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CABINET AGENDA

Date: Wednesday 17th November 2021

Time: 7.00pm NB Time

Venue: Council Chamber

This meeting will be webcast live on the internet.

Membership:

Councillor Sheldon	Chairman - Leader of the Council
Councillor Cutler	Waste & Environmental Health
Councillor Mrs Egan	People – Health & Wellbeing
Councillor Hart	Place – Infrastructure
Councillor Isaacs	People – Community
Councillor Johnson	Resources
Councillor Mrs Thornton	Growth - Economic Environment & Sustainability
Councillor Varker	Special Projects (Deputy Leader of the Council)

Cabinet Enquiries:

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Reference:

6/2021/2022

Publication Date:

Tuesday 9th November 2021

AGENDA
PART I
(Business to be taken in public)

- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**
To approve the Minutes of the meeting held on 20th October 2021.
- 4. Forward Plan**
To review the Forward Plan.
- 5. Welcome Back Scheme**
(Report of the Cabinet Member – Growth Economic Environment & Sustainability)
- 6. Local Council Tax Scheme 2022/23 Review**
(Report of the Cabinet Member – Resources)
- 7. Disabled Facilities Grant Update and Policy Review**
(Report of the Cabinet Member – Waste and Environmental Health)
- 8. Public Spaces Protection Order**
(Report of the Cabinet Member – People Community)
- 9. Quarter 2 Corporate Performance Scorecard**
(Report of the Cabinet Member – Special Projects)
- 10. Financial Update Report**
(Report of the Cabinet Member – Resources)
- 12. Matters to be referred from /to Policy & Scrutiny Committees**
- 13. Matters to be referred from /to the Standing Committees**

PART II
(Business to be taken in private)
(Item to be considered with the press and public excluded from the meeting)

There were no items at time of publication of this agenda.



CABINET



20TH OCTOBER 2021

PRESENT:

Councillor Sheldon	Chairman – Leader of the Council
Councillor Cutler	Waste & Environmental Health
Councillor Mrs Egan	People – Health & Wellbeing
Councillor Hart	Place – Infrastructure
Councillor Isaacs	People – Community
Councillor Johnson	Resources
Councillor Mrs Thornton	Economic Development Delivery
Councillor Varker	Special Projects – Deputy Leader of the Council

APOLOGIES: Councillors Cutler and Mrs Egan.

ALSO PRESENT:

Councillors: Acott, Fortt, C Mumford, S Mumford and MacLean.

30. MEMBERS' INTERESTS:

No declarations were made.

31. MINUTES:

The Minutes of the Cabinet meeting held on 22.10.2021 were approved as a correct record and signed.

32. FORWARD PLAN:

To comply with regulations under the Localism Act 2011, the Leader presented a revised Forward Plan to the meeting which outlined key decisions likely to be taken within the next quarter of 2020. The Plan was reviewed each month.

Cabinet noted the addition of the report on notices of Motion deferred from Council to November Cabinet together with a review of the DFG Policy. It was confirmed that the earliest date on which a report on Public Space Protection Order could be brought forward was in twenty-eight days the next Cabinet meeting.

Resolved – To note and approve the Forward Plan as amended.

33. PROPOSED YOUTH CLIMATE AMBASSADOR SCHEME

Cabinet considered a report seeking support for the development of a Youth Climate Ambassador Scheme.

An approach has been made by the Castle Point Climate Change Action Group (CPCAG) a local organisation part of the Castle Point Climate Forum, an informal collaboration including Council members and lead officers from the Council's

Environment Department to support the development of a Youth Climate Ambassador Scheme.

Key features were described. It was proposed to establish a “task force” of young volunteers, called Youth Climate Ambassadors, who would be proactive in raising awareness amongst members of the public of the potential impact of climate change and in encouraging changes in lifestyle.

It was envisaged that the Ambassadors would meet to discuss issues and plan activities and would report regularly to the Council on their findings. Whilst the Ambassadors would act as the “steering committee”, children of all ages could be encouraged to participate through appropriate campaigns.

Essex County Council's Youth Services were happy to develop a partnership with CPCAG and Castle Point Council to facilitate this scheme. The support of Youth Services was hugely important as their Officers have the necessary organisational and professional skills to make the project viable.

The costs to Castle Point Council should be minimal, as Essex Youth Services and CPCAG are happy to provide the funding, venues, and appropriate staff resources.

The Climate Ambassador Scheme was designed to be constructive and positive in its actions. It has been suggested that Councillors and or Council Officers would meet with the Climate Ambassadors from time to time with the Council giving guidance on areas for research and being consulted on activities being planned through the scheme.

Cabinet recognised and welcomed the opportunity for engagement with the Council's Climate Action Group to take forward initiatives to deliver the Council's Climate Action Plan.

Resolved - to endorse and support the development of a Youth Climate Ambassador Scheme.

34. BUDGET AND POLICY FRAMEWORK FOR 2022/23

Cabinet considered a report setting out the proposed Budget and Policy Framework for 2022/23. It took account of the requirements of the Constitution, the Financial Planning Strategy and statutory requirements for calculating the budget requirement and setting the Council Tax.

Resolved – to approve the proposed Budget and Policy Framework for 2022/23

35. ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2020/21

Cabinet considered the annual treasury report covering both the treasury activity and the actual Prudential Indicators for 2020/21.

Resolved -

To note the Treasury Management Activity Report for 2020/21, including the prudential indicators reported in Annexe D.

36. AUTHORITY TO REPRESENT THE COUNCIL

Cabinet considered a report seeking authorisation to allow a member of the Council's Law Team employed by the Council to represent the Borough Council in proceedings before the Magistrates' Court and County Court.

Resolved -

That the following member of the Law team be authorised to appear before the Magistrates' Court and County Courts to represent the Borough Council in legal proceedings pursuant to Section 223 Local Govt Act 1972 and Section 60(2) County Courts Act 1984: -

Samantha Harris – Trainee Solicitor

37. PLANNING POLICY UPDATE – REGULATION 16 CONSULTATION ON THE DRAFT CASTLE POINT BOROUGH COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Cabinet considered a comprehensive report seeking approval to undertake Regulation 16 consultation on the draft Castle Point Borough Community Infrastructure Levy (CIL) Charging Schedule.

The Community Infrastructure Levy (CIL) was first introduced by the Planning Act 2008, as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.

For the purposes of CIL, infrastructure was defined at section 216 of the Planning Act 2008 to include: Roads and other transport facilities; Flood defences; Schools and other education facilities; Medical facilities; Sporting and recreation facilities Open spaces.

The regulatory process for producing a CIL Charging Schedule was set out within the CIL Regulations and required public consultation and an independent examination of the Schedule to be undertaken before adoption. Regulation 16 of the CIL Regulations required public consultation to be undertaken on the draft CIL Charging Schedule. This was the only public consultation required prior to its submission for independent examination.

The CIL rates should be set at a level which ensured that they would not render new development in the area financially unviable, and once adopted the rates set were non-negotiable. Exemptions and discretionary relief could be applied in certain circumstances. Funding obtained through the Levy should be used to deliver infrastructure needed to support development in the area.

The Council consulted on a CIL Preliminary Draft Charging Schedule in 2014, which was not subsequently progressed. Following the examination of the Castle Point Borough Local Plan, the Council was now in a position to progress the

production of a CIL Charging Schedule. To support the production of the Local Plan the Council produced the Castle Point Infrastructure Delivery Plan (IDP), which set out the key infrastructure projects required in the Borough, and identified how developer contributions and other funding sources could be used to support the delivery of new infrastructure projects in the area. The IDP highlighted the need for additional sources of funding to support the delivery of new infrastructure in the area. The CIL provided a mechanism to obtain additional infrastructure funding alongside other traditional funding such as S106.

The use of Section 106 agreements and CIL can operate together. The Council must outline how developer contributions and CIL fund are proposed to be used in its annual Infrastructure Funding Statement. A new development, for example, may trigger the need for a new school and a planning obligation may apply to the development to provide the school. CIL could also then be applied to other development in the area to also contribute towards the delivery of the school.

The production of a CIL Charging Schedule required a viability study to be undertaken to determine the impact of the imposition of a levy on the financial viability of new development in the area. A CIL Viability Study had been produced by Porter PE and the outcomes of the Study were summarised in the report.

Since 2019 the Council had been working closely with infrastructure providers to support the production of the IDP and the Viability Study, and to ensure that these documents appropriately supported the production of the draft Local Plan and the emerging draft Castle Point CIL Charging Schedule.

The report examined the need to introduce the Community Infrastructure Levy in the Borough; implementation of the levy including what development would be liable to pay the levy. The levy worked alongside the Section 106 contributions, infrastructure which could be funded through CIL, the use of variable rates, collection and distribution of CIL funds. The Council must pass up to 15% of receipts arising in an area to the relevant Parish Council i.e. Canvey Town Council for any homes built on Canvey. This 15% is capped. The cap was set at £100 per dwelling in 2013 and now sits at around £118 per dwelling due to indexation.

The Draft Castle Point Community Infrastructure Charging Schedule was described along with key tasks required to be undertaken before examination and implementation.

The report outlined the approach to be taken on Regulation 16 consultation and the process.

The report addressed potential changes as a result of the White Paper published in August 2020. As the proposed reforms were unlikely to impact on how local authorities obtained funding in the short term and it was recommended that progress continue with the production of the CIL charging schedule.

The report concluded the draft Castle Point Borough Community Infrastructure Levy (CIL) Charging Schedule proposed CIL rates for the Borough which would maximise the potential for new development to generate income for the delivery of new infrastructure, while also ensuring that proposed rates did not render new development in the Borough financially unviable. The draft CIL Charging Schedule was therefore recommended to be published for consultation in

accordance with Regulation 16 of the Community Infrastructure Levy Regulations (as amended) 2010.

Resolved:

1. Pursuant to Regulation 16 the Community Infrastructure Levy Regulations 2010 (as amended) the draft Castle Point Borough Community Infrastructure Levy Charging Schedule is published for consultation in accordance with Regulation 16 of the Community Infrastructure Levy Regulations (as amended) 2010.
2. In consultation with the Leader and Deputy Leader of the Council, the Chief Executive and the Head of Place and Policy are authorised to make any final amendments to the draft CIL Charging Schedule and the consultation materials prior to consultation, and to agree the consultation strategy for the Regulation 16 CIL consultation.
3. The outcomes of the consultation and any resultant updates to the draft Castle Point Borough Community Infrastructure Levy Charging Schedule are reported to Council. The Council will be asked at that time to approve the Charging Schedule for submission to the Planning Inspectorate for examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

38. AFGHAN LOCALLY EMPLOYED STAFF (LES) RELOCATION SCHEME

Cabinet considered a report seeking confirmation of the Council's response to the Government request for assistance with the acceleration of the UK Afghan Locally Employed Staff (LES) Relocation Scheme.

Resolved:

1. To confirm that the Council will participate in the UK Afghan Locally Employed Staff (LES) Relocation Scheme.
2. To approve an offer of accommodation and relocation to at least one family under the Afghan Relocation Scheme.

39. COMMERCIAL STRATEGY

Cabinet considered a report seeking approval of the Council's Commercialism Strategy.

The Council was not a commercial organisation but a democratically accountable provider of publicly funded services. Reductions in central government funding, higher user expectations and increased demand for welfare-related services meant that the public sector, and local government, continued to face a challenging time on many fronts. Adopting a more commercial mindset had been identified as being a way of overcoming these challenges

The Commercial Strategy was before the Cabinet within it, eight key principles were addressed:

1. **Increase collection of Council Tax and Business Rates revenue:** Ensure services are paid for fairly.
2. **Maximise the amount received in revenue and capital grants:** Ensure that we apply for and are successful in receiving grants to support delivery of our priorities.
3. **Ensure a fair income from fees and charges:** Ensure we obtain a fair income for the services we deliver.
4. **Increase return on our existing assets and**
5. **Explore prudent investment in new assets:** Use the assets we have to their full potential, expand and/or rationalise our asset base where advantageous to do so.
6. **Deliver services in the most appropriate ways:** Deliver Council-run services in the most efficient and effective way and explore alternative methods of service delivery.
7. **Procure goods & services in the best way:** Purchase only goods and services that are essential, and at the best available cost.
8. **Promote the Borough & the Council:** Actively promote our Borough and the services the Council provides.

The strategy also set out a work programme to deliver against these eight key principles in the short, medium and long term. This work programme, when delivered, would significantly contribute towards the Council's overall aim of moving to a position of financial self-sustainability and no longer being reliant on increasingly uncertain funding from Government.

Resolved -

To agree and adopt the Commercialism Strategy.

40. MATTERS TO BE REFERRED FROM / TO POLICY & SCRUTINY COMMITTEES

There were no matters.

41. MATTERS TO BE REFERRED FROM / TO THE STANDING COMMITTEES

There were no matters.

Chairman



Castle Point Borough Council

Forward Plan

NOVEMBER 2021

CASTLE POINT BOROUGH COUNCIL

FORWARD PLAN

NOVEMBER 2021

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely:-

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continually.

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member(s)	Lead Officer(s)
October 2021/ February 2022	<u>Budget and Policy Framework</u> To make recommendations to Council on the Council tax and budget setting.	All	Cabinet/ Council	Resources	Strategic Director (Resources)
November 2021 January 2022	<u>Financial Update Report</u>	All	Cabinet	Resources	Strategic Director (Resources)
November 2021	<u>Update & Review of DFG</u>	Enablers – Resources People	Cabinet	Waste Environmental Health	Head of Environment
November 2021	<u>Notice of Motion – consideration of budget implications – report to be made to Council</u>	Enablers – Resources People	Cabinet/ Council	Resources	Head of Environment
November 2021	<u>Public Space Protection Order</u>	People	Cabinet/ Council	People	Corporate Services
November 2021	Local Council Tax Scheme 2022 /23 Review – for review & approval	Enablers – Resources People	Cabinet/ Council	Resources	Head of Customer and Digital Services
December 2021	<u>Planning Policy Update</u> - inc. Annual Monitoring Report and Brownfield Land Register Update ;Land at North West Thundersley	Economy and Growth	Cabinet	Growth – Leader of the Council	Head of Place & Policy
February 2021	<u>Council Rent Setting and Capital Programme</u>	Enablers Resources People	Cabinet	Resources	Head of Housing Strategic Director (Resources)
January 2021	Draft Update of the Developer Contributions Guidance	Economy and Growth	Cabinet	Growth – Leader of the Council	Head of Place & Policy

November 2021 Dealt with in October	<u>Commercial Strategy</u>	Economy and Growth – Enablers - Resources	Cabinet	Special Projects	Strategic Director (Resources)
December 2021	Climate Action Plan – Quarterly Progress Report	Environment	Cabinet	Growth- Economic Environment Sustainability	Head of Environment
December 2021	Waste Collection Arrangements	Environment	Cabinet	Waste &Environmental Health	Head of Environment
November 2021	<u>Corporate Performance Score Card Quarter 2</u>	All	Cabinet	Special Projects	Strategy Policy & Performance Manager
December 2021 /January 2022	<u>Housing Management System</u>	Enablers – Resources People	Cabinet	Leader of the Council	Head of Housing

CABINET

17th November 2021

Subject: Welcome Back Fund

**Cabinet Member: Councillor Thornton - Growth Economic Environment
& Sustainability**

1. Purpose of Report

To seek endorsement from the Cabinet on the Welcome Back Fund programme, that will support the promotion of the Borough's town centres and businesses as they recover from the covid-19 crisis.

2. Links to Council's priorities and objectives

2 This report links directly to the Council's priority of Housing and Regeneration.

3. Recommendations

1. Cabinet notes the welcome Back Fund programme.

2. Cabinet endorses the branding approach for the town centres.

4. Background

4.1 In the Cabinet Report of 21st April on Economic Development, Cabinet recognised the role of the Council both directly and indirectly to support Economic Development in Castle Point and supported several proposed activity areas of focus to support future economic growth in the Borough.

4.2 In that report the Council were seeking to secure funding from Central Government to support town centres. The Government is providing Welcome Back Funding. This is to be used to promote, albeit on a temporary basis, town centre initiatives to welcome visitors back town centres.

5. Report

5.1 The Welcome Back Fund

- 5.1.1 The Government's Cities and Local Growth Unit have established the Welcome Back Scheme (an evolution of the Reopening High Streets Safely (RHSS) scheme), to fund temporary activities that support the recovery of local high streets as Covid-19 restrictions have eased.
- 5.1.2 The scheme is being funded as an European Regional Development Fund (ERDF) project with Castle Point Borough Council receiving £224,670 (consisting of £79,835 from the RHSS funding and an additional £142,885 of Welcome Back funding).
- 5.1.3 The aim of the scheme is to implement initiatives that encourage local residents back into our town centres, support local high street businesses and entice more people to visit our retail areas. The funding has constraints around expenditure eligibility including that all initiatives must be temporary and completed/removed by March 2022.
- 5.1.4 *Local Business survey*
A local business survey has been undertaken within our high street areas as an initial step to better understand the impact of the recent Covid-19 lockdowns, the current status of local high street businesses and their views on how they can be best supported moving forward. The take up of the survey was very positive with over 190 responses across five town centres (Benfleet, Canvey, Hadleigh, Tarpots and Thundersley). And overview of the survey is attached in Appendix 1.

Welcome Back Branding concept

- 5.1.6 C21 Marketing have been appointed to develop a brand for the town centres in the Borough: Canvey Island, Hadleigh, South Benfleet, Tarpots and thundersley Village.
- 5.1.7 The branding and promotion is multi-faceted: the first element is to develop a coherent brand which works across all of the town centres. Details of this brand are set out in Appendix 2.
- 5.1.8 This brand will work across various mediums including social media, online, on posters and leaflets, banners etc. Each town centre will have a different colour scheme, and it will provide the opportunity for local businesses and business owners to be showcased through photos (people, premises and products). One key feature of all of the town centres is the very high level of local independent businesses and showcases the business owners and staff will help with the be local message.
- 5.1.9 There is an obligation under the funding agreement to incorporate the logos of HM Government and the European Regional Development Fund, as the two funding bodies for this project. The Council's logo will also appear, although one of the sought outcomes will be ownership of the brand by local businesses, rather than a Council initiative.

Business focus

- 5.1.10 A microsite for our businesses across the five town centres to incorporate their contact details and giving them autonomy to include their individual discounts and/or promotional incentives. With increased online shopping, the internet and social media is now a first port of call for customers. It is vital that businesses are promoted through an attractive brand, and in one place. The microsite will provide opportunities for special promotions, capturing social media stories, and news.
- 5.1.11 To support this, the agency is creating a branded loyalty discount card for each of our town centres which will be available online, and as a discount card available in the town centres for use in the town centre businesses.
- 5.1.12 In addition, the project includes external branding in the town centres themselves – general welcome back (with some stay safe elements) but also events. Space is being booked for bus shelters and the rear of buses, the latter of which will help promote the town centres outside of the borough.

Events

- 5.1.8 The programme includes promotion and support for local events. This will range from one off events to regular events such as pop up markets or farmers markets.
- 5.1.9 The Professional Marketing Agency will also be supporting the promotion of Community events on the microsite to help increase footfall to these events in our town centres.

The next steps for the Welcome Back scheme are as follows:

- To work with the professional marketing agency to continuously implement a timely action plan informed by the results of the local high street business survey.
- To continue to progress the resurfacing of the Crown Public House site as a priority to have it completed as soon as possible in order to host events already planned.
- We are extending Canvey market day to include three Saturdays in December in the run up to the festive season. This will be reviewed in the new year with a view to continuing the weekend market in 2022.
- The feasibility of a monthly Farmers Market in Thundersley village is current being explored together with a market in Hadleigh Town Centre on the Crown Public House site, once the surface is made suitable.
- To continue to support the creation of a mural and nearby works on the corner of Foksville Road and Furtherwick Road at the entrance to the one-way system in Canvey Town Centre, supported by the Coastal Communities Fund officer.
- To engage with local community groups to develop an events diary for events taking place during the project period up to March 2022. This will help us support these events by including them in our Welcome Back Project promotions/marketing.

6. Corporate Implications

a. Financial implications

The ARG(Additional Restrictions Grant) funding is provided to the Council under Section 31 of the Local Government Act 2003 and has been used as a priority to directly support businesses. The grant conditions allow for Council's to allocate funding towards wider business support activities and recovery as well as the immediate direct Grant awards.

The Welcome Back Funding has been provided to the Council under the terms of the Government's ERDF scheme. All eligible activities and staff will be funded from the scheme.

The Business Forum is being funded from existing Council budgets.

b. Legal implications

None

c. Human resources and equality

This paper does not have any direct equality implications at this stage, albeit economic development has a focus on reducing inequalities across the population, with many of these inequalities caused by socio-economic factors.

c. Timescale for implementation and risk factors

These projects are due for completion prior to the end of March 2022.

7. Background Papers:

Castle Point Corporate Plan 2018-21

Report Author: Susan Ryan – Welcome Back Project Officer



informed solutions

Castle Point Borough Council Re-Opening High Streets Local Business Surveys

Summary of finding – 195 responses

August 2021



Welcome Back project local business survey

The Council commissioned an experienced professional survey company, being The Retail Group, to conduct a survey of local businesses in each of our 5 town centres being Benfleet, Canvey, Hadleigh, Tarpots and Thundersley. The survey was completed in July 2021 as we re-opened from the national Covid-19 lockdown.

The aim of the survey was to capture a picture of local businesses activity during the Covid-19 lockdown, a sense of their perception as the high streets begin to re-open, and their view on how we can support them in moving forward to a degree of normality.

It is important we look at each town centre individually, as they each have a unique cultural offer. This in turn will help us create a pro-active action plan in respect of the Welcome Back Project.

The following slides give an overview of the findings from the survey for comment, as a prelude to our final action plan.

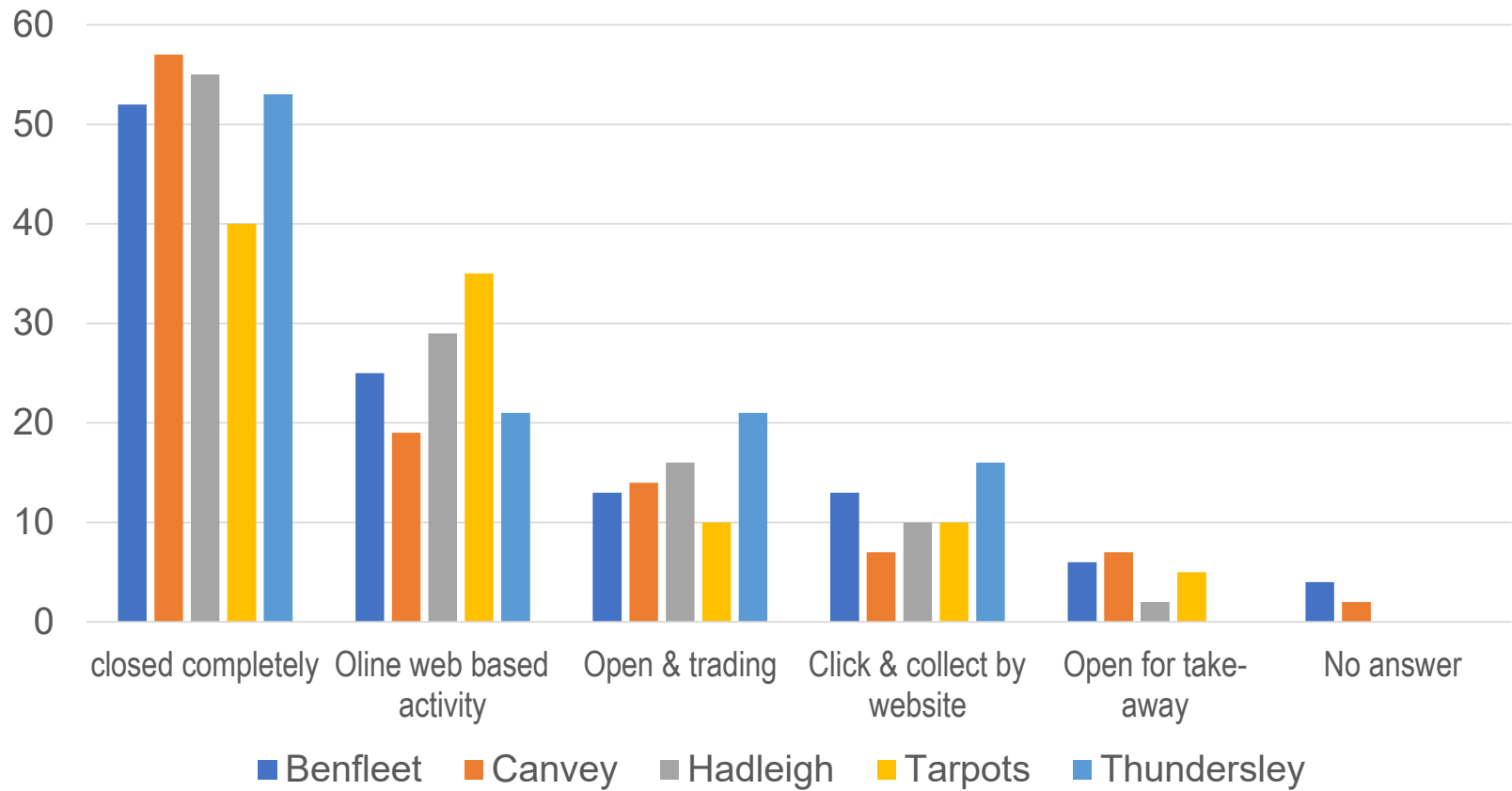
We aim to learn from these findings to develop a strong project plan that will enhance our town centres with the support of the European Regional Development Fund.



Percentage of local businesses activity during Covid-19 lockdown



informed solutions



Benfleet Business Survey summary of findings



informed solutions

- The survey achieved a great response with **48** of businesses trading in the town centre taking part and completing surveys.
- Respondents are typically 'retail' or 'service providers'.
- 'Live nearby' is the dominant reason to use the town centre, with shopping/visiting hospitality on a par as trip generators. Work nearby, commuting and working from home are also strong drivers.
- The town attracts very frequent visits from customers, many daily visits, twice weekly and at least weekly.
- On weekdays the town centre is busiest during lunchtimes. Saturdays are busy in mornings and early lunchtime.
- Customers are visiting less frequently, on shorter trips and in smaller groups as a result of Covid, behaviour patterns have changed.
- Many businesses have accessed financial support, half closed in Lockdown, half managed to trade in some fashion.
- Businesses are broadly 'satisfied' with Benfleet as a centre, a 6:1 satisfaction ratio.
- Businesses particularly want to see more events that generate footfall, more marketing and promotion.
- In regards to general improvements to the offer, respondents would particularly like to see more parking available in the town centre. They'd also like there to be a stronger offer and improved security, more activity to generate footfall, improved environment and better shopping experience.
- Specifically in regards the public realm, respondents would like to see more safety, better access, cleaner, more lighting, improved environment and facilities.
- Most businesses have adapted their model due to Covid, most are inline with expectations. The majority are optimistic about the future trading prospects.
- Benfleet has many strengths to build on, curiously many of the strengths are also identified as weaknesses, although parking is a particular issue.
- Benfleet appears to be a reasonably positive place for businesses, and businesses are positive about it, although there are many aspects to improve.

Canvey Business Survey summary of findings



informed solutions

- The survey achieved a great response with **59** of businesses trading in the town centre taking part and completing surveys.
- Respondents are typically 'retail' or service providers. 17% were market traders.
- Shopping and 'live nearby' are the dominant reasons to use the town centre, with visiting hospitality and markets on a par as trip generators.
- The town attracts very frequent visits from customers, many weekly or daily visits.
- On weekdays and Saturdays the town centre is busiest during late mornings and lunchtimes. A limited number of businesses open on Sundays.
- Customers are visiting less frequently, on shorter trips and in smaller groups as a result of Covid-19, behaviour patterns have changed.
- Circa 50% of businesses have accessed financial support. Over half closed in Lockdown, and 30% managed to trade in some fashion.
- Businesses are broadly 'satisfied' with Canvey Island as a centre, a 5:1 satisfaction ratio.
- Businesses particularly want to see more events that generate footfall, more marketing and promotion, and more market days.
- In regards to general improvements to the offer, respondents would particularly like to see more variety, market days and more parking available in the town centre. They'd also like there to be improved customer flows, security, and more marketing activity to generate footfall.
- Specifically in regards the public realm, respondents would like to see better facilities, pavements and cleaner; with more lighting and seating.
- Some businesses have adapted their model due to Covid-19, many have not.
- Current trading is mixed, many inline and many below expectations. The majority are optimistic about the future trading prospects.
- Canvey Island has many strengths to build on, however there are many and more dominant weaknesses, although parking is a particular issue.
- Canvey Island is a positive place for many businesses, and many businesses are positive about it, although there are many aspects that need to improve.

Hadleigh Local Business Survey summary of findings



informed solutions

- The survey achieved a great response with **49** of businesses trading in the town centre taking part and completing surveys.
- Respondents are typically 'retail' or service providers.
- Shopping and 'live nearby' are the dominant reasons to use the town centre, with working nearby and visiting hospitality as secondary trip generators.
- The town attracts very frequent visits from customers, many twice weekly and weekly frequency.
- On weekdays the town centre is busiest during lunchtimes, with good custom in mornings and afternoons. Saturdays are busy in mornings and lunchtime.
- Customers are visiting less frequently, on shorter trips and in smaller groups as a result of Covid-19, behaviour patterns have changed.
- Many businesses have accessed financial support, half closed in Lockdown, half managed to trade in some fashion.
- Businesses are more 'satisfied' with Hadleigh than dissatisfied as a centre, only a 3:1 satisfaction ratio. Many are undecided.
- Businesses particularly want to see more events that generate footfall, more marketing and promotion. Followed by social media and community activity.
- In regards to general improvements to the offer, respondents would particularly like to see more variety / choice. They'd also like there to be more parking, more markets, more activity to generate footfall.
- Specifically in regards the public realm, respondents would like to see better access, pavements, green spaces, and signage.
- Most businesses have adapted their model due to Covid-19.
- Current trading is mixed, equally split between below and inline with expectations. Half are optimistic about the future trading prospects, many undecided.
- Hadleigh has strengths to build on, weaknesses include choice, traffic, facilities, and parking.
- Hadleigh appears to be performing below its potential, and needs to do more to harness the potential of the location and customer base.

Tarpots Local Business Survey summary of findings



informed solutions

- The survey achieved a strong response from businesses in this small centre, with **20** of businesses taking part and completing surveys.
- Respondents are typically retail or service providers.
- 'Live nearby', shopping and hospitality dominate the reasons to use the town centre. Work nearby, commuting and using services are also strong drivers.
- The town attracts very frequent visits from customers, many daily or twice weekly visits.
- On weekdays the town centre is busiest during mornings and afternoons. On Saturdays it has an even spread, with a notable evening trade.
- Customers are visiting less frequently, on shorter trips and in smaller groups as a result of Covid-19, behaviour patterns have changed.
- Many businesses have accessed financial support, 40% closed in Lockdown, over half managed to trade in some fashion.
- Businesses are broadly 'satisfied' with Tarpots as a centre, a 5:1 satisfaction ratio.
- Businesses particularly want to see more events that generate footfall, recovery support and community activity.
- In regards to general improvements to the offer, respondents would particularly like to see more parking available in the town centre. They'd also like there to be a stronger offer and improved security.
- Specifically in regards the public realm, respondents would like to see more trees/green spaces, improved pavements, facilities, safety and access.
- Many businesses have adapted their model due to Covid-19, a third have not.
- Most are inline or above trading expectations. 45% are optimistic about the future trading prospects, and 45% are cautious.
- Tarpots has core strengths to build on, curiously many of the strengths are also identified as weaknesses, parking and access are particular issues.
- Tarpots is a reasonably positive place for businesses, and businesses are cautiously positive about it. There are however many aspects to improve.

Thundersley Local Business Survey summary of findings



informed solutions

- The survey achieved a good response with **19** of businesses from this small centre taking part and completing surveys.
- Respondents are typically 'retail' or service providers.
- 'Live nearby' is the dominant reason to use the town centre, with shopping / visiting hospitality as secondary trip generators. Work nearby, commuting are also drivers.
- The town attracts very frequent visits from customers, many daily visits or twice weekly.
- On weekdays and Saturdays the town centre is busiest during mornings and lunchtimes.
- Many businesses report no change in customer behaviour, some are seeing more 'home workers', other are seeing fewer and shorter visits.
- Many businesses have accessed financial support, half closed in Lockdown, half managed to trade in some fashion.
- Businesses are clearly 'satisfied' with Thundersley as a centre, none are dissatisfied.
- Businesses want to see more events that generate footfall, more marketing / promotion and recovery support.
- In regards to general improvements to the offer, respondents would particularly like to see more variety, promotion and more parking.
- Specifically in regards the public realm, respondents would like to see better lighting, cleaning, improved pavements and safety / security.
- Many businesses have adapted their model due to Covid-19, a quarter have not.
- The majority are inline with (a few above) expectations. The majority are optimistic about the future trading prospects.
- Thundersley has core strengths to build on. The weaknesses include environment, cleaning, variety, traffic and parking.
- Thundersley is clearly a positive place for businesses, and businesses are positive about it. There are specific aspects to improve.

Welcome Back project way forward...

We are in the process of procuring a professional marketing agency to creating a brand for the Welcome Back Project and work with us to produce a creative action plan for each of our five towns.

Findings from the surveys for each of our five towns will spearhead the priorities of the Welcome Back project action plan which will be finalised as soon as the professional marketing agency is in place.



Contact for the Welcome Back Project is Sue Ryan on 01268 882295 or by email Sryan@castlepointl.gov.uk.



Castle Point

Welcome Back Campaign - Brand Book

Creative communication | Digital technology

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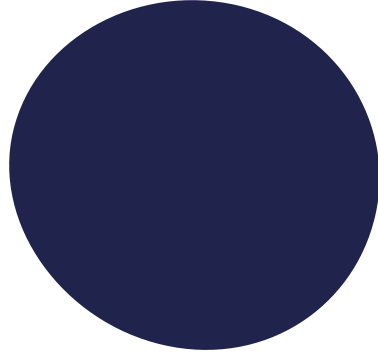
CHOOSE
LOCAL

GET MORE

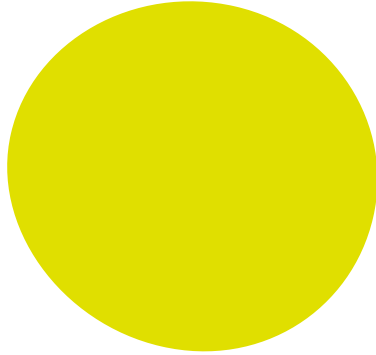




Generic colours



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CMYK = 100, 92, 0, 15
Pantone = 2119 U

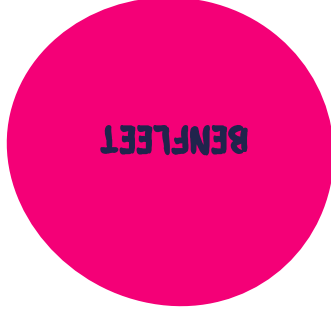


RGB = 225, 222, 23
CMYK = 16, 0, 77, 0
Pantone = 388 U

Location specific colours



RGB = 233, 73, 136
CMYK = 3, 76, 0, 0
Pantone = 211 U



RGB = 168, 2, 85
CMYK = 1, 100, 66, 0
Pantone = Rubine Red U



RGB = 88, 192, 31
CMYK = 74, 0, 10, 0
Pantone = 298U



RGB = 129, 125, 185
CMYK = 50, 0, 96, 0
Pantone = 382U



RGB = 225, 222, 23
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Pantone = 2075U

TARPOTS

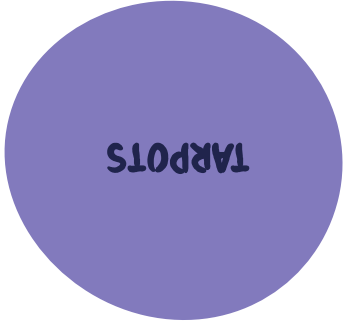
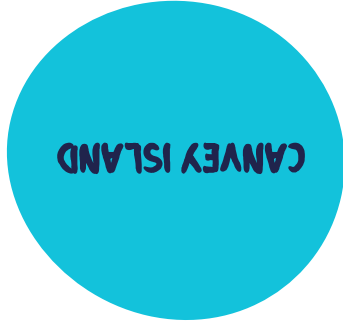
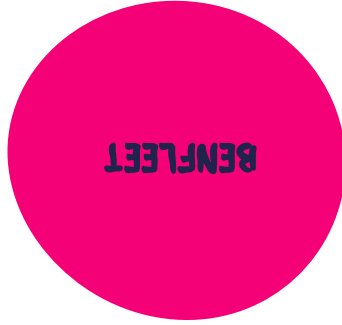
THUNDERSLEY

CANVEY ISLAND

BENFLEET

HADLEIGH

Main colour



Body copy & accent colours



HISTORIC ATTRACTION



MUSIC



ART



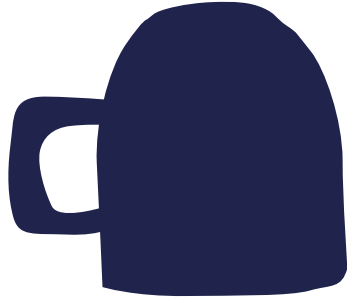
PARKS & WALKS



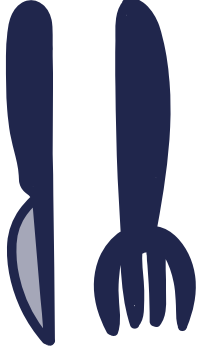
BEACH



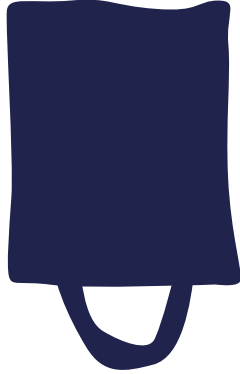
CAFÉ / EATERY



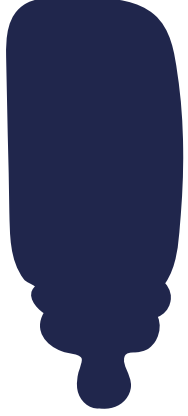
RESTAURANT



SHOPS & MARKETS



FAMILY FRIENDLY



HAIR & BEAUTY





Illustration & Headlines font - Red Runner

ABCDEFGHIJKLMNOPQRSTUVWXYZ

Body copy font - Filson Pro

abcdefghijklmnopqrstuvwxyz
abcdefghijklmnopqrstuvwxyz

Digital font - arial

abcdefghijklmnopqrstuvwxyz
abcdefghijklmnopqrstuvwxyz

Photography

Business photography

Business owners/employees should be photographed looking to camera at 3/4 length. Props to identify their business such as an apron or comb would be preferred if they are shot on a plain background. If they are shot interacting with customers, shoot from over the customer's shoulder. If they are photographed in their business, foreground items to identify location such as cafe bar counters or market stalls but ideally less busy backgrounds as people will be cut out and placed onto block colours as shown.

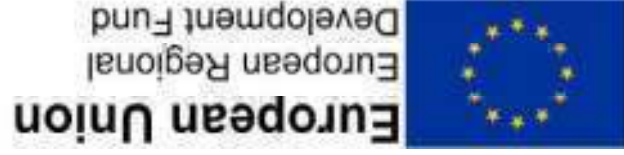


Stock photography

Stock photography can be used if we are unable to get enough resident photographs. Avoid cheesy photography, instead try and find more photography that feels representative of the real residents of Castlepoint. Ideally they should have props like shopping bags or coffee mugs.



Images without people should be business "moments" such as someone making coffee, bread from the oven or a ferris wheel.



Placement

The Logo should be placed in a prominent and suitable position on all publicity materials. If used alongside other logos, the Logo should be at least equal in size to the largest of the other logos and appropriate to the scale of the material and documents being used.

As a minimum, the Logo should be used at 25mm height (portrait Logo) and 40mm width (landscape Logo).



Clearance Zone

To prevent any visual interference the Logo must be positioned in its own clear space, with a suitable 'clearance zone' left clear around its edges. Also, it should not be placed immediately against a document edge.



Location specific post example 1



Generic post example 1



Location specific post example 2



Generic post example 2



Generic post example 3



Location specific post example 2





Generic



Location specific

CABINET

17th November 2021

Subject: Local Council Tax Support (LCTS) Scheme for 2022/23

Cabinet Member: Councillor Johnson – Resources

1. Purpose of Report

To provide an update to Cabinet in respect of the Proposed Local Council Tax Support scheme for 2022/23.

2. Links to Council's priorities and objectives

This report links to the Council's Corporate Plan by underpinning Resources, an essential Enabler of the Council's priorities. Sound and strategic financial management is essential in order to ensure that resources are available to support the Council's priorities and maintain or improve services.

3. Recommendations

- 1. That Cabinet note the information summarised in Section 5 of this report and the information detailed in Appendices A, B, and C.**
- 2. That Cabinet recommend to Council that there are no changes to the Local Council Tax Support Scheme for 2022/23.**

4. Background Information

- 4.1 Council Tax Benefit was replaced by the Local Council Tax Support scheme (LCTS) in April 2013, following a Government announcement in the 2010 spending review that support for Council Tax would be localised and the funding envelope would be reduced.**
- 4.2 Legislation stipulates that the scheme falls into two parts – the pension age scheme which is prescribed by Central Government, and the working-age scheme which is determined by the Council.**

- 4.3 In December 2012, Council approved the working age scheme for Castle Point for 2013/14 which was designed to be cost neutral, and largely based on an Essex wide framework developed jointly by Essex Benefit and Finance Officers.
- 4.4 The Authorities current scheme is generally still in line with the 2013/14 scheme, with only minor technical changes having been made in previous years to keep it aligned with Welfare Reform changes as necessary.
- 4.5 Each year the Council is required to review the scheme and consider whether it wishes to change the scheme or not.
- 4.6 Key elements of the current scheme are set out at paragraph 5.1.
- 4.7 Each year the Council is also required to review and approve the next year's Local Council Tax Support scheme - this must be done annually by 11th March, and approval must be given even if the scheme does not change.

5. Proposed Local Council Tax Support Scheme for 2022/23

- 5.1 The following elements are already incorporated in the 2021/22 working age scheme for Castle Point:
 - 1 As directed by central government, all pensioners are treated as protected, meaning that the financial impact of changes falls on working age households only.
 - 2 The scheme is means tested, using many of the principles of the previous Council Tax Benefit scheme, which enables specific protections to be applied to vulnerable groups, households with children, and households with disabilities.
 - 3 The scheme incentivises work by disregarding £25 per week of earned income.
 - 4 Child Benefit is counted in full as income when calculating entitlement.
 - 5 Claims for Local Council Tax Support cannot be back dated.
 - 6 As far as possible the scheme allows for expected growth in demand and is easy to claim and administer.
 - 7 Second Adult Rebate, previously available under Council Tax Benefit, is not part of the working age scheme.
 - 8 The savings limit is £6,000, meaning that claimants with capital exceeding this value are not entitled to Local Council Tax Support.
 - 9 Non-Dependant deductions, previously applicable under Council Tax Benefit, are not included in the working age scheme.
 - 10 In conjunction with the Council's 'Local War Pensioner' scheme, income received in respect of War Pensions for disablement or bereavement is fully disregarded when calculating entitlement.

- 11 Support is capped at Council Tax band D and at 70% of Council Tax liability for working age claimants, meaning all working age Council Tax Payers are required to pay a minimum of 30% of their weekly council tax bill and those living in properties banded E to H will be assessed as though they are living in a Band D property.
 - 12 Underlying Entitlement, previously awarded when an overpayment occurred under Council Tax Benefit, is not applicable in the working age scheme.
 - 13 The Family Premium, previously awarded under Council Tax Benefit, no longer applies to new working age claims made from 1st April 2017 onwards.
 - 14 The period for which a person can be absent from Great Britain and still receive Local Council Tax Support is limited to a maximum of 4 weeks (subject to specific exceptions).
 - 15 The Severe Disability Premium, previously awarded under Council Tax Benefit, no longer applies where another person is paid Universal Credit (Carers Element) to look after them.
 - 16 The Work-Related Activity Component is no longer included when calculating entitlement for new applicants who receive Employment and Support Allowance (ESA) and who fall within the Work-Related Activity Group.
 - 17 The number of Dependant Child Applicable Amounts used when calculating entitlement is limited to a maximum of two (subject to specific exceptions).
- 5.2 Key data regarding the current scheme is detailed at Appendix A.
- 5.3 It is recommended that no changes are made to the scheme for 2022/23.
- 5.4 The impact of the proposed 2022/23 scheme is detailed at Appendix B and a Stage 2 Equality Impact Assessment is detailed at Appendix C.

6. Corporate Implications

a. Financial Implications

Funding

- 6.1 The reduced tax yield arising directly from the council tax support scheme discount was originally compensated for by a government grant. With the exception of the Town Council, each precepting organisation received their equivalent grant directly and it was specifically identified within the overall finance settlement. An amount was paid over from this Council to the Town Council based on an estimate of the amount relating to them. From 2015/16 the grant has not been specified separately and the scale of reductions applied to Revenue Support Grant (RSG) means that local authorities are now required to fund this scheme entirely from their own resources.

- 6.2 The overall impact on the Council Tax Base for each financial year since introduction of the scheme is shown in the table below:

Year	Outturn £000s	Projected £000s
2013/14	5,798	
2014/15	5,282	
2015/16	4,874	
2016/17	4,804	
2017/18	4,686	
2018/19	4,666	
2019/20	4,688	
2020/21	5,101	
2021/22		4,637

- 6.3 The number of discounts awarded under the local scheme has steadily reduced throughout the period since the scheme was launched in April 2013. Caseload will be influenced by changes in the local economy.
- 6.4 Unsurprisingly Covid-19 has had an impact on the scheme, and this is reflected in the jump to **£5.101m** in 2020/21. Of this, **£380k** related to the Covid-19 Hardship grants which were fully funded by grant funding from Government.

Collection

- 6.5 On introduction, the scheme resulted in a number of residents receiving full or partial Council Tax bills for the first time and, as expected, some residents had difficulty in making payment. The Council, in line with the national trend, has seen a reduction in the overall council tax collection rate, and an increase in the number of payment arrangements which extend payment into subsequent financial years.
- 6.6 Financial implications over and above the target cost of the scheme, positive or negative, would be shared with the major precepting organisations.

Council Tax Reserve

- 6.7 The Council has preserved an amount of **£159k** in an earmarked reserve from scheme underspends in previous years as well as an underspend on the Covid-19 hardship grant funding which Government has since confirmed can be retained by the authority.

b. Legal Implications

- 6.8 The Local Government Finance Act 1992 made provision for local authorities to implement a council tax reduction scheme based on financial need criteria.
- 6.9 This legislation also placed responsibility on the billing authority before introducing or implementing changes to their scheme to undertake consultation on the various options enabling consultees to express meaningful views on the proposals.

- 6.10 As no changes are proposed, no consultation is required in respect of the 2022/23 scheme.

c. Human resources/equality/human rights

- 6.11 A stage 2 Equality Impact Assessment for the proposed 2022/23 scheme has been completed. A copy is attached at **Appendix C** of this report.

d. Timescale for implementation and risk factors

- 6.12 The 2022/23 Scheme needs to be finalised by 11th March 2022. The new scheme must be operational from 1st April 2022.

Key project milestones are as follows:

Milestone	Timeframe	Purpose
Grant published	Dec 21	
Cabinet Report	17.11.21	Proposed scheme to be recommended to Council
Report to Ordinary Council	24.11.21	Final scheme approval
2022/23 Scheme in place	31.03.22	Adoption and implementation
2022/23 Scheme in operation	01.04.22	Operation

8. Background Papers:

Appendix A	Proposed 2022/23 Scheme - Key Data
Appendix B	Proposed 2022/23 Scheme – Impact Report
Appendix C	Proposed 2022/23 Scheme - Stage 2 EQiA

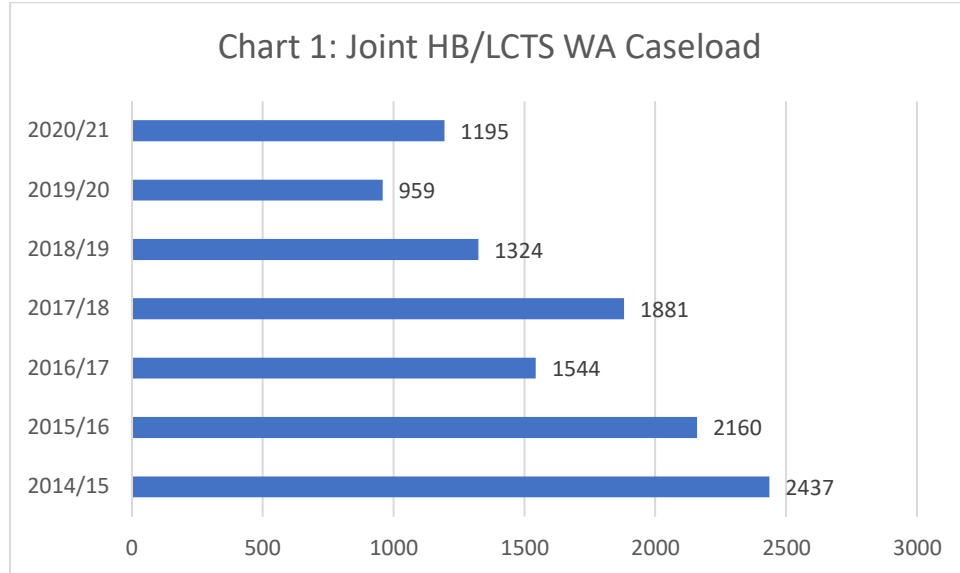
Report Author:

Eddie Mosuro – Head of Customer & Digital Services

Proposed 2022/23 Scheme – Key Data

Caseload

Chart 1 shows the number of new joint working age Local Council Tax Support (LCTS) and Housing Benefit (HB) claims received annually each year.



This data gives an indication of the level of demand for the scheme. The number of new LCTS applicants has generally declined year on year since its introduction in 2013, with the exception of 2017/18 and 2020/21 which both saw slight increases – thought to be indicative of the impacts of Universal Credit Full Service rollout and the Covid -19 Pandemic.

LCTS caseload levels can be impacted by a number factors including (but not limited to) the general economic climate, local awareness of the scheme, social stigma that may be associated with claiming benefits, and general accessibility to the scheme.

This general decline in caseload is in line with the national trend.

The Authority monitors caseload on a monthly basis and continues to work closely with a range of agencies including Canvey Job Centre, Peabody, and Citizens Advice and has also recently increased its social media messaging to maximise awareness and encourage take up of the scheme amongst those who are eligible.

Council Tax Collection Rate

Table 1 (below) shows the Authorities Council Tax Collection Rate since 2014/15:

14/15	15/16	16/17	17/18	18/19	19/20	20/21
98.23	98.12	98.18	98.34	98.18	97.95	96.20

This data gives an indication as to how economically balanced the current scheme design is – i.e. whether it provides economic support where needed but does not under or over support to the detriment of residents, tax-payers, and the continued provision of essential Council-led services generally.

The Council Tax Collection rate can be impacted by a number of factors including (but not limited to) the general economic climate, the level at which Council Tax is set in each Authority, and the frequency and effectiveness of recovery action and collection practices deployed by the Authority.

Aside from the decline in 2020/21 (which is in line with the national trend following the Covid-19 pandemic) Council Tax collection rates have remained relatively stable under the current LCTS scheme.

The Authority regularly monitors the collection rate, supports ethical collection practices and initiatives such as Breathing Space, and the current scheme includes provision of an Exceptional Hardship Scheme to support those in the most extreme financial hardship.

Universal Credit & National Trends

National data on scheme designs, gathered in early 2021 by EntitledTo and the New Policy Institute, indicates that the majority of Local Authorities (over 85%) have introduced at least one of the following three key changes to their schemes since 2013/14;

- The introduction of a minimum payment – i.e. an amount that all working age residents are required to pay,
- The introduction of a band cap – i.e. a cap on how much LCTS can be awarded for properties in higher Council Tax bands,
- The introduction of an income banded scheme – i.e. a scheme whereby claims are assigned to a band which is determined by their income level within a set range and/or their household type, and changes to their income that fall within the set range for the band does not therefore trigger a change to the LCTS award.

Castle Points scheme has always featured a minimum payment level (30%) and a band cap (Band D) and nationally, although 72 Authorities have now moved to an income banded scheme, this still only accounts for 23% of all Authorities.

Since Localisation there has been a great deal of variation between schemes, and the move to implement banded income schemes has exacerbated this with some Authorities varying not only the income band ranges, but also the household types within each band, the type of income they take into account in each band, and the minimum payment level allocated to each band too.

Authorities have implemented banded income schemes for a variety of reasons, but mainly as a mechanism to;

Proposed 2022/23 Scheme – Key Data (Appendix A)

- simplify, and reduce the costs of, administration of LCTS claims - which are expected to become the main caseload for Local Authorities following the mass migration of Housing Benefit claims to Universal Credit,
- increase revenue and reduce administration costs associated with Council Tax collection - by reducing the number of times LCTS awards (and bill instalments) are adjusted as a consequence of a change to the Universal Credit award.

The mass migration of legacy Housing Benefit Claims to Universal Credit is not now expected to take place until 2024 at the earliest, and Pension Age LCTS claimants continue to fall under Central Government's prescribed means tested LCTS scheme until then – very much limiting the extent to which administration can be simplified in the meantime.

Proposed 2022/23 LCTS Scheme – Impact Report

Assuming an overall increase in 2022/23 of 5.00% for mainland properties and 5.00% for properties in Canvey Island Parish for next year's Council Tax, the impact of a **no change recommendation** based on a tax payer receiving the highest rate of Local Council Tax Support (70%) and residing in a band D property on a full charge would be as follows:-

Canvey Island Parish

	2021/22	2022/23
Property Band D liability	£1,912.77	£2,008.40 (5% estimated increase)
Maximum LCTS award (70%)	£1,338.93	£1,405.88
Net Liability	£ 573.84	£ 602.52

The taxpayer would be required to pay at least £28 more in 2022/23, compared to the amount they were required to pay in 2021/22.

Mainland

	2021/22	2022/23
Property Band D liability	£1,891.71	£1,986.29 (5% estimated increase)
Maximum LCTS award (70%)	£1,324.19	£1,390.40
Net Liability	£ 567.52	£ 595.89

The taxpayer would be required to pay at least £28 more in 2022/23, compared to the amount they were required to pay in 2021/22.

This equates to an increase of 53p per week for customers receiving maximum Local Council Tax Support.



Local Council Tax Support Scheme 2022-23

Equality Impact Assessment (EqIA)

Nov 2021

Strategy and Policy EqlA

All strategies and policies must be initially screened for their positive and negative equality impacts.

This initial screening will determine whether or not it is necessary to carry out a full EqlA for the strategy or policy.

This template has been designed to help you initially screen your strategy or policy and, if necessary, undertake a full EqlA .

Title of strategy or policy:	Local Council Tax Support Scheme
Person undertaking EqlA:	Nick Bale
Head of Service:	 Eddie Mosuro
Department:	Housing & Communities
Date EqlA completed:	26.10.21

Strategy and policy overview

Strategy and policy overview	
What is the strategy or policy intending to achieve?	To fulfil the Local Authorities legal obligation under the Localism Act to provide a Localised Council Tax Support Scheme with effect from 1 st April 2022.
What are the summary aims and objectives of the strategy or policy?	<p>Since 1st April 2013, the Council has maintained a Local Council Tax Support (LCTS) scheme. This replaced the national Council Tax Benefit scheme, which ended on 31st March 2013. LCTS helps provide support to council taxpayers who have a low income. It supports the taxpayers by providing a reduction in the actual amount in Council Tax payable.</p> <p>The Council has the ability to determine the level of support given to working age applicants only. The scheme for pension age applicants is determined by Central Government and therefore the ability of the Council to vary that part of the scheme is limited and can only enhance the national scheme in any event.</p> <p>When LCTS was first introduced, Central Government provided a specified level of grant, which was approximately 10% lower than the amounts previously given (pre 1st April 2013). This has now been replaced by a general duty to provide a scheme and funding is not separately identified within the grants given to the Council.</p> <p>After the original consultation, the Council decided to introduce an LCTS scheme that differed from the original Council Tax</p>

Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

<p>Who will benefit from implementing the strategy or policy?</p> <p>What are the links to the Council's corporate priorities?</p>	<p>Benefit in that instead of granting a maximum level of support of 100% it would limit the maximum support to 70%.</p> <p>Changes since 2013 Since the introduction of LCTS, the overall scheme adopted by the Council has remained broadly the same, with only minor technical changes to allow applicable amounts to be up-rated annually in line with Central Government and to reflect some technical changes that mirror Housing Benefit legislation.</p> <p>The scheme has also previously been adapted to allow income from Universal Credit to be treated in line with non-passported claims, by attracting the same disregards, applicable amounts, and premiums.</p> <p>The Proposed Scheme for 2022/23 The Council is minded not to make changes to the working age scheme for 2022/23.</p> <p>The scheme benefits those on low incomes by providing them with support to pay their Council Tax. It specifically provides full protection to Pensioners (as prescribed within the requirements of the Localism Act) and includes locally determined protections for vulnerable groups and incentives to encourage people into work.</p> <p>This Policy links to the Council's Corporate Plan by underpinning Resources, an essential Enabler of the Council's priorities. Sound and strategic financial management is essential to ensuring that resources are available to support the Council's priorities and to maintain or improve services.</p>
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What are the links to other Council strategies and policies?	Exceptional Hardship Policy:
What are the links to other community strategies and policies?	Homelessness & Rough Sleeping Strategy: <u>Castle Point Homelessness and Rough Sleeping Strategy 2019 - 2024</u>
	National Child Poverty Strategy: <u>https://www.gov.uk/government/publications/a-new-approach-to-child-poverty-tackling-the-causes-of-disadvantage-and-transforming-families-lives</u>

Equality Act 2010

The Equality Act 2010 introduces 2 specific statutory duties on public bodies such as local authorities:

- **Socio-economic duty:**
 - Have due regard when making strategic decisions to the need to reduce inequalities of outcome which result from socio-economic disadvantage
- **Single (integrated) equality duty:**
 - Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act
 - Advance equality of opportunity between persons who share a “protected characteristic” and those who do not
 - Foster good relations between people who share a “protected characteristic” and those who do not

The Equality Act 2010 brings together all of the different equality strands and refers to them as “**protected characteristics**”:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Initial screening

This initial screening template will determine whether or not the strategy or policy requires a full EqIA
If any of the answers to the 6 screening questions is “yes”, then a full EqIA will be required.

Initial screening		
Does the strategy or policy aim to reduce inequalities of outcome which result from socio-economic disadvantage?	Yes / No	The Policy fundamentally aims to provide financial assistance in meeting Council Tax costs for those disadvantaged by socio-economic factors.
Does the strategy or policy aim to eliminate discrimination, harassment and victimisation?	Yes / No	The pension age scheme is prescribed by Central Government, however the working age scheme is predominantly at the Council's discretion. Guidance has been given on treatment of vulnerable groups and work incentives. The design of the working age scheme has sought to eliminate discrimination.

Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

Does the strategy or policy aim to advance equality of opportunity?	Yes / No	The Policy fundamentally aims to provide support with Council Tax for those who are socio-economically disadvantaged whilst also encouraging people into work. It has been recognised that in this regard opportunities for some groups may not be equal and therefore the Policy has been designed to provide protection for those groups where advancement of equal opportunity would be restricted.
Does the strategy or policy aim to foster good community relations?	Yes / No	Not applicable.
Does the strategy or policy have the potential to make a negative contribution to equality?	Yes / No	The scheme may fundamentally make a negative contribution to equality for certain groups – children, families, lone parents etc.
Does the strategy or policy make a positive contribution to equality?	Yes / No	Pension age people are specifically protected under Government Regulations.
Initial screening outcome	Full EqiA is required	Initial screening outcome

Full assessment

Information gathering	
What quantitative and qualitative information is there?	<p>Appendix A of the LCTS Cabinet Report sets out some of the qualitative information considered when proposing the 2022/23 scheme:</p> <p>Appendix B of the LCTS Cabinet Report sets out the relative financial impact that the proposed scheme will have on Canvey Island Parish Council and non-Parish residents:</p> <p>This is assumes that:</p> <ul style="list-style-type: none">• Council Tax will increase by 5%,• The property is Band D,• A full charge applies,• The customer is entitled to the maximum LCTS award (70%),• No changes are made to the scheme for 2022/23.
What additional information is required?	No further information is required.
What are the outcomes of any internal and/or external consultation with stakeholders?	No changes are proposed for 2022/23 so no formal consultation was required.
What further consultation is required?	Not applicable.

Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

<p>What examples are there of existing good practice?</p>	<p>Some elements of the current working age scheme (i.e. Band restriction, % liability reduction, removal of Second Adult Rebate) were agreed as part of the overarching Pan Essex scheme.</p> <p>Other elements have been designed to meet specific needs within Castle Point.</p> <p>All of the technical changes that have been introduced, mirror changes which have been introduced as part of Central Governments wider Welfare Reforms.</p> <p>Guidance from DCLG outlining good practice with regards to treatment of vulnerable groups and incentives to work (both published in May 2012) were previously used to inform the scheme design;</p> <p>http://www.communities.gov.uk/publications/localgovernment/lscvulnerablepeople</p> <p>http://www.communities.gov.uk/publications/localgovernment/lscworkincentives</p> <p>The Local Government Finance Bill: Localizing Support for Council Tax – Updated Impact Assessment (published Aug 2011) also informed the scheme design;</p> <p>http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax</p> <p>Each Local Authority is required to adopt their 2022/23 scheme by 11th March 2022.</p>
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Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

Making a judgement	
How will the strategy or policy eliminate discrimination, harassment and victimisation?	<p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>People with disabilities will continue to receive additional premiums as part of the calculation of their award and also may receive additional financial support through the Exceptional Hardship Fund.</p> <p>Without these elements the policy could potentially be discriminatory to those who fall within the ‘disability’ characteristic group.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy advance equality of opportunity?	<p>The Policy is compliant with prescribed Regulations that protect Pension Age people. This advances equality of opportunity for those who fall within the ‘age’ characteristic group (specifically those of Pension age) who would otherwise be disadvantaged by the schemes fundamental incentives to work.</p> <p>Parents will continue to receive a Dependant’s Applicable Amount (limited to a maximum of two children in line with other Welfare Reforms) and working parents will continue to receive an earnings disregard, as part of the calculation of their award.</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>People with disabilities will continue to receive additional premiums as part of the calculation of their award and may also</p>

Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

	<p>receive additional financial support through the Exceptional Hardship Fund.</p> <p>This advances equality of opportunity for those who fall within the 'disability' characteristic group who would otherwise be disadvantaged and may have less opportunity to improve their financial circumstances through work.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy foster good community relations?	No impacts on protected groups identified – not applicable.
<p>Does the strategy or policy have the potential to make a negative contribution to equality?</p> <p>If so, which groups with “protected characteristics” will be affected and what are the reasons?</p>	<p>Working Age people aged over 18 will be required to pay more than those of Pension Age.</p> <p>People with disabilities who are below pensionable age will need to pay more than those above pension age. This is due to the Prescribed Regulations which automatically protect people of Pension Age.</p> <p>The locally funded nature of the scheme that applies to those of working age, compared to the Prescribed Regulations that apply to those of pension age, mean it is not financially viable to completely protect all protected characteristic groups from the full effects of this scheme.</p>
What can be done to address any contribution to inequality caused by the strategy or policy?	<p>Working Age people aged over 18 will be required to pay more:</p> <p>The Council actively supports customers with information and advice on income maximisation, financial capability, and debt management. The Flat Rate earnings disregard has been maintained in the scheme design to incentivise work.</p>

Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

	<p>People with disabilities who are below pensionable age will need to pay more:</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>A discretionary Exceptional Hardship Fund is available to provide additional financial assistance to those who are particularly vulnerable and suffering exceptional financial hardship.</p>
What can be done to assist understanding of the strategy or policy?	<p>Details of the scheme will be publicised on the Council's website: Local Council Tax Support Castle Point</p> <p>Hard copy and alternative formats (i.e. Braille, Large Print, Audio) on request.</p> <p>An on-line 'Calculator' is available to assist those who want to find out if they would be entitled to LCTS: Benefit calculator (entitledto.co.uk)</p> <p>First Contact staff are available to explain the scheme to any individuals or organisations who require assistance.</p> <p>Partners, national bodies, and local advice and support agencies are notified of the scheme adopted each year.</p>

Proposed 2022/23 Scheme – Stage 2 EQiA (Appendix C)

Action plan					
Equality objective	Action(s)	Lead responsibility	Resources	Timescale(s)	Outcome(s)
Assist understanding of the Policy	Refresh website and hard copy information once 2022/23 Final Scheme is formally adopted.	First Contact Manager	Staff time	Jan '22 – Mar '22	All affected groups fully aware of the Policy and how it will affect them.
Assist understanding of the Policy	Engage with and raise awareness amongst local advice and support groups.	Benefits Manager	Staff time	Jan '22 - Mar '22	All local advice and support groups fully aware of the policy and how it will affect their customers.
Advancing equality of opportunity	Proactively identify suitable cases for Exceptional Hardship awards using internal knowledge of debts identified in 2021/22 and administer awards.	Revenues Manager	Staff time, Exceptional Hardship funding	Apr '22 – Mar '23	Reduce impact of the scheme on those suffering exceptional financial hardship.
Advancing equality of opportunity	Maintain an effective range of advice and support services to ensure robust assistance with financial capability, budgeting, and debt related issues.	Head of Customer & Digital Services	Staff time, General Advice & Support Services funding	Apr '22 – Mar '23	Customers adequately supported and equipped with skills to manage financial impact.

CABINET

17th November 2021

Subject: Disabled Facilities Grants Update and Policy Review.

Cabinet Member: Councillor James Cutler – Environmental Health and Waste Services

1. Purpose of Report

To update Cabinet on the present status of the Disabled Facilities Grants delivered by Environmental Health Services.

To seek the approval of Cabinet to amend the Council's Disabled Facility Grant policy (DFG policy), to allow additional flexibility in the allocation of discretionary grants to ensure that cases can be processed with the maximum efficiency, to the benefit of customers that we work with.

2. Links to Council's Priorities and Objectives

The proposed amendments to the with the Council's DFG policy link with the Council's People priority in the Corporate Plan.

3. Recommendations

That the Cabinet:

- Note the contents of the report and seek further updates from the Head of Environment on a periodic basis.**
 - Approve an amendment to the Council's existing DFG policy to allow for an additional type of discretionary grant (Means Test Contribution Assistance) to be offered, for the benefit of disabled persons in need of additional financial help.**
-

4. Background

4.1 Introduction

A suitable, well adapted home can be the defining factor in enabling a disabled person to live well and independently. At a time of financial constraints and policy change, delivering help with home adaptations in the most efficient and effective ways and making use of scarce resources is more important than ever.

The legislative framework governing Disabled Facilities Grants (DFGs) is provided by the Housing Grants, Construction and Regeneration Act 1996. Since 1990, local authorities have been under a statutory duty to provide grant aid to disabled people for a range of adaptations to their homes.

The purposes for which such a grant must be approved, subject to the eligibility of the test of resources are defined in section 23 of the Act (as amended.) These criteria are largely around facilitating access (including to a garden) to, from and around the home of the disabled person. Other specified purposes relate to making the dwelling / building safe, providing or improving heating systems, facilitating the preparation and cooking of food, facilitating the use of a source of power, light or heat and facilitating caring responsibilities of a disabled person.

The maximum amount of a mandatory DFG is currently £30000 in England. The amount payable may also be subject to a deduction derived from a test of the financial resources of the disabled person and their partner. Where the application is for a disabled child or qualifying young person, there is no means test.

Under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) local authorities have discretionary powers to provide financial assistance for housing adaptations in any form (i.e. grant, loan or equity release) for adaptations. From 2008, DFG funding could also be put towards this purpose, where it would ultimately benefit the disabled person, subject to a Cabinet approved RRO Policy being devised. The Council currently offers various types of 'top-up' financial assistance where the full mandatory grant award is not able to cover the full cost of the recommended adaptation or if other financial assistance is required.

4.2 Current Castle Point arrangements

The Environmental Health Service deliver DFG grant funding to customers in partnership with Essex County Council (ECC) Occupational Therapists and Basildon Council Building Control Section who also offer the services of a Home Improvement Agency.

Customers requiring a disabled adaptation are initially referred to the ECC Occupational Therapy Team for an assessment of their needs. A report is produced and forwarded to Environmental Health Services at Castle Point (EH.) EH contact the customer to ask whether they wish to use the services of Basildon Council to assist them in their application, survey and subsequent management of building works. The vast majority of customers choose this option, with their fee being added to the final grant.

Cases are then referred to Basildon Council who will fully project manage the process for the customer including preparing an application for funding, drawing up plans, obtaining quotations from builders and supervising works right through to completion.

This Council is consulted at various stages in the process and is ultimately responsible for approval of an application, deciding on the level of funding / contribution via means testing, approval of plans and funding and ensuring works have been completed before finance is finally released.

4.3 Capital Grant funding - The Better Care Fund

The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join up health and care services, so people can manage their own health and wellbeing and live independently in their communities for as long as possible.

The BCF encourages integration by requiring Clinical Commissioning Groups (CCGs) and local authorities to enter into pooled budget arrangements and agree an integrated spending plan.

Capital grant funding previously provided to the Council directly from the Department for Communities and Local Government (DCLG) is now pooled into a joint Essex budget, which is then distributed to each second-tier authority responsible for the provision of Disabled Facility Grants.

Since this arrangement came into being, DFG capital grant funding to Castle Point Council has steadily increased over the past few years from approx. £300k to currently stand at £680k.

Funding for DFGs at Castle Point is primarily from the BCF capital grant and occasional additional contributions are received directly from the government.

5 **Current works / financial status update**

This financial year the Environmental Health Service is processing 128 cases to an estimated value of £940k. These include a wide range of adaptations from home extensions, bathroom adaptations, stair lifts, ramped access, through floor lifts, widening doorways and specialist toilets.

The COVID pandemic severely affected the ability of Environmental Health and our partners to deliver services, particularly during the 2020/21 financial year and in terms of completions, the Service is still catching up with a backlog of works. However, matters have recently started to improve, and all partners are working hard to ensure that ongoing delays are kept to a minimum

Environmental Health will continue to work in partnership with all stakeholders to ensure the continued and effective provision of grants to customers in need

and aim to continually refine the way that we operate to ensure the best value for money for the Council and most effective customer focussed service.

We intend to continue to process referrals and applications on behalf of customers in a timely manner and will take every opportunity both on our own behalf and as part of wider groupings of Councils to lobby for more funding for this very important aspect of our service.

6 Proposed policy amendments

Three types of discretionary grant are included in the current DFG policy, a Relocation Grant (allowing for the discretionary award of relocation expenses where this is a more suitable solution than adapting an existing dwelling); a Special Assistance Grant (to help to pay for the cost of certain adaptations that would not normally be covered as part of a mandatory DFG) and a Top-up grant to allow for a discretionary award of funding where works exceed the mandatory grant limit of £30k.

The EH Service has recently dealt with several cases where customers have experienced difficulty in meeting the means tested contribution. Assistance with this payment is not covered under the existing policy. While under most circumstances, the contribution is seen as a fair way for those with the ability to pay, to contribute towards the cost of their adaptation and to reduce the burden on the limited grants budget, the 'one size fits all' equation does on occasion, result in a contribution figure that would cause some difficulties or hardship for certain customers.

It is proposed that an amendment is made to the current DFG policy, allowing for the means tested contribution to be paid in part, or in full, by means of a discretionary grant to be awarded (see S4.5.10 of revised policy document.)

It is proposed that The Head of Environment in consultation with the Strategic Director (Resources) is authorised to agree a discretionary grant of up to £10,000 in exceptional circumstances subject to budget availability.

The Council will have expected the applicant to have exhausted other reasonable options with which to raise the means tested contribution for any works. This is to ensure a fair allocation of funding between the many applications received by the Council every year. Examples of these include, but are not restricted to:

- Equity release for owner occupied property
- Bank loans
- Charity Grants / Contributions

- Sale of certain discretionary assets, i.e. if multiple vehicles are owned by the applicant, above and beyond those required for normal day-to-day activities.

The Council will reserve the right to decline any request for top up assistance if sufficient written evidence of the above is not provided.

7 Corporate Implications

(a) Financial Implications

Central Government provides annual capital grant funding towards the provision of DFGs, which is administered via the Essex Better Care Fund. The amount of grant awarded each year is normally confirmed early in the year in question and historically the amount awarded has been around £250k, but by 2021/22 this had increased to £680k per annum.

Notification of future grants is not provided in advance for future years, so this impacts on the ability to make forward financial plans. However, additional amounts of grant are sometimes also awarded late into each financial year, although this is not always guaranteed every year.

All Councils are required to submit to Central Government an annual declaration that grant conditions have been complied with as well as a return detailing amounts spent on DFGs and other supporting information, such as age of the grant recipient. In practice it has been Council policy for many years that the total grant received from central Government is fully allocated to mandatory DFG spend.

Reallocation of capital budget to discretionary grants will reduce the amount available for other mandatory grants by the same amount, as it is taken from the same account. As such, it will be important to ensure that any discretionary award is only considered having regard to the amount of resources the Council has available at that time.

All discretionary grants to homeowners will be recorded as a charge on the land registry and will remain indefinitely. The grant will be repayable in full where a dwelling is disposed of whether by sale, assignment, and transfer of the title or otherwise for any reason.

(b) Legal Implications

Following the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) it is a requirement for any new policies or significant revisions to be formally adopted.

(c) Human Resources and Equality Implications

There is a potential for a positive impact on the following groups of people: - Adults and Children with Disabilities.

8 Timescale for implementation and Risk Factors

It is recommended that if approved by Cabinet, the revised policy is implemented with immediate effect.

Background Papers – CPBC Disabled Facilities Grants Policy v2.2 Nov 2021
(proposed)

Report Author – Simon Llewellyn, Environmental Health Operational Manager

Disabled Facilities Grants Policy & Guidance

Version 2.2

**Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex
SS7 1TF**

- **Strategy or policy:** Disabled Facilities Grants Policy
- **Date adopted:** 19th September 2018 (CPBC Cabinet Approved.)
- **Date last revised and reasons for revision:** Original Policy approved by Cabinet April 2014. Revision 2.0 contains significant expansion of guidance for customers and other stakeholders, expansion of the ability to approve discretionary works and various amendments to reflect changes in practice and procedure since 2014.

Revision 2.1 – April 2019 for addition of amendment allowing means tests and property charging to be waived for trial period of OT in Housing Scheme. (CPBC Cabinet approved)

Revision 2.2 – November 2021 to amend document to allow for discretionary grants to be paid towards means tested contributions, where this would cause difficulty / hardship for the customer (section 4.5.10)

- **Links to Council priorities:**

Council priority	Linked?
Environment – Civic Pride	No
Regeneration and Homes	Yes
Improving the Council	Yes
Community Safety	Yes

- **Links to other strategies and policies:**
- **Name of lead officer responsible for implementing the action plan:**

Simon Llewellyn, Environmental Health Operational Manager
 Phone: 01268 882200
 E-mail: sllewellyn@castlepoint.gov.uk

- **Name of lead Member and Member body responsible for monitoring implementation of the action plan:**
 - Cllr James Cutler, Cabinet Member responsible for Environmental Health / Waste
- **Equality Impact Assessment undertaken:**
- **Sustainability appraisal undertaken:**
- **Policy register on N Drive updated:**

1 Introduction

- 1.1) Perfectly good homes can be quite unsuitable for occupants with mobility needs, to the extent that they can actually be dangerous and isolating. Adaptations are needed by many disabled people so that they can remain safe and independent in their own home. They can be needed by people of all ages, but as our population ages and life expectancy increases, the number of people needing assistance to adapt their homes is expected to grow.
- 1.2) Castle Point Borough Council is committed to helping disabled residents and will administer Disabled Facilities Grants (DFGs) (and other forms of assistance such as discretionary grants, where available) so as to help them achieve a home which meets their needs.
- 1.3) The Council has only finite resources and as the number of people seeking adaptations and the cost of providing them grows, its finite resources are likely to mean that it cannot provide immediate help to all those needing assistance.
- 1.4) Following the regulatory reform (Housing Assistance) (England and Wales) Order 2002 it is a requirement for any updates or revisions of the Council's policies in respect of the allocation of housing grants to be formally adopted.
- 1.5) This policy document sets out how the Council will use its resources to help those who need disabled adaptations and how decisions will be made about the help that it gives and to provide guidance for applicants, stakeholders and other users of our services.

2 DFG Summary

- 2.1) Disabled Facilities Grants (DFGs) were introduced in 1990 but the principle legal provisions are now contained in the Housing Grants, Construction and Regeneration Act 1996 (HGCRA) and regulations made there under.
- 2.2) DFGs are mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building. Occupational Therapists working with Essex County Council assess whether any works are necessary, and discuss the best available options with the Environmental Health Service at Castle Point Borough Council.
- 2.3) DFGs are generally subject to a means test which means that the applicant's income and savings have to be assessed to determine whether any contributions are required to be made by them towards the costs of the required work. The way in which the means test is carried out is governed by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are "passported" through the means testing process and children are exempt from the means test.
- 2.4) Subject to all the eligibility criteria being met, the Council must 'determine' (i.e. approve) properly made applications 'as soon as reasonably practicable' but no later than 6 months from the application date.

- 2.5) The maximum amount of DFG is currently set by statute at £30,000. However the Council will consider payment of an additional discretionary grant in exceptional circumstances.
- 2.6) The DFG grant will be recovered following the sale of the property within ten years of payment of the grant, provided the Council “is satisfied that it is reasonable in all the circumstances to require the repayment”. Grants below £5,000 are excluded from repayment, and the maximum amount recoverable in any one case is limited to £10,000. Where the grant is in excess of £5000, only the amount in excess of £5000 is recoverable up to the maximum of £10,000. In the case of discretionary grants, the Council will seek to recover the value of the grant in full following the sale or transfer of the property.
- 2.7) In the event of an applicant’s death before works are complete, the Council has the discretion to pay a grant towards any fees incurred, any works already carried out or any ‘other relevant works.’

3 Regulatory Framework

There are a number of legal provisions governing DFGs and the application process including:

- Housing Grants, Construction and Regeneration Act 1996 (“The Act”) (as amended)
- Housing Renewal Grants (Services and Charges) order 1996
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to Approval or payment of Grant) General Consent 2008
- The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (“The Order”)
- The Housing Renewals Grants (Amendment)(England) Regulations 2008
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008
- Delivering Housing Adaptations for Disabled People – A good practice guide (June 2006)
- The Equalities Act 2010

4 Definition of a Disabled Person

- 4.1) For the purposes of the legislation relating to DFG’s a person is defined as being disabled if:
- Their sight, hearing or speech is substantially impaired;
 - They have a mental disorder to impairment of any kind; or
 - They are physically disabled by illness or impairment present since birth or otherwise
- 4.2) A person aged 18 or over is considered disabled if:
- They are registered as a result of arrangements made under section 29(1) of the National Assistance Act 1948; or
 - They are a person for whom welfare arrangements have been made under that section or might be made under it.
- 4.3) A person aged under 18 is considered disabled if

- They are registered in a register of disabled children maintained under the Children Act 1989; or
- In the opinion of the Social Services Authority (Essex County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

4 Responsibility

- 4.1) The Housing Grants, Construction and Regeneration Act 1996 gives the statutory duty to Castle Point Borough Council as a local housing authority, responsibility for providing DFGs. The Council cannot, by law, refuse to process a properly made DFG application that it receives from an owner-occupier or tenant. If the eligibility criteria and proper process are satisfied, the Council must approve the appropriate grant.
- 4.2) The Council is given a sum of money each year by the government, via the Better Care Fund, which is specifically used for providing grants to help disabled people adapt their home. In addition the Council provide an annual sum of money to 'top-up' the government grant.

4.3 Eligibility and Amount of DFG grant assistance available to applicant

- 4.3.1) DFGs are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of Housing Associations. Grants are available for adaptations to the common parts of buildings containing one or more flats.
- 4.3.2) Registered Social Housing Providers (RSHP) are also eligible to apply for a mandatory DFG, but in these situations the Council will firstly investigate the RSHP's ability to carry out and fund the adaptation work themselves and the individual merits of the case. In all such cases, the Council will request that the RSHP contributes towards the cost of the adaptation works before processing the application, which may be in the form of an upfront or deferred payment.
- 4.3.3) Each case must be supported by a recommendation from an occupational therapist working with Essex County Council Social Services. Should an applicant provide an independent Occupational Therapists recommendation, the Council will consult with the Occupational Therapy Service at Essex County Council, before processing the application.
- 4.3.4) The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable, practicable, are excessively expensive and/or where the property is not suitable for adaptation. The Council may offer a discretionary DFG, in the form of a relocation grant to help the disabled person move to a more suitable dwelling.
- 4.3.5) There is no restriction on multiple DFG's for the same property and depending on the time lapse between applications, there is provision for any means tested contribution made on the first grant not to be taken into account on subsequent application. This is five years for a tenant's application and 10 years for an owner occupier's application.
- 4.3.6) The maximum amount of grant is set by statutory instrument. The current statutory limit on the maximum amount of mandatory DFG is £30,000.

4.4 Discretionary Disabled Facilities Grant assistance – General

4.4.1) There are a number of circumstances where it may be appropriate to offer help by way of a discretionary grant. For instance a discretionary grant may be considered where:

- The existing home is unsuitable for adaptations and the grant will enable the occupant to relocate to a more suitable property and this is a more cost effective solution.
- The grant awarded to an applicant is insufficient to carry out the works recommended by the Occupational Therapist i.e. the required works are in excess of £30,000 and the applicant is unable to raise the money required. For instance where a property extension is required and relocation is not a suitable or cost effective option.
- A mandatory DFG is not available for the required adaptations works

4.4.2) Four types of discretionary assistance are available from Castle Point Council

- a) Top up assistance
- b) Special assistance
- c) Relocation assistance
- d) Means test contribution assistance

4.4.3) Whilst the Council do not have to provide discretionary assistance it will consider applications on a case-by-case basis.

4.4.4) Any discretionary award will only be considered having regard to the amount of resources the Council has available at the time. If the Council does not have sufficient resources to deal with other mandatory referrals, the Council reserves the right not to approve any discretionary assistance.

4.4.6) All discretionary grants to homeowners (excluding owners of park homes, where sited on a plot owned by a third party and located on a site licensed by Castle Point Borough Council,) will be recorded as a charge on the land registry and will remain indefinitely. The grant will be repayable in full where a dwelling is disposed of whether by sale, assignment, and transfer of the title or otherwise for any reason.

4.4.7) (a) Discretionary Disabled Facilities Grants Assistance – “Top Up Assistance”

4.4.7.1) The maximum amount of mandatory DFG was set by statute in 2008 at £30000. Since this time there has been a general increase in build costs for major adaptations such that in some instances £30000 is insufficient to provide adaptations to meet the needs of the disabled person and their family.

4.4.7.2) To be eligible for consideration of a discretionary top up grant in cases where the cost of the proposed adaptation works exceed the maximum mandatory DFG limit of £30000, the grant applicant must meet the criteria for a mandatory DFG.

4.4.7.3) The discretionary DFG top-up grant will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child, in which case no such test will be applied.

- 4.4.7.4) The Head of Environment in consultation with the Strategic Director (Resources) is authorised to agree a discretionary grant of up to £10,000 in exceptional circumstances subject to budget availability. Discretionary top-up grants in excess of £10,000 up to a maximum of £30,000 will be determined by Cabinet.
- 4.4.7.5) Before approving a top-up grant, the Council will have expected the applicant to have exhausted all other reasonable options with which to raise the required funds for any works over and above the £30000 mandatory limit. This is to ensure a fair allocation of funding between the many applications received by the Council every year. Examples of these include, but are not restricted to:
- Equity release for owner occupied property
 - Bank loans
 - Charity Grants / Contributions
 - Sale of certain discretionary assets, i.e. if multiple vehicles are owned by the applicant, above and beyond those required for normal day-to-day activities.
- 4.4.7.6) The Council reserves the right to decline any request for top up assistance if sufficient written evidence of the above is not provided.
- 4.4.8) (b) Discretionary Disabled Facilities Grants Assistance – Special assistance**
- 4.4.8.1) The purpose of a Discretionary Disabled Facilities “Special assistance” grant is to help applicants to pay for the cost of adapting their home to meet the needs of the disabled person where they are not covered by the mandatory DFG.
- 4.4.8.2) In order to be eligible for Discretionary Disabled Facilities Special Assistance Grant, an applicant must meet the qualifying criteria for a mandatory DFG.
- 4.5.8.3) Each case must be supported by a recommendation from an Occupational Therapist working with Essex County Council. The Council reserves the right to refuse grant assistance where the works are not necessary, reasonable, practicable, or are excessively expensive or where the property is not suitable for adaptation.
- 4.5.8.4) Discretionary Disabled Facilities Grants Assistance is available to fund the following adaptations to enable a disabled person to remain living in their own homes:

- a) To make the dwelling suitable for the disabled person. Examples include:
 - The provision of a safe play space for a disabled child
 - The provision of more satisfactory internal arrangements which would directly benefit the disabled person
 - b) To make the dwelling suitable for the employment of the disabled person within the existing footprint of the dwelling (examples include the provision or adaptation of a room for the disabled person to use as a work area). Any such assistance would be subject to the applicant obtaining any relevant planning permission that may be required for working/running a business from the dwelling.
 - c) To provide an area for specialist care of treatment (e.g. provision of a dialysis room).
 - d) The provision and installation of ceiling track hoists.
 - e) The provision and installation of a dropped kerb to facilitate access to a hard standing located within the curtilage of the disabled person's dwelling.
 - f) The provision and installation of an appropriate storage facility for a mobility scooter with a fixed charging point.
 - g) Provision of facilities for a child in foster care, where the likely length of care at a dwelling is likely to be years, rather than months.
 - h) Provision of additional facilities in a second property in circumstances where a disabled child is living under a dual residency arrangement, where residency is split between the parents (or other designated guardian.)
 - This list is not exhaustive and other works may be considered subject to an Occupational Therapists recommendation being received by the Council.
- 4.5.8.5) Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.
- 4.5.8.6) A Discretionary Disabled Facilities "Special Assistance" grant, may be authorised by the Environmental Health Operational Manager in consultation with the Head of Environment.

4.5.9) (c) Discretionary Disabled Facilities Grants Assistance – Relocation Grant

- 4.5.9.1) A discretionary relocation grant may be available to an applicant who owns or privately rents their dwelling if adaptation of their current home through a mandatory DFG is determined not to be a feasible or reasonable option and they are considering relocating to a suitable property they intend to purchase.
- 4.5.9.2) Applicants must be aged 18 or over on the date that the application is made and in the case of a disabled child, the parents would make the application.
- 4.5.9.3) Any such application must be supported by a recommendation from the Occupational Therapy Service at Essex County Council.
- 4.5.9.4) The Council and the Occupational Therapist must both be satisfied that the proposed dwelling already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.
- 4.5.9.5) Applicants must be relocating within the Castle Point Borough. Consideration may be given to a move in Essex but this would require:
- a) The approval of the relevant district/borough council
 - b) Whether or not adaptations are required to the new dwelling
 - c) The scale of any adaptations before a relocation grant can be considered
- 4.5.9.6) A discretionary relocation grant of up to £10000 may be made available towards specific relocation expenses which includes estate agent fees, legal costs and removal costs.
- 4.5.9.7) The cost of the discretionary relocation grant together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within the Castle Point Borough or another district / borough within Essex.
- 4.5.9.8) Applications must be submitted prior to relocation, grants cannot be paid retrospectively.
- 4.5.9.9) Assistance will not be made available towards the purchase price of a new dwelling.
- 4.5.9.10) The Council will normally require two quotations from independent contractors that realistically reflect the cost of the works / service being provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.
- 4.5.9.11) All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service / work provider, or to the grant applicant. In either case, valid invoices or receipts must be provided prior to the payment.
- 4.5.9.12) If on sale of the applicants existing dwelling, a net equity of more than £10000 is released, the discretionary relocation grant will only fund the physical removal costs.
- 4.5.9.13) Net equity refers to any equity released when the purchase price of the new

dwelling is less than the existing dwellings selling price.

- 4.5.9.14) If the move is aborted through the fault of the applicant, then the grant will not be paid and any monies already paid will be reclaimed from the applicant. If the reason for the move falling through is, in the opinion of the Council, not the fault of the applicant, then the Council will cover the full costs.
- 4.5.9.15) The new dwelling must be the disabled person's main residence and no applicant will be awarded a discretionary relocation grant on more than one occasion.
- 4.5.9.16) If the disabled occupant moves from the new dwelling within 5 years or if the dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise, for any reason within a period of 5 years, the grant must be paid back in full to the Council unless there are exceptional circumstances. The discretionary relocation grant will be recorded on the Local Land Charges Register for a period of 5 years from the date that the new dwelling is occupied by the disabled occupant.
- 4.5.9.17) The discretionary relocation grant will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no means test will be applied.
- 4.5.9.18) Any discretionary award will only be considered having regards to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the OT service, the Council reserves the right not to approve any discretionary assistance.
- 4.5.9.19) A discretionary disabled facility "relocation assistance" grant may be authorised by the Environmental Health Operational Manager, in consultation with the Head of Environment.

4.5.10 Discretionary Disabled Facilities Grants Assistance – Means Test Contribution Assistance

- 4.5.10.1) The purpose of a discretionary 'Means Test Contribution Assistance' grant is to aid customers who have difficulty in meeting the means tested contribution which forms a standard part of the DFG application process.
- 4.5.10.2) While under most circumstances, the means tested contribution is seen as a fair way for those with the ability to pay, to contribute towards the cost of their adaptation and to reduce the burden on the limited grants budget, the one size fits all equation does on occasion, result in a contribution figure that would cause some difficulties or hardship for the customer.
- 4.5.10.3) The Head of Environment in consultation with the Strategic Director (Resources) is authorised to agree a discretionary grant of up to £10,000 in exceptional circumstances subject to budget availability.
- 4.5.10.4) The Council will have expected the applicant to have exhausted other reasonable options with which to raise the means tested contribution for any works. This is to ensure a fair allocation of funding between the many applications received by the Council every year.

Examples of these include, but are not restricted to:

- Equity release for owner occupied property
- Bank loans
- Charity Grants / Contributions
- Sale of certain discretionary assets, i.e. if multiple vehicles are owned by the applicant, above and beyond those required for normal day-to-day activities.

4.5.10.5) The Council reserves the right to decline any request for top up assistance if sufficient written evidence of the above is not provided.

5 Use of Home Improvement Agencies (HIA's)

- 5.1) Castle Point Borough Council offers customers the option of using a preferred Home Improvement Agency (HIA) to provide services as part of the grants process. Basildon Borough Council Building Control Consultancy are able to act on behalf of the applicants in all administrative and legal respects for the provision of the disabled facilities grant. The HIA is also able to act as the Council's agent in certain aspects of the DFG process, described later in this document.
- 5.2) The Services provided by the HIA to the applicant include: completing the application form with the client; preparing any plans which need to be submitted with the application; confirming the work specifications; seeking tenders; obtaining any specific permissions to undertake works, supervising the works and liaising with all parties in respect of completion and payment of the grant. For these Services, the HIA will charge no more than 12.5% of the costs of the tendered works, which is added to the grant amount.
- 5.3) The applicant is not required to use the services of a HIA to apply for a Disabled Facilities Grant, and may choose to administer the process themselves. However, all applicants are advised of the complexity of the grant process at the outset and this course of action would only be recommended for those persons confident with this type of role.

5.4) Provision of stairlifts under Procurement for Housing Framework agreement with Basildon HIA

- 5.4.1) Basildon Council HIA have entered into a Procurement for Housing Framework with Stannah Lift Services Ltd (Stannah.) Applicants who choose to use the services of Basildon HIA will have the option of utilising this agreement for the procurement a stairlift.
- 5.4.2) Users of the agreement will benefit from an expedited installation process and a 5 year warranty provided on the equipment.
- 5.4.3) The arrangement allows for the provision and installation of straight flight and curved track stairlifts which are installed and maintained for a period of 5 years by Stannah. The stairlifts remain the property of the Council during this 5 year warranty and maintenance period.
- 5.4.4) Should circumstances arise within this period where the stairlift is no longer required, Stannah will remove the lift and store it on behalf of the Council until such time that it can be re-used by another applicant.
- 5.4.5) Re-cycled stairlifts will be provided and installed at a reduced cost to the Council but will be installed in the new dwelling with the same 5 year warranty and maintenance period for the new DFG applicant.
- 5.4.6) At the end of the 5 year period, the Council will gift the stairlift to the DFG applicant who will then be responsible for all future servicing and maintenance of their stairlift. Stannah will contact the DFG applicant towards the end of the 5 year period regarding the future servicing and maintenance of the stairlift.
- 5.4.7) NOTE: This PFH arrangement enables the Council to re-cycle perfectly good stairlifts at a reduced cost, thus making better use of DFG funding and will provide value for money.
- 5.4.8) The DFG applicant is under no obligation to use Stannah; all applicants are free to obtain quotations for the supply, installation and maintenance of their stairlift from any other provider who can meet the specification provided by the Occupational Therapist. However, in these instances only the manufacturer's standard warranty and maintenance terms (usually 12 months) will be provided, as it will fall outside of the provisions of the framework agreement.

6 The Mandatory Disabled Facilities Grant Eligibility Criteria

- 6.1) DFGs are available to fund adaptations to the homes of elderly or disabled residents to enable them to live independently at home or be cared for at home. Grants are dependent on;
- The works being necessary and appropriate;
 - The works being reasonable and practicable; and
 - A financial assessment of the applicant's ability to fund the works themselves.

- 6.2) Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (As Amended) Act 1996 and primarily relate to accessing principle rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.
- 6.3) The Occupational Therapists working with Essex County Council and Environmental Health Officers at Castle Point Borough Council seek to support all applicants but by the nature of grant funding this process.

6.4) Works that are eligible for a mandatory disabled facility grant

6.4.1) *Facilitating Access*

- a) A grant may be given for works to remove or help overcome any obstacles that prevent the disabled person from moving freely into and around the dwelling.
- b) Access to the garden or yard (front, side or rear) means immediate access from the dwelling and does not include landscaping. This would be fulfilled by either improving existing access or by providing a suitable outdoor space that can be accessed safely from inside the dwelling to allow appreciation of the outdoor area by the disabled person.

6.4.2) *Making a Dwelling or Building Safe*

- a) A grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons living with them. This may include the provision of lighting where safety is an issue, or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.

6.4.3) *Access to a Family Room*

- a) A grant may be given to ensure the disabled person has access to a room used for or usable as the principal family room (i.e. living room or lounge).

6.4.4) *Access to a Room usable for Sleeping*

- a) A grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled person shares a room with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.

6.4.5) *Access to a Bathroom*

- a) A grant may be given for the provision of, or access to, a WC, washing, bathing and/or showering facilities.

6.4.6) *Facilitating Preparation of and Cooking of Food*

- a) A grant may be given to re-arrange or enlarge a kitchen to improve the access for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household

member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.

6.4.7) Heating, Light and Power

- a) A grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.
- b) Provision is also made under this category for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.

6.4.8) Dependent Residents

- a) A grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. Importantly, the dependent being cared for need not be disabled.
- b) Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.

6.4.9) Common Parts

- a) A grant may be given for works to facilitate access to a dwelling through the common parts of a building.

6.5 Deciding on the suitability and feasibility of an adaptation for a customer

Necessary and Appropriate

- 6.5.1) Necessary and Appropriate works are determined through an assessment of the client and their home environment by an Occupational Therapist from Essex County Council. This concentrates on the client's ability to remain living independently in their own home and must distinguish between works which are desirable, and those, which are necessary and appropriate.
- 6.5.2) Occupational Therapists from Essex County Council and Environmental Health Officers from Castle Point Borough Council liaise to:
 - a) Discuss proposed applications;
 - b) Determine whether applications meet the necessary and appropriate criteria with reference to the legislation;
 - c) Determine if the works are likely to be reasonable and practicable.

6.5.3) When identifying and agreeing adaptations we will ensure that:

- They are the simplest, least disruptive and most cost-effective adaptation to meet the needs;
- They are designed to fit within the existing structure of the home; this may involve using the home in a different way i.e. sleeping in a ground floor room or sub dividing space and that;
- Providing additional space within a home is only considered if all other options have been fully exhausted and if it is practicable to provide additional space.

6.6 Reasonable and Practicable

6.6.1) There are times when it is simply not reasonable and practicable to adapt a property, for instance where there are excessive changes in level; where there are space constraints; or where moving existing services is prohibitively expensive. Rather than investing funding to poorly adapt a property, grants may be declined because the works are not reasonable and practicable.

6.6.2) If works are not considered reasonable and practicable within the home this will involve asking clients to seriously consider if they are currently in the most appropriate housing or if moving to more readily adaptable level access accommodation would be a better option.

6.6.3) In owner occupied premises where work is not considered reasonable and practicable, Disabled Facility Grant aid may be available to help with some of the basic costs of moving home. This would be dependent on the Means Test and each case would be judged individually on its merits.

6.6.4) In registered social housing provider (RSHP) accommodation (for instance homes provided via housing associations,) they are often happy to work with clients to identify alternative suitable housing. Where clients may be under occupying a home this has an added advantage of freeing up much needed family housing and there are monetary incentives available from the housing association for this.

7 The Disabled Facilities Grant Process

Occupational Therapist Referrals and prioritisation

- 7.1) The Occupational Therapy Service at Essex County Council submits recommendations for Disabled Facilities adaptations to the Council for all tenures.
- 7.2) All recommendations received from the Occupational Therapists at Essex County Council are no longer ranked according to priority on a routine basis.
- 7.3) Prioritisation of cases is most often based on date of receipt of referral of a report from the Occupational Therapist. Where an Occupational Therapist makes additional requests for urgent / emergency assistance, this additional information will usually be taken into account, when deciding on a prioritisation for an individual case. Referred cases will be held on a priority-based list until such time as the Council is able to begin working on a case.
- 7.4) All appropriate steps will be taken to minimise the waiting time before a grant case can be worked on and approved. The prioritisation mechanism is kept under review to ensure it is operating as intended and as circumstances require.
- 7.5) The length of time someone has to wait on the priority list will depend on the size of the grant budget available to the Council, staff workload and the number of cases with a higher priority. Applicants will be notified in writing if there is likely to be a prolonged delay in progressing their case.
- 7.6) The Council however reserves the right to start processing some cases out of strict priority order in exceptional cases (as determined by the Head of Environment or Environmental Health Operational Manager) for instance, where it is determined that it is necessary to ensure efficient allocation of staff resources, or budget allocation and spend.
- 7.7) In the event that changes are required to the prioritisation mechanism, they will be determined by the Environmental Health Operational Manager in consultation with the Head of Environment.

Application

- 7.10) Should the proposed recommendations require a pre application feasibility study this will involve the Occupational Therapists at Essex County Council and Environmental Health Officers from the Council meeting to discuss this matter. The Council, as a Statutory Regulator of the Housing Act 2004 is unable to allow works to take place which will result in the creation of Housing Health and Safety Rating System Hazards.
- 7.11) When sufficient financial resources are available to the Council to pay for these works, the applicant is informed by letter and asked whether they would like to use a HIA partner to act on their behalf in all administrative and legal respects for the provision of the disabled facilities grant, or whether they want to administer and make arrangements for the preparation of an application for a Disabled Facilities Grant themselves.
- 7.12) If the disabled person is the tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out. Fixed items such as level access showers will usually become the property of the owner.

- 7.13) Should the applicant choose to use our HIA partner, the customer will be referred to Basildon Borough Council Building Consultancy, who will get in touch with the customer directly.

7.14 Financial Assessment (The Means Test)

- 7.14.1) Applications for Disabled Facilities Grants are generally subject to a Means Test.
- 7.14.2) The way in which the Council carries out the Means Test is governed by regulations and the Council does not have any discretion in applying it. Once the applicant's income and savings have been recorded on the application form, this information is used to calculate whether any contributions are required to be made by them towards the costs of the required work.
- 7.14.3) As part of an application for a mandatory DFG, a test of resources (financial means test) must be carried out in order to assess the amount, if any, that the applicant must contribute towards the cost of the proposed adaptation works.
- 7.14.4) The means test applies to the disabled applicant and any spouse or partner. The applicant is required to provide information about all sources of income and all savings to provide evidence to support information given in the application form.
- 7.14.5) Specifically the Council will require the disabled applicant to provide the following:
- a) 3 months' payslips (where monthly paid) or 6 weeks' payslips (where weekly paid)
 - b) Copies of most recent state pension letters
 - c) Copies of most recent private/occupational/other pensions in payment
 - d) Copies of any disability benefit letters (attendance allowance, Disabled Living Allowance, Personal Independence Payments, and Employment Support Allowance etc.) where in payment
 - e) 3 months bank statements (immediately prior to the application date)
 - f) Up to date statements/balances of all savings accounts and ISA's
 - g) Copy of a recent utility bill (dated within 6 months of the DFG application)
 - h) Up to date statements/balances of all other savings and investments such as premium bonds, stocks and shares
 - i) Details of any other capital and property owned
- 7.14.6) Applicants who are in receipt of one of the following types of income will be "passported" through the means testing process and will not be required to make a contribution towards the cost of the proposed adaptation works:
- a) Income Support
 - b) Income Based Job Seekers Allowance
 - c) Guarantee Pension Credit
 - d) Housing Benefit
 - e) Working/Child Tax Credit (if income for tax credit is below a specified amount)
- This list is prescribed by central government and may be amended from time to time.

- 7.14.7) Where the result of the means test is a 'nil' contribution, it is accepted that the applicant will automatically wish to proceed with the application. Where the result of the means test is such that the clients contribution is likely to be less than the total cost of the works the client will be required to confirm in writing their intention to proceed with their application on this basis.
- 7.14.8) Where the result of the means test is such that the clients contribution is equal to or likely to exceed the cost of the works the client can request the Council to approve a 'nil' grant. This will enable the cost of these works to be deducted from any future application for a DFG so long as any subsequent OT recommendation is received within 10 years from the approval of the 'nil' grant (5 years for a tenant's application).
- 7.14.9) Where an applicant is unable to meet their assessed financial contribution under the means-test for a mandatory DFG and in the absence of any suitable affordable alternative, the Council may in exceptional circumstances provide the applicant with Discretionary Disabled Facilities Grant Assistance to enable the works to proceed, subject to the exhaustion of alternative funding options described in 4.4.7.5.
- 7.14.10) Any Discretionary DFG Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.
- 7.14.11) All Discretionary DFG Assistance will be recorded on the Local Land Charges Register indefinitely. The assistance will be repayable in full where the applicant disposes of the dwelling whether by sale, assignment, transfer of the title or otherwise for any reason.
- 7.14.12) All Discretionary DFG Assistance will be recorded on the Local Land Charges Register indefinitely. The assistance will be repayable in full where the applicant disposes of the dwelling whether by sale, assignment, transfer of the title or otherwise for any reason.

8. DFG Application Conditions

- 8.1) All applications for assistance must be made on the appropriate Council application forms and shall be accompanied by all relevant supporting documents. The minimum age for applicants is 18 years of age at the date of application and in the case of joint applications, at least one person must be over 18 years of age at the date of the application.
- 8.2) In making an application the applicant shall give the Council permission to share such given information with other Council services and departments or other statutory agencies.
- 8.3) Private sector tenants may make applications where they are eligible for assistance, but the Council will require written consent from the owner of the property before approving the DFG.

- 8.4) Tenants of a Registered Social Housing Provider (RSHP) may make applications where they are eligible for assistance but the Council will require written consent from the relevant RSHP, will make an assessment of the RSHP's ability to pay for the works in full and will in all cases, seek a financial contribution from them towards the cost of the works before approving the DFG.
- 8.5) CPBC tenants in all cases should approach CPBC Housing in the first instance as the Council has funds set aside for disabled facility adaptation works in their own properties. In certain cases, including but not limited to unreasonable delays that may otherwise occur in the process due to exceptional circumstances, or specific appeals from an Occupational Therapist, DFG assistance may be considered towards the cost of any works, on a case by case basis, at the discretion of the Environmental Health Operational Manager.
- 8.6) The adaptation works must be carried out in accordance with any plans, specifications and schedules provided by the Council.
- 8.7) Quotations for adaptation works must be provided on the specifications and schedules provided by the Council for this purpose and must be itemised and totalled on each page. Provisional sums are not acceptable except in cases where for example scaffolding *may* be required or where exploratory works *may* be required. Works covered by insurance claims or work that should have been covered by such, will not be eligible for DFG assistance of any kind.
- 8.8) The following number of quotations will be required by the Council when procuring adaptation works:

Works	Number of quotations required*
Stairlifts procured under the PFH Stannah agreement with Basildon HIA	1
Works up to a value of £9,999	2
Works £10,000 or above	3
Specialist works where providers of equipment or service are limited in number.	Generally 2 quotations required, any difficulties with obtaining quotations should be discussed with the Council. In exceptional circumstances, one quotation may be allowed for works to proceed.

*The Council reserves the right to request additional quotations as necessary, if it considers predicted costs to be excessive or inadequate..

- 8.9) The Council will not normally approve any DFG application if the relevant works have started before the application is approved. One exception to this rule is where an authorised officer has already carried out an inspection of the dwelling and has agreed in writing that the works may commence, due to particular risks to the health and safety of the disabled applicant.
- 8.10) DFG assistance will only be approved for the benefit of the disabled applicant where they are able to provide evidence of a valid National Insurance Number.

9. Decision Making Criteria

- 9.1) Once the Council is satisfied that the proposed adaptation works are necessary and appropriate, reasonable and practicable, the following specific expectations and presumptions are taken into account:
- a) The DFG works should fully and properly meet the applicants assessed needs. DFGs that only partially meet those needs will only be considered in exceptional cases (e.g. where the disabled person's condition is deteriorating and independent living is unlikely to be sustained for very much longer).
 - b) The works funded by the DFG will be the simplest and most cost-effective adaptations that will meet the need of the applicant's assessed needs (this includes any equipment provided).
 - c) Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of specialist equipment.
 - d) Generally, the DFG will only fund one facility to a dwelling e.g. only one external door will be provided with a ramped access to the outdoors.

10. Alternative Scheme of Works

- 10.1) In certain circumstances a grant up to the value of the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. For example, where a through-floor lift would meet the needs of the disabled person but the preference of that person is for the construction of a ground floor extension, a DFG equal to the cost of the lift could be approved. In any such case the following criteria must be met:
- a) The proposed alternative scheme shall meet the applicant's needs as assessed by the Occupational Therapist and put forward in the original recommendation.
 - b) The Council must be satisfied that the applicant has sufficient financial resources to complete the alternative scheme, including a contingency sum of 10% of the total cost of works to account for any unforeseen works.
 - c) The applicant must provide the Council with a minimum number of estimates listed in table 8.8 from competent contractors for the proposed works. The Council reserves the right to seek an alternative estimate where those provided by the applicant seem either excessive or inadequate.

- d) An experienced agent shall design/control the works and shall certify their satisfactory completion. The applicant is responsible for any additional costs of designing the alternative scheme and for obtaining building regulation approval and/or planning permission where necessary.
- e) The Council will only pay an amount equal to the cost of the works originally recommended by the Occupational Therapist. The Council will not pay for the DFG approved works until all works have been completed and certified as satisfactory by the Council or its agent.
- f) The Council's payment shall be the final part payment made towards completion of the alternative scheme and will not be paid until the Council receives confirmation from the contractor that all other monies owing have been paid in full by the applicant. Payment will be subject to the Council or its agent inspecting the works and certifying the scheme as fully completed to its satisfaction (inside and out).
- g) The alternative scheme must be completed within 12 months of the DFG being approved, unless a written request for an extension to the time limit is received within 6 weeks of the 12 month period expiring. Extension to the mandatory time limit for completion of the works will be at the discretion of the Council and the applicant should not assume that such a request will be agreed.
- h) Where the alternative works are not completed within the 12 month time period allowed and where the Council has not received a written request to extend this period, the DFG will be void.
- i) No variation of the approved DFG will be made for any additional unforeseen works; all such costs are to be borne by the applicant.
- j) If, for whatever reason, during the course of the works, the need for them ceases, the DFG will not be paid in full.

11. Two Disabled Occupiers in the same Household

- 11.1) Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the adaptations, there may be a case for considering two separate DFG applications (for example, this is more likely to affect families with more than one disabled child.)

12. Approval of a DFG

- 12.1) Although the Council is statutorily obliged to approve valid applications within 6 months, where possible, the Council will aim to approve applications within 30 days of them being determined as complete and valid. If information is missing from the application, the applicant will be contacted and notified as to what they need to provide before the application can be considered complete.

- 12.2) Though the Council aim to approve all grants in less than 30 days in some cases and at certain times it may take longer to determine an application. This is particularly relevant where discretionary cases are concerned as the Council must make the best use of its financial resources. It is important to note that where mandatory Disabled Facilities Grants are concerned, the Council must determine applications within 6 months of receiving a complete and valid application so these cases may take priority over discretionary DFG assistance.
- 12.3) The DFG approval notice will set out:
- a) The amount of assistance approved and the name of the successful contractor upon whose estimate the grant has been calculated.
 - b) The applicants contribution (where relevant) towards the cost of the works as determined by the financial means test.
 - c) The conditions applied to the approval of the grant.
- 12.4) The Council or its agent will notify the winning contractor that the grant has been approved and will forward them a contract that is to be signed by the applicant and the contractor and returned to the Council prior to the commencement of the adaptation works.
- 12.5) The Council will not normally approve a Disabled Facilities Grant application where the relevant work has already begun. However, in exceptional circumstances it can approve such a grant if it is satisfied that there were good reasons for beginning the works before the application was approved. Any such grant approval may be reduced to reflect the works undertaken prior to approval of the DFG.
- 12.6) The Council will not approve an application for a Disabled Facilities Grant if the relevant works have already been completed.

13. Works on Site

- 13.1) Though the DFG is an agreement made between the grant applicant and the Council, all works relating to the Disabled Facilities Grant are a contractual agreement made between the grant applicant and the contractor. The contractor is working for the grant applicant and not the Council.
- 13.2) The Council will not be responsible for supervising the work or the contractor. The grant applicant and/or the contractor must notify the Council or its agent of the date that they agree the works shall commence.
- 13.3) The applicant must ensure that they receive from the contractor any instruction manuals for equipment that they have installed; this includes warranties for any specialist equipment, such as a stairlift, through floor lift, ceiling track hoist and wash/dry toilets.
- 13.4) Once the adaptation works are complete applicants will need to arrange and pay for any future repairs or maintenance of their adaptation and equipment when

any warranty periods have expired or where warranties paid by the Council as part of the DFG have expired as these future costs cannot be paid by the Council.

14. Unforeseen Works

- 14.1) Additional DFG funding will only be provided above the original grant approval in the event that unforeseen works are required in order to allow the completion of the eligible works, or associated works, and where these works are of a nature to protect the health and safety of the applicant, and where these works could not have reasonably been foreseen at the time of the contractor pricing for the contract.
- 14.2) The following points must be observed in all cases of a request for additional unforeseen works:
- a) As soon as it becomes apparent that unforeseen works are necessary the applicant or the contractor must notify the Council or its agent;
 - b) The Council or its agent must be able to independently verify any such works as being necessary and this may involve a site inspection;
 - c) The contractor must provide a written quotation to the Council or its agent for the cost of completing the unforeseen works;
 - d) No unforeseen works can commence until written confirmation from the Council or its agent has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.
 - e) In exceptional circumstances, these terms can be waived where the authorised Officer dealing with the DFG agrees either verbally, or in writing, without necessarily carrying out an inspection that the works may commence, due to risks to the health and safety of the grant applicant.
 - f) Where unforeseen works are agreed by the Council or its agent the grant will be re-calculated when all works have been completed and a revised approval notice will be issued when the grant is paid.

15. Abortive Works

- 15.1 This term relates to situations where a DFG application has been aborted before all works have been completed, e.g. where the applicant has died.
- 15.2 In such circumstances, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Environmental Health Operational Manager.

16. Completion of Works

- 16.1 The grant applicant and/or the contractor shall notify the Council on the day that the adaptation works are completed. This will enable the authorised officer to schedule an appointment to inspect the works at the earliest opportunity, thus expediting payment to the contractor.
- 16.2 The authorised officer will inspect the works and:
- a) Verify that all works are complete;
 - b) Verify that the works have been completed in accordance with the OT's recommendation, the Councils' schedule of works and the surveyor's plan;
 - c) Note any snagging items and contact the contractor to resolve prior to arranging payment;
 - d) Ensure that the applicant signs a completion form to confirm that they are satisfied with the works and to authorise the Council to release payment to the contractor;
 - e) Ensure that the applicant is in receipt of all relevant guarantees and warranties;
 - f) Collect any invoices which the contractor has left with the applicant;
 - g) Provide the applicant with a survey form.

17. Payment of Grant

- 17.1) The Act allows the Council to pay the grant directly to the contractor on satisfactory completion of the works. Most applicants prefer the Council act in this manner. Therefore, the Council will pay the contractor following the final inspection visit so long as the works has been carried out to its satisfaction and in accordance with the Occupational Therapist's recommendation, the Councils schedule of works and the surveyors plan.
- 17.2) Payment will only be made on production of a final invoice.
- 17.3) Where the applicant chooses to take responsibility for paying the contractor direct, then on production of a receipt confirming that payment has already been made to the contractor, the Council will make the payment to the applicant.
- 17.4) Payment of grant will be subject to the satisfactory receipt of all certificates relevant to the adaptation works carried out e.g. a Gas Safe Certificates, Electrical Installation Certificates and Building Control Completion Certificates etc.
- 17.5) The Council will consider requests for interim payments if they are requested before works commence but usually this will only apply to DFG's approved at the maximum mandatory grant amount of £30,000. The Council will not normally approve an interim payment of more than 90% of the cost of the completed works

and, in aggregate no more than 90% of the total approved cost of the work will be paid before the final completion of the adaptation works.

18. Changes in Circumstances

- 18.1) Applicants (or their representative/parent/guardian) must inform the Council or its agent of all relevant changes in their circumstances from the date of making their enquiry through to approval and payment of their grant assistance.
- 18.2) Applicants are encouraged to contact the Council or its agent in advance if they believe that their circumstances may change in order that they can be given advice on the options available to them.
- 18.3) Certain changes in the applicants' circumstances may affect the payment of the Disabled Facilities Grant. Such changes, prescribed by legislation, are:
 - a) Where the works cease to be necessary or appropriate to meet the needs of the disabled person;
 - b) The disabled person ceases to occupy the dwelling; and
 - c) The disabled applicant dies.

In such circumstances the Council can decide:

- d) Not to pay the grant, or pay not to pay any further instalments;
 - e) That some or all of the works should be completed and the grant or a partial grant will be paid; or
 - f) That the grant application should be re-determined.
- 18.4) Under the Act, the Council has the right to demand the repayment of the grant that had already been paid, together with any interest in the circumstances outlined above. However, such cases will be considered on their own merit.
- 18.5) The right to demand repayment also applies where the applicant ceases to be entitled to a grant before completion of the works. An example of where this may apply would be if the applicant ceases to own the dwelling or does not have a tenancy agreement for the dwelling to be adapted.

19. Cases in which a DFG may be re-calculated, withheld or repaid

- 19.1) The Council is entitled to refuse to pay a grant, to refuse to pay further instalments on a grant or may recalculate the grant in circumstances such as:
 - a) The grant was approved on the basis of inaccurate, incomplete or false information;
 - b) The cost of the works is less than/more than the original estimates.

20. Disputes with Workmanship

- 20.1) Where a dispute arises regarding the standard of a contractor's workmanship the Council will withhold payment to the contractor until the works have been completed satisfactorily in the professional opinion of the Council or its agent.
- 20.2) Where works are deemed to meet the Council's or its agent's approval but the grant applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

21. Maintenance and Warranties (General)

- 21.1) When equipment is installed under a Disabled Facilities Grant, the grant applicant becomes the owner of the equipment and is therefore responsible for maintenance and repairs or for removing equipment once it is no longer required beyond any warranty and maintenance periods already paid for, and included in the grant, by the Council.
- 21.2) Therefore, once the DFG works are completed the Council will not finance or organise servicing, repairs or maintenance after the expiry of any applicable warranty period, which is usually 12 months, with the exception of stairlifts provided through the PFH framework agreement, where the warranty will be 5 years. Applicants are therefore encouraged to consider a longer warranty at the time of the installation as subsequent and future repairs can be expensive.

22. Removal of Adaptations and Reinstatement Works

- 22.1) Generally, the Council do not and will not remove adaptations if and when they are no longer required. Neither are any reinstatement works carried out.
- 22.2) If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

23. Replacement of Facilities & Specialist Equipment

- 23.1) The Council will give consideration to the replacement of damaged, broken or worn out facilities and/or equipment under a further DFG providing it:
 - a) Cannot be repaired;
 - b) Has not been wilfully damaged;
 - c) Still meets the needs of the applicant;
 - d) Has been annually serviced and/or maintained, where applicable, and the warranty period has expired.

- 23.2) A further DFG will not be considered where a facility or equipment that was present in the dwelling previously has been removed by, or under the instruction of, the applicant unless there is a proven good reason for the removal.

24. Registered Social Housing Providers

- 24.1) RSHP's have a prescriptive duty of care to their tenants and have to meet certain standards and targets relating to the condition of their dwellings such as The Decent Homes Standard, and they are able to access other sources of funding due to their status.
- 24.2) The Council therefore expects RSHP's to conform to these duties on behalf of their tenants, which in the opinion of the Council, would include the provision of disabled facilities adaptations for their own tenants.
- 24.3) In all cases where the Council receives a DFG recommendation for a tenant of a RSHP, they will be issued with a formal written request for a financial contribution towards the cost of the adaptation works. The DFG may not proceed until a response has been received. In normal circumstances, the general expectation of the Council is that a minimum of 50% contribution is provided by the RSHP.
- 24.4) CPBC tenants in all cases should approach CPBC Housing in the first instance as the Council has funds set aside for disabled facility adaptation works in their own properties. In certain cases, including but not limited to unreasonable delays that may otherwise occur in the process due to exceptional circumstances, or specific appeals from an Occupational Therapist, DFG assistance may be considered towards the cost of any works, on a case by case basis, at the discretion of the Environmental Health Operational Manager.

25 Grant Repayment Conditions

- 25.1 In order to make the most of limited funding, the Property Charges introduced under The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, provide a method for Castle Point Borough Council to reclaim a proportion of the Disabled Facilities Grants monies it paid in certain circumstances.
- 25.2 In accordance with this General Consent, repayment requirements will apply where the applicant disposes of the premises (whether by sale, assignment, transfer, or otherwise), in respect of which a Disabled Facilities Grant was paid, within 10 years of the certified date of completion. This will apply to grants over £5000 with a maximum repayment condition of £10,000. Grants below £5,000 will be exempt from repayment.
- 25.3 Repayment will also be required if a property is transferred from one person to another, whether or not this involves members of the same family, including cases where no monies are involved in the transaction.
- 25.4 The amount that is required to be repaid (if any,) will be recorded as a charge against the relevant property. Applicants who do not wish a charge to be placed against their property and have the resources to do so, may pay this amount to the Council prior to the charge being placed, or may repay the charge at any stage afterwards, by contacting the Council and asking for a settlement figure.

25.5 Table 1 provides examples of how this will work.

Table 1 – Repayment Calculations

Grant £	Repayment Requirement £
30,000	10,000
25,000	10,000
20,000	10,000
15,000	10,000
10,000	5,000
5,500	500

25.6 Where a premises for which Castle Point Borough Council has approved a Disabled Facilities Grant is disposed of, the Council will normally seek to recover the value of the grant that it is legally entitled to recover. However, before requiring repayment the Council will take into account the following:

- Whether the recipient will suffer financial hardship where he/she be required to repay all or any of the grant;
- Whether the disposal of the premises is to enable the recipient of the grant to take up employment or to change the location of his/ her employment;
- Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
- Whether the disposal is made to enable the recipient of the grant to live with or near any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

26 Performance and Review

26.1 Overall responsibility for the performance management of the grants process rests with the Head of Environment and the Environmental Health Operational Manager assisted by the Environmental Health Officers.

26.2 Regular meetings and reviews of the activity of the Home Improvement Agencies will take place to ensure that grants and works are carried out in accordance with the policy and to ensure excellent customer satisfaction and value for money.

26.3 Regular meetings are held between the Council and Occupational Therapists to discuss progress with cases and feedback any matters of concern.

26.4 The status of applications will be reviewed on a regular basis and queries will be raised with the appropriate organisation or officer in the case of unexplained delays at any stage of the process.

26.5 Regular information reports are submitted to the Council's Financial Services department which allows for the monitoring of expenditure on grants throughout the year.

27 Appeals, complaints and compliments

- 27.1) In the first instance any issues should be brought to the attention of the authorised officer or agent dealing with the application.
- 27.2) If you remain dissatisfied, to escalate any matter of concern, please contact the Environmental Health Operational Manager on eh@castlepoint.gov.uk or 01268 882200.

28 Amendments to Policy

- 28.1) Minor amendments to the DFG policy and guidance may be made by the Environmental Health Operational Manager in consultation with the Head of Environment. Significant changes must be formally approved by the Council Cabinet.

CABINET

17th November 2021

Subject: Public Spaces Protection Order

**Cabinet Member: Councillor Isaacs – People Community
Councillor Sheldon – Leader of the Council**

1. Purpose of Report

- 1.1 To invite Members to consider and agree the proposed approach to dealing with certain behaviours identified in this report and to consider whether the Council should commence a statutory consultation on the making of a Public Spaces Protection order (PSPO) under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ('the 2014 Act').**
- 1.2 The purpose of the PSPO would be to assist the Council and its partners to provide an appropriate and robust response to the behaviours taking place in and around the area of Roscommon Way, Canvey Island, that existing enforcement powers have been unable to resolve.**
- 1.3 It should be noted that Members are not being asked to decide whether a PSPO should be made, but to approve the commencement of a statutory consultation. A further report on the next steps will be made once the consultation has been completed. At that future stage, Members may be asked to make a PSPO if the statutory criteria are met and it is thought to be a necessary and proportionate response to the issues that have been identified. No decision or recommendation is made on that at this stage.**

2. Links to Council's Priorities and Objectives

This report is linked to the Council's Priority:

- **People**

3. Recommendation

- 1. That consultation be undertaken into the possibility of the Council making a PSPO under Section 59 of the 2014 Act in respect of the area shown in Appendix 1(attached to Appendix 2) and activities detailed in Appendix 2**
- 2. That the response and finding of the consultation be reported to the Place and Communities Policy &Scrutiny Committee to analyse the**

response and report to Cabinet with recommendations on the proposed response and the implication of any next steps to be taken.

4. Background

- 4.1 Local Authorities have a key role to play in helping to make local areas safe places to live, work and visit. Tackling behaviour which has a detrimental impact on the quality of life of those in the locality is a key element of this role. These behaviours are sometimes called anti-social behaviour ('ASB'); it is noted that behaviour which has a detrimental impact can be broader than that which has traditionally been described as ASB.

Despite enforcement activity by the Police the problems at Roscommon Way have persisted and there is a significant detrimental impact on the residents surrounding this area.

This report provides details of the particular types of activities that are believed to be having a detrimental impact on the quality of life of those in the locality.

- 4.2 Essex Police have recently met with the Leader of the Council and confirmed their support for the introduction of a PSPO.

Essex Police receives regular reports of anti-social behaviour and dangerous/careless driving. These are predominantly on Friday, Saturday and sometimes Sunday evenings between 2100 and 0200 hours.

The offenders congregate at Morrison's car park or McDonalds and race between the three roundabouts. Morrison's car park is open 24/7, efforts have been made to lock the gates however this action would interfere with access for Morrison's night workers. At one stage Police were locking the gates to reduce the ASB but the locks were broken or damaged by those visiting the site.

Canvey Island is effectively in a 'bowl'. Sound is trapped and the noise of the racing vehicles can be heard from the other side of the island. There is a housing estate located nearby, most of the complaints received have been made by residents living on this estate. This anti-social behaviour is seriously impacting upon the ability of residents to get to sleep.

Essex Police have been receiving reports of anti-social behaviour since the road opened and have implemented several operational orders over the years to try and address the problem, with varying degrees of success.

Due to its perceived remote location and easy access on/off the Island, it has become what is termed as an 'alternative' or 'secondary' location for cruisers. These cruisers will often meet up at Festival Leisure, Basildon and once moved on by Police will come to Roscommon Way.

The Morrison's store car park is a perfect place to park up, with easy access to Roscommon Way. In addition, the nearby McDonalds provides 24/7 refreshments to those who attend.

There are three roundabouts, offenders race each other along the carriageway

at high speed and perform 'drifting' around the respective roundabouts. This is sometimes carried out in front of a large crowd, with up to 100+ spectators who line the unlit dual carriageway, only metres from the racing cars passing them at speed. There is a considerable risk to spectators who have no physical barrier to protect them from those racing along the highway.

This issue has occurred since the road was opened in 2012. A feasibility study was conducted by Essex Highways. Due to the type of traffic and classification of the road, it is not feasible to implement any traffic calming measures.

- 4.3 During 2021 the Police put in place several dispersal orders. Dispersal powers under the 2014 Act give Police the authority to require individuals or groups to leave a specified area and not to return within a specified period of not more than 48 hours. This time limit means that dispersal notices may need to be issued repeatedly in persistent cases. Further, these powers only permit the Police to require an individual to leave a specific area, not a general area.

It is considered that a PSPO under the 2014 Act may provide a useful additional measure to tackle the persistent and unreasonable activities currently taking place in and around Roscommon Way.

PSPOs are designed to place controls on the use of public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. 'Public Place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

The first condition is that:

- (i) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or
- (ii) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (i) is or is likely to be, of a persistent or continuing nature;
- (ii) is, or is likely to be, such as to make the activities unreasonable; and
- (iii) justifies the restrictions imposed by the notice.

- 4.4 The Council is required under the Act to carry out a consultation and the necessary publicity and notifications before making a PSPO as prescribed by s.72 of the Act.

As a minimum the Council must consult with the Chief Officer of Police, the Police Fire and Crime Commissioner, appropriate community representatives, and the owners or occupiers of land in the area to be designated (where reasonably practicable).

The Council must publish the proposed wording of the Order and the proposed Restricted Area as part of the consultation and this can be found at **Appendix 2**.

During the consultation process the Council will seek comments on:

- Whether a PSPO is appropriate, proportionate or needed at all;
- The proposed restrictions; and
- The proposed area to be designated as the Restricted Area.

Consultation would be over a 6 week period, with the following stakeholders:

- Chief Officer of Police for Castle Point
- The Police Fire and Crime Commissioner
- Essex County Council
- Land owners / Businesses
- Ward Councillors
- The voluntary sector
- Community representatives & local residents / working nearby as deemed appropriate

The findings from the consultation will be brought back to Cabinet for it to decide whether to proceed with the PSPO and, if so, the area to be designated and the restrictions which would apply. At that point the Cabinet would have to consider all material considerations including proportionality i.e. are the proposed restrictions proportionate to the harm/nuisance that is being caused.

It is suggested that Cabinet may wish to ask the Place and Communities Policy & Scrutiny Committee to undertake this initial work on the findings on the consultation and make recommendations to Cabinet on the appropriate action.

5. Corporate Implications

5.1 Contribution to Council's People priority

(A) Financial Implications

There is no separate budgetary provision for the consultation exercise or for the making of this legally enforceable order and extra budgetary provision will have to be allocated by the Council for this purpose including the costs of taking enforcement action and training and equipping Council staff as necessary.

A further costed analysis will need to be provided before any final decision is taken in relation to the making of the order and taking enforcement action and the un-budgeted costs that will be incurred by the Council.

(B) Legal Implications

B1. The Act contains the provisions for the making of a PSPO.

B2. Under section 59 of the Anti-Social Behaviour Crime Policing Act 2014 Local Authorities have the power to make a PSPO if satisfied on reasonable grounds that two conditions are met.

(i) The first condition is that;

a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or

b) It is likely that activities will be carried on in a public place within that area and will have a detrimental effect.

(ii) The second condition is that the effect, or likely effect, of the activities is, or is likely to be;

a) of a persistent or continuing nature,

b) is or is likely to be, such as to make the activities unreasonable, and

c) justifies the restrictions imposed by the notice.

B3. Activities can include things that a person or a group does, have done or should do (in order to reduce the detrimental effect). As with any relatively recent legislation of its type, these remain untested grounds and the legislation will be further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that "interested persons" may challenge the validity of any order in the High Courts. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks; beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:

(i) That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)

(ii) That a requirement under this element of the legislation has not been complied with in relation to the order or variation.

(iii) The High Court has the power to quash, amend or uphold the order may suspend the operation of the PSPO pending the verdict.

As with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

B.4 Section 67 creates an offence of failing to comply with a PSPO and states:

(1) It is an offence for a person without reasonable excuse—

(a) To do anything that the person is prohibited from doing by a public space protection order, or

(b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

B.5 The penalty for breaches of a PSPO relate to fixed penalty notices and fines alone, which may lead to significant levels of non-payment. If the penalty is not paid then the individual can be prosecuted for a breach of the PSPO in the Magistrates' Court.

B.6 In order to implement a PSPO the procedure under section 72 of the Act must be followed. Section 72 states:

Convention rights, consultation, publicity and notification

(1) A local authority, in deciding—

- (a) whether to make a public spaces protection order (under section 59) and if so what it should include,
- (b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
- (c) whether to vary a public spaces protection order (under section 61) and if so how, or
- (d) whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

(2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.

(3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—

- (a) making a public spaces protection order,
- (b) extending the period for which a public spaces protection order has effect, or
- (c) Varying or discharging a public spaces protection order.

(4) In subsection (3) —

“the necessary consultation” means consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

(a) in the case of a proposed order or variation, publishing the text of it;

(b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

(a) the parish council or community council (if any – Canvey Island Town Council must be consulted) for the area that includes the restricted area;

(b) in the case of a public spaces protection order made or to be made by a district Council in England, the county council (if any – Essex County Council) for the area that includes the restricted area.

(5) The requirement to consult with the owner or occupier of land within the restricted area—

(a) does not apply to land that is owned and occupied by the local authority;

(b) Applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

(6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.

(7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

B.7 Guidance relating to publication of a PSPO is set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPO's) Regulations 2014. There is also the July 2014 Home Office guidance which will assist in the legal formalities in creating an order.

B.8 In any event a PSPO last for 3 years only and requires review every three years which is an expensive and time-consuming process. Such a review and consultation process will in any event be required every 3 years to keep an existing PSPO in force.

B.9 The local authority must consult with the following groups too before seeking to make a PSPO.

- Chief Officer of Police for the local area
- Police and Crime Commissioner
- Landowners in the area
- Any Community Representatives the local authority feels appropriate.
- Member of Parliament

B.10 In relation to enforcement of these orders, they may be enforced by:

- Police Constables

- Police Community Support Officers and
- Council Officers.

It is important to note that both Council staff and Police Community Support Officers do not have powers to stop vehicles. Therefore, only the police can enforce any breach of the PSPO at the roadside. If criminal offences have been committed, the police will follow the criminal law and report offenders for pre-existing criminal offences, for example, excessive speed, careless driving and excessive exhaust noise (which is a construction and use offence) under existing Road Traffic legislation.

In addition, given the nature of the proposed PSPO and it involving moving motor vehicles and given the limitations of Council staff powers it is imperative that the police are joint partners in the enforcement of the PSPO. Trained Counsel staff will be required to conduct night-time patrols, possibly jointly with the police and subject to police prior agreement and confirmation in the consultation process to this partnership in order to ensure that the PSPO is enforceable.

(c) Human Resources and Equality Implications

Human Resources

These considerations are contained within the legal implications shown in the report which deal with the requirement for personnel to take enforcement action and for this staff to be properly trained and equipped and remunerated for any duties which are carried out on behalf of the Council in normal working hours and hours outside normal working hours when activity prohibited by the order is likely to be prevalent which is during the night and at weekends.

At present the Community Safety Team does not have sufficient HR resources to provide support to the Police or to initiate action to uphold the requirements of any order which is made by the Council.

Equality Implications

In considering whether to make a PSPO the Council *must* have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR').

(d) IT and Asset Management Implications

Consultation will be on Council's website.

6. Timescale for implementation and Risk Factors

Six week consultation then back to Cabinet for decision whether to implement the PSPO.

Risk factors are detailed above under Financial and HR implications.

7. Background Papers

Appendix 1 – Map of proposed area within

Appendix 2 - Draft Public Space Protection Order for Roscommon Way,
Canvey Island

Statutory Guidance on PSPOs issued by the Home Office - [Anti-social
Behaviour, Crime and Policing Act: anti-social behaviour -
GOV.UK\(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/anti-social-behaviour-act-2014-guidance.pdf)

Report Author:

Mrs Melanie Harris MA BSc(Hons) MIOL - Head of Licensing & Safer Communities

Appendix 2

CASTLE POINT BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER of 2022 (the "Order")

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the Castle Point Borough Council Public Spaces Protection (Vehicular Nuisance etc.) Order of 2022. (the Order)

Castle Point Borough Council ("the Council") in exercise of its powers under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers hereby makes the following Order:

1. This Order shall come into operation on ###/###/2022 and shall have an effect for # years thereafter, unless extended by further order under the Council's statutory powers.
2. This Order relates to the (whole or part to be decided following public consultation) area of Roscommon Way, Canvey Island, in the area of Castle Point Borough Council as shown edged red on the attached plan (the restricted area)..
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and criminal activities have been carried out within the restricted area due to vehicular nuisance. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. Person(s) (by definition includes the driver or registered keeper of the vehicle who at the time of the offence was in control of the vehicle or in a position to control its use within the restricted area) are prohibited from:
 - a) Engaging in, promoting, encouraging or assisting in the carrying out of any activity connected to the use of a motor vehicle including but not limited to a car cruising event* (see definition below) in or on a public highway, public car park and any other land to which the public has access in the Castle Point Borough Council area (the restricted area) and which causes or is likely to cause harassment alarm or distress due to any of the following activities namely:-
 - (i) Excessive noise..
 - (ii) Danger to other road users (including pedestrians);
 - (iii) Damage or risk of damage to private property;
 - (iv) Any public nuisance to another person

* A car event by definition includes "A congregation of the drivers of 2 or more motor vehicles (including motorcycles and Quad bikes) on the public highway or at any place to which the public has access"

- 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 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, distress as a result of a gathering of persons in or around one or more vehicles. on any public road or land to which the public has access.

FIXED PENALTY NOTICES AND OFFENCES:

- 1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- 2. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

APPEALS:

- 1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon

APPENDIX (attached):

A street plan of the area of the Council showing the restricted area edged in blue.

Given under the Common Seal of
Castle Point Borough Council
On the.....day of..... 2022

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed

In the presence of:

.....Authorised Officer

.....Designation

Appendix 1 Map:



DRAFT

CABINET

17th November 2021

Subject: Corporate Performance Scorecard Quarter 2 2021/22

Cabinet Member: Councillor Varker - Special Projects

1. Purpose of Report

To set out the performance figures for the Corporate Performance Scorecard for quarter 2 2021/22.

2. Links to Council's priorities and objectives

The scorecard is explicitly linked to the Council's priorities.

3. Recommendations

That Cabinet notes the report and continues to monitor performance.

4. Background

4.1 The Corporate Scorecard reports on performance indicators for important service outcomes that are relevant to the Council's priorities.

4.2 The indicators and targets for the corporate performance scorecard for 2021/22 were considered and approved by Cabinet in July 2021.

5. Report

5.1 Summary of performance

5.1.1 Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard, together with trend data and commentary on performance.

5.1.2 Of the 27 indicators reported, 23 are at or above target, a further 2 are near target and 2 indicators are below target. Trend in performance shows that there is improving performance in 12 indicators, declining performance for 7 indicators and performance levels maintained for 6 indicators. The remaining 2 indicators do not have an indication of trend.

- 5.1.3 Performance is set out against the four priorities in the new corporate plan as follows:

Economy & Growth

The indicators under this priority area are reported annually and therefore there is no performance to report this quarter.

People

The Homelessness performance indicator is split into two parts and looks at the success rate of the homelessness team in preventing and relieving homelessness. Performance is derived from Government-verified statistics which, at the time of publication of this report, show performance to the end of June 2021. Over the quarter, the service secured accommodation for over 5 out of every 10 households to whom the Council owed a Prevention duty and 5 out of 10 households owed a Relief duty.

Satisfaction with Leisure Services is measured by a Net Promoter Score which can range from -100 (where everybody is a detractor and would not recommend the service) to +100 (where everybody is a promoter and would recommend the service). Both Runnymede and Waterside Farm Leisure Centres scored well over the quarter (76 and 79, respectively), Nationally, leisure facilities score around 40-45 for Net Promoter Score. The Council's Leisure Team are finalists in the National Fitness Awards in five categories: South Gym of the Year (current holders from 2019); Customer Service Award; Team of the Year; Local Authority / Leisure Trust Centre of the Year; and Group Exercise Centre of the Year

The number of leisure memberships stood at 2,887 at the end of the quarter, which was an increase in memberships from the same period last year. The number of memberships continues to increase each month and the service is on track to reach its target of 3,000 members by the end of the financial year.

The number of vacant allotments decreased over the quarter from 17 to 15. Overall, 140 of the 154 usable plots are now being worked and there are just 10% vacant.

96% of rated food premises (452 of 477) were classified as 'broadly compliant' with food regulations, having been awarded 3 stars or above on the Food Hygiene Ratings Scheme.

A new measure for 2021/22 is the Amount of Disabled Facilities Grant allocated as a percentage of overall budget. At the end of the quarter, 100% of available budget had been allocated. Delivery of the improvements will allow 111 people to live comfortably and safely in their own homes.

Place

Tenant satisfaction with repairs and maintenance is now reported monthly by the new contractor. All jobs are rated out of 10 with anything below 7.5 considered as dissatisfied. 93.3% of tenants were satisfied, which is just below target. On void turnaround times, the performance of the new contractor missed the target due to a number of sheltered housing voids that have had multiple offers (delaying re-

let), plus delays due to materials supply chain experienced by the contractor. However, an average of 24.8 days represents a significant improvement in performance compared with last year.

The percentage of planning applications processed within target times has two measures – one for major and one for non-major applications – and gives a longer-term view of performance, looking over a rolling two-year period. Nationally set standards have been comfortably achieved and performance has improved when compared with the same period last year.

The building control service ensured all applications were processed within statutory timescales.

Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The Council also approved the Local Development Scheme (LDS). The plan was submitted for examination in public on the 2 October 2020. The Plan is now in the examination phase. An Inspector conducted examination Hearing Sessions during May and June 2021. The Inspector's letter was received at the end of September 2021. He found the plan sound subject to main modifications which the Council will need to consult on.

Environment

The percentage of household waste recycled or composted (including food waste) was 53.38% at the end of the quarter, comparable with the same period last year and above target.

The good performance for street cleanliness continues this quarter and is on target with just 6.65% of inspected streets deemed unsatisfactory, down from 8.25% over the same period last year.

Whilst no default notices were served for highway verge grass cutting in quarter 2. The number of services requests for grass cutting was a slight increase overall but broadly comparable with the trends over the same period last year and comfortably below maximum tolerance levels.

Fly tipping removal is above target, maintaining high levels of performance with 100% of fly tips removed within one working day. The number of fly tips over the quarter is as follows: July 117, August 82 and September 111.

Enablers

The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office. This is above target and maintains a consistently high level of performance.

At the end of the quarter, there were 12,911 subscribers to the wheeled bin garden waste collection service. This is an improvement on the same period last year and is above target.

The sickness absence indicator has been split between short-term and long-term (4 calendar weeks or more) with targets adjusted down to reflect lower levels seen over the previous year. At 3.9 days against a target of 4.1 days, short-term absence remains low, although a slight increase from the previous quarter. There have been a small number of absences related to flu and colds which is to be expected at this time of the year. Managers report that home workers are able to continue working when suffering from minor health conditions. Long-term sickness absence is 2.4 days, better than the target of 3.4 days. These absences are mainly reported by operational employees.

The Council is keen to encourage members of the public and businesses to transact with the Council online. The “channel shift” indicators cover the numbers signed up to the e-billing service for council tax and business rates and a measure of Council Tax transactions using online forms. The number signed up to e-billing at the end of the quarter was 8,948 above target and an improvement on last year. Up to the end of the quarter, there were 1,067 online form transactions, an increase on the same period last year.

The average time to process housing benefit claims is split into new claims and change of circumstances. For new claims, staff absences have caused a slight drop in performance over the quarter (24 days against a target of 21 days). Change of circumstances are processed in 7 days, maintaining performance over the same period last year.

6. Corporate Implications

a. Financial implications

Good performance on some indicators can lead to reduced costs.

b. Legal implications

There are no direct legal implications at this stage.

c. Human resources and equality

There are no direct human resource or equality implications at this stage.

d. Timescale for implementation and risk factors

Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

7. Background Papers:

None

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Corporate Performance Scorecard

Quarter 2 2021/22

Appendix 1



Economy and Growth

Annual indicators (reported at Q4):

- E&G001: Number of apprenticeship starts in the Borough
- E&G002: Percentage of businesses that report local skills shortages when recruiting
- E&G003: Number of businesses operating in Castle Point

People

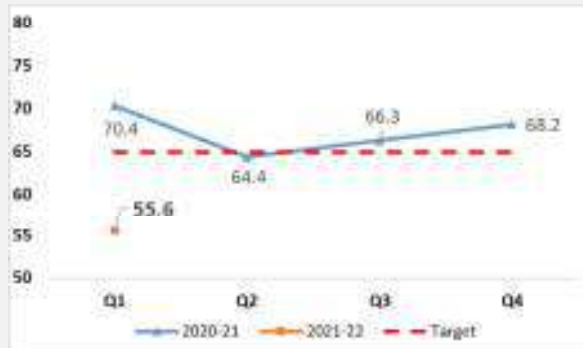
HOT021a: Percentage of homelessness *prevention* duties which ended during the quarter with a successful outcome

Off target 🚫

Declining ⬇️

Target
65%

Latest Performance
55.6%



Over the quarter, the prevention duty ended for 27 households of which we secured housing for 15 households (55.6%) which is below target and lower than the same period last year.

Note: Figures represent cumulative performance to the end of June 2021 as Government-produced statistics to the end September 2021 are not yet available.

HOT021b: Percentage of homelessness *relief* duties which ended during the quarter with a successful outcome

On target ✅

Improving ⬆️

Target
45%

Latest Performance
56.4%



Over the quarter, the relief duty ended for 39 households of which we secured housing for 22 households (56.4%) which is above target and higher than the same period last year.

Note: Figures represent cumulative performance to the end of June 2021 as Government-produced statistics to the end September 2021 are not yet available.

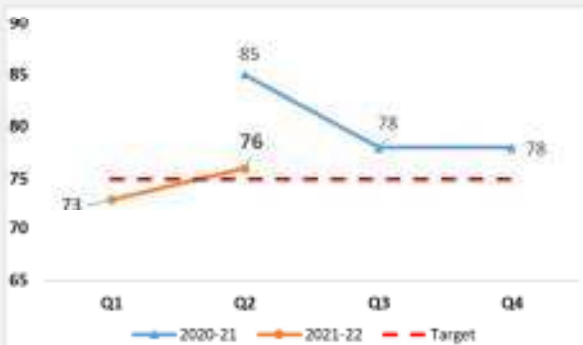
L001a: Leisure satisfaction – Net Promoter Score (NPS) Waterside Farm

On target ✅

Declining ⬇️

Target
75

Latest Performance
76



Although lower than at the same time last year, a still exceptionally high NPS was achieved in Q2 2021/22 and is above the target of 75.

Nationally, leisure facilities score around 40-45 for NPS.

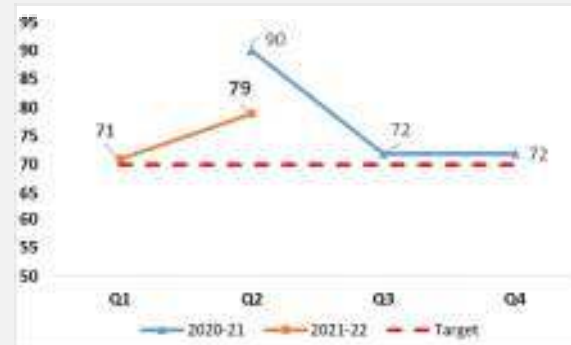
L001b: Leisure satisfaction – Net Promoter Score (NPS) Runnymede

On target ✅

Declining ⬇️

Target
70

Latest Performance
79




Runnymede leisure centre achieved an NPS of 79 which is a high score and above target.

The Council's Leisure Team are finalists in the National Fitness Awards in five categories: South Gym of the Year (current holders from 2019); Customer Service Award; Team of the Year; Local Authority / Leisure Trust Centre of the Year; and Group Exercise Centre of the Year

People

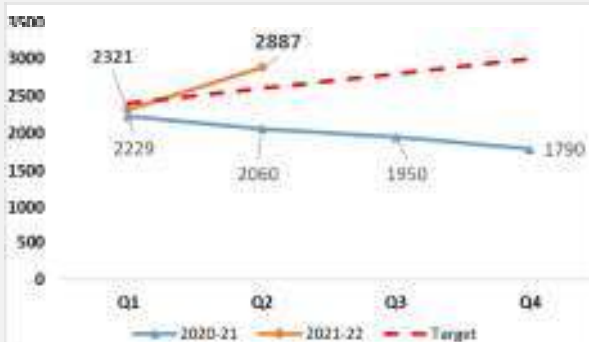
L003: Leisure Memberships

On target 

Improving 

Target
2,600


Latest Performance
2,887



At the end of Q2 2021/22, there were 2,887 leisure members, above the target of 2,600 members by this stage of the year.

The number of memberships continues to increase and the service is on track to reach its target of 3,000 members by the end of the financial year.

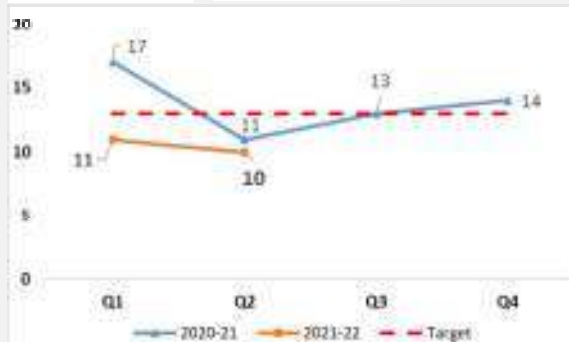
PE002: Percentage of usable allotment plots owned and managed by Castle Point that are vacant

On target 

Improving 

Target
13%

Latest Performance
10%




During Q2 2021/22, the number of usable vacant plots has decreased further from 17 to 15.

Overall, 140 of 154 usable plots are now being worked and there are just 10% vacant.

EH002: Percentage of food premises that are awarded a score of at least 3 on the food hygiene rating scheme

On target 

Improving 

Target
90%

Latest Performance
96%



474 of 492 rated premises were classified as 'broadly complaint' with food regulations, having been awarded 3* or above on the Food Hygiene Ratings Scheme.

This is an improvement on the same period last year and above target.

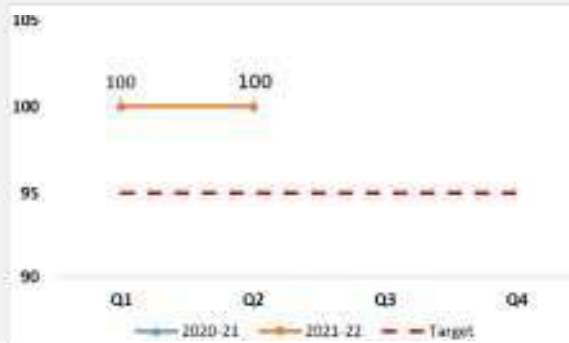
EH012: Amount of Disabled Facilities Grant allocated as a percentage of overall budget

On target 

N/A – new indicator

Target
95%

Latest Performance
100%



At the end of Q2 2021/22, 100% of the Disabled Facilities Grant budget had been allocated.

Delivery of the improvements will allow 111 people to live comfortably and safely in their own homes.

People

Annual indicators (reported at Q4):

- PE001: Percentage of people who agree that there is a strong sense of community in their local area
- PE003: Proportion of people participating in physical activity
- LCT13: Proportion of people who feel safe after dark

Place

HOS001: Overall tenant satisfaction with repairs and maintenance

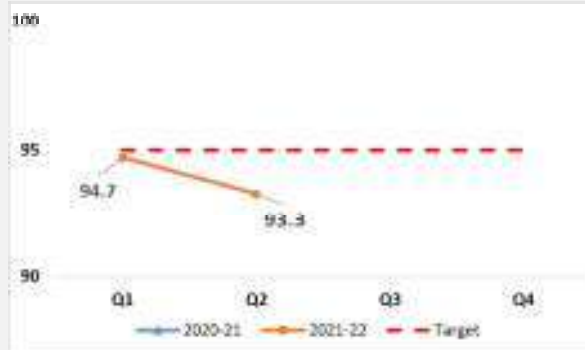
Near target



N/A – new methodology

Target 95%

Latest Performance
93.3%



All jobs are rated out of 10 with anything below 7.5 considered as dissatisfied.

The new contractor has suffered from staffing and supply issues resulting in lower customer satisfaction than the target. Most complaints have been about delays in having work carried out.

HOS006: Average Void Turnaround Time

Off target



Improving



Target 20 days

Latest Performance
24.8 days



Performance still off target but trending down from last quarter and significantly better than at the same time last year.

There has been a number of sheltered housing voids that have had multiple offers (delaying re-let), plus delays due to materials supply chain experienced by the contractor.

DC007: Percentage of planning applications processed within target time limits for major applications

On target

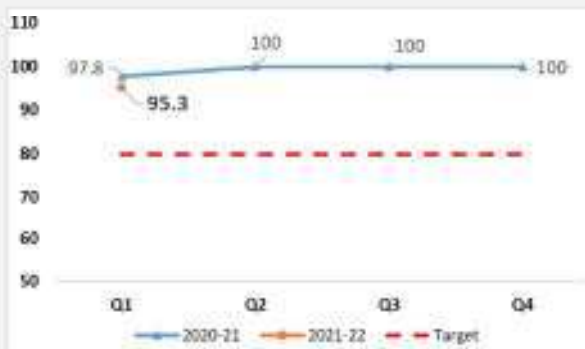


Declining



Target 80%

Latest Performance
95.3%



Performance is shown on a two-yearly rolling basis. Performance determining major applications is 95.3%, a slight drop since the same period last year, although comfortably above target.

Note: Figures represent 24 months cumulative performance to the end of June 2021 as Government-produced statistics to the end of September 2021 are not yet available.

DC008: Percentage of planning applications processed within target time limits for non-major applications

On target



Improving



Target 80%

Latest Performance
99.9%





Performance is shown on a two-yearly rolling basis. Performance determining non-major applications is 99.9%, has improved since the same period last year and is comfortably above target.

Note: Figures represent 24 months cumulative performance to the end of June 2021 as Government-produced statistics to the end of September 2021 are not yet available.

Place

BC001: Percentage of Building Control applications processed within statutory time limits

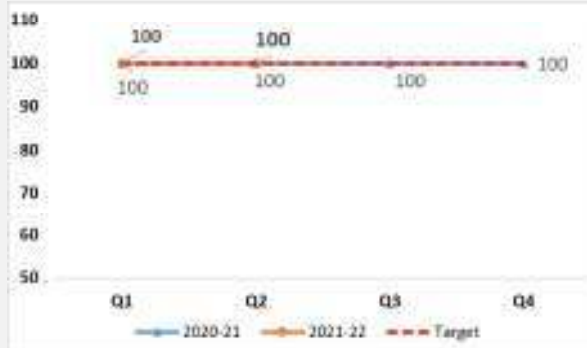
On target 

Maintained 

Target
100%

Latest Performance
100%

All applications continue to be processed within time limits.




Annual indicators (reported at Q4):


PP003: Number of new affordable homes in the Borough

PP004: Number of new homes built in the Borough

NEW: The delivery of the ASELA five-anchor programmes against targets set out in those programmes, including the preparation of a strategic planning framework.

PP001: Progress of Local Plan against the milestones set out in the Local Development Scheme

On target 

Improving 

Target
100%

Latest Performance
85%


Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The Council also approved the Local Development Scheme (LDS). The plan was submitted for examination in public on the 2 October 2020. The Plan is now in the examination phase.


An Inspector conducted examination Hearing Sessions during May and June 2021. The Inspector's letter was received at the end of September 2021. He found the plan sound subject to main modifications which the Council will need to consult on.



Environment

OPS004&OPS005: Percentage of Household Waste Recycled or Composted (inc. food waste)

On target 

Maintained 

Target
50%

Latest Performance
53.38%



At the end of Q2 2021/22, the amount of household waste recycled or composted is comparable to the same time last year and is above target.

Note: Figures are early calculations and may be subject to change.

SS002: Percentage of streets inspected which are deemed to be unsatisfactory using Code of Practice for Litter and Refuse methodology

On target 

Improving 

Target
<10%


Latest Performance
6.65%



Unsatisfactory litter levels remain below 10%, although there was a slight increase in September when the schools went back.

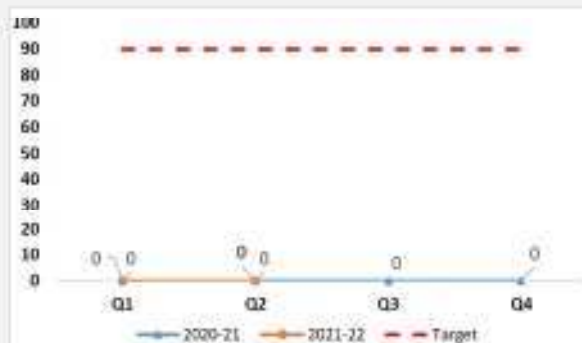
SS014: Number of default notices served in relation to Highway Grass Verge cutting

On target 

Maintained 

Target
<90


Latest Performance
0



No defaults notices were served in the 2nd Quarter.

SS013: Number of service requests received in relation to Highway Grass Verge cutting

On target 

Declining 

Target
<45

Latest Performance
21



The number of service requests reduced over the quarter as expected, 14 in July, 5 in August and 2 in September and, although a slight increase overall, are broadly comparable with the trends over the same period last year.

Environment

SS003: Percentage of fly tips removed within one working day

On target ✓

Improving ↑

Target
90%

Latest Performance
100%



There were 117 fly tips in July, 82 in August and 111 in September, all removed within one working day.


Numbers across the quarter are slightly up on last year and this will continue to be monitored.


Annual indicators (reported at Q4):

- OPS002: Satisfaction with maintaining parks and open spaces
- OPS003: Satisfaction with household waste collection, including recycling and composting
- SS001: Satisfaction with Council's efforts to keep public land clear of litter and refuse
- EH013: Amount of CO2 produced from the Council's buildings and operations

Enablers

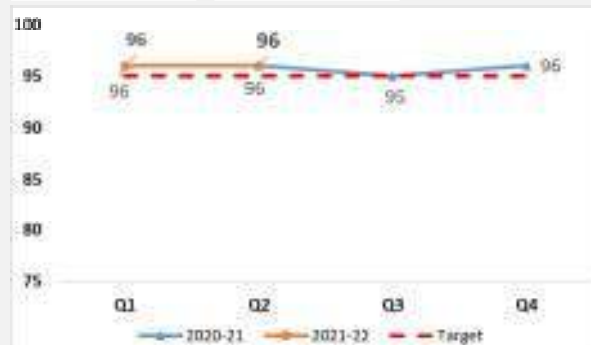
FC001: Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office

On target 

Maintained 

Target
95%

Latest Performance
96%



The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office.

OPS016: Number of wheeled bin garden waste subscribers

On target 

Improving 

Target
12,750 (A)

Latest Performance
12,911




At the end of Q1 2021/22, there were 12,562 subscribers to the wheeled bin garden waste collection service.

This is an improvement from the same period last year and is above target.

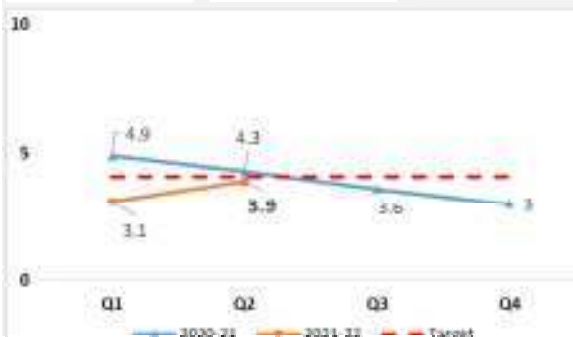
CORP1a: Average number of days sickness absence per FTE staff for all Council Services (rolling year) *short term*

On target 

Declining 


Target
4.1 days

Latest Performance
3.9 days



Sickness absence is reported on a rolling year. Short-term sickness absence is 3.9 days, an increase on Q1 but lower than at the same time last year and better than the target. There have been a small number of absences related to flu and colds which is to be expected at this time of the year. Managers report that home workers are able to continue working when suffering from minor health conditions.

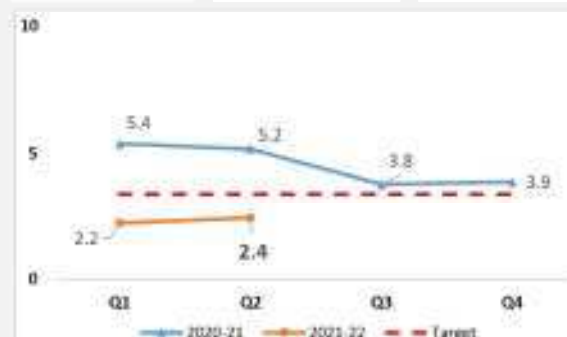
CORP 1b: Average number of days sickness absence per FTE staff for all Council Services (rolling year) *long term*

On target 

Declining 

Target
3.4 days

Latest Performance
2.4 days





Sickness absence is reported on a rolling year. Long-term sickness is defined as 4 calendar weeks or more.

Long-term sickness absence is 2.4 days, a slight increase on Q1 although lower than at the same time last year and better than target. These absences are mainly reported by operational employees.

Enablers

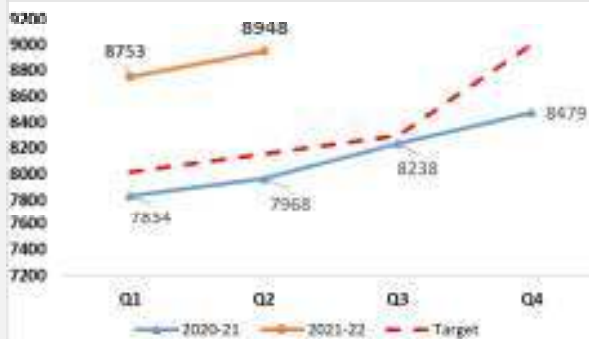
REV006: Channel shift to online services: take up of e-billing for Council Tax and Business Rates

On target 

Improving 

Target
8,156


Latest Performance
8,948



The number of customers signed up to the e-billing service has increased since the last quarter and is substantially higher than at same period last year.

Performance is on track to meet the year-end target of 9,000 customers.

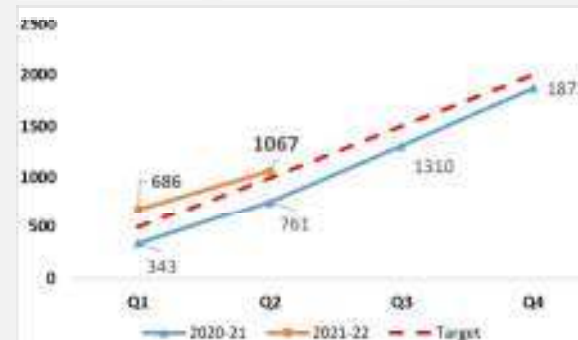
REV011: Channel shift to online services: use of Open Channel online forms

On target 

Improving 

Target
2,000 (A)

Latest Performance
1,067




Up to the end of Q2 2021/22, there were 1067 Council Tax transactions conducted using OPENChannel online forms.

This is an improvement on the previous year and on target for 2,000 transactions by the year end.

BEN001: Average time to process benefits claims: new claims

Near target 

Maintained 

Target
21 days


Latest Performance
24 days




Staff absences have contributed to the slight increase in processing times for new benefits claims since the last quarter.

However, performance is unchanged when compared with the same period last year.

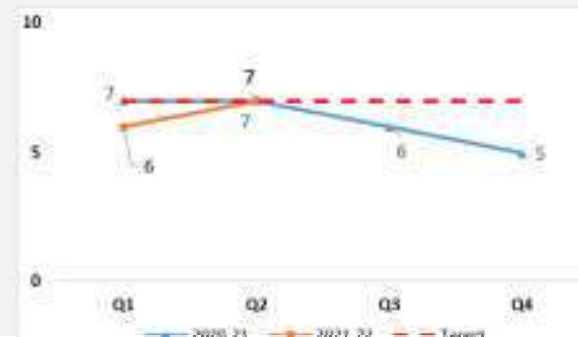
BEN002: Average time to process benefits claims: change of circumstances

On target 

Maintained 

Target
7 days

Latest Performance
7 days



Performance times processing change of circumstances is unchanged when compared with the same period last year and is on target.

Enablers

Annual indicators (reported at Q4):

ENA001: Overall satisfaction with the Council

CABINET

17th November 2021

Subject: Financial Update

Cabinet Member: Councillor Johnson - Resources

1. Purpose of Report

This report is intended to:

- **Provide Cabinet with the latest 2021/22 forecast in respect of the General Fund (GF).**
- **Update Cabinet on developments of a financial nature, which may impact on the Council's financial plans in respect of either the General Fund, Housing Revenue Account (HRA) or Capital Programme.**
- **Update Cabinet on developments in relation to the impacts of covid-19 on the Council and the assistance received from Government.**

2. Links to Council Priorities and Objectives

This report is linked to the Council's priority as an enabler.

Sound and strategic financial management is essential in order to ensure that resources are available to support the Council's priorities and maintain or improve services.

3. Recommendations

- 1. That Cabinet note the report and the 2021/22 financial forecast at Appendix 1.**
 - 2. That Cabinet note and agree the changes to the Housing Revenue Account Capital Programme at appendix 2 (paragraph 6.2 below).**
 - 3. That Cabinet approve the additional budget of £88k in respect of the Labworth Car Park project, funded from General fund reserves (paragraph 6.5 below).**
-

4. Background & basis of the financial forecast

- 4.1** The Financial Planning Strategy is incorporated within the Policy Framework and Budget report which is approved by Council in February each year. The strategy requires the submission of a Medium-Term Financial Forecast (MTFF), enabling the Cabinet to monitor latest estimates of future spending and resources, and take appropriate action to ensure that the Council's financial targets are met.

5. Financial Impact of covid-19 and Government Assistance 2021/22

5.1 Known and reasonably certain financial impacts arising from covid-19 were incorporated into the detailed budget which was presented to Cabinet/Council in February 2021. Less certain impacts have either been reflected in the Council's calculation of its minimum level of General Reserves or funds set aside within an earmarked reserve.

5.2 Since the September Financial Update, the forecast impact of covid-19 has reduced. In September, based on data as at the end of August, the net impact was forecast at **£1.2m** and was based on a number of prudent assumptions. Data is now available to the end of October and forward assumptions have been revised to take into account actual experience as a number of areas continue with their recovery towards pre-pandemic levels of activity. The revised forecast impact for the year is **£863k** and still assumes a reasonable degree of prudence given the remaining uncertainty between now and the end of the financial year. The following table shows the forecast impact of **£863k** on a service basis:

Service Area	Income (Increase)/Decrease			Expenditure Increase/(Decrease)			Net Impact Increase/(Decrease)		
	YTD £000s	YTG £000s	Total £000s	YTD £000s	YTG £000s	Total £000s	YTD £000s	YTG £000s	Total £000s
Car Parks	329	87	416	0	0	0	329	87	416
Leisure & Halls	191	201	392	(16)	(5)	(21)	175	196	371
Revs & Bens	49	46	95	(11)	(5)	(16)	38	41	79
Homelessness	23	13	36	(91)	40	(51)	(68)	53	(15)
Other	(8)	7	(1)	2	11	13	(6)	18	12
Total	584	354	938	(116)	41	(75)	468	395	863

YTD = Year to date i.e. April to October inclusive

YTG = Year to go i.e. November to March inclusive

5.3 The Council as part of its budget created an earmarked reserve of **£1.1m** to help smooth the impact of covid-19. By utilising this and other funding available the forecast impact is fully funded as shown in the table below.

	£000's	£000's
Forecast net impact of covid-19		863
Funded by:		
Application of Earmarked Reserve	(573)	
Utilisation of Sales, Fees and Charges scheme	(273)	
Utilisation of Furlough scheme	(17)	
Total funding		(863)
Unfunded pressure		0

5.4 Any funding within the reserve which is not utilised during the current financial year may be utilised to offset any ongoing impact into the next financial year.

6. Changes to approved budgets

- 6.1 The following 2021/22 budget changes have occurred since the last financial update report to Cabinet.

	£000's	Description
1.	316	Additional anticipated spend on Disabled Facilities Grants (grant funded).
2.	108	Seafront cabin toilets funded by £41k from existing covid-19 related grants and £67k from additional ECC grant.

Changes to the Capital Programme - Housing Revenue Account (HRA)

- 6.2 The budget has been amended to reflect a programme of works (appendix 2) based upon work achievable in the light of current covid-19 and supply chain restrictions and tendering of works. Main changes include:

- the roll forward into 2022/23 of work programmes relating to windows, doors and new build projects at Linden Way and Link Road.
- budget rolled forward from 2020/21 into 2021/22 to enable completion of programmes of work delayed by previous restrictions, notably disabled adaptations.
- budget has also been moved from 2022/23 to 2021/22 to reflect progress on the new build scheme at Cedar Road.
- programmes of work such as central heating and bathrooms have been subject to a high refusal rate by tenants, likely to be driven by covid-19 concerns.
- additional urgent works have been identified in respect of roofs and lifts during the current year, with provision made to deliver these within 2021/22.

- 6.3 The programme also included provision of **£322k** relating to the introduction of a new Housing Management System which has subsequently been revised to **£423k** as a result of budget rolled forward from 2020/21.

- 6.4 Cabinet are asked to approve the updated programme of works and a recommendation to this effect is included above.

Changes to the Capital Programme – General Fund (GF)

- 6.5 Approval is required for additional funding of **£88k** in respect of the Labworth car park capital project. The additional cost is primarily due to the drainage works that have been carried out which were not included in the original tender. These include the installation of new land drains connected into the existing storage tank and the installation of a submersible pump, rising main and associated works. Other additional works include the installation of one-way plates to the exit of the overspill car park and removal of concrete posts and installation of new oak posts along the road boundary. A recommendation to this effect is included above.

7. Revenue/Capital budgets “on-watch”

- 7.1 This section of the report highlights revenue or capital budgets, HRA or General Fund, which are identified by the Strategic Director (Resources) as “on-watch”. This term refers to expenditure and income budgets where there is reason to believe that performance may not meet expectations and where the impact on the Council’s overall financial plan is likely to be material.

- 7.2 For the purpose of this report, items will be included if they have a full year financial impact of at least **£50k** and / or are felt to be of interest to Cabinet.

	£000's	Description
1.	TBA	<p>The co-mingled waste contract provider is currently Viridor. At the time of writing this report, April to August 2021 invoices have been received for the 2021/22 financial year. Charges range from £7.46 to £52.58 per tonne with a weighted average price per tonne of £36.93.</p> <p>The pricing of this contract is particularly volatile; in the 2020/21 financial year prices ranged from £39.53 to £84.57 per tonne. The weighted average price per tonne was £69.00.</p> <p>In addition to volatile pricing, the collected tonnages increased significantly in 2020/21 from 2019/20 – an additional 806 tonnes were collected, which is the equivalent of having almost two additional months in the year. The tonnages collected to the end of August are 101 tonnes less than at the same period last year, but 198 tonnes higher than the same time in 2019/20.</p> <p>Should tonnages for September 2021 to March 2022 be as per last year, using the average price of £36.93 would lead to an underspend of £222k. The average price for the remainder of the year would need to exceed £92.34 for an overspend to materialise. The expectation is for the weighted average to rise from its current level and due to the volatility in pricing and uncertainty regarding tonnages, it is difficult to forecast with any certainty the eventual level of underspend which can be expected.</p> <p>Action: continue to monitor.</p>
2.	TBA	<p>Refuse collection agency budget for 2021/22 was set at £204k for the full year. Spend for the period up to 24th October 2021, adjusted for spend against budgeted vacancies, has reached £261k which is around 28% over the year's budget.</p> <p>Agency budgets have been increased in 2021/22 as agency cover is expected to continue. A review of staffing resources has commenced.</p> <p>Action: continue to monitor.</p>
3.	130	<p>HRA Repair and Maintenance is currently forecasting an overspend. A new contract was let earlier in the year and this overspend is thought likely to result from a backlog of repairs not progressed by the previous contractor coupled with price increases in the supply chain as is being experienced and reported on nationally.</p> <p>Action: continue to monitor</p>

8. Spending Review (SR) & Autumn Budget 2021

8.1 The following paragraphs summarise the elements of the spending review relevant to local government and the Council's budget, although the precise implications for individual authorities may not be known until December.

- the public sector pay freeze will be ended, with pay rises across the public sector retaining "broad parity with the private sector and continuing to be affordable"
- providing a multi-year settlement and an average real-terms increase of 3% a year in core spending power at departmental level
- the Council Tax referendum threshold is expected to remain at 2% per year through the SR period, with an additional 1% per year for social care authorities
- there will also be **£65m** invested to 'digitise' the planning system.
- reducing the taper rate in Universal Credit (UC) from 63% to 55%, as well as increasing work allowances in Universal Credit by **£500** a year

8.2 The spending review makes no mention of whether local government will receive a three year financial settlement or whether and when local government finance reforms, such as the fair funding review, will be implemented.

8.3 The potential rise in local government core spending power over the next three years will be dependent on councils increasing council tax by the maximum permissible amount.

8.4 The following bullet points refer specifically to the business rates measures announced as part of the budget:

To reduce the burden of business rates in England, support investment, and make the system more responsive, the government will:

- freeze the business rates multiplier for a second year, from 1 April 2022 until 31 March 2023, keeping the multipliers at 49.9p and 51.2p
- introduce a new temporary business rates relief for eligible retail, hospitality and leisure properties for 2022/23. Eligible properties will receive 50 per cent relief, up to a **£110k** per business cap
- introduce a 100 per cent improvement relief for business rates. This will provide 12 months relief from higher bills for occupiers where eligible improvements to an existing property increase the rateable value. The government will consult on how best to implement this relief, which will take effect in 2023 and be reviewed in 2028
- introduce from 1 April 2023 until 31 March 2035 targeted business rate exemptions for eligible plant and machinery used in onsite renewable energy generation and storage, and a 100 per cent relief for eligible heat networks, to support the decarbonisation of non-domestic buildings
- increase the frequency of business rates revaluations so that they take place every 3 years instead of every 5 years, starting in 2023, and take measures to support the accuracy of the list
- provide additional funding to the Valuation Office Agency to support the delivery of the new revaluation cycle. Further detail on this is set out as part of the SR21

- extend transitional relief for small and medium-sized businesses, and the supporting small business scheme, for 1 year. This will restrict bill increases to 15 per cent for small properties (up to a rateable value of **£20k** or **£28k** in Greater London) and 25 per cent for medium properties (up to a rateable value of **£100k**), subject to subsidy control limits.
- 8.5 Billing authorities will require early confirmation on eligibility criteria for the aforementioned business rates relief, and for government engagement on its commitment to meet all local authority costs in relation to the changes to business rates.

9. Budget Process 2022/23

- 9.1 Process is progressing according to timetable.
- 9.2 A briefing session for new members on the Budget & Council Tax Setting process will be held on 25th November, 7pm. This will be a convenient remote session and will include:
1. Outline of the overall process in terms of key stages and timeframes.
 2. The basic mechanics of how the finance team work with service areas to review and determine budgets for the new financial year.
 3. Some of the assumptions that are necessary in compiling the budget.
 4. The impact of covid-19 on the Council's budget and the difficulties for setting income budgets this year.
 5. Cost pressures and efficiency savings.
 6. How the Council Tax is set.
- 9.3 Financial risks currently being considered as part of the budget process include the impact of price increases on energy costs, the 1.25% Health and Social Care levy to national insurance contributions (direct and indirect impact) and potential increase in insurance premiums. All assumptions around these costs and other cost pressures will be set out within the budget report to Cabinet and Council in February 2022.
- 9.4 A further update will be provided to Cabinet in January.

10. Financial risk factors

- 10.1 The budget report presented to the Cabinet meeting in February and Council on the same night indicated some risk areas that the Cabinet should be mindful of until the position and risk relating to each has been clarified.
- 10.2 The Financial update report to Cabinet in July provided an updated position on the risk associated with the local plan. Since that report, the Council has received a communication from the Planning Inspector which indicates that the draft local plan is capable of being found sound subject to modifications. The plan remains in examination and therefore the risks previously reported remain unchanged. Should the Council be presented with a decision which deviates from the existing decision of Council, a report detailing the full implications, financial and other considerations, will be reported at that time.

11. Corporate implications

a) Legal implications

This report is presented on behalf of the “section 151 officer” – the officer appointed to have responsibility for the Council’s financial administration. It is their duty to ensure that the Council is regularly informed and updated on these matters.

b) Human Resources and equality implications

There are no Human Resource or equality implications arising directly from this report.

c) Timescale for implementation and risk factors

The financial implications of Covid-19 on future years are yet to be determined.

Report Author: Chris Mills, Strategic Director (Resources)

Background Papers:

- Policy Framework & Budget Setting 2021/22, incorporating the Financial Planning Strategy. (February 2021)
- Financial Update Report(s) to Cabinet – July & September 2021
- Covid-19 Financial modelling (CPBC) (on-going)

Medium Term Financial Forecast - Appendix 1

Medium term financial forecast (MTFF)			2021/22 £000's	Report Section Ref	Notes
Line	Current policies and service plans				
1a	Net service expenditure (Budget set February 2021)		12,328		
1b	Changes to budget		938		
1c	Net service expenditure		13,266	3	Fluctuations predominantly caused by phasing of expenditure some of which is "offset" by earmarked reserves.
2	Council Tax		(8,311)	4	
3	Business Rates (related transactions)		(2,795)	5	
4	Capital grants, other grants and contributions		(2,567)		Includes grants in relation to the seafront and labworth & council tax shareback agreement.
5	Net Collection Fund(s) (surplus) / deficit		3,451	6	2021/22 deficit relates to previous year and is funded by s31 grant from central government applied through earmarked reserves at line 7.
6	Net expenditure / (income) before reserves		3,044		
7	Transfer to / (from) Earmarked reserves (net)		(2,896)	7	
8	(Surplus) / Deficit on General Fund		149	7	
9	General Reserves balance at end of year		(5,433)	7	
10	Earmarked Reserves balance at end of year		(12,107)	7	

The column headed "Report Section Ref" relates to the section of the budget report presented to Cabinet and Council in February 2021.

The movement on row 1b includes movements reported in previous reports including budgets rolled forward from the last financial year. Some movements on this line have compensating movements within rows 4 & 7 of the forecast.

Detailed work has now commenced on budget setting for 2022/23 and beyond. Whilst this work is undertaken, future years have been removed from this table.

Housing Revenue Account Revised Capital Programme 2021/22 – Appendix 2

Annual programmes for replacement and repair and new developments	2020/21 Actual	2021/22 Current Estimate	2021/22 Updated Estimate
	£000's	£000's	£000's
Disabled adaptations	51	140	254
Central heating	173	138	108
Window replacements	109	400	200
Insulation	10	20	24
Kitchen improvements	117	146	146
Environmental improvements	0	50	0
Digital TV	6	150	150
Roofs	50	288	389
Lifts	0	0	74
Electrical rewiring	26	42	42
Chimneys	0	21	21
Doors	31	200	0
Bathroom improvements	19	128	80
Common areas	18	40	82
Water supply and tank replacement	9	0	10
UPVC fascia's and soffits	0	70	77
Wall finishes	7	81	81
Unallocated Provision	0	20	20
Affordable Housing	43	20	40
Fire and CO Detector installation	11	0	0
New Build Church Close	519	0	1
New Build Windsor Gardens	28	0	0
Demolition at Linden Way	17	0	26
HMS implementation	254	322	423
New Build Link Road	6	605	80
New Build 54-60 Linden Way	11	901	100
New Build Cedar Road	7	0	73
	1,522	3,782	2,501
<p>Note: The overall reduction in 2021/22 is the net result of amounts rolled forward from 2020/21, new items in respect of works identified during the year and preparatory work for the next phase of new development which had been previously approved by Cabinet and the requirement to roll forward programmes into 2022/23</p>			