

# AGENDA

## CABINET MEETING



Date: Wednesday 8 October 2014  
Time: 6.30 pm  
Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Blackmore (Chairman), Burton,  
Greer, McLoughlin, Perry and Mrs Ring

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Page No.

1. Apologies for Absence
2. Urgent Items
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Minutes of the Meeting held on 10 September 2014

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**Continued Over/:**

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**Issued on 30 September 2014**

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**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

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2.	Petition – Future Housing Development – Headcorn	
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## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

#### **MINUTES OF THE MEETING HELD ON**

#### **WEDNESDAY 10 SEPTEMBER 2014**

**Present:** Councillor Mrs Blackmore (Chairman), and  
Councillors Burton, Greer, McLoughlin and Mrs Ring

**Also Present:** Councillor Mrs Stockell

37. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

38. **URGENT ITEMS**

There were no urgent items.

39. **NOTIFICATION OF VISITING MEMBERS**

Councillor Mrs Stockell attended the meeting as an observer.

40. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

41. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

42. **EXEMPT ITEMS**

**RESOLVED:** That the items on the agenda be taken in public as proposed.

43. **MINUTES OF THE MEETING HELD ON 13 AUGUST 2014**

**RESOLVED:** That the Minutes of the meeting held on 13 August 2014 be approved as a correct record and signed.

44. **REPORT OF CORPORATE LEADERSHIP TEAM - BUDGET STRATEGY 2015 16 ONWARDS**

**DECISION MADE:**

That, for planning purposes, the "recommended assumptions" version of the strategic revenue projection from the three scenarios given at

Appendix D to the Report of Corporate Leadership Team be selected. In relation to the car parking assumption, any future development would need to retain the income which removes the figures in Appendix D for 2016/17 and 2017/18.

For further information regarding this decision, please follow this link:

<http://services.maidstone.gov.uk/ieDecisionDetails.aspx?ID=861>

45. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - STRATEGIC HOUSING MARKET ASSESSMENT UPDATE

**DECISION MADE:**

- a) That the revised objectively assessed need for housing of 18,600 dwellings be adopted and that this be used as the basis of determining future housing provision for 2011-31;
- b) That a figure of 960 additional care home places in the borough be adopted as the basis for determining care home places in the borough for 2011-31; and
- c) That the GL Hearn reports be noted as part of the evidence base for the emerging Local Plan.

For further information regarding this decision, please follow this link:

<http://services.maidstone.gov.uk/ieDecisionDetails.aspx?ID=862>

46. REPORT OF THE HEAD OF POLICY & COMMUNICATIONS - KEY PERFORMANCE INDICATOR MONITORING QUARTER 1

**DECISION MADE:**

- a) That the progress and out-turns of the KPIs at Quarter 1 attached as Appendix A to the report of the Head of Policy & Communications, together with the Definitions included for reference attached as Appendix B to the report were noted;
- b) That the area where performance is strong and on track to achieve annual targets was noted; and
- c) That the areas where performance has declined be noted and the Planning Support Service will be reviewed by the Internal Audit Service.

For further information regarding this decision, please follow this link:

<http://services.maidstone.gov.uk/ieDecisionDetails.aspx?ID=863>

47. REPORT OF THE HEAD OF POLICY & COMMUNICATIONS - CORPORATE PLANNING TIMETABLE

**DECISION MADE:**

That the development of a new strategic plan and medium term financial strategy be agreed in accordance with the corporate planning timetable set out at Appendix A to the report of the Head of Policy & Communications.

For further information regarding this decision, please follow this link:

<http://services.maidstone.gov.uk/ieDecisionDetails.aspx?ID=864>

48. DURATION OF MEETING

6.30 p.m. to 7.40 p.m.

# Agenda Item 8

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**8 OCTOBER 2014**

### **REFERENCES FROM COUNCIL**

#### **1. PETITION - ALLOCATION OF HOUSING SITES - LENHAM**

- 1.1 At the meeting of the Council held on 17 September 2014, a petition in the following terms was presented by Mr Brian Llong:

*We, the undersigned, being either residents or persons working in or having an association with Lenham, call upon Maidstone Borough Council to stop its decision to consider Lenham as being a suitable Parish to accommodate 1500 homes.*

*We believe that what to all intents and purposes is creating another village size development within the Parish would have a devastating effect on the local community.*

*We call upon Maidstone Borough Council to have a fair and even dispersal policy for housing throughout the Borough.*

In presenting the petition, Mr Llong said that local residents were concerned about the impact of so many new homes on the character of the village and on schools, roads and other infrastructure.

- 1.2 During the discussion on the petition, Members made a number of points, including:
- The strong sentiments being expressed by local residents should form an important part of the Council's consideration of the various components of the new Local Plan going forward.
  - Lenham had not been singled out to receive the largest numbers of new homes. The Council needed to produce a sound new Local Plan very soon to avoid the risk of planning decisions being increasingly taken out of its control. In the meantime, the Council was about to embark on an intensive series of consultations to discuss concerns and share information.
  - The organisation of the petition demonstrated that local residents wanted to engage with the Council on this important issue. The new Local Plan was still in draft form and there

would be further discussion on housing site allocations, but it could not be guaranteed that there would be no housing growth in Lenham.

- The projected level of housing development was unprecedented in this Borough. Effectively, the Borough was experiencing unplanned growth because the figures could not be evidenced, and this was having an unsustainable impact on infrastructure, amenity and quality of life. It was accepted that growth was required, but it should be managed growth.
- The updated "objectively assessed need" for new housing was for 18,600 dwellings during the period 2011-31 (a reduction in the total requirement by some 1,000 dwellings compared with the main Strategic Housing Market Assessment report).
- Housing allocations would not be delivered immediately, but over the Plan period. The housing market in the UK was unsustainable with demand exceeding supply. A new Local Plan was needed to enable the Council to determine in a strategic way where growth should most appropriately go to meet current and future requirements.

1.3 The Council agreed that the petition and the points raised during the debate be referred to the Cabinet for consideration.

**1.4 RECOMMENDED:**

**1.4.1 That the Cabinet consider the petition and the points made by Members during the Council debate.**

**2. PETITION – FUTURE HOUSING DEVELOPMENT - HEADCORN**

2.1 At the meeting of the Council held on 17 September 2014, a petition in the following terms was presented by Councillor Edwards-Daem:

*This petition is organised by residents of Headcorn*

*No to irresponsible building and urbanisation in Headcorn; ignoring local voters and contradicting the neighbourhood plan, ignoring the inadequate road infrastructure and road capacity, ignoring the adverse impact of traffic on village life and residents' safety, ignoring inadequate sewer capacity, ignoring serious flood risk, ignoring that the school is oversubscribed and promoting the destruction of village life.*

In presenting the petition, Councillor Edwards-Daem said that local residents were concerned about the impact of new housing development on village life and infrastructure.

2.2 During the discussion on the petition, Members made a number of points, including:

- Consideration should be given to the special circumstances associated with development in the Weald.
- There was a need to build more homes and these should be affordable and accessible. However, until the new Local Plan was in place, the Borough was susceptible to developer-led housing provision particularly in village locations.
- If the current trajectory of growth continued beyond 2031, there was a risk that the character of the Borough would be destroyed with overcrowding and pollution etc. Consideration should be given to the impact of development beyond the life of the Plan.
- Infrastructure providers were looking at ways to mitigate the impact of development. There were problems with sewage in Headcorn, but unless Southern Water objected to an application it was difficult for the Council to refuse permission on these grounds.
- The administration was trying to control development, not to impose it. The Government was pressing local authorities to produce new Local Plans. The consequences were not popular, and a proper debate was required.
- Further consideration should be given to projected population growth, the demand for new housing and the impact on local infrastructure.
- Consideration should be given to reducing the housing figures having regard to their sustainability.

2.3 The Council agreed that the petition and the points raised during the debate be referred to the Cabinet for consideration.

#### **2.4 RECOMMENDED:**

**2.4.1 That the Cabinet consider the petition and the points made by Members during the Council debate.**

**NOTE: A briefing note provided by the Head of Planning and Development to assist the Council in its consideration of these petitions is attached as Appendix A.**

**Briefing Note relating to the Petitions from  
Residents of Headcorn and Lenham**

Provided by the Head of Planning and Development

Full regard will be given to the petitions that oppose housing growth at Lenham and Headcorn villages when responding to representations received earlier this year as a result of public consultation on the draft Maidstone Borough Local Plan. A report recommending amendments to draft housing site allocations will be presented to Cabinet in the New Year, and a further public consultation on changes to allocated sites will be undertaken in February and March. Meanwhile, officers will continue to liaise with the infrastructure providers and other key stakeholders to ensure the housing sites allocated in the local plan are appropriate, sustainable and deliverable.

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**8 OCTOBER 2014**

### **REFERENCE FROM COUNCIL**

#### **1. MOTION – OVER-DEVELOPMENT OF INNER MAIDSTONE**

- 1.1 Councillor Harper gave notice of his intention to move the following motion at the Council meeting on 17 September 2014:

*Pressures for development exist all over the town and Borough of Maidstone. There are considerable concerns by residents of Fant Ward about the conversion of houses to multiple occupancy properties. The concerns relate to issues such as over density, overcrowding, lack of amenity space, problems of parking where small terraced houses are sub divided and general environmental impact.*

*At the July 2014 Council meeting Mr Elliot Dean asked a question on the over-development of Inner Maidstone and all the Council Groups agreed that this was a matter of concern.*

*The Council notes these concerns and requests that this issue be addressed in the Local Plan. For these purposes "Inner Maidstone" can be defined as Fant, High Street, Bridge and North Wards. Policies should be prepared to prevent or discourage conversion of housing to multiple occupancies in areas of already high population density. The Council requests that the Officers report back progress to the next meeting.*

- 1.2 In moving the motion, Councillor Harper added East Ward and Heath Ward to the definition of "Inner Maidstone" in paragraph 3. The motion, as amended, was seconded by Councillor Naghi.
- 1.3 The motion, as amended, having been moved and seconded, was referred to the Cabinet for consideration.

#### **1.4 RECOMMENDED: That the Cabinet consider the motion, as amended, relating to the over-development of "Inner Maidstone."**

**NOTE: A briefing note provided by the Head of Planning and Development to assist the Council in its consideration of the motion is attached as Appendix A.**

**Briefing Note on the Notice of Motion from Councillor Paul Harper  
relating to Over-development of Inner Maidstone**

Provided by the Head of Planning and Development

The conversion of larger residential properties to self-contained flats and houses in multiple occupation aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, as advocated by the National Planning Policy Framework.

Under the planning regulations<sup>1</sup>, permission is not required to change a single dwelling house to a house in multiple occupation, or vice versa. A house in multiple occupation is defined in the legislation as the use of a dwelling house by not more than six residents. So, many changes to convert a single occupancy house into a house of multiple occupation can be carried out without planning permission. For schemes that do require permission, the draft local plan includes policies which set criteria that proposals for houses in multiple occupation must meet.

Policy DM8 includes criteria for changes to the character of the street scene, boundary treatment, and impact on residents and parking. Policy DM4 sets out the principles of good design which proposals are expected to meet including, for example, respecting the amenities of occupiers on neighbouring properties and the creation of a safe environment for pedestrian and vehicular movements.

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<sup>1</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**8 OCTOBER 2014**

#### **REFERENCE FROM COUNCIL**

#### **1. MOTION – CYCLING SAFETY AND THE GYRATORY SYSTEM**

- 1.1 At the meeting of the Council held on 17 September 2014, the following motion was moved by Councillor Harper, seconded by Councillor Mrs Gooch:

*The Council notes the proposal by Kent County Council to redevelop the gyratory system around the two Medway bridges; it also notes that it is proposed to remove the current cycle track over St Peters Bridge. The gyratory system in its current format is a major deterrent to the development of cycling in Maidstone. This Council requests Kent County Council to ensure that any redevelopment of the gyratory system incorporates measures to improve the safety of cycling in the town centre. A report on progress should be made to the next Council Meeting.*

- 1.2 The motion, having been moved and seconded, was referred to the Cabinet for consideration.

#### **1.3 RECOMMENDED: That the Cabinet consider the motion relating to cycling safety and the gyratory system.**

**NOTE: A briefing note provided by the Head of Planning and Development to assist the Council in its consideration of the motion is attached as Appendix A.**

**Briefing Note on the Notice of Motion from Councillor Paul Harper  
relating to Cycling Safety and the Gyratory System**

Provided by the Head of Planning and Development

KCC proposes to look at further capacity calculations with the addition of the permitted supermarket, and consider whether the improved capacity to be provided by the Bridges Gyratory scheme would be sufficient to allow retention of the footway/cycleway on the northern bridge at its current width. The Bridges Gyratory scheme will now progress to detailed design.

The Bridges Gyratory scheme was a specific agenda item at the Maidstone Joint Transportation Board on 3<sup>rd</sup> September. KCC's report confirms that construction is intended to commence in 2015/16.

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**8 OCTOBER 2014**

### **REFERENCE FROM COUNCIL**

#### **1. MOTION – BEDROOM TAX**

- 1.1 At the meeting of the Council held on 17 September 2014, the following motion was moved by Councillor Harper, seconded by Councillor English:

*The impact of Welfare Reforms around social housing tenants with the so called additional living space over a quota (the Bedroom Tax) is socially and morally divisive and unfair. It seeks to punish the poor and families with members with disabilities through withdrawing housing benefit. The impact is being felt throughout the UK and in Maidstone. Increasing numbers of families are as a result of these changes either being forced to move to smaller accommodation, often outside the community they live in, and where their social networks and support are, or are threatened with facing eviction.*

*In Maidstone at the same time there are tenants who independently want to downsize their social housing needs who are effectively being blocked by the requirement to go into a competitive bidding process for available accommodation.*

*This Council resolves to:*

- 1. Review the Housing Allocation Policy to give social housing tenants who voluntarily want to downsize accommodation, priority to move to smaller accommodation, thus freeing up larger properties for families.*
- 2. Do all it can within the Council's legal powers to minimise the impact of the Bedroom Tax on families where there may be short term absences and also people with disabilities where additional bedrooms may be required due to a person's disabilities.*
- 3. Actively campaign to seek a change in national legislation to repeal the Bedroom Tax.*

4. *Report back to the next Council meeting on the implementation of measures 1 – 3 above.*

1.2 The Council resolved to recommend to the Cabinet, as the decision making body, that the motion be agreed subject to the amendment of paragraph 3 in order that any representations to change the legislation are made via the Local Government Association and not directly by the Council.

1.3 **RECOMMENDED: That the Cabinet agree the motion relating to the Bedroom Tax subject to the amendment of paragraph 3 as follows:**

***Campaign for change to the legislation via the Local Government Association.***

**NOTE: A briefing note provided by the Director of Regeneration and Communities to assist the Council in its consideration of the motion is attached as Appendix A.**

**Social Sector Size Criteria Briefing Note for Council 17/09/14**

From the 1 April 2013 a restriction was introduced to the housing benefit awards for working age households who are deemed to have a property with more bedrooms than needed for the size of their household. 706 households in Maidstone were identified as affected by this change on its introduction.

The benefit restriction is based on a percentage of the eligible rent; 14% for one additional bedroom and 25% for 2 or more additional rooms. This means that the financial impact varies depending on the number of additional rooms and the level of rent being charged. On average the reduction equates to £20 per week for 1 bedroom and £35 per week for 2 or more bedrooms.

The number of rooms required by any household is determined by a criteria set out in regulation. One bedroom is allowed for each of the following occupiers, each occupier coming only within the first category that applies to them.

- each couple
- each other person aged 16 or other
- two children under 16 of the same sex
- two children under 10 of the same or opposite sex
- each other child

In addition one or more additional bedrooms can be allowed for a foster parent, an overnight carer and a disabled child who requires their own room.

Where a resident does not meet the criteria for an additional room but can demonstrate a genuine need or hardship they are open to claim a Discretionary Housing payment. The council receives a grant from the Department for Work and Pensions to make such awards which can be made to make up a shortfall in housing benefit or provide financial support to assist the move to more suitable accommodation, meetings costs such as removal fees, rent in advance and deposits.

Discretionary Housing payments have also been awarded on a long term basis to support disabled residents in adapted properties who are not in position to move due to lack of suitable alternatives.

The grant for Discretionary Housing Payments in 2013/14 was £247,000 and £229,000 was spent in the year supporting 475 awards. £109,000 has been awarded so far from the current budget of £257,000, support 187 households.

The government's policy objective in introducing the change was to encourage the best use of the available housing stock and limit the increasing cost of welfare support, with similar size restrictions having been in place within the private rented sector since 1997.

The council acknowledges the need to encourage the best use of the existing housing stock and has made changes to the Allocations Scheme with this in mind. In order to enter the Housing Register, there are qualifying entry requirements an applicant must satisfy. These are local connection and housing need. Whilst under occupancy is not a statutory housing need, the council took the decision to include it within the Allocations Scheme in order to allow those who are under occupying to join the Housing Register, giving them every possible opportunity to downsize and freeing up properties for overcrowded households.

Once applicants access the housing register, they are placed in one of four bands according to their personal circumstances; A- Community Contribution, B- Assistance, C-Reasonable Preference and D- Homeless. The greatest number of properties per applicant is within Band A, which is for people who work or assist their local community in other ways, such as volunteering or serving in the Armed forces. This supports the council's vision for economic prosperity and to have a growing economy.

As part of the consultation on the new Allocation scheme, we asked people's views on the fairest way to allocate properties to people once they have been placed into the appropriate band. The majority responded saying that the fairest way to allocate was by date of application.

As well as accessing the Housing Register, there is also a mutual exchange scheme, Home Swapper, where people in social housing who wish to exchange their property can list the details of what they have, and seek a property more suited to their requirements. There are currently 1202 homes registered with this scheme locally in and around Maidstone.

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**8 OCTOBER 2014**

## **REPORT OF HEAD OF REVENUES AND BENEFITS SHARED SERVICE**

**Report prepared by Stephen McGinnes**

### **1. LOCAL COUNCIL TAX DISCOUNT SCHEME**

#### 1.1 Issue for Consideration

1.1.1 To consider the Local Council Tax Support Scheme to be implemented from 1<sup>st</sup> April 2015.

#### 1.2 Recommendation of Head of Revenues and Benefits

1.2.1 That Cabinet notes the recommendation of the Strategic Leadership and Corporate Services Overview and Scrutiny Committee held on the 5<sup>th</sup> August 2014.

1.2.2 That having noted the potential impact on claimants including those with disabilities, carers and other working age groups; Cabinet recommends to Full Council that the scheme be maintained from 1<sup>st</sup> April 2015 at its current level, providing a 13% reduction in the former national council tax benefit scheme as set out within Appendix A.

1.2.3 That the Director of Regeneration and Communities, in consultation with the Cabinet Member for Corporate Services be given delegated authority to make such technical changes as are necessary to maintain the effective operation of the scheme, whilst maintaining the percentage reduction approved by council.

#### 1.3 Reasons for Recommendation

1.3.1 As part of the changes introduced through the Welfare Reform Act the national scheme for council tax benefit was abolished from 31 March 2013 and replaced by a requirement to determine a local discount scheme.

- 1.3.2 In responding to that change a number of options were presented to Cabinet in July 2012, with Cabinet identifying the preferred scheme to be a 13% reduction in council tax benefit entitlements, whilst otherwise retaining the existing rules and criteria.
- 1.3.3 At the same time Cabinet proposed a number of changes to the council tax discounts and exemptions for empty properties, the additional revenue from which would help meet the shortfall in the proposed council tax support scheme funding.
- 1.3.4 A public consultation was undertaken to outline and seek views on three primary options identified by Cabinet as set out below.
- Option 1 - reduce benefit awards by 24.5% to reflect in full the reduction in government grant and protection of pensioners;
  - Option 2 - reduce benefit awards by 18.5% and reduce the discount for empty homes from 6 months to 3 months;
  - Option 3 - reduce benefit awards by 13%, reduce discounts for empty homes from 6 months to 1 month and remove the 10% discount for second homes.
- 1.3.5 A total of 786 responses were received with option 3, the Councils preferred scheme, receiving the greatest support (48.2%).
- 1.3.7 On the 18 October 2012 the Department for Communities and Local Government announced the introduction of a £100 million transitional fund to help Councils lessen the impact for residents in the first year of the scheme.
- 1.3.8 The funding criteria required that the Council's local scheme pass on an increase of no more than 8.5% in the first year and provide for no sharp reduction in support for those entering work. An additional grant of £239,445 was made available to the Council in the first year.
- 1.3.9 Following consideration of the consultation results and opportunity provided through the transitional fund, Cabinet made the following recommendation which was agreed at Full Council in December 2012.
- An 8.5% reduction in the rate of Council Tax Support applicable to all working age households during 2013/14, whilst otherwise maintaining the structure of the current national Scheme;

- A 13% reduction in the rate of Council Tax Support applicable to all working age households during 2014/15 and 2015/16, subject to the future demand and grant received for the Scheme.
- 1.3.10 The Council implemented a scheme in April 2013 where persons eligible for Council Tax Support would pay a minimum contribution of 8.5% towards their liability. The Local Government Finance Act 2012 states that a public consultation must take place if a scheme is either amended or replaced. The increase from 8.5% to 13% for 2014/15 was considered a change under the legislation.
- 1.3.11 A further consultation was therefore undertaken which included a direct mailing to a sample of 500 households in receipt of council tax support and wider participation through voluntary sector partners and the wider taxpayer through an online survey.
- 1.3.12 The consultation set out 2 primary options. Option 1, to reduce benefit awards by 18.5% and Option 2, to reduce benefits awards by 13%. A total of 61 responses were received to the consultation, with 55% identifying option 2 as their preferred scheme.
- 1.3.13 Following consideration of the consultation results, it was agreed through Full Council that a Local Council Tax Support Scheme be adopted with a reduction of 13% in the rate of Council Tax Support applicable to all working age households during 2014/15.
- 1.4 Strategic Leadership and Corporate Services Overview and Scrutiny Committee
- 1.4.1 The committee identified the local council tax discount scheme as an item for consideration in their 2014/15 work programme and decided to consider the issue in two parts, the scheme for 2015/16 and the longer term operation of the scheme following the end of the current 3 year county agreement.
- 1.4.2 In considering the scheme to be implemented for 2015/16 the committee was mindful of the demanding timeframe for implementation and decided at their meeting on the 8<sup>th</sup> July to set up a sub group to consider the detail of the current scheme and options for how the scheme could operate in 2015/16.
- 1.4.3 A workshop was held on the 17<sup>th</sup> July which was attended by Cllr Gooch, Cllr Butler, Cllr Grigg, Cllr Edwards-Daem and Cllr McKay. The workshop was supported by Paul Riley, Head of Finance and Resources, Gary Hunter, Benefits Manager, Christian Scade, Senior Corporate Policy Officer and Stephen McGinnes, Head of Revenues and Benefits.

- 1.4.4 A copy of the workshop agenda and presentations given are attached as appendix C.
- 1.4.5 During the course of the workshop the committee explored the funding available to finance the future scheme, the operation and impact of the current scheme and a range of alternative schemes.
- 1.4.6 The alternative schemes were provided to demonstrate the impact on residents and the council in varying the current scheme and included the following:
- Option 1 – retaining the current scheme (13% reduction)
  - Option 2 - remove council funding (18.65% reduction)
  - Option 3 – county scheme (18.5% reduction)
  - Option 4 – increase council funding (no reduction)
  - Option 5 – vary criteria (2<sup>nd</sup> adult rebate, backdating, capital)
  - Option 6 – increase council funding (protect disabled people and carers)
- 1.4.7 In considering any change to the scheme it was agreed that it was necessary to balance the cost of the scheme with the impact on working age residents in receipt of the discount.
- 1.4.8 The sustainability of the scheme was also highlighted as an issue with no increase in grant funding expected and the cost of the scheme to increase in line with the council tax. Given the need for many residents to budget for such costs it was also considered desirable to maintain a level of consistency in the level of payment required.
- 1.4.9 In considering the options against that criteria the consensus was that options 2, 3 and 6 were unaffordable or would provide an unreasonable increase for residents receiving a discount.
- 1.4.10 The existing scheme (option 1) was considered to provide a reasonable balance in terms of cost to the council and impact on residents.
- 1.4.11 Option 5 received some support, although there was concern that the reduction from 13% to 9.5% would be funded by reducing the discount for other residents. The following risks were also discussed:
- Removal of 2<sup>nd</sup> adult rebate may prompt the owner to ask the 2<sup>nd</sup> adult to leave, thus increasing pressures on housing and cost of temporary accommodation.

- Backdating of awards is already restricted to cases where “good cause” has been shown for the delay. Removing discretion will risk impacting on vulnerable residents that may have been prevented from claiming due to age, ill health or bereavement.
- Reducing the capital limit may discourage saving and have a disproportionate impact on those that are seeking short term support between periods of employment.

1.4.12 In addition to the scheme to be implemented, members of the workshop discussed the recovery processes adopted by the council and availability of local discretion to support cases of hardship. It was reported that officers were in the process of finalising a debt recovery policy to cover such issues and there was general agreement that it would be useful for scrutiny to review the policy when available.

1.4.13 The committee made the following recommendation:

That Cabinet considers the following options when making the recommendation to Full Council as to the Local Council Tax Discount Scheme to be implemented in 2015/16.

- Maintaining the current 13% reduction for working age households (option 1)
- Reducing the level of reduction for working age households to 9.5% with the additional cost met through the removal of the discount available for 2<sup>nd</sup> adult rebate, provision for backdated awards and reduction in the capital limit to £6000. (option 5)

That the committee seeks a further update during November to decide on how best to approach the wider review of the scheme at the end of the current three year agreement.

That the committee consider including the Debt Recovery Policy within their future work programme.

## 1.5 Alternative Action and why not Recommended

1.5.1 A number of options have been considered and discounted as part of the review by Overview and Scrutiny due to their impact or cost. In considering the two recommended schemes (option 1 and option 5) it was felt that the risks identified in implementing option 5 (set out within 14.11) outweighed the potential benefit of the scheme.

1.5.2 The existing scheme (option 1) was considered to provide a reasonable balance in terms of cost to the council and impact on residents.

1.6 Impact on Corporate Objectives

1.6.1 The proposed changes have a significant impact on local communities, customers and value for money through the way in which the council manages public finances.

1.6.2 The changes introduced through the Welfare Reform agenda and Local Council Tax Support Scheme are aimed at providing greater work incentives, which have the potential to positively impact on the economic prosperity of those returning to employment as well as the wider community.

1.6.3 In maintaining the level of support the council will limit any increased financial burden for individuals and families on low incomes.

1.7 Risk Management

1.7.1 The level of future grant received from the Department for Communities and Local Government to meet the cost of the council tax support scheme is expected to reduce in future years. In doing so, the council may have to identify alternative funding or savings to maintain the proposed scheme in the longer term or consider further reductions in the support made available.

1.7.2 The council receives a fixed grant from the Department for Communities and Local Government to meet the cost of the council tax support scheme. Any future increase in demand will therefore place an additional financial burden on the Council.

1.8 Other Implications

1.8.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety

X
X

- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management


1.8.2 Financial - The expected government grant for 2015/16 is £9,040,000 against an estimated cost (based on the proposed 13% reduction) of £9,322,000.

The £282,000 shortfall is expected to be met in full through changes introduced from April 2013 to the discounts and exemptions applicable to empty properties.

1.8.3 Legal - the Local Government Finance Act 1992 requires Full Council to approve a scheme by 31 January 2015.

1.8.4 Equality Impact Needs Assessment - An equality impact assessment has been undertaken which demonstrates that people in receipt of council tax support with disabilities, carers and families with children receive a level of support higher than the average of people without those characteristics.

That is because people with those characteristics receive additional allowances within the calculation and have certain types of income disregarded to recognise their needs.

The proposed scheme will continue to maintain that range of additional allowances and income disregards for people with those characteristics and apply a consistent percentage reduction to the benefit award for all people of working age.

In doing so the level of financial reduction will vary dependent on the level of benefit entitlement, with those households receiving a higher level of benefit experiencing a greater impact than those receiving less benefit. As people with disabilities, carers and families with children receive on average a higher level of benefit for the reasons set out above, the changes will continue to have a greater impact on those households. Whilst the results from the consultation support the view that a majority of people, including those with a disability, support the recommended approach, a higher percentage of people with those characteristics stated that they agree with none of the options listed.

A copy of the full equality impact assessment is provided as appendix B.

- 1.8.5 Human Rights Act – The proposed scheme has the potential to materially impact on individuals and families through the reduced support available in the form of a Local Council Tax Discount.

Consideration has therefore been given regarding the impact on Human Rights with particular emphasis given to the impact on; respect for private and family life, protection from discrimination and protection of property.

The proposed scheme is considered to provide the appropriate balance in supporting those residents requiring support through the scheme and the wider public interest of residents and services within the borough.

## 1.9 Conclusions

- 1.9.1 The proposed scheme looks to provide the correct balance between supporting low income households, the wider interest of residents in the borough and budget constraints on the council.

- 1.9.2 In maintaining the scheme as set out in appendix A at 13%, the council will continue to limit the impact on low income households, without adding further to the general level of council tax or reducing the services otherwise to be provided by the council.

## 1.10 Relevant Documents

### 1.10.1 Appendices

Appendix A – Local Council Tax Discount Scheme  
Appendix B – Equality impact Assessment  
Appendix C – Overview and Scrutiny Agenda and Presentation

### 1.10.2 Background Documents

None

**Maidstone Borough Council**  
**The Council Tax Reduction Scheme**  
**(Maidstone Borough Council)**

Approved and Made by Council -        xxxxxxxxxxxx

Coming into effect - -        1 April 2015

*Maidstone Borough Council makes the following Scheme in exercise of the functions conferred (a) by sections 13A(1)(a), 13A(1)(c), 13A(2), 13A(3) and Schedule 1A to the Local Government Finance Act 1992 and all other enabling powers, (b) pursuant to Regulations made under section 113(1) and (2) of the 1992 Act and paragraph 2 of Schedule 1A to the Local Government Finance Act 2012 and (c) in accordance with Parts 1 to 3 and Schedules 7 to 8 of The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.*

**Citation, commencement and application**

- 1. This scheme may be cited as the Council Tax Reduction Scheme (Maidstone Borough Council) and comes into effect on 1 April 2015.*
- 2. This scheme applies in relation to the billing authority in England known as Maidstone Borough Council.*

**Prescribed Statutory Requirements**

*The authority sets out the statutory provisions that must apply to all applicants for a reduction in accordance with the Prescribed Requirements Parts 1 to 3 and Schedules 7 to 8.*

*The authority further sets out the statutory provisions that apply to pensioners in accordance with the Prescribed Requirements Schedules 1 to 6*

**Local Scheme Requirements**

*Subject to amendments to Parts 1, 2,6,7,9, and inclusion of Schedules 6A and 8A, the local scheme requirements set out the provisions of the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012, which the authority has adopted as its scheme.*

*Name*

*Proper Officer*

*Date*

*Maidstone Borough Council*

## Equality Impact Assessment

Details of the assessment	
<b>Name of Function/Policy/ Service being assessed</b>	Localisation of Council Tax Support
<b>Date of assessment</b>	Commenced: 19 <sup>th</sup> June 2012 Completed: 12 <sup>th</sup> November 2012 Reviewed: 15 <sup>th</sup> November 2013 Reviewed: 10 <sup>th</sup> September 2014
<b>Name of officers carrying out assessment:</b>	The assessment is being carried out by finance leads and equalities leads from Maidstone Borough Council.

Step 1	Initial Screening	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	<p>Localisation of Council Tax Benefit is part of a programme of national policy change to the welfare system aimed at addressing the rising cost of welfare and ensuring that work always pays.</p> <p>From 1<sup>st</sup> April 2013, all Councils were required to establish a local scheme for Council Tax Support to replace the nationally designed Council Tax Benefit Scheme. The changes reduced the level of funding received by Councils to deliver the scheme (by approximately 10%) and allowed the Council to decide who to financially support, outside of nationally prescribed elements which includes protecting support received by pensioners.</p> <p>In the first year of operating a local scheme the council received additional funding from Government (transition funding) which enabled it limit the reduction in support to 8.5%. The aim in successive years is to deliver a local scheme which takes the fairest overall course of action permitted by the nationally prescribed elements whilst meeting the significant reduction in funding.</p>

## Equality Impact Assessment

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Step 1 Initial Screening		
	Key Questions	Answers/Notes
2	Who in the main will be affected?	<ul style="list-style-type: none"> <li>– Eligible working age claimants for council tax support.</li> <li>– Potentially all council tax payers (depending on the scheme adopted, any local variations and the outcome of consultation).</li> </ul> <p>The Government have conducted their own EqIA on the nationally prescribed elements of the scheme which states the main benefits as:                      “Giving local authorities a significant degree of control over how a 10% reduction in expenditure on the current Council Tax Benefit bill is achieved, allowing councils to balance local priorities and their own financial circumstances.”</p> <p>Ref: <a href="http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf">http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf</a></p>
3	Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?	Yes <input checked="" type="checkbox"/> Please explain: Various options for achieving a 10% reduction in expenditure based on the current caseload have been considered for our authority and Kent wide. Whatever scheme is introduced it will entail money being collected from some of the more vulnerable residents in our boroughs and districts.
		No <input type="checkbox"/> Please explain:
		Note: if the answer is ‘yes’ then a full equality impact assessment is required – see step 2.
4	Does the activity make a positive contribution to equalities?	Yes <input checked="" type="checkbox"/> Please explain: The Government has prescribed that pensioners will be protected from any reduction in support as a result of this reform.
		No <input type="checkbox"/> Please explain:
		Note: if the answer is ‘yes’ then a full equality impact assessment is required – see step 2.

## Equality Impact Assessment

	Key Questions	Answers/Notes
<b>Step 2</b>	<b>Scoping the assessment</b>	
1.	What is the overall aim, or purpose of the function/ policy/service?	Our intention is to develop a local scheme which takes the fairest overall course of action permitted by the nationally prescribed elements whilst meeting the significant reduction in funding.  The purpose of the proposed legislative changes are set out in the Department for Communities and Local Government guidance document: <a href="http://www.communities.gov.uk/documents/localgovernment/pdf/19510253.pdf">http://www.communities.gov.uk/documents/localgovernment/pdf/19510253.pdf</a>
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	To develop a local scheme which: <ul style="list-style-type: none"> <li>– Provides support for the most vulnerable.</li> <li>– Assists with lifting the poorest off benefits and supporting them into work.</li> <li>– Takes account of the impact on non-claimants.</li> <li>– Minimises the risks of error and reduces financial risk to our authorities.</li> </ul>
3.	Who will be affected?	<ul style="list-style-type: none"> <li>– Eligible working age claimants for council tax support.</li> <li>– Potentially, all council tax payers (depending on the scheme adopted, any local variations and the outcome of the consultation).</li> </ul>
4.	Who defines or defined the function/service/policy?	The policy is defined nationally with an element of local discretion. A preferred scheme has been devised across Kent with the three major precepting authorities (Kent County Council, Kent Police Authority and Kent & Medway Fire & Rescue Authority) agreeing to fund the scheme for three years. The scheme is based on a set of principles to which all Kent authorities propose to agree to. The final decision on the Scheme to be implemented is made by a meeting of Full Council.
5.	Who implements the function/service/policy?	The Mid Kent Improvement Partnership - Revenues & Benefits Service (Tunbridge Wells & Maidstone)

## Equality Impact Assessment

	Key Questions	Answers/Notes
6.	How do the outcomes of the function/service/policy meet or conflict with the authority's priorities?	Maidstone: Corporate and customer excellence - support our most vulnerable residents and seek to reduce the different forms of deprivation across the Borough
7.	What factors could contribute or detract from the outcomes identified earlier?	<p><b>Contribute:</b></p> <p>The preferred scheme would:</p> <ul style="list-style-type: none"> <li>- Disregard some earned income.</li> <li>- Reduce benefit on a sliding scale as income increases.</li> <li>- Continue payment for four weeks after moving into work when there would otherwise be no entitlement.</li> <li>- Automatic continuation of support to the new scheme.</li> <li>- Reduce confusion for claimants moving between authorities.</li> </ul> <ul style="list-style-type: none"> <li>- Provide opportunities to standardise forms and processes.</li> <li>- Limit adverse financial affects for the lead authorities for three years as the precepting authorities have agreed to fund additional collection costs.</li> <li>- Provide an element of stability during the current economic climate.</li> <li>- Be possible to implement within the timescales set by the Government.</li> </ul> <p><b>Detract:</b></p> <ul style="list-style-type: none"> <li>- An increase in council tax to cover the reduction in funding is not a realistic option due to Government restrictions in respect of allowable tax increases.</li> <li>- Failure to reach a local scheme would result in a severe negative impact on Council finances and would reduce expenditure on other services.</li> <li>- Potential increase in demand for council tax benefit in the future.</li> <li>- Additional Government proposals for welfare reform could also impact on those affected by the changes to council tax benefit.</li> </ul>
<b>Step 3 Consideration of data and information</b>		
8.	What do you already know about who uses this	We have analysed available data for current council tax support recipients allowing us to consider the impact on people according to:

## Equality Impact Assessment

	Key Questions	Answers/Notes
	function/service/ policy?	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> <li>- Those with caring responsibilities.</li> <li>- Gender</li> </ul> <p>A summary of the data analysis for the options being considered by Maidstone Borough Council is attached at Annex 1.</p>
9.	What consultation with service users has taken place on the function/service/ policy and what were the key findings?	<p>Maidstone Borough Council carried out a consultation exercise between 6<sup>th</sup> August – 8th October 2012. This set out our preferred option of on a 13% reduction (based on a variation to the Kent-wide scheme) and other options about how the scheme will operate that are still to be decided. The consultation gave the opportunity for stakeholders affected by each of the options to give their views before the Council takes further decisions.</p> <p>Overall, there was a clear majority (48.2%) in favour of the option (Option 3) to reduce council tax benefit by a lesser amount, and to reduce empty and second home discounts. However the next most popular option overall is None of the Options (29.4%). This shows that although there may not be consensus over what other measures could be taken instead, out of the options presented to respondents, Option 3 was the most popular.</p> <p>A further consultation was undertaken in October 2013 regarding the change from 8.5%. The survey involved the random sampling of 500 benefit claimants and received 61 responses. The results were consistent with that of the earlier survey with 55% of respondents supporting the councils proposed scheme delivering a 13% reduction.</p>
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	A full years data will be required to understand the impact of the change and council tax recovery processes on low income households.
11.	How do you propose to gather the additional information?	Analysis of council tax collection for affected households is being collected the Revenues and Benefits system and will be available from April 2014.

## Equality Impact Assessment

	Key Questions	Answers/Notes
<b>Step 4</b>	<b>Assessing the Impact</b>	
12.	Based on what information you already know, in relation to each of the following consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice	
a.	Age	<p><b>Impact:</b> The Government have prescribed that low income pensioners should be protected from any reduction in support. We therefore have no discretion in implementing this aspect of the scheme.</p> <p>As pensioners are protected, all options being considered by Maidstone Borough Council will result in a degree of negative impact on some non-pensioner age groups. <b>Mitigation:</b> The decision to protect pensioners was taken by Government who are therefore responsible for conducting their own EqlA on this aspect. This is available at: <a href="http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf">http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf</a></p>
b.	Disability	<p><b>Impact:</b> Maidstone Borough Council's preferred option has potential to negatively impact on people with disabilities.</p> <p><b>Mitigation:</b> Our current scheme treats people with disabilities more favourably by disregarding some income and allowing for additional premiums within the calculation; this will remain under the new scheme.</p>
c.	Carers	<p><b>Impact:</b> Maidstone Borough Council's preferred option has potential to negatively impact on carers.</p> <p><b>Mitigation:</b> Our current scheme treats carers more favourably within its calculation allowing for additional premiums within the calculation; this will remain under the new scheme.</p>
d.	Gender	<p><b>Impact:</b> Maidstone Borough Council's preferred option has potential to negatively impact on females as they are more likely to be the primary applicant and / or have dependent children.</p> <p><b>Mitigation:</b> Our current scheme already mitigates this to some extent by making additional allowances for households with children and for childcare costs.</p>

## Equality Impact Assessment

	Key Questions	Answers/Notes
e.	Race	<p><b>Impact:</b> This information is not collected from claimants as it is not relevant to the calculation of council tax benefit. There may be a possible indirect impact for options affecting larger households.</p> <p><b>Mitigation:</b> We are not aware of any impacts in need of mitigation.</p>
f.	Religion & Belief	<p><b>Impact:</b> This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p><b>Mitigation:</b> We are not aware of any impacts in need of mitigation.</p>
g.	Sexual Orientation	<p><b>Impact:</b> This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p><b>Mitigation:</b> We are not aware of any impacts in need of mitigation.</p>
g.	Marital or Civil Partnership Status	<p><b>Impact:</b> This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p><b>Mitigation:</b> We are not aware of any impacts in need of mitigation.</p>
h.	Pregnancy & maternity	<p><b>Impact:</b> This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p><b>Mitigation:</b> We are not aware of any impacts in need of mitigation at this stage.</p>
i.	Gender reassignment	<p><b>Impact:</b> This information is not collected from claimants as it is not relevant to the calculation of council tax benefit.</p> <p><b>Mitigation:</b> We are not aware of any impacts in need of mitigation.</p>
j.	General ( <i>i.e. affecting all of the above</i> ) /other ( <i>i.e. socio economic</i> )	<p><b>Impact:</b> As pensioners are protected, the reduction in the level of support falls to working age claimants. The actual average cut for any given group will depend on how many of that group are in protected pensioner households.</p> <p><b>Mitigation:</b> Maidstone Borough Council the options available and agreed to reduce the impact to working age households through;</p> <ul style="list-style-type: none"> <li>– Application for transitional finding to limit the impact in year 1.</li> <li>– Reducing the empty homes discount from six months to one month.</li> <li>– Removal of the discount on second homes.</li> <li>– Agreeing to review the scheme during the first three years of operation to identify any unintended consequences and recommend any change going forward..</li> </ul>

## Equality Impact Assessment

	Key Questions	Answers/Notes
<b>Step 5</b>	<b>Reviewing and Scrutinising the Impact</b>	
13.	What conclusions can you draw about any differential impact and how people are adversely or positively affected?	<p>Maidstone Borough Council's proposed scheme plans to address the shortfall in funding as a result of the Government's decision to reduce money available for council tax support by 10% by reducing the level of council tax support paid. Part of the funding shortfall will be met through income generated through changes to empty property discounts, to limit the reduction to households affected..</p> <p>We have identified that our preferred scheme has the potential to have a negative impact on people with disabilities, carers, women and younger age groups. The extent of the impact on people with protected characteristics will vary dependent on the level of award being paid. By continuing to treat these groups more favourably within the calculation of benefit, the groups will continue to receive on average a higher level of benefit than customers without those characteristics.</p>
14.	What actions can you take to address any impacts identified?	<p>The current scheme already provides more support to some groups than others (households with young families, people with disabilities) which the Council has proposed to retain under the preferred scheme.</p> <p>The council will work with other advice agencies to support residents that experience financial difficulties.</p>
15.	If no changes can be made, what reasons are there to justify this?	The Council are unable to avoid impacting on vulnerable group due to the decision by the Government to reduce the overall funding by 10% and protect Pensioners from any change.
16.	How might any of the changes, in relation to the adverse impact, have a further adverse affect on any other group?	Annex 1 shows the impact of each of the options on people in Maidstone Borough with protected characteristics.

## Equality Impact Assessment

Step 5 continued...		Actions to address any differential impact		
Action	Outcome/monitoring information and targets	Equality Aims & Commitments	Date for Completion	Responsible Officer
Review benefit expenditure against estimates and impact of recovery processes	To ensure that impact is understood and mitigated	Fairness across all claimant groups	August 2015	S McGinnes

Step 6	Decision making and future monitoring	
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	Full Council to formally adopt the local scheme for Council Tax support in December 2014.
18.	How will you continue to monitor the impact of the function/service/ policy on diverse groups?	The Council will continue to review the level of expenditure, including expenditure for households with protected characteristics and profile of households that are subject to recovery action as a result of non-payment.
19.	When will you review this equality impact assessment?	A substantive review of the scheme is planned during the first three years of operation, including the equality impact assessment, for the purpose of informing the future design of the scheme.

Localisation of Council Tax Support – equality impact assessment  
Annex 1 – Summary of impacts from data analysis of Maidstone Borough claimants

This information provides a summary of the impacts of the proposed changes to the Council Tax Benefit Scheme, based on data analysis of current Maidstone Borough claimants. The conclusions below are based on a (non-statistical) comparison between the current average weekly council tax benefit and the actual average reduction for specific groups, once various options have been applied.

**Average amount of council tax benefit**

The average actual reduction in annual council tax benefit, following a blanket 13% reduction whereby pensioner households are protected from any cut, would be £109.65 for an average household.

**Profile of claimants** (based on the current caseload of 5914 working age households):

- 19.9% of claimants receive a disability premium
- 66% of primary applicants are female
- 33% of primary applicants are male
- 4.27% of claimants receive a carer premium

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**Impact of 13% reduction on people with disabilities and carers**

- Impact:**
- § People with disabilities are affected more with their amount of award to fall by an average of £119.45.
  - § Households with carers would also be affected more with their amount of award to would fall by an average of £126.10.
  - § People from Minority Ethnic groups (69%) are more likely to be of working age (16-64) than White residents (60.3%) and less likely to be of pension age (6%) compared with White residents (21.6%)<sup>1</sup>. As ethnicity data is not relevant to the calculation of council tax benefit it is not collected from claimants and the impact of this option on ethnic groups is unclear.

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<sup>1</sup> Source of data: Mid-Year Population Estimates 2009.

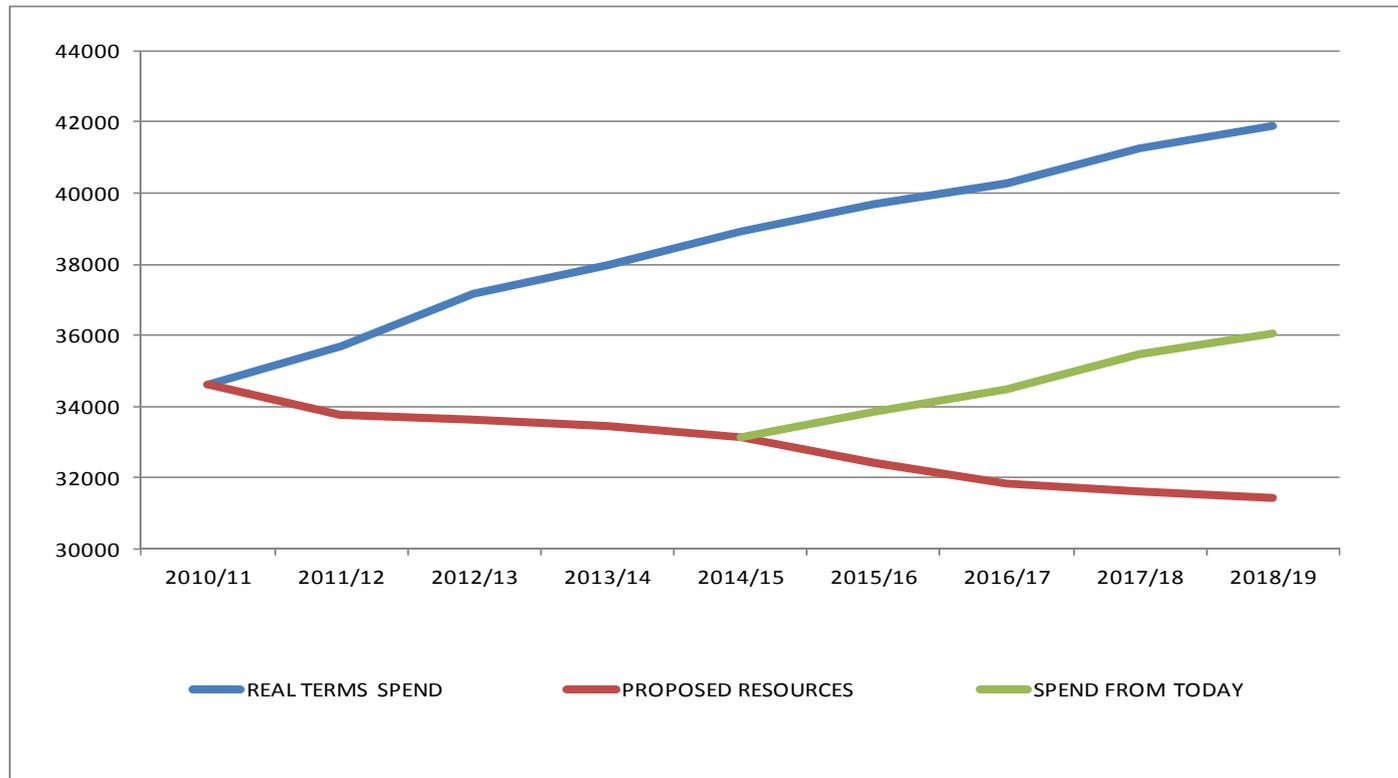
# Appendix B

## Council Tax Support

# REVENUE POSITION

## Known as the "Jaws of Doom"

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# REVENUE RESOURCES

	2014/15 £,000	2015/16 £,000	2016/17 £,000	2017/18 £,000	2018/19 £,000
REVENUE SUPPORT GRANT	3,274	2,251	1,463	922	420
BUSINESS RATES	2,903	2,983	2,896	2,889	2,893
COUNCIL TAX	12,939	13,162	13,464	13,772	14,087
<b>TOTAL</b>	<b>19,116</b>	<b>18,396</b>	<b>17,823</b>	<b>17,583</b>	<b>17,400</b>

# REVENUE EXPENDITURE

	2014/15 £,000	2015/16 £,000	2016/17 £,000	2017/18 £,000	2018/19 £,000
CURRENT SPEND	19,549	19,116	18,396	17,823	17,583
INFLATION, PAY ETC.	535	471	464	551	563
LOSS OF ADMIN GRANT	25	75		100	
PENSION CHANGES	50	50	50	300	
LOCAL PRESSURES	211	130	80	50	50
<b>BUDGET REQUIRED</b>	<b>20,370</b>	<b>19,842</b>	<b>18,990</b>	<b>18,824</b>	<b>18,196</b>

# REVENUE SAVINGS

	2014/15 £,000	2015/16 £,000	2016/17 £,000	2017/18 £,000	2018/19 £,000
RESOURCES AVAILABLE	19,116	18,396	17,823	17,583	17,400
MAXIMUM BUDGET SPEND	20,370	19,842	18,990	18,824	18,196
<b>SAVINGS REQUIRED</b>	<b>1,254</b>	<b>1,446</b>	<b>1,167</b>	<b>1,241</b>	<b>796</b>
PROPOSALS IDENTIFIED	1,254	849	205	160	0
BALANCE	0	597	962	1,081	796

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Additional Target for Commercialisation could be £1m

# LCTS HISTORIC FUNDING

- Government took council tax benefit from 2011/12 (£11m for MBC)
- Made a savings of 10% so funding becomes £10m
- Divided this between MBC, KCC, KFRA, KPA
- MBC got a grant of £1.4m
- MBC need to design a scheme that meant our costs could be funded by £1.4m – find funding

# LCTS HISTORIC FUNDING

- Preceptors requested all districts pass on the loss to claimants.
- A three year agreement was reached.
- Funding supported by changes to other discounts and exemptions.
- MBC receives £125,000 administration funding from preceptors.

# LCTS KENT SCHEMES

Council	2013/14 Reduction %	2014/15 Reduction %
Tonbridge & Malling	8.5	18.5
Tonbridge Wells	8.5	18.5
Maidstone	8.5	13
Sevenoaks	8.5	18.5
Dartford	8.5	18.5
Gravesham	8.5	18.5
Swale	8.5	15
Ashford	8.5	10
Shepway	8.5	18.5
Canterbury	5	5
Dover	6	6
Thanet	5.5	5.5
Medway	25	25

# Council Tax Support

- The current CTS scheme mirrors the previous CTB scheme as a means tested discount, based on household circumstances and income.
- Must protect Pension age customers at the same level as CTB
- All working age customers are subject to a percentage baseline reduction, currently 13%

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# Calculation of CTS

- Customer and partners income is included to form a total weekly household income.
- Most income is taken into account except:
  - Child Benefit
  - Disability Living Allowance
  - War Pensions

# Calculation of CTS

- Capital below £6000 is disregarded
- Not entitled if Capital is £16,000 or higher
- Assumed interest/investment income for Capital between £6,000 and £15,999
- Income is then compared against a living allowance called an Applicable Amount

# Applicable Amounts

- Applicable Amounts built up based on family circumstances with extra allowances given based on:
  - Age
  - Additional household members such as children
  - Disability
  - Carer

# Applicable Amounts

Single Person	
Personal Allowance	£72.40

Disabled Single Person	
Personal Allowance	£72.40
Disability Premium	£31.85
Total Applicable Amount	£104.25

Couple with Three Children	
Couple Allowance	£113.70
Family Premium	£17.40
Child Allowance (£66.33) x 3	£198.99
Total Applicable Amount	£330.09

# Calculation of CTS

Total Income	£150
Applicable Amount	£100
Excess Income	£50
Weekly Council Tax Charge	£25
Less 20% of Excess Income	£10
Maximum CTS (if Pension Age)	<u>£15</u>
Baseline Reduction (13%)	£1.95
Final Weekly CTS award	<u>£13.05</u>
Customer Weekly Contribution	£11.95

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# Second Adult Rebate

- Reduction of up to 25% to offset the loss of a single person discount
- Based on the income of a non dependant or adult child

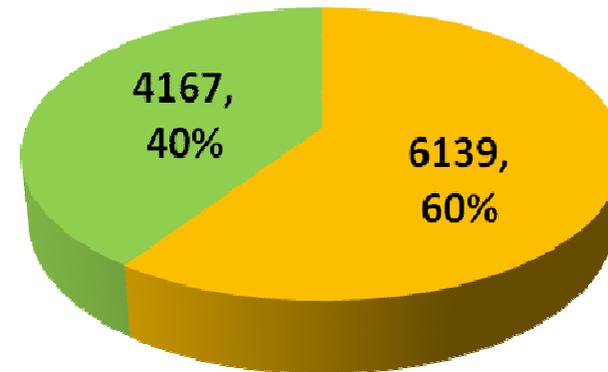
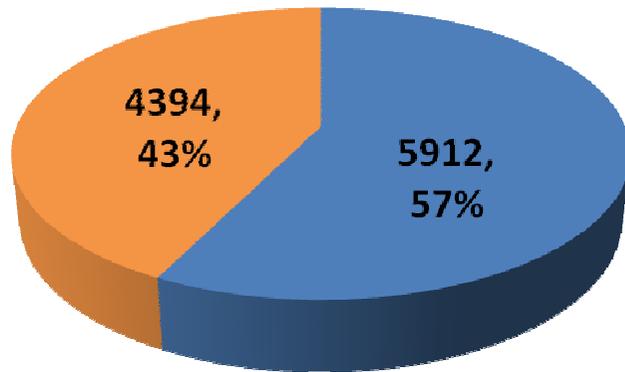
Description	Amount
2nd Adult receives IS/JSA/IB / Pension Credit/ESA (IR)	25%
2nd Adult income < £185	15%
2nd Adult income £185 - £240.99	7.5%
2nd Adult income £241 >	Nil

- Percentage reduction is also subject to baseline reduction, of 13% for working age customers

# Current Caseload 14/15

■ Working Age ■ Pension Age

■ Passported ■ Non Passported



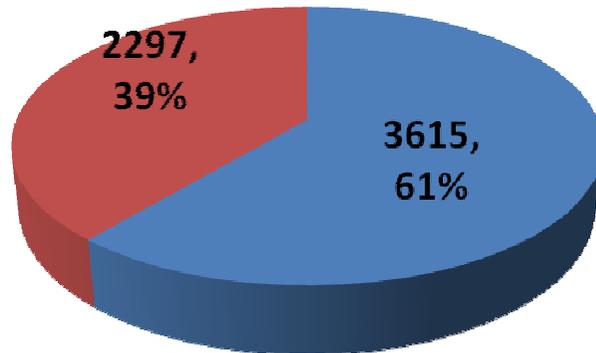
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Passported means customers receiving; Income Support, Jobseekers Allowance (Income Based), Employment Support Allowance (Income Related) or Pension Credit (Guaranteed Credit)

# CTS Caseload 14/15

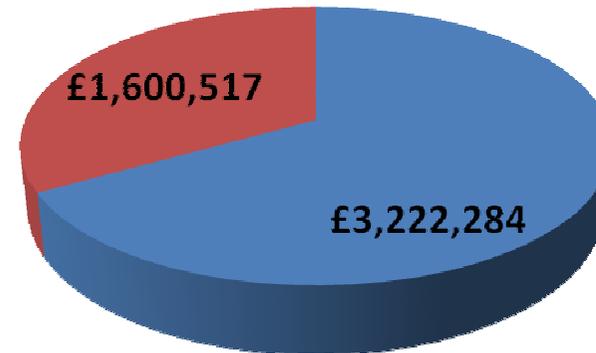
## Working Age Caseload

■ Passported ■ Non Passported



## Working Age Expenditure

■ Passported ■ Non Passported

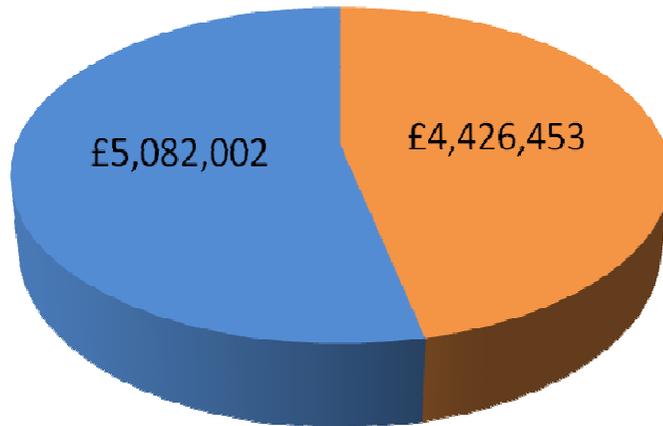


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# CTS Expenditure

**2013/2014 Expenditure**  
**£9,508,455**

■ Pensioner ■ Working Age



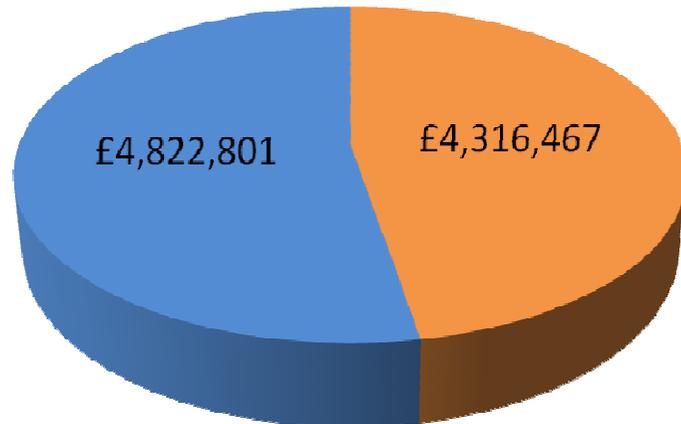
Full Cost (without reduction)	£10,391,754
Expected Cost (with 8.5% reduction)	£9,508,455
Current Funding	£9,040,000

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# CTS Expenditure

**Predicted 2014/2015 Expenditure**  
**£9,139,267**

■ Pensioner ■ Working Age



Full Cost (without reduction)	£9,770,000
Expected Cost (with 13% reduction)	£9,139,267
Current Funding	£9,040,000

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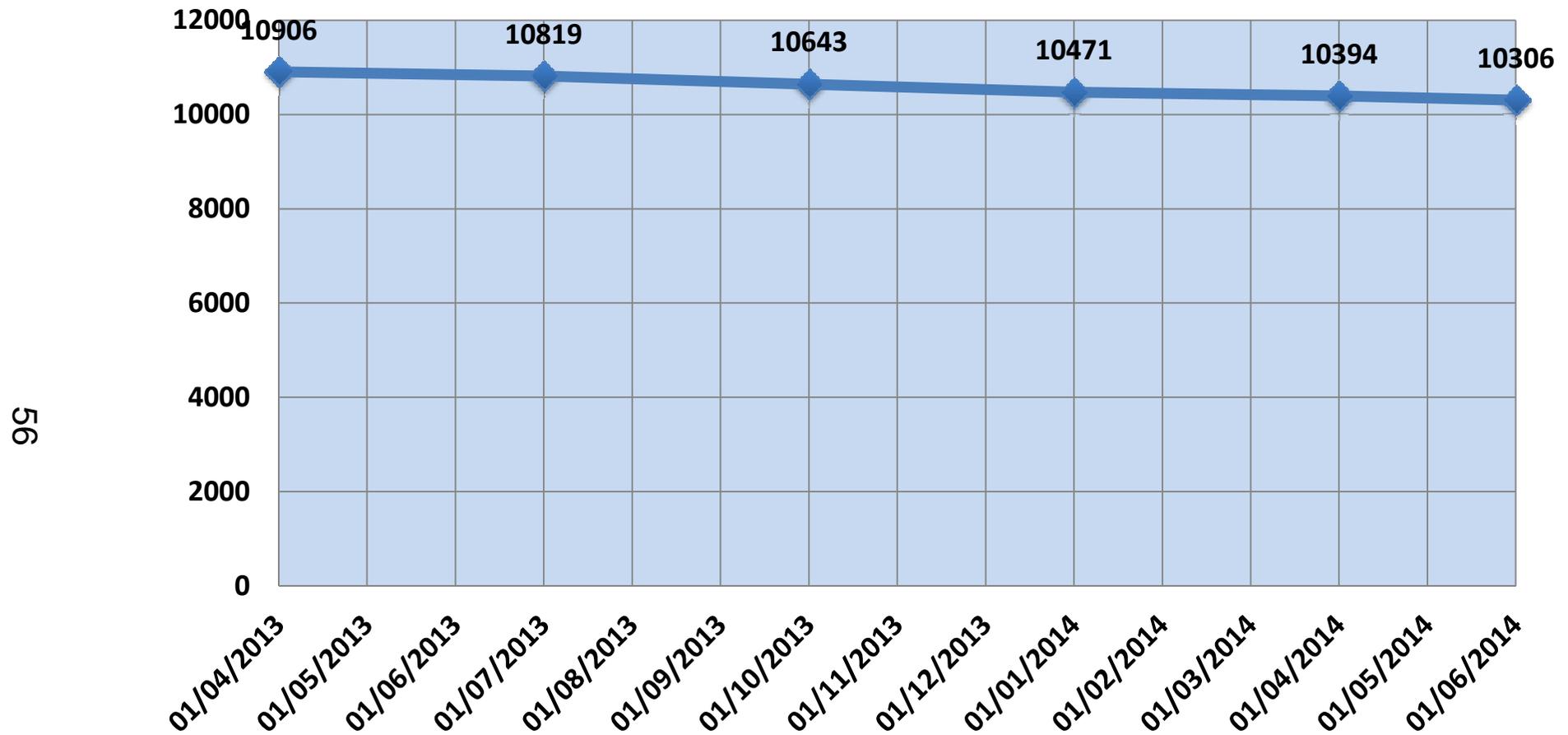
# Collection Stats

2013/14 Collection	
Working Age CTS	80.0%
Passported Working Age CTS	83.0%

55

Case Type	Final Reminder	Bailiff	Attachment of Benefit
Passported	859 (24.39%)	47 (1.33%)	347 (9.85%)
Non Passported	418 (14.89%)	80 (2.85%)	28 (1%)
Disabled	157 (15.03%)	11 (1.05%)	63 (6.03%)
All	1277 (20.17%)	127 (2.01%)	375 (5.92%)

# CTS Caseload



# Factors to Consider

- Fundamental review scheduled by Scrutiny
- Future grant likely to be reduced (inflation)
- Demand could change
- Stability for taxpayer

What do we aim to achieve for 2015/16?

# Summary Options

Option 1 – Maintain current scheme (existing 13%)

Option 2 – Remove current council subsidy

Option 3 – Reduce subsidy (county scheme (18.5%))

Option 4 – Meet shortfall in grant

Option 5 – Variation to criteria (2<sup>nd</sup> adult rebate, capital)

Option 6 – Protection for disabled / carers

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# Option 1 – Current Scheme

Option 1		
<b>Current scheme (13% re</b>	£9,322,052	
<b>Pensioner</b>	£4,982,357	
<b>Working Age</b>	£4,339,695	
<b>Grant</b>	£9,040,000	
<b>Scheme Reduction</b>	£648,460	
<b>council subsidy</b>	£282,052	
<b>Impact on working age</b>	-13.00%	
<b>Impact</b>	<b>Annual</b>	<b>Weekly</b>
<b>Passported</b>	£119.57	£2.30
<b>Non passported</b>	£94.18	£1.81
<b>Disabled</b>	£119.45	£2.30
<b>Carers</b>	£126.10	£2.43
<b>Average</b>	£109.65	£2.11

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# Option 2 – Remove Subsidy

Option 2		
<b>Remove Subsidy</b>	9040000	
Pensioner	4982357	
Working Age	4057643	
Grant	9040000	
Scheme Reduction	£930,512	
council subsidy	0	
Impact on working age	-18.65%	
<b>Impact</b>	<b>Annual</b>	<b>Weekly</b>
Passported	£171.54	£3.30
Non passported	£135.12	£2.60
Disabled	£171.37	£3.30
Carers	£180.91	£3.48
Average	£157.30	£3.03

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# Option 3 – County Scheme

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Option 3		
<b>County Scheme</b>	9,047,703	
Pensioner	4,982,357	
Working Age	4,065,346	
<b>Grant</b>	9,040,000	
<b>Scheme Reduction</b>	£922,809	
<b>council subsidy</b>	7,703	
<b>Impact on working age</b>	-18.50%	
<b>Impact</b>	<b>Annual</b>	<b>Weekly</b>
Passported	£170.16	£3.27
Non passported	£134.03	£2.58
Disabled	£169.99	£3.27
Carers	£179.46	£3.45
Average	£156.04	£3.00

# Option 4 – Meet Shortfall

Option 4		
<b>Full Subsidy</b>	9,970,512	
<b>Pensioner</b>	4,982,357	
<b>Working Age</b>	4,988,155	
<b>Grant</b>	9040000	
<b>Scheme Reduction</b>	0	
<b>council subsidy</b>	930,512	
<b>Impact on working age</b>	0	
<b>Impact</b>	<b>Annual</b>	<b>Weekly</b>
<b>Passported</b>	£0.00	£0.00
<b>Non passported</b>	£0.00	£0.00
<b>Disabled</b>	£0.00	£0.00
<b>Carers</b>	£0.00	£0.00
<b>Average</b>	£0.00	£0.00

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# Option 5 – Variation to Criteria

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Option 5		
<b>Vary criteria</b>	9,322,052	
Pensioner	4,982,357	
Working Age	4,339,695	
<b>Grant</b>	9,040,000	
<b>Scheme Reduction</b>	£553,460	
<b>council subsidy</b>	£282,052	
<b>Impact on working age</b>	9.29%	
<b>Impact</b>	<b>Annual</b>	<b>Weekly</b>
Passported	£85.45	£1.64
Non passported	£67.31	£1.29
Disabled	£85.36	£1.64
Carers	£90.12	£1.73
Average	£78.36	£1.51

# Option 6 – Carers & Disabled

<b>Option 6</b>		
<b>Protect carers/disabled</b>	9,510,186	
Pensioner	4,982,357	
Working Age	4,527,829	
<b>Current Funding</b>	9,040,000	
<b>Scheme Reduction</b>	£460,326	
<b>Additional Funding</b>	£470,186	
<b>Impact on working age</b>	-13.00%	
<b>Impact</b>	<b>Annual</b>	<b>Weekly</b>
Passported	£119.57	£2.30
Non passported	£94.18	£1.81
Disabled	£0.00	£0.00
Carers	£0.00	£0.00
<b>Average</b>	<b>£109.65</b>	<b>£2.11</b>

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# Recommendation on the way forward

# Agenda Item 13

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET**

**8 OCTOBER 2014**

## **REPORT OF DIRECTOR OF ENVIRONMENT AND SHARED SERVICES**

**Report prepared by David Edwards**

### **FLOODING EVENTS IN MAIDSTONE**

#### 1.1 Issue for Decision

- 1.1.1 To consider the issues that borough residents, visitors, businesses and the Council faced during the flooding emergency phase between December 2013 and February 2014;
- 1.1.2 To consider the Council response to the flooding and the further work that has been undertaken during the recovery phase; and
- 1.1.3 To consider the lessons learnt and recommendations in relation to emergency planning arrangements in the borough.

#### 1.2 Recommendation of the Director of Environment and Shared Services

- 1.2.1 It is recommended that Cabinet notes the actions and progress:
  - on the emergency planning arrangements contained in Appendix A;
  - of the work facilitated through a range of organisations including the parish councils, the National Flood Forum and Environment Agency.

#### 1.3 Reasons for Recommendation

- 1.3.1 Between the 24 December 2013 and 17 February 2014, significant flooding occurred in several parts of the borough. This report focuses on the lead up to the events, the key issues that arose during the emergency phases and the steps that have been taken subsequently as part of the recovery phase. This includes identifying some of the key areas where arrangements worked well, as well as those where there are lessons to be learnt and recommendations for the future.

- 1.3.2 The Council is a Category 1 responder under the Civil Contingencies Act with a duty to ensure both our services are maintained and to plan for emergencies so that humanitarian and environmental effects can be mitigated.
- 1.3.3 Our activities around emergency planning are continuous and extensive as a district and as part of the police chaired Kent Resilience Forum (KRF). This is a partnership of all the organisations that have a role to play in the response to a major emergency in the county such as the County Council, all districts, blue light services, the Environment Agency and the voluntary sector.
- 1.3.4 Like most districts Maidstone has adopted the "One Kent" approach to emergency planning, training and exercising. This along with the formal structure of the KRF and its various working groups ensures all partners work together towards a true multi agency response.
- 1.3.5 The One Kent approach clearly defines roles and responsibilities. For example the Environment Agency warn of floods, the Police warn and inform the public, the fire service executes rescues. Kent County Council arranges transport and the local authorities provide humanitarian assistance with the voluntary sector to displaced persons by running rest centres and providing temporary accommodation for homeless persons.
- 1.3.6 Although this report considers the response of the Council, it can be seen that very often that response requires an integrated approach and joint working by all agencies.
- 1.3.7 In order to be effective, the One Kent approach needs to extend down to community plans and KCC have a senior planning officer tasked with liaising with parish councils. To date plans are in place or in progress for Boughton Monchelsea, Boughton Malherbe, Collier Street, Staplehurst, Tovil, Lenham and Yalding.
- 1.3.8 Over 300 residential and 60 business properties flooded at Christmas and at the start of the year resulting in several hundred people being placed in temporary accommodation. The following report identifies some of the key issues across the borough and for the Council. Although many communities were affected, it is not the intention in this report to cover in detail all the areas that were flooded.
- 1.3.9 This report is being presented at this stage as it was felt to be a timely moment to reflect on the work that has taken place and report to Cabinet before we enter into the autumn period.

#### 1.4 Background

- 1.4.1 The emergency situation that occurred during the Christmas period in 2013 had been preceded by very high winds which had caused the loss of power in many parts of the borough. This severe weather was identified by the Met Office from Friday 20 December and a yellow warning was issued for high winds. There was no expectation of property flooding at this stage although higher levels of rainfall were predicted for the Monday and Tuesday.
- 1.4.2 On Saturday 21 December the Environment Agency put flood alerts ("flooding is a possibility, be prepared") on the Lower River Medway and the River Beult.
- 1.4.3 On Sunday 22 December, there were no changes to the flood alerts, although it was noted at a Severe Weather Advisory Group (which is chaired by the County Council) that day that Flood Warnings were likely to be seen from Monday into Tuesday.
- 1.4.4 On Monday 23 December, Flood Alerts were issued at midday for the River Teise and Lesser Teise between Horsmonden and Yalding and for the Middle River Medway. Later that afternoon, a Flood Warning ("flooding is expected, immediate action is required") was issued for the River Beult from Pluckley and Bethersden to Hampstead Lock and in the early evening a Flood Warning for the River Teise and Lesser Teise between Horsmonden and Yalding was issued. This was not an unusual situation at this stage as there have been similar warnings issued along these rivers on several occasions since the floods in 2000.

#### 1.5 Emergency Phase

- 1.5.1 On Tuesday 24 December just after 6am, a Flood Warning was issued for the River Medway between Tonbridge and Hampstead Lock and reports of power outages were starting to feed through. The Emergency Planning Manager opened the Emergency Centre at Maidstone House to facilitate the response and by 1030 had alerted senior officers and staff of a possible escalation in our response level later in the day.
- 1.5.2 A visit was made to Yalding by the Emergency Planning Manager at 1130 who observed the Lees was already flooded. The weather situation was calm, residents in Yalding were out and about and UK Power Networks were in the Village working on restoring power.
- 1.5.3 The Met Office report stated that "the worst of the weather is now over from last night's storms. Today will be a day of sunshine and showers. Some of the showers could be heavy. Showers will continue

during the night, especially in southern counties, becoming more widespread again tomorrow. Boxing day looks like being the best day of the week with sunny spells and only isolated showers”.

- 1.5.4 The Emergency Planning Manager liaised with KCC and decided the situation still warranted a Level 2 response under the Council’s Activation Plan. A level 2 response will involve activity from a range of staff within MBC directorates and teams, and usually engagement of senior managers managing individual activities. Full opening of the Borough Emergency Centre was not required but this was to be used to facilitate the response. Based on what he had seen at Yalding, the Emergency Planning Manager began preparation to open a rest centre in case the flood waters rose.
- 1.5.5 That afternoon the situation escalated. A Council rest centre was opened as Kent Fire and Rescue Services evacuated people from Little Venice. Initial information was that the evacuation would involve one or more coach loads of residents however most made their own evacuation arrangements and a total six people arrived at the rest centre. Once they had been fed and found temporary accommodation, the rest centre was closed at about 2230.
- 1.5.6 After closing the Council rest centre, and based on the Met Office information at the time, it was felt that the worst of the floods had been dealt with. This was supported by the overnight coordinator who reported no calls through to 6am on Christmas Day.
- 1.5.7 However, the worst was not over and the incident escalated again through Christmas Day with significant flooding in Yalding and in Maidstone Town Centre as well as several other villages.
- 1.5.8 In response, the quality of strategic and tactical decisions made by coordinators is entirely reliant on quality information being received through our multi agency partners. During this incident there were occasions when information on flood areas and peak levels was conflicting or inaccurate resulting in a less than satisfactory response. This can cause reputational implications as residents see the Council as the main responder. These matters have been discussed at length with a range of organisations including the Environment Agency and measures have been taken by them to improve the warnings and information before the end of 2014.
- 1.5.9 Coordinators’ decisions were mostly based on information received from the Met Office and the Environment Agency and in particular the levels of Flood Warnings. A Severe Flood Warning (severe flooding, danger to life) triggers a considerably greater and more urgent response from all agencies but was not issued during these floods because not all of the catchment area was affected to that level.

- 1.5.10 A Severe Flood Warning for Yalding would have covered the entire warning area at the time which extends from the south of the borough through to Allington Lock. In the discussions that took place between the lead agencies, it was viewed that this would have caused unnecessary alarm to residents not affected and required significant additional resources from all agencies to cope with the resulting warning, informing and evacuation.
- 1.5.11 Had the Environment Agency risk assessment been based only on Little Venice and Yalding, it is probable that a Severe Warning would have been issued and our response would have been different. This issue is due to be resolved in the autumn and the extensive warning area is to be split into several areas with Yalding and Little Venice having their own separate warning areas.
- 1.5.12 The Emergency Centre in room 6D of Maidstone House was opened and available 24/7 from 22<sup>nd</sup> December onwards and was the main base for coordinating our response. At all times day and night, either the centre was staffed or an "on call" Rota was operated for all roles.
- 1.5.13 The initial Emergency situation over Christmas moved into the recovery phase on 27<sup>th</sup> December 2013. However, given the further rainfall and flooding in the borough over the New Year and in January the Council continued with the incident response until 17<sup>th</sup> February 2014. These continued phases of rain and flood affected further communities through a combination of fluvial, ground water and surface water flooding.
- 1.5.14 The main response from the Council in this emergency situation was a humanitarian one. In addition to running our own response, our multi-agency response provided representation at strategic, tactical and operational groups, work through the media groups as well as reporting up to the Department for Communities and Local Government-Resilience and Emergencies Division (DCLG RED) and Cabinet Office Briefing Room (COBR).
- 1.5.15 The further flooding incidents into February are not covered in any detail in this report as it is felt that the key themes that emerged did so during the first flooding. This should not detract from recognising the problems that were caused across the borough for several weeks which did put pressure on resources as well as affecting over 300 householders. Several lessons were learnt and implemented in subsequent episodes including the impact of rainfall and weather forecasts, public information and warnings through to notice of visits by leading public figures to the borough.

- 1.5.16 Although not directly linked to the Council operation, there was also significant controversy at the time over the operation of the Leigh Barrier. Since the flooding, the Environment Agency has undertaken a range of presentations and made their data and an independent auditors report available, including on the Yalding Parish Council website. The operation of the barrier reduced the flow on the Beult and Lower Medway from around 350m<sup>3</sup>/second to 165m<sup>3</sup> over Christmas and therefore significantly reducing the impact of the rainfall. To put this in perspective, the higher figure would have filled an Olympic sized swimming pool in seven seconds. Visits have also been arranged by the Environment Agency to explain how the barrier operates.
- 1.5.17 Since the flooding, two major capital schemes have been proposed by the Environment Agency to mitigate the effects of a similar event in the future. The first and most likely to come to fruition is to increase the capacity of the Leigh storage area. The second is the creation of a new catchment/storage area for the River Beult to protect Yalding.
- 1.5.18 Both schemes require significant funding from Government, the Environment Agency and Kent County Council as well as extensive investigation and consultation and so are unlikely to be in place for some time. With regards the Beult storage area, this needs to be modelled to ensure it does not simply move the problem and affect communities elsewhere.
- 1.5.19 The Government also has a fund to support councils in emergency situations and the Council put a bid into the Government's Bellwin Scheme (this enables authorities to claim back some of the emergency related expenditure above a certain threshold). In June 2014, a submission was made for £130,000 and this has subsequently been approved.

## 1.6 Role of Councillors

- 1.6.1 A member of Cabinet took the political lead role for the recovery phase of the incident attending the continuing internal meetings as well as residents meetings in Yalding, Little Venice and Collier Street.
- 1.6.2 The Leader of the Council, Cabinet and Borough Councillors, particularly those with affected wards were briefed at regular intervals by officers and throughout the response.
- 1.6.3 The role of Councillors during a response is key and mainly one of community liaison and communication. As community leaders, Councillors are well placed to reassure people, answer questions from residents or pass their questions onto an appropriate officer or agency.

- 1.6.4 Although community liaison was also provided by Council officers as well as the Environment Agency and County Council, some communities and individuals still felt that they were isolated and ignored.
- 1.7 Recovery
- 1.7.1 The following section looks at activities and actions taken during the Recovery Phase of the incident. The objective of the Recovery Phase is to use the KRF framework to facilitate and assist residents and businesses to rebuild their communities themselves offering whatever assistance and advice we can.
- 1.7.2 Recovery can take years to complete depending on the incident and this is likely to remain a work stream for the Council for several months to come.
- 1.7.3 The Cabinet Member for the Environment and Housing was identified to lead on the work. A council officer group was also established which then fed into the wider Countywide Recovery Group. The various workstreams were as follows:-
- Health, Welfare and Communities;
  - Environment and Infrastructure;
  - Business and the Economy;
  - Finance and Insurance; and
  - Media and Communications.
- 1.7.4 For each of the groups, a lead Council officer was identified who then reported and tracked progress and fed into the county-wide groups that had been established. Overall it is felt that this arrangement has worked well. Activities have included assisting residents with the clean up by taking flood damaged goods away, cleaning surfaces, advising on claims, establishing local schemes to administer Government funding, supporting people who were made homeless, capturing details on expenditure, keeping the public informed and responding to enquiries.
- 1.7.5 In addition, the Council funded a resilience work stream through the National Flood Forum (NFF), a national charity that raises the awareness of flood risks, helps people and communities to protect themselves and supports those who have endured the misery of flooding. The NFF was tasked with working with partners to understand and communicate with communities affected by the flooding in Maidstone so that they become more resilient to floods and understand existing roles and responsibilities of agencies and communities.

- 1.7.6 The NFF engaged affected communities in conversation by way of a staffed trailer at relevant locations. The trailer offered a “neutral” venue for people to gain understanding and assistance on all issues connected to being flooded. The trailer was staffed by the NFF and invited attendance from partners, including the Borough Council, Environment Agency and KCC Community Wardens.
- 1.7.7 The NFF carried out detailed interviews with over 80 households (with several having repeat visits) as well as providing advice and information to the public, ward and parish councillors.
- 1.7.8 Due to the prolonged and nationally extensive nature of the flooding and the need to secure funding, the NFF commenced working in the borough in April. The demands placed on the organisation were significant and it was only possible to secure their support because of the early contact made with them in January. Although the delay in commencing work may have lost some opportunities to engage early with the public that were affected over the Christmas period, it did allow the discussions to include the national support schemes available and develop a better understanding to improve the application process for residents.
- 1.7.9 Some of the key issues raised by the public included insurance claims, obtaining insurance in the future, selecting possible contractors, preventative measures that could be taken in the future and the delay and content of the flood warnings.
- 1.7.10 Feedback from the NFF suggests that the programme could have been more flexible and adapted after the initial road shows. The initial aim had been to cover all areas of the borough where significant flooding had taken place and provide the opportunity to follow up in each location. By revising the programme part way through, greater resources could have been deployed to the areas where there was the most public interest, but this may have been at the cost of responding in all the flooded areas.
- 1.7.11 The NFF trailer events provided positive community feedback regarding Kent Fire and Rescue Service, Kent Police, Parish Councils and Maidstone Borough Council and gauged a healthy interest in setting up future Flood Action Groups, supported by the NFF and working in partnership to reduce flood risk and become resilient. There was an appreciation of the NFF trailer giving an opportunity to talk, gain support and advice. Listening and empathy played an essential role in recovery.
- 1.7.12 However, feedback also showed that the main community concerns included the initial emergency flood warnings and response time, help

and support for the vulnerable during the flooding, capacity of drains, sewage and maintenance, future insurance availability and property reinstatement and the Repair & Renew Grant process. Most of these are not within the powers of the Council to control however the information will be shared with partners for them to develop as actions.

- 1.7.13 In light of this feedback, the NFF supported a Flood Exhibition in partnership with the Borough Council and the Environment Agency in June this year. The event, held in Yalding was well received and provided the opportunity for residents to discuss the Repair and Renew Grant and gain an understanding of property flood products available. Based on the event's success, the NFF and partners have proposed a further event in Yalding in October.
- 1.7.14 The NFF reported the need for residents receiving improved support and household advice in preparation for flooding. It was suggested that timely information could be made available when people were being accommodated in rest centres or hotels after being evacuated and the Council will include this in future arrangements. On a related point some discussion has already taken place with the Kent Resilience Forum, Environment Agency and other agencies in Kent to look at the household information that is currently available, with a new booklet designed to cover all emergencies to be available in the autumn. In terms of the rest centres, it was also suggested that more could be done to engage agencies such as the Red Cross, which could provide additional support resources. However, in the main people were accommodated in bed and breakfast accommodation, if in the future a rest centre arrangement was put in place for some period it is recognised that the Red Cross would be contacted for support.
- 1.7.15 The Government also announced several financial schemes to support the recovery programme. This included business support (where there was significant local flexibility in administration) the repair and renewal grants (which were more prescriptive initially) and council tax and business rate relief. The table below summarises the position at the end of August for Maidstone.

Number of residential properties flooded		
	- where people have returned to their home	290
	- where people have been unable to return to their home <sup>1</sup>	10
Number of business properties flooded		
	- which are fully operational	59
	- which are still not operational	2

Council Tax		
	- number of properties currently receiving discount	121
	- value of discount currently awarded	£53,334
	- estimated number of properties to be awarded discount	300
	- estimated value of discount to be awarded	£132,233

Business Rates		
	- number of properties currently receiving flood relief	43
	- value of flood relief currently awarded	£178,694
	- estimated number of properties to be awarded flood relief	45
	- estimated value of flood relief to be awarded	£188,288

Business Support Scheme <sup>6</sup>		
	- total number of live applications	0
	- total number of grants awarded to directly affected businesses	29
	- value of grants awarded to directly affected businesses	£195,646
	- total number of grants awarded to indirectly affected businesses	4
	- value of grants awarded to indirectly affected businesses	£19,179

Repair and Renew Grant <sup>7</sup>		
	- total number of applications accepted	51
	- total number of applications rejected	0
	- total number of applications approved	50
	- value of grants paid out	£16,475

1.7.16 One of the key factors has been the lower number of repair and renew grant applications compared to the number of properties that flooded. The National Flood Forum and the Department for Communities and Local Government have also confirmed that this has been a national trend. The original deadline for submitting claims was 30 September, and claimants have until 31 Jan 2015 to complete works and submit evidence for payment. The deadline for the Council to submit invoices to DEFRA for claims paid is March 2015.

1.7.17 A number of the claims the Council has received so far are for surveys and the Council is expecting to receive additional claims for works in respect of these. The first deadline (to allow these individuals time to obtain quotes and submit a claim for works) has recently been extended by the Council until the 31 October, however, the final deadline cannot be extended.

- 1.7.18 The Council has actively promoted this scheme and has been supported by parish councils and other community groups. Through the proactive approach of the parishes and Yalding Parish Council in particular the number of repair and renewal claims has increased significantly but the work has to be completed and paid for by early 2015.
- 1.7.19 In terms of the take up it has been suggested that many people have just got on with the work themselves, whilst others have not wanted to go through the process of getting quotes or wish to avoid highlighting that their property had been flooded.
- 1.7.20 The business support scheme has been very well used. There was greater flexibility for the Council and the local scheme was established quickly with the claims processed and paid by early June 2014. Initial visits to assess the position at every flooded business had also been undertaken during January 2014 by the Economic Development Team which had meant the Council had an accurate picture of the premises that had been affected.
- 1.7.21 Support to community businesses is continuing with the promotion of Business Continuity. Through central government funding, Price Waterhouse Coopers have been appointed to develop and promote a business continuity template, to run a series of seminars/workshops and to visit individual businesses at their premises. This action also satisfies Council duties under Civil Contingencies Act to advise and assist for continuance of commercial activities by the public.
- 1.8 Lessons learnt
- 1.8.1 Each of the different organisations have their own responsibilities and there are several changes that other agencies are making that need to be highlighted before moving on to the Council position.
- 1.8.2 The Environment Agency has revised and expanded the number of flood warning areas and is currently consulting on these proposals. Specific flood areas have now been established for Yalding and Little Venice and the Agency will also be focusing on the narrative that is produced alongside the warning. An informal briefing for Council Members will be held on 29<sup>th</sup> October to include this and the bids outlined below.
- 1.8.3 The emergency services have agreed that in future emergencies, a bronze command will be established near to all locations which will act as a central point in the vicinity. There were times earlier in the year that a clear local contact point was not established and therefore there was no central point for incident response including the Council's own Incident Liaison Officers. Also there was no single

location for the public or agencies to go to for support or co-ordination.

- 1.8.4 The provision of information and analysis to the decision makers has been discussed at length; in the case of the flooding the Environment Agency modeling was vital to decision making but the outcome was dependent on the weather and how the ground and rivers reacted. There is agreement that making people aware of the potential issues at an earlier stage may be more beneficial with a commentary provided. This was the case for the later flooding incidents.
- 1.8.5 In terms of longer term planning, bids have been submitted by the Environment Agency to increase the height of the Leigh Barrier and also look at a flood water storage site on the River Beult. Preliminary work is being undertaken and there has been government funding earmarked and a verbal commitment from the County Council to funding. It will be important for interested parties to continue to lobby and keep this issue on the agenda until a final decision is made.

In terms of the issues at a local level, these are set out below.

#### 1.8.6 Accommodation

- 1.8.7 There was some debate about whether the Council should have set up rest centres rather than accommodating people in hotels over the Christmas period. In many cases the insurance companies paid but it is very likely that during other times of the year there would not have been the capacity in the hotels. Although there are multiple locations across the borough detailed in the Rest Centre Directory, it is also doubtful that sufficient staff would have been available to run a single centre for the length of time that temporary accommodation was required.
- 1.8.8 Officers in housing visited all the people who had been placed with a focus on those that were classed as homeless. In subsequent flooding, a rest centre was also opened up in a neighbouring borough as that was the best location.
- 1.8.9 This was the first live event to test the Housing and Homelessness Plan and issues were evident around roles and responsibilities of partners such as Kent County Council Adult Social Care services with regards to offering hotel places, payment and the provision of meals.
- 1.8.10 It has been agreed that the Housing and Homelessness Plan should be updated by the Head of Housing and Community Services to cover the housing elements, responsibilities and legislation in conjunction with partners to ensure more effective multi agency working and communication in the future. In addition specialist staff in for

example housing and also the depot will also be identified separately in the Emergency Plan.

#### 1.8.11 Community Response Plans

1.8.12 Resources are available at a county and borough level to assist parishes and community groups in producing their own emergency plans. A suitable template has been developed by County and has been successfully rolled out and supported to a number of parish councils.

1.8.13 As stated above in 1.3.7, the one Kent approach needs to extend down to community plans in order to be fully effective but not all the parishes have taken up this offer. Since the flooding, several parishes have now worked more closely to have robust plans in place by the autumn. The importance of having co-ordinated plans should not be underestimated.

#### 1.8.14 Staffing

1.8.15 Whilst many Council staff had gone on leave over Christmas, the Council was still operating a skeleton staff like many other agencies across the county. Arrangements to provide strategic, tactical and operational support were in place as set out in the Council's Emergency Plan.

1.8.16 Whilst officers carried out their duties as planned, some staff also stepped up to more senior roles and demonstrated significant skills in the emergency situation. There were, however, times when resources were stretched to the limit, particularly over Christmas. As the flooding went on into the New Year there was a need to respond to the emergency situations as well as maintain day to day services.

1.8.17 Not all Council staff were available to be called on as the emergency plan is staffed on a voluntary basis. Whilst the vast majority responded positively, it is suggested that further work needs to be undertaken to look at making a recommendation for people to support emergencies as part of their employment contract.

1.8.18 An action has been created to investigate the number of existing staff employment contracts have emergency planning listed as a duty and also to ensure that this is in place for all new contracts. In addition there needs to be a strategy to ensure all staff are aware of this responsibility and the need to go on emergency planning training starting with a half day introduction course before being listed against a role in the Emergency Plan.

- 1.8.19 Although emergency planning may be in employment contracts, this new approach may not be welcomed by all staff and so needs to be handled carefully. Discussions are also taking place with neighbouring authorities in relation to staff that are now part of shared services and how they would operate in an emergency. Emergency Planning is however a statutory duty on the Council and this action is considered both reasonable and necessary to ensure this duty is satisfied.
- 1.8.20 Training and exercising for emergency planning is carried out continuously throughout the year through the Service Level Agreement with County Council. Its' effectiveness and training needs are reviewed annually.
- 1.8.21 Timely 2013/14 training took place on:
- Crisis management - November 2013
  - Strategic leadership - February 2014
  - Rest Centre managers - December 2013
  - Business Continuity workshop - December 2013
- 1.8.22 Carrying out some of the administration functions in terms of staff planning, collation of records, updating information boards and logging decision-making became a particular challenge during this period. Quite often, it resulted in people staying well beyond their scheduled hours of work (12 hour shift), to ensure handovers were carried out and information boards updated. It is recommended that the emergency roles are also reviewed in terms of the administration arrangements, particularly to meet any inquiry requirements.
- 1.8.23 Communication – It has been openly acknowledged that the Council's out of hours answering service via the switchboard said the offices were closed from 12 noon on Christmas Eve and that some members of the public may have hung up before waiting to hear the alternative out of hour's telephone numbers. This was rectified as soon as it came to the Council's attention but as well as ensuring that staff are on hand for people to speak to, this has also raised the point of who the public should contact in an emergency or for particular services and the information that is available to the public.
- 1.8.24 In terms of who to contact in an emergency, the feedback from the public is that this could be clearer. A booklet 'What should I do in an Emergency' has been produced by the Kent Resilience Team. The booklet is available on their website and paper copies are also available in Gateways. The Council has received around 1,000 of these booklets and as well as putting these on display the Council is looking at how some of these can be distributed locally, particularly in the areas that were flooded. In addition on flooding matters, the Council has also been promoting the Environment Agency leaflet on

being prepared for an emergency situation. Overall, the starting point remains that if it is an emergency people should dial 999.

- 1.8.25 Several aspects of the Communication and Media Plan worked well with regular updates to the public through the website and two-way communication including social media and internally to officers and members via email. Public information was coordinated through the Strategic and Tactical Command Groups with other flooding information available on the Environment Agency and Met Office websites. Over 85% of residents in flood plain areas are currently signed up to the Environment Agency Flood Warning System but this level could still be further improved.
- 1.8.26 The communication arrangements between the agencies have been reviewed across the County. This has included when general awareness communication needs to take place and also recognising that weather conditions in particular can change quickly and how the various agencies are kept informed at the strategic and tactical meetings and between meetings. The communication between the agencies and the MBC Emergency Centre worked well but it has been suggested that the Centre contact number should be prominent in the Council's Emergency Plan and be re-circulated to the key agencies.
- 1.8.27 Sandbags
- 1.8.28 There was significant demand for sandbags by the public, primarily in the belief that these will stop water entering homes and a general assumption that it was a Council duty to provide them.
- 1.8.29 There is no duty on the Council to provide sandbags to households or businesses and the Council receives no funding to do so. Whilst sandbags offer some reassurance they are unlikely to prevent flood water entering a home and in most cases water actually entered through the floors and not through the doors.
- 1.8.30 Initially the Council used its stock of sandbags to protect key infrastructure such as the electrical substation by the river in the town centre and then to meet public requests. Through mutual aid and contacts through officers at the depot, the Council was able to continue to offer sandbags throughout the period and very few requests were refused. Eventually the Council distributed over 5,000.
- 1.8.31 Given the conditions, costs and delivery time involved, many sandbags were delivered in bulk to central locations such as parish halls. However, some views were expressed that residents were unclear as to where these locations were. The location and distribution of sandbags should therefore be detailed in our own plans as well as community or parish plans and made publically available.

#### 1.8.32 High Risk Sites

1.8.33 There were two sites in the borough that consumed significant agency and Council resources during the floods. The caravan park at Little Venice (which had to be evacuated several times) and the Brishing reservoir (which needed a permanent presence and regular monitoring). Further details are set out below.

#### 1.8.34 Little Venice

1.8.35 The caravan park is operated under a licence. The majority of caravans on the site are classed as 'holiday rentals' with only three residential properties. The site is in a flood risk area and as a result the caravans are designed to float if water levels rise. Occupiers on the site have in the past remained in their caravans when there are low levels of flooding.

1.8.36 The Council has sought to work with the site owner over the past months to look at the licence and additional conditions including under which the site will utilise a Flood Emergency Plan. The Environment Agency has also provided advice on Little Venice producing a flood emergency plan and has been working with the site on understanding the flooding issues. An initial draft of the flood emergency plan has been circulated to the people on the site and agencies for comment. The site manager has indicated that the final document will be in place by the end of October 2014.

1.8.37 Feedback from the National Flood Forum highlighted that there were a number of vulnerable people on the site and also indicated that in the past, the previous site manager had undertaken a series of checks and work in the autumn to ensure that the site was prepared for winter. This was something that residents wanted to see incorporated in a future plan for the site. The site owner has now put in place trained flood wardens who will be active on the site when there is a perceived flood risk and who will liaise with emergency services and the council should they require any assistance.

1.8.38 A proposed set of draft conditions has been finalised and agreed with the owner and they will be issued shortly. There will be a requirement on the owners of Little Venice to produce and maintain an acceptable evacuation plan for future events.

#### 1.8.39 Brishing Reservoir

1.8.40 Flooding at the Eastern end of The Quarries has been an ongoing problem during winter for many years. Emergency Planning teams and other agencies had very little information on this facility prior to

the flooding. Although planning permission had been granted by the Council, Boughton Monchelsea Parish Council is the statutory undertaker responsible for its operation.

- 1.8.41 The facility is intended to create a catchment area and water flow is regulated from the stream through a sluice gate into natural sink holes in the Quarries and Little Switzerland before making its way down to Loose Village. At the start of the incident, the sluice was operated to good effect and protected properties in the Quarries from flooding. The severity of this weather event and the fact that the sink holes have finite drainage potential resulted in the reservoir quickly reaching its capacity of 67000m<sup>3</sup> and overtopping.
- 1.8.42 Although the dam was designed to allow seepage through there was concern regards possible failure and inundation of the river valley. Design documents and further advice was obtained from the engineer responsible for designing the dam which went some way to allaying those concerns.
- 1.8.43 As the risk of failure could not be ruled out though, a range of actions were agreed with the Tactical Command Group including tankers from Kent County Council and a high pressure pump deployed by Kent Fire and Rescue Service discharging to a Southern Water sewer. This pump was a national resource and it was very fortunate this was made available. These actions contained the flow and eventually reduced the water level in the reservoir.
- 1.8.44 A management plan for the facility has been provided by the parish council and it is understood that a multi-agency meeting is being arranged by the Parish Council to assist and advise on updating the parish emergency plan and completion of the documents required under the Reservoirs Act. This will also discuss additional work and funding through the Environment Agency.
- 1.8.45 As we go into autumn and winter, careful management will be required by the Parish Council to keep levels as low as possible and therefore make maximum use of the facility in the future. Two way radios have been provided by the Council to assist in the operation, warden training has been offered by the Environment Agency as well as an educational tour of the Leigh Barrier.

## 1.9 Alternative Action and why not Recommended

- 1.9.1 The recommendations in this report satisfy the Council's duty under The Civil Contingencies Act 2004 to plan and act to mitigate the effects of a major emergency incident.

1.9.2 The recommendations also satisfy the duty of The Act and the Council’s commitment to partners to plan at a county level as part of the ‘One Kent’ approach.

1.9.3 It is important that lessons learned from this response are put into place. Not actioning the recommendations could be deemed a failure to satisfy the Council duty under The Civil Contingencies Act 2004.

1.10 Impact on Corporate Objectives

1.10.1 Emergency Planning, (and Flood Planning in particular), contributes to the Corporate Objectives of strong, healthy and safe communities and the Council’s response to flood management and Climate Change.

1.11 Risk Management

1.11.1 Failure to adequately meet our duties under the Civil Contingencies Act may:

- Leave us open to legal challenge from the County Council or Government;
- Be damaging to the Council’s reputation as a major incident may be followed by a public inquiry; and
- Leave the Council open to claims for compensation.

1.12 Other Implications

1.12.1

1.	Financial	X
2.	Staffing	X
3.	Legal	
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

#### 1.12.2 Financial

- 1.12.3 The majority of actions come within the normal roles of the Emergency Planning Manager and various function heads and managers.
- 1.12.4 Other resources include the Service Level Agreement with the Kent Resilience Team.
- 1.12.5 The incident response costs over and above the Bellwin threshold have been claimed.
- 1.12.6 The DCLG has not yet ruled out compensation for the administration costs of the various support schemes.
- 1.12.7 The additional training identified can be financed from the existing emergency planning budget.

#### 1.12.8 Staffing

- 1.12.9 Ensuring that all staff are assigned and trained into an emergency plan role through inclusion in their job descriptions will increase resilience. Consideration need to be given to how staff can be included.
- 1.12.10 The Emergency Planning Manager duties are assigned to the Building Surveying Manager who recharges 20% of his post back to the Council. Once recovery work has been completed this is usually sufficient for annual emergency planning. Early consideration will need to be given to the level of support required in any future recovery phase in particular and whether this can be met through this arrangement.

**IS THIS A KEY DECISION REPORT?**

**THIS BOX MUST BE COMPLETED**

Yes

No

If yes, this is a Key Decision because: .....

.....

Wards/Parishes affected: .....

.....

## APPENDIX A

	<b>Action</b>	<b>Issue</b>	<b>Work to date</b>	<b>Officer</b>
1	To support the National Flood Forum and Environment Agency with the identification and training of flood wardens	Assisting in providing self resilience of Little Venice and other communities	15 wardens trained Support continues to be provided identifying staff and offering facilities.	Emergency Planning Manager
2	To review the evacuation arrangements in terms of location of rest centres, staffing and the information that is provided to the public	To provide clarity in arrangements  To ensure sufficient suitably trained staff to open and run rest centres.	Review of Rest Centre Directory is almost complete	Emergency Planning Manager
3	To promote the Kent Resilience Forum Emergency handbook and the steps the public can take to be prepared for an emergency event in the future	To promote self resilience of households and communities	Handbook is published and a number received within the Communications Team and Gateway Wider circulation and promotion to be considered	Emergency Planning Manager Communications Manager
4	To review the Housing and Homeless Emergency Plan	To ensure clarity and adequacy of arrangements for temporary housing and ensure all partners are aware and agree with these arrangements	None to date	Head of Housing and Community Services
5	To support the development of co-ordinated local emergency plans in the parished areas	To ensure that emergency response under the "One Kent" approach extends and is coordinated with local communities to provide a greater degree of self resilience.	Support has been provided and offered to parishes affected but requires them to produce plans.  Plans are now complete or in progress for : <i>Boughton Monchelsea</i> <i>Boughton Malherbe</i> <i>Collier Street</i> <i>Staplehurst</i> <i>Tovil</i> <i>Lenham</i> <i>Yalding</i> <i>Little Venice</i>	Kent Resilience Team and Emergency Planning Manager
6	To identify additional administration resources in emergency planning arrangements	There are no resources allocated for administrative support in Emergency Planning which would assist in	Emergency plan roles revised with new role established and staff identified	Emergency Planning Manager

		review and production of up to date documents		
7	To make emergency planning support a requirement in all new job descriptions, contracts and appointments	To ensure that sufficient numbers of staff are available to provide an emergency response. A duty under The Civil Contingencies Act	Checks being made with HR	Emergency Planning Manager
8	To establish dedicated call answering as soon as any emergency situation occurs	To ensure that messages to the public are accurate and timely to warn and inform of actions to take during an emergency	There is agreement with the Contact Centre Manager. A new incident messaging system has been acquired and is currently being implemented	Communications Team Contact Centre Telephony
9	To further promote the flood warning system with the Environment Agency to residents	To ensure residents are aware of flood warnings directly through the Environment Agency in order to provide an element of self resilience and planning	The council promotes the system and flood advice through Borough Update and elsewhere. Work continues with the Environment Agency through the National Flood Forum work.	Environment Agency
10	Revision of Maidstone Multi Agency Flood Plan	Transformation of existing Flood Plan into a more operational document using revised KRF template	Pan Kent Plan material separated and main body of template populated. Work commenced on detailed local information and mapping for high risk areas	Emergency Planning Manager
11	That the Council continues to hold a stock of sandbags and publishes when and where sandbags supplies will be provided as part of a countywide plan	To ensure that the public and communities are aware of the councils duties in respect of sandbags	Work with communities on their local resilience plans and highlighting locations where sand bags can be purchased	Emergency Planning Manager Kent Resilience Team
12	To monitor the position on the flood plan arrangements at Little Venice Caravan Park and take any action that is required to ensure that robust plans are in place for the winter including a checklist	To ensure a high level of self- resilience and effective site management in evacuation triggers and plans	The condition of the licence to Little Venice has been adapted to place a duty on the site owners to provide effective evacuation plans in consultation with the Council and resilience partners	Little Venice owners Emergency Planning Manager Environmental Operations Manager Legal Services

13	To monitor with other agencies the Boughton Monchelsea parish council's approach to the Brishing reservoir, the management plans that are in place and the contingency arrangements.	To ensure that self resilience measures and reservoir management plans are in place that remove the need for the significant resources provided by all agencies at Christmas.	An off-site inundation plan is close to completion. A parish emergency Plan has been produced but still requires further work around evacuation procedures within the Quarries. The Parish need to produce an on-site plan for this reservoir. The Parish Council has requested further support from the highway agency and environment agency due to drainage of the road and maintenance of the reservoir. 2 way radios have been provided to Boughton Monchelsea parish council to assist in the control of the reservoir.	Boughton Monchelsea Parish Council Kent Resilience Team Emergency Planning Manager
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