

6 March 2018

Committee	Executive
Date	Wednesday, 14 March 2018
Time of Meeting	2:00 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 14
<p>To approve the Minutes of the meeting held on 31 January 2018.</p>	
5. ITEMS FROM MEMBERS OF THE PUBLIC	
<p>To receive any questions, deputations or petitions submitted under Rule of Procedure 12.</p> <p><i>(The deadline for public participation submissions for this meeting is 8 March 2018)</i></p>	
6. EXECUTIVE COMMITTEE FORWARD PLAN	15 - 16
<p>To consider the Committee's Forward Plan.</p>	
7. REVENUES AND BENEFITS WRITE-OFF POLICY	17 - 25
<p>To adopt the Revenues and Benefits Write-Off Policy with effect from 1 April 2018.</p>	
8. DISCRETIONARY HOUSING PAYMENTS POLICY 2018-19	26 - 37
<p>To adopt the Discretionary Housing Payments Policy with effect from 1 April 2018.</p>	
9. PUBLIC SPACE PROTECTION ORDER (DOG FOULING)	38 - 47
<p>To consider the implementation of a Public Spaces Protection Order under S59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and the introduction of fixed penalty notice fines for all controls contained in the Order.</p>	
10. SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER - LOCAL CONNECTION CRITERIA	48 - 52
<p>To approve the introduction of local connection criteria for entry on the Council's Self and Custom Build Register and to approve the content of that criteria as set out in Paragraph 2.1 of the report.</p>	
11. ROSES THEATRE, COMMUNITY GRANT ALTERATION	53 - 57
<p>To consider approving changes to the previously awarded community grant to the Roses Theatre.</p>	

12. SEPARATE BUSINESS

The Chairman will move the adoption of the following resolution:

That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

13. REVIEW OF DEVELOPMENT SERVICES

58 - 130

(Exempt –Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

To consider the outcomes from the review of Development Services and recommend to Council the service restructure proposals and associated action plan.

14. USE OF THE DEPOT, LOWER LODE LANE

131 - 137

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

To consider a report on the use of the Lower Lode Lane Depot and approve a future lease arrangement in respect of part of this site.

15. IRRECOVERABLE DEBTS WRITE-OFF

138 - 141

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

To consider and approve the write-off of irrecoverable debts.

DATE OF NEXT MEETING**WEDNESDAY, 25 APRIL 2018****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: K J Berry, R A Bird (Vice-Chair), G F Blackwell, M Dean, R Furolo, J Greening, E J MacTiernan, J R Mason and D J Waters (Chair)

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 31 January 2018 commencing at
2:00 pm**

Present:

Chair
Vice Chair

Councillor D J Waters
Councillor R A Bird

and Councillors:

K J Berry, G F Blackwell, M Dean, R Furolo, J Greening, E J MacTiernan and J R Mason

EX.81 ANNOUNCEMENTS

81.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

EX.82 DECLARATIONS OF INTEREST

82.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

82.2 There were no declarations of interest made on this occasion.

EX.83 MINUTES

83.1 The Minutes of the meeting held on 3 January 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.84 ITEMS FROM MEMBERS OF THE PUBLIC

84.1 There were no items from members of the public on this occasion.

EX.85 EXECUTIVE COMMITTEE FORWARD PLAN

85.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 9-11. Members were asked to consider the Plan.

85.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.86 BUDGET 2018/19

- 86.1 The report of the Head of Finance and Asset Management, circulated separately at Pages No. 1-39, set out the proposed budget for 2018/19. Members were asked to recommend the budget to Council for approval along with a Band D Council Tax of £114.36; the use of New Homes Bonus as proposed in Paragraph 3.5 of the report; the Capital Programme as attached to the report at Appendix A; the Capital Prudential Indicators, as attached to the report at Appendix B; the Annual Minimum Revenue Provision statement as set out at Appendix B to the report; the 2018/19 Treasury Management Strategy, as set out at Appendix C to the report; the 2018/19 Flexible Use of Capital Receipts Strategy, as set out at Appendix D to the report; and to note the Council's involvement in a 100% Retained Business Rates Pilot in Gloucestershire for 2018/19, as detailed at Appendix E to the report.
- 86.2 The Head of Finance and Asset Management advised that the Council had considered its financial position, as shown in the Medium Term Financial Strategy, at its meeting on 5 December 2017. That Strategy had outlined the budget pressures facing the Council currently, and in future years, and explained that the deficit over the next five years was estimated to be around £3 million with a gap of £1,100,000 suggested for 2018/19. Since the production of the Medium Term Financial Strategy, the Chancellor had given his autumn statement, the employers had made a pay offer to the Unions and the details of the provisional Local Government Finance Settlement had been received for 2018/19 – the final settlement was expected at the end of January. The headlines from those announcements were set out at Paragraph 1.3 of the report and included: no new monies being available to support local government in the current spending review period with the exception of the Rural Services Delivery Grant; a proposal had been made to move to 75% retained business rates from 2020; Gloucestershire had been confirmed as one of the 10 new 100% retained business rates pilots for 2018/19; no changes would be made to the New Homes Bonus funding; planning fees were to increase by 20% from 17 January 2018; the Council would have increased flexibility in Council Tax setting of an additional 1% resulting in a new referendum threshold for District Councils of £5 or 3% whichever was greater; and a pay offer had been put forward of 2% in both 2018 and 2019 with extra weighting for the lowest paid. The report before Members brought together the general information on the financial climate, the detailed figures associated with the 2018/19 budget, and the work undertaken by the Transform Working Group, and made a proposal for a balanced budget and resultant Council Tax. The Head of Finance and Asset Management explained that, as the Council's Chief Financial Officer, he was required to make a statement on the robustness of the estimates and adequacy of the financial reserves; that statement was set out at Paragraph 10 of the report and the Council had an obligation to have regard to that statement when it made its decision on the proposed budget.
- 86.3 Members were advised that much of the deficit faced had been met through increased income and financing streams as well as increased Council Tax. There was concern that future budget setting may not be able to use those funding streams and, as such, Members and Officers would be faced with tough decisions on the operation of the Council, including the possibility of having to reduce or stop some services and taking further risks on commercial activities. In terms of the salient points contained within the report, the Head of Finance and Asset Management explained that the Council was currently in the third year of a four year funding deal from the government which effectively guaranteed the level of core funding from central government until 2019/20 – the expected figures were set out at Paragraph 2.3 of the report and showed significant reductions over the next two years but particularly a reduction of £180,000 in 2018/19. No further alterations would be made to the New Homes Bonus scheme in 2018/19 so the

Council was able to maintain the cash levels it received and Paragraph 3.3 of the report detailed the projection up to 2022/23. The total allocation of New Homes Bonus for 2018/19 was £3,179,723; the proposed use was set out at Paragraph 3.5 and included things like base budget support; housing and homeless support; a Growth Hub Navigator; and a Community Funding Officer. An improved position was being seen regarding business rates retention which was helpful. In addition, the Council had recently been advised that Gloucestershire had been successful in its bid to be in the 100% retained business rates pilot scheme for 2018/19. This meant that Tewkesbury would have to re-join the Gloucestershire business rates pool but, as there was a 'no detriment' clause in the pilot agreement, it should be no worse off than under the current scheme and would hopefully benefit from additional business rates retention. As the announcement had been for a one year pilot only, the financial gain, if realised, would be treated as one-off windfall which meant monies generated could be used for the Council's benefit in 2019/20. The base budget had therefore been amended so that it reflected the actual tariffs and baselines relevant to Tewkesbury in 2018/19 but the net effect was in line with the substantive position of the 50% retention scheme. Given the increasing level of deficit for 2018/19, and the medium term financial forecast of continued deficits, the Head of Finance and Asset Management indicated that it had been necessary to recommend an increase to the Council Tax in order to balance next year's budget and improve the Council's financial footing moving forward. It was recommended that the maximum amount allowed, before the threshold to require a referendum, was agreed which was an increase of £5 per year on a Band D property. It was noted that the government's projections for Councils core spending power assumed that all Councils would increase the Council Tax by the maximum available to them. The impact of the proposals on the Borough's Taxpayers was set out at Paragraph 5.5. For Members' information, the report also contained a record of its Council Tax for 2010/11 through to 2018/19.

- 86.4 In terms of the budget proposals, the base estimates had been compiled and were identified at Paragraph 6.1 of the report. The projection within the Medium Term Financial Strategy had highlighted a potential deficit of £1.1 million for 2018/19 but the draft budget requirements put forward by the service areas had seen that increase to £1.6 million prior to the agreement of savings plans and increased income; these had resulted in the net cost of services only increasing by £37,462 for the next financial year. After deducting the finance streams highlighted at Paragraph 6.5 of the report from the net cost of services, the balance of expenditure to be funded by Council Tax payers was £3,872,070 for 2018/19. The Council Tax base had increased by 1,346.3 Band D equivalents over the previous year to a total of 33,858.6. Dividing the amount to be funded by tax payers by the tax base gave the new Band D Council Tax level for the Borough of £114.36. The Head of Finance and Asset Management explained that, at the recent meeting of the Transform Working Group, Members had requested information which would enable them to see the impact that different levels of Council Tax would have on the budget and that information was set out at Paragraph 14.1 of the report. He reiterated that, given the deficit faced, the estimated deficit for the following year and the difficulties faced over the next five years, Officers were unable to recommend a Council Tax increase that was below the government threshold limit of £5 per year. However, the figures were set out for Members information as requested. He felt it should also be borne in mind that, even with the proposed increase, the Council would remain the fifth lowest Council Tax in England and below the national average. The risks to the budget were set out at Paragraph 7.0 of the report and included issues such as the local government settlement currently only being provisional; possible changes to the New Homes Bonus funding scheme in future; the possibility of an increase in interest rates; the introduction of Universal Credit and subsequent impacts; and the agreed salary award which could be more than the current 2% offer. In addition, the current Capital Programme, attached to the report at Appendix A, was a significant size totalling

£38.62 million over the four year period. The government would now allow flexible use of capital receipts for transformational projects which would generate ongoing savings, subject to the approval of the Strategy before the beginning of the financial year; that Strategy was attached to the report at Appendix D for Members' approval.

- 86.5 During the discussion which ensued, a Member thanked Officers for the work that had gone into the report and for the additional information that had been included following the Transform Working Group meeting. He had requested clarification about the different options of Council Tax levels so that Members could more easily look at alternatives to the £5 increase which was recommended by Officers. He felt the Council needed to be careful about increasing the Council Tax beyond the anticipated rate of inflation and questioned how the shortfall in the budget of £58,234 could be funded if it decided to implement a 3% increase rather than the 4.57% increase which was recommended. In response, the Head of Finance and Asset Management advised that the Council would have two options: to use one-off monies to support the budget – although in his view this should be a last resort; or to look at the base budget for increased ongoing income or savings. The Council's largest expenditure was employees so it was likely that redundancies would have to be considered in the first instance with discretionary services being targeted initially. In response, the Member felt, rather than redundancies, increased income could be a good option. He indicated that, as an authority, the Council already had a strategy based on growing its businesses and it was now starting to see a significant increase in its business rates reserve. In addition, its commercial investment income had been growing, and was set to continue, and he felt the Council's anticipated revenue from those activities was being underplayed. In response, the Head of Finance and Asset Management indicated that business rates income was volatile with the future of the scheme remaining unclear. The intention was, at some point, to move to 75% retained income but, as yet, the government had not confirmed how the scheme would work or what the criteria for it would be. The Council had faced significant losses through appeals in previous years and, with all of this in mind, he felt that the estimates contained within the report were realistic; especially given that no information had yet been released on the 2017 Valuation List meaning the Council had no assurances in respect of appeals, or that the provision it had put aside to cover appeals would be adequate. In addition, it was unclear whether the 100% retained business rates pilot would extend beyond 2018/19. In terms of the commercial investment income, he explained that the additional investment which the Council had recently approved was yet to be spent and properties would have to be secured before any additional income could be put into the budget. There was a need to balance short term benefits against securing long term rates to pay for the borrowing. This would normally have been done immediately but the Council had been able to hold off as interest rates were low and remaining fairly flat; however, there were fears going into 2019 about the implications of Brexit and how that could affect interest rates so this had to be borne in mind as a risk. The Chief Executive advised that residents of the Borough had enjoyed very low Council Tax rates and would continue to do so even if there was a £5 per year increase - in fact the Council Tax was low enough that it was considered a strategic weakness against the rest of the Council's income. He felt it should be borne in mind that a local authority's costs did not increase in the same way as general inflation which was one of the reasons for the significant deficit. In addition, given that Council Tax was one of the major sources of income over which the Council had control, it had to ensure it was taking all of the revenue it could. The other sources of income which were currently bolstering the budget included commercial investments, New Homes Bonus funding and business rates and all three of those areas were volatile - either being subject to market issues, government policy or appeals - so it would not take too much fluctuation in those areas before the Council was in significant trouble. He would not wish to recommend a Council Tax which saw people paying more than

was needed but, given where the Council was with income and the deficit, he felt the Council should not add risk by approving a Council Tax for a lower increase than the amount the government had allowed.

- 86.6 A Member agreed with that advice and felt the Council's Tax base was so low that it made no sense not to increase to the full £5 per year especially given that would still not really be enough. He understood that, when the Council Tax increased, residents always thought the full amount went to the Borough Council but he had no issue with explaining this was not the case and he felt other Members should have a similar view. Another Member agreed and felt that an increase of 10p per week on a Band D property to preserve the services currently provided would not be a problem for most residents. She questioned whether, if the Council Tax increase was agreed at less than that recommended by Officers, and staff therefore needed to be made redundant, there would be redundancy and pension costs to be paid. In response, the Head of Finance and Asset Management confirmed that there could be costs depending on the service areas and whether the redundancies were voluntary or compulsory. Another Member thanked the Finance Team for their hard work in putting together a balanced budget and questioned what the reasoning would be for increasing at less than the recommended £5. In response, a Member reiterated his view that the Borough Council Tax residents should not necessarily be asked to pay an above inflation increase in Council Tax without the Council having a robust debate about the other options available and this was why he had asked for the additional information to be included in the report. He would favour a 3% increase based on the Council's financial planning for income, in particular business growth income, and the commercial investment strategy and he did not think that to continue to say the Council Tax was the fifth lowest in England would justify the proposed above inflation increase. Another Member was of the view that he would have no problem justifying a £5 increase; he felt that staff struggled to provide services on the resources they had currently and he did not see how this could continue if further income was not generated through increased Council Tax. A Member explained that those households referred to as the 'just about managings' (JAMS), were mostly in Bands A-C for Council Tax purposes and would not be paying an increase as much as £5 per year so, from her perspective, the increase would be acceptable. It was further noted that Members should remember that a 3% increase for 2018/19 would take £58,000 out of the budget for that year but also for each year thereafter; it was that cumulative effect which was the reason the Council had suffered previously from low increases / Council Tax freezes.
- 86.7 A number of other Members indicated that they would support the recommended Council Tax increase for the reasons discussed and, upon being put to the vote, it was

RESOLVED:

That it be **RECOMMENDED TO COUNCIL** that:

1. a net budget of £8,732,790 be **APPROVED**.
2. a Band D Council Tax of £114.36, an increase of £5.00 per annum, be **APPROVED**.
3. the use of New Homes Bonus, as proposed in Paragraph 3.5, be **APPROVED**.
4. the Capital Programme, as proposed in Appendix A to the report, be **APPROVED**.
5. the Capital Prudential Indicators, as proposed in Appendix B to the report, be **APPROVED**.

6. the annual Minimum Revenue Provision (MRP) statement, as contained in Appendix B to the report, be **APPROVED**.
7. the 2018/19 Treasury Management Strategy, as proposed in Appendix C to the report, be **APPROVED**.
8. the 2018/19 Flexible Use of Capital Receipts Strategy, as proposed in Appendix D to the report, be **APPROVED**.
9. the Council's involvement in a 100% Retained Business Rates Pilot in Gloucestershire for 2018/19, as detailed in Appendix E to the report, be **NOTED**.

EX.87 FINANCIAL UPDATE - QUARTER THREE 2017/18 PERFORMANCE

- 87.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 12-20, highlighted the Council's financial performance for the third quarter of 2017/18. Members were asked to consider the performance and approve the setting aside of £100,000 from accumulated surpluses to support the development of the A40 infrastructure business case.
- 87.2 The Head of Finance and Asset Management explained that income had not performed as well as expected, mostly due to planning income and garden waste not meeting their targets; however, it was also noted that the reduction in garden waste income had been expected due to the annual renewals being standardised to renew in April each year. Attention was drawn to the summary position for each Head of Service showing the variance against budget and this was attached to the report at Appendix A. Although that position was underspent, the budget report also recognised the need to achieve savings from the base budget in terms of salaries and procurement savings. Those savings were held on the ledger and no savings were recognised against those plans as they accumulated through the year within service groupings; this had the effect of reducing the underspend on services by £45,000. Also detailed under corporate budgets was the retained income from the business rates scheme; this was showing a surplus of £240,000 and was a prediction of the year-end position, although it was noted that there had been little activity with regards to processing appeals against the 2017 list. The Council had set aside a significant provision to cover appeals which it was hoped would be sufficient therefore allowing the Council to benefit from wider increases in business rates income. Treasury management activity had produced a positive variance of £116,968 against budget and access to low borrowing rates, along with the use of more lucrative funds for cash investments, had resulted in the Council's treasury management activity providing a much better return than expected. Taking into account the positive position on the corporate accounts, the overall position of the Council at the end of quarter three was a surplus of £590,640.
- 87.3 Members were advised that the Council had successfully bid for £4.53 million from the growth deal fund via the Local Enterprise Partnership (LEP) to improve the existing Longford roundabout and to add a new roundabout to the east along the A40 to access the new development site at Innsworth. In order to access the funds, a business case needed to be put forward to the LEP Board for approval. That business case would include modelling, designs, financial justification, risks etc. all of which were revenue activities. This work would be contracted to transport consultants to undertake with a delivery timescale of Autumn 2018. The LEP Board would be presented with the business case in early 2019 which, upon acceptance, would allow the drawdown of grant monies. It was anticipated the production of the business case would cost approximately £100,000. The LEP Board would not finance the development of the business case but the money invested could be

recovered from the overall grant once awarded; it was therefore suggested that the Council forward fund the development of the business case with a loan which was available from accumulated in-year surpluses.

- 87.4 The capital position was shown within Appendix B to the report and this was showing a significant underspend against the profiled budget due to the fact that not all of the agreed funding for the purchase of commercial investment had been utilised. The revenue position was shown at Appendix C to the report and, whilst the quarter 3 position showed a significant balance on the reserves, the expectation was that they would be spent in the future. Updates had been requested from all departments about their plans to ensure the earmarked reserves were either used for their intended purpose or released back to the general fund.
- 87.5 In response to a query regarding the business case, Members were advised that the funding from the growth deal was to deliver infrastructure improvements on the A40 to access the Innsworth strategic allocation and for improvements to the current roundabout. The funding would be loaned by the Council up front and then, assuming the project went ahead, the money would be clawed back by the Council through the project. Another Member questioned why Highways England and/or Gloucestershire Highways were not putting in some of the funding given that they were the agencies responsible for road infrastructure. In response, she was advised by the Deputy Chief Executive that Tewkesbury Borough Council was the project sponsor and had submitted the bid and, in addition, the project was aligned to the Joint Core Strategy (JCS) and the site was within Tewkesbury Borough. It was comforting to know that Section 106 did apply and any cost overruns would be picked up by the developer so this reduced the risk to the Council. The business case did need forward funding and it was felt that to do this through the Council would be the best route as it would have control over the process and, therefore, over the release of the funding. Gloucestershire Highways would be contributing through support and in the project costs but not to the initial loan. The Chief Executive advised that the production of the business case to develop the initial plan was really important and not too dissimilar to the Short Term Access Strategy which had been done in partnership with the County Council and funded by the Homes and Communities Agency. On this occasion there was no money available from the Homes and Communities Agency which was the reason the Council needed to pump prime the project. He would be speaking to the County Council about how it would support the project going forward, particularly the delivery of the scheme but also some of the work to unlock the funding. All JCS authorities would need to speak to County Highways at a senior level and he would be setting up a high-level meeting to move the project forward in that regard. In terms of risk, the main one was in the project not going forward; however, the road improvements were essential to the development of the strategic allocation so it was in everyone's interest to make sure it worked and was successful. Members were advised that one of the main issues was the approval of the design but that had already happened and was a big step in the process. In addition, the mitigation proposals had been approved which was another step forward. A Member expressed the view that the road improvements were essential in the area, both for the housing and for the business land, as they needed direct access onto the A40.
- 87.6 In response to a query regarding the repayment of the loan, Members were advised that the growth deal offer from the government's perspective was that, subject to approval of the business case, the first release of the funding - approximately £2 million - would be in April 2019 and the Council's loan of £100,000 would be repaid within that.

87.7 Having considered the information received, it was

- RESOLVED:**
1. That the financial performance information for the third quarter of 2017/18 be **NOTED**.
 2. That £100,000 be set aside from accumulated surpluses to support the development of the A40 infrastructure business case.

EX.88 GLOUCESTERSHIRE FLOOD RELIEF FUND

- 88.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 21-23, set out that a balance remained in the Gloucestershire Flood Relief Fund Trust and that Trustees needed to be appointed to the Trust in order that it could be reopened and the full balance of the funds could be deployed in line with the charitable objectives of the Trust. Members were asked to agree the appropriate legal procedures be taken for Trustees to be appointed; that a Member, nominated by the Leader of the Council, be appointed to represent the Council on the Gloucestershire Flood Relief Fund; and that the Chief Executive of the Council be appointed from time to time as a permanent Trustee of the Fund.
- 88.2 The Head of Finance and Asset Management explained that the Gloucestershire Flood Relief Fund had been formed following the 2007 floods to provide financial help to those residents whose homes had been affected by the floods. The Trust had been responsible for the coordination of donations and the allocation of funds in line with the objectives and had allocated around £1.9 million of funding during the time it was in operation. It had recently come to light that not all of the accumulated donations had been fully spent and a balance remained in the Trust's bank account which needed to be distributed. The Trust had last met in 2007 and, as such, the membership of the Trust had effectively expired which meant it had no Trustees and could not therefore appoint new Trustees to act on its behalf. In order to appoint new Trustees, an application had to be made to the Court under Section 41 of the Trustee Act 1925. It was suggested that the minimum number of Trustees required be appointed in order to expedite the necessary business. Within the Trust documentation, it was clear that the minimum number was three and it was therefore recommended that two elected Members be appointed, along with a senior Officer; the Officer would act as a permanent Trustee in order to avoid similar problems in the future. In view of Tewkesbury Borough and Gloucester City Councils' involvement in the last fund, it was suggested that the Member appointments be made from those two Councils. Once the arrangements for the Trustees had been made it was anticipated that the funds should be distributed before the end of the financial year.
- 88.3 A Member suggested that, as Councillor Awford had been a Trustee originally, it may be sensible for him to be asked to do it again. The Committee was happy with that suggestion and felt that, as long as Councillor Awford agreed, he should be the Council's nominee. In the event that he did not wish to take the position, the Leader of the Council would be asked to nominate an alternative Member.

88.4 Accordingly, it was

RESOLVED:

1. That appropriate legal procedures be taken for Trustees to be appointed in respect of the Trust.
2. That Councillor Phil Awford be nominated to represent Tewkesbury Borough on the Gloucestershire Flood Relief Fund; in the event he is unable to take the position, the Leader of the Council will nominate an alternative.
3. That the Chief Executive of Tewkesbury Borough Council from time to time be appointed as a permanent Trustee of the Fund.

EX.89 COUNCIL TAX - EMPTY HOMES PREMIUM

89.1 The report of the Head of Corporate Services, circulated at Pages No. 24-27, recommended the introduction of a Council Tax Empty Homes premium of 50% to be effective from 1 April 2018. Members were asked to consider the introduction of the premium, which would apply to homes that had been unoccupied and substantially unfurnished for more than two years, and make a recommendation to Council thereon.

89.2 The Committee was advised that the report brought forward a proposal to introduce a 50% premium in respect of empty homes Council Tax from 1 April 2018. The legislation to enable this had first been introduced in 2013 along with discretion for the Council to implement discounts etc. If the premium was introduced, it would apply to properties that had been unoccupied, or substantially unfurnished, for two years or more. Prior to implementing the legislation, the government had consulted on the circumstances in which the 50% premium would not be applicable; those three circumstances were: a dwelling which was the sole, or main, residence of a member of the armed forces who was absent from the property as a result of such service; an annexe deemed unoccupied because it was being treated by the occupier of the main dwelling as part of that main dwelling; and a dwelling which was genuinely on the market for sale or letting. Subsequently, the government had legislated for the first two circumstances but had decided not to do so in the case of a dwelling which was genuinely for sale or letting. However, it was still believed that dwellings in such circumstances should not be subject to a premium and the government had issued guidance to assist authorities in their decision-making. The benefits to the Council of implementing this scheme were more in regard to bringing empty homes back into use rather than for financial gain. There were currently 88 properties which would fall within the criteria for empty homes premium and, if they were charged accordingly, this would bring in additional income of £66,255.59 of which the Council would keep approximately 7% which equated to £4,637.89. The remainder would go to the County Council and the Police Crime Commissioner in the same way that Council Tax income was usually distributed; however, it would also be expected that the Council's New Homes Bonus position would be improved through long term empty properties being brought back into use; this was based on an approximate figure of £1,591 per property.

- 89.3 In response to a query regarding ownership of a property, Members were advised that it was intended that the premium would be applied when a property had been empty for two years irrespective of the length of current ownership. It would therefore be possible that a person could buy a property that had already been empty for two years and then be liable for the premium immediately; however, occupancy of a long term empty property for more than six weeks would 'reset' the clock and there were already other discounts in place that the owner may be able to take advantage of, such as properties that required major repair work to render them habitable. Another Member suggested that the phrase 'substantially unfurnished' was not a very specific definition and she was concerned people could put a sofa into an otherwise empty house and claim it was furnished. In response, the Revenues and Benefits Manager explained that, unfortunately, the definition was not clear and there was limited case law on the point which was not helpful. The Council did have inspection regimes for looking at empty properties and ensuring the discounts/premiums were properly applied but the system was potentially fraught with difficulties. A Member questioned why this was being looked at now and whether it could be reviewed at another time. In response, the Revenues and Benefits Manager advised that she was new to the Council and had brought with her different ideas about how the service should run. She referred Members to Page No. 25 of the report and advised that this was one of a number of general documents that she wanted to review as the Council currently had a whole raft of discretionary powers that it did not use. She also confirmed that, whilst there would be a small amount of additional income, there could be a wider opportunity to bring empty properties back into use. The idea was that, if approved by the Council, all affected residents would be written to advising them of the changes and also asking if there was anything the Council could do to assist them in bringing the property back into use. She explained that the premium had been introduced at her previous authority and had successfully brought a number of properties into use, especially when it was aligned with other strategies. In terms of an increase in New Homes Bonus monies, the Revenues and Benefits Manager explained that the Council received an amount of funding for every property brought back onto the valuation list i.e. the negative effect of the property being empty would be lost.
- 89.4 A number of Members felt it would be necessary for Officers to use a certain amount of discretion when applying the premium as it did not seem fair to charge someone for a property having been empty when it had only just come into their ownership. In response, Members were advised that the guidance to support the Empty Homes Premium stated that Councils were free to make their own decisions so some discretion was possible. It was suggested that the governance of the system would need to have Member involvement and that it would seem sensible for the Lead Member to be that person. Another Member suggested that, in terms of the definition of substantially unfurnished, it might be a good idea to ask Stroud and Cotswold District Councils how they dealt with this issue as they had already been collecting the premium. In addition, a Member questioned whether the department would have the capacity to implement the premium given the Council did not have an Empty Homes Officer. In response, the Revenues and Benefits Manager indicated that it would be tough for the team as it was not an easy issue to deal with, however, there was an inspection resource available internally, and via the Counter Fraud Unit, so she was confident it could be delivered within the existing establishment.

89.5 Having considered the concerns expressed, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that, from 1 April 2018, a Council Tax Empty Premium of 50% be implemented in respect of properties that have been unoccupied and substantially unfurnished for more than two years; and that the detailed governance arrangements be implemented in consultation with the Lead Member.

EX.90 PLANNING ENFORCEMENT PLAN

90.1 The report of the Head of Development Services, circulated at Pages No. 28-56, set out a proposed Planning Enforcement Plan which the Committee was asked to approve for the purposes of public consultation.

90.2 Members were advised that the Plan, which was part of a wider planning services review, had been considered by the Overview and Scrutiny Committee and the comments of that Committee were attached at Appendix 1 to the report. The Planning Enforcement Plan set out the Council's approach to delivery of the service and provided clear information to customers about the level of service they could expect to receive. During the past six months, a full review of the service had been undertaken and a number of operational changes had been identified which included: the need for a structured framework within which all decisions were made; greater use of accessible IT to enable interested parties to find out more about the service or individual cases; a need for greater reporting and publicity for the work (and achievements) of the service; better record keeping; better and more use of the formal and legal powers available; and additional support for Enforcement Officers to achieve all of these items.

90.3 The Head of Development Services explained that the Overview and Scrutiny Committee had considered the Plan and recommended it to the Executive Committee for approval, for the purposes of consultation, subject to changes which included: it being made clear that the Council, as the enforcing body, assisted, but did not give advice, to those that were the subject of an investigation - independent support should be sought in those cases; and that the breach of condition, and failure to build the approved plans, was not acceptable so the Planning Enforcement Plan needed to identify how such matters were brought to the Council's attention, dealt with and followed up. The Committee also felt the Plan may not have been easy for members of the public to follow so a flowchart had been created to explain how enforcement cases were handled and what formal action was taken. In terms of general comments about the Planning Enforcement Team, Overview and Scrutiny Committee Members had raised concerns about performance, including response times and communication, and the possibility of introducing performance indicators. Members had been advised that the Planning Enforcement Plan and Officer Protocol should address such issues by introducing changes to working practices that included a requirement to respond and update within set time periods. In addition, monthly performance reporting to Planning Committee would take place and the Overview and Scrutiny Committee would scrutinise the effectiveness of the Plan once it had been in place for a 12 month period. If the Executive Committee approved the Plan for consultation, it would be subject to a six week consultation period before a final draft was submitted to the Executive Committee for consideration and recommendation to Council.

- 90.4 Referring to Paragraph 12.0 of the Plan, Fairness and Equality, a Member questioned what was meant by 'status' in the first bullet point. In response, it was accepted that this was unnecessary and that the point should be amended to read 'All persons are treated equally, regardless of their status'. Another Member questioned how members of the public would be made aware of the document and she was advised that it would be on the Council's website, promoted through the Council's usual communication methods and, when any breaches were reported, a weblink, or hard copy, as appropriate would be sent out. It was intended that as many people as possible would be made aware of it through all appropriate channels. A Member expressed the view that Councillors had suffered greatly in the past from the Enforcement Team not meeting the expectations of residents and she questioned how the document would help that situation. In response, the Head of Development Services explained that the document was clearly laid out and consistent and explained the processes that would be followed. The Plan itself aimed to be the first point of contact as soon as the Council knew there was an issue and, as long as it was followed, people should be fully aware of what to expect; it was intended this would help to manage expectations of the service. The Member was concerned that the document would be expensive to print and would not save time for the team which was what she felt was necessary. The Head of Development Services reiterated that the Plan explained the process to the persons against whom breaches were alleged as well as the person who had reported the breach so each could clearly understand what would happen. She was not sure how else the process could be sped up or made easier. A Member suggested that, once the final Plan was approved, it would be helpful to circulate a Member update and also for an article to be included in the Borough News.
- 90.5 A Member indicated that one of the main issues she found with planning enforcement was when people were told a breach was 'not expedient to pursue'. People did not understand what this meant and there did not seem to be any clear explanation of it. In response, the Committee was advised that the main issues people had appeared to stem from a lack of communication. There were a number of reasons why something may not be expedient to pursue but, until now, people had not been told why and it was intended this would be one of the changes made. There was concern expressed that the government needed to ensure planning enforcement had more 'teeth' so that, when breaches were investigated, decisive action could be taken which was backed up by legislation; he felt the appeals system had previously let the Council down and this was not a helpful message to send out to residents. The Head of Development Services indicated that there had been cases which had aggrieved her as well; however, the Council could only work within its powers and was trying to ensure it used those to the best of its ability. It was intended that the Plan would help stop issues getting too far in future and also help to identify genuine mistakes versus deliberate breaches. The case officer was not on site everyday so it was important that people reported breaches and understood how to do that. The document sought to hold the Council to account as well as to ensure it was going through all of its processes and that all means and methods had been explored before formal action was taken. A Member questioned whether a Stop Notice could be issued, or prosecution undertaken, if an offence had been committed. In response, the Borough Solicitor explained that the first thing to note was that breaches of planning control were not a criminal offence; this was the main problem as people thought they were. The authority could, where appropriate, issue a Stop Notice but there were risks to the Council of compensation being payable in certain circumstances. Unfortunately, the Council did not have the powers to address the enormous public distress that could be caused by breaches of planning control.

- 90.6 Referring to Annex 1 to the report, which set out the flowchart to be followed when breaches were suspected, a Member suggested that there should be an answer 'No' to the question 'is it expedient to take enforcement action'. In addition, she expressed the view that the planning portal was not informative in respect of enforcement; she felt further information in respect of the plans etc. would be helpful. She was advised that Officers had been looking at the website information and, whilst they needed to be careful about what was put on the website, the team was working with One Legal to improve the information available. The Planning Enforcement Register was now online and included details of all the Notices served which it was felt was a step forward. The Deputy Chief Executive suggested that Members could receive an informal Executive briefing about the information on the website etc. which may help with their understanding of the issues.
- 90.7 Having considered the information provided, and views expressed, it was

RESOLVED: That the comments of the Overview and Scrutiny Committee be **ENDORSED** and that the draft Planning Enforcement Plan, as attached at Appendix 2 to the report, be **APPROVED**, for public consultation, subject to the following amendments:

- The addition of clarification and some examples under the heading 'expediency' to explain the meaning of the phrase 'not expedient to pursue'.
- The amendment of the first bullet point under the heading 'Fairness and Equality' to read 'All persons are treated equally regardless of their 'status'.'
- An amendment to the flowchart at Annex 1 to add a link from the box 'Is it expedient to take enforcement action' to show that if the answer was 'no' there would be no further action taken and the case would be closed.

EX.91 FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT ADOPTION

- 91.1 The report of the Head of Development Services, circulated at Pages No. 57-134, attached the final version of the Flood and Water Management Supplementary Planning Document, which had been the subject of public consultation from September to November 2017, and asked that it be recommended to Council for adoption. The Committee was also asked that authority be delegated to the Head of Development Services to make any necessary minor amendments to the Document as considered necessary prior to publication.

91.2 The Head of Development Services explained that, in November 2014, the Council had approved the adoption of a Flood and Water Management Supplementary Planning Document. Since that time there had been significant updates to national guidance surrounding flood and water management and, in particular, climate change projections. A review of the document had therefore been undertaken to take into account the latest guidance and an updated Supplementary Planning Document had been prepared. Public consultation had been undertaken from September to November 2017 and a final version of the document was attached to the report at Appendix 1 for consideration. Once adopted by the Council the document would be a material consideration in the determination of planning applications.

91.3 Accordingly, it was

RESOLVED:

1. That it be **RECOMMENDED TO COUNCIL** that the Flood and Water Management Supplementary Planning Document, as attached at Appendix 1 to the report, be **ADOPTED**.
2. That authority be delegated to the Head of Development Services to make any necessary minor amendments to the Supplementary Planning Document, as considered appropriate, prior to it being published.

The meeting closed at 4:15 pm

EXECUTIVE COMMITTEE FORWARD PLAN 2017/18

REGULAR ITEM:

- **Forward Plan – To note the forthcoming items.**

<p>Addition to 14 March 2018</p> <ul style="list-style-type: none"> • Revenues and Benefits Write-Off Policy. • Discretionary Housing Payment Policy. • Public Space Protection Order (Dog Fouling). • Roses Theatre, Community Grant Alteration. • Self-Build and Custom Housebuilding. • Confidential Item: Irrecoverable Debts Write-Off Report.
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Committee Date: 25 April 2018			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter Three 2017/18 (Annual).	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter three performance management information.	Graeme Simpson, Head of Corporate Services.	No.
Flood Risk Management Group Terms of Reference and Action Plan (Annual).	To undertake an annual review of the Terms of Reference of the Flood Risk Management Group and action plan.	Peter Tonge, Head of Community.	Updated in line with the term of the Council instead.
Council Plan Update 2016/17 – Year Three (Annual).	To consider the Council Plan and make a recommendation to Council.	Graeme Simpson, Head of Corporate Services.	No.
High Level Service Plan Summaries (Annual).	To consider the key activities of each service grouping during 2017/18.	Graeme Simpson, Head of Corporate Services.	No.

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Agenda Item 6

Committee Date: 25 April 2018			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
ICT Strategy.	To approve the ICT Strategy.	Graeme Simpson, Head of Corporate Services.	No.
Risk Management Strategy.	To approve the Risk Management Strategy.	Graeme Simpson, Head of Corporate Services.	Yes – training to be held on risk management prior to the development of the final strategy.
Planning Enforcement Policy.	Following public consultation, to recommend the Policy to Council for adoption.	Annette Roberts, Head of Development Services.	No.
Confidential Item: Disposal of Land at Bishops Cleeve.	To consider the information provided and agree a way forward.	Simon Dix, Head of Finance and Asset Management.	Yes, deferred from 14 March 2018 for further discussion.
(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).			

PENDING ITEMS

Agenda Item	Overview of Agenda Item
Confidential Item: Spring Gardens/Oldbury Road Regeneration.	To consider the information provided and agree a way forward.
Confidential Item: MAFF Site.	To consider the way forward for the site.
Workforce Development Strategy.	To approve the Council's Workforce Development Strategy.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 March 2018
Subject:	Revenues and Benefits Write-Off Policy
Report of:	Graeme Simpson, Head of Corporate Services
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	One

Executive Summary:

The Revenues and Benefits Write-Off Policy is required to be reviewed by Executive Committee to ensure it continues to be robust and fit for purpose. It is also necessary to do so at this time due to changes in the staffing structure in the Revenues and Benefits team.

Recommendation:

That the Revenues and Benefits Write-Off Policy, attached at Appendix 1, is ADOPTED with effect from 1 April 2018.

Reasons for Recommendation:

The Revenues and Benefits Write-Off Policy needs to be reviewed to ensure that it is robust and fit for purpose and reflects the current staffing structure within the Revenues and Benefits team in terms of delegated authority to write off debt.

Resource Implications:

A clear process for the writing off of irrecoverable debt represents effective financial management practice. To continue to pursue debt when it is not cost effective to do so is an inefficient use of resources.

Provision for bad debts is made in the Council's accounts.

Legal Implications:

The relevant billing, collection and recovery processes are governed by statutory provisions relevant to the type of debt. Debts will only be written off in accordance with the Council's Financial Procedure Rules, Revenues and Benefits Write-Off Policy and any legislation relevant to the type of debt. All available enforcement remedies will be pursued before a recommendation to write off is made.

Risk Management Implications:

The Revenues and Benefits Write-Off Policy will provide assurance regarding controls and the operational process in recovering debt. It should be recognised, however, that due to the volume, value and nature of annual debt due to the Council there will also be irrecoverable amounts which will be recommended for write off once all enforcement remedies have been exhausted. A provision for bad debts is made in the Council's accounts.

Performance Management Follow-up:

The policy will be applied correctly to ensure it is effective. For each debt type, management information will be compiled on a quarterly basis. The information will include a profile of debt by age, the value of debt written off to date and the effect on the provision for bad debt.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 The write off of bad debts is a necessary function of any organisation which deals with the collection of debt. Effective write off procedures contribute to the efficient management of debt and the current Revenues and Benefits Write-Off Policy, which has been in place since 2016, needs to be refreshed and updated to ensure that effective policies and procedures are in place to enable the effective management of debt in an ever changing local taxation environment. It has also been updated to reflect changes in the staffing structure in the Revenues and Benefits team.

2.0 BACKGROUND

2.1 Whilst it is recognised that the majority of income owed to the Council in Council Tax, Business Rates and Housing Benefit overpayments will be successfully billed for and collected there are a variety of reasons why debt will become irrecoverable and needs to be written off. Debts will only be recommended for write off once all options to recover and enforce them, as allowed for by the relevant legislation, have been exhausted

2.2 The writing off of debt which is irrecoverable is recognised as good practice by the Ministry of Housing, Community and Local Government (MHCLG), the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Department of Work and Pensions. Debts are only considered for write off after taking all possible steps to collect and it is important to ensure that processes and procedures are frequently reviewed to ensure maximum effectiveness in debt collection and recovery.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 None.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Revenues and Benefits Write-Off Policy and Financial Procedure Rules.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 To continue to pursue debt when it is not cost effective to do so is an inefficient use of resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 The Revenues and Benefits Write-Off Policy has had an Equality Impact Assessment and no issues have been identified.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Geni Hotchkiss, Revenues and Benefits Manager Tel: 01684 272119
Email: geni.hotchkiss@tewkesbury.gov.uk

Appendices: 1. Revenues and Benefits Write-Off Policy.

Tewkesbury Borough Council

Revenues and Benefits Write-Off Policy

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Introduction

This document sets out the procedure to be followed when writing off irrecoverable amounts of Council Tax, Non-Domestic Rates (Business Rates) and Housing Benefit overpayments.

Under the Accounts and Audit Regulations 2003 (as amended by subsequent regulations) bad debts should not be written off without approval of the responsible financial officer or such member of staff as is nominated by him for this purpose. There are no equivalent rules for credit balances although it is prudent to write these off on a regular basis.

Both internal and external audit need to be satisfied any write off policy is both robust and transparent. At the same time, there needs to be a mechanism for reporting write offs through members. A debt should only ever be written off in accordance with a policy agreed by members.

Staff are required to take robust action to collect all debts however in some cases this might not be possible and debts do become irrecoverable. Where a debt is deemed to be non-recoverable (or a credit non-refundable) it needs to be identified at the earliest possible opportunity and properly dealt with in accordance with financial regulations.

Writing off irrecoverable items represents good financial management. It allows staff to concentrate on recoverable debts and ensures that the level of debtors/arrears within the accounts is accurate and represents a true and fair view of the Council's financial position.

Reasons for write off

Every effort will be made to recover a debt owing to the Council before it is considered for write off. This includes using tracing agents, visiting the property, contacting occupiers and owners and cross-referencing other internal databases. Only where all recovery action has failed is a debt regarded as irrecoverable.

This policy covers Tewkesbury Borough Council's policy and approach in the following areas:

- Remission by the magistrates' court
- Imprisonment
- Bankruptcies and liquidations
- Death of a debtor
- Absconded debtors who cannot be traced
- Small balances where it is uneconomical to collect
- Court, enforcement agent and other costs
- Miscellaneous reasons

- Credit balances

Remission by the magistrates' court

If a magistrate finds that the failure to pay the amount of Council Tax or Business Rates is not due to wilful refusal or culpable neglect and the debtor is unable to pay the debt it can be remitted. Remission may be in full or in part and the debt becomes irrecoverable. Even though a debt or debts may be remitted, liability for future years will continue. Following the decision of the magistrates the write off will be processed and we will store a copy of the Court Remission Sheet on our files.

Imprisonment

If a debtor is committed to prison for non-payment of Council Tax or Business Rates the debt has to be written off once the term of imprisonment has been served. No further recovery action can be taken with regard to the relevant amount as the enforcement process has come to an end. Liability for future years will continue.

Bankruptcies and liquidations

In the event of a successful bankruptcy petition or successful winding up proceedings for limited companies, once the court has made an order no other recovery action can be taken. This applies to only debts outstanding at the time and future Council Tax, Business Rates and Housing Benefit overpayment liability will continue.

In the majority of bankruptcy and insolvency cases where the Council has not instigated the action there is a small or no dividend payable to the Council. On receipt of the statement of affairs from the trustee in bankruptcy or liquidator it is usually clear how much money is available to creditors. After a taking into account any payments received or due the balance is written off as irrecoverable.

Death of a debtor

In the majority the cases the debt remains collectable either from a jointly liable person or the estate of the debtor. In certain circumstances, however, it is not possible to collect the debt and it will be written off. This is usually where there are no assets or where the debtor dies intestate or we cannot trace who the executors are.

If there are assets and the executors fail to make payment to clear the debt we can take separate action to recover the debt through civil enforcement proceedings.

Debtors who cannot be traced

There are occasions when debtors abscond leaving debts. In all cases every effort is made to locate the debtor. This includes:

- A check of records using internal and external tracing tools
- Visit to the property if it is cost effective to do so; and
- Passing the debt to an enforcement agency to see if they are able to trace the debtor

If the debtor cannot be traced there is no alternative but to write off the debt, however debts will be reviewed after 6 and 12 months in case any further information has come to light which means they can be collected

Small balances and amounts uneconomical to collect

On occasions where debtors have left the area it is considered uneconomic to pursue small balances beyond the issue of copy bills. These debts are written off on an annual basis.

If a debtor comes back into Tewkesbury Borough with a new liability the write off will be reversed and recovery action will continue where necessary.

Other write off situations

Court, Enforcement Agent and other costs

When the debt is being written off for one of the reasons above, legal fees and costs incurred in recovering the debt need to be written off separately as their accounting treatment is different.

There are a small number of cases that are taken to court and issued to enforcement agents before it transpires the liability is incorrect, but the Council was unaware at the time the action was taken. In correcting the liability it may be necessary to cancel costs and other fees depending on the individual circumstances of the case.

Miscellaneous

The Council has some debts which we are unable to pursue for other reasons, such as it not being in the public interest or due to local authority error, and need to be written off. These will be exceptional in nature and approved by the Head of Finance and Asset Management with full details held on file.

Credit balances

There will be instances where an account is closed and a credit balance remains on the account. If it has not been possible to refund the money (for example a forwarding address is not known) the credit will be written off after a period of 9 months has elapsed.

Procedure for processing write offs

This is covered in separate staff procedure notes using appropriate computer system transaction codes in order for the write off to be identified and monitored.

All accounts that are being submitted for write off shall be accompanied by a proforma which identifies the following:

- Name and liability address of debtor
- Amount due to be written off
- How the outstanding amount has arisen
- Period to which the outstanding amount relates
- Reason for write off
- Details of the checks that have been carried out to validate that the debt is irrecoverable

The completed proformas should be submitted to the Team Leader - Revenues together with any relevant supporting documentation for approval.

The Team Leader - Revenues will only submit write offs to the Head of Finance and Asset Management or the Executive Committee for authorisation when they are satisfied that all appropriate checks have been carried out and the debt is irrecoverable.

Management checks

The Revenues and Benefits Service has a range of management controls in place to ensure that debt is only written off in accordance with this policy document. The controls and management checks include:

- The Head of Finance and Asset Management has delegated authority to authorise the write off of debts up to and including £15,000
- Any debts greater than £15,000 have to be authorised for write off by the Council's Executive Committee.
- The Team Leader – Revenues and Revenues Officers have been given delegated authority to write offs debts up to £55.00
- A bulk write off of closed accounts over 6 years old where no payments have been received for 12 months takes place towards the end of the financial year which is authorised by the Head of Finance and Asset Management.
- The Revenues and Benefits Manager will review debts written off on a quarterly basis to ensure policy and procedures are being correctly followed.

Policy Review

The policy will be reviewed annually to ensure it remains valid, effective and relevant. If any significant amendments are required the Policy will be brought back to Executive Committee for consideration. If there are any major changes to legislation which means the Revenues and Benefits Write-Off Policy requires earlier review, appropriate action will be taken at the time.

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TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 March 2018
Subject:	Discretionary Housing Payments Policy
Report of:	Graeme Simpson, Head of Corporate Services
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	One

Executive Summary:

The Council has power to award Discretionary Housing Payments (DHP) to provide additional financial assistance towards housing costs where claimants are in receipt of Housing Benefit or Universal Credit where housing costs are included. This report proposes an updated policy to incorporate the Council's responsibilities in respect of Universal Credit claimants and ensure that consistent decisions are made.

Recommendation:

That the Discretionary Housing Payments Policy attached at Appendix 1 is ADOPTED with effect from 1 April 2018.

Reasons for Recommendation:

The Council has updated its DHP Policy to take into account the additional demand that is anticipated from people who will be moving from the current Housing Benefit scheme to Universal Credit. A number of welfare reforms targeted at working age people have been implemented since 2013 and Universal Credit Full Service is now operational in most of Tewkesbury Borough. An effective DHP Policy is required to give targeted help for those in need to prevent homelessness and protect the most vulnerable residents in the Borough.

Resource Implications:

Funding is provided by Department of Work and Pensions. The DHP allocation for 2017/18 is £137,669. As at 19 February 2018 we had paid out £111,505.61 with a further £13,825.10 in committed expenditure. It is anticipated that the remaining unallocated expenditure will be spent by year end in order to continue to provide support to some of our most vulnerable residents.

The DHP allocation for 2018/19 is £122,206; however, we can also use our own funds to top up the government contribution by an additional 150%.

Legal Implications:

The Discretionary Housing Payment Scheme is set out in the Discretionary Financial Assistance Regulations 2001 and subsequent amendments. Whilst the regulations give local authorities a very broad discretion the Council must act in accordance with the ordinary principles of good decision making. The Council has a duty to act fairly, reasonably and consistently. Each case must be decided on its own merits and decision making should be consistent throughout the year.

Risk Management Implications:

Having a DHP policy makes the process of claiming and awarding a Discretionary Housing Payment transparent. The Policy supports the Council's aim to assist those who are most vulnerable in the community and to reduce the risk of homelessness.

Performance Management Follow-up:

For each financial year initial estimates and mid-year estimates of expenditure have to be submitted to Department of Work and Pensions (DWP). In addition to this, returns have to be submitted to DWP providing details of awards made. Monitoring will also take place on a quarterly basis to ensure that awards do not exceed the allocation and are made fairly and in accordance with the policy.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 Discretionary Housing Payments (DHP) help people on Housing Benefit and Universal Credit, where housing costs are included, to pay their rent if their entitlement does not fully cover their rental liability. The amount each local authority is able to spend annually is limited by the permitted total that government sets.

2.0 BACKGROUND

2.1 The Discretionary Housing Payments Scheme (DHP) was introduced in 2001 to enable local authorities to make financial awards in addition to Housing Benefit (subsequently amended to include the housing element of Universal Credit) where there is a shortfall between the applicant's benefit and their rent. DHP is not a long term solution and the new proposed policy reflects the Council's objective to help households to move towards being able to afford their rent without it.

2.2 Local authorities receive an annual sum from government to run a DHP scheme based on a formula and are able to add to this sum subject to limits. Government set an annual limit which can be spent on DHP called the "permitted total". Government contributes 40% of the permitted total and the Council can supplement the contribution from its own funds.

2.3 Since 2011, government has made additional funding available for local authorities for DHPs in order to mitigate the impact of welfare reforms on the most vulnerable. The funding can help in a wide variety of ways as long as this relates to housing expenditure.

- 2.4** It is good practice to review the DHP policy on a regular basis. The proposed new policy places greater emphasis on setting out the actions the applicant needs to follow to avoid long term reliance on DHP. The Benefits Team works closely with the Housing Team to provide help and support where needed. In the main, the actions will be helping to look for alternative accommodation and providing support with personal budgeting. Where a longer period of time is needed to carry out actions awards may be renewed as long as they can be met through the DHP budget.
- 2.5** It is acknowledged that moving to cheaper housing will not be appropriate for some households due to their severe health, welfare and other needs. It remains important, however, to ensure that we are targeting the funding such that it goes to somebody who needs it for as short a time as possible whilst we work with them to explore alternative support and accommodation.
- 2.6** Universal Credit Full Service was introduced in Tewkesbury Borough from 6 December 2017. The proposed Discretionary Housing Payment Policy has also been amended to include reference to Universal Credit as applications can be made from residents who receive the housing costs element within their Universal Credit payment.
- 3.0 OTHER OPTIONS CONSIDERED**
- 3.1** The Council has to have a DHP scheme therefore having a policy which details how awards will be considered is necessary. There are no alternative options available.
- 4.0 CONSULTATION**
- 4.1** Formal consultation is not required for the adoption of this policy. The Revenues and Benefits service regularly consults on an informal basis with its major stakeholders regarding the availability of the scheme and the considerations when making a DHP.
- 5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1** None.
- 6.0 RELEVANT GOVERNMENT POLICIES**
- 6.1** Department of Work and Pensions Discretionary Housing Payments Guidance Manual including Local Authority Good Practice Guide, December 2016.
- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1** None directly associated with this report other than officer time.
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None.
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** Positive impact.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Geni Hotchkiss, Revenues and Benefits Manager
Tel: 01684 272119 Email: geni.hotchkiss@tewkesbury.gov.uk

Appendices: 1. Discretionary Housing Payments Policy.

Tewkesbury Borough Council

Discretionary Housing Payments Policy

DRAFT

Introduction

The Discretionary Housing Payment (DHP) scheme is designed to provide further financial assistance to recipients of Housing Benefit and Universal Credit, where the housing costs element is included in their current award. A DHP is payable where additional help with housing costs is required, with awards being made under the Discretionary Financial Assistance Regulations 2001. These regulations provide local authorities with a broad discretion on the amount paid out and the way the scheme is administered.

The Government has provided additional funding in recent years to enable local authorities to provide transitional support to customers affected by size criteria in the social housing sector, the benefit cap and changes to Local Housing Allowance but it is entirely at the Council's discretion as to how much is awarded in each area. In most cases a customer will need to demonstrate that they are unable to meet housing costs from their available income or that they have a shortfall in rent as a result of welfare reforms.

What is a Discretionary Housing Payment (DHP)?

A Discretionary Housing Payment is a payment that anyone who is in receipt of Housing Benefit or Universal Credit may apply for if they have a shortfall between their rent and the amount of benefit awarded.

Following the abolition of Council Tax Benefit from April 2013 DHPs can no longer be made towards Council Tax liability. A customer who is receiving Council Tax Reduction (CTR) with no rental liability is not eligible to apply for a DHP. The customer must be entitled to Housing Benefit or Universal Credit (including housing costs) to enable a DHP to be considered towards their shortfall in housing costs.

Housing costs are not defined in the regulations. In general, housing costs means rental liability. Housing costs, however, can be interpreted more widely to include:

- Rent in advance
- Rent deposits
- Lump sum costs associated with a housing need such as removal costs

Each financial year Tewkesbury Borough Council is given a set amount of funding from central Government for DHPs and once this money has been spent there is no further funding available until the following financial year. Tewkesbury Borough Council has been allocated £122,206 for the 2018/19 financial year to support Housing Benefit claimants in their transition to revised levels of Housing Benefit or Universal Credit entitlement following specific welfare reform changes.

Local authorities can use their own funds to top up their Government contribution by an additional 150% In England and Wales. Once an authority's overall cash limit is met, no additional DHPs can be awarded in that tax year.

Operation of policy

This document specifies how Tewkesbury Borough Council will operate the DHP scheme and indicates some factors that will be considered when deciding if a DHP can be made. Each case will be treated on its own merits taking into consideration the guidelines detailed in this document. All applicants will be treated equally and fairly when the scheme is being administered.

Principles governing the award of Discretionary Housing Payments

Tewkesbury Borough Council is committed to working with social landlords, the local voluntary sector, homelessness, debt advice and any other interested parties within the district to maximise publication of the scheme to help as many residents as possible.

Tewkesbury Borough Council will consider making a Discretionary Housing Payment to an applicant who meets the qualifying criteria subject to budget limitations. Before making an award, Tewkesbury Borough Council must be satisfied that the claimant is entitled to:

- Housing Benefit; or
- Universal Credit where housing costs are included; and
- Has a rental liability
- Requires further financial assistance with housing costs

Tewkesbury Borough Council has set the following key objectives in administering DHPs using the Department of Work and Pensions' Discretionary Housing Payments Good Practice Guide:

- Preventing homelessness
- Alleviating poverty
- Keeping families together
- Supporting the vulnerable and elderly in sustaining tenancies
- Help those who are trying to help themselves
- Enabling people to secure new sustainable tenancies

- Providing financial respite for people in short term difficulty
- Incentivising people into and maintaining work
- Supporting young people in education
- Supporting those who are in affordable housing, but at risk of becoming homeless due to being unable to meet their full rental liability due to severe financial difficulties from the effects of the current economic climate

What Discretionary Housing Payments do not cover

A Discretionary Housing Payment cannot be used towards any of the following:

- Ineligible service charges
- Increases in rent due to arrears
- Shortfalls in Second Adult Rebate
- Shortfalls in Council Tax Support
- Reduction in Housing Benefit due to other benefit sanctions
- Housing Benefit that has been suspended

Claiming a Discretionary Housing Payment

A request for a Discretionary Housing Payment must be made in writing using the Council's application form. If the customer has difficulties in completing the form they will be encouraged to visit the Council offices and may be required to receive personal budgeting support as part of the application process.

Tewkesbury Borough Council may request any reasonable and relevant information or evidence in support of an application for a DHP. The customer will be given one calendar month to provide the evidence requested. Officers will have the discretion to extend the time limit in appropriate circumstances. If no information is returned within the standard or extended time limit the decision will be made based upon the information available at the time.

Considerations in the decision making process

A DHP may be applicable in the following circumstances:

- To cover a reduction to eligible rent due to the size criteria
- To cover a shortfall in rent due to Benefit cap
- To cover a rent restriction imposed by the Rent Officer figure being used
- To cover the difference between the LHA rate and the rental liability
- To make up for the restriction of the 65% taper being used
- To counteract the effect of any non-dependant deduction
- To support a customer back into work
- To prevent homelessness
- Removal costs in relation to obtaining affordable accommodation

- Rent deposits and rent in advance in relation to obtaining affordable accommodation. A DHP can be awarded for a rent deposit or rent in advance for a property the applicant has yet to move into if they are already entitled to Housing Benefit or Universal Credit for their present home
- On two homes. The regulations permit a person to have help through a DHP award with rent due on a property they have moved into when treated as temporarily absent from their home for example where the customer has moved due to domestic violence. If the customer is liable for rent on both properties and in both cases there is a shortfall, a DHP could be awarded in respect of both properties subject to the weekly limit on each property.
- If the applicant is liable for payments on one dwelling, but is having to pay rent on two, a weekly DHP could be made to assist with the temporary accommodation up to the level of the weekly eligible rent on the dwelling from which they are temporarily absent.

Applicants must:

- Make an application on an approved form in writing.
- Engage with Housing Services to establish whether the current situation can be resolved with landlords through negotiation without the need for a DHP, or to facilitate a move to more affordable accommodation. This is particularly relevant to applicants who are threatened with homelessness, those who request payments against current arrears and deposits or rent in advance to move to a social housing property.
- Be able to prove demonstrable financial hardship or have experienced personal exceptional circumstances, for example the death of a close relative. Demonstrating financial hardship will normally be through completion of Tewkesbury Borough Council's DHP application form.
- Be able to demonstrate steps taken to achieve financial independence for example requesting and acting on advice through personal budgeting support services provided by Tewkesbury Borough Council.
- Be able to demonstrate meaningful attempts to move to more suitable accommodation if their financial hardship is as a result of their current property being unsuitable for the household's housing need (i.e. they are under-occupying social housing). The applicant would be expected to engage on an ongoing basis with Housing Services through the housing options process in these circumstances.

Application for a Discretionary Housing Payment may be declined if one or more of the following apply:

- Other support/provision has been granted for this need/situation
- Eligibility criteria has not been met
- Exceptional need not evidenced

- Exceptional financial circumstances not evidenced
- The applicant has already received a DHP either as;
Short-term financial support by way of an on-going DHP;
Rent in advance in lieu of an on-going DHP or;
Rent deposit in lieu of an on-going DHP
- The applicant chooses to cancel any arrangement whereby support/assistance is being provided by another body.

Notification of decisions

The applicant will be notified in writing of the outcome of the DHP claim within 14 days of receipt of the claim and all supporting documentation, or as soon as possible after that date.

If the claim is successful, the Council's decision letter will include the following:

- The reason for the award
- The amount awarded
- The period of the award
- Who will be paid the DHP
- The customer's duty to report any changes in circumstances
- Any conditions associated with the award
- Details of the right to review

If a claim is unsuccessful, the Council's decision letter will include an explanation of how the decision has been reached and details of the right to request a review.

The start date of an award

A Discretionary Housing Payment will normally be awarded from the Monday following the date the written application for a DHP is received.

A DHP cannot be awarded for any period outside of any existing Housing Benefit or Universal Credit period granted under the Housing Benefit or Universal Credit statutory schemes.

Length of award

Any payments granted under this policy will be made for a period relevant to the customer's circumstances. The minimum period for the award will be one week, but generally the length of the award will be:

- Minimum period of 13 weeks or until a beneficial change in circumstances acts to improve the household's ability to afford their rental liability.
- Maximum period of 26 weeks in the case of exceptional hardship.

It is possible for the award to be renewed, amended or cancelled depending on circumstances.

Payment of Discretionary Housing Payments

Payments will normally be paid in line with via BACS. Tewkesbury Borough Council will decide who the most appropriate person is to make payment to and this could include the applicant, landlord, appointee or agent.

Changes in circumstances

The applicant must tell the Council if their circumstances change after a DHP has been awarded. This is made clear to the applicant in both the application form and award letter if the application is successful.

Applicants must report all changes in circumstances that may be relevant to the DHP to the Revenues and Benefits Service even if they have been reported to other services or departments. The Council reserves the right to revise a DHP award at any time if the applicant's circumstances have changed.

Overpayments of a DHP

The Council will make every effort to minimise overpayments of a DHP. If an overpayment does occur, the Council will decide whether or not it is appropriate to recover. A written explanation of how the overpayment occurred and the period and amounts to which it relates will be issued to the applicant.

Generally the Council will not seek to recover an overpayment caused by official error unless the applicant caused or contributed to the error or was aware they were receiving a payment to which they were not entitled.

If recovery action is appropriate the Council will use the most appropriate way in which to recover the DHP. An overpaid DHP cannot be recovered from ongoing Housing Benefit entitlement.

Appeals

DHPs are not payments of Housing Benefit or Universal Credit and are therefore not subject to the statutory appeals process. If the applicant disagrees with a DHP decision they must put this in writing giving their reasons. This should normally be received by Tewkesbury Borough Council within one month of the date of the decision although more time can be given in exceptional circumstances.

Although there is no formal appeals process, if a decision is challenged it will be looked at again in the light of representations made by the applicant or their

representative by a different more senior officer to the one who made the original decision.

The applicant will be notified of the decision of the review which will clearly state the reasons for the decision. The applicant may apply for a judicial review of the decision, but is advised to take legal advice before undertaking this course of action.

Fraud

Tewkesbury Borough Council is committed to its fight against all forms of fraud. All allegations of fraud will be investigated and should a person make a false statement or provide incorrect evidence in support of their application for a Discretionary Housing Payment they may commit a criminal offence.

Policy Review

The policy will be reviewed annually to ensure it remains valid, effective and relevant. If any significant amendments are required the Policy will be brought back to Executive Committee for consideration. If there are any major changes to legislation which it means the Policy requires earlier review, appropriate action will be taken at the time.

Further guidance

Further guidance on the administration of Discretionary Housing Payments can be found in Department for Work and Pensions Discretionary Housing Payments Good Practice Guide

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 March 2018
Subject:	Public Space Protection Order – Dog Fouling
Report of:	Gordon Buchanan, Environmental Health Manager
Corporate Lead:	Peter Tonge, Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

To replace the current enforcement activity carried out under The Dogs (Fouling of Land Act) 1996 with a Public Spaces Protection Order (PSPO) providing authorised officers with more effective enforcement methods to deal with dog fouling.

Recommendation:

- 1. That a Public Spaces Protection Order be implemented under s.59 of the Antisocial Behaviour, Crime and Policing Act 2014 as set out at Appendix A.**
- 2. That Fixed Penalty Notice fines of £100 be introduced for all controls contained in the Public Spaces Protection Order.**

Reasons for Recommendation:

The Antisocial Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create Public Spaces Protection Orders where they are satisfied that activities carried out in a public place:-

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality.
- is, or is likely to be, persistent or continuing in nature.
- is, or is likely to be unreasonable.
- justify the restrictions imposed.

The Council currently controls dog fouling through provisions of The Dogs (Fouling of Land) Act 1996. That legislation has since been repealed, and the dog fouling provisions became part of the Clean Neighbourhoods and Environment Act 2005. This has also since been replaced by “Dog Control Orders” which are now made under the Anti-Social Behaviour, Crime and Policing Act 2014 forming part of a PSPO.

Introducing a PSPO has two main advantages over the current approach, namely:

- It allows for the fixed penalty fine, for failing to clean up after the dog under an individual’s control, to be increased from £50 to £100 creating a greater deterrent.
- It allows for the introduction of a second offence of failing to have readily available a suitable means of picking up any faeces deposited by a dog, under an individual’s control in any area open to the public across Tewkesbury Borough.

Resource Implications:

Officers currently have the power to issue fixed penalty notices relating to Dog Fouling, identifying the person responsible however, is often difficult. A great deal of officer resource can be taken up investigating complaints and identifying those responsible. Introducing the requirement that a person in control of a dog must have immediate access to a means of removing dog faeces from land would allow officer resource to be more efficiently directed at areas badly affected by dog fouling.

A publicity campaign informing the public about the introduction and penalties for non-compliance with the PSPO will be undertaken prior to robust enforcement activity.

In addition to all officers in the Environmental Health Team being authorised and trained to issue fixed penalties notices, other officers across the Council whose roll takes them into communities where they may witness these types of offences will also be authorised. Neighbourhood policing has advised that they wish to work closely with the Council regarding enviro-crime and antisocial behaviour. In this regard discussions will be had regarding the benefits of the PSPO's being authorised and able to issue fixed penalty notices.

Areas that are particularly badly affected by dog fouling will be patrolled this will impact on resources, however this impact will be minimised through the extensive authorisation of Council Officers as described above and joint working with the Police.

Legal Implications:

Fixed Penalty Notices will be issued offering the opportunity to discharge liability to conviction where necessary. Prosecutions under the PSPO may be carried out in situations where this is proportionate and in the public interest. All enforcement will be undertaken in line with the Environmental Health Enforcement Policy.

Risk Management Implications:

The main risk would be public acceptance of the introduction of a PSPO. In this regard a consultation exercise was carried out from August 2017 to January 2018. Those believing introduction of a PSPO would not help address the dog fouling problem were 18% compared with 57% who believed it would help and 25% who did not know.

Performance Management Follow-up:

If adopted, the fixed penalties will become part of the enviro-crime toolkit and will be included in the enviro-crime action plan, the progress of which is reported to Overview and Scrutiny Committee.

Environmental Implications:

Representing a greater deterrent with increased fixed penalties and offering a more proactive means of tackling dog fouling the introduction of this PSPO should lead to a reduction in dog fouling affected land across the Borough.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 The issue of land affected by dog fouling is a constant source of frustration and anger to residents. It represents not only a source of odour and contamination that can get on shoes and clothes and be dragged into houses, but also a significant public health concern with the faecal matter containing a range of pathogens. Of particular note being toxocara canis which can cause blindness.
- 1.2 Identifying those that fail to pick up after the dog under their control is, by its nature, generally very difficult and resource intensive.

- 1.3** The Council currently has the power to issue £50 fixed penalty notices to those who fail to pick up after a dog under their control when it fouls on land open to the public. The particular land that is currently relevant is defined in the “Tewkesbury Borough Council, Designation of Land Order No 1 (and Revocation of Designation of Land Order No 1 1988) Order 2001, which came into force on 21 July 2003.
- 1.4** The Dogs (Fouling of Land) Act 1996 was partially repealed by the Clean Neighbourhoods and Environment Act 2005, which introduced Dog Control Orders. These allowed Councils to extend controls on dogs beyond the failure to remove dog faeces. Councils however had to adopt and introduce dog control orders. Where they did adopt the original legislation no longer applied, where they did not adopt the broader powers, as was the case with Tewkesbury Borough Council, the original legislation remained relevant and enforceable.
- 1.5** The Antisocial Behaviour, Crime and Policing Act 2014 replaced the aforementioned Dog Control Orders requiring them to be reviewed and revised and reinstated where appropriate as Public Space Protection Orders (PSPOs). Equally Councils which had not introduced Dog Control Orders could introduce Public Space Control Orders to more broadly control antisocial behaviour associated with dogs.
- 1.6** Prior to the implementation of enforcement action a publicity / education campaign will be undertaken so that the public are aware of the implications of the PSPO and the associated penalties. Following this, robust enforcement action will be undertaken along with the relevant media communications.

2.0 PROPOSED POLICY AMENDMENTS

- 2.1** The Council will introduce a Public Space Protection Order across Tewkesbury Borough with two specific provisions relating to controlling dog fouling. Those provisions being:
- it is an offence not to remove dog faeces from land which the public have access to; and
 - it is an offence not to produce, on request, a suitable means of removing dog faeces from land.
- 2.2** The PSPO will cover any place to which the public, or any section of the public, has access for payment or otherwise, as of right or by virtue of express or implied permission (s 74(1) of the Act). This means that the controls will apply to all land in Tewkesbury Borough open to the air including agricultural land.
- 2.3** The controls will not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.
- 2.4** The PSPO will expire after 3 years, at which point a full review of the controls in place will be carried out and, if necessary, amendments will be made or the Order will be extended for a further 3 years.
- 2.5** The Dogs (Fouling of Land) Act 1996 and associated By-Laws will cease to have effect.

3.0 CONSULTATION

- 3.1** A public consultation was carried for 12 weeks (as required under the legislation) from 14 August 2017 until 6 November 2017. Details of the consultation are contained in Appendices 1 and 2 attached to this report. A summary of the responses to the consultation is contained in Appendix 3.

3.2 Prior to adoption of the PSPO, it is a requirement that the Chief Officer of Police and the Police and Crime Commissioner be consulted. Subject to approval of this report, the Chief Officer and Police and Crime Commissioner will be consulted. Given the nature of the proposed Order it is not anticipated that there will be any changes to it as a result of this consultation. Should there be any significant changes then these will be brought back to Executive Committee.

4.0 RELEVANT COUNCIL POLICIES/STRATEGIES

4.1 Environmental Health Enforcement Policy.
Enviro-Crime Action Plan.

5.0 RELEVANT GOVERNMENT POLICIES

5.1 None.

6.0 RESOURCE IMPLICATIONS (HUMAN/PROPERTY)

6.1 An estimated £800 is proposed to be used in a publicity campaign.

7.0 SUSTAINABILITY IMPLICATIONS (SOCIAL/COMMUNITY SAFETY/CULTURAL/ECONOMIC/ ENVIRONMENT)

7.1 The aim of the Public Space Protection Order is to improve the environment.

Background Papers: Enviro-Crime Action Plan.

Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers - Statutory Guidance for Frontline Professionals.

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Appendices:

1. Public Space Protection Order Consultation.
2. PSPO Area Map Consultation.
3. Consultation Summary.

Appendix 1 Public Spaces Protection Order - Consultation

Public Spaces Protection Order Consultation – Dog fouling

Under the Antisocial Behaviour, Crime and Policing Act 2014 the Council has the power to make a Public Spaces Protection Order to help protect the community.

Tewkesbury Borough Council would like to make an order to address the problem of dog fouling. The order will impose the following requirements on public land across the whole of the borough.

- A person in control of a dog must ensure that dog faeces are removed from the land forthwith.
- A person in control of a dog must ensure that they have means available to clear up dog faeces.
- A person in control of a dog must ensure that dog faeces are disposed of in an appropriate receptacle.

The order will be enforced by officers from the Council and failure to comply with the order may result in a fixed penalty fine of up to £100 or prosecution.

It is envisaged that the enforcement options which are available in connection with the order will help consolidate the powers available to the Council to tackle dog fouling and improve the Council's approach to dealing with this important issue.

The purpose of this consultation is to seek your views and opinion on the proposed order. Therefore we would be very grateful if you would complete this short survey. The results of the survey will help the Council to decide whether or not the proposed order should be approved.

The consultation period will be open for 12 weeks from 14th August 2017 until the 6th November 2017.

Proposed Order

Tewkesbury Borough Council



Anti-Social Behaviour Crime and Policing Act 2014 Public Spaces Protection Order

Tewkesbury Borough Council ("The Council") hereby makes the following order.

Preliminary

The Council in making this order is satisfied that the failure to remove dog faeces forthwith and incorrect disposal of dog faeces, bagged or otherwise, is a behaviour which is prevalent within Tewkesbury Borough and has a detrimental effect on the quality of life of those in the locality. The Council is also satisfied that the effect, or likely effect of the behaviour is, or is likely to be of a persistent or continuing nature, is unreasonable, and justifies the restrictions imposed by this notice.

General Provisions

1. This order shall apply to all land, which is open to the air, within the administrative boundary of Tewkesbury Borough Council (as shown within the red boundary on the attached plan) and to which the public have a right or entitlement to access, whether paid or unpaid.
2. It is an offence for a person, in the absence of a reasonable excuse, to fail to comply with this order. A person found to be in breach of this order may be liable to a fixed penalty notice of up to £100 or on summary conviction a fine, not exceeding level 3, on the standard scale.

Dog Fouling

3. If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith.

Means to pick up dog faeces

4. A person in charge of a dog on land to which this order applies must have available an appropriate means to pick up dog faeces produced by that dog.

Disposal of dog faeces

5. Dog fouling which takes place on land to which this order applies must be disposed of in an appropriate receptacle. An appropriate receptacle is a purpose provided general waste bin or dog waste bin.

Exemptions

6. The requirements imposed by this order shall not apply to:

- i. A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or.
- ii. A person who has a physical or mental disability which prevents them from being able to comply with this order.

This order shall come into on..... for a period of 3 years from the date of this order unless extended by further orders made under the Council's statutory powers.

Given under the common seal of Tewkesbury Borough Council on the

..... day of.....2017.

hereby affixed in the presence of:

Peter J Tonge
Head of Community Services.

Public Space Protection Order Consultation Survey

Tewkesbury Borough Council

Q1. In what capacity are you completing this questionnaire? (please tick all that apply)

- A permanent resident within Tewkesbury Borough
- A business owner within Tewkesbury Borough
- A regular visitor to Tewkesbury Borough
- An occasional visitor to Tewkesbury Borough.

Q2. Do you think that dog fouling is a persistent problem in your community/neighbourhood?

- Yes
- No
- Don't know

Q3. Have you ever witnessed a person in control of a dog fail to remove dog faeces, within Tewkesbury Borough ?

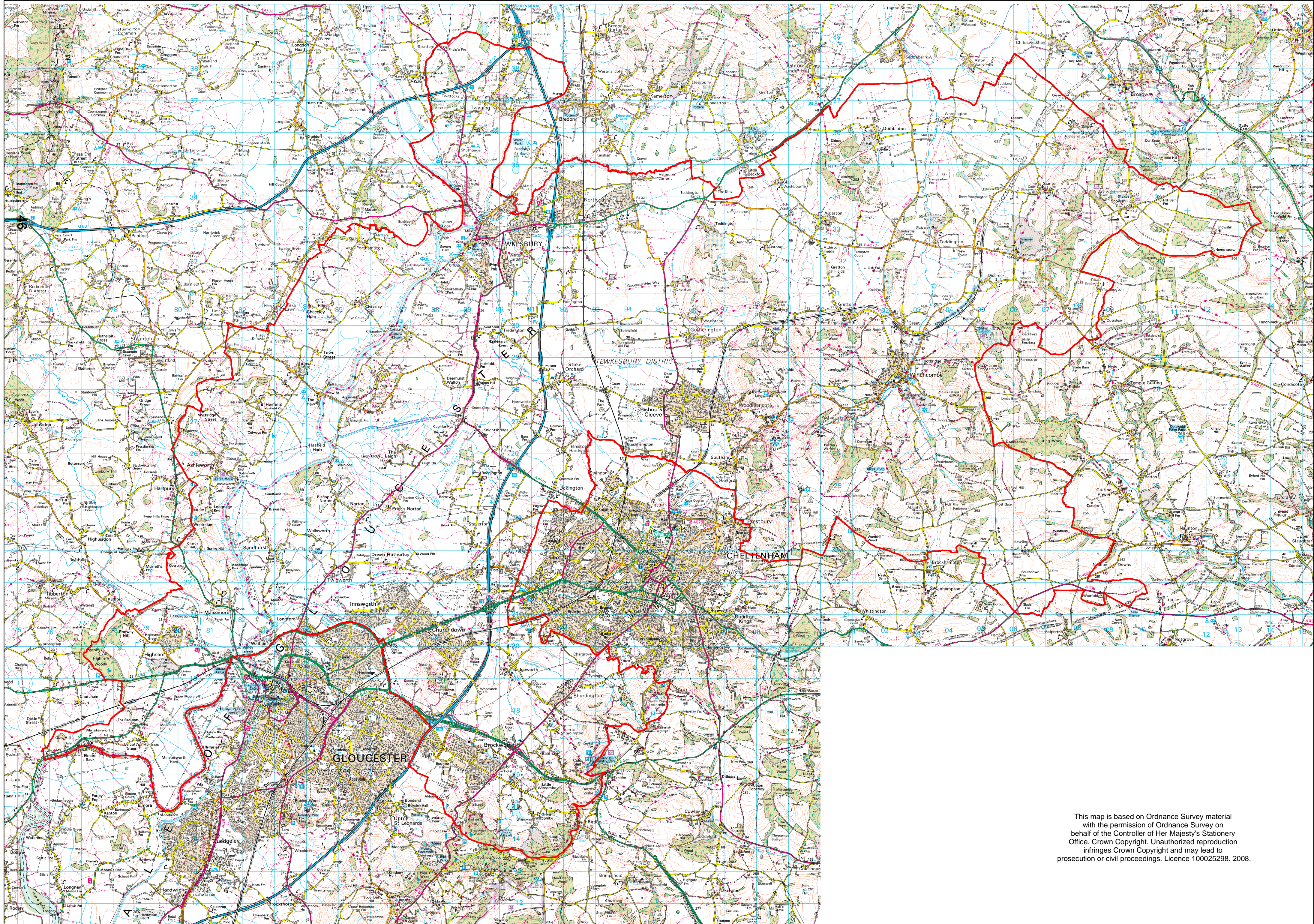
- Yes
- No

Q4. Do you think that regulating dog fouling with the use of a borough wide public space protection order will help address the problem of dog fouling within Tewkesbury Borough?

- Yes
- No
- Don't know.

Q5. Please let us know about any additional comments you may wish to make regarding the proposed order.

- Comments



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Appendix 3 Summary of Public Space Protection Order

Total Number of Responses: 510

Q1. In what capacity are you completing this questionnaire? (please tick all that apply)

- A permanent resident within Tewkesbury Borough - **433 (84.9%)**
- A business owner within Tewkesbury Borough - **6 (1.1%)**
- A regular visitor to Tewkesbury Borough - **32 (6.3%)**
- An occasional visitor to Tewkesbury Borough. - **21 (4.1%)**

There were also those responded stating they feel within more than one group:

- A resident within Tewkesbury Borough, A business owner within Tewkesbury Borough – **13 (2.5%)**
- A resident within Tewkesbury Borough, A regular visitor to Tewkesbury Borough – **3 (0.6%)**

Two did not respond to this question

Q2. Do you think that dog fouling is a persistent problem in your community/neighbourhood?

- Yes - **376 (73.3%)**
- No - **76 (14.9%)**
- Don't know - **28 (5.4%)**

Didn't Answer: **30 (5.8%)**

Q3. Have you ever witnessed a person in control of a dog fail to remove dog faeces, within Tewkesbury Borough ?

- Yes – **334 (65.5%)**
- No – **176 (34.5%)**

Q4. Do you think that regulating dog fouling with the use of a borough wide public space protection order will help address the problem of dog fouling within Tewkesbury Borough?

- Yes – **290 (56.8%)**
- No - **91 (17.8%)**
- Don't know – **125 (24.5%)**

* 4 didn't answer this question

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 March 2018
Subject:	Self Build and Custom Housebuilding Register – Local Connection Criteria
Report of:	Annette Roberts, Head of Development Services
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

Executive Summary:

To seek approval to introduce a local connection criteria, under Regulation 5 (2) of the Self-build and Custom Housebuilding Regulations 2016, for entry onto the Council's Self-Build and Custom Housebuilding Register.

Recommendation:

1. **To APPROVE the introduction of local connection criteria for entry on to the Council's Self-Build and Custom Housebuilding Register.**
2. **To APPROVE the local connection criteria as set out at Paragraph 2.1 of the report.**

Reasons for Recommendation:

To ensure that the Register is truly reflective of the local demand for plots in Tewkesbury Borough.

Resource Implications:

Staff resource is already used to maintain the Register. This would only involve a minor amount of additional officer time.

Legal Implications:

The Self-build and Custom Housebuilding Act 2015 places a duty on the Borough Council to prepare and maintain a register of individuals or groups who are interested in undertaking a self-build or custom housebuilding project.

Risk Management Implications:

The risk of not implementing a local connection test is that there is a duty on the Council to provide self-build and custom housebuilding plots equivalent to the number of people on the Register each year, regardless of who the applicants are, where they are from and what other authority registers they may be on. This may have implications on the development management process when considering any future applications for self-build homes against the duty, in Regulation 2A(a) of the Self-Build and Custom Housebuilding Regulations 2016, to provide sufficient serviced plots.

Performance Management Follow-up:

Subject to the adoption of the Local Connection Test policy, the effectiveness will be monitored by the Planning Policy team and will be reported on within the annual authority monitoring report.

Environmental Implications:

Protection of the natural environment within Tewkesbury Borough will be achieved by preventing otherwise inappropriate or unsustainable development.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Self-build and Custom Housebuilding Act 2015 places a duty on the Borough Council to prepare and maintain a register of individuals or groups who are interested in undertaking a self-build or custom housebuilding project. The Act also places a duty on the Council to have regard to the register when carrying out planning and other functions and is regarded as a material consideration in decision making. The Council has an existing published register and as of 9 February 2018 there were 32 eligible individual applicants and one group, comprising a family group of three couples.
- 1.2** The initial regulations published following the 2015 Act allowed UK or EEA applicants, over the age of 18 and wishing to develop a plot for their sole, or main, residence to register with any number of local authorities.
- 1.3** On 31 October 2016 the Self-Build and Custom Housebuilding (Register) Regulations 2016 came into force. These Regulations gave local authorities the power to introduce an additional 'local connection test' for anyone seeking to join the Register. The Regulations also placed a further duty on local authorities to grant planning permissions for enough serviced plots to meet the demand on the register in any given year.
- 1.4** The power to introduce a local connection test gives Councils the ability to ensure that the Register is truly reflective of the local demand for plots.
- 1.5** However those not meeting the local connection test criteria will not be denied entry to the Register, providing the applicants meet the basic eligibility criteria of nationality, age and the intention to build the house to live in themselves. Instead the Register will be split into two parts: Part 1 for those applicants who meet the locally set criteria, and Part 2 for those who do not. This means the Council will only be required to consider the number of applicants on Part 1 of the Register when meeting the duty to provide sufficient planning consents for serviced plots. However, the Council would still need to have regard to the number of applicants on Part 2 of the Register. Those entered onto the Register prior to the introduction of the local connection test would have to be placed on Part 1 regardless of whether they would meet the criteria.

2.0 LOCAL CONNECTION TEST

- 2.1** The Self-Build and Custom Housebuilding Regulations 2016 do not specify how the local connection test should be applied. It is therefore proposed that the criteria set down in Paragraph 199 of Part 7 of the Housing Act 1996 is used to define 'local connection'. Paragraph 199 defines someone as having a local connection through either normal residence (current or previous); employment; or family connection. Applying these to applicants for Tewkesbury Borough Council's Self-Build Register would result in the following definitions:

Normal residence

Persons who have had, or whose partners have had, at the time of applying to the Self-Build Register their only or principal home in Tewkesbury Borough for a continuous period of six of the last twelve months, or three of the last five years.

Persons who, or whose partners are, in the service of the regular armed forces of the Crown (defined within the meaning of Section 374 of the Armed Forces Act 2006) or have left regular service within the past five years immediately preceding their application to be entered onto the Self-Build Register. (This is a required criteria from the Self-Build and Custom Housebuilding (Register) Regulations 2016).

Employment

Persons who have had, or whose partners (who are part of the same household) have had, at the time of applying to the Self-Build Register their principal permanent place of work in Tewkesbury Borough for a period of six months.

Family Connection

Persons who have had, or whose partners have had, at the time of applying to be entered onto the Self-Build Register, immediate family members (parents, adult siblings, adult children) living in Tewkesbury Borough for a continuous period of five years.

- 2.2** Only those applicants who would meet one of these criteria would be eligible for inclusion on Part 1 of the register. In the event that an application is from a group of individuals then each of the households would be required to meet the local connection criteria.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 3.1** Tewkesbury Borough Local Plan to 2011.

Joint Core Strategy (2011 – 2031).

Emerging Tewkesbury Borough Plan (2011-2031).

4.0 RELEVANT GOVERNMENT POLICIES

- 4.1** National Planning Policy Framework.

National Planning Practice Guidance.

5.0 RESOURCE IMPLICATIONS (Human/Property)

- 5.1** Staff resource is already used to maintain the register. This would only involve a minor amount of additional officer time.

6.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

6.1 The maintenance of the Register and the implications of having a local connection test may have an impact on the number of self-build or custom housebuilding applications that the Council will be required to permit to meet the demand for serviced plots. New development can therefore have sustainability implications, but these will be guided by national and local planning guidance.

7.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

7.1 None.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

8.1 None.

Background Papers: None.

Contact Officer: Matthew Barker, Planning Policy Manager Tel: 01684 272089
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Appendices: 1. Local Connection Criteria 'Paragraph 199 of Part 7 of the Housing Act 1996'.

Housing Act 1996 c. 52 Part 7

199 Local connection.

(1) A person has a local connection with the district of a local housing authority if he has a connection with it—

- (a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice,
- (b) because he is employed there,
- (c) because of family associations, or
- (d) because of special circumstances.

F50(2).

(3) Residence in a district is not of a person's own choice if—

F51(a).

- (b) he, or a person who might reasonably be expected to reside with him, becomes resident there because he is detained under the authority of an Act of Parliament.

F52(4).

(5) The Secretary of State may by order specify **F53**... circumstances in which—

- (a) a person is not to be treated as employed in a district, or
- (b) residence in a district is not to be treated as of a person's own choice.

F54

(6)A person has a local connection with the district of a local housing authority if he was (at any time) provided with accommodation in that district under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).

(7) But subsection (6) does not apply—

- (a) to the provision of accommodation for a person in a district of a local housing authority if he was subsequently provided with accommodation in the district of another local housing authority under section 95 of that Act, or
- (b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (use of accommodation centres for section 95 support).

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	14 March 2018
Subject:	Roses Theatre, Community Grant Alteration
Report of:	Annette Roberts, Head of Development Services
Corporate Lead:	Robert Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Community
Number of Appendices:	One

Executive Summary:

In September 2016 the Roses Theatre was awarded a Community Grant of £19,950 towards the refurbishment of the Morecombe room and a hearing loop for the café.

Since the grant was awarded, there has been a change in the management at the Theatre and the new Director has made a request to use the grant for a different purpose.

As the Council's Community Grant Scheme has now been withdrawn, recommendations on funding are required to be referred to Executive Committee for approval.

Recommendation:

To AGREE the amendments to the grant for the Roses Theatre Trust on the basis set out in this report, subject to the Trust completing a lease of the Roses Theatre with the Council.

Reasons for Recommendation:

- The new application meets the criteria of the Community Grants Scheme.
- It will be an improvement to the Roses Theatre which will benefit the Borough residents.

Resource Implications:

The existing grant is financed from sums already allocated so there are no new resource implications associated with this request. If Members decided not to support the change in use of the agreed funding, the grant offer would need to be withdrawn and the monies allocated returned to capital balances. The Council no longer has a grants scheme from which to award new grants and so the monies would just replenish the balances of the Council.

Legal Implications:

The Council has various powers to make a grant of this nature, including financial assistance under Section 145 of the Local Government Act 1972 and Section 19 of the Local Government (Miscellaneous Provisions) Act 1976.

It is recommended that the grant is not advanced until the Theatre Trust has a current lease of the Theatre premises, in order for it to have a proper legal interest in the property in which it proposes to undertake the works.

Risk Management Implications:

None associated directly with this report.

Performance Management Follow-up:

Feedback on community funding is provided within the council's performance tracker.

As per the terms and conditions of the grant the Roses will be required to provide feedback to the Council.

Environmental Implications:

None associated directly with this report.

1.0 INTRODUCTION/BACKGROUND

1.1 The Roses Theatre was granted a community grant of £19,950 in September 2016 from the Tewkesbury Borough Council Community Grant Working Group. A new lease to the Theatre is currently under negotiation and is expected to be completed shortly.

1.2 The grant was awarded to:

- To convert the Theatre's Morecambe Room into a more versatile meeting space, to be hired out or used by community groups, schools and local businesses.
- To install a commercial kitchen to support and serve the business/community room.
- To replace and upgrade the Theatre audio equipment, which will be both reliable, portable and allow the Theatre to access more audiences.

1.3 At that time the Council was distributing Community Grants based on the following criteria:

1. Where the project covers (up to 20% of the final score – capital projects only).
 - Borough-wide.
 - Multi Parish.
 - Parish/Local Facility.
2. Evidence of a clear need for the project e.g. consultation and relevant local statistics (up to 20% of the final score – capital projects only).
3. Whether the application has secured or applied for funding, including to the local Parish/Town Council (up to 30% of the final score – capital projects only).

4. How will the grant positively influence the community incorporating (up to 30% of the final score – capital projects only):
 - A. Bringing communities together and becoming more socially sustainable.
 - B. Encouraging communities to be healthier and more active.
 - C. Encouraging learning of new skills that will be used for community benefit.
 - D. Demonstrating the financial sustainability of the group and project.
 - E. Encouraging volunteering in the community.
 - F. Improving and maintaining the community's environment.

The maximum capital grant award was £30,000.

2.0 APPLICATION AMENDMENTS

2.1 In January 2018, the Roses Theatre approached the Council to request a change to their application, as follows:

- A. To upgrade the seating in the auditorium. The Roses Theatre would like to upgrade the seating in the auditorium. They suggest that the standard of the seating is below what is expected at a Theatre and they state that this is stopping and deterring customers from attending the Theatre. The estimated cost is £70,000 for 374 seats.
- B. Refurbishment of the stage and backstage. The second request is to alter the grant to refurbish the stage and backstage of the Theatre. The current interior is very dated and not appropriate for their needs and to meet performer's expectations, including mould in the shower, no tiling and badly stained carpets.

They state that they need to upgrade some of the technical equipment such as the hanging bars from which lighting and drapes are suspended. Also, sound and lighting equipment is gradually becoming unusable and failing annual testing. The Theatre's survival depends on the ability to present shows with adequate lighting, staging and sound quality. The estimated cost is £30,000 for dressing room and stage equipment.

Please see more attached letter from The Roses Theatre Interim Director for more detailed information.

2.2 The Roses performs a unique role and has great economic value and cultural significance to the Borough and wider area. The Theatre hosts a range of performances, varying from live music, cinema, live screenings, theatre, comedy and dance, popular entertainment such as pantomimes and innovative contemporary arts.

2.3 The Roses Theatre also applied to the LEADER Programme and was awarded a grant of £24,139.20 for development of kitchen facilities and to refurbish the Morecambe room to make it fit for business use and hire. It has withdrawn this application and is submitting a new expression of interest for consideration. This application will be for a sum of £60,000 towards new seating and to refurbish the backstage area, contributing to the same work outlined in 2.1. The Theatre is also working with the Council's Funding Officer in order to secure other match funding. The Theatre is also working with the Council's Funding Officer in order to secure other match funding.

2.4 Therefore, the recommendation is to agree to the Roses Theatre's request to amend its application for £19,950 to enable it to carry out the work detailed in 2.1.

3.0 OTHER OPTIONS CONSIDERED

3.1 A withdrawal of the grant was not considered, due to the importance of the Theatre and the nature of the request.

4.0 CONSULTATION

4.1 None.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Council Plan 2016-2020.
Development Services Service Delivery Plan.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 The Roses Theatre is the only Theatre in the Borough. It provides a variety of shows and programmes for the local community as well as visitors from further afield.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Community Grants are no longer distributed by the Borough Council, after a decision made by Executive in March 2016 to stop the grant system.

Background Papers: None.

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Martha Mundy, Community Funding Officer,
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Appendices: 1. Letter from The Roses Theatre Interim Director

Supporting letter from Geoffrey Rowe the Roses Theatre Interim Director

Dear Martha

Here is my explanation about the change in plans for the proposed community grant.

Originally the plan was to decorate the Morecombe Room to make it suitable for corporate entertaining. Additionally the plan was to make a bar store into a kitchen to provide food for the delegates and for the audiences. The application was put on hold because the theatre was without a Director and there was a financial loss for the 2016/7 year which needed to be covered to put the theatre back onto a financial 'even keel'. That has been achieved and the 2016/7 accounts show a modest surplus and there is a balanced budget for the year beginning 1st February 2018.

With the passing of time it has been realised that the Morecombe Room is needed for office space. The area backstage is needed for dressing room/green room provision for the bigger shows and for the pantomime children's chorus. Additionally, the kitchen would not have been sufficient size to serve an audience before a show and the profits unlikely to cover additional staffing.

Having carried out a survey of theatre's needs, it is clear that the two vital areas need attention - the auditorium seating and the stage area including the dressing rooms.

The seating is becoming threadbare after 17 years and the upholstery is beginning to come through the seat covers at various points. The arms of many seats are frayed and insecure. As well as undermining the comfort of paying customers, the image and reputation of the theatre is undermined by the view across the auditorium. The standard of seating is falling well below what paying customers expect of a public venue. The two companies I have approached for a quote have said that it is more expensive to re-upholster than to buy new seating. The quotes are both close to £70,000 for 374 seats.

The stage and backstage areas have not been refurbished in many years judging by the standard of the dressing rooms which fall well below what one would expect to offer visiting artists. Mould in the only shower, no tiling on the toilets, badly stained carpets and a need for a re-fit of sinks, dressing tables and painting of walls. A visit backstage here would make this clear.

It is a point worth making given the title of the TBC grant that it is precisely the community type of show which need the larger dressing room space - the local children in the pantomime for 6 weeks, the Manor Players and the local choirs and bands who use the theatre.

We also need to upgrade some of the technical equipment such as the hanging bars from which lighting and drapes are suspended. The sound and lighting equipment is gradually becoming unusable and failing annual testing. The theatre's survival depends on the ability to present shows with adequate lighting, staging and sound, of course. A budget of £30,000 would cover the refurbishment of dressing rooms and provide some of the technical needs. I am obtaining quotes for this work for the Leader Fund application and can provide to TBC in due course. From initial discussions with decorators and plumbers £10,000 would be a sensible budget for the dressing rooms leaving £20,000 for the stage.

I am applying for a £60,000 grant from the Leader Project and wish to offer £20,000 from TBC as detailed leaving £20,000 for the theatre to find. Initially, we have the cash flow to deal with this expenditure but we would launch a traditional 'sponsor a seat' campaign which funded some of the cost of seating 17 years ago. There are also local trusts who may wish to help us at a modest level. If both yourselves and the Leader committee agree to the funding the projects will be achievable.

Please let me know if you need further information and/or if you would like to see a sight of the current state of the theatre.

I appreciate that the grant could not be committed until we have firm quotation. At this point we need to know if the TBC are willing to vary the grant in this manner.

Best wishes

Geoffrey Rowe

Interim Director

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