

# Public Document Pack



# Agenda

Meeting: **Overview and Scrutiny Committee**  
Date: **18 June 2019**  
Time: **7.00 pm**  
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Appointment of Chairman**
2. **Appointment of Vice-Chairman**
3. **Apologies for Absence**
4. **Declarations of Interest**

Members of the committee should declare any interests which fall under the following categories\*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

5. **Minutes (Pages 5 - 10)**

**Queries about the agenda? Need a different format?**

Contact: Kate Clark Tel: 01303 853267  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk)  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

To consider and approve, as a correct record, the minutes of the meeting held on 16 April 2019.

**6. Community Safety Partnership Annual Plan and Strategic Assessment (Pages 11 - 42)**

This cover note report OS/19/01 is to inform the Overview & Scrutiny Committee that the Folkestone & Hythe Community Safety Partnership (CSP) has published its 19/20 community safety plan. The Overview and Scrutiny Committee acts once a year as the Crime and Disorder Scrutiny Panel as defined by the Police and Justice Act 2006 (which amended the Crime and Disorder Act 1998) to oversee and scrutinise community safety work across the district. Key partners from the CSP will be in attendance.

**7. New Public Spaces Protection Order - Final order with boundary maps and working protocols (Pages 43 - 106)**

On 13th March 2019, Cabinet agreed to bring into force all seven measures that were subject to public consultation for the new proposed Public Spaces Protection Order (PSPO) for implementation in June 2019. Report C/19/04 provides information on how the PSPO will be implemented through a series of working protocols, attached, and a copy of the final order with boundary maps that require sealing is also attached.

**8. General Fund Capital Programme Outturn 2018/19 (Pages 107 - 124)**

Report C/19/01 summarises the 2018/19 final outturn position (subject to audit) for the General Fund capital programme compared to the latest approved budget. The report also summarises the outturn position for the approved prudential indicators for capital expenditure in 2018/19.

**9. General Fund Revenue 2018/19 Provisional Outturn (Pages 125 - 136)**

Report C19/03 summarises the 2018/19 final outturn position (subject to audit) for the General Fund revenue expenditure compared to both the latest approved budget and quarter 3 projections.

**10. Housing Revenue Account Revenue and Capital Financial Outturn 2018/19 (Pages 137 - 148)**

Report C/19/02 summarises the 2018/19 final outturn position (subject to audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 3 projections.

\*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

## Overview and Scrutiny Committee - 18 June 2019

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

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# Minutes

## Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 16 April 2019
Present	Councillors Miss Susan Carey, Peter Gane (Chairman), Clive Goddard, Mrs Mary Lawes, Michael Lyons, Ian Meyers, Russell Tillson and Mrs Rodica Wheeler
Apologies for Absence	Councillor Mrs Claire Jeffrey
Officers Present:	Kate Clark (Committee Services Officer), Amandeep Khroud (Assistant Director), Sue Lewis (Committee Services Officer), Fred Miller (Transportation Manager), Mandy Pile (Waste Services Manager) and Andrew Rush (Corporate Contracts Manager)
Others Present:	Councillor Mrs Ann Berry, Cabinet Member for Transport and Commercial and Councillor Stuart Peall, Cabinet Member for The Environment

### 183. Declarations of Interest

There were no declarations of interest.

### 184. Minutes

The minutes of the meetings held on 7 and 12 March 2019 were submitted, approved and signed by the Chairman.

### 185. Call-in Report - Reconsideration of Decision 18/076

Councillor Mrs Ann Berry informed members that on 7 March 2019 the Overview and Scrutiny Committee considered the call – in of decision number 18/076 relating to the informal consultation on proposals to extend controlled parking zones F& G.

As the Cabinet Member for Transport and Commercial she was asked to reconsider the decisions made taking into account the recommendations of the Overview and Scrutiny Committee as below:

- (a) That the proposed actions for further informal consultation to take place in Garden Road and Walton Road be agreed.
- (b) That following further informal consultation and subject to the results, the scheme will be subject to formal consultation with submission of the TRO (traffic regulation order).d

Councillor Mrs Berry informed members that dependant on the results of the review a decision will be made as to whether to proceed with the formal consultation.

Report OS18/04 provided the outcome and actions to be taken.

Fred Miller, Transportation Manager informed members that subsequent consultations had taken place in Garden Road and Walton Road by officers door knocking but this was not possible in all areas due to staffing availability. The Harbour area will remain the same as it is with the rest changing. Members were informed that the majority of residents wanted a parking scheme in this area, but a further consultation will be done for additional comments to be submitted.

Mr Miller explained the application process for a CPZ informing that residents can apply by letter and are also encouraged to get a petition signed. It is unlikely to put a CPZ in just one road. Once a letter has been received then officers seek to ask residents if they are interested in a CPZ through a formal consultation.

A request for figures of those residents seeking a parking zone either through a letter or petition would be provided to members following the meeting.

Results of the subsequent consultations are now awaited.

Proposed by Councillor Clive Goddard  
Seconded by Councillor Mrs Rodica Wheeler and

**Resolved:**

- 1. **To receive and note Report OS/18/04.**

(Voting: For 4; Against 3; Abstentions 1)

**186. Annual Scrutiny Programme 2019/20**

Report OS/18/05 presented recommendations for the work programme for the Overview and Scrutiny Committee for 2019/20.

Amandeep Khroud, Assistant Director presented the report informing members that additional items could be added to the annual scrutiny programme should it be necessary as it is an evolving document.

She informed that the information provided on the table attached to the report was through various means as shown in part 2.1 of the report. A review of the information provided would be looked into.

Councillor Tillson was disappointed to hear that the item in respect of library provision, requested by a number of parish/town councils, had not come forward as an item for scrutiny. It was agreed that he would speak with the Assistant Director on the issues raised within the completed scoping form and following consideration could be added to the annual scrutiny programme.

Following a request from Councillor Mrs Lawes it was agreed that the following item be referred to the Assistant Director, Environment & Corporate Assets for him to provide the necessary information:

The number of Council owned garages and those that are vacant.

Proposed by Councillor Mrs Mary Lawes  
Seconded by Councillor Russell Tillson and

**Resolved: To review the amount of graffiti in the district, look at ways of prevention and to look at providing a controlled environment that could be used for graffiti artists.**

(Voting: For 8; Against 0; Abstentions 0)

Proposed by Councillor Mrs Rodica Wheeler  
Seconded by Councillor Miss Susan Carey and

**Resolved:**

1. **To receive and note report OS/18/05.**
2. **To recommend to Council that the items numbered (5); (7); (9); (10) and (14) in appendix 1 to this report form the annual scrutiny work programme for 2019-20.**

(Voting: For 7; Against 0; Abstentions 1)

#### 187. Domestic Bins and Container Charges

The Council's discretionary fees and charges policy was amended starting in April 2017 that the replacement of refuse (residual) bins would be charged in all circumstances. Prior to this the replacement of residual bins had been provided free of charge if lost or damaged on collection day. The purpose of this change was to control spiralling costs. The Council continues to replace recycling bins and containers free of charge to residents if lost or damaged on the collection day.

Mandy Pile, Waste Services Manager and Councillor Stuart Peall, Cabinet Member for the Environment were in attendance to listen to members concerns

and answer questions, following a request by Folkestone Town Council to review its charging of replacement bins.

Members heard that the council is responsible for 40,000 residual bins across the district with the majority still fine. To replace all 40,000 it would cost in the region of £1.96M, which cannot be supported and could mean an increase to council tax.

In the last year 570 bins were replaced by Veolia and 192 were charged for, this is a small amount in comparison to the numbers the council is responsible for.

Although it is difficult to prove that some bins have been damaged on collection days Veolia will check and replace any it deems have been caused by them. It is therefore requested that all incidents of damaged bins are made to them as soon as possible following the collection days. Veolia do try to salvage spare parts such as hinges and lids but with designs changing all the time this is not always possible.

It was reported that some areas of the district are struggling to continue to recycle due to non-replacement bins and residents not being able to afford replacement bins. In these circumstances residents are advised to contact the council so that an alternative method of recycling can be suggested, such as purple bags.

The Cabinet Member informed the Committee that all incidents should be reported and if a resident is not happy with the outcome then there is an appeal process they can go through. The Council is flexible in the way that it manages replacement bins and would assess each issue on its merit.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Peter Gane and

**Resolved:**

1. **To receive and note report OS/18/06.**
2. **The Committee believes that the protection and promotion of the interests of local residents is paramount. It is the view that the present focus upon financial savings in respect of domestic bin and container charges fails to meet this requirement.**
3. **It calls upon the Cabinet to abandon the current policy of charging residents for the replacement of bins where it is clear the damage has been caused by the contractors, Veolia.**
4. **It further requests that when the time comes to re-negotiate the present contract with Veolia the obligation to replace bins damaged but the contractor's staff should rest firmly with Veolia.**

(Voting: For 7; Against 0; Abstentions 0)

## 188. Kent Joint Municipal Waste Management Strategy

The 13 Kent Councils working together through the Kent Resource Partnership (KRP) adopted the first Kent Joint Municipal Waste Management Strategy (KJMWMS) in 2007. The strategy was refreshed and adopted in 2012 and the KRP has been working over the past year to update the strategy further, report C/18/59 seeks Cabinet agreement to adopt the refreshed KJMWMS objectives and policies. This is a common report being considered by each of the Kent authorities.

Members paid particular attention to the following:

- Reduction in landfill waste has been significant – the new strategy will improve on this and it will encourage residents to continue to do more.
- Recycling has been a success and is improving all the time.
- Landlords/flats – officers have tried to work with landlords and will revisit again, along with housing in multiple occupation.

Some of the sites do not have the facility or space to provide recycling bins, with some not allowing bins in certain areas, an example of this problem has arisen along the Leas where agents will not allow bins in certain parts of the carpark.

Councillor Peall informed that officers will revisit all these issues and continue to work with landlords, flats and agents to find solutions.

- Global problem – recycling is a global issue which we should all take on board.

Proposed by Councillor Michael Lyons  
Seconded by Councillor Clive Goddard and

**Resolved:**

1. To receive and note report C/18/59.

(Voting: For 8; Against 0; Abstentions 0)

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This report will be made public on 10 June 2019

Report No: OS/19/01

**To:** Overview and Scrutiny  
**Date:** 18 June 2019  
**Status:** Non-executive Decision  
**Assistant Director:** Sarah Robson - Assistant Director - Strategy, Performance and Communications  
**Cabinet Member:** Councillor Jennifer Hollingsbee, Cabinet Member for Communities

**Subject: Folkestone & Hythe Community Safety Partnership Plan 2019/20**

**Summary:** This cover note report is to inform the OSC that the Folkestone & Hythe Community Safety Partnership (CSP) has published its 19/20 community safety plan. The Overview and Scrutiny Committee acts once a year as the Crime and Disorder Scrutiny Panel as defined by the Police and Justice Act 2006 (which amended the Crime and Disorder Act 1998) to oversee and scrutinise community safety work across the district.

**Recommendations:**

1. To receive and note the report OS/19/01 and CSP plan attached.

**Reason for Recommendation:**

The Folkestone & Hythe Community Safety Partnership (CSP) is a statutory body and has a remit for reducing crime and disorder in the District and to work in partnership to do so.

## **1. COVER NOTE**

- 1.1 This cover note report is to inform the OSC that the CSP has published its community safety plan. The Overview and Scrutiny Committee acts once a year as the Crime and Disorder Scrutiny Panel to oversee community safety work across the district.
- 1.2 The Committee will receive a presentation from partner representatives who chair the various sub-groups of the Community Safety Partnership to address issues facing our District. The CSP has to take into regard the priorities of a number of other strategies including the Police and Crime Commissioner's plan and the Kent County Community Safety Agreement.

## **2. CONTACT OFFICER AND BACKGROUND DOCUMENTS**

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The following background documents have been relied upon in the preparation of this report: None



FOLKESTONE & HYTHE DISTRICT  
**COMMUNITY SAFETY  
PARTNERSHIP**

## **Partnership Plan**

**1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020**

# **Our vision**

The Folkestone & Hythe Community Safety Partnership (CSP) aims to build safer, active and more engaged communities. Working with the private, public and third sector and with the collaborative help of communities it will deal with issues of crime and anti-social behaviour to help develop aspired and cohesive neighbourhoods, supporting the wider health and wellbeing agenda in the district.

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# FOREWORD



**Councillor Jennifer Hollingsbee  
Deputy Leader and Cabinet Member for Communities  
Folkestone & Hythe District Council**

The Folkestone & Hythe Community Safety Partnership (CSP) is pleased to present this refreshed Community Safety Plan covering the period 1<sup>st</sup> April 2019 -31<sup>st</sup> March 2020. In fulfilling its statutory responsibilities, the CSP is mindful of the many challenging pressures facing partner agencies as they deliver services in an ever more complex environment. From safeguarding young people drawn into risk taking behaviour to supporting vulnerable members of our community combating drug and alcohol addiction to ensuring prolific offending and antisocial behaviour, the work of the CSP is diverse and challenging with each partner agency involved having a role to play.

The CSP sees itself as a robust, resilient leader of delivery in prevention and keeping our communities feeling secure where all of our partners play an equal role in ensuring The District is a safe place to live, work and enjoy by tackling the root causes of crime and disorder issues.

To this end the CSP has put in place structures, projects and initiatives to tackle specific priorities that meet the ambitions of a number of key strategic plans such as the Police and Crime Plan ‘Safer In Kent’ The Community Safety and Criminal Justice Plan 2017 – 2021, The Kent Police Control Strategy, Folkestone and Hythe District Council Corporate Plan and other agency plans and priorities e.g. the Kent Community Safety Agreement and other strategies such as the Kent Drug and Alcohol Strategy and Kent and Medway Domestic Abuse Strategy.

This plan sets out the ambitions of the CSP for the year ahead and describes the delivery mechanisms and how priority areas of work will be tackled. This year will see the introduction of a new Public Spaces Protection Order following public consultation. This, together with new services and projects being commissioned in the area will help support Community Safety work.

The wide network of public sector and voluntary sector groups delivering key activities are reflected on in this plan and the strong partnership links with daily reactive work through the Multi—agency Community safety unit is also described.

This plan is revised annually through reviewing information provided from a wide range of organisations in a restricted strategic assessment, to ensure that current issues can be taken into account into the activities undertaken by the CSP.

We would like to reassure you that tackling crime and anti-social behaviour remains a high priority for the District. We continue to work as a partnership to make The District a safe place where people wish to work, live and visit. This Plan seeks to promote a more holistic approach, with a greater emphasis on prevention and harm reduction.

## CONTACTING THE COMMUNITY SAFETY PARTNERSHIP

Please email Jess Harman at – [community.safety@folkestone-hythe.gov.uk](mailto:community.safety@folkestone-hythe.gov.uk)  
Or [jess.harman@folkestone-hythe.gov.uk](mailto:jess.harman@folkestone-hythe.gov.uk)

Visit the website for more information on the CSP including partnership updates and activities  
<https://www.folkestone-hythe.gov.uk/community/community-safety>

## INTRODUCTION

Folkestone & Hythe CSP is a statutory body bringing together a number of public sector agencies to tackle crime, disorder, anti-social behaviour, substance misuse and reduce re-offending.

This Plan is revised on an annual basis, through reviewing information provided from a wide Range of organisations in a restricted strategic assessment, to ensure that current issues can be taken into account into the activities undertaken by the CSP. It also takes into account local Emerging issue and new legislative requirements.

The below highlights key issues identified through the information provided in the 2019 Strategic Assessment:

- The top 5 crimes reported in Folkestone & Hythe match that of the top 5 most reported crimes Kent wide. There has been a 27% increase in Violent Crime reports, and a 62% increase in Crimes against Society. See footnote at page 25.
- Folkestone & Hythe has the largest number community of Learning Disability (LD) clients in Kent.
- In many of the comparisons featured in the Strategic Assessment, Folkestone & Hythe is either in line with the Kent county average, or below it.

The District's CSP is made up of Responsible Authorities (those bodies for whom membership of the CSP is a statutory obligation) and voluntary members:

Responsible Authorities		
Kent Police	Folkestone & Hythe District Council	Kent Fire & Rescue Service
Kent County Council (KCC) Public Health	KCC Specialist Children's Services	KCC Community Safety Unit
South Kent Coast Clinical Commissioning Group	Kent, Surrey & Sussex Community Rehabilitation Company	National Probation Service

In addition, there are many agencies that support the Partnership and the Community Safety Unit teams including East Kent Drug and Alcohol Services, Forward Trust, Kent Addaction, East Kent Mediation, Kent Community safety Partnership, F&H Local Children's Partnership Group, East Kent Housing, County PREVENT and Folkestone Area Partnership Against Crime to name but a few. All are working together to prevent and reduce crime and disorder and improve community cohesion through maximising resources and using targeted action groups

## COMMUNITY SAFETY LEGISLATION

**Key legislation that applies to CSPs is cited below:**

- The Crime and Disorder Act 1998 gave statutory responsibility to local authorities, the police, and key partners to reduce crime and disorder in their communities.
- The Police and Justice Act 2006 introduced scrutiny arrangements in the form of the Crime and Disorder Scrutiny Committee, as well as introducing a number of amendments to the 1998 Act including the addition of anti-social behaviour (ASB) and substance misuse within the remit of the CSP strategies. Reducing reoffending was subsequently added by the Policing and Crime Act 2009.
- The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 set out further revisions to the 1998 Act. For two tier authorities such as Kent, the statutory Community Safety Agreement was introduced.
- The Police Reform and Social Responsibility Act 2011 introduced directly elected Police and Crime Commissioners (PCCs) to replace Police Authorities in England and Wales. This brought with it a requirement for the PCC to have regard to the priorities of the responsible authorities making up the CSPs and for those authorities to have regard to the police and crime objectives set out in the Police and Crime Plan. The legislation also brought with it a mutual duty for the PCC and the responsible authorities to act in co-operation with each other in exercising their respective functions.
- Domestic Homicide Reviews: The requirement for Community Safety Partnerships (CSPs) to conduct Domestic Homicide Reviews (DHR) came into effect on 13th April 2011 and in Kent and Medway it was agreed that these would be commissioned by the Kent Community Safety Partnership utilising pooled funding on behalf of the local CSPs including Medway. The process is managed, coordinated and administered by the Kent Community Safety Team (KCST). Updated statutory guidance from the Home Office released in December 2016 strengthened the role of the CSP in the DHR process and brought in additional requirements in order to meet the required standard and now includes suicides.
- Anti-Social Behaviour: The Anti-social Behaviour, Crime and Policing Act 2014, received royal assent on 13th March 2014. The Act introduced simpler more effective powers to tackle anti-social behaviour to provide better protection for victims and communities including for example a new Community Trigger responsibility to give people a greater say in how agencies respond to complaint and provisions for the introduction of Public Spaces Protection Orders (PSPOs).

- Safeguarding: Between 2014 and 2016 a number of pieces of legislation were introduced to provide authorities with additional tools, powers and statutory duties to tackle community safety and safeguarding issues. Including the Care Act 2014, Counter-Terrorism and Security Act 2015 (and subsequent amendments in 2019), Serious Crime Act 2015, Modern Slavery Act 2015 and Psychoactive Substances Act 2016. These pieces of legislation introduced a range of duties including new reporting, referral and decision-making mechanisms, staff awareness requirements and impacts on contract management to be included in the everyday work of relevant organisations. More recently statutory guidance was introduced regarding inter-agency working to safeguard and promote the welfare of children in 'Working Together to Safeguard Children 2018'.

### **Some Key Partnership Challenges:**

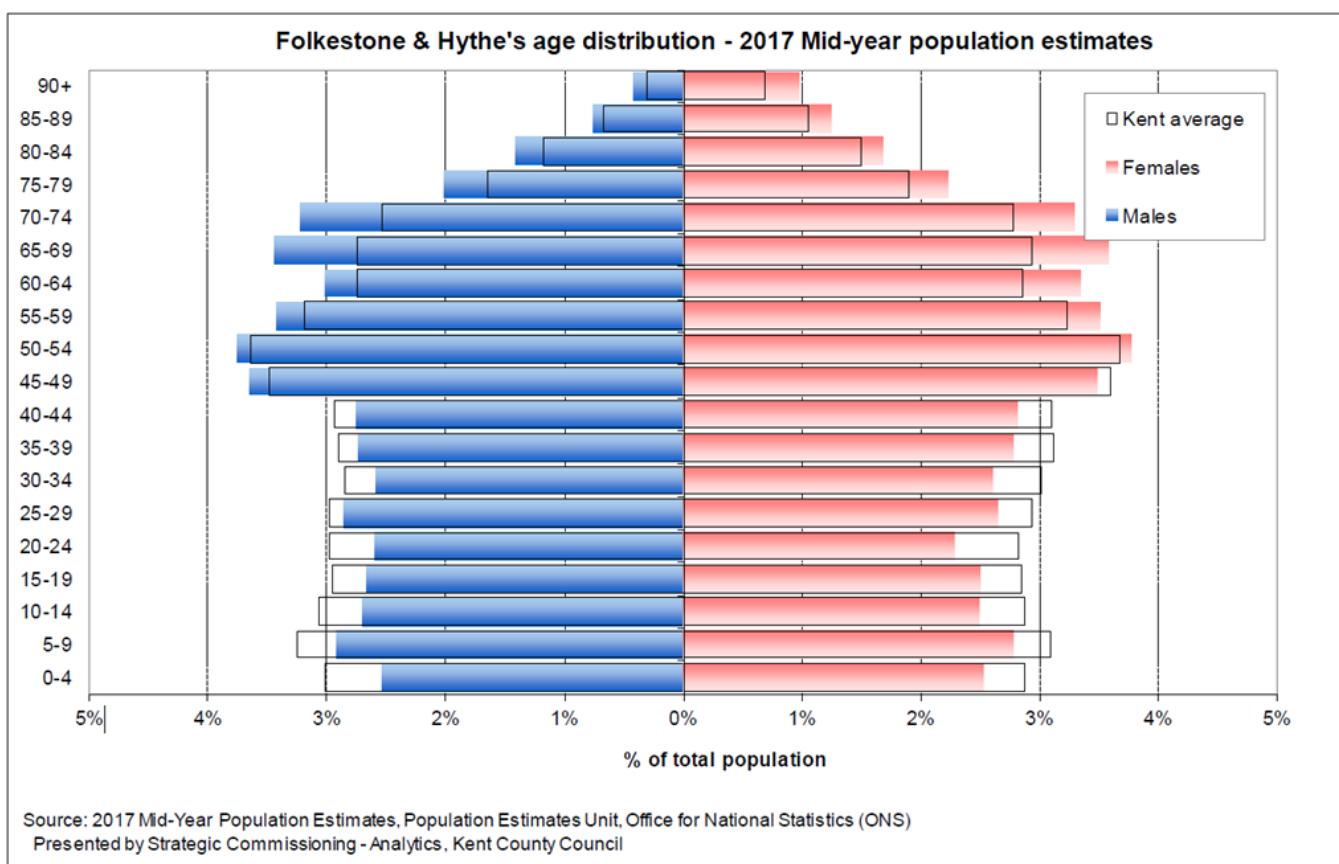
- Violence Reduction Challenge (VRC): In response to the Government's national Serious Violence Strategy, the Kent Police and Crime Commissioner (PCC) launched a year-long study in 2018 into the challenges around reducing violence and partner agencies have been challenged to look at opportunities to address this issue including causes and how it can be tackled. Funding provided by the PCC to Community Safety Partnerships 2019/20 now have a particular focus around tackling violence.
- Transformation of Clinical Commissioning Groups (CCGs): There are currently eight CCGs within the Kent and Medway area. A Sustainability & Transformation Partnership is in place across health and social care for Kent and Medway and is currently leading on some elements of Strategic Commissioning. Further transformation of the commissioning landscape will take place during 2019/20.

## LOCAL CONTEXT

### Folkestone & Hythe Demographic and Economic Summary

#### Population Profile

The latest population figures from the 2017 Mid-year population estimates show that there are 111,400 people living in the Folkestone & Hythe District. This population size ranks Folkestone & Hythe District the 3<sup>rd</sup> smallest Kent local authority district area. 63% of the district's population live in urban areas with the remaining 37% living in the surrounding rural area and settlements. Folkestone urban area is home to 48% of the total population whilst 15% of the district's residents live in Hythe urban area. The age profile of the Folkestone & Hythe population is shown in the chart below. Folkestone & Hythe has an older age profile compared to the county average, with a greater proportion of people aged 50 and over than the average for the Kent County Council (KCC) area.



Over the last 10 years Folkestone & Hythe population has grown by 7.2% (an additional 7,500 people)<sup>3</sup>. This is the third lowest rate of growth of any Kent district. The population of the district is forecast to grow at a slower rate over the coming years with current forecasts suggesting an 13% growth between 2017 and 2037. This is the 3<sup>rd</sup> lowest rate of growth expected for any Kent district and a growth rate that is lower than that of the county average (19%). This forecast is based on KCC's assessment of the district authority's future housing targets as at October 2018. Such targets will be subject to changes as district authorities develop their Local development framework.

## Ethnic profile

94.7% of Folkestone & Hythe population is of white ethnic origin with the remaining 5.3% being classified as of Black Minority Ethnic (BME) origin<sup>5</sup>. The proportion of Folkestone & Hythe population classified as BME is lower than the county average of 6.3%.

The largest ethnic group in Folkestone & Hythe is White British, with 90.8% of residents from this ethnic origin. Within the BME population, the largest ethnic group is Other Asian (accounting for 2.5% of all residents), which can be attributed to the presence of Ghurkha regiments and their families. The second largest ethnic groups are White and Black Caribbean mixed, White and Asian mixed and Indian ethnic groups (each accounting for 0.4% of all residents).

## Deprivation

The English Indices of Deprivation 2015 provide a measure of deprivation at both district and sub-district (Lower Super Output Area) level, relative to other areas in England.

The Table below presents the national and county rank of Folkestone & Hythe based on the 2015 Index and shows how the rankings have changed since the 2010 Index.

In 2015 Folkestone & Hythe District was ranked as the third most deprived district in Kent (ranked 3 out of 12 districts, with the most deprived being ranked 1).

Nationally, Folkestone & Hythe ranks 113<sup>th</sup> out of 326 local authority districts in England. This rank places it within England's most deprived half of authorities.

The county rank of Folkestone & Hythe has moved down 1 place between 2010 and 2015. On the national ranking, Folkestone & Hythe has moved down by 16 positions from 97<sup>th</sup> in 2010 to 113<sup>th</sup> in 2015. This indicates that the level of deprivation in Folkestone & Hythe has reduced, relative to other areas in England.

### National and County rank of Kent districts based on the 2010 and 2015 Indices of Deprivation (table displayed based on the 2015 rank)

Authority	IMD2010		IMD2015		Change in rank* 2010 to 2015	
	IMD2010 national rank (out of 326)	Kent Rank (out of 12)	IMD2015 national rank (out of 326)	Kent Rank (out of 12)	National position	Kent position
Thanet	49	1	28	1	21	0
Swale	99	3	77	2	22	1
Folkestone & Hythe	97	2	113	3	-16	-1
Gravesham	142	5	124	4	18	1
Dover	127	4	126	5	1	-1
Dartford	175	7	170	6	5	1
Ashford	198	8	176	7	22	1
Canterbury	166	6	183	8	-17	-2
Maidstone	217	9	198	9	19	0
Sevenoaks	276	12	268	10	8	2
Tonbridge & Malling	268	11	274	11	-6	0
Tunbridge Wells	249	10	282	12	-33	-2

\* A minus change in rank illustrates that a district has moved down the rankings and is therefore now less deprived relative to other areas in England.

Source: The English Indices of Deprivation 2010 and 2015, Communities and Local Government

Levels of deprivation vary across the District with parts of Folkestone & Hythe within England's top 20% deprived of areas and yet other parts are within England's least 20% deprived of areas. More detail is shown on the map below.

The greatest levels of deprivation are found within the Folkestone area.

Neighbouring some of the most deprived areas of Folkestone & Hythe are areas with relatively low levels of deprivation. The least deprived areas of Folkestone & Hythe are found in Hythe.

# HORIZON SCANNING

Using PESTELo existing and future issues that could impact on communities and may need to be considered as part of community safety plans are shown below:

## **Political:**

- Ongoing Brexit issues and potential ‘no deal’;
- Any relevant Election issues

## **Economic:**

- Impact of Brexit on the economy;
- Public sector budget cuts;
- Commissioning of services and securing new funding sources;
- Roll out of Universal Credit;
- Increased minimum wage;
- Housing and infrastructure development.

## **Social / Demographic:**

Many issues identified relate to safeguarding and supporting the most vulnerable members of society including:

- Domestic abuse;
- Preventing violent extremism;
- Child sexual exploitation;
- Human trafficking/modern slavery;
- Unaccompanied asylum seeking children and looked after children;
- Organised crime groups;
- Urbanised street gangs;
- County Lines
- Psychoactive substances;
- Hate crime;
- Mental health (including dementia);
- Ageing population;
- Social isolation.

## **Technological:**

- Cyber-crime and cyber-enabled crime;
- Online safety;
- Increased availability and use.

## **Environmental (and Geographical):**

- New developments i.e. Otterpool Park, Princes Parade etc
- Extreme weather events, i.e. flooding;
- Impact of Brexit on transport routes.

## **Legislation:**

Recent legislation introduced a range of statutory duties and opportunities including:

- Offender Rehabilitation Act 2014;
- Counter-terrorism and Security Act 2015;
- Modern Slavery Act 2015;

- Serious Crime Act 2015;
- Psychoactive Substances Act 2016;
- Cities and Local Government Devolution Act 2016;
- Policing and Crime Act 2017;
- Homelessness Reduction Act 2017;
- General Data Protection Regulations;
- Counter-terrorism and Border Security Act.

Upcoming legislation includes:

- Domestic Abuse Bill

### **Organisational:**

- Public sector restructures
- New ways of working (i.e. service commissioning, multi-agency hubs, increased collaboration)
- Increased support from volunteers;
- Impact of Brexit on business continuity

## KEY ACTIVITIES DELIVERED DURING 18/19

The Folkestone & Hythe Community Safety Partnership delivered many proactive and innovative projects throughout 2018/19 to address its priorities. These have been delivered through many different forms such as CSP subgroups, multi-agency task and finish groups and through other funded projects. Key activities that have been delivered include the following:

### **Mental Health Conference**

In April 2018, the subgroup organised a Mental Health Conference. The conference sought to explore the way mental health affects individuals through all stages of life, from birth to older persons, 'A Journey through Life'. The conference heard from speakers who had experiences that had impacted them as well as stallholders with services that had further information on support. The conference was aimed at professionals from the District and those in the District then to the wider county. With 350 attendees and lunch provided by the students from East Kent College we were able to raise awareness to a significant number of people.



### **Domestic Abuse**



The 'One Stop Shop' Drop In weekly service for domestic abuse victims is a multi-agency provision consisting of solicitors, domestic abuse workers, police, KFRS, benefits agency and a health visitor being available to offer advice and support to victims of domestic abuse. The Drop In is every Wednesday from 12.30 to 14.30 at the Folkestone Early Years Centre. We have also set up a 'One Stop Shop' on the Marsh the last Thursday of the month.

A breakdown of the attendees to the Folkestone & Hythe Domestic Abuse One Stop Shop and the Lydd Rural One Stop Shop can be found below.

The data period for this information is July 2017 to June 2018 for the Folkestone and Hythe One Stop Shop. The data period for the Lydd Rural One Stop Shop is May 2018 to September 2018 as this is the first date that it operated.

### Folkestone & Hythe One Stop Shop

	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Total
<b>Female</b>	28	23	28	20	30	14	31	20	33	20	30	18	<b>295</b>
<b>Male</b>	3	3	2	1	5	4	9	1		2			<b>30</b>
<b>Total</b>	31	26	30	21	35	18	40	20	34	20	32	18	<b>325</b>
<b>Under 18</b>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>18-25</b>	3	3	3	3	4	5	3	7	4	1	7	1	<b>44</b>
<b>26-39</b>	10	11	14	14	20	10	24	8	17	9	10	6	<b>153</b>
<b>40-59</b>	16	11	12	3	10	3	9	4	12	9	12	9	<b>110</b>
<b>60 +</b>	2	1	1		1		4	1	1	1	3	2	<b>17</b>

### Lydd One Stop Shop

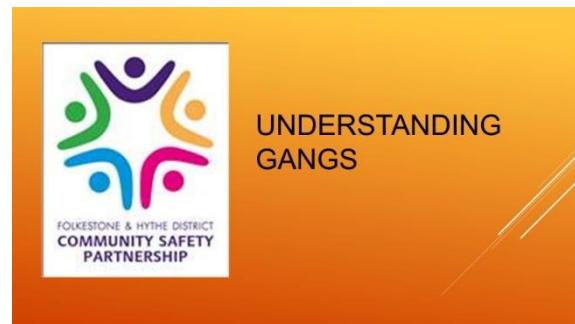
	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Total
<b>Female</b>	2	0	1	3	4	<b>10</b>
<b>Male</b>	1	0	1	0	0	<b>2</b>
<b>Total number</b>	3	0	2	3	4	<b>12</b>
<b>Under 18</b>	0	0	0	0	0	<b>0</b>
<b>18-25</b>	0	0	0	0	2	<b>2</b>
<b>26-39</b>	1	0	2	2	0	<b>5</b>
<b>40-59</b>	2	0	0	1	0	<b>3</b>
<b>60 +</b>	0	0	0	0	0	<b>0</b>

### Delivery of training sessions and communication campaigns:

The Community Safety Partnership has a key role to play in upskilling partnership staff to understand a large range of issues impacting on communities, along with raising awareness to Communities themselves.

#### Gangs Training

In January 2019 we held a one-day training event to raise awareness of gangs and child exploitation for professionals, in order to work with and safeguard the young people in our community. Our key contributors are St Giles Trust and *Excelsior Safeguarding CIC*. There were 150 professionals in attendance who found the speakers informative and made more powerful that they spoke from their own experiences.



## **Small Change Big Difference Campaign**

At the end of 2018 we launched our Small Change Big Difference campaign in partnership with Kent-based charity, Porchlight. This has been across all media channels including a feature article in the local papers and the district magazine Your District Today. Porchlight provides a range of services to give homeless people the best chance of moving on to live independently. It helps people to recover from the trauma of homelessness and gives them the practical and emotional support they need to see that a brighter future is possible.



## **Youth Conference - #RUOK**

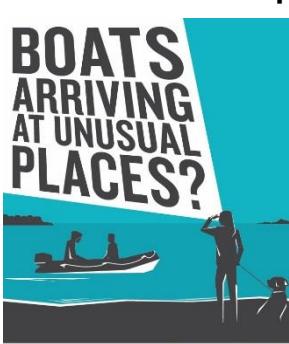
Following on from the overwhelming success of the 2016 Youth Conference we organised another Conference on 9<sup>th</sup> May 2019. We again tailored this for our Year 9 pupils across the district and centred on various themes of safeguarding including Child Sexual Exploitation,



Gangs, and County Lines, Online Safety, emotional health and positive relationships. The conference took place in Folkestone and there were over 800 13/14 years olds in attendance plus school staff. The conference consisted of a mix of presentations and interactive sessions.



## **Border Force Campaign**



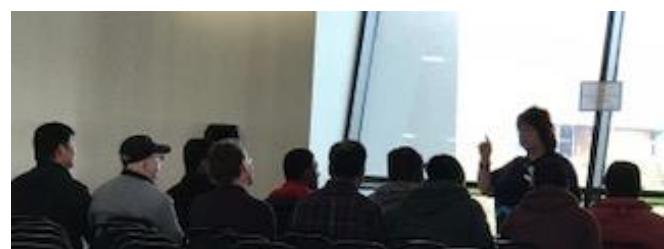
Folkestone & Hythe District Community Safety Partnership were chosen as the pilot to deliver this campaign and have been used as Best Practice to other authorities and CSPs.

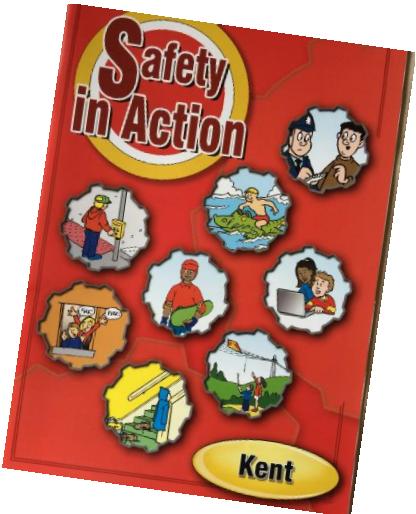
The new border security communication campaign, started in Kent in May. The campaign supports projects Pegasus and Kraken, joint law enforcement operations to tackle both maritime and aviation border crime across the United Kingdom and Kent Police's Don't Ignore It, Share it campaign.

## **Adult Safeguarding Week**

As part of the Adult Safeguarding Week in October 2018 we set up a stall alongside the Health Bus, to raise awareness of adult abuse including financial, doorstop, physical; spotting the signs and what to do if you think someone is being abused. We were joined by a multi-agency team including trading standards, Fire, Police and Community Wardens.

As part of this week we held Dementia Training for taxi drivers in Folkestone, to understand what Dementia is, to spot the signs and what to do.





## Safety in Action

The subgroup funded a part of this year's Safety In Action Day for Year 6 children and asked for the inclusion of bespoke training on positive relationships as well as themes that addressed all areas of safeguarding. The feedback from both the schools and parents was that this event was very positive and they were glad they chose to send their children as the lessons learned were invaluable. There were over 500 children in attendance from 17 schools.



### Multi-Agency Operations:

The Community Safety Partnership delivers numerous multi-agency operations. Such as Operation (OP) ARIEL, a monthly high visibility presence to engage with local businesses, residents in the prevention of crime and ASB issues across the district.

OP LION is quarterly targeting hot spot areas, to reassure residents and deal with any ASB issues.



OP XENAPHON has brought justice back to the residents of Pavilion Court by working closely with the landlords and creation of a 'partnership hub'. Law enforcement and partners such as the Fire service, probation and Forward Trust can now work with the residents reducing crime and ASB.

and ASB which has always spiked during school holidays but the creation of this OP has identified and directed CSU patrols and partners of the CSP to these areas of repeat offences and known 'flash points'.

OP OCELOT is due to Violence and ASB which has always spiked during school holidays but the creation of this OP has identified and directed CSU patrols and partners of the CSP to these areas of repeat offences and known 'flash points'.

OP HALOGEN is a quarterly day of action in and around the two main train stations in Folkestone. Knife detection arches and dogs are deployed alongside officers trained to stop vulnerable missing children used by these gangs.

OP GRENADIER uses partners and the dedicated police town centre team and Community Policing Team assets to conduct law enforcement in these key areas. Community workshops, engaging diverse communities, youth services and the volunteer sector have made huge inroads to build bridges and reduce reoffending with this renewed focus on Folkestone town centre and its associated retail crime, homelessness and begging.



## Ongoing partnership response to serious organised crime:

The Serious and Organised Crime Group meeting has been in place since early 2018. This group has shared information on a number of Organised Crime Groups (OCGs) and undertaken disruption activity, which has seen a reduction in the number of OCGs in the district during 2018/19. Organised Crime Groups, emerging and existing crime series, gangs, counter terrorism and prevent matters are discussed. Actions are given and received with partners held to account.



## Community Safety Unit meetings:

These meetings continue to be held weekly and the Community Safety Unit continues to provide support to high risk victims of ASB, whilst ensuring a coordinated response is given to all victims. During 2018, this response has also included ensuring that for those that have additional vulnerabilities, that they are protected from further exploitation such as cuckooing. One successful partial closure order came about from these weekly CSU meetings along with one full closure order. CSU continues to cover any ASB complaints which come into the council as well as Community Tensions, Environmental Issues and Events among other priorities.



## CSE Peer Trainers



The subgroup joined with Canterbury Christchurch University to write a 'Train the Trainer' package for Child Sexual Exploitation (CSE) and positive relationships, peer to peer learning programme, where a small number of 6th formers will be trained to deliver these topics to their younger counterparts alongside school staff. The reasoning

behind this is that the young people will feel freer to ask questions to someone closer in age as opposed to their teacher, and this will open new lines of communication for sensitive topics like these two especially. The first training session was held at Canterbury Christchurch University where a group of 20 students from one of the local secondary schools joined 20 students from Dover to hear from lecturers and professors about CSE, criminology, forensic data analysis and social media. The next step is to work with the school staff and students to begin to deliver to other students and begin training the next year.

## Positive Choices

Due to the success of the Positive Choices Programme, the subgroup has continued to support the initiative. There have been a number of young people worked with in the programme who have gone on to benefit from the extra support given through family coaching and one on one sessions. The group has discussed expanding the remit of the programme, but this will be determined through funding.



Welcome To The Positive Choices Project



In partnership with:  
Shepway and Dover Mediation  
Kent Police  
Kent Probation and Family Champions/CSU

# CSP PRIORITIES 2019/2020

## F&H CSP Priorities 2019 / 2020

A Strategic Assessment is compiled annually to show progress for the Partnership against its current priorities, along with identifying emerging issues, and recommended priorities for the next 12 months. The priorities for 2019/20 for the CSP were selected by members of the Partnership, taking into account the findings from the strategic assessment. A series of cross cutting themes have also been identified which are key initiatives that will support the delivery of all of the priorities.

Priorities			
Themes	Safeguarding & Supporting Vulnerable People	Crime & Community resilience	Community Safety
Cross Cutting Themes	Violence Reduction	Reducing Offending	
	<ul style="list-style-type: none"><li>• Domestic Abuse</li><li>• Mental Health</li><li>• Drug and Alcohol</li><li>• Children and Adult Safeguarding</li><li>• Adolescent Risk Management</li></ul>	<ul style="list-style-type: none"><li>• Violence reduction</li><li>• Serious Organised Crime/OCG's/crime series</li><li>• Gangs/Cuckooing</li><li>• IOM</li><li>• Hate/Mate Crime</li><li>• Counter Terrorism &amp; Prevent</li><li>• Human Trafficking/Modern Day Slavery</li><li>• County Lines</li><li>• Criminal Exploitation</li></ul>	<ul style="list-style-type: none"><li>• Anti-Social Behaviour</li><li>• Public Spaces Protection Order</li><li>• Environmental Crime</li><li>• Licensing</li><li>• Community Tensions</li><li>• Events</li><li>• Hot spots locations</li><li>• Diversionary activities</li><li>• Drug and Alcohol misuse</li><li>• Town centre issues</li><li>• Vulnerable persons – including homeless, high risk</li></ul>

Further details on how these priorities will be achieved are shown on the following pages, which include a summary of the issue and actions to be taken.

The PCC will be providing a grant to the Community Safety Partnership to support the delivery of this plan, which must in turn support the delivery of his priorities, with a focus on reducing violent crime.

## Kent Police Strategy and Priorities 2019

### Safer in Kent 2017-2021: The Plan on a Page

#### **Leadership:**

Strong ethics, transparency and integrity at all times

#### **Guiding principles:**

- People suffering mental ill health need the right care from the right person
- Crime is important no matter where it takes place
- Vulnerable people must be protected from harm



#### **My priorities, for the Chief Constable to deliver are to:**

- Put victims first
- Fight crime and anti-social behaviour
- Tackle abuse, exploitation and violence
- Combat organised crime and gangs
- Provide visible neighbourhood policing and effective roads policing
- Deliver an efficient and accessible service



#### **As the Police and Crime Commissioner, I will:**

- Hold the Chief Constable to account for the delivery of Kent Police's priorities
- Enhance services for victims of crime and abuse
- Commission services that reduce pressure on policing due to mental health
- Invest in schemes that make people safer and reduce re-offending
- Make offenders pay for the harm that they have caused
- Actively engage with residents in Kent and Medway



#### **Opportunities for the future:**

- Calling for more criminal justice powers for Police and Crime Commissioners
- Lobbying for a fairer funding settlement for Kent
- Further collaboration with other organisations
- Oversight of the police complaints process
- Developing new crime prevention and diversion practices
- Backing volunteering



Version: Spring 2018

## Kent Control Strategy 2019



#### Exploitation

- 
- Modern Slavery and Human Trafficking
- Exploitation of young people including child sexual exploitation (CSE)
- 
- Cuckooing and exploitation of vulnerable children by gangs and county lines

#### Abuse & sexual offences

- 
- Child Abuse, including child sexual abuse (CSA)
- Rape and serious sexual assault
- 
- Domestic Abuse
- 
- Adult Abuse

#### Serious violence

- 
- Knife and gun crime
- Violence by gangs and county lines
- 
- Aggravated burglary and robbery
- 

#### High harm crime

- 
- Burglary Residential Dwellings
- 
- Hate Crime
- 
- Artifice burglary and courier fraud

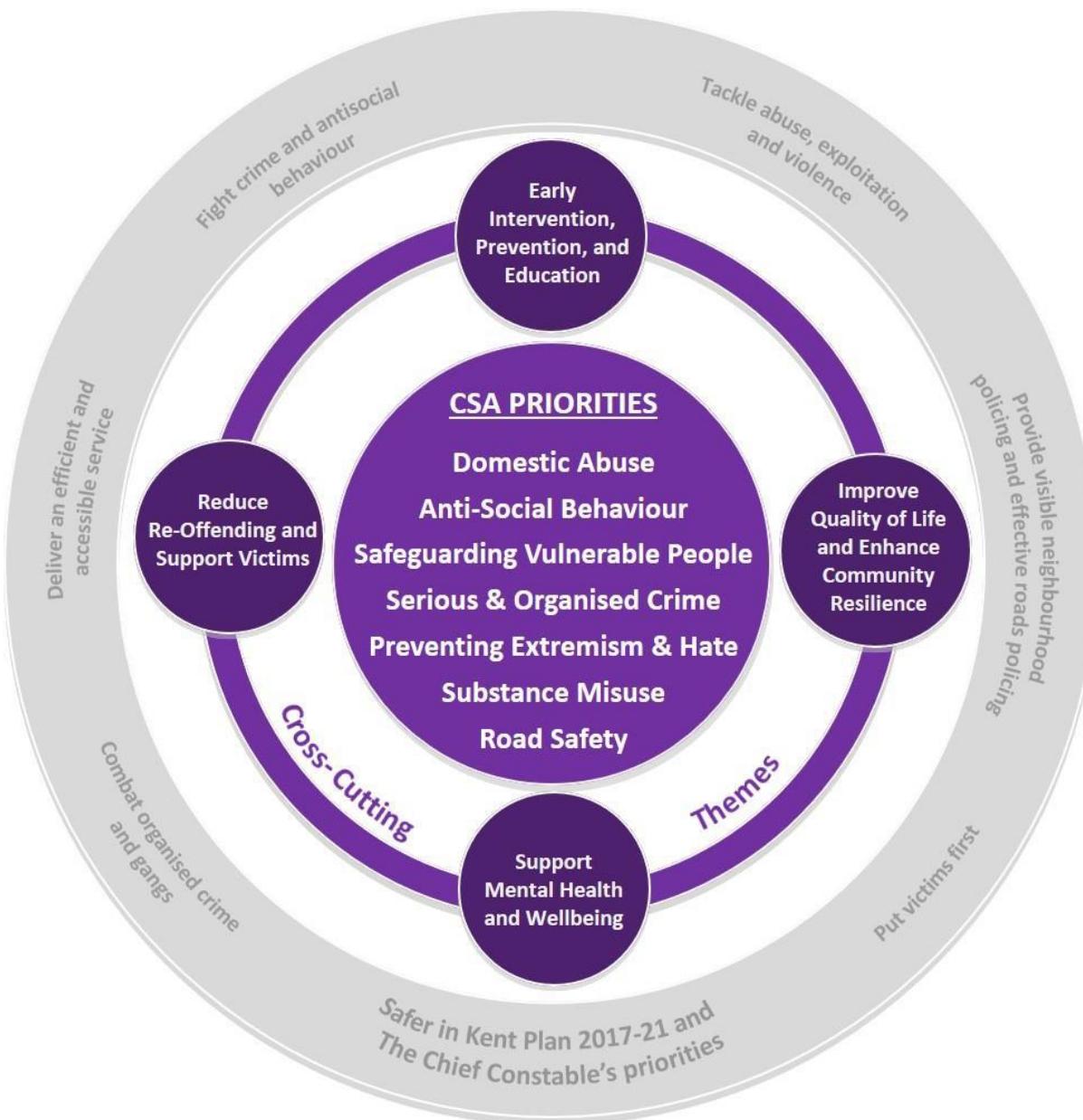
#### Terrorism and domestic extremism

- 
- Foreign Harm
- Extreme right wing
- 
- Public order relating to animal exports
- 
- Threat posed by DAESH
- 
- Prevent radicalisation

#### Child Centred Policing

Enablers	Digital and online crime	Mental Health	Drugs	Serious and organised crime	Missing persons and looked after children
<b>Intelligence development</b> What we need information on	<ul style="list-style-type: none"> <li>• Criminals travelling into Kent – county lines, cross border burglaries, organised crime groups</li> <li>• Gangs and county lines operating in Kent</li> <li>• Suspected human trafficking and modern slavery locations, organisations and individuals</li> <li>• Habitual carriers and suppliers of knives or guns</li> <li>• 'At risk' victims of abuse, hate or exploitation</li> <li>• Criminal activity funding and money laundering</li> <li>• Grooming and exploitation of young people and vulnerable people</li> <li>• Please refer to specific intelligence requirements for a wider range of what we need information on</li> </ul>				

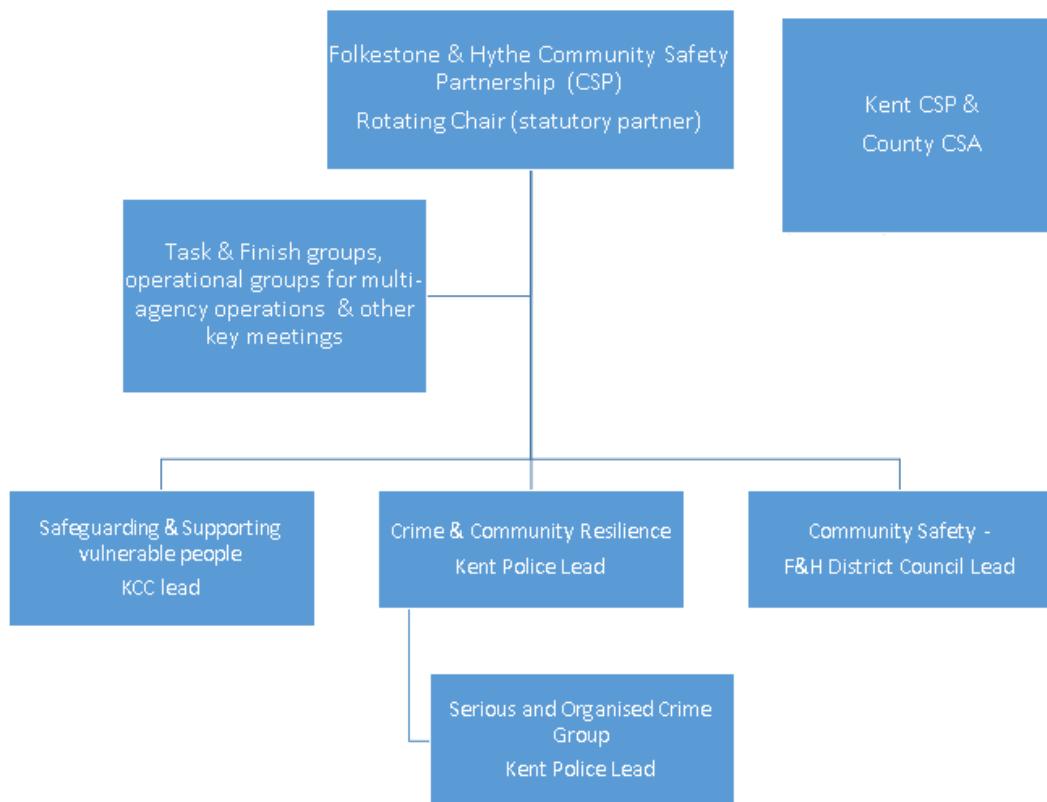
Diagram taken from the Kent Community Safety Agreement – April 2019



This diagram not only includes the priorities and cross-cutting themes for the Kent wide Community Safety Agreement but also shows those identified by the Police and Crime Commissioner, reflecting the mutual need for CSPs and the PCC to have due regard for each other's priorities.

Several of the identified priorities already have existing multi-agency partnership arrangements in place that are ensuring a coordinated approach across organisations at a strategic level. These arrangements can be further enhanced with links to the Kent Community Safety Agreement and where necessary suitable co-operative arrangements and joint interventions can be established to deliver shared priorities or issues.

# FOLKESTONE & HYTHE COMMUNITY SAFETY PARTNERSHIP STRUCTURE 2019



## DELIVERY OF PRIORITIES 2019/2020

SUB-GROUP-KEY OUTCOMES	ACTIVITIES TO TACKLE THE ISSUES
<b>SAFEGUARDING AND SUPPORTING VULNERABLE PEOPLE</b> Led by KCC 6 weekly sub-group	<ul style="list-style-type: none"> <li>The subgroup are completing their action plan around Domestic Abuse, including the rolling out of Domestic Abuse champions within agencies.</li> <li>We are planning for the Safeguarding Adult Awareness week in October 2019 to continue to raise awareness to a wider audience and the community.</li> <li>A Domestic Abuse awareness day has been planned for October 2019, to include Twitter, Facebook feeds, along with local radio and tour around the District.</li> </ul>

	<ul style="list-style-type: none"> <li>• We have begun planning a ‘Toxic Trio’ conference in March 2020 to raise awareness and strategies to work with families where there are issues of Domestic Abuse, Mental Health and Alcohol and Substance Misuse. This will look at the impact of living with these issues and how adverse childhood experiences can move into their adult lives.</li> <li>• The National Internet Awareness day in February 2020 will look at online safety and will see us joining with local agencies, and schools to raise awareness that the online community can be informative, fun and exciting, but we need to be technology safe.</li> <li>• We will continue to train and raise awareness in all aspects of safeguarding and supporting vulnerable people, adults, children, young people and agencies working with our most vulnerable.</li> </ul>
<b>COMMUNITY SAFETY</b>  <b>Led by FH&amp;DC</b>  <b>Weekly sub-group</b>	<ul style="list-style-type: none"> <li>• The Community Safety Unit (CSU) is well established and seeks to support higher risk victims of ASB and to tackle ASB in hotspot locations. Enforcement action against perpetrators of ASB is led by the CSU. The CSU also focuses on tackling youth related ASB and seeking to engage young people in services and diversionary activities.</li> <li>• The Community Safety Unit will continue to support a number of vulnerable individuals that may be exploited through cuckooing or other means.</li> <li>• The CSU will concentrate work on key focus areas, where there is a high level of crime and ASB, seeking to increase engagement and reporting from residents so that all issues can be understood and tackled.</li> <li>• There will be the continuation of a number of operations such as OP Ariel and OP Lion.</li> <li>• The Community Trigger process will be managed through the CSU and allows victims of ASB to raise concerns with the way in which their reports of ASB have been handled by partner agencies.</li> <li>• A main Community Safety subgroup aim will be for the district to not only a safe place but an environmentally friendly one where people want to live, work and visit.</li> <li>• The CSU will deal with ASB complaints and issues as they arise</li> <li>• This subgroup will develop preventative and diversionary activities to reduce incidents occurring. Whilst tackling ASB focuses on its prevention, taking positive action and protecting victims and witnesses.</li> <li>• The weekly multi-agency CSU meetings will continue to take place every Tuesday hosted by Folkestone &amp; Hythe District Council to deal with issues of ASB. When required ‘task and finish’ groups will be set up from these meetings to deal with a specific issue that requires a multi-agency targeted approach.</li> <li>• The subgroup will deliver Le Sailing Voyage 2019 Project. Which will give 30 Year 9 students from all district Secondary Schools the opportunity to form friendships, break down</li> </ul>

	<p>international barriers and act as a reward for ‘grey ghost’ children who may not normally have these opportunities. The young people will be taken on a Tall Ship leaving Folkestone over to Boulogne on a 5 day journey, after 3 residential weekends with 30 other French children to the biggest festival in France.</p> <ul style="list-style-type: none"> <li>• The CSU subgroup group will work in partnership with The Kenward Trust – to deliver sessions to young people who are believed to be at risk or vulnerable at all district secondary schools.</li> <li>• The CSU subgroup will set up a task and finish group for emerging town issues and PSPO enforcement</li> <li>• The CSU will collate data around the PSPO</li> </ul>
<p><b>CRIME AND COMMUNITY RESILIENCE</b></p> <p><b>Led by Kent Police</b></p> <p><b>6 weekly sub-group</b></p>	<ul style="list-style-type: none"> <li>• This subgroup will focus on the delivery of Partnership response to Serious Organised Crime. Tackling crime has also been a long standing priority for the CSP.</li> <li>• The subgroup will focus on the delivery of updating professionals and partners in the local/district context of Counter Terrorism and PREVENT, CSE and Modern Day Slavery.</li> <li>• The multi-agency Serious Organised Crime Panel will continue to meet to share information and seek to disrupt Organised Crime Groups.</li> <li>• Further work will take place on educating young people on staying safe. Additionally information sharing between partners on those at risk of being drawn into violence or gangs will continue to take place to ensure that they are supported.</li> <li>• The CSP will continue development of partnership response to gangs</li> <li>• There is also a need to ensure that the town centre is a safe environment to enjoy at all times.</li> <li>• High Harm Crime continues to be a priory for the CSP – this includes hate crime and burglary.</li> <li>• The subgroup will continue to seek to support awareness raising of hate crime and increasing cohesion between communities and continue partnership response to High Harm crime</li> </ul>



## POLICE & CRIME COMMISIONER FUNDED PROJECTS 2019/2020

The CSP will receive £31,744 for financial year 2019 - 20. Funding is pass-ported through the Police and Crime Commissioner's budget. This funding will be used for a number of partnership projects as listed below to help address the CSPs priorities.

Project Title	Organisation	CSP Priority	Theme
<b>One Stop Shop</b>	Homestart	Safeguarding & Supporting Vulnerable People	Domestic Abuse
<b>Toxic Trio Conference</b>	F&H Community Safety Partnership - CSU	Safeguarding & Supporting Vulnerable People	Mental Health
<b>Kent CDAP</b>	Community Domestic Abuse Programme ( CDAP)	Safeguarding & Supporting Vulnerable People	Domestic Abuse
<b>Multi-Agency Operations ( Ariel, Lion, Halogen &amp; Xenophon)</b>	F&H Community Safety Partnership - CSU	Crime & Community Resilience Safeguarding and Supporting Vulnerable People Community Safety	Anti – Social Behaviour
<b>Urban Pastors</b>	Cheriton Baptist Church	Crime & Community Resilience Safeguarding and Supporting	Raising Awareness & Public engagement

		Vulnerable People Community Safety	
<b>Shape Up</b>	Gillingham Football Club	Crime & Community Resilience Safeguarding and Supporting Vulnerable People	Diversionary Activities
<b>Risk It</b>	Project Salus	Safeguarding and Supporting Vulnerable People	Substance Misuse
<b>New Romney Youth Hub</b>	Project Salus	Community Safety	Community engagement
<b>Aspire Outreach</b>	Global Generation Church	Crime & Community Resilience Safeguarding and Supporting Vulnerable People Community Safety	Mental Health and ASB
<b>Folkestone Detached Youth Project</b>	Shepway Youth Hub	Crime & Community Resilience Safeguarding and Supporting Vulnerable People Community Safety	ASB
<b>Breathe 4 Kids – Who Am I?</b>	DC Breathe	Safeguarding and Supporting Vulnerable People	Mental Health
<b>Purple Octopus - POP</b>	Purple Octopus Project (CIC)	Safeguarding and Supporting Vulnerable People Community Safety	Mental Health
<b>Bay NHW</b>	St Marys Bay Neighbourhood Watch	Community Safety	Crime Prevention Initiatives

# NEW PUBLIC SPACES PROTECTION ORDER

Parts of the District are covered by a Public Spaces Protection Order which provides key agencies with an additional tool to tackle ASB. PSPOs were introduced following the introduction of The Anti-social Behaviour, Crime and Policing Act 2014 to deal with a particular nuisance in a particular area that is having a detrimental effect on the quality of life for those in the local community.

A PSPO can prohibit specified activities being carried out in a restricted area or can require certain actions to be taken by persons carrying out specified activities in that area. The PSPO that was in place in the district to address antisocial behaviour covered Folkestone, Cheriton as well as parts of Seabrook and Sandgate. It was introduced to address the issues of drinking in an open space, begging and sleeping in an open space.

In response to a range of concerns that had been raised by local residents and businesses proposals to use PSPOs more widely across the district were put forward in a comprehensive public consultation exercise that took place between 26<sup>th</sup> November 2018 to 21<sup>st</sup> January 2019.

The proposals were to introduce bespoke PSPOs in specified geographical areas to cover 7 measures:

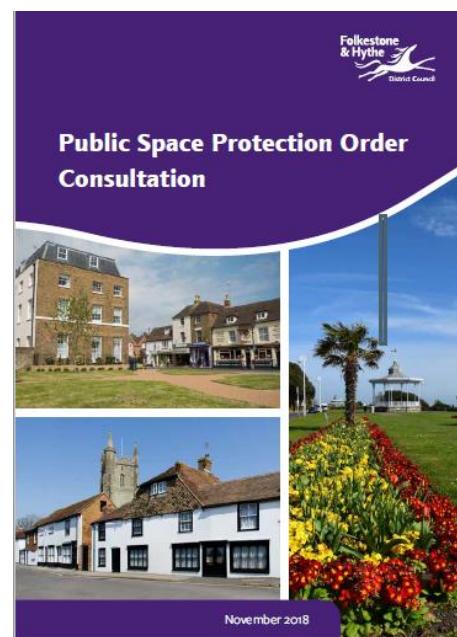
- Measure 1: Control of anti-social alcohol consumption in a public place*
- Measure 2: No use of intoxicating substances in a public place*
- Measure 3: No urinating, spitting or defecating in a public place*
- Measure 4: No Begging*
- Measure 5: Control of anti-social street entertainment*
- Measure 6: Control of unauthorised street fundraising and marketing*
- Measure 7: Control of unauthorised camping*

The PSPO process (including results of consultation) is detailed in key committee reports of the District Council which can be found at

<https://www.folkestone-hythe.gov.uk/community/community-safety/PSPO>

The new PSPOs will be in place during the summer of 2019. The approach and application of the PSPO by Authorised Officers of the relevant agencies has been set out in a series of working protocols for each measure.

The PSPO will be used in a proportionate and responsible way and will always involve at the outset intervention activities including; engagement, education, sign posting to services, referrals into services, outreach work, introduction of projects and initiatives to address the issues before any enforcement is considered through warnings and use of FPNs. Signage to be used can in itself act as a deterrent and in many circumstances the PSPO may not be the appropriate tool to use and alternative and more effective legislation will be used in these cases. Agencies will work together in partnership through the CSU and through ongoing multiagency operations to implement the PSPO



## OVERVIEW OF POLICE RECORDED CRIME

Victim based crime and crimes against society\* make up total recorded crime. All total crime figures published by Kent Police reflect these and are comparable for all time periods.

It is important to note that in April 2017, the Home Office changed recording practices for Burglary offences and as such Burglary data prior to this is not comparable with Burglary data after.

Type of Crime	Nov 16 - Oct 17	Nov 17 - Oct 18	Difference	% Change
Victim-Based Crime	7923	9537	1614	20%
Violence Against The Person	3572	4566	994	28%
Homicide	2	1	-1	-50%
Most Serious Violence	51	76	25	49%
Violence WITH Injury	1137	1198	61	5%
Violence WITHOUT Injury	1768	2212	444	25%
Sexual Offences (All)	364	443	79	22%
Rape	148	154	6	4%
Other Sexual Offences	216	289	73	34%
Robbery (All)	75	96	21	28%
Robbery (Business)	9	6	-3	-33%
Robbery (Personal)	66	90	24	36%
Theft Offences	1780	2059	279	16%
Burglary (All)	555	719	164	30%
Burglary (Residential)	225	509	284	126%
Burglary (Business & Community)	96	210	114	119%
Burglary (Dwelling)	107	0	-107	-100%
Burglary (Other)	127	0	-127	-100%
Shoplifting	726	873	147	20%
Vehicle Offences	369	430	61	17%
Theft from a Vehicle	278	337	59	21%
Theft of a Vehicle	91	93	2	2%
Vehicle Interference	67	48	-19	-28%
Theft from the Person	43	48	5	12%
Bicycle Theft	69	93	24	35%
All Other Theft Offences	985	1093	108	11%
Criminal Damage & Arson	1141	1176	35	3%
Criminal Damage	1110	1141	31	3%
Arson	31	35	4	13%
Other Crimes Against Society	1200	2025	825	69%
Public Order Offences	665	1254	589	89%
Possession of Weapons Offences	118	220	102	86%
Drug Offences	182	206	24	13%
Drugs (Trafficking)	45	59	14	31%
Drugs (Possession)	137	147	10	7%
Misc Crimes Against Society	235	345	110	47%

Racially/Religiously Aggravated Offences	71	72	1	1%
All Crime	9123	11562	2439	27%

## Top Crimes ranked across Folkestone & Hythe

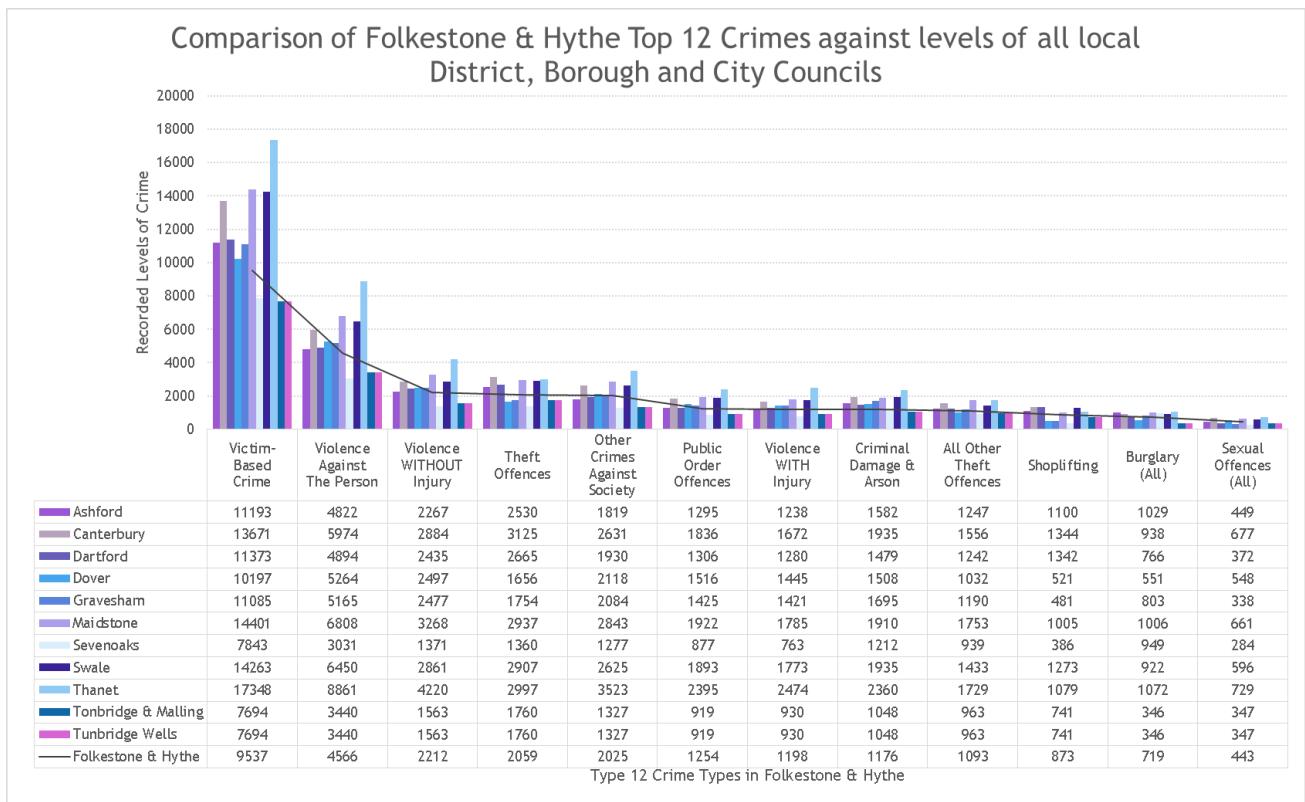
The below table indicates the top 12 crime types reported within the Folkestone & Hythe District, and how each rank compares to the Kent wide picture. The top 5 crimes reported in Folkestone & Hythe match the top 5 reported crimes across the whole of Kent. The other 7 crimes reported as part of the top 12 in Folkestone & Hythe match that of the Kent wide picture, albeit in a slightly different order. The only exception to this is the crime type 'Sexual Offences (All)', which is the 12<sup>th</sup> most reported crime in Folkestone & Hythe but does not feature in the top 12 for Kent.

### Top 12 reported crimes for Folkestone & Hythe compared with Kent rank

Type of Crime	Folkestone & Hythe		Kent	
	Nov 17 - Oct 18	Rank	Nov 17 - Oct 18	Rank
Victim-Based Crime	9537	1st	166445	1st
Violence Against The Person	4566	2nd	77002	2nd
Violence WITHOUT Injury	2212	3rd	36251	3rd
Theft Offences	2059	4th	33215	4th
Other Crimes Against Society	2025	5th	31415	5th
Public Order Offences	1254	6th	21575	8th
Violence WITH Injury	1198	7th	20628	9th
Criminal Damage & Arson	1176	8th	22744	6th
All Other Theft Offences	1093	9th	18343	10th
Shoplifting	873	10th	13048	11th
Burglary (All)	719	11th	11698	12th
Sexual Offences (All)	443	12th	7068	15th

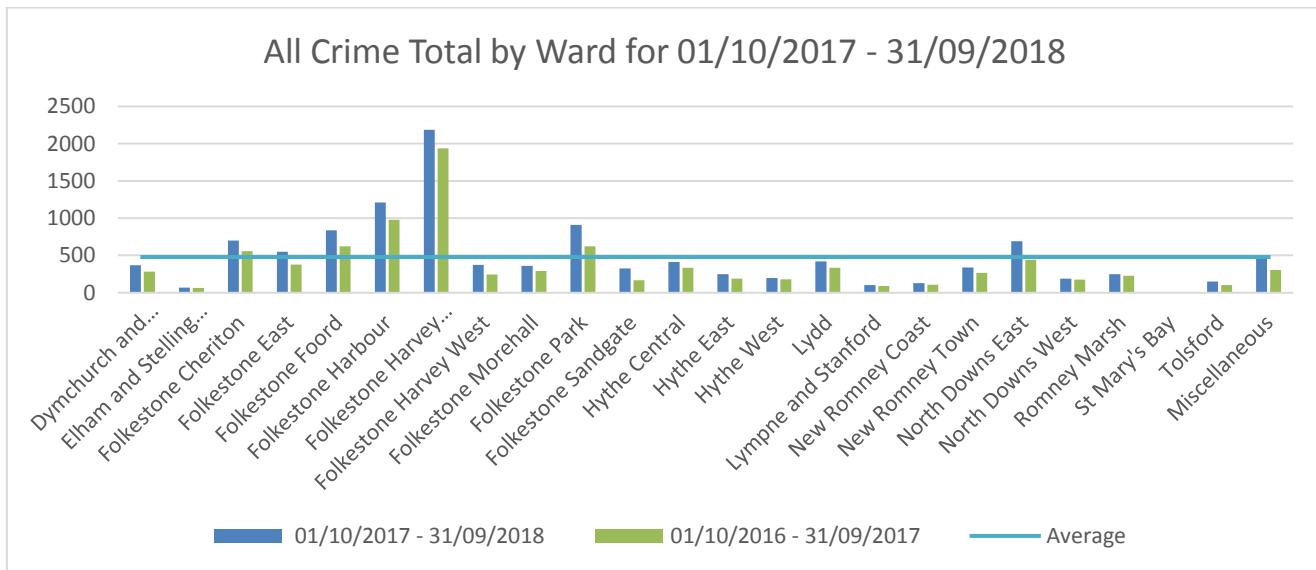
The below graph shows the levels of the top 12 recorded crimes in Folkestone & Hythe as reported across all District, Borough and City councils. As can be seen, Folkestone & Hythe do not have the highest level of Crime County wide for any of the top 12 categories.

\*The Home Office Counting rules have now separated crimes against society and included categories of miscellaneous crimes against society and other crimes against society. This has impacted on the how the data is interpreted. Miscellaneous crimes now include for example bail offences, certain types of fraud and forgery, dangerous driving etc.



### Breakdown of Crime and ASB by Ward

The below table presents totals for all crime, across all wards of Folkestone & Hythe. The further tables in this section display the breakdown of each crime type, over the individual months for the data period of this strategic assessment.

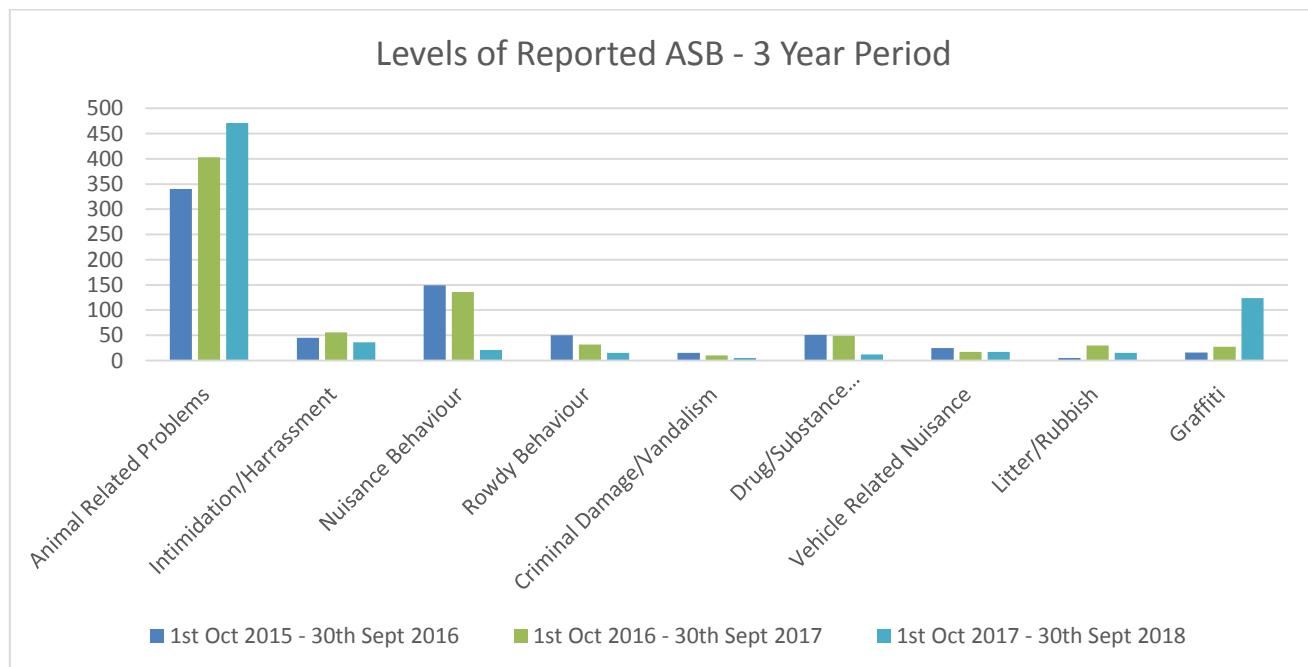


This shows that Folkestone Harvey Central and the cluster of Folkestone wards around this area still have the highest rates of crime across the District with crime rates across the majority of rural and outer lying areas falling below the average recorded levels for the District.

## Folkestone & Hythe District Council ASB Statistics

The below table indicates the reported incidents of Anti-social behaviour to Folkestone & Hythe District Council. As can be seen from the totals, some categories, such as graffiti and animal related problems, have higher reports than the previous years, however the overall number of reports has dropped.

Job Types - ASB Categories	1st Oct 2015 - 30th Sept 2016	1st Oct 2016 - 30th Sept 2017	1st Oct 2017 - 30th Sept 2018
	No. Jobs Raised	No. Jobs Raised	No. Jobs Raised
Animal Related Problems	340	403	471
Intimidation/Harassment	45	56	36
Nuisance Behaviour	149	136	21
Rowdy Behaviour	50	32	15
Criminal Damage/Vandalism	15	10	5
Drug/Substance Misuse/Dealing	51	49	12
Vehicle Related Nuisance	25	17	17
Litter/Rubbish	5	30	15
Graffiti	16	27	124
<b>Total</b>	<b>696</b>	<b>760</b>	<b>716</b>



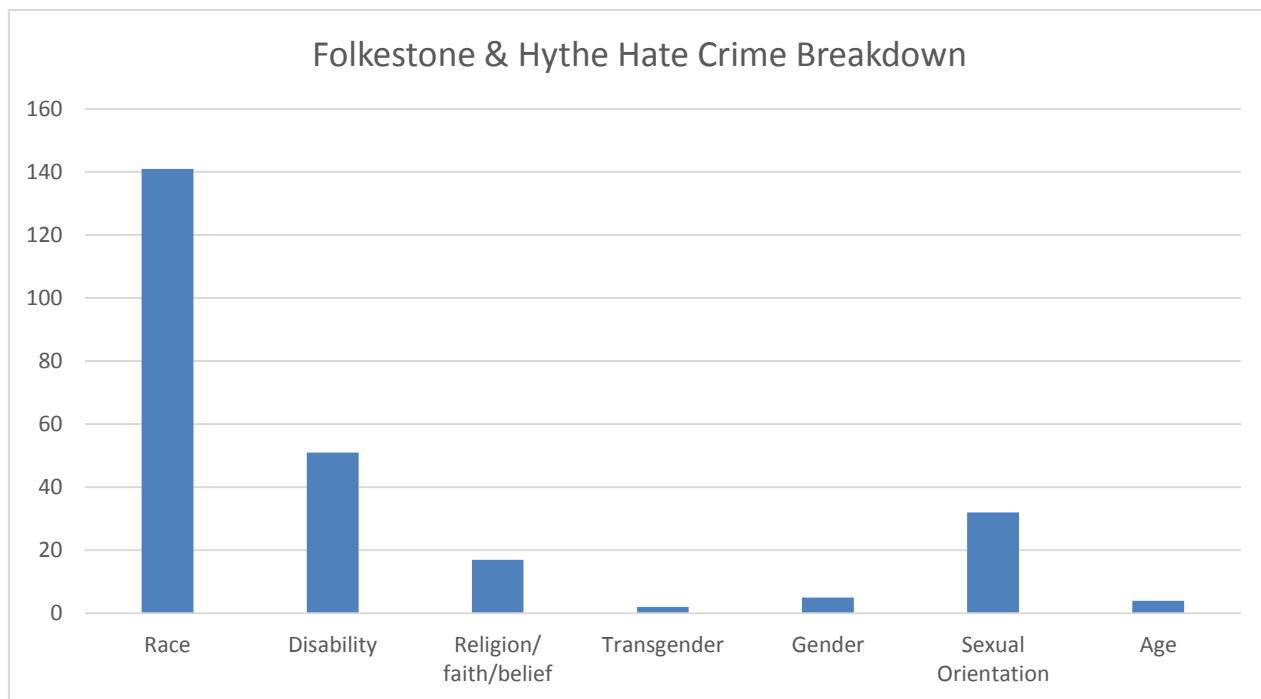
## HATE CRIME

Hate crime is an issue in Kent that is continuing to increase. Folkestone & Hythe has had a total of 218 Hate crimes reported to Kent Police between the periods of October 2017 and October 2018, for perspective this is a +64 numerical increase, or a +41.6% increase. In comparison, in the data period of October 2017 – October 2018, Kent, as a whole, has seen 4233 Hate crimes being reported, this is a numerical increase of +1400 crimes being reported. This equates to a +49.4% increase over the last year.

### Folkestone & Hythe

A Folkestone & Hythe specific breakdown of Hate Crime can be seen below.

Area	Race	Disability	Religion/ faith/belief	Transgender	Gender	Sexual Orientation	Age
Folkestone & Hythe	141	51	17	2	5	32	4
Kent	3236	585	208	97	114	606	84



As can be seen from the above graph and table, the most prominent Hate crime reported is regarding Race, with disability being the second most reported and Sexual Orientation being the third most reported. These three categories match that of the top 3 reported in Kent over the same period.

It is worth noting that the percentage increase for the previous data period of October 2017 – October 2018 has fallen from +49.6% to +41.6%.

## SUMMARY

The Folkestone and Hythe CSP faces significant challenges over the coming year against a background of ongoing financial pressures and increased resource requests. However, it has seen an increase in enthusiasm and support from all members to ensure that community safety is at the forefront of their work to support the wider health and wellbeing of all residents and communities in the district. This is reflected in the move from priorities around domestic abuse, substance misuse and anti-social behaviour to more stretching current and relevant themes that can affect communities. Included there are some of the areas of work that may not be currently significant in the District , but are important to recognise as potential factors that may occur and need to be considered.

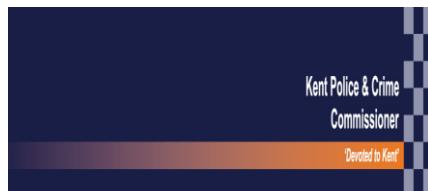
The Partnership is supported by the Community Safety Unit, which is a virtual multi-partner agency flow of information, support and direction. The daily police briefings and weekly multi-agency partner briefings have seen significant pieces of work being undertaken, particularly around “hot spot” locations and supporting at risk and vulnerable individuals.

Tackling crime and ASB is everyone’s business. All the agencies involved in the CSP are committed to making the District safe by providing high quality services in an efficient and effective way. An emphasis is on tackling the crimes that are committed most frequently and which have the most impact on communities. Partners are also working hard to increase the confidence in society so that victims feel able to report detrimental behaviours and crimes. More work will be undertaken in the coming year to work with communities to ascertain their issues and what additional work they would like the CSP to focus on. In addition, the CSP will continue to work closely with all other partnership bodies including, the South Kent Coast Health and Well Being Board (undergoing review), Local Children’s Partnership Group, Mental Health groups and many others.

## GLOSSARY

ASB	Anti-social behaviour
CCG	Clinical Commissioning Group
CIN	Children in Need
CP	Child Protection
CSE	Child Sexual Exploitation
CSU	Community Safety Unit
CSP	Community Safety Partnership
DA	Domestic Abuse
F&HDC	Folkestone & Hythe District Council

IDVA	Independent Domestic Violence Adviser
KCC	Kent County Council
KSSCRC	Kent, Surrey and Sussex Community Rehabilitation Company
LAC	Looked After Children
MARAC	Multi-agency Risk Assessment Conference (DA)
IOM	Integrated Offender Management
PSPO	Public Space Protection Order
SA	Strategic Assessment



This Report will be made public on 11 June 2019

## Report Number C/19/04

**To:** Cabinet  
**Date:** 19 June 2019  
**Status:** Non- Key Decision  
**Assistant Director:** Sarah Robson - Assistant Director - Strategy, Performance and Communications  
**Cabinet Member:** Cllr Jennifer Hollingsbee  
**SUBJECT:** New Public Spaces Protection Order - Final order with boundary maps and working protocols

**SUMMARY:** On 13th March 2019, Cabinet agreed to bring into force all seven measures that were subject to public consultation for the new proposed Public Spaces Protection Order (PSPO) for implementation in June 2019. This report provides information on how the PSPO will be implemented through a series of working protocols, attached, and a copy of the final order with boundary maps that require sealing is also attached.

### REASONS FOR RECOMMENDATIONS:

Cabinet is asked to agree the recommendations set out below because:

- a) The current PSPO expires in June 2019 and will be replaced by the new PSPO as agreed by Cabinet on 13<sup>th</sup> March 2019.
- b) The Council has agreed to introduce a new PSPO to address Antisocial Behaviour associated with 7 specific behaviours as set out in report number C/18 /78
- b) The working protocols attached demonstrate how the PSPO will be employed alongside other approaches as part of a broad and balanced method of dealing with antisocial behaviour issues. As part of the PSPO process, non-statutory solutions, delivered in partnership with community, charity or membership organisations will be equally valid in the right circumstances.

### RECOMMENDATIONS:

- a. To note report C/19/04.
- b. To agree the final worded order for agreement and sealing by the Council.
- c. To agree the working protocols attached to support the implementation of the PSPO and the desired data collection to accompany activity.

## **1. INTRODUCTION**

- 1.1 Following agreement by Cabinet on 13<sup>th</sup> March 2019 to approve the findings of the public consultation that took place between 26<sup>th</sup> November 2018 and 21<sup>st</sup> January 2019, on the introduction of a new Public Spaces Protection Order, work commenced on finalising the remaining work to enable implementation.
- 1.2 The full order describing the prohibitions and legal requirements can be found at **Appendix 1**. The order specifies clearly what types of behaviours may be addressed through the use of the new PSPO and the legal basis for this.
- 1.3 Under the Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO sits amongst a broad range of other powers and tools to help reduce anti-social behaviour within particular areas.
- 1.4 A PSPO can substantially reduce anti-social behaviour by the means of reasonable and proportionate restrictions and prohibitions. Its aim is to ensure public spaces can be enjoyed and are designed to ensure that the law-abiding majority can still use and enjoy public spaces, safe from anti-social behaviour and the Cabinet report (C/18/78 dated 13.03.19) detailed the circumstances for its use.
- 1.5 The Council's Enforcement Policy states that the Council is committed to services which are courteous and helpful and seeks to work with individuals and businesses, wherever possible, to help them comply with the law. In section 1.4 of the policy, it states that where possible, the first step in enforcement should always be prevention, ensuring policy compliance and preventing contravention of the law by raising awareness and promoting good practice.
- 1.6 Engagement, education and prevention will always, where possible, come ahead of warnings and enforcement. This was set out in the Equality Impact Assessment previously agreed by Cabinet. A series of working protocols to support the implementation of the PSPO for each of the seven measures have been developed and these are attached at **Appendix 2a – 2g**.
- 1.7 It must be emphasised that the approach to the PSPO will always be tackling any antisocial behaviour as deemed on a case by case basis by agencies dealing with the incident. Not all cases will require intervention as public perception of issues varies so widely. It is also the case that the PSPO may not always be the right legislative tool to use and if alternative tools and powers are required this is what will be used. PSPOs are also of benefit in supporting engagement into relevant services.

## **2. SEALED ORDER AND BOUNDARY MAPS**

- 2.1 The full order describing the prohibitions and legal requirements can be

found at **Appendix 1**. The order specifies clearly what types of behaviours may be addressed through the use of the new PSPO and the legal basis for this. The order needs to be used in conjunction with schedule 1 of the order that relates to the 11 boundary maps that are produced alongside it and available at <\\sdc-data\shepway\data-transfer\j-harman>

- 2.2 The maps are bespoke to areas that have been most affected by the specific measures that the PSPO covers and not all measures cover all areas. Additional areas were added following public consultation.
- 2.3 The order, once agreed, will be sealed and placed on the website with access to a hard copy at reception in the Civic Centre.
- 2.4 The order will come in force on 19th June 2019. The maximum duration of a PSPO is three years, however, they can last for shorter periods where appropriate. The order will be reviewed within three years, but preferably by year two. The first year will be used as a test and learn phase to enable authorised officers to establish the working protocols.

### **3. WORKING PROTOCOLS**

- 3.1 The PSPO will be applied in accordance with the Equality Impact Assessment that was agreed by Cabinet in March 2019.
- 3.2 A series of working protocols are attached at **Appendix 2a – 2g**. These set out how each of the measures in the PSPO will be approached. Agencies will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as relevant.

Measure 1: *Control of anti-social alcohol consumption in a public place*  
Measure 2: *No use of intoxicating substances in a public place*  
Measure 3: *No urinating, spitting or defecating in a public place*  
Measure 4: *No Begging*  
Measure 5: *Control of anti-social street entertainment*  
Measure 6: *Control of unauthorised street fundraising and marketing*  
Measure 7: *Control of unauthorised camping*

- 3.3 The working protocol forms for each measure, at **Appendix 2a –Appendix 2g**, state purpose, legal test applied, prevention and education work carried out by agencies as well as enforcement approach, penalties on breach and legal process.
- 3.4 A data collection sheet, **Appendix 3**, has been devised for authorised officers to fill in to help track progress.

### **4. RISK MANAGEMENT ISSUES**

<b>Perceived risk</b>	<b>Seriousness</b>	<b>Likelihood</b>	<b>Preventative action</b>
Cabinet disagree with	High	Low	Ensure agreement to the contents of the

the contents of the report and the PSPO lapses			report or if changes are of a minor nature to agree these with the relevant Responsible Cabinet Member.
Non engagement from other partners involved in PSPO implementation	Medium	Low	Additional resources to be identified and ensure on-going close partner working through Community Safety Unit.

## 5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 5.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 allows PSPOs to be introduced in a specific public area where the Council is satisfied on reasonable grounds that two conditions have been met. The first condition is that (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. The second condition is that the effect, or likely effect, of the activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice.

### 5.2 Finance Officer's Comments (LW)

There are no financial implications arising from this report.

### 5.3 Diversities and Equalities Implications (SR)

An Equality Impact Assessment (EIA) has already been conducted on the proposed conditions to ensure there is no negative impact on any particular group and this has been agreed by Cabinet.

### 5.4 Communications Implications (MC)

The Communications and Engagement team will work with the Community Services Manager to roll out an agreed communications plan, publish relevant content on the website, create relevant promotional material, inform portfolio holders appropriately and consider any relevant communications to staff.

### 5.5 Transformation Comments (SR)

There are no direct implications on the delivery of the transformation programme arising from this report. However, officers may wish to consider using the new Project Methodology piloted with the Communities team.

### 5.6 Human Resources Comments (PR)

There are no Human Resources implications arising from this report.

## **6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officers prior to the meeting:

**Jyotsna Leney**

**Community Services Manager**

Tel: 01303 853460

Email: jyotsna.leney@folkestone-hythe.gov.uk

**Jess Harman**

**Community Project Manager**

Tel: 01303 853524

Email: jess.harman@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

**None.**

**Appendices:**

Appendix 1: The PSPO with Schedule & Boundary Maps

Appendix 2a – 2g): Working Protocols

Appendix 3 Data Collection

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## **The Anti-social Behaviour, Crime and Policing Act 2014 The Public Spaces Protection Order - (Folkestone & Hythe District Council) 2019**

**Folkestone & Hythe District Council (the “Council”) makes this Public Spaces Protection Order (the “Order”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the “Act”). This Order may be cited as the Folkestone & Hythe District Council Public Spaces Protection Order 2019.**

The Council is satisfied on reasonable grounds that the activities described below (the “Activities”) carried out in a public place within its area have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and that the effect of the Activities –

- a) Is, or is likely to be, of a persistent or continuing nature
- b) Is, or is likely to be, such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the Order.

This Order applies to any land to which the public has access within the areas outlined in red on the maps which accompany the order (the “Restricted Areas”) as listed in Schedule 1 below.

The restricted area does not and shall not include any area of land in so far as it is already governed by existing byelaws within the district.

This Order comes into force on Wednesday 19<sup>th</sup> June 2019 for a period of 3 years, with an initial review after 2 years.

The Activities which are prohibited or required by this Order are:

### **1. Anti-social alcohol consumption**

Where a constable, police community support officer or duly authorised officer of the Council (hereafter “Authorised Person”) reasonably believes that the consumption of alcohol in a

Restricted Area has had, or is likely to have, a detrimental effect on the quality of life of those in the locality they can require any person:

- (a) Not to consume alcohol or anything which they reasonably believe to be alcohol;
- (b) To surrender anything in any person's possession which is, or which the Authorised Person reasonably believes to be, alcohol or a container for alcohol.

Any surrendered items may be disposed of by the Authorised Person in any way he or she thinks is appropriate.

An Authorised Person who imposes a requirement under 1(a) or 1(b) above must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

A person who fails without reasonable excuse to comply with a requirement imposed on him or her under 1(a) or 1(b) above commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

A requirement imposed by an Authorised Person under 1(a) or 1(b) above is not valid if when asked to show evidence of his or her authorisation they fail to do so.

**Exemptions** - This provision does not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a license under the Licensing Act 2003 or section 115E of the Highways Act 1980.

## **2. The use of intoxicating substances**

- a) The ingestion, inhalation, injection, smoking or other use of psychoactive intoxicating substances shall be prohibited in Restricted Areas.
- b) Where an Authorised Person reasonably believes that psychoactive intoxicating substances are being ingested, inhaled, injected, smoked or otherwise used in a Restricted Area they will require any person to surrender said substance and any associated items.

The requirement under paragraph 2(a) and 2(b) above shall not apply where the substance:

- i. Is used for a valid and demonstrable medicinal or therapeutic purpose;
- ii. Is a cigarette or pipe (tobacco) or vaporiser;
- iii. Is a food product regulated and not prohibited by food, health and safety legislation

### **3. Urinating, spitting or defecating**

No person shall urinate, spit or defecate in Restricted Areas other than by use of a lavatory made available for use by the public.

### **4. Begging**

- a) All persons are prohibited from approaching other persons in order to beg them for money;
- b) All persons are prohibited from sitting or loitering whilst in possession of signage or other items ancillary to, and for the purposes of, begging or soliciting money from passers-by.

**Exemptions** - These prohibitions do not apply to any authorised collections made on behalf of registered charities or other approved organisations.

### **5. Anti-social street entertainment**

- a) No person shall perform any type of street entertainment in such a way that causes a nuisance to nearby premises or members of the public. Such nuisance includes but is not limited to the inconsiderate obstruction of highways, footpaths and shop entrances.

No person shall continue to perform any type of street entertainment when directed by an Authorised Person to cease that activity.

### **6. Unauthorised street fundraising and marketing (Chugging)**

A person shall not stop or approach another person for the purpose of asking them to:

- a) subscribe or to donate to a charity;
- b) participate in a marketing questionnaire or survey
- c) A person shall not encourage any person to do anything which would constitute a breach of  
a) and b) above.

**Exemptions** – Paragraph 6 above is not applicable where the Activity has been authorised by the Council or other body in accordance with a scheme operated or expressly approved by them.

### **7. Unauthorised camping**

- a) No person shall position any vehicle, caravan, tent or other temporary structures that are designed or intended to provide shelter or accommodation for the purpose of overnight stay within the Restricted Area without prior express consent of the owner or person in lawful control of the land, proof of which shall lie with the person remaining in any such vehicle,

caravan or other temporary structure.

- b) If instructed to do so by an Authorised Person a person with responsibility for or utilising any vehicle or temporary structure shall remove the same and / or any associated equipment, animals or paraphernalia from the Restricted Area without delay.

#### **Offence of failing to comply with Order**

Under Section 67 of the Act:

- 1) It is an offence for a person without reasonable excuse—
  - a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale, except for anti-social alcohol consumption which will not exceed level 2.

The Common Seal of the  
District Council of  
Folkestone & Hythe was  
Affixed in the presence of:

Authorised Signatory..... Date.....

## Schedule 1

<b>Map no</b>	<b>Area</b>	<b>Prohibited activities</b>
1	Folkestone	1, 2, 3, 4, 5, 6, 7
2	Cheriton	1, 2, 3, 4, 7
3	Sandgate & Seabrook	1, 2, 3, 4
4	Hawkinge	1, 2, 3, 7
5	Hythe - High Street/Oaklands	1, 2, 3, 4, 7
6	Littlestone & Greatstone	1, 2, 3, 7
7	St Marys Bay & Dymchurch	1, 2, 3,
8	New Romney	1, 2, 3, 4, 7
9	Lydd	1, 2, 3, 7
10	All district Play Areas	7
11	All district Churchyards and cemeteries	7

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# Public Space Protection Order Boundary



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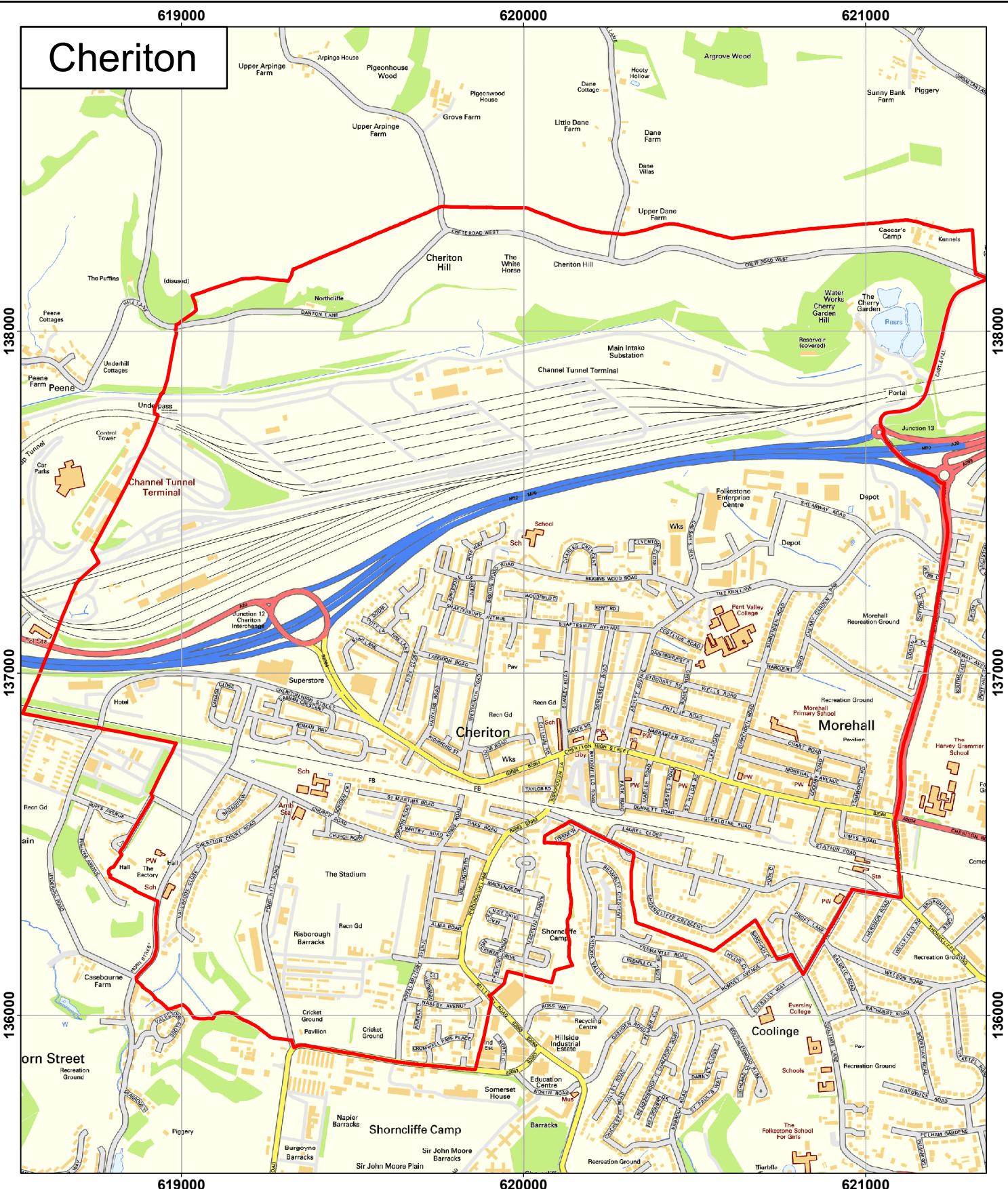
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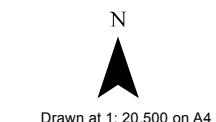
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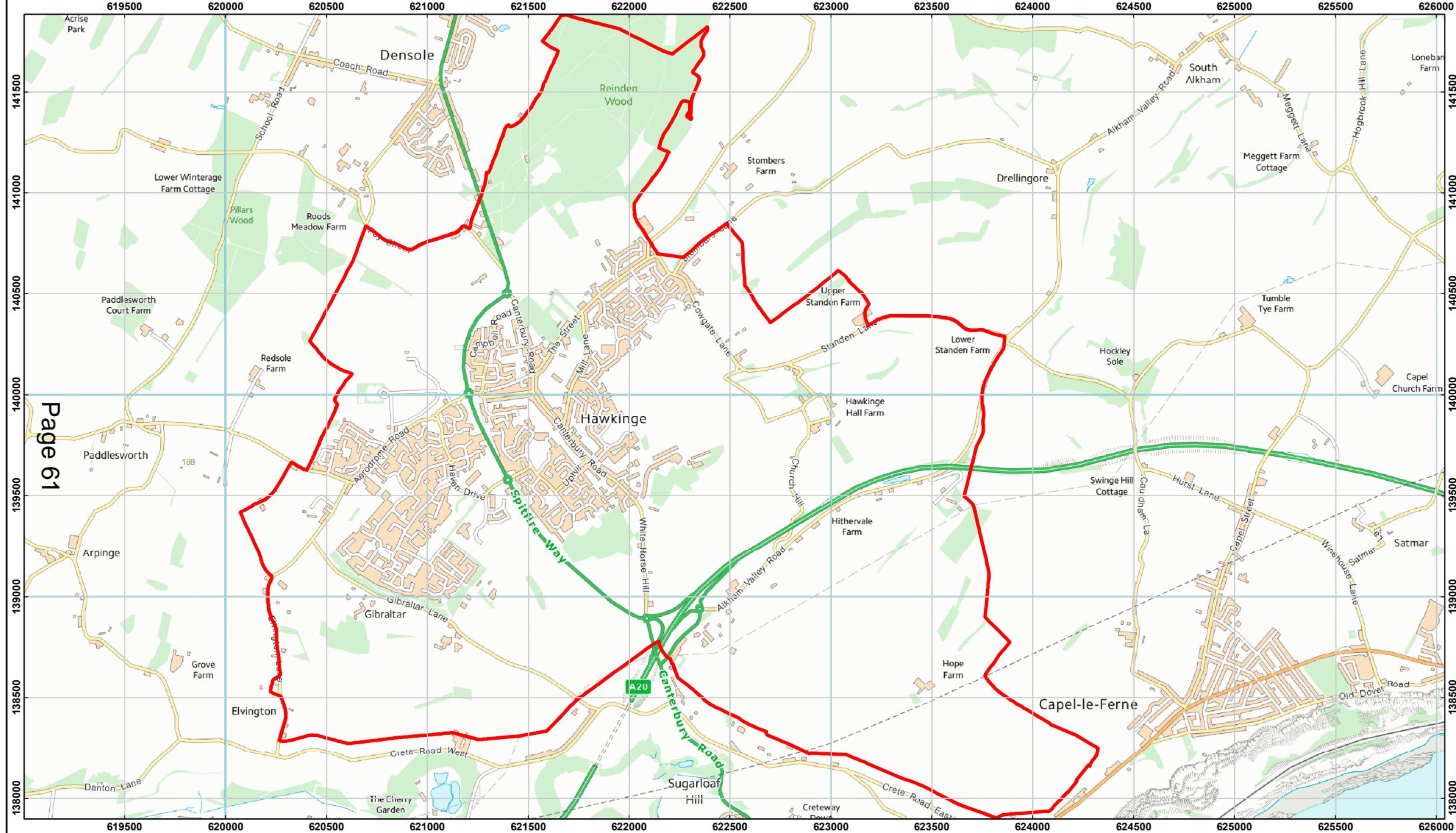
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# Hawkinge



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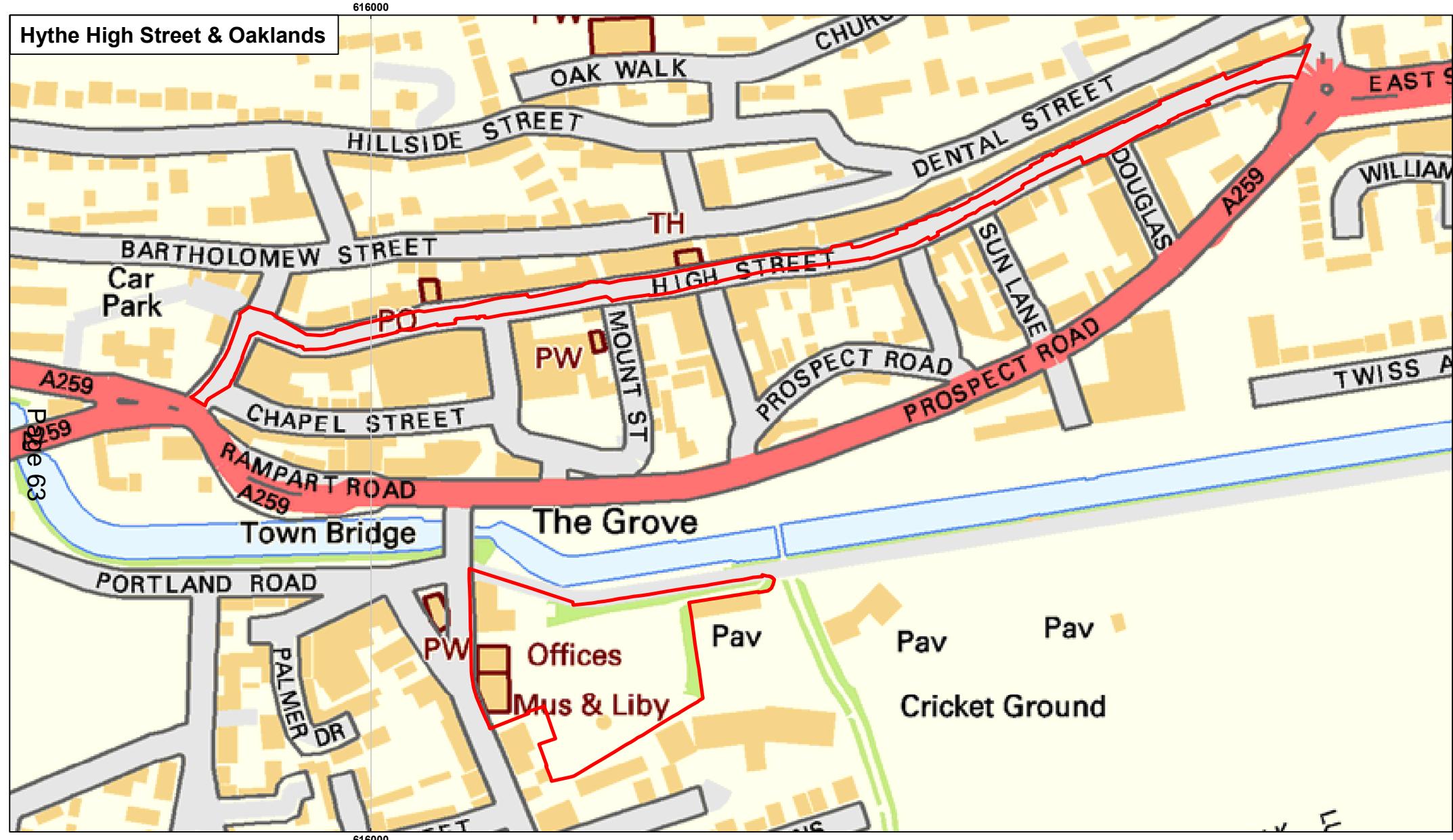
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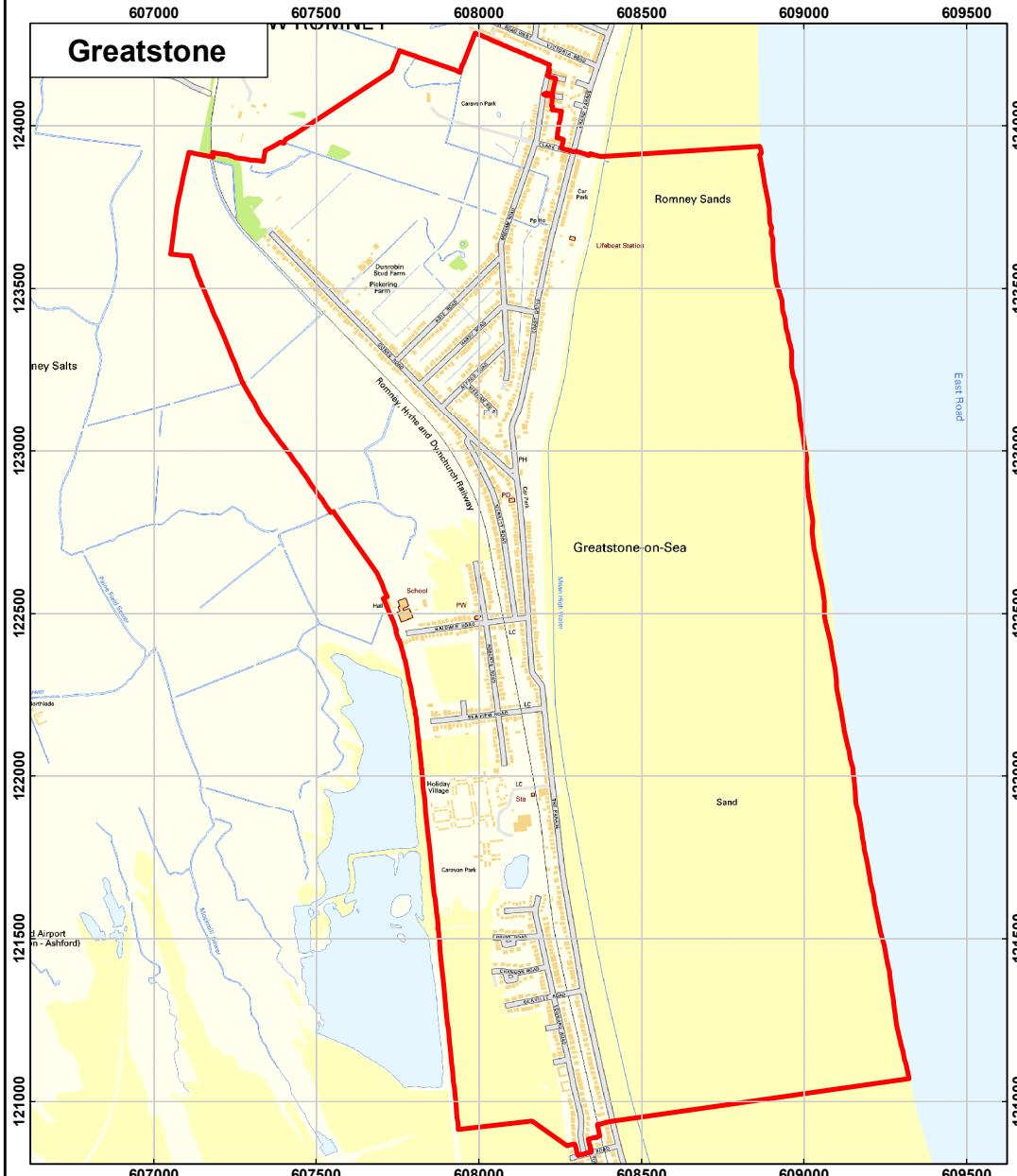
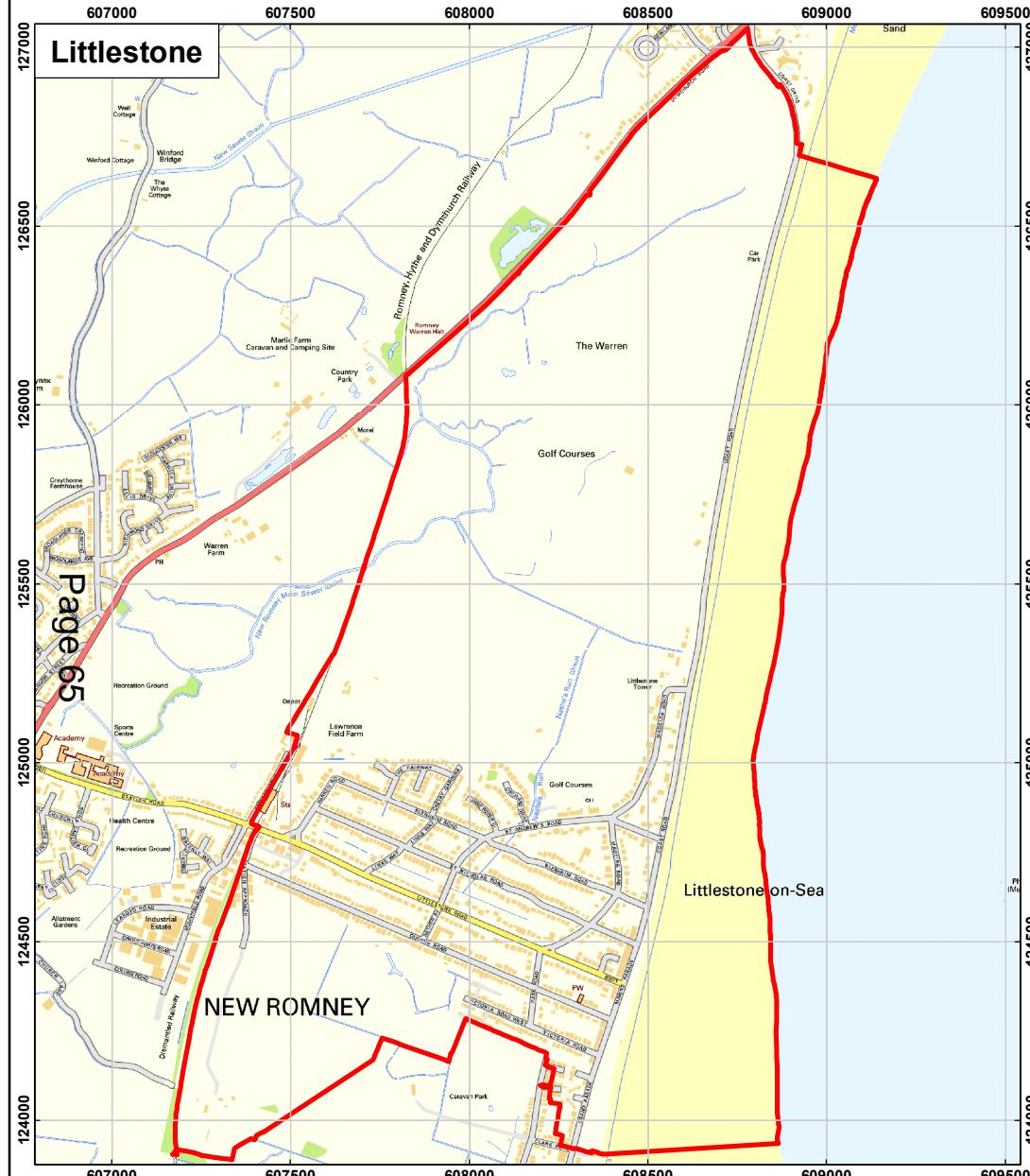
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Folkestone  
& Hythe  
District Council

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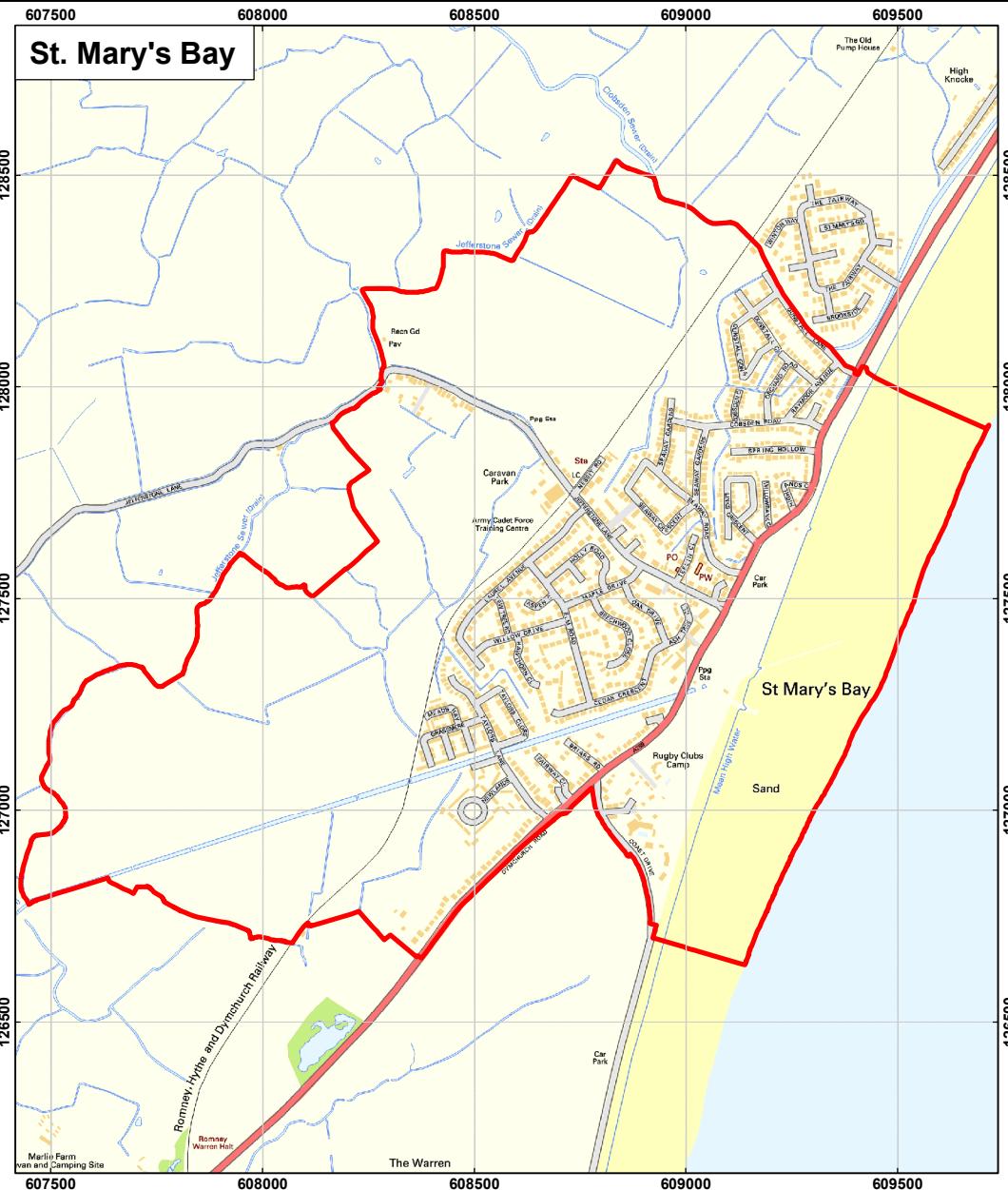
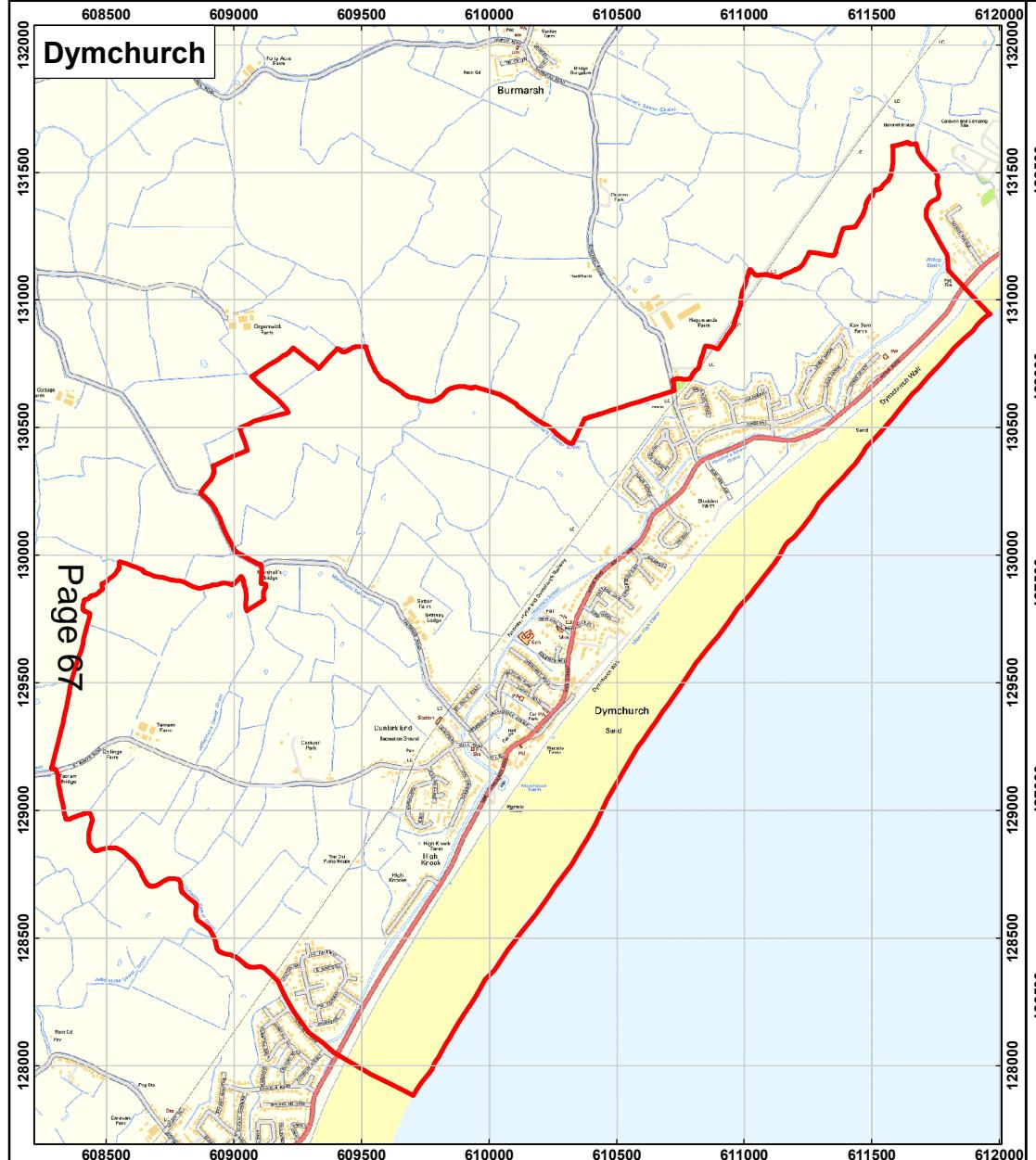
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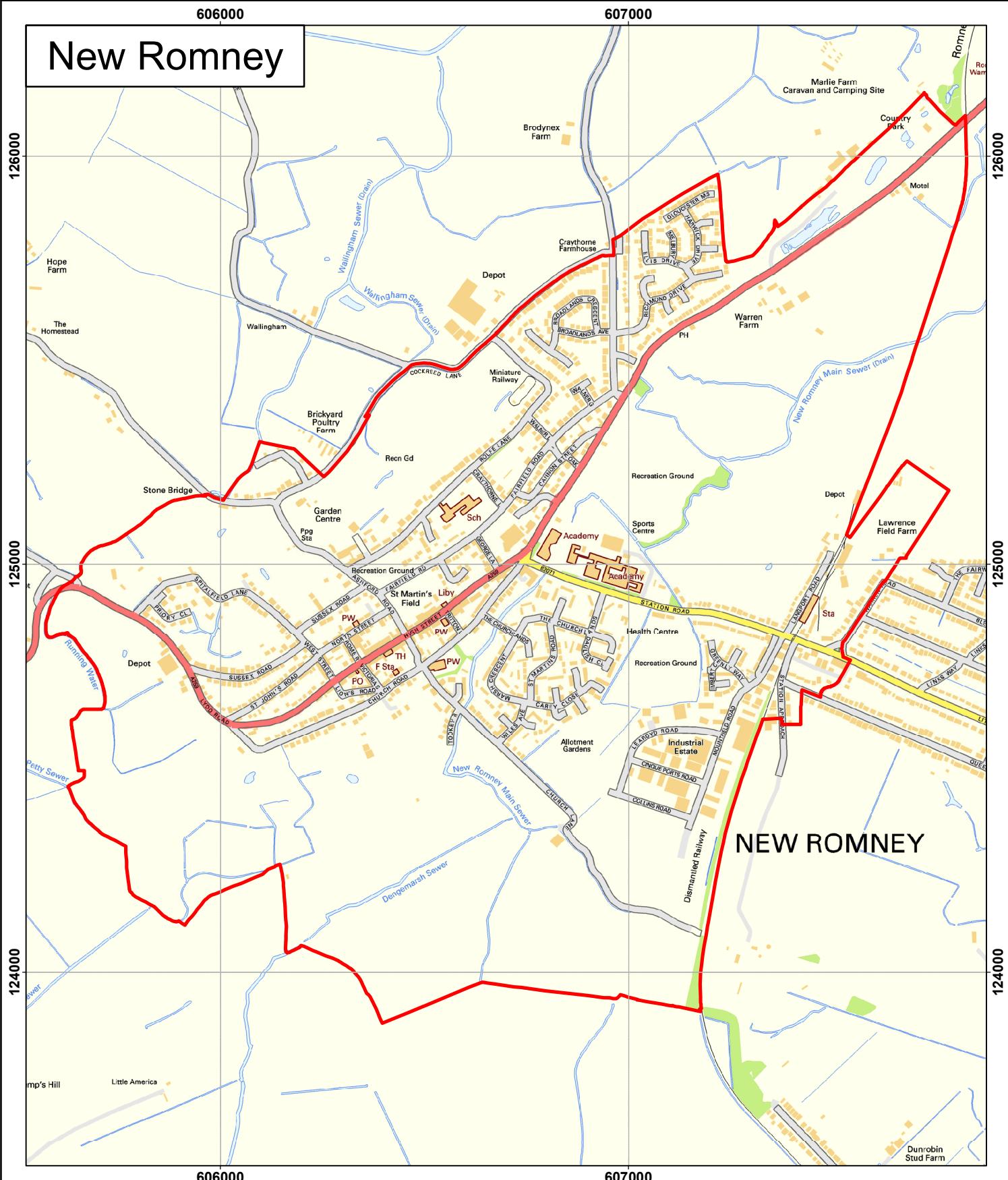
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# Public Space Protection Order Boundary



Drawn date:

14 May 2019

Drawn by:  
Brian Harner

Drawing ref:  
0624/CPM/JH

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**Folkestone  
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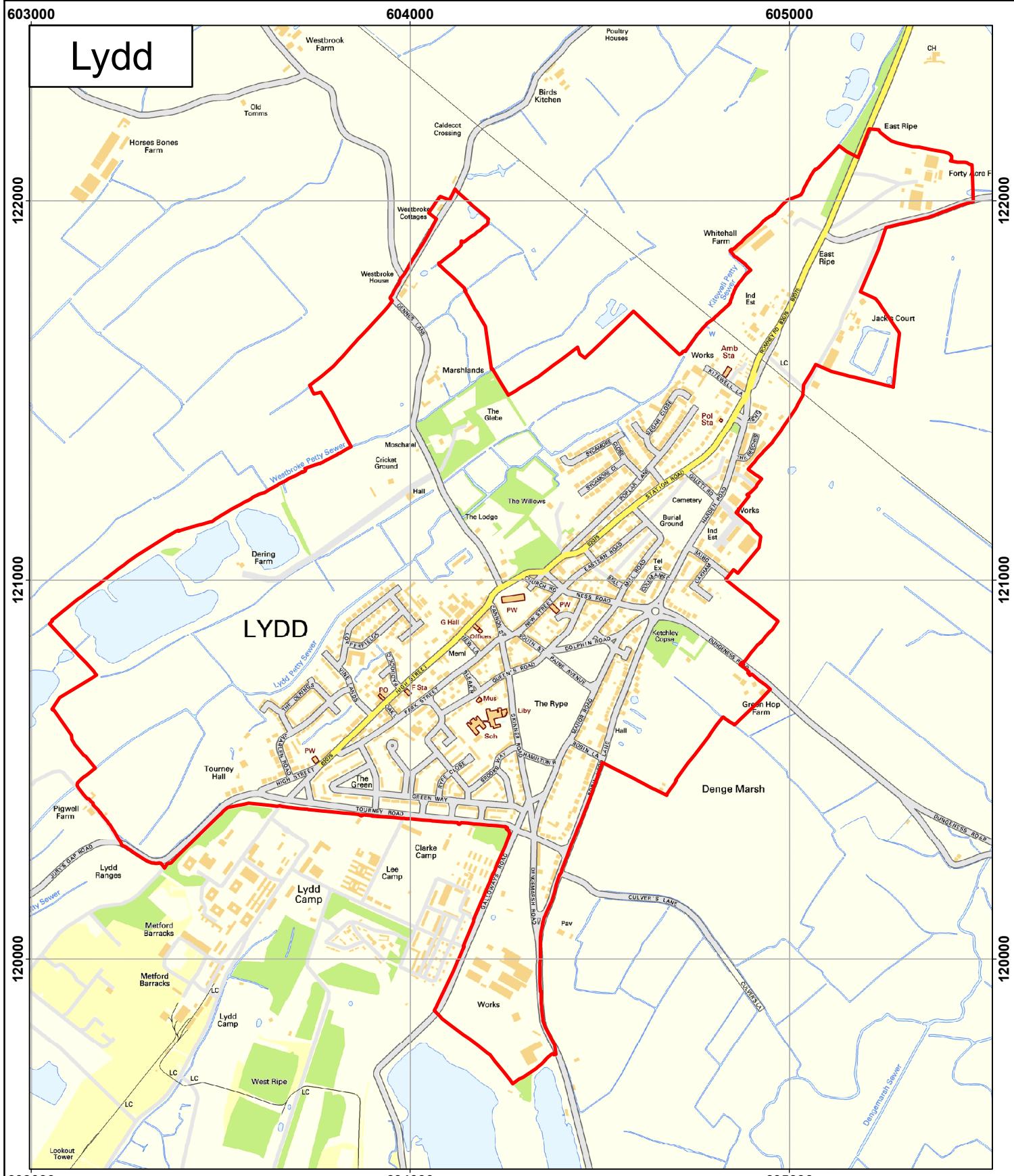
District Council

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# Public Space Protection Order Boundary



Drawn date:

14 May 2019

Drawn by:  
Brian Harper

Drawing ref:  
0420/CPM/JH

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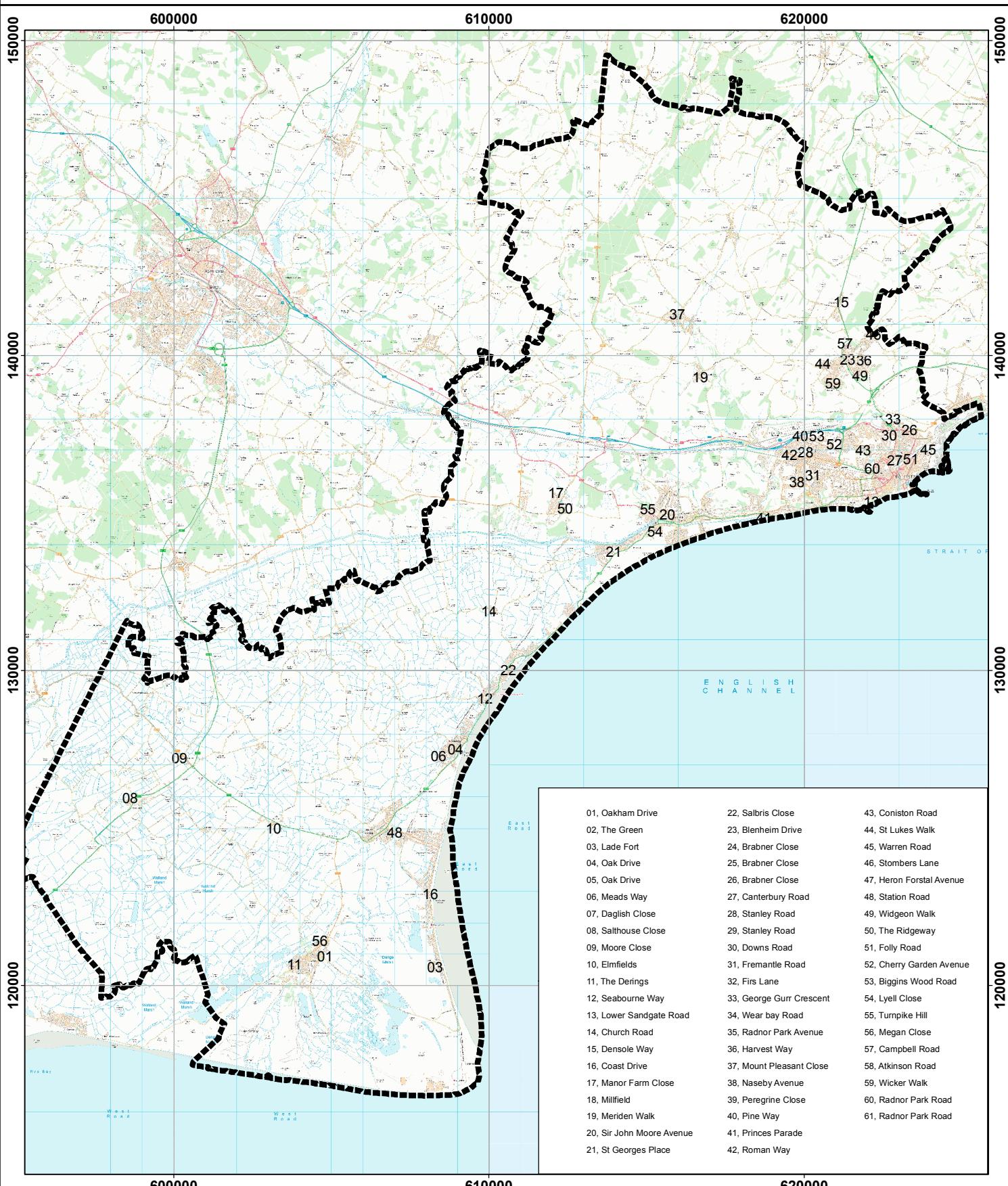
Folkestone  
& Hythe  
District Council

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# Public Space Protection Order Boundary - Play Areas



Drawn date:  
02 Oct 2018  
Drawn by:  
Brian Harper  
Drawing ref:  
FHDC/DPA/LK

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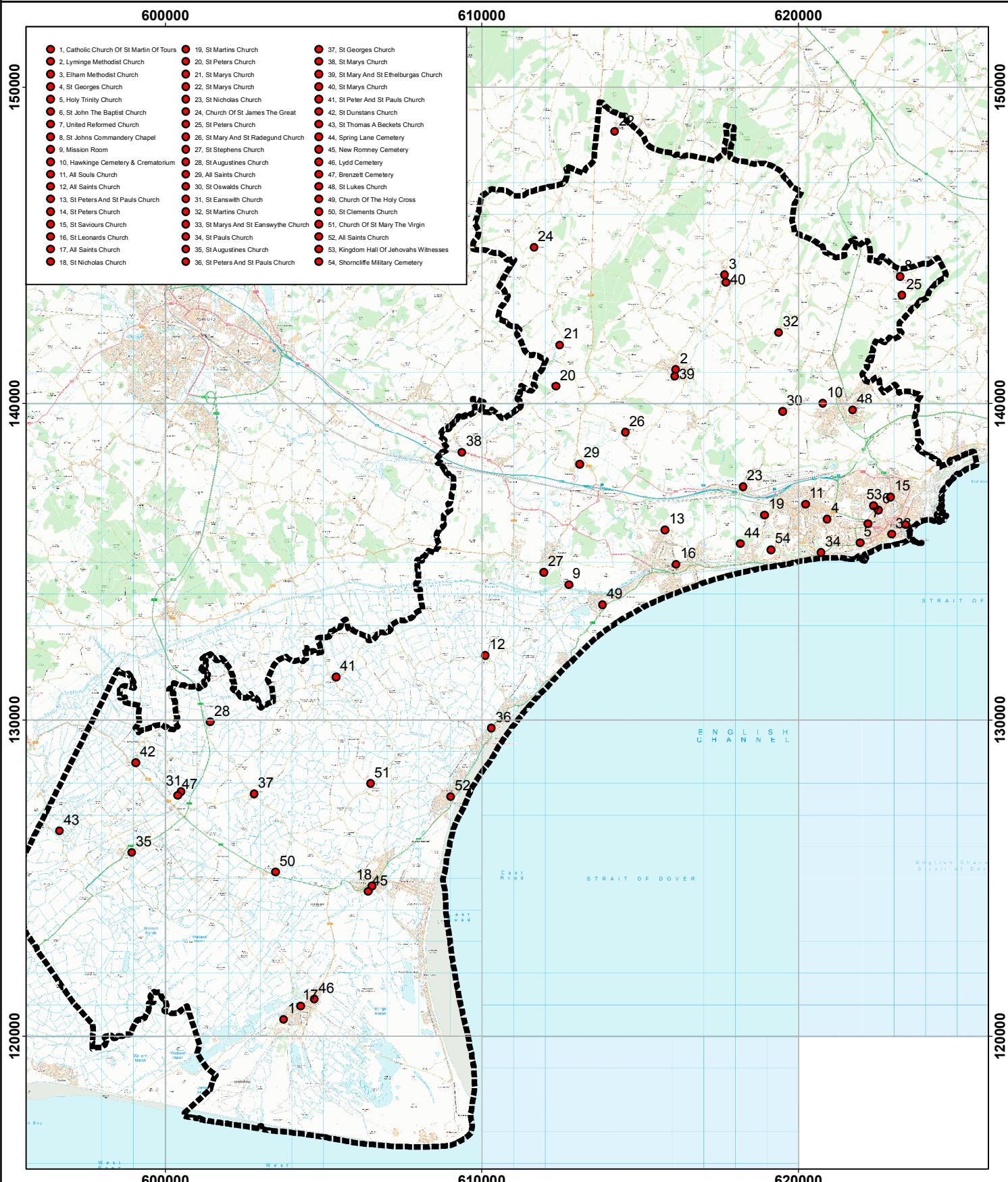
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Page 73 8



**Folkestone & Hythe**  
District Council  
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## **Public Space Protection Order Boundary - Churchyards & Cemeteries**



Drawn date:

21 Sep 2018

Drawn by:

Brian Harper

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& Hythe**



District Council

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**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

**Protocol Form**

<b>Measure 1</b>	<b>Control of anti-social alcohol consumption in a public place</b>
<b>Purpose</b>	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place associated with alcohol consumption.</p> <p>Individuals or groups are required to stop drinking alcohol or surrender any vessel believed to contain alcohol, if authorised officers believe anti-social behaviour has been committed or is likely to be committed.</p>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>
<b>Prevention and Education agencies</b>	<ul style="list-style-type: none"> <li>• A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone &amp; Hythe Community Safety Partnership.</li> </ul>
<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>• Foot patrols and multi-agency operations in hot spot areas.</li> <li>• Action tasking to weekly Community Safety Unit meeting.</li> <li>• Awareness raising through promotional signage, posters and media messaging.</li> <li>• Delivery of awareness raising and education events and activity including: <ul style="list-style-type: none"> <li>◦ District Youth Conference</li> <li>◦ Safety in Action schools programme</li> <li>◦ Professionals training and information sessions</li> </ul> </li> <li>• Signposting to: <ul style="list-style-type: none"> <li>◦ Adult Social Services</li> </ul> </li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

	<ul style="list-style-type: none"> <li>○ Children's Social Services</li> <li>○ Mental Health Services</li> <li>○ Kent County Council youth outreach detached working</li> <li>○ Drug, Alcohol and Mental Health Services - St Giles Trust, Kenwood Trust, Project Salus, Excelsior, Forward Trust</li> <li>○ Debt advice agencies - Christians Against Poverty (CAP), Step Change, Citizen's Advice</li> <li>○ Housing Services - Folkestone &amp; Hythe District Council (FHDC), Rainbow Centre, Sanctuary Housing, Porchlight)</li> <li>○ Outreach support - Aspire Project, Urban Pastors</li> <li>○ FHDC Licensing</li> <li>○ Trading Standards</li> </ul>
<b>Authorised Officers</b>	Kent Police will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach is a criminal offence</li> <li>• Designated Kent Police Officers and PCSO's (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>• A maximum penalty on conviction of £500</li> </ul>
<b>Process</b>	<p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p> <ul style="list-style-type: none"> <li>• That they had reasonable excuse for non-compliance with the PSPO.</li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

	<ul style="list-style-type: none"><li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li></ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £500. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

**Protocol Form**

<b>Measure 2</b>	<b>No use of intoxicating substances in a public place</b>
<b>Purpose</b>	<p>This measure is designed to deal with affects intoxicating substances may have on a person's behaviour when in a public place. A person is guilty of an offence if they use, possess or supply to another person any intoxicating substance (defined for the purposes of this order as any substance with the capacity to stimulate or depress the central nervous system).</p> <p>It does not include tobacco or prescription medication. This proposal covers the use of items which are used to administer intoxicating substances including needles that are not correctly packaged.</p> <p>All persons shall stop ingesting, inhaling, injecting smoking or otherwise using substances reasonably believed to be psychoactive intoxicating substances and / or surrender the substance or any receptacles reasonably believed to contacting such substances, when required to do by an authorised officer.</p> <p>No persons shall use or leave any paraphernalia necessary or associated with the use of psychoactive substances in the Restricted Areas.</p> <p>The preceding requirement does not apply where the substance:</p> <ul style="list-style-type: none"> <li>a) Is used for a valid and demonstrable medicinal or therapeutic purpose;</li> <li>b) Is a cigarette or pipe (tobacco) or vaporiser;</li> <li>c) Is a food product regulated and not prohibited by food, health and safety legislation</li> </ul>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

<b>Prevention and Education agencies</b>	<ul style="list-style-type: none"> <li>A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone &amp; Hythe Community Safety Partnership.</li> </ul>
<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>Foot patrols and multi-agency operations in hot spot areas.</li> <li>Action tasking to weekly Community Safety Unit meeting.</li> <li>Awareness raising through promotional signage, posters and media messaging.</li> <li>Delivery of awareness raising, education and engagement events and activity including: <ul style="list-style-type: none"> <li>Schools</li> <li>District Youth Conference</li> <li>Safety in Action schools programme</li> <li>Professionals training and information sessions</li> </ul> </li> <li>Signposting to: <ul style="list-style-type: none"> <li>Kent Public Health and other health and wellbeing services</li> <li>Adult Social Services</li> <li>Children's Social Services</li> <li>Mental Health Services</li> <li>Kent County Council youth outreach detached working</li> </ul> </li> <li>Strategic partnership working including Gangs, County Lines and Serious and Organised Crime.</li> </ul>
<b>Authorised Officers</b>	<p>Kent Police will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.</p>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>Breach is a criminal offence</li> <li>Designated Kent Police Officers and PCSO's (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>A maximum penalty on conviction of £1,000</li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

<b>Process</b>	<p>. Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p> <ul style="list-style-type: none"> <li>• That they had reasonable excuse for non-compliance with the PSPO.</li> <li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li> </ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

**Protocol Form**

<b>Measure 3</b>	<b>No urinating, spitting or defecating in a public place</b>
<b>Purpose</b>	<p>This measure is designed to make it an offence to urinate or defecate in public (obviously excluding public toilets).</p> <p>There have been numerous complaints about people urinating in public. The impact this can have on the image of the district is significant and causes a number of issues to local businesses.</p> <p>The measure also covers spitting in public.</p> <p>Individuals are required to cease urinating, spitting or defecating in designated restricted areas, as directed by authorised officers.</p>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>
<b>Prevention and Education agencies</b>	<ul style="list-style-type: none"> <li>• A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone &amp; Hythe Community Safety Partnership.</li> </ul>
<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>• Foot patrols and multi-agency operations in hot spot areas.</li> <li>• Action tasking to weekly Community Safety Unit meeting.</li> <li>• Awareness raising through promotional signage, posters and media messaging.</li> <li>• Delivery of awareness raising events and activity including: <ul style="list-style-type: none"> <li>◦ Professionals training and information sessions</li> </ul> </li> <li>• Signposting to:</li> </ul>

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PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

	<ul style="list-style-type: none"> <li>○ Adult Social Services</li> <li>○ Children's Social Services</li> <li>○ Mental Health Services</li> <li>○ Kent County Council youth outreach detached working</li> <li>○ Outreach support - Aspire Project, Urban Pastors</li> <li>○ Housing Services – Rainbow Centre, Sanctuary Housing, Porchlight</li> <li>○ Engagement with health and wellbeing services.</li> <li>● Partnership working with:           <ul style="list-style-type: none"> <li>○ Street cleansing teams to address cleansing needs</li> <li>○ Folkestone &amp; Hythe District Council (FHDC) Property, Grounds Maintenance and Area Officer teams to consider target hardening measures etc.</li> </ul> </li> </ul>
<b>Authorised Officers</b>	Kent Police will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>● Breach is a criminal offence</li> <li>● Designated Kent Police Officers and PCSO's (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>● A maximum penalty on conviction of £1,000</li> </ul>
<b>Process</b>	<p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p> <ul style="list-style-type: none"> <li>● That they had reasonable excuse for non-compliance with the PSPO.</li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-Social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

	<ul style="list-style-type: none"><li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li></ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

**Protocol Form**

<b>Measure 4</b>	<b>No Begging</b>
<b>Purpose</b>	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place as a result of aggressive begging or other begging that causes adverse community impact.</p> <p>In detail this covers:</p> <ul style="list-style-type: none"> <li>a) All persons are prohibited from approaching another person either in person or verbally in order to beg from the other person;</li> <li>b) All persons are prohibited from sitting or loitering in a public place with any receptacle used to contain monies for the purpose of begging. This includes the use of signage, children or animals to solicit monies from members of the public.</li> <li>c) No persons shall within the restricted area persistently beg. Persistent begging involves begging on more than one occasion and includes all passive and active methods used to receive alms.</li> <li>d) No person shall beg within the restricted area in a manner that is aggressive or intimidating or which harasses members of the public.</li> </ul> <p>Individuals or groups are required to cease begging in designated restricted areas, if authorised officers believe anti-social behaviour has been committed or is likely to be committed.</p> <p><b>This measure is not designed to target genuinely homeless, vulnerable people.</b></p>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
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Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

<b>Prevention and Education agencies</b>	<ul style="list-style-type: none"> <li>A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone &amp; Hythe Community Safety Partnership.</li> </ul>
<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>Foot patrols and multi-agency operations in hot spot areas.</li> <li>Action tasking to weekly Community Safety Unit meeting.</li> <li>Awareness raising through promotional signage, posters and media messaging e.g. Your Small Change Makes a Big Difference campaign</li> <li>Delivery of awareness raising and education events and activity including: <ul style="list-style-type: none"> <li>Professionals training and information sessions</li> </ul> </li> <li>Signposting to: <ul style="list-style-type: none"> <li>Adult Social Services</li> <li>Mental Health Services</li> <li>Drug, Alcohol and Mental Health Services - St Giles Trust, Kenwood Trust, Project Salus, Excelsior, Forward Trust</li> <li>Debt advice agencies - Christians Against Poverty (CAP), Step Change, Citizen's Advice</li> <li>Housing Services - Folkestone &amp; Hythe District Council (FHDC), Rainbow Centre, Sanctuary Housing, Porchlight</li> <li>Outreach support - Aspire Project, Urban Pastors</li> </ul> </li> </ul>
<b>Authorised Officers</b>	Kent Police will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>Breach is a criminal offence</li> <li>Designated Kent Police Officers and PCSO's (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>A maximum penalty on conviction of £1,000</li> </ul>
<b>Process</b>	Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.

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	<p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p> <ul style="list-style-type: none"> <li>• That they had reasonable excuse for non-compliance with the PSPO.</li> <li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li> </ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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**FOLKESTONE & HYTHE DISTRICT  
PUBLIC SPACES PROTECTION ORDER 2019**

Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

**Protocol Form**

<b>Measure 5</b>	<b>Control of anti-social street entertainment</b>
<b>Purpose</b>	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place associated with street entertainment.</p> <p>No person shall perform any type of street entertainment that causes a nuisance to nearby premises or members of the public. This includes obstructing the highway or shop entrances, or using street furniture including public seats, lamp posts and railings.</p> <p>Persons are prohibited from making excessive noise (such as amplified music) that causes harassment, alarm or distress.</p> <p>Individuals or groups are required to cease street entertainment activity in designated restricted areas, if authorised officers believe anti-social behaviour has been committed or is likely to be committed.</p>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>
<b>Prevention and Education Agencies</b>	<ul style="list-style-type: none"> <li>• A programme of communication, education, prevention and engagement activity will be led by statutory partners of the Folkestone &amp; Hythe Community Safety Partnership in partnership with Folkestone Town Centre Management, Folkestone Area Partnership Against Crime (FAPAC) and Licencing teams.</li> </ul>

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<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>• Formalised Protocol and/or Agreements made with Town Centre Management on locations, duration and numbers of Buskers.</li> <li>• Foot patrols and multi-agency operations in hot spot areas.</li> <li>• Action tasking to weekly Community Safety Unit meeting.</li> <li>• Awareness raising through promotional signage, posters and media messaging.</li> <li>• Delivery of awareness raising and education around use of amplified music and noise nuisance.</li> <li>• Signposting to outreach support if required.</li> <li>• Strategic partnership working with Folkestone &amp; Hythe District Council (FHDC) and Kent Police Licensing, Folkestone Town Centre Management and FAPAC.</li> </ul>
<b>Authorised Officers</b>	FHDC will assess any intervention on a case by case basis, considering a range of other enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach is a criminal offence</li> <li>• Designated FHDC Officers (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>• A maximum penalty on conviction of £1,000</li> </ul>
<b>Process</b>	<p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p>

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	<ul style="list-style-type: none"><li>• That they had reasonable excuse for non-compliance with the PSPO.</li><li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li></ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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<b>Measure 6</b>	<b>Control of unauthorised street fundraising and marketing</b>
<b>Purpose</b>	<p>This measure is designed to stop individuals or groups committing anti-social behaviour in a public place associated with unauthorised 'chuggers'.</p> <p>Persons are prohibited from, at any time, engaging in assertive or aggressive (commercial or charity) collection or soliciting for money.</p> <p>A person shall not stop or approach another person for the purpose of asking them to:</p> <ul style="list-style-type: none"> <li>• Subscribe or to donate to a charity;</li> <li>• Participate in a marketing questionnaire or survey.</li> <li>• <i>A person shall not encourage any person to do anything which would constitute a breach of a) and b) above.</i></li> </ul> <p>Individuals or groups are required to cease engaging in (commercial or charity) collection or soliciting for money, if authorised officers believe anti-social behaviour has been committed or is likely to be committed in a designated restricted area.</p> <p><b>Exemptions</b> – the above is not applicable where the Activity has been authorised by the Council or other body in accordance with a scheme operated or expressly approved by them.</p>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>
<b>Prevention and education agencies</b>	<ul style="list-style-type: none"> <li>• A programme of communication, education, prevention and engagement activity will be led by statutory</li> </ul>

**FOLKESTONE & HYTHE DISTRICT  
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Anti-social behaviour, Crime & Policing Act 2014, Reform of anti-social behaviour powers

	partners of the Folkestone & Hythe Community Safety Partnership.
<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>• Formalised Protocol and/or Agreements made with Town Centre management on locations, duration and numbers of Chuggers.</li> <li>• Foot patrols and multi-agency operations in hot spot areas.</li> <li>• Action tasking to weekly Community Safety Unit meeting.</li> <li>• Awareness raising through promotional signage, posters and media messaging.</li> <li>• Signposting to outreach support if required.</li> <li>• Strategic partnership working with Folkestone Town Centre Management and FAPAC.</li> </ul>
<b>Authorised Officers</b>	Folkestone & Hythe District Council (FHDC) will assess any intervention on a case by case basis, considering a range of other enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate.
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach is a criminal offence</li> <li>• Designated FHDC Officers (Authorised Officers) can issue a Fixed Penalty Notice (FPN) of £100 where appropriate</li> <li>• A maximum penalty on conviction of £1,000</li> </ul>
<b>Process</b>	<p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue an FPN. There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p> <p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p>

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	<ul style="list-style-type: none"><li>• That they had reasonable excuse for non-compliance with the PSPO.</li><li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li></ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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**Protocol Form**

<b>Measure 7</b>	<b>Control of Unauthorised Camping</b>
<b>Purpose</b>	<p>This measure is designed to target unauthorised camping, where individuals or groups are engaged in behaviour that is having a detrimental effect on the quality of life of those in the locality and which is within the control of those person/persons concerned.</p> <p>Persons are prohibited from positioning a vehicle, caravan or other temporary structure that is designed or intended to provide shelter or accommodation for the purpose of an overnight stay without the approval of the landowner, if authorised officers believe anti-social behaviour has been committed or is likely to be committed in a designated restricted area.</p> <p><b>This measure does not replace existing legislation used to deal with unauthorised encampments.</b></p>
<b>Test</b>	<p>There must be reasonable grounds that the activities described above have been satisfied by testing the following. Is the activity :</p> <ul style="list-style-type: none"> <li>• Having or is likely to be having, a detrimental effect on the quality of life of those in the locality.</li> <li>• Is, or is likely to be, of a persistent or continuing nature.</li> <li>• Is, or is likely to be, such as to make the activities unreasonable, and;</li> <li>• Justifies the restrictions imposed by the Order.</li> </ul>
<b>Prevention and Education agencies</b>	<ul style="list-style-type: none"> <li>• A programme of communication, education and engagement will be led by Folkestone &amp; Hythe District Council (FHDC) in partnership with key agencies including Kent Police, KCC gypsy and traveller team, schools, charities, countryside groups, beach patrols, housing providers, etc.</li> </ul>
<b>Prevention and Education activity</b>	<p>Activity will include:</p> <ul style="list-style-type: none"> <li>• Foot patrols and multi-agency operations in hot spot areas.</li> <li>• Action tasking to weekly Community Safety Unit meeting.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Awareness raising through promotional signage, posters and media messaging.</li> <li>• Delivery of awareness raising and education events and activity including:           <ul style="list-style-type: none"> <li>◦ Professionals training and information sessions</li> </ul> </li> <li>• Signposting to:           <ul style="list-style-type: none"> <li>◦ Adult Social Services</li> <li>◦ Children's Social Services</li> <li>◦ Mental Health Services</li> <li>◦ Drug, Alcohol and Mental Health Services - St Giles Trust, Kenwood Trust, Project Salus, Excelsior, Forward Trust</li> <li>◦ Debt advice agencies - Christians Against Poverty (CAP), Step Change, Citizen's Advice</li> <li>◦ Housing Services - Folkestone &amp; Hythe District Council (FHDC), Rainbow Centre, Sanctuary Housing, Porchlight)</li> <li>◦ Alternative accommodation providers in the local area e.g. registered caravan/camp sites etc.</li> <li>◦ Outreach support - Aspire Project, Urban Pastors</li> </ul> </li> </ul>
<b>Authorised Officers</b>	<p>FHDC will lead the enforcement action required, but drawing on support from other key agencies as required. FHDC will assess any intervention on a case by case basis, considering a range of other enforcement powers available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as appropriate. For example, the use of:</p> <ul style="list-style-type: none"> <li>• More robust Local Authority powers where appropriate</li> <li>• Kent Police powers depending on situation and where appropriate and thresholds for Section 61 powers</li> <li>• Use of legislation that may be applied directly by town and parish councils</li> <li>• Use of existing byelaws</li> </ul>
<b>Penalty on breach</b>	<ul style="list-style-type: none"> <li>• Breach is a criminal offence</li> <li>• This could result in an arrest leading to a fine and/or imprisonment.</li> </ul>
<b>Process</b>	<p>Where non-compliance with the PSPO is witnessed an Authorised Person may issue a Fixed Penalty Notice (FPN). There is no right of appeal of an FPN once issued.</p> <p>Refusal to pay the FPN will result in a prosecution file being prepared for review by the legal team at FHDC.</p>

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	<p>Upon review (and subject to relevant evidential and public interest thresholds being satisfied) a criminal prosecution will be brought in the name of FHDC and a summons issued to the accused requiring their attendance at the magistrates' court.</p> <p>Where criminal proceedings are initiated there are two statutory defences available to the person accused:</p> <ul style="list-style-type: none"><li>• That they had reasonable excuse for non-compliance with the PSPO.</li><li>• That the local authority included in the PSPO a prohibition or requirement that it did not have the power to include.</li></ul> <p>Where the accused is convicted of the offence the maximum penalty the court may impose is £1,000. An application will also be made for a contribution to FHDC's legal costs.</p>
<b>Data Collection</b>	See data collection document.

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Data Collection - Public Spaces Protection Order June 2019

Measures:

1. Control of anti-social alcohol consumption in a public place
2. Control of intoxicating substances in a public place
3. No urinating, spitting or defecating in a public place
4. No begging
5. Control of anti-social street entertainment
6. Control of unauthorised 'chuggers' etc.
7. Control of unauthorised camping

Name of Officer filling in form:.....

For the period week beginning:.....

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<b>Measure</b>	<b>Number of people engaged in PSPO education and prevention activity ( including types of interventions and sign posting )</b>	<b>Number of warnings given For alcohol a separate number of alcohol seizures needs to be recorded</b>	<b>Number of FPNs issued under PSPO</b>	<b>Number of FPNs issued (other)</b>	<b>Number of arrests made (if any )</b>	<b>No of cases recorded where alternative powers and tools employed eg arrest under Vagrancy Act instead of PSPO</b>
Measure 1 – Alcohol						
Measure 2 – Intoxicating substances						
Measure 3 – urinating, defecating and spitting						

Measure 4 – Begging					
Measure 5 – Street entertainment					
Measure 6– Chuggers					
Measure -7 camping					

- On the Town Team spreadsheet please can it be recorded the names of each person a warning etc. is given to
- We also need to include their DOB
- Please can this table and the weekly spreadsheet be sent across before each CSU meeting by a designated person?

This Report will be made public on 11 June 2019



Report Number

# C/19/01

**To:** Cabinet  
**Date:** 19 June 2019  
**Status:** Non-Key Decision  
**Head of Service:** Charlotte Spendley – Assistant Director Finance,  
Customer & Support Services  
**Cabinet Member:** Councillor David Monk, Leader

## **SUBJECT: GENERAL FUND CAPITAL PROGRAMME OUTTURN 2018/19**

**SUMMARY:** This report summarises the 2018/19 final outturn position (subject to audit) for the General Fund capital programme compared to the latest approved budget. The report also summarises the outturn position for the approved prudential indicators for capital expenditure in 2018/19.

### **REASONS FOR RECOMMENDATIONS:**

- a) Cabinet is asked to agree the recommendations set out below because it needs to be kept informed of the General Fund capital programme position and take appropriate action to deal with any variance from the approved budget.
- b) CIPFA's Prudential Code for Capital Finance requires the actual prudential indicators for the financial year to be reported. (check latest requirements)

### **RECOMMENDATIONS:**

1. To receive and note Report C/19/01.

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 This report compares the 2018/19 outturn (subject to audit) for the capital programme to the latest approved budget, agreed by Full Council on 20 February 2019 (minute 77 refers). Specifically, this report:-
- i) provides explanations of the key variances for schemes within the programme between the latest approved budget and the outturn position for 2018/19,
  - ii) considers the impact the changes to the overall capital programme will have on the financing resources required to fund it,
  - iii) summarises the 2018/19 outturn position for the approved prudential indicators for capital expenditure.

## **2. 2018/19 FINAL OUTTURN COMPARED TO THE LATEST APPROVED BUDGET**

- 2.1 The total cost and funding of the General Fund capital programme for 2018/19 is £5,399,000 a reduction of £2,347,000 compared to the latest approved budget of £7,746,000. The latest budget includes £30,000 provided for the purchase of new vehicles for the Area Officers. The following table provides a summary of the final outturn for the General Fund capital programme in 2018/19 compared to both the latest budget. Full details are shown in Appendix 1 to this report. The final outturn figures are consistent with the draft Statement of Accounts and subject to the audit of the accounts.

<b>General Fund Capital Programme 2018/19</b>	<b>Latest Budget 2018/19</b>	<b>Final Outturn 2018/19</b>	<b>Variance Budget to Outturn</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Service Units</b>			
Environment & Corporate Assets	846	534	(312)
Governance, Law & Regulatory Services	119	105	(14)
Finance, Customer & Support Services	1,932	933	(999)
Strategy, Performance & Communications	1,626	1,532	(94)
Strategic Development Projects	3,223	2,295	(928)
<b>Total General Fund Capital Expenditure</b>	<b>7,746</b>	<b>5,399</b>	<b>(2,347)</b>
<b>Capital Funding</b>			
Capital Grants	(1,004)	(975)	29
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>

<b>General Fund Capital Programme 2018/19</b>	<b>Latest Budget 2018/19</b>	<b>Final Outturn 2018/19</b>	<b>Variance Budget to Outturn</b>
External Contributions	(2)	(9)	(7)
Capital Receipts	(2,119)	(1,033)	1,086
Revenue	(1,071)	(757)	314
Borrowing	(3,550)	(2,625)	925
<b>Total Funding</b>	<b>(7,746)</b>	<b>(5,399)</b>	<b>2,347</b>

- 2.2 The following table summarises the main reasons for the net reduction in the final outturn expenditure compared to the latest budget:

<b>Variances – 2018/19 Latest Budget to Outturn</b>				
<b>1</b>	<b>Slippage and Reprofiling between 2018/19 and 2019/20</b>		<b>£'000</b>	<b>£'000</b>
i)	FHDC Transformation Project		(784)	
ii)	Ship Street Site, Folkestone		(441)	
iii)	Otterpool Park Garden Town Delivery Vehicle		(281)	
iv)	Oportunitas Phase 1 Loan Funding		(200)	
v)	Corporate Property Development Projects		(161)	
vi)	Grounds Maintenance Replacement Vehicles		(158)	
vii)	Greatstone Holiday Lets Scheme		(99)	
viii)	Hythe Beach Management coast protection scheme		(98)	
ix)	Private Sector Housing – Temporary Accommodation Scheme		(65)	
x)	Private Sector Housing – Empty Homes Initiative		(62)	
xi)	Corporate Property Health and Safety Enhancements		(31)	
xii)	Area Officer Vans & Dog Warden Vehicle		(42)	
xiii)	Otterpool Park Property and Land Acquisitions		47	
xiv)	Other net changes		(18)	
				(2,393)
<b>2</b>	<b>Other Changes</b>			
i)	Disabled Facilities Grants and Loans – increased demand met from government grant		72	
ii)	Home Safe Loans - reduction in anticipated demand		(39)	
iii)	Princes Parade – additional costs for the planning application process		10	
ii)	Other net changes		3	
				46

	<b>Total change in overall capital programme for 2018/19</b>	<b>(2,347)</b>
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- 2.3 As highlighted above, the main reason for this significant reduction in the actual against planned capital expenditure for the year is due to the reprofiling of a number of schemes to 2019/20. Cabinet is reminded that the council has an approved five year Medium Term Capital Programme through to 31 March 2024 and a number of the schemes in it are profiled to incur expenditure over more than one financial year as part of their approved budget. Some capital schemes are more difficult to project accurately in terms of both the timing of expenditure and, in some cases, the final cost. This is particularly the case with some of the strategic property initiatives, the private sector housing schemes, including Disabled Facilities Grants, and the drawdown of funding for property acquisitions by Oportunitas Limited.

### **3. IMPACT OF PROGRAMME CAPITAL FUNDING RESOURCES**

- 3.1 One of the key principles underlying the council's Medium Term Financial Strategy is the capital programme is funded from available or realised capital resources. The only exception to this is where a scheme is subject to grant funding or external contributions in which case no commitment is made against these until the funding is confirmed. Borrowing is only to be used to support schemes expected to generate a net revenue saving and/or future capital receipt. The 2018/19 outturn for the General Fund capital programme conforms to this key principle.
- 3.2 The latest position regarding the council's available capital receipts to fund capital expenditure is shown in the following table:

<b>General Fund Capital Receipts Position Statement</b>	<b>£'000</b>
Total receipts in hand at 31 March 2019	(8,974)
Less:	
Committed towards General Fund capital expenditure	1,993
Committed towards HRA capital expenditure	4,691
Ring-fenced for specific purposes	1,385
Contingency for urgent or unforeseen capital expenditure	500
<b>Balance available to support new capital expenditure</b>	<b>(405)</b>

- 3.3 Resources to fund the slippage and reprofiling of capital expenditure to 2019/20, outlined in section 2 of the report, have been ring-fenced to meet this.
- 3.4 Almost half the cost of the 2018/19 capital programme is to be met from borrowing (£2.625m) with the majority of this to support the Otterpool Park project. The council's actual borrowing activity for 2018/19 will be covered in the Treasury Management Outturn Report for 2018/19 which Cabinet is due to consider later this summer. However, the Prudential Indicators outturn for 2018/19, covered below and in appendix 2 to this report, summarises the council's total debt, including that attributable to the

Housing Revenue Account, at 31 March 2019 against its total borrowing need, known as the Capital Financing Requirement.

#### **4 PRUDENTIAL INDICATORS OUTTURN 2018/19**

- 4.1 The Local Government Act 2003 requires the Authority to have regard to the Chartered Institute of Public Finance and Accountancy's *Prudential Code for Capital Finance in Local Authorities* (the Prudential Code) when determining how much money it can afford to borrow. The objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that treasury management decisions are taken in accordance with good professional practice. Appendix 2 compares the approved indicators with the outturn position for 2018/19. The actual figures have been taken from or prepared on a consistent basis with the Authority's draft Statement of Accounts. The Authority has complied with all the limits set as part of the approved indicators for 2018/19.

#### **5 CONCLUSIONS**

- 5.1 The outturn position for 2018/19 is consistent with the draft Statement of Accounts.
- 5.2 The main reason for the reduction in expenditure compared to the latest approved budget is due to slippage and reprofiling of expenditure to 2019/20.
- 5.3 The outturn for the programme requires £2.625m of borrowing to support it.

#### **6 RISK MANAGEMENT ISSUES**

- 6.1 A summary of the perceived risks follows:

<b>Perceived risk</b>	<b>Seriousness</b>	<b>Likelihood</b>	<b>Preventative action</b>
Capital resources not available to meet the cost of the new projects.	High	Low	Capital receipts required have already been realised for the majority of the programme. Schemes subject to future capital resources will only commence once these are realised. Schemes supported by grant

			funding will only commence once fully approved and committed by the relevant body.
Cost of new projects may exceed the estimate.	High	Medium	Capital monitoring procedures in place allowing prompt early action to be taken to manage the risk effectively.

## 7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 7.1 Legal Officer's Comments (NE)

There are no legal implications arising directly out of this report.

### 7.2 Finance Officer's Comments (LW)

This report has been prepared by Financial Services. There are no further comments to add.

### 7.3 Diversities and Equalities Implications

The report does not cover a new service or policy or a revision of either and therefore does not require an Equality Impact Assessment.

## 8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

*Lee Walker, Group Accountant  
Tel: 01303 853593. e-mail :lee.walker@folkestone-hythe.gov.uk*

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1 – General Fund Capital Programme 2018/19 Outturn  
Appendix 2 – Prudential Indicators Outturn Report 2018/19

GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN						
Item No	Service Area and Scheme	Latest Approved Budget	Outturn	Variance Budget to Outturn	Comments - Variance Budget to Outturn	
					£'000	£'000
	<b>Andy Blaszkowicz - Environment &amp; Corporate Assets</b>					
1	GF Property Health & Safety Enhancements	55	24	-31	Works to the Civic Centre carried forward to 2019/20	
2	Royal Military Canal Enhancements	20	22	2	2018/19 works programme completed	
3	Hawkinge Cemetery Expansion	65	68	3	Additional works met from external contribution secured from Crematoria operator	
4	Coronation Parade	35	30	-5	Scheme continues in 2019/20 and funded entirely from external contributions from the Environment Agency and National Grid	
5	Greatstone Dune Management	15	19	4	2018/19 works programme completed and funded entirely by the Environment Agency	
6	Beach Management 2015-2020	350	251	-99	Beach management works for the Spring 2019 delayed and scheme funded entirely by the Environment Agency	
7	Coronation Parade Annual Monitoring	4	2	-2	2018/19 works programme completed and funded entirely by the Environment Agency	

<b>GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN</b>					
<b>Item No</b>	<b>Service Area and Scheme</b>	<b>Latest Approved Budget</b>	<b>Outturn</b>	<b>Variance Budget to Outturn</b>	<b>Comments - Variance Budget to Outturn</b>
					<b>£'000</b>
8	Lifeline Capitalisation	50	54	4	Additional stock purchased to meet the demand for the service
9	Princes Parade On-Street Park	12	12	0	Scheme completed
10	Car Park Review	7	7	0	Scheme completed
11	Grounds Maintenance Vehicle Replacement Programme	203	45	-158	Procurement process delayed with majority of vehicles now expected to be delivered by the autumn of 2019
12	Area Officer Vans	30	0	-30	Procurement process delayed and the new vehicles now expected to be delivered this summer
<b>Total - Environment &amp; Corporate Assets</b>		<b>846</b>	<b>534</b>	<b>-312</b>	
	<b>Amandeep Khroud - Governance, Law &amp; Regulatory Services</b>				
13	Compactor Bins	76	75	-1	Scheme completed and the bins installed and operational at the Coastal Park, Folkestone

<b>GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN</b>					
<b>Item No</b>	<b>Service Area and Scheme</b>	<b>Latest Approved Budget</b>	<b>Outturn</b>	<b>Variance Budget to Outturn</b>	<b>Comments - Variance Budget to Outturn</b>
		<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	
14	New Vehicle Environmental Enforcement	14	13	-1	Vehicle purchased in 2018/19
15	New Vehicle Dog Warden	29	17	-12	Initial vehicle purchased in 2018/19. Balance carried forward to 2019/20
	<b>Total - Governance, Law &amp; Regulatory Services</b>	<b>119</b>	<b>105</b>	<b>-14</b>	

<b>GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN</b>					
<b>Item No</b>	<b>Service Area and Scheme</b>	<b>Latest Approved Budget</b>	<b>Outturn</b>	<b>Variance Budget to Outturn</b>	<b>Comments - Variance Budget to Outturn</b>
					<b>£'000</b>
	<b>Charlotte Spendley - Finance, Customer &amp; Support Services</b>				
16	Oportunitas Loan & Share Capital Phase 1 (Housing Acquisitions Programme)	600	400	-200	Investment opportunities will continue to be sought by Oportunitas during 2019/20 to utilise the approved funding package
17	Pc Replacement Programme	16	9	-7	2018/19 programme completed
18	Server Replacement Prog.	60	59	-1	2018/19 programme completed
19	Virtual Desktop Technology	20	24	4	2018/19 programme completed
20	BACAS Burial Software System	11	0	-11	Acquisition delayed until 2019/20
21	FHDC Transformation Project	1,225	441	-784	2018/19 expenditure funded from the 'Flexible Use of Capital Receipts' provisions. Scheme continues into 2019/20
	<b>Total - Finance, Customer &amp; Support Services</b>	<b>1,932</b>	<b>933</b>	<b>-999</b>	

<b>GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN</b>					
<b>Item No</b>	<b>Service Area and Scheme</b>	<b>Latest Approved Budget</b>	<b>Outturn</b>	<b>Variance Budget to Outturn</b>	<b>Comments - Variance Budget to Outturn</b>
					<b>£'000</b>
					<b>£'000</b>
	<b>Sarah Robson - Strategy, Performance &amp; Communications</b>				
22	Empty Homes Initiative	426	364	-62	Joint initiative with KCC that has seen 23 long-term empty units being returned to use for residential accommodation during 2018/19. Balance of the budget carried forward as the scheme continues in 2019/20
23	Temporary Accommodation	500	435	-65	Property acquired in East Folkestone providing 7 units of temporary accommodation. Balance of budget carried forward as scheme continues in 2019/20
24	Disabled Facilities Grant	600	672	72	Annual programme of grants and loans to support local residents and there is currently no waiting list for this scheme. The cost is funded entirely from government grant.
25	Home Safe Loans	100	61	-39	Annual programme. Demand lower than anticipated.
	<b>Total - Strategy, Performance &amp; Communications</b>	<b>1,626</b>	<b>1,532</b>	<b>-94</b>	

GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN						
Item No	Service Area and Scheme	Latest Approved Budget	Outturn	Variance Budget to Outturn	Comments - Variance Budget to Outturn	
					£'000	£'000
	<b>Andy Jarrett - Strategic Development Projects</b>					
26	Land Otterpool Lane	2,000	2,047	47	3 residential properties acquired during the year	
27	Otterpool Park Garden Town Delivery Vehicle	350	69	-281	Professional advice being sought on delivery mechanism options. Budget carried forward to 2019/20 as the work continues.	
28	Hythe Environmental Imps	2	1	-1		
29	Corporate Property Development Projects	161	0	-161	Budget carried forward to 2019/20 to support new or existing initiatives.	
30	Princes Parade - Prep Costs	94	104	10	Costs to support the planning application process during 2018/19	
31	Biggins Wood Commercial Development	25	23	-2	Initial design work for potential scheme for the site	
32	Ship Street Site Folkestone	441	0	-441	On hold while the viability of the site is considered. Carried forward to 2019/20	
33	Greatstone Holiday Lets	150	51	-99	Design fees only in 2018/19 with work continuing into 2019/20	
	<b>Total - Head of Strategic Development Projects</b>	<b>3,223</b>	<b>2,295</b>	<b>-928</b>		

<b>GENERAL FUND CAPITAL PROGRAMME 2018/19 OUTTURN</b>					
<b>Item No</b>	<b>Service Area and Scheme</b>	<b>Latest Approved Budget</b>	<b>Outturn</b>	<b>Variance Budget to Outturn</b>	<b>Comments - Variance Budget to Outturn</b>
		<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	
	<b>Total General Fund Capital Expenditure</b>	<b>7,746</b>	<b>5,399</b>	<b>-2,347</b>	

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## Appendix 2

### Prudential Indicator Outturn Report 2018/19

**Capital Expenditure:** The Authority's capital expenditure and financing, including the Housing Revenue Account, is summarised in table 1 below and is consistent with the draft statement of accounts for 2018/19:

**Table 1**

Capital Expenditure and Funding	2018/19 Estimate £'000	2018/19 Actual £'000	Difference £'000
<b>Capital Expenditure</b>			
General Fund Services	4,430	2,590	(1,840)
Capital Investments	3,286	2,809	(477)
HRA	6,476	5,349	(1,127)
<b>Total Expenditure</b>	<b>14,192</b>	<b>10,748</b>	<b>(3,444)</b>
<b>Funded by:</b>			
External Resources	(1,006)	(984)	22
Internal Resources	(9,636)	(7,139)	2,497
Debt	(3,550)	(2,625)	925
<b>Total Funding</b>	<b>(14,192)</b>	<b>(10,748)</b>	<b>3,444</b>

**Capital Financing Requirement:** The Capital Financing Requirement (CFR) shown in table 2 below, measures the Authority's underlying need to borrow for a capital purpose and the actual position is consistent with the draft statement of accounts for 2018/19:

**Table 2**

Capital Financing Requirement	31.03.19 Estimate £m	31.03.19 Actual £m	Difference £m
General Fund Services	12.342	11.752	(0.59)
Capital Investments	8.961	8.626	(0.335)
HRA	47.416	47.416	-
<b>Total CFR</b>	<b>68.719</b>	<b>67.794</b>	<b>(0.925)</b>

**Gross Debt and the Capital Financing Requirement:** In order to ensure that over the medium term debt will only be for a capital purpose, the Authority should ensure that

debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence and is shown in table 4 below:

**Table 4**

Debt and CFR	31.03.19 Estimate £m	31.03.19 Actual £m	Difference £m
Total debt	55.8	56.4	0.6
Capital financing requirement	68.7	67.8	0.9
<b>Headroom</b>	<b>12.9</b>	<b>11.4</b>	<b>1.5</b>

The total debt remained below the CFR during the forecast period.

**Operational Boundary for External Debt:** The operational boundary is based on the Authority's estimate of most likely (i.e. prudent but not worst case) scenario for external debt. It links directly to the Authority's estimates of capital expenditure, the capital financing requirement and cash flow requirements, and is a key management tool for in-year monitoring. Other long-term liabilities comprise finance lease, Private Finance Initiative and other liabilities that are not borrowing but form part of the Authority's debt. The operational boundary for external debt is shown in table 5 below:

**Table 5**

Operational Boundary and Total Debt	31.03.19 Boundary £m	31.03.19 Actual Debt £m	Complied
Borrowing	83.3	56.4	✓
Other long-term liabilities	-	-	✓
<b>Total Debt</b>	<b>83.3</b>	<b>56.4</b>	<b>✓</b>

**Authorised Limit for External Debt:** The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Authority can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements. The authorised limit for external debt is shown in table 6 below:

**Table 6**

<b>Authorised Limit and Total Debt</b>	<b>31.03.19 Boundary £m</b>	<b>31.03.19 Actual Debt £m</b>	<b>Complied</b>
Borrowing	90.0	56.4	✓
Other long-term liabilities	-	-	✓
<b>Total Debt</b>	<b>90.0</b>	<b>56.4</b>	<b>✓</b>

**Ratio of Financing Costs to Net Revenue Stream:** This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income. The ratio of financing costs to net revenue stream is shown in table 7 below:

**Table 7**

<b>Ratio of Financing Costs to Net Revenue Stream</b>	<b>31.03.19 Estimate %</b>	<b>31.03.19 Actual %</b>	<b>Difference %</b>
General Fund	10.0%	<b>3.6%</b>	6.4%
HRA	32.1%	<b>24.1%</b>	8.0%

The reduction to the General Fund ratio is due the net revenue stream from Council Tax and Business Rates income being almost £3.8m more than original forecast together.

The change to the HRA ratio is due to a reduction in the revenue funding of capital because of the reprofiling of the HRA capital programme from 2018/19 to 2019/20.

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This Report will be made public on 11 June 2019

Report Number

**C/19/03**

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**To:** Cabinet  
**Date:** 19 June 2019  
**Status:** Non-Key Decision  
**Head of Service:** Charlotte Spendley – Assistant Director Finance,  
Customer & Support Services  
**Cabinet Member:** Councillor David Monk, Leader

**SUBJECT: GENERAL FUND REVENUE 2018/19 PROVISIONAL OUTTURN**

**SUMMARY:** This report summarises the 2018/19 final outturn position (subject to audit) for the General Fund revenue expenditure compared to both the latest approved budget and quarter 3 projections.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because Cabinet needs to be informed of the council's General Fund revenue 2018/19 final outturn position.

**RECOMMENDATIONS:**

1. To receive and note Report C/19/03.
2. As detailed in paragraph 2.3, to allocate £417k of unspent 2018/19 budgets to the Carry Forward Reserve.

## **1. INTRODUCTION**

- 1.1 This report brings the 2018/19 financial monitoring to a conclusion. It sets out the General Fund's financial position at year end (subject to audit) and compares it against the latest approved budget and the projected outturn position at quarter 3.
- 1.2 The Statement of Accounts for 2018/19 will be audited during July and the audited set will be submitted to Audit and Governance Committee on 30 July 2019 for approval.

## **2. GENERAL FUND OUTTURN 2018/19**

- 2.1 The draft Statement of Accounts 2018/19 reports the following year end position. This report however expands further on the detail.
- 2.2 The final outturn shows a net position of £1,232k against the latest approved estimated of £3,435k. This represents an improved financial position of £2,203k compared to the latest approved 2018/19 budget.
- 2.3 A more detailed explanation of the final outturn is set out in the following paragraphs. In addition to the carry forwards (which are set out below), any outstanding balance will be transferred to the Council's General Reserve where it will be available for use to support expected future expenditure pressures such as the new waste contract which is to commence in January 2021. It should be noted that there were some unique factors contributing to the financial position. The strength of the economy has resulted in additional income of approximately £648k and there have been some one off grants which had not been anticipated when the budget was originally set. In addition, the Council received £440k from the benefit of the business rates pool and treasury investments were proactively managed to provide additional income. A significant factor was reprofiling of revenue contribution to capital spend (£873k) which is explained in more detail in paragraph 2.7.4.
- 2.4 The provisional carry forwards are £417k which were approved by the Section 151 Officer as budgeted revenue expenditure relating to 2018/19 to be carried forward to 2019/20. Recommendation 2 of this report seeks confirmation of this position, and appendix 1 outlines the proposed carry forwards by service area.
- 2.5 Section 3 of the report compares the outturn to the projected outturn at quarter 3 as reported to Cabinet in March 2019. The outturn for the General Fund Revenue in 2018/19 is summarised below:

<b>General Fund Net Cost of Services</b>	<b>Latest Approved Budget</b>	<b>Outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Leadership Support	770	590	-180
Strategy Performance & Communications	2,727	3,548	821
Governance, Law & Regulatory Services	4,782	4,602	-180
Human Resources	585	734	149
Finance, Customer & Support Services	5,861	5,705	-156
Strategic Development	1,425	575	-850
Economic Development	338	341	3
Planning	317	223	-94
Environment & Corporate Assets	2,671	1,788	-883
<b>Sub-Total – Heads of Services</b>	<b>19,476</b>	<b>18,106</b>	<b>-1,370</b>
Unallocated Net Employee Costs	-224	0	224
<b>Total – Heads of Service</b>	<b>19,252</b>	<b>18,106</b>	<b>-1,146</b>
Internal Drainage Board Levies	453	453	0
Interest Payable and Similar Charges	452	391	-61
Interest and Investment Income	-678	-852	-174
New Homes Bonus Grant	-1,362	-1,361	0
Other Non-Service Related Government Grants	-1,240	-1,720	-480
Town and Parish Precepts	2,283	2,283	0
Minimum Revenue Provision	373	373	0
Capital Expenditure Financed from Revenue	1,630	757	-873
<b>NET REVENUE EXPENDITURE BEFORE USE OF RESERVES</b>	<b>21,163</b>	<b>18,429</b>	<b>-2,734</b>
Net Transfers to/from Earmarked Reserves	-1,201	3,155	4,356
<b>TOTAL TO BE MET BY TAXPAYERS</b>	<b>19,962</b>	<b>21,584</b>	<b>1,622</b>
Transfer to/from(-) Collection Fund	-100	-699	-599
Business Rates Income	-4,244	-7,470	-3,226
Demand on the Collection Fund	-12,183	-12,183	0
<b>SURPLUS(-)/DEFICIT FOR THE YEAR</b>	<b>3,435</b>	<b>1,232</b>	<b>-2,203</b>

2.6 The main variations are shown and explained in more detail below.

	£'000
Administration budgets	-119
<b>Strategy, Performance &amp; Communications</b>	
Homelessness	-68
Planning Policy	-100
General Grants - Business Rates Levy	586
Otterpool Park (Local Planning Authority)	-78
Folkestone CLLD	64
<b>Governance, Law &amp; Regulatory Services</b>	
Household Waste Collection	105
Licensing - Market Income	-30
Recycling & Waste	-48
Cleansing	-56
<b>Finance, Customer &amp; Support Services</b>	
Cemeteries	31
Pensions Back Funding	-55
Housing Benefit/Rent Rebates	-568
Council Tax Collection	75
Council Tax Reduction Scheme	-212
<b>Strategic Development</b>	
Otterpool Park	-883
<b>Planning</b>	
Development Control - income	-28
Development Control - expenditure	-39
<b>Environment &amp; Corporate Assets</b>	
On Street Parking	-247
Off Street Parking	-268
Building Control	-64
Building Holding Accounts	-127
Grounds Maintenance	-43
Lifeline	-42
Transformation Project	1,104
Other small variations	-36
<b>Total – Heads of Service</b>	<b>-1,146</b>

#### 2.6.1 Administration Budgets

There are various underspends across service areas within the administration budgets mainly relating to training costs and professional fees and advice.

#### 2.6.2 Strategy, Performance & Communications

Homelessness – the increase in income relates to the recovery of income relating to self-contained nightly lets, which produces a higher rate of contributions than the bed and breakfast costs.

Planning Policy – the decrease in expenditure relates to professional fees and advice for inspector's fees for the places and policy local plan and there is increased income due to a neighbourhood plan grant being received.

General grants-Business Rates Levy – General grants is showing an overspend of £586k in relation to payment of non-Folkestone & Hythe District Council (FHDC) shares of the NDR Pool benefit for 2018/19 to the Pool Lead. This is offset by additional NDR income below the line relating to FHDC's share of the levy reduction due to Pool membership.

Otterpool Park (Local Planning Authority) – please see below.

Folkestone CLLD – the council is the accountable body for the Folkestone Community Led Local Development (CLLD) and the programme runs for 5 years, until 2022/23.

The programme management costs are funded 50% from European Regional Development Fund (ERDF) / European Social Fund (ESF) and 50% from FHDC. The council approves and releases grant money and then claims back from ERDF/ESF, due to timing differences there is a variance at the end of 2018/19 however, over the length of the programme the payments and grants received will off-set.

#### **2.6.3 Governance, Law & Regulatory Services**

Household Waste Collection – the increase in expenditure relates to an increase in contract recharges being higher than originally expected.

Licensing-market income – this income has reduced as a result of continued under-utilisation of available spaces. A market policy is currently under development and officers are exploring other options for the delivery of a market provision.

Recycling & Waste – the underspend relates to an increase in income for garden waste bin subscriptions being higher than originally expected and a decrease in expenditure relating to contract recharges.

Cleansing - the decrease in expenditure relates to contract recharges being lower than originally expected.

#### **2.6.4 Finance, Customer & Support Services**

Cemeteries - the reduction in income over recent years has continued in 2018/19 and this is expected to continue into future years & has been addressed within the 2019/20 budget setting.

Pensions Back Funding – the underspend relates to the amount to be charged to the HRA being higher than originally budgeted for.

Housing Benefit/Rent Rebates – the net underspend on Housing Benefits relates to the decrease in rent allowance payments and the net underspend on Rent Rebates relates to a decrease in Rent Rebate payments.

These areas are a major element of expenditure for the council but over which little control can be applied. Government subsidy is received in respect of expenditure incurred but to varying rates which results in an element of cost remaining with the council. The decreased expenditure is a very small percentage of overall expenditure incurred.

Council Tax Collection – the amount of income received from court costs was lower than in previous years due to the amount of costs awarded to us being reduced during 2018/19.

Council Tax Reduction Scheme – the increase in income relates to additional grants being received from Kent County Council (KCC) relating to Fraud Initiative (£117k) and Empty Homes Incentive Fund (£103k).

#### **2.6.5 Strategic Development**

Otterpool Park - The costs for both the Developer and the Local Planning Authority budgets have underspent in 2018/19 however, as the majority of the Otterpool budgets are funded from the Otterpool Reserve these will need to be re-profiled into 2019/20.

The masterplanning costs in 2018/19 are higher overall than anticipated due to increases in developer costs, however this is off-set by grant being received from Homes England.

The decrease in cost of £961k will be put into the Otterpool Reserve to be utilised during 2019/20.

#### **2.6.6 Planning**

Development Control – income for pre-application fees received have continued to increase and there is also an underspend within expenditure relating to professional fees and advice, which is part of the proposed carry forwards for use in 2019/20.

#### **2.6.7 Environment & Corporate Assets**

Car Parking – both the on-street and off-street parking have over-achieved its income budgets by £247k and £268k respectively as services have continued to see a substantial increase in income due to greater usage and an increase in penalty notices issue. There has also seen an increase in residents parking permits for on-street parking.

Building Control – the building regulation fees received have continued to see a substantial increase in income.

Building Holding Accounts – the increase in income relates to rental income being received for Otterpool Farm and miscellaneous rents received for Corporate Properties.

Grounds Maintenance – the reduction in costs relates to a combination of salary costs underspending which are partly off-set by a decrease in income from Oportunitas.

Lifeline – there is a net reduction in income due to the rental of portal lifeline units receiving less income than originally budgeted for and salary costs underspending.

#### 2.6.8 Transformation Project

Although the transformation project is currently showing a variance, the spending is on target to utilise the budget that was approved by Cabinet in February 2018. The budget is being held centrally and was profiled over 3 years with 2018/19 being year 1. The funding will be drawn to match the profile of spend of the project and will continue to be monitored and re-profiled as necessary. The transformation project is at present projecting to be within budget overall.

### 2.7 Further variances below the heads of service total are shown below.

#### 2.7.1 Interest Payable and Similar Charges

The £61k variance relates to a reduction in the Bad Debt Provision required at year end, largely relating to Housing Benefit overpayments.

#### 2.7.2 Interest and Investment Income

An additional £174k investment interest has been received due to a combination of higher than anticipated cash balances over the year, a general upward movement in interest rates on cash investments and also the council's decision to move some of its investment portfolio into higher yielding diversified income pooled funds.

#### 2.7.3 Other Non-Service related Government Grants

There has been additional grant received of £480k within 2018/19 which relates to £134k additional Section 31 grant for Business Rates reliefs awarded, £56k NDR Levy Account Surplus allocation and £290k EU Brexit Funding. This additional income has been transferred to earmarked reserves.

#### 2.7.4 Capital Financed from Revenue

There is a decrease of £873k in the budgeted sum in respect of the re-profiling of capital schemes between financial years due to slippage. This sum is still anticipated to be incurred, but is now expected to occur in 2019/20.

Notably £778k of this relates to the council's planned funding for Oportunitas Limited, its wholly owned housing and regeneration subsidiary company.

#### 2.7.5 Movement in Earmarked Reserves

The table below sets out the various Earmarked Reserves that the council holds and shows the movement in year to be £4,356k. The Carry Forward reserve includes £417k which was approved by the Section 151 Officer as budgeted revenue expenditure relating to 2018/19 to be carried forward to

2019/20 and will be endorsed through the approval of recommendation 2 of this report.

Based on the outturn as at 31 March 2019 the council's net movements in earmarked reserves were:

Earmarked Reserve	Balance at 1/4/2018 £'000	Latest Budget £'000	Movement £'000	Outturn £'000	Balance at 31/3/2019 £'000
Business Rates	3,160	335	2,001	2,336	5,496
Leisure Reserve	197	0	0	0	197
Carry Forwards	420	-322	625	303	723
VET Reserve	654	28	-45	-17	637
Invest to Save	366	0	0	0	366
Maintenance of Graves	12	0	0	0	12
New Homes Bonus (NHB)	2,713	-189	0	-189	2,524
Corporate Initiatives	379	0	26	25	404
IFRS Reserve	49	-11	0	-11	38
Otterpool Park Garden Town	2,232	-1,019	916	-103	2,129
Economic Development	2,194	-23	729	707	2,901
Community Led Housing	437	0	0	0	437
Lydd Airport	9	0	0	0	9
Homelessness Prevention	215	0	104	104	319
<b>Total Earmarked Reserves</b>	<b>13,037</b>	<b>-1,201</b>	<b>4,356</b>	<b>3,155</b>	<b>16,192</b>

#### 2.7.6 Collection Fund

The £599k movement in the Collection Fund surplus between estimated and actual outturn.

#### 2.7.7 Business Rates Income

Business Rates income has increased by £3,226k compared to budget largely due to the reduced levy as a result of participation in the Kent Business Rates Pool of £1,061k and the benefit from 100% Retention Pilot of £2,165k. The Pool membership benefits were not budgeted for due to the uncertainty at the time of the Budget setting process. Additional income from the 100% Retention Pilot has been transferred to earmarked reserves.

### 3. GENERAL FUND OUTTURN 2018/19 COMPARED TO PROJECTED OUTTURN

- 3.1 This section compares the final outturn to the projected outturn at quarter 3 as reported to Cabinet in March 2019.

<b>General Fund Net Cost of Services</b>	<b>Projected Outturn @ Qtr 3</b>	<b>Outturn</b>	<b>Variance</b>
	<b>£'000</b>		
Leadership Support	586	590	4
Strategy Performance & Communications	2,669	3,548	879
Governance, Law & Regulatory Services	4,725	4,602	-123
Human Resources	537	734	197
Finance, Customer & Support Services	5,937	5,705	-232
Strategic Development	1,752	575	-1,177
Economic Development	388	341	-47
Planning	176	223	47
Environment & Corporate Assets	2,127	1,788	-339
<b>Sub-Total – Heads of Services</b>	<b>18,897</b>	<b>18,106</b>	<b>-791</b>
Unallocated Net Employee Costs	288	0	-288
<b>Total – Heads of Service</b>	<b>19,185</b>	<b>18,106</b>	<b>-1,079</b>

- 3.1.1 The major reasons for the variance at ‘total for service’ level are as follows:

	<b>£'000</b>
<b>Strategy, Performance &amp; Communications</b>	
Planning Policy	-80
General Grants - Business Rates Levy	585
Otterpool Park (Local Planning Authority)	-99
<b>Governance, Law &amp; Regulatory Services</b>	
Household Waste Collection	84
<b>Finance, Customer &amp; Support Services</b>	
Housing Benefit/Rent Rebates	-482
Transformation funding	440
<b>Strategic Development</b>	
Otterpool Park	-1,182
<b>Environment &amp; Corporate Assets</b>	
On Street Parking	-112
Off Street Parking	-174
Other small variations	-59
<b>Total – Heads of Service</b>	<b>-1,079</b>

## 4. RISK MANAGEMENT ISSUES

- 4.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
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Significant amendments having to be made to the financial results following audit.	Medium	Low	The formal accounts have been prepared in accordance with professional standards and best accounting practice.
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## 5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 5.1 Legal Officer's Comments (AK)

There are no legal implications arising directly out of this report.

### 5.2 Finance Officer's Comments (LH)

This report has been prepared by Financial Services. There are therefore no further comments to add.

### 5.3 Diversities and Equalities Implications

The report does not cover a new service/policy or a revision of an existing service/policy and therefore does not require an Equity Impact Assessment.

## 6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councilors with any questions arising out of this report should contact the following officer prior to the meeting

*Leigh Hall, Group Accountant*

*Telephone: 01303 853231 Email: [leigh.hall@folkestone-hythe.gov.uk](mailto:leigh.hall@folkestone-hythe.gov.uk)*

The following background documents have been relied upon in the preparation of this report:

Budget outturn and projection working papers.

<b>List of Carry Forwards</b>	<b>£</b>
<u>Strategy Performance &amp; Communications</u>	
Planning Policy – inspectors fees Places & Policies Local Plan	68,500
Planning Policy – Sustainability Assessment & Habitats Regulations Assessment	21,850
Crime & Disorder – reduction initiatives	3,360
Private Sector Housing – Letting Agents Transparency & Rogue Landlords	1,230
<u>Governance, Law &amp; Regulatory Services</u>	
EK Waste Contract	20,000
CCTV Project	3,000
<u>Finance, Customer &amp; Support Services</u>	
CLT Contingency	102,600
<u>Strategic Development</u>	
Corporate Investment Initiatives	29,000
<u>Economic Development</u>	
Romney Marsh Partnership	10,000
<u>Planning</u>	
Development Control – legal advice for Judicial Review	48,000
<u>Environment &amp; Corporate Assets</u>	
Royal Military Canal – bridge painting	9,000
Coast Protection – replace handrails	13,000
Community Parks & Open Spaces – Play Strategy	17,490
Environmental Improvements Programme	70,000
<b>Total – Heads of Services</b>	<b>417,030</b>

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# Agenda Item 10



This Report will be made public on 11 June 2019

Report Number

**C/19/02**

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To:	Cabinet
Date:	19 June 2019
Status:	Non-Key Decision
Head of Service:	Charlotte Spendley, Head of Finance
Cabinet Members:	Councillor David Godfrey, Portfolio Holder for Housing, Transport and Special Projects
<b>SUBJECT:</b>	<b>HOUSING REVENUE ACCOUNT REVENUE AND CAPITAL FINANCIAL OUTTURN 2018/19</b>

**SUMMARY:** This report summarises the 2018/19 final outturn position (subject to audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 3 projections.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because it is essential they are kept informed of the Housing Revenue Account final 2018/19 position.

**RECOMMENDATIONS:**

1. To receive and note Report C/19/02.

## INTRODUCTION

- 1.1 This report brings the 2018/19 financial monitoring to a conclusion. It sets out the HRA's financial position at year end (subject to audit) and compares it against the latest approved budget and quarter 4 projections. The report covers both revenue and capital expenditure for last year.
- 1.2 The formal Statement of Accounts for 2018/19 is being audited over July and will be submitted to Audit and Governance Committee on 30 July 2019 for approval.

## 2. HRA REVENUE AND CAPITAL 2018/19 OUTTURN

### 2.1 Final Revenue outturn compared to latest approved budget

- 2.1.1 The draft Statement of Accounts 2018/19 reports the following year end position for the HRA. This report however expands further on the detail.

HRA Net Revenue Expenditure 2018/19	Latest Approved Budget 2018/19	Final Outturn 2018/19	Variance
	£000's	£000's	£000's
Income	(15,829)	(15,896)	(67)
Expenditure	10,994	14,782	3,788
HRA Share of Corporate Costs	225	155	(70)
<b>Net Cost of HRA Services</b>	<b>(4,610)</b>	<b>(959)</b>	<b>3,651</b>
Interest Payable/Receivable	1,513	1,508	(5)
<b>HRA Surplus/Deficit</b>	<b>(3,097)</b>	<b>549</b>	<b>3,646</b>
Other items of Income & Expenditure	(15)	(5,036)	(5,021)
Revenue Contribution to Capital	8,666	2,330	(6,336)
<b>Decrease/(Increase) to HRA Reserve</b>	<b>5,554</b>	<b>(2,157)</b>	<b>(7,711)</b>

- 2.1.2 The above table shows that the final position reflects a favorable movement in financial terms of 7.711m than the latest approved budget.
- 2.1.3 The main reasons for the £7.711m underspend compared to the latest approved budget, are as follows:

<b>HRA</b>		
<b>Net Revenue Expenditure</b>		<b>Variance £000's</b>
Revenue contribution to capital expenditure		(6,335)
Depreciation costs		(1,017)
Repairs and maintenance		(369)
Dwelling rents		(233)
		<u>(7,954)</u>
General management	120	
Other net variances	123	
		<u>243</u>
<b>Final year end movement compared to latest approved budget</b>		<b>(7,711)</b>

Revenue contribution to capital expenditure

- 2.1.4 The decrease in revenue contribution to capital relates to the slippage of the capital programme and the re-profiling of schemes that will commence in 2019/20 and 2020/21. The amount of revenue contribution to capital will change from year to year depending on the profile of the new build/acquisitions programme.

Depreciation and impairment costs

- 2.1.5 The decrease in depreciation costs relates to the combined decreases of depreciation on HRA dwellings and non-HRA dwellings. This is mainly due to having to charge the real depreciation cost to the HRA instead of using a proxy for depreciation which has been allowed in previous years. This entry is an accounting adjustment and is reversed through the major repairs reserve.

Impairment and revaluation gains/losses relating to council dwellings, including a statutory adjustment required for Social Housing stock value, is included in the 'Expenditure' line above. These entries are reversed out through the 'Other Items of Expenditure and Income' line in accordance with accounting policies so there is no net impact on the HRA surplus.

Repairs and maintenance

- 2.1.6 The decrease in repairs and maintenance expenditure mainly relates to an underspend of internal and external decorations of £352k due to no contract in place following the termination of the previous contractor. In discussions with the four Councils high priority was given to fire prevention works to be carried out in 2018/19.

Dwelling Rents

- 2.1.7 The increase in dwelling rents income largely relates to the additional homes provided through the Council's New Build and Acquisition programme during 2018/19.

General Management

- 2.1.8 The increase in general management expenditure relates to HRA new builds budget underspending due to feasibility studies, professional and planning advice not required during 2018/19 which aligns with the profile of

the new build and acquisition programme offset by an increase in the HRA pension recharge.

## **2.2 Final Revenue outturn compared to quarter 3 projections**

- 2.2.1 The table below shows that the final position is £24k better than the quarter 3 projections.

<b>HRA Net Revenue Expenditure 2018/19</b>	<b>Qtr 3 Projection 2018/19</b>	<b>Final Outturn 2018/19</b>	<b>Variance</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
Income	(15,859)	(15,896)	(37)
Expenditure	9,519	14,782	5,263
HRA Share of Corporate Costs	201	155	(46)
<b>Net Cost of HRA Services</b>	<b>(6,139)</b>	<b>(959)</b>	<b>5,180</b>
Interest Payable/Receivable	1,514	1,508	(6)
<b>HRA Surplus/Deficit</b>	<b>(4,625)</b>	<b>549</b>	<b>5,174</b>
Other items of Income & Expenditure	(15)	(5,036)	(5,021)
Revenue Contribution to Capital	2,507	2,330	(177)
<b>Decrease/(Increase) to HRA Reserve</b>	<b>(2,133)</b>	<b>(2,157)</b>	<b>(24)</b>

- 2.2 The main reasons for the £0.24m variance compared to quarter 3 projection, are as follows:

<b>HRA Net Revenue Expenditure</b>	<b>Variance £000's</b>
Revenue contribution to Capital expenditure	(177)
Dwelling rents	<u>(104)</u>
	(281)
General management	197
Other net variances	<u>60</u>
	<u>257</u>
<b>Final year end movement compared to Qtr. 3 projection</b>	<b><u>(24)</u></b>

## 2.3 Final Capital outturn compared to latest approved budget

- 2.3.1 The table below shows that the final position on the HRA Capital programme is £8.324m less than the latest approved budget.

HRA Capital Programme 2018/19	Latest Approved Budget 2018/19	Final Outturn 2018/19	Variance
	£000's	£000's	£000's
<b>HRA Capital programme</b>	<b>13,673</b>	<b>5,349</b>	<b>(8,324)</b>

- 2.3.2 The main reasons for the £8.324m variance compared to the latest approved budget, are as follows:

<b>HRA Capital Programme</b>		<b>Variance</b>
		£000's
New Build/Acquisitions programme		(6,356)
Fire Protection Works		(935)
Re-roofing		(399)
Rewiring		(281)
Heating Improvements		(231)
Cyclical Sheltered Schemes		(151)
Kitchen Replacement		(105)
Replacement Windows and Doors		(8,458)
Other net variances		283
		(149)
<b>Variance</b>		<b>(8,324)</b>

### New Build/Acquisitions programme

- 2.3.3 The decrease in revenue contribution to capital is due to slippage of the capital programme in 2018/19 and relates to the re-profiling of new build schemes that will commence in 2019/20 and 2020/21. The amount of revenue contribution to capital will change from year to year depending on the profile of the new build/acquisition programme. There are a number of sites within the pipeline for the programme to deliver 300 homes by 2025/26, these currently include Highview School, Princess Street & Fernefield Lane.

#### Fire Protection Works

- 2.3.4 The decrease in fire protection works relates to works that arose from the recent Fire Risk Assessment surveys undertaken. These costs when surveyed and then tendered were lower than anticipated.

#### Re-roofing

- 2.3.5 Following the liquidation of the current contractor and a delay in retendering only emergency works were carried out, resulting in a lower than budget spend.

#### Rewiring

- 2.3.6 A rewiring contract is due for procurement in 2019/20, the majority of works required were identified in 2018/19 but the contract was unable to be procured before year end.

#### Heating Improvements

- 2.3.7 The decrease in heating improvements is largely due to there being a review of the current contractor, therefore, no installs were carried out in 2018/19. The current contractor has given notice on the contract and re-procurement is underway for this contract, this new contract will be mobilised during the summer 2019. The underspend was also due to a boiler room refurbishment identified in year but the contractor was not in place before year end.

#### Cyclical Sheltered

- 2.3.8 The decrease in cyclical sheltered is largely due to the new scooter store project not being undertaken and there were no other works identified for 2018/19.

#### Kitchen Replacement

- 2.3.9 The decrease in kitchen replacements is due to resourcing issues with the contractor and surveying properties on the programme which did not require works.

#### Replacement Windows and Doors

- 2.3.10 The increase in replacement windows and doors is due to an agreement between EKH and FHDC to utilise the underspend from other budgets within Capital to proceed with required works.

- 2.3.11 There have been carry forward requests totaling £6.606m for current schemes within the programme, these are as follows:

	<b>£000's</b>
New Build/Acquisitions programme	6,356
Heating Improvements	150
Fire Prevention Works	<u>100</u>
<b>Total carryforward requests</b>	<b><u>6,606</u></b>

## 2.4 Final Capital outturn compared to quarter 3 projections

- 2.4.1 The table below shows that the final position on the HRA Capital programme is £0.342m less than the quarter 3 projection.

HRA Capital Programme 2018/19	Qtr 3 Projection 2018/19	Final Outturn 2018/19	Variance
	£000's	£000's	£000's
<b>HRA Capital programme</b>	<b>5,691</b>	<b>5,349</b>	<b>(342)</b>

- 2.4.2 The main reasons for the £342k variance compared to the quarter 3 projections, are as follows:

HRA Capital Programme	Variance £000's
New Build/Acquisitions programme	(217)
Kitchen Replacement	(105)
Other net variances	(20)
<b>Variance</b>	<b>(342)</b>

## 3. CONCLUSION

- 3.1 The final position reflects a favorable movement in financial terms for the HRA Reserve of 7.711m compared to the latest approved budget.
- 3.3 The financial results are subject to audit.

## 4. RISK MANAGEMENT ISSUES

- 4.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Capital receipts (including right to buy sales) do not materialise	Medium	Low	The capital programme uses realised capital receipts only.
Insufficient capacity to manage delayed expenditure along with new year programme	Medium	Medium	The 2019/20 capital programme will need to continue to be reviewed to take account of the capacity to manage the programme including the

			slippage from 2018/19.
Significant amendments having to be made to the financial results following audit.	Medium	Low	The formal accounts have been prepared in accordance with professional standards and best accounting practice.

## 5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 5.1 Legal Officer's Comments (DK)

There are no legal implications arising from this report.

### 5.2 Finance Officer's Comments (CI)

This report has been prepared by Financial Services. There are therefore no further comments to add.

### 5.3 Diversities and Equalities Implications (DA)

The report does not cover a new service/policy or a revision of an existing service or policy therefore does not require an EIA.

## 6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

*Cheryl Ireland, Chief Accountant  
Tel: 01303 853213  
Email: cheryl.ireland@folkestone-hythe.gov.uk*

The following background documents have been relied upon in the preparation of this report:

Budget projection working papers

### **Appendices:**

Appendix 1 Housing Revenue Account revenue budget outturn report  
Appendix 2 Housing Revenue Account capital programme outturn report

**Appendix 1**

**HRA REVENUE OUTTURN POSITION 2018/19**

Actual 2017/18 £	<u>HOUSING REVENUE ACCOUNT</u>	Latest Budget 2018/19 £	Actuals 2018/19 £	Variance £	Quarter 3 Projections £	Variance 2018/19 £
14,715,576	<b>INCOME</b>					
14,715,576	Dwelling rents	14,436,600	<b>14,669,358</b>	<b>232,758</b>	14,565,000	104,358
418,443	Non-dwelling rents	357,160	<b>279,179</b>	<b>-77,981</b>	291,000	-11,821
955,220	Other charges for services and facilities	983,170	<b>895,450</b>	<b>-87,720</b>	951,000	-55,550
52,200	Contributions from general fund	52,200	<b>52,200</b>	<b>0</b>	52,000	200
<b>16,141,439</b>	<b>TOTAL INCOME</b>	<b>15,829,130</b>	<b>15,896,187</b>	<b>67,057</b>	<b>15,859,000</b>	<b>37,187</b>
	<b>EXPENDITURE</b>					
2,981,478	Repairs and maintenance	3,332,530	<b>2,963,126</b>	<b>-369,404</b>	2,921,000	42,126
2,884,223	General management	2,892,790	<b>3,012,538</b>	<b>119,748</b>	2,816,000	196,538
1,008,192	Special management	1,044,910	<b>1,129,754</b>	<b>84,844</b>	1,073,000	56,754
24,655	Rents, rates & taxes	21,750	<b>36,331</b>	<b>14,581</b>	21,000	15,331
31,445	Increase provision for bad or doubtful debts	140,000	<b>100,868</b>	<b>-39,132</b>	140,000	-39,132
0	<u>Capital Financing Costs</u>					
4,592,260	Depreciation charges	3,540,700	<b>5,047,795</b>	<b>1,507,095</b>	2,527,000	2,520,795
2,138,627	Exceptional Item Impairment	0	<b>2,469,862</b>	<b>2,469,862</b>	0	2,469,862
24,540	Debt management expenses	20,940	<b>21,500</b>	<b>560</b>	21,000	500
<b>13,685,420</b>	<b>TOTAL EXPENDITURE</b>	<b>10,993,620</b>	<b>14,781,774</b>	<b>3,788,154</b>	<b>9,519,000</b>	<b>5,262,774</b>
<b>-2,456,019</b>	<b>NET COST OF SERVICES</b>	<b>-4,835,510</b>	<b>-1,114,412</b>	<b>3,721,098</b>	<b>-6,340,000</b>	<b>5,225,588</b>
200,265	HRA Services Share of Corporate & Democratic Core	225,820	<b>154,886</b>	<b>-70,934</b>	201,000	-46,114
0	HRA share of other amounts	0	0	0	0	0
<b>-2,255,754</b>	<b>NET COST OF HRA SERVICES</b>	<b>-4,609,690</b>	<b>-959,526</b>	<b>3,650,164</b>	<b>-6,139,000</b>	<b>5,179,474</b>
-842,589	(Gain)/Loss on Sale of HRA fixed Assets	0	<b>-1,120,015</b>	<b>-1,120,015</b>	0	-1,120,015
1,677,431	Loan charges - Interest	1,597,000	<b>1,596,808</b>	<b>-192</b>	1,597,000	-192
0	<u>Investment Income</u>					
0	Mortgages	0	0	0	0	0
-95,973	Interest on notional cash balances	-83,490	<b>-88,535</b>	<b>-5,045</b>	-83,000	-5,535
102,000	Pensions Interest Cost and Expected Return on Assets	0	<b>101,000</b>	<b>101,000</b>	0	101,000
<b>-1,414,885</b>	<b>NET OPERATING INCOME</b>	<b>-3,096,180</b>	<b>-470,269</b>	<b>2,625,911</b>	<b>-4,625,000</b>	<b>4,154,731</b>
-4,216,974	Any other item of income & expenditure	-2,090	<b>-4,994,102</b>	<b>-4,992,012</b>		-4,994,102
-20,178	Amounts charged to income & exp. for premiums & discounts	-12,650	<b>-12,648</b>	<b>2</b>	-15,000	2,352
842,589	Gain/(Loss) on Sale of HRA fixed Assets	0	<b>1,120,015</b>	<b>1,120,015</b>	0	1,120,015
0	Repayment of Debt	0	0	0	0	0
4,283,272	Revenue Contribution to Capital Expenditure	8,665,720	<b>2,330,310</b>	<b>-6,335,410</b>	2,507,000	-176,690
-141,000	Net charges made for retirement benefits	0	<b>-130,000</b>	<b>-130,000</b>	0	-130,000
0	Transfer to/from(-) Major Repairs Reserve	0	0	0	0	0
<b>-667,176</b>	<b>TOTAL DEFICIT/SURPLUS(-) FOR YEAR</b>	<b>5,554,800</b>	<b>-2,156,694</b>	<b>-7,711,494</b>	<b>-2,133,000</b>	<b>-23,694</b>
7,380,146	Balance as at 1st April	8,047,323	<b>8,047,323</b>	<b>8,047,323</b>	8,047,323	
8,047,323	Balance as at 31st March	2,492,523	<b>10,204,017</b>	<b>15,758,817</b>	10,180,323	

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## HRA CAPITAL OUTTURN POSITION 2018/19

Actual 2017/18 £	<u>HRA CAPITAL PROGRAMME</u>	Latest Budget 2018/19 £	Outturn 2018/19 £	Variance 2018/19 £	Qtr 3 Projections £	Variance 2018/19 £
	<b>EXPENDITURE</b>					
	<b>MAJOR REPAIR &amp; IMPROVEMENT</b>					
	<b>Decent Homes Standard</b>					
216,534	Fire Protection Works	1,131,000	196,262	-934,738	185,000	11,262
167,942	Replacement Windows and Doors	420,000	703,140	283,140	665,000	38,140
142,022	Re-roofing	400,000	1,216	-398,784	10,000	-8,784
351,594	Heating Improvements	315,000	84,192	-230,808	120,000	-35,808
311,944	Kitchen Replacement	300,000	194,710	-105,290	300,000	-105,290
185,705	Bathroom Improvements	200,000	177,024	-22,976	200,000	-22,976
212,227	Voids Capital Works	250,000	227,400	-22,600	220,000	7,400
57,319	External Enveloping	120,000	41,334	-78,666	25,000	16,334
30,360	Rewiring	300,000	18,677	-281,323	35,000	-16,323
1,675,647	<b>Sub-Total</b>	<b>3,436,000</b>	<b>1,643,955</b>	<b>-1,792,045</b>	<b>1,760,000</b>	<b>-116,045</b>
	<b>Non Decent Homes Standard</b>					
0	Treatment Works	10,000	0	-10,000	5,000	-5,000
316,696	Disabled Adaptations	350,000	311,862	-38,138	300,000	11,862
185	Cyclical Sheltered	190,000	38,465	-151,535	70,000	-31,535
19,330	Garages Improvements	30,000	31,945	1,945	22,000	9,945
27,045	Lift Replacement	0	24,805	24,805	0	24,805
1,409	Thermal Insulations	50,000	15,284	-34,716	10,000	5,284
364,665	<b>Sub-Total</b>	<b>630,000</b>	<b>422,361</b>	<b>-207,639</b>	<b>407,000</b>	<b>15,361</b>
	<b>Environment/Estate Improvement</b>					
103,713	Environmental Works	52,000	15,630	-36,370	25,000	-9,370
9,101	New Paths	15,000	0	-15,000	15,000	-15,000
0	Play Areas	10,000	0	-10,000	0	0
112,815	<b>Sub-Total</b>	<b>77,000</b>	<b>15,630</b>	<b>-61,370</b>	<b>40,000</b>	<b>-24,370</b>
	<b>OTHER SCHEMES</b>					
6,979,742	New Builds/Acquisitions	9,530,310	3,174,541	-6,355,769	3,391,310	-216,769
0	EKH Single System	0	92,500	92,500	92,500	0
6,979,742	<b>Sub-Total</b>	<b>9,530,310</b>	<b>3,267,041</b>	<b>-6,263,269</b>	<b>3,483,810</b>	<b>-216,769</b>
9,132,869	<b>TOTAL EXPENDITURE</b>	<b>13,673,310</b>	<b>5,348,987</b>	<b>-8,324,323</b>	<b>5,690,810</b>	<b>-341,823</b>
	<b>FINANCING</b>					
1,568,923	1-4-1 Capital Receipts	2,859,093	952,362	-1,906,731	1,017,393	-65,031
2,040,312	Major Repairs Allowance	4,066,000	2,066,316	-1,999,684	2,167,000	-100,684
1,240,969	Section 106	0	0	0	0	0
4,282,665	Revenue Contribution	6,748,217	2,330,309	-4,417,908	2,506,417	-176,108
9,132,869	<b>TOTAL FINANCING</b>	<b>13,673,310</b>	<b>5,348,987</b>	<b>-8,324,323</b>	<b>5,690,810</b>	<b>-341,823</b>
0	<b>SURPLUS C/FWD</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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