



Agenda

Meeting: **Cabinet**
Date: **21 July 2021**
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.

Due to current social distancing guidelines, only 6 seats are available for members of the public at meetings in the Council Chamber. These seats will be reserved for those speaking or participating at the meeting, and the remaining available seats will be given on a first come, first served basis.

Members of the public are encouraged to view the meeting online if they are not to address the meeting. Meetings will be streamed live to the internet, and can be viewed at: <https://folkestone-hythe.public-i.tv/core/portal/home>. Further information on attending council meetings can be found at [Advice for public attendance](#).

Subject to relaxation of Covid restrictions more seats may be available for members of the public in the council chamber. If allowed under law available seats will be given on a first come, first served basis.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);

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- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 7 - 12)**

To consider and approve, as a correct record, the minutes of the meeting held on 23 June 2021.

4. **District, Parish and Town Council Elections - Kent scale of election fees (Pages 13 - 22)**

This report sets out the annual 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 2021.

5. **Performance Management Framework (Pages 23 - 50)**

The Council's Performance Management Framework was originally created and approved in 2014, with minor amendments being approved by Cabinet in 2017. The Performance Management Framework has been reviewed and simplified to make it more meaningful and useful for officers, elected members and all those who are engaged in the Council's performance management.

6. **Right to Build/Self-Build and Custom Housebuilding Register (Pages 51 - 64)**

The report summaries what is expected of the local authority under the Self-build and Custom Housebuilding Act 2015; the current number of people on the council's Self-Build Register and how the need is identified in the base periods; the actions being taken to help to provide a supply of serviced sites to meet the district's need; the proposed changes to the council's register; and information on the offer of a workshop from the Government's Right to Build Task Force.

7. **Romney Marsh Business Hub grant scheme (Pages 65 - 70)**

This report seeks agreement for Folkestone & Hythe District Council to make use of unallocated reserves from the Marsh Million Fund towards the development of a business grant scheme. This proposal will support the take-up of space within the Romney Marsh Business Hub and is to be launched in September 2021.

8. **Housing Compensation Policy (Pages 71 - 84)**

This report seeks approval of a new policy for the payment of compensation to Council tenants and leaseholders.

9. **Community-Led Housing (CLH) Seed Funding Scheme (Pages 85 - 110)**

This report requests approval for a Council administered Community-Led Housing (CLH) Seed Funding Scheme of £100k. The funds for this would come from the £437,361 awarded to the Council by the Ministry for Housing, Communities and Local Government's (MHCLG) to promote and support CLH in the district.

Community-led housing can help to achieve several of FHDC's strategic priorities and constituents' aims and aspirations. The Seed Funding Scheme is intended to support CLH projects that will increase housing supply by potentially delivering additional, new affordable housing and turn empty properties into housing. It is designed to help community groups deliver housing schemes on land identified by the community, or made available by the local authority/local landowners through sale or long leases. The funding would be used by CLH groups to pursue any model of community-led development for the provision of affordable housing, including Community Land Trusts and Cohousing Projects.

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 23 June 2021
Present	Councillors John Collier, Ray Field, David Godfrey, Mrs Jennifer Hollingsbee (Vice-Chair), David Monk (Chairman), Stuart Peall, Tim Prater, Lesley Whybrow and David Wimble
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Alastair Clifford (Operations Lead Specialist), Gavin Edwards (Performance and Improvement Specialist), Ewan Green (Director of Place), Cheryl Ireland (Chief Financial Services Officer), Amandeep Khroud (Assistant Director), Llywelyn Lloyd (Chief Planning Officer), Susan Priest (Chief Executive), Charlotte Spendley (Director of Corporate Services) and Jemma West (Committee Service Specialist)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 2 July 2021 at 5pm. Decisions not called in may be implemented on Monday 5 July 2021.

8. **Declarations of Interest**

There were no declarations of interest at the meeting.

9. **Minutes**

The minutes of the meeting held on 26 May 2021 were submitted, approved and signed by the Chairman.

10. **Oportunitas Progress report 2021 (up to 31 March 2021)**

The report provided an update from the Board of Oportunitas Ltd (“the company”) on its provisional financial outturn and activities undertaken for the financial year ending 31 March 2021 and is in-line with the requirement contained in the Shareholder’s Agreement between the company and the Council.

Proposed by Councillor Monk,

Seconded by Councillor Mrs Hollingsbee;

RESOLVED:

1. That report C/21/12 be received and noted.
2. That the provisional financial outturn for Oportunitas Ltd for the period from 1 April 2020 to 31 March 2021 be noted.
3. That the disposal of land adjacent to 84 Leyburne Road, Dover be noted and approved, and delegated authority be given to the Director of Housing & Operations to proceed with the sale achieving best value for the company.
4. That the waiving of clause 3.3 defined in the fixed charge (set out in section 4.8 of this report) on proceeds raised from a potential sale of land adjacent to 84 Leyburne Road, Dover and be approved, and the company be authorised to retain it for future investment purposes.

(Voting figures: 9 for, 0 against, 0 abstentions).

REASON FOR DECISION:

Cabinet was asked to agree the recommendations because Oportunitas Ltd (“the company”) is required to provide regular updates to Cabinet as set out in the Shareholder’s Agreement between the company and the Council.

11. **Annual performance report**

The report set out how the Council has delivered for local people in the district in 2020-21 in response to the previous Corporate Plan (2017-20) vision of *investing for the next generation ~ delivering more of what matters*.

This report had been considered at the meeting of the Finance and Performance Scrutiny Sub-Committee held on 15 June 2021.

Proposed by Councillor Peall,
Seconded by Councillor Wimble; and

RESOLVED:

1. That report C/21/11 be received and noted.
2. That the Annual Performance Report 2020-21 be approved.

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The Annual Report highlights the activities and achievements of Folkestone & Hythe District Council in 2020-21 against priorities set out in the previous 2017-20 Corporate Plan.

12. **General Fund Capital Programme Outturn 2020/21**

The report summarised the 2020/21 final outturn position (subject to audit) for the General Fund capital programme compared to the latest approved budget. The report also summarised the outturn position for the approved prudential indicators for capital expenditure in 2020/21.

This report had been considered at the meeting of the Finance and Performance Scrutiny Sub-Committee held on 15 June 2021.

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

RESOLVED:

- 1. That report C/21/08 be received and noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

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

13. HRA Revenue & Capital 2020/21 Provisional Outturn

The report summarised the 2020/21 provisional outturn position (subject to audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 4 projections.

This report had been considered at the meeting of the Finance and Performance Scrutiny Sub-Committee held on 15 June 2021.

Proposed by Councillor Godfrey,
Seconded by Councillor Mrs Hollingsbee;

RESOLVED:

- 1. That report C/21/10 be received and noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because it is essential they are kept informed of the Housing Revenue Account final 2020/21 position.

14. General Fund Revenue 2020/21 Provisional Outturn

The report summarised the 2020/21 final outturn position (subject to audit) for the General Fund revenue expenditure compared to both the latest approved budget and quarter 4 projections.

This report had been considered at the meeting of the Finance and Performance Scrutiny Sub-Committee held on 15 June 2021.

Proposed by Councillor Monk,

Seconded by Councillor Collier; and

RESOLVED:

1. That report C/21/09 be received and noted.
2. That £393k of unspent 2020/21 budgets be allocated to the Carry Forward Reserve, as detailed in paragraph 2.7 of the report.

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because Cabinet needs to be informed of the council's General Fund revenue 2020/21 final outturn position.

15. Customer Access Point (CAP)

The paper considered establishing a new Customer Access Point (CAP) initially within the Civic Offices and subsequently within Folca in Folkestone town centre. It considered the nature of service provision and also updated members on the discussions with the Department for Work and Pensions (DWP).

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

RESOLVED:

1. That report C/21/15 be received and noted.
2. That the service delivery approach for the new CAP be agreed;
3. That the initial establishment of the CAP at the Civic Offices be agreed;
4. That the future intention to locate the CAP at Folca be agreed;
5. That officers, in consultation with the Portfolio Holder for Digital Transformation, prepare and establish a CAP at Folca;
6. That officers, in consultation with the Portfolio Holder for Digital Transformation, continue discussion with the DWP to provide services from Folca;
7. That the comments from Overview and Scrutiny Committee as set out in paragraph 2.8 be noted;
8. That the estimated cost of the initial launch and subsequent move can be met from the overall agreed budget of £250,000 for civic office feasibility work.

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations so that the council could launch a new Customer Access Point, initially at the Civic Offices before moving to Folca, and continue discussions with the DWP to co-locate at the Folca site.

16. Romney Marsh Coastal Destination including Beach Chalet Project

The Marsh coastal areas are much loved throughout the summer season and welcome large numbers of tourists as well as providing recreational space to local residents. Like all areas of Folkestone & Hythe's District, numbers have increased year on year and increasingly during the Pandemic. Managing these numbers, whilst actively promoting and supporting the areas moving forward is important.

The report details the request for an additional £518,000 in capital funding to deliver the proposed project consisting of beach huts, toilet facilities including a changing places toilet, a concession/café, car parking facilities and public realm improvements that will link with New Romney Town Councils "The Green" area to create a true visitor destination. The project also delivers a surplus revenue to the council from year one and continuing throughout the 25 year lifetime of the scheme.

Proposed by Councillor Collier,
Seconded by Councillor Wimble; and

RESOLVED:

- 1) That report C/21/13 be received and noted.
- 2) That the scheme detailed in the report be approved.
- 3) That the £375k in this year's capital budget for two schemes be used exclusively on this project.
- 4) That a report be submitted to Full Council in July to ask for additional funding of £518k to deliver the outlined scheme,
- 5) That officers proceed with a grant funding application to NDA/Magnox to support the project should initial discussions be positive.

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The investment into Coast Drive Car Park will create a Coastal Destination, boost tourism and business on the Marsh whilst providing an important revenue stream into the council. This project shows an investment into the Marsh by the council and with the proposed long term actions presents an exciting opportunity for not just the Marsh but the whole district.

17. Otterpool Park Garden Town - Planning Application Handling

The report set out for approval proposed updates to the administrative arrangements for the handling of the planning application for Otterpool Park Garden Town following a recent court case and makes a recommendation for future handling arrangements.

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

RECOMMENDATIONS:

1. That report C/21/14 be received and noted.
2. That the updated handling arrangements contained in appendix 1 for the Otterpool Park Garden Town application (and all post application matters) be approved;
3. That the Monitoring Officer be authorised to make minor or consequential amendments to the arrangements if necessary to keep it up to date;
4. That the Director of Place be authorised to approve future handling arrangements in the same or similar form where the Environmental Impact regulations apply and the Council is both the applicant and the Local Planning Authority.

(Voting figure: 7 for, 0 against, 2 abstentions).

REASONS FOR DECISION:

In order to ensure that the administrative arrangements for handling the Otterpool Park Garden Town application are updated to meet the requirements as recently set out in a court judgement, Cabinet is asked to approve the arrangements.

This Report will be made public on 13 July 2021



Report Number **C/21/18**

To: Cabinet
Date: 21 July 2021
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 the annual 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 2021.

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/21/18.

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 and by-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 2021.

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 2021/22 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. the present maximum charge per 500 electors or part in a contested election for the employment of persons in connection with the counting of votes, clerical and other assistance required by the Returning Officer is £78.13.
- 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 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.
- 2.6 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:

Perceived risk	Seriousness	Likelihood	Preventative action
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.

4.4 Climate Change Implications (AT) *[Pilot reporting period]*

No climate change 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 and Elections Lead Specialist

Tel: 01303 853188

Email: 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 2021

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 1st April 2021

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. In order to ensure consistency the Kent AERO's scale reflects the KCC 2021 Scale and is usually in line with the NJC increase
4. The Kent AEROS' scale has been uplifted by 2% in line with KCC Scale of Fees as the NJC awards are yet to be agreed.

	Item	Current 2020 £	Proposed 2021/22 £
Stationery and Equipment			
1.	Printing and publishing all notices, forms and other documents, providing stationery and sundries, and other miscellaneous expenditure including postage, telephone calls and faxes		
2.	Stationery and equipment at each polling station, including depreciation	Reasonable and appropriate cost	Reasonable and appropriate cost
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
Travelling expenses			
9.	Travelling expenses to DRO's staff to make arrangements for the poll or otherwise in connection with the conduct of the election	48p per mile	49p per mile
10.	Presiding Officer travelling expenses	15.32	15.63
11.	Poll Clerk travelling expenses	8.90	9.08
12.	Travelling expenses for staff in connection with the counting of votes, at the discretion of the DRO	8.90	9.08

Polling Station Staff			
13.	One Presiding Officer at each Polling Station – single election	223.35	227.82
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))	274.37	279.86
15.	For a PO who acts as a supervisor at a Polling Place where there is more than one Polling Station	(additional) 10.82	(additional) 11.04
16.	Supervising Officer (SO) – for every 10 polling station overseen	223.35	227.82
17.	For each Poll Clerk (PC) at a Polling Station – single election	139.52	142.31
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))	165.91	169.23
19.	For each training session provided by the DRO for Presiding Officers, Poll Clerks or count staff	191.47	195.30
20.	For each Presiding Officer and Poll Clerk attending training	49.58	50.57

21.	An allowance for each polling station to have available a mobile phone on polling day	5.36	5.47
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	78.13 (per 500)	79.69
23.	For the employment of persons in connection with the issue and opening of postal ballot papers – for each 100 postal voters or part	76.58	78.11
24.	For the recount of votes – for each 500 electors or part	4.50	4.59
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. without District/Borough) for each 500 electors (or part)	60.52 (per 500)	61.73 (per 500)
(b)	Contested joint election (i.e. with District/Borough) – for each 500 (or part)	30.26 (per 500)	30.87 (per 500)
26.	Contested single election – payment to DRO for	33.82	34.50

	the management and conduct of the election – for each 500 electors or part		
27.	Contested joint election – payment to DRO for the management and conduct of the election – for each 500 electors or part	46.70	47.63
28.	For each Counter attending training	16.07	16.39
29.	For each Count Supervisor and Count General Assistant attending training	32.15	32.79
30.	Reasonable refreshments for staff involved in the verification and count	Maximum £5.25 per head	Maximum £5.36 per head
31.	Payment to District/Borough Council for the use of Council staff at an uncontested election – for each 500 electors or part	16.69 (per 500)	17.02 (per 500)
32.	RO fee for the conduct of elections as follows:		
(a)	Uncontested District/Borough election – single fee	57.92	59.08
(b)	Uncontested Parish election – single fee	19.85	20.25
33.	For clerical and other assistance required by the Returning	21.25	21.68

	Officer at an uncontested election – for each 500 electors (or part)		
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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. **Items 10, 11 and 12** – variable mileage rates may be applied where fixed travel is considered appropriate.
4. **Item 24** – in special circumstances, the RO may recover actual costs
5. **Item 31** – the payment referred to applies (in the case of a parish election) to each ward of the parish.

This Report will be made public on 13 July 2021



Report Number **C/21/25**

To: Cabinet
Date: 21st July 2021
Director: Charlotte Spendley – Director of Corporate Services
Cabinet Member: Cllr David Monk – Leader of the Council

SUBJECT: Performance Management Framework

SUMMARY: The Council's Performance Management Framework was originally created and approved in 2014, with minor amendments being approved by Cabinet in 2017. The Performance Management Framework has been reviewed and simplified to make it more meaningful and useful for officers, elected members and all those who are engaged in the Council's performance management.

REASONS FOR RECOMMENDATIONS:

- a) Effective performance management is critical to the success of the Council.
- b) The Council is committed to managing its performance against corporate plan priorities to ensure progress and improvement is maintained.

RECOMMENDATIONS:

- 1. To receive and note report C/21/25.
- 2. To approve the revised Performance Management Framework (Appendix 1 to this report).

1. BACKGROUND

- 1.1 The last major review of the Council's Performance Management Framework was in 2017.
- 1.2 Since the framework was adopted by Cabinet in 2017, the Council has made fundamental changes to the ways in which services are provided in response mainly to the diminishing resources and increasing demands for services. This means that the current framework does not quite reflect all that the Council actually does and includes areas of work that the council no longer undertakes. The Council is also working harder to identify additional resources, working closely with our partners on joint projects. There is also a need to simplify the framework, particularly in light of the Council's recent transformation programme, to make it more meaningful and useful for officers, elected members and all those who are engaged in the Council's performance management.
- 1.3 The framework sets out the Council's performance management approach, the systematic plan-measure-report-review cycle; introduces the notion of "golden thread"; defines processes and procedures for performance management; and identifies responsibility and accountability for each stage of performance management.
- 1.4 The framework also includes updated references to the Council's new corporate plan '**Creating Tomorrow Together**' as well as expectations around the style and behaviour of managers.
- 1.5 While the Council's Overview and Scrutiny Committee holds Cabinet to account and supports the delivery of Council priorities and core services, the ultimate responsibility for performance management lies with Cabinet.
- 1.6 The Performance Management Framework has been reviewed and simplified to reflect the Council's current practice and make it more meaningful for the users. The revised framework is attached as Appendix 1 to this report.
- 1.7 Specifically, the revised Framework:
 - Clearly defines why performance management is important to the Council;
 - Introduces a systematic approach to performance management, the plan-measure-report-review cycle;
 - Succinctly describes the levels at which the plan-measure-report-review approach applies;
 - Brings the Medium-Term Financial Strategy and Project/Programme management into the framework;
 - Strengthens the need for performance management arrangements when the Council works with partners and commissions services; and
 - Sets out responsibility and accountability for performance management.
- 1.8 The Data Quality Strategy was last reviewed in 2017 and continues to reflect current working practices. Therefore, no changes have been made, with

exception of job titles. The Data Quality Strategy is provided for information as Appendix 2 to this report.

- 1.9 The draft framework and supporting data quality strategy has also been considered by the Overview and Scrutiny Committee on 1st June 2021.

2. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
The Council's strategic objectives and priorities are not met.	High	Medium	Monitoring performance against the strategic objectives and priorities outlined in the Corporate Plan.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 3.1 **Legal (NM)** - There are no legal implications arising directly from this report.
- 3.2 **Finance (LW)** - There are no financial implications arising directly from this report.
- 3.3 **Human Resources (RB)** - There are no direct Human Resource implications emanating from this report. The council has a People Strategy in place to support the corporate plan. Associated people management activities to monitor, manage and enable performance and continuous improvement are noted in the body of the Performance Management Framework.
- 3.4 **Equalities (GE)** - There are no equalities implications arising from this report.
- 3.5 **Communications (JW)** - There are no external communications implications arising out of this report.
- 3.6 **Climate Change Implications (AT) [Pilot reporting period]** - There are no climate change implications arising directly from this report. The Performance Management Framework sets out how the council's internal 'plan-measure-report-review' cycle operates and the framework is an amendment to the existing document created in 2014 and amended in 2017

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

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Appendices

Appendix 1: Draft Performance Management Framework

Appendix 2: Data Quality Strategy

Performance Management Framework (Draft)

May 2021



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1. Introduction

- 1.1 In the current context of financial pressures, rising demand and increasing expectations, it is more important than ever that the Council knows that what we spend and what we do is having an impact on outcomes, and that we 'know and manage our business' effectively, collectively and at service level.
- 1.2 This document sets out the Council's approach to monitoring and managing the performance of the Council's services. The aim of this Performance Management Framework (PMF) is to keep the Council on track and focused on delivery of its key priorities, by providing elected members, managers and staff with the information and tools they need to deliver high-quality and high-performing services which help to achieve good outcomes for residents.
- 1.3 This framework also demonstrates this commitment to our customers, residents, businesses and other stakeholders, helping to meet one of the new Corporate Plan's guiding principles of transparency, stability, accountability and accessibility (see Section 2).

2. Scope

- 2.1 In February 2021, the Council introduced its new Corporate Plan 'Creating Tomorrow Together' (2021-2030), setting out its ambitions over the next nine years to make Folkestone & Hythe district an even better place to live, work and visit. The plan is designed to ensure the council focuses its resources on what matters and that our residents can hold us accountable. In the face of challenges brought about by the COVID-19 pandemic, the plan is also designed to focus on priorities over the next three year period that will help contribute to building a sustainable recovery for the district.
- 2.2 The plan outlines four service ambitions that set out key priority areas for action and six guiding principles that will guide the work we do. Figure one set out on the right provides an overview of how the plan's components link together.

Figure 1: Corporate Plan 2020-31 Vision, Service Ambitions and Guiding Principles



2.3 The culture of our organisation is influenced by the style and behaviours staff at all levels adopt. These standards give a clear indication of the behaviours which are expected of staff and underpin our core values. Our core values set out in Figure 2 below strengthen delivery of this performance framework, by encouraging staff to examine their own performance, the performance of their teams and the wider service, and how their work contributes to the overall performance of the organisation.

Figure 2: Our Core Values



2.4 Performance management encompasses everything the Council does and it is everyone’s job. This framework applies to all employees. In these times of reducing budgets and increasing demand for Council services, the need for effective performance management has never been greater, as this allows us to:

- Help improve the services and outcomes for our citizens and customers
- Prioritise our goals and allocate our diminishing resources effectively, while identifying opportunities to secure additional resources, particularly working in partnership with other organisations
- Ensure everyone is clear about their role and accountable for delivering the principles and priorities set out in the Corporate Plan.
- Ensure value for money
- Motivate and engage staff
- Work more effectively with other parties, e.g. partners and contractors

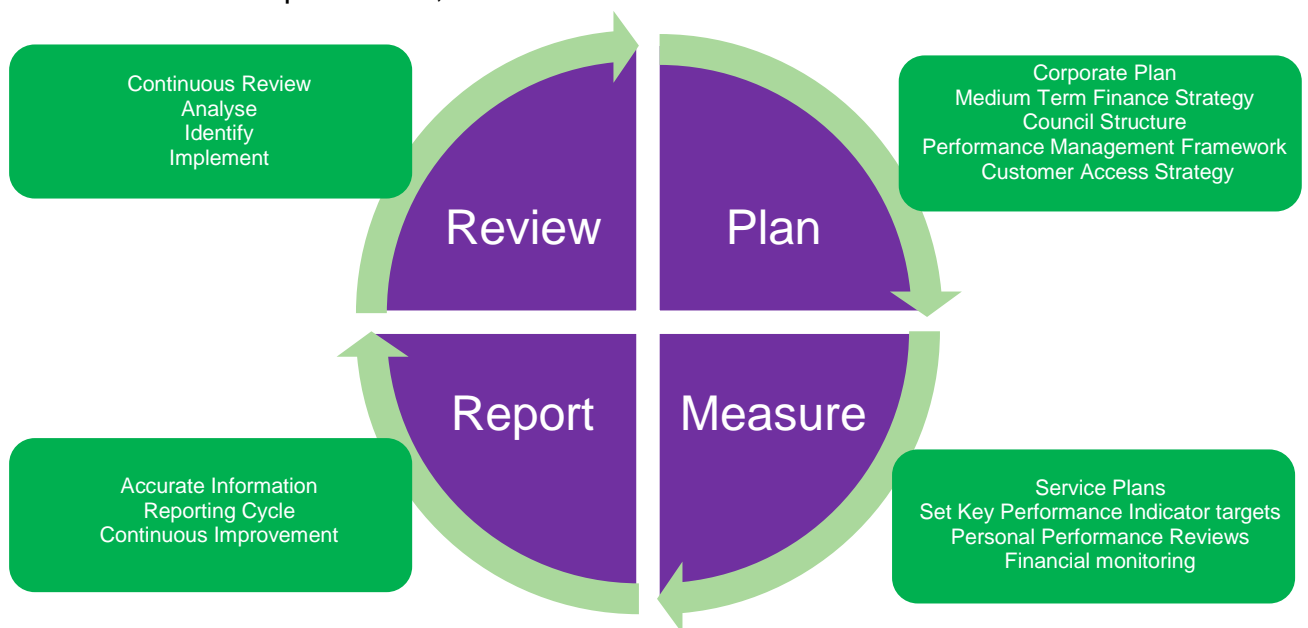
2.5 Effective performance management requires:

- Strong leadership at all levels which is consistent and fair and challenges ‘blame culture’
- Commitment to the accountability that has been assigned to individuals
- The right information reaching the right people at the right time so that decisions are made and actions are taken

- Ongoing evaluation, review and learning to help improve future performance
- The ability to identify and commit to rectify poor performance at an early stage
- An understanding of the difference between data and intelligence, information and analysis
- Comprehensive, but not complicated, intelligence and analysis to inform improvement actions.

3. Design

- 3.1 Monitoring performance helps the Council demonstrate that it is making the best use of resources to deliver efficient and effective services to the community.
- 3.2 For the PMF to be effective it must reflect the Council’s priorities and be fully integrated into business and service planning. Put simply, if the Corporate Plan outlines *what* we will deliver, this framework explains *how* we will deliver.
- 3.3 The key elements of performance management draw together work that the Council is already engaged in, in such a way that elected members and senior management can see the progress being made towards achieving the Council’s priorities.
- 3.4 Performance management in the Council comprises the systems, processes, information and governance which enable Councillors, managers and staff to identify, assess, challenge and intervene to address problems with performance. Effective performance management enables and prompts action to be taken to help deliver the Council’s key priorities and the outcomes we want to achieve.
- 3.5 The process, illustrated in the diagram below, is based on a cycle of continuous review and Improvement, which this PMF aims to describe.



4. Plan

4.1 Corporate Plan

The Corporate Plan ‘Creating Tomorrow Together’ 2021-30 sets out the Council’s vision over the next nine years to make Folkestone and Hythe an even better place to live, work and visit. For each of the plan’s four service ambitions, the Council has committed to a number of priorities that it will work towards over the next three years to deliver a sustainable recovery for the district in the wake of the COVID-19 pandemic (see Figure 3 below). The Corporate Plan’s vision, service ambitions and priorities have been developed by Members and officers and have been amended through consultation with residents, local groups, partner organisations and other stakeholders.

The priorities set out in the corporate plan will be supported by an action plan that sets out specific high level actions and activities to measure as well as identifies what the council will achieve by the time the plan is comprehensively reviewed in 2024. An annual progress report will be presented to Corporate Leadership Team and Members on delivery against corporate service ambitions, alongside half yearly performance reporting.

Figure 3: Corporate Plan 2020-31 service ambitions, three year priorities and guiding principles

Creating Tomorrow Together: Corporate Plan 2021-30



As well as providing an update on progress, reporting aims to provide senior managers and councillors with key information, in particular with regard to:

- Setting out what future activity is planned to deliver the priorities.
- Being clear about whether the Council will hit, miss or exceed its priorities.
- Highlighting where the Council may fail to meet its priorities and the reasons why.

4.2 Medium Term Finance Strategy (MTFS)

The financial management of the organisation is well developed and is well integrated with the wider performance management framework. This is done in the following ways:

- The MTFS is the council’s key financial planning document and is closely linked to the Corporate Plan. It outlines the financial perspective on the council’s Corporate Plan objectives and priorities. The MTFS is a key element of sound corporate governance and financial management.
- An annual review is undertaken of the MTFS which is agreed by senior management and members.
- There is an annual budget strategy which is approved by Cabinet each year and feeds into the detailed budget approval process. The budget strategy sets out the timetable for preparing the budget, gives an overview of current financial difficulties facing the council and includes proposed actions to help mitigate them. General fund revenue growth and savings are put forward for approval, as part of the budget strategy.
- The annual budget and council tax precept are approved by Full Council in February each year.

4.3 Council structure - roles and responsibilities

The structure of the Council supports delivery of the Corporate Plan at every level. Elected members, Corporate Leadership Team and Senior Managers have a key role to play in leading performance management, holding managers and staff to account, and driving improvements in performance.

Elected Members	<ul style="list-style-type: none"> • Elected members are ultimately accountable to residents for the overall performance of Council services. • Cabinet determine the policies, priorities and projects that will be undertaken by Services each year. • Portfolio Holders are actively involved in reviewing performance in relation to their portfolio. • Each Finance & Performance Sub Committee takes regular reports on performance. Committee Members challenge Lead Members and Officers and may request further in-depth information on specific topics.
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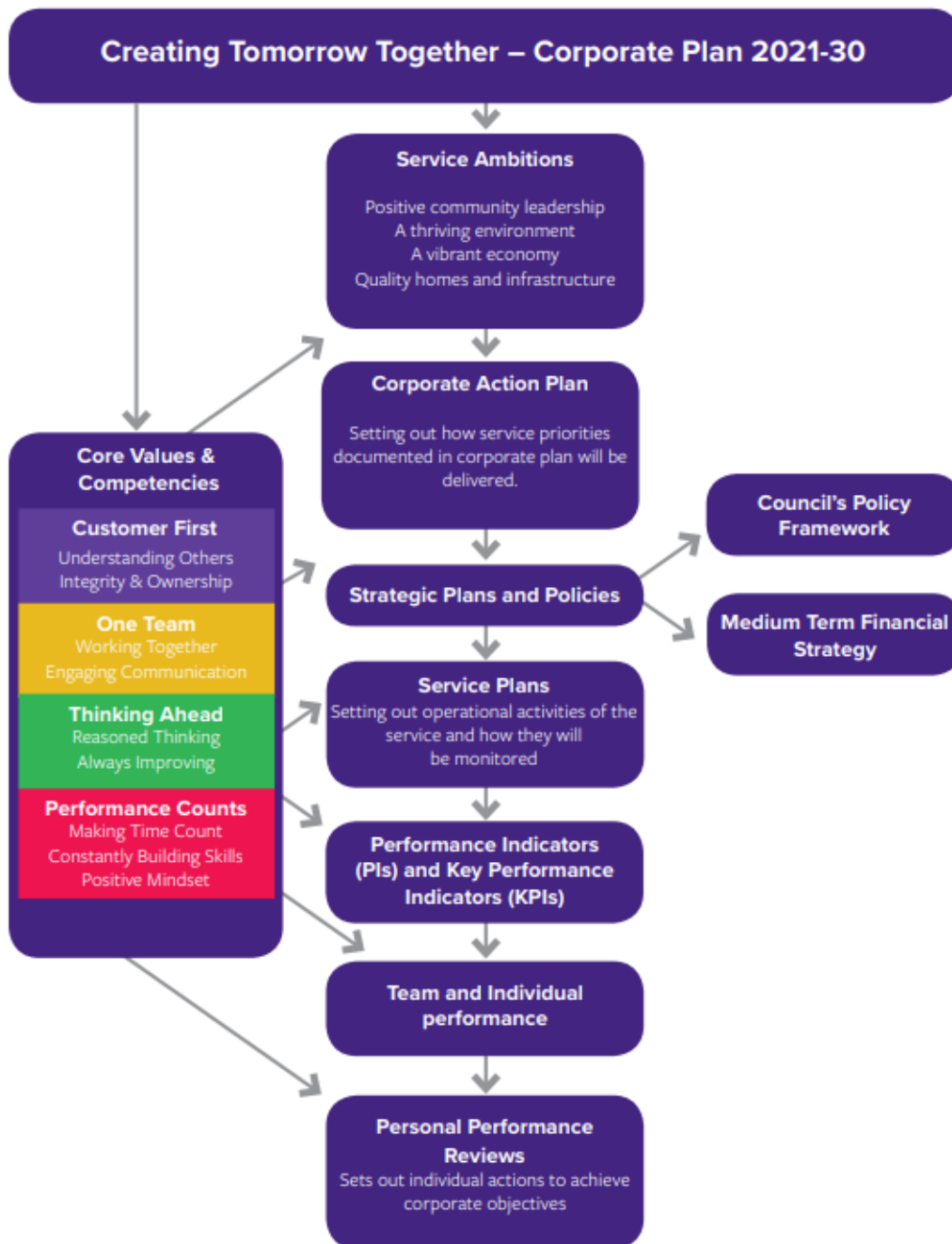
Corporate Leadership Team (CLT)	<ul style="list-style-type: none"> • CLT advise Members regarding the setting of strategic direction and performance priorities. • Approve the Performance Management Framework for the Council and arrangements for implementation. • Receive and consider regular reports on performance of services across the Council against key priorities. • Consider and agree actions and interventions required to address key performance issues.
Assistant Directors / Chief Officers	<ul style="list-style-type: none"> • Assistant Directors/Chief Officers set targets and standards for performance within their areas of responsibility in consultation with the Portfolio Lead Member, and identify and manage strategic and operational performance issues and opportunities facing the Council. • Performance is regularly discussed and challenged with Managers and Team Leaders. • Responsibility for ensuring that their Directorate has effective data processes for monitoring performance indicators and ensuring that operational responsibilities for data quality have been delegated to individuals.
Managers	<ul style="list-style-type: none"> • Managers are responsible for the overall operational performance of their service and for the contribution it makes. They are responsible for contributing to the integration of performance management into their area and for ensuring the quality of the data that is recorded and reported within their areas of responsibility. • Where performance targets/standards are not achieved, Managers are required to explain this and provide time bound remedial actions. • Managers are required to provide assurance on the effectiveness of controls in place to mitigate/reduce poor performance in their service and ensure the involvement of staff in setting relevant and appropriate targets through the annual service planning and appraisal process.
Team Leaders	<ul style="list-style-type: none"> • All levels of staff with managerial responsibility are responsible for the operational performance of their team and for the two-way communication of corporate initiatives and performance issues. • Team Leaders are responsible for ensuring their staff have regular appraisals and review of the training and skills needed to carry out their jobs. They should also ensure that their staff have access to and are familiar with corporate and service area policies and procedures on performance management and data quality.
Individual staff	<ul style="list-style-type: none"> • All staff have a responsibility to manage their own performance. A new competency framework was introduced in 2018 and outlines a set of behaviours which support the Council's Core Values. • Each member of staff will be set specific targets as part of their appraisal each year including review of relevant training / personal development needs. Appraisals are subject to a six month review. • Formal procedures exist to address continual and serious cases of under-performance.

Residents and the community	<ul style="list-style-type: none"> Local people are able to monitor and review the Council's services performance by accessing published performance information on Council services. Data is publically available providing residents, businesses and the local community the opportunity to hold the Council to account for its performance.
Corporate contracts	<ul style="list-style-type: none"> The Corporate Contracts team ensure best value in procurement activities and monitor the delivery of the Council contracted services.
Project Sponsors and Project Managers	<ul style="list-style-type: none"> For major corporate projects, the Council appoints a senior manager to act as Project Sponsor and an officer to act as Project Manager. The role of the Project Sponsor is to provide strategic direction and resolve major issues as they arise. The Project Sponsor is also accountable for the success of the project. The Project Manager oversees the day to day work on the project including the input of different team members and ensures the appropriate documentation is maintained.
Strategy, Policy and Performance	<ul style="list-style-type: none"> The Strategy, Policy and Performance team provides performance management and data quality within the Council by co-ordinating the corporate approach to performance management and business planning. The team provides support and guidance to Corporate Leadership Team, Assistant Directors, Chief Officers, Managers and Team Leaders in delivering the Performance Management Framework, and on elements such as performance indicators, project tracking, monitoring of achievement against corporate priorities, benchmarking, insight research, statutory returns and inspection requirements. Responsible for reviewing the Council's corporate performance management framework. Ensures corporate performance information is regularly reported to senior management and councillors. Publishes performance reports so the information can be scrutinised by members of the public

4.4 Performance Management Framework

To understand how performance management works at the Council, it helps to see how the Council's corporate priorities for the district are cascaded throughout the organisation (see our '**golden thread**' below). Through all the Council's work there is the continuous presence of our core values and staff competencies. These ensure all staff work towards delivering the corporate objectives.

FHDC Performance Management Framework – Golden Thread



4.5 Customer Access Strategy

The Customer Access Strategy focuses on the ways both internal and external customers' access and transfer information. The strategy takes into consideration customers' feedback to develop and implement plans to improve the way in which the Council delivers and receives day to day information about the services it provides. A key focus of the strategy is to utilise resources effectively to deal with the more complex cases and the more vulnerable customers who need our help. The strategy also sets out the council's principles in delivering customer service for its residents.

The Council manages the performance of its customer service in the following ways:

<p>Customer Service Excellence Accreditation</p>	<ul style="list-style-type: none"> • Customer Service Excellence (CSE) is an accreditation tool to drive customer focused improvement in service delivery. It does this by assessing an organisation's service delivery to both external and internal customers. The council has retained this accreditation since 2013. • As part of the accreditation all council services have been assessed and have achieved the CSE award and compliance plus for 15 areas. Each accreditation period is for three years and services are reassessed every 12 months to provide an opportunity for continuous improvement. The CSE Accreditation is due to be reviewed again in September 2021.
<p>Customer Satisfaction</p>	<ul style="list-style-type: none"> • A number of service areas across the Council monitor customer satisfaction levels. Some particularly customer-focussed services have specific requirements set out in regulation e.g. in Central Government's Social Housing 'White Paper'. Where this is the case, these are reflected in our Corporate Plan.
<p>Customer Feedback and Complaints</p>	<ul style="list-style-type: none"> • The Council uses general customer feedback as well as formal complaints to identify areas for improvement. Formal feedback and complaints received by the Council are logged centrally and where relevant appropriate action is taken to address any issues or concerns. • There is a process in place for dealing with formal complaints. The first stage is a local investigation by the manager of the relevant service area; and the second stage is a formal investigation by an independent manager. If the complainant is not satisfied with the response, then at this stage there is the opportunity to take the complaint to the Local Government Ombudsman or Housing Ombudsman Service. The Customer Feedback and Complaints policy is available on the Council's website.

5. Measure

5.1 Service Plans

It is vital that the objectives and priorities in the Corporate Plan are effectively communicated through the organisation. To achieve this each service area develops an annual service plan which includes:

- Service priorities
- Performance Indicators (PIs) that will be monitored to deliver each service priority.

Service plans are reviewed every 6 months to monitor progress against the service priorities.

Service plans are linked to individual work plans and targets through the formal appraisal process. This process relates to all posts in the Council. This assists in ensuring that the achievement of targets by individuals is monitored and appraised regularly.

5.2 Set Key Performance Indicator targets

Being able to measure performance is key to managing performance, as only by devising appropriate measures can we properly monitor progress. The Council has two types of indicators; Key Performance Indicators (KPIs), which directly relate to the strategic objectives set out in the Corporate Plan, and Performance Indicators (PIs) which are operational or service specific.

KPI monitoring happens at Corporate Leadership Team, Finance & Performance SubCommittee, Cabinet and at service level where KPIs are devised that will be used to assess achievement, by indicating how a particular objective is progressing towards defined targets.

When determining which indicators to monitor and the target levels of performance required, the Council takes the following into account:

- Impact of service delivery on customers and residents.
- The state of the economy and likely impact on demand for services.
- The Corporate Plan, strategic direction and matters arising from its review.

Targets can take many forms; they may be statistical such as a specific number, value or weight, have a clear time frame or completion date, or relate to a recognised industry standard of excellence, Government guidance or legislative requirement.

Most importantly, the target must be both relevant to the indicator being measured and achievable. Targets set too high will result in apparent under-performance, whilst targets set too low undermine the monitoring process. Historical data may be of use to benchmark against for future results, but only in the context of the current environment. Last year's results are not necessarily any guide to future outputs.

5.3 Personal Performance Reviews

An important part of the Council's Performance Management Framework is people management – attracting and developing staff with the right skills, knowledge and core competencies to deliver excellent services.

Personal Performance Reviews (PPRs) assist in ensuring that the achievement of targets by individuals is monitored and appraised regularly. The process incorporates:

- Achievements since the last PPR and comment on the extent to which the targets set have been achieved.
- A review of the skills, knowledge and experience required to do the job and the performance achieved in each of these areas. This should include

reference to work quality, work quantity, interpersonal skills and communication skills. This will assist in addressing any gaps in job knowledge that may be affecting performance.

- Competency and the way in which tasks and objectives are achieved.
- The training, learning and development needed to support progress.
- Priorities and goals for the next 12 months should be set out in an action plan, which should be reviewed every 6 months to ensure it is still relevant.

The activity and performance of individuals should be frequently reviewed with informal 1-2-1's with their line managers. This is an opportunity to discuss the work programme for the individual and address any concerns.

Excellent or poor performance within the organisation is identified and addressed in the following ways:

- Poor performance will be dealt with either by learning and development interventions, capability reviews or the disciplinary process.
- Excellent performance is recognised through the council's system of honorariums, accelerated progression through the salary scale or through the FHDC Recognition Scheme.

5.4 Financial Monitoring

The financial management of the organisation is well developed and is well integrated with the wider performance management framework. This is done in the following ways:

<p>Medium Term Financial Strategy (MTFS)</p>	<ul style="list-style-type: none"> • The MTFS is the council's key financial planning document and is closely linked to the Corporate Plan. It outlines the financial perspective on the council's Corporate Plan objectives and priorities. The MTFS is a key element of sound corporate governance and financial management. • An annual review is undertaken of the MTFS which is agreed by senior management and members.
<p>Annual budget setting process</p>	<ul style="list-style-type: none"> • There is an annual budget strategy which is approved by Cabinet each year, this feeds into the detailed budget approval process. The budget strategy sets out the timetable for preparing the budget, gives an overview of current financial issues facing the council each year and includes proposed actions to help mitigate them. General fund revenue growth and savings are put forward for approval, as part of the budget strategy. • The annual budget and council tax precept are approved by Full Council in February.
<p>Quarterly monitoring and reporting</p>	<ul style="list-style-type: none"> • Budget managers provide a monthly or quarterly forecast and they are responsible for ensuring that spending is on track and identifying potential savings. • CLT and Cabinet receive regular updates on the Council budget and challenge areas with significant level of anticipated under or overspend.

6. Report

6.1 Accurate Information

Councillors and senior management need performance information in order to:

- Tailor service provision to community needs
- Identify and address areas of concern
- Demonstrate improving value for money

The performance information reported must therefore be accurate. Equally, the best selection of performance measures is of little use if monitoring data is unreliable or not reported effectively. These factors are therefore crucial when reporting performance information:

- Constructing valid measures or KPIs
- Producing high quality data
- Reporting information in context
- Presenting information with insight and commentary

6.2 Reporting Cycle

The Council manages its performance on a regular basis to ensure continuous review and improvement. Performance information is collated into a report and reviewed on either a quarterly or half yearly basis alongside comparative performance information appropriate to the reporting period, in order to show performance progression and identify any improvements needed. Performance information is reported to the Corporate Leadership Team, Finance & Performance Sub Committee and Cabinet to ensure progress is continuously monitored and reported at every level of Council.

6.3 Continuous Improvement

Continuous improvement depends on staff at every level and in every department being fully engaged in the performance management process. This has been an important element of the Council-wide 'transformation' programme and has the added benefit of demonstrating to staff that the work that they do is important and valued.

It is the responsibility of the Service Manager to actively liaise with their teams regularly on all aspects of performance to ensure upward reporting is accurate. It also ensures the information and subsequent outcomes are properly cascaded to the front line staff whose job it is to deliver the services.

This circular approach is applied to all Council services including those which provide internal assistance to the Council itself such as Legal, ICT and HR. The work these departments undertake is equally important to the authority's success since without such effective internal mechanisms the outward facing customer-focused areas could not deliver essential community services.

7. Review

7.1 Continuous Review

This framework has been designed to ensure continuous review of performance at service level, through sequential upward reporting to senior management and Elected Members.

7.2 Analyse

Analysing of information provided in performance reports raises awareness to emerging issues and developing conditions, allowing forward planning to correct areas of weak performance.

It also enables management to properly target resources. Total resource needs, including staff, are never likely to be available. However, with regular performance monitoring resources that are available can be directed where they are most needed in order to maximise goal achievement.

7.3 Identify

Elected Members and officers rely upon good-quality performance information in order to identify areas of concern and respond through well-informed decisions. It would be impossible for the Council to properly function without knowing which areas need the most focus and support.

Once identified, areas of concern can be properly addressed in the most appropriate way in order to keep progress on track to meet the Council's aims. Performance information must therefore be accurate, timely and meaningful.

7.4 Implement

Having a highly developed PMF is not an end in itself. To be successful decision-makers take action based on what the performance information is telling them. The true value of a performance management process is generated by implementing its outcomes. For continuous improvement to occur the performance information reported must be acted upon in order to remedy poor performance, share good practice and allocate resources most effectively.

To assist with this, improvement plans will be developed where appropriate, with corresponding action plans to ensure these are delivered. Improvement plans need to clearly distinguish:

- The issues
- The action to be taken
- The timescales
- The resources required to implement the actions
- How progress will be monitored and by whom
- What the measure of success will be

The performance information gathered, revisions made, resources employed, targets set and outcomes accomplished through this process also inform future

Council aims and objectives. In this way, the Council is able to improve on past years and embed those improvements into the future work it undertakes.

8. Working with other organisations

8.1 Not all of the Council's services are delivered by staff directly employed by the organisation. The Council also works with other organisations to deliver its services and corporate priorities. These third party arrangements can be:

<p>Contracted services – <i>services where there is a contractual agreement with a third party supplier.</i></p>	<p>Contracts are managed by the responsible services in line with the council's Contract Standing Orders. The Corporate Contracts Manager manages the Council's major contracts by:</p> <ul style="list-style-type: none"> • Regularly liaising with the contractors and having an appointed specialist officer who leads on monitoring the delivery of the contract. • Linking the monitoring of contracts closely to the performance standards set out in the contract. • Ensuring the governance arrangements set up in the contracts are observed (e.g. project boards and service level agreements) and these arrangements provide a robust mechanism to address areas of concern. • Regularly reporting on high profile council contracts (e.g. waste management) to CLT and members.
<p>Shared services and other commissioned services – <i>services which are commissioned through a service level agreement, rather than a formal contract. This can include arrangements with community and voluntary sector organisations.</i></p>	<ul style="list-style-type: none"> • The Council's shared service arrangements are the responsibility of the relevant Assistant Director or Chief Officer. Shared service arrangements are usually managed through service level agreements and often incorporate Key Performance Indicators with which to judge the level of performance being delivered.
<p>Partnerships – <i>services that are delivered by partners (including the Council) coming together to work towards mutual aims. These partnerships usually have a set of governing documents, which include stated aims, objectives and terms of reference.</i></p>	<ul style="list-style-type: none"> • The Council manages the performance of its strategic partnerships through its Partnership Policy overseen by the Corporate Contracts Manager. Within the policy, Corporate Partnerships are defined where they meet one or both of the following criteria: <ul style="list-style-type: none"> • <i>The Council has a statutory duty to be involved in the partnership.</i> • <i>The Council makes a financial contribution (£5,000 or more) towards the partnership.</i> • A partnership checklist must be completed by the lead officer and/or elected member. The checklist provides the key elements that all partnerships need to work to or have in place to enable the Council to determine if the partnership is one it wishes to enter or continue with. This policy does not apply to the Council's relationship with third party service providers or the wide range of organisations with which the Council has informal working relations, as part of its operational activities.

- The Council publishes its Partnership Register online, providing details of joint initiatives the Council. This is maintained and administered by the Contract and Procurement Team.

9. Risk Management

9.1 The Council's Risk Management Policy effectively manages risk across the organisation and is an important part of performance management. By ensuring that the Council routinely identifies and mitigates risks across the organisation, it can ensure that the Council performs well and succeeds in delivering its strategic objectives.

The Council's Risk Management Policy identifies two categories of risk that the Council manages which will impact service performance:

- **Corporate risks** – these are risks that need to be taken into account when looking at the medium to long-term objectives of the Council as highlighted in the Corporate Plan. Risks are categorised as political, economic, social, technological, legislative, environmental, competitive, customer/citizen or reputation.
- **Operational/service risks** – these are risks that managers and staff will encounter in day to day operations. They are categorised as professional, financial, legal, physical, contractual, technological, environmental and human resources.

The Council use two types of risk register:

- **Corporate Risk Register** – this contains the most significant risks to the Council and is reported to CLT and Elected Members periodically.
- **Operational Risk Register** – this records the day to day risks for each Council service.

10. Open Data and Transparency

10.1 The Council recognises and supports the importance of making performance data available to the public as a means of ensuring the effective scrutiny of the performance of the organisation. This is reflected in the Corporate Plan's guiding principle of 'Transparent, stable, accountable and accessible'.

Data Quality Strategy

The Council's Data Quality Strategy (Appendix 2) outlines the approach to improving data quality across the Council and provides a co-ordinated approach to ensure that the highest standards are being met.

The strategy outlines the steps necessary to maintain the highest possible standards throughout the data collection process, from inputting data into

individual information systems, to setting up performance indicators and transferring data from the information systems into the performance management software system, to the publication of a robust set of performance data that is accurate and fit for external scrutiny.

May 2021
Next review date: **May 2025**

Appendix 2:
Folkestone & Hythe District Council
Data Quality Strategy



Introduction

The purpose of this strategy is to outline an approach to improving data quality across Folkestone and Hythe District Council and provide a co-ordinated approach to ensure that the highest standards are being met throughout the Council. Consistent, high-quality, timely and comprehensive information is vital to support good decision-making and improved service outcomes.

This strategy outlines the steps necessary to maintain the highest possible standards throughout the data collection process, from inputting data into individual information systems, to setting up performance indicators and transferring data from the information systems into the performance management software system, to the publication of a robust set of performance data that is accurate and fit for external scrutiny. This strategy is endorsed by senior management and it is made clear to all Service Managers concerning the ownership and responsibilities for accurate data input.

There are a number of principles that underpin good data quality. These are:

1. **Awareness and Ownership** – Everyone recognises the need for good data quality and how they can contribute. Officers are aware of their responsibilities for data quality within their service areas.
2. **Systems** – Systems are fit for purpose and staff have the expertise to get the best out of them. Systems are robust to ensure that data is backed-up and that there are no breaches of personal data. The council has adopted the Pentana software system for performance management.
3. **Definitions** – Everyone knows which performance indicators are produced from the information they input and how they are defined.
4. **Input** - Data inputted into information systems and the performance management software system is accurate.
5. **Verification** – There are verification procedures in place as close to the point of input as possible to allow officers to authenticate with confidence.
6. **Output** – Performance information is monitored regularly and efficiently for reporting and communicated quickly.
7. **Presentation** – Performance information is presented (with evidence) in such a way as to give an accurate picture of our performance to external auditors, Members, Senior Management and the public.

1. Awareness and Ownership

- 1.1 Data quality is the responsibility of every member of staff entering, verifying extracting or analysing data from any of the council's information systems and corporate performance management software system. Service Managers are clear about what actions and responsibilities are allocated to specific individuals and teams. Relevant officers are aware of their responsibilities with regard to data quality.
- 1.2 Responsibility for data quality is, where directly relevant, reflected in job profiles and the appraisal process. Services are encouraged to ensure that, where directly relevant, suitable appraisal targets are included.
- 1.3 The commitment to data quality is communicated clearly throughout the council.

2. Systems

- 2.1 **System Administration:** Responsibility for maintaining a robust control environment for information systems (both IT and manual) lies within individual services. The responsibility for Pentana lies with the Performance and Improvement Specialist.

The Performance and Improvement Specialist will ensure (for the corporate performance management software system) that:

- Users are adequately trained by having a formal training programme, which is periodically evaluated and adapted to respond to changing needs.
- There is security of access/amendment.
- Periodic tests of the integrity of data are undertaken.
- Information management and support is available to users.
- The system meets managers' information needs.
- Feedback from users is acted upon and the system can produce adequate audit trails.
- Actions recommended by systems reviews (e.g. by the external auditors) are implemented.

Given the increasingly demanding timescale for performance reporting, services must have procedures in place to manage both planned and unplanned absence in order to minimise missing data or late data submission.

- 2.2 **Improvement of system:** Where a system is used to produce performance data, the system administrators will need to periodically review the system to ensure it is fit for purpose. It is the responsibility of each service to evaluate the system and to identify any system weaknesses and/or gaps.

If such weaknesses exist, new systems and procedures can be designed, addressing any part of the performance information production process. This might involve a new verification procedure, new input controls, or improved training and communication, amongst many other things.

It is important that the necessary improvement measures are formulated in an action plan, and that progress against the plan is systematically monitored.

3. Definitions

- 3.1 Where performance indicators are set, clear definitions are established and there are systems available to collect and report the data in an agreed format. This ensures that data is recorded consistently, allowing for comparison over time.
- 3.2 The Performance and Improvement Specialist is responsible for verifying and inputting all data submitted through Pentana. Each officer is aware of the latest definition and any recent changes that have taken place by checking the information within the performance management system.
- 3.3 All officers know how their day-to-day job contributes to the calculation of performance and our ability to manage performance effectively.
- 3.4 All officers have an understanding of how performance indicators are affected by the data they contribute.

4. Input

- 4.1 System-produced figures are only as good as the data input into the system in the first place and there needs to be adequate controls over the input of data. The aim is 100% accuracy 100% of the time. Officers have clear guidelines and procedures for using systems and are properly trained to ensure that information is being entered consistently and correctly.
- 4.2 The system has the ability to record all relevant information and be able to identify any missing data and determine whether additional controls are necessary.
- 4.3 All officers are responsible for seeking ways to minimise the manual handling and inputting of data in order to reduce the opportunities for error.

5. Verification

- 5.1 Even in complex systems, where there are strong controls over input, errors can creep in. Where it is needed, a verification procedure exists close to the point of data input. The frequency of verification checks is aligned with the frequency of data reporting.
- 5.2 When data is provided on a regular basis by external sources it is important to ensure that the data that they provide is accurate. When entering into contracts or service level agreements with other service providers it is essential that, wherever relevant, there is a requirement to provide timely and accurate performance information as well as an up to date Data Quality Strategy, which outlines the verification processes that data produced by that organisation would have been subjected to.
- 5.3 Responsibility for data verification will lie within individual service areas. The Performance and Improvement Specialist can offer advice and guidance about verification procedures. In some cases, it might become apparent that existing procedures are not sufficient to maintain a robust control environment.

6. Output

- 6.1 Performance information is to be produced and communicated on a timetable that allows for management action. This means the provision of information is in line with the annual reporting timetable. Services need, therefore, to re-examine internal processes to ensure that they are always able to obtain output data in the shortest possible time without compromising data quality.
- 6.2 It is important that performance information is subject to scrutiny and challenge. This is done during the verification check on output reports or at a service or team meeting to discuss performance data. There must also be close internal scrutiny of externally audited data submissions by reviewers within individual services and centrally by the Strategy, Policy and Performance Team.

7. Presentations

- 7.1 Reporting accurate information regularly leads to good decision making and improved performance. The Performance and Improvement Specialist will ensure that there are processes in place for stakeholders to have confidence in the information presented.
- 7.2 It is intended that external auditors will have no cause to make amendments to any of the council's performance figures as the data can be relied upon to be accurate. This is an important issue as it sends out a message to external stakeholders that the reported performance can be relied upon. An improvement in the quality of the submission will also result in a lower level of external audit scrutiny.
- 7.3 In order to ensure that audit work proceeds smoothly, during internal/external audits, there must be at least one officer within each service who is able to provide advice and information on that service's performance indicators. When information is presented for audit the working papers must be reviewed to confirm that the definition has been followed, the calculations are correct and the indicator is supported by a full audit trail.
- 7.4 The principles of fair and robust reporting outlined in this document apply equally to all the council's performance information.

May 2021
Next review date: **May 2025**

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This Report will be made public on 13 July 2021



Report Number **C/21/24**

To: Cabinet
Date: 21 July 2021
Status: Non key decision
Responsible Officer: Charlotte Spendley, Director – Corporate Services
Cabinet Member: Councillor David Wimble, Cabinet Member for the District Economy

SUBJECT: Right to Build/Self-Build and Custom Housebuilding Register

SUMMARY: The report summaries what is expected of the Local Authority under the Self-build and Custom Housebuilding Act 2015; the current number of people on the Council's Self-Build Register and how the need is identified in the base periods; the actions being taken to help to provide a supply of serviced sites to meet the district's need; the proposed changes to the Council's register; and information on the offer of a workshop from the Government's Right to Build Task Force.

REASONS FOR RECOMMENDATIONS:

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

- a) Guidance from the Right to Build Task Force could help to bring forward custom and self-build housing in the district.
- b) Introducing a local connection test to individuals registering on the Council's Self-Build and Custom Housebuilding list will enable local people to be prioritised.

RECOMMENDATIONS:

1. To receive and note report C/21/24.
2. To approve the principle of introducing a local connection test (Part 1 and Part 2) for the Self-Build and Custom Housebuilding Register.

1. INTRODUCTION

- 1.1 The Strategy and Policy Team is currently undertaking a review of the Self-build and Custom Housebuilding Register and is in the process of creating a new online portal that would allow people to register themselves, change their profiles, preferences, passwords and contact details and receive updates on available plots. As part of this process, it is considered that a local connection test could be introduced to give priority to people with a local connection to Folkestone & Hythe District, to allow them to realise their ambitions to build their own homes.

2 REQUIREMENTS PLACED ON LOCAL AUTHORITIES

- 2.1 The 'Right to Build' is a key element of the Government's agenda to increase the supply of new homes and tackle the housing crisis. Legislation was introduced in 2015¹ and 2016² to support an increase in self-build and custom housebuilding and provide an alternative to the volume housebuilders.
- 2.2 Self-build and custom-build homes can provide market or affordable housing. Self-build and custom housebuilding are defined in the Housing and Planning Act (2016) as:

"... the building or completion by — (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."

National Planning Policy Framework and Planning Practice Guidance

- 2.3 The National Planning Policy Framework (February 2019)³ requires Local Planning Authorities to assess the need for housing of different groups within their areas and reflect this in planning policies, including the need for people wishing to commission or build their own homes (NPPF, paragraph 61).
- 2.4 Planning Practice Guidance⁴ sets out more detail on how Local Authorities should register people's interest in self-build plots and provide plots to meet the demand (see below).

Right to Build/Self Build and Custom Housebuilding Register

- 2.5 The Self-build and Custom Housebuilding Act (2015) places a duty on Local Planning Authorities to keep a register of individuals and associations who have expressed an interest in acquiring plots to undertake self-build and custom build homes.

¹ The Self-build and Custom Housebuilding Act (March 2015) (as amended by the Housing and Planning Act 2016)

² The Self-build and Custom Housebuilding (Register) Regulations (April 2016); Self-build and Custom Housebuilding Planning Practice Guidance (April 2016); & Housing and Planning Act 2016

³ See: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴ See: <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

- 2.6 The requirements placed upon Local Planning Authorities regarding the form and content of registers are set out in the Regulations and Planning Practice Guidance. The basic requirement for individuals is to record the name and address. For associations of individuals Local Authorities should record a contact name, the name and address of the organisation and number of plots required. In all cases the date the entry was made, or was amended, must be recorded.
- 2.7 Additional information can be asked by the Local Authority to support a greater understanding of the nature of the demand, to inform planning policies or bring forward land, but it must be relevant, proportionate and reasonable.
- 2.8 To be eligible, applicants must:
- be aged 18 or older;
 - be a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland; and
 - satisfy any local eligibility conditions set by the relevant authority (but with regard to applications from members of the armed forces and ex-services personnel);
 - have paid any fee required by the relevant authority to enter or remain on the register; and
 - be seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding project.
- 2.9 Local Authorities can choose to set a local connection test but the Register must then have two parts. All those who meet the local connection test will form 'Part 1' of the Register, whilst those who meet the basic requirement would be listed on 'Part 2'. Crucially, 'Part 1' is the list by which Councils are required to grant planning permission for sufficient plots but there is no obligation to do the same for those who qualify only for 'Part 2' (no local connection), although the data for 'Part 2' may be used to generate statistics about self-build and inform local policy.
- 2.10 In cases where members of the armed forces do not meet any local connection test that the authority applies, they must be deemed as having done so and be entered on 'Part 1' of the register.
- 2.11 Local Planning Authorities are under a duty to have regard to the register when carrying out their planning, housing, land disposal and regeneration functions. The guidance sets out that, in terms of plan-making, Local Planning Authorities should use their registers as evidence of demand when developing their Local Plan and associated documents. The register may be a material consideration in making decisions on planning applications.

Provision of Serviced Plots

- 2.12 The Housing and Planning Act 2016, places a further duty upon local planning authorities to grant permission to provide enough serviced plots⁵ of land to match the demand on their self-build and custom build register and demonstrate that planning permission (or permission in principle) has been granted on these plots within three years. The demand would reflect the number of entries on Part 1 of the Register, or for all registered individuals and groups if a single register is in operation.
- 2.13 The first base period began on the day on which the register is established and ended on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October of the following year.
- 2.14 At the end of each base period, relevant authorities have three years in which to grant planning permission for an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

3 FOLKESTONE & HYTHE SELF-BUILD AND CUSTOM BUILD REGISTER

- 3.1 The Council's Self-Build and Custom Build Register application form was first introduced in spring 2016. The Register does not currently include a local connection test and therefore it consists of one list. There is also no fee for being entered onto it.
- 3.2 The form includes the basic requirements (contact name and address) as well as other information, such as the location, size of property and type of plot(s) the individual is interested in. The Register currently has a total of 262 individuals registered.
- 3.3 The number of permitted serviced, individual self-build plots are listed in the table below together with the base periods:

	Base Period 1 (period ending 30 October 2016)	Base Period 2 (year ended 30 October 2017)	Base Period 3 (year ended 30 October 2018)
FHDC's Self-Build database – number of individuals registered each year	32	50	49
Relevant permissions granted Y/e 30 October 2017 (plot numbers)	0		
Relevant permissions granted Y/e 30 October 2018 (plot numbers)	25	25	
Relevant permissions granted Y/e 30 October 2019 (plot numbers)	8	8	8
Relevant Permissions granted Y/e 30 October 2020 (plot numbers)		0	0
Relevant Permissions granted Y/e 30 October 2021 (plot numbers)			(year not finished)

⁵ The Regulations define 'serviced' plots as having:
'...(a) access to a public highway; and (b) connections for electricity, water and waste water'.

	Base Period 1 (period ending 30 October 2016)	Base Period 2 (year ended 30 October 2017)	Base Period 3 (year ended 30 October 2018)
			4 to date
Total relevant plots granted	33	33	N/A
Shortfall of plots for individuals (if any)	0	18	N/A
Surplus of plots for individuals (if any)	1	0	N/A

3.4 The number of people who have registered over the next three base periods is set out in the table below. It should be noted, however, that the Council has three years following each year to provide the relevant number of self-build and custom build plots to meet the demand.

Base Period 4	31st October 2018 – 30th October 2019	61
Base Period 5	31st October 2019 – 30th October 2020	38
Base Period 6	31st October 2020 – 30th October 2021	(31 to date)

3.5 The Council is also required to keep a list of self-build and custom build 'groups' as well as individual plots and to provide the relevant number of group plots accordingly. However, the Council has had no groups register since our records began in 2016.

4. MEETING THE REQUIREMENT FOR SELF-BUILD PLOTS

4.1. As set out above, the interest in self-build plots has been relatively high over a number of years, albeit that this is an unrestricted list and some individuals may have registered with several local authorities.

4.2. The Council is addressing the need to provide self-build plots in a number of ways, including through:

- Introducing development plan policies;
- Granting planning permissions for suitable sites; and
- Exploring opportunities through the Council's own development projects.

Development Plan Policies

4.3. There are a number of policies in the adopted Places and Policies Local Plan (PPLP) that are designed to deliver self-build plots.

4.4. Part 1 of the PPLP: Places sets out requirements for allocated sites throughout the district. Larger sites are required to provide plots for self-build development as part of the overall development, including:

- Policy UA7: Former Gas Works, Ship Street, Folkestone;
- Policy UA11: Affinity Water, Shearway Road, Cheriton;
- Policy UA13: Smiths Medical Campus, Hythe;
- Policy UA17: Foxwood School, Seabrook Road, Hythe;
- Policy UA18: Princes Parade, Hythe;
- Policy RM2: Land off Victoria Road West, Littlestone;

- Policy RM4: Land west of Ashford Road, New Romney;
 - Policy RM8: Station Yard, Station Road, Lydd;
 - Policy RM13: Lands north and south of Rye Road, Brookland;
 - Policy RM13: Land adjacent to Moore Close, Brenzett;
 - Policy ND4: Land east of Broad Street, Lyminge;
 - Policy ND8: Land adjoining 385 Canterbury Road, Densole; and
 - Policy ND9: Etchinghill Nursery, Etchinghill.
- 4.5. Part 2 of the PPLP: Policies sets out general development management policies, including Policy HB4: Self-build and Custom Housebuilding Development, which requires new developments of 40 or more dwellings within the Urban Area and of 20 or more in the Romney Marsh and North Downs Areas to provide a minimum of 5 per cent of the total number of homes as self-build or custom build plots.
- 4.6. Policy HB4 is intended to apply to ‘windfall’ development (development on sites not allocated in the plan) as well as to the allocated sites. This policy allows self-build and custom build plots to revert to standard housing units if there is no take up of the plots after a suitable period of marketing. Applying this policy to sites in Part 1 (or if stated in the individual policy) equates to approximately 70 serviced plots being provided across the district. Some of these sites are now coming forward with applications that have now been submitted and which are in the process of being assessed (e.g. 20/1397/FH - Land rear of Broad Street House, Broad Street, Lyminge; Y19/0071/FH – Smiths Medical, Hythe; and 20/0015/FH – Foxwood and Highview School).
- 4.7. The emerging Core Strategy Review sets out an aspiration for 10 per cent of the dwellings built to be self-build or custom built over the plan period. Policy SS6 (2) states that a proportion of the Garden Settlement development shall provide self-build or custom build homes, having regard to the need identified by the Council at each phase.

Granting Planning Permission for Self-build Development

- 4.8. As outlined in Section 3 a number of planning permissions have been granted for self-build plots in the district (see also Appendix 1). Granting planning permission, however, does not necessarily result in plots being taken forward. A site was granted in Brookland⁶ specifically for nine self-build dwellings in 2018 and this application was implemented with the construction of the access road and provision of services.
- 4.9. This fully-serviced site was promoted through the Council’s self-build register, as well as privately through the usual methods. Unfortunately, although there was some interest, no self-builders have taken up the plots and the developers sought the removal of the self-build condition⁷. They believe that the plots were not taken up due to:

⁶ Y17/1409/SH Land Adjacent Framlea, Rye Road, Brookland

⁸ 20/0280/FH and 20/0282/FH/NMA were both approved and a reserved matters application (21/0632/FH) for market housing has been submitted for this site which is currently under consideration.

*“... a combination of the distance from railway stations, the plot size and the proximity of the A259 road predicating flexibility and use of the bottom of the plots as being contributory factors ...”.*⁸

Other Projects

- 4.10. The Council’s Housing Strategy & Initiatives team is working on Community-led housing (CLH) which is a growing movement around the country where people can take action to build affordable homes that they, or their community need. (This is the subject of a separate report to this Cabinet meeting.)
- 4.11. These projects are usually driven by community groups who want to deliver a housing project to meet local need. Groups can work independently or in partnership with the local authority, landowner, housing association or a small builder. Projects can be new build homes, a conversion or refurbishment of an existing building and include shared ownership, affordable rent, and market sale properties. Groups who have developed a structure, vision and aims, and have completed a ‘site finding brief’, but have not yet identified a site, would be advised to register their interest for land on the Self-Build register.
- 4.12. Information for residents about CLH is provided on the council’s website, along with links signposting interested people/groups to further advice from Government-supported agencies. The Council received £437,361 in 2016/2017 to promote and support CLH in the district. The council is working with two embryonic CLH groups in the district; one is interested in developing an affordable housing project within the Otterpool Park development, and the other is potentially looking for a refurbishment project in Cheriton. If these projects meet the definition of self-build housing given in paragraph 2.2 above, they will contribute to the council’s self-build targets.

5. INTRODUCTION OF LOCAL CONNECTION TEST

- 5.1. The Self-Build Register has now been in operation for several years and after the initial interest it appears that demand remains strong. At the same time the experience of the permitted plots at Brookland suggests that prospective self-builders have very specific locational requirements or types of plots that they are seeking.
- 5.2. The Strategy and Policy Team is therefore in the process of creating a new online portal that would allow people to register themselves, change their profiles, preferences, passwords and contact details and receive updates on available plots. This will also allow officers to review the register and remove any individuals who are no longer interested or have moved away from the area. The web team is working on this and the new portal and registration form are programmed for completion in September 2021.
- 5.3. As outlined, the Self-Build Register is currently operated as a single list, with no local connection test or charge in place. This means that some of those on the Register may live outside the district and may have registered with several

⁸ Covering letter to Non Material Amendment application 20/0282/FH/NMA

local authorities in their search for suitable plots. It is proposed that the Council introduces a local connection test.

Local Connection Test

- 5.4. The introduction of a local connection test would allow the Council to manage the register to prioritise available plots to those with a connection to the district. These individuals or groups would be entered onto Part 1 of the register and would be targeted for the promotion of local plots. If there were self-build plots that received no interest from those on Part 1 of the register, they could always be offered more widely to those on Part 2 at a later date.
- 5.5. It is proposed that the local connection would require the applicants to submit evidence to the council to demonstrate that they are either:
 - A current resident (council tax bill, tenancy agreement, utility bill);
 - Work in the district (pay slips, contract of employment, letter from employer);
 - Have immediate family in the district (their council tax bill, their tenancy agreement, their utility bill); or
 - Within the armed forces services (military ID card, discharge record).
- 5.6. The above criteria are used by Canterbury City Council and as set out in Section 7 below, national guidance recommends that any local connection test is advertised prior to its introduction.
- 5.7. It is considered that this would be an appropriate measure to give priority to people with a local connection to Folkestone & Hythe District, to allow them to realise their ambitions to build their own homes. (As noted in paragraph 2.10, members of the armed forces would be automatically entered into Part 1 of the register wherever they are currently residing.)

Registration Fee

- 5.8. Legislation allows local authorities to charge a fee for individuals or groups to register, although this must be done on a cost-recovery basis and not be used to drive down demand.
- 5.9. A number of other Councils within Kent charge individuals to add them to their Registers:
 - Ashford Borough Council charge a registration fee of £30 with a renewal fee of £15 a year;
 - Canterbury City Council charge a registration fee of £30 with a renewal fee of £30 a year; and
 - Dover District Council charge a registration fee of £30 with a renewal fee of £15 a year.
- 5.10. Folkestone & Hythe District Council does not currently charge for entry on the register, and it is not proposed to do so as part of this report. The introduction of a local connection test is thought likely to affect the numbers on the register and, with increasing numbers of sites coming forward, will better manage the demand for and supply of plots. Officers will, however, keep the matter of

charging under review and will advise members further, should it be thought appropriate to consider charging.

Performance Reporting

- 5.11. Although there are currently no penalties for local authorities which do not meet the need for self-build plots on their registers, as noted below, the Government has stated that it will review the operation of the legislation and publish local authorities' performance.
- 5.12. There is also a small risk that a lack of plots could be used in a planning appeal, if the Council was to refuse planning permission for a self-build scheme in the district. Officers are aware of a few appeal decisions across the country where the lack of self-build plots has been a factor in an Inspector's decision to grant an appeal, although these have typically been for smaller schemes, and where other factors, such as overall housing supply, have also been a major factor in the Inspector's decision.

6. RIGHT TO BUILD TASKFORCE WORKSHOP

6.1. The Council has also recently received an invitation from the Ministry of Housing, Communities and Local Government's Right to Build Task Force⁹ to attend an online workshop. It is understood that the Right to Build Task Force is contacting all authorities in England to arrange a workshop and that Folkestone & Hythe is one of the first in Kent to receive this invitation. The Task Force has suggested that this workshop should be attended by senior officers from housing and planning and their team members, as well as councillors, especially portfolio holders for planning and housing. The workshop will cover topics such as how to appropriately monitor permissions coming forward in line with the legislation, along with examples of good practice and what other councils are doing to bring forward custom and self-build housing.

6.2. The invitation states that:

"... as Housing Secretary Robert Jenrick set out in his letter to council leaders at the end of last year, providing for people who want to build or commission their own home is a key part of this government's housing strategy. The government will soon begin a review of the 'Right to Build' legislation and has confirmed that going forward they will be publishing local authority performance in line with the statutory duties."

6.3. The Right to Build Task Force can help local authorities to deliver higher quality homes, faster, with local socio-economic benefits, using Custom and Self Build development as a driver. The intention of the task force is to help local authorities to fulfil their obligations under the 'Right to Build' legislation, increase local house building with a variety of new approaches, unlock value in Council land, deliver diverse housing types that local communities want and

⁹ See: <https://www.righttobuild.org.uk/>

need, including affordable homes and create sustainable communities, with increased social cohesion and sense of place.

- 6.4. The online workshop offered by the Right to Build Task Force will cover topics such as how to appropriately monitor permissions coming forward in line with the legislation, along with examples of good practice and what other councils are doing to bring forward custom and self-build housing. Officers will respond positively to this invitation and advise members as arrangements are made.

7. CONSULTATION

- 7.1 The Planning Policy Guidance recommends that relevant Local Authorities consult on their proposals before they introduce a local test, and to review the criteria periodically to ensure that they remain appropriate and that they are still achieving the desired effect.
- 7.2 As part of the Council’s review of the Self-Build Register, it is proposed that a local connection test is introduced.
- 7.3 Cabinet is asked to agree the principle of introducing a local connection test to individuals registering on the Council’s Self-Build Register. If agreed, the Strategy and Policy Team will notify all individuals on the Self-Build Register and also display the proposed changes on the Council’s website as part of the consultation activities. The Cabinet Member for the District Economy will be advised of the responses.

8. OPTIONS

- 8.1 **Keep the Self-Build Register unchanged:** It is not a requirement to have a local connection test however, local people would not be prioritised as numbers of individuals registered would likely remain high.
- 8.2 **Introduce the local connection test:** Local people would be prioritised by being on Part 1 of the Register.

9. RISK MANAGEMENT ISSUES

- 9.1 The risk management issues are as set out below.

Perceived risk	Seriousness	Likelihood	Preventative action
Local connection test not introduced and so the supply does not meet the demand and local people are not prioritised.	Medium	High	Introduce a local connection test.

10. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

10.1 Legal Officer's Comments

The Council has a legal duty in the Self-build and Custom Housebuilding Act 2015, s2A(4) to provide enough planning permissions to meet the need from the self-build register. The Council has discretion under Regulation 5 of the Self Build and Custom Housebuilding Regulations 2016 to introduce eligibility criteria for entry in the Self-Build Register. Any criteria that is set under this regulation must be published in the same way that the register is published.

10.2 Finance Officer's Comments (DH)

Currently there are no penalties for the Council not meeting the need for self-build plots on their registers therefore no significant financial implications at this stage of the process.

10.3 Diversities and Equalities Implications (GE)

There are no equality or diversity implications directly arising from this report. Both Right to Build and Self Build registers are designed to encourage different members of the community to bring forward proposals that will contribute to boosting local housing supply across district.

10.4 Climate Change Implications (AT) *[Pilot reporting period]*

There are no climate change implications arising directly from this report. The self-build housing register will allow individuals and community groups to identify suitable plots for self-build projects and learn about best practice.

If individual self-builders and community-led organisations take self-build projects forward for development then the long-term implications are likely to be neutral to positive for emissions from construction, energy use, waste generation, water consumption and social and economic impacts, depending on the particular objectives of the individual or group undertaking the build.

Any individual self-build project or community-led scheme would have to meet planning policies and building regulations in place at the time; however a technical paper, produced for DCLG (now MHCLG), notes that community-led custom and self-build projects can have positive environmental impacts due to the capacity of 'early adopters' to:

- Build new communities that put community-building and social and environmental values at the heart of the project; and
- Bring about a critical mass of collective sustainable behaviours and patterns of consumption to achieve lifestyles with lower environmental impact.

Examples of community-led housing include a scheme in Lancaster built on ecological values with new homes achieving Passivhaus standards, meeting the requirements of Code for Sustainable Homes Level Six.

11. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Louise Bolognini, Planning Policy Specialist
Telephone: 01303 853468
Email: louise.bolognini@folkestone-hythe.gov.uk

Adrian Tofts, Strategy, Policy & Performance Lead Specialist
Telephone: 01303 853438
Email: Adrian.tofts@folkestone-hythe.gov.uk

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

Appendices:

Appendix 1: Self-Build and Custom Build Plots – Register Data and Planning Permissions.

APPENDIX 1: SELF-BUILD AND CUSTOM BUILD PLOTS – REGISTER DATA AND PLANNING PERMISSIONS

Self-Build and Custom Build Plots

	Base Period 1 (period ending 30 October 2016)	Base Period 2 (year ended 30 October 2017)	Base Period 3 (year ended 30 October 2018)
FHDC's Self-Build database – number of individuals registered each year	32	50	49
Relevant permissions granted Y/e 30 October 2017 (plot numbers)	0		
Relevant permissions granted Y/e 30 October 2018 (plot numbers)	25	25	
Relevant permissions granted Y/e 30 October 2019 (plot numbers)	8	8	8
Relevant Permissions granted Y/e 30 October 2020 (plot numbers)		0	0
Relevant Permissions granted Y/e 30 October 2021 (plot numbers)			(year not finished) 4 to date
Total relevant plots granted	33	33	N/A
Shortfall of plots for individuals (if any)	0	18	N/A
Surplus of plots for individuals (if any)	1	0	N/A

Approved 31st October 2016 - 30 October 2017 = **Total of 0 plots**

Approved 31st October 2017 - 30 October 2018 =

- Y16/1122/SH (Rhodes House 16 self-build plots)
 - [Policy RM13 PPLP](#) - Y17/1409/SH & Y18/1190/FH (Brookland 9 self-build plots)
- Total of 25 plots**

Approved 31st October 2018 - 30 October 2019 =

- [Policy UA18 PPLP](#) - Y17/1042/SH (Princes Parade 8 self-build plots)
- Total of 8 plots**

Approved 31st October 2019 - 30 October 2020 = **Total of 0 plots**

Approved 31st October 2020 - 30 October 2021 =

- [Policy RM2 PPLP](#) - Y18/0768/FH (land off Victoria Road West, Littlestone, Condition 5 requires 4 self-build plots). Approved.
 - [Policy ND4 PPLP](#) - 20/1397/FH (land rear of Broad Street House, Broad Street, Lyminge 2 self-build plots). Not yet issued.
 - [Policy UA13 PPLP](#) - Y19/0071/FH (Smiths Medical, report states to provide 30% affordable housing and including up to 7 self-build units to be secured by condition, policy requires 4). Resolved to approve at committee, waiting for S.106. Not yet issued.
 - [Policy UA17 PPLP](#) - 20/0015/FH (Foxwood and Highview School), under consideration, policy states at least 6-8 self-build plots. Not yet issued
- Total of 4 plots to date**

The number of people that have registered over the next base periods are set out in the table below. It should be noted, however, that the Council has 3 years following each year to provide the relevant number of self-build and custom build plots to meet with the demand.

Base Period 4	31st October 2018 – 30th October 2019	61
Base Period 5	31st October 2019 – 30th October 2020	38
Base Period 6	31st October 2020 – 30th October 2021	(31 to date)

This Report will be made public on 13 July 2021



Report Number **C/21/23**

To: Cabinet
Date: 21st July 2021
Status: Non-Key Decision
Head of Service: Katharine Harvey, Chief Economic Development Officer
Cabinet Member: Councillor Wimble – Cabinet Member for District Economy

SUBJECT: ROMNEY MARSH BUSINESS HUB GRANT SCHEME

SUMMARY: This report seeks agreement for Folkestone & Hythe District Council to make use of unallocated reserves from the Marsh Million Fund towards the development of a business grant scheme. This proposal will support the take-up of space within the Romney Marsh Business Hub and is to be launched in September 2021.

REASONS FOR RECOMMENDATIONS:

The completion of Romney Marsh Business Hub (RMBH) at Mountfield Road is due for completion in December 2021 and progress is going well. This will meet the needs of local businesses to help diversify the local economy and create new employment in New Romney. It is proposed that a business grant scheme is implemented to attract businesses to take-up space within the hub and also, potentially later with the stage 2 development of the site in due course.

RECOMMENDATIONS:

1. To receive and note report C/21/23.
2. To seek approval to use unallocated reserves from the Marsh Million Fund to implement a business grant scheme to encourage take-up of space within the RMBH and also potentially for the take-up of the stage 2 development.
3. To delegate decisions on applications for the RMBH grant scheme to a subgroup of the Romney Marsh Partnership Board which is chaired by the Folkestone & Hythe District Council Lead Cabinet Member for the Local Economy.

1. BACKGROUND

- 1.1 Mountfield Road is located in close proximity to Dungeness where Magnox is de-commissioning Dungeness A and EDF has recently announced commencement of the defueling of Dungeness B nuclear power station. Over the long term this will potentially result in the eventual combined loss of many jobs from the nuclear sector.
- 1.2 The developing out of the remaining employment land allocated at Mountfield Road Industrial Estate was identified as a key priority in the Romney Marsh Economic Strategy 2014-20 to support the diversification of the local economy from its current reliance on the nuclear sector.
- 1.3 The development of Mountfield Road has been phased into two stages:
 - Stage 1 - Development of Romney Marsh Business Hub
 - Stage 2 - Infrastructure and road development to unlock remaining 10.7 acres of employment land
- 1.4 In September 2019 (C/19/22) Cabinet approved funding for the development of the RMBH through a joint venture with the East Kent Spatial Development Company (EKSDC). This business grant scheme is an extension of this decision which was to provide support to local businesses to grow and to attract new inward investment into the area.
- 1.5 The stage 1 development of the Romney Marsh Business Hub (RMBH) is making very good progress with completion due in December 2021. The stage 2 development of the new roadway and associated infrastructure is also underway and due for completion in January 2022. A strategy to dispose or develop the land unlocked through this new infrastructure is currently being developed.
- 1.6 It is proposed to introduce a new business grant scheme to support the take-up of the RMBH, which will comprise 12 permanent offices, and if funds remain, to make grants also available to support the take-up of space that comes forward through the stage 2 development of the Mountfield Road site.
- 1.7 The grant scheme will be launched on 1st September 2021 to coincide with the marketing of the RMBH and grant applications can be submitted at any time until the closure of the grant scheme. The scheme will run until 31st August 2022.

2. FUNDING FOR THE RMBH GRANT SCHEME

- 2.1 The proposed business grant scheme will be funded from funds remaining from the Marsh Million Fund, which was a 1 million three-year economic growth fund established in 2014 with contributions from the Magnox socio-economic fund (£500k); KCC (£400k), Ashford BC (£50k) and FHDC (£50k). The majority of the Marsh Millions Fund provided 0% business loans to local businesses with some grants also made for initiatives across the Marsh.

- 2.2 Last year Kent County Council (KCC) indicated an intention to cease administering the Marsh Million Fund on behalf of partners and a desire to return the uncommitted and recovered loan funds to the original co-funders of the scheme (Magnox/NDA, KCC, Ashford Borough Council and Folkestone & Hythe District Council) on a pro-rata basis.
- 2.3 Currently there is a total of £213,656 available from unallocated funds and repaid loans, with a further £238,420 expected to be recouped from repaid loans in due course.
- 2.4 After discussion with partners, including the RMP Board, Magnox and KCC, it has been agreed that FHDC should receive both its share and Magnox's share of the remaining funds from KCC to use these to help ensure the success of Romney Marsh Business Hub. This amounts to 55% of the remaining funds (£117,510) and up to a further £131,131 once remaining outstanding loans are repaid.
- 2.5 It is proposed that the grant scheme, which is supported by Magnox, the Romney Marsh Partnership and EKSDC, will make funding available to businesses taking up space at the new Romney Marsh Business Hub and, if any funding remains, be used to support take-up the stage 2 Mountfield Road offer in the future.
- 2.6 It is estimated the RMBH will create some 220 jobs over a ten year period, through growth of businesses and turnover of tenancies that allows other growing enterprises to occupy the workspace. In addition, the stage 2 development is expected to unlock employment space for a further 480 jobs over the next 10-year period.

3. ROMNEY MARSH BUSINESS HUB GRANT SCHEME

- 3.1 It is proposed that grants of £5,000-£10,000 are made available in this scheme for the following purposes including:
- 1) Meeting fit - out costs for a bespoke design tailored to business needs;
 - 2) Acquiring new furniture, office accessories and ICT equipment; and
 - 3) Off-setting up to a maximum of 3 months' rent and/or business rates (if payable) for a maximum of 12 months.
- 3.2 In general the grant will only be made available for purposes 1) and 2) above, but a business could be eligible for 3) in exceptional circumstances.
- 3.3 Where the grant is used to acquire moveable assets for the business, then the Grant Funding Agreement will stipulate the need to return these if the business vacates the premises within a specified timeframe. This will adhere to the requirement of Magnox to retain any assets funded through the programme for the area, as far as possible.
- 3.4 It is proposed that the grant scheme is available to any business signing a lease; this could be for a fixed term period or be for flexible terms with a two week notice period. However, where a tenant vacates the premises within 1 year, they may be required to pay back a proportion of the grant or

forfeit assets acquired with the grant, on a proportionate basis, depending on the circumstances.

- 3.5 The marketing of the RMBH is planned to commence in September 2021. Therefore it is anticipated that the launch of the grant scheme will be introduced at the same time, ahead of the expected completion of RMBH in December 2021.
- 3.6 The grant scheme will be advertised on the Folkestone & Hythe and Folkestone.works websites and an electronic application form will be made available for applications.
- 3.7 The grant scheme will be administered by the Economic Development Team who will be responsible for assessing applications against agreed criteria, including:
- size of grant requested;
 - proposed purpose of the grant;
 - number of jobs to be located in RMBH;
 - type of business; and
 - length of proposed lease.
- 3.8 It is recommended that grant application decisions are delegated to a subgroup of the Romney Marsh Partnership Board and chaired by the Folkestone & Hythe Lead Cabinet Member for the Local Economy. This subgroup will also include a representative from Magnox, which has provided a major financial contribution towards the scheme.
- 3.9 The timing of a decision on any application would be taken in principle ahead of signing of a lease agreement, and only be formally confirmed once a lease is in place. A Grant Funding Agreement with FHDC would specify the conditions of the award, including any potential forfeiture of the goods on departure from the premises.

4. RISK MANAGEMENT ISSUES

- 4.1 There is risk management involved in this project.

Perceived risk	Seriousness	Likelihood	Preventative action
Lack of business interest	High	Low	Good communication and advertisement to ensure this opportunity is well promoted to relevant recipients.
Business vacating after grant is agreed and awarded	High	Medium	GFA stipulating the conditions of the funding, including potential forfeiture of funded assets if business vacates

			building within a specified timeframe.
Grant funding awarded to cover business rent or rates and business leaves after short term period	Medium	Low	Grant funding only awarded towards rent or rates costs on an exceptional basis and with due consideration given to this potential risk

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal Officer's Comments (NM)

There are no legal implications arising directly from this report.

5.2 Finance Officer's Comments (DH)

This is external funding and not from any FHDC reserves therefore no financial implications for the Council. KCC are currently administering the Marsh Million Fund and they intend to return the unallocated funds to the original scheme participants. Expected funds for FHDC as per point 2.4 are £248,641.00.

5.3 Climate Change Implications (AT) *[Pilot reporting period]*

No direct implications arising from this report. The report proposes the allocation of external funding to firms for the fit-out and equipping of premises at the Romney Marsh Business Hub, currently under construction. The firms awarded the grant funding and the stipulations of the grant will be a decision for the proposed sub-group of the Romney Marsh Partnership Board.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Katharine Harvey (Chief Economic Development Specialist)

Jade Smyth (Economic Development Specialist)

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This Report will be made public on 13 July 2021



Report Number **C/21/22**

To: Cabinet
Date: 21 July 2021
Status: Non key
Responsible Officer: John Holman Assistant Director Housing
Cabinet Member: Councillor Godfrey, Cabinet Member for Housing, Transport and Special Projects

SUBJECT: HOUSING COMPENSATION POLICY

SUMMARY: This report seeks approval of a new policy for the payment of compensation to Council tenants and leaseholders.

REASONS FOR RECOMMENDATIONS:

The Housing Ombudsman requires social housing landlords to have and to publicise a compensation policy for their tenants and leaseholders. Folkestone and Hythe District Council (the Council) does not currently have a compensation policy specifically for the Housing service.

RECOMMENDATIONS:

1. To receive and note report C/21/22.
2. To approve the appended Housing Compensation Policy
3. To give delegated authority to the Director of Housing and Operations, in consultation with the Cabinet Member for Housing, Transport and Special Projects, to approve minor amendments to Housing Compensation Policy in the future.

1. BACKGROUND

- 1.1 The Council's Corporate Plan 2021-30, 'Creating Tomorrow Together', sets out the priority to deliver a safe, accountable housing service. One of the guiding principles of the Corporate Plan is continuous improvement, seeking feedback and being innovative and creative to find new ways to deliver services.
- 1.2 The appended policy supports this priority, alongside the Council's Customer Feedback and Complaints policy (approved by Cabinet 26 May 2021, reference C/21/02), through the administration and awarding of compensation payments by the investigating complaints officer and/or instruction from the Housing Ombudsman.
- 1.3 As a social landlord the Council has a specific and in some cases statutory obligation to its tenants and leaseholders that it does not have towards the general population of the district. Complaints about housing, therefore, fall under the remit of the Housing Ombudsman (rather than the Local Government Ombudsman).
- 1.4 The appended policy has been developed according to Housing Ombudsman best practice and guidelines and addresses the following types of compensation:
 - 1.4.1 **Mandatory compensation:** Paid under circumstances of 'home loss' or 'disturbance', when a tenant is required to move home because of redevelopment or demolition, or under 'right to repair' which requires specific repairs to be completed within a set time limit
 - 1.4.2 **Quantifiable loss payments:** Where a landlord has failed to meet its obligations and the complainant has incurred costs, (e.g. excessive heating bills or finding alternative accommodation) due to disrepair.
 - 1.4.3 **Discretionary compensation:** Made as a gesture of goodwill, where no practical actions would remedy the adverse effect of service failure e.g. for poor service, unreasonable delays or loss of facility.
- 1.5 Detail on the types of compensation and the circumstances under which each will be paid, is set out in the appended policy; the policy providing a framework for the Council to agree and administer compensation payments in a fair and unbiased way.

2. OPTIONS

- 2.1 **Do not adopt the appended policy:** The Council may be expected to pay compensation as a result of a judgement by the Ombudsman or through identified service failure. The Council does not currently have a framework or appropriate guidance to enable its staff to make decisions and award compensation to its tenants or leaseholders in a consistent way.

- 2.2 **Adopt the appended policy as received:** The policy and its associated procedure will provide staff with a clear process for approval and decision-making, based upon the Housing Ombudsman standards and best practice.
- 2.3 **Adopt the appended policy with amendments:** This policy was developed from best practice and guidance. However, if recommended by Cabinet further amendments may be made under delegated authority as set out in recommendation 3 of this report.

3. RISK MANAGEMENT ISSUES

- 3.1 Risk management issues are set out in the table below:

Perceived risk	Seriousness	Likelihood	Preventative action
Without a policy, compensation payments may be agreed and/or administered inconsistently	Med	High	Implement policy and ensure staff follow the process and guidance
Compensation payments may exceed budget provision	Med	Med	Adhere to policy and report payments through cyclical performance and budget monitoring
The policy is challenged by an aggrieved party that results in a judgement by the Ombudsman	Med	Low	The policy has been developed to ensure compensation is awarded according to Ombudsman best practice

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (NM)

It will be necessary to ensure that the Compensation Policy addresses the legal obligations of the Council as a Landlord under the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994, the Housing Act 1985 and the Leasehold Reform, Housing and Urban Development Act 1993.

4.2 Finance Officer's Comments (ST)

There are no financial implications arising directly from this report. There is currently a budget provision of £500 for compensation payments within the HRA. Any additional budget requirement will need to be factored into budget monitoring.

4.3 Diversities and Equalities Implications (GE)

There are no equality and diversity implications arising directly from this policy

4.4 **Climate Change Implications (AT)**

There are no significant climate change implications arising directly from this policy. However, the policy has been drafted to encourage digital communications and payment wherever possible

5. **CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

John Holman Assistant Director Housing

Telephone: 07598 234 330

Email: john.holman@folkestone-hythe.gov.uk

Jonathan Hicks, Performance Specialist

Telephone: 01303 853 721

Email: jonathan.hicks@folkestone-hythe.gov.uk

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

(Note: only documents that have not been published are to be listed here)

Appendices:

Appendix 1: Housing Compensation Policy

Compensation Policy

Housing Service

May 2021



1. Introduction

- 1.1 Folkestone & Hythe District Council (hereafter referred to as 'the Council') is committed to delivering a high quality customer service. We seek feedback from customers in a variety of ways, to gain a better understanding of their experiences and identify where we can improve. However, we recognise that sometimes our customers are not satisfied with the service they have received and there is a need to make this right.
- 1.2 When this happens a customer may make a complaint. Our **feedback and complaints policy** sets out our approach to managing complaints, including what steps we may take to redress or resolve the complaint and what customers can do if they are not happy with our response. In some instances, where a customer has suffered unreasonable levels of inconvenience or loss as a result of our failure, and no other solution will make this right, it may be appropriate to award compensation.
- 1.3 This Compensation Policy applies specifically to Folkestone and Hythe District Council tenants and leaseholders. It describes what may be offered as financial compensation and the circumstances in which this may be awarded. The policy sets out clear definitions and explains our approach to agreeing and awarding compensation when a complaint is serious enough to warrant it, or when no other viable option can be offered as suitable recompense.

2. Objectives and Approach

- 2.1 Our fundamental principle is to meet customer expectations and resolve complaints in a timely and appropriate manner. We will take whatever recourse necessary to redress failings and compensation will only be awarded in exceptional circumstances.
- 2.2 We recognise that tenants and leaseholders do not have an automatic right to compensation, except where there is a legal requirement for the Council to compensate (see section 3. Definitions). We will consider each case on merit.

2.3 The overriding objectives of this policy are to:

- Assess evidence of serious inconvenience or loss suffered by a tenant or leaseholder and identify when a complaint is serious enough to warrant compensation
- Consider each case for compensation and, if agreed, ensure that any payments made are fair, appropriate and consistent
- Use learning from compensation cases and complaints to improve our service to customers and do everything possible to avoid the same mistake happening again
- Demonstrate public accountability by making payments in line with statutory law and regulations
- Meet all legal and regulatory requirements, including delivering actions or compensation ordered by the Housing Ombudsman or Local Government Ombudsman as part of their findings following a complaint

3. Definitions

3.1 Compensation is payment, either obligatory or discretionary, of a sum of money in recognition of loss or detriment to a complainant. For the purpose of this policy, we use the following definitions as described by the Housing Ombudsman:

3.2 **Mandatory compensation:** Required by law where local authority tenants and leaseholders are entitled to compensation because of legislation e.g.

- **Home loss:** May be made to tenants who have lived in their property for a minimum of 12 months and are required to move home permanently as a result of redevelopment or demolition of their home.
- **Disturbance:** May be made to people who are required to move to another property temporarily or to people who have lived at a property less than 12 months and are required to move home permanently. This payment is for reasonable costs.

- **Improvements:** Where a tenancy is ending and the tenant has completed improvements to their home after 1 April 1994, the tenant may be entitled to compensation for these improvements. This does not apply to fixed-term tenancies.
- **Right to repair:** This covers specific repairs, known as ‘qualifying repairs’ which cost less than £250 and should be completed within a set time limit.
- **Disrepair:** This is compensation payable where it can be proven that an actionable statutory repairing duty has been breached and is based on quantifiable loss (see below). If any such breach is an actionable one and there is no defence to the claim; then legal costs may be sought by the Claimant.
- **Quantifiable loss payments:** These payments may be made where the landlord has failed to meet its obligations and comes with a caveat that any such costs must have been reasonably incurred and evidence of such loss has been provided.

Examples of where this compensation may be appropriate include: increased heating bills due to disrepair; having to pay for alternative accommodation or takeaway food; paying for cleaning or carrying out repairs where a landlord has failed to meet its obligations.

3.3 **Discretionary compensation:**

3.3.1 Discretionary compensation is made as a gesture of goodwill and not because the law requires the Council to pay compensation. As a general rule, discretionary compensation will only be considered where there are no practical actions identified that would remedy the adverse effect that has been caused by the service failure.

3.3.2 Any financial redress offered will be appropriate to the inconvenience suffered. Where appropriate, the matter may be referred to the Council’s appointed insurers who will investigate and resolve the case. Examples of discretionary compensation include:

- **Unreasonable delays:** for example, in completing repairs, where the tenant has incurred additional costs as a result of our failure; a tenant being left without heating and hot water for more than 72 hours following reporting the problem, and staff or contractors missing appointments without prior notice or exceptionally good reasons
- **Poor service:** for example, failure to deliver a service within reasonable timescales
- **Payments ordered by the Ombudsman:** Where maladministration or service failure has been identified and the Ombudsman is satisfied that compensation is the most appropriate action that will put things right

4. Service Offer

4.1 Following an investigation of a complaint or compensation claim we will:

- Act reasonably, objectively and fairly when making a decision
- Consider each claim on its own merits
- Listen carefully and give due attention to the complainant's point of view
- Aim to reach an agreement with which the complainant is satisfied
- Apologise for our failure or mistakes and explain to the complainant what we will do to put things right; why we are doing it, and when it will be done.
- Keep them informed of progress and let them know what the complainant should do if they remain dissatisfied

4.2 Where financial compensation has been agreed this will be offset against any arrears of rent or service charges the claimant of the household owes the Council. In these cases, monies will be paid directly into the complainant/householder's account with us.

4.3 When all arrears have been paid, and/or where no further monies are owed to the Council, financial compensation will be made as a BACS payment to the complainant's nominated bank account.

4.4 We will ensure that the complainant understands that there is no automatic right to compensation in all cases and that escalation of a complaint cannot be based

on a request for increased compensation. However, we may reassess the level of compensation where the customer disagrees with the outcome.

- 4.5 When an agreement to award compensation has been reached by the Council we will write to the complainant with the following information:
- Summary of the complaint and the outcome
 - Reasons for the decisions made, including factors considered and any costs awarded for each factor
 - Details of outstanding matters and timescales by which they will be resolved
 - Details of how the payment will be administered
 - Details of how to escalate the issue to an independent Ombudsman if the complainant is unhappy with the outcome
- 4.6 We will seek the complainant's written agreement by way of either a signed letter or email to the Council to confirm agreement of the final award and payment arrangements, and ensure that all outstanding matters are resolved and compensation is paid within agreed timescales.
- 4.7 We recognise our tenants and leaseholders as individuals and understand that they may become frustrated when we do not meet their expectations. However, this service offer is based on customers treating our staff with respect and courtesy and complying with all reasonable requests made in an effort to resolve their concerns.
- 4.8 In turn, we will treat all complainants fairly and equitably, making any and all reasonable adjustments necessary to support them in making their complaint or claim for compensation.

5. Who can Claim Compensation?

- 5.1 This policy applies solely to the Housing Service provided by the Council. As such, any compensation identified within this policy may be claimed by tenants, leaseholders and other users of the Council's Housing Service. Where a main or joint tenant makes a claim, we will assume that they are acting collectively on behalf of their whole household.

- 5.2 We comply with the General Data Protection Regulation (GDPR) and are registered as a data processor. When a customer claims compensation under this policy, we will inform them that they are agreeing for the Council to use any personal information they provide for purposes connected solely with the complaint and that we may share relevant personal information to other people and organisations if we are required to do so by law or if they have given us permission to do so.
- 5.3 We will liaise with representatives of individual complainants, such as family members, carers and advocates, and operate within General Data Protection Regulations (GDPR). We will consider each case on its own merit but our general approach is to work with representatives where we have:
- Express written or oral permission from the complainant to deal with their representative about the specific issue or complaint
 - There is strong evidence that the complainant is unable to deal with us unaided and cannot give consent, and therefore is in the complainant's best interest for us to liaise with the representative

6. Receiving Compensation Claims

- 6.1 In all instances where a customer is dissatisfied with the service they have received and is requesting compensation, we will first seek to resolve the issue under our **feedback and complaints policy**.
- 6.2 If a customer feels they may be entitled to compensation and wishes to make a claim or a complaint, we will accept these via:
- Online complaint or feedback forms on the Council's website
 - Email: complaints@folkestone-hythe.gov.uk
 - Telephone on 01303 853000
 - Or write to us at: Folkestone & Hythe District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

7. Withdrawing Compensation Claims

- 7.1 If a tenant, leaseholder or their representative withdraws a complaint or claim for compensation we will confirm this in writing. Any outstanding issues to be investigated or addressed will be followed in accordance with internal management processes and not under the complaints process.

8. Monitoring Arrangements

- 8.1 Council officers will adhere to a formal procedure developed by the Housing Service. This will identify levels of compensation that may be paid and the process by which this will be decided. Authorisation to award compensation will be identified within the procedure and will be appropriate to the level of compensation to be paid.
- 8.2 Records of all compensation claims and payment awards will be monitored internally by the Council. This may be reported alongside complaints or other statistical performance data to Senior Managers or Members where appropriate, or when requested.
- 8.3 Budget holders will keep records of payments made, which will be reviewed through cyclical budget monitoring arrangements, and will assist in determining future budget provision.
- 8.4 The administration of complaints is audited every 4 years and the process around compensation claims will be assessed as part of this audit. The audits are undertaken by East Kent Audit Partnership who will examine and evaluate the procedures and controls in place to ensure that best practice is reflected in the way that we work.

9. Equality and Diversity

- 9.1 An Equality Impact Assessment has been carried out to determine whether this policy could have an impact on any tenants or leaseholder which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Through the implementation of this policy, all reasonable adjustments will be made to ensure we provide a fair and equitable service to all.

Appendix 1

Exclusions:

We will not pay financial compensation under the following circumstances:

1. Where the fault is caused by a third party who is not acting on our behalf
2. For a service which the Council has no responsibility for
3. Items for which leaseholders are responsible for, as included in or implied by their lease
4. Where a claim can be made on home contents or buildings insurance. Residents are expected to take out adequate home contents insurance for their furniture, decoration and personal possessions to insure them against accidental damage, loss, fire or water damage, burglary and so on. This policy is not intended to replace or compensate for a resident's lack of home contents insurance
5. Where the incident was caused because of negligence by the resident or their failure to comply with the terms of their tenancy or lease such as not providing access to contractors to complete work required
6. Personal injury claims – any such claims will be handled via the Council's insurers
7. Loss of earnings
8. Where a re-arranged appointment or need to undertake a follow up appointment could not have been anticipated and results in a resident having to take time off work to allow access
9. Circumstances beyond the Council's control e.g. storm damage or flooding, unusual traffic delays and travel conditions that result in delays for appointments; lack of availability of component parts needed for repairs or maintenance, and local or national issues such as a pandemic
10. Where work is required at a property and the tenant or leaseholder has been informed about the work before it is carried out, the work has been completed as intended and in a reasonable manner
11. Reasonable evidence that a resident's lifestyle choices have resulted in condensation and mould growth due to lack of heating or air ventilation
12. Where there is, or has been, a payment ordered by a court, Ombudsman or tribunal in respect of the same issue

13. Accidental damage where the Council has not done something wrong such as burst pipes, blocked drains or other events that could not have been predicted or had not been previously reported
14. Alterations carried out to a property without the Council's express written permission
15. Loss or damage caused by tenants, visitors or adjacent occupiers
16. The tenant or leaseholder has prevented the Council from delivering a service or has contributed in some other way to the service failure
17. The loss of utility supplies or where repairs need water or power supply, and the tenant or leaseholder has not taken adequate steps to mitigate this loss
18. Where legal proceedings are underway or have taken place
19. Where there is a current or associated insurance claim against the Council

The above list is not exhaustive.

Where we receive compensation claims that cannot be dealt with under this policy, we will explain the reasons and let complainants know what to do next.

This Report will be made public on 13 July 2021



Report Number **C/21/21**

To: Cabinet
Date: 21st July 2021
Status: Non key decision
Responsible Officer: Andy Blaszkwicz, Director – Housing and Operations
Cabinet Member: Cllr Godfrey, Cabinet Member for Housing, Transport and Special Projects.

SUBJECT: Community-Led Housing Seed Funding Scheme

SUMMARY: This report requests approval for a Council administered Community-Led Housing (CLH) Seed Funding Scheme of £100k. The funds for this would come from the £437,361 awarded to the Council by the Ministry for Housing, Communities and Local Government's (MHCLG) to promote and support CLH in the district.

Community-led housingⁱ can help to achieve several of FHDC's strategic priorities and constituents' aims and aspirations. The Seed Funding Scheme is intended to support CLH projects that will increase housing supply by potentially delivering additional, new affordable housing and turn empty properties into housing. It is designed to help community groups deliver housing schemes on land identified by the community, or made available by the local authority/local landowners through sale or long leases. The funding would be used by CLH groups to pursue any model of community-led development for the provision of affordable housing, including Community Land Trustsⁱⁱ and Cohousingⁱⁱⁱ Projects.

REASONS FOR RECOMMENDATIONS:

The funding of £437,361 was awarded by central government, with the intention that a seed funding programme would be put in place, alongside other support provision, to enable community organisations to have access to an initial income stream, which will allow them to explore local housing needs, and later possibly pursue housing options/solutions for their community. The proposed Seed Funding Scheme is intended to support new CLH projects in the district.

RECOMMENDATIONS:

Cabinet is asked to approve the following recommendations:

- a) To receive and note this report.

- b) To approve the proposed CLH Seed Funding Scheme as detailed in this report and the required funding.**
- c) To give delegated authority to the Strategic Housing Lead and the Cabinet Member for Housing to award funding to groups following a successful application.**
- d) To agree that the Cabinet Member for Housing has delegated authority (in consultation with Head of Service) to make minor changes to the scheme as necessary and subject to any feedback from community groups applying to the scheme.**

1. BACKGROUND

- 1.1. On 23rd December 2016 the MHCLG announced £60m Community Housing Funding to support community-led development and provided it to 148 local authorities to help in areas where, in their view, the impact of second homes is particularly acute, or where housing is unaffordable for local people. FHDC was awarded £437,361 to deliver a community led housing support programme.
- 1.2. There are no conditions attached to the awarding of the funding, although there is routine monitoring of expenditure and outcomes.
- 1.3. CLH projects are driven by community groups who want to deliver a specific housing project to meet local need, inclusive of their own homes. The group can work independently or in partnership with the local authority, landowner, housing association or a small builder. The projects can be new build homes, or conversion or refurbishment of existing buildings and include a variety of tenure including shared ownership, affordable rent, and market sale. The groups would have to evidence a need for the type of CLH project they want.
- 1.4. Homes England are keen to see schemes that are innovative in terms of design, low environmental impact, delivery, management, tenure, funding and location.
- 1.5. Capital funding is available from Homes England through the Affordable Homes Programme as grants and loans, providing the required criteria is met. Alternatively projects may source capital funding from elsewhere (such as a mortgage).
- 1.6. Support for CLH Groups will be provided from within the Housing Strategy Team, and through joint working with other neighbouring local authority CLH leads, as well as through established agencies such as Community Led Homes UK and the Confederation of Cohousing.

2. PROPOSED WAY FORWARD

- 2.1. The proposed budget for the Seed Funding Scheme is £100k, sourced from the £437,361 of funding awarded by the MHCLG.

The programme aims to support local people who want to start their own community led housing projects including co-operatives^{iv}, cohousingⁱⁱⁱ and self-help housing^v by:
 - Raising awareness, engaging communities and organisations ensuring that its reach goes to the wider community beyond those already involved setting up their own group/organisation
 - Providing support throughout the process to community led housing project and group
- 2.2. First stage seed funding (up to £3000) can be used towards costs of formalising the community group as an organisation, attend training and events, undertake initial research, visits to other CLH projects, costing the project and identifying a potential site.

- 2.3. Second stage seed funding (up to £10000) to cover project specific costs such as professional support, (architects & designers) feasibility studies, developing a business case, planning applications, and help to prepare the applications for capital funding to appropriate schemes.
- 2.4. The application process and eligibility criteria for both stages are set out on the FHDC Community Led Housing (CLH) Seed Funding Scheme Eligibility, Terms & Conditions (Appendix 1 of this report) and there is an application form that must be completed for all submissions.

3. RISK MANAGEMENT ISSUES

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

Perceived risk	Seriousness	Likelihood	Preventative action
The possibility that a community organisation that receives funding may not progress on to the next stage and their project fizzles out due to lack of commitment and/or agreement amongst members.	Medium	Low	The proposed seed funding initiative includes a clear criteria that all applicants must meet. Each applicant group will be required to go through the application process.
The potential misuse of funding by groups.	High	Low	Any project to receive funds will also be provided with officer support to take their project forward and they will have to complete a six monthly monitoring form to inform on how the funding has been spent and how the project is progressing.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1. Legal Officer's Comments

There no legal implications arising directly out of this report. Any seed funding awarded to CLH groups will have been through due diligence as

part of the application process, in which advice from Legal Services will be sought if deemed necessary.

4.2. Finance Officer's Comments

Financing the £100k scheme will be covered by the £437,361 of funding awarded by the MHCLG. There are no direct staffing implications. The Housing Strategy & Initiatives Officer will provide support and guidance for the CLH groups. The Officer will also undertake the due diligence process of funding applications submitted, preparing a report for the Strategic Housing Lead and the Cabinet Member for Housing, advising on the viability of projects that have applied for funding.

4.3. Diversities and Equalities Implications

Involvement in projects requires free time and the obstacles low-income or marginalised groups face across wider society apply here too. However, this has not put off a wide range of people from getting involved in the CLH projects going on all around the country. It has been noted in many reports and on CLH group websites that CLH organisations around England are very diverse, often more so than many developer or housing association boards.

Please see points 6, 7, 8 & 9 of the Equality Impact Assessment in Appendix 2 for more information relating to the above.

4.4. Climate Change Implications (AT) *[Pilot reporting period]*

There are no climate change implications arising directly from this report. The seed funding scheme will provide resources for community-led groups to explore best practice, undertake training, agree policies, procedures and governance structures and identify suitable plots for development.

If community-led organisations take projects forward for development then the long-term implications are likely to be neutral to positive for emissions from construction, energy use, waste generation, water consumption and social and economic impacts, depending on the particular objectives of the group undertaking the build.

Any community-led housing scheme would have to meet planning policies and building regulations in place at the time; however a technical paper, produced for DCLG (now MHCLG), notes that custom and self-build projects can have positive environmental impacts due to the capacity of 'early adopters' to:

- Build new communities that put community-building and social and environmental values at the heart of the project; and
- Bring about a critical mass of collective sustainable behaviours and patterns of consumption to achieve lifestyles with lower environmental impact.

Examples of community-led housing include a scheme in Lancaster built on ecological values with new homes achieving Passivhaus standards, meeting the requirements of Code for Sustainable Homes Level Six.

5. 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
Lead Housing Specialist
adrian.hammond@folkestone-hythe.gov.uk
Tel: 01303 853392

Kimba Layton
Housing Strategy and Initiatives Officer
Kimba.layton@folkestone-hythe.gov.uk
Tel: 01303 853283

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

Appendices:

- Appendix 1: FHDC Community Led Housing (CLH) Seed Funding Eligibility, Terms & Conditions
- Appendix 2: Equality Impact Assessment for FHDC Community Led Housing (CLH) Seed Funding Scheme

Endnotes

ⁱ **Community-Led Housing (CLH):** There is no statutory definition of CLH and it can take a variety of forms. It is the process of meaningful community engagement and consent, rather than the built output that sets community-led housing apart. CLH sector bodies have adopted these defining principles:

- Meaningful community engagement and consent occurs throughout the development process. Communities do not necessarily have to initiate the conversation, or build homes themselves, though many do.
- There is a presumption that the community group or organisation will take a long-term formal role in the ownership, stewardship or management of the homes.
- The benefits to the local area and/or specified community are clearly defined and legally protected in perpetuity.

So long as it follows these principles, CLH can produce a host of different housing types and tenures. It can be homes for families, working people or older people; blocks for multiple occupation; sheltered housing; housing for rent, owner-occupation, shared ownership; and anything in between or beyond. It can be delivered through different routes, from self-build through to working in partnership with a housing association or developer.

ⁱⁱ **Community Land Trusts (CLTs):** CLTs are legal entities set up to develop and manage homes and protect assets of community value including affordable homes, workspace and green space. CLTs use legal structures such as covenants to provide long-term affordable housing, often by linking prices to local income or setting prices at a proportion of market rate.

ⁱⁱⁱ **Cohousing:** Cohousing communities are organised to foster mutual support, drawing on the skills and resource of residents to contribute to life in the scheme. In most schemes, each household is self-contained, but residents come together to manage communal areas and share decision-making through a legally defined arrangement.

^{iv} **Co-operative and mutual housing:** In housing co-operatives, homes are managed and/or owned by members of the co-op. Residents are required or encouraged to become members and participate in management and decision-making. Co-operatives are similar to cohousing in focusing on mutual support, cohesion and communal activities.

^v **Self-help housing:** Self-help housing involves a group of people repairing and bringing empty properties back into use, usually with the help of volunteers. The model was popularised under the Empty Homes Community Grants programme, which saw 1,297 affordable homes refurbished.

Appendix 1



FHDC Community Led Housing (CLH) Seed Funding Eligibility, Terms & Conditions

Overview

Folkestone & Hythe District Council (FHDC) have been allocated funding from the Ministry of Community, Housing & Local Government (MCHLG) to promote and enable community & cohousing projects. This funding is available to community groups in the form of grants to support the development of Community-Led Housing (CLH) projects in the district to deliver new affordable homes to local communities.

Funding can be used for costs associated with setting up a group, such as training, carrying out consultation to gauge public opinion, or as a contribution towards fees in connection with the progression of a development, site survey costs, architect fees or planning application fees. Also to pay for training and/or professional help to apply for/access capital funding for the purchase or lease of land and the build costs.

What the scheme cannot fund:

Applications for funding not directly connected with the delivery of new affordable homes through a community led project are not eligible. Funding will also not be provided for schemes that are likely to proceed without funding, or schemes that would be delivered by the market on a commercial basis. If funding is requested for a scheme on a site developed as market housing, the homes receiving support must be additional to any that would be delivered under the S106 agreement^y.

Funding will also not be provided to reinstate a cut in service or activity arising from an earlier policy decision of FHDC or other public body; finance ongoing yearly spending commitments; support the mainstream activities of a community or voluntary organisation; submitting retrospective applications (i.e. it is not permitted to purchase an item and then submit an application for funding); benefit individuals or privately owned businesses.

The key characteristics of a Community Led Housing project are that:

- The local community must be involved in making key decisions throughout the project.
- The community organisation must play a long term role in ownership, management or stewardship of the homes.

- The benefits to the local area and/or specified community must be clearly defined and legally protected in perpetuity.
- The homes provided will be genuinely affordable and occupied by people unable to meet their housing needs in the private market.
- They can include communal facilities such as a resident’s lounge or a shared kitchen and/or garden space, allotments etc.

Eligible Organisations

The community group or organisations selected to receive grants will normally be not-for-profit due to their structure such as:

Registered Charities	Social Enterprises
Companies Limited by Guarantee	Constituted Community Groups
Community Benefit Societies	Community and voluntary groups with an appropriate governing document (see guidance here: https://www.gov.uk/guidance/how-to-write-your-charitys-governing-document or https://www.resourcecentre.org.uk/)
Co-Operatives	
Community Interest Company (CICs)	

They may already be in existence and were established to further the social, economic and environmental wellbeing of local people or a community, or they may be in the process of setting up specifically to solve a local housing need. Any surpluses (profits) generated by the organisation may only be used to benefit the organisations community work.

The Council will ask community groups/organisations to upload their governing document/s to check that the organisation is eligible to apply. If the group is an unincorporated organisation this may be a simple constitution which states the aims of the group, who can become members, how the community will benefit, and how any funding or income generated will be used to benefit your defined community. Registered providers, town or parish councils can apply, in partnership with a community group or organisation, as the fund-holder (see Appendix 1).

Eligibility Criteria

Applicants must:

- Be based within the Folkestone & Hythe District.
- Have a constitution that sets out the group’s aims, with how and what it plans achieve.
- Have a bank account that requires at least two unrelated people to sign. Grants cannot be paid to a bank account in the name of an individual.
- Intend to develop a CLH project that will increase the affordable housing supply in their community and deliver value for public money.
- Be planning to deliver additional housing to that which would have been delivered through other means.

-
- Be able to provide match funding of at least 10% towards the cost of developing the community housing proposal, which can be made 'in kind', such as time spent working on the project.

Funding Tiers, Applications and Payments

There are two funding tiers which can be applied for and a group can apply to one or both tiers, if necessary, as a project progresses. Both tiers have a separate criteria as set out below. Tier 1 grants can be paid in advance or the council may choose to pay grants in stages depending on factors including the size of the grant and the nature of the activities the grant is to cover. Tier 2 grants will normally be paid in arrears, on receipt of a completed payment request with evidence of incurring the expense such as an invoice. However, Tier 2 applicants can request up to 50% of the grant to be paid up front if cash flow is an issue. Payment options will be discussed and assessed on a case by case basis with successful applicants as appropriate.

Applications should be made using the prepared Seed Funding Scheme Application Form. [Insert link to form on website](#). The application must be completed by an authorised representative of the group applying for the funding and all sections of the form must be completed, explaining what the grant will be used for and include supporting evidence to show the cost of each item listed. Completed forms should be emailed to communityledhousingt@folkestone-hythe.gov.uk

Tier 1 Funding Criteria

Tier 1 grant awards can be from a minimum of £500 up to the maximum of £3,000 and applications can be submitted at any time. The decision whether to approve the grant will be by the Cabinet Member for Housing with officer support.

Tier 1 funding is to cover early stage set up costs such as:

- Community consultation (room hire costs, publicity materials, printing etc.).
- Travel costs to visit other projects/schemes.
 - Standard Class Rail fares
 - Car Mileage should be claimed at 45 pence per mile (sharing where possible). Motorcycle Mileage should be claimed at 24 pence per mile.
 - Overnight accommodation £90 maximum per night (£120 maximum London)
- Relevant training courses for volunteers or staff.
- Costs associated with peer mentoring support from experienced community-led groups.
- Volunteer expenses
- Public indemnity insurance for your group
- Developing your group's website (up to £500).
- Legal fees for incorporating your group, reviewing your group's existing legal structure.

-
- Professional fees (surveyors, architects etc.) to complete required specialist studies such as housing needs assessments, site assessments, site/building surveys and valuations, ecology surveys, and develop outline scheme designs for housing etc.
 - Staff time – both new and existing staff to work on the community led housing project (existing staff will need to show that their hours are in addition to current responsibilities or some of their existing responsibilities are being back-filled).

Tier 2 specific criteria

Tier 2 grants are for more developed projects that have identified one or more potential sites for their CLH project. These grants can be from a minimum £1,000 up to the maximum of £10,000 and applications can be submitted at any time. They must be able to demonstrate that they have a reasonable chance of delivering the project; for example by providing an expression of interest from the landowner/s.

Applicants must provide details of what the grant will be spent on and include evidence with their application of the costs of each item listed. They must set out the benefits to the local area and/or the specific community and must show how these benefits will be legally protected in perpetuity. Additionally they must show how the group will engage with the wider community throughout the development process, and their commitment to playing an ongoing role in the development. This can take a number of forms:

- The group or organisation can directly own, manage or steward the homes either alone or with a partner/s (such as an arrangement with a Registered Provider that owns the freehold or leasehold for the properties)

The decision whether to approve the grant will be by a panel set up for the purpose, which will include the Cabinet Member for Housing with officer support (see section on Application and Decision Process below).

Tier 2 funding is to support development of established projects and can cover a wide range of activities such as:

- Developing a business case, feasibility & design work
- Further training and capacity-building, paying for professional input
- Business planning, project management, architects fees, legal fees
- Planning applications and applications for capital funding for the project

Public Liability

Please consider carefully the activities you will be undertaking throughout your grant funded project, and whether any of the activities pose a risk to members of your organisation, or the public. Remember risk can take many forms – injury, financial loss, reputational damage, etc. If you feel there is risk in any activities you will undertake, you will need to consider whether insurance is required, an insurance broker or financial adviser will be able to give guidance on this. You may wish to include the cost of public liability insurance as part of your application.

Application Assessment & Seed Funding Award Decision Process

Once an application is received it will be reviewed by the lead Council Officer for CLH to ensure that it meets the criteria and includes all the necessary information. If required, further clarification will be sought from the applicant. Any applications not complying with the terms and conditions of the scheme will not be considered.

When it is confirmed that an application is complete, and all required accompanying information has been received, the lead Officer will compile a report with recommendations for the Cabinet Member for Housing, Senior Housing Management Officers and any panelists as required, who will then decide whether to award the funding.

The Council will aim to make a decision and notify the applicant within 28 days of receipt of all the information and completed application form. If the Council requires an extension period the applicant will be informed. Each application will be assessed on its merits and success in Tier 1 does not guarantee a Tier 2 application will also be successful.

Decision notices for successful applications will be signed off by the Cabinet Member for Housing, and will be published on ModGov.

When assessing grant applications, the following factors will be considered:

- Is the group community-led?
- Is there community engagement & support for the project?
- Is there a clear housing need identified?
- Is the project aiming to provide permanently affordable housing for the community?
- Is all the proposed expenditure eligible?
- Are the project costs reasonable and do they add up?
- Feasibility of the proposal, and deliverability - the likelihood that the project will be delivered within the forecast, or reasonable, timeframe.
- Value for money - for example any match funding, amount of grant per home or per person housed.
- Quality and Innovation of the proposed development.
- If the application is requesting funding to pay for professional consultation and/or support, does the chosen advisor/service have the relevant experience to support the group/project?

Note: The decision whether or not to provide funding rests with the Council and there will be no right of review.

Monitoring and Evaluation

Applicants will make available copies of all receipts and invoices relating to the grant to the Council's Officer overseeing the CLH Seed Funding Scheme. The Council reserves the right to inspect goods, works and/or services purchased using funding from the CLH Seed Funding Scheme.

Successful applicants must provide a completed CLH Seed Funding Scheme Monitoring Form to the Council six months after receiving the grant and every six months after that until the project is completed. Failure to provide the monitoring form may make the applicant ineligible for further financial support and potentially require the applicant to repay the grant and costs incurred in accordance with clause 6 below. Officers will keep appropriate records of the funding approved and expenditure incurred by the Council and contact successful applicants every six months to monitor progress.

Changes to the Project and /or Expenditure

If, following the awarding of funding, the successful community group/organisations needs to make a change to the expenditure that was proposed in the original application, they must inform the Council in writing in advance, setting out the details of the changes, and must receive written approval for the changes from the Council prior to going ahead with the changes.

Compliance with the Council's financial procedures

1. The applicant must retain any relevant receipts in line with the Council's financial procedures. The Council reserves the right to inspect the original copies of evidence of expenditure (e.g. receipts).
2. Spending under this scheme does not classify as a supply to the Council and therefore it is not possible to reclaim VAT on this expenditure.
3. Any irregularity or suspected irregularity involving Council funds, property or other assets must be reported immediately to the Council's Chief Financial Officer.
4. Any applicant who has had a criminal conviction in the last five years or is under investigation for any misdemeanor must declare this and this may at the exclusive discretion of the Council disqualify them from funding. If this applies please indicate this in the relevant box application form.
5. If there is found to be any misrepresentation in the Application Form or any breach of these terms and conditions, it may at the exclusive discretion of the Council result in requirement on the applicant to repay to the Council all or part the grant, including all costs, losses, expenses and/or liabilities howsoever incurred by the Council.
6. Should the project not go ahead for any reason, the applicant must inform the Communities Officer as soon as possible and return any outstanding grant funding to the Council so that it can be reallocated to another project.

Publicity

The Council will publish information regarding CLH grants on the Council website and in the Grants Register. Applicants are encouraged to publicise projects that are supported, in whole or in part, by the CLH Seed Funding Scheme.

Equality and Diversity

The Council will adhere to its equality and diversity responsibilities in administering this scheme.

Appendix 1

Fund-holders

What does a fund-holder do?

A fund-holder takes responsibility for the legal and financial management of a grant given to a particular project. The fund-holder will act as an accountable body and will receive the funding grant from the Council, will hold and administer grant funds on behalf of unincorporated Community-Led Housing groups, and are legally responsible for the proper use and management of the funds.

What is required from a fund-holder?

- The fund-holder must be solvent and have proven competence and experience in administration and financial management.
- It must be a legal entity.
- Must have effective systems of management to deliver projects.
- Be able to monitor project performance.
- Must be incorporated.

An agreement needs to be put in place between the fund-holder and the grantee stating that the grant can only be used by the grantee and for the purpose approved by the Council CLH Seed Funding Scheme.

The grant cannot be used to pay the fund-holder an admin/service fee.

Who can act as a fund-holder?

Any legal entity that meets the above requirements can act as a fund-holder. For example, these may be:

- Principle Authorities
- Charities
- Community Interest Companies (CICs)
- Charitable Incorporated Organisations (CIOs)

-
- Parish/Town Councils
 - Registered housing cooperatives
 - Housing Associations.

What is the fund-holder responsible for?

The fund-holder will hold any grant monies it receives from Folkestone & Hythe District Council (FHDC), and will act on instructions given by the group delivering the project (or the grant recipients), as long as they are in line with the grant offer.

- The fund-holder needs to ensure that all payments from the grant monies are permitted expenditures and are in accordance with project specification and grant offer.
- The fund-holder will return any grant that is not spent to FHDC.
- The fund-holder must keep money from the grant in a bank account that has at least two authorised signatories, who are unrelated and live at separate addresses. Money from the account should not be moved or converted to cash, it is solely for the payment of expenses incurred in relation to CLH activities set out above.
- The fund-holder is responsible for ensuring the grant recipients are using the grant monies in accordance with the grant offer and should also report any failures in observing the grant offer to FHDC as soon as they become aware of a breach.
- All fund-holders will be requested to sign up to acknowledge the full Terms & Conditions of the grant via the grant application form.
- The fund-holder will allow FHDC Officers access to all files/records of the project to which they are the accountable body, if a full audit is required.

Appendix 2

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.

Stage 1 and 2 Equality Impact Assessment Templates

Directorate: Housing & Operations

Service: Housing Strategy

Accountable Officer: Kimba Layton

Telephone & e-mail: Kimba.layton@folkestone-hythe.gov.uk

Date of assessment: 1st February 2021

Names & job titles of people carrying out the assessment: Kimba Layton

Name of service/function/policy etc.:	Community-Led Housing Seed Funding Scheme
Is this new or existing?	New

Stage 1: Screening Stage

1. Briefly describe its aims & objectives

The Ministry for Housing, Communities and Local Government's (MHCLG) has awarded £437,361 to FHDC to promote community-led housing (CLH) schemes and to support them with seed funding grants. Big developers are set up to deliver large schemes and there are many smaller sites (perhaps about 0.25 hectares) that could possibly be used for housing. Bringing communities and smaller builders back into the mix is critical to delivering homes in spaces less desirable to mainstream developers. CLH Projects lend themselves to smaller, complex or contentious sites and there is a recognised value of community-led approaches in delivering homes and the integrated social value outcomes.

Subject to approval, the council has established an Eligibility, Terms & Conditions document in relation to the Seed Funding scheme as a guide to who

can apply and how the funding should be allocated. It is envisaged that the seed funding will be used to support community groups who require financial and/or officer support to investigate, develop and deliver their own community-led housing project. The seed funding could potentially be used to fund the cost of initial advice, steering group support and community consultation, incorporation, training, visits to other CLH projects, setting up a website, viability, predevelopment costs and construction costs.

2. Are there external considerations? (legislation/government directive etc.)

The Localism Act laid the groundwork for CLH in 2011. The four main political parties either have, or are proposing, policies that support CLH and small scale builds. Other relevant legislation are the Neighbourhood Planning Act 2017, the Self-Build and Custom Housebuilding Act 2015 and the Housing and Regeneration Act 2008.

In 2016 the Government provided a highly significant injection of capital and revenue funding of £60 million to support CLH in England, spread over a five year period until 2021. A further £163m for CLH was rolled out in 2018. Homes England has advised that going forward there will be no separate fund for CLH and capital funding for these housing projects will be available through the Affordable Homes Programme 2021-2026. Capital funding could be provided in other ways, such as through a mortgage from a specialist provider like Ecology Building Society, which would be paid back via the affordable rents charged; or through selling community shares.

Planning and CLH can be mutually supportive. CLH is an opportunity to meet National Planning Policy Framework duties requiring authorities to:

- Deliver social, economic and environmental benefits through development
- Meet a range of local housing needs
- Engage communities in development decisions
- Meet statutory requirements for self & custom-build housing.

CLH projects can aid planning committee decisions, enabling development on tight infill sites.

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

The key stakeholders are co-housing and co-operative housing organisations, community land trusts (CLT), self-help housing groups, local communities and community groups. Also the Local Authority, land owners, small building firms, local architects and housing associations.

The seed funding is intended to directly benefit community groups and their local community to bring forward and deliver housing projects that will meet their own and their communities identified housing need.

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

To support local community groups who would like to take forward a housing project for themselves or their community, which will benefit the local community, and help make it happen. To not only see the realisation of independent CLH projects but also see CLH being included as a component of larger schemes, such as Otterpool. CLH has the potential to transform estate regeneration, empowering people, developing structures for long-term resident involvement and rebuilding trust.

Future of London published the report “Foundations For Community-Led Housing” in November 2019, which found that the following demonstrable social values have been realised through the delivery of successful CLH projects:

The building social networks - People working on CLH come together around sites, issues or interests and develop strong local connections, which boosts cohesion, combats loneliness and isolation, breaks down barriers, perceived prejudices, as well as improves mental health and wellbeing.

The strengthening of skills and capacity - The process of developing and managing a community housing scheme to fruition requires a huge array of ‘soft’ skills including project management, community organising, strategising, fundraising, research and building partnerships. Where groups undertake some of the labour, they also learn ‘hard’ skills such as carpentry, brick laying and tiling. For both, there are many examples of volunteers translating their experience into employment.

Empowerment and democratic control – This is fundamental to the process. CLH is a process by which people develop and exercise agency, by undertaking a task that will benefit others too. The degree of management responsibility residents take on varies, but they have security and a meaningful say in future decisions.

Attention to design quality and higher standards of environmental performance and innovation - It has been observed that when people have had a say in the design of their homes, considerations such as energy performance and sustainability often factor more centrally. In Bristol, a 1.4-hectare site was transferred to Bristol CLT by the council so they could build an ‘exemplar development’ of highly energy efficient, 100% affordable homes.

A Focus on design quality - CLH tend to prioritise indoor and outdoor communal space; co-design processes are often used to suit features to the end user. Also when the community are involved in housing projects they often compromise on space or use it more creatively by having a communal garden and kitchen etc., which also keeps people in contact with each other regularly.

Ensuring a long-term interest and benefits for the community - Engagement doesn’t end when the keys are handed over. CLH groups have a long-term interest in the housing they built, which extends into ongoing operations and building maintenance. This impacts on the community in an ongoing way reducing ASB and crime etc. Projects can play an important role in the life of the surrounding neighbourhood. There are multiple examples of CLH

groups setting up events and festivals, running workshops, providing training and space for their local communities.

The creation of supportive neighbourhoods and communities - While planning consultations can be adversarial, outreach around CLH has potential to create a more open conversation about why development might be needed, what benefit it offers the community and what form it could take. Research published by Grosvenor^v found just 2% of the public trust developers and only 7% trust local authorities when it comes to large-scale development. The community-led approach has seen less opposition to their house building projects than traditional house building schemes.

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

Yes

Future of London published the report “Foundations For Community-Led Housing” in November 2019. The learning programme that took place to gather information for the report brought together people from the public, private and third sectors. Their expertise and experience, combined with desk-based research and interviews, formed the final report which includes:

- An overview of community-led housing and how it is being delivered, covering best practice in partnerships and planning, access to land and funding.
- Case studies showing effective ways of delivering projects
- Recommendations for policymakers, CLH groups and built environment practitioners
- Signposting to additional resources.

Future of London’s core partners for the report were Community Led Housing London, Igloo Community Builders and Pollard Thomas Edwards, Legal & General and the Bartlett Real Estate Institute.

EXAMPLE: One of the best-known examples of community-led housing is Older Women’s Cohousing (OWCH). Concerned about loneliness and limited housing options available for older people, a group of six women formed OWCH for women over 50. The group said that gaining specialist knowledge, such as site assessment and design briefs, was a “liberating and powerful experience”. The design team involved insists that the collaborative process between the architects, OWCH and contractors did not add time or cost to the housing delivery. The result is 25 owners and tenants living in 17 leasehold and eight social-rent flats. Each person has a self-contained flat and shares a common room, guest suite, garden, food-growing area and laundry. OWCH relies on a varied skills base, from finance to food growing, and members talk passionately about inclusivity, including gender, ethnicity, background, ability and skills as well as age. OWCH now supports others, their website offers a wealth of resources.

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.

Involvement in projects requires free time and the obstacles low-income or marginalised groups face across wider society apply here too. However, this has not put off a wide range of people from getting involved in the CLH projects going on all around the country. It has been noted in many reports and on CLH group websites that CLH organisations around England are very diverse, often more so than many developer or housing association boards.

There is always the possibility that a community organisation that receives funding may not progress on to the next stage and their project fizzles out due to lack of commitment and/or agreement amongst members; or projects could go on to misuse the funds.

Any project to receive funds will also be provided with officer support to take their project forward and they will have to complete a six monthly monitoring form to inform on how the funding has been spent and how the project is progressing.

To date no complete CLH project or any communities in the near vicinity of a complete CLH project has reported experiencing negative impacts or any issues relating to inequalities.

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?)

Group	Negative	Positive	No Impact	Unclear
Disability		X		
Race (including Gypsy & Traveller)		X		
Age		X		
Gender		X		
Transgender		X		
Sexual Orientation		X		
Religion/Belief		X		
Pregnancy & Maternity		X		
Marriage/ Civil Partnership Status		X		

Disability		X		
Rural communities		X		

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

Group	Negative	Positive	No Impact	Unclear
Carers		X		
Ex-offenders		X		
Low-income households, areas of deprivation		X		

9. Are there any human rights implications?

None

Getting involved in a CLH project is a choice, and groups do not purport to be representative of their areas or interest groups. CLH projects who provide housing for their wider local community use allocation policies to allocate properties to members; and they are usually open to accepting an agreed number of council nominations to those households who are willing to sign up to their vision and values, as well as the collective responsibilities of looking after and managing the scheme.

All decisions relating to these schemes are made through community consultation and collective and inclusive discussion with group/organisation members.

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

Yes

The positive impact that CLH can have on communities and the individuals involved is set out above. However, there are further opportunities to link CLH projects with other work such as the development of social enterprise schemes and Housing First projects, which is why it is important to get the FHDC CLH Seed Funding Scheme approved and set up.

Other CLH groups have enlisted the assistance of social enterprise schemes set-up to provide training and employment in the building and decorating industries. As part of the Homelessness Prevention Strategy there is an aim to explore the development of one or more social enterprise schemes to offer training and employment to households that repeatedly experience being homelessness or threatened with homelessness because they are unable to

sustain tenancy and/or employment. There are several social enterprise schemes that have become very successful, such as The Clink Charity^v. It may be possible that a social enterprise scheme, a CLH project and a Housing First project could all be interlinked in some way so that skills are shared and swapped. If this were successful then over a period of time the impact on the community and town centre could be very positive, reducing street population, drinking and substance misuse in public places and shoplifting, as well as improving employment prospects and the aspirations of low income households.

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?

No

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

There have been no identified negative impacts of CLH Seed Funding Scheme and therefore it is envisaged that a Full EIA report is not required. How the funding grants are used and the progression of projects funded will be monitored by the Housing Strategy & Initiatives Officer, recording hard and soft statistics as well project expenditure, actions and outcomes. All projects funded will be asked to complete a six monthly monitoring form.

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: Kimba Layton **Role:** Housing Strategy & Initiatives Officer **Date:** 01/02/2021

Countersigned by Head of Service: Adrian Hammond

Date: 1 June 2021

Please keep the signed hard copy with your team for auditing purposes and forward an electronic copy to leadership.support@folkestone-hythe.gov.uk so that it can be published.

Stage 2: Full Equality Impact Assessment Report

15. Summarise the likely negative impacts for relevant groups identified in the screening process (Refer to Stage 1, Questions 7-8, start to think about possible alternatives)

16. What consultation/involvement activities have taken place or will need to take place with groups/individuals from each relevant protected characteristic or equality group? (refer back to Stage 1, Question 5)

17. What other research has been or will need to be carried out to help you with the assessment?

18. Results of research/consultation (what does it tell you about the negative impacts?)

19. Conclusions & Action Planning

You should explain what and how negative impacts have been reduced or removed and how positive impacts are to be improved or included.

Your final decisions or recommendations may include making immediate changes, stopping or proceeding with a new policy, justifying a decision or adding objectives/targets to the service development plan/equality scheme (long term changes).

You could use the template below to record your conclusions/actions. You should also make reference to any additional monitoring or research that is still required, or was not retrievable at the point of assessment, but will be required in subsequent reviews or in order to complete actions.

Impact/Issue	Action/Objective/Target or Justification	Will this remove negative impact?	Resources	Lead Officer & Timescale

20. How will you monitor, evaluate and check the policy in the future?

21. When will a review take place?

Please complete

We are satisfied that a full impact assessment has been carried out.

Completed by: Role: Date:

Countersigned by Head of Service: Date:

Please keep the signed hard copy with your team for auditing purposes and forward an electronic copy to leadership.support@folkestone-hythe.gov.uk for publication.

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