

The Council Meeting

Council Chamber, Town Hall
14 July 2010 at 6.00pm

Information for Members of the Public

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Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

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COLCHESTER BOROUGH COUNCIL

TO ALL MEMBERS OF THE COUNCIL

14 July 2010

You are hereby summoned to attend a meeting of the Council to be held at the Council Chamber, Town Hall on **14 July 2010 at 6:00pm** for the transaction of the business stated below.



Chief Executive

AGENDA

Pages

1. Welcome and Announcements

(a) The Mayor to welcome members of the public and Councillors and to invite the Chaplain to address the meeting. The Mayor to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Mayor's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

(a) The Mayor to ask members of the public to indicate if they wish to ask a question, make a statement or present a petition on any matter relating to the business of the Council – either on an item on the agenda for this meeting or on a general matter not on this agenda (Council Procedure Rule 6(2)).

(b) The Mayor to invite contributions from members of the public who wish to address the Council on a general matter not on this agenda.

(Note: A period of up to 15 minutes is available for general statements and questions under 'Have Your Say!').

3. Minutes

1 - 11

A... Motion that the minutes of the meeting held on 19 May 2010 be confirmed as a correct record.

4. Mayor's Announcements

Mayor's Announcements (if any) and matters arising pursuant to Council Procedure Rule 8(3).

5. Personal Interests of Members

Disclosures by Members under Council Procedure Rule 9(3) to 9(9) (if any).

6. Prejudicial Interests of Members

Disclosures by Members under Council Procedure Rules 9(10) and 9(11) (if any).

(Note: Members should only declare personal and/or prejudicial interests on items that are to be considered at the meeting).

7. Items (if any) referred under the Call-in Procedure

To consider any items referred by the Strategic Overview and Scrutiny Panel or the Finance and Audit Scrutiny Panel under the Call-In Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with the budget.

8. Recommendations of the Cabinet, Panels and Committees

i. Colchester Borough Council Safeguarding Adults Policy

12 - 13

B... Motion that the recommendation contained in minute 5 of the Cabinet meeting of 26 May 2010 be approved and adopted.

ii. 2011/12 Budget Strategy, Medium Term Financial Forecast and Budget Timetable/VAF Issues Relating to Legal Proceedings

14 - 16

C... Motion that the recommendations contained in minutes 13 and

15 of the Cabinet meeting of 30 June 2010 be approved and adopted.

9. Schedules of Decisions taken by Portfolio Holders

17 - 23

To note schedules covering the period 12 March 2010 - 2 July 2010.

10. Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

To receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed by any oral questions (ie not submitted in advance) in accordance with Council Procedure Rule 10 (3).

(Note: A period of up to 90 minutes is available for pre-notified questions and oral questions by Members of the Council to Cabinet Members and Chairmen (or in their absence, Deputy Chairmen)).

At the time of the publication of this Summons no pre-notified questions had been received.

11. Notices of Motion pursuant to Council Procedure Rule 11

i. Increase in VAT

Proposer: Councillor Dopson

D... Motion that this Council:-

(i) Believes that:-

- the increase in VAT from 17.5% to 20% announced in the Government's June Budget will fall hardest on those least able to afford it.
- the increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in Colchester.
- the effect of the increase in VAT, when taken with other measures in the Budget, will be unfair to pensioners, who have not had a compensatory increase in other benefits and allowances.
- the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20 May 2010 that it would "ensure that fairness is at the heart of those decisions so that all those most in need are protected."

(ii) Notes that the Institute of Fiscal Studies has stated the VAT increase was not "unavoidable," as the Chancellor of the Exchequer announced in his Budget speech.

(iii) Resolves to write directly to the Chancellor of the Exchequer raising concerns about the impact of the proposed VAT increase on pensioners, other vulnerable groups and businesses in Colchester.

(iv) Calls on the Members of Parliament representing the Borough of Colchester to stand up for Colchester, pensioners, businesses and wider community, by voicing their opposition to this unfair increase in VAT and to vote against it in Parliament.

Main Amendment

The following main amendment has been received:-

Proposer: Councillor Smith

The Motion concerning the increase in VAT be approved and adopted subject to the following amendments:-

(i) In paragraph (i):-

(a) in the first bullet point the deletion of the word "will" and its replacement with the word "may";

(b) in the second bullet point the deletion of the word "will" at the second and third points it occurs and its replacement with the word "may" on each occasion;

(c) at the end of the second bullet point the insertion of the following additional words after the words "community groups in Colchester":-

"but this Council welcomes the restoration of the link between pensions and earnings, the increase in personal allowance which will take over eight hundred thousand low earners out of income tax altogether, and the closing of the capital gains tax loophole, all of which the Labour Government failed to achieve in 13 years."

(d) the deletion of the third and fourth bullet points.

(ii) In paragraph (iii) the insertion of the following additional words after the words "other vulnerable groups and businesses in Colchester":-

"and calls on the Chancellor of the Exchequer to undertake an

impact assessment of the proposed 2½% VAT rise before it is implemented in January .”

(iii) the deletion of paragraph (iv).

ii. Secondary School Education in Colchester

Proposer: Councillor J. Young

E... Motion that:

(a) This Council is disappointed that the proposed major investment in Colchester Secondary schools will not now go ahead.

(b) This Council supported Option 4 and supports the Stanway Federation intention to form a single school operating over two sites in Stanway and Monkwick.

(c) This Council calls upon Essex County Council:-

- to confirm its support for the Federation proposals;
- to review its capital programme in order that the necessary and planned parallel investment can be made available at the Thomas Lord Audley site and at Stanway School to provide suitably enhanced learning environments.

iii. Secondary School Education in Colchester - MOTION WITHDRAWN

Proposer: Councillor Offen

F... Motion that:-

(a) Council notes

(i) The scrapping of the Building Schools for the Future project by the Government means there is no capital funding identified to expand St. Helena, Stanway, Philip Morant, The Gilberd, or Thurstable Secondary Schools

(ii) Essex County Council's stated intention by Cllr Castle not to renege on the closure notices served to Thomas Lord Audley and Alderman Blaxill Schools

(iii) That plans for a new Academy on the Charles Lucas site are 'under discussion'.

(iv) That Colchester is the fastest growing Borough in the Country and there is currently inadequate provision of Secondary School places in Colchester Borough.

(b) Council believes

(i) It is foolhardy to send children from Alderman Blaxill and Thomas Lord Audley catchment areas to St. Helena, Stanway, Philip Morant, The Gilberd and Thurstable Secondary Schools from 2011 when there is no money identified to expand these sites to accommodate the additional intake.

(c) Council resolves

(i) To call on Essex County Council to support 'Option 4' which would establish a 'Federation School' between Stanway, Alderman Blaxill and Thomas Lord Audley Schools - this was the preferred option of the public and the unanimous view of Colchester Borough Council when they were previously consulted on the project. And that Alderman Blaxill and Thomas Lord Audley should both stay open.

(ii) To lobby the Government to agree funding for the rebuilding of Charles Lucas School as an academy.

(iii) To write to all MPs representing Colchester Borough to ask for their support for these recommendations.

12. Review of Future Debate Opportunities

24 - 25

G... Motion that the recommendations contained in the Monitoring Officer's report be approved and adopted.

13. Reports Referred to in Recommendations

26 - 94

The reports specified below are submitted for information and are referred to in the recommendations specified in item 8 on the agenda:

Report to Cabinet 26 May 2010: Colchester Borough Council
Safeguarding Adults Policy

Report to Cabinet 30 June 2010: 2011/2012 Budget Strategy,
Medium Term Financial Forecast and Budget Timetable

Report to Cabinet 30 June 2010: VAF Issues Relating to Legal
Proceedings

14. Urgent items

To consider any business not specified in this summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.

15. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

COUNCIL
19 MAY 2010

Present :- Councillor Sonia Lewis (the Mayor) (Chairman)
Councillor Helen Chuah (Deputy Mayor)
Councillors Christopher Arnold, Nick Barlow,
Lyn Barton, Kevin Bentley, Mary Blandon,
John Bouckley, Nigel Chapman,
Peter Chillingworth, Barrie Cook, Nick Cope,
Mark Cory, Beverly Davies, Tina Dopson,
John Elliott, Andrew Ellis, Margaret Fairley-Crowe,
Margaret Fisher, Wyn Foster, Bill Frame,
Ray Gamble, Martin Goss, Scott Greenhill,
Mike Hardy, Dave Harris, Pauline Hazell,
Peter Higgins, Theresa Higgins, Mike Hogg,
Martin Hunt (Deputy Leader) , John Jowers,
Margaret Kimberley, Justin Knight, Michael Lilley,
Sue Lissimore, Jackie Maclean, Jon Manning,
Richard Martin, Colin Mudie, Kim Naish,
Nigel Offen, Beverley Oxford, Gerard Oxford,
Philip Oxford, Ann Quarrie, Lesley Scott-Boutell,
Paul Smith, Henry Spyvee, Terry Sutton,
Colin Sykes, Laura Sykes, Jill Tod, Anne Turrell
(Leader of the Council) , Dennis Willetts,
Julie Young and Tim Young

Councillor Goss was not present for items at minutes 1 - 6.

The meeting was opened with prayers by the Retiring Mayor's Chaplain, The Reverend David Harper.

The Retiring Mayor chaired the meeting for item at minute 1.

1. Election of Mayor

It was PROPOSED by Councillor Fairley-Crowe, SECONDED by Councillor Scott-Boutell and SUPPORTED by Councillors T. Young and G. Oxford and -

RESOLVED UNANIMOUSLY that Councillor Sonia Lewis be elected Mayor of the Borough of Colchester for the ensuing Municipal Year.

Councillor Lewis took the customary oath and made and subscribed the declaration of acceptance of office.

The Mayor then took the Chair and returned thanks for her election.

2. Minutes

The minutes of the meeting held on 24 March 2010 were confirmed as a correct record.

3. Election of Deputy Mayor

It was PROPOSED by Councillor Blandon, SECONDED and SUPPORTED by Councillors Chapman, T. Young and G. Oxford and -

RESOLVED UNANIMOUSLY that Councillor Chuah be elected Deputy Mayor of the Borough of Colchester for the ensuing Municipal Year.

Councillor Chuah then made and subscribed the declaration of acceptance of office and returned thanks for her election as Deputy Mayor.

4. Vote of Thanks to Retiring Mayor

It was PROPOSED by Councillor Barlow, SECONDED and SUPPORTED by Councillors Bentley, T. Young and G. Oxford and -

RESOLVED UNANIMOUSLY that the best thanks of the Council are due and are hereby accorded to Councillor Henry Spyvee for the admirable manner in which he had discharged the responsible duties of the Mayoralty during the past year and that a transcript of this resolution under the Common Seal be furnished to Councillor Henry Spyvee.

5. Mayor's Chaplain and Other Announcements

The Mayor announced that she had appointed the Reverend Richard Allen to be her Chaplain for the ensuing Municipal Year and indicated that the theme of her Mayoralty would be "Community and Volunteers".

The Civic Service would take place on Sunday 6 June at St Leonard's Church, Lexden. The Mayor announced that a Soldier's Memorial Garden would be erected at Colchester Cemetery.

The Mayor indicated that she would be supporting the following charities:-

Army Benevolent Fund

Multiple Sclerosis Society
Neurology Group (constituting Alzheimer's Society, Epilepsy Action, Headway, Huntington's Disease, Motor Neurone Disease Association, Parkinson's Disease Society)
Community Supporters (Grassroots, C CVS, Essex Wildlife Trust, Essex Air Ambulance)
Scouts and Guides (Lexden Scouts, Girl Guiding North East Essex)

6. Adjournment

RESOLVED that the meeting stand adjourned until 12.00 noon and be resumed in the Council Chamber.

7. Have Your Say!

Bob Russell MP addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to ask the Leader of the Council if the Council had received any notification from Essex County Council about the status of the Building Schools for the Future funding, which had been the subject of reports in the local press. He stressed that the Council should be kept informed rather than having to rely on newspaper reports. He reminded the Council that it had indicated its support for "option 4" and that it had indicated that it would only allow the development of the new access road to Philip Morant to proceed if the full funding was received.

Councillor Turrell responded that the Council had received no such notification from Essex County Council and she would look into the issue.

Catherine Clouston addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to express concern about plans to build on green fields in Mile End and Braiswick. She represented over 1200 residents who signed a petition, which would be presented to a later meeting. Whilst she appreciated the difficulty the Council faced in meeting government targets and juggling conflicting demands, further consultation was needed on this issue. The change of government gave an opportunity to pause for thought. Residents were not blindly opposed to development and were willing to work with the Council to find a solution.

Councillor Turrell responded that she understood residents concerns and would welcome the opportunity to work with them.

Paula Whitney addressed the Council pursuant to the provisions of Meetings

General Procedure Rule 6(2) to stress the importance of tackling carbon emissions. She hoped that a motion would be put to Council in July inviting Council to sign up to the Friends of the Earth Get Serious campaign which aimed at reducing carbon emissions by 40% by 2020. In view of the amount of development and traffic in the borough the Council needed to do more to limit and control carbon emissions.

Councillor Barton reiterated the work the Council was doing to limit carbon emissions and the targets it was working towards. If the Council signed up to meet another target, it could waste valuable time and effort on the administrative work involved. The Council would welcome suggestions from Friends of the Earth for projects it could undertake that would help address the issue.

Andy Hamilton addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He argued that the Council's failure to provide a storage facility for mobility scooters on the bus park was contrary to its commitment on fair access to all. As development was not taking place on the bus station at the moment there was nothing to prevent the provision of such a facility. This contrasted with help given to an arts group to obtain 15 Queen Street. He would be submitting a complaint to the Local Government Ombudsman.

Councillor Dopson responded that whilst Mr Hamilton had every right to express his concerns she took issue with the allegation that the Council had behaved in a "dishonourable" way and that it deliberately sought to obstruct the provision of mobility scooters. Shopmobility use was increasing and the Council was working with Shopmobility to provide a good level of service.

8. Appointment of the Leader of the Council

RESOLVED that Councillor Turrell be appointed Leader of the Council for the ensuing Municipal Year.

9. Appointment of the Deputy Leader of the Council

RESOLVED that Councillor Hunt be appointed Deputy Leader of the Council for the ensuing Municipal Year.

10. Appointment of the Cabinet

RESOLVED that in accordance with the provisions of section 24 of the Local Government Act 2000 the number of seats, Group representation and membership of the Cabinet for the ensuing Municipal Year be as circulated at the meeting and attached to these minutes.

11. Delegations made by the Leader of the Council

RESOLVED that the allocation of responsibility by Cabinet members for the ensuing Municipal Year, as determined by the Leader of the Council and as circulated at the meeting, be noted.

12. Appointment of Panels, Committees and Sub-Committees

RESOLVED that:-

(i) that in accordance with the provisions of Section 15 of the Local Government and Housing Act 1989 the number of seats, Group Representation and membership of the Accounts and Regulatory Committee, Crime and Disorder Committee, Finance and Audit Scrutiny Panel, Licensing Committee, Local Development Framework Committee, Planning Committee, Policy Review and Development Panel and the Strategic Overview and Scrutiny Panel for the ensuing municipal year be as circulated at the meeting and attached to these minutes.

(ii) that in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989, the appointments of the Standards Committee and the Task and Finish Groups shall not be on a Group basis and membership shall be as circulated at the meeting and attached to these minutes.

(iii) that authority to approve the membership of the Council's Independent Remuneration Panel be delegated to the Group Leaders.

13. Former Councillors

RESOLVED that the Council hereby records its grateful thanks to former Councillors Robert Davidson, Chris Hall, Gaye Pyman and Nick Taylor for the public service rendered by them to the Borough during their periods of office as Councillors and instructs that a transcript of this resolution be furnished to each of them under the Common Seal of the Borough as a permanent record of the appreciation of the Council.

14. Capital Programme - Release of Funds for Visual Arts Facility in Advance of Bond Payment

Andy Hamilton addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to express concern that further public money would be spent on the VAF on the basis of a report he believed was misleading. There were few facts to back up the assertions in the report. Contractors were reluctant to work on the project. The Council was responsible for the rise in construction costs. He also expressed concern that the author of the report had written to the local media and considered that the contents of the letter went beyond correcting inaccurate reporting and engaged in political debate.

Councillor Hunt, Deputy Leader of the Council and Portfolio Holder for Street and Waste Services, indicated that the letter to the media had been sent at the request of Councillors. He invited Adrian Pritchard, Chief Executive, to respond to the comments made about the letter. Mr Pritchard stated that as the article in question had been printed during the pre-election period when Councillors were unable to respond, it was entirely appropriate for officers to seek to correct factual inaccuracies in it. He fully supported the letter that was sent and did not consider that it strayed into the political arena.

RESOLVED that the recommendations contained in the Executive Director's report be approved and adopted (MAJORITY voted FOR).

15. Duty to Respond to Petitions

RESOLVED that the recommendations contained in the Head of Corporate Management's report be approved and adopted.

16. Membership of Cabinet, Committees and Panels

Municipal Year 2010/11

Cabinet (8 seats)

Group representation – Lib Dem 5, Lab 2, Highwoods 1

Members:

Councillor Barlow - Economic Development, Culture and Tourism Portfolio

Holder

Councillor Barton - Planning and Sustainability Portfolio Holder

Councillor Dopson - Communities Portfolio Holder

Councillor Hunt - Street and Waste Portfolio Holder

Councillor B. Oxford - Customers Portfolio Holder

Councillor Smith - Resources and Diversity Portfolio Holder

Councillor Turrell - Strategy and Performance Portfolio Holder

Councillor T. Young - Housing and Community Safety Portfolio Holder

Accounts and Regulatory Committee (10 seats)

Group Representation - Con 3, Lib Dem 5, Lab 1, Highwoods 1

Councillor Arnold

Councillor Cope

Councillor Greenhill

Councillor Lissimore

Councillor Manning

Councillor Mudie

Councillor Naish

Councillor G. Oxford

Councillor C. Sykes

Councillor Willetts

Finance and Audit Scrutiny Panel (10 seats)

Group Representation - Con 3, Lib Dem 5, Lab 1, Highwoods 1

Councillor Arnold

Councillor Cope

Councillor Greenhill

Councillor Lissimore

Councillor Manning

Councillor Mudie

Councillor Naish

Councillor G. Oxford

Councillor C. Sykes

Councillor Willetts

Licensing Committee (12 seats)

Group Representation - Con 5, Lib Dem 5, Lab 2, Highwoods -

Councillor Blandon

Councillor Bouckley

Councillor Cook

Councillor Cope
Councillor Cory
Councillor Foster
Councillor Garnett
Councillor Harris
Councillor Hogg
Councillor Kimberley
Councillor Lilley
Councillor Quarrie

Local Development Framework Committee (9 seats)

Group Representation - Con 4, Lib Dem 4, Lab 1, Highwoods -

Councillor Blundell
Councillor Cory
Councillor Davies
Councillor Garnett
Councillor Goss
Councillor Jowers
Councillor Naish
Councillor Spyvee
Councillor C. Sykes

Planning Committee (12 seats)

Group Representation - Con 5, Lib Dem 5, Lab 1, Highwoods 1

Councillor Chillingworth
Councillor Chuah
Councillor Elliott
Councillor Ellis
Councillor Ford
Councillor Gamble
Councillor T. Higgins
Councillor Maclean
Councillor Manning
Councillor P. Oxford
Councillor Quarrie
Councillor L. Sykes

Policy Review and Development Panel (7 seats)

Group Representation - Con 3, Lib Dem 3, Lab 1, Highwoods -

Councillor Chapman
Councillor Fisher
Councillor Hardy
Councillor Lilley
Councillor Offen
Councillor Scott-Boutell
Councillor Tod

Strategic Overview and Scrutiny Panel (10 seats)

Group Representation - Con 4, Lib Dem 4, Lab 1, Highwoods 1

Councillor Arnold
Councillor Chapman
Councillor Cory
Councillor Ellis
Councillor Frame
Councillor T. Higgins
Councillor Offen
Councillor G. Oxford
Councillor Willetts
Councillor J. Young

Crime and Disorder Committee (10 seats)

Group Representation - Con 4, Lib Dem 4, Lab 1, Highwoods 1

Councillor Arnold
Councillor Chapman
Councillor Cory
Councillor Ellis
Councillor Frame
Councillor T. Higgins
Councillor Offen
Councillor G. Oxford
Councillor Willetts
Councillor J. Young

Standards Committee

Members:

Councillor Chapman

Councillor Chuah
Councillor Gamble
Councillor Sutton

Independent members:

Ian Andrews
Derek Coe
Sven Farmer
Peter Fitton
Steven Roberts-Mee

Parish members:

Parish Councillor Chip Abnett
Parish Councillor Malcolm Bartier
Parish Councillor Vivienne Eden

Task and Finish Groups

Night Time Economy

Councillor Barlow
Councillor Davies
Councillor Naish
Councillor B. Oxford

20 mph speed limit

Councillor Ford
Parish Councillor Gili-Ross
Councillor Hardy
Councillor Offen
Councillor G. Oxford

Mayoralty

Councillor Garnett
Councillor Naish
Councillor B. Oxford
One further member to be nominated by the Liberal Democrat Group

Waste Prevention and Recycling Options Appraisal

Councillor Arnold
Councillor Barlow

Councillor Chillingworth
Councillor P. Oxford
Councillor Smith
Councillor J. Young

Extract from the minutes of the Cabinet meeting on 26 May 2010

5. Colchester Borough Council Safeguarding Adults Policy

The Head of Life Opportunities submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix B to these minutes in the Minute Book.

RESOLVED that the Safeguarding Adults Policy at Appendix 1 of the Head of Life Opportunities report be approved.

RECOMMENDED to Council that the Safeguarding Adults Policy be adopted and be included in the Council's Policy Framework.

REASONS

(a) The Safeguarding Adults Policy sets out the roles and responsibilities of Colchester Borough Council in working together with other professionals and agencies to promote vulnerable adults' welfare and safeguard them from abuse and neglect.

(b) "No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse" was published by the Department of Health in 2000 to give guidance to local agencies who have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse. It offers a structure and content for the development of local inter-agency policies, procedures and joint protocols which will draw on good practice nationally and locally.

(c) Social Services local authorities are already required to ensure that there is an Adult Safeguarding Board covering their area, which brings together representatives of each of the main agencies and professionals responsible for helping to protect vulnerable adults from abuse and neglect. In the Colchester context, the relevant body is the Essex Safeguarding Adults Board (ESAB). The Council already participates actively in the Essex Safeguarding Adults Board and its North East Essex Locality Board.

(d) By adopting this policy, Colchester Borough Council is signing up to the following principles laid down within the Essex Safeguarding Adults Board Guidelines:-

- To take action to identify and prevent abuse from happening.
- Respond appropriately when abuse has or is suspected to have occurred.
- Ensure that the agreed safeguarding adults' procedures are followed at all times.
- Provide support, advice and resources to staff in responding to safeguarding adult issues.

- Inform staff of any local or national issues relating to safeguarding adults.
- Ensure staff are aware of their responsibilities to attend training and to support staff in accessing these events.
- Ensuring that the organisation has a dedicated staff member with an expertise in safeguarding adults.
- Ensuring staff have access to appropriate consultation and supervision regarding safeguarding adults.
- Understand how diversity, beliefs and values of people who use services may influence the identification, prevention and response to safeguarding concerns.

ALTERNATIVE OPTIONS

(a) To not approve the Policy. This would prevent the Council from having up to date and compliant policy and procedures and put at risk the authority's ability to work effectively to safeguard the welfare of vulnerable adults in the community and to respond to scrutiny from the ESAB.

(b) To request amendments to the Policy. The Policy is derived directly from a "model" policy developed and approved by the ESAB for adoption by partner agencies such as the Council.

Extract from the minutes of the Cabinet meeting on 30 June 2010

13. 2011/2012 Budget Strategy, Medium Term Financial Forecast and Budget Timetable

The Head of Resource Management submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix A to these minutes in the Minute Book.

Nick Chilvers addressed the Cabinet pursuant to Meetings General Procedure Rule 5(2). He urged the Council to maintain its budget for parks and planting given the positive impact this had on the borough, but suggested that the free swimming subsidy could be removed.

Councillor Dopson, Portfolio Holder for Communities, explained that in the light of cuts to the Council's funding, it could no longer continue to subsidise free swimming for under sixteens and over sixties and this would end after the summer holidays.

Councillor Willetts addressed the Cabinet in his capacity as the Deputy Leader of the Conservative Group. He believed that the financial position was not as dire as the report suggested. Given the surplus at the end of the financial year, there had been no need to increase council tax. He urged the administration to adopt the budget proposed by the Conservative group in February 2010.

RESOLVED that:-

- (a) The pre-audit outturn position for the financial year 2009/10 be noted.
- (b) £30,000 be released to support the Tour of Britain cycling event.
- (c) £205,000 be transferred from the insurance reserve into General Fund balances.
- (d) The budget forecast, approach and timetable for the preparation of the 2011/12 budget and updated position in respect of balances be noted.
- (e) The updated Medium Term Financial Forecast for the period to 31 March 2013 as set out in Appendix A of the Head of Resource Management's report be noted.
- (f) The latest position in respect of the Capital Programme be noted.

RECOMMENDED to Council the release from balances in 2010/11 of:-

- £500,000 for VAF legal fees as set out in a separate report to Cabinet on 30 June 2010;

- £405,000 in respect of Icelandic investment impairment

REASONS

The Council is required to approve a financial strategy and timetable in respect of the financial year 2011/12 and a Medium Term Financial Forecast for the two subsequent financial years.

The use of balances requires the approval of Full Council.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

15. Visual Arts Facility (VAF) Issues related to Legal Proceedings

The Executive Director submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix C to these minutes in the Minute Book.

Councillor Smith, Portfolio Holder for Resources and Diversity, and Councillor T. Young, Portfolio Holder for Resources and Diversity, stressed that the further investment was necessary as it was the only way of pursuing legal actions which could result in financial awards to the Council.

RECOMMENDED to Council that £500,000 of additional revenue funding be released towards the legal costs of resolving VAF legal claims or disputes for the reasons set out in the Executive Director's report, if necessary in advance of legal costs already incurred being refunded by resolution of outstanding disputes.

RESOLVED that the Council can use any agreed revenue budgets (for specific disputes relating to the VAF) as a global budget for all the revenue funded disputes relating to the VAF for the reasons set out in paragraphs 2.1 to 2.4 of the Executive Director's report

REASONS

In July 2009 the Cabinet agreed that proceedings could be issued against Banner Holdings Ltd (BHL) and Turner and Townsend (T&T) subject to the revenue budget not to exceed £365,000 without further approval and there were other revenue budget allocations relating to other identified claims in relation to the VAF. This approach has proven problematic due to certain areas of legal work being more intense than other areas and because the claims are so interrelated. It is now suggested that it would be better to agree that identified revenue budgets can be used as a global budget in relation to all the revenue funded VAF disputes.

In December 2009 the revenue budget was increased by £500,000, with £250,000 being released in the last financial year and the remaining £250,000 being released in this financial year. This budget has largely been expended in relation to successfully defending the claim by BHL. Under normal circumstances the Council could expect to recover its legal costs and this might yet prove possible to a varying degree, but at present more revenue funding is required this financial year up to an additional £500,000 if the Council is not to lose its ability to claim against T&T.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
12 March 2010 – 2 July 2010**

Portfolio – Business and Tourism					
Date	Number	Report Title	Author	Decision	Result
25/3/10	BUS-002-09	Enterprise, Skills and Employment grant application (COLBEA)	Jan Warren	To award grant to Colchester Business Enterprise Agency (COLBEA) 2010-2011	Agreed 9/4/10
25/3/10	BUS-003-09	Enterprise, Skills and Employment grant application (Signpost)	Jan Warren	To award grant to Colchester Signpost (Colchester) 2010-2011	Agreed 9/4/10

Portfolio – Communication, Customers and Leisure					
Date	Number	Report Title	Author	Decision	Result

Portfolio - Neighbourhoods					
Date	Number	Report Title	Author	Decision	Result

Portfolio - Performance and Partnerships					
Date	Number	Report Title	Author	Decision	Result
25/3/10	PER-005-09	Allocation of investment in voluntary welfare organisations 2010-11	Fay Mathers	To approve the Council's investment in "not-for-profit", voluntary and	Agreed 9/4/10

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
12 March 2010 – 2 July 2010**

				community organisations through the revenue and project for 2011-2011	
25/3/10	PER-006-09	Charges for Activity Centre Lunches and Membership 2010-11	Melanie Rundle	To approve the increased fees and charges for Activity Centre lunches and membership fees for 2010/11	Agreed 9/4/10

Portfolio – Planning, Sustainability and the Environment

Date	Number	Report Title	Author	Decision	Result
12/4/10	PLA-007-09	Greater Anglia Rail Franchise Consultation	Jane Thompson	To respond to the consultation being carried out by the Department for Transport, on the content of the new franchise to operate the Greater Anglia line from April 2011	Agreed 19/4/10
8/4/10	PLA-008-09	Dedham Vale AONB & Stour Valley Management Plan 2010-2015	Adam John	To approve the Dedham Vale AONB and Stour Valley Management Plan, including its Strategic Environmental Assessment, covering the period 2010 to 2015	Agreed 21/4/10
19/4/10	PLA-009-09	Dedham Vale AONB & Stour Valley Project revised Memorandum of Agreement 2008/9 to 2010/11	Adam John	To agree the revised Memorandum of Agreement for the Dedham Vale AONB & Stour Valley Project for the period 2008/9 to 2010/11	Agreed 28/4/10

Record of Decisions taken under Scheme of Delegation to Cabinet Members 12 March 2010 – 2 July 2010

Portfolio - Resources, Diversity, Culture and the Arts					
Date	Number	Report Title	Author	Decision	Result
1/3/10	RES-004-09	Irrecoverable Debts over £5,000	Peter Evans	To approve the writing off of debts which have proved irrecoverable	Agreed 12/3/10
24/3/10	RES-005-09	Annual Licence to provide emergency escape from No. 146 High Street	Michael Timmins	To approve issue of an annual renewable Licence to provide for emergency escape from rear of No. 146 High Street to Town Hall car park	Agreed 9/4/10
1/4/10	RES-006-09	The Funding of Colchester's Town Walls	Peter Berridge/ Philip Wise	To transfer £20,000 to the Town Walls project	Agreed 19/4/10
18/5/10	RES-007-09	Transfer of HRA Land at Calver House, Artillery Street, Colchester	Mike Taylor	To approve to transfer the freehold of a part of HRA land at Calver, Artillery Street, Colchester to Colne Housing Society at nil cost	Agreed 27/5/10

Portfolio - Strategy					
Date	Number	Report Title	Author	Decision	Result
11/5/10	STR-001-09	East of England Local Government Association Subscription 2010/11	Andrew Weavers	To agree that the Council pays its subscription as a member of East of England LGA	Agreed 21/5/10
13/5/10	STR-002-09	Disposal of part Plot 350 Colchester Business Park	Patrick O'Sullivan	To agree to the revised Heads of Terms for the disposal of part Plot 350 on a long leasehold basis. This is for an increased sum from a new party further to Cabinet Decision 9 September 2009.	Agreed 2/6/10

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
12 March 2010 – 2 July 2010**

Portfolio - Street and Waste Services					
Date	Number	Report Title	Author	Decision	Result
15/4/10	STS-016-09	Street Care Strategy and Graffiti Protocol	Dave McManus	To adopt the Street Care Strategy and Graffiti protocol following pre-scrutiny and public consultation	Agreed 27/4/10

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
12 March 2010 – 2 July 2010**

NEW PORTFOLIO HOLDERS from 19 May 2010

Portfolio – Communities					
Date	Number	Report Title	Author	Decision	Result
20/5/10	HOU-001-10 COM-001-10	Lease Agreement for Forest Road Meeting Hall and Car Park, 121 Forest Road, Colchester	Bridget Tighe	To approve a lease arrangement between Colchester Borough Council (CBC) and Colne Housing Society (CHS) for 121 Forest Road Meeting Hall and car park	Agreed 8/6/10
18/6/10	COM-002-10	Gosbecks Archaeological Park Work Plan 2010-2013	Paul Vickers	To approve the proposed work plan for Gosbecks Archaeological Park for the period 2010 to 2013 and to release the funding needed to support this programme of work from the Gosbecks reserve	Due 6/7/10

Portfolio - Customers					
Date	Number	Report Title	Author	Decision	Result

Portfolio – Economic Development, Culture and Tourism					
Date	Number	Report Title	Author	Decision	Result
17/6/10	ECO-001-10	Colchester Christmas Lighting	Jan Warren	To agree to the delivery of Christmas lighting in Colchester from the start of	Agreed 29/6/10

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
12 March 2010 – 2 July 2010**

				the new contract in 2010	
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Portfolio – Housing and Community Safety						
Date	Number	Report Title	Author	Decision	Result	Result
20/5/10	HOU-001-10 COM-001-10	Lease Agreement for Forest Road Meeting Hall and Car Park, 121 Forest Road, Colchester	Bridget Tighe	To approve a lease arrangement between Colchester Borough Council (CBC) and Colne Housing Society (CHS) for 121 Forest Road Meeting Hall and car park	Agreed 8/6/10	
27/5/10	HOU-002-10	Private Sector Renewals budget	Matt Sterling	To approve the operating guidance and prioritisation for the Private Sector Renewals budget	Agreed 18/6/10	
23/6/10	HOU-004-10	CCTV Maintenance Contract	Cassandra Fallows	To appoint Baydale Control Systems Ltd to undertake CCTV Maintenance contract for the CBC Town Centre system	Due 6/7/10	

Portfolio – Planning and Sustainability						
Date	Number	Report Title	Author	Decision	Result	Result

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
12 March 2010 – 2 July 2010**

Portfolio – Resources and Diversity					
Date	Number	Report Title	Author	Decision	Result
10/6/10	RES-001-10	Bailiff Tender	Debbie Greenwood	To award the contract for bailiff services to Rossendales Ltd and Jacobs Partnership for a period of 3 years with a possible extension of a further 2 years	Agreed 29/6/10

Portfolio – Strategy and Performance					
Date	Number	Report Title	Author	Decision	Result

Portfolio – Street and Waste Services					
Date	Number	Report Title	Author	Decision	Result



Council

Item

14 July 2010

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of Future Debate Opportunities		
Wards affected	Not applicable		

This report request Council to review the debate session trial

1. Decision(s) Required

- 1.1 To determine whether to continue with the Council debate item on future meeting agendas.
- 1.2 That the Monitoring Officer be requested to make the necessary changes to the Council Procedure Rules to give effect to the proposals contained in this report.

2. Background

- 2.1 At its meeting on 8 July 2009 Council considered a report by the Monitoring Officer regarding Future Debate Opportunities (copy of which is published on the Council's website). Council agreed the recommendations contained in the report subject to the arrangements being trialled for a period of 12 months and that no debate be held at the meeting when Council was considering the budget and setting the Council tax. The purpose of this report is for Council to review the effectiveness of the debate item on its meetings agenda.
- 2.2 Council will recall that the purpose of the debates is to focus on particular issues or concerns to the Borough and to encourage all Members to contribute. There have been 3 debates during trial as follows:

14 October 2009 – Future Electoral Arrangements

10 December 2009 – City Status

24 March 2010 – Colchester in 2031

- 2.3 The general feedback from Members regarding the debates is that they have been worthwhile and have stimulated good debates within the chamber on issues which may not otherwise be debated in other forums. The one hour duration of the debate has also proved to be appropriate.

3. Proposals

- 3.1 It is suggested that each of the Full Council ordinary meetings in the municipal year (excluding the Annual Meeting and the budget and Council Tax setting meeting) continue to have a debate item of business included on the agenda. The issues to be debated would continue to have been discussed by the Group Leaders and determined by the Leader of the Council. The debate session to remain no more than one hour in duration and that any recommendations made are reported to Cabinet or other body as appropriate.

3.2 If the proposal in 3.1 above is agreed, it is proposed that the duration of questions to Portfolio Holders and Chairman remain at one hour.

4. Strategic Plan References

4.1 The manner in which Council governs its business forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

5. Financial Considerations

5.1 No direct implications.

6. Equality, Diversity and Human Rights Implications

6.1 No direct implications.

7. Publicity Considerations

7.1 The revised Council Procedure Rules will be included as part of the Council's Constitution and will be placed on the Council's website.

8. Consultation Implications

8.1 No direct implications.

9. Community Safety Implications

9.1 No direct implications.

10. Health and Safety Implications

10.1 No direct implications.

11. Risk Management Implications

11.1 No direct implications.



Cabinet

Item
8(i)

26 May 2010

Report of	Head of Life Opportunities	Author	Gareth Mitchell
Title	Colchester Borough Council Safeguarding Adults Policy		
Wards affected	All Wards		

This report seeks approval for the Council's Safeguarding Adults Policy

1. Decisions Required

- 1.1 To approve the Safeguarding Adults Policy at Appendix 1.
- 1.2 To recommend to Full Council the adoption of the Safeguarding Adults Policy and its addition to the Council's Policy Framework.

2. Reasons for Decisions

- 2.1 This Safeguarding Adults Policy sets out the roles and responsibilities of Colchester Borough Council in working together with other professionals and agencies to promote vulnerable adults' welfare and safeguard them from abuse and neglect.
- 2.2 "No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse" was published by the Department of Health in 2000 to give guidance to local agencies who have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse. It offers a structure and content for the development of local inter-agency policies, procedures and joint protocols which will draw on good practice nationally and locally.
- 2.3 In a Written Ministerial Statement published in January 2010, Government signalled their intention to strengthen arrangements for the safeguarding of vulnerable adults. The proposed measures included introducing new legislation to strengthen the local governance of safeguarding adults by putting Safeguarding Adults Boards on a statutory footing.
- 2.4 Social Services local authorities are already required to ensure that there is an Adult Safeguarding Board covering their area, which brings together representatives of each of the main agencies and professionals responsible for helping to protect vulnerable adults from abuse and neglect. In the Colchester context, the relevant body is the Essex Safeguarding Adults Board (ESAB). The Council already participates actively in the Essex Safeguarding Adults Board and its North East Essex Locality Board.
- 2.5 By adopting this policy, Colchester Borough Council is signing up to the following principles laid down within the Essex Safeguarding Adults Board Guidelines:-
 - To take action to identify and prevent abuse from happening.
 - Respond appropriately when abuse has or is suspected to have occurred.
 - Ensure that the agreed safeguarding adults' procedures are followed at all times.
 - Provide support, advice and resources to staff in responding to safeguarding adult issues.

- Inform staff of any local or national issues relating to safeguarding adults.
- Ensure staff are aware of their responsibilities to attend training and to support staff in accessing these events.
- Ensuring that the organisation has a dedicated staff member with an expertise in safeguarding adults.
- Ensuring staff have access to appropriate consultation and supervision regarding safeguarding adults.
- Understand how diversity, beliefs and values of people who use services may influence the identification, prevention and response to safeguarding concerns.

3. Alternative Options

- 3.1 To not approve the Policy. This would prevent the Council from having up to date and compliant policy and procedures and put at risk the authority's ability to work effectively to safeguard the welfare of vulnerable adults in the community and to respond to scrutiny from the ESAB.
- 3.2 To request amendments to the Policy. The Policy is derived directly from a "model" policy developed and approved by the ESAB for adoption by partner agencies such as the Council.

4. Supporting Information

- 4.1 A vulnerable adult is defined as:
- any person aged 18 or over
 - who is or may be in need of community care services by reason of mental, or other disability age or illness
 - and who is or maybe unable to take care of him or herself or unable to protect him or herself against significant harm or serious exploitation

No Secrets (2000) – Department of Health

- 4.2 The main different forms of abuse identified in Government guidance are:-
- physical abuse
 - sexual abuse
 - psychological abuse
 - financial or material abuse
 - neglect and acts of omission
 - discriminatory abuse
- 4.3 The role of the Essex Safeguarding Adults Board (ESAB), as set out in Government guidance, is as follows:-
- To develop and agree local policies and procedures for inter-agency work to protect vulnerable adults
 - To audit and evaluate how well local services work together to protect vulnerable adults
 - To put in place objectives and performance indicators for adult protection
 - To encourage and help develop effective working relationships between different services and professional groups, based upon trust and mutual understanding
 - To ensure agreement across agencies about operational definitions and thresholds for intervention
 - To improve local ways of working in light of knowledge gained through national and local experience and research, and to make sure lessons are acted upon

- To help improve the quality of vulnerable adult protection work through inter-agency training and development
- To raise awareness within the wider community for the need to safeguard vulnerable adults and explain how the wider community can contribute to these objectives.

(‘No Secrets’ – Department of Health 2000)

- 4.4 The ESAB has asked all relevant agencies in Essex, including Colchester Borough Council, to audit their safeguarding adults’ practices and procedures. The audit process requires the Council to demonstrate:
- senior management commitment to the importance of safeguarding and promoting adults’ welfare
 - a clear statement of the council’s responsibilities towards adults, available for all staff
 - a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of adults
 - service development that takes account of the need to safeguard and promote welfare – and is informed by the views of adults and families
 - safe recruitment procedures
 - training on safeguarding and promoting the welfare of adults for all staff working with, or in contact with, adults and families, including work on case studies
 - effective inter-agency working to safeguard and promote the welfare of adults

The approval of this policy will enable the Council to demonstrate compliance with a number of the areas identified in the audit process.

- 4.5 The scope of this policy includes the Council’s tenants who are served on a day-to-day basis by Colchester Borough Homes.

5. Proposals

- 5.1 That Cabinet approve the Safeguarding Adults Policy attached at Appendix 1
- 5.2 That Cabinet recommend to Full Council the adoption of the Safeguarding Adults Policy and its addition to the Council’s Policy Framework.

6. Strategic Plan References

- 6.1 “Addressing older people’s needs” is one of the nine priorities for action identified in the Council’s Strategic Plan 2009-12.

7. Consultation

- 7.1 No formal consultation has been conducted in the development of this Policy as it concerns compliance with statutory requirements.

8. Publicity Considerations

- 8.1 The adoption of the Safeguarding Policy and Procedures can provide reassurance to residents and customers that the Council takes the welfare of vulnerable adults seriously.

9. Financial implications

- 9.1 There are no additional financial implications from the adoption of this Policy.

10. Equality, Diversity and Human Rights implications

- 10.1 The Equality, Diversity and Human Rights aspects of safeguarding vulnerable adults are a fundamental principle underlying this Policy and are reflected in the content of the document.
- 10.2 An Equality Impact Assessment (EIA) has been completed for this Policy and can be found here.
http://www.colchester.gov.uk/Info_page_two_pic_2_det.asp?art_id=8001&sec_id=1988

11. Community Safety Implications

- 11.1 The links between the Safeguarding Adults agenda and Community Safety are strong and are reflected in the multi-agency protocols and practices outlined in the Policy.

12. Health and Safety Implications

- 12.1 There are strong links between the Safeguarding Adults agenda and the Council's Health and Safety responsibilities.

13. Risk Management Implications

- 13.1 The welfare of vulnerable adults using and interacting with the Council's services is an area of potentially significant risk, and the principle purpose of this Policy is to manage and mitigate these risks.

Background Papers

Appendix 1 - Colchester Borough Council Safeguarding Adults Policy and Procedures

Appendix 2 – Safeguarding Adult Staff Handbook

Appendix 3 – SET SAF1 Form

Colchester Borough Council

Safeguarding Adults Policy

May 2010

Reference	
Version 1	February 2010
Named Safeguarding Lead	Gareth Mitchell
Review Date	February 2011
File Location	
Signed	
Name	
Date	

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<ul style="list-style-type: none">• Safeguarding Adult Staff Handbook• SET SAF 1 form	

Aims

Colchester Borough Council is committed to:

- Ensuring that the welfare of adults is paramount at all times
- Maximising people's choice, control and inclusion and protecting their human rights
- Working in partnership with others in order to safeguarding vulnerable adults
- Ensuring safe and effective working practices are in place.
- Supporting staff within the organisation.

Introduction

This policy sets out the roles and responsibilities of Colchester Borough Council in working together with other professionals and agencies in promoting adults welfare and safeguarding them from abuse and neglect.

This policy is intended to support staff working within Colchester Borough Council. It does not replace, but is supplementary to the Southend, Essex, Thurrock (SET) Safeguarding Adults Guidelines (2008) available at www.essexsab.org.

Policies linked with this will include: whistle blowing, complaints, information sharing, safeguarding children, domestic violence, disciplinary and equality and diversity.

Scope

This policy applies to all staff (permanent, seconded or temporary) of Colchester Borough Council as well as all people who work on behalf of Colchester Borough Council.

Definitions

A vulnerable adult is defined as:

- any person aged 18 or over
- who is or may be in need of community care services by reason of mental, or other disability age or illness
- and who is or maybe unable to take care of him or herself or unable to protect him or herself against significant harm or serious exploitation

No Secrets (2000) – Department of Health

Thus all adults who meet the above criteria may be defined as vulnerable adults.

Definitions of the types of abuse and adult safeguarding principles are identified within the Southend, Essex, Thurrock Safeguarding Adults Guidelines.

Responsibilities of Colchester Borough Council

- Colchester Borough Council has signed up and accepts the principles laid down within the Essex Safeguarding Adults Board Guidelines.
- To take action to identify and prevent abuse from happening.
- Respond appropriately when abuse has or is suspected to have occurred.
- Ensure that the agreed safeguarding adults procedures are followed at all times, these are available at www.essexsab.org
- Provide support, advice and resources to staff in responding to safeguarding adult issues.
- Inform staff of any local or national issues relating to safeguarding adults.
- Ensure staff are aware of their responsibilities to attend training and to support staff in accessing these events.
- Ensuring that the organisation has a dedicated staff member with an expertise in safeguarding adults.
- Ensuring staff have access to appropriate consultation and supervision regarding safeguarding adults.
- Understand how diversity, beliefs and values of people who use services may influence the identification, prevention and response to safeguarding concerns.

Responsibilities of all staff

- Follow the safeguarding policies and procedures at all times, particularly if concerns arise about the safety or welfare of a vulnerable adult.
- Participate in safeguarding adults training and maintain current working knowledge.
- Become familiar with the SET Safeguarding Adults Guidelines.
- Discuss any concerns about the welfare of a vulnerable adult with their line manager.
- Contribute to actions required including information sharing and attending meetings.
- Work collaboratively with other agencies to safeguarding and protect the welfare of people who use services.
- Remain alert at all times to the possibility of abuse.
- Recognise the impact that diversity, beliefs and values of people who use services can have.

Training

All staff should receive a basic safeguarding adults awareness training at a level according to their role and as stated within the Essex Safeguarding Adults Board Training Strategy. This should be refreshed as a minimum every two years.

Reporting Abuse

It is expected that all staff follow the SET Safeguarding Adults Guidelines (for full set of procedures see www.essexsab.org). The 'Pre-Stage One – Initial Response Flowchart' from these procedures can be found at Appendix 1.

1. If staff suspect a vulnerable person is being abused or is at risk of abuse, they are expected to report concerns to a line manager (unless they suspect that the line manager is implicated – in such circumstances the whistle blowing policy should be followed).
2. If at any time staff feel the person needs urgent medical assistance, they have a duty to call for an ambulance or arrange for a doctor to see the person at the earliest opportunity.
3. If at the time staff have reason to believe the vulnerable person is in immediate and serious risk of harm or that a crime has been committed the police must be called.
4. A SET SAF 1 form must be completed where there are allegations of abuse and sent to the relevant Social Care area. Guidance notes are available on www.essexsab.org.

All service users need to be safe. Throughout the process the service users needs remain paramount. This process is about protecting the adult and prevention of abuse.

Alleged abuser and victims who are both service users

It is important that consideration be given to a co-ordinated approach and partnership working, where it is identified that both the alleged abuser and alleged victim are service users.

Where both parties are receiving a service, staff should discuss cases and consider joint assessment and support plans where appropriate.

Allegation of abuse staff member

Employees should be aware that abuse is a serious matter that can lead to a criminal conviction. Where applicable the organisations disciplinary policy should be implemented.

Confidentiality and information sharing

'No Secrets' [DH 2000] states that the government expects organisations to share information about individuals who may be at risk from abuse. This is also stressed by Safeguarding Adults [ADSS 2005] the framework for good practice. It is important to identify an abusive situation as early as possible so that the individual can be protected. Withholding information may lead to abuse not being dealt with in a timely manner. Confidentiality must never be confused with secrecy. Staff have a duty to share information relating to suspected abuse with Social Care and Essex Police.

Consent is not required to breach confidentiality (capacity issues must be considered) and make a safeguarding referral where;

- A serious crime has been committed
- Where the alleged perpetrator may go on to abuse other adults
- Other vulnerable adults are at risk in some way
- The vulnerable adult is deemed to be in serious risk
- There is a statutory requirement e.g. Children's Act 1989, Mental Health Act 1983, Care Standards Act 2000
- The public interest overrides the interest of the individual
- When a member of staff of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice or poor professional standards.

If a worker has any doubt about the legality of sharing information, they must in the first instance consult their manager.

Monitoring

Gareth Mitchell, Head of Life Opportunities will be responsible for monitoring this policy.

This policy will be reviewed annually.

Useful contact numbers

Southend

01702 215008 (Access Team)

0845 666 1212 (Out of hours)

Essex

0845 603 7630 (Social Care Direct)

0845 606 1212 (Out of hours)

Thurrock

01375 652868 (Community Solutions)

01375 372468 (Out of hours)

Police

999 (Emergency)

0300 333 4444 (Non emergency number)

Safeguarding

adult staff

Handbook

Southend | Essex | Thurrock



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introduction

- ✧ it is the responsibility of **everyone** to recognise suspected or actual abuse and to take appropriate action in line with the procedures in this document. **IGNORING ABUSE IS NOT AN OPTION**
- ✧ All individuals regardless of age, ability, race, gender, sexual orientation, faith or beliefs should have the greatest possible control over their lives.
- ✧ People should be able to live as independently as possible and to make informed decisions about their own lifestyles, including the opportunity to take risks if they choose to do so, without fear of harm or abuse from others.

This guidance booklet has been produced to help people working directly with vulnerable adults to understand how to raise concerns they may have about abuse. This booklet supplements the Southend, Essex and Thurrock Safeguarding Adult Guidelines.

Your understanding of adult safeguarding and your actions can make a positive difference to vulnerable people

The key message is that we have a responsibility to safeguard vulnerable adults from abuse. It is recommended that you should read and understand this practice guidance as it sets out the responsibilities you have to promote the safety of vulnerable adults.

Many people find it hard to understand why another person (or persons) would want to abuse and cause harm to a vulnerable person. However someone who is vulnerable can often be the perfect target. Why? Because often

- ✧ They can't defend themselves
- ✧ They may not be able to get away
- ✧ Even if they can tell, often they are not believed
- ✧ Sometimes our staff and organisation do not believe that it can happen
- ✧ It may be forgotten that vulnerable people have a human right to be safe (as we do)

Abuse of vulnerable people does not have to be deliberate, malicious or planned. It sometimes happens when people are trying to do their best but do not know the right thing to do. Sometimes the person who causes harm does so because of frustration even in caring context. However, irrespective of why the abuse might happen, the abusive action of another on a vulnerable person causes harm.

what is expected of me?

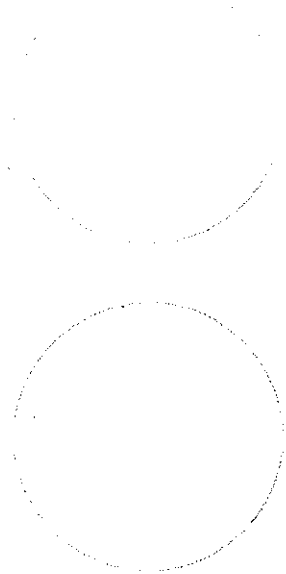
1. **Ignoring abuse is not an option** - if at anytime you think that a vulnerable person is being abused or is at risk of abuse you must report your concerns so that they can be looked into.
2. If you come across a situation where you think a vulnerable person is at risk of abuse you must not ignore the information. Do not assume that others know what you know. **You must tell** so that others can help.
3. Remember that vulnerable adults have human rights. **You have a duty** of care to ensure the rights and needs of the vulnerable person is your main consideration.
4. If at any time you feel the person needs urgent medical assistance call for an ambulance or arrange for a doctor to see the person at the earliest opportunity.
5. If at the time you have reason to believe the vulnerable person is in immediate and serious risk of harm or that a crime has been committed call the police.

6. If you see something that concerns you or you are given information that causes you to be concerned about a vulnerable person then:

- * **Keep calm; this will help the vulnerable person**
- * **Make sure that the person is safe**
- * **Listen carefully to what is said**
- * **Observe what you see around you, if possible**
- * **Reassure and take care of the person**
- * **Get help as soon as possible**

7. Remember you will need to record everything that you saw, heard and did. **Record the facts of what happened.**

8. Remember it is expected that you pass on any concerns immediately to your manager



who are vulnerable adults?

A vulnerable adult is any person aged 18 or over who

1. is or maybe in need of a community care services by reason of mental, physical or learning disability, age or illness

And who

2. is or maybe unable to take care of him or herself or unable to protect him or herself against significant harm or serious exploitation

They may include:

- ✧ People with a mental health problem or mental illness (including dementia)
- ✧ People with a physical disability
- ✧ People with a sensory impairment
- ✧ People with a learning disability
- ✧ People who are frail and/or experiencing a temporary illness

Abuse can take place in any setting – this policy is applicable to all settings; an individuals private home, care home, hospital, day service, public transport, police station, college. This list is endless.

what is Abuse?

“Abuse is a violation of an individual’s human and civil rights by any other person or persons

“Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.”

(No Secrets, Department of Health 2000)

The Southend, Essex and Thurrock adult safeguarding guidelines also define seven different categories of abuse as follows:

Physical abuse: including hitting, slapping, pushing, kicking, misuse of medication, misuse of restraint, or inappropriate sanctions.

Sexual abuse: including rape and sexual assault, or sexual acts to which the vulnerable adult has not consented, or could not consent, or where pressure was applied to secure their consent.

Emotional abuse: including verbal abuse, psychological abuse, threats, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, isolation or withdrawal from services or supportive networks.

Financial or Material abuse: including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

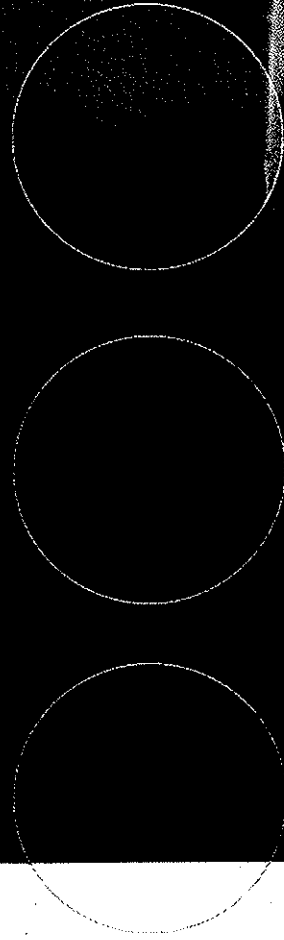
Neglect (including acts of omission): including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, food, drink and heating.

Discriminatory abuse: including racist or sexist remarks or comments based on a person's impairment, disability, age or illness, and other forms of harassment, slurs or similar treatment.

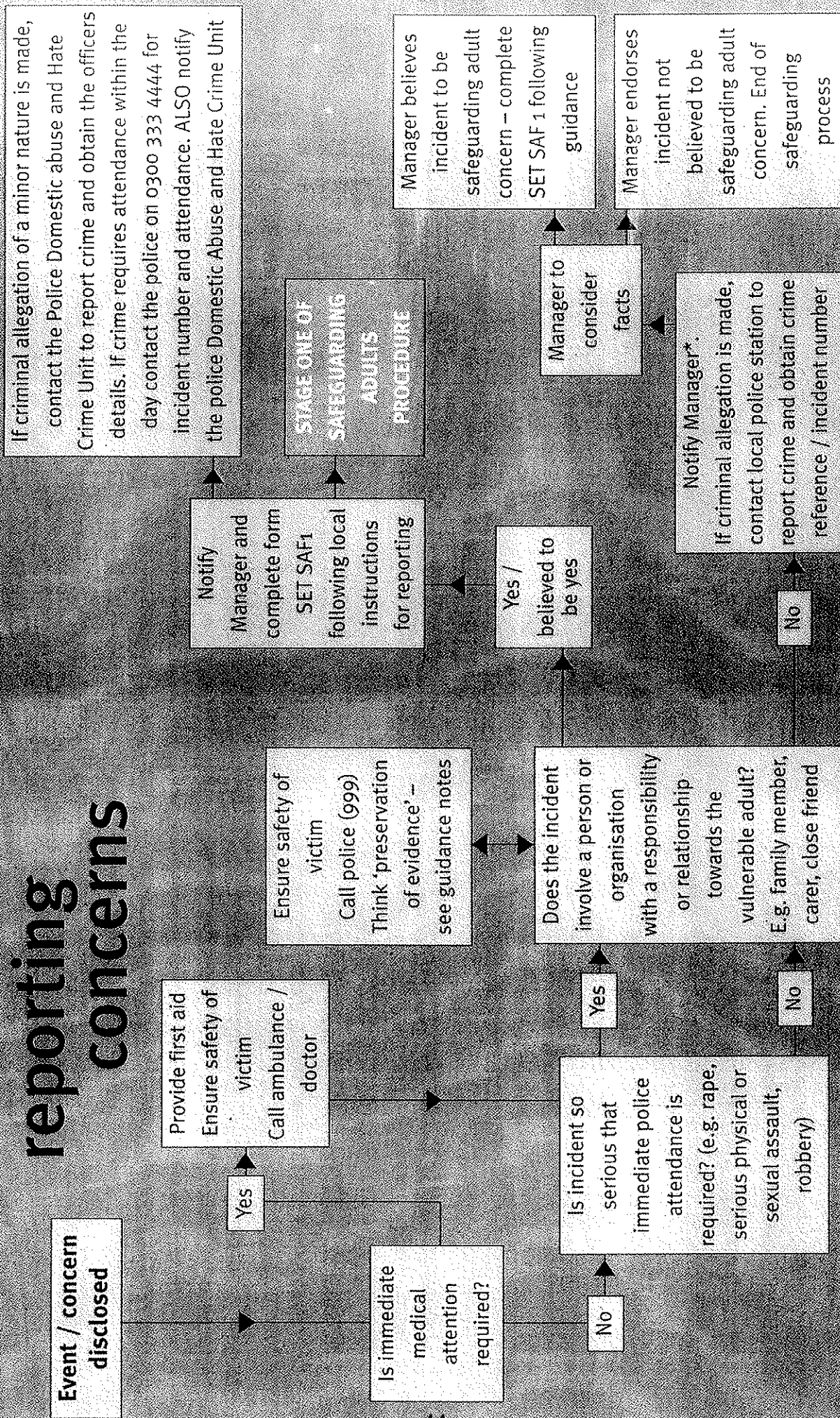
Institutional abuse: involves the collective failure of an organisation to provide an appropriate and professional service to vulnerable people. It can be seen or detected in processes, attitudes and behaviour that amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping. It includes a failure to ensure the necessary safeguards are in place to protect vulnerable adults and maintain good standards of care in accordance with individual needs, including training of staff, supervision and management, record keeping and liaising with other providers of care.

Ignoring abuse is not an option -

Any person or organisation with knowledge of, or suspicion that a vulnerable adult may be at risk of abuse or is being abused must report their concerns.



reporting concerns



* Unless manager is alleged perpetrator or implicated in circumstances identify alternative manager or discuss directly with social worker

if someone discloses to you

People have the right to expect that information shared with a member of staff should be treated as confidential.

However, it should be made clear that where the staff member has a reason to be concerned for the welfare of a vulnerable person and/or others they have to share the information with someone who is in a position to take action or responsibility.

The vulnerable adult should be told with whom the information will be shared, and that their views and wishes will be taken into account. Any views or wishes expressed by the vulnerable adult should be recorded and reported with their concerns by the staff member. Concerns should be reported at the earliest possible opportunity. Ensuring the safety of the vulnerable adult and any other people at risk is the primary responsibility of staff when they become aware of a serious incident.

If someone discloses to you then....

- * Stay Calm
- * Ensure that any immediate needs are addressed
- * Remember that this is an important conversation with someone and they will probably be more anxious than you. Keep conversation flowing by use of non-verbal prompts, verbal prompts, and echoing by repeating the last one or two words spoken.
- * Show empathy when listening
- * Let them speak - do not interrupt them
- * Reassure the person e.g. tell them that they have done the right thing in speaking to you and that you believe them
- * Become an active listener - concentrate, try to comprehend what it is they are saying, sustain the conversation by verbal and non-verbal prompts and summarise
- * **Do not question except to clarify** and ensure that you understand what is being said.
- * Ascertain the wishes of the alleged victim/witness about what they want to do or what they would like to happen
- * Do not make promises that you cannot keep
- * Do not promise confidentiality, as you cannot keep the information to yourself
- * **Explain that you will need to pass this information on to your manager**
- * If it is a matter that you must report, inform them that you are duty bound to do so

preserving evidence and recording

In most circumstances when preserving evidence you may not need to do anything except record the events that have given rise for concern. However, there may be occasions when it is important to follow certain rules:

- * Ensure written records (notes, letters, bank statements, medication records etc.) are kept in a safe place
- * Make a written record of messages (e.g. answer-phone) to ensure they are not lost. Include the date and time and sign them
- * In cases of physical or sexual assault encourage the person not to wash bathe or shower where you think they might need a medical examination
- * Don't tidy up, wash clothes, bedding or other items.
- * Try and ensure that other around do not interfere with any items that maybe important for the police
- * If there is any suspicion that there may be forensic evidence, inform the police and preserve the evidence. The person may not tell you all the facts on the initial disclosure – do all you can to anticipate what may be needed as evidence, and do all you can to preserve it.

It is important that you write down why you are concerned about a person as simply and clearly as you can, and as soon as you can after an event. In some cases this will mean writing in a person's records or notes, in others it might be on a separate record sheet. All original notes must be retained.

- * It is important that you record all relevant information including what you saw, what you heard, and why you acted as you did
- * Sign and date your records and make sure they are kept in a safe place
- * Record any physical signs or injuries using a body map; make sure you sign and date it
- * Write down what is said to you, who said it including their relationship to the vulnerable adult or role and how they can be contacted, if appropriate. Include any questions you have asked, make sure you sign and date it
- * Include any details about what the vulnerable person wants to be done at this stage

Whistle blowing

It is good practice and it is a duty of care to draw attention to bad/poor practice in the workplace. This includes practice that may be abusive and/or neglectful. Staff who work with vulnerable adults have an individual responsibility to raise concerns with someone who has the responsibility to take action. Sometimes it may be necessary to outside the immediate work environment or the immediate organisation, for example social services or the police.

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It is the responsibility of all organisations to promote a culture which values good practice and encourages whistle blowing.

Confidentiality

Whilst every effort will be made to ensure that confidentiality is preserved, this will be governed by what may be an overriding need to protect a person who has been or is at risk of abuse.

All those working with vulnerable adults must be clear that it is not possible to keep information about suspected or actual abuse confidential.

The needs of the vulnerable person and the potential risk to others requires you to share the information with your manager

Southend

By post to Southend-on-Sea Borough Council, PO Box 59,
Southend-on-sea, SS2 5TB

Access Team: 01702 215008 By Fax to: 01702 534794

Out of hours: 0845 606 1212 (Fax: 01245 434700)

EsFx

By email to: socialcaredirect@essex.gov.uk

By post to: Essex Social Care Direct, Essex House,
200 The Crescent, Colchester, Essex, Co4 9YQ

By fax to: 0845 601 6230

Making a referral/ enquiry by telephone:

Normal telephone enquiries/referrals: 0845 603 7630

Out of hours: 0845 606 1212 (Fax 01245 434700)

Where there are concerns about the immediate welfare or safety
of a vulnerable adult: 0845 603 7634

Thurrock

Email: safeguardingadults@thurrock.gov.uk

By post to: Thurrock Council, Adult Safeguarding Team,
PO Box 140 Civic Offices, New Road, Grays, RM17 6TJ

By Fax to: 01375 652760

Making a referral/ enquiry by telephone:

Community Solutions: 01375 652868

Out of hours: 01375 372468 (Fax: 01375 397080)

To contact the police:

In an emergency dial 999

To report a crime or incident which requires police attendance
(not an urgent situation) call 0300 333 4444



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SET SAF 1

Service User reference/NHS No:
(Swift/PRN/NHS)

1. Tell us who the person is you are concerned about: (please complete as much of this as is known – if not known put N/K)

Name/Organisation: (delete as appropriate)	
Gender:	
Home Address:	
Telephone Number:	
Age:	DOB:
Ethnic Origin/Nationality:	
Communication Needs:	
Are they aware of this referral: <input type="checkbox"/> Yes <input type="checkbox"/> No	

1a. Relative/Name of Main Carer

Name:	
Relationship to Person:	
Is Relative/Carer aware of this referral? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Contact Address:	Telephone No:
	Mobile No:
	Email:
County:	Postcode:

2. Please tell us about who you are (We cannot guarantee your anonymity but will do all we can to keep your details confidential if you prefer)

I would prefer to remain anonymous: Yes No

Name:

Job Title/Relationship:

Organisation (if applicable):

Contact Address:

County:

Telephone No:

Postcode:

Mobile:

Email:

3. – Current Situation and Details of the Incident/Concern(s) being raised

Does the person continue to be at risk of harm? Yes No

Are there other people who may be at risk of harm? Yes No

If the answer to either of the above is yes, please describe the risk that remains and the names of other potentially at risk:
(please only refer to identified risk that relates directly to the concern)

3a. Details of the concern(s) being raised

Time of incident/
Concern:

Date:

How were you made aware of this incident or concern?

Brief factual details of the incident:

**This should include a clear factual outline of the concern being raised with details of times, dates, people and places where appropriate.
(please continue on separate sheet if required).**

If injuries are present Please give a brief/accurate description:

Has a body chart been completed? Yes No

Doctor Informed?

Actions taken by yourself to date to safeguard the individual:

Who else has been involved of this concern (in particular please specify if the police are involved)?

Is there a crime number?

**4. Details of alleged perpetrator(s) involved if abuse is suspected
(please complete as much of this as is known)**

Name:

Gender:

Address (if known):

Occupation/Position/Title:

**Is this person known/related to the individual who is subject of this concern? –
If so please describe relationship**

Are they aware of this alert? Yes No

5. Details of person completing form (add in if different to box 2)

Name:

Date completed:

Address:

Telephone No:

Mobile:

Email:

Completed forms should be sent to:

Southend

By Fax to: 01702 534794

Making a referral/enquiry by telephone:

Access Team: 01702 215008

Out of hours: 0845 606 1212 (Fax 01245 434700)

Essex

By email to: socialcaredirect@essex.gov.uk as an attachment

By Post to: Essex Social Care Direct, Essex House, 200 The Crescent, Colchester, Essex, CO4 9YQ

By fax to: 0845 601 6230

Making a referral/enquiry by telephone:

Normal telephone enquiries/referrals: 0845 603 7630

Out of hours: 0845 606 1212 (Fax 01245 434700)

Where there are concerns about the immediate welfare or safety of a vulnerable adult: 0845 603 7634

Thurrock

Email: SafeguardingAdults@thurrock.gov.uk

By Fax to: 01375 652868

Making a referral/enquiry by telephone:

Initial Response team: 01375 366083

Out of hours: 01375 372468 (Fax 01375 397080)

Completion by Investigating/Receiving Team		
<input type="checkbox"/> No further action <input type="checkbox"/> No further action referral to other agency <input type="checkbox"/> SET SAF4 completed	<input type="checkbox"/> Case Management Resolution <input type="checkbox"/> SET SAF4 completed	<input type="checkbox"/> Proceed to information gathering (Adult Protection) SET SAF2
Key team referred to:		Tel No
Name:		
Address:		Mobile:
		E-mail:
Referrer updated <input type="checkbox"/> By Whom		
If referrer not updated reasons why:		
Signed:		
Date:		

Colchester Borough Council

Equality Impact Assessment Toolkit

What is an Equality Impact Assessment? An Equality Impact Assessment (EqIA) is a tool for identifying the potential impact of our policies, services, strategies and functions on our residents, visitors and staff. The assessment must include the potential impact on the following equality groups: age, disability, gender, race, religion or belief and sexual orientation. We also need to consider those who live in rural isolation, are on a low income or who do not have English as their first language. By assessing the potential impact we can ensure that the services we provide reflect the needs of our communities. By carrying out EqIAs, we may also ensure that the services we provide fulfil the requirements of anti-discrimination and equalities legislation.

Relevance Test

Please use the relevance test below to decide whether your policy, service or strategy requires an EqIA:

Relevant

- The policy, strategy or service will impact on people (residents, visitors and staff).
- The policy, strategy or service is intended to benefit people.

Not relevant

- The policy, strategy or service has no clear impact on people.
- The policy, strategy or service is a support function or administrative.

How do I use the toolkit?

The toolkit is easy to use and does not require any specialist knowledge to be able to use it. The assessment is in two sections; initial screening and full impact assessment. Once you have completed the initial screening you will know whether or not you need to complete a full impact assessment. If you require further information on how to complete an EqIA please see the FAQs or contact Claire Gayfer, Equality and Diversity Officer on 01206 506452 or by email Claire.gayfer@colchester.gov.uk

Equality Impact Assessment Form

Screening

Name of strategy, project or policy to be assessed		Is the strategy/project/policy:	
Colchester Borough Council Safeguarding Adults Policy		New - Yes	Existing
Lead officer completing assessment		Date of assessment	
Gareth Mitchell	Head of Life Opportunities	26 April 2010	
Responsible department		Head of Service	
Life Opportunities		Head of Life Opportunities	

1. What is the main purpose of the policy, service or strategy?

This policy sets out the roles and responsibilities of Colchester Borough Council in working together with other professionals and agencies in promoting adults welfare and safeguarding them from abuse and neglect.

2. List the main activities of the policy, service or strategy? (for strategies list the main policy areas):

The policy sets out Colchester Borough Council's commitment to the principles laid down within the Essex Safeguarding Adults Board Guidelines, as follows:-

- To take action to identify and prevent abuse from happening.
- Respond appropriately when abuse has or is suspected to have occurred.
- Ensure that the agreed safeguarding adults procedures are followed at all times
- Provide support, advice and resources to staff in responding to safeguarding adult issues.
- Inform staff of any local or national issues relating to safeguarding adults.

- Ensure staff are aware of their responsibilities to attend training and to support staff in accessing these events.
- Ensuring that the organisation has a dedicated staff member with an expertise in safeguarding adults.
- Ensuring staff have access to appropriate consultation and supervision regarding safeguarding adults.
- Understand how diversity, beliefs and values of people who use services may influence the identification, prevention and response to safeguarding concerns.

3. Who are the main audience, users or customers who will be affected by the policy, service or strategy?

- Vulnerable adults, their families and carers
- Council staff and members
- Council contractors
- Partner agencies
- Residents of Colchester Borough

4. What outcomes are wanted from this policy, service or strategy?

- Ensuring that the welfare of adults is paramount at all times
- Maximising people's choice, control and inclusion and protecting their human rights
- Working in partnership with others in order to safeguarding vulnerable adults
- Ensuring safe and effective working practices are in place.
- Supporting staff within the organisation.

5. Are other departments or partners involved in delivery of the policy, service or strategy? If so, please give details below.

- All CBC services
- Other partner agencies
- Contractors

6. What data, information or knowledge do you have to enable you to assess the impact on equality target groups? Please list below. (For example, think about performance indicators and targets, user satisfaction, uptake of services, consultation or involvement, workforce monitoring data, complaints, external verification and eligibility criteria).

The council is a partner in the safeguarding agenda, which depends on multi-agency working practices. The Essex Safeguarding Adults Board (ESAB) plays a key role in the monitoring of performance data around the delivery of services for vulnerable adults and the council has access to that data through its membership of the ESAB and its North East Essex Locality Board.

The ESAB monitors client data against both gender and ethnic minority and this forms part of the regular reporting framework for the board.

7. Are there any concerns that the policy, service or strategy could have a differential impact in terms of equality?

Use the table below to indicate:

- Where you think that the policy, service or strategy could have a negative impact on any of the equality target groups, for example, it could disadvantage them;
- Where you think that the policy, service or strategy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups;
- Provide an explanation as to why you think there is a positive or negative impact;
- The key elements of people's lives affected by this policy, service or strategy. For example, finance, accommodation or welfare; and
- If you identified any data in question 6, use it to help your explanation below.

		Positive impact – it could benefit	Negative impact or risk – it could disadvantage	Explanation
Gender	Women	√		This Policy will have a positive impact on this group through the societal benefits of the council ensuring the welfare of vulnerable adults is safeguarded and promoted.
	Men	√		Ditto

		Positive impact – it could benefit	Negative impact or risk – it could disadvantage	Explanation
Race (census categories)	Transgender	✓		Ditto
	White – British	✓		Ditto
	White – Irish	✓		Ditto
	White – other background	✓		Ditto
	Mixed – White and Black Caribbean	✓		Ditto
	Mixed – White and Black African	✓		Ditto
	Mixed – White and Asian	✓		Ditto
	Any other mixed background	✓		Ditto
	Asian/Asian-British - Indian	✓		Ditto
	Asian/Asian-British - Pakistani	✓		Ditto
	Asian/Asian-British – any other Asian background	✓		Ditto
	Black/Black British – Caribbean	✓		Ditto
	Black/Black British – African	✓		Ditto
	Black/Black British – any other Black background	✓		Ditto
	Chinese	✓		Ditto
Disability	Gypsies/Travellers	✓		Ditto
	Any other group (write in)	✓		Ditto
	Physical	✓		This Policy's fundamental purpose is to ensure that the welfare of vulnerable adults is safeguarded and promoted through the council's policies and procedures.
	Sensory	✓		Ditto
	Learning	✓		Ditto
Sexual	Mental health issues	✓		Ditto
	Other – please specify	✓		
	Lesbian, gay and bisexual	✓		This Policy will have a positive impact on this group

		Positive impact – it could benefit	Negative impact or risk – it could disadvantage	Explanation
Orientation				through the societal benefits of the council ensuring the welfare of vulnerable adults is safeguarded and promoted.
Age	Older people (60 +)	✓		This Policy's fundamental purpose is to ensure that the welfare of vulnerable adults is safeguarded and promoted through the council's policies and procedures
	Younger people (17-25), and children (0-16)	✓		This Policy will have a positive impact on this group through the societal benefits of the council ensuring the welfare of vulnerable adults is safeguarded and promoted.
Belief or Religion	Buddhist	✓		Ditto
	Christian	✓		Ditto
	Hindu	✓		Ditto
	Jewish	✓		Ditto
	Muslim	✓		Ditto
	Sikh	✓		Ditto
Language	Other – please specify	✓		Ditto
	English not first language	✓		Ditto
Social inclusion	Low income	✓		Ditto
	Rural isolation	✓		Ditto
Equal opportunities and /or improved relations				

8. Based on the explanations you have given in question 7, could the policy, service or strategy discriminate against any group(s) either directly or indirectly? If yes, please state how.

No

Note: Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their racial or ethnic origin, gender, religion or belief, disability, age or sexual orientation. Indirect discrimination occurs when an apparently neutral provision or practice would disadvantage people on the grounds of racial or ethnic origin, gender, religion or belief, disability, age or sexual orientation, unless the practice can be objectively justified by a legitimate aim.

9 a) If you have identified any negative impacts in question 7, how could you minimise or remove this negative impact?

Not applicable

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9 b) If you have identified any positive impacts in question 7, how could you improve or promote this positive impact?

Other than through the publication of the Policy on the council's website, the most effective ways to improve and promote these positive impacts are through the clear communication of its contents to staff, members and others, and to ensure that the training programme related to this policy equips staff with the skills and knowledge to ensure the positive impacts for target groups are maximised.

The nature of the safeguarding agenda means that any promotional activity needs to be carefully and sensitively considered, and in most cases there will be client confidentiality considerations.

10. What consultation has been carried out on the policy, service or strategy? Who with? Please give the findings of the consultation below.

The policy is from a "model" policy developed by ESAB and approved by its board, and therefore represents what is acknowledged good practice for Essex.

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11. Do the findings from the consultation remove any negative impacts identified in question 7? Please give an explanation below.

Not applicable

12. If consultation has not been carried out, and you have no data or information available which monitors the impact of the policy, service or strategy on equality target groups, how do you intend to make a decision on the impact?

Not applicable

13. Please give details of how you (or how you intend to) collect monitoring data in relation to any of the following equality target groups:

Age:	Disability:
Gender/transgender:	Race:
Religion and belief:	Sexual orientation:
Low income:	Rural isolation:
English not first language:	Other (please state):

	Please see 6 above
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14. Which main audience, users or customers identified in question 3 have you involved in producing this EqIA?

The policy is from a "model" policy developed by ESAB and approved by its board. The Policy reflects national legislation and guidance on safeguarding vulnerable adults.

15. Summary of initial screening

Findings	Action required
No negative impacts have been identified and this has been justified with data or information. ✓	Sign off initial screening and finish.
Negative impacts were identified but have been minimised or removed. □	Implement actions identified in question x then sign off initial screening and finish.
Negative impacts were identified but have not been minimised or removed. □	Sign off initial screening and complete a full impact assessment.
Insufficient evidence to make a judgement. □	Sign off initial screening and complete a full impact assessment.

Please sign and date this form, keep one copy and send one copy to the relevant director and one to the Equality and Diversity Officer.

Name:	Gareth Mitchell	Copy sent to director? (Please name director)	Yes ✓ No □
Job title:	Head of Life Opportunities	Copy sent to Equality and Diversity Officer?	Yes ✓ No □
Date of completion:	26 April 2010	Copy reviewed by Equality and Diversity workgroup?	Yes □ No □
Date for review of this screening:	April 2011	Copy published on CBH website and The Hub?	Yes □ No □

If you have identified any negative impact which is possibly discriminatory and not intended and/or of high impact, you must complete Section Two, Full Impact Assessment. Please contact the Equality and Diversity Officer for further information. Full guidance is available on The Hub!

Full Equality Impact Assessment

In the EqIA screening you identified negative impacts that have not been minimised or removed, or there was insufficient evidence to make a judgement, therefore you now need to complete a full impact assessment:

- You need to show what information, data or evidence you have gathered, including consultation, and the findings; and
- You are required to complete the action plan to show how you will use the information gathered to minimise, reduce or remove the negative impacts you have identified.

Once you have completed these sections you can sign off the full EqIA.

If you require further information on how to complete an EqIA please see the FAQs or contact Claire Gayfer, Equality and Diversity Officer on 01206 506452 or by email Claire.gayfer@colchester.gov.uk

1. What information has been gathered, including consultation with target equality groups, on how the policy, service or strategy could impact on equality target groups. This could include consultation with the general (i.e. whole) population analysed by certain groups? If there has already been consultation what does it indicate about negative impact of this strategy, project or policy?

Equality target groups	Information gathered and findings
Women	
Black and minority ethnic people (including Gypsies and Travellers)	
Young people and children	

Equality target groups	Information gathered and findings
Older people	
People with disabilities	
Lesbian, gay or bisexual people	
Transgender people	
People with religious faith or beliefs	
People on low incomes	
People living in rural areas	
People without English as their first language.	
CBH Staff	

2. As a result of this assessment and available evidence collected, including consultation, state whether there will need to be any changes made/planned to the policy, service or strategy. If yes, please state changes to be made below.

3a) Have you set up a monitoring/evaluation/review process to check the successful implementation of the policy, service or strategy?

YES NO

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3b) How will this monitoring/evaluation further assess the impact on the equality target groups/ensure the policy, service or strategy is non-discriminatory?

Action Plan

Equality strands	Negative impact	Action to minimise or remove negative impact	By who?	By when?	Progress to date
Gender					
Race					
Disability					
Sexual orientation					
Age					
Religion or belief					
Low income					
Rural isolation					
English not first language					

Sign off full EqIA

Name:		Copy sent to director? (Please name director)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Job title:		Copy sent to Equality and Diversity Officer?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date of completion:		Copy reviewed by Equality and Diversity workgroup?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date action plan will be		Copy published on CBH	Yes <input type="checkbox"/> No <input type="checkbox"/>

reviewed:		website and The Hub?	
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Colchester

Cabinet

30 June 2010

Item
7(i)

Report of	Head of Resource Management	Author	Sean Plummer
			☎ 282347
Title	2011/12 Budget Strategy, Medium Term Financial Forecast and Budget Timetable		
Wards affected	Not applicable		

This report asks Cabinet to note:

- **The current financial position for the financial years 2009/10 and 2010/11**
- **Recommend to Council release of funding in respect of VAF legal fees and the Icelandic investment impairment**
- **Agree further use of and contributions to balances**
- **The budget forecast and timetable for the 2011/12 budget**
- **An updated Medium Term Forecast for the period to 31 March 2013**
- **An update of the Revenue Balances and Capital Programme**

1. Decisions Required

- 1.1. To note the pre-audit outturn position for the financial year 2009/10.
- 1.2. To recommend to Council the release from balances in 2010/11 of:-
 - £500k for VAF legal fees as set out in a separate report on this agenda,
 - £405k in respect of Icelandic investment impairment
- 1.3. To agree to release £30k to support the Tour of Britain cycling event.
- 1.4. To agree to transfer £205k from the insurance reserve into General Fund balances.
- 1.5. To note the budget forecast, approach and timetable for the preparation of the 2011/12 budget and updated position in respect of balances.
- 1.6. To note the updated Medium Term Financial Forecast for the period to 31 March 2013 as set out at Appendix A.
- 1.7. To note the latest position in respect of the Capital Programme.

2. Reasons for Decisions

- 2.1. The Council is required to approve a financial strategy and timetable in respect of the financial year 2011/12 and a Medium Term Financial Forecast for the two subsequent financial years.

2.2. The use of balances requires approval of Full Council.

3. Financial Overview 2009/10 and 2010/11

3.1 *Financial Year 2009/10*

The Pre-Audit Outturn report for the year to 31 March 2010 was presented to the Finance and Audit Scrutiny Panel (FASP) on 29 June 2010. A draft Statement of Accounts was considered by the Accounts and Regulatory Committee on the same day.

3.2. The overall position shows a net underspend on budgets of £1.9m after allowing for a number of agreed carry forward items.

3.3. The actual position is significantly more than anticipated mainly due to a refund in respect of VAT which has been achieved through challenging VAT liability for areas of sport and leisure income which includes claims relating to a period from the late 1970's.

3.4. When the budget for 10/11 was agreed it was done so on the basis that there would be an underspend of £0.7m in 09/10. The overall surplus will therefore be added to balances.

3.5. *Financial Year 2010/11*

At this stage in the financial year it is difficult to assess potential variances (both positive and negative). However, four areas that have been identified are:-

- VAF legal expenses
- Review of Icelandic investment impairment
- Funding for Tour of Britain cycling event
- Announcement of Government grant cuts

VAF Legal Fees

3.6. The provision for estimated costs in respect of the VAF legal expenses of £0.5m is set out in a separate report on this agenda.

Icelandic Investment impairment

3.7. Changes to the guidance received from CIPFA in relation to the investments made in Icelandic banks has been received. As part of the Statement of Accounts we are now required to make a further provision of £405k. The guidance indicates that a higher percentage of the investment will be recovered (95%) but this will take a longer time period.

Tour of Britain Event

3.8. It is to support the delivery of a Tour of Britain cycle race leg in Suffolk and Essex in particular the delivery of a finish event targeted at mass school participation in cycling related activity and family events to support Colchester's priorities around congestion busting and healthy lifestyles. It will build on the success of the Tour Series event held in Colchester in 2009 and aims to double the level of schools involvement in the event. The funding is matching the financial and staffing input at Essex County Council who have signed the legal agreement for the leg and are responsible for the route availability and delivery.

Government Grant Cuts

- 3.9. The Chancellor announced details of £6.2bn of cuts across the public sector in 2010/11. The Secretary of State for Communities and Local Government made a recent further announcement detailing local government's share of these cuts at a value of £1.66bn.
- 3.10. For Colchester, the key areas affected are the removal of all funding allocated this year for the Housing and Planning Delivery Grant (HPDG) and Local Authority Business Growth Incentive (LABGI). The 2010/11 budget included the assumptions that we would receive £648k and £77k from these grants respectively. The HPDG assumption is clearly the most significant cut and should be seen in the context that Colchester received £1.4m in 09/10.
- 3.11. There are other risks areas that are likely to impact on the budget position. These include any further funding changes arising from Government budget announcements. It has been confirmed that there will be no changes to the Council's core or formula grant, however, other changes will be assessed as more detail becomes available.

4. Budget Forecast for 2011/12

- 4.1 Appendix A sets out a budget forecast for 2010/11 and a Medium Term Financial Forecast for the subsequent two years including the key assumptions. The current forecast budget gap for 2011/12 is £1,958k, summarised below:-

	2011/12	Note
	£'000	
Base Budget	25,670	
Remove one-off items	(1,288)	One-off funding of cost pressures etc.
Cost Pressures (incl. inflation)	400	See paras. 4.6 4.7.
Changes to specific grants	770	Assumes removal of budgeted grants for HPDG and LABGI (see para 4.7.)
Savings	(260)	Savings identified through Fundamental Service Review (FSR) (see para 4.9.)
Forecast Base Budget	25,292	
Government Grant	(12,265)	Assumes a reduction of 5% (£646k) on grant received in 09/10 (see para 4.6.)
Council Tax	(10,699)	Based on assumed nil increase in tax rate and notional increase in taxbase. (see para. 4.10 and 4.11)
Use of Reserves	(370)	Reflects no longer using Capital Expenditure Reserve for accommodation costs and ceasing to use the Regeneration Reserve.
Total Funding	(23,334)	
	1,958	

- 4.2 The key assumptions in respect of the 2011/12 forecast are:

Government Grants

- 4.3. An assumption is made of a 5% reduction in core Government Grant (Revenue Support Grant - RSG) equivalent to £650k pa. This assumption, whilst realistic, is by no means a worst case forecast with some other authorities predicting reductions up to 30% over three years. The Government is expected to announce the outcome of Comprehensive Spending Review in the Autumn.
- 4.4. In considering the reduction in Government funding it is also necessary to consider the impact of discontinuing the Local Authority Business Growth Incentive (LABGI), Housing and Planning Delivery Grant (HPDG) and Area Based Grant (ABG) schemes. Based on the assumptions made in the 10/11 budget this equates to a further reduction of £770k.
- 4.5. When added to our forecast reduction in RSG this equates to a cash reduction of £1.4m in 2011/12 compared to the 2010/11 budget assumptions (10.3% reduction of these current budgeted grants).

Pay, Inflation and costs

- 4.6. The 2010/11 budget includes a 1% pay award which has been agreed as part of a 2 year settlement for 09/10 and 10/11. For 2011/12 and the following two years a planning assumption of a nil pay award has been shown. For other price inflation a range of 1% to 1.5% has been used although it will be necessary to review forecasts for specific areas in due course.
- 4.7. An allowance of £250k pa has been included for the outcome of the next actuarial review of the pension fund. It is unlikely that we will know the actual figure until the autumn, however, it should set out the pressure for the coming three years.

Economic Downturn

- 4.8. It is difficult to fully assess the impact on Council budgets, however it is evident that there has been a reduction in the past 2 years in some income budgets such as car parking, planning and net interest earnings as well as increased demands for services such as benefits. The MTFE assumes a broadly neutral position over the next three years which is likely to represent a prudent forecast.

Savings

- 4.9. At this stage the savings shown include the estimated second year savings in respect of the FSRs of Housing and Revenues and Benefits. Further savings will be identified as part of the ongoing budget process.

Council Tax

- 4.10. The Government has announced that it is committed to deliver a freeze on Council Tax in 2011/12 and will work with local authorities to deliver a freeze in Council Tax for a further year. It should be noted that the cost of freezing Council Tax compared to the increase in 10/11 of 2.47% is c£260k.
- 4.11. The budget forecast and MTFE has therefore been updated on the assumption of a nil increase for 11/12 and 12/13. The planning assumption of an increase of 2.47% has been maintained for 2013/14. More details are required to fully consider the impact on the Council's finances of a freeze for each of the next two years including any proposals as to how the Government will seek to deliver this.
- 4.12. An annual increase of 1% in the 'taxbase' (the number equivalent Band D properties) has been assumed.

- 4.12 There are a number of significant budget risks that may affect the 11/12 budget process and these are set out within Appendix A. The risks include items that could be positive to the budget forecast as well as negative. The current list of risks will be monitored and amended throughout the budget process.
- 4.13. In summary there is a forecast budget gap of circa £2m. This is somewhat higher than usual at this stage in the budgeting process and given the level of risks it is possible that further savings will be required to produce a balanced budget.

Delivering the 2011/12 Budget

- 4.14. The Council's approach to the budget is that it is primarily driven by the Strategic Plan. We have adopted a number of different ways to identify savings or additional income to support Strategic Plan priorities and to meet a number of substantial cost pressures. The strategy for 10/11 was based upon
- Review of service areas through the Budget Group
 - Delivering efficiencies through the Fundamental Service Review (FSR) process.
- 4.15. For 2011/12 it is proposed to continue to build on these approaches making a number of improvements to the process as we learn from experience. The proposed strategy is based on a 5 track approach covering:-
1. Income generation
 2. Efficiencies (including Fundamental Service Reviews)
 3. Total Place projects / themes
 4. Shared services and different models for service delivery
 5. Cuts and reductions

Income Generation

- 4.16. We know that as an organisation we already generate significant amounts of income and in benchmarking do well compared to other councils. However, this track has potential benefits for the Council and offers an alternative to simply cutting services.

Efficiencies and FSR

- 4.17. The most recent FSRs reported to Cabinet in respect of Housing and Revenues and Benefits have demonstrated that significant savings are possible with each review identifying c£450k of savings. The review of Street Services has started and further reviews of the museum service and support to arts organisations are planned for this year.
- 4.18. There are other areas outside of the FSR framework that have already been identified such as the new ICT contract where it is expected that savings can be delivered during the next 3 years.

Total Place

- 4.19. Total Place pulls together all delivery partners to take a joint, collaborative, look at how best to tackle major policy. Thirteen pilots across England have looked in depth at how greater co-ordination between partners and local leadership could help deliver better services with the customer at the heart of their design at less cost through the whole public resources spent in a geographical area. Opportunities for delivering savings through the principles of 'total place' will be considered within the budget strategy.

Shared Services and different models for delivery

- 4.20. The Council is already delivering services through partnership arrangements, whether formal shared service agreements such as the museums and parking partnerships as well as more informal sharing of resources. In addition there are examples of services being delivered through formal contracts with external suppliers. The challenges facing local government mean that it is essential to consider how best to deliver services and whether there are more efficient and effective options.

Cuts and reductions

- 4.21. It is clear that the financial pressures facing all public services are such that cuts and reductions will need to be considered. It will be necessary to consider any such proposals alongside other options and objectives set out in the Strategic Plan.
- 4.22. The 5 tracks are not mutually exclusive and there will need to be a balanced approach to closing the budget gap through the use of all of them.
- 4.23. The Budget Group comprising Cabinet members and senior officers was established last year and continues to meet monthly. It is intended that the Budget Group continues and has the overview of all the tracks, monitoring progress and taking relevant reports.
- 4.24. The Council's approach to budgets has always been to consider the longer-term impact of decisions. The budget process for 2010/11 will build on this by recognising that some service changes (reductions, income and growth) will often be delivered over a period longer than a year. This is likely to be particularly true for outcomes of the FSRs.
- 4.25. Appendix B sets out the proposed budget timetable.

Housing Revenue Account (HRA)

- 4.26. The HRA is a ring fenced account that relates to costs and income in respect of the Council's housing stock. The HRA budget and rent setting process is carried out alongside the General Fund budget and elements of the process are carried out simultaneously. This year the budget approach for the HRA will continue to be fully integrated within the General Fund budget process with the final budget report and rent setting being included within the overall budget and Council Tax decisions.
- 4.27. A separate report on this agenda sets out the implications of proposals relating to reform of the HRA subsidy system. Any changes would have a potentially significant impact on HRA budgets for next year and future years and will be considered as the budget process progresses.

5. Medium Term Financial Forecast

- 5.1. The Medium Term Financial Forecast (MTFF), as set out at Appendix A, shows a potential budget gap of £3.2m by 2013/14, an annual increase of circa £0.6m after 11/12. The key factors affecting the budget gap in later years include the increasing pensions costs (based on initial estimated position) and agreed estimated savings through FSR process.
- 5.2. The forecast needs to be viewed alongside the level of significant risks and uncertainty regarding a number of key factors that will impact on the Council's finances in the medium term. Most of the key risks outlined in the MTFF could result in recurring cost pressures for the Council. This will require recurring cost savings or additional income to be identified to minimise the escalation of these pressures.

- 5.3. The MTFF does also show that the Council continues to hold reserves and balances to support the Council's budgets. The position on these reserves will be reviewed during the year as the 2010/11 budget progresses.
- 5.4. In summary the MTFF sets out what is likely to continue to be an increasingly challenging financial outlook. The budget process needs to establish that the Council's spending plans, in the medium term, are affordable and can be prudently financed.

6. Revenue Balances

- 6.1 Following completion of the final accounts for the year to 31 March 2010 uncommitted revenue balances stand at £2.8m. This compares with the approved minimum balance of £1.5m.
- 6.2. The separate report on this agenda details proposals to use up to £0.5m from balances to support legal expenses in respect of the VAF. This report also sets out proposals to use balances to meet the assessed cost in respect of the Icelandic investment impairment and cycling event. If agreed, balances would remain above the agreed £1.5m level by £0.5m.
- 6.3. The Council also maintains a number of earmarked reserves and provisions, which allows it to prudently plan for future expenditure requirements. These are set out within the MTFF at Appendix A.
- 6.4. As part of the budget process a full review will be undertaken into the level and appropriateness of earmarked reserves and provisions. One area that has been reviewed now is the insurance reserve and provision where an actuarial review has been carried out and as a result of this it is proposed that £205k can be released into balances.
- 6.5. It is worth noting that with ongoing regeneration projects the level of risks is likely to remain an issue over the next few years and we will consider the impact of this on all our reserves.

7. Capital Programme Update

- 7.1. It has previously been reported to Cabinet that there has been increasing pressure on the level and timing of generating resources to support the capital programme. This continues to be the case, although there is currently a small current surplus of resources. This needs to be reviewed against a number of potential cost pressures which are likely to impact on the capital programme.
- 7.2. A review of future resources and capital requirements is currently in progress and will be reported to Cabinet in due course.

8. Strategic Plan References

- 8.1. The Council has agreed three Corporate Objectives including the aim to "shift resources to deliver priorities". The 2011/12 budget and the Medium Term Financial Forecast will be underpinned by the Strategic Plan priorities and will seek to preserve and shift resources where needed to these priorities.

9. Financial implications

9.1 As set out in the report.

10. Equality and Diversity Implications

10.1 Consideration will be given to equality and diversity issues in respect of budget changes proposed as part of the budget process. This will be done in line with agreed policies and procedures including production of Equality Impact Assessments where appropriate.

11. Risk Management Implications

11.1 As set out in report.

12 Consultation

12.1. The Council is required to consult on its budget proposals. A consultation exercise took place as part of the production of the Strategic Plan agreed by Council in February 2009.

12.2. The budget strategy and timetable aims to ensure that information is available for scrutiny and input from all Members on proposals in the process. The aim is that detailed information will be available prior to the final budget report being submitted to Cabinet and approval by Council in February.

12.3. As has been the case in previous years the opportunity remains open for the leader of the opposition to meet with officers to assist with consideration of any alternative budget proposals.

12.4. Furthermore, we will continue with the statutory consultation with business ratepayers and will meet with parish councils in respect of grant funding.

13. Other Standard References

13.1 There are no direct Publicity, Human Rights, Community Safety or Health and Safety implications as a result of this report.

Background Papers

Finance & Audit Scrutiny Panel Report – 29 June 2010

**Medium Term Financial Forecast
2010/11 – 2013/143**

1. Introduction

The Medium Term Financial Forecast (MTFF) sets out the Council's budget forecast for the next three years. The MTFF sets out:-

- A summary of the 2010/11 budget including an analysis of all service budgets
- The budget forecast for next three years including current cost pressures, growth items and assumptions regarding use of reserves.
- A list of key risk items for 2011/12 and beyond
- The current position on Council General Fund balances including the risk assessment for 2010/11
- The current position on all other reserves and balances

The MTFF will continue to be updated during the year as the budget progresses.

2. 2010/11 Budget

The Council's General Fund includes all costs and income other than those in respect of the Council housing stock

Colchester's total net revenue budget for 2010/11 is **£25.67 million**.

Net Budget	£'000 25,670
Funded by:	
Government Grant (incl: NNDR – Business Rates)	12,911 (50%)
Council Taxpayers (excl. parishes)	10,593 (41%)
Use of Balances / Reserves and Collection Fund Surplus	2,166 (9%)
	25,670

The following table sets out a summary of the 2010/11 budget including changes made from the previous year.

2010/11 Summary Budget

	Adjusted Base Budget	One-Off Items	Cost Pressures	Growth	Total Savings	Detailed 10/11 Budgets
	£'000	£'000	£'000	£'000	£'000	£'000
Corporate & Democratic Core	330		26			356
Executive Management Team	759		7		(14)	752
Corporate Management	6,714	59	68		(200)	6,641
Customer Services	1,157	(9)	11		(60)	1,099
Env. & Protective Services	2,555	(20)	55		(207)	2,383
Life Opportunities	5,965		(72)	15	(73)	5,835
Resource Management	2,095		138		(68)	2,165
Strategic Policy & Regen.	2,658	(120)	492	55	(60)	3,025
Street Services	2,823	(40)	(44)	55	(120)	2,674
Total Services	25,056	(130)	681	125	(802)	24,930
Technical Items						
Pay Savings	(515)		200			(315)
Procurement	0		0			0
Income target	(60)		60			0
LABGI	(50)		0		(50)	(100)
HPDG	(250)		0		(398)	(648)
Area Based Grant (ABG)	(23)		0			(23)
Grants to Parish councils	202		0			202
CLIA (net interest)	(322)		960			638
Min Revenue Provision	549		13			562
Pensions	2,198		154			2,352
Redundancy Provision	120	(120)	0		150	150
ECC Second Homes	(144)		0			(144)
Heritage Reserve	12		0			12
Contribution to capital	80	(80)	0			0
Invest to Save			0		(34)	(34)
FSR	0		0		(100)	(100)
Icelandic Investment Impairment			615			615
GF/HRA adjustments	(2,421)		(6)			(2,427)
Total Below the Line	(624)	(200)	1,996	0	(432)	740
Total incl Below the line	24,432	(330)	2,677	125	(1,234)	25,670
Funded by:-						
General Reserve	(484)	484	(671)			(671)
Capital Expenditure Reserve	(661)	361	(910)			(1,210)
Regeneration Reserve	(221)	55	0			(166)
Other Reserves - S.106	(60)		0		(10)	(70)
Insurance	(100)	100	0			0
Government Grant (RSG / NNDR)	(12,681)		0		(230)	(12,911)
Council Tax	(10,225)		0		(368)	(10,593)
Collection fund Transfer	0		0		(49)	(49)
Total	(24,432)	1,000	(1,581)	0	(657)	(25,670)

3. Budget Forecast 2011/12 to 2013/14

The following table sets out the Council's budget forecast for the next three years including key assumptions.

Medium Term Financial Forecast 2011/12 to 2013/14			
	2011/12 £'000	2012/13 £'000	2013/14 £'000
Base Budget	25,670	25,292	25,472
Remove one-off items	(1,288)	0	(15)
Cost Pressures	400	405	390
Growth Items	0	0	0
Savings	(260)	(225)	0
Changes to Gov't grants (LABGI, HPDG etc)	770	0	0
Forecast Base Budget	25,292	25,472	25,847
Government Grant	(12,265)	(11,652)	(11,070)
Council Tax	(10,699)	(10,806)	(11,184)
Collection Fund Surplus	0	0	0
Use of Reserves	(370)	(370)	(370)
Total Funding	(23,334)	(22,828)	(22,624)
Budget (surplus) / gap before changes (cumulative)	1,958	2,644	3,223
Annual increase		686	580

Key Assumptions

Inflation - Pay assumed at 0%, other cost and income circa 1 / 1.5%

Gov't Grant – The grant for 2011/12 and beyond is assumed to reduce in cash terms by 5% p.a.

Council Tax – nil increase for 11/12 and 12/13 and 2.47% for 13/14+ 1% increase in tax base assumed for 10/11 and beyond.

Next actuarial review of pensions will impact in 11/12 and a planning assumption of an annual increase of £250k has been assumed for all years

Cost Pressures			
General Inflation	140	140	140
Pensions	250	250	250
MRP (Minimum Revenue Provision)	10		
Place Surveys		15	
Total	400	405	390
Savings / additional Income			
Fundamental Service Reviews			
Housing	75	75	
Revenues and Benefits	185	150	
Total	260	225	0

Decrease in Government Grants			
LABGI	100		
Housing and Planning Delivery Grant	648		
Area Based Grant	22		
Total	770	0	0

Use of Reserves			
Balances (General)			
S106 monitoring reserve	70	70	70
Capital Expenditure Reserve:-			
Community Stadium	300	300	300
Total	370	370	370

4. Risk Areas / Uncertainty

There are several key risk areas or areas where the outcome is uncertain which will impact on the 2011/12 budget forecast and potentially in later years. The main areas are:-

Ref	Risk / Area of uncertainty	
1	<i>Government Grant and the Comprehensive Spending Review 10 (CSR10)</i>	What the CSR10 will provide is difficult to predict, however, it is clear that public finances are continuing to come under increasing pressures. The MTFF assumes a cash reduction in grant 5% pa for the next three years. For illustrative purposes a 1% change in the level of grant equates to £130k.
2	<i>Government grants and partnership funding</i>	The Council's budget has changed over recent years with a greater emphasis on funding from both partner organisations and Government bodies. These funding streams can rarely be guaranteed and can therefore add to our cost pressures. The 2010/11 budget includes funding in respect of HPDG and the LABGI scheme. The recent announcement that these funds have been withdrawn will result in cost pressures this year. Other changes seem possible and will be assessed as part of the budget strategy.
3	<i>Pensions</i>	An allowance has been built in for increases in pensions costs based on the results of the recent actuarial review and therefore are fixed for 2010/11. However, an updated review will be undertaken that will inform the cost for 2011/12 onwards. The recent and ongoing economic downturn is highly likely to impact on the pension fund and therefore whilst an increased allowance of £250k each year from 11/12 has been made for this it will need to be reviewed when more reliable estimates are available.
4	<i>Concessionary Fares</i>	CLG and DoT consulted on the future administration of the concessionary fares scheme. The favoured option being a transfer of responsibility to upper tier authorities (e.g. Essex County Council). In many ways this would mirror existing locally negotiated arrangements. There is a second consultation on the amounts of funding to be transferred. The method of assessing costs is not yet known so this represents a risk to the Council which could be positive or negative.
5	<i>Fees and charges</i>	As has been seen in the past few years we have experienced pressures arising from changes in income levels. In 2008/09 we experienced significant shortfalls in income in respect of planning and building control fees and car park revenue (on and off street). Looking ahead to 2010/11 and beyond it is difficult to estimate how income levels may continue to be affected. However, the 10/11 budget assumes some increase in revenue from planning which has recovered to an extent during the last 12 months. At this stage no allowance has been built in for any further changes to income levels.
6	<i>Inflation</i>	An allowance for general inflation has been built into the 10/11 forecast and MTFF, and specific increases allowed for items such as pay (which has been agreed for 09/10 and

Ref	Risk / Area of uncertainty	
		<p>10/11) The current (April 2010) CPI is 3.7% and RPI is 5.3%. The economic forecasts published by HM Treasury point to inflation figures for 2011 of 1.7% and 3% for CPI and RPI respectively. Not all the Council's costs are directly linked to RPI and therefore we will continue to monitor the impact of inflation on all Council costs with particular attention on energy costs for which an overall reduction has been included in the 10/11 budget figures reflecting agreed prices for the period October 09 – October 10.</p>
7	<i>Use of reserves</i>	<p>The budget position for 10/11 includes proposals to use certain reserves and also reflects the impact of reserves used in 09/10. The forecast position on general balances shows that due to the improved 09/10 outturn and proposed use of balances this year that there is currently headroom of c£0.5m above the recommended level.</p>
8	<i>Legislation</i>	<p>There may be new legislation over the life of the MTFF for which any available funding may not cover costs.</p>
9	<i>Impact of regeneration programme e.g. car park closure and staff resources</i>	<p>As the regeneration programme progresses there will be an impact on income from car parks due to temporary and permanent closure of certain car parks and also the introduction of park and ride. We are currently using the Regeneration Reserve to meet some staffing costs to provide increased capacity to deliver the regeneration programme. The budget forecast includes funding for 2010/11 to ensure that the team can continue work. However, this will exhaust the Reserve and therefore any future costs will need to be considered as part of the budget.</p>
10	<i>ICT strategy – change programme</i>	<p>The ICT strategy was updated in 2007 and there have been a number of financial implications arising from changes. This has resulted in some costs in the short-term leading to longer term savings. This has been examined as part of detailed budget proposals and as part of the implementation of accommodation and flexible working changes and will be monitored to assess in ongoing financial issues. A new strategy is currently being developed.</p>
11	<i>Property review</i>	<p>A review of our assets was carried out and a 5-year Building Repairs and Maintenance Plan produced. There will continue to be financial implications arising from this for both the revenue budget and capital programme and these will be continue to be considered in detail by the council's Property Forum and included in the on-going updates of the MTFF.</p>
12	<i>Impact of growth in the Borough and demand for services</i>	<p>A number of Local Authority services are directly impacted by the increase of population in the Borough, such as waste services, planning, benefits etc. As part of the budget it will be necessary to consider whether there is a need for additional resources in these or other areas in order to maintain levels of service. A further area of risk is any increase in the demands for</p>

Ref	Risk / Area of uncertainty	
		Council services arising from the impact on residents of the economic environment. At this stage no allowance for these areas has been provided within the MTFF. Fundamental Service Reviews (FSR) have been carried out or are being undertaken on some of the key areas affected by growth and /or also the economic climate such as benefits, housing and street services. The financial assumption made is that these reviews will assist in identifying efficiencies to cope with changes in demand.
13	<i>Delivery of budget savings</i>	The 2010/11 budget continues to set some challenging targets for savings although for 10/11 these have been reduced to reflect the current economic climate such as the salaries target. The MTFF assumes these targets will be delivered at these amended levels.
14	<i>Net Interest earnings</i>	The budget is influenced by a number of factors including interest rates and cashflow movements. The treasury management strategy highlights the outlook for interest rates in the medium-term which points to continuation of unprecedented low levels into 2010/11. The 2010/11 budget as proposed shows a significant reduction in interest earnings and the MTFF currently assumes no further recovery in this area. This will be monitored and considered again as part of the 2011/12 budget.

All these issues will remain as risks to be managed over the course of the MTFF.

5. General Fund Balances – Risk Assessment

A risk assessment has been undertaken to determine the prudent level of general fund balances as part of the 2010/11 budget process.

Background

Historically we have maintained a strong level of balances and these have been used to:-

- Support the annual budget - particularly to fund one off items.
- Fund new initiatives identified during the year.
- Provide cover for cashflow and emergency situations.
- Provide flexibility and a resource for change management.

Over recent years general fund balances have been reduced in a managed and prudent manner: -

	£'000	
31 March 2005	2,193	
31 March 2006	1,997	
31 March 2007	2,708	(includes £902k to support 2007/08 budget)
31 March 2008	3,347	(includes £1,232k to support 2008/09 budget)
31 March 2009	2,891	(includes £1.17k to support 2009/10 budget)

31 March 2010

3,926

(after agreed or proposed allocations balance will be £2m)

A thorough review of the balances position was reported to Cabinet as part of the 2010/11 budget exercise. This included a risk assessment to establish the minimum level, which was agreed at £1.5million.

Risk Assessment

The results of the assessment to inform the 2010/11 budget are summarised in the following table. This showed that the agreed minimum prudent level of balances should be held at £1.5 million.

Factor	Assessed Risk		
	High £'000	Medium £'000	Low £'000
Cash Flow	950		
Capital (nil given reserves and receipts)			0
Inflation		100	
Investment Income	150		
Trading Activities and fees and charges		200	
Emergencies		50	
Benefits			100
New Spending – legal commitments			100
Litigation		150	
Partnerships			100
VAT Exemption Limit			350
Budget Process		100	
Revenue impact of capital schemes			150
Renaissance programme			0
Concessionary fares			50
Pension Contribution			50
	1,100	600	900

	Minimum Provision
High Risk – 100%	1,100
Medium Risk – 50%	300
Low Risk – 10%	90
Sub Total	1,490
Unforeseen factors,	10
Recommended level	1,500

The main issues to mention concerning the assessment are: -

- While the possible requirement to meet capital spending from revenue resources is still recognised as a potential risk the assessment is "nil" because of the current level of funds held in the capital expenditure reserve and the introduction of the Prudential Code.
- This year's assessment has reviewed the approach of separately identify the risks connected with "trading activities" and "income" and instead these have been combined and assessed as a medium risk. This specific change will be reviewed alongside final budget proposals.
- In view of current low levels of inflation and the fact that the pay award for 2010/11 has already been agreed the allowance in respect of inflation has been reduced.
- Investment income has been identified as a risk area. In last year's risk assessment this was changed to be classified as a "high risk" and due to the continuing uncertainty in the world economy this has been maintained for next year.
- The assessment includes the risk that the VAT exemption limit will be exceeded with a consequent loss of recoverable VAT. Regular monitoring and active management of new schemes minimises this risk.
- The concern over the funding of the pension fund is recognised in the assessment. However "risk" is assessed as "low" and has been reduced for 2010/11 because the anticipated increased contributions from the 2007 valuation required have been built into the budget.
- On the basis of earlier years' outturns and current year monitoring particular areas have been identified as potential risk areas for variances: cash flow, benefits, emergencies, new spending, litigation, partnerships, Regeneration programme and the budgeting process. These are being regularly reported on as part of the current year monitoring. All of these areas have been reviewed with some changes proposed with are addressed in the risk assessment.

Implications

The risk assessment will be carried out at least annually as part of the budget process. While the current assessment indicates a minimum level it is important to recognise that there are implications of operating at this level. As noted above we have traditionally had a level of balances that have provided flexibility and enabled new initiatives to be considered outside the annual budget process. Operating at the minimum level requires an approach and a discipline to: -

- Ensure all spending aspirations for the coming year are assessed as part of the annual budget process. The continued development of the Medium Term Financial Forecast will assist in this.
- Recognise that it will not be possible to draw on balances to fund new discretionary initiatives identified in the year, however desirable they may be; an alternative source of funding would need to be identified.
- Realise future assessments could identify a need to rebuild balances

- Accept that the potential for interest earnings on balances will change depending on the level of balances held. (This will be reflected in the budget accordingly.)
- Acknowledge that any balances desired for future flexibility/change management will need to be built up over and above the prudent level identified.

In addition it is acknowledged that it may be necessary for balances to fall below the recommended level. Balances are provided to mitigate unbudgeted cost pressures and as such at times they may be used to provide temporary support to the Council 's budget.

6. General Fund Balances - Position

The following table sets out the current level of General Fund balances.

General Fund Balances		
Current Position		
	£'000	£'000
Balance as at 31 March 2010 (note 1) (As per Statement of Accounts)		3,926
Proposed use of balances during 2010/11:		
• Financing carry forwards – Proposed carry forward of 09/10 budgets (note 2)		196
• Funds released in 09/10 carry forward to 10/11 (note 3)		297
• Supporting the 10/11 Budget (agreed as part of 10/11 budget)		671
• Further Changes in 2010/11:-		
VAF Legal Fees	500	
Icelandic Investment Impairment	405	
Tour of Britain Event	30	
Release of insurance reserve / provision	(205)	
	730	
Projected Balances as at 31 March 2011		2,032
Agreed minimum balance		1,500
Potential Surplus Balances as at 31 March 2011		532

Notes:

1. The balance at 31 March 2010 reflects the outturn for 09/10 which includes the release of £50k from the Regeneration Reserve
2. Carry forward budgets have been reviewed by the Head of Resource Management.
3. This includes previous approved releases from balances which have not yet been spent.

This forecast is on the basis that there are no further calls on balances during 2010/11 and the current year's budget does not overspend.

7. Earmarked Reserves and Provisions

The Council maintains a number of earmarked reserves and provisions, which allows it to prudently plan for future expenditure requirements. As at 31 March 2010 earmarked reserves totalled £6.18m and provisions £0.45m.

As part of the budget process a review was undertaken into the level and appropriateness of earmarked reserves and provisions. The review concluded that the reserves and provisions detailed in the following table remain appropriate and at an adequate level.

The position on these reserves will be reviewed as part of the 2011/12 budget process including forecasting and assessing the impact of future commitments.

One area that has now been reviewed is the insurance reserve and this report includes a proposal to use £205k from this to support general balances.

Earmarked Reserves

Reserve	Amount 31/03/09 £'000	Estimate 31/03/10 £'000	Comment
Renewals and Repairs (including Building Maintenance Programme)	2,888	2,090	Maintained for the replacement of plant and equipment and the maintenance of premises. Annual contributions are based upon the estimated renewal or repair cost, spread over the life of the asset.
Insurance	594	445	To cover the self-insurance of selected properties. The balance of the fund is split with a proportion specifically identified as a provision against the cost of claims (see section B). Following an actuarial review it is proposed in this report that £205k of the current balance could be transferred to balances.
Capital Expenditure	3,062	2,553	Revenue provision to fund the capital programme. The reserve is fully committed to funding the current capital programme. However actual use of balance is dependent not only on progress of spending on approved capital schemes but also level of other resources, mainly capital receipts, received. This Reserve is also being

Reserve	Amount 31/03/09 £'000	Estimate 31/03/10 £'000	Comment
Regeneration Reserve	437	166	used to support some financing costs of the Community Stadium and also part of the Icelandic investment impairment. Maintained to finance non-recurring expenditure incurred during the development of the Council's four regeneration areas. Spending of £166k has been included in the 2010/11 budget and therefore the reserve will be fully used by March 2011.
Asset Replacement Reserve	9	10	A reserve for the future replacement of vehicles and plant. The vehicle replacement policy has been reviewed. Revenue contributions to this reserve have now ceased and the funding for the majority of repairs is now sourced from the Council's Capital Programme.
Gosbecks	423	408	Maintained to provide for the development of the Archaeological Park. The main source of funding was a 'dowry' agreed on the transfer of land.
On Street parking reserve		64	Any surplus ring fenced to cover deficits.
Heritage Reserve Mercury Theatre	184	2 209	Provision for the building's long term structural upkeep.
Hollies Bequest	12	11	Provision for the upkeep of open space.
Section 106 monitoring	209	184	Required for future monitoring of Section 106 agreements. From 2010/11 onwards it has been agreed to use £70k from this reserve on an annual basis to support the budget.
Community Stadium - loan	35	35	To cover set up costs and working capital. No repayments are expected within 2010/11. The loan is repayable to the Council within 7 years from the agreement date of 29 January 2008.
	7,853	6,177	

Provisions

Reserve	Amount 31/03/09 £'000	Estimate 31/03/10 £'000	Comment
Insurance	323	450	This element of the fund is specifically set aside as a provision to meet the cost of claims, notably subsidence. Some work on properties in respect of subsidence planned to be completed in 2009/10.
	323	450	

2011/12 Budget Timetable

Budget Strategy March 10 – July 2010

March – June (SMT and Budget Group)	Budget Group Meetings Agreed Update MTFF /Budget Strategy Review potential cost pressures, growth and risks Consider approach to budget Initial budget reviews started
Cabinet – 30 June 10	<ul style="list-style-type: none"> • Report on updated budget strategy / MTFF • Timetable approved
SOSP – 20 July 10	Review Cabinet report
Budget Group / Leadership Team - June / July	Consider review of capital programme Consider approach to consultation

Detailed Budget preparation and Budget Setting Consultation

Budget Group / Leadership Team regular sessions on progress / budget options now - December	Review budget tasks (the 5 tracks) Consider outcomes of Fundamental Service Reviews
Cabinet – 8 September 10	<ul style="list-style-type: none"> • Budget Update • Proposals for consultation • Review of capital resources / programme
Cabinet – 20 October 10	Budget Update (if required)
Cabinet – 1 December 10	<ul style="list-style-type: none"> • Budget update • Reserves and balances • Grant settlement
SOSP – 11 January 11	Review Cabinet report / Budget Position (Strategic Review)
FASP – 25 January 11	Review consultation / Budget position (Detailed proposals)
Cabinet – 26 January 11	Revenue and Capital budgets recommended to Council
Council – 16 February 11	Budget agreed / capital programme agreed / Council Tax set

Timing of consultation to be included within process when agreed.

Leadership Team to review budget progress during year.

Report of	Executive Director	Author	Ian Vipond x 2717
Title	VAF Issues related to Legal Proceedings		
Wards affected	Castle Ward		

This report requests the Cabinet to recommend to full Council the release of additional revenue funding to fund the legal proceedings in relation to the Visual Arts Facility (VAF) and to agree the appropriate allocation of the existing revenue funding.

1. Decision Required

- 1.1 To recommend to full Council the release of up to five hundred thousand pounds of additional revenue funding towards the legal costs of resolving VAF legal claims or disputes for the reasons set out in this report, if necessary in advance of legal costs already incurred being refunded by resolution of outstanding disputes.
- 1.2 To agree that the Council can use any agreed revenue budgets (for specific disputes relating to the VAF) as a global budget for all the revenue funded disputes relating to the VAF for the reasons set out in paragraphs 2.1 to 2.4 this report

2. Reasons for Decision

- 2.1 In July 2009 the Cabinet agreed that proceedings could be issued against Banner Holdings Ltd (BHL) and Turner and Townsend (T&T) subject to the revenue budget not to exceed £365,000 without further approval and there were other revenue budget allocations relating to other identified claims in relation to the VAF. This approach has proven problematic due to certain areas of legal work being more intense than other areas and because the claims are so interrelated. It is now suggested that it would be better to agree that identified revenue budgets can be used as a global budget in relation to all the revenue funded VAF disputes.
- 2.2 In December 2009 the revenue budget was increased by £500,000, with £250,000 being released in the last financial year and the remaining £250,000 being released in this financial year. This budget has largely been expended in relation to successfully defending the claim by BHL. Under normal circumstances the Council could expect to recover its legal costs and this might yet prove possible to a varying degree, but at present more revenue funding is required this financial year up to an additional £500,000 if the Council is not to lose its ability to claim against T&T.

3. Background

- 3.1 BHL issued proceedings against the Council which the Council was required to defend or risk the very real prospect of paying significant sums to BHL. The issue was whether the Council determined the contract at will or for breach by BHL and

the outcome of this dispute determines the sums that the Project Manager (PM) is required to certify as being due under the terms of the contract.

- 3.2 The Council needed the assistance of T&T during the dispute with BHL and accordingly the dispute with T&T was put on hold pending the outcome of the case with BHL.
- 3.3 The Council defended the claim against BHL and counterclaimed and the dispute was listed for a hearing in the High Court of Justice Queens Bench Division Technology and Construction Court in November with a time estimate of twelve days.
- 3.4 The Council exercised its right to refer the contract to adjudication and the adjudication hearing was held on the 8th March 2010. BHL defended the proceedings.
- 3.5 The adjudicator gave his award on 9 April 2010. The outcome of the adjudication was a significant win for the Council in that it was held that the Council was entitled to determine the contract for breaches by BHL.
- 3.6 On the 27th May 2010 the Council sought and obtained an order that BHL would be required to make certain payments into court as security for costs. The application was made because the Council was worried about the financial position of BHL.
- 3.7 Prior to the hearing on the 27th May it became known that BHL's solicitors were no longer acting in connection with the dispute and indeed BHL was not represented and nor did anybody from BHL attend the hearing.
- 3.8 The main outcome of the hearing on the 27th May is that BHL have to make certain payments into Court by the 9th July 2010 and in the event that it fails to do so the BHL claim will be struck out unless the order is varied at the request of BHL.
- 3.9 The Council will now be entitled to proceed with the formalities (which could include a further adjudication if there is a dispute over the sums certified by the PM) to claim against the bond. It is hopeful that the full amount of the bond in the sum of £1,422,000 will be released to the Council over the next few months. The majority of this sum will be used to offset a capital commitment of £1.1m from the Council to complete the VAF construction project (May Council resolution), however if the full Bond sum is recovered the remainder can be used to offset legal costs which would significantly reduce the sum now sought under recommendation 1.1.
- 3.10 Whilst the proceedings with BHL have largely been defensive the Council will now be entitled to enforce the various cost orders awarded against BHL. Unfortunately there is significant uncertainty about whether any of these sums will be recovered as BHL are now in the hands of Administrators. However, the Council will seek to recover any sums due from BHL insurers or the Administrator as appropriate while ensuring that the any additional legal costs incurred on this matter are not disproportionate. Again any recovered sums can be used to offset anticipated further legal costs.
- 3.11 Cabinet will note from the above that the Council has been forced to incur significant legal costs because of the aggressive approach to the litigation adopted by BHL and the result of the adjudication has saved the Council significant further legal costs as well as determining that BHL are not entitled to recover the sums it claimed as payable under the terms of the contract.

- 3.12 Because BHL went into administration on the 4th June 2010 it does not necessarily negate the risk of a further adjudication to determine the amounts due under the terms of the contract before a claim can be made against the bond. It does however make it unlikely that BHL will be able to avoid their claim being struck out on 9 July 2010.
- 3.13 The Council now needs to issue proceedings against T&T in order to avoid the possibility of the claims being statute barred because of the limitation period that applies. The advice obtained remains that there are significant prospects for the recovery of substantial sums from T&T who have the benefit of Professional Indemnity Insurance cover.

4. Financial implications

- 4.1 The sums identified in section one are not included within the 2010/11 Budget and there will now need to be a separate allocation.
- 4.2 Under the Financial Procedure Rules the Cabinet can only approve a virement of between £50,000 and £250,000 of revenue funding. Accordingly, the virement of five hundred thousand pounds will need to be approved by full Council assuming Cabinet is minded to agree the recommendation contained in this report.
- 4.3 Also, as the five hundred thousand pounds has not been approved by Council within the 2010/11 budget and with regard to its significance the Council will need the use of reserves of one sort or another.
- 4.4 The outturn position for 2009/10 is reported elsewhere on the agenda and shows that last year there has been some favourable movements which potentially provide scope for funding the additional funding requested in this report:-
- General reserves and balances are currently forecast to stay within the agreed levels, of £1.5m, at year end.
 - It is therefore anticipated that the £500,000 can be found without taking reserves below their agreed level, although this is likely to require action to mitigate cost pressures in 2010/11.
 - The funds for legal costs may not be required until later in the year and will not be drawn upon until necessary.
- 4.5 The allocation of funds for legal costs will clearly reduce the scope for funding other priorities and further cost pressures or growth items will be harder to accommodate in the financial circumstances anticipated in the future. Recent announcements on grant reductions have highlighted significant pressures which will need to be managed this year.

5. Alternative Options

- 5.1 Given that the Cabinet has already agreed that the legal proceedings can be issued and the legal advice is that there remain good prospects of recovering significant sums there is limited alternative but for the Council to continue to fund the litigation because of its public law duties. Local authorities are under a duty to act prudently. The essence of the duty is to act “prudently” in all decision making, but particularly in relation to items with financial implications. If the authority chooses not to realise an asset (in the form of the potential claim against T&T) this is a matter which could be the subject of an adverse audit report.

- 5.2 Against the above the Council will rightly have to consider the risks associated with legal proceedings and the budgetary implications against (i) potential recovery for the Council of what could be significant sums and (ii) other potential risks associated with not progressing the claims in circumstances where the external advice is that there are good prospects for the recovery of significant sums.

6. Strategic Plan references

- 6.1 Delivery of the Visual Arts Facility was identified in the 2006 Strategic Plan.

7. Consultation

- 7.1 Not applicable.

8. Publicity considerations

- 8.1 This is a high profile project and so any report may attract public and media interest and will need to be managed by the Councils communications team in liaison with the Portfolio Holder.

9. Equality, diversity and Human Rights Implications

- 9.1 There are no particular equality, diversity or human rights implications.

10. Community Safety Implications

- 10.1 There are no particular community safety implications.

11. Health and Safety Implications

- 11.1 There are no particular Health and Safety implications.

12. Risk Management Implications

- 12.1 Whilst there remain good prospect for success there is always a risk with litigation in that if the Council fails to recover its costs and/or in the event of unsuccessful litigation the Council will be responsible for other parties' legal costs these could be substantial. The Council remains under contract with the other VAF funders to complete the building as a home for firstsite. Failure to deliver the project could make the Council liable for the return of funding already secured.

