



## THE RUGBY BOROUGH COUNCIL

You are hereby summoned to attend a SPECIAL MEETING of the Rugby Borough Council, which will be held at the TOWN HALL, RUGBY, on Thursday 28<sup>th</sup> September 2017 at 7pm.

### A G E N D A

#### PART 1 – PUBLIC BUSINESS

1. Apologies for absence.
2. To approve the minutes of the meeting of Council held on 18<sup>th</sup> July 2017.
3. Declaration of Interests.  
  
To receive declarations of -  
  
(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;  
  
(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and  
  
(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.
4. To receive the Mayor's Announcements.
5. To receive the reports of Cabinet and Committees which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:  
  
**(a) Cabinet – 4th September 2017**  
  
(1) Finance and Performance Monitoring 2017/18 – Quarter 1 – Corporate Resources Portfolio Holder.

(2) Implementation of Recent Revisions to the Equality Act – Environment & Public Realm Portfolio Holder.

6. To receive and consider the Reports of Officers.

(a) Approval of Accounts 2016/17 - report of the Head of Corporate Resources and Chief Financial Officer.

7. Notice of Motion Pursuant to Standing Order 11

“The Council is asked to consider re-opening the former Stone Yard Cattle Market car park by seeking a temporary 3 year planning permission on this current development site.

This will alleviate considerable on street congestion for local residents, provide relief from all day parking within the locality from rail users and provide additional parking for the 2 doctors surgeries and pharmacy at the Rugby medical centre.

This will provide an additional revenue stream from car parking charges that would not otherwise be available to the council and help offset budget constraints because of the reduction in income from the new homes bonus.”

Proposed by Cllr Neil Sandison  
Seconded by Cllr Tim Douglas

8. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider passing the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraph 3 of Schedule 12A of the Act.”

## **PART 2 – EXEMPT INFORMATION**

1. To receive the private reports of Cabinet which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

### **(a) Private Report of Cabinet – 4<sup>th</sup> September 2017**

(1) Insurance Portfolio Renewal – Corporate Resources Portfolio Holder

(2) Replacement of Current Management System with an Integrated Revenues & Benefits Solution – Corporate Resources Portfolio Holder.

2. To receive and consider the private Reports of Officers.

(a) Acquisition of New Council Houses for Rent – report of the Heads of Communities and Homes and Corporate Resources.

DATED THIS 19th day of September 2017

**Executive Director**

To: The Mayor and Members of Rugby Borough Council

**REPORT OF CABINET**

**4 September 2017**

**PRESENT:**

Councillors Stokes (Chairman), Mrs Crane, Mrs Parker, Ms Robbins and Mrs Timms.

Councillors Mrs A'Barrow, Ms Edwards, Gillias, Lewis, Mrs O'Rourke, Roodhouse and Sandison were also in attendance.

**1. FINANCE AND PERFORMANCE MONITORING 2017/18 – QUARTER 1**

Cabinet considered a report concerning an overview of the Council's spending and performance position for 2017/18. The report was circulated as part of the Cabinet agenda and all Members are requested to bring their copies to the meeting. A copy of the report will be attached as part of the electronic version of this agenda on the Council's website.

**Recommendation of Cabinet**

Cabinet decided to recommend to Council that –

- 1) a net nil Supplementary General Fund revenue budget of £108,750 in 2017/18 and £36,250 in 2018/19 be approved for the Family Weight Management Scheme, to be met from external funding;
- 2) a General Fund revenue budget virement of £59,840 be approved to transfer the budget for photocopier charges from Business Support to IT Services, following a transfer of responsibility between services;
- 3) a General Fund revenue budget virement of £72,390 be approved for the transfer of three posts from the Work Services Unit to the Customer Support Services.
- 4) a supplementary HRA capital budget of £147,500 be approved for 2017/18 for the purchase of Property Repairs Service vehicles previously categorised as a General Fund capital budget provision, to be funded from HRA Capital Investment Balances;
- 5) the return of a £147,500 General Fund capital budget be approved, as a result of the re-categorisation of the Property Repairs Service vehicles scheme as a HRA budget; and

6) performance summary and performance data included in Appendix 4 be considered and noted.

**Recommended that** – the recommendation of Cabinet be approved.

**2. IMPLEMENTATION OF RECENT REVISIONS TO THE EQUALITY ACT 2010**

Cabinet considered a report concerning the establishment of a list of designated wheelchair accessible licensed vehicles in accordance with recent revisions to the Equality Act 2010. The report was circulated as part of the Cabinet agenda and all Members are requested to bring their copies to the meeting. A copy of the report will be attached as part of the electronic version of this agenda on the Council's website.

**Recommendation of Cabinet**

Cabinet decided to recommend to Council that –

(1) authority be delegated to the Head of Environment and Public Realm to approve any further vehicles to be added to the list of designated licensed vehicles, and to determine applications from drivers for a medical exemption from their duties; and

(2) the Council's Constitution be amended accordingly.

**Recommended that** – the recommendation of Cabinet be approved.

**COUNCILLOR M STOKES  
CHAIRMAN**

## Agenda No 6

### **AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Finance & Performance Monitoring 2017/18 – Quarter 1
<b>Name of Committee:</b>	Cabinet
<b>Date:</b>	4 <sup>th</sup> September 2017
<b>Report Director:</b>	Head of Corporate Resources & Chief Financial Officer
<b>Portfolio</b>	All Portfolios
<b>Ward Relevance</b>	All Wards
<b>Prior Consultation</b>	None
<b>Contact Officer</b>	Mannie Ketley - Head of Corporate Resources & Chief Financial Officer
<b>Report Subject to Call-in</b>	Yes
<b>Report En-Bloc</b>	No
<b>Forward Plan</b>	Yes
<b>Corporate Priorities</b>	This report relates to the following priority(ies):  All Council Priorities
<b>Risk Management Implications</b>	This report is intended to give Cabinet an overview of the Council's spending and performance position for 2017/18 to inform future decision-making.
<b>Financial Implications</b>	As detailed in the main report.
<b>Environmental Implications</b>	There are no environmental implications arising from this report.
<b>Legal Implications</b>	There are no legal implications arising from this report.

**Recommendation**

**RECOMMENDATION**

- 1) The Council's anticipated financial position for 2017/18 be considered;
- 2) A supplementary General Fund revenue budget of £29,290 for 2017/18 be approved to fund a net increase in the Council's Business Rates payable on its own properties;
- 3) A General Fund revenue budget virement to Corporate Savings of £30,000 be approved following reduced awards made by the Grants Working Party;
- 4) A net nil Supplementary General Fund revenue budget of £12,340 for additional Housing Benefit staffing costs in 2017/18 be approved, wholly funded from external funding received for the Right Benefit Initiative Scheme; and
- 5) A Supplementary General Fund capital budget of £46,440 be approved for the provision of Disabled Facilities Grants to be funded from additional external grant awarded in 2017/18.

**IT BE RECOMMENDED TO COUNCIL THAT:**

- 6) A net nil Supplementary General Fund revenue budget of £108,750 in 2017/18 and £36,250 in 2018/19 be approved for the Family Weight Management Scheme, to be met from external funding;
- 7) A General Fund revenue budget virement of £59,840 be approved to transfer the budget for photocopier charges from Business Support to IT Services, following the award of a new photocopier contract;
- 8) A General Fund revenue budget virement of £72,390 be approved for the transfer of three posts from the Work Services Unit to the Customer Support Services.
- 9) A supplementary HRA capital budget of £147,500 be approved for 2017/18 for the purchase of Property Repairs Service vehicles

previously categorised as a General Fund capital budget provision, to be funded from HRA Capital Investment Balances;

- 10) The return of a £147,500 General Fund capital budget be approved, as a result of the re-categorisation of the Property Repairs Service vehicles scheme as a HRA budget; and
- 11) Performance summary and performance data included in Appendix 4 be considered and noted.



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- 11) Performance summary and performance data included in Appendix 4 be considered and noted.

## 1. INTRODUCTION

This is the first of the quarterly finance and performance monitoring reports for 2017/18, which combines both finance (revenue and capital) and performance monitoring. The purpose of the report is to inform Cabinet of the Council's overall financial and performance position for the year to-date and also the year-end projections as supplied by officers. A final report will be presented to Cabinet in June 2018 for year-end.

The key sections of the report are laid out as follows:

- General Fund (GF) Revenue Budgets - Section 3 and Appendix 1;
- Housing Revenue Account (HRA) Revenue Budgets - Section 4 and Appendix 2;
- Capital Budgets - Section 5 and Appendix 3;
- Performance – Section 6 and Appendix 4

Throughout the report from a financial perspective adverse variances to budget, expenditure overspends and income shortfalls, are shown as positive values. Favourable variances, such as expenditure underspends and additional income, are shown as negative values.

## 2. BACKGROUND

The Council is committed to achieving financial self-sufficiency and recognises that whilst the Council has responded successfully to the challenge so far, the Council will have to continue to adapt and alter its operations over the medium term in order to meet its objective of becoming financially self-sufficient by 2020. With this objective in mind, the Council has taken a pro-active approach and considered a number of key policy changes in order to set a balanced budget for 2017/18 and reduce the budget deficits in the later years of the Medium Term Financial Plan (MTFP).

The key policy decisions considered were:

<b>Key Decision / Policy Change</b>	<b>Outcome</b>	<b>Indicative Estimate £'000</b>	<b>Draft 2017/18 Budget £'000</b>
Green Waste	£40 charge approved	-400	-400
Hall of Fame	Entry fee approved	-250	-165
Voluntary Redundancies	Approved	-220	-220
£5 increase in Council Tax (compared to 2%)	Approved	-53	-53
Reduction in Empty Property Reliefs	Deferred to facilitate an external consultation	-35	0
<b>Total</b>		<b>-958</b>	<b>-838</b>

After approval of these key policy decisions, the 2017/18 General Fund revenue budget was set by Council on 28th February 2017, with a contribution of £120,000 from balances to fund the deferred decision for the proposed reduction in Council Tax reliefs for empty properties and a revised charging structure for the Hall of Fame.

Despite this positive progress in transforming the organisation and its finances, from a funding perspective the landscape for the local government sector remains challenging. Although some of the uncertainty surrounding the future of NHB has been resolved, crucially there continues to be substantial uncertainty and risk to the Council's medium-term financial position from the on-going reform of retained business rates. Furthermore, whilst the budget for 2017/18 was balanced, a gap in the region of £600,000 remains in the later years of the current Medium Term Financial Plan.

The Council has already begun taking action to address this gap, including income generation initiatives and digitalisation of services. Updates will be reported to Cabinet throughout the 2018/19 budget setting process, beginning with an initial budget setting report in October 2017.

### **3. GENERAL FUND (GF) REVENUE BUDGETS:**

#### **3.1 Overview and key messages**

- There is a favourable variance to date of **£627,100**, based on actual spend to the end of the Quarter 1 against profiled budgets.
- GF services show an anticipated favorable variance of **£617,500** at year-end.
- This includes forecast income of £840,000 from the green waste service subscriptions, exceeding income expectations for the year by **£440,000**.
- The Corporate Savings Target has been set at **£200,000** for 2017/18, to include all savings achieved through more efficient working and savings realised through vacant posts. To date officers have been able to identify **£36,500**.

### 3.2 Major Variances

A summary of the key variances is included within the table below:

Portfolio / Service Area	Variance at Quarter 1 £	Variance Forecast to Year-End £
<b>Growth and Investment</b>		
<b>Benn Hall</b> - The service has seen an increase in bar sales over the first quarter, it is likely this will even out over the quieter summer period.	-13,200	+1,000
<b>Hall of Fame</b> - The variance to date and forecast to year-end relates to an underachievement of ticketing income. A marketing strategy is currently in development to boost overall visitor numbers, including improving the visibility of the attraction with key customer groups.	+37,000	+100,000
<b>Sports &amp; Recreation</b> - Variance mainly relates to unbudgeted spend on salaries and an underachievement of income.	+17,900	+35,900
Other minor underspends	-16,500	+2,400
<b>Subtotal</b>	<b>+25,200</b>	<b>+139,300</b>
<b>Corporate Resources</b>		
<b>Legal Services</b> – Variance relates to an overachievement of income received from court cases.	-12,100	-14,300
<b>Housing Benefit Admin (Universal Credit)</b> – Receipt of additional Universal Credit Support income, which will be offset with additional expenditure later in the year.	-23,300	-6,600
Other minor variances	-18,600	10,500
<b>Subtotal</b>	<b>-54,000</b>	<b>-10,400</b>
<b>Environment and Public Realm</b>		
<b>Cemeteries</b> – Higher than anticipated income from burial and license income.	-26,400	-39,400
<b>Crematorium</b> – Sales of memorial items continue to improve and exceed budget expectations.	-23,700	-36,900
<b>Environmental Services</b> – Projected salary vacancy has resulted in a variance to year-end.	-7,200	-53,800
<b>Regulatory Services</b> – A number of salary vacancies has resulted in the service projecting an underspend to year-end.	-29,600	-50,300
<b>Parks, Recreation Grounds &amp; Open Spaces</b> – Unplanned repairs on park equipment following incidence of vandalism and a general need for additional repairs maintenance.	+9,000	+18,700

<b>Green Waste Scheme</b> – Following the successful launch of the Green Waste Scheme the service had recognised £823,000 of income by the end of June, representing a £407,530 overachievement against budgeted to Quarter 1.  Modest income receipts have been forecast for the remainder of the year.	-407,530	-440,000
<b>Refuse and Recycling</b> - reduced charges for recycling gate fee have been recognised in the first quarter, however a prudent forecast has been made to year-end due to the volatility of the charges throughout the year.	-48,500	-58,350
<b>Works Services Unit</b> – The variance is mainly due to an overachievement of income on the Trade Waste service (-£57,000) plus forecast salary savings from vacant posts of approximately £150,000. These salary savings will be considered for allocation against the corporate savings target, once a review of the structure of the Waste and Transport team has been completed.  These underspends are offset by an underachievement of income on the Highways service (+£140,000) and other variances within the service.	-73,600	-31,100
Other minor variances	-3,000	+16,400
<b>Subtotal</b>	<b>-610,600</b>	<b>-674,800</b>
<b>Communities and Homes</b>		
<b>Customer &amp; Information Services</b> – Salary vacancies has resulted in a projected variance at year-end.	-4,600	-11,600
<b>Housing Options Team</b> – Increased costs of temporary accommodation due to a rise in demand, but due to new Universal Credit procedures the Council is not able to recover costs at the level of previous Housing Benefit Subsidy.	+13,500	+42,400
Other minor variances	+700	+3,800
<b>Subtotal</b>	<b>+9,600</b>	<b>+34,600</b>
<b>Executive Directors Office</b>		
Minor variances (no individual variances +/-£10k)	+2,700	+5,500
<b>Subtotal</b>	<b>+2,700</b>	<b>+5,500</b>
<b>Other Corporate Items</b>		
<b>Net Cost of Borrowing</b> - Exchange rate gains following sale of Icelandic bank assets	0	-73,500
<b>Minimum Revenue Provision (MRP)</b> - Slippage on completion/purchase of assets in late 2016/17 which means MRP will not now be applied to 2018/19	0	-38,200
<b>Net Variance</b>	<b>-627,100</b>	<b>-617,500</b>

Positive Figures (+): Overspend/Underachievement of income  
Negative Figures (-): Underspend/Additional income

### 3.2 Anticipated General Fund Balances

	£	£
<b>GF Balance at 31<sup>st</sup> March 2017</b>		<b>-2,159,350</b>
Approved budget carry forwards from 2016/17	+116,870	
Contribution from balances 2017/18	+120,000	
Supplementary budget approvals/pending	+44,320	
Anticipated variance to the end of 2017/18	-617,500	
<b>Amount to be added to balances</b>		<b>-316,400</b>
<b>Anticipated GF Balance at 31<sup>st</sup> March 2018</b>		<b>-2,475,750</b>

Positive Figures (+): Contribution from Balances  
 Negative Figures (-): Contribution to Balances

The table above shows that GF balances are forecast to be just above £2.5 million at the end of 2017/18, after considering the projected variance and other budget adjustments.

### 3.3 General Fund Risks

The main financial risks to the delivery of the forecast year-end position for 2017/18 are:

- **Hall of Fame** - Receipt of budgeted ticket income and sponsorship income from the Hall of Fame, with significant income yet to be secured against annual budgets of £165,000 and £200,000 respectively
- **Housing Options** – Universal Credit continues to impact on the amount of income that can be recovered from temporary accommodation, however the Council has measures in place to mitigate this risk
- **Highways** – The Highways service within the WSU has an anticipated reduction in income of £140,000 due to market conditions, which is being investigated by the budget officer.
- **Recycling Gate Fee** – the level of fee paid is heavily influenced by the prevailing market conditions for the sale of recycled materials. The actual fee paid at year-end could vary significantly in either direction from the amount currently forecast depending on the market conditions for the remainder of the year.
- **Crematorium Income** – whilst the service continues to establish a strong proportion of the local market, actual income received is largely determined by mortality rates which can be affected by seasonal and other factors outside of the Council's control.

### 3.4 Supplementary Budget Requests

#### Business Rates – Recommendation 2

The Valuation Office Agency adjusted all rateable values in England and Wales on 1<sup>st</sup> April 2017 to reflect changes in the property market. There have been increases and decreases in the rateable values of the Council's own properties which has resulted in a net overall increase in rates payable of £3,950.

However, the Government's transitional relief scheme limits how much bills change each year as a result of the 2017 revaluation. This means that some of the Councils Business Rate bills have only gone up or down by a certain amount for 2017/18 and will be phased in gradually over 5 years until the bill reaches the full amount set by revaluation. For 2017/18 the impact of this transitional relief scheme net overall increase in bills on Council properties is £29,290.

#### Housing Benefit Staffing – Recommendation 4

A net nil supplementary general fund revenue budget of £12,340 has been requested to enable the payment of additional housing benefit staffing costs in 2017/18. The DWP have awarded Right Benefit Initiative funding of £12,340 to combat incorrect earnings and use the funding to process as many Real Time Information (RTI) referrals as possible each month. Local Authorities are expected to spend the funding on staffing costs that are additional to business as usual Housing Benefit administration costs.

#### Family Weight Management Scheme – Recommendation 6

The Council has been successful in its bid to extend the contract of the Family Weight Management scheme, which will see the project continue for a further a year until June 2018. The extension of scheme will be wholly funded from contracted income from Warwickshire County Council.

## 4 HOUSING REVENUE ACCOUNT (HRA) REVENUE BUDGETS:

### 4.1 Context

Housing Rents were set by Council on 7<sup>th</sup> February 2017, in the context of rent policy changes from government, most notably the imposition of 1% rent reductions for the period 2016/17 until 2019/20. The impact upon income generation as a consequence of this change is estimated at £5.107m over the 4-year period.

### 4.1 Overview and key messages

- There is an overspend to date of **£33,750**, based on actual spend to the end of the Quarter 1 and monitored against profiled budgets.
- HRA services show an anticipated underspend of **£275,650** at year-end.
- In accordance with principles set out in the Council's response to the implementation of HRA self-financing in 2012/13 all in-year surpluses will be utilised in the repayment of debt subject to the maintenance of a prudent HRA working balance. The HRA revenue balance currently stands at £1.431m and will be reviewed in light of service requirements and risks in preparation for 2018/19 rent setting.

### 4.3 Major Variances

A summary of the key variances follows:

HRA Income and Expenditure	Variance at Quarter 1 £	Variance Forecast to Year-End £
<b>Rent income from dwellings, land, and buildings</b> - Income levels for service charges and garages are currently lower than estimates. This is subject to change based on the turnover rate of re-lets, voids and Right to Buy applications during the remainder of the financial year.	+40,270	+57,730
<b>Supervision and Management</b> – Forecast variance arising from net effect of replacing current CCTV/Concierge monitoring contract with in-house provision; vacant posts within the following teams: Estate Management; Property Maintenance, Independent Living Service.	-5,170	-333,380
<b>Other minor variances</b>	-1,350	0
<b>Net Variance</b>	<b>+33,750</b>	<b>-275,650</b>

Positive Figures (+): Overspend/Underachievement of income  
Negative Figures (-): Underspend/Additional income

### 4.4 Anticipated HRA Balances

	£	£
<b>HRA Balance at 31<sup>st</sup> March 2017</b>		<b>-1,431,000</b>
Anticipated underspend to the end of 2016/17	-275,650	
Indicative allocation of underspends to amounts set aside for the repayment of debt	+275,650	
<b>Amount to be taken from balances</b>		<b>0</b>
<b>Anticipated HRA Balance at 31<sup>st</sup> March 2018</b>		<b>-1,431,000</b>

Positive Figures (+): Contribution from Balances  
Negative Figures (-): Contribution to Balances

It is anticipated that the projected underspend of £275,650 will be utilised to increase the amount set aside for the repayment of debt in 2017/18, subject to a review of ongoing HRA revenue balances based on risk analysis.



## 5 CAPITAL:

### 5.1 General Fund Capital – Overview

- The General Fund capital programme is currently budgeted at £5.456 million for 2017/18 (including £1.197m carry forwards from 2016/17.)
- At the end of Quarter 1, the General Fund capital programme shows an overspend of **£36,990** against profiled budgets.
- There is currently a projected underspend to year-end of **£58,440**.

### 5.2 General Fund Capital – Major Variances

A summary of the variances by portfolio is included within the table below:

Portfolio / Service Area	Variance at Quarter 1 £	Variance Forecast to Year-End £
<b>Growth and Investment</b>	0	0
<b>Communities and Homes</b>		
<b>Capital Digitalisation Work</b> – a supplementary capital budget will be requested at year end to be met from the Digitalisation and Trading reserve.	+32,820	+32,820
<b>Disabled Facilities Grant</b> – a supplementary capital budget is requested for approval to be met from additional grant funding awarded in 2017/18.	0	+46,440
<b>Other minor variances</b>	+19,020	0
<b>Subtotal</b>	+51,840	+79,260
<b>Environment and Public Realm</b>		
<b>Vehicles</b> – is requested that budget totalling £147,500 relating to Property Repairs Team Vehicles is returned following its incorrect categorisation within the General Fund.	-3,300	-147,500
<b>Other minor variances</b>	-9,920	+9,800
<b>Subtotal</b>	-13,220	-137,700
<b>Corporate Resources</b>	-1,630	0
<b>Net Variance</b>	+36,990	-58,440

Positive Figures (+): Overspend  
Negative Figures (-): Slippage / Underspend

### 5.3 HRA Capital - Overview

- The HRA capital programme is currently budgeted at £7.502 million for 2017/18 (including £0.420m carry forwards from 2016/17).
- At the end of Quarter 1, the HRA capital programme shows an overspend of **£25,070** against the profiled budget.
- There is currently a projected overspend to year-end of £147,500, which solely relates to a requested supplementary for Property Repairs Team vehicles.

### 5.4 HRA Capital – Major Variances

A summary of the key variances follows:

	Variance at Quarter 1 £	Variance Forecast to Year- End £
<b>Property Repairs Team Vehicles</b> – a supplementary HRA capital budget of £147,500 to be met from HRA capital balances is requested for 2017/18 for Property Repairs Team Vehicles incorrectly categorised within the General Fund budget.  A corresponding reduction in the General Fund capital budget requirement is shown a section 5.2.	0	+147,500
Other minor variances	+25,070	0
<b>Net Variance</b>	<b>+25,070</b>	<b>+147,500</b>

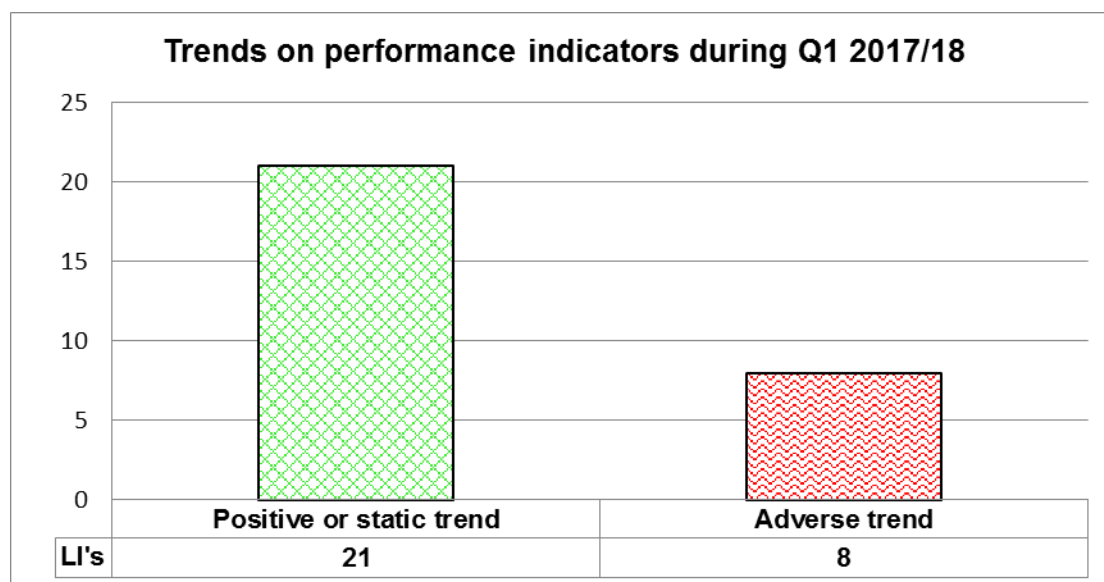
Positive Figures (+): Overspend  
Negative Figures (-): Slippage / Underspend

## 6. PERFORMANCE

This is the monitoring report for the first quarter of 2017/18 and the reported data for each portfolio can be seen in Appendix 4. To further interrogate the data please login to the Rugby Performance Management System (RPMS).

### Q1 Summary:

On the whole the Council is performing well over the range of data that is currently reported with 72% of the performance indicators showing as a positive trend or falling within the 5% tolerance of a target.



### Communities & Homes

- The Citizens Advice Bureau data for homeless preventions was unavailable as at the time of writing this report. The data should become available to view on the RPMS soon.
- The Rugby Borough Council homeless preventions remain fairly static. There have been some successes in securing alternative accommodation.

### Corporate Resources

- Short term sickness is showing a positive trend with less staff off on short term sickness and less days lost. Long term sickness has increased and this is explained within the supporting appendix.

### Environment & Public Realm

- Food premises attaining a hygiene rating 3 and above have suffered a 2% drop from Q4 however this is within normal fluctuation; there are around 400 inspections per year. The drop equates to 2 businesses over the quarter.

### Growth & Investment

- The performance indicators for this portfolio that are measured by trend have all performed positively.

To get login details for the RPMS or a refresher course on using the system please contact [RPMSsupport@rugby.gov.uk](mailto:RPMSsupport@rugby.gov.uk)

Name of Meeting: Cabinet

Date of Meeting: 4<sup>th</sup> September 2017

Subject Matter: Finance & Performance Monitoring 2017/18 – Quarter 1

Originating Department: Corporate Resources

**LIST OF BACKGROUND PAPERS**

Document No.	Date	Description of Document	Officer's Reference	File Reference

**General Fund**  
**Revenue Budget Monitoring 2017/18 April 2017 to June 2017**

**Key:**

+ = over spend / income shortfall

- = under spend / additional income

	Profiled Budget to Qtr 1	Actual Spend to Qtr 1	Variance to Profile Qtr 1	Current Budget	Projection to Year-End	Variance to Year-End
<b>Portfolio Expenditure :-</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Growth & Investment	1,938	1,963	25	3,363	3,502	139
Corporate Resources	3,320	3,266	-54	1,634	1,624	-10
Environment & Public Realm	2,634	2,023	-611	7,567	6,892	-675
Communities & Homes	603	613	10	1,004	1,039	35
<b>Portfolio Expenditure</b>	<b>8,495</b>	<b>7,865</b>	<b>-630</b>	<b>13,568</b>	<b>13,057</b>	<b>-511</b>
Executive Director Office	1,058	1,061	3	1,884	1,889	5
	<b>9,553</b>	<b>8,926</b>	<b>-627</b>	<b>15,452</b>	<b>14,946</b>	<b>-506</b>
Less Corporate Savings Target				-200	-200	0
Less IAS 19 Pension Adjustment				-309	-309	0
Less Capital Charge Adjustment				-2,392	-2,392	0
<b>Net Expenditure</b>				<b>12,551</b>	<b>12,045</b>	<b>-506</b>
Net Cost of Borrowing				628	554	-74
MRP Adjustment				1,476	1,438	-38
Revenue Contribution to Capital Outlay				88	88	0
<b>Total Expenditure (before Parish Precepts)</b>				<b>14,743</b>	<b>14,125</b>	<b>-618</b>
Parish Council Precepts & Council Tax Support				731	731	0
<b>Total Expenditure</b>				<b>15,474</b>	<b>14,856</b>	<b>-618</b>

## Housing Revenue Account (HRA)

### Revenue Budget Monitoring 2017/18 April 2017 to June 2017

Appendix 2

**Key:**

+ = over spend / income shortfall

- = under spend / additional income

Description	Profiled Budget to Qtr 1 £'000	Actual Spend to Qtr 1 £'000	Variance to Profile Qtr 1 £'000	Current Budget £'000	Projection to Year-End £'000	Variance to Year-End £'000
<b>Income</b>						
Rent income from dwellings	-3,731	-3,733	-2	-16,253	-16,263	-10
Rent income from land and buildings	-37	-34	+3	-152	-152	0
Charges for services	-338	-326	+12	-1,473	-1,427	46
Contributions towards expenditure	-40	-12	+28	-215	-193	22
<b>Total Income</b>	<b>-4,146</b>	<b>-4,105</b>	<b>+41</b>	<b>-18,093</b>	<b>-18,035</b>	<b>+58</b>
<b>Expenditure</b>						
Transfer to Housing Repairs account	0	0	0	3,237	3,237	0
Supervision and Management	2,406	2,402	-4	4,622	4,288	-334
Rents, Rates, Taxes and other charges	3	2	-1	3	3	0
Depreciation & Impairment	3,681	3,681	0	3,681	3,681	0
Debt Management Cost	0	0	0	15	15	0
Provision for Bad or Doubtful Debt	0	0	0	131	131	0
Amounts set aside for the repayment of debt	0	0	0	4,922	4,922	0
<b>Total Expenditure</b>	<b>6,090</b>	<b>6,085</b>	<b>-5</b>	<b>16,611</b>	<b>16,277</b>	<b>-334</b>
<b>Net Cost of Services</b>	<b>1,944</b>	<b>1,980</b>	<b>36</b>	<b>-1,482</b>	<b>-1,758</b>	<b>-276</b>
HRA Share of Corporate & Democratic Core Costs	200	200	0	200	200	0
Interest Payable & Similar Charges	0	0	0	1,251	1,251	0
Interest & Investment Income	0	0	0	-26	-26	0
<b>Net Operating Expenditure</b>	<b>2,144</b>	<b>2,180</b>	<b>36</b>	<b>-57</b>	<b>-333</b>	<b>-276</b>
Contributions to (+) / from (-) Reserves	0	0	0	57	57	0
<b>Surplus(-)/Deficit(+) for year</b>	<b>2,144</b>	<b>2,180</b>	<b>36</b>	<b>0</b>	<b>-276</b>	<b>-276</b>

**Capital Budget Monitoring 2017/18**  
**April 2017 to June 2017**

**Appendix 3**

<b>Key:</b>
<b>+ = over spend / income shortfall</b>
<b>- = under spend / additional income</b>

<b>Portfolio</b>	<b>Profiled Budget to Qtr 1 £'000</b>	<b>Actual Spend to Qtr 1 £'000</b>	<b>Variance to Profile to Qtr 1 £'000</b>	<b>Current Budget £'000</b>	<b>Projection to Year-End £'000</b>	<b>Variance to Year-End £'000</b>
Growth & Investment	0	0	0	49	49	0
Corporate Resources	172	170	-2	953	953	0
Environment & Public Realm	171	157	-14	3,446	3,309	-137
Communities & Homes	80	132	+52	1,008	1,087	+79
<b>Sub Total General Fund</b>	<b>423</b>	<b>459</b>	<b>+36</b>	<b>5,456</b>	<b>5,398</b>	<b>-58</b>
Housing Revenue Account	1,074	1,099	+25	7,501	7,649	+148
<b>Overall Total</b>	<b>1,497</b>	<b>1,558</b>	<b>+61</b>	<b>12,957</b>	<b>13,047</b>	<b>+90</b>

## Performance Report for Cabinet Q1 2017/18

**Report Author:** Christopher Trezise (Performance Management & Improvement Officer)

**Generated on:** 17 July 2017



**RPMS**


### **How to analyse the trend data**

It is important to note that trend data is set to two extremes. Aim to maximise the value or aim to minimise the value. Some data that we collect is not measured against either of these trends and is just factual data.

This report is best viewed in colour so it is recommended to view the electronic version rather than printed black and white copies. The electronic version can be found on the intranet.

An upward pointing arrow is indicative of a positive trend and a downward pointing arrow is indicative of a negative trend.

N/A – When you see this in the trend box it means that the data is not measured against a trend so a trend arrow is not generated.

 - The blue trend arrows represent the long term trend. Long term looks at the data and compares it to the same period over a larger frequency – i.e. Months are compared for the same period last year, quarters compared to same period in previous year and Years are compared over 4 years.

 - The purple trend arrows represent the short term trend. Short term looks at the data and compares it to the previous frequency – either the last month, quarter or year.




 - The bar (both purple and blue) represents no movement in the trend.

Where the short term trend shows as negative then contextual commentary from the assignees and managers has been provided directly beneath the performance measure. Where seasonal trends occur, like at the Art Gallery or Leisure Centre, then contextual commentary will be provided on the long term trend instead.











## Communities & Homes Portfolio

### Equality & Diversity Data Set




Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>Ethnic Minority representation in the workforce - employees</b>	9.5%	Q1 2017/18				6 - CH Portfolio
This measure has only dropped by 0.1% and last year in 2016/17 the measure ranged between 8.5 and 9.7%						

### Homelessness Data Set

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>Number of homeless preventions made by Rugby Borough Council</b>	38	Q1 2017/18				6 - CH Portfolio
<b>Number of homeless preventions made due to financial advice being provided by Citizens Advice Bureau</b>	79	Q4 2016/17				6 - CH Portfolio
<b>The number of households accepted for re-housing</b>	47	Q1 2017/18		N/A	N/A	6 - CH Portfolio
<b>The number of homeless decisions made each quarter</b>	74	Q1 2017/18		N/A	N/A	6 - CH Portfolio




The Q1 data for the Citizens Advice Bureau is unavailable at the time of writing this report. This data should become available soon on the Rugby Performance Management System.

### Housing Rents Data Set

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis	Portfolio
<b>Rent Collection and Arrears Recovery</b>	95.51%	Q1 2017/18	  	6 - CH Portfolio

The percentage collected dropped by a mere 0.40% and remains within accepted 5% tolerance of the target.







### Housing Voids

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis	Portfolio
<b>Average void rent loss</b>	£487.80	June 2017	  	6 – CH Portfolio







April saw an increase in rent loss from Q4's relatively consistent figure. The rent loss for May dropped to under £300 which is the first time since April 2013. However the figure increased again in June to the highest rent loss figure since June 2016. There were a number of contributing and accumulative factors as to why there was an increase in rent loss for the month of June. It just so happened that these factors came together in terms of letting the properties in the same month so there was a big hit in one go.

Corporate Resources Portfolio

**Benefits Operational Dataset**




Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis		Portfolio
<b>Number of households in receipt of benefits</b>	6,019	Q1 2017/18		 	6 - CR Portfolio
<b>Benefits - average end to end time for claims (days)</b>	19.86	June 2017		 	6 - CR Portfolio













**Financial Data Set**

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis		Portfolio
<b>% of Council Tax collected (cumulative over 10 months per year)</b>	29.30%	Q1 2017/18		 	6 - CR Portfolio
<b>Percentage of Non-domestic Rates collected (cumulative over 10 months per year)</b>	29.6%	Q1 2017/18		 	6 - CR Portfolio

It is important to remember that these are cumulative measures and the short term trends are false adverse trends. The long term trend looks at the same quarter in the previous year and the value has dropped by less than 1%

**Gas Certification Data Set**

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis		Portfolio
<b>Percentage of properties with a gas appliance that have a valid gas certificate</b>	99.61%	June 2017		 	6 - CR Portfolio

Sickness Absence Data Set						
Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>Number of working days lost due to long term sickness absence</b>	901	Q1 2017/18				6 - CR Portfolio
<b>Number of working days lost due to short term sickness absence</b>	753.5	Q1 2017/18				6 - CR Portfolio
<b>Number of staff on long term sickness absence</b>	42	Q1 2017/18				6 - CR Portfolio
<b>Number of staff on short term sickness absence</b>	148	Q1 2017/18				6 - CR Portfolio










Short term sickness is showing a positive trend with less staff off on short term sickness and less days lost. Long term sickness is showing the opposite story.

In this quarter we have had a total of 31 people on long term sickness absence (+20 days). Of those 31 people 18 are now back at work.

Managers continue to work within the parameters of the Absence Management Policy. Early referrals to Occupational Health are offered for employees absent through musculoskeletal problems, stress or following surgery.







Environment & Public Realm Portfolio

Environmental Data Set						
Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>Cumulative Tonnage of household waste sent for reuse, recycling and composting</b>	20911	Q1 2017/18		N/A	N/A	6 - EPR Portfolio
<b>Percentage of household waste sent for reuse, recycling and composting</b>	39.1%	Q1 2017/18		N/A	N/A	6 - EPR Portfolio
The decrease is due to the reduction of garden waste during the first three months of the year as it was a very dry, but mild winter with little growth. There is also a trend across the UK with recycling decreasing due a reduction in government publicity and promotion etc. highlighting the reason to recycle						
<b>No. of Flytipping incidents reported</b>	279	Q1 2017/18				6 - EPR Portfolio

Food Hygiene Data Set						
Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>% of premises within the Rugby Borough that have attained the Food Hygiene Rating 5</b>	70.3%	Q1 2017/18				6 - EPR Portfolio
<b>% of premises within the Rugby Borough that have attained the Food Hygiene Rating 4 and above</b>	85.4%	Q1 2017/18				6 - EPR Portfolio
<b>% of premises within the Rugby Borough that have attained the Food Hygiene Rating 3 and above</b>	93.2%	Q1 2017/18				6 - EPR Portfolio

For premises attaining rating 3 and above the 2% drop from Q4 is not significant and is within normal fluctuation as we do around 400 inspections per year and it would only equate to around 2 businesses over the quarter.

**Parks Data Set**

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>Quality rating of Parks and the Grounds</b>	2.74	Q1 2017/18				6 - EPR Portfolio
<b>Average end to end time in days for determining applications of works to protected trees</b>	33.25	Q1 2017/18				6 - EPR Portfolio




High volume of work has led to time increase but only by 1 day compared to last quarter.

## Growth &amp; Investment Portfolio

## Benn Hall Data Set

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>No. of room bookings at the Benn Hall</b>	54	June 2017				6 - GI Portfolio
<b>Footfall through the door at the Benn Hall</b>	4,208	June 2017				6 - GI Portfolio

## Sports &amp; Rec Data Set

Performance Indicator (PI)	Latest Data Available		Performance Trend Analysis			Portfolio
<b>Total number of young people contacts - Borough wide ages 5-19</b>	20,781	Q1 2017/18		N/A	N/A	6 - GI Portfolio
<b>Total grant aid obtained from external funding sources</b>	£76,222.00	Q1 2017/18		N/A	N/A	6 - GI Portfolio
<b>Leisure Centre Visits</b>	60,129	June 2017				6 - GI Portfolio

***AGENDA MANAGEMENT SHEET***

**Report Title:** Implementation of recent revisions to the Equality Act 2010

**Name of Committee:** Cabinet

**Date:** 4<sup>th</sup> September 2017

**Report Director:** Head of Environment and Public Realm

**Portfolio:** Environment and Public Realm

**Ward Relevance:** All Wards

**Prior Consultation:** Licensing and Safety Committee

**Contact Officer:** David Burrows, Regulatory Services Manager Tel: 01788 533806

**Public or Private:** Public

**Report subject to Call-In:** Yes

**Report En-Bloc:** Yes

**Forward Plan:** Yes

**Corporate Priorities:** This report relates to the following priority(ies):  
ENVIRONMENT AND PUBLIC REALM - Protect the public

**Statutory / Policy Background:** Sections 165 and 167 of the Equality Act 2010 (the Act) came into force on 6 April 2017. They provide local authorities with the power to establish a list of wheelchair accessible vehicles ('designated vehicles'), and to require the drivers of such designated vehicles (unless they have a valid medical exemption) to transport wheelchair users, provide assistance and to ensure that wheelchair users are charged the same fares as



non-wheelchair users.

The Council's Taxi Licensing Policy refers to the use of wheelchair accessible vehicles and requires updating to reflect the inclusion of these provisions.

Sections 165 and 167 of the Act came into effect on 6 April 2007.

This Act includes seeking approval to establish and maintain a list of designated licensed vehicles to enable wheelchair users to be protected from discrimination when using the services of licensed wheelchair accessible vehicles in the borough.

**Summary:**

**Financial Implications:**

There are no financial implications arising from this report.

The establishment of a list of designated licensed vehicles will provide greater protection for wheelchair users in Rugby as the failure to comply with these duties to transport a wheelchair user and provide assistance is now a criminal offence.

**Risk Management Implications:**

The risk of not approving to establish a list of designated vehicles is that drivers would be able to refuse to take a wheelchair user, and not be legally bound to providing assistance.

Whilst the vast majority of drivers of wheelchair accessible are committed to providing an excellent service to wheelchair users, it is important that the Council takes every opportunity to formally adopt and incorporate provisions wherever possible.

**Environmental Implications:**

There are no environmental implications arising from this report.

**Legal Implications:**

The Council is under no legal obligation to establish a list of 'designated licensed

vehicles', however, it is considered essential and in the best interests of the public to have such a list.

Any vehicle owner whose vehicle is included on the list has the right of appeal to the Magistrates Court within 28 days of their vehicle being included on the published list.

**Equality and Diversity:**

The adoption of these provisions not only ensures that wheelchair users are protected when using licensed vehicles, but it also sends out, in the strongest terms, the message that the Council is committed to the principles of equality and diversity and ensuring that licensed drivers may not discriminate on grounds of disability.

**Options:**

- (1) to agree the recommendations of the Licensing and Safety Committee held on 4 July 2017; or
- (2) to not agree the recommendations made by the Licensing and Safety Committee held on 4 July 2017.

**Recommendation:**

- (1) The establishment of a list of designated wheelchair accessible licensed vehicles be approved; and
- (2) IT BE RECOMMENDED TO COUNCIL THAT -
  - (a) authority be delegated to the Head of Environment and Public Realm to approve any further vehicles to be added to the list of designated licensed vehicles, and to determine applications from drivers for a medical exemption from their duties; and
  - (b) the Council's Constitution be amended accordingly.

**Reasons for Recommendation:**

To ensure that wheelchair users are afforded every protection when travelling in licensed vehicles in Rugby, and to provide a legal basis for the Council to take enforcement action against any driver who fails to carry out their required duties.

**Cabinet – 4th September 2017**

**Implementation of recent revisions to the Equality Act 2010**

**Report of the Licensing and Safety Committee**

**Recommendation**

- (1) The establishment of a list of designated wheelchair accessible licensed vehicles be approved; and
- (2) IT BE RECOMMENDED TO COUNCIL THAT -
  - (a) authority be delegated to the Head of Environment and Public Realm to approve any further vehicles to be added to the list of designated licensed vehicles, and to determine applications from drivers for a medical exemption from their duties; and
  - (b) the Council's Constitution be amended accordingly.

**1. INTRODUCTION**

Sections 165 and 167 of the Equality Act 2010 (the Act) came into force on 6 April 2017. Section 167 of the Act provides local authorities with the powers to establish and maintain a list of wheelchair accessible vehicles ('designated licensed vehicles'), and section 165 then requires the drivers of the 'designated licensed vehicles', unless they have a valid medical exemption issued by the Council, to transport wheelchair users, provide passengers in wheelchairs with appropriate assistance, and to ensure that wheelchair users are charged the same fares as non-wheelchair users.

While the Council is under no legal obligation to establish a list of 'designated licensed vehicles' under section 167 of the Act, it is essential and in the best interests of the public to establish and maintain such a list. Without it, the requirements of section 165 do not apply meaning that drivers may refuse to take wheelchair users, do not have to provide assistance and could charge wheelchair users.

The Department for Transport has issued statutory guidance to local authorities on this matter and this is referred to below.

## **2. DESIGNATED LICENSED VEHICLES**

The Act states that a vehicle can be included on the list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit, but recommends that vehicles on the list should be those able to carry passengers seated in their wheelchairs.

The statutory guidance, provided as Appendix 1 to this report, states that to be placed on the list a vehicle must be capable of carrying some - but not all - types of occupied wheelchairs. The guidance recommends that a vehicle should only be included on the list if it would be possible for the user of a 'reference wheelchair' to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst travelling in their wheelchair. A diagram showing the type and dimensions of a 'reference wheelchair' is provided attached to this report as Appendix 2.

A 'reference wheelchair' could be described as an 'average' size manual wheelchair. However, there are a variety of different size and type wheelchairs available on the market, many of which will be larger than the 'reference wheelchair' including the powered wheelchairs.

Due to the wide range of sizes and types of wheelchairs, not all vehicles on the designated licensed vehicle list will be able to safely accommodate all types of wheelchair. The Act recognises this and provides a defence for the driver if the driver has reasonable grounds to believe that it would not have been possible for the particular wheelchair to be carried safely in the vehicle.

The Council already has a list of approved types of wheelchair accessible vehicles (makes and models) that may be licensed as hackney carriages in the borough.

The list upon which this report is focussed, to be introduced under section 165 of the Act, goes further, specifying individual licensed vehicles, together with, among other information, details of their registration numbers, hackney carriage licence numbers and details of the registered owner/keeper of the vehicle and details of the proprietor or company through which the vehicle may be booked, where applicable. A sample list is provided at Appendix 3.

In accordance with the guidance, the owners these vehicles will be advised that, as a fully wheelchair accessible vehicles licensed by Rugby Borough Council, their vehicle is to be included on the list of designated vehicles.

Accordingly, the owner/registered keeper of a listed vehicle will be expected to ensure that any person driving their vehicle has received appropriate training, and is aware of their duty/responsibility under the Act. If an individual driver is unable to fulfil that duty/responsibility then, in accordance with the Act, the driver will be made aware of the procedure for applying for a medical exemption (see below).

The guidance recommends that the implementation of sections 165 and 167 of the Act should take no longer than 6 months. It is therefore proposed that the list of designated vehicles will come into effect on 1 October 2017. This will allow for full

and proper notification to the trade, discussions with interested parties and groups, consideration of any exemptions, and so on.

The Act enables vehicle owners to appeal against the Council's decision to include their vehicles on the designated list. Any such appeal should be made to the Magistrate's Court within 28 days of the vehicle in question being included on the published list.

### **3. DRIVER RESPONSIBILITIES**

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and private hire vehicles. The duties are;

- to carry a passenger while in a wheelchair;
- not to make any additional charge for doing so;
- if the passenger decides to sit in a passenger seat, to carry the wheelchair;
- to take steps to ensure passengers are carried in safety and comfort and;
- to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is defined as assistance;

- to enable the passenger to get in and out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get in and out of the vehicle while in the wheelchair;
- to load the passengers luggage into or out of the vehicle and;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

It will be a criminal offence (unless granted an exemption on medical grounds) for the driver of a vehicle included on the designated licensed vehicle list to fail to comply with the above duties.

Where a driver has a medical condition, disability, or physical condition that makes it impossible, or unreasonably difficult, for them to provide the sort of physical assistance required, the Act makes provision for the Council to grant exemptions to individual drivers from carrying out these duties upon production of satisfactory medical evidence.

If an exemption is granted, then the driver will be issued with an exemption certificate and a notice, which must be displayed in the vehicle to make passengers aware.

The length of the exemption period is at the Council's discretion and will be based on the medical evidence provided.

All drivers will be made aware of the duties and of the medical exemption process. Drivers can appeal against the decision of the Council not to issue an exemption certificate to the Magistrate's Court within 28 days of the refusal.

#### **4. CONCLUSION**

Whilst the Council is not legally obliged to establish a list of 'designated vehicles', it is in the best interests of the public to have such a list. Without it, the requirements of section 165 do not apply meaning that drivers may refuse to take wheelchair users, do not have to provide assistance and could charge wheelchair users more.

Delegated authority is sought to enable the Head of Environment and Public Realm to approve any further vehicles to be added onto the designated list, and to consider requests from drivers for a medical exemption. This will provide for an efficient and speedy mechanism to approve.

Further discussions are to be held with representatives of the taxi trade on this matter, and Rugby Disability Forum will also be consulted.

Name of Meeting:  
Cabinet

Date of Meeting:  
4th September 2017

Subject Matter:  
Implementation of the Equality Act 2010

Originating Department:  
Environment and Public Realm





Department  
for Transport

# Access for wheelchair users to Taxis and Private Hire Vehicles

## Statutory Guidance

**Moving Britain Ahead**

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

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# Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in black ink that reads "Andrew Jones". The signature is written in a cursive, flowing style.

**Andrew Jones MP,  
Parliamentary Under Secretary of State, Department for Transport**

# 1. Introduction

## Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.

## 2. Putting the law into practice

### Background

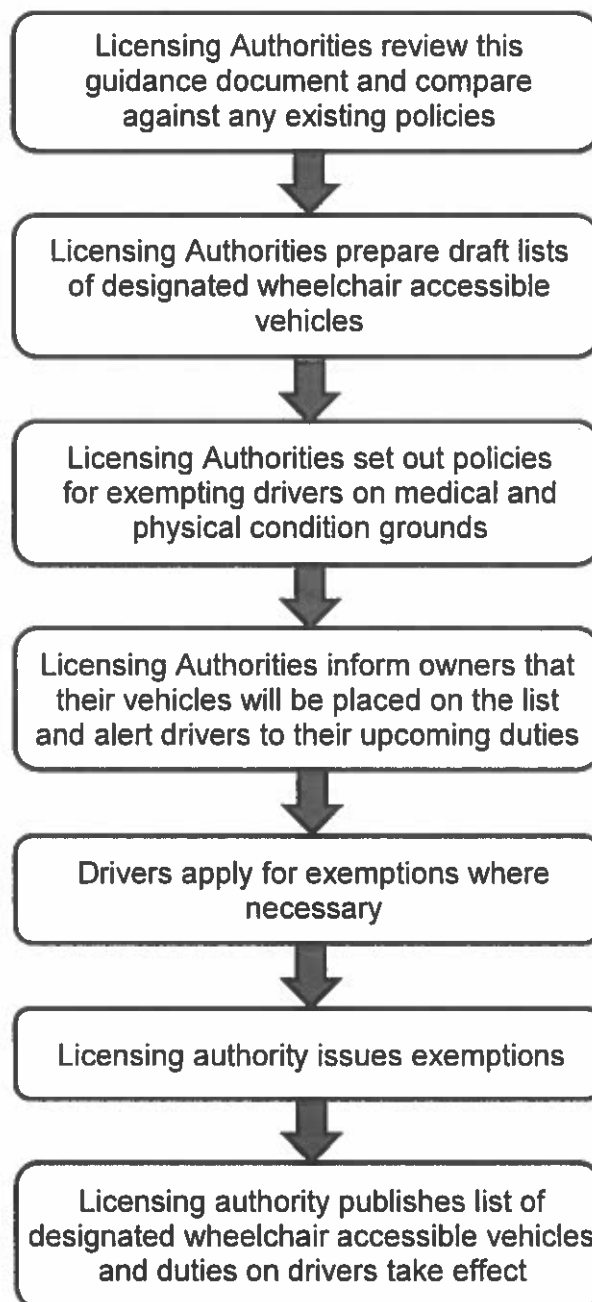
- 2.1 We have commenced sections 165 and 167 of the Equality Act 2010 ("the Act"), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. "designated vehicles"), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15<sup>th</sup> September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *"although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates"*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

### Transitional arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of

section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.



## 3. Vehicles

### Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

### Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"<sup>1</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

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<sup>1</sup> As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)



## Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

## Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.

## 4. Drivers

### Driver responsibilities

4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.

4.2 The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

4.3 The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff<sup>2</sup> may provide a useful resource.

4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.

4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

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<sup>2</sup>

<http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>

light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

## Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1<sup>st</sup> October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

## Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

## Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.

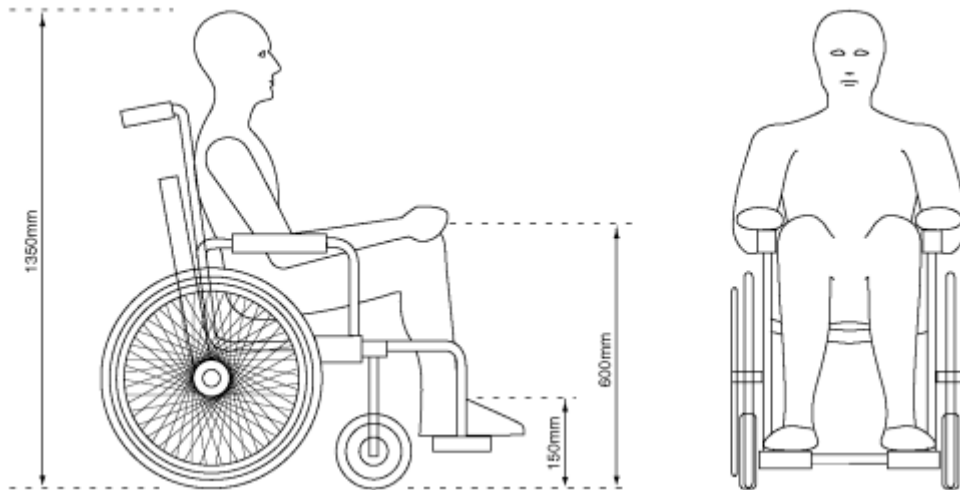
## 5. Enforcement

### Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

## Appendix 2

### Reference Wheelchair Type and Dimensions



# Appendix 3

## List of designated licensed vehicles provided under section 165 of the Equality Act 2010

<b>Make</b>	<b>Model</b>	<b>Colour</b>	<b>Registration Number</b>	<b>Vehicle Licence No</b>	<b>Registered Keeper</b>	<b>Proprietor</b>
Volkswagen	Caddy Max	White	DF59 RED	398	Mr Jo Bloggs	Abbey Cars
Citroen	Berlingo	White	GH78 YHN	016	Mrs Josephine Bloggs	Spelthorne Cars

**Special Council - 28th September 2017**

**Approval of Accounts for 2016/17**

**Report of the Head of Corporate Resources and Chief Financial Officer**

**1. Purpose of Report**

- 1.1 This report presents the statutory Statement of Accounts 2016/17 for approval by the Council.

**2. Background**

- 2.1 The Accounts and Audit (England) Regulations 2015, require authorities to prepare Statement of Accounts (the accounts) in accordance with proper practices. These require that the accounts are prepared by 30<sup>th</sup> June and approved and published by 30<sup>th</sup> September after the end of the financial year.
- 2.2 The draft 2016/17 statement of accounts were signed by the Head of Corporate Resources and Chief Financial Officers on 31<sup>st</sup> May 2017 and published on the Council's website. The draft accounts were also presented to the Audit and Ethics Committee at its meeting on the 29<sup>th</sup> of June 2017.
- 2.3 The accounts have since been subject to external audit by Grant Thornton LLP and final audited accounts are now presented to the Council for its approval.
- 2.4 In accordance with the Accounts and Audit Regulations and the Council's Constitution, the Statement of Accounts has to be approved by the Council before 30<sup>th</sup> September.
- 2.5 Prior to approval by Council, the final accounts are being presented for consideration to the Audit & Ethics Committee on 21<sup>st</sup> September 2017. Should any changes to the accounts arise from the Audit and Ethics Committee's review and scrutiny, an updated version of the accounts and other relevant papers will be distributed ahead of the Council meeting.

**3. The Statement Accounts 2016/17**

- 3.1. The statement of accounts, which has been circulated separately, comprises of the following financial statements;
- i) **The Narrative Report** - includes financial summaries which detail the actual spend and income for the year compared with the original budget; financial and non-financial performance; risks and a financial outlook



ii) **Expenditure Funding Analysis** – this is a new disclosure requirement for 2016/17 which shows how annual expenditure is used and funded from resources (government grants, rents, council tax and business rates) by local authorities in comparison with those resources consumed or earned by authorities in accordance with generally accepted accounting practices.

iii) **Comprehensive Income & Expenditure Statement** – records all of the Council's income and expenditure for the year, in accordance with generally accepted accounting standards. The top half of the statement provides an analysis by service area, in-line with the Council's structure. The bottom half of the statement deals with corporate transactions and funding.

The account is prepared in accordance with International Financial Reporting Standards (IFRS), however, regulations allow local authorities to reverse or replace certain items of income and expenditure. These items are summarised in the MIRS.

iv) **Movement in Reserves Statement** – This shows the amounts transferred to/from the various reserves held by the Council in order to provide services throughout the year, having taken account of statutory adjustments for financing.

The statement shows that useable reserves reduced by approximately £2.0 million, which was partially due to the planned transfer of £1.0 million of HRA balances for capital investment.

v) **Balance Sheet** statement is a “snapshot” of the Council's assets, liabilities, cash balances and reserves at the year-end date.

The Council's net worth increased from £109.4m to £161.8m mostly due to an £53 million increase in the valuation of the Council's housing stock, following the completion of the 5 yearly revaluation of this asset class during 2016/17.

vi) **Cash Flow Statement** – details the main revenue, capital, investment and financing cash movements during the year. Additional information is included within the notes to the accounts.

vii) **Housing Revenue Account (HRA) Statements** – In accordance with the statutory ring-fence, these show the income and expenditure relating to the provision of Council housing and also the overall amount taken from/contributed to HRA balances for the year.

viii) **Collection Fund Statement** – shows the transactions relating to business rates and council tax and illustrates the way in which they have been distributed between the Council, Central Government, Warwickshire County Council, Warwickshire Police and Parish Councils.

3.2. The notes of the main financial statements provide additional information to the readers on the figures included within the statements.

#### **4. Audit of the Accounts**

- 4.1. The accounts have been audited by Grant Thornton who have issued the attached audit findings report (Appendix 1) which states the financial statements give a true and fair view of the Council's financial position as at 31<sup>st</sup> March 2017 and that the auditors anticipate issuing an unqualified audit opinion by 30<sup>th</sup> September. In addition, they have concluded the Council has in place proper arrangements to secure economy, efficiency and effectiveness in the use of its resources.
- 4.2. Grant Thornton will provide a presentation of the issues arising from the audit to the Committee. The key changes to the statements, compared to the draft accounts, that management wish to bring to the Members' attention are:
- The inclusion of a Prior Period Adjustment note, which maps out the transition to the new presentation requirements for the Comprehensive Income and Expenditure Statement (CIES). The net cost of services was previously presented based on classifications determined by central government, but is now disclosed in a local reporting format. Guidance produced by CIPFA and other bodies was mixed and limited on the requirement to produce this note and subsequently the note was not included in the draft accounts of many other local authority statements.
  - The restatement of amounts included in the 2015/16 CIES comparatives for trading operations, to correct an error in the treatment of internal recharges. The effect of this error was to overstate the gross income and expenditure figures by approximately £2.0m, however there was no impact on the net surplus or any other balances in the accounts.
  - The correction of an error relating to the treatment of the Council's cash suspense account. A legacy cash credit of approximately £71,000 was held in error in a suspense account. Following the identification of this error during the audit the statements have been corrected to recognise this cash amount as income within the 2016/17 accounts, with the income flowing through to General Fund balances.
- 4.3. Appendix 2 is the Management letter of representation, which is to enable the Council to declare in writing that the statement of accounts and other presentations to the auditor are sufficient and appropriate and without omission of material facts to the best of the management's knowledge.

#### **5. Faster Closedown**

- 5.1. For 2017/18 local authorities will be required to approve and publish the accounts by 31<sup>st</sup> May and 31<sup>st</sup> July respectively (currently 30<sup>th</sup> June and 30<sup>th</sup> September). This represents a significant change to the Council's financial operations and a substantial challenge for the Financial Services team.

- 5.2. Through sound project management and a raft of system and process improvements, the draft Accounts this year were approved 31<sup>st</sup> May, significantly earlier than in previous years and in-line with next year's 2017/18 reduced statutory deadlines.
- 5.3. However, the Council recognises that in order to meet the requirements to publish the final accounts by 31<sup>st</sup> July more progress will need to be made. The Council will continue to explore ways to further enhance and expedite the closedown process. In particular, management are committed to working with the auditors and colleagues at other local authorities to further improve processes and working papers to ensure that the Council achieves the earlier statutory deadline.

