



Date: 19 April 2021  
Our ref: Cabinet/Agenda  
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## **CABINET**

**29 APRIL 2021**

A meeting of the Cabinet will be held at **5.30 pm on Thursday, 29 April 2021** via online viewing only using this link: <https://youtu.be/YBmRZsTXWS0>.

### **Membership:**

Councillor Everitt (Chair); Councillors: Whitehead, Albon, Duckworth and Yates

## **AGENDA**

### **Item No**

### **Subject**

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 8)

To approve the summary of recommendations and decisions of the Cabinet meeting held on 18 March 2021, copy attached.

4. **CORPORATE PERFORMANCE REFRESH 2021-24** (Pages 9 - 20)

5. **PROCUREMENT OF WORKS AT ROYAL CRESCENT, RAMSGATE** (Pages 21 - 32)

6. **THE FUTURE OF EAST KENT HR (EKHR)** (Pages 33 - 46)

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## Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

## Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

## CABINET

**Minutes of the meeting held on 18 March 2021 at 5.30 pm by Video Conference.**

**Present:** Councillor Rick Everitt (Chairman); Councillors Whitehead, Albon, Duckworth and Yates

**In Attendance:** Cllrs Garner, Wing and Towning

**715. APOLOGIES FOR ABSENCE**

No apologies were received.

**716. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**717. MINUTES OF PREVIOUS MEETING**

Councillor Everitt proposed, Councillor Yates seconded and Members agreed the minutes as a correct record of the meeting held on 28 January 2021.

**718. COASTAL & BEACH PUBLIC SPACES PROTECTION ORDER (PSPO)**

Councillor Albon presented the report and members noted the following:

- A new PSPO is proposed to replace all previous beach byelaws.
- It focuses on education and changing behaviour primarily.
- There will be an increased enforcement presence including externally funded warden patrols who will provide support with:
  - making rules clear
  - challenging behaviour
  - presenting as a deterrent
- The PSPO includes tighter controls on the use of Personal Powered Watercraft and the ability to fine those behaving antisocially.
- Changes have been made to the report in response to comments from OSP, Members' Briefings and the consultation feedback.

Jasmin Vickers, Director of Environment, updated Members on the Jet Ski amendments to the code of conduct:

- The original plan was to remove access to all launch places unless users became members of the local clubs.
- This was rejected after consultation and the plan now is to close the Margate launch site but leave the Ramsgate Eastcliff site, reviewing again after this season.
- Users need a PWC proficiency qualification - with a grace period provided for those with club memberships.
- Other requirements include that riders must be over 17 years old, vehicles must not be modified, they must have insurance and display the number plate clearly. Breaches will result in termination of membership and/or a fine for irresponsible jet ski usage according to the rules of the PSPO.
- Launch sites will be restricted with key access.
- There will also be an additional safety measure of installing buoys around the swim area at Ramsgate.

Councillors Wing & Ashbee spoke under Council Procedure Rule 20.1.

Councillor Albon proposed, Councillor Everitt seconded and members agreed to adopt the new beaches and coast PSPO on 18 March 2021, in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

## **719. DOG PUBLIC SPACES PROTECTION ORDER AMENDMENTS (PSPO)**

Members considered the report previously presented to the Overview and Scrutiny Panel on 18 February 2021.

It was noted that:

- The existing PSPO will be extended to 25 October 2023, covering dog control, dog fouling and dog exclusion.
- The majority of the PSPO will remain the same as has been in force for the last three years, with 2 amendments:
  1. Pegwell Bay; amend to cover upper chalk shore to protect endangered wildlife. Feedback has been positive and should proceed with amendment.
  2. Activities that could be banned to protect wildlife; Humans and dogs interfering with, trapping or attempting to trap or snare or disturb any wildlife on council owned land. Feedback has been positive and should proceed with amendment.
- Both amendments are aimed at helping to protect wildlife.
- A third amendment, following consultation, will not be taken forward:
  3. Westbrook Bay - Currently dogs must be kept on a lead -consultation suggested change to become a dog ban in bathing season - people responded in the majority against this change therefore no amendment or change should be taken forward.

There was no further discussion from Members.

Councillor Albon proposed, Councillor Everitt seconded and Members agreed to approve that the current PSPO is amended to last until 2023 and adopted in accordance with the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

## **720. NEW OPEN SPACES GRASS CUTTING REGIME FOR POLLINATORS**

Members considered the report presented by Councillor Albon, during which the following points were made:

- Pollinator decline is a serious issue across Europe, which threatens our food supply.
- The most significant cause is the loss and degradation of habitats.
- Advice has been sought from The Bumblebee Trust and Plantlife UK on what TDC can do to address this problem. They suggested two changes:
  1. Reduced cutting on selected areas of large open spaces, such as those along the coast, to create native wildflower meadows. As we have a geology of chalk, the Bumblebee Trust advises that a simple reduction in mowing (no mowing between April and September) will reveal wonderful native chalk grasslands, flowers and wild areas for pollinators to feed and live.
  2. No Mow May (no cutting during the month of May) in our parks (apart from football pitches) to increase the number of smaller flowers for pollinators in our parks.

- Walkways will be cut to show that the areas are still being managed.
- Allocated areas will also be in close proximity to cut grass areas, so not to impact social use of the space.
- Signage will be installed.
- Feedback will be monitored closely.

Councillor Garner spoke under Council Procedure Rule 20.1.

There was no further discussion on this item from Members.

Councillor Albon proposed, Councillor Everitt seconded and Members agreed the following:

1. To approve the proposed change in cutting regimes, with monitoring of public perception and feedback.
2. To delegate authority to the Director of Operations, in consultation with the Cabinet Member for Operational Services, to approve minor amendments to the policy.

Meeting concluded : 6.15 pm

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## Corporate Performance Refresh 2021-24

<b>Cabinet</b>	29 April 2021
<b>Report Author</b>	Hannah Thorpe - Director of Communications
<b>Portfolio Holder</b>	Cllr Rick Everitt, Leader of the Council
<b>Status</b>	For Information
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	All

### Executive Summary:

The council is refreshing its approach to how it both monitors and reports on corporate performance. New performance indicators are set out within this report and are intended to demonstrate progress against the council's Corporate Objectives; Environment, Communities and Growth. This approach aims to provide the public with clear and easy to access information on how key services are performing and supports residents' feedback that they would like the council to be efficient, transparent and responsive.

Cabinet is asked to comment on the proposed new Corporate Performance approach and measures.

### Recommendation(s):

That Cabinet notes the proposed new approach.

### Corporate Implications

#### Financial and Value for Money

*There are no direct financial implications within this report. All activities listed in future performance reports will have been planned within the Council's agreed budget. Remedial actions will usually be carried out within existing budgets, where this is not possible funding proposals will be taken through the appropriate channels in keeping with the Council's established financial controls.*

#### Legal

*There are no legal implications directly arising from this report*

#### Corporate

*This is the proposed new approach to how the council monitors and reports on progress against the Corporate Objectives as agreed at Council. Future reports will provide details of performance against the new indicators.*

## **Equality Act 2010 & Public Sector Equality Duty**

*Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.*

*Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.*

This report relates to the following aim of the equality duty: -  
(Delete as appropriate)

- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*

*The report looks to monitor the performance of the Council across all the residents within the District. An Equalities Impact Assessment has been undertaken and there is no reason to state at this time that the content of the Corporate Objectives will negatively impact on any groups with protected characteristics. The priorities focus on improving the quality of life in Thanet for all. Opportunities to further the aims of the Duty will be investigated during equality impact analysis of individual projects, plans and strategies arising from the priorities.*

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Growth*
- *Environment*
- *Communities*

## **1.0 Introduction and Background**

- 1.1 The council's corporate objectives set out in the Corporate Statement, determine the strategic direction for the council. They influence annual operational service plans and employee's annual appraisals, so the organisation is working collectively towards the same goal. Performance management is a key part of the corporate governance process and adds value by helping to ensure accountability of the performance of the council's services against the corporate objectives. This helps to encourage enhanced accountability and continuous improvement.

- 1.2 The council has been monitoring progress against the former Corporate Plan 2015-2019 with quarterly reports going to the Overview and Scrutiny Panel and Cabinet. The reports were a backwards look at the previous quarter. They highlighted progress over time; celebrating highlights and identifying necessary improvements and actions. Performance targets were set and progress reported each quarter on a red, amber, green system. The reports included key performance indicators which were identified to demonstrate progress with the three corporate priorities for the council. Contextual indicators were also provided which were not assigned targets and were broadly areas of work which the council was either not directly responsible for, or where data was not recorded in a way which meant that meaningful targets could be set.
- 1.3 In 2019 a new Corporate Statement (2019-2023) was adopted by the Council. It sets out new corporate objectives for the Council to focus on; Environment, Communities and Growth.
- 1.4 To support this new Corporate Statement, new performance measures were due to be implemented from 1 April 2020. This business as usual activity was delayed however due to the redeployment of council resources to support the response to the global COVID-19 pandemic. As an interim measure for April 2020 - March 2021, corporate performance continued to be monitored against the previous corporate priorities.
- 1.5 We now need to agree and implement new performance indicators to reflect the new Corporate Statement.
- 1.6 As part of this approach, recognition should also be given to the feedback the council receives each year from local people as part of its annual residents' survey. Consistently residents tell the council that feeling safe, clean streets and thriving towns are the things that matter most and they want the council to be efficient, trusted, transparent and responsive.

## **2.0 The Current Situation**

- 2.1 New performance measures need to be identified to monitor progress against the new corporate objectives - Environment, Communities and Growth.
- 2.2 In addition to introducing new performance measures, it is also proposed to use this opportunity to undertake a wider refresh of the way performance management is coordinated more generally by the council. This is to create a more effective tool for services internally and also crucially to improve the information we share with our residents externally, so we provide insight into the things that matter most to local people and to do so in a clear and transparent way. By changing our approach the aim is to move the focus away from simply reporting on the numbers which show how much we do as a council and understand more about the impact and whether our residents and the customers of our services are better off as a result.

### **2.3 Proposed changes to the corporate performance management approach**

- 2.3.1 Reduce the number of measures.

Within the former performance report there were 47 indicators. The proposal is to reduce this to 31 indicators which provide more insight into the areas we know matter most to residents. Over time, the level of data provided behind each individual measure can be increased. This will provide greater context and a more meaningful overall picture, thereby not diminishing the amount of information being provided to residents.

### 2.3.2 Align the measures to the new corporate objectives.

Performance data is proposed to be presented based on the corporate objectives: Environment, Communities and Growth. A new 'efficiency' category will also be introduced which will capture some of the previous statistical data to highlight that the council is working as efficiently as possible for local people.

### 2.3.3 Publish live performance data on the website.

The previous performance report was published at the end of each quarter and presented a backwards look on key service performance. Presenting the data live on the website will provide a more accurate picture of council performance at any given time and will mean residents will be able to access key information 24/7. It will also mean that when members are considering the data, they will have access to more up to date information at the time of committee meetings, aiding a more meaningful discussion.

### 2.3.4 Create interactive data on the website.

On the website, care will be taken to ensure the data is presented in a clear and engaging way. Interactive graphs will be provided within a new section of the website dedicated to council performance. It will be presented in the three key corporate objectives and new efficiency category. Over time, the ambition is to provide a greater level of data behind each individual measure. This will allow residents the opportunity to select which data they review and in how much detail, on the basis of the services that interest them the most.

### 2.3.5 Remove targets

Within the previous corporate performance process, targets were set based on the most challenging of either, the last 12 months of activity, the current year target and/or the average benchmark (CIPFA, APSE etc) for the latest available period of time. It is becoming more widely accepted that the setting of targets is a little outdated and often means that discussions around performance focus on the numbers and often very little on the actual impact upon people. By providing live data on council performance, the council will still mean people can hold the council to account. As the new performance approach evolves, the proposal is to develop an acceptable standard for each measure or baseline, which is the level of service that the council is committed to delivering for any given indicator.

## 2.3.6 More emphasis on customer satisfaction

To assist with the proposal in 2.3.5, the proposal is to supplement the removal of targets, with an increased emphasis placed upon customer satisfaction. This is to ensure that customers are actively asked for feedback on their experience of the services they have directly accessed. This information can then be used to directly help improve the services the council provides.

## 2.3.7 Reduce the frequency of reporting.

Currently, corporate performance reports are presented to the Overview and Scrutiny Panel and subsequently Cabinet every quarter. This level of frequency doesn't allow a significant time for key trends in performance to change and often members are presented with a very similar picture each quarter. Presenting data live on the website will reduce the reliance on providing performance data to Councillors and the public in the previous reporting format, as the information will be available all of the time. The role of the Overview and Scrutiny Panel reviewing the performance of key council areas is still important however and with more regular access to performance data, the role of the Overview and Scrutiny Panel could be enhanced to use meetings for a deeper dive into specific service performance. The proposal is therefore to consider reducing the corporate performance item to every six months.

## 2.4 Proposed performance indicators

2.4.1 The specific proposed performance indicators are attached at [Appendix 1](#).

## 2.5 Feedback from the Overview and Scrutiny Panel

2.5.1 The proposed approach was presented to the Overview and Scrutiny Panel on 17 March 2021. The full feedback can be viewed in the published minutes of the meeting.

2.5.2 In summary, the Scrutiny Panel gave the following suggestions.

Suggestions to consider	Comment
Could more measures be added to the corporate objective 'Growth' as there are notably fewer.	More indicators will be added.
Could there be a measure added on community wealth building?	Yes - this will be added.
Could more regular customer satisfaction surveys (within the services)	Yes - mechanisms to capture more regular service level customer feedback

be undertaken to supplement the more general annual residents' survey?	will be introduced.
Please ensure enforcement activity is captured - this is something which matters to local people.	This will be included.
The measure regarding trees - please could this be captured for hedges and hedgerows too?	This will be reviewed to establish whether this data is held and/or could be captured.
Recycling measure - could we capture how much is sent to incineration?	This will be reviewed to establish whether this data is held and/or could be captured.
Greenhouse gasses - could we capture how much CO2 from all council housing?	This will be reviewed to establish whether this data is held and/or could be captured.
Complaints - is the number of complaints the right measure? Does this capture the quality of how they were handled? Is there something different we could use to demonstrate efficiency of the council - for example we used to capture calls answered etc.	This measure will be reviewed to establish a more suitable alternative indicator.

## 3.0 Options

- 3.1 To consider the proposed approach to corporate performance.
- 3.2 To consider the proposed performance indicators (Annex 1).

## 4.0 Next Steps

- 4.1 The indicators at Annex 1 to be updated to reflect the feedback from the Scrutiny Panel.
- 4.2 The council's Corporate Performance Management Framework will be updated to reflect the new approach.
- 4.3 The new corporate performance approach will be implemented with immediate effect and will run concurrently alongside the life of the Corporate Statement. The new approach will be subject to continual review to ensure it is effective and is likely to evolve and improve over time.

Contact Officer: Hannah Thorpe, Director of Communications  
Reporting to: Tim Willis, Deputy Chief Executive

**Annex List**

Annex 1: Proposed corporate performance indicators

**Background Papers**

*None*

**Corporate Consultation**

**Finance:** Chris Bundell Director of Finance

**Legal:** Estelle Culligan Director of Law and Democracy

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### Appendix 1: Proposed new corporate performance indicators

Measure name	What is being measured	Section
Empty homes brought back into use	Homes empty for more than 6 months, returned to use following council intervention	Communities
Number of homes where action taken to improve living conditions	Homes where Category 1 and/or 2 hazards have been resolved following council intervention.	Communities
Number of empty homes in the district	Background data including all homes that have been empty for more than 6 months	Communities
Number of homeless cases prevented	Households where action from the council has enabled a household to stay in their home or to secure a new home.	Communities
Households in temporary accommodation	Number of statutory homeless households in TA.	Communities
All new homes completed	All homes, all tenures.	Communities
Affordable homes completed	Includes all TDC and HA homes, social, affordable and intermediate rented and shared ownership.	Communities
Average relet time for council homes	Average time from termination to tenancy start for all voids, excluding where a decision has been taken to hold a property empty.	Communities
Rent arrears	Total current rent arrears as a proportion of the debit	Communities
HRA Capital Programme Delivery	Proportion of capital programme milestones reached. Procurement advertised, contract let, start on site, completion of works.	Communities
Tenant and Leaseholder Health and Safety Compliance	Overall compliance score - A combined score based on detailed workstream reports for each of the main six areas of compliance.	Communities

## Agenda Item 4

### Annex 1

Planning Appeals	Percentage of planning appeals dismissed - Minimum 60%	Communities
TDC Greenhouse emissions	Greenhouse gas emissions from gas, electricity and petrol/diesel that TDC procures (Scope 1 and 2 emissions)	Environment
Trees	Number of trees removed and planted on TDC Open Spaces	Environment
% of area of open spaces managed for pollinators	% area of TDC open spaces managed for pollinators	Environment
Unemployment	Measure unemployment rates using Nomis data	Growth
Wages	Measure wages using Nomis data	Growth
Recycling rate	% of waste recycled	Environment
% of bins collected	Collected bins as total bins that should be collected	Environment
Percentage of randomly inspected sites which are mainly free from litter or refuse	Random Sample of streets in the district	Communities
Residents (customers of the service) satisfaction with the enforcement service	Customer survey	Environment
1st response with in service standard	for all enforcement types + beach complains except stray dogs	Environment
Enforcement actions taken	Total enforcement actions taken	Environment
Residents Survey - Public opinion of the Street Cleaning Service	Public Opinion	Environment
Public opinion of Parks and Open Spaces	Public Opinion	Environment
Public opinion of the Recycling Service	Public Opinion	Environment
Public opinion of whether the council provides Value for Money	Public Opinion	Efficiency

## Agenda Item 4

### Annex 1

% Council Tax collected		Efficiency
% Business rates collected		Efficiency
Complaints received	Number of complains	Efficiency
FOIs responded to within the service standard	FOI Data request that completed in the ICO timeframes	Efficiency

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## Procurement of Works at Royal Crescent, Ramsgate

<b>Cabinet</b>	29 April 2021
<b>Report Author</b>	Sally O'Sullivan, Tenant and Leaseholder Services Manager
<b>Portfolio Holder</b>	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing & Community Services
<b>Status</b>	For Decision and or For Recommendation
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Yes
<b>Reasons for Key</b>	An Executive Decision that involves incurring expenditure anticipated to be £250,000 or above.
<b>Ward:</b>	Central Harbour

### Executive Summary:

This report seeks authority for the council to enter into a new contract for works to its housing stock, subject to the approval of the required budget by full council.

The proposed works are a 3 phase programme of structural works and passive fire works at 4-15 and 19-23 Royal Crescent, Ramsgate,

The value of the estimated value of the contract is detailed in the report and exceeds £250,000.

### Recommendation(s):

Cabinet is asked to agree to:

1. The letting of the contract for the structural works and passive fire safety works at Royal Crescent, Ramsgate, as detailed in this report, subject to the approval of the required budget by full council.
2. The slippage of £800k from the current 2020/21 HRA capital programme against expenditure on this project during the financial year 2021/22.
3. Recommend to full council that the additional budget requirement of £1.978m be allocated to the HRA capital programme, from the HRA Major Repairs Reserve for the financial years 2022/23 and 2023/24.
4. The proposed options for the recharging of apportioned costs to leaseholders, as set out in section 6 of this report.

## Corporate Implications

### Financial and Value for Money

Housing Revenue Account revenue and capital budgets are reviewed annually and include provision for structural works that are a matter of health and safety, structural works that will ensure a property is water tight and passive fire safety works.

There is sufficient funding within HRA balances and the HRA Major Repairs Reserve to fund the capital costs set out in this report, assuming a phased approach over the financial years 2021/22, 2022/23 and 2023/24 is adopted.

Detailed budgets will be reviewed and amended in line with the actual tendered costs of these works at the earliest opportunity.

### Legal

The council, as a landlord of residential buildings, has a statutory responsibility to ensure that they are properly maintained.

The legal issues in relation to the charging of apportioned costs to leaseholders are set out within the body of this report.

### Corporate

The council's Corporate Statement sets out its commitment to, 'Improve standards and safety in homes across all tenures.

### Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty:

- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*

The council's tenants and leaseholders include residents that have protected characteristics as set out in the Public Sector Equality Duty.

The completion of the works set out in this report will benefit all tenants and leaseholders, including those with protected characteristics.

## CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Communities*

### 1.0 Introduction and Background

- 1.1 The council owns approximately 3,400 tenanted and leasehold homes. All costs, investment and income for these homes is managed with the council's Housing Revenue Account, and budgets for revenue and capital works are reviewed annually.
- 1.2 In addition to the annual review of revenue and capital budgets, key decisions are also required for any expenditure that:
  - is for works or services that exceed £250,000, or
  - is for a contract over a number of years with an expected value in excess of £750,000.
- 1.3 The letting of the contract detailed in this report is therefore considered to be a key decision.

### 2.0 Royal Crescent

- 2.1 The council owns two buildings within the historic Royal Crescent, situated in St Augustine's Road, Ramsgate, the block overlooks the sea and the Westcliff Promenade. These regency buildings are considered to be of significant heritage value and are grade II listed. The two buildings owned by the council are 4-15 and 19-23 Royal Crescent. The buildings are divided into 16 and 6 flats respectively, of which 12 are tenanted and 10 sold as leasehold, under the right-to-buy legislation.
- 2.2 This is a programme of works to cover the council's landlord obligations to maintain properties by carrying out essential structural works and passive fire works to both buildings. The buildings are listed and protected by Heritage, which adds complications to any works we want to undertake.
- 2.3 Due to the age, heritage value, risk and complexity of the property, the delivery of the programme will span over three/four years. This will allow for better control of expenditure and reassessment of any new information about the building that emerges during the progress of works. Further information about the proposed scope of works and phasing is attached at annex 1.
- 2.4 The council has appointed specialist consultants to advise about the heritage aspects of the project and the scope of works, prepare tender documentation and support the procurement of a suitable contractor.

### 3.0 Scope of works

- 3.1 It is proposed that the council procure a contractor to undertake a 3 to 4 year phased programme of works. A single procurement will present benefits in terms of financial and time efficiencies, in comparison to the separate procurement of each phase.

- 3.2 The current pre-tender cost projection for the whole project is £2.778m. This cost breaks down, cross the three proposed phases of work are set out below:
- Phase 1 (2021-22 and 2022-23): £2.023m
  - Phase 2 (2023/24): £235k
  - Phase 3 (2023/24): £520k
- 3.3 Phase 1 includes all scaffold dependent works. This will include structural repairs, water tightness and passive fire measures to the main structures, refurbishment as necessary of the roofs and downpipes, the repairs/refurbishment of the doors and windows, balconies and external decorations.
- 3.4 These works are considered to be essential, these will address current health and safety risks posed to the residents as the balconies are currently unstable and are supported by scaffolding. The passive fire safety works will increase safety in the case of a fire by improving compartmentation between individual properties and the communal areas.
- 3.5 Phase 2 works are also considered to be essential, although less urgent and not scaffold dependent. The will include the extensive repairs and modifications have been noted to boundary walls, structural elements of the basements and courtyard areas.
- 3.6 Proposed phase 3 works are considered to be optional. Once the structural works have been completed, including making the basement areas watertight, they will need time to completely dry out. This will allow time to review the future uses of the basement areas, particularly in block 4-15 Royal Crescent which is in a much poorer condition than basement areas in 19-23 Royal Crescent. The options might include repairs and improvements to the shared areas of the basement, reconfiguration of storage area and decorations. Alternatively the basement areas could be closed off, with only essential repairs completed, which would reduce the currently estimated £520k cost. It is proposed to consult with tenants and leaseholders about the possible range of options and costs for the basement areas, including a consultation with leaseholders about the levels of any recharges for these works.

### **4.0 Budget Implications:**

- 4.1 The current 2020/21 HRA capital programme includes £700k that is approved for structural repair works at Royal Crescent. In addition a further £100k can be reallocated to this project from underspends elsewhere in the programme. It is proposed to carry this £800k forward into 2021/22 to cover the first tranche of costs from phase 1.
- 4.2 Additional amounts, totalling £1.978m will be required to complete the programme of works as follows:
- £1.223m for the completion of phase 1 works during 2022/23,
  - £235k for phase 2 in 2023/24, and
  - a provisional £520k for phase 3 also in 2023/24, depending on the scope of works agreed with tenants and leaseholders.



It is important to note that these are pre-tender estimates and may change once contract sums are known, and following consultation about phase 3 with tenants and leaseholders.

- 4.3 This report therefore proposes that Cabinet agrees to allocate £800k of the current HRA capital programme to phase 1 works to be completed during 2021/22, and that Cabinet recommends to full council that the additional amounts required to complete the programme of works be allocated to the 2022/23 and 2023/24 HRA capital programmes from the HRA Major Repairs Reserve. The HRA Major Repairs Reserve is topped up annually with contributions from the HRA and the earliest that these funds could be made available within the reserve is 2022/23.

## 5.0 Procurement

- 5.1 The procurement is proposed to be via open tender and will be evaluated upon the most economically advantageous tender (MEAT). The terms of the contract will be under the JCT Minor Works contract 2016.
- 5.2 The council has appointed specialist consultants to support the work of obtaining any necessary consents, in particular listed building consent, preparing specifications of work and tender documentation and of evaluating tenders submitted and selecting a suitable contractor.
- 2.7 As both buildings include a number of leasehold flats, the procurement will be subject to a statutory section 20 consultation. This consultation provides leaseholders with the opportunity to comment on the proposed works and method of procurement, and provides for the council to recharge legitimate costs to leaseholders, where these are due under the terms of lease agreements.

## 6.0 Leasehold charges

- 6.1 Based on the estimated costs set out in this report, leaseholders will become liable for substantial contributions to the costs, once work to apportion costs in accordance with the terms of lease agreements is completed.
- 6.2 These costs could be as high as £177k to £217k for the block at 19-23 Royal Crescent and £94k to £164k for the block at 4-15 Royal Crescent. Although the total costs at 4-15 Royal Crescent will exceed those at 19-23 Royal Crescent, there are fewer flats in the smaller building to apportion costs across. These costs would reduce if a reduced scope of works for phase 3 is agreed with tenants and leaseholders.
- 6.3 In normal circumstances these costs would be invoiced to leaseholders during the financial year following the completion of the works. However the large amounts involved mean that this is not a normal circumstance and lump sum payment is not realistic. It is therefore proposed to offer leaseholders the following additional options for payment:
- Payment by installments, over an agreed number of years, supported by a voluntary legal charge registered against the property asset.
  - A legal charge registered against the property, requiring repayment in the event of the property ownership changing. Meaning the full value of the charge would be recoverable on sale of the property.

- 6.4 Some leaseholders have already paid amounts into a reserve account for future repair costs, and these amounts can be used to help reduce future invoice costs.
- 6.5 The option to not charge leaseholders for the appropriate proportion of the costs has been considered and is not recommended. This is because the costs would effectively fall to the council's wider tenant body, through their rent charges, if leaseholders were not charged. Officers have considered appropriate legal advice before concluding that not charging leaseholders for the appropriate proportion of the costs is not recommended. This legal opinion advised that:
- Although it would be legal and within the Council's discretion to not recover the full apportioned costs from leaseholders, any decision to reduce costs, would have to be taken in the full understanding of the implications for the council's wider tenant body, including the potential need to delay other programmes of work elsewhere.
  - It would not be legal to decide to not recover any costs from leaseholders and that the council is under a duty to ensure that the needs of tenants and leaseholders are balanced.
  - Any arbitrary cap on the costs for leaseholders is likely to be unlawful, unless it is supported by a clear rationale.
- 6.6 The legal advice received proposes an alternative approach to avoid these charges causing financial hardship or bankruptcy to any individual leaseholder. It proposes that:
- Appropriately apportioned charges should be applied to leaseholders in the usual way, except that leaseholders will be offered the opportunity to secure the debt as a charge against their property with the opportunity to pay by installments or lump sum on sale of the property, and
  - That if the full amount could not be repaid from the proceeds of sale (provided it were not sold at an undervalue) and the lessee had no other income or assets that would enable them to pay the charge without causing financial hardship or bankruptcy, then the council consider, on a case by case basis, writing off any unpaid balance.

This approach to the recovery of leaseholder charges is therefore proposed.

Contact Officer: Sally O'Sullivan, Tenant and Leaseholder Services Manager  
Reporting to: Bob Porter, Director of Housing and Planning

## Annex List

Annex 1: Summary of works required at Royal Crescent, Ramsgate and their estimated costs.

## Background Papers

*None*

## Corporate Consultation

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Estelle Culligan, Director of Law and Democracy



## **Royal Crescent - Ramsgate** 29.04.2021

Cabinet Report Annex 1

Thanet District Council  
Cecil Street  
Margate, CT9 1XZ

## Project Overview

We have appointed Kendall Kingscott to act as our consultant in the completion of the essential repairs and maintenance to 4-15 and 19-23 Royal Crescent, historic listed buildings on the seafront in Ramsgate.

### **General Description of Works for which services are required:**

1. Provide lead architect and specialist sub-consultant services for essential repairs and refurbishment to a grade 2 listed building at 4-15 and 19-23 Royal Crescent, Ramsgate. Constructed in the early 19th century the buildings are situated in a conservation area.
2. The works envisaged but not limited to are :
  - a. Repairs to roofs, chimneys and parapets.
  - b. Repairs to Façade, balconies, rainwater fittings and external joinery.
  - c. External decoration.
  - d. Internal repairs and upgrades to communal areas.
  - e. Internal decoration to communal areas.
  - f. Electrical and emergency lighting upgrades.
  - g. Refurbishment of basement and storage areas.

The required works would be in line with those that ensure that the property and that particular element comply with the decent homes standards by being free from damp, structural disrepair etc. and we would leave this suitably decorated.

Both properties have retained their original facades on the south elevations facing the seafront and show similar defects, whereas treatments to the north elevations vary considerably. While Nos. 4 - 15 have lost much of their original character, Nos. 19 - 23 have largely retained their original elevations with the formation of an entrance lobby at ground level only. External light wells and garages to both properties built or altered since the construction of the terrace have markedly impacted on the appearance from St. Augustine's Road.

### **Nos 4 - 15**

The South elevation (facing seawards) is of solid brickwork, finished in stucco with some faint areas of stone effect or rustication at the upper levels and heavily rusticated areas from Ground Floor level down.

The elevation includes decorative pilasters and banding within the stucco and relief panels of inset balusters at parapet level. The stucco finish is uneven and in some areas cracked which would be expected given the age of the building. Some cracking from the window lintels at upper levels was evident. The canopy roof is in a reasonable state given its age. The balustrade and canopy support metalwork is rusting and is currently being supported by scaffolding. Railings appear to be original but are in various areas are rusting and broken with balusters or finials missing and loosely bedded into their fixings.

Windows, French windows and doors appear to be original timber with secondary glazing fitted internally to most flats. French windows at Ground Floor and Basement levels provide access to the grassed area of Royal Crescent via stone, concrete or replacement metal steps, several of which are chipped and cracked or have no handrails. Retaining walls run parallel and close to the elevation and are accessible from French windows at basement level or from steps to the grassed area. Cracks and bulging brickwork were evident in a number of locations.

The North elevation (on St. Augustine's Road) is of solid fair faced brickwork finished in render, accessed via external decks connected to a single external staircase in brickwork and flint finish with concrete steps, exposed to the elements at landing levels. The original internal staircases have been removed, it is assumed around the same time that the external deck access was formed.. At basement level outlines of internal staircases are still visible along some walls. Several issues with regard to the basements and external deck access were noted.

The main roof is double pitched while the balcony and stairwell roofs are flat and look to be finished in felt.

Roof drainage is routed via external parapet gutters to the north and south elevations which drain internally to open gutters within the loft spaces. Residents have advised that these internal gutters are cleared approximately five times per year, but some areas of damp were noted and bird ingress, as wire mesh guards across the openings were dislocated in some lofts. Access is extremely limited to these areas, and the insulation levels vary across the lofts inspected. The planning application referred to previously proposed the replacement of these gutters with an enclosed pipe.

The chimney pots are a mix of original and replacements, some of appropriate pattern and some more contemporary. Flaunching is cracked in places and given the height of the stacks brickwork is likely to require some structural stabilising.

### **Nos. 19 - 23**

The South elevation is also of solid brickwork, finished in stucco with some faint areas of stone effect at the upper levels. The elevation includes decorative pilasters and banding within the stucco. The finish is uneven and in some areas cracked, again which would be expected given the age of the building. Some cracking from the window lintels at upper levels was evident. The canopy roof is in a poor state. Railings appear to be original but are in various areas rusting and broken with balusters or finials missing and loosely bedded into their fixings.

Windows, French windows and doors appear to be original timber, with metal casement windows at third floor mezzanine level, and secondary glazing fitted internally to most flats. French windows provide access to the grassed area of Royal Crescent via stone steps several of which are chipped and cracked. Retaining walls run parallel and close to the elevation and are accessible only from the French window at basement level.

Retaining walls run parallel and close to the elevation and are only accessible from French windows at basement level which are secured shut. There are no steps to the grassed area. Their condition can only be assessed once this area is accessible. The North elevation (on St. Augustine's Road) is of solid fair faced brickwork, sections of which have been painted in the past. Several areas of brickwork near downpipes are heavily damp stained. Some cracking from the window lintels at upper levels was evident.

The West elevation forms part of the flank wall of the adjoining property West Cliff Lodge. There is one communal staircase serving all six flats. Various issues over fireproofing, fire alarm system, security and lack of heating in the stairwell have been noted.

Internally the basement area is damp, likely due to lack of adequate ventilation, heating and any evident damp proof course. The East wall forms a party wall with Nos. 17 - 18. The roofs are inverted butterfly hipped roofs with valley gutters and parapet walls to the north and south elevations, The roof covering has been replaced in recent years.

Like Nos 4 - 15, the chimney pots are a mix of original and replacements, some of appropriate pattern and some more contemporary. Flaunching is cracked in places and given the height of the stacks brickwork is likely to require some structural stabilising. The canopy roof is drained via an external gutter to a separate downpipe.

### **External Boundary Walls and Structures**

The property is accessed via an entrance gate between the garages on St. Augustine's Road. There is step and ramp access to basement level, and bin storage and drying areas at ground level. There is no private amenity space other than these functional areas. The Royal Crescent grassed area facing the sea front is open to the public. The garden boundary wall on the west side is leaning in towards the grassed area of Royal Crescent

## Suggest approach for delivery of the programme

Owing to the age, heritage, risk and complexity of these structures, we propose to deliver the works over three years allowing for better control of expenditure and reassessment of new information. We further envisage cost savings and time efficiencies with opting for one contract running over the three years, as opposed to having three, one year contracts.

Many of the proposed work items that are listed are subject to further assessment and investigations once scaffolding is in place and with some items the cost is evaluated on an estimate of the likely number of repairs based on similar buildings. There is a very real risk therefore that costs may escalate beyond what is currently envisaged once these inspections have been completed. However, to mitigate this, we have included risk factors and contingency sums within the budgets.

The works are intended to be broken down into three main phases:

**Phase 1** - Scaffold dependent works. This will include structural repairs, water tightness and passive fire measures to the main structures, refurbishment as necessary of the roofs and downpipes, the repairs/refurbishment of the doors and windows, balconies and external decorations.

**The net expenditure for Phase 1, including fees is anticipated to be £2,023,289.13.**

**Phase 2** - will be external structural works, not dependent on scaffold. Extensive repairs and modifications have been noted on boundary walls, structural elements of the basements and courtyard areas.

**The net expenditure for Phase 2, including fees is anticipated to be £234,506.72.**

**Phase 3** - Following consultation with tenants and leaseholders, modifications and improvements will be made to the basement storage areas but the scope of these works have yet to be negotiated and therefore defined

**The net expenditure for Phase 3, including fees is anticipated to be £519,440.00.**

With Cabinet approval, we shall commence the tendering process and start Leaseholder consultation and would seek to deliver Phase 1 phase over the financial period of 2021-2023 and following directly on with the subsequent Phases until completion.

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## The Future of East Kent HR (EKHR)

<b>Cabinet</b>	29 April 2021
<b>Report Author</b>	Interim Head of Shared Services
<b>Portfolio Holder</b>	Leader of the Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	All

### Executive Summary:

This report sets out proposals to disband the East Kent HR Service (EKHR) and take HR services in house with effect from 1 September 2021. It sets out the rationale for the decision, the proposed processes and relevant recommendations. If the decision is to disband EKHR, the report recommends delegating authority to the Interim Head of Shared Services, in consultation with the Chief Executive and Leader. It should be noted that the Leader and Deputy Leader, together with the Leaders and Deputy Leaders of Canterbury City Council and Dover District.Council, sit as the East Kent Shared Services Committee.

### Recommendation(s):

1. That EKHR should be disbanded and that the HR service returns in house;
2. That authority is delegated to the Interim Head of Shared Services, in consultation with the Chief Executive and Leader, to carry out all necessary processes to give effect to the decision;
3. That authority is given to the Interim Head of Shared Services to sign off and enter into any agreements necessary to give effect to the decision. This includes, but is not limited to, novation of contracts between any of the three Councils and any third parties;
4. To recommend to Council that the East Kent Shared Services Collaboration Agreement dated 14 October 2016 is amended to reflect the changes set out in recommendations 1 - 3.

### Corporate Implications

#### Financial and Value for Money (to be completed)

The budget for HR, training and payroll services is £352,000 in 2020/21. If the service is brought in house, then that budget will become the sum available to fund the new in-house service. The 2021/22 EKHR budget is funded in part by the use of EKHR reserves, which will not be available as an ongoing funding source. Whilst this is a problem regardless of

how the service is delivered, the new staffing arrangements in each district will need to reflect a saving to accommodate the fact that reserves can only be used once.

Keeping the payroll service and HR system as a shared operation minimises potential one off costs associated with the service transfer and retains the efficiencies of a shared service for those activities.

### **Legal**

EKHR is governed by the East Kent Shared Services Collaboration Agreement dated 14 October 2016 ("The Agreement"). The Agreement sets out relevant provisions for the termination of any service covered in the Agreement and also provisions relating to staff transferring from the shared service back into the Council. The Agreement also covers the EK ICT shared service, Customer Services and Revenues and Benefits, which will not be affected by the proposals in this report.

The Agreement states that, if any part of it is terminated through mutual agreement, the Councils shall cooperate with each other to facilitate the smooth migration of the shared service from the host Council (in this case, Dover District Council) to the three Councils.

If the proposals in this report are agreed, The Agreement will be amended to reflect the changes.

### **Corporate**

The main risks involved in the proposals concern the effects on staff within EKHR and the smooth transition from a shared service to an in house service. To mitigate these risks, a fairly long lead in time is proposed, with the in house service starting w.e.f 1 September.

Staff will be fully involved in, and consulted on, the proposals. The Interim Head of Shared Services and the three Chief Executives have already had meetings with all the staff. A working document of questions has been prepared by staff and answered. It will be updated as the project progresses.

A detailed project plan will be completed and shared with staff in EKHR, showing the stages of consultation etc. It is envisaged that a project group will be set up to manage the transition, comprising leads from various areas, e.g. Legal, Digital, HR, to ensure that the process is managed effectively.

### **Equality Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -  
(Delete as appropriate)

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

You should then explain how your report supports the aims you have indicated in the table above. **Please see completed Equalities Impact Assessment**

In addition authors are required to conduct a Customer Impact Assessment where proposals affect customers or staff. Topics such as:

- the introduction/change/cessation of a service
- introduction/increases in fees and charges
- staff restructures
- creation/amendment of policy or strategy documents
- introduction of new initiatives/schemes

are examples of where an assessment should be carried out.

Compliance can only be achieved if we can evidence that due regard is given in substance, this means starting your assessment at the beginning of your piece of work and updating it throughout. Completing the assessment at the end or after a decision is taken will not satisfy the Duty.

Where an assessment is required please summarise the key findings here and append your full analysis to the report with any personal data redacted.

Please see the equality compliance toolkit on TOM or contact the Legal Department for assistance.

## CORPORATE PRIORITIES

This report relates to the following corporate priorities: -  
(delete as appropriate)

- *Growth*
- *Environment*
- *Communities*

## 1.0 Introduction and Background

- 1.1 HR has been a shared service for Canterbury City Council (CCC), Dover District Council (DDC) and Thanet District Council (TDC) since September 2010. In its original form, it was a four way shared service, with the inclusion of Folkestone and Hythe District Council (formerly Shepway District Council). Shepway District Council

unilaterally left the HR shared service a few years later. The original Collaboration Agreement (20/9/10) was replaced by the current Collaboration Agreement dated 14/10/16 between DDC, CCC and TDC.

### **2.0 The Current Situation**

- 2.1 The three Councils have moved on in the last 11 years and much has changed. Each has felt the effects of reductions in local government finance. Each has, of necessity, restructured and reorganised its workforce in various ways and has also taken over or outsourced various services. In 2018, the three Councils took the decision to outsource its Revenues and Benefits and Customer Services to Civica; CCC has recently taken its waste management service back in house under its newly formed Canterbury Environment Company, Canenco; TDC employs its own waste management staff and owns and runs Ramsgate Port and DDC has recently expanded its workforce at the Dover Port Authority. EKH was disbanded in October 2020 and each Council's housing team came back in house. CCC also provides an HR service through EKHR to The Marlowe Theatre.
- 2.2 These changes and others within each Council, mean that EKHR is no longer a shared service, but is more of a shared resource. That resource is now stretched across five different organisations (TDC, CCC, DDC, the Marlowe and Canenco) and could be provided in a more beneficial way. The Chief Executives agree that they need an HR service more closely aligned to the requirements of each Council. There has been a lot of discussion at the EKS Strategic Board (comprising the three Chief Executives). The Board has recently decided, in principle, to disband EKHR and take each Council's HR service back in house.
- 2.3 While the proposal is for EKHR staff to move in house, it is agreed that the small payroll service and the EK Midland HR software, will remain a shared service. Discussions will be had with Midland HR about the continued management of the HR software and how access should be split between the Councils.
- 2.4 A clear benefit of the proposal will be the closer alignment of the individual HR services with the corporate priorities of each Council. Although the Chief Executive is the Head of Paid Service and has ultimate responsibility for staffing matters, it is also the case that members will have more involvement in issues such as setting HR policies and procedures which directly affect each Council's staff. Members will also be able to have a better understanding of issues which affect staff.
- 2.5 Discussions have occurred over the course of several recent Board meetings. A main concern has of course been the effect of the proposals on staff. EKHR staff are currently employed by DDC and their base is Dover. They have also worked as one team for a considerable period of time. To mitigate the impact on staff, the Board has agreed that it will adopt a model of transferring the staff into roles as identical to their current roles as possible within each Council.
- 2.6 The proposal to transfer staff as closely as possible into roles similar to their existing roles is in accordance with the Agreement. It states, at paragraphs 15.2 and 15.3, that either TUPE shall apply in respect of any of the shared services or, if TUPE does not apply, each Council shall still employ any employee who returns to it from a

shared service, on the same terms and conditions as applied immediately before termination including full continuity of employment.

- 2.7 A further consideration for the Board has been the financial impact of the change on the finances of the shared services. As EKHR staff are employed by DDC, the costs are shared with CCC and TDC. The S151 officers and finance teams have undertaken considerable work in understanding the split of finances. Their advice is that, broadly speaking, the impact of the service returning in house will be neutral.
- 2.8 If the decision is taken to disband EKHR, the process of consultation with staff would start in May 2021 with a view to the new services starting from 1 September.
- 2.9 Staff within EKHR have already been informed of the proposals. The Interim Head of Shared Services met all staff in early March. The Chief Executives sent out an all staff email on 5 March and met all staff on 31 March. It was made clear to all staff that, although the decision has been taken in principle by the EKS Board, the final decision is for each individual Council. Staff have also submitted a number of written questions, which have been answered and will be updated as the project progresses. No doubt staff will continue to have concerns and questions. The Board's aim is to maintain an open communication channel, so that staff feel valued and supported throughout the process.
- 2.10 CCC and DDC are considering the proposals at their meetings on 19 April 2021 (Policy Committee at CCC) and 17 May 2021 (Cabinet at DDC).

### 3.0 Options

- 3.1 The EKS Board has spent some considerable time discussing the proposal to disband EKHR. The recommended decision is to agree the proposal and authorise the next steps in the process, as set out in the Recommendations, with a view to starting the new services from 1 September 2021.
- 3.2 Alternative proposals include maintaining the HR service as a shared service. This is not recommended, for all the reasons set out in this report.
- 3.3 A second alternative could be a discussion about how the EKHR service could be reconfigured to better support each Council "on the ground". This happens to a certain extent at the moment, in that each Council has its own dedicated Business Partner. However, in order to increase this support while maintaining a shared service, each Council would need some sort of hybrid service, with more staff locally based and a centrally maintained, smaller EKHR. This model could be unsatisfactory and unwieldy and also financially complex.

Contact Officer: Estelle Culligan, Interim Head of Shared Services

Reporting to: The EKS Board: Nadeem Aziz, Chief Executive DDC, Colin Carmichael, Chief Executive CCC and Madeline Homer, Chief Executive TDC.

### Annex List

Annex 1 - Future of EKHR Equality Impact Assessment

**Background Papers**

None

**Corporate Consultation**

**Finance:** Tim Willis, Deputy Chief Executive and S151 Officer. The S151 Officers at CCC and DDC have also been consulted throughout.

**Legal:** The report author is Director of Law and Democracy at TDC and has consulted with the Heads of Legal at CCC and DDC.



## Thanet District Council (TDC) Equality Impact Assessment

### Step one: test for relevance

## 1 Person responsible for this assessment

Name:	Estelle Culligan		
Job title:	Interim Head of East Kent Shared Services		
Phone:	01843 577455		
Service area:	Legal	Date of assessment:	31/3/21

## 2 Others involved in carrying out the analysis

Name:	
Name:	
Name:	

## 3. Description of strategy, policy, service, project, activity or decision

Title:	Cabinet report 29/4/21 "The Future of East Kent HR (EKHR)" and the proposal to bring the HR service in house
--------	--

Is it new?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
A review of existing?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

### 3.1 Aims and objectives

**Consider:** **what** you are doing? **why** you are doing it? **who** will benefit?

The proposal is set out in the draft Cabinet report dated 29/4/21. The proposal and project is for the shared HR services to be disbanded and the service to be brought back in house.

### 3.2 What outcomes are expected? Who is expected to benefit?

The aim is for the HR service to start in house w.e.f 1 September 2021.

Wider council staff will benefit from having a more closely aligned HR service based in house.

There will be direct impacts on staff in EKHR, but there will also be opportunities for new challenges, roles and possible career development and advancement.

## 4 Who is affected?

- 4.1 Which groups or individuals does the strategy, policy, service, project, activity or decision affect? For example, the Council, employees (including temporary workers), other public authorities, contractors, partner organisations, wider community, others.

Staff within EKHR, staff at TDC, CCC and DDC

- 4.2 Does the strategy, policy, service, project, activity or decision relate to a service area with known inequalities? (Give a brief description).

No - EKHR is not a service with known inequalities

## 5 Equality Act 2010

How does the strategy, policy, service, project, activity or decision actively meet the public sector equality duties to:

**Eliminate unlawful discrimination** (including harassment, victimisation and other prohibited conduct)

The project will involve preparation of a project plan which will include a full programme of consultation and involvement with the staff. All views will be heard and opportunities will be made available for staff to voice their concerns. All staff will be listened to, treated fairly and without discrimination or prejudice.

**Advance equality of opportunity** (between people who share a protected characteristic and people who do not share it)

All staff will be accommodated as far as possible in their first choice of preference location and employer (between Thanet, Canterbury and Dover). All requests for flexible working to take account of people's circumstances, will be taken into account and accommodated as much as possible. Any issues raised by people with protected characteristics will be dealt with in confidence and sensitivity and reasonable adjustments will be made to proposals to ensure they are given equality of opportunity with those who do not share the characteristics, in terms of location, roles, preferences etc.

**Foster good relations** (between people who share a protected characteristic and people who do not share it). Could it have an adverse impact on relations between different diverse groups?

Not anticipated. However, various work streams will be created, eg Digital, Legal, HR. This will ensure that a number of people are involved in the project and can more easily flag concerns which may arise.



### 6 Priority

The following questions will help you to identify whether this 'service' is a high priority. Please answer all questions with particular reference to the protected characteristics; race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage and civil marriage/partnership and pregnancy and maternity.

**Please provide a comment for each answer, providing evidence for your answer, regardless whether you have answered yes or no.**

Questions	Yes	No
1. Are there any particular groups who may have trouble accessing the 'service'?		x
<b>Comments:</b>		
2. Does your information suggest that some groups of people are less satisfied than others with this 'service'?		x
<b>Comments:</b>		
3. Will this service have a significant impact on any of our residents?		x
<b>Comments:</b> The service is an internal support service		
4. Do you have any evidence that discrimination, harassment and/or victimisation could occur as part of this service?		x
<b>Comments:</b>		
5. Do you think the service will hinder communication and negatively impact relations between the organisation and its employees, residents, contractors or anyone else?		x
<b>Comments:</b>		
6. Does this service need to improve the way in which it is communicated to people who have literacy, numeracy or any other access needs?		x
<b>Comments:</b>		
7. Does consultation need to be carried out?	x	
<b>Comments:</b>		

As above, a full programme of consultation will take place leading to the changes w.e.f 1/9/21

In order to assess the priority of your '**service**' please complete the table below by adding up how many questions you answered yes to and following the appropriate action.

Priority	Number of questions answered 'yes'	Rating	Action
High	3 or more		Continue to section 2
Medium	1 to 2	1	Please provide evidence to any questions you answered 'yes' to in section 1. Test for relevance complete (sometimes a full assessment may be required).
Low	0		Test for relevance complete.

**If, following the completion of the test for relevance, a full assessment is not required, go straight to the declaration. If a full assessment is required, go to Step two: full equality impact assessment.**

### Step two: full equality impact assessment

- 1 Could the strategy, policy, service, project, activity or decision have a **negative, positive or neutral** effect on groups or individuals?

#### Consider:

**What** you are doing?

**Why** you are doing it?

**How** you are doing it?

**Who** can access the service easily and who may not be able to access the service and **why**?

**The full analysis explores ways to reduce or eliminate barriers and/or negative impacts.**

Protected characteristics	N e g a t i v e	P o s i t i v e	N e u t r a l	Evidence/Reasoning (Consider any barriers which will have negative impact and/or good practices giving positive impact)
<b>Age</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>The way younger and older people access services may be different</li> <li>Use of technology</li> <li>Child care/care of other dependant</li> <li>Timings/flexibility, such as work patterns</li> <li>Transport arrangements</li> <li>Venue location</li> </ul>				<b>Recommendations:</b>
<b>Disability (Includes:</b> physical, learning, sensory (deaf/blind), mental health) <b>Consider:</b> <ul style="list-style-type: none"> <li>Communication methods</li> <li>Accessibility – venue, location, transport</li> <li>Range of support needed to participate</li> <li>Hearing Loops/Interpreters</li> <li>Disability awareness training for employees</li> </ul>				<b>Recommendations:</b>
<b>Race (Includes;</b> gypsy, travelling, refugee and migrant communities) <b>Consider:</b>				<b>Recommendations:</b>

<ul style="list-style-type: none"> <li>• The size of the BME communities that your service/project affects.</li> <li>• Language(s) spoken/understood.</li> <li>• Culture, such as hygiene, clothing, physical activities, mixed gender activities.</li> <li>• What access support can you offer?</li> </ul>				
<b>Religion, faith or belief</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>• The diversity within the communities that your service/project affect</li> <li>• Prayer times, meal times, food (some religions do not eat meat), cultural habit or belief, religious holidays such as Ramadan</li> <li>• Awareness training for employees</li> </ul>				<b>Recommendations:</b>
<b>Pregnancy and maternity</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>• Flexible hours of the service/project</li> <li>• Is there access to private area for breastfeeding mothers?</li> </ul>				<b>Recommendations:</b>
<b>Gender</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>• The impact on men and women</li> <li>• Child care/care of other dependant</li> <li>• Mixed/single gender groups/activities</li> <li>• Timing of services/projects</li> </ul>				<b>Recommendations:</b>
<b>Sexual orientation (Includes: lesbian, gay, bisexual)</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>• LGB people should feel safe to disclose their sexual orientation without fear of prejudice</li> <li>• Make it clear you recognised civil</li> </ul>				<b>Recommendations:</b>

marriage and partnerships <ul style="list-style-type: none"> <li>Awareness training for employees</li> </ul>				
<b>Transgender</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>Trans people should be able to disclose their gender identity without fear of prejudice</li> <li>Making it clear you have a Trans policy and process</li> <li>Awareness training for employees</li> </ul>				<b>Recommendations:</b>
<b>Marriage and civil marriage/partnership</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>All couples or partners, regardless of gender, should be able to access services</li> </ul>				<b>Recommendations:</b>

Outsourced services	
If your policy/process is partly or wholly provided by external organisations/agencies (such as Civica or Capita), please list any arrangements you plan to ensure that they promote equality and diversity. Include this in your improvement plan	
Relations between different equality groups	
Does your assessment show that a strategy, policy or process may amount to potential adverse impact between different equality groups? If yes please explain how the improvement plan is going to tackle this issue	
Consultation responses	
Summary of replies from individuals and stakeholders consulted including any previous complaints on equality and diversity issues about the strategy, policy or process	

Summary of recommendations		
Actions	By Who	By When

### Declaration

I am satisfied that a Test for Relevance has been carried out on the matter named in this Analysis and conclude that a full Equality Impact Assessment **is not required**.

Yes ☒ No ☐

If you do not think that a full Equality Impact Assessment is required – please give your reasons:

I confirm that a full Equality Impact Assessment has been completed.

Yes ☐ No ☐

Signature of Head of Service:

Date:

Estelle Culligan

31/3/21

Recommendations agreed:

Yes ☐ No ☐

Signed:  
(Director):

EIA date: