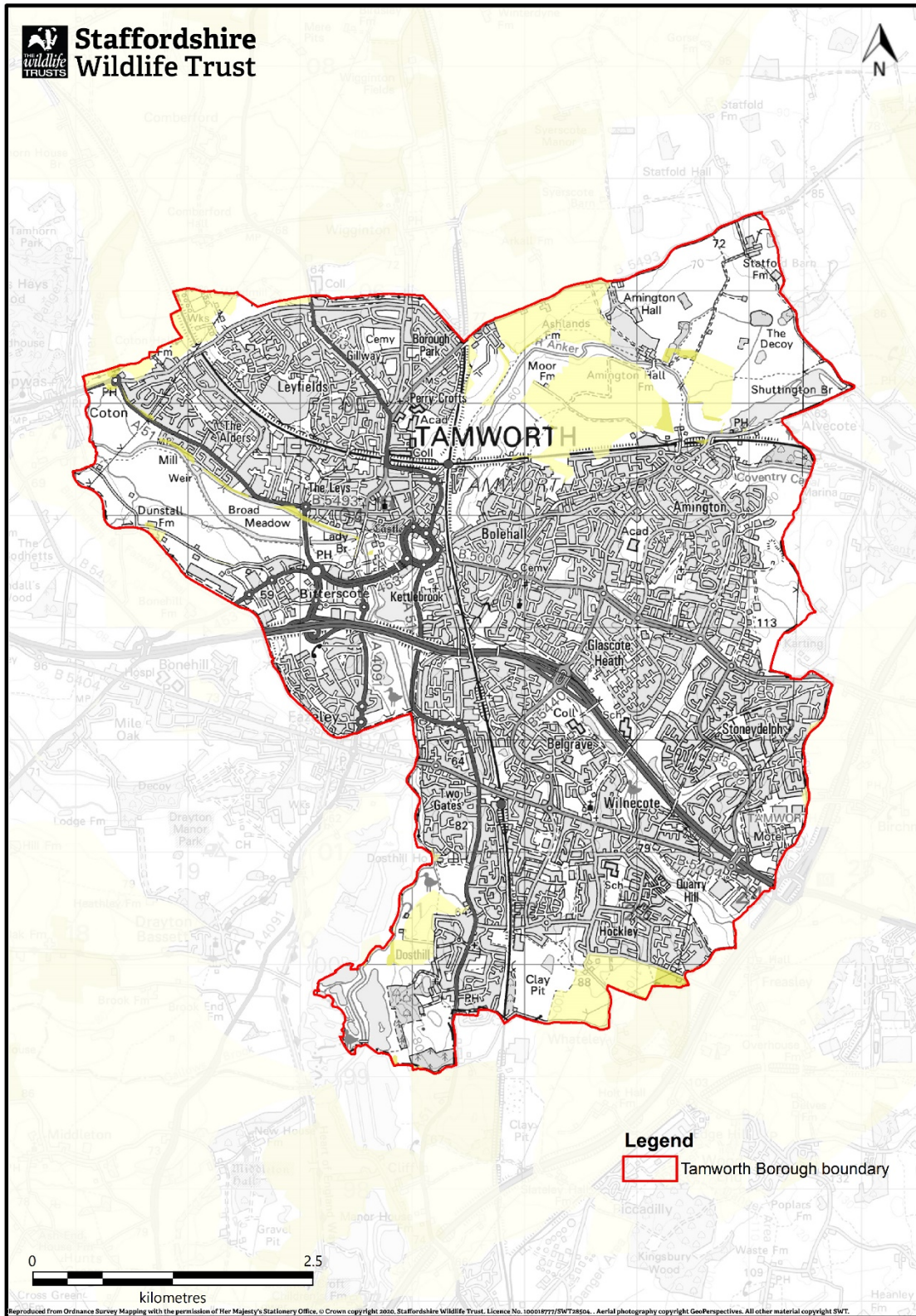
- There are a wide range of opportunities for more intensively farmed agricultural land ranging from very small interventions such as leaving one corner of an arable field as set aside to provide feeding opportunity for farmland seed eating birds to large whole farm scale interventions for example reversion of large areas of arable land into diverse grassland. Obviously the scale of the intervention is down to what is practical and ultimately what is desirable, cost effective and sustainable in the eyes of landowners and land managers.
- Link up existing semi-natural habitats through the creation of habitat corridors and networks using hedgerows, arable field margins and watercourses where possible.
- Reversion of arable to other habitats with a higher biodiversity value for example species rich grassland.
- Encourage uptake or movement toward organic production methods or holistic grazing management over reliance on supplementary feeding or indoor systems for example.

	<ul style="list-style-type: none"> <li>• Where developments are likely to impact on large areas of intensive farmland, ensure that as a result some of the developed area is dedicated to the provision of high quality semi-natural habitats which may greatly improve habitat availability and connectivity within the landscape.</li> </ul>
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**7.5.5 Opportunities to enhance other benefits**

<ul style="list-style-type: none"> <li>• Water quality</li> <li>• Cultural heritage</li> <li>• Food production</li> </ul>
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7.5.7 Map of Pasture and Arable Opportunity Area





## 7.6 Urban Fabric Opportunity Area

Urban fabric constitutes the largest proportion of the borough aside from small areas to the far north and south.

In terms of green space capable of supporting biodiversity Gardens probably make up the biggest component within the urban areas, however they are generally fairly small. There are a number of areas with street trees and landscaped planting which are of value to wildlife but possibly just as importantly also provide additional ecosystem service benefits for example through urban cooling.

### 7.6.1 Key Habitats

- Grassland
- Woodland
- Open Mosaic Habitat on Previously Developed Land (brownfield habitats)
- Wetland
- Rivers and streams
- Street trees (particularly those in environments where other green space is lacking)

### 7.6.2 Key Species

- Hedgehog
- Great Crested Newt
- Slow Worm
- Invertebrates and pollinators
- House Sparrow
- Toads and other amphibians
- Finch species.

### 7.6.3 Threats

- Habitat fragmentation through the loss of both sources of biodiversity as well as habitat 'stepping stones' and linear pathways which species require to be able to disperse.
- Pollution both from acute and diffuse sources leading to the loss of diversity in waterways etc.
- Urban expansion
- Redevelopment of Open Mosaic Habitats on Previously Developed Land (OMPDL) which are often important sites for a number of species in urban areas.
- Intensive management of urban green spaces leading to:
- Invasive species
- Increased flood risk due to increased area of hard impermeable surfaces.

### 7.6.4 Opportunities

- The key objectives in these areas is not to connect urban areas together but to enable permeability between rural and urban landscapes, especially where high quality semi-natural habitats exist in close proximity to or within these areas. In doing this it is possible to benefit habitat connectivity but also bring wildlife closer to people.
- Urban spaces are often important for the Open Mosaic on Previously Developed Land (OMPDL Biodiversity Action Plan (BAP) habitat due to the relatively high levels of (re)development. These habitats are often vitally important for a number of rare and unusual invertebrate species relying on bare ground. OMPDL habitats are often transitory habitats, both in terms of natural succession and likelihood of development, ensuring that there is always provision of some of this habitat type at any one point in urban areas will help to prevent the complete loss of species relying on this habitat from an area.

	<ul style="list-style-type: none"> <li>● Ecological enhancement of existing urban green spaces, for example through improving the diversity of amenity grassland in parks by seed sowing and green hay strewing, enhancement or creation of wetlands in Sustainable Drainage Systems (SuDS).</li> <li>● Creation of new habitats when planning new urban developments, make new developments as green as possible to bring high quality habitats and improve habitat connections in the urban environment. This may include for example green roofs/green walls, wildlife friendly SuDS which can be planted with native wetland species, rain gardens to slow the flow of water.</li> <li>● Ensure that urban green spaces are managed appropriately to provide the best benefits for wildlife and people - this may include relaxing mowing regimes to create and maintain more diverse grasslands, thinning of plantation woodlands to improve structural diversity or invasive species control.</li> <li>● Ensure that linear features such as canals, old railway lines, road verges, hedgerows are managed for the good of wildlife as these are often critical pathways for biodiversity in and out of the urban environment.</li> <li>● Provide suitable opportunities in existing and new developments for protected and Biodiversity Action Plan (BAP) species for example bats, hedgehogs and pollinators.</li> </ul>
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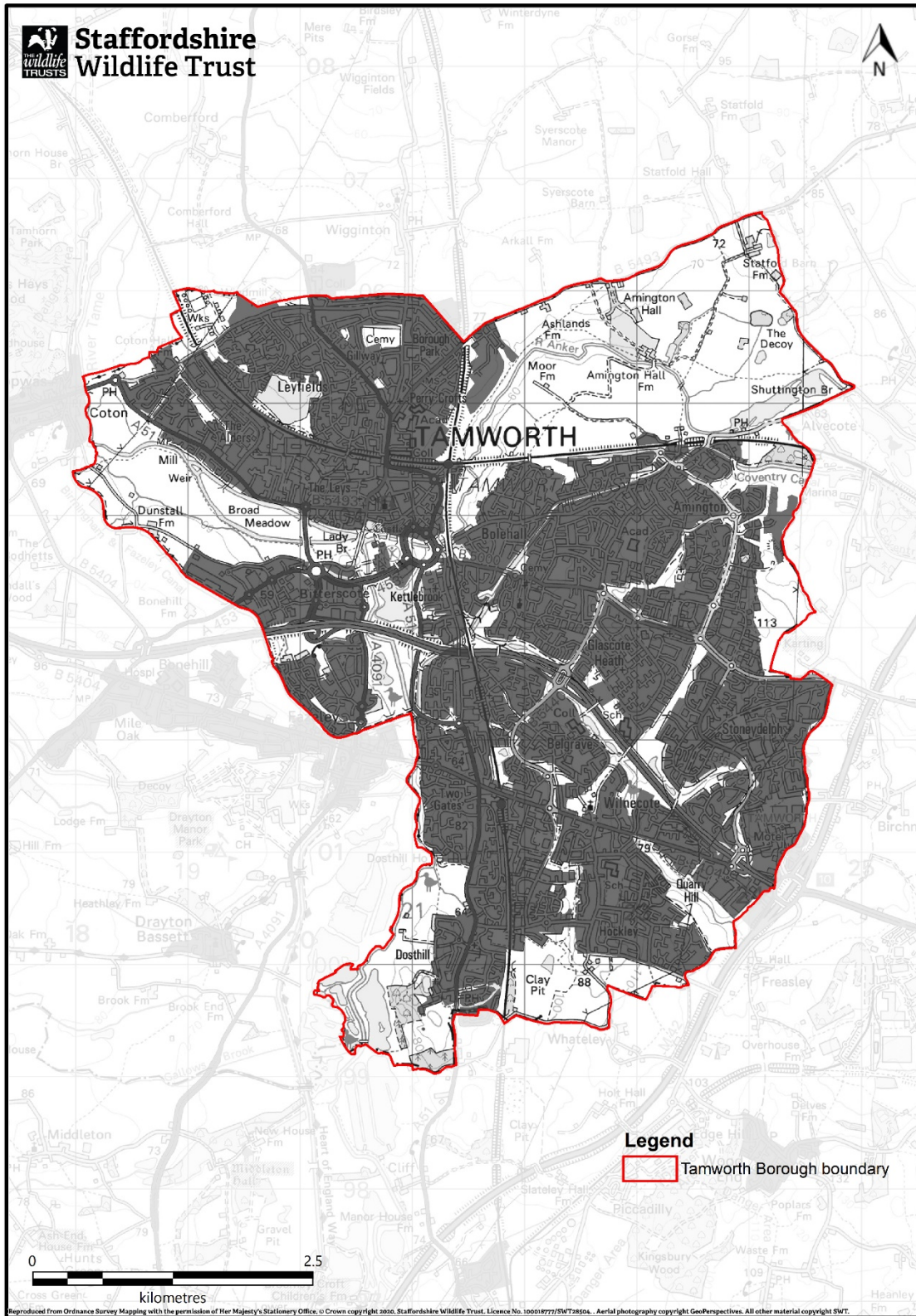
**7.6.5 Opportunities to enhance other benefits**

<ul style="list-style-type: none"> <li>● Recreation and aesthetic - improved access to and increased number of natural resources.</li> <li>● Health and wellbeing - improved access to an increased number of natural resources.</li> <li>● Flood risk mitigation - More green areas lead to increased habitat coarseness which slows the flow of water, Sustainable Drainage Systems (SuDS) schemes increase habitat and hold water away from vulnerable areas.</li> <li>● ‘Pocket Parks’ encouraging local people to take up management of small urban green spaces to benefit both wildlife and those which live nearby. By adopting multiple</li> </ul>
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pocket parks it is possible to create a stepping stone network throughout the urban environment.

- Urban cooling – suitable tree planting, increased green space and green developments, green walls, green roofs etc.
- Cultural heritage - access to nature and traditional landscapes.
- Public engagement - opportunity to educate people on ecology and the natural world and what people can do to provide space for wildlife in gardens, allotments, local parks etc.

7.6.7 Map of Urban Fabric Opportunity Area

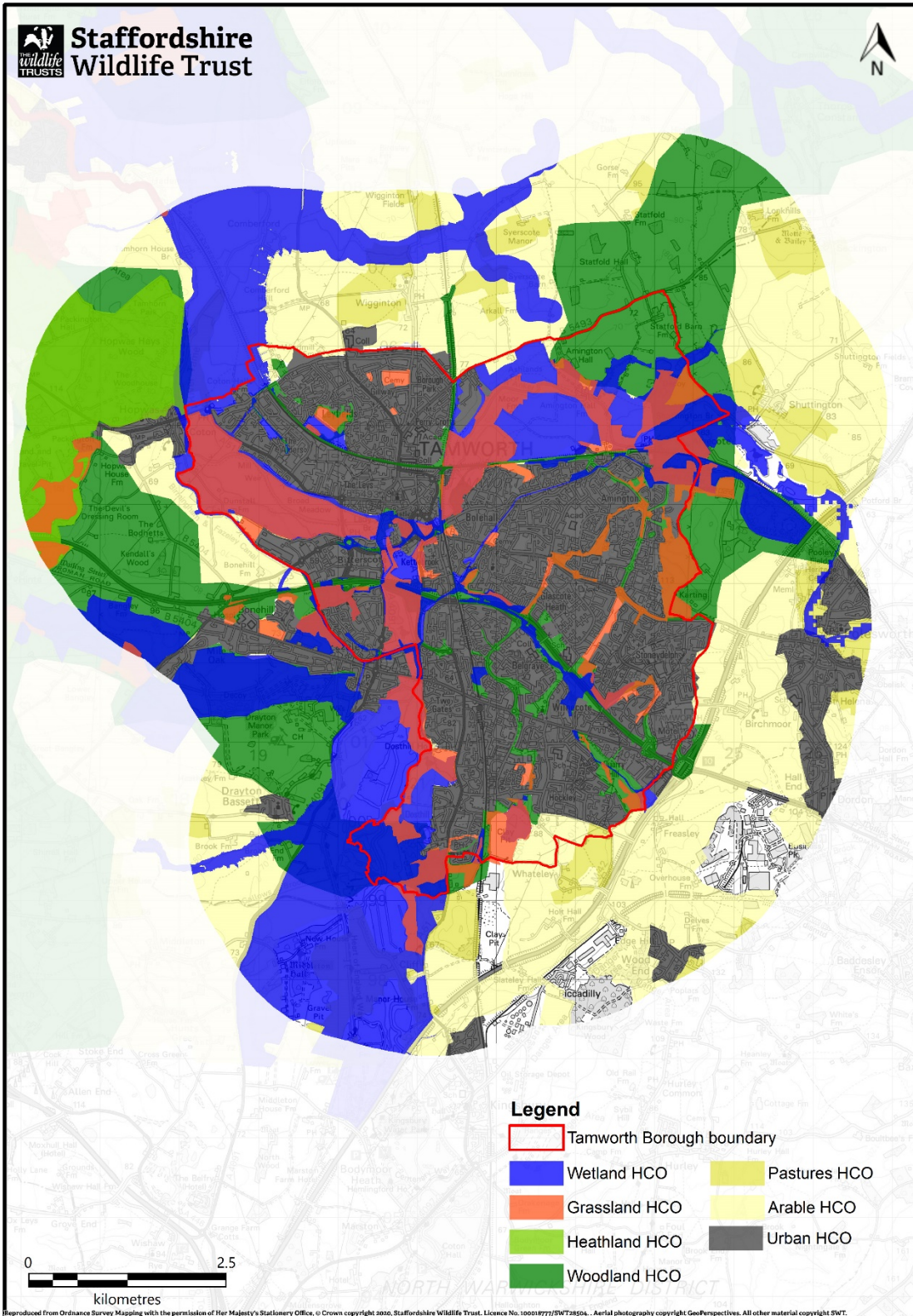


## 8. Cross boundary habitat connectivity

As habitats and wildlife do not adhere to political boundaries it is important to take into account habitats which exist on the other side of political boundaries to ensure that there is no 'hard edge' where for example a Habitat Connectivity Opportunity area ceases to exist at the edge of a county or District boundary despite there being suitable habitat

Map 4 illustrates this, showing the Habitat Connectivity Opportunity areas combined map including a 2km radius buffer around the District boundary. Despite the buffered radius falling outside of the District and county boundaries habitat connectivity into these areas has been considered as part of the mapping to ensure this 'hard edge' has been avoided. It must be noted however that the HCO areas do not extend large distances into neighbouring authority areas with the ultimate goal that all authority areas will have a mapped Nature Recovery Network which dovetails with this NRN mapping.

The cross boundary HCO areas in neighbouring local authorities may be subject to change based on any future NRN mapping which may be commissioned by the respective local authority in its jurisdiction. At this stage Habitat Connectivity Opportunity areas identified outside of the District should only be considered potential and may be subject to future changes. These areas have been included in this assessment to demonstrate the duty to cooperate across boundaries has been considered in this mapping exercise.



Map 4 Combined habitat connectivity opportunity areas map for Tamworth Borough including a 2 kilometre buffered radius of the District boundary (2021). NB: some of the HCO areas overlap one another which can lead to the colouring of the map being distorted.

## 9. Practical Application of the maps

The HCO maps detailed are designed to be used in conjunction with the biodiversity metric 2.0, however the habitat connectivity opportunity areas and the bottleneck analysis can be used to both inform the metrics and target the location and application of future ecological enhancements contributing to a functional nature recovery network.

The HCO areas are based around the principle of habitats being ecologically functional and well connected to one another within the landscape. This means that habitats are able to both support a high population and diversity of species, meaning these species have the ability to be able to move freely within the landscape, as a result of good habitat connectivity.

These areas promote the conservation, restoration and enhancement of certain priority habitats, ecological networks and contribute to the protection and recovery of associated priority species within defined geographic areas.

The habitat connectivity opportunity areas mapping has no white space as there are always opportunities for the delivery of habitat creation or enhancement anywhere in the landscape irrespective of whether it has been identified as a connectivity area for a priority habitat or not. Taking this approach ensures that the landscape as a whole can remain permeable for our flora and fauna and resistant to both local and global impacts For full technical details on the principles of HCOs and mechanisms for delivery see Appendix G.

The habitat connectivity opportunity areas identify the key areas where the creation of new habitat is best prioritised to benefit habitat connectivity within the landscape. Targeting additional habitat creation in this way will have the greatest impact on both availability and connectivity of habitat within the landscape as it builds upon areas which already possess some good quality habitats but by increasing their size, quality, coverage and connectivity within the landscape will enable those habitats to become more functional.

The way that the opportunity areas are generated means that habitat opportunities are not mutually exclusive of one another i.e. there can be overlapping areas for multiple habitat types; for instance an area defined as an opportunity for woodland enhancement may also provide a good opportunity for improving grassland and wetland habitat enhancement and connectivity. The on-site prioritisation of what habitat to create where must therefore rely upon both the opportunity areas as well as local ecological expert knowledge so as not to risk either damaging connectivity or destroying existing good quality habitats.

# 10. Next Steps

## 10.1 Habitat connectivity bottlenecks

Bottlenecks highlight the areas of habitat which have the highest 'strain' in terms of supporting connectivity within the nature recovery network. These areas are where there is a high flow of species through an area with relatively few links and over a long distance (i.e. a very concentrated flow of species movement squeezing through a very small area of habitat and being forced to jump large distances between patches of suitable habitat). Producing detailed guidance in how this can best be addressed will enable informed focused positive impacts that directly reduce strain on the habitat connectivity network.

Bottlenecks can be used to determine the optimal locations to create and restore habitats to benefit connectivity and reduce 'strain' on the habitat network. Creating, enhancing and restoring habitat in these locations will not only benefit by reducing strain on the network but also reduces the risk or likelihood of losing what may be an important link in a habitat connectivity network which is already under pressure.

## 10.2 How the strategic mapping will evolve over time

As discussed previously, the opportunity map is not static and as physical habitats change on the ground and are subsequently mapped and monitored the map itself will evolve with these updates (Appendix J). It must be stressed that the opportunity areas themselves are where work to enhance habitats is focussed as this is where the opportunity to get the greatest benefits lies, the following example purely illustrates how the process of habitat improvement over time can influence changes in the map itself.

# 11. In Conclusion

The analysis and opportunity areas mapped within the new nature recovery network are much more fine scale and are based around a more robust defensible methodology that can more clearly deliver against NPPF and PPG objectives, as well as those likely to emerge as outlined in the Environment Bill (House of Commons, 2019).



## 12. Glossary

<b>Term</b>	<b>Definition</b>
<b>Biodiversity Action Plan/ UK Biodiversity Action Plan</b>	A biodiversity action plan (BAP) is an internationally recognized program addressing threatened species and habitats and is designed to protect and restore biological systems. The original impetus for these plans derives from the 1992 Convention on Biological Diversity (CBD). The UK Biodiversity Action Plan (UK BAP) was published in 1994, and was the UK Government's response to the Convention on Biological Diversity (CBD).
<b>Geographic Information System (GIS)</b>	A computer system for capturing, storing, checking, and displaying data related to positions on Earth's surface. By relating seemingly unrelated data, GIS can help individuals and organizations better understand spatial patterns and relationships.
<b>Light Detection And Ranging (LiDAR) imagery</b>	Remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth to create a digital topography elevation map.
<b>Local Wildlife Site (LWS)</b>	Local Wildlife Sites are areas with locally significant nature conservation value. They come in all shapes and sizes, from small wildflower meadows and secluded ponds to ancient woodlands. Most are owned by private individuals.
<b>Natural capital</b>	Natural capital can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things.
<b>Nature conservation site</b>	This is a blanket term is used to describe all sites which have a land use designation relevant to nature conservation or are managed in the interests of nature conservation and wildlife for example, Local Wildlife Sites, SSSI or Nature reserves.
<b>Non-statutory nature conservation site</b>	Non-statutory sites (specifically LWS) receive some protection from development via local planning documents which recognise the need to protect and enhance designated sites and those of interest without a statutory designation.
<b>Site of Special Scientific Interest (SSSI)</b>	Sites of Special Scientific Interest are areas of very high nature conservation value which are legally protected nationally, these sites are normally the best remaining examples of natural habitats and may also have an international designation e.g. Special Area of Conservation (SAC).
<b>Statutory nature conservation site</b>	A site with a designation which is upheld and protected by law e.g. SSSI or SAC
<b>Sustainable Drainage Systems (SuDS)</b>	Sustainable drainage systems (SuDS) are a technical solution to addressing issues that arise with the increasing problem of excess surface water. Originally used in urban areas, they are now used for some roads and towns in rural areas.

	SuDS are always site specific, and require bespoke design that take into account the underlying hydrology, functional purposes of the area, and the present and future needs of people using the area.
<b>White space</b>	Areas of a map which have no information, i.e. gaps in a dataset.

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# 14. Appendices

Appendix A – Breakdown of Habitat Composite Region (including new habitat data created as part of the brief)

<b>Less than N years old</b>	<b>Data collection method</b>	<b>Cumulative Area (ha)</b>	<b>% of LA area</b>
<b>5 years</b>	Desk based	1016	12.9%
	Ground Truthed Survey	55	0.7%
	<b>Total</b>	<b>1071</b>	<b>13.6%</b>
<b>10 years</b>	Desk based	1016	12.9%
	Ground Truthed Survey	73	0.9%
	<b>Total</b>	<b>1089</b>	<b>13.8%</b>
<b>15 years</b>	Desk based	1016	12.9%
	Ground Truthed Survey	2456	31.2%
	<b>Total</b>	<b>3853</b>	<b>49.0%</b>
<b>20 years</b>	Desk based	2155	27.4%
	Ground Truthed Survey	4848	61.6%
	<b>Total</b>	<b>7003</b>	<b>89.1%</b>
<b>25 years</b>	Desk based	2155	27.4%
	Ground Truthed Survey	4848	61.6%
	<b>Total</b>	<b>7003</b>	<b>89.1%</b>
<b>40 years (Upper age limit of available habitat data)</b>	Desk based	2155	27.4%
	Ground Truthed Survey	4960	63.1%
	<b>Total</b>	<b>7116</b>	<b>90.5%</b>
<b>unknown age</b>	Desk based	0	0.0%
	Ground Truthed Survey	0	0.0%
	<b>Total</b>	<b>0</b>	<b>0.0%</b>

Appendix B – GIS datasets used in the generation of the NRN mapping for Tamworth Borough

<b>Dataset</b>	<b>Used in</b>	<b>Justification</b>	<b>Limitations</b>
<b>Habitat Composite Region (including newly mapped areas as part of brief)</b>	Strategic areas mapping. Habitat distinctiveness mapping	Provides complete coverage of the District	Wide range of ages and sources (See Appendix 2) which may limit accuracy.
<b>OS MasterMap</b>	Creation of new habitat polygons for Part A of the brief – Phase 1 study.	Spatial information for each field parcel, house garden etc.	No 'habitat' data within the background table data.
<b>Land Classification data</b>	Defining 'Pasture and Arable' and 'Urban' areas in the Habitat Connectivity Opportunity areas.	Quickly and easily define 'habitat' for large areas of land.	Very broad scale areas, covering multiple fields etc.
<b>Functional Ecological Units</b>	Habitat Connectivity Opportunity mapping	Only current dataset which reflects the overall areas of influence for Meres and Mosses in Staffordshire.	
<b>Species Data (Protected Notable BAP etc.) from Staffordshire Ecological Record (SER)</b>	Provide detail of species presence in the Habitat Connectivity Opportunity mapping.	Most complete and up-to-date database of species records in the county.	Not a consistent survey – may be some species present which are missed.
<b>Natural Englands Priority Habitat Inventories</b>	Strategic Areas mapping, Habitat distinctiveness mapping, Habitat Connectivity Opportunity mapping	Identification of key habitat sites within the landscape to be conserved and connected. High value sites within the Habitat distinctiveness mapping.	
<b>Local Wildlife Sites (LWS)</b>	Strategic Areas mapping, Habitat distinctiveness mapping, Habitat Connectivity Opportunity mapping	Identification of key habitat sites within the landscape to be conserved and connected. High value sites within the Habitat distinctiveness mapping.	
<b>Statutory sites maps (SSSI, SAC, RAMSAR etc.)</b>	Strategic Areas mapping, Habitat distinctiveness mapping, Habitat Connectivity Opportunity mapping	Identification of key habitat sites within the landscape to be conserved and connected. High value sites within the Habitat distinctiveness mapping.	

<b>British Geological Survey (BGS) Soil Property Data WMS</b>	Habitat Connectivity Opportunity mapping	Scrutiny of modelling output of Condatis for production of Habitat Connectivity Opportunity Areas ensuring that HCO is within the relevant soil type for that habitat based on the where habitats already exist on that soil type.	
<b>Natural England National Character Areas (NCA)</b>	Strategic Areas mapping, Habitat distinctiveness mapping, Habitat Connectivity Opportunity mapping	To ensure that the identified network aligns with national priorities for species, habitats and landscape.	
<b>Staffordshire Biodiversity Action Plan (SBAP) Ecosystem Action Plan Areas (EAPS)</b>	Habitat Connectivity Opportunity mapping	Ratification that the new Habitat Connectivity Opportunity areas are based on what has been identified as a priority in the SBAP.	

Appendix C – Evidence base confidence review (table supplied as a digital Appendix)

Staffordshire Wildlife Trust (SWT)/Staffordshire Ecological Record (SER) hold and manage a large quantity of the county's primary ecological data which is a key factor in being able to establish a robust evidence base for any strategic environmental work. It is critical that a thorough investigation of the available datasets both in-house and those available either through Open Government Licences, a Creative Commons open licence or via a paid licence subscription to ensure that we are using the best possible datasets in the creation of the NRN.

Desirability and reliability values were scored out of 10, a list of positive and negative indicators were used to define the values for each dataset. The desirability and reliability figures were then multiplied together to give the overall 'confidence' rating which is scored out of 100, the higher the score the higher the 'confidence' of the dataset contributing to a meaningful evidence base. It must however be noted that the dataset confidence ratings are only accurate to the time that they were produced, as new datasets become available and the existing datasets are updated the confidence ratings will alter to reflect any relevant changes. The inventory therefore must be kept up to date and reviewed prior to starting any future large scale projects to ensure that the best evidence base is being used.



Appendix D – Breakdown of habitats and sites included in the habitat distinctiveness mapping bands

<b>Distinctiveness Band</b>	<b>Habitats included within the band</b>	<b>Action (in order of preference)</b>
<b>Very High</b>	<ul style="list-style-type: none"> <li>• Irreplaceable habitats (e.g. ancient woodland)</li> <li>• International, national or regional value species populations.</li> <li>• Priority habitats as defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act that are highly threatened, internationally scarce and require conservation action e.g. blanket bog</li> </ul>	Avoid loss, Enhance, Link, Create new habitat adjacent (expand existing habitat)
<b>High</b>	<ul style="list-style-type: none"> <li>• County and District value</li> <li>• Habitats known to support county and District value species populations. e.g. all rivers and good quality streams.</li> <li>• Priority habitats as defined in Section 41 of the NERC Act requiring conservation action e.g. lowland fens</li> </ul>	Avoid loss, mitigate loss, last resort compensate loss. Enhance, link and create new habitat.
<b>Medium</b>	<ul style="list-style-type: none"> <li>• Local Value</li> <li>• Habitats of Principal Importance and Staffordshire Biodiversity Action Plan (SBAP) habitats that don't meet LSW criteria, semi-natural habitats that act as corridors and stepping stones, arable land which is in a relevant stewardship agreement or organic status.</li> <li>• Local Value species populations.</li> <li>• E.g. hedges, ponds, copses and low quality woodland, rough grassland, ruderal vegetation, degraded watercourses/ditches. Habitats known to support priority species. Buildings with protected species presence that aren't high value.</li> <li>• Semi-natural vegetation not classed as a priority habitat e.g. hazel scrub</li> </ul>	Mitigate loss, compensate loss. Enhance, link and create new habitat.
<b>Low</b>	<ul style="list-style-type: none"> <li>• Site Value</li> <li>• Intensive arable, improved and amenity grassland, manicured landscaping, isolated poor semi-natural habitat.</li> <li>• Semi-natural or modified vegetation not classed as a priority habitat and of lower relative value to most wildlife e.g. Temporary grass and clover ley; intensive orchard; rhododendron scrub</li> </ul>	Compensate large losses. Enhance, link and create new habitat.
<b>Very Low</b>	<ul style="list-style-type: none"> <li>• Buildings (unless supporting protected/priority species), hard standing, roads, regularly disturbed bare ground.</li> <li>• Habitats and land cover of little or no value to wildlife e.g. Developed land sealed surface</li> </ul>	Create new habitat where connectivity exists or functional size is achievable.

## Appendix E – Strategic Habitat Areas detailed methodology

The mapping works by assessing the proportion of broad habitats e.g. woodland, grassland, heathland etc. within an area to determine whether these are 'strategic', 'semi-strategic' or 'non-strategic'

100 x 100 metre grid cells were classified based on the principle that if 20% or more of that square has, for instance woodland habitat within it then it is considered to function ecologically (species associated with that habitat are able to move freely within this square). Based on the above, classification of 100m squares are defined as:

- Strategic: between 5-20% of the 100m cell is covered by a habitat e.g. woodland/grassland. Priority as this requires further habitat to reach the 20% threshold to be considered 'ecologically functional' for that specific habitat.
- Semi-strategic: 20% or greater specific habitat in the 100m cell. Already meets the 20% threshold to be considered 'ecologically functional' but the creation of further habitat will strengthen ability for species to be able to exist and move through this square.
- Non-strategic: less than 5% of the 100m cell is covered by a specific habitat making it too onerous to bring the amount of habitat to meet the 20% threshold, it is therefore not a priority area to target biodiversity compensation.

Strategic area mapping is carried out on a per habitat basis, e.g. a strategic areas map is produced for each habitat analysed, however an overall strategic areas map has been produced based on the combination of all the habitats analysed as part of the strategic mapping exercise (map 2). In the production of map 2 the parameters have been adjusted to swap the criteria for strategic and semi-strategic areas e.g. anything with over 20% habitat coverage is now considered strategic. By altering the methodology in this way it is possible to create a coarse overall 'connectivity map' by highlighting the areas with highest combined overall habitat availability and connectivity as opposed to those areas where it is best to create habitats.

As only higher quality habitats are assessed through this analysis (e.g. species rich grassland) and lower quality habitats are not included (table F1) (e.g. improved grassland or poor semi-improved grassland) as they do not adequately contribute to the network as they cannot support the same level of species diversity as higher quality habitats and therefore would not be able to support this diversity. This is not to say that these habitats do not contribute to the network in some way but are not presently of a high enough biodiversity value to act as a potential source site for biodiversity or to support species typical of that habitat indefinitely.

It is important to note that updating the strategic area maps over time requires up-to-date mapping data which should be sent to the Local Environmental Records Centre (LERC) when available in a suitable format to incorporate into the Nature Recovery Network Mapping.

Table E1 – Habitat types included in the assessment of strategic habitat areas (habitats without an 'X' in a relevant habitat column were not used in the assessment).

Habitat survey type	HABCODE	Habitat description	Woodland	Wetland	Grassland	Heathland
UKBAP	CF1	Coastal floodplain grazing marsh		X	X	
UKBAP	WW	Wet Woodland (Where identified)	X	X		
Phase 1	A111	Broad-leaved semi-natural woodland	X			
Phase 1	A112	Broad-leaved plantation	X			
Phase 1	A121	Coniferous semi-natural woodland	X			
Phase 1	A122	Coniferous plantation	X			
Phase 1	A131	Mixed semi-natural woodland	X			
Phase 1	A132	Mixed plantation	X			
Phase 1	A21	Dense continuous scrub	X			
Phase 1	A22	Scattered scrub	X		X	
Phase 1	A31	Broad-leaved parkland/scattered trees	X		X	
Phase 1	A32	Coniferous parkland/scattered trees	X		X	
Phase 1	A4	Recently felled woodland				
Phase 1	A5	Orchard	X		X	
Phase 1	B11	Unimproved acidic grassland			X	
Phase 1	B12	Semi-improved acidic grassland			X	
Phase 1	B21	Unimproved neutral grassland			X	
Phase 1	B22	Semi-improved neutral grassland			X	
Phase 1	B31	Unimproved calcareous grassland			X	
Phase 1	B32	Semi-improved calcareous grassland			X	
Phase 1	B4	Improved grassland				
Phase 1	B5	Marsh/marshy grassland		X	X	
Phase 1	B6	poor semi-improved grassland				
Phase 1	C11	Continuous bracken				
Phase 1	C31	Tall ruderal			X	
Phase 1	C32	Non-ruderal				
Phase 1	D11	Acid Dry dwarf shrub heath				X
Phase 1	D2	Wet dwarf shrub heath				X
Phase 1	D3	Lichen/bryophyte heath				X
Phase 1	D4	Montane heath/dwarf herb				X
Phase 1	D5	Dry heath/acidic grassland mosaic			X	X
Phase 1	D6	wet heath/acid grassland mosaic				X
Phase 1	E11	Sphagnum Bog		X		
Phase 1	E2 (any)	Flush and Spring		X	X	
Phase 1	E3 (any)	Fen		X	X	
Phase 1	F (any)	Swamp, marginal and inundation		X		
Phase 1	G (any)	Open Water		X		
Phase 1	I21	Quarry				
Phase 1	I22	Spoil				

Phase 1	I24	Refuse tip				
Phase 1	J11	Arable				
Phase 1	J112	Allotments				
Phase 1	J113	Set-aside (field margins)			X	
Phase 1	J12	Amenity grassland				
Phase 1	J13	Ephemeral/short perennial				
NVC	A (Any)	Aquatic Communities	X			
NVC	CG02	<i>Festuca ovina</i> – <i>Avenula pratensis</i> grassland			X	
NVC	CG03	<i>Bromus erectus</i> grassland			X	
NVC	CG07	<i>Festuca ovina</i> – <i>Hieracium pilosella</i> – <i>Thymus praecox/pulegioides</i> grassland			X	
NVC	H08	<i>Calluna vulgaris</i> – <i>Ulex gallii</i> heath				X
NVC	H09	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath				X
NVC	H09/MG10	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath / <i>Holcus lanatus</i> – <i>Juncus effusus</i> rush-pasture	X	X	X	
NVC	H09/U05	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath / <i>Nardus stricta</i> – <i>Galium saxatile</i> grassland			X	X
NVC	H09/U2	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath / <i>Deschampsia flexuosa</i> agrassland			X	X
NVC	H09a	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath				X
NVC	H09b	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath				X
NVC	H09c	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath				X
NVC	H09e	<i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i> heath				X
NVC	H12	<i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> heath				X
NVC	H12a	<i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> heath				X
NVC	H12c	<i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> heath				X
NVC	M22	<i>Juncus subnodulosus</i> – <i>Cirsium palustre</i> fen-meadow	X			
NVC	M23	<i>Juncus effusus/acutiflorus</i> – <i>Galium palustre</i> rush-pasture	X			
NVC	M24	<i>Molinia caerulea</i> – <i>Cirsium dissectum</i> fen-meadow	X			
NVC	M25	<i>Molinia caerulea</i> – <i>Potentilla erecta</i> mire	X			
NVC	M26	<i>Molinia caerulea</i> – <i>Crepis paludosa</i> mire	X			
NVC	MG04	<i>Alopecurus pratensis</i> – <i>Sanguisorba officinalis</i> grassland			X	
NVC	MG05	<i>Cynosurus cristatus</i> – <i>Centaurea nigra</i> grassland			X	
NVC	MG08	<i>Cynosurus cristatus</i> – <i>Caltha palustris</i> grassland			X	
NVC	MG09	<i>Holcus lanatus</i> – <i>Deschampsia cespitosa</i> grassland			X	
NVC	MG10	<i>Holcus lanatus</i> – <i>Juncus effusus</i> rush-pasture	X	X		
NVC	S (Any)	Salt-marsh communities	X			
NVC	U01	<i>Festuca ovina</i> – <i>Agrostis capillaris</i> – <i>Rumex acetosella</i> grassland			X	
NVC	U02	<i>Deschampsia flexuosa</i> grassland			X	
NVC	U03	<i>Agrostis curtisii</i> grassland			X	
NVC	U04	<i>Festuca ovina</i> – <i>Agrostis capillaris</i> – <i>Galium saxatile</i> grassland			X	
NVC	W (any)	Woodlands and Scrub	X			

Appendix F – Condatis software technical methodology.

Condatis works by modelling a landscape of habitats as if it were an electrical circuit. A circuit board consists of a number of wires joining up resistors in combinations. When a voltage is applied to the board at one end, the current will pass through the board to the other end but the amount of current passing through each wire will vary according to the resistances it meets through each pathway. Condatis considers a landscape as analogous to a circuit board, with a source population of species being considered the voltage, the links between habitat useable by these species being the resistors, and the flow of species colonising the available habitat across those links being considered the current. Condatis is able to measure the flow of a hypothetical species across a landscape based on the availability of a distinct habitat category e.g. woodland or grassland.

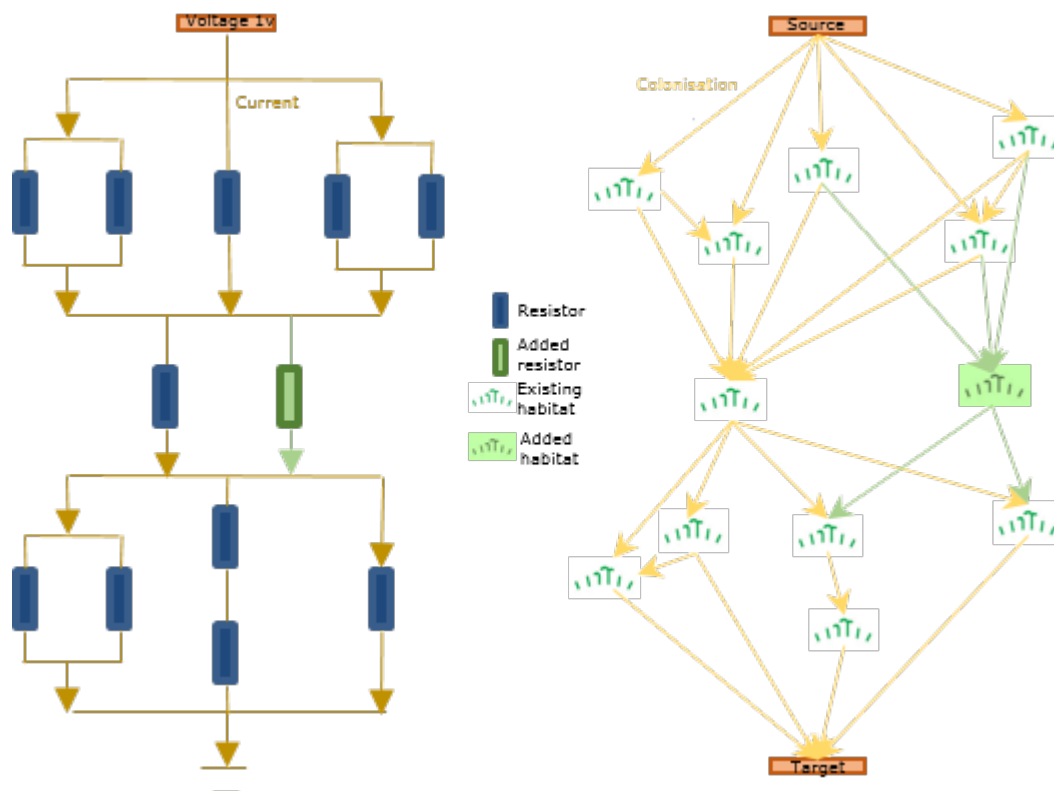


Image 1 Electrical circuit on the left and comparable stylised habitat map on the right. Green represents adding a resistor or additional habitat to each to increase the number of pathways available and therefore improve the flow. Image available at: <http://wordpress.condatis.org.uk/>

Habitat source and target locations are specified: the source either representing a nominal population of species or an actual population (in this case a nominal population was used), the target representing an area for eventual colonisation. The direction of travel is defined by the placement of source and target and will depend on the purpose of study. For instance, if looking at likely species movement due to climate change, a south to north or lowland to upland direction might be required. A South-north orientation was chosen for the source and target to reflect the likely species movement change in response to climate change. Condatis looks at how the habitat in between the source and target could contribute to the species progress over multiple generations, so it is not designed to look in detail at individual patch-to-patch movements.

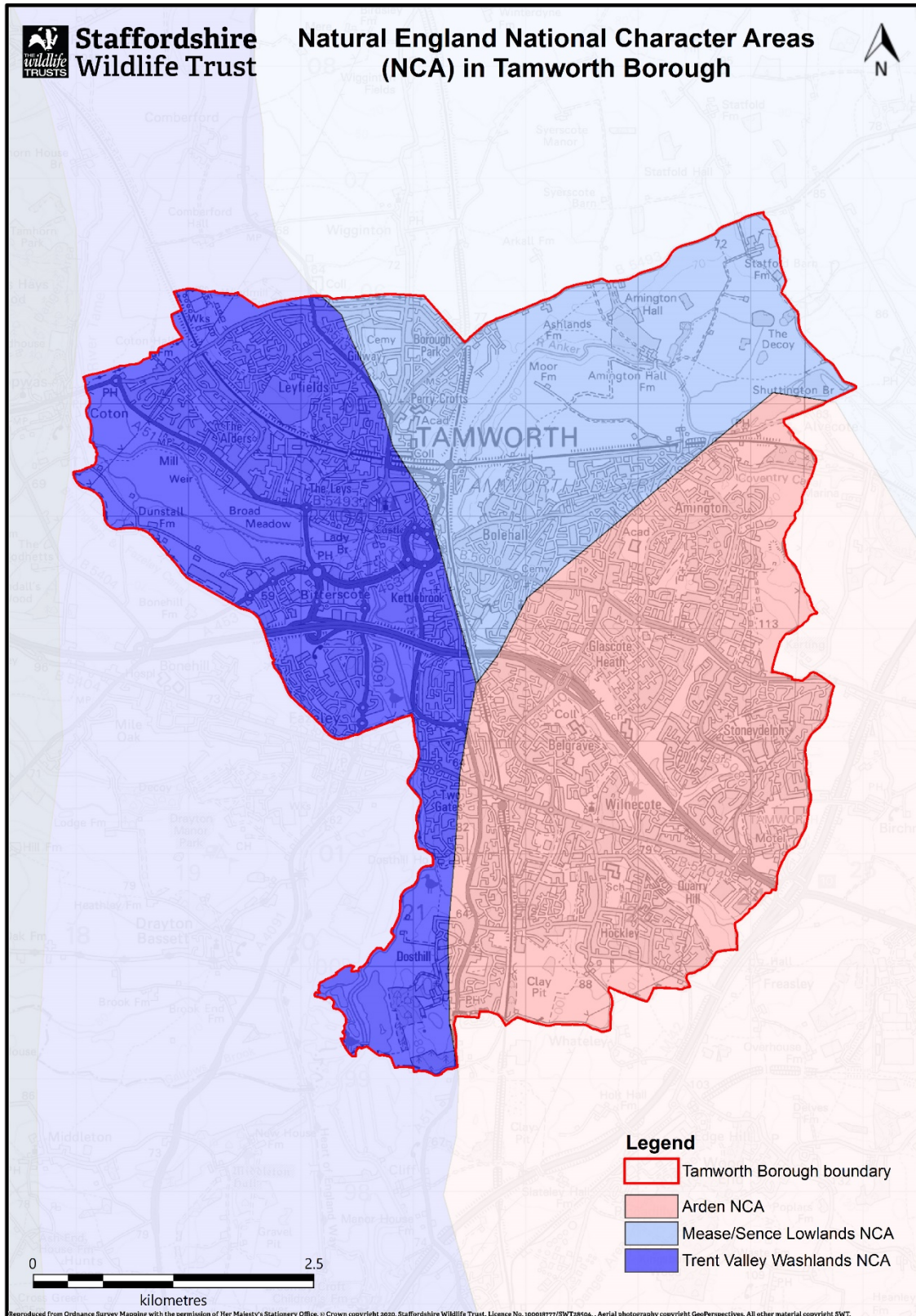
By using Condatis to output the relative flow of a species through the landscape for a given habitat type it is possible to more accurately define where wildlife corridors exist and where they could be improved.

Appendix G – Habitat Connectivity Opportunity areas (HCO) technical details, principles and mechanisms for delivery.

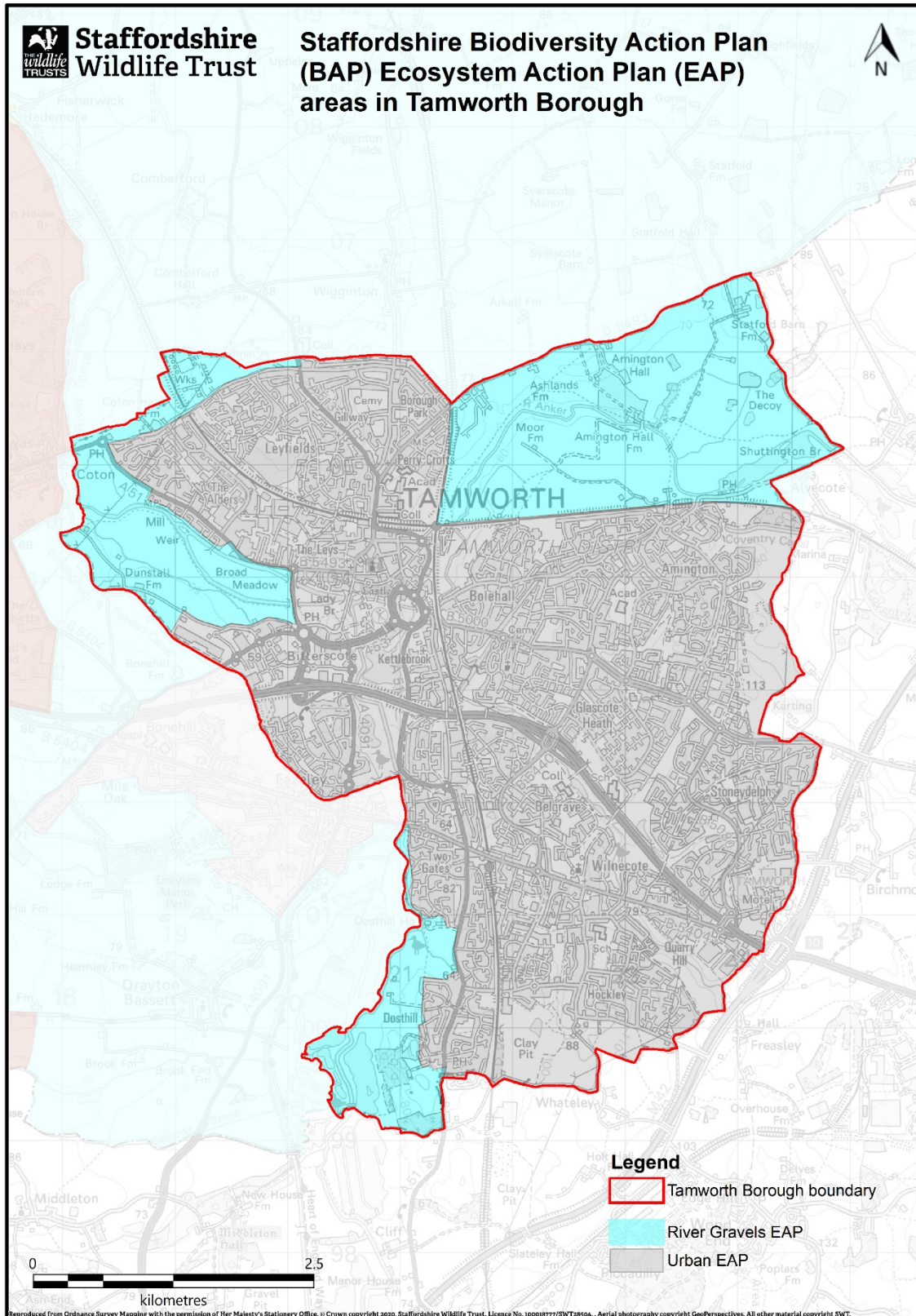
- The mapping takes into account existing local wildlife-rich habitats and existing ecological networks as well as local national and internationally designated nature conservation sites.
- The aim of the HCO areas is not to replace large areas of farmed land; we must continue to rely on working with farmers and landowners to manage existing habitats and create areas of new habitat.
- Developments whose primary objective is to conserve or enhance biodiversity particularly those which are aligned with the opportunity areas should be supported, and opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this benefits overall biodiversity and habitat connectivity for example the creation of species rich grassland within the grassland opportunity area.
- When delivering against the mapping, care should be taken to ensure that the best possible habitat for that area is being created; it may be tempting for example where an area is both within a connectivity zone for woodland and grassland to plant large tracts of woodlands as this is easiest and most cost effective when in fact this may in some cases result in the loss of important habitats whereas species rich grassland enhancement would be both more beneficial and provides better outcomes for habitat connectivity.
- The main aims are to ensure adequate habitats are large enough to resist harmful effects, and are well-enough connected to ensure that species are able to move around and sustain populations. Harmful effects may be localised, e.g. flooding or be much more far-reaching for example climate change. The need for more, bigger, better and joined up habitats is explained in detail in Lawton et al. (2010).
- The opportunity areas reflect and refine the work of the Staffordshire Biodiversity Action Plan Ecosystem Action Plan areas (Appendix 11) by using finer detail data to pick out more targeted conservation areas.
- The habitat connectivity opportunity areas were cross-referenced against previously mapped biodiversity opportunity zones in the District. The habitat connectivity opportunity areas are more refined than the previously mapped opportunity zones but do reflect similarities within the landscape.
- Habitat creation and restoration should take into account landscape considerations, geology and the historic environment. Particular care will be required where intensive methods are required, such as topsoil stripping / deep ploughing, or where the effect, such as woodland planting is likely to be visible from settlements or rights of way.

- Habitat creation or restoration may create opportunities too, for example screening unsightly features, creating geological exposures or helping conserve historic features.
- Regular updates of the maps are required to reflect any changes in mapped habitats as a result of physical habitat changes on the ground.



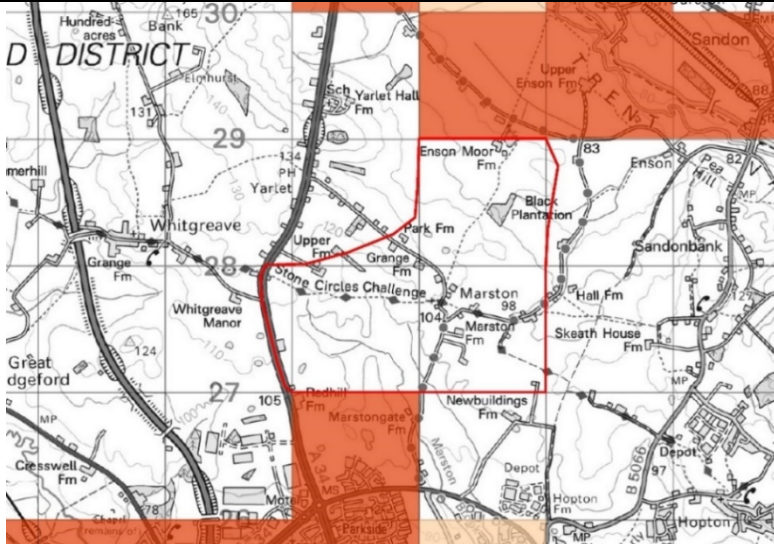


Appendix I – Staffordshire Biodiversity Action Plan (SBAP) Ecosystem Action Plan Areas (EAPs) within Tamworth Borough (2021)

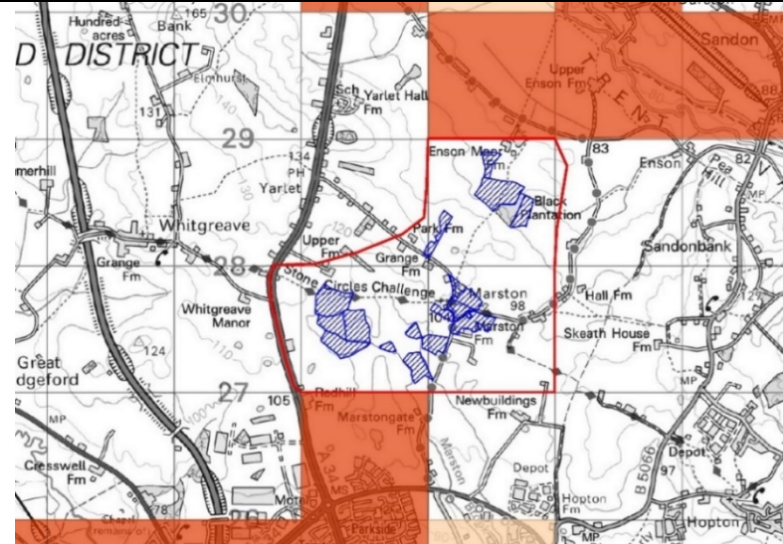


Appendix J – Example of how the strategic habitat areas map will evolve over time.

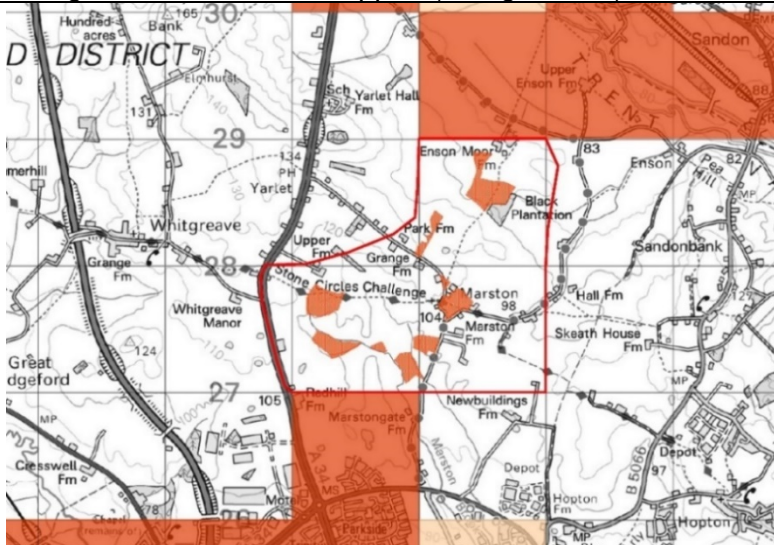
**1:** A small gap is identified between opportunity areas for grassland (Orange shaded squares denote the opportunity area).



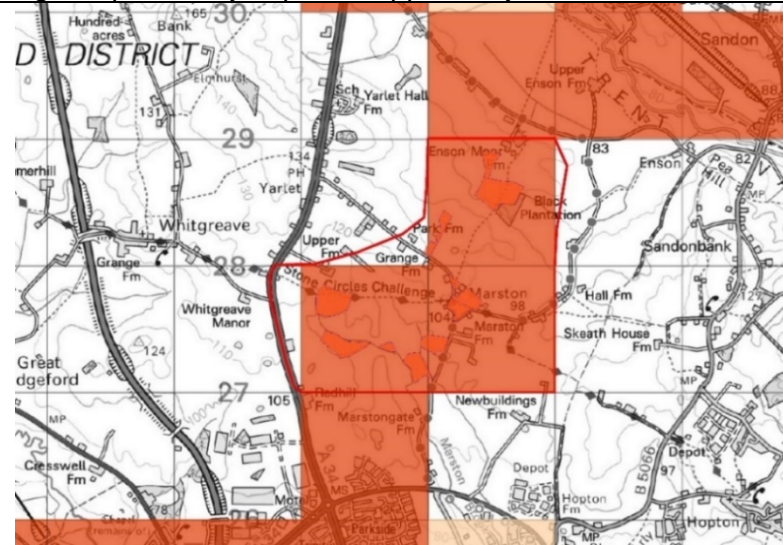
**2:** Broad scale aspirations for the creation, restoration or enhancement of species-rich grassland are identified (blue areas).



**3:** In time some of the aspirations are realised, leading to enhanced grassland habitat, changes monitored and mapped (orange areas).



**4:** The newly mapped habitat data has now influenced the opportunity area connecting two previously separate opportunity areas.



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Cabinet

30 November 2023

Council

12 December 2023

## Report of the Portfolio Holder for Operations and Finance

### Local Council Tax Reduction Scheme 2024/25

#### Exempt Information

Not applicable.

#### Purpose

The purpose of this report is to recommend that Cabinet and Council approves the implementation of a revised Council Tax Reduction scheme with effect from the 1 April 2024.

#### Recommendations

1. To approve the introduction of a new income banded/grid scheme for working age applicants with effect from 1 April 2024 to reduce the administrative burden placed on the Council by the introduction of Universal Credit and to increase the overall level of support for the lowest income families.

#### Executive Summary

Each year the Council is required to review its Council Tax Reduction Scheme in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.

Council Tax Reduction (CTR) was introduced from 1 April 2013 when it replaced the Central Government funded Council Tax Benefit regime. From its inception, the funding available to the Council from Government has reduced year on year. Since that time, funding for CTR has been amalgamated into other Central Government grants paid to Local Authorities and also within the Business Rates Retention regime. It is now generally accepted that it is not possible to identify the amount of funding actually provided from Central Government sources.

It is now essential that the Council makes changes to the CTR scheme for working age applicants in order to reduce the significant administrative burden placed on the Council by the introduction of Universal Credit and also to provide a scheme which is more supportive to those households on the lowest incomes.

The changes proposed affect only applicants who are of a working age and the scheme for pension age applicants is not affected in any way. The rules for all pension age applicants are prescribed by Central Government. Pensioners, subject to their income, can receive up to 100 per cent support towards their Council Tax. The Council has no power to change the level of support provided to pensioners and therefore any changes to the level of CTR can only be made to the working age scheme.

When Council Tax Reduction was introduced in 2013 for working applicants the Council broadly adopted the previous means tested Council Tax Benefit scheme as the basis of awarding support. Due to the reduction in funding from Central Government the Council required most working age applicants to make a minimum payment of 25%. Where the

applicant is in receipt of Severe Disability Premium, War Widows Pension, War Disablement Pension, Armed Forces Compensation Scheme or Disabled Child Premium then up to 100% can be granted.

Since that time only slight changes have been made to bring the scheme in line with either Housing Benefit or Universal Credit. These have been relatively minor, and a more fundamental change is now required.

**Options Considered**

The alternative to introducing a new scheme for Council Tax Reduction from 2024/25 is to leave the existing scheme in place. This would be a short-term option leading to a continuation of increasing costs of administration and in the longer term would significantly affect the collection of Council Tax and the effectiveness of the scheme to support households within the Councils area.

A full consultation has been undertaken in line with the statutory requirements. Each of the major preceptors has been asked for their input and their responses were positive.

An analysis of the public consultation is included within Appendix A and it should be noted that consultees overwhelmingly agreed with all of the proposed changes to the scheme.

**Resource Implications**

The recommended scheme will provide a modern, more efficient scheme which will be more straightforward for staff to administer.

The current scheme costs £4.8m which is borne by the Council’s Collection Fund, Costs are shared between the Council and the Major Precepting Authorities in the following proportions. The cost to the Council for implementing a banding scheme have been factored into the Medium-Term Financial Plan.

- Borough Council (10%);
- County Council (73%);
- Police and Crime Commissioner (13%);
- Fire and Rescue Service (4%);

Whilst the approach and “shape” of the scheme is changing, the overall intention will be to provide additional support to those households on the very lowest incomes.

Were the new scheme to be in place the costs would be £5.6m.

Financial modelling will continue to be undertaken throughout the remainder of the current financial year.

Whilst the expected costs of the scheme for 2024/25 will be slightly higher the overall level of Council Tax Reduction as a proportion of the Council Tax Base has reduced year on year since 2013 as shown below. The proposed changes for 2024/25 would still represent a significant reduction in the proportion of costs in real terms compared to the original Council Tax Reduction level.

**Table 1**

Financial Year	2013 £m	2014 £m	2015 £m	2016 £m	2017 £m	2018 £m	2019 £m	2020 £m	2021 £m	2022 £m	Reduction since 2013

Gross Liability	£34.08	£34.3	£34.9	£36.1	£37.8	£40.3	£42.4	£44.8	£47.7	£49.8	
CTR	£4.4	£4.2	£4.0	£3.9	£3.9	£4.0	£4.1	£4.1	£4.7	£4.7	
%age	13%	12.2%	11.5%	10.8%	10.3%	9.9%	9.7%	9.2%	9.8%	9.4%	-27.7%

**Table 2**

Financial Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	% increase /decrease since 2013
Tax Base (Band D)	28,756	29,150	29,199	29,333	29,340	29,614	29,776	30,203	30,645	30,808	7.1%
CTR (Band D)	4,284	4,057	3,848	3,702	3,517	3,388	3,314	3,489	3,444	3,326	-22.4%
%age	14.8%	13.9%	13.1%	12.6%	11.9%	11.4%	11.1%	11.5%	11.2%	10.8%	

Table 3 below also provides details of the collection rate for working age cases and it can be clearly seen that the reduced level of support provided is inevitably leading to a reduction in the in-year collection rate. This is primarily due to the need for even the poorest families being required to make a minimum payment and the resulting increase in the level of arrears. In most cases the sums outstanding now are far more than their ability to pay.

**Table 3**

Year	In year collection rate (all)	In year collection rate (CTR only)
2013/14	97.6%	83.9%
2014/15	97.7%	84.5%
2015/16	97.9%	85.6%
2016/17	98.0%	85.3%
2017/18	98.1%	85.6%
2018/19	97.9%	84.2%
2019/20	97.9%	83.3%
2020/21	97.4%	87.1%
2021/22	97.5%	85.5%
2022/23	76.4%	67.9%

The Authority budgets for an in-year collection rate of 97.9%. The overall collection rate including previous years arrears is 99%. It is estimated that this generates an additional £500k in revenue for the authority and its precepts. In addition, uncollectable Local Council Tax Reduction cases are written off for each financial year at approximately £50k.

It should be noted that the collection of court costs will be reduced as many of these types of cases will no longer be progressing. This will mean there will be a reduction in court costs raised. It is difficult to estimate the potential cost at present however a prudent estimate would be in the region of £50k per annum.

Savings in postage costs are expected due to reducing the amount of Council Tax Reduction notifications and Council Tax documentation. This is anticipated to be £10k per annum.

Caseload and staffing required for Revenues and Benefits will be analysed and it is anticipated that reductions will be made if efficiencies cannot be made to generate additional revenue. In terms of Benefits this will be dependant in terms of the grant funding we receive to provide the service to our residents who are most in need of our help. However, it is anticipated that in the first instance savings will be made with the introduction of this scheme through natural wastage of £28k per annum.

		<b>£000</b>	
Expected additional cost LCTR		800	
Less amount collected in excess of budget		-500	(Budgeted at 97.9%, actual collection rate in excess of 99%) £0.5m is still lost income which would previously have been distributed as part of the collection fund surplus.
Impact on preceptors		<b>300</b>	(to budget at 99% in future)
TBC impact @ 10%		30	
Reduction in court cost income		50	
Saving in TBC postage		-10	
Saving in TBC staff cost		-28	
Total TBC Budget Impact		<b>42</b>	

### **Legal/Risk Implications Background**

Schedule 1A (3) of the Local Government Finance Act 1992, states that before making a scheme, the authority must:

- consult any major precepting authority which has power to issue a precept to it,
- publish a draft scheme in such manner as it thinks fit, and
- consult such other persons as it considers are likely to have an interest in the operation of the scheme.

In addition, in order to set a new scheme, the Council is obliged to make a resolution by 11<sup>th</sup> March of the year prior to the scheme coming into place.

### **Equalities Implications**

The move to a new scheme will either have a neutral or positive effect on majority of working age claimants. From modelling 3,203 applicants will receive the same or more support than under the previous scheme.

As with all changes however there will be up to 329 applicants who may receive less support than previously. 130 of these claims do not currently pay but will be required to pay something from April 2024. 199 claimants who currently pay will be required to pay more under the new scheme. There will be transitional protection provided to large losers in the first year of the scheme to lessen the initial effects of these changes. In all of those cases further support will be available through the Councils Exceptional Hardship Fund.

A full Equality Impact Assessment is attached within Appendix B.

### **Environment and Sustainability Implications (including climate change)**

Funding for the replacement of the previous Council Tax Benefit Scheme was changed from an unrestricted reimbursement of Council Tax Benefit Subsidy to a restricted, pre-allocated grant figure – which has subsequently been reduced year on year as part of the austerity measures. The Council must be aware that there must be an additional cost to itself and its Precepts should this scheme be implemented.

### **Background Information**



## **The main issues with the current scheme**

There are a number of issues with the current scheme that will need addressing if the system is to continue to provide effective support to low-income taxpayers and also if the Council is able to provide the service in an efficient manner. The main issues are as follows:

- The need to increase the support available to low income households;
- The overall collection of Council Tax;
- The introduction of Universal Credit for working age applicants; and
- The need for a much needed simplification of the scheme.

Each of the above are examined in detail.

## **The need to assist low income households and assist in the collection of Council Tax**

Since 2013, the introduction of Council Tax Reduction, the majority of authorities, including the Council have required all working age applicants to pay a minimum payment. In the case of Tamworth this was set as 25% for most of a working age. Under the previous scheme (Council Tax Benefit) almost 75% of working age applicants would not have been required to pay any Council Tax and would have received full (100%) support.

There is a strong view within a large number of authorities that there should be an increase in the level of support to those households on the lowest incomes. This view has gained momentum over the past few years but has been reinforced since the Covid-19 crisis and the cost of living crisis, both of which have had a major effect on incomes generally.

Whilst the principle of all working age households paying 'something' was initially thought to be an approach that would be central to the design of Council Tax Reduction, the reality is that, since its introduction, low-income taxpayers, the poorest households, have been unable to pay the balance leading to additional costs, court, and enforcement action and, in some cases, the amounts demanded have been written off as uncollectable.

The costs of administration of these cases by the Council has increased significantly over the years. These costs are borne solely by the Council. With the difficulties experienced, the relatively low level of payment and the high administration costs incurred, it no longer makes the amounts economically viable to collect. Notwithstanding the negative effects to those poorest households.

## **Council Tax Reduction and the roll out of Universal Credit**

The introduction of Universal Credit within the area has, as experienced in all other areas, brought a number of significant challenges to both the administration of Council Tax Reduction and also the collection of Council Tax generally. All Councils have experienced the following:

- The reluctance of Universal Credit claimants to make a prompt claim for Council Tax Reduction leading to a loss in entitlement;
- A high number of changes to Universal Credit cases are received from the Department for Work and Pensions requiring a change to Council Tax Reduction entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum. These changes result in amendments to Council Tax liability, the re-calculation of instalments, delays, and the demonstrable loss in collection; and
- The increased costs of administration through multiple changes with significant additional staff and staff time being needed.

It is clear that the existing means tested Council Tax Reduction scheme, which is too reactive to change, will not be viable in the longer term now that Universal Credit has been rolled out fully within the area and with the increase in Universal Credit claimants due to the

COVID-19 crisis and the managed migration from legacy benefits (to be completed by the end of 2024). The move to a new more efficient scheme from 2024/25 is now imperative.

### **The need for a simplified approach to the Council Tax Reduction Scheme**

Notwithstanding the introduction of Universal Credit, the existing scheme is based on an 'old fashioned;' means tested benefit scheme. It has major defects namely:

- It is complex for customers to understand and is based on a complex calculation of entitlement;
- The administration for staff is complex, with staff having to request significant amounts of information from applicants;
- Staff have to undergo significant training to be proficient in processing claims;
- The timescales for processing applications is lengthy, mainly due to the complexity and evidence required to support the applications; and
- The administration of the scheme is costly when compared to other discounts for Council Tax.

Clearly there is a need now to simplify the scheme, not only to mitigate the effects of Universal Credit, but also make it easier for customers to make a claim and to significantly reduce the costs of administration.

### **The recommended approach for the 2024/25 Council Tax Reduction Scheme**

In view of the problems being experienced with the current scheme it is recommended that a new approach be taken from 2024/25. The new approach fundamentally redesigns the scheme to address all the issues highlighted and in particular;

- (a) The level of support available to the poorest households;
- (b) The problems with the introduction of full-service Universal Credit; and
- (c) The significant increase in administration costs due to the high level of changes received in respect of Universal Credit;

The new scheme has been completed and a full consultation has been completed with the public and the major precepting authorities in line with legislative requirements.

The responses from major preceptors (County Council, Police and Fire were positive) and an analysis of the public consultation (which concluded on 8 October 2023) is attached within Appendix A.

It should be noted that the Council has received favourable responses to the new approach from major preceptors and in the case of the public consultation a majority positive response has been received in respect of all the changes proposed. (For information 72.73% were in favour of introducing the new scheme with 12.88% against and 14.39% stating no preference).

If the recommendations are accepted the new scheme will take effect from 1 April 2024.

The recommended new scheme has a number of key features as follows with some slight refinements from the original Corporate Scrutiny report submitted for consultation:

- More support shall be given to those households on the lowest of incomes than in the current scheme; and
- The current means - tested schemes will be replaced by a simple income grid model as shown below:

	Passported £	Single, no children £	Couples, no children £	Family with 1 child £	Family with 2 or more children £
<b>Discount level</b>	<b>Weekly Income Levels £</b>				
<b>Band 1 * 100%</b>	Relevant Benefit	£0 to £155.00	£0 to £155.00	£0 to £210.00	£0 to £265.00
<b>Band 2 75%</b>	N/A	£155.01 to £210.00	£155.01 to £210.00	£210.01 to £265.00	£265.01 to £320.00
<b>Band 3 50%</b>	N/A	£210.01 to £265.00	£210.01 to £265.00	£265.01 to £320.00	£320.01 to £375.00
<b>Band 4 25%</b>	N/A	£265.01 to £320.00	£265.01 to £320.00	£320.01 to £375.00	£375.01 to £430.00
<b>Band 5 0%</b>	N/A	£320.01+	£320.01+	£375.01+	£430.01+

- The highest level of discount will be at a maximum level of liability (100%), Band 1, and all current applicants that are in receipt of a ‘\*passport benefit’ such as Income Support, Jobseekers Allowance (Income Based) and Employment and Support Allowance (Income Related) receive maximum discount:
- All other discount levels are based on the applicant’s and partner’s, (where they have one) net weekly income;
- Single and couples are the same income band;
- The scheme allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and / or dependants;
- There will be no restriction on Council Tax band level as in the current scheme;
- There will be no charges made where an applicant has non-dependants living with them. This is a significant change and means that the administration of the scheme will be more straightforward whilst also protecting low-income families where adult sons and daughters for example remain at home;
- As in existing applications we only consider the first two children on claims.
- Disability benefits such as Disability Living Allowance and Personal Independence Allowance will continue to be disregarded;
- Where any applicant, their partner or dependant child (ren) are disabled, a further disregard of £40 per week will be given, thereby maintaining the current level of support to those with disabilities;
- Carer’s Allowance and the Support Component of Employment and Support Allowance will be disregarded;
- Child benefit and Child Maintenance will be disregarded;

- An amount in respect of the housing element, within Universal credit will be disregarded and disabled child element will be disregarded;
- The total disregard on war pensions and war disablement pensions will continue;
- Extended payments will be removed; and
- The capital limit of £6,000 with no tariff (or assumed income) being applied. Any applicant who has capital above that level will not qualify.

### **How the new scheme will address the problems with the current Council Tax Reduction**

With the simplicity of the proposed new scheme and by taking a more 'Council Tax discount approach', it will address the problems associated with the increased administration caused by failings in the current scheme and Universal Credit as follows:

**The scheme will require a simplified claiming process.** All applicants will see a significant reduction in the claiming process and, where possible, Council Tax Reduction will be awarded automatically. For Universal Credit applicants *any* Universal Credit data received from the Department for Work and Pensions (DWP) will be treated as a claim for Council Tax Reduction. Where information is received from DWP, the entitlement to Council Tax Reduction will be processed automatically without the need to request further information from the taxpayer. These changes will have the following distinct advantages namely:

- **Speed of processing** – all claims will be able to be calculated promptly and largely automatically without the need to request further information which inevitably leads to delays;
- **Maximising entitlement to every applicant.** As there will no requirement for Universal Credit applicants to apply separately for Council Tax Reduction, and for all other applicants, the claiming process will be simplified significantly. Entitlement to Council Tax Reduction will be maximised with a reduced risk of loss of discount or the need for backdating;
- **Maintenance of collection rates** – the new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining the high collection rates currently achieved. The increased level of discount will assist all those applicants on the lowest levels of income, again improving the overall collection rate;
- **The income bands are sufficiently wide to avoid constant changes in discount.** The current Council Tax Reduction scheme is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The effect of this is that Council Tax collection is reduced. The new scheme, with its simplified income banding approach will have the following advantages:
  - Only significant changes in income will affect the level of discount awarded;
  - Council Taxpayers who receive Council Tax Reduction will not receive multiple Council Tax demands and adjustments to their instalments; and
  - The new scheme is designed to reflect a more modern approach, where any discount changes it will be effective from the day of the change rather than the Monday of the following week.

## **Transition to the new scheme and the Exceptional Hardship Scheme**

In deciding on any new scheme the Council must be mindful that any change in scheme or a transition to a new scheme may result in a change to entitlement of certain applicants. Inevitably with any change in scheme there will be some winners and losers although the proposed scheme has been designed to protect the most vulnerable. From modelling based on current values approximately 3203 of applicants will receive either the same or more support and only 329 will receive a reduced level of assistance.

To mitigate this the new scheme will contain additional provisions to protect individuals who experience exceptional hardship. Where any applicant is likely to experience exceptional hardship they will be encouraged to apply for an exceptional hardship payment. The Council will consider all applications for exceptional hardship on an individual basis taking into account available income and essential outgoings. Where appropriate further support will be given to the applicant.

This approach will enable individual applicants to be dealt with in a fair and equitable manner. The Exceptional Hardship Scheme will form part of the Council Tax Reduction scheme and fall to be paid through the Collection Fund.

### **Report Author**

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### **List of Background Papers**

Local Council Tax Reduction Scheme 2020/21, Corporate Scrutiny Committee 25 August 2020 & Cabinet 10 September 2020.  
Local Council Tax Reduction Scheme 2020/21 Onwards and Consultation Results, Council 10 December 2019  
Local Council Tax Reduction Scheme 2021/22, Corporate Scrutiny Committee, 14 November 2019  
Local Council Tax Reduction Scheme 2021/22, Cabinet 26 September 2019 & 3 December 2020  
Local Council Tax Reduction Scheme 2022/23, Cabinet 2 December 2021 & 14 December 2021  
Local Council Tax Reduction Scheme 2024/25, Corporate Scrutiny Committee 27 July 2023 & 8 August 2023, Cabinet 17 August 2023



### **Appendices**

Appendix A Public Consultation  
Appendix B Equality Impact Assessment




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# Tamworth Borough Council - Council Tax Reduction Scheme 2024/25 Consultation

## 2. Background to the Council Tax Reduction Scheme consultation

1. I have read the background information about the Council Tax Reduction Scheme: This question must be answered before you can continue.				
Answer Choices			Response Percent	Response Total
1	Yes		99.37%	157
2	No		0.63%	1
			answered	158
			skipped	52




## 3. Part 1 - Introducing an income banded scheme for all working age applicants which will provide up to 100% support

2. Do you agree with introducing an income-based banded discount scheme as shown above?				
Answer Choices			Response Percent	Response Total
1	Yes		72.73%	96
2	No		12.88%	17
3	Don't Know		14.39%	19
			answered	132
			skipped	78

3. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.				
Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	18
			answered	18
			skipped	192

## 4. Part 2 - Removing Non Dependant Deductions

#### 4. Do you agree with this proposal?




Answer Choices		Response Percent	Response Total
1	Yes 	68.22%	88
2	No 	17.05%	22
3	Don't Know 	14.73%	19
		answered	129
		skipped	81

#### 5. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	22
		answered	22
		skipped	188

#### 5. Part 3 - Disregarding certain elements of Universal Credit

#### 6. Do you agree with this proposal?




Answer Choices		Response Percent	Response Total
1	Yes 	80.99%	98
2	No 	7.44%	9
3	Don't Know 	11.57%	14
		answered	121
		skipped	89

#### 7. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	7
		answered	7
		skipped	203






6. Part 4 - Backdating support for longer than the current 1 month limit, where circumstances show that the applicant would have been continuously eligible had they applied at that time.

8. Do you agree with this proposal?			
Answer Choices		Response Percent	Response Total
1	Yes		84.03% 100
2	No		8.40% 10
3	Don't Know		7.56% 9
		answered	119
		skipped	91

9. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.			
Answer Choices		Response Percent	Response Total
1	Open-Ended Question		100.00% 10
		answered	10
		skipped	200

7. Part 5 - Continuing to protect families by disregarding Child Benefit and Child Maintenance

10. Do you agree with this proposal?			
Answer Choices		Response Percent	Response Total
1	Yes		81.51% 97
2	No		8.40% 10
3	Don't Know		10.08% 12
		answered	119
		skipped	91




11. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.			
Answer Choices		Response Percent	Response Total
1	Open-Ended Question		100.00% 8

11. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.

answered	8
skipped	202

8. Part 6 - Continuing to disregard disability benefits (Personal Independence Payments, Armed Forces Independence Payments, Disability Living Allowance) and providing additional disregards of £50 where the applicant, partner or dependant is disabled

12. Do you agree with this proposal?




Answer Choices		Response Percent	Response Total
1	Yes 	88.98%	105
2	No 	4.24%	5
3	Don't know 	6.78%	8
		answered	118
		skipped	92

13. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	6
		answered	6
		skipped	204

9. Part 7 - Protecting War Pensioners by continuing to disregard War Pensions or War Disablement pensions in full




14. Do you agree with this proposal?

Answer Choices		Response Percent	Response Total
1	Yes 	88.98%	105
2	No 	4.24%	5
3	Don't know 	6.78%	8
		answered	118

14. Do you agree with this proposal?		
	skipped	92


15. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.		
Answer Choices	Response Percent	Response Total
1   Open-Ended Question	100.00%	2
	answered	2
	skipped	208

10. Part 8 - Reducing the capital limit to £6,000



16. Do you agree with this proposal?		
Answer Choices	Response Percent	Response Total
1   Yes 	64.71%	77
2   No 	21.85%	26
3   Don't know 	13.45%	16
	answered	119
	skipped	91

17. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.		
Answer Choices	Response Percent	Response Total
1   Open-Ended Question	100.00%	18
	answered	18
	skipped	192

11. Part 9 - Removing the Extended Payment provision.

18. Do you agree with this proposal?		
Answer Choices	Response Percent	Response Total
1   Yes 	72.27%	86

### 18. Do you agree with this proposal?

2	No		11.76%	14
3	Don't know		15.97%	19
			answered	119
			skipped	91

### 19. If you disagree please explain why. You can also use this space to let us know if you have any alternative suggestions.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	11
		answered	11
		skipped	199



### 12. Your comments and suggestions on the proposed Council Tax Reduction Scheme

#### 20. Please use this space to make any other comments on the proposed scheme or any alternative suggestions you have.

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	28
		answered	28
		skipped	182

### 13. About you

#### 21. Are you completing this form on behalf of an organisation or group?



Answer Choices		Response Percent	Response Total	
1	Yes		5.17%	6
2	No		94.83%	110
		answered	116	
		skipped	94	

If yes, please tell us the name of the organisation/group and add any other comments you wish to make.



Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	3
		answered	3
		skipped	207

#### 14. Questions for Individuals



22. Do you live in the Tamworth area?

Answer Choices		Response Percent	Response Total
1	Yes 	87.16%	95
2	No 	12.84%	14
		answered	109
		skipped	101





23. Do you pay Council Tax?

Answer Choices		Response Percent	Response Total
1	Yes 	95.33%	102
2	No 	4.67%	5
		answered	107
		skipped	103









24. Are you currently receiving Council Tax Reduction?

Answer Choices		Response Percent	Response Total
1	Yes 	17.43%	19
2	No 	82.57%	90
		answered	109
		skipped	101


### 25. How would you describe your gender?

Answer Choices			Response Percent	Response Total
1	I prefer not to say		7.34%	8
2	Female		54.13%	59
3	Male		37.61%	41
4	I describe myself in another way		0.92%	1
			answered	109
			skipped	101

### 26. Which of the following age ranges do you fall into?

Answer Choices			Response Percent	Response Total
1	Prefer not to say		6.42%	7
2	16-24		0.92%	1
3	25-34		5.50%	6
4	35-44		11.93%	13
5	45-59		45.87%	50
6	60-74		23.85%	26
7	75 or over		3.67%	4
8	75-84		1.83%	2
9	85+		0.00%	0
			answered	109
			skipped	101

### 27. Which of the following best describes your ethnic group?

Answer Choices			Response Percent	Response Total
1	Prefer not to say		9.17%	10
2	Arab		0.00%	0
3	Asian or Asian British: Indian		0.00%	0
4	Asian or Asian British: Pakistani		0.00%	0
5	Asian or Asian British: Bangladeshi		0.00%	0

## 27. Which of the following best describes your ethnic group?

6	Asian or Asian British: Chinese		0.00%	0
7	Any other Asian Background		0.00%	0
8	Black or Black British: Caribbean		0.00%	0
9	Black or Black British: African		0.00%	0
10	Any other Black Background		0.00%	0
11	Mixed Heritage: White and Black Caribbean		0.00%	0
12	Mixed Heritage: White and Black African		0.00%	0
13	Mixed Heritage: White and Asian		0.00%	0
14	Any other Mixed Background		0.00%	0
15	White British		86.24%	94
16	White Irish		0.00%	0
17	Any other White Background		5.50%	6
			answered	109
			skipped	101






## 28. What is your religion/belief?

Answer Choices		Response Percent	Response Total
1	Prefer not to say		14.81% 16
2	Buddhist		0.00% 0
3	Christian (includes Church of England, Catholic, Protestant and all other Christian Denominations)		43.52% 47
4	Sikh		0.00% 0
5	Jewish		0.00% 0
6	Muslim		0.00% 0
7	Hindu		0.00% 0
8	Other		3.70% 4
9	No religion		37.96% 41

**28. What is your religion/belief?**

answered	108
skipped	102

**29. Which of the following best describes your sexual orientation?**

Answer Choices		Response Percent	Response Total
1	Prefer not to say 	12.84%	14
2	Bisexual 	2.75%	3
3	Gay or lesbian 	5.50%	6
4	Straight/Heterosexual 	77.98%	85
5	Other 	0.92%	1
		answered	109
		skipped	101



# Equality Impact Assessment – Changes to the Working Age Council Tax Reduction Scheme from 2024/25

Name of policy/ procedure/ practice to be assessed	Changes to the Working Age Council Tax Reduction Scheme		Date of Assessment	November 2023	
Is this a new or existing policy/ procedure/ practice?	Existing	Officer responsible for the Assessment	Michael Buckland Head of Revenues & Benefits	Department	Revenues and Benefits
<b>1. Briefly describe the aims, objectives, and purpose of the policy/ procedure/ practice?</b>	<p>The Council is required to review its scheme for <b>working age</b> each year. There are a number of issues with the current scheme that need addressing if the system is to continue to provide effective support to low-income taxpayers and also if the Council is able to provide the service in an efficient manner. The main issues are as follows:</p> <ul style="list-style-type: none"> <li>• The need to assist low-income households and assist in the collection of Council Tax;</li> <li>• The introduction of Universal Credit for working age applicants; and</li> <li>• The need for a simplification of the scheme.</li> </ul> <p>In view of the problems being experienced with the current scheme, it is proposed that an alternative approach be taken from 2024/25. The approach has been to fundamentally redesign the scheme to address all of the issues with the current scheme and in particular;</p> <ol style="list-style-type: none"> <li>(a) The level of support available to the poorest households;</li> <li>(b) The problems with the introduction of full-service Universal Credit; and</li> <li>(c) The significant increase in administration costs due to the high level of changes received in respect of Universal Credit.</li> </ol> <p><b>Pension age applicants for CTR will not be affected by this change</b></p>				
<b>2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?</b>	<p>The Council's Council Tax Reduction policy under Section 13A 1A of the Local Government Act 1992 will be re-written to reflect the changes made in the Council Tax Reduction Scheme for working age applicants.</p> <p>Working procedures and practices undertaken by the Revenues and Benefits Service will be</p>				

	revised to reflect the new approach once the scheme has been approved at full Council.
<b>3. Who is intended to benefit from this policy/ procedure/ practice and in what way?</b>	<p>Low income working age households who apply and qualify for Council Tax Reduction. The revised scheme will:</p> <ul style="list-style-type: none"> <li>(a) Provide more support to those on the lowest income (up to 100% of the Council Tax payable);</li> <li>(b) Be easier to understand and claim; and</li> <li>(c) Address the administration issues caused by the introduction of Universal Credit within the area.</li> </ul>
<b>4. What are the desired outcomes from this policy/ procedure/ practice?</b>	The intention is to introduce a more supportive, modern, future proofed Council Tax Reduction scheme which is fit for purpose.
<b>5. What factors/ forces could contribute/ detract from the outcomes?</b>	<p>The following factors could have a bearing on the introduction of the new working age Council Tax Reduction scheme:</p> <p><b>Detractions</b></p> <ul style="list-style-type: none"> <li>• Failure of the Council to agree to the change - if this occurred then the existing scheme would continue;</li> <li>• Failure to agree the increase in costs to allow increased support to those applicants on the lowest income;</li> <li>• Failure to implement the changes on time.</li> </ul> <p><b>Contribution</b></p> <ul style="list-style-type: none"> <li>• Agreement by the Council to provide additional support to low-income households which is particularly important given the cost of living crisis;</li> <li>• The improvement in Council Tax collection; and</li> <li>• The reduction in administration costs (which are solely borne by the Borough Council and not by the Precepting Authorities, who receive the majority of the Council Tax funding).</li> </ul>
<b>6. Who are the main stakeholders in relation to</b>	<b>External Stakeholders</b>

<p><b>the policy/ procedure/ practice?</b></p>	<ul style="list-style-type: none"> <li>• Major Precepting Authorities – County Council, Police &amp; Crime Commissioner Authority and Fire and Rescue Authority;</li> <li>• Working age Council Tax Reduction applicants</li> <li>• Council Tax payers generally</li> <li>• Interested Groups such as Citizens Advice etc.</li> </ul> <p><b>Internal Stakeholders</b></p> <ul style="list-style-type: none"> <li>• Council Members and</li> <li>• Council Staff</li> </ul>
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<p><b>7. Which individuals/ groups have been/ will be consulted with on this policy/ procedure/ practice?</b></p>	<p>In line with the statutory requirements, the following will be consulted:</p> <ul style="list-style-type: none"> <li>• Major Precepting Authorities (County Council, Fire and Rescue Authority &amp; The Police and Crime Commissioner Authority;</li> <li>• The Public;</li> </ul> <p>The consultation process was comprehensive and encouraged a full response to the proposed scheme. Interested groups such as Citizens Advice were asked for their views.</p>	
<p><b>8. Are there concerns that the policy/ procedure/ practice could have a differential impact on racial groups?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme will have <b>no</b> differential impact due to race.</p>
<p><b>9. Are there concerns that the policy/ procedure/ practice could have a differential impact due to gender?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme will have <b>no</b> differential impact due to gender.</p>

<p><b>10. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them being transgender or transsexual?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme will have <b>no</b> differential impact due to a person being transgender or transsexual.</p>
<p><b>11. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to disability?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme will have <b>no</b> differential impact due to disability, the proposed scheme is designed to continue to protect the disabled by disregarding disability benefits such as Disability Living Allowance and Personal Independence Payments.</p> <p>The scheme will also further protect disabled applicants as it will provide a further income disregard of £40 per week which will reduce the level of income taken into account when calculating any support.</p>
<p><b>12. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to sexual orientation?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme will have <b>no</b> differential impact due to sexual orientation.</p>
<p><b>13. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to age?</b></p>	<p><b>N</b></p>	<p>The proposed changes will affect working age applicants only. Pension age applicants will <b>not</b> be affected as their scheme is prescribed by Government. The level of support to be provided will increase and the majority of working age applicants will see an increase in support or maintain the same level of support. Inevitably with any change in scheme there may be some losers.</p> <p>Where this occurs a transitional protection scheme will be applied for large losers and the applicant may apply for additional support under the Council's Exceptional Hardship scheme.</p>

<b>14. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to religious belief?</b>	<b>N</b>	The proposed change to the scheme will have <b>no</b> differential impact due to religious belief.
<b>15. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact on Gypsies/ Travellers?</b>	<b>N</b>	The proposed change to the scheme will have <b>no</b> differential impact to gypsies or travellers.
<b>16. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to dependant/caring responsibilities?</b>	<b>N</b>	The proposed changes to the scheme provide additional support to those with caring responsibilities. Carer's Allowance is fully disregarded under the new scheme which is an enhancement to the existing scheme.
<b>17. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to them having an offending past?</b>	<b>N</b>	The proposed change to the scheme will have <b>no</b> differential impact due having an offending past.

<p><b>18. Are there concerns that the policy/ procedure/ practice could have an impact on children or vulnerable adults?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme provides protections for families and vulnerable adults in the following ways:</p> <p><b>Families</b></p> <ul style="list-style-type: none"> <li>the scheme allows additional income levels (for the same level of support) depending on whether there is one or two (or more) dependants;</li> <li>the scheme disregards child benefit and child maintenance.</li> </ul> <p><b>Vulnerable adults</b></p> <ul style="list-style-type: none"> <li>the scheme (as previously indicated), disregards Personal Independence Payments, Disability Living Allowance and the support component of Employment and Support Allowance;</li> <li>When any household has a disabled applicant, partner or dependant and additional income disregard of up to £40 will be given against income, thereby potentially increasing the level of support available.</li> </ul> <p><b>Carers</b></p> <ul style="list-style-type: none"> <li>Potential additional support is available to carers as the scheme disregards Carer's Allowance in full.</li> </ul>
<p><b>19. Does any of the differential impact identified cut across the equality strands (e.g., elder BME groups)?</b></p>	<p><b>N</b></p>	<p>The proposed change to the scheme will have <b>no</b> differential impact identified that cut across equality strands.</p>
<p><b>20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?</b></p>	<p><b>N</b></p>	<p>The proposed scheme increases the potential level of support available to all working age applicants.</p>

<p><b>21. Can this adverse impact be justified:</b></p> <ul style="list-style-type: none"> <li>• on the grounds of promoting equality of opportunity for one group?</li> <li>• For any other reason?</li> </ul>	Y	<p>The scheme will provide additional support to working age applicants in general as up to 100% reduction can be obtained subject to the circumstances of the applicant.</p> <p>Whilst the majority of applicants will either have the same level of support or have increased support, it is inevitable that any change to schemes may result in some applicants losing. A transitional protection scheme will be applied for large losers and where these households experience exceptional hardship, the applicant may apply for additional support through the Council's Exceptional Hardship Scheme.</p>
<p><b>22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?</b></p>	Y	<p>Statutory Consultation has been undertaken with both Major Preceptors and with the Public.</p>
<p><b>23. As a result of this EIA should this policy/ procedure/ practice be recommended for implementation in its current state?</b></p>	Y	<p>Subject to the statutory consultation, the Council is of the opinion that the scheme represents a significant improvement in support for all working age Council Tax Reduction applicants.</p>

**PLEASE COMPLETE THE FOLLOWING ACTION PLAN FOR ALL IMPACT ASSESSMENTS**

# Equality Impact Assessment Action Plan

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

ACTION/ ACTIVITY	RESPONSIBILITY	TARGET	PROGRESS
Implementation of the revised Council Tax Reduction Scheme for working age applicants.	M Buckland	1 April 2024	Ongoing
<b>Monitoring arrangements:</b>		<b>Data collected quarterly</b>	
Full monitoring of scheme implementation on a monthly basis in line with the accepted project plan	M Buckland	Monthly and quarterly collection of data to be undertaken by the Benefits Service	Ongoing
<b>Publication:</b>			
The revised Council Tax Reduction scheme is to be published by the Council by April 2024, after consideration at Cabinet and then full Council in December 2023.	M Buckland		Ongoing
<b>Review Period:</b>		<b>Reviewed 12 monthly unless otherwise stated</b>	
The scheme will be reviewed annually by both Central Government and the Borough Council	M Buckland		Ongoing



Expand as appropriate.

Signed  
(Completing Officer).....

Date .....

Signed  
(Head of Department) .....

Date .....

Signed  
Corporate Diversity/ Equality .....

Date .....

DRAFT

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## CABINET

THURSDAY 30<sup>th</sup> NOVEMBER 2023

## COUNCIL

TUESDAY 12<sup>th</sup> DECEMBER 2023

### REPORT OF THE PORTFOLIO HOLDER FOR FINANCE, RISK AND CUSTOMER SERVICES

#### TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2023/24

#### EXEMPT INFORMATION

None

#### PURPOSE

To present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy.

#### RECOMMENDATIONS

**That Council be requested to approve the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2023/24.**

#### EXECUTIVE SUMMARY

This mid-year report has been prepared in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (revised 2021), and covers the following:-

- An economic update for the half of the 2023/24 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's Capital expenditure as set out in the Capital Strategy, and Prudential Indicators;
- A review of the Council's investment portfolio for 2023/24;
- A review of the Council's borrowing strategy for 2023/24;
- A review of any debt rescheduling undertaken during 2023/24;
- A review of compliance with Treasury and Prudential Limits for 2023/24.

The main issues for Members to note are:

1. The Council has complied with the professional codes, statutes and guidance.

2. There are no issues to report regarding non-compliance with the approved prudential indicators.
3. The investment portfolio yield, excluding property fund returns, for the first six months of the year is 5.28% (1.85% for the same period in 2022/23) compared to the average 3 Month SONIA benchmark rate of 5.03% for the period (previously benchmarked against 3 Month LIBID which was 1.71% for the same period in 2022/23).

The aim of this report is to inform Members of the treasury and investment management issues to enable all Members to have ownership and understanding when making decisions on Treasury Management matters. In order to facilitate this, training on Treasury Management issues was most recently delivered for Members in February 2023 and further training is planned during 2023/24.

## **RESOURCE IMPLICATIONS**

All financial resource implications are detailed in the body of this report which links to the Council's Medium Term Financial Strategy.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

Risk is inherent in Treasury Management and as such a risk based approach has been adopted throughout the report with regard to Treasury Management processes.

## **EQUALITIES IMPLICATIONS**

None

## **SUSTAINABILITY IMPLICATIONS**

None

## **REPORT AUTHOR**

Please contact Jo Goodfellow, Assistant Director Finance, extension 241 or Omotayo Lawal, Head of Finance, extension 246.

## **LIST OF BACKGROUND PAPERS**

<i>Background Papers -</i>	<i>Local Government Act 2003</i>
	<i>CIPFA Code of Practice on Treasury Management in Public Services 2017</i>
	<i>Annual Report on the Treasury Management Service and Actual Prudential Indicators 2022/23 – Council 19th September 2023</i>

	<i>Treasury Management Strategy &amp; Prudential Indicators Report 2023/24 - Council 28th February 2023</i>
	<i>Budget &amp; Medium Term Financial Strategy 2023/24 - Council 28th February 2023</i>
	<i>Quarter 2 2023/24 Performance Report Including Financial Healthcheck</i>

**APPENDICES**

**Appendix 1 – Investments Held at 30<sup>th</sup> September 2023**

**Appendix 2 - the CFR, Liability Benchmark and Borrowing**

## **TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW**

The CIPFA Code of Practice on Treasury Management (revised 2021) suggests that Members should be informed of Treasury Management activities at least twice a year, but preferably quarterly. This is the second monitoring report for 2023/24 presented to Members this year and therefore ensures the Council is embracing best practice. Cabinet also receives regular monitoring reports as part of the quarterly healthcheck on Treasury Management activities and risks.

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the Treasury Management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the Treasury Management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

Accordingly, Treasury Management is defined as:

“The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

### **Introduction**

This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2021).

The primary requirements of the Code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's Treasury Management activities.
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report and an Annual Report (stewardship report) covering activities during the previous year.
- Delegation by the Council of responsibilities for implementing and monitoring Treasury Management policies and practices and for the execution and administration of Treasury Management decisions.

- Delegation by the Council of the role of scrutiny of Treasury Management strategy and policies to a specific named body. For this Council the delegated body is the Audit and Governance Committee.

## 1. Economics and Interest Rates

### 1.1 Economics update

The second quarter of 2023/24 saw:

- Interest rates rise by a further 1%, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the tightening cycle.
- Short, medium and long-dated gilts remain elevated as inflation continually surprised to the upside.
- A 0.5% m/m decline in real GDP in July, mainly due to high levels of industrial action.
- CPI inflation falling from 8.7% in April to 6.7% in August, its lowest rate since February 2022, but still the highest in the G7.
- Core CPI inflation declining to 6.2% in August from 7.1% in April and May, a then 31 years high.
- A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth (as the 3myy growth of average earnings rose to 7.8% in August, excluding bonuses).
- The 0.5% m/m fall in GDP in July suggests that underlying growth has lost momentum since earlier in the year. Some of the weakness in July was due to there being almost twice as many working days lost to strikes in July (281,000) than in June (160,000). But with output falling in 10 out of the 17 sectors, there is an air of underlying weakness.
- The fall in the composite Purchasing Managers Index from 48.6 in August to 46.8 in September left it at its lowest level since COVID-19 lockdowns reduced activity in January 2021. At face value, it is consistent with the 0.2% q/q rise in real GDP in the period April to June, being followed by a contraction of up to 1% in the second half of 2023.
- The 0.4% month on month rebound in retail sales volumes in August is not as good as it looks as it partly reflected a pickup in sales after the unusually wet weather in July. Sales volumes in August were 0.2% below their level in May, suggesting much of the resilience in retail activity in the first half of the year has faded.
- As the growing drag from higher interest rates intensifies over the next six months, we think the economy will continue to lose momentum and soon fall into a mild recession. Strong labour demand, fast wage growth and government handouts have all supported household incomes over the past year. And with CPI inflation past its peak and expected to decline further, the economy has got through the cost-of-living crisis without recession. But even though the worst of the falls in real household disposable incomes are behind us, the phasing out of financial support packages provided by the government during the energy crisis means real incomes are unlikely to grow strongly. Higher interest rates will soon bite harder too. We expect the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024. Mortgage rates are likely to stay above 5.0% for around a year.

- The tightness of the labour market continued to ease, with employment in the three months to July falling by 207,000. The further decline in the number of job vacancies from 1.017m in July to 0.989m in August suggests that the labour market has loosened a bit further since July. That is the first time it has fallen below 1m since July 2021. At 3.0% in July, and likely to have fallen to 2.9% in August, the job vacancy rate is getting closer to 2.5%, which would be consistent with slower wage growth. Meanwhile, the 48,000 decline in the supply of workers in the three months to July offset some of the loosening in the tightness of the labour market. That was due to a 63,000 increase in inactivity in the three months to July as more people left the labour market due to long term sickness or to enter education. The supply of labour is still 0.3% below its pre-pandemic February 2020 level.
- But the cooling in labour market conditions still has not fed through to an easing in wage growth. While the monthly rate of earnings growth eased sharply from an upwardly revised +2.2% in June to -0.9% in July, a lot of that was due to the one-off bonus payments for NHS staff in June not being repeated in July. The headline 3month year on year average (3myy) rate rose from 8.4% (revised up from 8.2%) to 8.5%, which meant UK wage growth remains much faster than in the US and in the Euro-zone. Moreover, while the Bank of England's closely watched measure of regular private sector wage growth eased a touch in July, from 8.2% 3myy in June to 8.1% 3myy, it is still well above the Bank of England's prediction for it to fall to 6.9% in September.
- CPI inflation declined from 6.8% in July to 6.7% in August, the lowest rate since February 2022. The biggest positive surprise was the drop in core CPI inflation, which declined from 6.9% to 6.2%. That reverses all the rise since March and means the gap between the UK and elsewhere has shrunk (US core inflation is 4.4% and in the Euro-zone it is 5.3%). Core goods inflation fell from 5.9% to 5.2% and the further easing in core goods producer price inflation, from 2.2% in July to a 29-month low of 1.5% in August, suggests it will eventually fall close to zero. But the really positive development was the fall in services inflation from 7.4% to 6.8%. That also reverses most of the rise since March and takes it below the forecast of 7.2% the Bank of England published in early August.
- In its latest monetary policy meeting on 20 September, the Bank of England left interest rates unchanged at 5.25%. The weak August CPI inflation release, the recent loosening in the labour market and the downbeat activity surveys appear to have convinced the Bank of England that it has already raised rates far enough. The minutes show the decision was "finely balanced". Five MPC members (Bailey, Broadbent, Dhingra, Pill and Ramsden) voted for no change and the other four (Cunliffe, Greene, Haskel and Mann) voted for a 0.25% hike.
- Like the US Fed, the Bank of England wants the markets to believe in the higher for longer narrative. The statement did not say that rates have peaked and once again said if there was evidence of more persistent inflation pressures "further tightening in policy would be required". Governor Bailey stated, "we'll be watching closely to see if further increases are needed". The Bank also retained the hawkish guidance that rates will stay "sufficiently restrictive for sufficiently long".
- This narrative makes sense as the Bank of England does not want the markets to decide that a peak in rates will be soon followed by rate cuts, which would loosen financial conditions and undermine its attempts to quash inflation. The language also gives the Bank of England the flexibility to respond to new developments. A rebound in services inflation, another surge in wage growth and/or a further leap in oil prices could conceivably force it to raise rates at the next meeting on 2nd November, or even pause in November and raise rates in December.



- The yield on 10-year Gilts fell from a peak of 4.74% on 17th August to 4.44% on 29th September, mainly on the back of investors revising down their interest rate expectations. But even after their recent pullback, the rise in Gilt yields has exceeded the rise in most other Developed Market government yields since the start of the year. Looking forward, once inflation falls back, Gilt yields are set to reduce further. A (mild) recession over the next couple of quarters will support this outlook if it helps to loosen the labour market (higher unemployment/lower wage increases).
- The pound weakened from its cycle high of \$1.30 in the middle of July to \$1.21 in late September. In the first half of the year, the pound bounced back strongly from the Truss debacle last autumn. That rebound was in large part driven by the substantial shift up in UK interest rate expectations. However, over the past couple of months, interest rate expectations have dropped sharply as inflation started to come down, growth faltered, and the Bank of England called an end to its hiking cycle.
- The FTSE 100 has gained more than 2% since the end of August, from around 7,440 on 31st August to 7,608 on 29th September. The rebound has been primarily driven by higher energy prices which boosted the valuations of energy companies. The FTSE 100's relatively high concentration of energy companies helps to explain why UK equities outperformed both US and Euro-zone equities in September. Nonetheless, as recently as 21<sup>st</sup> April the FTSE 100 stood at 7,914.

## 1.2 Interest Rate Forecasts

The Council has appointed Link Group as its treasury advisors and part of their service is to assist the Council to formulate a view on interest rates. The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 0.2%) which has been accessible to most authorities since 1<sup>st</sup> November 2012.

The latest forecast on 25<sup>th</sup> September sets out a view that short, medium and long-dated interest rates will be elevated for some little while, as the Bank of England seeks to squeeze inflation out of the economy.

Link Group Interest Rate View	25.09.23												
	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26
<b>BANK RATE</b>	5.25	5.25	5.25	5.00	4.50	4.00	3.50	3.00	2.75	2.75	2.75	2.75	2.75
3 month ave earnings	5.30	5.30	5.30	5.00	4.50	4.00	3.50	3.00	2.80	2.80	2.80	2.80	2.80
6 month ave earnings	5.60	5.50	5.40	5.10	4.60	4.10	3.60	3.10	2.90	2.90	2.90	2.90	2.90
12 month ave earnings	5.80	5.70	5.50	5.20	4.70	4.20	3.70	3.20	3.00	3.00	3.00	3.00	3.00
5 yr PWLB	5.10	5.00	4.90	4.70	4.40	4.20	4.00	3.90	3.70	3.70	3.60	3.60	3.50
10 yr PWLB	5.00	4.90	4.80	4.60	4.40	4.20	4.00	3.80	3.70	3.60	3.60	3.50	3.50
25 yr PWLB	5.40	5.20	5.10	4.90	4.70	4.40	4.30	4.10	4.00	3.90	3.80	3.80	3.80
50 yr PWLB	5.20	5.00	4.90	4.70	4.50	4.20	4.10	3.90	3.80	3.70	3.60	3.60	3.60

## 2. Treasury Management Strategy Statement and Annual Investment Strategy Update

The Treasury Management Strategy Statement (TMSS) for 2023/24 was approved by Council on 28th February 2023.

There are no policy changes to the TMSS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

### 3. The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

#### 3.1 Prudential Indicator for Capital Expenditure

This table below shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget.

Capital Expenditure	2023/24 Original Programme	Budget B'fwd from 2022/23	Virements in Year	Total 2023/24 Budget	Actual Spend @ Period 6	Predicted Outturn	2023/24 Revised Estimate*
	£m	£m	£m	£m	£m	£m	£m
General Fund	5.820	21.274	6.424	33.518	4.353	32.034	33.430
HRA	8.364	7.880	-	16.244	7.326	14.127	16.017
<b>Total</b>	<b>14.184</b>	<b>29.154</b>	<b>6.424</b>	<b>49.762</b>	<b>11.679</b>	<b>46.161</b>	<b>49.448</b>

\* Includes potential expenditure slippage into 2024/25 of £3.287m

The virements of £6.424m represent additional funding applied to the Gungate capital scheme (Council 18<sup>th</sup> July) and the acquisition of the commercial lease at Bolebridge St (Council 26<sup>th</sup> June).

#### 3.2 Changes to the Financing of the Capital Programme

The following table draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure. Any borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

<b>Capital Expenditure</b>	<b>2023/24 Original Capital Programme £m</b>	<b>2023/24 Predicted Outturn £m</b>	<b>2023/24 Revised Budget * £m</b>
Unsupported	1.762	2.325	4.110
Supported	12.422	43.836	45.652
<b>Total spend</b>	<b>14.184</b>	<b>46.161</b>	<b>49.762</b>
Financed by:			
Grants - Disabled Facilities	0.547	1.162	1.162
Coalfields Grant	0.030	0.038	0.038
Section 106's	-	0.830	0.830
GF Receipts	2.020	10.529	10.529
GF Reserve	0.230	0.421	0.701
Sale of Council House Receipts	0.308	0.651	0.676
HRA Receipts	0.350	0.350	0.350
Future High Street Fund	0.900	15.706	15.706
Other Grants/Contributions	0.024	0.924	0.924
MRR	2.979	4.092	4.057
HRA 1-4-1 Replacements Receipts	0.100	0.921	1.471
HRA Reserve	3.815	6.281	6.857
HRA Regeneration Fund	0.200	1.195	1.429
HRA Affordable Housing Reserve	0.920	0.735	0.920
<b>Total Financing</b>	<b>12.422</b>	<b>43.836</b>	<b>45.652</b>
<b>Borrowing need</b>	<b>1.762</b>	<b>2.325</b>	<b>4.110</b>

\* includes schemes re-profiled from 2022/23 of £29.154m

### **3.3 Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary**

The following table shows the Capital Financing Requirement (CFR), which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed the Operational Boundary.

#### **Prudential Indicator – Capital Financing Requirement**

We are on target to achieve the original forecast Capital Financing Requirement.

Prudential Indicator – the Operational Boundary for External Debt

	<b>2022/23</b>	<b>2023/24</b>	<b>2023/24</b>	<b>2023/24</b>
	<b>Outturn</b>	<b>Original</b>	<b>Projected</b>	<b>Revised</b>
	<b>£m</b>	<b>Capital</b>	<b>Outturn</b>	<b>Budget</b>
		<b>Programme</b>	<b>£m</b>	<b>£m</b>
		<b>£m</b>		
CFR – Non Housing	3.785	6.608	5.354	6.529
CFR – Housing	69.981	71.582	70.534	71.140
Total CFR	73.766	78.190	75.888	77.669
<b>Net movement in CFR</b>	<b>0.325</b>	<b>4.299</b>	<b>2.122</b>	<b>3.903</b>
Operational Boundary				
Expected Borrowing	63.060	63.060	63.060	63.060
Other long term liabilities	-	-	-	-
<b>Total Debt 31st March</b>	<b>63.060</b>	<b>63.060</b>	<b>63.060</b>	<b>63.060</b>

### 3.4 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2023/24 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	<b>2022/23</b>	<b>2023/24</b>	<b>2023/24</b>	<b>2023/24</b>
	<b>Outturn</b>	<b>Original</b>	<b>Projected</b>	<b>Budget</b>
	<b>£m</b>	<b>Estimate</b>	<b>Outturn</b>	<b>£m</b>
		<b>£m</b>	<b>£m</b>	
Gross borrowing	63.060	63.060	63.060	63.060
Less investments	71.332	15.194	50.571	50.428
Net borrowing	-8.272	47.866	12.489	12.633
CFR (year end position)	73.766	78.190	75.888	77.669

A further prudential indicator controls the overall level of borrowing. This is **the Authorised Limit** which represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

<b>Authorised Limit for External</b>	<b>2023/24</b>	<b>Current</b>	<b>2023/24</b>
--------------------------------------	----------------	----------------	----------------

<b>Debt</b>	<b>Original Indicator</b>	<b>Position</b>	<b>Revised Indicator</b>
Borrowing	89.015	89.015	89.015
Total	89.015	89.015	89.015

#### **4. Borrowing**

The Council's estimated revised capital financing requirement (CFR) for 2023/24 is £75.888m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 3.4 shows the Council has borrowings of £63.060m and plans to utilise £12.828m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring in the event that upside risk to gilt yields prevails.

It is not anticipated that any additional borrowing will be undertaken during 2023/24.

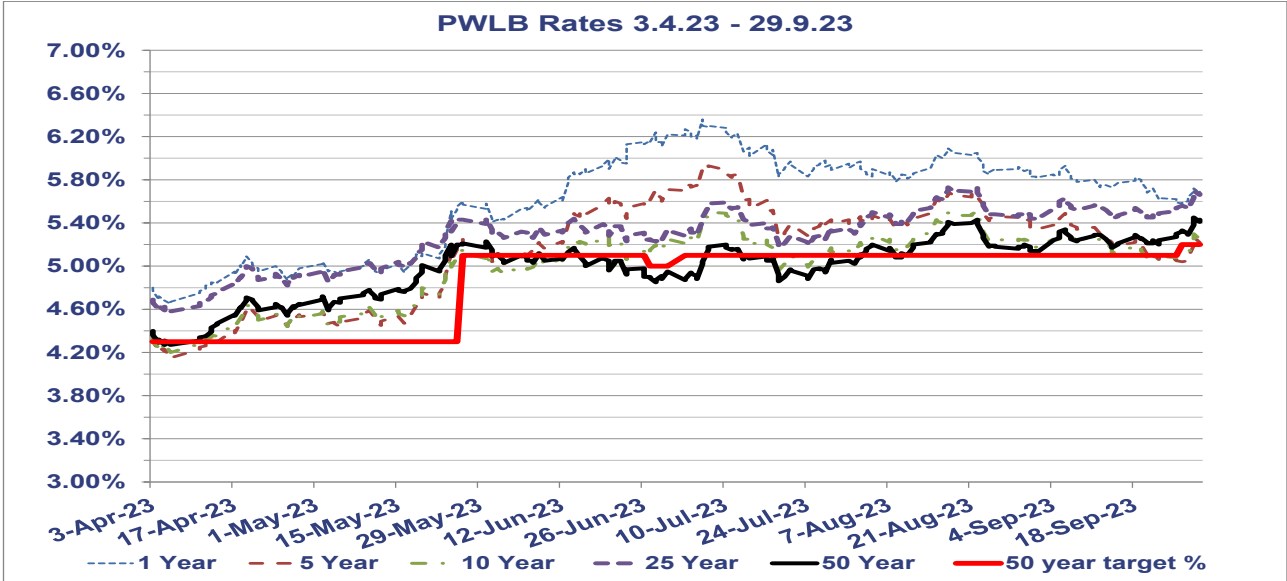
#### **PWLB maturity certainty rates (gilts plus 0.8%) year to date to 29th September 2023**

Gilt yields and PWLB certainty rates were on a generally rising trend throughout the first half of 2023/24. At the beginning of April, the 5-year rate was the cheapest part of the curve and touched 4.14% whilst the 25-year rate was relatively expensive at 4.58%.

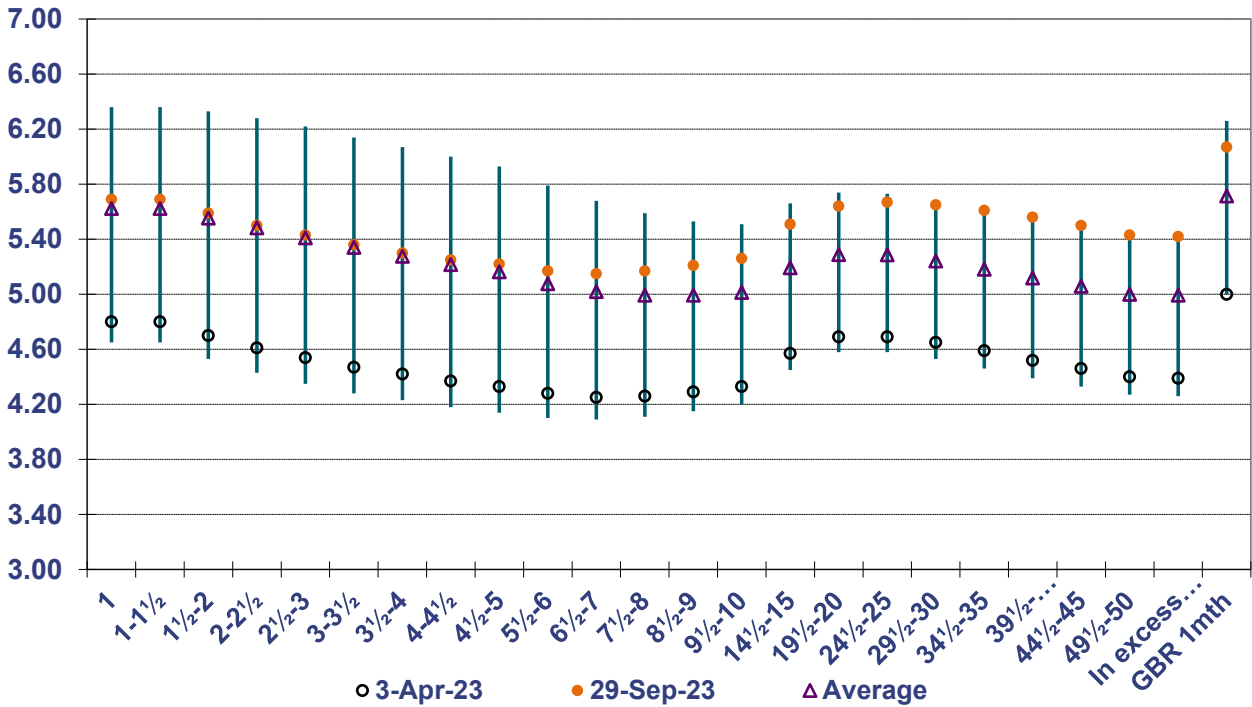
July saw short-dated rates peak at their most expensive. The 1-year rate spiked to 6.36% and the 5-year rate to 5.93%. Although, in due course, short-dated rate expectations fell, the medium dates shifted higher through August and the 10-year rate pushed higher to 5.51% and the 25-year rate to 5.73%. The 50-year rate was 4.27% on 5<sup>th</sup> April but rose to 5.45% on 28<sup>th</sup> September.

Rates are forecast to fall back over the next two to three years as inflation dampens. The CPI measure of inflation is expected to fall below 2% in the second half of 2024, and 50-year rates are forecast to stand at 3.90% by the end of September 2025. However, there is considerable gilt issuance to be digested by the market over the next couple of years, as a minimum, so there is a high degree of uncertainty as to whether rates will fall that far.

**PWLB RATES 01.04.23 - 29.09.23**



**PWLB Certainty Rate Variations 3.4.23 to 29.9.23**



**HIGH/LOW/AVERAGE PWLB RATES FOR 01.04.23 – 29.09.23**

	1 Year	5 Year	10 Year	25 Year	50 Year
<b>Low</b>	4.65%	4.14%	4.20%	4.58%	4.27%
<b>Date</b>	06/04/2023	06/04/2023	06/04/2023	06/04/2023	05/04/2023
<b>High</b>	6.36%	5.93%	5.51%	5.73%	5.45%
<b>Date</b>	06/07/2023	07/07/2023	22/08/2023	17/08/2023	28/09/2023
<b>Average</b>	5.62%	5.16%	5.01%	5.29%	5.00%
<b>Spread</b>	1.71%	1.79%	1.31%	1.15%	1.18%

- The current PWLB rates are set as margins over gilt yields as follows: -
  - **PWLB Standard Rate** is gilt plus 1%
  - **PWLB Certainty Rate (GF)** is gilt plus 0.8%
  - **PWLB Local Infrastructure Rate** is gilt plus 0.6%
  - **PWLB Certainty Rate (HRA)** is gilt plus 0.4%
- The **UK Infrastructure Bank** will lend to local authorities that meet its scheme criteria at a rate currently set at gilt plus 0.4%.

## 5. Debt Rescheduling

Debt rescheduling opportunities have increased over the course of the past six months and will be considered if giving rise to long-term savings. However, no debt rescheduling has been undertaken to date in the current financial year.

## 6. Compliance with Treasury and Prudential Limits

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the half year ended 30<sup>th</sup> September 2023, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2023/24. The Executive Director Finance reports that no difficulties are envisaged for the current or future years in complying with these indicators.

All treasury management operations have also been conducted in full compliance with the Council's Treasury Management Practices.

## 7. Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2023/24, which includes the Annual Investment Strategy, was approved by the Council on 28<sup>th</sup> February 2023. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Council's investment priorities as being:

- Security of capital
- Liquidity
- Yield

The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit quality financial institutions, using the Link suggested creditworthiness approach, including a minimum sovereign credit rating and Credit Default Swap (CDS) overlay information.

### **Creditworthiness.**

Following the Government's fiscal event on 23<sup>rd</sup> September 2022, both S&P and Fitch placed the UK sovereign debt rating on Negative Outlook, reflecting a downside bias to the current ratings in light of expectations of weaker finances and a challenging economic outlook. Nothing further has evolved in the first half of 2023/24.

### Investment Counterparty criteria

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

### CDS prices

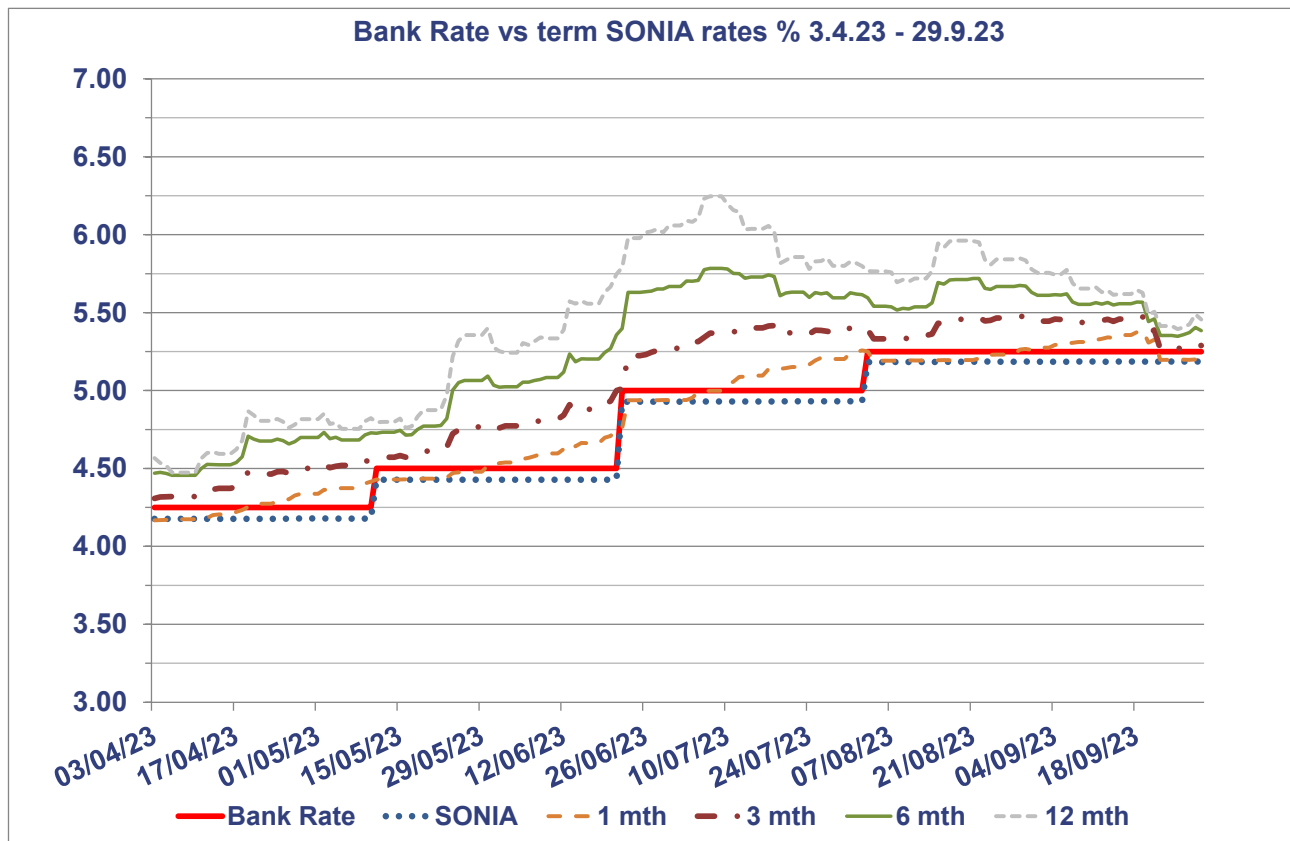
It is noted that sentiment in the current economic climate can easily shift, so it remains important to undertake continual monitoring of all aspects of risk and return in the current circumstances.

### Investment balances

The Council held £68.642m of investments as at 30<sup>th</sup> September 2023, excluding investments in property funds (£60.610m at 31<sup>st</sup> March 2023) and the investment portfolio yield for the first six months of the year is 5.28% against a benchmark of the average 3 months SONIA of 5.03%. A full list of investments held as at 30<sup>th</sup> September 2023 is detailed in **APPENDIX 1**.

The Executive Director Finance confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2023/24.

### Investment performance year to date as of 29<sup>th</sup> September 2023





	Bank Rate	SONIA	1 mth	3 mth	6 mth	12 mth
<b>High</b>	5.25	5.19	5.39	5.48	5.78	6.25
<b>High Date</b>	03/08/2023	29/09/2023	19/09/2023	30/08/2023	07/07/2023	07/07/2023
<b>Low</b>	4.25	4.18	4.17	4.31	4.46	4.47
<b>Low Date</b>	03/04/2023	04/04/2023	03/04/2023	03/04/2023	06/04/2023	06/04/2023
<b>Average</b>	4.81	4.74	4.83	5.03	5.26	5.45
<b>Spread</b>	1.00	1.01	1.22	1.17	1.33	1.77

The table above covers the first half of 2023/24.

The Council's budgeted investment return for 2023/24 is £1.3m, and we are currently forecasting an additional £1.7m in investment income as at September Period 6, due to increased balances available for investment due to capital slippage, plus increasing interest rates.

### **Investment Counterparty Criteria**

The current investment counterparty criteria selection approved in the TMSS and as approved by Council on 28th February 2023 meets the requirements of the Treasury Management function.

### **8.Changes in risk appetite**

The 2018 CIPFA Codes and guidance notes have placed enhanced importance on risk management. Where an authority changes its risk appetite e.g. for moving surplus cash into or out of certain types of investment funds or other types of investment instruments, this change in risk appetite and policy should be brought to members' attention in treasury management update reports. There are no such changes to report to Members at this stage.

### **9. Property Funds**

To date, the Council has invested £1.85m with Schroders UK Real Estate Fund, £6.057m with Threadneedle Property Unit Trust, and £4.057m with Hermes Federated Property Unit Trust, total investment £11.962m. Although the capital values of the funds did initially fall, mainly since 31<sup>st</sup> March 2020, they then recovered and as at 31<sup>st</sup> March 2022 there was an overall gain of £1.32m. However, since then capital values have fallen again, and as at 30<sup>th</sup> September the valuation stands at £10.62m, with an overall loss of £1.35m. It should be noted that investments in property are subject to fluctuations in value over the economic cycle and should yield capital growth in the longer term as the economy grows.

Fund Valuations	Investment	Valuation 31/03/2019	Valuation 31/03/2020	Valuation 31/03/2021	Valuation 31/03/2022	Valuation 31/03/2023	Valuation 30/09/2023
Schroders UK Real Estate Fund	1,848,933	1,897,716	1,884,412	1,848,933	2,139,618	1,727,176	1,638,076
Valuation Increase / (reduction)		48,783	(13,305)	(35,479)	290,685	(412,442)	(32,656)
Threadneedle Property Unit Trust	2,000,249	1,921,884	1,836,032	1,794,439	2,097,097	1,732,373	1,727,499
Valuation Increase / (reduction)		(78,365)	(85,852)	(41,594)	302,658	(364,724)	(7,604)
Threadneedle Property Unit Trust	4,056,536	-	-	-	4,407,163	3,640,676	3,630,433
Valuation Increase / (reduction)					350,627	(766,487)	(15,980)
Hermes Federated Property Unit Trust	4,056,500	-	-	-	4,450,808	3,741,712	3,620,146
Valuation Increase / (reduction)					394,308	(709,096)	(119,174)
<b>Total</b>	<b>11,962,218</b>	<b>3,819,601</b>	<b>3,720,444</b>	<b>3,643,372</b>	<b>13,094,687</b>	<b>10,841,937</b>	<b>10,616,154</b>
Valuation Increase / (reduction)		(29,581)	(99,156)	(77,072)	1,338,279	(2,252,750)	(175,414)

The following table details the dividend returns achieved from the property fund investments, which support the revenue budget. The Council received £458k in dividends from its property fund investments in 2022/23 (£269k in 2021/22), and has received £214k for the current financial year as at 30<sup>th</sup> September 2023 (Q2 returns not yet received in respect of Hermes).

Fund Valuations	Investment	Dividend Returns 31/03/2019	Dividend Returns 31/03/2020	Dividend Returns 31/03/2021	Dividend Returns 31/03/2022	Dividend Returns 31/03/2023	Dividend Returns 30/09/2023
Schroders UK Real Estate Fund	1,848,933	48,118	56,638	52,898	61,655	71,962	33,974
Threadneedle Property Unit Trust	2,000,249	60,056	90,274	75,452	79,231	83,373	46,086
Threadneedle Property Unit Trust	4,056,536	-	-	-	70,417	175,213	96,851
Hermes Federated Property Unit Trust	4,056,500	-	-	-	57,352	127,182	36,671

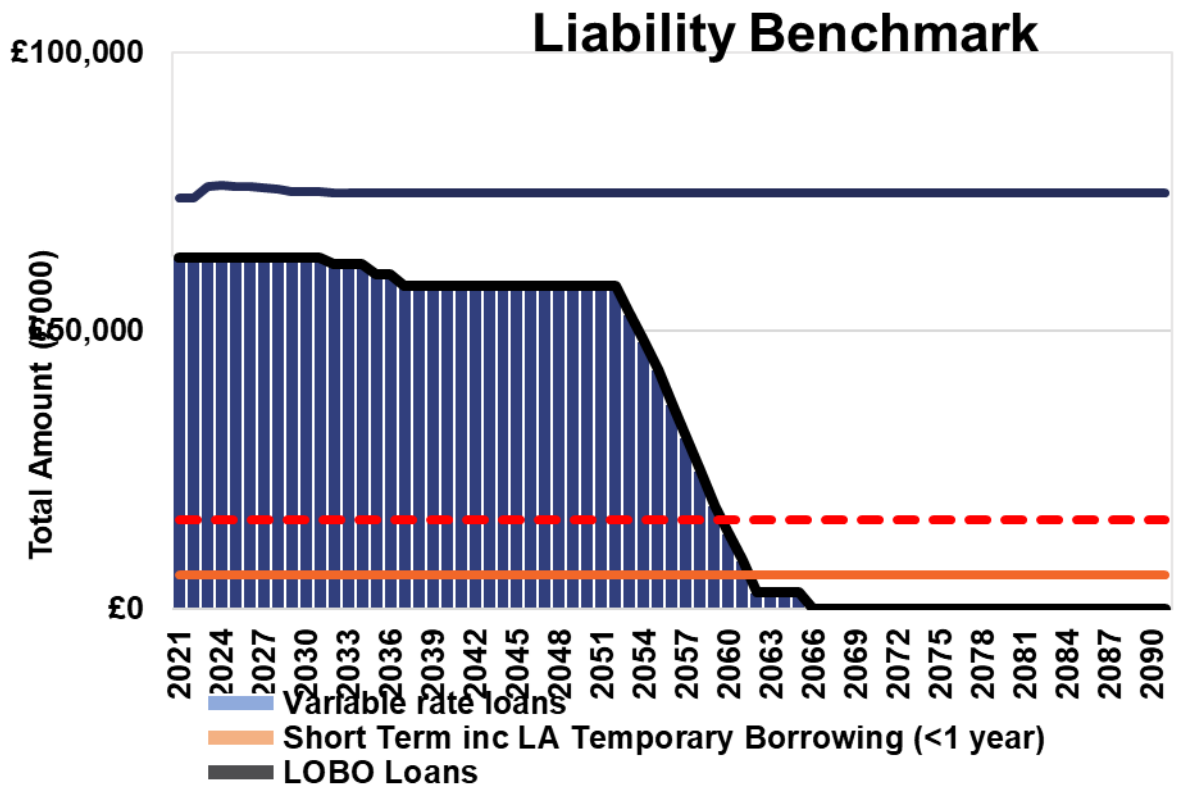
<b>Total</b>		<b>108,174</b>	<b>146,911</b>	<b>128,350</b>	<b>268,655</b>	<b>457,730</b>	<b>213,582</b>
<b>Annual Revenue % Return</b>		2.8%	3.8%	3.3%	2.2%	4.2%	4.7%

## Investments held as at 30th September 2023:

<i>Borrower</i>	<i>Deposit £</i>	<i>Rate %</i>	<i>From</i>	<i>To</i>	<i>Notice</i>
Lloyds Bank	5,000,000	5.00%	11-May-23	10-Nov-23	-
Standard Chartered	5,000,000	4.83%	11-May-23	10-Nov-23	-
Standard Chartered	5,000,000	5.19%	24-May-23	24-Nov-23	-
Birmingham City Council	5,000,000	4.00%	27-Jan-23	29-Jan-24	-
Cornwall County Council	5,000,000	5.40%	14-Jul-23	15-Jan-24	-
NatWest Bank	5,000,000	6.15%	10-Jul-23	08-Jul-24	-
Lloyds Bank	4,000,000	5.99%	14-Jul-23	12-Jan-24	-
NatWest Bank	5,000,000	5.85%	08-Aug-23	08-Aug-24	-
Southampton City Council	5,000,000	5.85%	18-Sep-23	18-Jun-24	-
Santander	5,000,000	4.67%	-	-	180 day
MMF – Aberdeen	8,615,000	5.25%*	-	-	On call
MMF – PSDF	1,298,000	5.20%*	-	-	On call
MMF – Federated	9,729,000	5.35%*	-	-	On call
<b>Total</b>	<b>68,642,000</b>	<b>5.28%</b>	-	-	-
Schroders UK Real Estate Fund	1,848,933	3.66%	-	-	-
Threadneedle Property Unit Trust	6,056,785	4.82%	-	-	-
Hermes Federated Property Unit Trust	4,056,500	3.63%	-	-	-
<b>Total</b>	<b>80,604,218</b>	<b>5.13%</b>	-	-	-

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

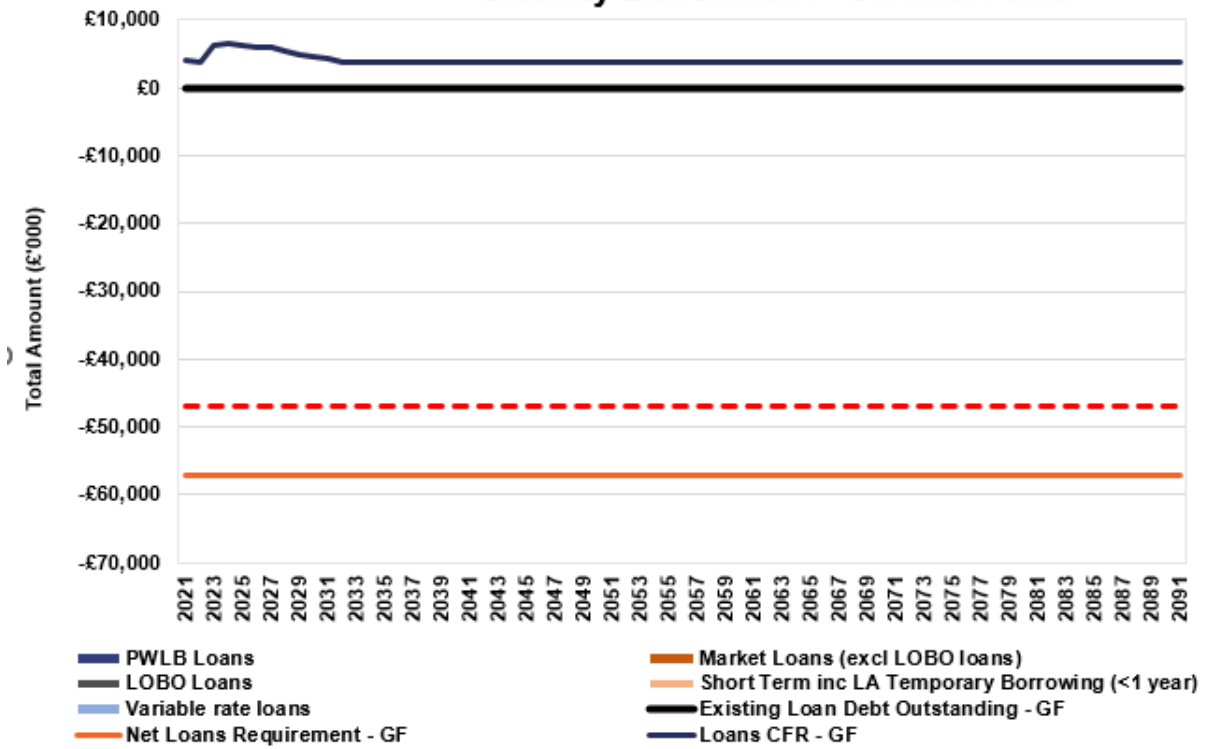
Fund	Initial Investment	Fund Value 30/09/2023	2023/24 Return to Date		
Schroders UK Real Estate Fund	£1,848,933.03	£1,638,075.65	£33,974.37	3.66%	Returns Received Monthly. Received up to Sep-23.
Threadneedle Property Unit Trust	£6,056,785.32	£5,357,932.17	£142,936.94	4.82%	Returns Received Quarterly. Received up to Sep-23
Hermes Federated Property Unit Trust	£4,056,499.57	£3,620,145.98	£36,670.53	3.63%	Returns Received Quarterly. Received up to Jun-23
<b>Total</b>	<b>£11,962,217.92</b>	<b>£10,616,153.80</b>	<b>£143,364.79</b>	<b>4.23%</b>	



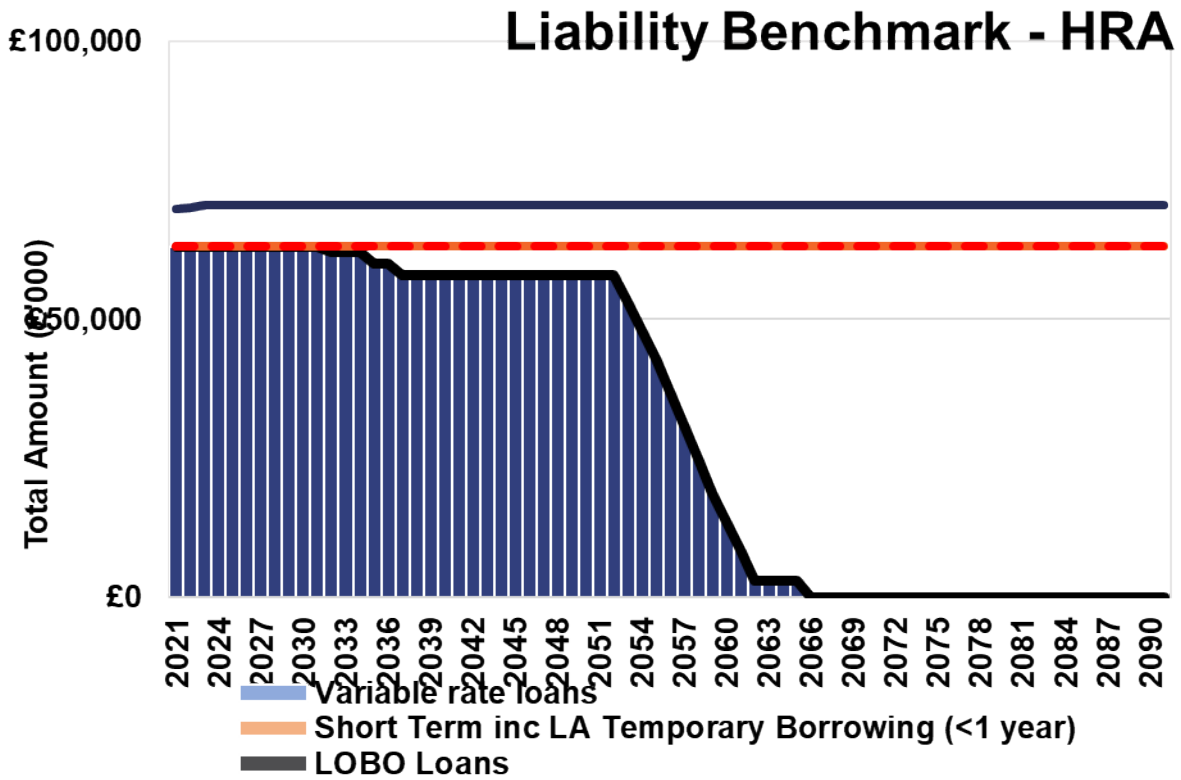
The combined liability benchmark chart above shows the existing loan debt outstanding, the capital financing requirement, net loans requirement and liability benchmark indicator.

The difference between the loans capital financing requirement and existing debt indicates internal borrowing. Prior to any new borrowing, the Council will have regard to underlying assumptions of liability benchmark analysis as part of prudent treasury management.

### Liability Benchmark - General Fund



The net loans requirement and liability benchmark for the General Fund is negative as this is reflective of the balance of GF treasury investments held.



The liability benchmark for the HRA is set at the same level as the net loans requirement (£63m reflecting PWLB loans outstanding) as there is no need to maintain additional borrowing to meet liquidity needs as this falls to the General Fund.

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Thursday 30 November 2023

## Report of the Portfolio Holder for Environmental Health and Community Partnerships

### Environmental Crime Policy Update 2023

#### Exempt Information

N/A

#### Purpose

To consider proposals for amendments to environmental crime fixed penalty levels outlined in the Government ASB Action Plan

#### Recommendations

It is recommended that Cabinet:

1. Consider the proposals for environmental crime outlined in the Government Plan
2. Approve proposals (following recommendation from Infrastructure Safety and Growth Scrutiny meeting 21<sup>st</sup> November 2023) for the increase to maximum fixed penalty levels to £500 (early payment £250) for Tamworth in relation to littering, graffiti, flyposting
3. Approve proposals for the fixed penalty level for fly-tipping to increase to the maximum level of £1000 (early payment £500) in line with the ASB Action Plan
4. Approve the introduction of the maximum fixed penalty levels of £600 (following recommendation from Infrastructure Safety and Growth Scrutiny meeting 21<sup>st</sup> November 2023) for household waste duty of care offences in line with the ASB Action Plan (early payment £300)
5. Approve delegation to the Portfolio Holder Environmental Health and Community Partnerships to include environmental crime in the review of the Corporate ASB policy by March 2024 and report on wider implications

#### Executive Summary

In May 2023, the UK Government published its ASB Action Plan (attached as Appendix 1) to outlining proposals to tackle Anti Social behaviour to be progressed over the next few years.

One of the first proposals to tackle environmental crime was to raise the maximum fine threshold for fixed penalty notices for flytipping and littering.

The Tamworth Borough Council current Environmental Crime Policy has been reviewed and was considered by the Infrastructure Safety and Growth Scrutiny Committee on 21 November 2023, with recommendation to increase fixed penalties across the offences outlined to the maximum set by the statute as outlined in the Government ASB Action Plan.

Current Fixed Penalty Notice (FPN) levels are set as follows:

Offence	Env Policy Section	Current FPN level
Littering Graffiti Flyposting	12.1 12.8 12.7	£100  <b>(DEFAULT FINE LEVEL)</b>
Fly tipping	12.9	£400 (Reduced payment of £200 if paid within 7 days) <b>(MAXIMUM FINE LEVEL 2019)</b>
Household Waste Duty of Care	13.2	Currently no fixed penalty levels indicated

The Government ASB Action plan states that to strengthen councils in their fight against waste crime, the government increased the upper limits for various fixed penalty notices (FPNs) permitting local levels to be considered up to the maximum, on evidence and potentially increased from 31 July 2023. This means:

- The maximum amount those caught fly-tipping could be fined will increase from £400 to £1,000
- The **maximum** amount those who litter or graffiti could be fined will increase from £150 to £500
- The maximum amount those who breach their household waste duty of care could be fined will increase from £400 to £600

The minimum discounted penalty rates set out in legislation from 31<sup>st</sup> July 2023 are now:

Offence	Default Penalty	Minimum Full Penalty	Maximum Full Penalty	Minimum Discounted penalty
Littering Graffiti Fly-posting	£100	£65	<b>£500</b>	£50
Fly-tipping	£200	£150	<b>£1000</b>	£120
Household Waste Duty of Care	£200	£150	<b>£600</b>	£120

### Options Considered

Any fixed penalty issued for an environmental crime negates the need for prosecution for an offence and issuance can be publicised anonymously as a deterrent. The recipient does not receive any criminal sanction if paid.

The action plan also sets out a Government commitment to increase transparency of the data on the use of on-the-spot fines, including publishing league tables on fly-tipping. These tables will be used by central and local government, and members of the public, to identify those councils who are taking a proactive approach to enforcement, in lieu of simply cleaning up fly-tipping.

This is intended to encourage both scrutiny and the sharing of best practice.

## Littering/Graffiti/Fly-posting

In 2022/23 two fixed penalties (FPNs) were issued for littering. Any penalties require a witness statement from the public or must be witnessed by a delegated officer.

Members were asked to consider the current proportionality of the fixed penalty levels remaining at the £100 default penalty for review as part of the work on the review of the ASB/Environmental Crime Policy.

The recommendation from IS&G Scrutiny is that the fixed penalty fines should be increased within the Environmental Crime Policy to reflect the maximum fine level, currently £500 (early payment of £250) to afford some deterrent.

Failure to pay a FPN results in a prosecution and imposition of court fines – in most cases these can be dealt with using the Single Justice Protocol enabling consideration by a magistrate through an on-line portal. Any prosecutions do attract additional costs for Tamworth Borough Council, however court fines are imposed.

## Fly Tipping

The first set of [fly tip tables](#) was published on the 23rd August 2023, in line with the ASB Action Plan, alongside the Official fly-tipping statistics for England, recording 1,453 fly tipping Incidents and 1,120 Actions in Tamworth (actions include automatic clearance where there is no evidence, actions against businesses/tenants/landlords/general public to remove and investigation). One fixed £400 penalty was issued in 2022/23.

The use of fly-tipping fixed penalties is used to address immediate waste dumping issues where there is absolute evidence. Council data shows that eight out of 10 fly-tips in Tamworth are household items, with over six out of 10 of these being small van loads, so many could be from persons offering to take waste cheaply, or from those carrying out cheap garden or house maintenance jobs. It is not possible to issue FPNs without absolute evidence or witness statement.

A grant of £26,000 was recently awarded to Tamworth to increase education and support enforcement on fly-tipping. This has resulted in the purchase of re-deployable cameras for hotspots and a planned trial of 'Littercam' on Watling Street to deter littering from vehicles.

Details were issued on 17th October 2023 <https://www.tamworth.gov.uk/Action-to-tackle-fly-tipping>.

The first camera was installed on 1<sup>st</sup> November 2023 at a fly-tip hotspot on Masefield Drive to capture activities, including being able to identify vehicle registration numbers. The intention is to increase enforcement as necessary and to deter flytipping. (Pictures at Appendix 3). Appropriate overt signage is in place.

The impact of this project is still to be determined, and it is intended that a full review of the ASB policy, updated education campaigns (overseen by the Environmental Crime Working Group), introduction of the Neighbourhood Impact Team and encouragement to the public to report incidents will increase awareness, including increasing penalties.

The current level of fly-tip fine was set at the previous statutory maximum £400 (one penalty issued in 2023 was for dumping of a fridge). The current Policy states that the Council will always use the **maximum default** penalty, thereby permitting the raising of the fine to £1000 under the new ASB plan. This was the continued recommendation of the IS&G Scrutiny Committee.

It should be noted that the Council still retains the option to consider automatic prosecution for this offence where a FPN is not considered proportionate, which could result in fines up to £50,000 and imprisonment. Each case is considered on its own merit and in accordance with the Corporate Enforcement Policy.

**Duty of Care**

There has not previously been a fine level set for duty of care household waste. The introduction of which will allow the council the option to also consider fixed penalties for householders who can be identified as permitting their waste to be collected by an unregistered waste carriers and then dumped. This will be included in the education campaigns to remind householders of the importance of checking waste carrier licences.

**Proposed actions:**

- That the default penalty level for littering, graffiti and fly-posting raises to the maximum level of £500.
- The Household Duty of Care default penalty of £600 maximum level is introduced (reduced to £300 if paid within 14 days).
- The penalty for fly-tipping is increased, as per the current Environmental Crime policy to the maximum penalty of £1000 (reduced to £500 for early payment), The impact of this will be monitored as part of the flytipping camera enforcement project.

**Resource Implications**

The resource will be met within the existing Partnerships and Neighbourhood teams. At this time any income received from fine income is used to offset the costs of any enforcement activity and does not provide additional income to the Council.

**Legal/Risk Implications Background**

The fixed penalties have already been approved within the appropriate framework

RISK	MITIGATION
Enforcing maximum fines could lead to more appeals at Court resulting in backlog as there are significant delays in obtaining Court dates	<p>Monitor current fine levels and review as part of current project</p> <p>The current fly-tip penalty and duty of care notice charges remain higher than that of a skip hire to legitimately remove rubbish, thereby acting as a deterrent</p> <p>Cases will be considered on their own merit and risk assessed – this may include working with identified perpetrators to encourage clean up/purchase of skips and is in line with Corporate Enforcement Policy</p>
Court fees and legal fees could be considerably higher than the fine income where increased FPN amounts remain unpaid	<p>Each case to be determined on its own merit with risk assessment undertaken and considered in line with the corporate enforcement policy</p> <p>Use of Single Justice Protocol considered in first instance</p>

To increase fines to revert to maximum fines in the current cost of living crisis could create significant hardship and should only be considered for regular offenders.	Each case to be determined on its own merit with risk assessment, including option to revert to automatic prosecution  This will be reviewed in the next six months
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### **Equalities Implications**

Enforcement action remains proportionate and is in line with the MERIT (Making Equality Real in Tamworth) policy

### **Environment and Sustainability Implications (including climate change)**

Reductions in fly tipping via education and proportionate enforcement will improve the environment.

### **Background Information**

All relevant information included in this report.

### **Report Author**

Joanne Sands – Assistant Director Partnerships  
Lisa Hall, Safer Communities and Homes Manager

### **List of Background Papers**

[Corporate Enforcement Policy](#)

### **Appendices**

Appendix 1 – Government ASB Action Plan  
Appendix 2 – Revised Environmental Crime Policy 2023  
Appendix 3 – Camera locations

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HM Government

# ANTI-SOCIAL BEHAVIOUR

## ACTION PLAN





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# Foreword by the Prime Minister

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Strong communities are bound by a golden thread – the idea that we should treat others as we would like to be treated ourselves. I know that’s how the vast majority of people in this country act. So much of our happiness and pride stems from that idea and having peace of mind in the places we call home. Yet, there’s a small minority whose anti-social behaviour makes other people’s lives a misery.

It is simply unacceptable that anyone should have to live in fear of intimidation from their neighbours or gangs terrorising their streets; that parks and children’s play areas should be littered with empty nitrous oxide canisters; that women and girls should feel unsafe walking alone at night; or that businesses and shops should close

down because town centres are no longer places that people want to be. That is not the kind of community anyone wants, and it is not the kind of country we are.

That is why we are launching this new Action Plan. Because anti-social behaviour is not a low-level crime. It is not just a nuisance or irritant. It ruins communities. We need to stamp it out—and we can. There is nothing inevitable about it.

This Action Plan builds on the work we are already doing to make our streets safer and invest in communities the length and breadth of the UK. It sets out how we will deal with anti-social behaviour for good by acting in three ways.

First, we will treat anti-social behaviour with the urgency it deserves by bringing in hotspot policing to target the worst affected areas. This will start with ten trailblazing places, before rolling out across England and Wales next year. It means we will have more police and more uniformed officers tackling the most prolific offenders. We will also introduce a new approach called Immediate Justice to make perpetrators repair the damage they have done. They will be forced to pick up litter, wash police cars or clean up graffiti within as little as 48 hours of being caught. Again, this will start in ten places, before being expanded across England and Wales in 2024. And to restore public trust we will launch a new digital tool for people to report anti-social behaviour and take a tougher approach in holding the police and other agencies to account.

Second, we will take a zero-tolerance approach – including cracking down on the illegal drugs that blight communities. We are going to ban nitrous oxide and expand the use of drug testing on arrest. We will broaden not just the types of drugs that police test for, but also the situations where tests are used to include anti-social behaviour and violence against women and girls. In addition, we will make it easier to evict tenants who are persistently disrespectful and disruptive to their neighbours, and we will bring in new tools to help those on the streets into proper support and care, and to prevent intimidation and loitering.

Third, we will give the police and other agencies the tools they need to act and restore pride in our communities. We will increase the amount for on-the-spot fines for litter, graffiti and fly-tipping and seek to increase their use. Councils will be given new funding to restore local parks and greater powers to revive their high streets by bringing empty shops back into use. And we will provide more help for young people to find positive ways to focus their energies, including one million extra hours of youth support in hotspot areas.

I want to strengthen that golden thread which binds us together – to build communities where families can flourish, where businesses want to invest and where people feel pride, optimism and hope. By stopping anti-social behaviour in its tracks, that is what this Action Plan will do.

**Rt Hon Rishi Sunak MP**

Prime Minister

**This government is clear that acts of anti-social behaviour are unacceptable. Our Anti-Social Behaviour Action Plan is not just words, but a plan to stamp out anti-social behaviour. We will:**

**1. Make sure anti-social behaviour is treated with the urgency it deserves, increasing the use of hotspot policing and enforcement, rolling out a new Immediate Justice service so anti-social behaviour perpetrators swiftly clean up their own mess, and giving communities more of a say over, and more visibility of, reparation:**

- Dedicated funding will support Police and Crime Commissioners, working with councils and others, to target enforcement in the areas where anti-social behaviour is most prevalent in their communities. Initially, we will support 10 trailblazer areas, scaling up to hotspot enforcement across all police forces in England and Wales in 2024.
- Perpetrators of anti-social behaviour will be made to repair the damage they inflict on victims and communities, with the ambition of reparative work starting within 48 hours of their being given a disposal by the police. Perpetrators will clean up graffiti, pick litter and wash police cars while wearing jumpsuits or high-vis vests, and under supervision – with communities given a say over the consequences they face through consultation.
- A new digital tool will be launched so members of the public have a simple and clear route to report anti-social behaviour, receive updates on the outcome of their case, find guidance, and challenge where they do not think this is satisfactory.

**2. Change laws and systems to take a zero-tolerance approach to anti-social behaviour, cracking down on the illegal drugs that blight communities and organised and harmful begging:**

- We will ban nitrous oxide, also called laughing gas, to put an end to intimidating groups of young people littering local parks with empty cannisters.
- The police will be able to drug test suspected criminals in police custody for a wider range of drugs, like ecstasy and methamphetamine, and test offenders linked to crimes like violence against women and girls, serious violence, and anti-social behaviour.
- New laws to replace the Vagrancy Act will enable the police and councils to direct individuals to engage with the support they need, prohibit organised begging by criminal gangs and begging which causes nuisance and undermines the sense of public safety, and address street activity so our public spaces are clear of debris and paraphernalia.
- Landlords and law-abiding tenants will benefit from stronger laws and systems to ensure those who are persistently disruptive are evicted. We will seek to halve the delay between a private landlord serving notice for anti-social behaviour and eviction and broaden the disruptive and harmful activities that can lead to eviction. We will also provide a clear expectation that previous anti-social behaviour offenders are deprioritised for social housing.

**3. Give the police and other agencies the tools they need to discourage anti-social behaviour, including higher on-the-spot fines, investment in positive activities for young people, filling empty shops and regenerating local parks.**

- The upper limits of on-the-spot fines will be increased to £1,000 for fly-tipping and £500 for litter and graffiti, and we want more of these fines handed out to offenders.
- One million extra hours of youth support will be made available in anti-social behaviour hotspots and we will invest more to intervene early with at risk young people via 1-1 support.
- Councils will have stronger means to revitalise communities, bringing more empty shops on high streets back into use, and restoring and renovating local parks.

This Action Plan is consistent with the devolution settlements, and we will work with the Devolved Administrations to ensure a collaborative approach in devolved areas.

# Introduction

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**[Anti-social behaviour] makes you feel unwelcome, like you're not wanted or loved, you don't feel you belong there. You're left with so many questions in your head when you don't know who is doing it or why – it does affect your emotional wellbeing. You don't feel safe there all the time and you don't know what is going to happen next. I've felt like this for the three years I've lived here, and I've been planning on leaving for the past year.**

*Research participant who witnessed anti-social behaviour, Liverpool<sup>1</sup>*



1. Everyone has the right to live without the fear of facing anti-social behaviour. To leave their home without dreading intimidation from neighbours, visit their local high street free of disorder and drug taking, take the train or bus to work without fear of abuse and walk down a pavement clear of dog mess and litter. Women and girls should not feel unsafe walking alone at night and families should not be intimidated away from parks by drug paraphernalia and groups of youths engaging in threatening behaviour. Businesses should not suffer and shops be shuttered because town centres are no longer places people want to be.
2. The Government is clear – acts of anti-social behaviour are unacceptable. They are the ultimate form of disrespect. They disrupt and damage our quality of life. They corrode communities, make victims feel powerless, and can leave places degraded and neglected. This is why the Government is doing everything possible to stamp out anti-social behaviour. It is central to the Government's mission of levelling up – because you cannot restore pride to places if people do not feel safe in their own community.
3. This is an action plan with safety, security and a basic respect for others at its heart. It is about restoring the right of people across the country to feel safe in, and proud of belonging to, their local area.
4. Through this action plan, and backed by £160m of funding, we are:
  - a) changing laws and tightening regulations to clamp down on anti-social behaviour – banning nitrous oxide, making sure more suspected criminals undergo drug testing on arrest, ensuring the police can move on those causing harm and blight while begging and making it easier for landlords to evict anti-social tenants who make their neighbours' lives a nightmare;
  - b) ensuring the police, councils and other agencies have all the powers and tools they need – increasing on-the-spot fines (Fixed Penalty Notices) to up to £1,000 for those who fly-tip and up to £500 for those who litter or graffiti, driving greater use of

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<sup>1</sup> Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

enforcement powers to protect the public and our public spaces, investing in positive activities to occupy young people in blighted areas and doing more to bring shuttered shops back into use and regenerate local parks; and,

- c) making sure anti-social behaviour is treated with urgency – with offenders facing immediate consequences and cleaning up the damage they cause through new Immediate Justice trailblazers, paying for more uniformed patrols to tackle anti-social behaviour, giving communities a voice and improving the data and information available to ensure the public can hold to account those who should be protecting their community.
5. Clamping down on anti-social behaviour requires many partners to work together. Building on the principles developed by the Anti-social Behaviour Strategic Board<sup>2</sup>, the plan sets out a new framework for the Government, police forces, Police and Crime Commissioners, local authorities and other partners – such as housing associations and youth offending teams – to work together to address the many drivers of anti-social behaviour and repair the damage to communities. This is alongside work to prevent anti-social behaviour, understand underlying behaviours and divert perpetrators. The following partners will have a range of responsibilities.
- a) **Police and Crime Commissioners** are accountable for delivering the key priorities of their local communities and victims of crime including on anti-social behaviour. Police and Crime Commissioners are well placed to use their leadership to reflect local priorities and will take a leading role in overseeing and convening efforts to reduce anti-social behaviour in their areas, working with local delivery partners.
  - b) **Police forces** will continue to have responsibility for the maintenance of order within communities, overseen by their Police and Crime Commissioner. Police forces will adopt a common-sense or “broken windows” approach to policing which means tackling problems of neighbourhood crime and anti-social behaviour where they occur and intervening early to prevent growing disorder. Police forces will work with local authorities and other partners to develop intelligence as to where their local hotspots are to target enforcement and use new powers and resources most effectively.
  - c) **Local authorities** will play an important role in tackling anti-social behaviour through prevention and enforcement using the range of powers and tools available to them. This includes neighbourhood wardens, working alongside police and other partners, to offer a visible and reassuring presence in local communities, handing out more on-the-spot fines for vandalism, and taking appropriate action against perpetrators.
  - d) **Probation Service** will continue to play a role in tackling the visible impacts of anti-social behaviour by delivering millions of hours of Community Payback every year. This will ensure offenders are visibly making reparations for their crimes by undertaking valuable work for their local areas as soon as possible after their crimes are committed.
  - e) **Youth Services Providers** will have an increasingly vital role, with some providing diversionary activity for all and others targeting support at those who risk being caught up in anti-social behaviour.

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2 Home Office. [Guidance: Anti-social behaviour principles](#). 2022.

- f) **Youth Offending Teams** will use the additional funding we are giving to do even more to tackle youth anti-social behaviour through early intervention and diversion. The Turnaround programme is providing more money to Youth Offending Teams across England and Wales over three years, to help them improve outcomes for children on the cusp of entering the youth justice system.
- g) **Housing Associations and Landlords** will work to ensure that no one lives in misery with anti-social neighbours. We will support landlords to use the tools they already have, to respond to reports of anti-social behaviour, work closely with the police and other local agencies to deal with problems and, where necessary, swiftly evict tenants.
- h) **Health Services** and the relevant Integrated Care Board should have an important role – at present, they are sometimes underused. They should be treated as standard for Anti-Social Behaviour Case Reviews that involve victims with health-related vulnerabilities.



# Background and context

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**I think you can tell in my voice. It just raises my blood pressure a little bit... because they're putting what they think is their views above everybody else's.**

*Research participant who witnessed anti-social behaviour, Leicester<sup>3</sup>*



6. Anti-social behaviour is the main reason people do not feel safe in their local area.<sup>4</sup> Everyone has experienced anti-social behaviour to a degree – a disturbance or disruption to the normal order of things; an attitude and show of disrespect for a place and the people that call it home. Often repetitive and oppressive, anti-social behaviour leaves victims and communities feeling powerless, spoiling their normal enjoyment of their spaces and chipping away at their peace of mind in their own homes. Anti-social behaviour covers criminal and non-criminal behaviour,<sup>5</sup> including:
  - a) intimidatory behaviour, such as threatening or unruly behaviour, drunkenness, harassment and loitering in public spaces;
  - b) drug use, and the paraphernalia, mess and disruption that can go with it;
  - c) vandalism, graffiti, and the plague of fly-tipping and littering; and
  - d) disruptive neighbours consistently playing loud music or letting their dog bark all night.
7. People are worried and frustrated by anti-social behaviour, and understandably so. Reducing anti-social behaviour, and crime overall, were the top reported priorities for levelling up in Britain, according to an Ipsos Mori index<sup>6</sup>; while people polled by Public First in December 2021 primarily blamed anti-social behaviour as the main reason why their area was a worse place to live versus 10 years ago, followed by a deterioration of the high street and more litter and rubbish<sup>7</sup> – all issues this action plan addresses.
8. There is also a growing gap between the anti-social behaviour that people are suffering, and what they report to police. While the total number of incidences of anti-social behaviour reported to the police has fallen by more than half since 2012<sup>8</sup> (outlined at Figure 1), last year 35% of people reported witnessing or experiencing anti-social behaviour.<sup>9</sup> This divide suggests that people are increasingly unwilling to report anti-social

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3 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

4 [YouGov. Anti-Social Behaviour](#). 2023.

5 A legal definition of ASB can be found in the Anti-Social Behaviour Act 2014: a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or c) conduct capable of causing housing-related nuisance or annoyance to any person.

6 Ipsos. Ipsos Levelling Up Index: [Levelling up Panel](#). 2022.

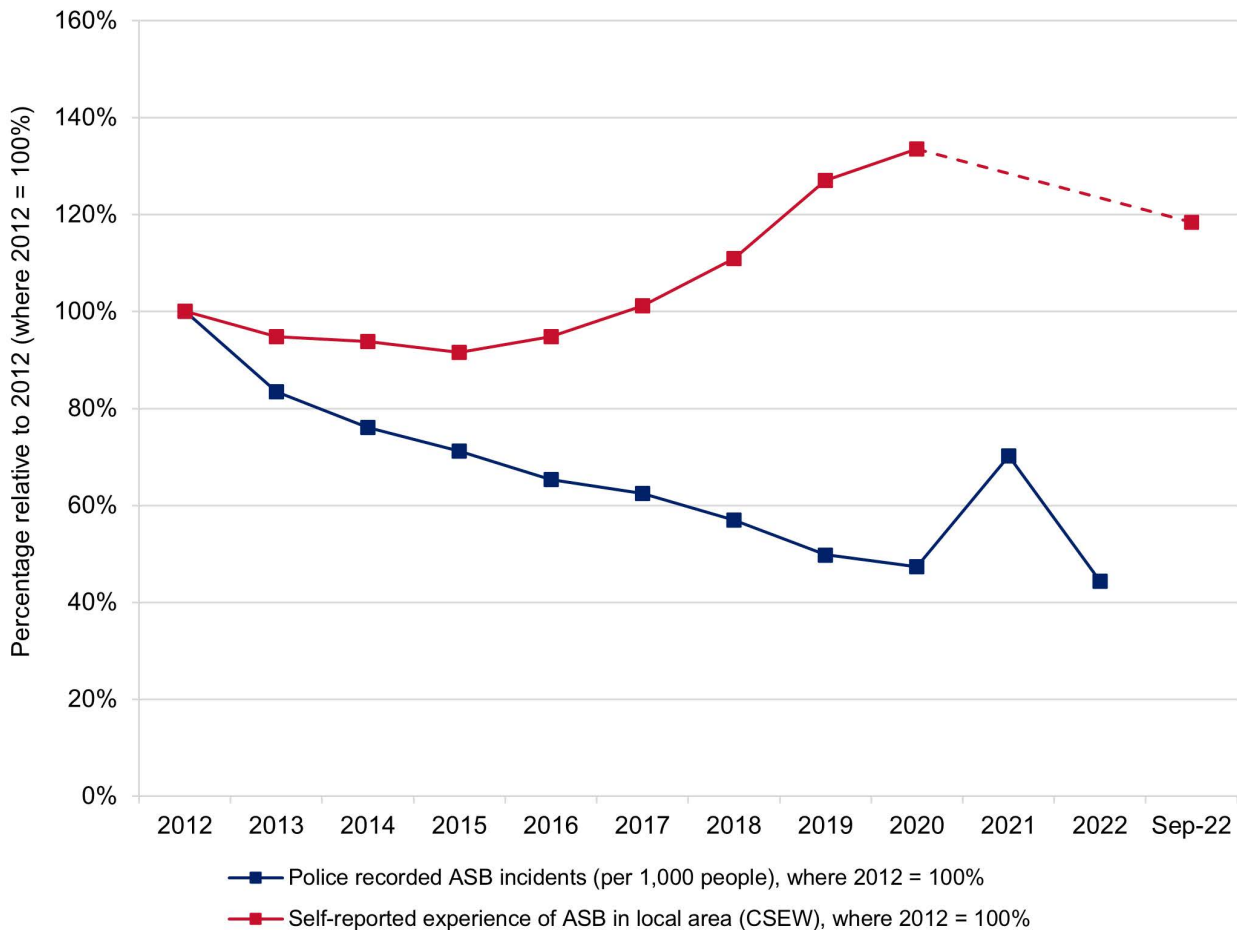
7 Public First. [Levelling Up Poll](#). 2021.

8 Office for National Statistics. [Crime in England and Wales: Other related tables](#). 2022.

9 Office for National Statistics. Crime Survey for England and Wales (CSEW) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022.

behaviour or have a much wider understanding of what constitutes anti-social behaviour compared to police recorded incidents. There can be little doubt that this is eroding public trust in those who are there to keep them safe and undermining the tradition of policing by consent.

**Figure 1: Police recorded anti-social behaviour incidents and self-reported experience of anti-social behaviour, 2012-September 2022<sup>10</sup>**



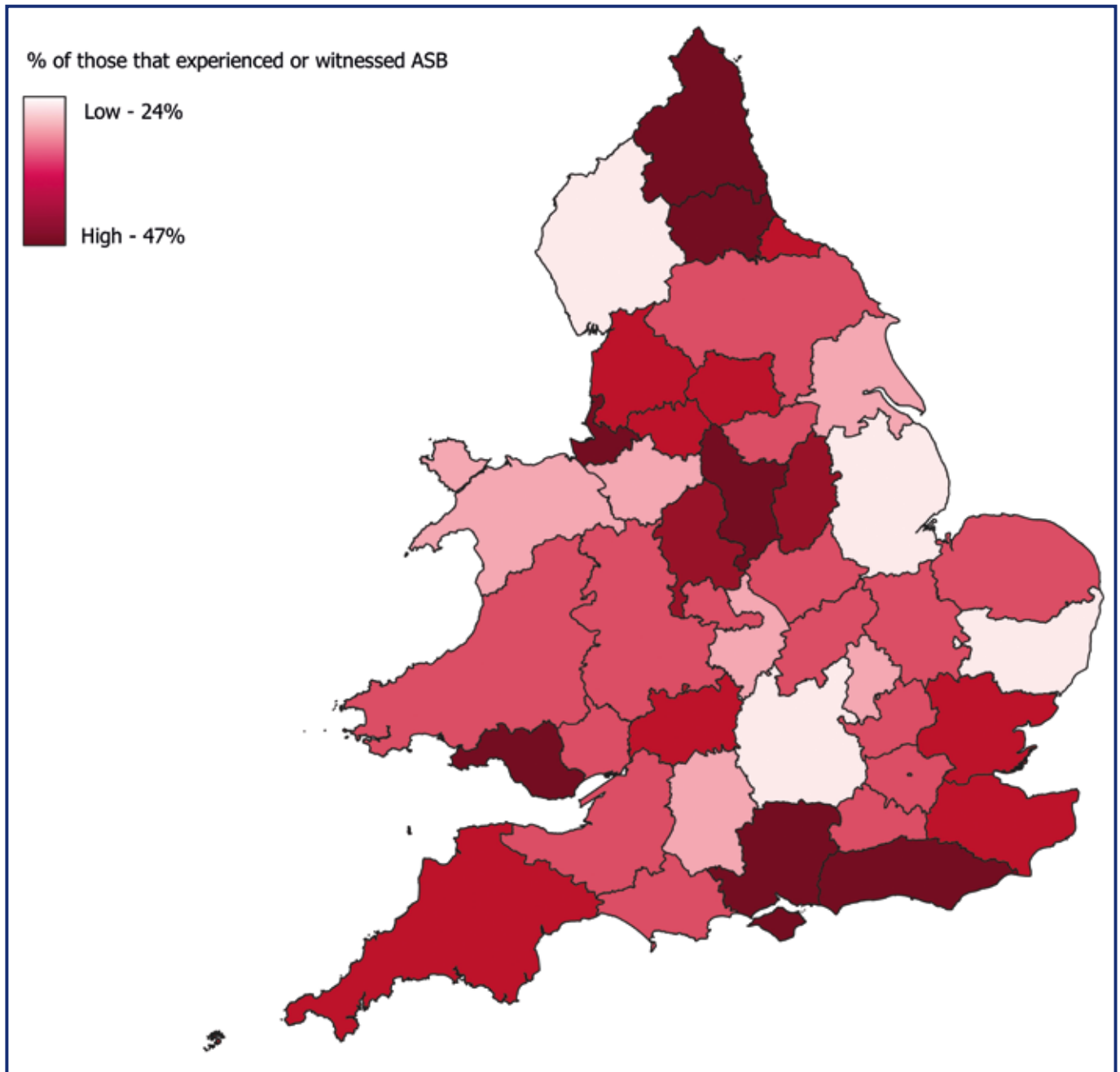
**Notes:**

Years refer to the preceding April-March period, except for the final point which refers to the year ending in September. Data is for England and Wales only. Furthermore, improved police recording means that public order offences, which have seen an increase in recent years, are no longer recorded as anti-social behaviour. This may explain the consistent decline seen until 2020. The spike in police recorded incidents in 2021 is due to lockdown breaches being recorded as anti-social behaviour.

9. The types of anti-social behaviour that communities are most concerned about vary by area, and people living in some of our most deprived communities often suffer the worst from anti-social behaviour.
10. As Figure 2 shows, the percentage of adults who have personally experienced or witnessed anti-social behaviour in their area is highest in Police Force Areas in the North East, Midlands, and the South East. Derbyshire (47%), Northumbria (45%) and Durham (45%) are the Police Force Areas with the highest percentage of adults with experience of anti-social behaviour. Similar patterns are also evident in data showing people’s perceptions of anti-social behaviour in their areas (as demonstrated in Figure 3).

<sup>10</sup> Office for National Statistics. [Crime in England and Wales: Police Force Area data tables](#). 2023.  
 Office for National Statistics. [Crime in England and Wales: Other related tables](#). 2023.  
 Office for National Statistics. [Crime in England and Wales: Annual Trend and Demographic Tables](#). 2022.

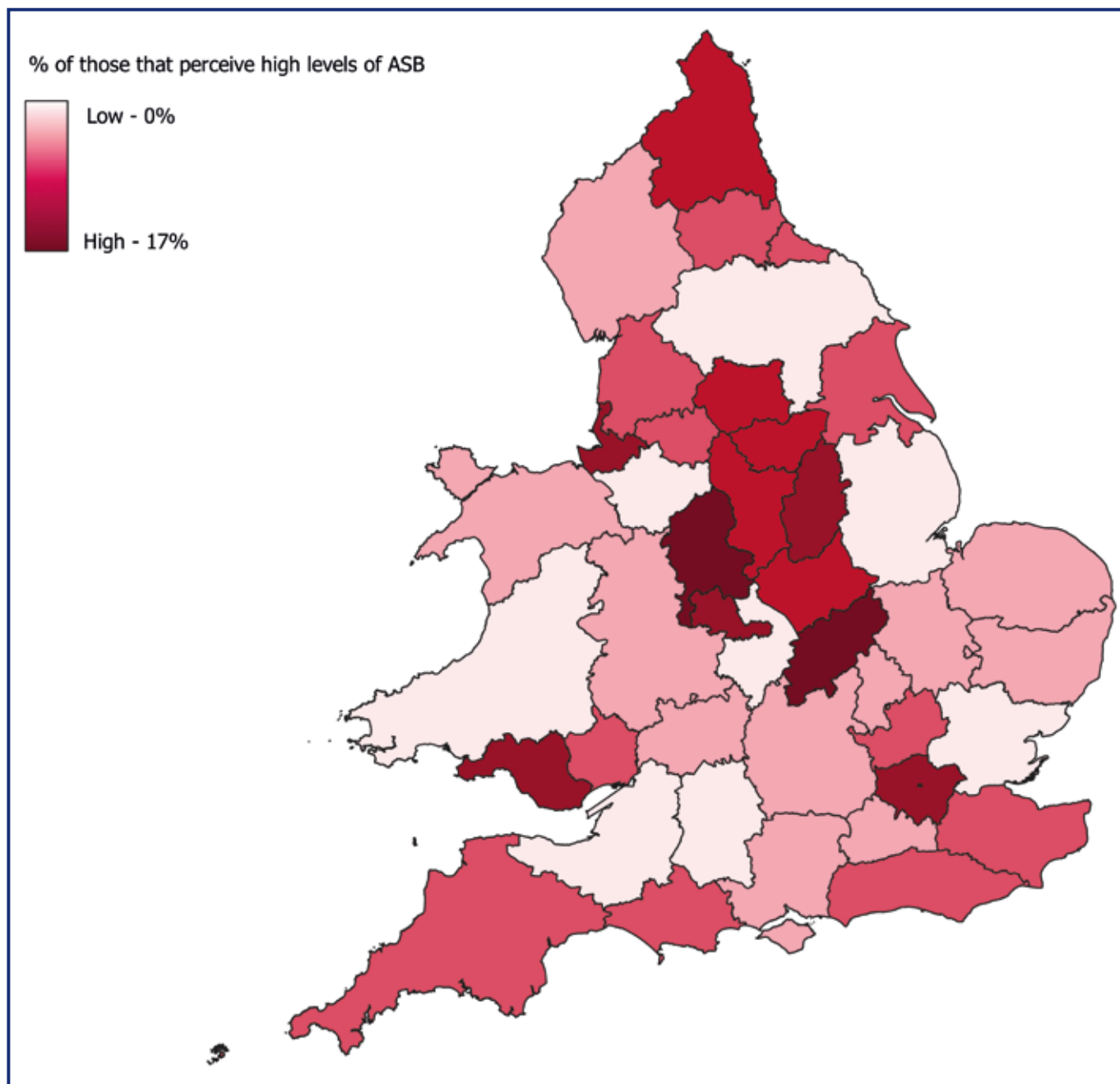
**Figure 2: Percentage of adults who personally experienced or witnessed anti-social behaviour in their area, year ending September 2022<sup>11</sup>.**



Notes:  
Being based on small sample sizes, police force area estimates from the CSEW are less robust than national level estimates and should be treated with caution.

11 Office for National Statistics. [Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022](#). 2023.

**Figure 3: Percentage perceived high level of anti-social behaviour in their area, year ending September 2022<sup>12</sup>.**



Notes:  
Being based on small sample sizes, police force area estimates from the CSEW are less robust than national level estimates and should be treated with caution.

12 Office for National Statistics. [Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022](#). 2023.

# Tougher punishment

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**I think mental health takes a huge hit... a lot of people are constantly victimised as a result of anti-social behaviour... then [that] has a negative impact on their wellbeing. Their mental wellbeing, and physical wellbeing, actually, I know one of the victims has suffered quite heavily with heart problems over stress.**

*Local authority stakeholder, Leicester<sup>13</sup>*



11. Too often, anti-social behaviour goes unchecked or unpunished which is why this plan centres around safety, security and respect for others. It addresses victims' anger, alarm and frustration about disrespect, their personal safety concerns and their experience of community decline. Polling in January 2023 found that 54% of the public do not think that the police take anti-social behaviour seriously enough, and 68% believe the police have given up altogether on trying to solve 'low level' crimes.<sup>14</sup>

<sup>13</sup> Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

<sup>14</sup> Kimaram, A., Tryl, L., Burns, C., and Surmon, T. [Where are the police? Britons' attitudes to crime, anti-social behaviour and the police \(moreincommon.org.uk\)](#). 2023.

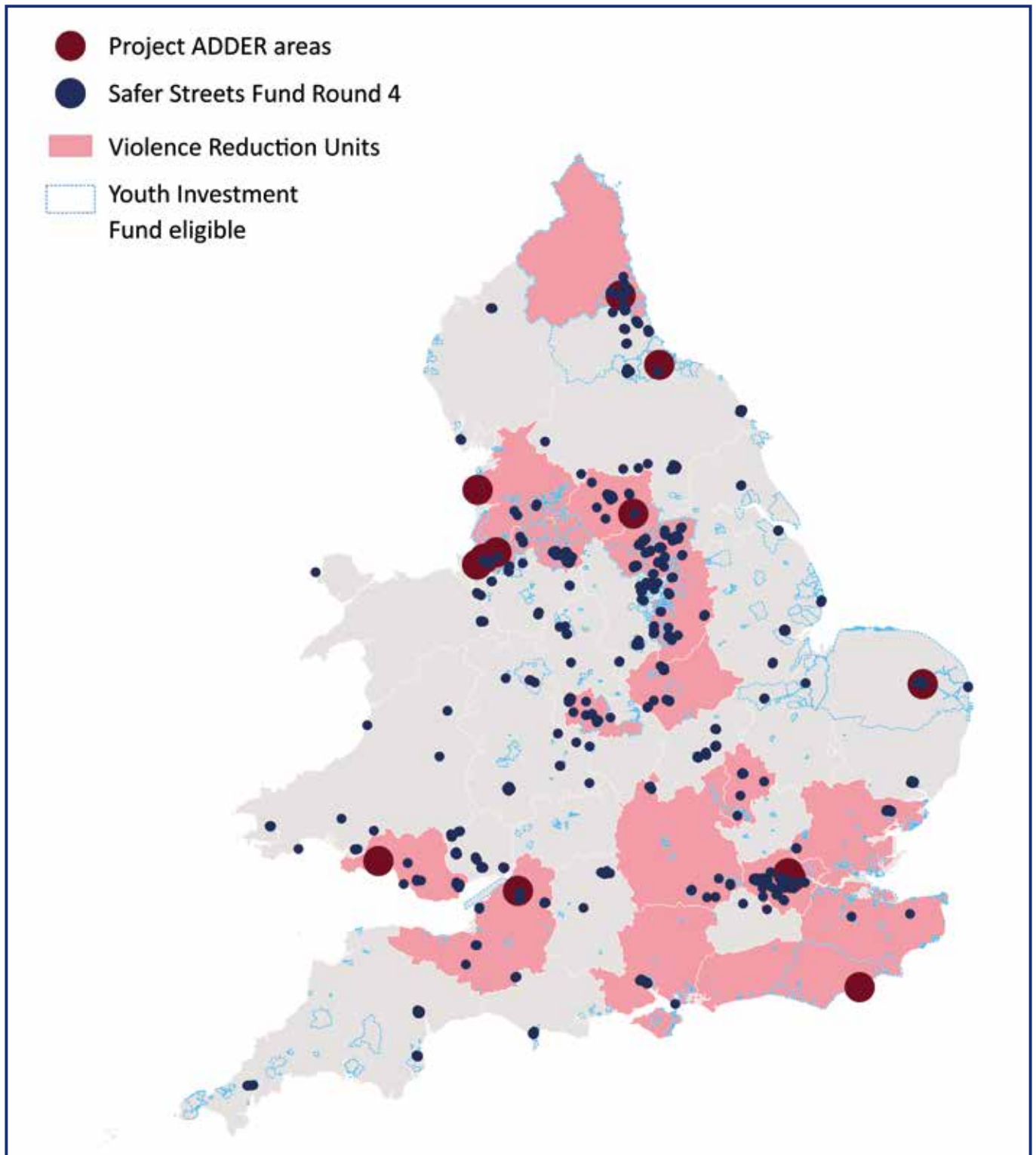
12. But anti-social behaviour is not 'low-level' or just a 'nuisance' crime. It should not be treated as such, especially by those responsible for enforcement and keeping communities safe. Actions have consequences and people have every right to expect that persistent perpetrators will face swift and certain 'Immediate Justice'. The measures we are introducing strengthen the array of powers and tools the police, councils and agencies are equipped with to deal with situations of anti-social behaviour that arise – reflecting the Government's determination to do all we can to stamp it out.
13. We will tackle anti-social behaviour through:
- a) **IMMEDIATE JUSTICE FOR PERPETRATORS:** Those found committing anti-social behaviour will be made to repair the damage they inflict on victims and communities, with an ambition for reparative justice to start 48 hours after their offence, and with communities involved in deciding the type of punishment or consequences they should face;
  - b) **CRACKING DOWN ON ILLEGAL DRUGS:** including a new ban on nitrous oxide and introducing greater use of drug testing on arrest to identify drug users and address the addiction that drives their behaviour;
  - c) **ENCOURAGING ORDERLY BEHAVIOUR:** by strengthening powers in the social and private rented sector to evict or sanction tenants who persistently commit anti-social behaviour, that has negative impacts on their neighbours.

## What we have already done

14. To deal with anti-social behaviour, the police, local authorities and other local partners have strong powers, and significant government investment.
- a) Since 2019, the Government has invested over £3 billion, including additional funding each year and that rolled into government grants, to enable the recruitment of 20,000 additional officers – a government priority and manifesto commitment.
  - b) To combat illegal drug supply chains, we are investing £300 million as part of the Drugs Strategy, including up to £145 million to crack down on county lines gangs.
  - c) To target street dealing and open use in hotspots, we have backed local partnerships under Project Adder with £59 million, funding more visible policing and treatment for drug takers.
  - d) We are supporting the areas most afflicted by organised crime, including through 'Clear, Hold, Build', a multi-agency partnership, set to be rolled out to all forces across England and Wales. In a successful pilot in Bradford, anti-social behaviour fell by 34%.
  - e) We are also continuing to deliver the twin-track Grip and Violence Reduction Unit programmes to tackle serious violence in public spaces. Since 2019, we have invested £340 million across both programmes into the 20 police force areas worst affected by serious violence in England and Wales and have already prevented over 136,000 violent offences.
  - f) We are injecting up to a further £93 million additional investment into Community Payback, to ensure criminals across England and Wales complete up to eight million hours of unpaid Community Payback per year. In high-vis, and under supervision, they will clean up graffiti, clear wastelands, and redecorate public places and buildings such as community centres.

- g) We have launched a new expert panel to help social housing landlords tackle anti-social behaviour.

**Figure 4: Intervention funding by area: Violence Reduction Units, Youth Investment Fund, ADDER, Future ADDER and Safer Street Fund.**



# How we will go further

## Immediate justice for perpetrators



**Unless the changes [are] made, you can read as much as you like about being a good person, but actions speak louder than words, and people are getting away with things because they're a bully, or because they're being anti-social and they don't think the rules apply to them**

*Research participant who witnessed anti-social behaviour,  
Newcastle upon Tyne<sup>15</sup>*



15. The powerlessness felt by victims when anti-social behaviour goes unpunished means they are less likely to report anti-social behaviour at all, while offenders feel they can act with impunity. We are determined to change this. As part of changing the system to stamp out anti-social behaviour, we will provide the tools and funding to dispense Immediate Justice, by issuing out of court disposals with conditions to swiftly repair any damage – the aim being for them to start within 48 hours of the offence. In some circumstances, for example where the original damage has already been cleared up, they will support the local community in other ways, like unpaid work in shops and picking litter on high streets. Victims and communities will have a say in shaping the consequences perpetrators face and will see justice being done – offenders will wear hi-vis vests and be working under supervision – as they face the consequences of their actions and work to pay back their community. Backed by around £50m this will start in 10 initial trailblazer police force areas and be rolled out nationally in 2024. Police and Crime Commissioners will take a leading role, commissioning services for Immediate Justice to fulfil out of court disposals, working with local authorities, the police, youth offending teams and other agencies to do so.
16. For criminals who are sentenced in court to Community Payback, we will be increasing the number of Community Payback hours delivered by offenders each year to up to 8 million hours. These hours are spent improving local communities: removing graffiti, clearing wasteland, and decorating public places and buildings such as community centres. We will also be going further to ensure the Probation Service is doing everything it can to tackle anti-social behaviour, by:
  - a) piloting new ways of using Probation Service-delivered Community Payback rapidly to clean up particularly serious incidents of anti-social behaviour in specific local areas. The Probation Service will work with certain local authorities to develop new and quicker processes, enabling probation teams, made up of people serving Community Payback, to be deployed rapidly to places which urgently need cleaning up following antisocial behaviour taking place. This new, rapid model will offer certain local authorities a means to restore public places to normal as soon as possible.
  - b) extending offenders' involvement in Keep Britain Tidy's projects. Last year's annual Spring Clean week saw 1,500 offenders spend almost 10,000 hours on 300 community clean-up projects. This year, we will build on this success and run a

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15 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.



second clean-up week in the autumn, which will focus on anti-social behaviour and raise awareness of the contributions of Community Payback teams. Each and every week, Probation Service Community Payback teams deliver thousands of hours of community payback work – and it is vital we use campaigns like Keep Britain Tidy to raise awareness of this work among the public.

17. We will also do more to ensure that we give local people a say in how and where Community Payback hours should be used to deter anti-social behaviour and clean up their park or high street. We will do this by:
- a) ensuring that the Probation Service, by law, consults key community leaders including Police and Crime Commissioners and local authorities on how and where our expanded eight million hours a year of Community Payback are used to improve public spaces and buildings. This will ensure that Community Payback hours are spent working on agreed local priorities.
  - b) giving local people a say in which projects local perpetrators complete. The Probation Service will be relaunching the Community Payback nominations website early next year, which will make it easier and more accessible for communities and members of the public who report anti-social behaviour to nominate potential Community Payback projects for offenders and the Probation Service to complete.

### Cracking down on illegal drugs



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**I find in the evenings, I’m a bit reluctant to walk down, because there’s people taking drugs, there’s the laughing gases, the little pellets all on the floor. Beer cans. And even in the parks, it is quite bad. So, I think when it gets dark, I’m a bit reluctant to leave the house now.**

*Research participant who experienced and witnessed anti-social behaviour, Newcastle upon Tyne<sup>16</sup>*

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16 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

18. Drugs are a scourge on society. They ruin lives, blight our neighbourhoods and make our streets unsafe. Half of people that report they don't feel safe alone in their local area cite drug taking and dealing.<sup>17</sup>
19. As set out in the Drug Strategy and Beating Crime Plan, we are clamping down harder on drug dealers and are clear that 'recreational use' is not harmless. This action plan goes further, changing laws as needed to take a tougher approach to drug misuse and anti-social behaviour.
20. It is already illegal to sell nitrous oxide, sometimes known as 'laughing gas', for its psychoactive effect. Yet in England and Wales, nitrous oxide has been the third most used drug, after cannabis and cocaine, since 2012<sup>18</sup><sup>19</sup>. Use is prevalent amongst young people, and at the recent peak, almost one in ten 16-24 year olds reported using nitrous oxide in a 12-month period<sup>20</sup>. Clearly, some corner shops and online retailers continue to sell it without proper checks, and without facing consequences.
21. This is negatively affecting individuals and communities. In its 2023 review, the Advisory Council on the Misuse of Drugs<sup>21</sup> found there have been anecdotal reports of an increase in social harms such as drug driving and littering of discarded canisters, as well as neurological harms, alongside widespread availability of nitrous oxide for illegitimate use. Some of these harms are felt acutely by communities, and from the public and police we repeatedly hear of links between nitrous oxide and nuisance or anti-social behaviour. Given the harm to communities, the health harms and prevalence amongst young people, we are taking a decisive approach and going further than the Advisory Council on the Misuse of Drugs recommended.
22. We will ban nitrous oxide, intending to do so before the end of the year. When Parliamentary time allows, we intend to legislate to make nitrous oxide a Class C drug with potential prison sentences and unlimited fines for unlawful supply and possession.
23. We recognise there are many legitimate uses of nitrous oxide, and we do not want to hinder responsible medical, industrial and consumer use. We will consult on the ban of nitrous oxide and how best to protect people and communities from the harmful effects, while exempting legitimate uses so as to minimise the burdens on businesses.
24. We will also expand drug testing on arrest – so more suspected criminals can be tested, and more drugs tested for.
25. At present, suspected criminals can be drug tested in police detention only if they have committed certain offences, such as theft, robbery, burglary, drug possession and dealing, fraud and begging, without further approvals. We will expand this to also include night-time economy-related offending, offences linked to violence against women and girls, domestic abuse, serious violence, and anti-social behaviour.
26. Currently only certain opiates and cocaine (including crack cocaine) can be tested for. We will widen this to all Class A drugs, including ecstasy and methamphetamine. We will also bring forward further legislation to enable Class B drugs like cannabis, speed and ketamine to be tested for, as well as consider further broadening this to some Class C drugs.

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17 [YouGov. Anti-Social Behaviour](#). 2023.

18 Home Office, [Drugs Misuse: Findings from the 2012-2013 Crime Survey for England and Wales](#), 2013

19 Office for National Statistics, [Drug misuse in England Wales: year ending March 2020](#), 2020

20 Advisory Council on the Misuse of Drugs. [Nitrous Oxide – Updated Harms Assessments](#). 2023

21 Advisory Council on the Misuse of Drugs. [Nitrous Oxide – Updated Harms Assessments](#). 2023

27. We will also consult on expanding drug testing powers to enable ‘on the spot’ testing, so police can test individuals on the street who they suspect are committing crimes whilst under the influence of drugs.

### Encouraging orderly behaviour



**Again, it’s more the persistent anti-social behaviour where that’s a problem. We have a lot of people with anxiety and depression. So yes, it can have such a negative impact on somebody’s life and again, more so when it’s somebody who’s living in it and can’t leave. So, if it’s a neighbour dispute or if it’s something, it tends to be a lot more severe.**

*Local authority stakeholder, Leicester*<sup>22</sup>



**[It] affects me because she obviously makes me sleep deprived and then I’m just annoyed for the whole day and I’m up at six in the morning for work and stuff and then it stresses me out... I’m tired in work, I don’t want to go to work and stuff like that.**

*Research participant who witnessed anti-social behaviour, Liverpool*<sup>23</sup>



28. Anti-social behaviour by neighbours is particularly stressful. Feeling on edge or frightened at home impinges on people’s wellbeing and security. A survey in 2022 found that over one in four social housing residents had been affected by anti-social behaviour in the past year<sup>24</sup>. Applied across the sector, it would be equivalent to one million households. Of those who reported anti-social behaviour to their landlord, 55% were dissatisfied with the outcome and 40% of those affected by anti-social behaviour who did not report it did not do so because they did not think their landlord would do anything about it.<sup>25</sup> In the private rented sector, one in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour.<sup>26</sup> Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable.
29. Neighbours sometimes fall out over issues – after-hours noise if a neighbour works nightshift, occasional parties, or property left in communal areas – that they can settle between themselves, but this is not always the case. As a first step, residents should seek to resolve disputes, if possible. We are exploring ways to increase mediation in

22 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

23 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

24 Department for Levelling Up, Housing and Communities. [Social Housing Quality Programme Resident: Residents Survey Report executive summary](#). 2022

25 Department for Levelling Up, Housing and Communities. [Social Housing Quality Programme Resident: Residents Survey Report executive summary](#). 2022.

26 Department for Levelling Up, Housing and Communities. [English Landlord Survey 2021: Main Report](#). 2022.

the Private Rented Sector, for example with the new Ombudsman to support landlords when tenants commit low-level – but high impact – anti-social behaviour. This will prevent avoidable evictions.

30. Sustained acts of intimidating or disruptive behaviour are not acceptable. These should lead to the eviction of the tenant involved. Landlords must be able to act against persistently problematic tenants and relieve innocent parties living nearby. Through this action plan we are strengthening the system – changing laws and arming landlords with the tools to ensure that anti-social tenants face the consequences of their actions.
31. For those living in the private rented sector or in properties owned by Private Registered Providers, we will ensure landlords can act more quickly than ever before to evict anti-social tenants. Through our reforms for renters, we will make grounds for possession – the legal reasons a landlord can evict a tenant – faster and far easier to prove. This will mean landlords can take immediate action – rather than giving two months’ notice and waiting for the end of a fixed term, as they currently need to when relying on Section 21. We will support tenants and landlords by:
  - a) ensuring that all private tenancy agreements include clauses specifically banning anti-social behaviour – making it easier for landlords to use the breach of tenancy ground to evict anti-social tenants.
  - b) making the notice period two weeks for all anti-social behaviour eviction grounds as part of our reforms for renters. We will also ensure that landlords are aware of existing tools – such as injunctions and Criminal Behaviour Orders – to crack down on anti-social tenants.
  - c) planning to expand the discretionary eviction ground, to make anti-social behaviour easier to prove in court: clarifying that any behaviour ‘capable’ of causing ‘nuisance or annoyance’ can lead to eviction.
  - d) speeding up the process of evicting an anti-social tenant by working with His Majesty’s Courts and Tribunals Service (HMCTS) to explore how to prioritise anti-social behaviour cases in Possession Lists in the courts.
  - e) bringing forward legislation which will set out the principles that judges must consider when making their decision, such as giving weight to the impact on landlords, neighbours, and housemates and whether the tenant has failed to engage with other interventions to manage their behaviour.
  - f) preventing short-term lets importing anti-social behaviour into communities, such as noise problems or drunken and disorderly behaviour. We will do this by setting up a new registration scheme giving local authorities the data to easily identify short-term lets in their area. If a let proves problematic, they can take action against guests and owners. We will publish a consultation on the registration scheme shortly.
32. Where premises themselves are a source of nuisance, we will consult on expanding Closure Powers. These currently allow police or council officers to quickly shut down premises that are being used, or likely to be used, to commit nuisance or disorder. We intend to extend these powers to Housing Providers, making it easier and quicker for them to directly tackle nuisance premises without needed to go through the police or council officers.

33. Social rented sector tenants must also be protected from the insidious effect of anti-social behaviour on their daily lives and in their communities. Social landlords already have powers to tackle anti-social behaviour, through their allocation of social housing and through existing powers of eviction. We will ensure those powers are being used by setting clear expectations they are exercised in a timely fashion, and we will go further to strengthen the position of all social landlords by:

- a) updating statutory social housing allocations guidance ('Allocation of Accommodation guidance'<sup>27</sup>) to be clear that evidence of committing anti-social behaviour can and should be used to de-prioritise anti-social behaviour perpetrators, who should be at the back of the queue for social housing; and
- b) speeding up the process of removing anti-social behaviour perpetrators from their communities by exploring a "three strikes and you're out" eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour followed by three warnings from your landlord. After three strikes, the Government thinks it is right that perpetrators of anti-social behaviour face eviction and should be deprioritised for further social housing and will work with the sector to achieve this.

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27 Department for Levelling Up, Housing and Communities. [Allocation of accommodation: guidance for local housing authorities in England](#). 2012.

# Making communities safer

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**You get that, sort of, lingering anxiety. You're checking over your shoulder and looking around as you are leaving your home or as you go about your day. For a while, I've felt, the best thing to do is leave the neighbourhood as quickly as possible. I just felt that I wasn't able to lead a safe neighbourhood life and was aware that was a really sorry affair to have to have this in mind.**

*Research participant who witnessed anti-social behaviour, London<sup>28</sup>*



34. Anti-social behaviour is the main reason people do not feel safe in their local area.<sup>29</sup> And given fear of anti-social behaviour is worsening, existing powers could be used more effectively by agencies.
35. Crime, including anti-social behaviour, tends to be highly localised. Nearly a quarter of all neighbourhood crime is concentrated in just 5% of neighbourhoods.<sup>30</sup> The issues facing communities also vary. Residents of Oldham, in Greater Manchester, for example, were most worried about groups loitering at tram stops and harassing passengers. For residents of Clacton, in Essex, it was the public drinking around the town centre fountain

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28 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

29 YouGov. [Anti-Social Behaviour](#). 2023.

30 Home Office. Safer Streets Fund (2021-2022) Prospectus. 2021.

driving people away. In Walsall, in the West Midlands, the primary concern was the violent reputation of certain neighbourhoods that meant people felt intimidated and avoided driving through them. In these three areas, which featured in the Onward think tank's recent Levelling Up Locally report, residents said they felt powerless in the face of anti-social behaviour.<sup>31</sup> This plan has been designed with the diverse needs of local people and areas in mind, to ensure specific local challenges can be addressed.

36. We will tackle anti-social behaviour through:

- a) **SCALING UP HOTSPOT ENFORCEMENT:** by increasing police presence alongside other uniformed authority figures, such as wardens, in problem areas for anti-social behaviour, including public transport;
- b) **DISCOURAGING ANTI-SOCIAL BEHAVIOUR:** by increasing the use and size of on-the-spot fines for littering, graffiti, and fly-tipping to keep our parks and streets clean – which local authorities can use to fund more enforcement activity.

## What we have already done

37. To tackle crime and keep our communities safe:

- a) We are on target to recruit the 20,000 additional officers by 31 March 2023, taking us to over 148,400 officers across England and Wales. This will be the highest number of officers in forces across England and Wales on record.
- b) The £120 million Safer Streets Fund has supported 270 projects across England and Wales, including 102 focusing on anti-social behaviour as part of round four.
- c) We have helped local authorities combat fly-tipping by introducing fixed penalty notices and strengthening their powers to stop, search and seize the vehicles of suspected fly-tippers. We have also consulted on preventing householders from being charged to get rid of DIY waste to help ensure people dispose of their waste in a responsible way, encourage recycling and reduce the risk of fly-tipping.

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31 Hawksbee, A., and Menon, S. H. [Levelling Up Locally](#). 2022.

# How we will go further

## Scaling up hotspot enforcement



**Yeah, just more police about and having more of a presence especially around town areas. It'll just invite people to feel more safe to travel into the town areas for entertainment. So if there's police around, feel a bit safer. That's all.**

*Participant, Northampton*<sup>32</sup>



38. We know people feel safer when there are more police and authority figures on the streets and the evidence also shows taking a 'hotspot' approach, where uniformed police spend time at problem areas on a regular basis, reduces levels of crime.<sup>33</sup>
39. With around £60m we will fund an increased police presence to clamp down on anti-social behaviour, targeting hotspots. Police and Crime Commissioners will drive and lead the approach, working with their police forces and local authorities to identify parts of their community where a stronger, focused approach is needed due to anti-social behaviour. Initially we will work with 10 police force areas, but from 2024 will support a hotspot approach across every police force area in England and Wales, which will see thousands of additional patrols taking place in places blighted by anti-social behaviour. We will also fund more authority figures which could include uniformed local authority wardens with Police and Crime Commissioners determining the most effective measures locally, guaranteeing extra enforcement presence to deter or punish offences, including fly-tipping and littering. To make this sustainable and led by community need, we will work with Police and Crime Commissioners and local authorities to encourage innovative local partnerships and matched investment from business and organisations that will benefit from reduced anti-social behaviour, such as Business Improvement Districts or large retailers.
40. While the police, local authorities and other agencies already have a range of powers to tackle anti-social behaviour, they do not use them consistently, or, at times, enough. As part of our new approach to ensuring all partners have the tools they need to protect the public, we will consult on changes to existing anti-social behaviour tools and powers to ensure a stronger response, including:
  - a) extending dispersal powers to local authorities and increasing the length of dispersal to 72 hours.
  - b) extending public spaces protection orders to police and ensuring they can be used quickly and effectively.
  - c) extending power of arrest to all breaches of civil injunctions.

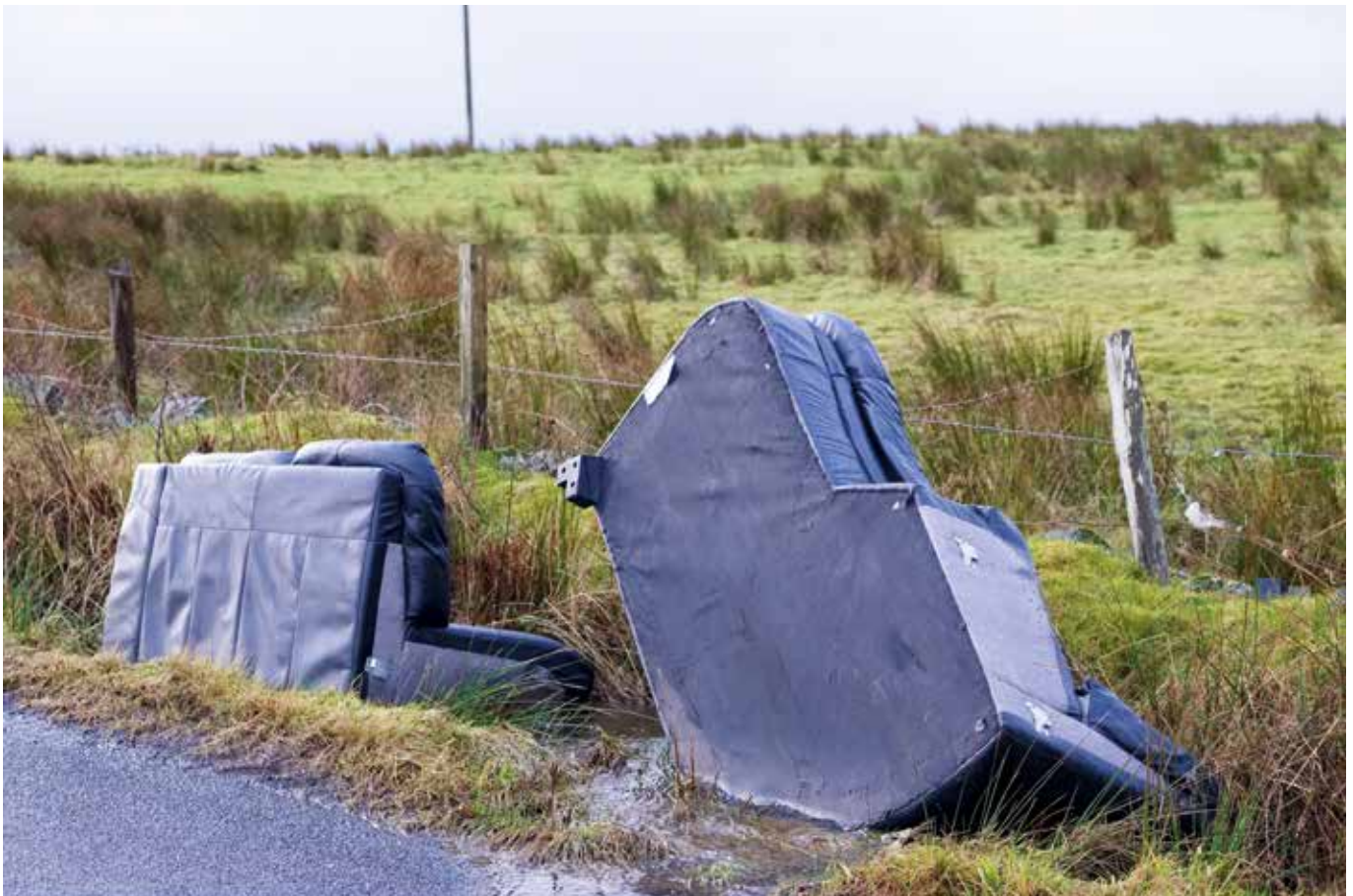
32 Kimaram, A., Tryl, L., Burns, C., and Surmon, T. [Where are the police? Britons' attitudes to crime, anti-social behaviour and the police \(moreincommon.org.uk\)](#). 2023.

33 Braga, AA, Turchan, B, Papachristos, AV, Hureau, DM. [Hot spots policing of small geographic areas effects on crime](#). Wiley Library – journal: Campbell Systematic Reviews. 2019.



- d) lowering the age limit of community protection notices to include younger perpetrators.
  - e) increasing the upper limit of fixed penalty notices for breaches of community protection notices and public spaces protection orders to £500.
  - f) extending Community Safety Accreditation Scheme powers to include relevant anti-social behaviour powers.
  - g) to make public transport safer, building on the model seen in the West Midlands, we will pilot an expansion to Transport Safety Officers with up to £2.5m additional funding – specially-trained staff to deal with low-level nuisance and disorder, who target hotspot routes and locations.
41. We will support local areas to make more use of existing powers with the statutory guidance and new toolkits.
- a) We will update the Manual for Streets, a key piece of design guidance which supports local areas to create safer streets for people. It will include guidance on how local areas can use design to prevent crime and anti-social behaviour.
  - b) We will work with the College of Policing and Police and Crime Commissioners to publish best practice for responding to anti-social behaviour and to help police forces consistently treat these crimes with the urgency they deserve.

### **Discouraging anti-social behaviour**



42. Litter, graffiti and fly-tipping make our neighbourhoods look and feel ugly and neglected. Dumping unwanted furniture and dirty mattresses in alleyways, chucking food wrappers and cigarette packets in the street, and spraying shopfronts or statues with graffiti are acts of vandalism or neglect borne of disrespect for others and our environment. Perpetrators should face consequences.
43. We want to see councils take a much tougher approach to this form of anti-social behaviour. We remain clear that the use of on-the-spot fine powers (called Fixed Penalty Notices or FPNs) should never be used to target accidental littering, or to punish those who are trying to do the right thing when education would be the better approach. But taking proportionate and effective enforcement action against people who intentionally or carelessly damage their local environment is a practical step authorities can take to change behaviour and deter others from offending. To equip them with everything they need and strengthen their arm, we will change laws and provide statutory guidance on the proportionate use of litter fining powers.
44. As a first step, this year we will increase the upper limits for on-the-spot fines:
- a) Those caught fly-tipping could be fined up to £1,000 (from £400 now)
  - b) Those who litter or graffiti could be fined up to £500 (from £150 now)
  - c) Those who breach their household waste duty of care could be fined up to £600 (from £400 now)
45. Currently, research suggests 92% of councils do not give out any on-the-spot fines to people for carrying out graffiti<sup>34</sup>. And while in 2021/22, councils issued 91,000 fines for fly-tipping, along with other enforcement actions, in total they dealt with almost 1.1 million incidents.<sup>35</sup> We want to see councils use these on-the-spot fines much more. Local authorities will have the freedom to set the rates that offenders should pay, within the limits above. Revenue from fines will be reinvested locally in clean up and enforcement – meaning perpetrators pay for local councils to continue toughening their approach in future years. We will increase transparency of the data on the use of on-the-spot fines, including publishing league tables on fly-tipping to show which local authorities are taking a muscular approach. This will support them to investigate, identify and catch perpetrators by triangulating known vandalism hotspots, investing in CCTV and paying for more wardens on patrol.

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34 Defra, [Graffiti and Fly-posting research report, 2022](#).

35 Defra, [Fly tipping incidents and actions taken in England, 2022](#).

# Reducing rough sleeping and begging



**I felt like I had anxiety, it was very distressing. When I walked back onto the road and I was walking really, really fast, trying to get into my car. I didn't even go to the shop, I thought, No, I'm not going to go into the shop, just in case [the man begging] is following me.**

*Research participant who experienced anti-social behaviour, Leicester<sup>36</sup>*



46. Restoring pride in place with safe streets and clean parks means we must maintain and enhance our public spaces. Crucial to this is dealing sensitively yet firmly with those who, in being unable or not always willing to access the support they need, can cause distress or harm to themselves and others. This in turn undermines the overall atmosphere of public safety and community pride.
47. The starting point to solve these issues is to prevent people ending up on the streets in the first place. Last year the Government published its plan to end rough sleeping for good. We committed an unprecedented £2bn over three years, focused on preventing rough sleeping – ensuring, for example, that those leaving a public institution, whether prison, hospital or care, won't find themselves on the streets with no place to go.
48. We now want to do more to safeguard the welfare of those who are vulnerable and sleeping rough, to move them off the streets and into support programmes. This response needs to reflect their often-complex problems, with accommodation often only one part of what they need to integrate back into society. A whole system approach should also ensure access to drug and alcohol treatment and more help to sustain people in work.
49. People may refuse help owing to their complex needs and a lack of trust in services, at a cost to their own welfare or to the welfare of others. Our response must enable local authorities and the police, when working with a wider set of agencies, to direct people at risk on the streets to take up the help that is on offer. But it must also ensure that they can robustly address issues caused by criminal activity as well as intervene where an individual's anti-social behaviour causes real distress to the public, creates a nuisance or undermines people's sense of safety and pride in the community.

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<sup>36</sup> Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

## What we have already done

50. To end rough sleeping and support people off the streets we have:
- a) Invested up to £500m through our flagship Rough Sleeping Initiative 2022-25 so that local authorities can provide tailored support to end rough sleeping.
  - b) Launched the £200m Single Homelessness Accommodation Programme that will deliver up to 2,400 homes for vulnerable people sleeping rough or at risk of rough sleeping (in addition to the 6,000 homes being delivered by the Rough Sleeping Accommodation Programme).
  - c) Committed £42m of funding since 2018 towards the sub-regional Housing First pilots to support the most entrenched rough sleepers in the West Midlands, Greater Manchester and Liverpool City Region.
  - d) Committed up to £186.5m in funding for substance misuse treatment services through the Rough Sleeping Drug and Alcohol Treatment Grant over three years.

## How we will go further

51. Nobody should be criminalised for simply having nowhere to live. That is why we are repealing the Vagrancy Act. We have already embarked on a strategy to shift the focus to prevention and move vulnerable individuals into multi-agency support. Police forces and local agencies have, however, made clear they need more direct tools to help deal with individuals whose behaviour is causing a nuisance to the public and, where possible, to move those individuals on and into the support they are eligible for, including where they have refused the help before. This will both ensure individuals' needs are met and reduce the damage done to communities by criminal activity and other forms of anti-social behaviour that can often accompany street activity.
52. We want to go as far as possible to ensure vulnerable individuals on the streets can be directed to the support they need, while cracking down on conduct that is anti-social, intimidating, or criminal. We will introduce new powers for local authorities and the police, coupled with improved multi agency working between local partners. Among other measures, informed by further engagement with stakeholders, we will:
- a) introduce new tools to direct individuals to engage with positive pathways, including accommodation, mental health support, substance misuse support, and immigration or asylum services, so individuals who may have turned away help before access the support they need;
  - b) prohibit organised begging, which is often facilitated by criminal gangs to obtain cash for illicit activity;
  - c) prohibit begging where it is causing a public nuisance, such as by a cashpoint, in a shop doorway, on public transport, approaching people on the street or in their cars, and any broader incidence that cause nuisance, distress or blight; and,
  - d) introduce powers for the police and local authorities to address rough sleeping and other street activity where it is causing a public nuisance, such as by obstruction of doorways and pavements, and to clear the debris, tents and paraphernalia that can blight an area, while ensuring those genuinely homeless and with complex needs are directed to appropriate support.

# Building Local Pride

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**I think it stops people behaving like a community. I think people retreat to their own house a lot, there isn't an awful lot of community feel. People don't want to be out when there's fireworks going off, people don't want to be out when they're in danger of bumping into crowds of people.**

*Research participant who witnessed anti-social behaviour, Cardiff<sup>37</sup>*



**People go about their business, they don't say hello to people, they put their heads down, they go home, lock their doors and that, they don't integrate like they used to, and I think it's become like that as well with people think, Oh, it's not my problem, let somebody else report it.**

*Research participant who witnessed anti-social behaviour, Liverpool<sup>38</sup>*



53. The Government's Levelling Up agenda has pride in place at its heart. The focus is on restoring community pride and belonging. The public spaces we share are a vital part of thriving communities. As 'social infrastructure' they bind us together and create a sense of attachment and association. Neglect of this vital infrastructure soon takes its toll. Empty shops and buildings are visible signs of decline.<sup>39,40</sup>
54. We know that people are concerned about anti-social behaviour in public spaces, particularly in local parks and high streets.<sup>41</sup> And research shows that when asked to choose one local improvement, people say cutting crime.<sup>42</sup>
55. The economic and social harms caused by anti-social behaviour are all too clear. People grow reluctant to use local facilities, whether it is to let children play in the park or to take public transport to the shops, the mosque, or the library. Footfall in the high street goes down, depressing the local economy, and community assets go to waste. With the onset of decline, pride in place deteriorates – creating a vicious circle.
56. In this context, anti-social behaviour can have a particular impact on communities already most at risk of economic decline. And as anti-social behaviour gives rise to more serious offences, already vulnerable communities become ever more susceptible to rising crime.

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37 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

38 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

39 UK in a changing Europe. [Levelling Up: what England thinks](#). 2022.

40 Cardiff University. [Security, Crime and Intelligence Innovation Institute: The Signal Crimes Perspective](#).

41 YouGov. [Anti-Social Behaviour](#). 2023.

42 UK in a changing Europe. [Levelling Up: what England thinks](#). 2022.

57. We will reinforce our support for local areas and make sure public spaces are thriving:
- a) **TACKLING EMPTY SHOPS AND PROPERTIES AND SUPPORTING LOCAL MARKETS**, by giving local businesses, entrepreneurs and communities the chance to take over vacant properties through High Street Rental Auctions, making our high streets fit for the 21<sup>st</sup> century with new High Street Accelerators and lifting restrictions on the number of days local people can hold markets can be held and encouraging more people into the town centre;
  - b) **IMPROVING ACCESS TO GREEN SPACES**, by supporting communities to restore their parks and green spaces through an up to £5 million boost to the areas most in need.

## What we have already done

58. To revitalise communities and town centres, we:
- a) are investing £2.35 billion across 101 Town Deals, investing up to £25 million in each place (and more in exceptional cases) to support local jobs and businesses, local infrastructure and town centres.
  - b) have funded 216 projects via rounds one and two of the Levelling Up Fund, totalling £3.8 billion, regenerating town centres and high streets, upgrading local transport and investing cultural and heritage assets. Further detail on round three will be announced shortly.
  - c) are supporting 72 places across England with over £830 million to reinvigorate high streets.
  - d) have committed £95 million to the High Street Heritage Action Zones (HSHAZ) initiative which will drive the regeneration of over 60 towns and cities. Historic England is working with councils and residents to transform historic buildings and streetscapes by improving their physical and economic condition, including restoring over 500 shop fronts and over 1,800 heritage assets, building and developing pride in our places;
  - e) have launched the £9 million Levelling Up Parks Fund, giving new money direct to towns and cities that need it most to create and refurbish their parks and green spaces.

## How we will go further

### Tackling empty shops and properties and supporting local markets



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**It's just getting worse, the streets are dirty, the shops are empty, you've got drunks on most corners...it's just not nice.**

*Participant, Onward Research, Clacton<sup>43</sup>*

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**Not a chance you walk round Oldham town centre on your own. I have a daughter and I'd rather let her walk round the Arndale [Centre]. I don't think it's safe.**

*Participant, Onward Research, Oldham<sup>44</sup>*

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<sup>43</sup> Hawksbee, A., and Menon, S. H. [Levelling Up Locally](#). 2022.

<sup>44</sup> Hawksbee, A., and Menon, S. H. [Levelling Up Locally](#). 2022.

59. We know people see empty shops and buildings as a sign of decline. They make them feel unsafe. Undoubtedly, too, our town centres are adjusting to significant challenges. The proliferation of online retail has changed how we shop. The high street must find new ways to attract people and kindle local pride.
60. It will take leadership from the public, private and third sectors together to make this happen, as well as involvement from communities and residents themselves. To help revitalise our high streets and prevent further decline, we are changing laws and arming councils with new tools:
- a) To breathe new life into shuttered shops we will introduce High Street Rental Auctions across all local authorities this autumn, following passage of the Levelling Up and Regeneration Bill. These auctions will allow local authorities to sell off the rental rights for empty properties to willing tenants, such as businesses and community groups, for a short period of time. To supercharge use, we will provide up to £2m of financial support to make sure that areas which need this the most are not priced out by prohibitive refurbishment costs to bring the properties up to standard.
  - b) At the same time, we will also pilot High Street Accelerators which will incentivise and empower local people to work together to develop ambitious plans to tackle vacancy and reinvent their high streets so that they are fit for the future. We will support this programme with up to £2.5 million of funding for up to 10 key areas.
  - c) To ensure that tackling anti-social behaviour remains the focus of reshaping high streets and neighbourhoods we will produce guidance highlighting the links between good design and reducing anti-social behaviour once the amended National Planning Policy Framework is published and the Levelling Up and Regeneration Bill is in place. This could include more street lighting and CCTV. We will also consult on whether the National Planning Policy Framework should explicitly refer to the need for planning policies and decisions to reduce anti-social behaviour.
  - d) Because complex commercial leasing rules are holding back high streets, we will launch the Landlord and Tenant Act Review – led by the Law Commission – with a view to their reform. Our aim is to make the system easier to understand and more transparent and attract more investment into UK commercial property.
  - e) So that local authorities can move quickly when a private property is left vacant, we will make changes to the Empty Dwelling Management Order regime, cutting the minimum time period for action from two years to six months specifically for properties which have become a magnet for anti-social behaviour or occupied by squatters.
  - f) We will consider changes to the guidance for Section 215<sup>45</sup> notices, which local authorities can use to make owners and occupiers fix and tidy their land and buildings, so that it includes notices on empty buildings that are ruining the local amenity. We are also removing the upper limit on fines for landlords and building owners who do not comply with a Section 215 order, encouraging them to fix disrepair that can attract anti-social behaviour.
  - g) Additionally, we intend to target the awful practice of ‘cuckooing’ or home invasion and will engage with stakeholders on making it a new criminal offence. By ‘cuckooing’ we mean criminals taking over a premises (often the home of a vulnerable person, such as an individual with limited physical or mental capacity, or substance addiction) to use for illegal activities. This has a serious impact on the victim being exploited

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45 MHCLG. [Town and Country Planning Act 1990 Section 215: best practice guidance 2005](#).



but can also affect local communities that are likely to suffer a range of anti-social behaviour as a result.

61. We know that the high street is going through a period of significant change, and that such change brings both risk and opportunity. The actions that we will deliver through this plan will provide additional tools and support for local leaders so that our high streets not only survive, but flourish. By helping local authorities tackle persistent and long-term vacancy, we will see more opportunities for local businesses and communities to rent and own property on the high street, helping to transform empty and derelict buildings into thriving hubs of activity.
62. We want our high streets to be vibrant, safe and welcoming environments regardless of the time of day. As we see vacancy reduce and footfall increase, it is essential that the people living, working and visiting high streets are able to enjoy themselves without fear of anti-social behaviour or abuse. Our new guidance on high street design will support local authorities actively to consider the ways in which their high streets can be developed to help people feel confident and safe.
63. The future of the high street should be shaped by local people and communities and it is our hope that with more opportunities to rent and own vacant property, and with our new accelerator pilot to bring local people together, we will continue to see more communities, residents, and local businesses having a direct say in how their high street evolves.
64. We will give local people more flexibility to host local markets, attracting people and traders to the town centre. We have already abolished the requirement for local areas to apply for planning permission to set up a market, and we will go further by doubling the number of days markets can be held – in line with other uses of outdoor space.

### **Improving access to green spaces**

65. We know that having access to parks and green spaces is important to people. More than nine in ten people say parks and green spaces are important to creating a sense of pride in place.<sup>46</sup> And being able to spend time in your local park can have significant health benefits as well as providing a space for people to meet, play, exercise and socialise.<sup>47</sup> We want to improve access to green spaces for everyone, but particularly in urban areas where access is more limited. Last year, we provided £9 million to areas in need to support the creation and refurbishment of parks – whether formal gardens, town parks or ‘pocket parks’ – and planting of more trees. As part of this Action Plan, we will boost our investment in green spaces by providing up to £5 million funding to areas most in need to restore their parks and green spaces, giving more people access and improving pride in place.

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46 Research carried out by [YouGov](#) for [Keep Britain Tidy](#).

47 Public Health England. [Improving access to greenspace. A new review for 2020](#). 2020.

# Prevention and early intervention

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**Anti-social behaviour is almost always a product of the environment and the, kind of, socio-economic background, but also it comes from boredom. People don't take part in anti-social behaviour when they've got better things to do.**

*Research participant who witnessed anti-social behaviour,  
Newcastle upon Tyne<sup>48</sup>*



66. Around 80% of prolific adult offenders begin committing crimes as children. As well as the personal cost in human suffering and missed life chances, the estimated cost of late intervention to the economy is nearly £20.6 billion per year. Of this, £850 million is attributed to anti-social behaviour (2023/24 prices)<sup>49</sup>.

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48 Home Office. [Anti-social behaviour: impacts on individuals and local communities](#). 2023.

49 Chowdry, H., Fitzsimons, P. [The cost of late intervention: EIF analysis 2016](#) | Early Intervention Foundation. 2016.

67. Yet this is often driven by young people having nowhere to go, and can have links to challenges in education. When home and school are not safe havens, for a range of reasons, anti-social behaviour can take root. While the vast majority of children persistently absent from school are off because of illness and are not involved in anti-social behaviour, persistent unauthorised absence for other reasons can be a risk factor for getting in trouble. The strengthened measures in this plan will boost support for young people, to prevent anti-social behaviour and protect the wider public.
68. Working with Youth Offending Teams, youth and probation services, and local authorities, we will:
- a) **INTERVENE EARLY** with ‘at risk’ young people to steer them away from anti-social behaviour and crime; and
  - b) **INCREASE LOCAL ACTIVITIES** by building on our National Youth Guarantee with further support and additional youth service hours in anti-social behaviour hotspots.

## What we have already done

69. Alongside clear expectations of parents, the Government has committed significant provision for young people:
- a) The Turnaround programme will support 17,000 children on the cusp of the justice system, to turn them away from further or more serious offending and anti-social behaviour, by completing an assessment to understand their needs and engage the whole family in interventions to meet their identified needs to address the root cause of the issues bringing them to the attention of agencies such as the police.
  - b) The Alternative Provision Specialist Taskforces pilot is operating in 22 alternative provision schools and is focusing on targeted support for children most at risk, including those who have been excluded from mainstream school. The programme co-locates a diverse specialist workforce (like mental health professionals, speech and language therapists and youth workers) in a school, to work directly with children to offer intensive support. The programme is running until March 2025 and has already worked with over 2,500 children.
  - c) To help families with multiple complex needs, we have committed £695 million to the Supporting Families programme, taking the total investment over the last 10 years to £1.9 billion. This aims to address problems early and improve the lives of 300,000 families by 2025.
  - d) Priority support for areas of deprivation, including anti-social behaviour hotspots, is available through the £16.5 million Uniformed Youth Fund<sup>50</sup>. This supports organisations such as the Scouts and Police Cadets to reach around 20,000 more teenagers across England.

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50 <https://www.gov.uk/government/news/government-outlines-ambitious-plans-to-level-up-activities-for-young-people>

- e) Children and young people in some of the most deprived areas of England will benefit from 278 new multi-use games areas through a £30 million investment from the Government’s Football Foundation in the PlayZones programme, offering healthy and attractive alternatives to anti-social behaviour.
  - f) We are also delivering a National Youth Guarantee: by 2025, every young person will have access to regular clubs and activities, adventures away from home and opportunities to volunteer. This is supported by over £500 million of investment in youth services.
  - g) In the ‘Built on Love’ Strategy, we have outlined our plans to build on the strengths of current early help services, through the creation of Family Help. Through the £45m Families First for Children Pathfinder programme, we will test how multi-disciplinary family help teams can improve the support children and families receive.
  - h) We are investing around £300 million to enable 75 local authorities to create family hubs and improve ‘start for life’ services. Family hubs bring services together for families, including young people. Some family hubs will provide youth services on site, and all family hubs will be able to provide information and connect young people to local youth services and other support, such as mental health or drug and alcohol support.
70. Good attendance at school is essential, and parents have a responsibility – and a legal duty – to ensure their children attend, with the law protecting a child’s right to education. There are a range of interventions, including enforcement, to protect this right. This includes parenting contracts, to formalise the actions the parent will take to improve attendance, and the support provided to enable this, and attendance prosecution, where failure to ensure regular school attendance can result in a parent being fined up to £2,500.

## How we will go further

### Intervening early and increasing local activities



**Just kids bored, nothing else to do, nowhere to go. I’m not just justifying it but yeah that seems to be what it is to me.**

*Participant, Northampton*<sup>51</sup>



71. The Youth Investment Fund is integral to the National Youth Guarantee – investing over £300 million in up to 300 new and refurbished facilities in levelling up priority areas as safe spaces where young people can take part in a range of activities with the support of trained adults. Over 80% of top tier local authority areas eligible for the Youth Investment Fund contain at least one anti-social behaviour hotspot . When the facilities open their doors, we will be prioritising resource funding to expand the offer to young people in those areas.

51 Kimaram, A., Tryl, L., Burns, C., and Surmon, T. [Where are the police? Britons’ attitudes to crime, anti-social behaviour and the police \(moreincommon.org.uk\)](https://moreincommon.org.uk). 2023.

72. By giving young somewhere safe to go, something engaging to do, and someone trusted to talk to, they help to steer young people away from bad life choices. We will invest in more of these opportunities. With up to £11m we will fund one million more hours of provision for young people over the next two years in areas where anti-social behaviour is worst. This is the equivalent of up to 200 local youth clubs opening an extra night a week for young people for two years, supporting them where they need it most.
73. For young people who are on the cusp of offending, or have other more complex needs, we will:
- a) Expand the eligibility criteria for the Turnaround programme so it can intervene even earlier, and investing more to help a further 500 young people via 1-1 support. Through the programme, we are already providing tens of millions of pounds to Youth Offending Teams across England and Wales to support them to work with children on the cusp of the criminal justice system, supporting them from going on to be involved in and commit further anti-social behaviour and crime. We will go further still and expand the programme's eligibility criteria so children can get support at an even earlier stage, and increase government investment in the programme so even more young people are supported.
  - b) Outside the classroom, we will work with delivery partners on the National Youth Guarantee to ensure a stronger focus in areas where young people are most at risk of being drawn into anti-social behaviour. They will have the opportunity to join activities such as The Duke of Edinburgh's Award Scheme and the National Citizen Service, and uniformed youth groups such as Scouts, Girlguiding, and Cadets.

# Improving data, reporting and accountability for action

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**And when you get anti-social behaviour, you tend to think, Right, I'm going to report it to the police, you ring the police, the police then tell you, It's not our problem, you've got to contact the council. You ring the council and they turn round and say, Well it's a police matter, nothing to do with us. So we're left in between, thinking, Where do we turn to?... it does leave us with a feeling of being dumped to one side.**

*Research participant who experienced anti-social behaviour, Leicester<sup>52</sup>*



**I think [anti-social behaviour] genuinely is one of the only areas, really, where the onus is on you to know where to report to. And if you get it wrong, the onus is still on you to find the right person to report to. And I've seen that first-hand.**

*Member of police force, Newcastle upon Tyne<sup>53</sup>*



74. Data equals knowledge. Good data about anti-social behaviour is required to take effective action and improve people's lives. But the people who suffer anti-social behaviour need to give the authorities the evidence and the present system does not encourage them to do so. This plan changes that, because we need their help to build a clear picture of where anti-social behaviour happens, how often and what type. Which anti-social behaviour worries victims most, and where do they most want the police and councils to intervene?
75. There are a range of reasons why many people do not report anti-social behaviour. They have no faith that it will be dealt with seriously; they do not understand what anti-social behaviour is or how to report it, or they fear repercussions from offenders. We also know that when people do report anti-social behaviour, the challenges that they face during the process often put them off from reporting it in the future<sup>54</sup>. But all this creates a vicious circle. The very lack of reporting data means anti-social behaviour is not tackled as a priority, and even fewer people report it as a result – only exacerbating the

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52 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

53 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

54 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

negative impacts of anti-social behaviour, increasing feelings of helplessness and reducing trust in agencies. This then serves to reduce reporting even further.

76. We need to break this cycle, to ensure the public’s voices are heard and to improve how anti-social behaviour is acted upon, by:
- a) **IMPROVING HOW ANTI-SOCIAL BEHAVIOUR IS REPORTED AND ACTED UPON** so members of the public can have a simple and clear route to report anti-social behaviour, access advice and guidance in one place, and be updated on the outcome of their case. To ensure victims can challenge any unsatisfactory response, we are also relaunching Anti-Social Behaviour Case Reviews, providing greater clarity for victims on when it can be used.
  - b) **HOLDING ALL LOCAL PARTNERS TO ACCOUNT** through expanded data collection and publication and setting clear expectations on their role in tackling anti-social behaviour.

## Improving how anti-social behaviour is reported and acted upon



**When there’s no resolve, you feel helpless because it’s like, you’ve got no power over this and the people that have got the power over this are not really doing their job, you know?**

*Research participant who experienced anti-social behaviour, London<sup>55</sup>*



**I think actually if we dealt with Community Triggers earlier and maybe pushed people towards them sooner, they wouldn’t be such a big job when we do get them... if we signposted a lot earlier and asked those people to come forward if they were unhappy earlier, then we’d have less have to work do.**

*Local authority stakeholder, Leicester<sup>56</sup>*



55 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

56 Home Office. [Anti-social behaviour: incident journey – from reporting to resolution](#). 2023.

77. We know that people who report anti-social behaviour find the process lengthy and difficult to navigate, often without sufficient communication and feedback from agencies. We will radically change how anti-social behaviour is reported across England and Wales.
- a) In the first phase, we will establish a central anti-social behaviour hub on [GOV.UK](https://www.gov.uk), which will act as the central source of the latest information on anti-social behaviour. The hub will bring together guidance and tools available at the local level to tackle anti-social behaviour, and clear information on what action you should expect if you report an incident. This will be updated regularly.
  - b) Over the next 12 months we will provide funding to develop a digital one-stop-shop where people can report anti-social behaviour to the right local responders and get feedback on the response. This will include ensuring the public have easy and flexible ways of reporting anti-social behaviour – whether online, by text, email or phone – and will receive an update on what has happened as result. This will also enable local agencies to share information on perpetrators of anti-social behaviour within communities better, identify repeat offenders and take necessary action.
  - c) The Anti-social Behaviour Case Review, formerly known as the Community Trigger, which gives victims recourse to challenge where a local response is currently underused: in 2022, 94% of people surveyed had never heard of the tool.<sup>57</sup> We will relaunch the ‘Anti-social Behaviour Case Review’, providing greater clarity on how and when it can be used, and encourage agencies to automatically conduct reviews once the threshold has been hit (as opposed to waiting for victims to request).
  - d) Through the upcoming Community Safety Partnerships review, we will explore whether Community Safety Partnerships should be required to report to Police and Crime Commissioners on local anti-social behaviour data and strategy and we will set out the role of Police and Crime Commissioners in the Anti-social Behaviour Case Review process.

## Holding all local partners to account

78. To better understand where anti-social behaviour is happening, how to tackle it and hold agents to account for enforcing against anti-social behaviour, we will:
- a) provide over £5m funding to increase the sample size of the Crime Survey for England and Wales (CSEW) from 35,000 to 55,000 for the survey year 2023/24 and to 70,000 in future years, enabling people’s experience and perception of anti-social behaviour to be reported at a more granular local level than is currently possible;
  - b) consider the use of new technology to survey people about anti-social behaviour in local areas on a rolling basis, which will provide an easy channel to communicate local priorities;
  - c) work with local authorities and the police to establish mandatory reporting of key anti-social behaviour metrics, and work with the courts and housing providers to improve overall quality of local data;

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<sup>57</sup> Resolve. [We hear you – a victim-focused approach to community safety](#). 2022.



- d) with local government partners, identify outcomes relating to anti-social behaviour which should be included in the set of comparative data on local authorities' performance produced by the Office for Local Government (Oflog). Oflog has the purpose of increasing transparency, fostering accountability, and helping drive the improvement of local government performance; and
  - e) provide additional guidance to agencies on data sharing, to make sure key information does not fall through the cracks between agencies when responding to anti-social behaviour incidents.
79. The Government expects local partners to work together to deliver a multi-agency approach to tackling anti-social behaviour and delivering the proposals set out in this plan, with Police and Crime Commissioners playing a key role in coordinating implementation at a local level, working with Community Safety Partnerships, police forces, local authorities, and other relevant delivery partners such as Youth Offending Teams, housing associations and the Probation Service.
80. It is also vital that we measure the overall success of this plan in tackling anti-social behaviour to ensure that it is meeting the commitments we have set out. We will assess the impact of our proposals on both communities' experience and perceptions of anti-social behaviour and their effectiveness in tackling it. To achieve this, we will draw from the wide range of data enhancements outlined throughout this plan, alongside wider measures, to monitor and evaluate its success and to further inform our understanding of what works in driving down anti-social behaviour.
81. We will oversee the implementation and delivery of this action plan with a new Anti-Social Behaviour Taskforce jointly led by the Home Secretary and the Secretary of State for Levelling Up that will bring together national and local partners, with a sole focus of addressing anti-social behaviour and restoring pride in place in communities.











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# **Environmental Crime Enforcement Policy**

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## Environmental Crime Enforcement Policy

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Printed documents may be obsolete. An electronic copy will be available on Tamworth Borough Councils Intranet and internet. Please check for current version before using.

### Revision History

Revision Date	Version Control	Summary of changes
21/11/2023	5	Review of fly-tip fines, littering, graffiti, flyposting FPN levels and introduction of duty of care FPN level Update to Tell Us
21 /1/2021	4	Update of Flytipping early payment levels and 3 year review
31/3/18	3	Legislative changes and FPN level amends
07/12	2	Legislative changes
2011	1	

### Approvals

Name	Title	Approved
Andrew Barratt	Chief Executive Officer, Tamworth Borough Council	April 2018
Cabinet	Portfolio Holder Communities and Wellbeing	June 2018
Cabinet	Portfolio Holder Regulatory and Community Safety	January 2021

### Document Review Plans

This document is subject to a scheduled 3 year lreview. Updates shall be made in accordance with legislative changes and will be with the agreement of the document owner.

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# 1. Introduction

This policy sets out the general principles that the Council intends to follow in relation to the enforcement and prosecution of environmental crimes in conjunction with the Corporate Enforcement Policy.

In the first instance, the Council's preferred action is to secure compliance through education and information. Enforcement action will require authorised officers to follow set procedures and protocols in order to ensure consistency in the collection of evidence and the enforcement actions applied. These actions represent a zero tolerance to environmental crime, but will not always require prosecution action.

Publicity for the policies and procedures in place will be ongoing with appropriate leaflets, posters, articles in Council publications, web pages and school education. Enforcement action should only be taken if there is evidence of an offence having taken place and in those circumstances where individuals or businesses commit serious breaches, flout the law, where it would otherwise have an adverse effect upon community confidence, where the offence although not serious in of itself is widespread in the area, or where the offender refuses to work with us to seek compliance

The Council has the power to take appropriate enforcement action against persons that commit a variety of environmental crimes. The following are considered to be the core offences upon which action will be taken, although not exclusive:

- Littering (including littering from vehicles)
- Abandoned and nuisance vehicles
- Dog Fouling
- Fly tipping
- Graffiti/Flyposting
- Duty of care offences
- Litter and refuse control offences

This list is not exhaustive and represents most the most common offences and may be added to as legislation is updated or amended. In addition there are additional powers which can assist the Council control accumulations of litter and refuse and will seek to take the appropriate action for these offences using a wide range of enforcement actions as prescribed by legislation.

## 2. Enforcement Options

### **2.1. No Action**

In some cases that no action will be taken in cases where there is little or no evidence or where the offender has fully co-operated with information given in accordance with the Enforcement Strategy. In all cases the offender will be advised in writing of the decision.

## **2.2. Informal Action**

Informal action includes verbal or written warnings and requests for remedial action. It may involve offering advice, information and assistance to ensure compliance with legislation.

Informal action will be taken when one or more of the following apply:

- The act or omission is not serious enough to warrant formal action
- The consequence of non-compliance will not pose a significant risk to public health
- Confidence in the individual/business management is high
- Past history indicates that informal action is likely to achieve compliance
- Other mitigating circumstances apply

When an informal approach is used, any written warning or notice of remedial action should contain the following information: date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation. It should also contain all information to understand what work is required and the reasons. The warning should be signed and dated upon issuing by an authorised officer.

## **2.3. Fixed Penalty Notices**

A Fixed Penalty Notice (FPN) will be issued to persons who have committed a relevant offence; full payment of the FPN will discharge the original offence for which the individual cannot then be prosecuted, provided that full payment is received within the specified time period.

FPNs provide enforcement agencies with an effective and visible way of responding to low level environmental crime. Experience has shown that the public generally welcomes the use of FPNs provided they are issued sensibly, enforced even-handedly and are seen as a response to genuine problem.

FPNs will not normally be issued to juveniles (see Section 8) or to persons who are registered blind.

It is essential for the issuing of a Fixed Penalty Notice that the authorised officer collects adequate evidence to support any legal proceedings if the notice is returned unpaid.

The Council's standard approach will be to set the level of FPN's payable the default penalties set by statute (currently The Environmental Offences (Fixed Penalties) (England) Regulations 2017)<sup>1</sup> (Unless otherwise stated)

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2017/1050/pdfs/ukxi\\_20171050\\_en.pdf](http://www.legislation.gov.uk/ukxi/2017/1050/pdfs/ukxi_20171050_en.pdf)

The Fixed Penalty Notice must contain the following information; date, time and location of the offence, personal details of the offender, the nature of the offence and relevant legislation, and be signed and dated upon issuing by an authorised officer.

The notice will clearly state that by opting to pay the fixed penalty the Council will take no legal action for the prescribed offence, providing that the payment is received within 14 days of the issuing of the notice.

## **2.4. Statutory Notices**

The Council has the option for some offences to issue statutory notices in lieu of prosecution, by serving notice and permitting works to be done in default thus enabling costs to be recovered by civil means.

Statutory notices will be issued as statute allows where one or more of the following apply:

- There is a significant contravention of the legislation
- The consequence of non-compliance could be potentially serious to public health
- There is a history of non-compliance with informal action
- There is evidence giving rise to lack of confidence in the individual or business to respond to an informal approach
- Although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious and deteriorating

Statutory notices will normally be served for the more serious issues or repeated contraventions and may also be issued in conjunction with prosecutions and FPNs.

Realistic time limits will be given for the compliance with statutory notices, where possible agreed with the individual/proprietor as attainable and appropriate.

Failure to comply with a statutory notice will normally result in the institution of legal proceedings. Officers must, therefore, have sufficient evidence available to justify their issue or work in default.

## **2.5. Simple Cautions**

The Council may consider the offer a simple caution as an alternative to prosecution. The purpose of a caution is to;

- Deal quickly and simply with less serious offences
- Divert less serious offences away from the courts
- Reduce the chance of repeat offences

As with all types of enforcement action, the alleged offender will be required to supply the officer with their personal details. These details cannot be used to issue any other type of enforcement action for that offence; however they can be used in conjunction with future enforcement action.

The decision whether to offer a simple caution or higher level enforcement action will relate to the nature of the offence and the attitude of the alleged offender.

The following conditions must be fulfilled before a caution is administered:

- There must be evidence of the alleged offenders guilt sufficient to give realistic prospect of conviction
- The alleged offender must admit the offence
- The alleged offender must understand the significance of a caution and give informed consent to be cautioned

If there is insufficient evidence to consider prosecution then a simple caution will not be considered.

There is no legal obligation for a person to accept the offer of a caution and not pressure should be applied to the person to accept one, however full information will be disclosed to offender as to the consequences of the refusal. If an offender refuses to accept formal caution, a prosecution will normally be pursued.

Simple cautions must contain the following information; date, time and location of the alleged offence, personal details of the alleged offender, the nature of the offence and relevant legislation. It must be signed and dated by an authorised officer and must be issued using a notice which also includes the signature of the offender agreeing to accept a caution.

The Chief Executive or nominated deputy will be authorised to issue formal cautions.

## **2.6. Prosecution**

In certain cases prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. This will only be with due regard to the Enforcement Strategy principles.

Prosecution will likely follow when:

- A Fixed Penalty Notice is issued to an alleged offender is returned unpaid after the 14 day payment period
- An offence is of a size or nature where other enforcement actions are considered to be insufficient.
- Previous actions have failed and there is no option for other enforcement action
- The nature of the offence is deemed to be in the interest of the public

- The offence has a serious or significant impact on the environment

The Chief Executive or nominated deputy is authorised to instigate legal proceedings after consideration by the Council's legal representatives.

### **3. Anti-Social Behaviour (Environmental Crime) Incident Notices**

Authorised officers will be issued with Anti-Social Behaviour (Environmental Crime) incident notices to issue to offenders to inform them of an action being taken by the Council.

The notices will be two page carbonated paper and allow the officer to note the offender's details, time, date and location and brief details of the offence/incident witnessed and the likely action being taken. These tickets will not in themselves be a Fixed Penalty or other notice, but will be used to record and check information and allow the offender to understand the actions to be taken.

The top copy of the notice will be given to the offender and the carbon copy returned to the office with witness statement. The copy will be retained as evidence.

### **4. Issuing Fixed Penalty Notices and other enforcement actions**

Enforcement action will be retrospective to the alleged offence being committed.

**The Council's standard procedure will be to issue Fixed Penalty Notices Statutory Notices and Simple Cautions through the post. Delivery will be by recorded delivery or hand delivered.**

Informal actions, advice and records of visits and/or details of remedial actions will be placed for posting in accordance with existing policies or a record made of visit on site and handed to the individual/business owner.

It is therefore essential that the evidence and information collected by the authorised officer must be of an adequate standard to support any resultant legal action. (Section 5 applies)

#### ***4.1. Request for personal details by an Authorised Officer:***

Authorised officers have the power to require the name and address of a person who they believe has committed an offence. These personal details can then be used to pursue enforcement action against the alleged offender.

To avoid serving enforcement action using false details, the authorised officer will use all reasonable methods to confirm the details supplied by an alleged offender.

Failing to supply personal details, or giving a false name and address to an authorised officer is an offence, and carries level 3 fine (currently £1000) upon conviction. If a person fails to provide an authorised officer with personal details, the officer will take all reasonable steps to obtain information on that person.

Officers may ask for verification of ID in the form of driving licence, bank cards etc on site.

Confirmation of identity can also be through the Electoral Register where personal details can be checked against the electoral roll (but this will not include juveniles), company records and school visits (juveniles). Where appropriate, assistance from partners may be required via use of CCTV or PNC checks. Upon confirmation of the alleged offender's personal details, the appropriate enforcement action can be taken.

Authorised officers, for the purposes of environmental crimes detailed will be all nominated staff of the Council.

General UK General Data Protection Regulations 2018 - The Council will control this data which will be retained for a period of seven years and processed under the exercising of official authority laid down by law.

## **5. Evidence**

Evidence is the key to the enforcement procedure. The recording and storage of this evidence must be carried out in a concise and consistent manner and in accordance with the Police and Criminal Evidence Act to ensure its admissibility in Court. Evidence collected by authorised officers will come in various forms, from various sources and, dependant on its quality, could be used in a variety of enforcement actions.

A locked evidence cupboard will be established with nominated key holders. All evidence will be clearly logged and recorded and held in accordance with provisions of the Data Protection Act 2018 and UK General Data Protection Regulations (GDPR) 2018.

Evidence that is obtained by an authorised officer 'in the field' will be recorded contemporaneously in ink in a PACE notebook. All entries must be clear and precise.

Evidence obtained by use of Body worn video or CCTV will be in accordance with existing policy and procedure.

Evidence may also be in the form of:

- Addressed documents  
Evidence gathered in relation to an offence, can come in the form of an addressed document, which may relate to the person believed to have committed the offence (eg when household waste is found to be fly tipped, an

authorised officer will search the waste for any documentation which may relate to the person responsible).

- **Witness statement from an authorised officer**  
When enforcement action is taken against an alleged offender, where an authorised officer has witnessed the offence occurring, that officer will have to produce a witness statement.
- **Witness statement from other persons**  
Evidence received from members of the public can be used to issue formal cautions, Fixed Penalty Notices or other enforcement action. In order for the evidence to be of value the witness must be willing to attend court to give evidence, if that becomes necessary. Any statement made by a witness must be signed and dated by the witness and witnessed by the authorised officer at the time of taking of the statement. Statements will be recorded on forms prepared to comply with evidential procedures.
- **Interview of alleged offenders**  
The Police and Criminal Evidence (PACE) Codes of Practice require any person interviewed regarding his involvement or suspected involvement in a criminal offence must be under caution, otherwise the evidence will be inadmissible in court. This caution must be carried out before any questions are put to the person suspected of the offence in regard to the offence. **PACE interviews will only be undertaken by trained persons and included in staff training plans.**

No juvenile (a person aged under 17) or mentally impaired person (as defined by Section 1A of the Mental Health Act 1983) should be interviewed without an appropriate adult being present. This could include parent, social worker or carer.

- **Interviewing by letter**  
As a last resort it may be necessary to try to interview the suspect by way of correspondence. In this way it will be possible to write to the suspect under caution asking them relevant questions and giving them a time by which to reply.

## 6. Persistent Offenders

To ensure that the enforcement procedure is fair and consistent, persistent offenders will be dealt with as follows;

- Where an informal action has been recorded on a previous occasion, and a further offence is committed on a separate occasion, no further warnings will be issued.
- Where a formal caution has been issued on a previous occasion, and a further offence is committed on a separate occasion, no further cautions will be issued.



- On acceptance of the caution, the alleged offender understands that any future infringement of the law will result in further enforcement action. In these cases the next likely course of action would be to institute legal proceedings.
- A person may be issued with up to two Fixed Penalty Notices in total. If found to have infringed the law on a third separate occasion no further penalty notices will be served upon that person and court proceeding will be instigated.

## 7. Juveniles (person aged under 17)

When a juvenile is alleged to have committed an offence the name, address, age and date of birth of the suspected offender should be obtained, together with the name and address of his or her parent or legal guardian. Once the age of the offender has been ascertained, the correct course of action can then be followed.

For offenders between 10 and 15 years old, DEFRA guidelines state that a fixed penalty should **not** normally be issued in the first instance.

The Council in conjunction with the Police and other agencies in the Tamworth Community Safety Partnership, will continue a policy of education on environmental issues with school children, including targeted school warning and enforcement weeks. Young people regrettably commit environmental crime offences and therefore need to be considered in terms of what enforcement approach is appropriate to protect Tamworth's local environment without unduly and inappropriately jeopardising the interests and needs of local people.

Legally fixed penalty notice can be issued to anyone over the age of 10 and authorities are recommended to adopt special procedures for issuing notices to young offenders. This ensures that they are acting in accordance with their duty under the Children Act 2004; which requires that authorities have regard to the need to safeguard and uphold the welfare of children and to seek the introduction of a none financial, none criminal, restorative justice scheme as an alternative to FPN payment.

There is no existing enforcement policy designed specifically to address the issues associated with issuing fixed penalty notices to young people and ensure that we make every effort to deal with matters in the same way so that our approach is consistent and in line with the Enforcement Strategy.

To tackle the issue of environmental crime by young people we will introduce a restorative justice intervention scheme for 10-17 year olds, where there is an alternative option to the fixed penalty notice financial and/or Court action. A young person who is witnessed offending during specific school enforcement campaigns or during regular officer patrols and their parent, can now choose to join in a litter-pick facilitated by the Council, Staffordshire Youth Offending Service and Staffordshire Police as an alternative to the fixed penalty notice.

Young people who fail to respond to either the litter pick option or to payment of Fixed penalty payment following the prescribed process, will receive one final visit and letter

from the Council reminding them of the consequences of the offence and offering a final chance of litter pick or payment . Following this, failure to respond to best efforts will result in prosecution.

This scheme is viewed as a positive way to reduce environmental crime without criminalising juveniles, whilst still ensuring the community can see that justice is being done.

For offenders aged 16 or 17 years old, a Fixed Penalty Notice can be issued using the same procedure as for adults.

## **8. Payment of Fixed Penalties**

When a Fixed Penalty Notice has been issued, the alleged offender generally has 14 days within which to make the full payment amount, or pay the discounted amount within 7 days.

Payment of the fixed penalty notice will normally be made in one of three ways:

- by debit or credit card over the 'phone to the Council Offices
- by cheque through the post
- Via the PAY IT option on [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

Payment of FPN by instalments will **not** normally be accepted. Instalments will only be allowed at the discretion of the Executive Director Finance where demonstrable hardship is proven.

## **9. Non-payment of Fixed Penalties**

When, after 5 working days after the 14 day period a Fixed Penalty Notice has not been paid, the alleged offender will be sent a reminder letter. This letter will state the terms of the penalty payment, and the fact that the deadline has now passed.

If a Fixed Penalty Notice remains unpaid for a period of 14 days after the payment deadline has passed, a file will be put together to enable legal proceedings be instigated. All unpaid penalties will be followed up by legal proceedings.

## **10. Authorisation**

The statutes enforced by the Council require that the enforcement officers are duly authorised.

Authorised officers will be either:

- I. an employee of the Council who is authorised in writing by the Council for the purpose of giving notices under the relevant legislation;

- II. any person who, in pursuance of arrangements made with the Council, has the function of giving such notices and is authorised in writing by the Council to perform that function; or
- III. any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

It is essential that officers are correctly authorised, so as not to be challenged in court.

Authorised officers will be trained on how to gather evidence that will be in accordance with judicial requirements and on conflict avoidance techniques when dealing with alleged offenders.

The authorisation will identify the officer by name and position, will describe the legislation that the officer is authorised to enforce and will be signed by a delegated senior officer on behalf of the Council.

## **11. External Partners**

The Council will seek support from Staffordshire Police and other agencies within the Tamworth Community Safety Partnership, Environment Agency, Keep Britain Tidy, DEFRA, Staffordshire County Council, other registered social landlords, local businesses for support in the delivery of this policy.

## 12. CORE OFFENCES

### 12.1. Pedestrian Litter

There is no formal definition of litter, however Section 87 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act (CNEA 2005) defines the offence of littering as the throwing down, dropping or depositing of litter on any land, including land covered by water, and leaving it. The land must be within the area of a principal litter authority and 'open to the air' (if the land is covered, but open to the air on at least one side, the offence only applies if the public has access to that land). Littering is an offence in public places as well as on private land unless the owner of that land has given permission for the dropping of the litter or a legal authorisation exists to do so. A litter offence can be prosecuted through a magistrates' court and carries with it a maximum fine of level four on the standard scale (currently £2,500).

The CNEA 2005 also makes it clear that litter includes smoking-related litter and discarded chewing gum.

Paragraph 2.1.5 of the Enforcement Strategy refers to the problem of littering. Enforcement action will therefore be taken on the first occasion an offence is witnessed being committed.

In every case where the action of littering has been witnessed or there is other firm evidence, the presumption will be to issue the FPN in lieu of prosecution.

The policy applies to dropped/thrown litter in ANY open place in Tamworth.

Offences observed on overt CCTV or via officer's body worn video will be pursued where identity can be obtained.

On a case by case basis, authorised officers may, in accordance with the principles of the Enforcement Strategy choose to consider the placing of bags of rubbish (where evidence can be found) as littering. Public urination may also be regarded as a littering offence.

#### Penalty

In lieu of prosecution for a litter offence the alleged offender will be given the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the **MAXIMUM full penalty £500 with a reduction to £250 if paid within 7 days<sup>2</sup>**

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<sup>2</sup> Maximum level ASB Action Plan 2023

## **12.2. Littering from Vehicles**

Littering from vehicles and the subsequent problems on verges, highways and danger to animals is of major concern to the public.

Section 154 of the Anti-social Behaviour, Crime and Policing Act 2014 amends the Environmental Protection Act 1990 to introduce a new section 88A: “Littering from vehicles: civil penalty regime” ( “S88A”).

In order to introduce this option the Council will continue to seek to adopt the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 (with effect from 1<sup>st</sup> September 2018) . The adoption of the regulations will allow the Council to issue a civil penalty notice to the keeper of a vehicle from which litter is thrown, requiring the keeper to pay a civil penalty. The keeper does not assume any criminal liability for the littering offence: failure to pay the civil penalty results in a civil debt, not prosecution for the littering offence.

The Council will consider all available avenues to identify a keeper, whilst taking care not to enforce against an innocent party.

Alternative actions include use of fly tipping powers (See Section 12.9)

### **Penalty**

The Council will issue a civil penalty (where possible) set at the default £100 with effect from 1 September 2018 <sup>3</sup>.

The civil penalty notice must be paid within 28 days. We also propose to allow the offender to discharge liability for the full amount by making an earlier payment of a lesser amount within 14 days of receiving the civil penalty notice.

### **Appeal**

A civil penalty notice can be challenged their liability to pay on a number of grounds, including cases where the vehicle has been hired to someone else, or the keeper can prove that the vehicle had been stolen at the time the littering offence was committed. In the first instance, keepers will be able to make representations in writing against the civil penalty notice to the council. If this does not resolve the matter, they would then have a right to appeal the civil penalty notice to an independent adjudicator. The Traffic Penalty Tribunal England and Wales will act as the independent adjudicator for the civil penalty notice regime.

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<sup>3</sup> [http://www.legislation.gov.uk/ukdsi/2018/9780111163818/pdfs/ukdsi\\_9780111163818\\_en.pdf](http://www.legislation.gov.uk/ukdsi/2018/9780111163818/pdfs/ukdsi_9780111163818_en.pdf)

### **12.3. Abandoning a vehicle**

Under the Refuse Disposal (Amenity) Act 1978, a person commits an offence if they, without lawful authority, abandon on any land in the open air, or on any land forming part of a highway, a motor vehicle or anything that has formed part of a motor vehicle.

The CNEA 2005 allows local authorities to issue Fixed Penalty Notices to persons alleged to have committed such an offence.

There is no legal definition of an abandoned vehicle. Council authorised officers will check the following when forming decisions on abandonment using guidance issued by the Dept of Environment, Food and Rural Affairs (DEFRA)

- Valid road tax
- If there is a registered owner
- The roadworthiness of the vehicle
- Parked in a place likely to be a danger to other road users (Police immediate removal power)

Notice of immediate, 7 or 14 day removal will be issued after due consideration by authorised officers as to the location and state of a vehicle.

Vehicles can be removed immediately, but some must be stored for a certain length of time and notice served before disposal.

For vehicles that the local authority considers to have some value, the written notice period to the last registered keeper before a vehicle can be destroyed is seven days. The Council have the appropriate authority from the DVLA for this purpose.

Vehicles that the local authority considers to have no value can be destroyed immediately if it is thought that they have been abandoned. A local authority no longer has to wait for the expiry of a valid license and may destroy immediately any vehicle that it regards as only fit for destruction. In cases where it is not evident that the vehicle has been abandoned, the vehicle can then be disposed of if the owner cannot be traced or fails to respond to a Notice.

Vehicles with some value that have been abandoned on the highway may be removed immediately by the local authority who then send a 21 day notice to the address of the last registered keeper (a subsequent notice of 14 days may be issued to enable the local authority to make further enquiries).

The Council reserves the right to recover costs of removal, storage and disposal from the person responsible for abandoning the vehicle.

Normally authorised officers will only be able to arrange for the removal of a vehicle from a highway or public land.

The Council may also issue a 15 day notice to the owner or occupier of the intention to remove abandoned vehicles on private land. The landowner or the occupier must agree with this removal. The Council reserve the right to recharge the cost of doing so to the occupier or registered keeper (if one has been identified). A notice is not required to be issued where a vehicle is abandoned on a road (within the meaning of the Road Traffic Regulation Act 1984) – that is, any length of highway or of any other road to which the public has access. In this case the vehicle can be removed immediately.

If found guilty of abandoning a vehicle on a highway or on land in the open air, a person can be fined up to £2,500 or a term of not exceeding three months imprisonment, or both.

**In lieu of prosecution for an abandoned vehicle offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £200, reduced to £150 if paid within the first 7 days.**

#### **12.4. Nuisance vehicles**

The CNEA 2005 make it a new offence to leave **two or more** motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale, **or to cause two or more motor vehicles** to be so left. This only applies to persons who are carrying out a business of selling motor vehicles.

The CNEA 2005 also makes it an offence to carry out restricted works (repair, maintenance, servicing, improvement or dismantling) on a motor vehicle on a road. This only applies to persons who are in the course of a business of carrying out restricted works or for gain or reward.

Authorised officers will only be able to take enforcement action, including the removal of a vehicle, for nuisance vehicles on a road. A person found guilty of a nuisance vehicle offence can be fined up to £2,500, or a term of not exceeding three months imprisonment, or both.

There are very few instances of this offence in Tamworth, however, the right is reserved and where action is in accordance with the Enforcement Strategy that in lieu of prosecution for a nuisance vehicle offence, to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £75 if paid within the first 7 days.

## 12.5. Vehicle Nuisance

Under Section 59 of the ASB, Police and Crime Act 2014 the Community Safety Partnership introduced the **Public Space Protection Order (Vehicle Nuisance)** in 2016 (renewed in 2019).

Under the terms and restrictions of the Public Spaces Protection Order the following is PROHIBITED:

- a) Engaging in, promoting, encouraging or assisting in the carrying out of any car cruising\* event in or on public highways, car parks and all other land to which the public has access in the Borough of Tamworth and is causing or likely to cause
  - o Excessive noise
  - o Danger to other road users (including pedestrians)
  - o Damage or risk of damage to private property
  - o Litter
  - o Any nuisance to another person not participating in the car cruise

*\* A congregation of the drivers of 2 or more motor vehicles (including motor cycles) on the highway or at any place to which the public have access and performs any of the following activities;*

- o *Driving at excessive speed*
    - o *Driving in convoy*
    - o *Racing other motor vehicles*
    - o *Sounding horns or playing radios*
    - o *dropping litter*
    - o *shouting or swearing at, or abusing, threatening or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person,*
- b) Congregating or loitering as part of a group around (or in) one or more stationary vehicles at any time where such activity causes or is likely to cause noise, harassment, alarm or distress
- c) Engaging in, promoting, encouraging or assisting in activities of 'doughnutting', drifting or other vehicle related nuisance causing or likely to cause danger to the public
- d) Causing or permitting excessive amplified music or other noise from vehicles such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering in or around one or more vehicles on any public road or land to which the public has access in Tamworth
- e) Undertaking on-going vehicle repairs or renovation or store unroadworthy vehicles or those declared SORN on publically accessible car parks or highways likely to cause a danger or nuisance to the public except in the course of their own business on their own land or with the express permission of Tamworth Borough Council or relevant landowner



Persons gathering for social purposes, charitable or other events where the landowner has no objection are permitted at all times subject to compliance with all conditions above.

### **Penalty**

In lieu of prosecution for a nuisance vehicle offence under this PSPO, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by payment of a Fixed Penalty Notice of £100.00 to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

## **12.6. Dogs**

Regulation for offences relating to dog offences is now dealt with under Section 59 of the Anti Social Behaviour, Police and Crime Act 2014 .

**The Public Space Protection Order (Tamworth Dog Control)** came into force on 20 October 2017 (renewed in October 2020 and 2023) and makes the following provisions;-

### **A. The Fouling of Land by Dogs**

This relates to the offence of fouling of land by dogs. The public health implications of dog foul are well documented.

If a dog defecates at any time on land to which this order applies, and the person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless;

- a) he has a reasonable excuse for failing to do so; or
- b) the owner, occupier, or other person or authority having control of the land has consented (generally or specifically) to his failing to do so;

The Order applies to land described in the Schedule A below, being land in the area of Tamworth Borough Council.

For the purpose of the order:

- a) placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;

## **Schedule A: Dog fouling of land**

Subject to the exception in paragraph 2 below, the Order applies to all and which is within the area of Tamworth Borough Council and which is –

1. Open to the air (which includes land that is covered but open to the air on at least one side); and to which the public are entitled or permitted to have access with or without payment.
2. Excepted from the description in paragraph 1 above is:
  - a. Land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - b. Agricultural land.

## **B. Dogs on Leads**

Dogs whilst not on a lead and poorly supervised, or startled, have a greater potential to cause road traffic accidents, or to cause injury to pedestrians and other dogs. The restrictions in the Order are designed to facilitate a sharing of our public spaces, whilst recognising that dogs do need to be exercised off lead.

A person in charge of a dog shall be guilty of an offence, if at any time, they fail to keep their dog on a lead, unless:

- a) he has a reasonable excuse for failing to do so, or
- b) the owner, occupier, or other person, or other authority having control of the land has given consent (generally or specifically);

This part of the Order applies to land described in the Schedule B below being land in the area of the Council.

### **Schedule B: Dogs on leads**

1. Subject to the exception in paragraph 2 below, the Order applies to the following designated land:-

Amington Cemetery, Wilnecote Cemetery (Old and New), Glascoate Cemetery, Wigginton Cemetery, Anker Valley Sports Pitches, Pedestrian area of the Town Centre, Upper and Lower Lawn (Castle Grounds), St Edithas Church Graveyard and all current and future public footpaths and grass verges to highways in Tamworth (as defined by the Road Traffic Act 1988)

2. Excepted from the description in paragraph 1 above is:
  - a. land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - b. agricultural land.

### **C. Dogs on leads by direction**

In parts of the Borough where dogs are permitted off leads, a minority of irresponsible dog owners allow their dogs to cause damage to property, and cause problems for pedestrians and other dog owners.

This part of the Order is designed to enable authorised Council Officers/Police to direct that the owner put their dog on a lead.

A person in charge of a dog will be guilty of an offence if at any time, on land to which this Part applies, they fail to comply with a direction given them by an authorised officer of the Council to put and keep the dog on a lead, unless;

- a) he has a reasonable excuse for failing to do so; or
- b) the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);

For the purposes of this request an authorised officer of the Council/Police may only direct a person to put and keep a dog on a lead if such restraint is reasonably necessary to prevent either a nuisance, or behaviour by the dog likely to cause annoyance or disturbance to any other person, or the worrying of other animals on designated land to which this order applies.

This Part of the Order applies to land described in Schedule C below being land in the area of the Council.

### **Schedule C: Dogs on leads by direction**

Subject to the exception in paragraph 2 below, the Order applies to all and which is within the area of Tamworth Borough Council and which is –

1. Open to the air (which includes land that is covered but open to the air on at least one side); and to which the public are entitled or permitted to have access with or without payment.
2. Excepted from the description in paragraph 1 above is:
  - a) land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - b) agricultural land.

### **D. Dogs exclusion**

There are specific parts of the Borough from which dogs should be excluded for their safety and that of pedestrians, and for public health and aesthetic reasons. This part of the Order states the relatively few places from where dogs will be excluded.

A person in charge of a dog will be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or remain on, any land specified in the Order, unless;

- a) he has a reasonable excuse for failing to do so; or

- b) the owner, occupier, or other person or authority having control of the land, has given consent (generally or specifically);

This Part of the Order applies to the land described in Schedule D below being land in the area of the Council.

#### **Schedule D: Dogs exclusion**

1. Subject to the exception in paragraph 2 below, the Order applies to designated play areas (fenced or unfenced) within the Borough of Tamworth as specifically but not excluding other designated areas and future areas
2. Excepted from the description in paragraph 1 above is:
  - a) land that is placed at the disposal of the Forestry Commissioners under section 39(1) of the Forestry Act 1967; or
  - b) agricultural land.

#### **General Point For the purpose of parts A, B, C, and D of the Public Space Protection Order:**

Nothing in the Public Space Protection Order shall apply to a disabled person (within the meaning of the Equality Act 2010) whose disability restricts his ability to comply with the Order and the dog is their guide dog or assistance dog.

For the purpose of this article, a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Offences - A person who is guilty of an offence shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale

#### **Penalty**

**In lieu of prosecution for a dog related offence under this PSPO, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by payment of a Fixed Penalty Notice of £100.00<sup>4</sup> to be paid within 28 days (reduced to £85.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.**

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<sup>4</sup> ASB, Crime and Policing Act 2014

## **12.7. Fly Posting**

There is no formal definition of fly posting, although it is generally taken to be the display of advertising material on buildings and street furniture without the consent of the owner and contrary to the provisions of the appropriate legislation'. In simple terms they are illegal advertisements which can saturate an area within a matter of hours.

It is appropriate for a distinction to be drawn between, for example, a poster advertising a local community or charitable event and a poster advertising a commercial activity.

3(D) of the Town and Country Planning (Control of Advertisements) regulations allows the display of temporary notices or signs which are intended to advertise any local event being held for charitable purposes.

Advertisements within this category must not exceed 0.6 square metre in area (roughly 3 feet by 2 feet). In addition the advertisement must not be displayed more than 28 days before the event and must be removed within 14 days after it ends

1. The signs must be kept clean and tidy
2. The signs must be kept in a safe condition
3. The signs should have the permission of the asset owner
4. The signs should not obscure road signs.

Applications from charities or local organisations will be accepted on this basis, providing permission has been granted from the asset owner or landowner.

Staffordshire County Council do not normally allow the affixing of any kind of signage to their property, with the exception of some AA and RAC directional/event signage and house developers who must apply for the appropriate consent. We will endeavour to check permissions for these types of posters prior to any action being taken.

There are various legislative powers available to the Council for tackling fly posting problems. Each case will be considered with due regard to the principles of the Enforcement Strategy.

The Council will take appropriate action against those responsible for fly posting. In the first instance we will endeavour to make informal contact with offenders and request removal of items within 24 hours. Offenders will also be given advice on processes for application of legal advertising and signage and be made aware of the enforcement actions which can be taken. Failure to respond advice will result in further appropriate action.

Under Section 225, Town and Country Planning Act 1990, it is possible to remove any placard or poster displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 1992. Notice is not required where the fly post does not identify the person who displayed it and

where the person cannot be identified after enquiry. Where a person can be identified, two days' notice must be given for the removal of illegal posters and placards. Failure to comply with a notice will result in removal of the signage with these costs being charged to the offender. The Council will seek to charge £25 per poster for removal of offending items.

Persistent offences and/or where an offender has had two notices of removal, the Council will seek to prosecute, with offenders upon conviction, subject to a fine of up to £2500.

The Anti-social Behaviour Act 2003 (ASBA 2003) allows the Council to serve Fixed Penalty Notices on persons who commit 'minor' graffiti or fly posting offences as an alternative to prosecution (except where the offence is racially or religiously motivated). The offences must be witnessed or substantial proof obtained as to the identity of the offender.

Failure to pay a FPN will result in prosecution, which can be considered on any of the following legislation:-

- Section 1 (1) Criminal Damage Act 1971  
A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence
- Section 131 (2) Highways Act 1980 \*  
If a person without lawful authority or excuse pulls down or obliterates a traffic sign placed on or over a highway or a milestone or direction post (not being a traffic sign) so placed is guilty of an offence
- Section 132 (1) Highways Act 1980 \*  
A person who, without either the consent of the highway authority or an authorisation given by or under enactment or a reasonable excuse, paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or tree, structure or works on or near a highway is guilty of an offence  
  
*\* Staffordshire County Council is the Highways Authority and the Council have sought delegation of these powers as required*
- Section 222, Town & Country Planning Act 1990  
If any person displays and advertisement in contravention of the regulations he shall be guilty of an offence

The ASB, Crime and Policing Act 2014 also allows for the issue of Community Protection Notices to company directors who may have vicarious liability the fly posting advertising their products, company or event or beneficiary of any event advertised illegally seeking immediate removal of posters. Failure to comply may lead to the issue of FPN or prosecution.

## 12.8. *Graffiti*

The tackling of graffiti will continue to be monitored using ongoing processes in partnership with all Council services, Police and other partners. Offensive or racial graffiti will be removed from Council assets within 24 hours where practicable.

Tags are recorded and identified with the restorative justice approach being preferred by use of prosecution under the Criminal Damage Act. Wardens will continue to identify offenders and each case will be assessed on a case by case basis.

The policy for the issue of FPNs will be as per fly posting in Section 13.6 under the Anti-social Behaviour Act 2003 (ASBA 2003)

Property and public utility asset owners may also be served with Community Protection Notices under the ASB, Crime and Policing Act 2014 for the removal of graffiti considered to be detrimental to the amenity and/or causing distress.

### **Penalties**

**In lieu of prosecution for a fly posting or graffiti offence, the Council reserve the right with witness statement to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the MAXIMUM<sup>5</sup> level of £500 (reduced to £250 if paid within the first 7 days).**

## 12.9. *Fly Tipping*

There is no specific definition of fly-tipping other than that set out in section 33 of the Environmental Protection Act 1990, which says it is an offence in general terms, to treat, keep or dispose of controlled waste other than in accordance with an environmental permit or in a manner likely to cause pollution of the environment or harm to human health.

The offence may only be committed in relation to controlled waste, although nearly all wastes now qualify as controlled waste (household, commercial, industrial or clinical).

Illegal dumps of waste can vary in scale and the type of waste involved. Tipping a mattress, electrical items or a bin bag full of rubbish in the street causes a local nuisance, and tipping household items and small-scale building or garden waste in open spaces reduces their amenity value to the community.

The powers to deal with fly tipping incidents are shared between local authorities and the Environment Agency. The national Fly Tipping Protocol

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<sup>5</sup> ASB Action Plan 2023

(agreed between the Environment Agency and LGA) gives guidance on which authority should take the lead in dealing with fly tips dependant on their size, composition and location.

Fly tipping education and awareness campaigns will be included in the education programme. Evidence found in fly tipped rubbish will be used to identify the owner. In the first instance (especially where household waste is identified and where practicable, the offender will be visited and an attempt made to return the rubbish (door stepping) or asked to clear away the items supported by appropriate informal action.

All incidents of flytipping should be reported and investigated, however the Council is only able remove fly tipped material from “Relevant land” - land that is open to the air (notwithstanding that it is covered if it is open to the air on at least one side), which is under direct control of a principal litter authority (Tamworth Borough Council) and to which the public are entitled or permitted to have access, with or without payment (EPA section 86(4)).<sup>6</sup>

The Council must also ensure that any “relevant highway” for which it is responsible, so far as is practicable, kept clear of litter and refuse (EPA section 89(1) (a)). A “relevant highway” is one that is maintainable at public expense, but not a trunk road which is a special road. A local council is responsible for so much of the highway as falls within its area (section 86(9)).

Land managers, occupiers or owners of private property are responsible for clearing and disposing of any fly-tipping found on private land.<sup>7</sup>

Where substantive evidence is found in items dumped on any land (regardless of ownership). The Council will seek to recover their investigation and land owner clean-up costs of doing so from convicted fly tippers on successful prosecution.

Both the Council and the Environment Agency may serve a notice under the EPA1990 requiring the occupier of land to remove material fly tipped and/or reduce the consequences of the deposit of the fly tipped material.

Occupiers of land can establish a statutory defence such as he did not knowingly permit the material to be fly tipped on his land and the CNEA 2005 removes the defence of an offender acting under his employer’s instructions.

All incidents of fly tipping will be recorded and investigated (where practicable) within 3 working days. In the first instance evidence will be sought by officers and retained according to procedure.

The CNEA 2005 increased the penalty for a person found guilty of a fly tipping offence to up to £50,000, or a term not exceeding 5 years imprisonment for both hazardous and non-hazardous waste offences.

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<sup>6</sup> <http://www.tacklingflytipping.com/Documents/NFTPG-CaseStudies/Fly-tipping-responsibilities-Guide-for-local-authorities-and-land-manage....pdf>

<sup>7</sup> <http://www.tacklingflytipping.com/landowners/1500>



The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 introduced the ability to issue immediate fixed penalties to fly tippers.

## Penalty

**In lieu of prosecution for a fly tipping offence the Council reserve the right with witness statement to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the MAXIMUM level by legislation of £1000, reduced to £500 if paid within 7 days<sup>8</sup>.**

## 13. Duty of Care Offences

Section 34 of the Environmental Protection Act 1990 sets out the waste duty of care that applies to anyone who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker has control of such waste

Section 53 of the CNEA 2005 extends the powers to investigate illegal waste disposal or duty of care offences to authorised council officers.

### 13.1. *Industrial and Commercial Waste*

It is an offence to place trade (industrial) or commercial waste into street or domestic litter bins and all businesses\* must have a trade refuse collection agreement with a contractor authorised to carry waste.

*\* exemptions apply for a business operating from a domestic address and for some residential care homes*

Private landlords who may manage residential houses in multi occupation and whose residents are not registered for Council Tax purposes will be required to register for trade waste agreements and control accumulations of 'commercial' rubbish arising from their premises.

The preferred approach with businesses will be to make formal visits and work with Economic Development to educate and inform in order to seek compliance. This will include encouraging businesses to sign up to the Tidy Business Pledge and achieve Keep Britain Tidy Business awards.

Businesses will receive advisory visits on a planned basis or as reports are received of waste and associated litter issues.

Businesses are legally obliged to keep **any** waste resulting from their activities safe whilst in their possession. The Council will seek to take action on the following duty of care offences:-

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<sup>8</sup> Amended 2023 under the Government ASB Action Plan

- **34 1 (b) Failing to take reasonable steps to prevent escape of controlled waste**

All businesses must ensure their waste is stored in appropriate containers so that it cannot fall out, blow away or escape. The waste should also be secured against unauthorised removal and secure from animals, vandals, thieves, accident or weather.

A record will be made of advisory visit with written warning and 14 days given to rectify the issue. Failure to act on the advice of authorised officers will, on a case by case basis and in accordance with the principle of the Enforcement Strategy result in further enforcement action.

- **34 1c Failing to take reasonable steps to ensure that a transfer of the waste is to an authorised person and accompanied by a waste transfer note**

Waste can only be passed on to an authorised person and the producer must retain a waste transfer note that sets out certain details of the waste.

Where offenders are identified, amendments to Section 34, by the CNEA 2005, make it an offence when a person has failed to carry out their duty to provide the necessary authority for transporting waste.

As part of the education process, businesses will be asked to provide the relevant waste transportation documents at the time of visit and the Council will allow that person 14 days within which to produce the documentation or provide proof that the a waste contract has been signed.

**If the documentation is not produced within 14 days and in lieu of prosecution for failing to produce the necessary authorisation for transporting waste, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £300, reduced to £200 if paid within the first 7 days.**

A business or waste carrier found guilty of failing to provide the necessary authority for transporting waste can be fined up to £5,000 on prosecution.

## **13.2. *Householders***

Duty of care offences do not apply to householders domestic rubbish collection and other household waste arising from the operation of a business from a domestic address when refuse is presented in accordance with Council waste and recycling policies. However duty of care does apply when disposing of excess waste over and above the normal permitted amount on domestic collections, eg the old washing machine, tv, sofa etc

Householders employing a contractor to remove waste from their property (such as garden or building waste) do, however, have a duty to take reasonable measures to ensure that their waste is passed on to an authorised person. The duty emphasises the responsibility that residents must not support illegal waste transfer and fly tipping, whether knowingly or unknowingly.

A process of education and awareness will be implemented as a preferred course of action.

Evidence found in fly tipped rubbish will be used to identify the owner. In the first instance, where practicable, the householder will be visited and an attempt made to return the rubbish (door stepping) or asked to clear away the items.

**Penalties:**

**In lieu of prosecution for a householder duty of care offence the Council reserve the right with witness statement to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty to the MAXIMUM level £600 reduced to £300 if paid within 7 days<sup>9</sup>.**

## **14. Control of litter and refuse**

Some offences may occur that do not form part of the Core Offence list, but are still of a nature that could lead to the issuing of a Fixed Penalty Notice or a caution. The Council will seek to use these powers on a case by case basis to deal with waste and litter accumulations on private or public land or the street.

### **14.1. Waste Receptacles**

**Household** - Under the Section 46 of the EPA 1990 (as amended by interim legislation in May 2012), the Council can specify what materials can and cannot be placed in certain kinds of domestic waste receptacles (such as only residual waste in black sacks and only glass and cans in green boxes) and the location where residents must put their waste receptacles to facilitate waste collection. If the location is outside of the boundary of a property, the Council reserve the right to specify between what times the receptacles must be put out and taken back in.

The Council will adopt a policy that each kind of waste receptacle specified by the Council can only be used for the materials described in the Council's published waste sorting guides, in accordance with the Waste Management Strategy.

All waste receptacles must be left for collection at the edge of a property or agreed location and, where waste containers have to be left on the highway,

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<sup>9</sup> ASB Action Plan 2023

containers should not be put out before 7am on day of collection and removed as soon as practicable on the day of collection.

**The Council reserve the right to issue a Waste Receptacle Notice for failure to present household waste as specified where it may be detrimental to the community, however Subsection (2) of the Deregulation Act 2015 the removed the criminal offence in England of failure to comply with a Waste Receptacles Notice**

**Each case will be reviewed on its own merit and where proportionate a fixed civil penalty (default £60) for any such failure to comply may be issued or other legislation considered such as measures under the ASB, Crime and Policing Act 2014.**

**Business** – Under Section 47 of the EPA the Council has the power to specify the type and number of waste receptacles needed to contain waste in accordance with Section 34 (duty of care) and where they should be placed to facilitate emptying, the substances or articles which should not be placed in them as well as the precautions that should be taken where particular substances or articles are placed in them.

Advice on the type and size of receptacles will form part of the advisory visits to businesses or as intelligence is received as to problems occurring.

The Council reserve the right to issue a Waste Receptacles Notice to a person who fails to comply with these specified requirements and a person found guilty of failing to comply with a notice can be fined up to £1,000. The CNEA 2005 introduces the use of fixed penalties for failure to comply with a Waste Receptacles Notice.

**In lieu of prosecution for failure to comply with a Waste Receptacles Notice, the Council reserve the right to give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £300 reduced to £180 if paid within the first 7 days.**

## ***14.2. Powers to prevent littering***

In order to promote a proportional response and to work with local businesses, through education and visits on an ongoing basis to encourage participation in preventative schemes, provision of bins etc. This process will be encouraged in close partnership with Environmental Protection to deter and prevent issues arising which may affect public health and the surrounding area including pest infestation.

On occasion, where an approach of informal agreement does not work, the Council will reserve the right to take action as required under a wide range of enforcement powers on a case by case basis to tackle:

- Street litter outside premises including food and drink packaging and other litter from 'fast food' outlets and mobile operations or litter from cash machines.
- Clearing of Litter and Refuse on Private Land -There are a range of measures that the Council may employ to require the clearance of land and the actions required must be reviewed on merit and in accordance with the Enforcement Strategy.
- Excessive graffiti/defacement of private property

The Anti-social Behaviour, Crime and Policing Act 2014 replaced councils' powers to issue Litter Clearing Notices, Street Litter Control Notices and Graffiti/Defacement removal notices with new, more flexible powers to issue Community Protection Notices or Public Space Protection Orders, to tackle any type of anti-social behaviour which is having a detrimental impact on the quality of life in the local community.

**The powers are covered in the Tamworth Borough Council ASB Policy.**

### **Penalties**

**Cases will be considered on their own basis and in lieu of prosecution for failing to comply with a Community Protection Notice or PSPO, the Council can give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a fixed penalty of £100, reduced to £80 if paid within the first 14 days and seek to charge the offender for the clear up.**

### ***14.3. Controlling the Distribution of free literature***

The CNEA 2005 gives local authorities the power to control the distribution of free literature by designating areas of their own land or highways where free literature is only permitted with their consent. These powers have yet to be adopted by the Council.

The process of street designation will require work with Staffs County Council who are the highways authority. At that time anyone distributing free material in a designated area without consent (except charities or for political purposes) is committing an offence and, if found guilty, could be fined up to £2,500.

**The Council will consider complaints received about the distribution of free literature and assess whether it is appropriate to make an order to restrict the distribution of free literature. If such an order were to be made, in lieu of prosecution for a distribution of free literature offence, the Council will give an alleged offender the opportunity to discharge any liability to conviction for the offence by the payment of a default £100, reduced to £50 if paid within the first 7 days.**

The Council will continue to advise any persons/businesses who distribute free literature in the town that excess litter caused as a result may result in the issue of a Fixed Penalty Notice (Section 2.1 Litter refers)

#### **14.4. *Abandoned Shopping and Luggage Trolleys***

Abandonment of shopping trolleys is not a major issue in Tamworth and informal arrangements with retailers exist for their recovery.

The Council can choose to adopt powers under Section 99 of the EPA 1990 to seize, store and dispose of shopping and luggage trolleys found in its area should there be a requirement for this. There are prescribed consultation procedures that must be followed before the powers can be adopted.

If the powers were adopted, the Council would be required to notify the trolley owner within 14 days of it being seized and keep the trolley for at least 6 weeks. At the end of that period the Council could sell or dispose of the trolley and charge the person who appears to be the owner an amount to cover the removal, storage, administration and disposal costs. There are no provisions for issuing FPNs for abandoned trolleys.

The level of the occurrence will be monitored with a view to adoption of these powers if necessary.

### **15. Supporting and Future legislation**

The Council may also seek to take action to tackle all environmental crime using other existing statutes on a case by case basis for which action will be in accordance with the Corporate Enforcement Strategy.

Together with our partners, we will make full use of relevant legislation including but not limited to:

- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Section 59 Environmental Protection Act 1990
- Part III (Statutory Nuisance) Environmental Protection Act 1990
- Section 215 Town and Country Planning Act Section 22 (3)
- Control of Pollution Act 1974
- Section 78 Public Health Act 1936
- Section 34 Public Health Act 1961
- Section 6 Refuse Disposal (Amenity) Act 1978
- Section 4 Prevention of Damage by Pests Act 1949
- Crime and Disorder Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulations 2018

- Equalities Act 2010
- Housing Acts 1985, 1996 and 2004
- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- Mental Health Act 1983 (amended 2007)
- Human Rights Act 1998
- Freedom of Information Act 2000
- Care Act 2014
- Local Government Act 2000
- Serious Crime Act 2015

The council will develop and publish revised procedures necessary to implement any future legal powers.

## **16. Protecting Our Staff**

Tamworth Borough Council will not tolerate, under any circumstance, any threats, violence or abusive behaviour towards our staff or contractors. We will take firm action against any person who shows acts of aggression towards any person carrying out their work in respect of this Policy or any other service. We will involve the police if it is decided that this action is appropriate.

Where there is a risk of harm or violence from someone at an address, a 'HAT' (Harassment, Assault and Threat) marker will be added to all Tamworth Borough Council systems as a warning to staff that may come in to contact with this person

## **17. Supporting Policies and Strategies**

This Corporate Environmental Crime policy links to a number of existing strategies and policies that may impact on the reduction of Environmental Crime and ASB in the borough of Tamworth. Some of these are listed below:

- Tamworth Community Safety Partnership Plan
- TBC Lone Working Policy
- TBC Hate Crime Policy
- TBC Safeguarding Children and Adults at Risk of Abuse and Neglect Policy
- TBC Equality Scheme (Making Equality Real in Tamworth)
- TBC Corporate Enforcement Strategy
- TBC Anti-Social Behaviour Policy

## **18. Comments, compliments and complaints**

The Borough Council provides a wide range of services for people who live and work in Tamworth and for visitors to the town.

We want to know what you think about these services so that we can make sure that they meet our needs and expectations details can be found here: <https://www.tamworth.gov.uk/comments-compliments-complaints>

You can also take a look at our Comments, Compliments & Complaints Policy which details how to make a comment, compliment or complaint.

Our helps us to learn from your views and improve our services. However, for more serious matters you may wish to make a formal complaint.

To ensure we receive customer feedback, either positive or negative, please use our on-line form that can be found here: <https://mytamworth.tamworth.gov.uk/do-it-online/report-it/comments-and-compliments/> or call us on our mainline number: 01827 709709 email: [tellus@tamworth.gov.uk](mailto:tellus@tamworth.gov.uk)

## **19. Media Arrangements**

Where possible and if it is deemed to be in the wider community interest we will publish the outcomes of court decisions taken where prosecutions have been undertaken by the Council.

## **20. Monitoring and Review of the Policy**

We will review this policy every 3 years to ensure that any changes in legislation or best practice are included and updated.

We will consult with service users, staff, internal and external partners in the review.

The Council will maintain procedural documents for the use of environmental enforcement powers and this will be subject to scrutiny and monitoring by the Infrastructure Safety and Growth Committee

Any major changes to policy will be subject to Cabinet approval.



**Camera View**



**Location**



**Signage**

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