



# Agenda

Meeting: **Cabinet**  
Date: **13 March 2019**  
Time: **5.00 pm**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **All members of the Cabinet**

All Councillors for information

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

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. **Apologies for Absence**
2. **Declarations of Interest**

Members of the Council should declare any interests which fall under the following categories. Please see the end of the agenda for definitions\*:

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

3. **Minutes (Pages 5 - 14)**

To consider and approve, as a correct record, the minutes of the meetings held on 13 and 20 February 2019.

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

Contact Jemma West – Tel: 01303 853369  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

4. **Quarter 3 performance report 2018/19 (Pages 15 - 44)**

This report provides an update on the Council's performance for the third quarter of 2018/19, covering 1 October 2018 to 31 December 2018. The report enables the Council to assess progress against the approved key performance indicators for each service area.

Key Performance Indicators (KPIs) will be monitored during 2018/19 and reported to CLT and Members quarterly.

5. **General Fund Revenue Budget Monitoring 2018/19 (3rd quarter) (Pages 45 - 52)**

This monitoring report provides a projection of the end of year financial position of the General Fund revenue budget, based on expenditure to the 31 December 2018.

6. **Housing Revenue Account Revenue and Capital Budget Monitoring 2018/19 (3rd quarter) (Pages 53 - 62)**

This monitoring report provides a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 31 December 2018.

7. **Housing Revenue Account Business Plan Update 2019 - 2049 (Pages 63 - 74)**

The Council is required to produce a comprehensive Business Plan for its housing stock. The Business Plan is focused on improving the quality of the Council's landlord services and sets out the investment priorities for its existing Council housing stock. The document also provides details of the Council's new build and acquisition housing programme. In view of policy changes implemented by the Government in 2016, it was necessary to reduce the Council's target to deliver up to 300 homes over the next 10 years, to up to 200 homes over the next 10 years. Further Government Policy Changes announced in late 2018 and the financial position within the HRA, mean that the Council is once again able to increase its delivery target for new builds and the updated Business Plan is based on delivering up to 300 homes. The report also provides an update on the number of homes delivered to date through the programme and also on the number of sites currently in the pipeline.

8. **District, Parish and Town Council Elections - Kent scale of election fees (Pages 75 - 84)**

This report sets out changes to the Kent scale of election fees of Folkestone & Hythe's Returning Officer to undertake the arrangements for managing and conducting district, parish and town council elections from 01 April 2019.

9. **New Public Spaces Protection Order - Results of Consultation (Pages 85 - 130)**

On 14th November 2018, Cabinet agreed to consult the public on a proposal to introduce a new Public Spaces Protection Order (PSPO) as the current one is due to expire on 19<sup>th</sup> June 2019. The creation of bespoke PSPOs provides officers and partners (Kent Police) an additional tool on top of existing powers and legislation to help tackle specific issues of antisocial behaviour affecting parts of the District. PSPOs were brought in as part of a Government commitment to put victims at the centre of approaches to tackling anti-social behaviour (ASB), focusing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

Report C/18/78 summarises the results of the public consultation which shows that there is public support for all 7 measures. The report also provides an insight into the views of the public as well as the government's recommended position when implementing PSPOs. Members are asked to approve the new PSPO measures outlined in section 2.2.

10. **Funding for 2019 Folkestone RAF Air Display (Pages 131 - 134)**

This report requests approval of £22,000 from the 2019/20 CLT Contingency Fund for a funding contribution to Folkestone Town Council towards the cost of an Air Display in Folkestone, as part of the Armed Forces Day celebrations.

11. **Exclusion of the Public**

**To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –**

**'Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated as well as current activities.'**

**Part 2 – Exempt Information Item**

12. **Investment opportunity (Pages 135 - 146)**

This report considers the opportunity to make an investment to the council's advantage.

\*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

## Cabinet - 13 March 2019

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.

(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

# Minutes

## Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 13 February 2019
Present	Councillors Mrs Ann Berry, John Collier, Malcolm Dearden, Alan Ewart-James, David Godfrey, Mrs Jennifer Hollingsbee, David Monk and Dick Pascoe
Apologies for Absence	Councillors Rory Love and Stuart Peall
Officers Present:	Kate Clark (Committee Services Officer), Andy Jarrett (Chief Strategic Development Officer), John Bunnett (Corporate Director - Place and Commercial Services), Amandeep Khroud (Assistant Director), Sue Lewis (Committee Services Officer), Tim Madden (Corporate Director - Customer, Support and Specialist Services), Susan Priest (Head of Paid Service), Dave Shore (Strategic Development Projects Manager) and Jemma West (Senior Committee Services Officer)
Others Present:	Simon Molden (The Sports Consultancy), Stephen Jepson (Hadron Consulting), David Parry (Savills) and Paul Gannaway (Betteridge and Milsom).

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 22 February 2019 at 5pm. Decisions not called in may be implemented on Monday 25 February 2019.

### 67. **Declarations of Interest**

There were no declarations of interest at the meeting.

### 68. **Princes Parade Business Plan**

The report presented the business case for the Princes Parade project and set out a proposal for the procurement of the contractor for the leisure centre and associated infrastructure, core consultant team and leisure centre operator. The report also sought the approval of Cabinet to allow the Director for Place and Commercial to take the steps necessary to deliver the project in consultation with the Leader and the Princes Parade Working Group.

The report had been considered at the meeting of the Overview and Scrutiny Committee held on 12 February 2019, and their comments had been circulated to the Cabinet Members at the meeting.

Cabinet Members were advised that the Secretary of State had confirmed that the application would not be called in for determination, and a copy of the letter had been circulated to Members prior to the meeting.

Proposed by Councillor Dearden,  
Seconded by Councillor Ewart-James; and

**RESOLVED:**

**That the wording set out in recommendations 3 and 4 of the report be amended, with the word 'consultation' being replaced with the word 'agreement'**

(Voting figures: 8 for, 0 against, 0 abstentions).

69. **Exclusion of the Public**

Proposed by Councillor Monk,  
Seconded by Councillor Mrs Hollingsbee; and

**RESOLVED:**

**That the public be excluded for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – 'Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated as well as current activities.'**

(Voting figures: 8 for, 0 against, 0 abstentions).

The meeting was adjourned for a short period to allow members of the public to leave the public gallery.

70. **Princes Parade Business Plan (exempt)**

Proposed by Councillor Monk,  
Seconded by Councillor Godfrey; and

**RESOLVED:**

- 1. That report C/18/69 be received and noted.**
- 2. That the business case and financial appraisal as set out in the report be approved as the basis for delivering the Princes Parade project.**
- 3. That the Corporate Director - Place and Commercial be authorised, in agreement with the Leader of the Council and the Cabinet Member for**

**Special Projects, to implement the steps necessary to deliver the Princes Parade project as outlined in the report.**

- 4. The Corporate Director – Place and Commercial be authorised, in agreement with the Leader and Cabinet Member for Special Projects, to dispose of the residential/commercial land at Princes Parade and the existing Hythe Swimming Pool site in order to enable the delivery of the project.**
- 5. That the grant offered by the Government be accepted under its Accelerated Construction Programme for work to the site.**
- 6. That the approval of Full Council be sought to release the capital funding necessary to deliver Phases 1 and 2 of the project.**

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

The decision will allow the development of the Princes Parade Project to proceed in accordance with the resolution of Cabinet on 7 February 2017.

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## Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 20 February 2019
Present	Councillors Mrs Ann Berry, John Collier, Malcolm Dearden, Alan Ewart-James, Rory Love, David Monk, Dick Pascoe and Stuart Peall
Apologies for Absence	Councillors David Godfrey and Mrs Jennifer Hollingsbee
Officers Present:	Kate Clark (Committee Services Officer), Cheryl Ireland (Chief Accountant), Amandeep Khroud (Assistant Director), Tim Madden (Corporate Director - Customer, Support and Specialist Services), Susan Priest (Head of Paid Service), Charlotte Spendley (Assistant Director), Lee Walker (Group Accountant) and Jemma West (Senior Committee Services Officer)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 1 March 2019 at 5pm. Decisions not called in may be implemented on Monday 4 March 2019.

### 71. **Declarations of Interest**

There were no declarations of interest.

### 72. **Minutes**

The minutes of the meeting held on 30 January 2019 were submitted, approved and signed by the Chairman.

### 73. **Housing Revenue Account Revenue and Capital Original Budget 19/20**

The report set out the Housing Revenue Account Revenue and Capital Budget for 2019/20 and proposed a decrease in weekly rents and an increase in service charges for 2019/20.

The report had also been considered at the meeting of the Overview and Scrutiny Committee held on 19 February 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Ewart-James,  
Seconded by Councillor Dearden; and

**RESOLVED:**

1. That report C/18/76 be received and noted.
2. That Cabinet recommend to Full Council the Housing Revenue Account Budget for 2019/20 (refer to paragraph 2.1 and Appendix 1).
3. That Cabinet recommend to Full Council the decrease in rents of dwellings within the HRA on average by £0.83 per week, representing a 1.0% decrease with effect from 1 April 2019 (refer to paragraph 3.2).
4. That Cabinet recommend to Full Council the increase in service charges (refer to section 3.5).
5. That the Housing Revenue Account Capital Programme budget 2019/20 (refer to paragraph 4.1 and Appendix 2) be approved.

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

The Local Government Housing Act 1989 requires the Council, as a Local Housing Authority, to keep a separate Housing Revenue Account and to produce estimates to ensure that the account does not go into deficit. The authority also has a duty to set and approve rents in accordance with government guidelines that are outlined in the self-financing determination. The Constitution requires that the annual Budget and any variations to the Budget are approved by Council.

**74. Treasury Management Strategy Statement 2019/20**

The report set out the proposed strategy for treasury management for 2019/20 including Treasury Management Indicators.

The report had also been considered at the meeting of the Overview and Scrutiny Committee held on 19 February 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Dearden,  
Seconded by Councillor Ewart-James; and

**RESOLVED:**

1. That report C/18/71 be received and noted.
2. That the strategy for treasury management in 2019/20 set out in the report be adopted.
3. That the Treasury Management Indicators for 2019/20 set out in the report be approved.

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

Cabinet was asked to agree the recommendations because:-

- a) The Council must have regard to CIPFA's Code of Practice for Treasury Management in the Public Services when carrying out its duties under Part 1 of the Local Government Act 2003, including approving an annual Treasury Management Strategy Statement in advance of the financial year.
- b) The Council's Financial Procedure Rules require an annual plan and strategy for treasury management to be approved in advance of the financial year.

**75. Capital Strategy 2019/20**

The report set out the council's proposed strategy in relation to capital expenditure, financing and treasury management in 2019/20 to be approved by full Council.

The report had also been considered at the meeting of the Overview and Scrutiny Committee held on 19 February 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Dearden,  
Seconded by Councillor Pascoe; and

**RESOLVED:**

1. That report C/18/75 be received and noted.
2. That Cabinet recommend to Full Council that the 2019/20 Capital Strategy set out in the appendix to the report be approved.

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

Cabinet was asked to agree the recommendations because:-

- a) The Council must have regard to both CIPFA's Prudential Code for Capital Finance in Local Authorities and the Ministry for Housing Communities and Local Government Investment Guidance when carrying out its duties under Part 1 of the Local Government Act 2003.
- b) The Council is required to approve a Capital Strategy for the forthcoming year.

**76. General Fund Budget and Council Tax 2019/20**

The report set out the final General Fund budget and Council Tax requirement for 2019/20, including that part of the local tax covering district and parish services.

The report had also been considered at the meeting of the Overview and Scrutiny Committee held on 19 February 2019. Their comments had been circulated to the Cabinet Members at the meeting.

The Cabinet Member for Finance advised of an amendment to recommendation 3 of the report in that the figure of £12,605,380 should have read £12,598,350.

Proposed by Councillor Collier,  
Seconded by Councillor Pascoe; and

**RESOLVED:**

**That a further recommendation be added to the report as follows:**

**“To agree the establishment of an earmarked reserve titled “High Streets Regeneration” to support the delivery of regeneration projects within the Folkestone and Hythe district area. To earmark £3 million to be transferred from the council’s forecast General Reserve balance”.**

(Voting figures: 8 for, 0 against, 0 abstentions).

Proposed by Councillor Dearden,  
Seconded by Councillor Monk; and

**RESOLVED:**

1. **That report C/18/74 be received and noted.**
2. **That Cabinet recommend to Full Council that the final 2019/20 General Fund budget be adopted, as set out at paragraph 4 of the report.**
3. **That Cabinet recommend to Full Council that a Council Tax requirement for 2019/20 of £12,598,350 be approved.**
4. **That growth of 3 Area Officer posts funded through savings identified on existing budgets be approved, as outlined in section 4.3 of the report.**
5. **To agree the establishment of an earmarked reserve titled “High Streets Regeneration” to support the delivery of regeneration projects within the Folkestone and Hythe district area. To earmark £3 million to be transferred from the council’s forecast General Reserve balance”.**

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

Cabinet was asked to agree the recommendations because:

- a) The District Council’s General Fund budget and council tax requirement must be approved to enable Full Council to set the budget and the council taxes for 2019/20 in accordance with the Local Government Finance Act 1992.
- b) Council recognises the challenges being faced by the High Streets of all our communities at this time. It has recognised this through the establishment of the Folkestone and Hythe Regeneration Board and has already earmarked £250,000 to support the initial work of this board. However, the Council recognises that high streets throughout the Folkestone and Hythe district area are looking to deal with a number of adverse pressures and therefore the Council wishes to support efforts across the area to support and sustain high streets for the foreseeable future. The Cabinet agreed to utilise part of the current general reserve

to support the Council's work in meeting this aim through investment in planning, studies and direct investment where appropriate.

**77. Update to the General Fund Medium Term Capital Programme and Budget Monitoring 2018/19**

The report updated the General Fund Medium Term Capital Programme for the five year period ending 31 March 2024. The report provided a projected outturn for the General Fund capital programme in 2018/19, based on expenditure to 30 November 2018. The General Fund Medium Term Capital Programme was required to be submitted to full Council for consideration and approval as part of the budget process. The report also set out both the Prudential Indicators for capital expenditure and the Minimum Revenue Provision Statement for 2019/20 to be approved by full Council.

The report had also been considered at the meeting of the Overview and Scrutiny Committee held on 19 February 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Dearden,  
Seconded by Councillor Monk; and

**RESOLVED:**

1. That report C/18/72 be received and noted.
2. That Cabinet recommend to Full Council that the updated General Fund Medium Term Capital Programme as set out in appendix 2 to the report be approved.
3. That Cabinet recommend to Full Council that the Prudential Indicators for capital and borrowing set out in the appendix 3 to the report be approved.
4. That Cabinet recommend to Full Council that the Minimum Revenue Provision (MRP) Policy Statement for 2019/20 set out in appendix 4 to the report be approved.

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

Cabinet was asked to agree the recommendations because:

- a) It needed to be kept informed of the existing General Fund Medium Term Capital Programme position and take appropriate action to deal with any variance from the approved budget.
- b) Proposed extensions to existing schemes are required to be considered and approved before being included in the council's Medium Term Capital Programme.
- c) The proposed Medium Term Capital Programme needed to be considered before it is submitted to full Council for approval as part of the budget process.
- d) The Council must also have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities when carrying out its duties under Part 1 of the Local Government Act 2003.

- e) The Council is required to approve a Minimum Revenue Provision statement for 2019/20 in advance of the start of the financial year.

**78. Biggins Wood - Acceptance of Grant**

The report recommended the acceptance of the grant offered by the Government under its Accelerated Construction Programme for work to the site.

The report had also been considered at the meeting of the Overview and Scrutiny Committee held on 19 February 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Monk,  
Seconded by Councillor Ewart-James; and

**RESOLVED:**

- 1. That report C/18/70 be received and noted.**
- 2. That the grant offered by the Government under its Accelerated Construction Programme for work to the site be accepted.**

(Voting figures: 8 for, 0 against, 0 abstentions).

**REASONS FOR DECISION:**

The council needs to decide whether to accept the grant offered.

This Report will be made public on 5 March 2019



Report Number **C/18/80**

**To:** Cabinet  
**Date:** 13 March 2019  
**Status:** Non-Key Decision  
**Responsible Officer:** Sarah Robson, Assistant Director for Strategy, Performance and Communications  
**Cabinet Member:** Councillor David Monk

**SUBJECT:** QUARTER 3 PERFORMANCE REPORT 2018/19

**SUMMARY:**

This report provides an update on the Council's performance for the third quarter of 2018/19, covering 1 October 2018 to 31 December 2018. The report enables the Council to assess progress against the approved key performance indicators for each service area.

Key Performance Indicators (KPIs) will be monitored during 2018/19 and reported to CLT and Members quarterly.

**REASONS FOR RECOMMENDATIONS:**

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

- a) The Council is committed to monitoring performance across all of its service areas to ensure progress and improvement is maintained.
- b) The Council needs to ensure that performance is measured, monitored and the results are used to identify where services are working well and where there are failings and appropriate action needs to be taken.

**RECOMMENDATIONS:**

1. To receive and note report C/18/80.
2. To note the Council's performance information for Quarter 3, 2018/19.
3. To approve the updated Key Performance Indicators outlined in section 1.4 to monitor the Council's performance against its statutory duties under the Homelessness Reduction Act 2017.

## **1. Background**

1.1 The Council's Corporate Plan (2017-20) for the district, introduced six new strategic objectives:

- More Homes
- More Jobs
- Health Matters
- Appearance Matters
- Achieving Stability
- Delivery Excellence

1.2 Underpinning each strategic objective is a set of priorities that explain how each objective will be achieved.

1.3 Key Performance Indicators, currently collated on a quarterly basis, were not reviewed as part of the Corporate Plan refresh and currently do not fully align to how the Council will measure progress in delivering the strategic objectives and priorities. The ongoing work in this area means that 2018/19 will be something of a transitional year.

1.4 However, as a result of the introduction of the Homelessness Reduction Act (2017) in April 2018, which set out a framework for one of the biggest changes to homelessness legislation, the relevant performance indicators have had to be amended as performance is now measured and collated by Government in a different format. As the measure of good performance has changed, a suite of new performance indicators for homelessness were approved by Cabinet in the Quarter 2 report presented in December 2018. Following on from further work undertaken with the Ministry of Housing, Communities and Local Government (MHCLG) in terms of how local housing authorities collate their performance data, two further performance indicators will be introduced in Quarter 3 showing how homelessness approaches to the Council are managed. These are:

- Number of homelessness approaches accepting a personal housing plan
- Number of homelessness approaches declining or withdrawing a personal housing plan.

## **2. Introduction**

2.1 Quarterly Performance Reports enable the Cabinet, other Members of the Council and the public to scrutinise the performance of the Council against strategic deliverables and key indicators in accordance with the approved Corporate Plan.

2.2 The Quarterly Performance Report (Appendix 1) has been produced to summarise the Council's performance for the third quarter of 2018/19 (1 October to 31 December 2018). It captures how the Council is performing against its agreed Key Performance Indicators.



- 2.3 Where the performance indicator is not being achieved, explanations have been sought from the relevant Service Manager's and noted in the report (Appendix 1).
- 2.4 The performance indicators which have fallen below target are monitored by the Council's Policy & Improvement Officer who will work with the relevant Service Manager to identify appropriate action that can be taken to resolve the situation.
- 2.5 Performance areas to be monitored will also be raised with iESE, the Council's transformation partner, to discuss where performance improvements can be achieved through reviewing service resourcing, process redesign and digital enablement. Any significant areas of concern will be brought to the attention of CLT for consideration.

### **3. Performance - Exception Reporting**

- 3.1 The Council has performed well in Quarter 3, with 62 of the 75\* indicators meeting/exceeding target or on track at the end of the quarter.

*\*N.B – The data for one KPI in Quarter 3 will not be available until Quarter 4, therefore data has been recorded against 74 key performance indicators in Appendix 1.*

- 3.2 Some areas of monitoring raised in Quarters 1 and 2 as a result of performance not meeting target have continued to be monitored throughout Quarter 3. The current status of these exception areas will be set out within this section of the report.

#### **3.3 More Homes**

- The Council determined 100% of major planning applications within the statutory period helping to support the delivery of new housing and employment sites in the district.
- A further 22 long term empty homes were brought back into use within the district in Quarter 3 helping to provide much needed local homes. This brings the current total to 56 since April 2018. The intervention of the Council and its partner agencies has resulted in 42 private sector homes being improved in the quarter as result of improvement works undertaken as a result of enforcement action and the provision of the Disabled Facilities Grant, Winter Warmth and Home Safe loans. This brings the current total to 247 private sector homes being improved so far in 2018/19.
- The Council has worked hard to improve its housing advice and support, with only 25 households being placed in temporary accommodation, compared to 67 in the same period last year. The impact of the Homelessness Reduction Act has seen homelessness approaches to the Council significantly rise, with 302 homelessness approaches recorded in the quarter, however, 192 of the 302 homelessness approaches were able to be prevented.
- Improved housing advice and decision making has seen the average number of families placed in temporary B&B accommodation continue

to stay at zero this quarter, compared to 24 in the same period last year.

- The average number of weeks families are staying in Bed & Breakfast continues to remain at zero at the end of the Quarter 3, compared to 5.3 weeks in the same quarter last year.

#### To monitor

- As a result of Government's introduction of the Homelessness Reduction Act, which places a number of new statutory obligations on local housing authorities, the Council has seen the number of homelessness approaches continue to remain high with 302 approaches in the quarter, compared to 142 in the same period last year. The introduction of the Duty to Refer, as part of the Homelessness Reduction Act, will see these figures rise again, potentially doubling, in the next 6 months. Exception performance monitoring for previous quarters identified the Housing Options team as being under-resourced to support the increase in homelessness approaches. Exception performance monitoring in Quarter 3 confirms the successful recruitment of two out of the three required posts, Senior Accommodation Officer and Initial Assessments Officer. At the time of writing this report, the team are shortlisting for the Housing Advice and Prevention Officer position.

#### 3.4 More Jobs

- The annual target of 6 engagement visits delivered to key employers is on track with 5 visits being completed this quarter to four Folkestone based businesses (Sterlingbuild, NIC Instruments, Plamil Foods, Dryhoff) and one in Hythe (GoPak). The meetings identify areas where the Council can support the growth of these important companies, including meeting their future expansion (or consolidation) needs in order to retain jobs in the district. Opportunities are also identified to link with other organisations such as Folkestone College regarding training and skills development. These companies are encouraged to use the Folkestone Works website ([www.folkestone.works](http://www.folkestone.works)) to promote their success stories, thereby also providing third party validation of Folkestone & Hythe District as an attractive business location.

#### 3.5 Appearance Matters

- Recycling is very important as waste can have a huge negative impact on the natural environment. Folkestone & Hythe's residents are helping to make a difference, increasing the amount of household waste recycled to more than 46% in Quarter 3 compared to 44% in the same period last year. The Council will continue to promote its drive to increase household recycling over the coming years.
- We know the appearance of the district is important to local residents and businesses. In Quarter 3:
  - 98% of streets surveyed were clear of litter, up from 97% in the same quarter last year.

- 251 instances of fly tipping were reported in the quarter, with the average time for fly tipped waste being removed within 2 days, compared to the 3 day target.
  - Our Environmental Enforcement Officers spent more than 573 hours patrolling the District. This increased the number of Fixed Penalty Notices issued for fly tipping, litter and dog control to 42, compared to 19 in the same period last year.
  - 24 enforcement notices were served for noise, rubbish accumulation and fly tipping, compared to 47 in the same period last year. The Environmental Protection team will continue to deliver a range of informal interventions as a first step in resolving to environmental issues in the district. In cases, where informal intervention has not worked, the team maintains a firm stance in issuing notices and pursuing prosecutions against those who commit environmental crimes.
- Operational since October 2018, our Area Officer team has actively worked with local Elected Members, businesses and community groups to improve the appearance of the district. Quarter 3 has been a resounding success, supported by the following achievements:
    - Completed 2,050 'See it, Own it, Do it' jobs across the district to ensure it remains a welcoming and attractive place to live, work and visit.
    - Removed 363 bags of waste from 15 community clean-ups held across the district.
    - Actioned all 51 reactive reports received from Elected Members identifying priority work required to improve the appearance in their wards.
    - Nearly 30 community and social responsibility events have been hosted in the district providing environmental activities including litter picks and clean ups.
    - 8 community jobs referred to the appropriate agency to action, including removal of redundant phone boxes by British Telecom, cutting of vegetation and repairs to the crossings at Tram Road by Network Rail as well as highways repairs in the precinct by Kent County Council.

### To monitor

- The overall number of missed bins reported (number of missed collections per 100,000 population) remains positively low (5.44) compared to the contractual target of 50. This equates in real terms to approximately 78 bins or containers missed in total within the quarter. From this a further 90% were then subsequently collected by the end of the next working day, if reported within 24 hours. Those not collected were often reported late or were operationally difficult to complete. Defaults are issued to the contractor where the bin has not been collected within the 24 hour contracted timescale.
- The British Vehicle PCN (Parking Contravention Notice) recovery rate has shown improvement in the quarter and will continue to be monitored. The British Vehicle PCN recovery rate has increased to

62.95% against the 70% quarterly target, an improvement over the Quarter 2 figure of 61.64%. Exception performance monitoring for Quarter 3 has confirmed that the recovery rate was still under target during the quarter due to bailiff enforcement action being suspended during the Christmas period for 2-3 weeks that consequently impacted on the recovery rate. Enforcement action has now fully resumed and performance should continue to improve.

- The Foreign Vehicle PCN recovery rate has decreased slightly to 48.36% against a 50% quarterly target, but remains greatly improved when compared against the same quarter last year, where a 37% recovery rate was achieved. Exception performance monitoring for Quarter 3 has confirmed the same contributing factor for under target performance as highlighted previously with the British recovery rate. Enforcement action has now fully resumed and performance will kept under constant review - two debt recovery agencies currently operate in Europe on behalf of the Council, although it remains difficult to trace foreign vehicles in receipt of an unpaid PCN. KCC are currently running trials to introduce vehicle clamping, which could see recovery rates and income increase if successful – this is a watching brief.

### 3.6 Health Matters

- Our residents have shown that they love where they live, with the number of community volunteer hours increasing to 264 hours in the quarter, compared to 152 hours in same period last year. 11 Council-supported litter picks were held across the district, including Folkestone, Sandgate and Battery Point beaches alongside Harbour Ward, Twiss Road (Hythe) and Hawkinge, compared to 7 in the same period last year.
- Local businesses have continued to support local areas, with over 395 volunteering hours undertaken in the quarter to support community litter picks. Participating organisations include the Hythe Rotarians, Balfour Beatty, Holiday Extras, Environment Agency and The Radnor Arms Public House.

### 3.7 Achieving Stability

- Business Rates, Council Tax and Council Tax reduction collection rates continue to show positive cumulative trends towards their overall annual targets as a result of improved working processes for charging and pre-enforcement activities, alongside regular scheduled reviews for various discounts and exemptions.
- Oportunitas, the Council's housing and employment trading arm, has benefitted from a successful quarter, invoicing more than £29,500, against an income target of £10,000 in Quarter 3.

### 3.8 Delivering Excellence

- Average processing times for new Housing Benefit claims from the date complete evidence is received have been undertaken in 6.1 days during the quarter against a target of 10 days. Change of circumstances for housing benefit falls within 4.8 days against a target

of 7 days, helping to support some of the Council's most vulnerable customers as quickly as possible. Faster processing times have partially been attributed to a continued channel shift towards making essential benefit services accessible to customers online.

- Focusing on the customer in delivering excellence is highlighted in both the Council's Corporate Plan and its evolving transformation project, with work to date concluding that customers value four elements: (1) the behaviours we exhibit; (2) the speed and efficiency of transactions; (3) our capacity and resilience, being one high performing team; and (4) maintaining an external focus, working collaboratively.
- The percentage of calls served showed significant improvement with 84.72% served in Quarter 3 against a target of 80%, up from 77.58% recorded in Quarter 2. The average wait for calls (except peak times) has also show improvement in the quarter, with the average wait being 2mins 39secs against a target of 3mins, down from 4mins 20secs recorded in Quarter 2. The month of December is traditionally a quieter month in relation to customer calls into the Council, which has contributed to improved performance during Quarter 3. However, staffing resilience has been impacted by four staff members securing new employment or promotion within the Council. Recruitment is being undertaken in Quarter 4 and new staff will be provided with extensive training. This may have a short term adverse impact on overall performance figures moving into Quarter 4 as the number of calls traditionally tend to rise in the run up to the end of the financial year.

#### To monitor

- The number of Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests satisfactorily replied to within the statutory timeframe of 20 working days has improved to 95.4% in the quarter against a target of 100% in comparison to 91.5% achieved in Quarter 2. The environment surrounding EIR and FOI continues to be challenging, with the Council receiving high volumes of requests that are frequently technically complex. The push to proactively publish materials has continued to make good ground, and this is reflected in the steadily improving response rate compared to Quarter 1 and 2 statistics. The failure to hit the 100% target can be attributed to a range of factors, for example, delays in information being provided for consideration and complex cases requiring extended consideration of exemptions. Ongoing efforts are being made to address performance with work being undertaken to consider the department's work processes and IT requirements, alongside the continuation of proactive publication of Council information online.

#### 4. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
The Council's strategic objectives are not met.	High	Medium	Monitor progress against performance indicators and take remedial action for those areas where targets and actions are unlikely to be achieved.

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

**5.1 Legal (DK)** – There are no legal implications arising directly out of this report. The Key Performance Indicators (as amended) must continue to take account of both existing and new statutory duties and responsibilities that are imposed on the Council by Central Government and reflect the strategic objectives contained in the Council's Corporate Plan. Failure to do so will put the Council at risk of legal challenge by affected residents and/or businesses. Whilst reporting on performance is not a statutory requirement, it is considered best practice to review the Council's progress against the Corporate Plan on a regular basis.

**5.2 Finance (CS)** – There are no direct financial implications arising from this report. There is a presumption that targets will be delivered within existing resources. Adverse performance for some indicators may have financial implications for the Council. In the event that targets cannot be achieved within the agreed envelope of resources officers are expected to raise the issue through the appropriate channels as the needs arise.

**5.3 Human Resources (AS)** – There are no direct HR implications or risks arising from this report.

**5.4 Equalities (SR)** – Equality Impact Assessments (EIAs) are systematically carried out for any services, projects or other schemes that have the potential to impact on communities and / or staff on the grounds of particular protected characteristics or socio-economic disadvantage. Over the course of the year, performance against some indicators might potentially have equality and social inclusion implications, if performance is not at an acceptable level. These will be highlighted as necessary in the corporate performance reporting, along with details of the steps that will be taken to address these.

**5.5 Communications (MR)** – The quarterly performance report should be widely communicated internally and externally. Thought should be given to how this is communicated to our different audiences.

**5.6 Transformation (SR)** – There are no direct implications on the delivery of the transformation programme arising from this report. However, any performance areas to be monitored should be raised with iESE, the Council's transformation partner, to discuss where performance improvements can be achieved through reviewing service resourcing, process redesign and digital enablement.

## 6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Sarah Robson – Assistant Director for Strategy, Performance and Communications

Email: [sarah.robson@folkestone-hythe.gov.uk](mailto:sarah.robson@folkestone-hythe.gov.uk)

Tel: 01303 85 3426

Gavin Edwards – Policy and Improvement Officer

Tel: 01303 85 3436

Email: [gavin.edwards@folkestone-hythe.gov.uk](mailto:gavin.edwards@folkestone-hythe.gov.uk)

### **Appendices:**

Appendix 1: Quarter 3 (2018/19) Key Performance Indicators Report

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# Folkestone and Hythe District Council Quarter 3 Performance Report 2018/19 – October to December 2018

Page 25



## Your Cabinet Members



Cllr David Monk  
Leader of the  
Council



Cllr Jenny  
Hollingsbee  
Deputy Leader,  
Cabinet Member for  
Communities



Cllr Ann Berry  
Cabinet Member for  
Transport and  
Commercial



Cllr John Collier  
Cabinet Member for  
the District Economy



Cllr Malcolm  
Dearden  
Cabinet Member for  
Finance



Cllr Alan Ewart-  
James  
Cabinet Member for  
Housing



Cllr David Godfrey  
Cabinet Member for  
Special Projects



Cllr Rory Love  
Cabinet Member for  
Customers,  
Communications  
and Digital Delivery



Cllr Dick Pascoe  
Cabinet Member for  
Property  
Management and  
Environmental  
Health



Cllr Stuart Peall  
Cabinet Member for  
the Environment

## Your district

Folkestone & Hythe district has a population of approximately 111,000 of which 58.2% (32,700) of female residents and 60.1% (33,000) of males are of working age. The district has a growing population in line with the growth for the county of Kent, with a projected population increase of 8.3% by 2036 (120,400). The proportion of older people in Folkestone & Hythe is 23.8% (26,500), higher than Kent, South East and England and Wales. The number of people aged 65 and over within the district is set to increase by about 14,000 (52.7%) by 2036. This has implications for a wide range of services provided by the district council including housing and health.

The district is considered a good place to live and work with the number of jobs and full time earnings in the workplace increasing, whilst unemployment has fallen over the past two decades. Jobs are forecast to grow more quickly than the South East average up to 2031. However, although there has been growth in the numbers of jobs, these have been generally lower paid, lower skilled jobs. People claiming Job Seekers Allowance is also higher than in the comparator areas and South East average and residents' full time earnings are lower than the South East and national averages. Therefore, with a challenging economic environment there is no room for complacency. The district has a mixed business sector benefitting from great brand names including Saga, Eurotunnel Le Shuttle, Holiday Extras, the Aspinall Foundation and Church and Dwight, alongside a growing creative industry emerging from Folkestone's Creative Quarter. East Kent College continues to widen the range of courses and facilities it provides, offering an excellent further education offer within the area.

As a well-connected, coastal district in Kent with an attractive mix of urban and rural areas, we recognise the importance of maintaining a quality environment for residents and visitors alike including our heritage and conservation areas. We have outstandingly beautiful countryside and villages, the stunning landscape of Romney Marsh, the ancient Cinque Port Borough of Hythe, and the vibrant coastal town of Folkestone where significant private and public investment in the Old Town has created the unique Creative Quarter. Tourism is an important sector of our local economy supported by stunning coastline with award-winning beaches, boutique hotels and popular visitor attractions including the Harbour Arm, the Romney, Hythe and Dymchurch Railway, Howletts and Port Lympne wild animal parks.

We work in partnership with neighbouring authorities to plan for and deliver the needs of the East Kent area. Transport links are excellent, with the international high speed railway link from Folkestone making London accessible within an hour. The ever popular Eurotunnel means the French coast is within reach in less than 35 minutes. The district is well served by the motorway network with the M20 and M2 providing direct links to the Channel Ports and M25.

## Introduction

During 2017/18, the Council introduced its refreshed Corporate Plan, setting out its three year corporate plan vision of *investing for the next generation ~ delivering more of what matters* and outlining six new strategic objectives:

- **More Homes** - provide and enable the right amount, type and range of housing
- **More Jobs** - work with businesses to provide jobs in a vibrant local economy
- **Appearance Matters** - provide an attractive and clean environment
- **Health Matters** - keep our communities healthy and safe
- **Achieving Stability** - achieve financial stability through a commercial and collaborative approach
- **Delivering Excellence** - deliver excellent customer service through commitment of staff and members

The first four objectives are externally focused and detail how the Council will contribute to the district and its communities. The last two objectives are internally focused to identify the priorities required for the Council to ensure its stability and excellence in service delivery. An accompanying Corporate Delivery Plan provides the detail of what the Council plans to achieve over the next three years to support the objectives and priorities of the Corporate Plan 2017-20.

As a district council with big ambitions, we will continue to deliver a range of major projects and initiatives ensuring we are progressive and innovative in our strategic approach by:

- Working with our businesses and communities to promote and invest in our assets - a beautiful coastal district with great connections to London and Europe
- Developing a thriving economy for our residents and attract new people; supporting activities to develop jobs, homes and healthy living
- Designing our services from our customers' perspective and using technology to best effect
- Using the next 2 years to work together with customers and staff to further modernise the Council to help achieve our ambitions and continuously improve the way we do business

Key Performance Indicators, currently collated on a quarterly basis, were not reviewed as part of the Corporate Plan refresh and do not fully align to how the Council will measure progress in delivering its strategic objectives and priorities. The ongoing work in this

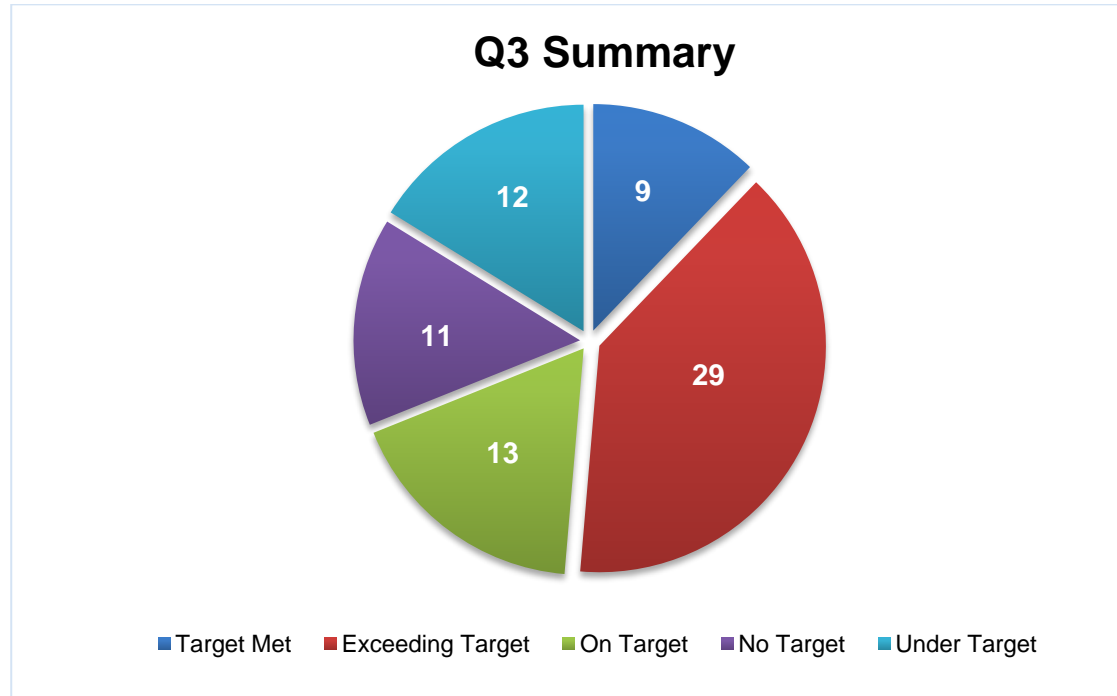
area means that 2018/19 will be something of a transitional year, with a full review of current performance indicators being undertaken to ensure they are both meaningful and reflect the Corporate Plan priorities.

However, as a result of the introduction of the Homelessness Reduction Act (2017) in April 2018, which set out a framework for one of the biggest changes to homelessness legislation, the relevant performance indicators have been amended as performance is now measured and collated by Government in a different format.

Whilst the overall review is underway, the Council will ensure it continues to report on the measures it uses to check its performance each quarter. The purpose of the report is to demonstrate the performance of the Council at the end of the third quarter of 2018/19. Details of the projects and activities ongoing in each service area that contribute to delivering what is important and make a difference to all in the district are highlighted in the Council's Annual Performance Report – Making a difference: a snapshot of our year 2017/18.

## Summary of performance – Quarter 3 2018/19

The Council has performed well in Quarter 3, with 62 of the 75\* indicators performing satisfactorily and meeting/exceeding target or on track at the end of the quarter.



*\*N.B – The data for one KPI in Quarter 3 will not be available until Quarter 4, therefore the total breakdown in the chart above totals 74 key performance indicators.*

**More Homes-** Provide and enable the right amount, type and range of housing

Description	Q3 2017/18 Comparison	Q1 Actual 2018/19	Q2 Actual 2018/19	Q3 Actual 2018/19	Q4 Actual 2018/19	Target
New homes built	N/A	-	-	-		400 (Annually)
<p><i>This indicator is collated on an annual basis and not available quarterly. However, indicative figures show that the district currently has 466 homes under construction, which is on track to exceed the annual target.</i></p>						
Council new builds to start on site	0	0	0	0		20 (Annually)
<p><i>Start/completion dates can be affected by a range of factors including land acquisition, planning consent and procurement. Although, no construction of Council new builds commenced in Quarter 3, Work is in progress to start 43 additional homes on site within the next 6 months.</i></p>						
Additional affordable homes delivered in the district by the Council and its partner agencies	6	50	1	12		80 (Annually)
<p><i>Quarter 3 delivered 12 new affordable homes at Shorncliffe Garrison in Cheriton, The Deerings in Lydd and Roman Way, the latter providing two fully wheelchair friendly ground floor flats. The next year will realise 43 new Council homes for rent and shared ownership and a further 75 housing association homes for rent and shared ownership purchase in Cheriton, New Romney, Sellindge and Stelling Minnis. The Council is seeking to increase the number of Council homes for rent and shared ownership provided through its new build and acquisition programme, following Government's announcement to remove the Housing Revenue Account cap.</i></p>						
Homes provided in the district for low cost home ownership	0	15	9	5		32 (Annually)
Long term empty homes brought back into use	11	24	10	22		70 (Annually)

Description	Q3 2017/18 Comparison	Q1 Actual 2018/19	Q2 Actual 2018/19	Q3 Actual 2018/19	Q4 Actual 2018/19	Target
Private sector homes improved as a result of intervention by the Council and its partner agencies	48	60	145	42		130 (Annually)
Number of homelessness approaches made to the Council	142	346	325	302		No target
		<i>The implementation of the Homelessness Reduction Act (2017) in April 2018 imposed new statutory processes on all local housing authorities. As a result, the Council has seen an expected, but significant rise in the number of clients approaching its homelessness services for assistance – on par with other local authorities based across Kent and Medway.</i>				
Number of homelessness approaches accepting a personal housing plan	-	38	60	45		No Target
Number of homelessness approaches declining or withdrawing a personal housing plan	-	34	10	0		No Target
Number of homelessness approaches prevented (through housing advice or other intervention)	-	289	233	192		No Target
Number of homelessness approaches carried forward to the homeless duty relief stage (relieving homeless for 56 days by helping applicants secure accommodation regardless of priority need)	-	23	82	56		No Target



Description	Q3 2017/18 Comparison	Q1 Actual 2018/19	Q2 Actual 2018/19	Q3 Actual 2018/19	Q4 Actual 2018/19	Target
Number of homelessness approaches owed Main Housing Duty ( <i>where the applicant is eligible for assistance, unintentionally homeless and falls within a specified priority need group</i> )	-	4	2	0		No Target
Average number of households in temporary accommodation	67	35	26	25		35 (Quarterly)
Number of families in temporary B&B accommodation	24	2	0	0		6
Number of families in temporary B&B accommodation over 6 weeks	9	0	0	0		0
Number of 16/17 year olds in temporary B&B accommodation	1	0	0	0		0
Number of 16/17 year olds in temporary B&B accommodation over 6 weeks	0	0	0	0		0
Average number of weeks families are staying in temporary B&B accommodation	5.3	0	0	0		6 weeks

Description	Q3 2017/18 Comparison	Q1 Actual 2018/19	Q2 Actual 2018/19	Q3 Actual 2018/19	Q4 Actual 2018/19	Target
Average number of weeks single persons are staying in temporary B&B accommodation	15	2.6	0	5.6		8 weeks
% of major planning applications to be determined within statutory period	100%	100%	80%	100%		50% (Quarterly)
% of non-major planning applications to be determined within statutory period	88.89%	89.3%	89.1%	82.5%		70% (Quarterly)
% of other planning applications to be determined within statutory period	94.08%	88.5%	91.5%	76.85%		85% (Quarterly)
		<i>Whilst Quarters 1 and 2 outperformed the annual target, Quarter 3 performance has been impacted by staff leavers and internal promotions. Permanent and temporary agency resource is now in place, but performance may remain lower than target for a period while the backlog of applications is cleared.</i>				

**More Jobs - Work with businesses to provide jobs in a vibrant local economy**

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
Applications for external funding	0	0	1	1		2 (Annually)
Investment in the FHDC area scheme	0	0	0	0		1 (Annually)
		<p><i>The Economic Development team continues to progress long-term projects designed to secure investment for the district. Highlights to date include: submitting an Expression of Interest to the Government's Future High Street Fund to secure investment in improvements to Folkestone Town Centre; working with East Kent Spatial Development Company on their acquisition of 16 Bouverie Place to provide new business accommodation in Folkestone; promoting business opportunities via the Folkestone.Works website; and, the business case development and submission of funding applications to the Coastal Community Fund, South East Local Enterprise Partnership and the Nuclear Decommissioning Authority/Magnox to bring forward an employment hub and infrastructure to unlock remaining undeveloped land plots for business units at Mountfield Road Industrial Estate in New Romney.</i></p>				
Delivery of the business accommodation scheme	0	0	0	0		1 (Annually)
		<p><i>The Economic Development team continues to progress a business accommodation scheme in the district. Work to date includes; helping to bring forward the business space component of the Biggins Wood and Otterpool Park schemes by working with local employers with business accommodation needs; supporting an employment hub and infrastructure to unlock remaining undeveloped land plots for business units at Mountfield Road Industrial Estate in New Romney; and, the successful use of the Folkestone Community Works project to provide European Regional Development Funding to lever in match funding investment in business space accommodation.</i></p>				
Delivery of the engagement programme to key employers	10	4	5	5		6 (Annually)

## Appearance Matters - Provide an attractive and clean environment

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
Percentage of household waste recycled	44%	50%	48%	46%		47% (Quarterly)
		<i>The outturn for Quarter 3 is under target due to the total recycled tonnage for food and garden waste in December being recorded as 350 tonnes less than the previous month. Data is provided by Kent County Council as recycled household waste is sent to one of their managed sites for processing. The sudden drop in recycling tonnage is being investigated.</i>				
Number of missed collections per 100,000 population	2.51	6.42	7.44	5.44		50 (Quarterly)
Percentage of streets surveyed clear of litter within the district	97%	95%	97%	98%		95% (Quarterly)
Percentage of streets surveyed clear of detritus within the district	94%	77%	85%	90%		90% (Quarterly)
Number of days to remove fly tipped waste on public land once reported	1	1	2	2 days		3 days
Percentage of returns to empty a missed bin by the end of the next working day if it is reported within 24 hours	93.4%	92%	91%	90%		100% (Quarterly)
		<i>Performance remains good against the target. The overall number of missed bins reported (number of missed collections per 100,000 population) remains positively low (5.44) compared to the contractual target of 50. This equates in real terms to approximately 78 bins or containers missed in total within the quarter. From this a further 90% were then subsequently collected by the end of the next working day, if reported within 24 hours. Those not collected were often reported late or were operationally difficult to complete. Defaults are issued to the contractor where the bin has not been collected within the 24 hour contracted timescale.</i>				

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
Average number of hours to remove offensive graffiti in public places	1.39	1.36	2.1	5.05		4 hours
		<i>Performance did not achieve the quarterly target as a result of a significant graffiti incident in Lydd and the time dedicated to ensure its removal.</i>				
Number of enforcement notices served	47	30	50	24		60 (Annually)
Compliant Air Quality Monitoring Sites	13	14	14	14		14 sites
Enforcement - Fixed Penalty Notices issued	19	29	75	42		50 (Annually)
Enforcement – Number of Hours spent on environmental crime patrol	330	418	506	573		2,800 (Annually)
		<i>Patrol hours across district are higher compared to the same quarter last year. However, overall, the patrol hours are presently not on track to achieve the annual target, as a result of staffing resources being diverted to action and enforce a significant increase in the number of unauthorised encampments within the district during the year.</i>				
Enforcement – Number of warning letters issued (Environmental Protection)	10	2	2	14		No Target
Stray dogs found	32	38	31	28		No Target
Stray dogs successfully returned to owner	12	20	19	8		No Target
		<i>All dogs are scanned for a microchip to obtain the owners details so they can be reunited with their owner. However, not all dogs are chipped or have up to date details, so the care is transferred to the local kennels for a 7 day period whilst all efforts are made to find the owner. If the owners cannot be identified or do not come forward within the 7 days, ownership and care is transferred to the kennels where they rehome them and ensure the dog is microchipped. All dogs found in Quarter 3 have or are due to be</i>				

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
		<i>successfully rehomed. It is a legal requirement for all dog owners to microchip their pets and it remains the best way of being reunited with their pets, should they become lost or stolen.</i>				
Parking: Number of PCNs issued	4,891	5,294	5,314	5,286		No Target
Parking: British Vehicle PCN recovery rate	59%	55.9%	61.64%	62.95%		70% (Quarterly)
		<i>Under the Council's appeals process for a PCN for traffic offences, the driver does not have to make payment whilst their objection is being dealt with and is put on hold pending a decision. Following a review of resource requirements, additional staffing was approved in September 2018 to help address the additional workload demand and support improvements to customer service. As a result, performance is showing a continued improvement in the quarter, but will continue to be monitored.</i>				
Parking: Foreign Vehicle PCN recovery rate	37%	36.9%	48.47%	48.36%		50% (Quarterly)
		<i>Foreign registered vehicles (FRVs) are more likely to contravene traffic and parking regulations than drivers of UK registered vehicles – and are less likely to pay the penalty charges which they incur. It is often impossible to trace the owners of FRVs and, even when they can be traced, there is no legal process by which they can be made to pay civil penalties. However, the Council continues to progress FRV PCN cases with partner enforcement agencies, achieving some success with its recovery rate. Quarter 3 performance shows a positive improvement over the same quarter last year, but will continue to be monitored.</i>				

## Health Matters - Keeping our communities healthy and safe

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
ASB Complaints that have been investigated and resolved	23	50	109	95		100 (Annually)
Number of supported community litter picks	7	19	15	11		24 (Annually)
Number of community volunteer hours	152	250	596	264		1,200 hours (Annually)
Number of corporate social responsibility business volunteer hours	154	120	240	395		240 hours (Annually)
% of premises rated 3 or above	94%	95%	95%	94.4%		95% (Quarterly)
Number of licensed premises inspected	20	54	37	13		No target
Number of complaints about food premises investigated	24	21	10	19		<100 complaints (Quarterly)
Number of caravan sites inspected	3	2	0	2		10
		<i>Performance is on track to meet its annual target, with visits planned to the three major holiday parks within district during their closure period and six residential parks in Quarter 4.</i>				
Number of licensing complaints requiring investigation	11	28	23	28		<100 complaints (monthly)

## Achieving Stability - Achieve financial stability through a commercial and collaborative approach

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
Business Rates collection	83.77% (Cumulative)	34.22% (Cumulative)	58.08% (Cumulative)	83.21% (Cumulative)		97.5% (Annually)
Council Tax collection	84.56% (Cumulative)	29.77% (Cumulative)	56.98% (Cumulative)	84.19% (Cumulative)		97.3% (Annually)
Council Tax reduction collection rate	70.97% (Cumulative)	25.96% (Cumulative)	47.8% (Cumulative)	69.58% (Cumulative)		85% (Annually)
% Invoices paid within agreed timescales (30 days)	97.05%	83.9%	90.53%	Figure unavailable		100%
		<p><i>Quarter 3 performance is unavailable due to staff member, with specialist expertise, leaving the Council's employment. Specialised support has been sought, ensuring training across the team to embed resilience. Therefore, the Quarter 3 figure will be available in the final quarter.</i></p>				
Oportunitas – value of works invoiced (Grounds Maintenance)	£29,811.15	£17,474.83	£9,851	£29,578.58		£10,000 (quarterly)



## Delivering Excellence - *Deliver excellent customer service through commitment of staff and members*

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
Customer Services - Calls served (versus number of calls received)	81.94%	72%	77.58%	84.72%		80% (Monthly)
Customer Services - Average wait for calls (except peak times)	3mins 17 secs	4 mins 51 secs	4mins 20 secs	2mins 39 secs		3 mins
Customer Services - Customers seen within 10 minutes of an appointment	100%	100%	99.7%	100%		90% (Monthly)
Average number of days taken to process new claims for Housing Benefit	21.4	21	19.1	20.7		21 days
Average number of days to process new claims for Housing Benefit from the date the complete evidence is received	6.9	6.2	4.4	6.1		10 days
Average number of days to process change of circumstances for Housing Benefit from the date complete evidence is received	4.6	5.7	4.1	4.8		7 days
Average number of days taken to process new claims for Council Tax Reduction	18.8	18.1	17.6	20.9		21 days

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
Average number of days taken to process change of circumstances for Council Tax Reduction	10	10	9.1	11.2		10 days
		<i>Automated transactions for council tax change of circumstances are not included in the Quarter 3 figure as they are currently unable to be recorded due to a technical issue, which has consequently increased the number of days taken to process change of circumstance cases in the quarter.</i>				
All complaints will be acknowledged within 5 days	100%	100%	100%	88.8%		100% (Monthly)
		<i>As a result of staffing resilience issues, the complaints workload has transferred to the Business Support unit in order to resolve both resilience and performance issues moving forward.</i>				
All standard FOI and EIR requests will be satisfactorily replied to within the statutory timeframe of 20 working days after receipt (including number of requests received)	97.2%	92%	91.5%	95.4%		100% (Monthly)
		<i>The environment surrounding EIR and FOI continues to be challenging, with the Council receiving high volumes of requests that are frequently technically complex. The push to proactively publish materials has continued to make good ground and this is reflected in the steadily improving response rate compared to Quarters 1 and 2. Ongoing challenges include delays in information being provided for consideration, complex cases requiring extended consideration of exemptions, and in a minority of cases, administrative oversights. Continued efforts are being made to address all of these factors in an effort to continue to improve departmental performance.</i>				
FOI - All subject access requests will be satisfactorily replied to within the statutory timeframe of 40 days	66.6%	100%	83.3%	100%		100% (Monthly)

Description	Q3 2017/18 Comparison	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Target
(including number of requests received)						
Planning - Respond to all Local Land Charge searches within 10 working days	100%	100%	100%	100%		100% (Monthly)
Parking - Respond to all Fixed Penalty Notice challenges within 20 working days	98.3%	77.6%	81.3%	88.3%		100% (Monthly)
		<i>Performance shows improved performance each quarter. Additional staffing has been approved to support this area of work. Performance will continue to be monitored</i>				
Lifeline - Number of calls answered in 60 seconds.	97.8%	98%	98.3%	98.5%		97.5% (Monthly)
Lifeline - Number of calls answered in 180 seconds	100%	100%	100%	100%		100% (Monthly)
EKH - Average time taken to re-let council dwellings excluding major works	15.45 days	15.23 days	17.98 days	21.96 days		19 days
		<i>Performance has been impacted by the timescales for completing standard repairs (not major works) to a void property before it can be re-let, alongside an increase in prospective tenants refusing the housing allocation, which increases the period overall taken for the property to be re-let. Contractual arrangements for repair works are being addressed directly by East Kent Housing with the contractor.</i>				
EKH - % of emergency repairs completed on time	100%	99.35%	100%	99.76%		98% (Quarterly)
EKH - % of routine repairs completed on time	99.34%	98.54%	96.09%	96.6%		90% (Quarterly)

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This Report will be made public on 5 March 2019.

Report Number **C/18/83**

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**To:** Cabinet  
**Date:** 13 March 2019  
**Status:** Non-Key Decision  
**Head of Service:** Charlotte Spendley – Assistant Director Finance, Customer & Support Services  
**Cabinet Member:** Councillor Malcolm Dearden - Cabinet Member for Finance

**SUBJECT: GENERAL FUND REVENUE BUDGET MONITORING – 3<sup>RD</sup> QUARTER 2018/19**

**SUMMARY:** This monitoring report provides a projection of the end of year financial position of the General Fund revenue budget, based on expenditure to the 31 December 2018.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because it needs to be informed of the council's General Fund revenue budget position and take appropriate action to deal with any variance from the approved budget.

**RECOMMENDATIONS:**

1. To receive and note Report C/18/83.

## 1. INTRODUCTION AND BACKGROUND

- 1.1 This report updates Cabinet on the likely projected outturn on the General Fund revenue budget, based on data received as at 31 December 2018.
- 1.2 General Fund projections are made against the latest approved estimate and approved virements within year to 31 December 2018.

## 2. GENERAL FUND REVENUE 2018/19 - PROJECTED OUTTURN

- 2.1 The Quarter 3 projected outturn for service areas shows a forecast of £19,185k against the latest approved budget of £19,202k resulting in a variance of £17k (projected underspend).
- 2.2 When taking into account other entries such as Earmarked Reserves, Other Service Grants and Business Rates Income, the total projected outturn is a projected underspend of £1,276k. Whilst this is a significant underspend it is worth noting that £589k of this position relates to the delay in the use of revenue expenditure to fund the capital programme, and is therefore not a saving as such to the revenue costs of the Council.
- 2.3 The following table summarises the latest projected outturn position across the Service Units:

<b>General Fund Net Cost of Services</b>	<b>Latest Approved Budget</b>	<b>Projected Outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Leadership Support	771	586	-185
Strategy Performance & Communications	2,698	2,669	-29
Governance, Law & Regulatory Services	4,788	4,725	-63
Human Resources	579	537	-42
Finance, Customer & Support Services	5,841	6,017	176
Strategic Development	1,423	1,752	329
Economic Development	337	388	51
Planning	325	176	-149
Environment & Corporate Assets	2,664	2,047	-617
<b>Sub-Total – Heads of Services</b>	<b>19,426</b>	<b>18,897</b>	<b>-529</b>
Unallocated Net Employee Costs	-224	288	512
<b>Total – Heads of Service</b>	<b>19,202</b>	<b>19,185</b>	<b>-17</b>

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

	<b>£'000</b>
Administration budgets incl. vacancy factor	134
<b>Strategy, Performance &amp; Communications</b>	
Homelessness	-26
Planning Policy	-20
<b>Governance, Law &amp; Regulatory Services</b>	
Household Waste Collection	21
Hythe Swimming Pool	34
Market Income	34
Recycling & Waste	-29
<b>Human Resources</b>	
Cemeteries	27
<b>Finance, Customer &amp; Support Services</b>	
Pensions Back Funding	-43
Housing Benefit/Rent Rebates	212
Council Tax Collection	75
Council Tax Reduction Scheme	-235
<b>Strategic Development</b>	
Otterpool Park	325
<b>Planning</b>	
Pre-Application Fees	-35
Development Control	-59
<b>Environment &amp; Corporate Assets</b>	
On Street Parking	-135
Off Street Parking	-94
Building Control	-73
Building Holding Accounts	-85
Environmental Improvements	80
Other small variations	-125
<b>Total – Heads of Service</b>	<b>-17</b>

#### Administration Budgets

There are various underspends across service areas within the administration budgets mainly relating to staffing costs and there is also an assumed vacancy factor amount budgeted for each year.

#### 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 increase in income relates to neighbourhood plan grant income and a S106 contribution being received.

### Governance, Law & Regulatory Services

Household Waste Collection – the decrease in income relates to the sale of wheeled bins being lower than originally expected.

Hythe Swimming Pool – the increase mainly relates to lifeguard training and staffing costs and is partly off-set by over recovery in income due to an increased uptake in pool usage.

Market Income – the reduction in income is 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 increase in income relates to garden waste bin subscriptions being higher than originally expected.

### Human Resources

Cemeteries - the reduced income trend over recent years is continuing and the projection is based on this and previous years outturn. This budget variance has been addressed during the 2019/20 budget setting process.

### Finance, Customer & Support Services

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 projected net overspend on Housing Benefits mainly relates to the projected increase in rent allowance payments.

Council Tax Collection – the decrease in income relates to a reduction in court costs income.

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

### Strategic Development

Otterpool Park - The projected cost for progressing the Otterpool masterplanning process in 2018/19, both as a developer and as the local planning authority, is projected to be £325k more than budgeted.

The increase relates to various increases in developer costs for the masterplanning process including:-

- additional archaeological and ecological survey work for the existing land and new land added to the plan;
- extending the programme of work being required to support the project through the Collaboration Board and Project Board undertaken by Arcadis;
- enhanced communications work and;
- Business Plan costs previously expected to be met by a contribution from Homes England now met directly by the developers.



The projected increase in cost of £325k will be met from the Otterpool Reserve.

#### Planning

Pre-Application Fees – there is a projected over recovery of income based on previous years outturn and current trends. This budget variance has been addressed during the 2019/20 budget setting process.

Development Control – the underspend relates to professional fees and advice no longer required.

#### Environment & Corporate Assets

Car Parking - income projections for both on-street and off-street parking continues to increase in line with current trends. This budget variance has been addressed during the 2019/20 budget setting process.

Building Control – the projected additional income for building control fees is based on previous years outturn and current trends. This budget variance has been addressed during the 2019/20 budget setting process.

Building Holding Accounts – the increase in income relates to rental income being received for Otterpool Farm.

Environmental Improvements - Due to the strong financial improvements during the financial year a sum of £100k was approved and allocated evenly across Cabinet (£10k per portfolio holder) for the purposes of local environmental enhancements. Within 2018/19 £80k is projected to be spent with the remaining £20k being carried forward and spent in 2019/20.

#### Transformation Project

The transformation project is currently on target to spend the budget that was approved by Cabinet in March 2018. This was profiled over 2 years with 2018/19 being year 1 and at present is projecting to be on target however, this will be reviewed on an ongoing basis and reprofiled if necessary.

2.5 Further variances below the heads of service total are shown below.

#### Interest and Investment Income

An additional £118k investment interest is projected to be received mainly due to having higher than anticipated cash balances.

#### Other Non-Service related Government Grants

There is projected to be additional grant received of £102k which reflects net changes to Section 31 grant received from Ministry of Housing, Communities & Local Government (MHCLG) in relation to Business Rates for changes in small business rates and discretionary reliefs.

#### Capital Financed from Revenue

In line with the latest projected outturn position on the General Fund Capital Budget Monitoring report it is reported that this cost will be approximately £1,041k in 2018/19.

This is a decrease of £589k in the budgeted sum in respect of the re-profiling of capital schemes between financial years. This sum is still anticipated to be incurred, but is now expected to occur in 2019/20.

#### Movement in Earmarked Reserves

The projected movement on Earmarked Reserves reflects the release of £41k from the VET Reserve and £369k from the Otterpool reserve and a contribution of £26k to the Corporate Initiatives Reserve and £56k to the Business Rates reserve.

The total approved carry forwards from 2017/18 was £351k and included within the projection for the Carry Forward Reserve is £170k that has been released in 2018/19. It is assumed that a further £181k will be used during the year and transferred out of the Carry Forward Reserve with the service areas amended accordingly.

#### Business Rates Income

Business Rates income has increased by £68k compared to budget largely due to the allocation of the levy account surplus from prior years announced as part of the Finance Settlement for 2019/20 which will be received in 2018/19.

#### Demand on the Collection Fund

The increase in Council Tax income is a result of tax band increases, lower council tax benefits and higher contributions in lieu.

- 2.6 With the above variances added to the service areas favourable variance of £17k, the overall position for the general fund shows a projected underspend of £1,276k. This position however reflects the revenue impact of slippage in the capital programme of £589k.

### **3. CONCLUSIONS**

- 3.1 The projected outturn shown for the General Fund revenue account for 2018/19 reflects the position based on actual expenditure and forecasts at 31 December 2018. The provisional outturn will be reviewed and reported to Cabinet in June 2019.

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

- 4.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
MTFS becomes	High	Low	The MTFS is reviewed

out of date.			annually through the budget process.
Assumptions may be inaccurate.	High	Medium	Budget monitoring is undertaken regularly and financial developments nationally are tracked. Assumptions are regularly reviewed.

## 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.

### 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

Councillors 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 projection working papers.

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This Report will be made public on 5 March 2019



Report Number **C/18/82**

**To:** Cabinet  
**Date:** 13 March 2019  
**Status:** Non-Key Decision  
**Head of Service:** Charlotte Spendley, Assistant Director – Finance, Customer & Support Services  
**Cabinet Members:** Councillor Malcolm Dearden, Finance and Councillor Alan Ewart-James, Housing

**SUBJECT:** HOUSING REVENUE ACCOUNT REVENUE AND CAPITAL BUDGET MONITORING 2018/19 – 3rd QUARTER

**SUMMARY:** This monitoring report provides a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 31 December 2018.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because Cabinet needs to be kept informed of the Housing Revenue Account position and take appropriate action to deal with any variance from the approved budget and be informed of the final 2018/19 position.

**RECOMMENDATIONS:**

1. To receive and note Report C/18/82.

## 1. INTRODUCTION

- 1.1 This report informs Cabinet of the likely projected outturn on HRA revenue and capital expenditure for 2018/19.
- 1.2 The projections are based on actual expenditure and income to 31 December 2018. Some caution therefore needs to be exercised when interpreting the results due to the early stage of the financial year, however, a thorough budget monitoring exercise has been carried out.

## 2. HOUSING REVENUE ACCOUNT REVENUE 2018/19 (see Appendix 1)

- 2.1 The table below provides a summary of the projected outturn compared to the latest budget for 2018/19.

	Latest Budget £'000	Projection £'000	Variance £'000
Income	(15,829)	(15,859)	(30)
Expenditure	10,994	9,519	(1,475)
HRA Share of Corporate Costs	226	201	(25)
<b>Net Cost of HRA Services</b>	<b>(4,609)</b>	<b>(6,139)</b>	<b>(1,530)</b>
Interest Payable/Receivable etc	1,499	1,499	0
<b>HRA Surplus/Deficit</b>	<b>(3,110)</b>	<b>(4,640)</b>	<b>(1,530)</b>
Revenue Contribution to Capital	6,748	2,507	(4,241)
<b>Decrease/(Increase) to HRA Reserve</b>	<b>3,638</b>	<b>(2,133)</b>	<b>(5,771)</b>

- 2.2 The table shows that overall at quarter 3 there is a projected decrease in net expenditure of £5.771m on the HRA.

The projection has moved favourably by £393k since Quarter 2. The key factors affecting the movement from Q2 to Q3 are the revenue contribution to capital being reduced as a result of a change in profiling of the new build/acquisition programme and lower repairs and maintenance expenditure largely due to the procurement of a new contractor for internal and external decorations.

The main reasons for the variance to budget are as follows:-

	£'000
Decrease in revenue contribution to capital (see 2.3 below)	(4,241)
Decrease in depreciation charges of fixed assets (see 2.4 below)	(1,014)
Decrease in repairs and maintenance (see 2.5 below)	(412)
Other net variances	(104)
<b>Total net projected Housing Revenue Account decrease</b>	<b><u>(5,771)</u></b>

- 2.3 The decrease in revenue contribution to capital largely relates to the new build/acquisition programme being re-profiled into 2019/20 and 2020/21. The overall delivery of the programme remains the same, however the

timing of delivery has been adjusted and these changes reflected within the projection for the current financial year.

- 2.4 The decrease in depreciation is due to a change in accounting treatment of depreciation on HRA dwellings, whereby the real depreciation cost has to be charged to the HRA instead of using the Major Repairs Allowance as a proxy which has been allowed in previous years. The budget for 2018/19 was set before the accounting changes were implemented but the base budget for 2019/20 has incorporated this change for future years.
- 2.5 The decrease in repairs and maintenance relates to a delay in procuring a new contractor for the provision of internal and external decorations and the responsive repairs non price per property works being lower than anticipated.
- 2.6 Overall, the HRA reserve at 31 March 2019 is expected to be £10.180m compared with £4.409m in the latest budget.

### 3. HOUSING REVENUE ACCOUNT CAPITAL 2018/19 (see Appendix 2)

- 3.1 The latest budget for the HRA capital programme in 2018/19 is £13.673m and the projected outturn for the year is £5.691m, an underspend of £7.982m.

The projection has moved favourably by £785k since Quarter 2. The key factors affecting the movement from Q2 to Q3 are revenue contribution to capital being reduced as a result of a change in profiling of the new build/acquisition programme, less fire precaution works due to the outcome of surveys completed and an underspend on heating due to the project at Bradford Court being delayed.

- 3.2 The reasons for the decrease in expenditure are as follows:-

	<b>£'000</b>
New Builds/Acquisitions (see 3.3 below)	(6,139)
Fire Protection Works (see 3.4 below)	(946)
Re-roofing (see 3.5 below)	(390)
Re-wiring (see 3.6 below)	(265)
Heating Improvements (see 3.7 below)	(195)
Sheltered Scheme Upgrades (see 3.8 below)	(120)
Other net variances	73
<b>Total decrease against Original Budget</b>	<b><u>(7,982)</u></b>

- 3.3. The decrease in revenue contribution to capital relates to the 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.

- 3.4 The decrease in fire protection works is due to the original programme of works identified being higher than necessary after further surveys were carried out, therefore, the estimated figures have been revised to reflect the works now required.
- 3.5 The decrease in re-roofing is due to the current supplier going into liquidation so a new roofing contractor needs to be procured.
- 3.6 The decrease in re-wiring is due to the works only being completed if required when a new kitchen or bathroom is being installed.
- 3.7 The decrease in heating improvements is due to the works being delayed at Bradford Court as procurement is required.
- 3.8 The decrease in sheltered scheme upgrades is due to the cost of the new scooter stores being lower than anticipated.
- 3.9 The following table compares the resources required to finance the projected outturn for the HRA capital programme in 2018/19. The variation shown below corresponds to the figure in section 3.1, above.

<b>2018/19 HRA</b>	<b>1-4-1 Capital Receipts</b>	<b>Revenue Contribution</b>	<b>Major Repairs Reserve</b>	<b>Total</b>
	£'000	£'000	£'000	£'000
Projected Outturn	1,017	2,507	2,167	5,691
Approved	2,859	6,748	4,066	13,673
Variation	(1,842)	(4,241)	(1,899)	(7,982)

#### **4. CONCLUSION**

- 4.1 The HRA revenue outturn projection for 2018/19 forecasts £5.771m lower expenditure than the latest approved budget.
- 4.2 The HRA capital outturn projection for 2018/19 forecasts £7.982m lower expenditure than the latest approved budget.
- 4.3 The projected outturn for both the HRA revenue expenditure and capital programme for 2018/19 reflects the position based on actual expenditure and forecasts at 31 December 2018.



## 5. RISK MANAGEMENT ISSUES

5.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
The latest projection of the outturn could be materially different to the actual year end position.	Medium	Medium	Areas at greater risk of variances are being closely monitored and an update will be made to Cabinet if appropriate when this report is considered to allow action to taken.
Capital receipts (including right to buy sales) not materialising	Medium	Low	The capital programme uses realised capital receipts only.
Insufficient capacity to manage delayed expenditure along with new year programme	Medium	Medium	The 2018/19 to 2019/20 capital programme will need to continue to be reviewed to take account of the capacity to manage the programme. 2018/19 planned expenditure will need to be reviewed to determine whether any expenditure will fall into 2019/20 and beyond.
Significant amendments having to be made to the financial results following audit.	High	Low	The formal accounts have been prepared in accordance with professional standards and best accounting practice.

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

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

There are no legal implications arising from this report.

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

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

### 6.3 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.

**7. 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 monitoring report at 31 December 2018

[Appendix 2](#) Housing Revenue Account capital budget monitoring report at 31 December 2018

HOUSING PORTFOLIO	LATEST APPROVED BUDGET £000	PROJECTED OUTTURN £000	VARIANCE £000	REASON
<b>INCOME</b>				
Dwelling rents	14,437	14,565	-128	Increase largely due to 26 new affordable properties
Non-dwelling rents	357	291	66	Correction of void rents relating to 17/18
Charges for services and facilities	983	951	32	
Contributions from general fund	52	52	0	
<b>Total Income</b>	<b>15,829</b>	<b>15,859</b>	<b>-30</b>	
<b>EXPENDITURE</b>				
Repairs and maintenance	3,333	2,921	-412	Planned maintenance internal and external decorations -(£253k), Mears - (£205k), Asbestos Removal £35k, other minor variances £11k
Supervision and management	3,938	3,889	-49	Reduction in New builds for feasibility studies (£40k), other minor variances (£9k)
Rents, rates and taxes	22	21	-1	
Depreciation charges of fixed assets	3,541	2,527	-1,014	Change in accounting treatment of depreciation on HRA dwellings
Debt management expenses	21	21	0	
Bad debts provision	140	140	0	
<b>Total Expenditure</b>	<b>10,994</b>	<b>9,519</b>	<b>-1,475</b>	
<b>Net</b>	<b>-4,835</b>	<b>-6,340</b>	<b>-1,506</b>	
HRA Share of Corporate and Democratic Costs	226	201	-25	
<b>Net Cost of HRA Services</b>	<b>-4,609</b>	<b>-6,139</b>	<b>-1,530</b>	
Interest payable	1,597	1,597	0	
Interest and investment income	-83	-83	0	
Premiums and discounts	-15	-15	0	
<b>(SURPLUS)/DEFICIT</b>	<b>-3,110</b>	<b>-4,640</b>	<b>-1,530</b>	
<b>MOVEMENTS IN HRA BALANCE FOR 2018/19</b>				
Repayment of debt	0	0	0	
Revenue contribution to capital	6,748	2,507	-4,241	HRA capital programme to underspend in 2018/19
Surplus/deficit for the year	-3,110	-4,640	-1,530	
<b>Increase/Decrease in Net Movement in HRA Balance</b>	<b>3,638</b>	<b>-2,133</b>	<b>-5,771</b>	
HRA Reserve balance brought forward	-8,047	-8,047	0	
HRA Reserve balance carried forward	<b>-4,409</b>	<b>-10,180</b>	<b>-5,771</b>	

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PORTFOLIO AND SCHEMES	LATEST APPROVED BUDGET	PROJECTED OUTTURN	VARIANCE	COMMENTS
<b>HOUSING PORTFOLIO</b>	<b>£'000</b>	<b>£000</b>	<b>£000</b>	
<b>1. Planned Improvements</b>				
Windows & Doors	420	665	245	Agreed by A Hammond that due to high underspends in other areas within Capital these could be used to replace more windows and doors due to a higher need for replacements and installs
Re-roofing	400	10	-390	New roofing contract needs to be procured due to liquidation of current supplier
Replacement Double Glazing Units	0	0	0	
Heating Improvements	315	120	-195	Bradford Court requiring procurement
Kitchen Replacements	300	300	0	
Bathroom Improvements	200	200	0	
Voids Capital Works	250	220	-30	Lower number of capital voids than anticipated
Disabled Adaptations	350	300	-50	Project planned at 10 The Gardens will not be completed in 2018/19
Sheltered Scheme upgrades	190	70	-120	Based on costs for new scooter stores being lower than anticipated
Rewiring	300	35	-265	Rewiring works being carried out through Kitchens & Bathrooms code
Lift Replacement	0	0	0	
Thermal Insulation	50	10	-40	Due to procurement of insulation contract being deferred to 2019/20
Fire Protection Works	1,131	185	-946	Further surveys completed therefore estimate figures revised
Impairment of Assets	0	0	0	
	3,906	2,115	-1,791	
<b>2. Major Schemes</b>				
External Enveloping *	120	25	-95	Due to the requirement of a new contract being procured and works programme to be identified
Garages Improvements	30	22	-8	
Treatment Works	10	5	-5	
Broadmead Road	0	0	0	
	160	52	-108	
<b>3. Environmental Improvements</b>				
Environmental Works	52	25	-27	Lower demand of works required after tenant consultation
New Paths	15	15	0	
Play Areas	10	0	-10	
	77	40	-37	
<b>4. Other Schemes</b>				
New Builds/Acquisitions	9,530	3,391	-6,139	Re-profile of the new build programme into 2019/20 and 2020/21
EKH Single System	0	93	93	Due to increase in loan to EKH
Cash Incentive Scheme	0	0	0	
	9,530	3,484	-6,047	
<b>TOTAL</b>	<b>13,673</b>	<b>5,691</b>	<b>-7,982</b>	
<b>FUNDING</b>				
Major Repairs Reserve	4,066	2,167	-1,899	
Revenue Contribution	6,748	2,507	-4,241	
1-4-1 Capital Receipts	2,859	1,017	-1,842	
<b>TOTAL FUNDING</b>	<b>13,673</b>	<b>5,691</b>	<b>-7,982</b>	

\* This includes all items of the property structure that is external, such as roof, chimneys, gutters, fascias, eaves and repointing.

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This Report will be made public on 5 March 2019



Report Number **C/18/77**

**To:** Cabinet  
**Date:** 13 March 2019  
**Status:** Key Decision  
**Responsible Officer:** Sarah Robson, Assistant Director – Strategy, Performance and Communications  
**Cabinet Member:** Councillor Alan Ewart-James, Housing

**SUBJECT:** Housing Revenue Account Business Plan Update 2019 - 2049

**SUMMARY:** The Council is required to produce a comprehensive Business Plan for its housing stock. The Business Plan is focused on improving the quality of the Council's landlord services and sets out the investment priorities for its existing Council housing stock. The document also provides details of the Council's new build and acquisition housing programme. In view of policy changes implemented by the Government in 2016, it was necessary to reduce the Council's target to deliver up to 300 homes over the next 10 years, to up to 200 homes over the next 10 years. Further Government Policy Changes announced in late 2018 and the financial position within the HRA, mean that the Council is once again able to increase its delivery target for new builds and the updated Business Plan is based on delivering up to 300 homes. The report also provides an update on the number of homes delivered to date through the programme and also on the number of sites currently in the pipeline.

#### **REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations below because:

- a) The Council is required by Government to have a comprehensive Business Plan in place for its Housing Stock and other assets within the HRA.
- b) The Council is required to properly plan the repayment of its debt within the HRA. It is essential that it has an effective Business Plan to properly resource its HRA activity.
- c) The Government has announced a number of policy changes in relation to the HRA accounts held by local authorities. It is vital that the Council keeps its HRA Business Plan under ongoing review to ensure that it remains fit for purpose. These changes have significantly impacted on the scale of the Council's new build and housing acquisition programme.

## **RECOMMENDATIONS:**

- 1. To receive and note report C/18/77.**
- 2. To agree the Council should increase the number of homes delivered through its HRA new build and acquisition programme to up to 300 homes over the period to 2025/26 based on the updated Business Plan.**
- 3. To agree that the Cabinet Member for Housing should approve any necessary changes to the text of the HRA Business Plan as necessary due to this change in the new build and acquisition programme.**



## **1. BACKGROUND**

- 1.1 The Council is required to have a comprehensive HRA Business Plan in place to set out its proposals for financing and maintaining its housing stock and other assets held within the HRA.
- 1.2 The Council's HRA is a ring-fenced account held by the Council. It contains all the expenditure and income relating to the 3,397 properties and other assets owned and managed by the Council in its role as a landlord. East Kent Housing delivers the landlord role on behalf of the Council.
- 1.3 Since 2012, the Council has been able to take greater control of the HRA and the rental income it receives from the rented homes it provides due to the introduction of self-financing within the HRA by the Government.
- 1.4 The key strategic objectives of the HRA Business Plan are:
  - To provide high quality affordable homes.
  - To provide an efficient and effective housing management service.
  - To achieve efficiencies in service delivery and invest in service improvement for tenants and leaseholders.
  - To maximise the recovery of rental income.
  - To continue the Council's new build and acquisition programme, delivering affordable homes for rent and shared ownership.
- 1.5 In 2016 the Government announced that Council landlords were required to reduce their general need housing rents by 1% from 2015/16 levels each year for a four year period from 2016/17. Due to the reduced rental income received over the 4 year period, it was necessary to reduce the number of affordable Council homes (for rent and shared ownership purchase) that would be delivered through the new build and acquisition programme over the ten year period 2014/15 to 2024/25. The revised Business Plan, approved by Cabinet in March 2016, agreed delivery of 200 homes between 2016/17 and 2025/26. The required period of rent reductions will come to an end from April 2020 when the current MHCLG proposal is to increase rents by CPI plus 1% for a period of 5 years.
- 1.6 In line with good practice, The HRA Business Plan is subject to ongoing review to ensure that it remains fully fit for purpose. Details of the overall HRA investment in the Council's existing housing stock, including the resources for the housing management and maintenance service, were reported to Cabinet in February 2019 as part of the overall HRA budget setting process for 2019/20. The review has also highlighted that there is potential to increase the number of properties that will be delivered through the Council's new build and acquisition programme over the next 7 years.

## **2. New Build and Acquisition Programme**

- 2.1 To date the Council has delivered 92 additional homes through the Council's new build and acquisition programme, including homes for rent and shared ownership purchase.

2.2 Further sites are in the pipeline over the 7 years which will enable the Council to continue to deliver its new build and acquisition programme. The pipeline sites at this time are as follows:

- Highview School - 35 units (completion date subject to planning)
  - Princess Street - 8 units (completion date 2019)
  - Fernfield Lane - 6 units
  - Other sites - 80 units
- Total units 129**

It is proposed that approximately 30 of the homes above will be provided for shared ownership purchase.

2.3 In October 2018 the Government announced the removal of the HRA borrowing cap to enable local authorities to build more homes. In view of this announcement, the current financial position within the HRA and the projections going forward, it is now possible for the Council to again increase the number of additional affordable Council homes that will be delivered through the new build and acquisition programme. The programme will include units for affordable rent and shared ownership purchase.

2.4 The updated Business Plan models delivery of 300 homes within the approved period up to 2025/26. To reach the 300 target an additional 79 homes will need to be delivered. For the purposes of modelling the profiled delivery of these units is as follows:

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>Total</b>
Units	12	15	20	20	12	<b>79</b>
Cost £m	2,040	2,550	3,400	3,400	2,040	<b>13,430</b>

2.5 In order to fully deliver the programme, it will be necessary for the Council to identify a number of additional sites or properties for conversion purposes.

2.6 If the proposed increase in the number of homes is agreed by Cabinet, the text within the Council's HRA Business Plan will be updated to reflect this change. Any changes to the text will be approved by the Cabinet Member for Housing.

### **3. Resourcing the Business Plan**

3.1 The main source of income within the HRA is the rents paid by the Council's tenants.

3.2 The Council also receives income for services provided that are not already covered by its rental charges, such as communal area cleaning charges and heating charges.

3.3 The current agreed Business Plan includes external borrowing of £12.1m to deliver 200 homes. The revised Business Plan shows a total of £20.8m external borrowing will be required over an eight year period (starting in 2022/23) to resource the increased new build programme of 300 homes. This is an additional borrowing requirement of £8.7m. The Business Plan has assumed that this will be financed from new treasury loans which will be repaid by 2042/43, ensuring that the HRA maintains a minimum reserve balance of £2m.

Actual loan amounts, interest rates and repayment dates will vary subject to actual new build schemes available to the Council.

3.2 Existing loans within the HRA will continue to be repaid upon maturity and 94% of the total HRA debt will be repaid within the approved 30 year period (2045/46) and the HRA will be debt free by 2055/56.

#### 4. Expenditure within the HRA

4.1 The main costs for the Council in terms of the management of its housing stock are:

- The management fee paid to East Kent Housing
- The insurance costs associated with the housing stock
- The cost of grounds maintenance services

4.2 The Council also incurs costs within the HRA for the provision of its responsive repairs service. An effective and efficient repairs service has a significant impact on overall levels of tenant satisfaction and is further priority of this plan.

4.3 In addition to this revenue expenditure, the Council also has a programme of capital expenditure to maintain the condition of its housing stock on a programmed basis. The Business Plan includes details of the proposed capital expenditure programme based on the stock condition survey undertaken in 2016/17.

#### 5. RISK MANAGEMENT ISSUES

5.1 A summary of the perceived risks to the Council is shown below:

Perceived risk	Seriousness	Likelihood	Preventative action
Insufficient resources within the HRA to deliver the new build and acquisition programme.	High	Low	HRA Business plan is subject to ongoing review to ensure that it remains fully fit for purpose and is developed in line with Government best practice.

The impact of further Government policy changes which impact on the delivery of this business plan.	High	Medium	The ongoing review of this business plan to ensure that it remains fit for purpose.
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## 6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

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

There are no legal implications arising directly out of this report. Cabinet must be aware that the implementation of the housing development program anticipated by this report will be conditional upon receipt of unqualified planning permission and any community opposition having been successfully addressed.

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

The financial issues and associated risks are addressed in the report. The updated HRA Business Plan has been jointly developed by the Housing Strategy Manager and Chief Accountant.

### 6.3 Diversities and Equalities Implications (AH)

The HRA Business Plan is subject to ongoing review. No negative diversities and equalities impacts have been identified to date.

## 7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Adrian Hammond (Housing Strategy Manager)  
 Telephone: 01227 853392  
 Email: [Adrian.hammond@folkestone-hythe.gov.uk](mailto:Adrian.hammond@folkestone-hythe.gov.uk)

Cheryl Ireland (Chief Accountant)  
 Telephone: 01303 853213  
[Cheryl.ireland@folkestone-hythe.gov.uk](mailto:Cheryl.ireland@folkestone-hythe.gov.uk)

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

***Updated Folkestone & Hythe HRA Business Plan 2019 – 2049***

### **Appendices:**

- Appendix 1: Detailed revenue and balance projections
- Appendix 2: Capital Expenditure Forecasts

Appendix 3: Forecast Debt Profile  
Appendix 4: Forecast HRA Balances

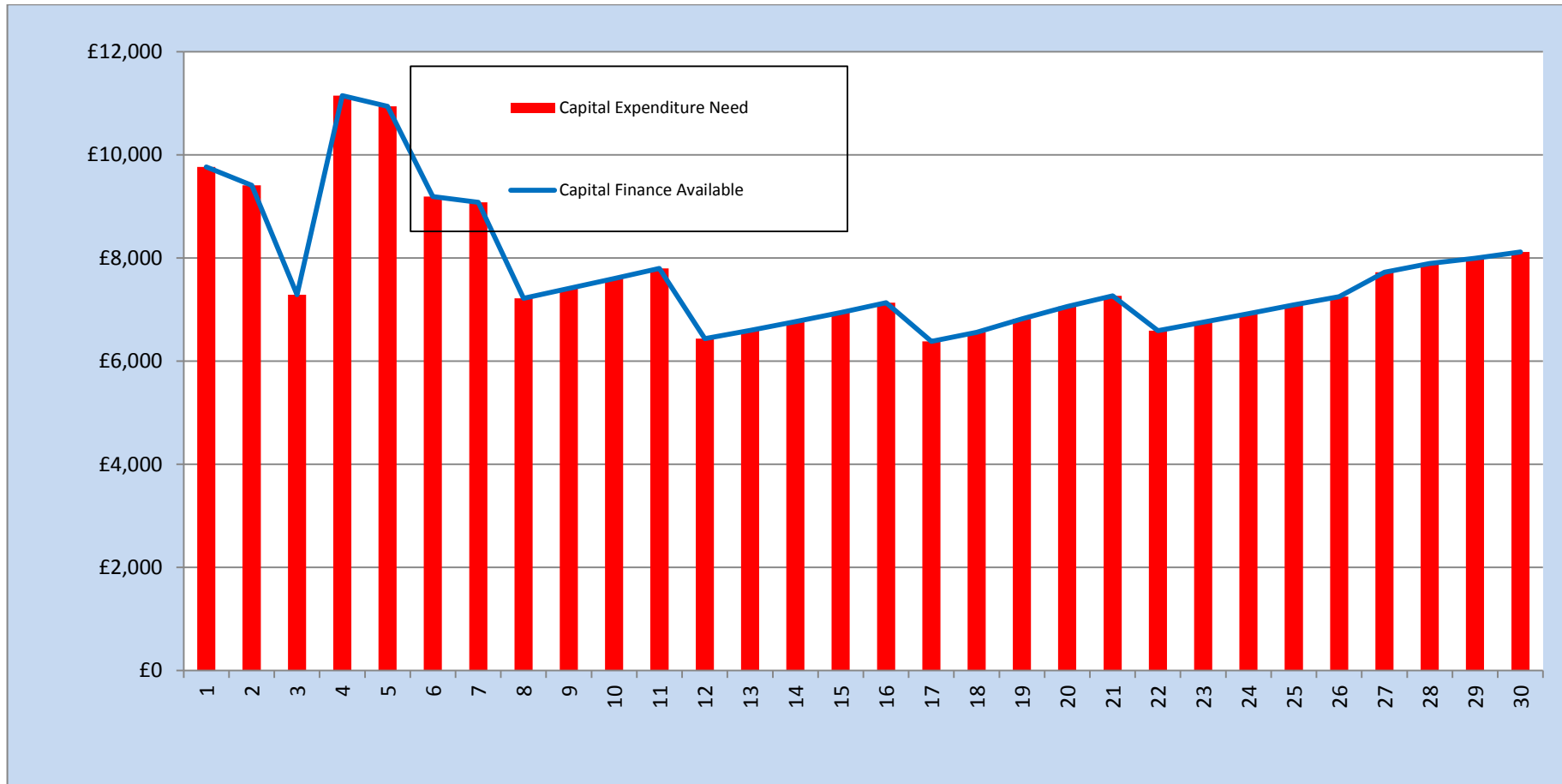
# Appendix 1

## HOUSING REVENUE ACCOUNT PROJECTIONS

Folkestone & Hythe District Council

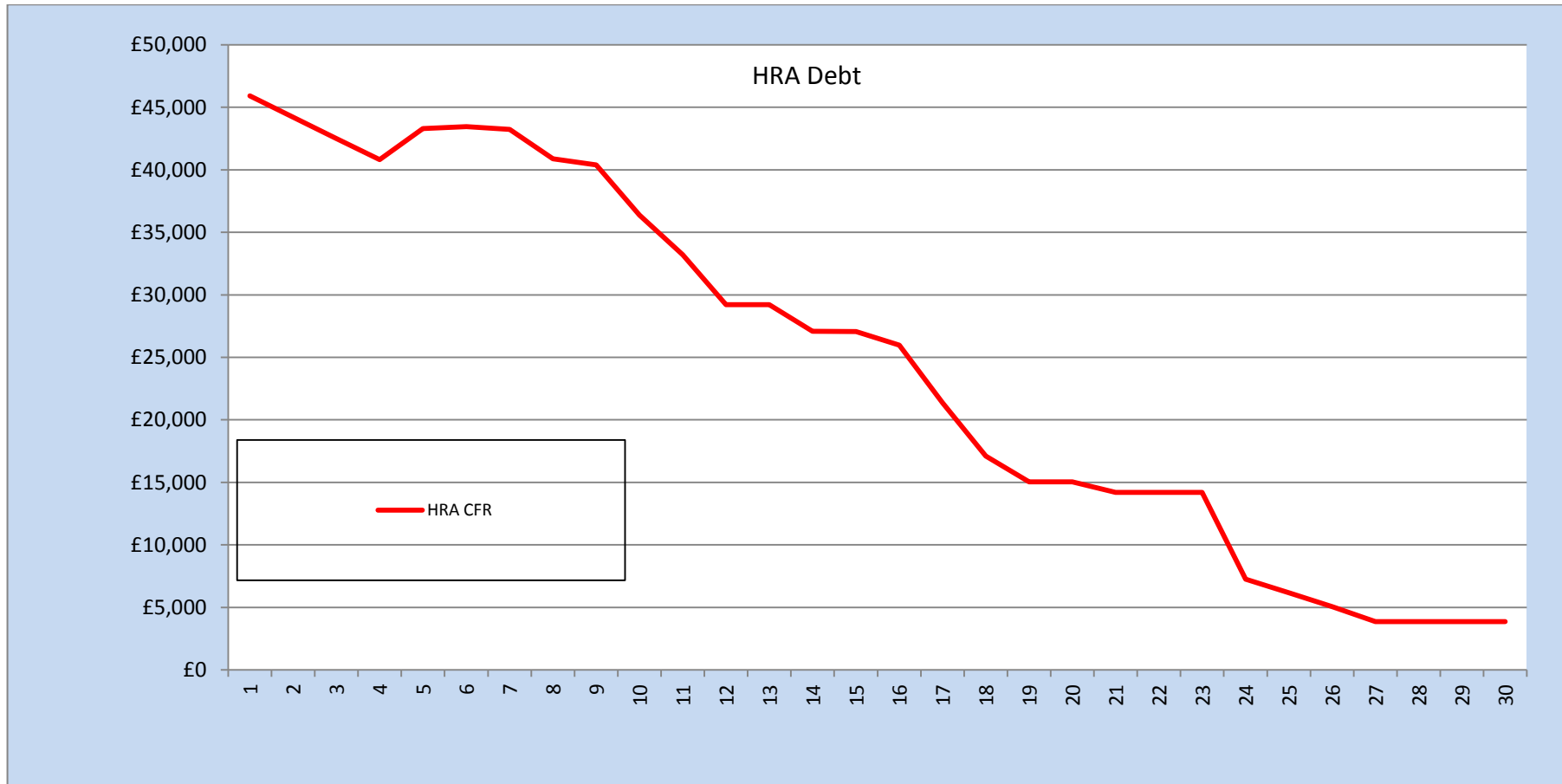
Year	2019.20	2020.21	2021.22	2022.23	2023.24	2024.25	2025.26	2026.27	2027.28	2028.29	2029-34	2034-39	2039-44	2044-49
£'000	1	2	3	4	5	6	7	8	9	10	11-15	16-20	21-25	26-30
<b>INCOME:</b>														
Rental Income	14,898	15,315	16,004	16,495	17,246	17,944	18,467	18,954	19,385	19,838	106,335	118,984	133,079	149,143
Void Losses	-55	-77	-82	-85	-90	-95	-98	-101	-103	-106	-567	-635	-711	-797
Service Charges	985	1,005	1,025	1,046	1,067	1,088	1,110	1,132	1,155	1,178	6,251	6,902	7,620	8,413
Non-Dwelling Income	355	362	369	377	384	392	400	408	416	424	2,252	2,487	2,745	3,031
Grants & Other Income	52	53	54	55	57	58	59	60	61	62	331	366	404	446
<b>Total Income</b>	<b>16,236</b>	<b>16,658</b>	<b>17,371</b>	<b>17,888</b>	<b>18,663</b>	<b>19,387</b>	<b>19,938</b>	<b>20,453</b>	<b>20,914</b>	<b>21,396</b>	<b>114,602</b>	<b>128,102</b>	<b>143,137</b>	<b>160,236</b>
<b>EXPENDITURE:</b>														
General Management	-3,308	-3,374	-3,441	-3,510	-3,580	-3,652	-3,725	-3,799	-3,875	-3,953	-20,983	-23,166	-25,578	-28,240
Special Management	-1,055	-1,076	-1,098	-1,120	-1,142	-1,165	-1,188	-1,212	-1,236	-1,261	-6,692	-7,389	-8,158	-9,007
Other Management	-22	-22	-23	-23	-24	-24	-24	-25	-25	-26	-138	-152	-168	-186
Rent Rebates	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bad Debt Provision	-90	-153	-199	-157	-164	-171	-176	-181	-185	-189	-1,013	-1,134	-1,268	-1,421
Responsive & Cyclical Repairs	-3,548	-3,637	-3,728	-3,821	-3,917	-4,021	-4,173	-4,287	-4,442	-4,588	-24,850	-28,101	-31,764	-35,905
<b>Total Revenue Expenditure</b>	<b>-8,023</b>	<b>-8,262</b>	<b>-8,489</b>	<b>-8,631</b>	<b>-8,827</b>	<b>-9,033</b>	<b>-9,286</b>	<b>-9,504</b>	<b>-9,764</b>	<b>-10,017</b>	<b>-53,676</b>	<b>-59,942</b>	<b>-66,936</b>	<b>-74,759</b>
Interest Paid	-1,566	-1,516	-1,475	-1,479	-1,503	-1,494	-1,464	-1,380	-1,252	-1,239	-4,689	-3,229	-2,280	-1,009
Finance Administration	-22	-22	-23	-24	-26	-26	-26	-26	-26	-26	-139	-154	-170	-187
Interest Received	75	121	92	54	25	25	26	28	41	45	405	1,488	3,301	5,733
Depreciation	-2,527	-2,654	-2,713	-2,838	-2,948	-3,030	-3,102	-3,158	-3,216	-3,276	-17,333	-19,033	-20,899	-22,980
<b>Net Operating Income</b>	<b>4,173</b>	<b>4,324</b>	<b>4,763</b>	<b>4,970</b>	<b>5,384</b>	<b>5,830</b>	<b>6,085</b>	<b>6,414</b>	<b>6,698</b>	<b>6,882</b>	<b>39,170</b>	<b>47,232</b>	<b>56,154</b>	<b>67,034</b>
<b>APPROPRIATIONS:</b>														
FRS 17 /Other HRA Reserve Adj	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue Provision (HRACFR)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue Contribution to Capital	-3,862	-7,034	-5,906	-9,803	-5,309	-5,811	-6,011	-6,410	-4,693	-8,326	-26,514	-26,955	-22,592	-18,282
<b>Total Appropriations</b>	<b>-3,862</b>	<b>-7,034</b>	<b>-5,906</b>	<b>-9,803</b>	<b>-5,309</b>	<b>-5,811</b>	<b>-6,011</b>	<b>-6,410</b>	<b>-4,693</b>	<b>-8,326</b>	<b>-26,514</b>	<b>-26,955</b>	<b>-22,592</b>	<b>-18,282</b>
<b>ANNUAL CASHFLOW</b>														
	<b>312</b>	<b>-2,710</b>	<b>-1,143</b>	<b>-4,833</b>	<b>75</b>	<b>18</b>	<b>74</b>	<b>4</b>	<b>2,006</b>	<b>-1,444</b>	<b>12,655</b>	<b>20,277</b>	<b>33,562</b>	<b>48,753</b>
Opening Balance	10,337	10,648	7,938	6,796	1,962	2,037	2,055	2,130	2,133	4,139	2,695	15,351	35,628	69,190
<b>Closing Balance</b>	<b>10,648</b>	<b>7,938</b>	<b>6,796</b>	<b>1,962</b>	<b>2,037</b>	<b>2,055</b>	<b>2,130</b>	<b>2,133</b>	<b>4,139</b>	<b>2,695</b>	<b>15,351</b>	<b>35,628</b>	<b>69,190</b>	<b>117,943</b>

Analysis of Capital Expenditure Need v Capital Financing Allocated



The above graph shows the amount of capital expenditure needed over the lifetime of the business plan and the necessary funding allocated. The graph shows that there is sufficient funding available to meet the needs of the programme.

Analysis of HRA Debt Profile

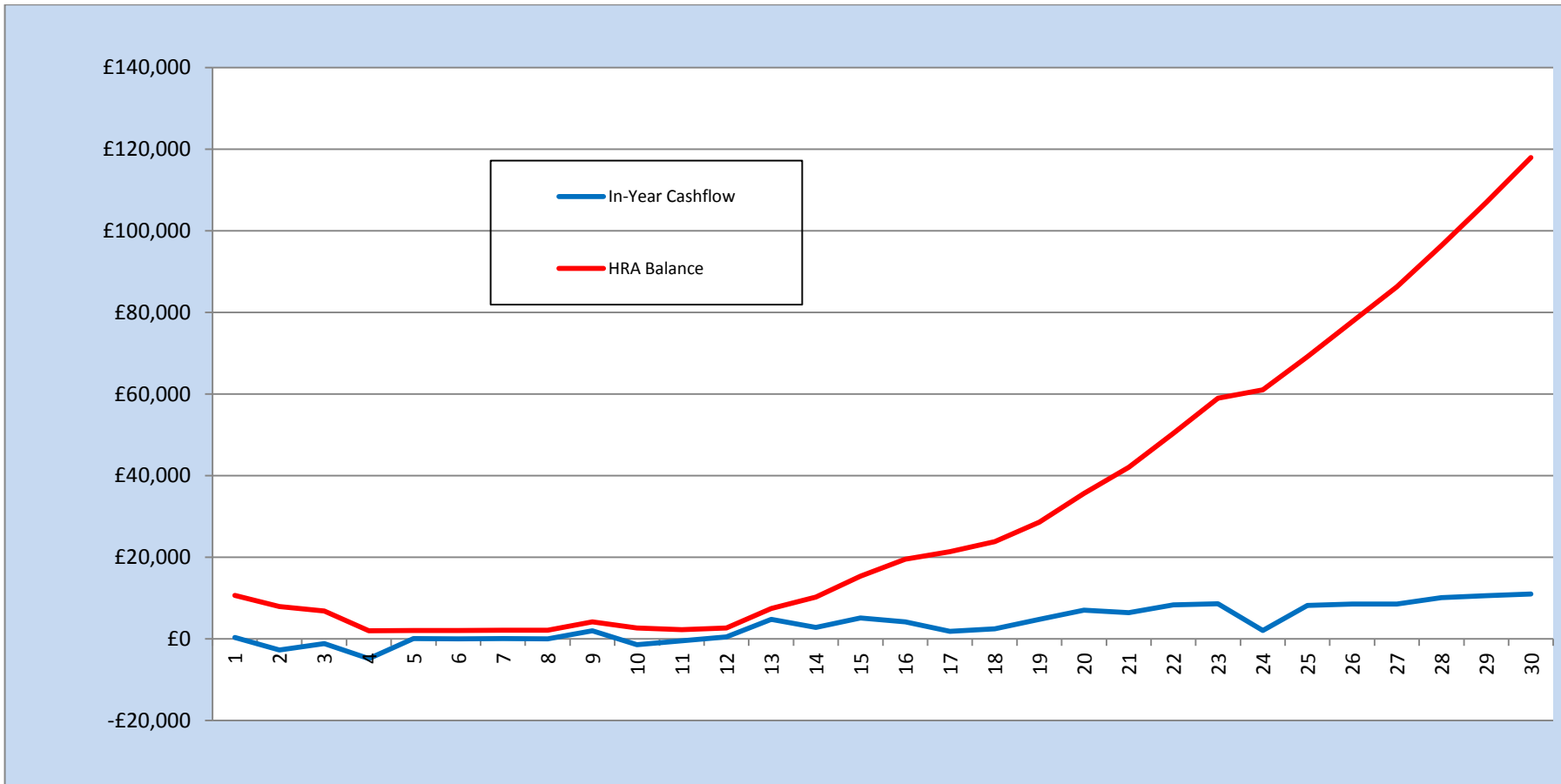


The above graph shows the level of debt required to enable the full programme to be delivered. The debt increases in year 5 and then steadily reduces from year 7 as loans start to mature. The graph shows that the majority of debt will be paid off by year 27.



Analysis of HRA Cash Flow over life of Business Plan

Page 73



The above graph shows that the HRA balance is just above the minimum required balance of £2m until approximately year 13 (2031/32), and then balances will begin to accrue within the HRA. This reflects the point when the majority of the loan portfolio will have matured. This includes the repayment of the modelled additional loans.

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This Report will be made public on 5 March 2019



Report Number **C/18/79**

**To:** Cabinet  
**Date:** 13 March 2019  
**Status:** Non key Decision  
**Responsible Officer:** Amandeep Khroud, Democratic Services and Law  
**Cabinet Member:** Councillor David Monk, leader of the council

**SUBJECT:** District, Parish and Town Council Elections – Kent scale of election fees

**Summary:** This report sets out changes to the Kent scale of election fees of Folkestone & Hythe's Returning Officer to undertake the arrangements for managing and conducting district, parish and town council elections from 01 April 2019.

**Reasons for recommendations:**

The scale of fees enables a fair and reasonable recharge to be made by Folkestone & Hythe District Council to town and parish councils for their elections.

**Recommendations:**

1. To receive and note report C/18/79.

## **1. BACKGROUND**

- 1.1 For a district election (including by-elections), Section 36 (4) of the Representation of the People Act 1983 states that the council may set a maximum scale of charges for the returning officer to use. The legislation states that a returning officer's expenses for conducting an election shall be paid by the council but if a scale is set, the expenses shall not exceed those laid down in the scale.
- 1.2 For parish/town council elections, Section 36 (5) states that the council may similarly set a maximum scale of charges for the Returning Officer to use, which the district council is responsible for paying, but which shall be repaid to the district council by the parish council for which the election is held, if the district council so requires it to be paid. It is the policy of this council that parish councils are required to pay for their own elections.
- 1.3 In Kent, the costs of conducting district, borough, town and parish elections are applied through the Kent Scale of Fees, which since 1998 has largely mirrored the National Scale.
- 1.4 Each year the Kent Association of Electoral Registration Officers and their staff (KAEROS) submit the Kent Scale to the Joint Kent Chiefs (JKC) for approval. This scale is then adopted by all of the 13 local authorities in Kent as the maximum amounts for Returning Officers to charge for conducting local elections, a neighbourhood planning referendum and parish polls in Kent.
- 1.5 A variant of the scheme is also adopted by the County Council with amendments for Deputy Returning Officers to manage and conduct elections on the county's behalf.
- 1.6 Cabinet agreed at its meeting on 23 March 2016 to:
  - 1.6.1 Automatically adopt annually revised versions of the Kent scale of fees and charges in line with the NJC pay award;
  - 1.6.2 agree the revised Kent scale of fees and charges takes effect on 01 April of each year; and
  - 1.6.3 instruct officers to submit a report to Cabinet, as soon as possible after any pay award that changes the Kent scale of fees and charges.
- 1.7 This report is submitted to inform Cabinet of the changes (maximum fees) that will take effect from 01 April 2019.

## **2. THE KENT SCALE OF ELECTION FEES**

- 2.1 The Kent scale of election fees is revised each year in accordance with the annual National Joint Council APT & C pay award; the current fees will be

revised in line with the NJC local government pay award for 2019/20 which averages a 2% increase across all spinal points.

- 2.2 With the exception of polling staff, their travel costs and official poll card delivery costs, the scale uses a “per elector” charge on which to base its charges e.g. for the employment of persons in connection with the counting of votes, clerical and other assistance required by the returning officer, the present charge is £75.86 per 500 electors or part in a contested election.
- 2.3 Poll cards are only a statutory requirement at national elections, referendums and district elections.
- 2.4 Poll cards at parish elections are only sent out if the parish or town council so require by way of notification to the Returning Officer not later than noon on the nineteenth day before an election. However, if the poll is combined, an official poll card must be sent. Part of the combined costs may be recovered from the parish or town council.
- 2.5 The Kent scale of election fees, which shall be published on 01 April 2019 is shown at appendix 1.
- 2.6 Without adopting a scale of election fees the Council will be obliged to pay the Returning Officer’s expenses without setting what it considers a reasonable scale of expenses applicable to district, town and parish elections in Folkestone & Hythe. In addition, the scale does provide some indication to parish and town councils of the likely costs they will be liable to incur if there are contested elections in their area.
- 2.7 As already mentioned in paragraph 1.6.1, Cabinet agreed at its meeting on 23 March 2016 to automatically adopt a scale of election fees.
- 2.8 In the interests of transparency the Kent scale of fees (which represents the maximum) is published on the Folkestone & Hythe District Council website.

### **3. RISK MANAGEMENT ISSUES**

- 3.1 There perceived risks are as follows:

<b>Perceived risk</b>	<b>Seriousness</b>	<b>Likelihood</b>	<b>Preventative action</b>
Failure to adopt a scale of fees.	Low	Low	Adopt scale of fees.

### **4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

#### **4.1 Legal Officer’s Comments (AK)**

All legal issues are set out in the report

#### **4.2 Finance Officer’s Comments (CS)**

The proposed changes in fees and charges represent a marginal increase on the existing position and will therefore have a minimal impact on the financial position.

#### **4.3 Diversities and Equalities Implications (PB)**

No diversity and equalities implications.

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

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

Paul Butler, Democratic Services Manager  
Tel: 01303 853497  
Email: [paul.butler@folkestone-hythe.gov.uk](mailto:paul.butler@folkestone-hythe.gov.uk)

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

#### **Appendix:**

Appendix 1: Kent scale of fees from 01 April 2019

## ELECTORAL REGISTRATION OFFICERS AND STAFF (Kent AEROS) – SCALE OF FEES

### Proposed scale of fees for District/Borough and Parish Council elections and Neighbourhood Referendum held on or after 1<sup>st</sup> April 2019

1. The scale of fees are uplifted annually, by using the NJC award pay award for local government and approved by the Kent Chief Executives Group.
2. Kent County Council’s scale of fees uses a calculation based upon per 1000 electorate. Kent AEROS’ scale uses a calculation of per 500 electorate because of small parishes.
3. The NJC Pay Award for Local Government Services for both 2018/2019 and 2019/2020 was approved at 2%.
4. The Kent Chief Executives Group has already approved Kent Scale of Fees for 2018/2019. This report seeks approval for the Kent Scale of Fees 2019/2020.

	Item	Current 2018 £	Proposed 2019 £
<b>Stationery and Equipment</b>			
1.	Printing and publishing all notices, forms and other documents, providing stationery and sundries, and other miscellaneous expenditure including postage, telephone calls and faxes	Reasonable and appropriate cost	Reasonable and appropriate cost
2.	Stationery and equipment at each polling station, including depreciation		
3.	Hire of any building or room for the purpose of the election and the expenses attending the use of any building or room, including temporary polling stations if necessary		
4.	Fitting-up polling stations including the provision, transport and erection of voting compartments, the hire		

	of necessary furniture (where this is not otherwise available) and the return to store afterwards		
5.	Ballot Papers – provision and printing		
6.	Register of Electors – purchase		
7.	Printing or production of official poll cards and postal vote packs		
8.	Delivery of official poll cards by hand	Second class postage rate	Second class postage rate
<b>Travelling expenses</b>			
9.	Travelling expenses to DRO's staff to make arrangements for the poll or otherwise in connection with the conduct of the election	46p per mile	47p per mile
10.	Presiding Officer travelling expenses	14.58	14.87
11.	Poll Clerk travelling expenses	8.47	8.64
12.	Travelling expenses for staff in connection with the counting of votes, at the discretion of the DRO	8.47	8.64
<b>Polling Station Staff</b>			
13.	One Presiding Officer at each Polling Station – single election	212.59	216.84
14.	For each PO at a Polling Station – combined election or difficult station due to local circumstances (at the discretion of the Returning Officer (RO))	261.15	266.37
15.	For a PO who acts as a supervisor at a Polling Place where there is more than one Polling Station	(additional) 10.30	(additional) 10.51
16.	Supervising Officer (SO)	212.59	216.84



	– for every 10 polling station overseen		
17.	For each Poll Clerk (PC) at a Polling Station – single election	127.55	130.10
18.	For each Poll Clerk at a Polling Station – joint election or difficult station due to local circumstances (at the discretion of the Returning Officer (RO))	157.92	161.07
19.	For each training session provided by the DRO for Presiding Officers, Poll Clerks or count staff	182.24	185.89
20.	For each Presiding Officer and Poll Clerk attending training	47.19	48.13
21.	An allowance for each polling station to have available a mobile phone on polling day	5.10	5.20
22.	For the employment of persons in connection with the counting of the votes, clerical and other assistance required by the RO – for each 500 electors or part in a contested election	74.37 (per 500)	75.86
23.	For the employment of persons in connection with the issue and opening of postal ballot papers – for each 100 postal voters or part	72.89	74.35
24.	For the recount of votes – for each 500 electors or part	4.28	4.37
25.	Payment to the District/Borough for the use of Council staff to support the RO in the conduct of elections as follows:		
(a)	Contested election – (i.e.	57.60	58.75

	<b>without</b> District/Borough) for each <b>500</b> electors (or part)	(per 500)	(per 500)
(b)	Contested joint election (i.e. <b>with</b> District/Borough) – for each <b>500</b> (or part)	28.80 (per 500)	29.38 (per 500)
26.	Contested single election – payment to DRO for the management and conduct of the election – for each 500 electors or part	32.19	32.83
27.	Contested joint election – payment to DRO for the management and conduct of the election – for each 500 electors or part	44.45	45.34
28.	For each Counter attending training	15.30	15.61
29.	For each Count Supervisor and Count General Assistant attending training	30.60	31.21
30.	Reasonable refreshments for staff involved in the verification and count	Maximum £5 per head	Maximum £5 per head
31.	Payment to District/Borough Council for the use of Council staff at an uncontested election – for each 500 electors or part	15.89 (per 500)	16.21 (per 500)
32.	RO fee for the conduct of elections as follows:		
(a)	Uncontested District/Borough election – single fee	55.13	56.23
(b)	Uncontested Parish election – single fee	18.89	19.27

33.	For clerical and other assistance required by the Returning Officer at an uncontested election – for each 500 electors (or part)	20.23	20.63
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Notes

1. The fees are calculated on the number of local government electors on the register of electors and entitled to vote at the last day for publication of the notice of election.
2. At parish polls the fees relating to polling staff **may** be pro rata.
3. **Item 24** – in special circumstances, the RO may recover actual costs
4. **Items 10, 11 and 12** – variable mileage rates may be applied where fixed travel is considered appropriate.
5. **Item 31** – the payment referred to applies (in the case of a parish election) to each ward of the parish.

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This Report will be made public on 5 March 2019

Report Number **C/18/78**

**To:** Cabinet  
**Date:** 13<sup>th</sup> March 2019  
**Status:** Key Decision  
**Responsible Officer:** Sarah Robson - Assistant Director - Strategy, Performance and Communications  
**Cabinet Member:** Cllr Jennifer Hollingsbee

**SUBJECT:** New Public Spaces Protection Order – Results of Consultation

**SUMMARY:** On 14th November 2018, Cabinet agreed to consult the public on a proposal to introduce a new Public Spaces Protection Order (PSPO) as the current one is due to expire on 19<sup>th</sup> June 2019. The creation of bespoke PSPOs provides officers and partners (Kent Police) an additional tool on top of existing powers and legislation to help tackle specific issues of antisocial behaviour affecting parts of the District. PSPOs were brought in as part of a Government commitment to put victims at the centre of approaches to tackling anti-social behavior (ASB), focusing on the impact behavior can have on both communities and individuals, particularly on the most vulnerable.

This report summarises the results of the public consultation which shows that there is public support for all 7 measures. The report also provides an insight into the views of the public as well as the government's recommended position when implementing PSPOs. Members are asked to approve the new PSPO measures outlined in section 2.2.

**REASONS FOR RECOMMENDATIONS:**

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

- a) Support for introducing all 7 measures in a new PSPO can be demonstrated by the results of the public consultation process undertaken (section 2 of this report).
- b) The Local Government Association (LGA) guidance stated that where appropriate, education, prevention work, sign posting to support should be carried out first before any enforcement action and if action can be adequately and effectively dealt with using existing and alternative more effective legislation and tools and powers then this should be used. Public consultation has also advocated the use of alternative methods of control where appropriate, for example, management agreements for how a town centre precinct area is used to control street entertainment or a code of fundraising practices protocol, etc.

- c) Where the PSPO is used, it will be carefully framed and employed alongside other approaches as part of a broad and balanced ASB process. As part of the PSPO process, non-statutory solutions, delivered in partnership with community, charity or membership organisations can be equally valid in the right circumstances.
- d) The Council's Enforcement Policy promotes using education and other preventative interventions in the first instance, before enforcement sanctions are applied which should be an action of last resort.

**RECOMMENDATIONS:**

- a. **To note report C/18/78.**
- b. **To agree the 7 measures set out in section 2.2 to form the basis of a new PSPO for relevant parts of the District.**
- c. **To note the requirements for providing suitable protocols to support the implementation of the PSPO and to receive these together with a final revised Order for agreement by Cabinet in May 2019.**
- d. **To note the performance measures around successful interventions as set out in section 4.8**
- e. **To note where appropriate issues may be dealt with using education and/or prevention techniques, sign posting to services or using alternative, more effective legislation.**

## **1. BACKGROUND**

- 1.1 The Council has commitment to develop a systematic, proactive approach to street and public space enforcement, including implementing a Public Spaces Protection Order (PSPO) to remove anti-social behaviours.
- 1.2 The Council recognises how anti-social behaviour can have a detrimental impact on local residents quality of life, with those affected often feeling powerless to act. It plays a key role in helping to make local communities within its area, safe places to live, visit and work.
- 1.3 Under the Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO sits amongst a broad range of powers and tools to help reduce anti-social behaviour within particular areas.
- 1.4 A PSPO deals with specific nuisance problems, which is having, or is likely to have, a detrimental effect on the quality of life of those who live, work or visit a locality.
- 1.5 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.
- 1.6 PSPOs are not about stopping responsible people from using publicly accessible land, but to provide Local Authorities and other Local Government departments with the means to help deal with persistent issues, which can be damaging to local communities.
- 1.7 The threshold for making a PSPO is set out in Section 59 of the Anti-social Behaviour Crime and Policing Act 2014, which permits Local Authorities to make a PSPO if satisfied, on reasonable grounds, that two conditions are met as defined by the Act.

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 justifies the restrictions imposed by the Order

## **2. INTRODUCTION**

- 2.1 Following agreement by Cabinet on 14<sup>th</sup> November 2018 to carry out consultation on the introduction of new Public Spaces Protection Order the

public consultation formally opened on 26<sup>th</sup> November 2018 and closed on 21<sup>st</sup> January 2019. The public were asked to provide views on the introduction of 7 new measures to address ASB behaviour associated with certain activities in public places that can have a detrimental effect on the local community.

2.2 Public consultation was carried out in a number of ways to give the public as much opportunity to express their views and included:

- Access to all documentation and an online questionnaire via the Council's website
- Access to hard copies of documentation and downloadable paper copies of the questionnaire that could be posted to the Council (or emailed) and available at Town and Parish Council offices the Civic centre and Police reception desks
- Consultation with key stakeholders such as Kent Police, Police and Crime Commissioner (PCC), Town and Parish Councils and local charity organisations
- Direct email for comments or letters via a dedicated 'inbox'
- Communication via face book, twitter and the Council website
- Use of media including the local press and TV publicity via the BBC Sunday Politics show
- Awareness raising at key meetings and events and dissemination at forums, networks and residents meetings.
- Dissemination to internal members of staff
- Public drop in session held on 11.01.19

2.3 There were over 400 responses received in total and the following table summarises the returns received:

**Table 1 – Summary of returns:**

Method of Return	Number	Notes
Community Safety inbox	3	Liberty emailed letter & hard copy in post Fund raising Institute emailed letter & hard copy in post 1x general email with concerns raised.
Letters	2	PCC New Romney Town Council
Drop in session	5	Public views listened to
Hard copies of questionnaire	12	Entered separately by hand onto the online survey link
Online questionnaires	379	
<b>TOTAL RETURNS</b>	<b>401</b>	Summaries of comments submitted also trawled for trends in people's views

A breakdown of the respondents in terms of age range, areas they live in etc. is shown in Appendix 2.

### 3. RESULTS OF THE CONSULATION



- 3.1 The PSPO consultation results are presented as a general overview with recommendations and individual tables of results provided in more detail under this. There is further information in Appendices 1 and 2
- 3.2 Local Government Association (LGA) guidance for councils suggests that the consultation process should assess the appropriate balance for any proposed new measures ensuring they are supported and appropriate.
- 3.3 The public consultation undertaken by the Council demonstrates that overwhelming public support for all 7 proposed measures. These are:
- Measure 1: 90% of the responses supported *Control of alcohol consumption in a public place*
- Measure 2: 89% of the responses supported *No use of intoxicating substances in a public place*
- Measure 3: 92% of the responses supported *No urinating, spitting or defecating in a public place*
- Measure 4: 62% of the responses supported *No Begging*
- Measure 5: 67% of the responses supported *Deterring inconsiderate Buskers*
- Measure 6: 88% of the responses supported *Deterring inconsiderate Chuggers*
- Measure 7: 67% of the responses supported *No unauthorised camping in open spaces*
- 3.4 A minority of the public comments received showed a lack of understanding of some of the measures and therefore clearer communication about the measures will be needed. Engagement with professionals in the field is being sought in terms of clear and consistent communication around the measures. Subject to Cabinet's approval to progress the 7 proposed measures, a PSPO workshop for key colleagues and partners will be organised in May 2019 to share and embed a consistent message and approach.
- 3.5 In terms of the written responses, emails received, comments added to the questionnaires and the public consultation exercise, views included general support for the proposals, although there were some concerns over targeting homeless, vulnerable people, traveller communities etc. Many comments were based around the fact that there are existing tools and powers that are adequate and can be used to address these issues and questioned why the PSPO was needed. Appendix 3 highlights a few such comments.
- 3.6 Letters from Liberty, the PCC and the Institute of Fundraising also cited concerns around begging and wrongly targeting vulnerable people, alongside recommendations, in the case of the Institute of Fundraising, to utilise management arrangements as a way of controlling street-based fund raising. A comprehensive Equality Impact Assessment has been carried out to demonstrate the impact of the PSPO on different groups of people and how actions will be taken, in particular to assist those most vulnerable

and to ensure the rights of people (and the community) are protected see Appendix 4).

- 3.7 At the public drop in session comments were made around the general feel of the town at certain times of the day and for more patrols (by Kent Police, the Council, Kent County Council and other agencies (such as the Rainbow Centre and Porchlight) at specific times, the need to address begging in the street and other matters around the vulnerability of young people and other aspects of disorder and reporting. There was concern expressed over lack of resources to carry out enforcement. There was also a request to include Littlestone in the boundary for some of the measures and based on local intelligence and data, this area is added to measures 1 and 2.
- 3.8 PSPOs are not the answer for everything – Councils and partners will still need to continually review issues, considering whether there are easier and more effective tools for dealing with ASB, such as; Codes of Practices, Community Protection Warnings (CPWs), Community Protections Notices (CPNs), targeted responses to individuals with multi-agency support and initiatives such as the Multi-Agency Rough Sleeper Support, Ops Ariel and Lion and Community Safety Unit intervention
- 3.9 When introducing a PSPO, it should be noted that the most robust Orders directly address the detrimental behaviour, rather than activities which may not in themselves be detrimental or which target characteristics that might be shared by some of those responsible (or with the wider public). The Home Office’s statutory guidance reiterates that PSPOs should be used responsibly and proportionately, only in response to issues that cause anti-social behaviour, and only where necessary to protect the public.

**Recommendations:**

- To bring all 7 measures into place in a new bespoke PSPO for the areas as listed in the consultation document. However, to note that appropriate interventions will be carried out to address the issues concerned e.g. through education, prevention, accessing support services, carrying out proactive projects and Community Safety operations to address this issues and using the most appropriate tools, powers and legislation as appropriate when enforcement is required - see section 3.
- To strengthen the communications messages around the proposed measures and to set out in detail the protocols around the use and implementation of the PSPO. New signage will be carefully put in place along with ongoing media and communications following the live launch of the PSPO.

3.10 Public consultation feedback – detailed analysis

**Measure 1:**

**Control of alcohol consumption in a public place**

369 of 391 respondents		
%	Response	Number
89%	YES	330
8%	NO	28
3%	Don't Know	11

Already in place in Folkestone, Cheriton parts of Sandgate and Seabrook the new PSPO will extend this to Hythe (High street and Oaklands) Dymchurch and New Romney – New: include Littlestone

**Measure 2:**

**No use of intoxicating substances in a public place**

Measure to cover the whole of Folkestone, Hythe (High street and Oaklands) Dymchurch, and New Romney, Cheriton and parts of Sandgate and Seabrook New: Include Littlestone

372 of 391 respondents		
%	Response	Number
<b>90%</b>	<b>YES</b>	334
6%	NO	24
4%	Don't Know	14

**Measure 3:**

**No urinating, Spitting or defecating in a public place**

Measure to cover the whole of Folkestone, Hythe (High street and Oaklands) Dymchurch, and New Romney, Cheriton and parts of Seabrook and Sandgate

368 of 391 respondents		
%	Response	Number
<b>92%</b>	YES	338
6%	NO	23
2%	Don't Know	7

**Measure 4: No Begging**

Already in place in Folkestone, Cheriton parts of Sandgate and Seabrook the new PSPO will extend this to Hythe (High street and Oaklands) Dymchurch and New Romney

371 of 391 respondents		
%	Response	Number
62%	YES	230
<b>26%</b>	NO	98
12%	Don't Know	43

**Measure 5: Deterring Inconsiderate Buskers**

The measure addresses amplified music and relates to certain areas of Folkestone as set out in the map on page 10 of the consultation document

370 of 391 respondents		
%	Response	Number
67%	YES	248
<b>18%</b>	NO	67
15%	Don't Know	55

**Measure 6: Deterring Inconsiderate "Chuggers"**

371 of 391 respondents		
%	Response	Number
<b>88%</b>	YES	329
10%	NO	36
2%	Don't Know	8

The measure looks to limit the number of chuggers (where passers-by are asked in the street to donate to charities or take out subscriptions) and relates to certain areas of the Folkestone and Hythe District

**Measure 7: No unauthorised camping in open spaces**

The measure addresses overnight stays in specified structures / vehicles without pre-agreement by the landowner and details of areas covered are set out in the consultation document

367 of 391 respondents		
%	Response	Number
67%	YES	245
<b>25%</b>	NO	91
8%	Don't Know	31

3.11 Appendix 1 shows graphical representation of the main results; Appendix 2 the demographic data of respondents that chose to fill this part of the consultation including male / female ratio, age range etc. and Appendix 3 provides examples of the wide range of comments received.

**4. APPLICATION OF THE PSPO, EQUALITY IMPACT ASSESSMENT AND RELEVANT PROTOCOLS**

4.1 The LGA guidance on PSPOs states that used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents. They can send a clear message that certain behaviours will not be tolerated, and help reassure residents that unreasonable conduct is being addressed. It would be the responsibility of the relevant authorised officer to decide the most appropriate and proportionate response to any antisocial behaviour encountered.

4.2 However, PSPOs will not be suitable or effective in all circumstances, and it is important to consider carefully the right approach for identifying and addressing the problem behaviour. This is especially important when the activities may also have positive benefits. In addition, a comprehensive Equality Impact Assessment has been carried out to demonstrate the impact on different groups of people and how actions will be taken, in particular to assist those most vulnerable and to ensure the rights of people (and the community) are protected see Appendix 4)

4.3 LGA guidance also states that other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced approach to dealing with anti-social behaviour and to consider non-statutory solutions, perhaps delivered in partnership with community, civic or membership organisations which may be equally valid in the right circumstances.

- 4.4 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.
- 4.5 In conclusion, whilst PSPOs provide a useful tool for addressing ASB there will be alternative ways of dealing with issues on a case by case basis and this will be the case for both the measures in the PSPO as well as those excluded from it. The PSPO will act as another tool for authorised officers to use and will help with education messages and positive interventions. The next stage will be to work with the relevant Council departments and Kent Police to develop the relevant protocols as these will clearly define which agency (whether Council officers or the police) will help to educate, prevent and enforce elements of the PSPO and in what circumstances and how. The protocols will also define who takes legal action, prepares legal files and takes court action for prosecution. The protocols will be reported to Cabinet in May 2019 together with the actual order for signing off.
- 4.6 Examples of how alternative methods can be used for both the measures included and not included in the PSPO are described below:
- In the case of chuggers, peaceful fund raising in a controlled manner working with the town centre management team can be the approach, but if a chugger is persistently causing ASB issues then the PSPO may be used to address the problem. For example, street fundraising is governed by an independently set Code of Fundraising Practice and the Institute of Fundraising provides a free service for councils to limit the location, number and frequency of fundraising visits. Around 125 councils have taken advantage of these voluntary agreements, rather than use PSPOs.
  - A Code of Practice for busking setting out 'good behaviour' has been developed by many council Economic Development teams and provides effective solutions in responding to particular concerns, whilst enhancing and promoting the town centre offer.
  - In the case of begging and rough sleeping, the approach will remain around finding alternative accommodation, engagement with outreach services, charities and other support services will continue this includes the winter shelter support, Severe Weather Emergency Protocol, the Multi-Agency Rough Sleeper support initiative and Council funding support to key agencies such as Porchlight, Rainbow Centre, Citizens Advice and Salvation Army. The Council also recently launched its "Small Change, Big Difference" campaign with Porchlight to ensure that those vulnerable individuals with a genuine need who want help and support, receive it - so far there has been a total of 33 donations from the public/residents.
  - The use of Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) can be used to address the ASB associated with unauthorised encampments on public land and the existing processes and procedures as set out in the Council's existing

unauthorised encampments protocol as well as Police use of Section 61 powers can continue (Criminal Justice and Public Order Act 1994).

- 4.7 Given the number of comments received as part of the public consultation, where there was misinterpretation of the use of the PSPO for example on street drinking, many comments were still received e.g. around picnicking and peaceful use of alcohol, there needs to be stronger and clearer communications messages given out on what the PSPO exactly is being used for and to emphasise the types of ASB being addressed.
- 4.8 In terms of performance measures, as FPNs are the action of last resort, we will also collect data in terms of how the Council and other agencies (Kent Police etc.) use proactive engagement, education, warnings or signposting to support services in support of the PSPO. In addition, the regular use of these types of interventions through monthly multi-agency operations (e.g. Op Ariel) will add to the performance information. Whilst the numbers of FPNs will be collected, these will inevitably be low in comparison to interventions that may be used to prevent the unwanted behaviour recurring, in line with our Enforcement Policy. Any evidence obtained by the Police must be provided to the Local Authority as the prosecuting authority where a decision will be made by Legal Services in partnership with CSU (as per the National Policing Guidelines on the prosecution for Breaches of CPNs and PSPOs).
- 4.9 Where concern has been expressed by the public on resourcing enforcement, clear protocols will be developed with relevant partners and where appropriate, authorised Council officers are trained and supported to promote education messages and prevention interventions, alongside enforcement.

## **5. DURATION OF A PSPO**

- 5.1 The maximum duration of a PSPO is three years, however, they can last for shorter periods where appropriate. Whilst a PSPO is in place, the Local Authority can extend it by up to three years if deemed necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local Police and any other relevant community representatives. If approved, this PSPO will be reviewed in two years to ensure it remains fit for purpose.

## **6. SUMMARY OF TIMELINES**

The latest timeline for the process is set out below:

- 21 January 2019 - consultation ends and information to be collated.
- 13 March 2019 - full cabinet decision to disband old PSPO in June 19 and agree new PSPO as set out in this report.
- OSC and Cabinet meetings in May 2019 – Enforcement protocols and new order signed off
- June 2019 - New PSPO's implemented in place and – communications plan in place and new signage designed based on the feedback.
- PSPO will be reviewed after 2 years, but can remain in place for up to 3 years

## 7. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
Cabinet disagree with the measures	High	Low	Public consultation has been carried out and the results will be presented to Cabinet for approval, outlining the recommendations set out in this report
Old PSPO lapses and new one not in place in time due to any additional information needed or changes made to the timeline	High	Low	Approval given to the recommendations set out in this report
Lack of resource to carry out enforcement	Medium	Medium	To ensure resource level is commensurate with expectation on enforcement
Unlawful discrimination against protected characteristics that may be unintentionally affected by a PSPO	Medium	Low	The planning phase of the PSPO will ensure that there is not a breach to the Equality Act 2010. This will be prevented via an Equality Impact Assessment (EIA), a specific assessment tool used to assess and ensure that a policy or project does not discriminate against any disadvantaged or vulnerable people. It also ensures that the Local Authority provides and delivers a service that reflects the needs of the local community and its stakeholders.
The public are not aware of the new PSPO measures	Medium	Low	Effective communications and education, including erecting signs in (or near) an area subject to an Order are required by the legislation.

## **8. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

### **8.1 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.

### **8.2 Finance Officer's Comments (LH)**

There are no financial implications arising from this report.

### **8.3 Diversities and Equalities Implications (SR)**

The Council must have regard to the Equality Act 2010 in making a PSPO. An Equality Impact Assessment (EIA) will be conducted with a view to assessing the proposed conditions and ensuring that their application does not negatively impact on any particular group.



#### **8.4 Communications Implications (MR)**

By adopting the most clearly supported PSPO measures and not adopting those that have less public support, we are showing that we have listened to residents' feedback and have altered our proposals as a result. This message should be clearly communicated. Once the PSPO measures have been agreed and adopted, there needs to be clear communication as to what they are, what behaviours they target and how other potential nuisance behaviour is addressed via other measures.

#### **8.5 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.

### **9. 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](mailto:jyotsna.leney@folkestone-hythe.gov.uk)

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**Community Project Manager**

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Email: [jess.harman@folkestone-hythe.gov.uk](mailto:jess.harman@folkestone-hythe.gov.uk)

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

#### **LGA guidance document on PSPOs**

[https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)

National Policing Guidelines on the prosecution for Breaches of CPNs and PSPOs

#### **Appendices:**

Appendix 1: General Graph of results

Appendix 2: Demographic information

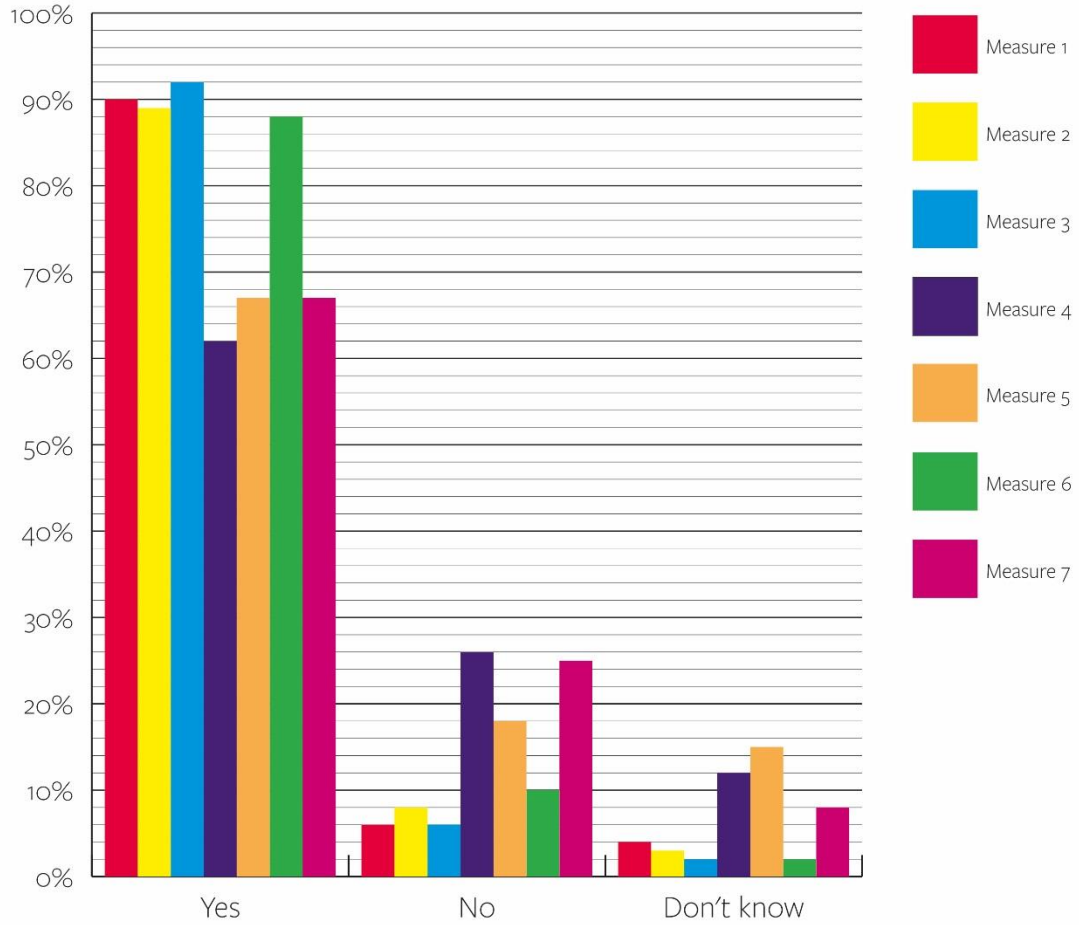
Appendix 3: Example of comments made

Appendix 4: Equality Impact Assessment

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## APPENDIX 1 – All Results

### PSPSO Consultation Results

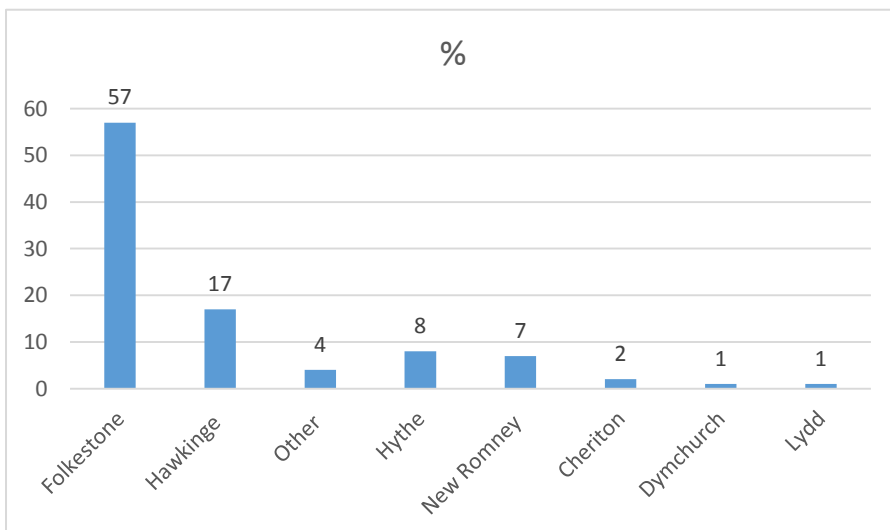


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## APPENDIX 2

### Brief summary of demographic data from questionnaires returned from the PSPO consultation.

- 370 people went to this section of the consultation but of these 73% wanted to answer the questions and 27% did not.
- 268 people answered the male/ female question 62% of those answering were female and 31% male and the rest gave other answers
- The age range of respondents (269 answered) was as follows:
  - 63% were aged between 30-59 years of age
  - 33% were aged 60+
  - 2% were aged between 16-29
  - 1% preferred not to say
- 92% of respondents answering (267 responses) live in the district and 32% work in the District. 11% are local business owners 9% represented voluntary organisations or charities, 3% town and Parish councils and 1% elected members of the Council, with 1% being other
- In terms of where respondents lived – the below chart shows the majority were from Folkestone.



Area	%	Number
Folkestone	57	135
Hawkinge	17	41
Other	4	34
Hythe	8	19
New Romney	7	16
Cheriton	2	5
Dymchurch	1	3
Lydd	1	2

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**NB - Copied and pasted so spelling is as written by the public**

**MEASURE 1 - Control of alcohol consumption in a public place**

Don't feel it is an issue here

I don't believe this is addressing the problem and I think particular people or behaviours are targeted. This may not be 'anti social' but maybe be outside of what is considered 'normal'. These measures further stigmatise & isolate people with complex mental health & addiction problems. I want these people to be part of my community & I want to continue to engage with them in the street - our shared social space.

I would be happy to support the anti-social alcohol consumption measures if the Council can also tell residents how it will be supporting addiction abuse in the area. Otherwise, this measure may actually serve to increase problem drinking, by keeping it away from the public eye and hiding it, and therefore making invisible the need for better social support and alcohol support in the area. If there are already plans to tie in this measure with preventative and restorative addictions treatment can these please be spelled out explicitly.

Inadequate explanation of your terms

It depends how antisocial it is and how provocative the person deeming it antisocial is...

It is too subjective. Who decides what is anti social. I dont mind young people socialising in public.

It's not your job to control people or their habits. Interesting also that you don't ask for a further explanation if I had of said yes!

No alcohol rehab or support, some people are very ill and desperate.

People should have the freedom to do as they please, and if that's enjoying a beer sitting on The Leas then so be it

**MEASURE 2 – No use of intoxicating substances in a public place**

Again this is too broad & would constitute a shocking interference with personal freedom. Surely a council should be concerning itself with encouraging venues & activities which encourage people to do more than consume intoxicating substances, or treatment centres or shelters if they have no option, NOT policing people due to the lack of these facilities in this town?

Be more specific. If you mean alcohol see answer above. If you mean legal highs i have never been affected by someone using these. If you mean illegal drugs then they are illegal so any use of them in public should be stopped.

Freedom of choice

I would be happy to support the anti-social alcohol consumption measures if the Council can also tell residents how it will be supporting addiction and substance abuse in the area. Otherwise, this measure may actually serve to increase problem substance use, by keeping it away from the public eye and hiding it, and therefore making invisible the need for better social support and substance misuse support in the area. If there are already plans to tie in this measure with preventative and restorative addictions treatment can these please be spelled out explicitly.

It is likely such control will be targeted towards already marginalised groups, such as the homeless. Resources would be better spent on drug and alcohol treatment programmes.

It means it will criminalise drinking at a beach bbq or at the coastal park. Not good

There are existing controls. If people are acting antisocially they should be dealt with regardless of whether intoxicated or not.

This has been in place since ASBOs were replaced by PSPOs. Nothing has changed as no officials to enforce them. I pointed this out to our MP Damian Collins at the hustings of 2015. Sort the drug and alcohol abuse in this town by providing adequate clinics etc for addicts.

This is the only place some people have to use such substances. Many people consuming drugs & alcohol in their home. Public space is public space and that should be open to the many people & ways of being that make up our public.

### Measure 3 – No urinating, spitting or defecating in a public place

Again. Already covered. And the 3 activities (?) are all profoundly different.

Because homeless people may not have access to such facilities. Also parents with young children. Also wild areas where there are no public facilities for walkers or bathers.

Because there are insufficient toilet facilities for homeless people especially at night

because there are not enough public toilets open in an evening

Covered by existing legislation

For example a homeless person needs a shit or a piss and its after the public toilets shut and they find a place out of the way and discreet then no problem...but shitting or pissing in the town centre on a Saturday afternoon outside Debenhams is a no.It's common sense here chaps.

homeless people do not always have facilities they can use and without provision of housing /shelter they are the targetted group where we are criminalising them for our lack of social responsibility

I do not think spit should be put together with urination and defecation. Also, are there plans for public toilet being made available alongside regulation?

I had a fly in my mouth once and had to spit. Also no public toilets open at night anymore!

In theory of course I object but in practice where there are homeless people on the streets - often through no fault of their own, where exactly are they supposed to go to the toilet if public conveniences are closed at night?

It would be helpful if the Council could spell out how it will tie up this measure with homelessness in the area, in which case I would consider supporting it.

It's very unpleasant for non smokers to inhale someone elses smoke. And may need to spit but I do support protection of urinating in public

Not enough public toilets accessible for the homeless

Sometimes people need somewhere to go to the toilet - let's not criminalise people, let's make public space better.

What is a very young child or a homeless person meant to do?

Whilst, in principle, this sounds perfectly reasonable, for many vulnerable members of our community (particularly those who are sleeping rough) this may cause them to unavoidably be under a PSPO. The introduction of this new measure can only be reasonable if public toilets are available for extended hours and months.

### Measure 4 – No Begging

A desperate homeless person has no choice but to beg. They should be helped not arrested for begging.

A person begging is doing this because they have to. Sometimes it is not out of choice, the prior injunctions surround habits of choice. Also, if a fine is imposed on a person begging, how is that person to pay it without more begging?

Although this may be hard to see and make people feel uncomfortable, poverty should not be hidden

An alternative must be provided if someone has nothing

As an organisation supporting homeless people, Porchlight's whole approach is built on providing sustainable solutions to help people change their lives for the better.

Simply criminalising the behaviour of those people who are living at the very edge of society is unlikely to help them get past their problems and move on.

Because I don't think people beg for fun, they do it because they are desperate and who am i to stop them?

Because most of our beggars are genuine homeless who have very little or nothing!!

Because some people are desperate and if it's there only option then what else can they do?



Because some people are driven to this as a final, desperate resort to get enough money to afford the shelter, basic foods life essentials that YOU should be helping to provide them. You cannot resolve a huge problem like homelessness by trying to hide it.

Because we have a huge homelessness issue and extremely vulnerable people have little or no support. Until the govt sorts out the housing crisis, and mental health crisis and the failing universal credit then homelessness will continue. We should not criminalise the most vulnerable in our society.

Begging is harmless. People can ignore it and give no money. If Person asking for money is aggressive/violent than we are dealing with another matter, not begging itself. invasive

Begging is obviously the only means of obtaining an income for homeless, out-of-work individuals. If we take even that away then there is no sufficient measure to replace homeless and their status.

Councils which try to stop begging are simply replicating the blame culture attached to beggars without trying to understand and support those who find themselves in such a dire situation

depends what you mean

I am helping a homeless woman who sits outside my flat. And not all money goes on drugs. In my street we give homeless people mugs of hot tea, clothes and food.

I believe that all users of public space should respect it. I also believe that it is the role of the council to provide adequate facilities to facilitate good use of space

(well kept toilets etc) I would like to see positive reinforcement. Also the council should also see homelessness as their responsibility- not their problem

I do not agree that the behaviour of begging would have an unreasonably detrimental effect on the community's quality of life and would therefore justify the restrictions imposed by use of PSPOs.

I do not like the thought of people begging, but I am worried that this PSPO may be used now, or in the future, to unfairly target those who are vulnerable.

I do not support 'no begging' because there are many vulnerable people in our district including many homeless people. If they beg then a citizen can choose to give them

I don't like seeing begging especially pushy beggars but with increasing poverty and homelessness in Shepway I'd rather people begged than died.

I don't want our town cleansed of those in need, this ban just pushes the issue elsewhere and criminalises those in need

I think it's absolutely disgusting that you are penalising the poorest of the poor, desperate people that are often homeless. What a terrible council you are trying to make begging illegal instead of helping

May be someone's only option to survive

Most beggars are less forceful than chugger. Maybe make cashpoints an excluded area so vulnerable people won't feel intimidated. That's not to say that the beggar is intimidating in any way, but that doesn't stop people feeling that way.

Most people beg because they need to. I have spoken to many of the people begging in this town & they are mostly looking to change their situation.

Some are trying it on, but I simply ignore them, they do not infringe on my life in any way. I am lucky I have never been put in a position where I need to beg. How will criminalising desperate people make this town a better place???

Not really an issue

Our council is not doing enough to support either our homeless community or those in desperate need of assistance.

People are desperate, I don't mind them asking when I go out, support services are non exist ant so what else can they do?

People are very desperate, I support measure that would make it less necessary for someone to turn to begging

People beg because they are desperate and have no alternative. Until the council makes proper provision for the poor, destitute and desperate then begging stops these people from starving or freezing to death. It's life and death for these people.

People beg because they can't provide for themselves so by taking this away, you're taking food and drink away from them

People begging usually do so because they have no other way of buying food and/or shelter. It would be fine to ban this if a realistic solution was found to help the homeless into sustainable housing but there does not seem to be any will to do so.

People can't help their circumstances sometimes, while I never give them money I always offer to buy a meal if I see someone homeless

people have the right to ask for help - to criminalise this is frankly cruel

People in need are still human beings, if the only way to get a couple of quid is to beg in town they should be allowed to do it.. Human compassion!

People in need should be able to ask the general public for help. I don't like the question, if it is actually about clearing needy people out of the town centre.

People in need should have the right to ask for help

People need money. As a working person we "get by" what about everyone else????

People who are begging are in need to criminalise their need is inhuman

People who are begging need help

Please let us know how this measure proposes to line up with job seeking and housing support in the area; otherwise we are treating the symptom with no real support for people resorting to begging.

Poverty is not a crime.

Prohibition of all begging is discriminatory. Some people genuinely see no alternative. Unless support for vulnerable people is genuinely improved, they should have a right to beg.

Reasons for begging are many many varied and the majority of those begging are doing so because of the current financial situation throughout the country.

If local councils listened and actually helped those begging rather than criminalising them perhaps things would improve.

Sadly, some have no choice

Some people are homeless due to no fault of their own and there isn't enough help for genuine homeless people.

Some people are left with nothing, often through no fault of their own. To outlaw them asking the far more fortunate and privileged for some help is inhumane.

Some people have no option but to beg it's up to each individual if they give or not, no one has ever been rude to me when asking for anything and if you buy food or drinks I have found people are extremely grateful, not all people begging are drink and drug addicts

some people need to beg to stay alive

Some people that may have fallen on bad times may have no option but to call on the public's generosity.

Sometimes that is the only way that homeless people can get food or money to survive. Not all individuals feel they can access support services and as long as they are not being a nuisance or threatening then it doesn't hurt for them to be there

The beggars I have met have always been respectful, there's no harm in asking for money if done respectfully, ask nicely, don't threaten nor follow people around in an intimidating way I believe Folkestone & Hythe Council is bullying people who cannot defend themselves for various reasons including addiction, homelessness, desperation, mental health these people are easy targets for all .GOV departments including the police. Provide better help by being better than demonizing weaker people. These are people with needs and require help not get a public kicking.

The council and Government should do more to resolve the problems behind begging and work to get these people into accommodation, rather than give them a criminal record for trying to survive

The support is not there for some homeless people. Universal credit doesn't work for all, poor mental health and addiction support

The visual impact of someone begging reminds us all that we are not equal and some may require help.

There are a lot of people in this town and many others, who sadly have found themselves in a horrible situation and do not have much access to help.

There are many different reasons, as to why someone may be pushed into begging in public. The numbers of those who claim to be in poverty and yet, live off begging is minimal. So too far all of those in such situation, as being "professional beggars" is immoral and cruel.

There are more and more people in our society who are facing extreme poverty and who are vulnerable with support services and benefits having been cut.

Unfortunately due to welfare state being gradually dismantled and with people being refused benefit/sanctioned etc there are people with no income who have no choice but to beg. I would object to aggressive begging but if people ask politely then I have no problem with that. it would be my choice whether or not to give any money.

Until every homeless person is housed I think it would be an unfair ban

Visibility of this issue helps to draw attention to the key causes, hiding them away is not the solution

Vulnerable people shouldn't be punished for trying to survive. I believe a PSPO is disproportionate in isolation.

We are free to choose when and what to give people who we perceive as in need. Control aggressive begging not begging per SE.

We need to be making sure our community stops people needing to beg. If they do have to we need to see that it is happening, not just brush it away.

This behaviour, like homelessness, is increasing because of wider social pressures.

We should be trying to assist those who are homeless, not stopping them from possibly obtaining their only means of obtaining food and drink and potentially criminalising them in the process. If a provision is put in place and a person is fined, how do they pay that without making their finances worse? The outcome of such a provision is either to move the person into another area or place them in a cycle of begging to get food and paying fines, which will then simply add to their fines, so they beg and the cycle continues. This is not a humane way to deal with this issue.

where begging is essential to the persons survival then i support this ie for those homeless who have no other support if asked for food/money the public do not have to donate its their choice

While some people are begging unnecessarily, sometimes for others, there are those to whom circumstances have reduced them to begging. Every homeless person does not fit into the same category.

## MEASURE 5 Deterring inconsiderate buskers

Again, the term "anti-social" is far too vague a term to be anything but carte blanche to harrass or criminalise anything that is out of the "ordinary".

This town needs more not less free entertainment, shopping is not enough..

Be more specific!!!! What do you mean by unauthorised street entertainment?

because its an honest way to make a living and survive

Busking / free entertainment is often fantastic. Adds colour and vibrancy to the area don't be such humbugs

Busking adds colour to the town

Busking is good for the town how is it anti social

Busking or performance is part of our cultural identity

culture?!!!

Define antisocial street entertainment first

Depends on what is classed as anti social

Difficult to enforce. What would be considered anti social entertainment? Street entertainers contribute to a lively high street atmosphere.

Folkestones meant to be the 'folkestone is an art school' I love seeing buskers, brightens up the town experience, wish there were more! Great when you have kids, always stopped and listened to buskers whenever we see them. Banning is like stopping art.

Freedom of expression. Many street entertainers earn a living in this way. What constitutes "antisocial" is subjective and businesses are likely to prevent people from earning a living. Variety and diversity is essential. Most people don't want a cleansed monoculture.

How is street entertainment anti social?

I don't consider street entertainment to be anti social in any form.

I don't know how entertainment could be deemed anti-social. It is essential to socialising and I fully support it being publicly accessible on the street.

I don't understand who is defining 'anti-social' and how?

I don't consider entertainment to be antisocial

I enjoy seeing entertainment in the streets, and I have never witnessed the so-called anti social aspect as suggested here.

I fear I would not agree with the definition of 'antisocial' and enjoy street entertainment

I find busking uplifting

I like a busker or street artist, it cheers the place up, even if they aren't good. Maybe have a few designated busking spots around town like they do on the Underground. Obviously places with good footfall!

I like buskers, they bring life and vibrancy to our town.

I quite like a bit of busking and this sounds too arbitrary

I think it is entertaining and it give poor musians an needed income

I think street musicians are not anti social and can be enjoyed by the public

I think you mean buskers. All you need do is learn the existing law which is quite adequate and implement it.

In fact I do but not with a PSPO. It should be done on a case by case basis.

It brings a bit of art to the streets

It's a fine line between a nuisance and entertainment with str

It's an honest job

I've never seen any anti-social street entertainment and generally people like buskers. How do you define 'anti-social' anyway? This is a loaded question!

Many street entertainers add to the ambiance in a town

My concern is who decides what is antisocial? Who's concept of 'social'?

Never experienced 'anti-social' street entertainment. All the busking has been good.

Totally depends on what you mean by anti social. You need to give a full definition to achieve a meaningful response

We could do with more street entertainment so whats the definition of anti social here? O e person's bit of livi ess is someone elses annoyance.

Folkestone is dead after 5pm and frankly threatening to walk around

We need music on the streets. Buskers are enjoyable to most people.

We should embrace street entertainment and use supportive action instead of enforcement.

What do you consider Anti-social Street Entertainment? Some people, move in next to a pub, then complain about the noise.

What do you mean by anti-social entertainment? It seems a strange question, and possibly personal taste will come into it. I support busking in all forms if this is what you are asking.

What is anti-social street entertainment? It may be very subjective. For eg I hate panpipers and bagpipes but some people love them.

Who defines anti-social? There is generally a right to busk, to entertain on the streets. I don't feel enough thought is given to the rights that are being restricted by preventing street entertainment. The question is biased by adding 'anti-social' before 'Street entertainment'. Let's not ban street entertainment and leave our streets a sterile environment.

who determines anti-social? art is an expression of freedom, of course this excluded harassment, bullying and assault- if that is antisocial then it should be charged as that, there are laws already in place for this. If it's unsociable hours and noise nuisance in Residential areas without the consent of neighbours then having a meeting and discussion with the persons involved would bring about better social cohesion rather than criminalization.

## **Measure 6 – Deterring inconsiderate chuggers – no comments but commented on in how affected section below.**

## **MEASURE 7 – No unauthorised camping in open spaces**

A blanket policy of this nature will exacerbate the issues faced by the homeless who have no other options.

AA

Adequate provision must be made for homeless people. This runs the risk of the homeless not being able to create protection from the elements and risks them freezing to death. This is life or death. This should not be used to "cleanse" the region

Again you are looking to criminalise the homeless who have no where else to go. Help not punishment is required.

Again, if you are homeless and in need to escape the elements, I have no problem with this.

Again, times are very hard, I'm seeing huge amounts of homeless people and I think these measures will be used against them.

As long as people remove rubbish and obey the rules not a problem

because the homeless have got to sleep somewhere and we need these reminders to deal with the lack of social housing

Because there is insufficient provision for homeless ppl already - a tent might keep them safe and warm

Because we have a lot of homeless people who sleep in tents

Because where else are they meant to go? How can someone deny someone the measliest bit of shelter they can get? Also camping is fun for people to do, so long as litters cleared up and it's not intruding someone's own doorway, what's the problem? It's camping!

Camping in the countryside should be allowed but not in urban parks and open spaces

Discrimination against the homeless

Do not take away the only shelter some people have

Due to the current economic climate and the introduction of Universal Credit, many are being forced into Homelessness. Maybe more should be done to support people facing these issues before you start your 'ethnic cleansing' of our streets and other areas. Don't just move the problems out of the area.

Enforce against those who leave the place a mess or vandalise. Don't ban camping

Homeless people have to shelter somewhere

Homeless people need to sleep as safely and as much under cover as they can.

Homeless people should be given housing by the council. The Council in Folkestone has failed to care for the most vulnerable and desperate people in society.

Leave them alone or provide proper housing and support for them.

I am concerned that homeless people need help not reprimand. It isn't clear where and how the council would draw the line on camping for fun and camping for survival.

I do not agree that the behaviour of camping (whether authorised or not) and use of temporary structures would have an unreasonably detrimental effect on the community's quality of life and would therefore justify the restrictions imposed by use of PSPOs. I also view that the use of PSPOs in this manner might breach

Home Office guidelines of Dec 2017 as it could (whether intentionally or not) be used to target people based solely on the fact that they are homeless or rough sleeping.

I don't want more homeless people or travellers to die. Everyone has a right to shelter - it is a human right. Fix the problem instead of criminalising people

i don't think it does any harm if they don't leave litter

I don't think there's a problem with it, provided they still leave some room for kids to play on the grass, don't allow their dogs to run riot and tidy up before they head off

I don't think this is necessarily a nuisance

I strongly object to this proposal which will punish the most vulnerable in our community. By punishing homeless

I support wild camping for example along wear bay road, the warren or the lower Sandgate road but littering should be policed and heavily fined.

I would be happy to support this measure if the Council could ensure that this measure was tied to homelessness support in the area.

I would have no objection to asking holiday makers camping illegally to move on but I feel that this is targeted at the homeless who just don't have anywhere else to move on to.

I would only support this measure if there were a strong program of support for our homeless population

I'd rather some homeless people had a tent than froze

If it is antisocial it can already be dealt with. Due to the housing crisis many people live in tents or vans.

If it's an open space what's the harm?

If people are homeless the where else is there to go?

If people need to camp in an open space the reason is probably because they are homeless or vulnerable to criminalise these activities does not solve problems it just creates new one.

If the person camping isn't drunk or on drugs and keeps the area clean then why should we deny them shelter?

It has to be balanced by provision of space for recreational camping for families etc

It is often the best option for homeless people to get out of the wind and rain. Don't you dare make such a simple and basic means of survival illegal.

It is sometimes the only option for those with nothing or very little. To refuse them an option of (minimal) shelter is inhumane.

Many youth pitch a tent for the night as a group as long as they clean up when they leave to go home that's fine by me

No one has the right to deny someone a safe dry space to sleep... Even if it is only a tent.

Not really a problem

Open spaces is not specific term and could affect the homeless

Otherwise-homeless persons may need a space to be for the night that is not provided for by the council or community. They should be able to find a public space that suits their needs, particularly at night, without being turned out or harassed.

people have been camping at the warren & the hills around folkestone for yrs theres no harm in itthe hills ari

People have to sleep and so many towns and cities are making it illegal. Campsites are becoming prohibitively expensive so an alternative without being punished is needed.

Public space belongs to everyone. I do however think is individuals responsibility to clean after themselves. I would support enforcing this

See answer re begging

Should be free to camp if you want to I.e. beach

Signs need to be clearer about no camping

So long as no other antisocial Behaviours are being committed, I see no harm in anyone camping on the beach for one night or parking up for one night

Some people have to do this

Temporary camping in oranges acces and engagement fantastic landscape

Tents are often the only shelter homeless people have. We can't wish them away, though their need for shelter needs to be addressed.

The council are not supporting the homeless and suggesting places to pitch a tent. sfor homeless

The council's proposals state that PSPOs will not be used to target vulnerable groups- but I can't think of an instance of camping in an open space that would be done by anyone accept someone who is vulnerable.

The homeless who use tents require somewhere to pitch up and don't have the funds to pay for official camping areas. I understand the need to have this rule when we have the trouble making travellers in the area. However we have had non trouble causing travelers who visit the area and don't cause any issues.

The unauthorised campers i have encountered are friendly people clearly there because they need to be. Their presence also makes me feel safer about walking alone. It is hardly a big problem is it?

This amounts to persecution of homeless people

This generally leads to an increase in litter & anti social behaviour

This is a difficult issue, one which again is not solved simply by control measures and requires the local authorities to work with travellers to come up with better solutions. All the local authorities are doing with such orders is moving people from one spot to another. It does not solve the problem.

This is not the answer to homelessness. Community collaboration would assist in reducing the problem. No one wakes up wanting to live in a tent in the middle of a city.

This targets vulnerable people

Which open spaces?

Whilst littering, noise and antisocial behaviour can be a problem, innocent and considerate enjoyment of the natural environment is not.

## HOW AFFECTED?

### COMMENTS SENT IN ON HOW PEOPLE HAVE BEEN AFFECTED BY THE BEHAVIOURS BEING ADDRESSED BY THE PSPO

Approached by a woman on Sandgate High Street who was very intimidating. I told her I have no change and I do not smoke.

Beggars, mostly in doorways, muttering "any change" or something like that. "Chuggers", \*possibly including authorised ones\*, blocking or partially blocking open spaces so that one has to deviate considerably to avoid them.

Beggars in old high street and sandgate rd.

Alcohol consumed on sunny sand beach and cans and bottles left all over the beach.

Chuggers in sandgate rd.

Begging in Folkestone, near the Rainbow Centre is intrusive and sometimes offensive.

Begging outside Sainbury's in New Romney and also charity collectors at the same place

Being approached in the street and asked many times to give "something"

Being asked to give cash

Being elderly the constant asking for money either by chuggers or too many beggars in Sandgate Road is upsetting and annoying.

Being stopped multiple times in the street by Chuggers, afraid to go to certain areas because of travelling community making places inaccessible for locals

By the mess left by illegal campers, particularly at the Warren.

Campers leaving their rubbish in the Warren. I feel it intimidating to be shamed into giving to charity. Don't mind a public presence but it should be passive

Cannot freely walk through town without being called and disturbed by them

Chuggers coming to my door, as well as in larger public places such as Folkestone town centre.

People spitting is very common, dropping chewing gum (which bonds to assistance dog's fur!)

Last summer, travellers overtaking the green in New Romney for a long time meant I was unable to freely sniffly walk/toilet my assistance dog on way into work.

Chuggers , I have been polite answer their questions but that is a ruse to get you to sign up and unless you are really firm they have got you. Don't even stop anymore.

Chuggers are a pain in the arse! Should be able to walk down the street without being harassed. Beggars at least don't harass people, I'd rather give my spare money to a begger in need than top up someone's corporate commission

Chuggers being forcefull, and seeing individual spitting and urinating in the street is disgusting and not pleasant in front of my child, who hates going into Folkestone

Chuggers in Folkestone town centre persistent and following me to get me to interact with them.

Unauthorised camping areas in and around Hawkinge that have been chosen by travellers to use has caused danger to the public including children due to one access area

Couldn't get to the shops without being asked for money and street Hawkers interrupting my routine then having to put up with homeless urinating in our fire exit

Couldn't let me children go to their local park anymore because of the travellers. Feeling unsettled in my home because many burglaries suddenly started when the travellers arrived. Wouldn't allow my children to ride their bikes to school whilst they were opposite the school because bikes started going missing.

Difficult to get past them

European nationals appear to have a higher percentage of spitting in public, but British nationals do also do it.

Every time I leave work in the town centre I get the same guy shouting at me to give him money, at night when I'm on my own, this can be quite intimidating. The chuggers put me off going through the middle of town. And recently where I live there have been travellers camping on the green spaces, I stopped using the parks & feel under pressure by Chuggers.

gypsy encampment behind my home were using the sand dunes and the entrance to the RNLI station to defecate on a repeated daily basis.

Have been approached when with my children and they are very persistent and feel very comfortable when they won't take no for an answer

I feel intimidated by people approaching me when walking through the town centre trying to get me to sign up to something

I feel overwhelming guilt when walking past people begging in the street, more so when the people look like they are 'fresh' out on the street from perhaps a broken home.

I find the experience of walking past chuggers, particularly in Folkestone, to be quite intimidating.

I had an illegal encampment close to my house in Hawkinge. The travellers left mess and defecated and urinated around the area they camped including in the children's play park.

In Folkestone and in Hythe for busking and in Folkestone begging, chuggers. In Hythe unauthorised camping on RMC, Oakland's and Eaton Lands and in Folkestone beneath The Leas Cliff Hall.

In Hythe aggressive rough sleeper was aggressive about children concerning one of the benches which he said was bed. Fortunately they did not pick up on the nuances but I was concerned.

It is not the charity workers that are the problem but those wanting to sign you up for electric/gas, broadband etc. They often don't take no for an answer and have even followed me down the street continually asking. Also, there is someone there almost every day and it gets very wearing as they are all very persistent.

It's disgusting to see someone spitting on the ground and has the potential to also spread disease.

I've been pretty much chased up the street by a chugger and also been verbally abused when I didn't give a beggar money

I've been stopped in the street by chuggers who were blatantly not approved, they avoided mentioning that they were representatives of a church in Deal and trying to get me to attend by asking if Folkestone was child friendly and then asking if I've seen a particular building which happened to be their church.

Just a surprise finding men urinating in bushes when I'm walking the dog. But they have apologised. Really don't like being encountered by Chuggers. They make you feel inconsiderate if it's for charity and, if I want new broadband, Sky, etc I don't need people coming up to me and bugging me whilst I'm trying to make my way through town.

Just find it a constant nuisance to be approached or be witness to any of those circumstances

Just have people coming up to you asking to complete an answer sheet, or looking to get you to sign up to donations or services. Some are quite persistent

Local disruption with traveller encampments

Lunchbreak often chuggers in town which is annoying and sometimes intimidating.

Maybe not affected but in contact with

Mostly by threatening behaviour. In addition with unauthorised camping there is always aggression & mess, rubbish & worse left behind that has to be cleared up at the ratepayers expense.

My house over looks uphill play park where in July and September a local traveller family decided to illegally encamp on the park area. This means no local children can use play area, locals avoid walking the area. Also travellers damage area, went to toilet in bushes and shrubs lining park. Children ran around at all hours, throwing stones, banging windows, using the play park as a toilet. Also complete disregard for residents safety as travellers drove on and off play park area at great speed also doing donuts on the green and playing very loud music at anytime they feel they want to 2am, 5am etc. As residents we feel there is very little support for us and this was a very stressful time having to wait for them to be moved on so we can repair the damage done to property.

People being drunk and disorderly in public spaces. However I feel that the crime rate in the area is more important than these issues

People dedicating along the Royal Military Canal in Hythe.

People have been spitting in my proximity

People smoking weed around town absolutely stinks. It is illegal, it is harmful to them and the smoke affects everyone, including children like my 3 year old. I do not want him (or myself) breathing in intoxicating second-hand stinking smoke.



Persistent asking for money to pay for a space in a night shelter.

Pushy

Regular harrsment in the high street

saying what lovely shoes I have on and stupid other things.

Seeing the mess and noise they provide when they pull in somewhere to stay is awful. They have no concideration for people who actually live around them.

Several break ins and damage to cars, mine being one of them, just causes a lot of unnecessary upset and worry to local residents.

Spitting I find offensive, chuggers intimidating and unofficial camping threatening and a cost to the council in legal fees and clear up costs

Stopped in the street.

The amount of inconsiderate wild campers leave litter that dogs (other wildlife) eat. The warren is particularly affected. There has also been camping /bbqs on the green verges on wear bay road - which adds extra litter.

The employees of the companies you authorise to be outside Lloyds bank are the most irritating, especially if you work in the town. I have been stopped three times in one half hour lunch break. I've also seen young men blocking the path of young women, arms outstretched, physically impeding them. It needs to stop. However the import

the pavement on sandgate high street is filthy, chuggers often stop you near the nat west bank, if you are doing business banking this is very disconcerting

There are a lot of people asking for money on the street in the Sandgate Rd area but it concerns me that they are not getting the support they need - substance abuse, mental health. The PCSOs would need a very good relationship with support services. One chap that regularly 'begs' in Town Walk comes all the way from Dover.

There has been travellers camp on a field near my home.

You can not walk through Folkestone without being asked for money and many times without also being approached by chuggers

There has definitely been an increase of begging in Folkestone, this is upsetting to see and you can't give to everyone. However I would still oppose a ban

There is a man who sits outside Folkestone Central train station with his dog after work with his camping equipment.

Chuggers and beggars can be intimidating as they can become aggressive if you do not give them money

Travellers camped between my home and bus stop, making it unpleasant and distressing for my young daughter to get to her bus. Noise nuisance also.

Travellers camping in Hawkinge near Churchill school - it was intimidating walking the kids to nursery, and the state the green was left in after they left meant the kids couldn't play/walk that way home

Travellers causing ASB on land belonging to them

Travellers damaging council property & not being held to account. Us council tax-payers end up footing the repair bills!

Travellers in the children's play park in Heron Forstall, causing damage and anti social behaviour!!

Travellers on land near where I live causing ASB

Travellers on nearby public space urinating openly.

Beggars in Folkestone

Travellers parked and setup camp on the green next to Lidl and Churchill school (hawkinge) making you feel unsafe and threatened and also noise from the dogs and mess left behind made me feel upset and frustrated that a fence should have been erected to prevent future travellers from ruining the place I live

travellers parked up on our green in new Romney. they made a mess everywhere. we were unable to take our animals and/or children on the green. they were also threat

travellers pitching up where they want and destroying the green spaces and leaving waste.

Unauthorised camper vans and caravans on car park at littlestone enabling door knickers offering sub standard works

Unauthorised camping opposite the school where my children attend.

Unwanted approaches

Verbally abused by beggars in Folkestone high street. Travellers breaking into local bowls club and ruining local community life

Walking along with my grandkids, I have seen drunks shouting and pushing each other on the leas.daytrippers look scared when this happens and I have phoned the

police occasionally over this. Beggars in town centre every day with their duvets asking for money as I walk by making me feel uncomfortable but mysteriously gone at night intimidating.

A drunk young man was being very aggressive to two young women. I calmly approached him to help the women. He turned on me and threatened me with violence. He was not homeless, just drunk from being served too much.

A homeless guy washing in the fountain at Radnor park hit my 7 year old daughter. He was mentally unstable, I can only imagine we're there greater provisions for people in his position it could have been avoided

A camp has set up behind an advertising board on southern way roundabout for weeks. There's lot of waste... including poo... and they've been cutting down live trees to burn. Camping for extended periods should not be acceptable  
aggressive begging and being sworn at when walked past. Chuggers not accepting when I have said no to them. had to walk round two people having an argument who were intoxicated on a number of occasions - very aggressive with each other.

Aggressive begging and high street saturated with chuggers

Alcohol - not walking through park area at the top of sandgate Rd.

Substances - constant and smell use of cannabis in the high street.

Beggars- every day when walking through the high street

Chuggers- Awful behaviour, intimidating locals and chasing people down the street

All of the above - intimidated with begging in the High Street, intoxicated and verbally abused on the Shellons Street/Grace Hill. Having to divert to avoid chuggers along with the amplified music from the likes of bagpipers/accordion players. The latter being a duo who regularly visit Folkestone and make a nuisance to both shoppers and he retailers in the immediate vicinity. Therefore the latter is by our definition 'anti-social street entertainment'

All of the above are regular occurrences in local, day to day life.

Annoyed by somebody drunk but not approached by them.

Approached in the street on many occasions. Annoyed by people sitting, often with dogs, and begging or standing and producing bad "music."  
Unable to use The Bayle Pond Garden due to drinking/drug-taking youths, often boisterous, sometimes threatening.

approached in the town with my 3 children by a drunk asking for money

Around the town of Folkestone and community areas of hawkinge

Drinkers standing outside the Mexican restaurant and in the road in Sandgate late at night, made me feel uneasy walking along the High Street to get home.

Drunk patrons pouring out of Jolson's party bar at 3 am screaming, shouting and urinating in the street. Constant harrassment from beggars in Old High Street.

Drunk rowdy people shouting and swearing and mostly looking for an argument.

Accosted by people for surveys or donations, even if I say no

Drunks on the greens at Littlestone, chuggers in the High street & begging outside Sainsburys

Having to breathe in the smell of marjuna when people have smoked it in open spaces. Also, being unable to take my son to the children's park in Heron Forstal Avenue/Uphill junction in Hawkinge because travellers have been behaving in an intimidating manner. Living in fear about potential theft, vandalism and threats from traveller families following my neighbour suffering all three (witnessed first hand, not heresy or an assumption). Having to explain to my son why a grown man is urinating against said playground fence rather than use his caravans toilet.

I am intimidated by the street drinkers who congregate opposite Folkestone Library and am fed up with being harassed by beggars and chuggers every time I walk through the town

I am regularly approached by beggars in Folkestone town centre, many are aggressive and quite often high. They also affect my business in The Old High st as they

drive customers away from the street. It is very intimidating being approached and harassed by these people. Chuggars and buskers are making Folkestone town centre intolerable. I have been stopped by them 2 or 3 times in one day or more than 1 occasion. The chuggers target vulnerable people in particular, their tactics are appalling, they should be banned completely. Buskers outside shops must drive the poor staff mad, in particular the bagpiper. You cannot hear yourself think when he is about. I have often been in the town when there are 2 or 3 buskers at any one time!

I have had to navigate a number of "chuggers" through the town centre and when I declined they were rude about why I didn't want to talk and persisted in following me. I end up using my phone as a barrier and make a phone call so I don't have to speak to them.

My children go to St Eanswythe primary school and we often walk through the churchyard. There are often groups of people, some young like teenagers, some older smoking and drinking and behaving in an intimidating way (shouting obscenities and acting erratically). Also walking through town, particularly after dark (which in winter is as early as 4.15) there are a lot people asking for money as I go past.

I have suffered instances of all the ticked boxes. I have witnessed drunk and rowdy behaviour during the day and evening. The regular beggars in the Town are known to be running a scam and I see tents up all around Town. Along under the Leas, by the memorial clock tower and most distressingly by my Fathers memorial bench in the Coastal Park. My Dads bench was being used as a baby changing station.

See these people is distressing and embarrassing when showing visitors around our Town

I know longer go to Folkestone! It seems to be a haven for alcoholics/drug-takers and criminal elements making it feel unsafe. As such, I take myself and my business elsewhere. Not included in your survey is the young-people who gather, are loud, antisocial and when questioned/confronted are aggressive and intimidating. "Public Spaces" are for the public yes, but not if they don't act responsibly. Busking is fine when it's controlled, the music/show is not overly loud and is considerate. I live adjacent to the park on Heron Forstal Avenue in Hawkinge. The travellers that keep returning are intimidating, coming and going at all hours, loud music, leaving rubbish etc, faeces in the park making it unusable as well as washing hanging all over the park. Access is via a pedestrian footpath at speed with no consideration for any pedestrians.

I live in The Bayle and visit Folkestone town centre every day. I fully support all the proposed measures.

There has been a great deal of anti-social alcohol consumption in both the Bayle Pond Gardens and St Mary and St Eanswythe's churchyard. Groups of drunks (young and old) congregate in both these public spaces which intimidates passers by, discourages others from sitting in the peace of the the gardens and shows a complete lack of respect for the graves in the churchyard.

Regular reports are made to the police of drug dealing and consumption taking place in St Mary and St Eanswythe's churchyard, but this occurs far more often than is reported. Drug dealing / consumption is rife in the Garden of Remembrance corner of the churchyard, to such an extent that the families of those whose ashes are in the Garden of Remembrance do not dare to enter, which is distressing. Drug paraphernalia, particularly used needles can be found throughout the churchyard and present a health and safety risk to passers by and the children at St Eanswythe's primary school who walk through the churchyard every day. A consequence of this is the shopkeepers in Church Street being asked to provide change for drug dealers, which is understandably quite frightening. Drug taking/dealing has also been observed frequently in the Bayle Pond Gardens.

The lack of 24/7 public toilets in the town probably contributes to the reason why undesirables and drunks regularly use St Mary and St Eanswythe's churchyard as a toilet facility. The church bellringers frequently complain about human faeces being left at the entrance door to the bell tower. This is unpleasant and a health and safety risk. To a lesser extent this has been observed in the Bayle Pond Gardens, but these gardens are overlooked by housing and locked overnight.

Begging mainly occurs in the town centre and in the Old High Street. Naturally one feels sorry for the homeless and generally the begging is not intimidating, but nevertheless it should be discouraged. Occasionally beggars will come door to door and there is a risk that if they are driven away from public spaces that they will increase door to door 'collections' which may be more intimidating for people who find it difficult to refuse.

Most of the street entertainers in the town centre are OK and do not cause a nuisance - except when there are too many close together and the music clashes. I love the bagpipes, so please don't scare him off! However, there is a serious issue with the street music at the harbour (especially outside Gillespie's) and even on the harbour arm; this is because the sound is magnified as it rises up the cliff and causes serious disturbance to houses in The Bayle backing onto the cliff leading down the harbour. A number of complaints have been made to the council, but it occurs far more often than complaints are made. We have also had instances of

unacceptably loud music being played in St Mary and St Eanswythe's churchyard.

Some of the chuggers in the town centre in Folkestone are a real nuisance. They pursue passers by relentlessly attempting to engage them in conversation about satellite TV or banking services, and this can occur several times a day for a week or more from the same individuals. While I just ignore/glare at them, I am aware that elderly friends and neighbours find this very intimidating.

We have had several instances of overnight camping in St Mary and St Eanswythe's churchyard and also the Bayle Pond Gardens, which are locked overnight so the campers are first having to climb over the railings there. I have also seen tents pitched on the grass along The Leas and any public open space is at risk of Travellers setting up camp.

I live on The Old High Street. I am sick of drunken people at weekends who should be able to moderate their drinking. I can't sleep in my bedroom on a Friday or Saturday night due to drunks coming down our street to drink in the Party Bar for a further two hours. These people should be given PSPOs, not the people suffering from drug or alcohol addiction. I am tired of drunken behaviour at weekends which seems to be socially acceptable and the norm in this town. Also social drug use is the norm at weekends and these are the middle classes. I see them snorting cocaine behind my flat to carry on with their "night on the tiles."

I quite often see people begging or drunk in the town centre, although the majority look to have mental health problems. I don't see many issues with young people. We do need more powers to control buskers using amplifiers as it annoys people and we get lots of complaints. Most people don't mind acoustic music as long as it doesn't go on for too long in one place.

I've been affected by so much anti social behaviour as nothing seems to be done I hope this will change that!

I've felt threatened walking around Folkestone with intoxicated people around. I have also been verbally threatened and intimidated by, umm, certain groups, who set up temporary accommodation in places like car parks, and also disgusted by the mess they leave behind after they move to a new location.

I HAVE BEEN ASKED FOR MONEY MANY TIMES NEAR THE RAINBOWCENTER AND NEAR ROCKSALT. I FEEL INTIMATED ALSO WHEN PEOPLE BEG BY CASH MACHINES.

Illegal traveller encampment in Cheriton Bowlsclub car park this has had a big impact on the local community due the car park being surrounded by good law abiding tax paying residents who are fed up of these law breakers abusing the system by committing crime, paying no taxes, children not at school etc etc. The council seem to look after the travellers but never have they been to speak to the local residents to ensure they are ok and not at risk.

In Folkestone Town Centre I have been approached by Chuggers and when I have declined they have then sworn at me. In addition, I don't think there is anywhere in the Folkestone area you can go without the smell of 'weed'. It seems to be everywhere!

Lower leas park - campers defecating and attracting rats. Alcohol in the lower Leas park - this is a Childrens area. Beggars in Folkestone - it seems that there is one every

Made to feel vulnerable and unsafe by individuals under the effects of alcohol. Approached continuously by chugger in the high street to the point that I avoid the area. My child's school couldn't use their field due to people camping unauthorised. We moved house due to lots of drunk people and drug dealing happening close to our old house.

Youths drinking in the street and on a playing field. Gypsies setting up camps several times in green areas - all of this in Hawkinge

## Equality Impact Assessment Templates

### Quick Guidance Notes

#### Stage 1. Screening Stage

Stage 1 of the template is classed as the Screening Stage. This should always be completed. **Remember it should be an integral part of policy development not a last minute thought.**

At this stage you should be assessing obvious negative/positive impact or gaps in knowledge about likely impact. It should be a relatively short process which makes use of any previous consultation results, any differences in user satisfaction among groups, personal knowledge and experience, research, reports, existing equality data about service usage, internet searches, internal and external specialist advice, employees with previous experience of similar work, known inequalities etc. **If the likely impact on a particular group is unknown, then action should be taken to acquire this information.**

If the impact is positive (i.e. the outcome will benefit an Equality Group) then no further action is required. If no positive or negative impacts are identified then no further action is required. If the activity has the potential to cause adverse/negative impact or discriminate against different groups in the community it will require a full impact assessment (Stage 2).

In some cases it might be easy to put in place simple adjustments to eliminate any negative impact while you are working through the screening process, especially if you already have clear evidence/consultation and the process is an integral part of your policy development. It should only be done if you are absolutely confident that no other impact will be identified. If you choose to do this you should clearly document the reasons/evidence and put in place monitoring to ensure action is taken if unanticipated impact occurs.

#### Stage 2. Full Equality Impact Assessment Report

Stage 2 of the EIA process guides officers through the full impact assessment process, ensuring that research/consultation with relevant equality groups has been carried out and leads to an action plan aiming to minimise the negative impact/s.

Consultation involves engaging with representatives from equality groups who are likely to be affected by the activity. It could involve engaging with employees and Members, trade unions, other public bodies, voluntary and community groups. It is important to ensure sufficient time and resources are dedicated to the consultation process to encourage full participation. You should refer to the Consultation Toolkit to ensure your consultation follows good practice. The Focus system should also be used and is able to give you information relating to other consultation activities across the council as well as existing groups/volunteers you may be able to access.

#### Take a Proportionate Approach

Your approach to assessing the equalities impact of a policy, strategy or service should be proportionate to the likely impact it will have. Issues you should consider include:

- the number of people likely to be affected
- the size of the budget/amount of money involved
- the extent of the proposed change
- wider public policy implications

This means you will assess more rigorously policies which are likely to have a significant impact on the local community.

**Additional guidance notes to help you through the process are available in the Equality Impact Assessment Guidance Document.**

DRAFT

## Stage 1 and 2 Equality Impact Assessment Templates

Directorate: Strategy, Performance and Communications  
 Service: Community Services

Accountable Officer: Jyotsna Leney and Jess Harman  
 Telephone & e-mail: 01303 853460 / 853524

Date of assessment: 20.02.19

Names & job titles of people carrying out the assessment:

Jyotsna Leney – Community Services Manager and Jess Harman – Community Projects Manager

Name of service/function/policy etc:
Folkestone & Hythe Public Spaces Protection Order (PSPO)
Is this new or existing? New

### Stage 1: Screening Stage

#### 1. Briefly describe its aims & objectives

Folkestone & Hythe District Council is proposing to introduce a PSPO. A breach of the order is a criminal offence reported to the court or the breach being discharged through a Fixed Penalty Notice. Restrictions on the proposed behaviours may have an impact on protected characteristics or other strategic equalities considerations, in particular the safeguarding of children and vulnerable adults, mental well-being and community resilience, and disability. The impact on all factors has been considered as part of this EIA.

Folkestone & Hythe District Council has consulted on a Public Spaces Protection Order (PSPO) for specific areas within the district (consultation took place November 2018 – January 2019).

Data used to identify the types of behaviours within the proposed PSPO has come from the Council and police databases. The data indicates the number of reports from members of the public and officers who have witnessed the behaviours. Use of the PSPO powers and advice given will be recorded in writing and on partner databases. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.

PSPO's give the Council greater powers in relation to dealing with anti-social behaviour in public spaces as identified through the consultation. The PSPO contains 7 measures which are based on current information relating to antisocial behaviour and disorder.

#### The measures are:

- Measure 1: *Control of 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: *Deterring inconsiderate Buskers*
- Measure 6: *Deterring inconsiderate Chuggers*
- Measure 7: *No unauthorised camping in open spaces*

By virtue of Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014, a local authority can make a PSPO if satisfied, on reasonable grounds that the following two conditions are met:

(1) that 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 it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(2) that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice.

**The objectives of this PSPO fit within the vision and aims of the corporate plan. 'Investing for the next generation – delivering more of what matters'. It directly supports the Corporate Plan strategic objective 'Health Matters' and accompanying priority 'Reduce the impact of anti-social behaviour'.**

As part of the Communities Team a service priority is to - implement a new PSPO across the District based on public and member consultation linking with the corporate priorities of - Appearance Matters and Health Matters. It will help support the most vulnerable people in our communities to tackle crime and fear of crime to enable people to feel safe and secure through measures such as tackling Anti-Social Behaviour and designing out crime.

The introduction of the new Public Spaces Protection Order will create safer communities and deter and reduce crime and anti-social behaviour. PSPOs will only be used to protect communities from unwanted anti-social behaviours and shall only be enforceable where there is reasonable evidence to do so. Perpetrators of ASB will be dealt with effectively and the victims of ASB are supported. One of the key aims is to reduce antisocial street drinking and begging which have through the consultation been raised by the local community as having a detrimental effect in the area, their businesses and their lives.

The PSPO does not represent a ban on drinking, rather it allows for a greater control on drinking where it is of a problematic nature (i.e. it is accompanied by anti-social behaviour). This gives the Council and Kent Police the additional powers to tackle the problem in the designated areas where there is associated anti-social behaviour. The PSPO will look at the disruption caused by the minority and it is anticipated that the outcome will be a reduction in some of the behaviours within the PSPO and a better way of life for residents. This will also aim to reduce the demand on the Council and the Police.

All cases will be dealt with on an individual basis and the PSPO will always consider the test of 'reasonable excuse' providing an exemption from the order if the excuse for the behaviour is reasonable.

Those most vulnerable identified through the PSPO process will be offered support and sign posted to appropriate partners where necessary.



The PSPO will also support the regeneration, investment and management of areas within the district.

### It is important to note –

Following changes in the law in December 2017 guidance stated that ‘Public spaces Protection Orders **should not be used to target people based solely on the fact that someone is homeless or rough sleeping**, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community’s quality of life which justifies the restrictions imposed’ (*Anti-social Behaviour, Crime and Policing Act 2014: anti-social behaviour powers. Statutory guidance for frontline professionals*, Home Office, page 51).

Folkestone & Hythe District Council therefore updated the original PSPO from June 2015 in June 2018 to remove the PSPO for rough sleeping. Therefore, this new PSPO does **NOT** target vulnerable and marginalised communities, particularly the homeless and therefore the PSPO does **NOT** explicitly criminalise rough sleeping in the identified areas.

### Measure examples –

**Measure 1** - It is currently an offence to drink alcohol in a public place in the certain areas of the district of Folkestone and Hythe if asked by a council officer/police officer not to do so. Incidents of street drinking (accompanied by anti-social behaviour) take place during the evening economy period from revellers leaving pubs and clubs, or people drinking alcohol in public areas during the day. If necessary, intervention may include signposting to a wide range of support services including GPs, rehabilitation, charities etc. Safeguarding issues are dealt with through agencies established safeguarding practices and referrals into appropriate support agencies. Anyone under-18 found drinking alcohol is committing an offence and the police will take appropriate action.

**Measure 2** – Many complaints have been received and are ongoing in terms of the common behaviours regarding the inappropriate use of public toilets which can fall into three categories: drug misuse, alcohol misuse and sleeping or suspected sexual activity. Drug users and alcoholics often have physical and mental health needs. Toilets provide facilities for a drug user including clean water, adequate lighting, warmth and privacy. FHDC cleansing staff regularly find discarded needles and alcohol containers in the toilets and there have at times been people living in the toilets. Public toilets are not a suitable place for drug users and alcoholics to use to support their addictions. They may fall unconscious or overdose. Clients have easy access to a wide range of support services including GPs, rehabilitation and charities – Rainbow Centre with “wet” facilities, nearby to some of the toilets. In addition drugs paraphernalia found in parks, gardens and alleyways etc. can cause alarm to communities however in these cases where drug users can be intervened with appropriate actions will be taken including signposting to support services. Additionally preventative work carried out in the community to dissuade people from taking drugs in the first place, pointing out the dangers and disrupting supply networks will underpin activity to address this issue as will development work to introduce additional needle drop / exchange services with a focus on public toilets.

**Measure 3** – Urination (and at times defecation) is commonly linked to the consumption of alcohol, whether in the evening economy from revellers leaving pubs and clubs, or people drinking alcohol in public areas. Toilet facilities are available for any person with an equalities consideration, whether during the day (times vary throughout the year based on

decision by FHDC Leader) through the use of public toilets or cafés and restaurants, and during the evening with pubs and clubs having to provide toilet facilities. People with very complex mental or physical health issues may have reasonable excuse, a provision built into the PSPO. This would be assessed on a case by case basis and the situation would be very rare. Urination and defecation in a public place is a public health risk.

**Measure 4** – Those individuals street begging will be discussed at the weekly CSU partners meeting and where homelessness is identified, referred to the Housing team, Porchlight Street Outreach Worker (funded by FHDC) and Multi Agency Rough Sleeper Support group to provide necessary advice and support. The support needs of each individual need to be considered including their housing situation, physical and mental health needs. Their offending behaviour should be assessed and an appropriate plan put in place to move people off the streets and into accommodation and support. Where engagement with the large number of local support services fails, enforcement action may be taken. This approach balances the needs of the individual, principally substance misuse, physical and mental health concerns, with the need to tackle anti-social behaviour, respond effectively to complaints from the public and take action against illegal activities. Research is proven to show that majority of money from begging is spent on drugs and alcohol. Very little is spent on shelter or food. Any child identified would be dealt with under the Kent Police and Council's safeguarding policies and appropriate referrals made to the Kent Children's Safeguarding Board.

**Measure 5** – The Council are not banning busking, but are planning to limit the impact of excessive and repetitive noise supported by any anti-social behaviour associated with busking which is affecting local residents, business, visitors and their quality of life. We plan to work with Council teams such as Economic Development as well as partners, Folkestone Town Council, Folkestone Town Centre Management and Folkestone Area Partnership against Crime (FAPAC) to develop a code of practice for busking and providing effective solutions in responding to particular concerns, including hours permitted, numbers in any location, and use of loudspeaker or amplification equipment. The aim is still to enhance and promote the town centre offer e.g. Through the use of relevant management agreements. We want to continue to make our town centres vibrant and safe place for all to enjoy.

**Measure 6** – The Council are not banning 'Chuggers', but are planning to limit the impact of aggressive and excessive street based fundraising/donations within certain locations, which is affecting local residents, business, visitors and their quality of life. We plan to work with Council teams such as Economic Development as well as partners, Folkestone Town Council, Folkestone Town Centre Management and Folkestone Area Partnership against Crime (FAPAC) to develop management agreement using the a code of fundraising practices protocol for fundraising/donations collections.

**Measure 7** – Many complaints have been received and are ongoing in relation to camping in public spaces which can lead to anti-social behaviour. This can include camping overnight in any vehicle or temporary structure, like a tent, without the pre-agreed approval from the landowner. Complaints are received around structures on local beaches, areas of outstanding natural beauty, local award winning parks, churchyards and other areas which are used on a regular basis by the community including families, older people etc. This measure is to address the need for an effective collaborative approach to the management of unauthorised camping in our district. In addition this measure will aim to clarify the internal working arrangements around unauthorised camping across council departments and services, so that any unauthorised camping can be managed

successfully, swiftly and without detriment to any community. This will also include partnership working with police, health, social care and charitable organisations to agree where possible how the PSPO will be used in terms of anti-social unauthorised camping. Measure 7 will not be in force to target those most vulnerable for example the homeless. Where those who are homeless can be intervened with appropriate actions will be taken including signposting to support services. Additionally preventative work carried out in the community to support the homeless and vulnerable individuals, such as weekly discussions at CSU with the support needs of each individual being considered. Where alternative and more effective legislation is available this would be considered first.

## **2. Are there external considerations? (Legislation/government directive etc.)**

PSPOs were introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 allowing a local authority to introduce a series of measures into a defined locality to combat anti-social behaviour which is having a detrimental effect on the quality of life for those in the local community. This is a legal order that can last for up to three years.

Residents, visitors and staff may be affected by the outcome of the consultation exercise. However, if a PSPO is approved (following Cabinet approval), the specific client groups to be affected will include, street drinkers, street beggars, substance misusers, chuggers, street entertainers and those who camp in unauthorised spaces.

There are a vast range of tools and powers for us to respond to concerns of ASB, however used proportionately and in the right circumstances the PSPO allows the Council to counter unreasonable and persistent behaviour that affects the quality of life of residents.

The use of the PSPO can send a clear message that certain behaviours will not be tolerated and to help reassure residents that unreasonable conduct is being addressed.

Our PSPO will be carefully used alongside other approaches as part of a broad and balanced anti-social behaviour support plan. There are non-statutory solutions, which can be delivered in partnership with Community Safety Partners and other organisations.

This approach will be set out in a comprehensive protocol that will set out how the PSPO will be implemented and applied.

Where there is other more appropriate or effective legislation, or other available tools and powers which can also be used to address certain types of ASB these will be used instead of the need for applying the PSPO such as:

Community Protection Notices (CPNs), Public Order Act, Vagrancy Act, Environmental Act, Housing Act, The Criminal Justice and Public Order Act, codes of practices around busking and the code of fundraising practices (institute of fundraising)

In addition the LGA guidelines on PSPO's and the councils own enforcement policy sets out the approaches to be taken in the application of a PSPO including education, prevention and intervention. These will be set out in the protocol.

There are other civil powers that will be described in the protocol and the Council will look to use awareness raising campaigns, prevention and education initiatives, improved community engagement, signage, posters, as well as offering the support to those exhibiting certain behaviours which are identified as ASB under the PSPO.

FHDC will use the PSPO responsibly and proportionately, only in response to issues that cause anti-social behaviour and only where necessary to protect the public and or residents.

It is important to note that although begging is an offence under the Vagrancy Act 1824, this legislation does not provide an effective deterrent to those who engage in this activity, with courts often imposing the minimum fine

Potential displacement issues following the introduction of this PSPO will be monitored closely. Local businesses have reported that the behaviours being addressed under the PSPO have been having a detrimental on business.

Measure 2 has been introduced to address ASB linked with ingesting new psychoactive substances (NPS). The Psychoactive Substances Act 2016 introduces new legislation regarding the production and supply of NPS, but, unlike controlled drugs, does not criminalise the possession of substances alone ( unless in a custodial institution) The protocol will ensure it is clear what substances are covered or exempted ( The Psychoactive Substances Act 2016 list of substances ).

### **3. Who are the stakeholders and what are their interests?**

Implementation of a Public Spaces Protection Order requires public consultation as set out in the Anti-Social Behaviour Crime and Policing Act 2014. The consultation methodology was approved by Cabinet in November 2018. The public consultation was undertaken between November 2018 and January 2019. As a key stakeholder, the public have helped identify areas of anti-social behaviour that are having a detrimental impact on local residents and businesses quality of life.

Folkestone & Hythe District Council works closely with a broad range of agencies as we recognise there is need for support for those who have problems with mental health issues, substance misuse and homelessness.

A multi – agency approach is needed to deal with all aspects of ASB and the 7 measures covered under this PSPO. This can involve various stake holders depending on need.

These could include and is not limited to:

KCC Social Services, Health Services , Mental Health Services, Kent Police, Charitable organisations such as Rainbow Centre, Porchlight, Voluntary bodies , Court liaison, internal Council departments e.g. Environmental Protection and Enforcement teams, Community Safety teams, Area Officers, Housing / homelessness service, Legal, Planning, Grounds Maintenance , Communications team and Council Members.

Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration. Final approval and sign-off of this PSPO will be undertaken by Cabinet before publication.

There needs to be commitment from partners to ensure the PSPO can be implemented effectively.

### **4. What outcomes do we want to achieve and for whom?**

The introduction of the PSPO will impact on the lives of people who live, work and visit the

district. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address. For example, young people in breach of the order will be referred through safeguarding arrangements when appropriate. Mental health considerations are assessed and referred on a case by case basis and support and early intervention is used prior to more serious enforcement action. This approach is detailed in the Council's Enforcement Policy, available on the council's website.

The PSPO will help reduce crime and antisocial behaviour in the identified areas. Outcomes will vary depending on circumstances, welfare and safeguarding issues, etc. However, it will support a reduction in ASB within the district and a reduction in any detrimental effects caused to our communities.

A robust enforcement protocol will be in place along with a referral pathway to support services, to help those that are most vulnerable as well as sign posting and support.

The welfare of vulnerable persons and victims is paramount and any risks will be identified.

#### **5. Has any consultation/research been carried out or relied upon?**

A wide and in-depth public consultation opened for 6 weeks on 26 November 2018 and closed on 21 January 2019. The consultation was carried out in a number of ways to enable the public to have maximum opportunity to comment and express their views.

This included –

- Access to all documentation and an online questionnaire via the councils website
- Access to hard copies of the documentation from all Town and parish Councils, the Council front desk and Kent Police station.
- Downloadable paper copies of the questionnaire which could be emailed or posted.
- Direct email for comments or letters via a dedicated Community Safety email address.
- Public drop in session 11 January 2019
- Dedicated communications via Facebook, twitter and the council website.
- Media including the local papers and TV publicity via BBC Sunday Politics
- Awareness raising at key meetings and events
- Dissemination through CSP/CSU and other networks

Expert legal advice was sought from a number of sources. Training given to a multi-agency audience incorporated a trawl of best practice.

Attendance at a national conference just prior to the undertaking of the consultation.

Trawling of data and relevant information from partner agencies including the police.

Evidence gather from multi – agency operations, ASB data from KCC Connects portal,

Athena as well as the Councils own M3 complaints system.

Multi-agency communications including homeless forums, weekly Community Safety unit meetings, Community Safety Partnership meetings, awareness raising and communication's to Town and Parish councils, local businesses, residents groups.

Liaised with other Local Authorities with current PSPO's locally and nationally.

Further research is being carried out to look at other powers and different ways to deal

with those likely to be affected by the PSPO avoiding the need to take to court where appropriate.

Consultation responses require some analysis. We may examine the demography of respondents to the consultation. As this can help to gauge whether they are, for example, residents or visitors, and can be useful in determining who is likely to be impacted most by either the problem behaviour or restrictions on behaviour. This will be useful in helping to shape the final Order provisions. There were large numbers of comments also made by members of the public which has yielded intelligence on locations where issues are occurring and any communications messages back to the public on the PSPO will include the need for reporting incidents through the correct channels.

**6. Are there any concerns at this stage which indicate the possibility of inequalities/negative impacts?** (Consider and identify any evidence you have - equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, feedback and issues raised at previous consultations, known inequalities) If so please provide details.

The introduction of the PSPO will impact on the lives of people who live, work and visit the district. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address. For example, pregnant women and disabled people can be denied access to facilities they need such as the public toilets which may contain drug paraphernalia or substance misusers. Young people in breach of the order will be referred through safeguarding arrangements when appropriate. Mental health considerations are assessed on a case by case basis and support and early intervention is used prior to more serious enforcement action.

Restrictions on the proposed behaviours may have an impact on protected characteristics or other strategic equalities considerations, in particular the safeguarding of children and vulnerable adults mental well-being and community resilience and disability. The impact on all factors has been considered.

The assessment makes due regard to whether implementation of the order will:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equalities Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**7. Could a particular protected characteristic be affected differently in either a negative or positive way? (Positive – it could benefit, Negative – it could disadvantage, Neutral – neither positive nor negative impact or Not sure?)**

	<b>Type of impact, reason &amp; any evidence</b>
Disability	Positive – we would address any disability concerns and put additional support measures in place if required through prevention, education and sign posting to relevant services.

	<p>Under 16's will be referred into safeguarding mechanisms and parents/guardians will be spoken with where necessary.</p> <p>Areas will improve in terms of access for those with disabilities.</p>
Race (including Gypsy & Traveller)	<p>Positive - all members of the community are treated fairly and equally regardless of race</p> <p>Neutral – the protocol seeks to ensure that minimum disruption is caused to both the settled community and Gypsies and Travellers whilst ensuring that everyone's rights are respected, and that the legal processes are adhered to.</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p>
Age	<p>Positive - all members of the community are treated fairly and equally regardless of age</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p> <p>Young People – will be referred into safeguarding mechanisms and under 18's parents/guardians will be spoken with.</p>
Gender	<p>Positive - all members of the community are treated fairly regardless of gender</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p>
Transgender	<p>Positive - all members of the community are treated fairly and equally regardless of whether they are transgender</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p>
Sexual Orientation	<p>Positive - all members of the community are treated fairly and equally regardless of sexual orientation</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p>
Religion/Belief	<p>Positive - all members of the community are treated fairly and equally regardless of religion or belief</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p>
Pregnancy & Maternity	<p>Positive – this would be picked up in any welfare assessment carried out they will be referred into safeguarding mechanisms.</p> <p>Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.</p> <p>Areas will improve in terms of access for those pregnant or with</p>

	infants – access to cleaner areas.
Marriage/ Civil Partnership Status	Positive - all members of the community are treated fairly and equally Where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.

**8. Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?**

<b>Homeless</b>	For these vulnerable groups where necessary additional support measures would be put in place through prevention, education and sign posting to relevant services.  Where persistent ASB is being committed by any of these vulnerable groups they would be a priority at CSU meetings under – High risk and vulnerable persons and would have additional target support through this forum to enable a holistic, multi-agency interventions to be applied when dealing with these groups in terms of any further actions for the committed ASB.
<b>Ex-Offenders</b>	
<b>Substance misusers</b>	
<b>UASC</b>	
<b>MISPERS</b>	
<b>Migrants</b>	
<b>Mental Health</b>	

**9. Are there any human rights implications?**

The rights of individuals will be respected and all practices carried out lawfully with robust arrangements for support services, interventions, sign posting referrals and welfare assessment with provision of appropriate support as necessary.

**10. Is there an opportunity to promote equality and/or good community relations?**

Yes –The PSPO can show the improvement to the quality of life for those directly affected by the ASB which will include addressing the needs of those most vulnerable both committing the ASB and affected by the ASB (victims).

Provision of advice and information on support services.

Seeking alternative solutions to the issue of an FPN where appropriate.

**11. If you have indicated a negative impact for any group is that impact legal? (not discriminatory under anti-discrimination legislation)**

N/A

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

Yes

Use of Bailiffs or other services for removing unauthorised vehicles/structures should



measure 7 come into play after being issued with an FPN and after support (including welfare checks) has been offered.

**Please note that normally you should proceed to a Stage 2: Full Equality Impact Assessment Report if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community. (Refer to Quick Guidance Notes at front of template document)**

**13. Is a Stage 2: Full Equality Impact Assessment Report required?**

No

The protocol provides for a fair and consistent service and helps the public and those affected to understand the laws relating to our PSPO and ASB and developments that can affect anyone.

**14. Date by which Stage 2 is to be completed and actions**

N/A

**Please complete**

We are satisfied that an initial screening has been carried out and a full impact assessment **is /is not required\*** (please delete as appropriate).

Completed by: Jyotsna Leney & Jess Harman Date: 22/02/2019

Role: Community Services Manager and Community Projects Manager



Countersigned by Head of Service  
Date: 26/02/19

*Please keep the signed hard copy with your team for auditing purposes and forward an electronic copy to [gavin.edwards@folkestone-hythe.gov.uk](mailto:gavin.edwards@folkestone-hythe.gov.uk) so that it can be published.*

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This Report will be made public on 5 March 2019



Report Number: **C/18/81**

**To:** Cabinet  
**Date:** 13 March 2019  
**Status:** Non- key Decision  
**Responsible Officer:** Katharine Harvey, Chief Economic Development Officer  
**Cabinet Member:** Councillor Collier – Cabinet Member for District Economy

**SUBJECT:** Funding for 2019 Folkestone RAF Air Display

**SUMMARY:**

This report requests approval of £22,000 from the 2019/20 CLT Contingency Fund for a funding contribution to Folkestone Town Council towards the cost of an Air Display in Folkestone, as part of the Armed Forces Day celebrations.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because a funding contribution from the District Council is required for an RAF Air Display in June 2019.

**RECOMMENDATIONS:**

1. To receive and note report C/18/81.
2. To agree to a funding contribution of £22,000 towards the cost of an RAF Air Display in June 2019.

## 1. INTRODUCTION

- 1.1 Folkestone Town Council have been liaising with the RAF to organise an air display in Folkestone on the 30<sup>th</sup> June 2019, as part of the Armed Forces Day.
- 1.2 The Armed Forces Day is an annual event which Folkestone Town Council has organised for a number of years. This year it is proposed to hold an Air Display on the same day as the RAF are offering only a limited number of displays this year and want to ensure maximum impact.
- 1.3 The total cost of the 20 minute RAFAT (Royal Air Force Aerial Team) display is £15,000 and the cost of a varied 1 hour display is £30,000.
- 1.4 Folkestone Town Council has earmarked £10,000 towards this event and has requested a £22,000 contribution from FHDC to enable it to opt for the 1 hour display. These funds would comprise £20,000 towards the air display and a £2,000 contribution towards litter picking before and after the event.
- 1.5 Over the last 3 years Folkestone has hosted an RAF Air Display. These have been considered to be a success, attracting considerable numbers of visitors to the town.
- 1.6 However, last year there were some comments suggesting disappointment at the length of the 20 minute display, which suggests that a display of 1 hour would be more likely to meet visitor expectations. Also, by combining the air display with the Armed Forces Day events (which previously have been two separate occasions) this will also potentially add to the draw of visitors to the town.
- 1.7 Although visitor numbers are not available for previous air displays in Folkestone, recently published figures from Visit Kent highlights the importance of the tourism sector within the district's economy. In 2017 some 4.2 million day visitors came to the district, generating £122.9 million for the local economy, with the average spend per day visitor £30.
- 1.8 An event such as this could attract significant visitor income into the local economy and would also add to the current visitor offer of Folkestone. This would serve to enhance the town's attractiveness as a visitor destination by providing a clear reason for visitors to come to Folkestone during the summer and experience our great destination offer.
- 1.9 The Cabinet is requested to agree to a £22,000 funding contribution to Folkestone Town Council towards an RAF Air Display, which will come from 2019/20 CLT contingency funds.

## 2. RISK MANAGEMENT ISSUES

5.1

Perceived risk	Seriousness	Likelihood	Preventative action
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<p>The opportunity to hold a substantial Armed Forces Day and Air Display event is lost for Folkestone</p>	<p>High – the opportunity to attract substantial numbers of visitors into the town and the resulting income generated is lost; Visitors are disappointed by a limited air display</p>	<p>Low</p>	<p>FHDC agrees to make a £22,000 contribution to enable a 1 hour RAF Air Display</p>
<p>The Air Display event is not organized to the appropriate standard</p>	<p>High – there could be substantial reputational damage to the district council as financial contributors, if the organization of this event is sub standard.</p>	<p>Low</p>	<p>FHDC is ensuring the effective coordination of the Air Display and Armed Forces Day events through regular meetings with FTC and the Air Display organiser.</p> <p>All parties are clear about their responsibilities for the events, including the EventsApp submission requirements and deadline dates</p>

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

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

Subject to Legal Services (a) having had sight of and approving the contract due to be entered into between Folkestone Town Council and the RAF and (b) agreeing to the text of the grant funding agreement due to be entered into between the Council and Folkestone Town Council, there are no legal implications arising directly out of this report.

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

Within the approved Budget for 2019/20 there is £22,000 that has been allocated for the Folkestone Air Display.

### 6.3 Communication Officer's Comments (MR)

The Air Display is a flagship event in the Folkestone calendar and one which draws enthusiasm from the local population as well as visitors from

outside of the district. This funding will enable a 1-hour display which will encourage more visitors and enhance their experience.

**6.3 Diversities and Equalities Implications**

There are no diversities and equalities implications.

**7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

Telephone: 01303 853287

Email: [katharine.harvey@folkestone-hythe.gov.uk](mailto:katharine.harvey@folkestone-hythe.gov.uk)

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