



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 Tuesday 5 February 2019 at 7.00 p.m.

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 13 December 2018.
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 and consider the Reports of Officers.
 - (a) Draft Housing Revenue Account Capital & Revenue Budgets for 2019/20 - report of the Head of Corporate Resources and Chief Financial Officer and the Head of Communities and Homes.

(b) Rounds Gardens – potential repair or regeneration – report of the Executive Director.

(c) Public Spaces Protection Orders – New and Revised Orders – report of the Executive Director.

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

To consider 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 2 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. To receive and consider the private Report of Officers.
 - (a) Voluntary Redundancies - Private Report of the Head of Corporate Resources & Chief Financial Officer.

DATED THIS 28th day of January 2019

Executive Director

To: The Mayor and Members of Rugby Borough Council

Special Council – 5th February 2019

**Draft Housing Revenue Account Capital & Revenue Budgets for
2019/20**

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

1. INTRODUCTION

In accordance with the constitution, the Council is required to carry out an annual review of rents and notify tenants not less than 28 days prior to the proposed date of change. In addition, the Council is required under the Local Government and Housing Act 1989 to ensure that the Housing Revenue Account (HRA) does not fall into a deficit position.

2. BUDGET AND POLICY FRAMEWORK

Several consultations were released by The Ministry of Housing, Communities and Local Government (MHCLG) during the summer and autumn of 2018. These included:

- Green Paper: *A New Deal for Social Housing*;
- Use of receipts from Right to Buy Sales; and
- Rents for Social Housing from 2020/21.

Rugby Borough Council submitted responses to all consultations (copies were included as Appendices to the previous HRA Capital and Revenue 2019/20 Draft Budget report) and, at the time of writing, is awaiting government's response the Council's proposals.

Biart Place and Rounds Gardens – potential refurbishment or regeneration

Council has received two reports in 2018/19 concerning the condition and potential options for both Rounds Gardens and Biart Place. On 27th September 2018 Council approved:

- Proceeding with the Biart Place redevelopment design and procurement;
- Installation of additional fire alarms at Rounds Gardens based on recommendations by the fire risk assessor and Warwickshire Fire and Rescue Service (based on the assumption tenants remain in the block for the duration of these works); and
- a further report to Council updating information on structural surveys

The structural findings in respect of the blocks at both sites, which account for almost 10% in total of the Council's HRA stock, were unanticipated. The measures required to respond to these findings will have an extraordinary impact on the HRA's financial resources, which will impact on its ability to meet to both current and emerging housing needs. This will, in turn, have a potential impact on the General Fund, as unmet housing need has to be increasingly met via temporary accommodation. The Council has approached MHCLG to establish what financial support they are able to provide to respond to these issues and is awaiting a response from the Secretary of State.

To ensure that the Council has earmarked balances to commence potential demolition and rebuild costs (notwithstanding Government financial support) in 2019/20, it is proposed that £5.082m that would otherwise have been set aside for the repayment of debt as part of the HRA Medium Term Financial Plan will be utilised as Revenue Contributions to Capital Expenditure.

Until such point as Government financial support is confirmed the updated HRA Medium Term Financial Plan (Appendix C) contains continuing Revenue Contributions to Capital Expenditure in place of voluntary debt repayments. Adjustments have also been made for temporary rent loss and additional interest on debt where timelines can be estimated.

Future Limits on Borrowing ("the debt cap")

The Prime Minister announced on 3rd October 2018 that the government would be "*scrapping that cap*" in reference to the authorised limit for indebtedness for the HRA. A consultation paper was issued shortly after the announcement and the borrowing cap formally lifted as part of the Budget proposals on 29th October 2018.

In the absence of a regulated debt cap officers have examined alternative measures to ensure the Council complies with the Prudential Code for Capital Finance in Local Authorities. The Code advocates a principles-based approach which allows each local authority to determine its own prerequisites, whilst taking account of any statutory requirements.

Within the registered social housing provider sector, the nearest peer group to local authorities are housing associations. When seeking investment housing associations are typically assessed by commercial funding bodies on their interest cover metric. This examines the level of net rent generated by the organisation in comparison to its forecast debt costs. Typically, a ratio of 2:1, that is, net rent at double the level of debt costs is considered prudent to mitigate risks. Rugby Borough Council's current HRA interest cover level is 7:1, that is net rent is seven times more than its debt costs. If the Council were to mirror the approach taken by housing association funders therefore it has the capacity to sustain borrowing for investment purposes at the following levels:

Average financing costs – interest rate	Converted debt cap £'m
2.80%	124
2.90%	120
3.00%	115
3.10%	110
3.20%	108
3.30%	105
3.40%	102
3.50%	100

For reference interest on the current HRA debt pool is 1.99%. The Council's treasury advisors, Link Asset Services latest central forecast for long-term PWLB borrowing rates over the period of the medium-term financial plan are as follows:

%	Mar 19	Jun 19	Sep 19	Dec 19	Mar 20	Jun 20	Sep 20	Dec 20	Mar 21
25yr PWLB Rate	3.00	3.10	3.10	3.20	3.30	3.30	3.40	3.50	3.50
50yr PWLB Rate	2.80	2.90	2.90	3.00	3.10	3.10	3.20	3.30	3.30

Forecasts and rates remain subject to volatility as a consequence of the ongoing uncertainty regarding the outcome of the UK's withdrawal from the European Union. Given the range of outcomes, a local level on indebtedness is therefore recommended at £110m in 2019/20 to provide:

- Capacity to increase the Council's HRA Capital Financing Requirement to meet regeneration/refurbishment costs at the multi-storey flat sites subject to Government support; and
- Subject to support for the schemes above, capacity to increase the stock base via bids on developer affordable housing projects and/or RBC projects.

The level of indebtedness will be reviewed at least annually as part of the Council's capital financing and treasury management estimates process. In addition, as part of the appraisal process for all significant HRA capital investment schemes, the potential impact upon the level of indebtedness will be published in conjunction with recommendations to Council.

3. REVIEW OF HRA BALANCES

The HRA draft budget for 2019/20 (Appendix A) takes into account the effect of the final year of the 1% rent reduction and the 30-year HRA financial plan has been updated to reflect changes, including high-rise site redevelopment/refurbishment, where the impact can be forecast.

HRA Revenue Balance

The level of the HRA Revenue balance was re-assessed prior to rent setting in 2018/19 considering potential risks arising from the Council's capacity to manage in-year budget pressures and the wider reform and regulatory environment. As part of the report to Council on 27th April 2018 concerning high rise sites, it was further recommended that the budgeted HRA voluntary debt repayment for 2017/18 of £4.992m was reallocated to revenue balances to bring them above the minimum assessment assumed at the time of rent setting in light of the revised circumstances. Supplementary budgets totalling £1.512m have been approved in 2018/19 to:

- Provide full-time security and fire safety presence at Biart Place and Rounds Gardens; and
- Establish a guarantor / indemnity reserve of £160,000 to mitigate potential losses arising from the increase in private sector allocations.

After assessing for the above, the estimated HRA Revenue balance at 31st March 2019 will be **£4.945m**. This level is considered prudent to meet further revenue costs arising from decisions on the future of the high-rise sites and other potential risks moving forward over the term of the HRA Medium Term Financial Plan.

Major Repairs Reserve

The Major Repairs Reserve (MRR) reflects the need to replace major components as they wear out. This funding, together with previous allocations of supported borrowing and revenue contributions, has enabled the Council to maintain the housing stock in a good condition. As the housing Green Paper draws specific reference to "what constitutes a decent home" balances will require reviewing in light of any regulatory changes in future years. The forecast balances will rise over the period of the medium-term financial plan to replenish funds utilised in the Window Replacement programme 2015-2018 as follows:

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000
Balance b/fwd	2,365	1,622	2,055	2,516
Appropriations from the HRA Revenue Budget	2,075	2,173	2,201	2,267
Interest Received	15	15	15	15
Financing of Capital Expenditure	-2,833	-1,755	-1,755	-1,755
Balance c/fwd	1,622	2,055	2,516	3,043

Housing Repairs Account

The Housing Repairs Account is an earmarked reserve used to mitigate the risks associated with cyclical and responsive repairs over time. The forecast balance over the period of the medium-term financial plan is **£1.090m**.

Housing Capital Investment Balances

In addition to the above, the Council has also made revenue contributions set aside for capital investment in prior years to fund new build, estate regeneration and other works, for example, upgrades to the Housing Management System software. Capital investment balances will be utilised to fund redevelopment and refurbishment costs at Biart Place and Rounds Gardens over the period of the HRA Medium Term Financial Plan subject to availability of financial support from Government. Costs in excess of available balances will be met via additional borrowing. Where Right-to-Buy (RTB) receipts are utilised to fund replacement homes, only 30% of the total cost may currently be funded from this source. The forecast balances over the period of the medium-term financial plan are as follows:

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000
Balance b/fwd	9,840	3,892	2,092	2,437
Contributions from HRA	5,082	4,380	3,918	4,148
Capital Financing for New Build / Acquisitions / Other Projects	-11,030	-6,180	-3,573	-3,680
Balance c/fwd	3,892	2,092	2,437	2,905

Right-to-Buy (RTB) Capital Receipts

The Council entered a 1-4-1 retention agreement with MHCLG in 2012 allowing it to retain a greater proportion of receipts upon the condition that they are utilised in provision of replacement housing within 3 years. Receipts under the 1-4-1 retention agreement that are not utilised must be returned to Her Majesty's Treasury (HMT) and incur an interest charge of Bank of England Base Rate plus 4%. Only 30% of the expenditure incurred on replacement housing may be financed from RTB receipts. As noted in section 2, MHCLG is consulting on changes to the use of Right-to-Buy receipts and the Council's response to the consultation is included at Appendix D of this report.

It is assumed that 25 homes will be sold under the Right-to-Buy per year over the period of the medium-term financial plan producing an average receipt of £85,000 per property (prior to pooling). Forecast balances over the period are as follows:

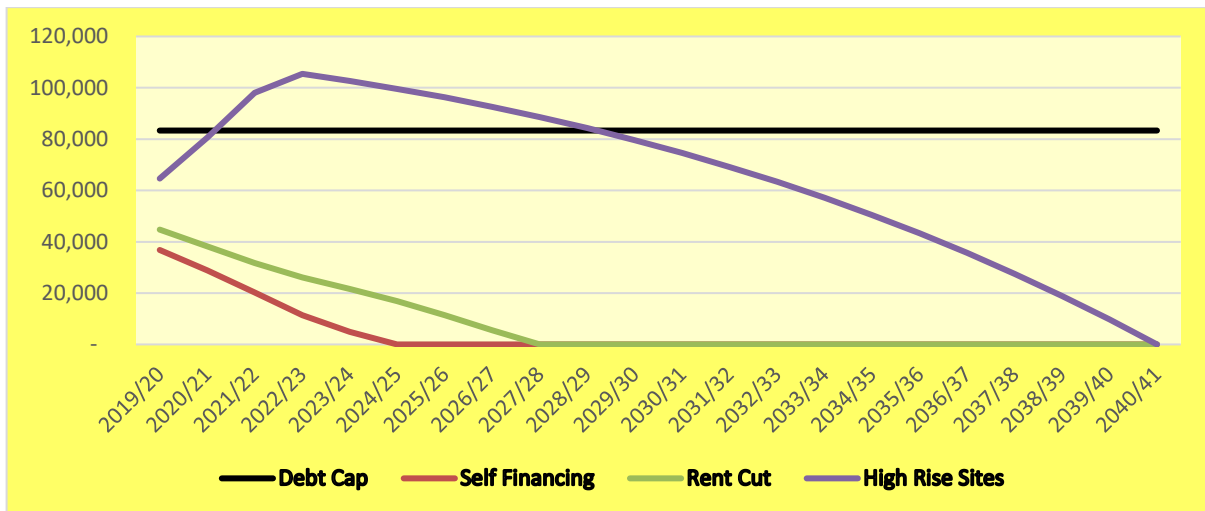
	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000
Balance b/fwd	5,929	3,829	2,729	2,629
Net Pooling Contribution	900	900	900	900
Capital Financing for New Build / Acquisitions	-3,000	-2,000	-1,000	-500
Balance c/fwd	3,829	2,729	2,629	3,029

4. MEDIUM TERM FUNDING OPTIONS

The financial impact of the 1% rent cut on the Council's capacity to meet its HRA self-financing debt repayment schedule was outlined to Cabinet in January 2016. Subsequently a revised schedule of debt repayment was approved as part of rent setting in 2017/18 and refreshed in 2018/19.

As noted in sections 2 and 3, sums set aside for the voluntary repayment of debt will be diverted to balances during the period of the HRA Medium Term Financial Plan to fund redevelopment/refurbishment costs at the high-rise sites. In the absence of Government financial support, the revised debt repayment schedule will now extend to **2040/41**, subject to sensitivity around project timelines and cost estimates.

The chart below compares the original debt repayment schedule (*self-financing*), the revised schedule following the 1% rent cut (*rent cut*), and the updated schedule in light of the current redevelopment/refurbishment estimates (*high-rise sites*).



Reducing the level and extending the timeline of debt repayments to 2040/41 will increase the net interest payable by the HRA during this period. All debt rescheduling and increases to the HRA debt pool will be undertaken in conjunction with the principles set out in the Council's Treasury Management Strategy.

An updated HRA medium term financial plan reflecting the above position is included at Appendix C.

The remainder of the report concentrates on proposals for 2019/20 including:

- Rent
- Service Charges

- Performance management – voids and debt collection
- Expenditure assumptions
- Housing repairs and capital programme
- Capital financing

5. RENT

Background

The Welfare Reform and Work Bill 2015 introduced a requirement for local authorities and other registered providers to reduce rents by 1% a year for four years beginning 2016/17. Previous guidance (Spending Review 2013) was for registered providers to increase rents by no more than the Consumer Price Index (CPI) inflation rate plus 1% per year. In 2019/20 this would have produced a rent increase of 3.40% (September 2018 CPI + 1%). The Council implemented the rent change in 2016/17, with an estimated cumulative rent differential over the 4-year period of £5.107m.

On 4th October 2017, the Department for Communities and Local Government (DCLG) announced that social landlords will be allowed to increase social housing rents “limited to the Consumer Price Index (CPI) plus 1% for 5 years from 2020.” This represents a return to previous rent settlement, which was meant to run from 2015 to 2025 but was replaced with a 4-year reduction by 1% annually from 2016.

Following scrutiny of the bill in the House of Lords, exemption from the policy was granted for one year for sheltered accommodation in 2016/17. Special Council on 1st March 2016 therefore recommended that rents for properties in this group were frozen and the subsequent difference in rent charged set aside to an earmarked reserve. The impact in 2019/20 is £52,050.

Properties below target rent (the equivalent rent in the Housing Association sector) are still allowed to have rents uplifted to that rate at the point of vacancy and subsequent relet, with rents then decreased by 1% in the next financial year. It is estimated that 150 homes below target rent will be relet during 2019/20 based on historic trends and stock availability following the decant of Biart Place.

Rent estimates for 2019/20 assume a stock level of 3,650 HRA properties at the start of April 2019. It is estimated that stock will fall by an estimated 25 Right-to-Buy sales in year which will be mitigated by the purchase of 38 open market homes (including 26 at Cawston Meadows). A void rate of 1.00% (excluding any decant properties) is estimated for 2019/20 (see page 11 for details).

Rent Calculation

The calculations for rents are based on average rents over the entire year, i.e. without any free weeks. 2019/20 is a 53-week rent year. Rugby Borough Council employs a policy of 4 rent-free weeks per year. This would usually mean that

2019/20 was a 49-week rent year. However, to ensure compliance with the Welfare Reform and Work Bill's provision that tenants pay 1% less than the preceding relevant year an additional rent-free week will be established to maintain a 48-week charging year.

The following calculations are based on stock numbers as at November 2018.

	2018/19	2019/20	Average	Average
	£'s	£'s	%	£
			Decrease	Decrease
Average Weekly Rent (53-week basis)	81.48	80.67	1.00	0.81

Since 2019/20 is a 48-week rent year the rents will be charged accordingly and therefore the figures shown here are for illustrative purposes. Estimated rental income from dwellings of £15.547m for 2019/20 has been included within the draft HRA revenue budgets as shown in Appendix A. The estimate is based on the central business case of:

- An average 1% void rate across the stock;
- 25 Right-to-Buy sales in 2019/20;
- Acquisition of new build properties at Cawston Meadows and Rugby Gateway; and
- 150 re-lets where rent is uplifted to target rent.

For each 1% change in the void rate the HRA rent loss is equivalent to £155,470. Each additional RTB sale produces an average rent loss of £4,100 in a full year. The average target rent in 2019/20 (53-week basis) will be £89.23 as compared to the average current rent of £80.67 (see above.)

6. SERVICE CHARGES

In line with government guidance, the Council carried out an exercise of depooling rent and service charges in 2006/07. This enabled tenants to see the estimated amount spent on services that had previously been included within the rent. Income from service charges is estimated at £1.173m in 2019/20 (including a void allowance of 1.00%).

The average weekly impact upon utilities and cleaning service charges arising from the estimates of costs associated with that service in 2019/20 (on a 53-week basis) is as follows:

Charge Type	Average Charge p/w (53 wk. basis) £	Average Change p/w £
Communal Lighting - Electricity (Rebateable – eligible for Housing Benefit)	1.34	0.00
Communal Heating - Gas (Rebateable – eligible for Housing Benefit)	0.36	+0.03
Communal Cleaning (Rebateable – eligible for Housing Benefit)	2.37	+0.26
Communal Heating – Gas (Non-Rebateable – Very Sheltered Housing only – not eligible for Housing Benefit)	6.19	-0.20

Independent Living Co-ordinator, Concierge and Estate Officer charges have been reviewed in light of the redevelopment/refurbishment projects at Biart Place and Rounds Gardens and the impact of door security improvements across sheltered housing blocks incorporated within the HRA capital programme 2019/20 to 2021/22. The average weekly impact upon these charges arising from the estimates of costs associated with that service in 2019/20 (on a 53-week basis) is as follows:

Charge Type	Average Charge p/w (53 wk. basis) £	Average Change p/w £
Independent Living Co-ordinator	7.77	-2.19
Concierge	2.21	-0.16
Estate Officer	15.78	-1.15

7. PERFORMANCE MANAGEMENT

The financial management of the HRA is directly linked to key performance in a number of operational areas – void management, rent collection and arrears recovery.

Void Management

There is a direct relationship between the time a property remains void and the rent foregone. Consequently, ensuring that homes are relet in the most efficient manner is a key priority for housing service staff.

For 2019/20 the target for void property rent and service charge loss will be set at 1.00%, equating to £155,470. Most recent performance data shows void loss running at 1.73% which has been influenced by the requirement to keep several flats at the Rounds Gardens site vacant whilst intrusive structural surveys were completed.

Rent Collection/Bad Debt Provision

The collection rate for rent and service charges and the performance in managing rent debt is critical to the financial position of the HRA and has a direct impact on the amount of bad debt provision that must be set aside.

Government had originally intended to introduce Universal Credit on a phased basis from October 2013. However, full Borough-wide implementation for new claimants was not introduced until October 2015 and the transition for existing claimants on legacy benefits is scheduled for completion in 2023.

Arrears greater than 4 weeks amounted to £1.149m as at 10th January 2019. The level of rent arrears has been reviewed in year and will be monitored until final budget setting in February. The HRA's contribution to bad debt provision is currently estimated at £61,250 in 2019/20 reflecting the above circumstances.

8. EXPENDITURE – ASSUMPTIONS

Employee costs

The HRA budgets are based on the current staffing establishment and an increase in pay of 2% for 2019/20 based on the National Joint Council agreement. Progression through pay scales and increased employer contributions to the Local Government Pension Scheme have also been included in the base budget.

Several members of staff spend their time on both HRA and General Fund activities and as a result staff costs are split based on percentages of time relevant to services.

Utility Costs

Gas and electricity costs have been estimated to attract the following inflation in 2019/20:

	Inflation Rate
Gas	2.5%
Electricity	2.5%

The level of utility costs is subject to variation as further information about future energy inflation and current consumption is refined prior to rent setting.

Central Recharges

These costs are currently estimated at £2.060m in 2019/20 and include the HRA's proportion of Corporate Property, ICT, Legal, Human Resources, Payroll and other costs.

Charges for Capital

MHCLG and the Chartered Institute of Public Finance and Accountancy (CIPFA) have produced guidelines regarding council dwelling depreciation and impairment to coincide with the introduction of 'self-financing'. Depreciation is used to provide a measure of the cost of the economic benefits embodied in an asset that have been consumed during the year. Estimates for 2019/20 charges are based around this guidance and there is a decrease of £0.212m on financial year 2018/19. If the final depreciation charge for 2019/20 is less or more than the estimate (£2.075m), the excess or deficit is transferred to the Major Repairs Reserve to ensure the smoothing of costs for major works over the medium term.

Amounts set aside for the repayment of debt/ Revenue Contributions to Capital Expenditure

The HRA business plan initiated at the point of self-financing assumed that all in-year surpluses would be utilised in the repayment of debt, subject to the maintenance of a prudent HRA working balance. Prior to the introduction of the 1% rent cut and the redevelopment/refurbishment projects at high rise sites, estimates were that the HRA self-financing debt allocation of £72.949m would be repaid in 2024 (12 years following the settlement). As noted in sections 2 and 3, sums set aside for the voluntary repayment of debt will be diverted to balances during the period of the HRA Medium Term Financial Plan to fund redevelopment/refurbishment costs at the high-rise sites. In the absence of Government financial support, the revised debt repayment schedule will now extend to 2040/41, subject to sensitivity around project timelines and cost estimates.

Unlike the General Fund, there is no statutory requirement to set aside money from revenue for debt repayment within the HRA allowing flexibility to adjust debt repayment considering HRA business planning needs in future years.

9. HOUSING REPAIRS & MAJOR WORKS

Housing Repairs

Housing repairs expenditure covers both planned and responsive maintenance, some of which is capital funded. The funding is split between:

- the Housing Repairs Account for revenue expenditure such as boiler servicing, electrical inspections, etc.; and
- the Major Repairs Reserve (MRR) for capital works including the replacement of significant components (kitchens, bathrooms, central heating, etc.)

The transfer to the Housing Repairs Account in 2019/20 is estimated at £3.769m (£3.676m 2018/19). The increase (£0.093m) is accounted for by:

- Cyclical gas servicing works – (£20,000);
- Materials cost inflation - (£30,000); and
- Other miscellaneous items including pay awards / increment progressions – (£43,000)

Major Works

The Council is required to produce a capital programme which takes account of at least the next three financial years. The full programme is included at Appendix B. Material items within the programme include:

Heating Upgrades (£870,000)

The proposals for 2019/20 to 2023/24 include a heating upgrade/replacement programme of approximately 1500 properties (300 per annum) as part of the lifecycle replacements funded via the Major Repairs Reserve.

Bathrooms (£360,000)

The proposals for 2019/20 include a bathroom replacement programme of approximately 140 properties to ensure continuing compliance with Decent Homes standards. A further 540 replacements will be undertaken in the period 2020/21 to 2023/24. Funding is via the Major Repairs Reserve.

Communal Door Replacements and Door Entry Systems (£292,000)

The proposals for 2019/20 – 2021/22 include replacement of all 110 communal block doors with fob access intercom systems.

Commercial Boilers at Tanser Court (£105,000)

Condition reports indicate that the remaining life span for these commercial boilers is coming to an end. Any salvageable parts being will be retained as spares for Lesley Souter House. Funding is via the Major Repairs Reserve.

Acquisitions (£1,685,000)

To maintain compliance with its retained Right-to-Buy 1-4-1 Agreement with MHCLG the Council will acquire approximately 12 properties in 2019/20. The average cost of acquisition is estimated at £140,000 of which a maximum 30% (£42,000) is currently funded via Right-to-Buy sales receipts. The balance (70%) is funded via Housing Capital Investment balances.

10. CONCLUSION

The estimates contained within this report represent the most up-to-date information and sensitivity analysis available in preparing the HRA revenue budget for 2019/20 and the HRA medium term financial plan 2019-23. Further changes may arise from the following operational and policy areas:

- Revisions to cost estimates, project timelines, and external funding in relation to Biart Place and Rounds Gardens redevelopment/refurbishment schemes;
- Staffing and other change arising from the on-going Housing Service Review;
- Revisions to inflation estimates impacting construction industry materials and labour costs; and
- Direct and indirect impact of efficiency measures arising from:
 - Digitalisation measures
 - Structure and delivery mechanisms of support service recharges

Any changes made to any of the recommendations will potentially affect the content of the subsequent appendices. If any changes to the rent setting levels are proposed, it is important to be clear about the effects of the change and to build these in during the consideration of each recommendation.

Recommendation

- (1) The proposed revenue and capital budget estimates for 2019/20 at Appendices A and B inclusive of:
 - 1.1. a 1% reduction in rents be approved;
- (2) service charges be amended as outlined in the report; and
- (3) following the abolition of the statutory HRA Limit on Indebtedness (“debt cap”) a local indicator of £110m is agreed for the period 2019-2023.

DRAFT REVENUE BUDGETS 2019/20 SUMMARY**HOUSING REVENUE ACCOUNT**

	2018/19 Original Budget £	2018/19 Revised Budget £	2019/20 Draft Budget £	Notes
INCOME :-				
Rent Income From Dwellings	-16,127,080	-15,807,590	-15,547,050	1
Rent Income From Non - Dwellings	-149,900	-149,900	-137,600	2
Charges For Services	-1,343,210	-1,285,500	-1,047,300	3
Contributions Towards Expenditure	-215,570	-215,570	-215,570	
Total Income	-17,835,760	-17,458,560	-16,947,520	
EXPENDITURE :-				
Transfer To Housing Repairs Account	3,675,610	3,675,610	3,769,410	4
Supervision & Management	4,493,090	5,627,340	5,774,800	5
Rents, Rates, Taxes & Other Charges	3,000	3,000	5,000	
Depreciation and Impairment	2,287,000	2,287,000	2,075,000	6
Debt Management Cost	15,000	15,000	23,810	
Provision For Bad or Doubtful Debt	193,440	193,440	61,250	7
Amounts set aside for the repayment of debt	5,839,040	5,839,040	0	8
Total Expenditure	16,506,180	17,640,430	11,709,270	
HRA Share of Corporate & Democratic Core Costs	213,980	213,980	224,160	
NET COST OF HRA SERVICES	-1,115,600	395,850	-5,014,090	
HRA SHARE OF OPERATING INCOME & EXPENDITURE INCLUDED IN THE WHOLE AUTHORITY INCOME & EXPENDITURE ACCOUNT				
Interest Payable & Similar Charges	1,171,470	1,171,470	1,532,000	
Interest & Investment Income	-111,690	-111,690	-171,410	
NET OPERATING EXPENDITURE	-55,820	1,455,630	-3,653,500	
Revenue Contributions to Capital Expenditure	0	0	3,601,450	8
Contributions to (+) / from (-) Reserves	55,820	55,820	52,050	
Surplus(-)/Deficit for year	0	1,511,450	0	

Notes

- 1 Rent estimates based on rent reduction of 1% and estimated 25 RTB sales in year.
- 2 Garage rents have been increased in line with national guidance but this has been offset by an increase in the number of void/empty properties.
- 3 The net change in service charge income reflects any inflationary rises noted within the report and includes a void allowance of 1.00%.
- 4 The increase includes provision for increased costs (planned maintenance) on gas servicing.
- 5 The main adjustments from the supervision & management revised budget for 2018/19 are:

	£
Internal Recharges	101,570
Salaries - reflecting the change in staff numbers and employers costs	50,880
Car Allowances	-37,920
Other net changes less than £10,000	32,930
	<hr/>
Total change in Supervision & Management budget	<u>147,460</u>

- 6 MHCLG and CIPFA have produced guidelines regarding council dwelling depreciation to coincide with the introduction of HRA self-financing. Estimates for 2019/20 have been prepared on this basis.
- 7 The decrease in bad debt provision reflects an estimated fall in arrears subject to the full roll out of the Universal Credit.
- 8 Sums set aside for the voluntary repayment of debt will be diverted to balances during the period of the HRA Medium Term Financial Plan to fund redevelopment/refurbishment costs at the multi-storey sites.

Proposed Housing Revenue Account (HRA) Capital Programme 2019/20 and onwards

	Revised 2018/19 Capital Programme	Anticipated 2018/19 slippage into 2019/20	Proposed 2019/20 Capital Programme	Proposed 2020/21 Capital Programme	Proposed 2021/22 Capital Programme
	£	£	£	£	£
Improvements & Capitalised Repairs					
Bathrooms	419,120	0	357,990	357,990	357,990
Fire Risk Prevention Works	62,400	0	68,170	68,170	68,170
Heating Upgrades	264,880	0	868,910	868,910	868,910
Kitchen Improvements	324,830	0	52,000	52,000	52,000
Patterdale Sheltered Scheme	70,500	0	0	0	0
Energy Efficiency Long Lawford External Cladding Phase 2	900,000	900,000	0	0	0
CCTV Upgrades	46,050	0	0	0	0
Soffit / Gutter Improvements	20,000	0	57,000	57,000	57,000
Replacement Footpaths	20,000	0	20,000	20,000	20,000
External Walls	50,000	0	50,000	50,000	50,000
Roof Refurbishment - Rounds Gardens	0	0	0	0	0
Fire Alarms - Rounds Gardens	450,000	0	0	0	0
Roof Refurbishment - Lesley Souter House	70,000	0	0	0	0
Rewiring - Ashwood Court	22,500	0	0	0	0
Entrance Doors / Door Entry Systems	0	0	292,390	292,390	74,890
Electrical Upgrades - Community Rooms	0	0	36,070	0	0
Boiler Works - Tanser Court	0	0	104,890	0	0
LED Lighting	0	0	36,980	0	0
Housing Management System	628,300	351,300	60,000	60,000	60,000
Housing Repairs Service - IT System	15,180	0	0	0	0
Solar PV	12,210	0	0	0	0
Disabled Adaptations	220,420	0	205,770	205,770	205,770
Lifeline Renewal Programme	110,320	0	30,000	30,000	30,000
Property Repairs Vehicle Replacement	353,460	0	0	0	0
Purchase of Council Homes	2,267,280	0	1,685,000	1,685,000	1,685,000
Cawston Meadows Houses	4,002,610	0	0	0	0
Rugby Gateway Houses - CALA Homes	186,000	0	434,000	0	0
Rugby Gateway Houses - Bloor Homes	675,000	0	0	0	0
Rounds Gardens Capital	100,000	0	0	0	0
Biart Place	2,440,000	0	0	0	0
Bell House Redevelopment	1,570,000	0	0	0	0
TOTAL	15,301,060	1,251,300	4,359,170	3,747,230	3,529,730
Draft Financing: -					
Revenue Contributions / RTB Receipts	12,306,410	351,300	2,209,000	1,775,000	1,775,000
Major Repairs Reserve	2,994,650	900,000	2,150,170	1,972,230	1,754,730
TOTAL	15,301,060	1,251,300	4,359,170	3,747,230	3,529,730

MEDIUM TERM FINANCIAL PLAN - HOUSING REVENUE ACCOUNT (HRA): 2019/20 - 2022/23

	2019/20 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's
EXPENDITURE				
Supervision & Management	5,775	5,815	5,960	6,109
Repairs & Maintenance	3,769	3,863	3,960	4,059
Rents, Rates, Taxes	5	5	5	5
Charges for Capital	2,075	2,137	2,201	2,267
Debt Management	24	25	15	16
Provision for Bad Debts	61	63	66	69
HRA Share of Corporate & Democratic Core Costs	224	230	219	225
Revenue Contributions to Capital Expenditure	3,601	3,134	2,527	2,719
Net Interest Payments	1,362	1,815	2,234	2,544
Contribution to/from(-) reserves	52	54	54	58
Total	16,948	17,140	17,242	18,071

INCOME				
Dwelling Rent	-15,547	-15,690	-15,776	-16,568
Non Dwelling Rent	-138	-141	-145	-148
Service Charges	-1,047	-1,073	-1,100	-1,128
Contributions towards expenditure	-216	-235	-221	-227
TOTAL	-16,948	-17,140	-17,242	-18,071

Impact on Average Rent (53 week basis):	£'s	£'s	£'s	£'s
Prior Year	81.48	80.67	83.09	85.58
Current Year	80.67	83.09	85.58	88.15
Increase £'s	-0.81	2.42	2.49	2.57
Increase %	-1.00	3.00	3.00	3.00

Special Council – 5th February 2019
Report of the Executive Director
Rounds Gardens – potential repair or regeneration

Executive Summary

The Rounds Gardens site comprises:

- three high-rise blocks with a total of 189 flats
- 32 low-level sheltered flats (all one-bedroom)
- the Council's 24-hour Control Centre (open 24 hours)

The high-rise blocks at Rounds Gardens:

- Were built approximately 50-years ago
- Each comprises of 11 floors with a mix of 1-bedroom and 2-bedroom flats.
- Have 2 leasehold flats in the blocks in total, both located in the same block.
- Are of Bison Large Panel System (LPS) construction
- Have in the past, around 25 years ago, benefited from some additional structural strengthening works, along with replacement of the outer leaf of the concrete cladding with brickwork.
- Contain no piped gas supply (there is piped gas to the low level-sheltered blocks)
- Have been subject to a number of structural assessments on all three blocks during the course of 2017 and 2018, including detailed intrusive surveys, structural reviews and structural reports. These were carried out by Michael Dyson Associates, Arup Consulting Engineers and more latterly the Building Research Establishment (BRE).

The findings from the BRE were that under their current design code parameters at each point where a floor core sample was taken, should a shock event such as a serious fire or explosion occur, the floor above would fail. The blocks must be repaired or replaced.

There have been significant measures put in place to minimise the potential of a shock event occurring, and an overview of these are provided within the report. In March 2018, a new policy for the site was introduced to *evacuate in the event of a confirmed fire event*, which replaced the previous *stay put* policy. This was in response to the recommendations of the Fire Risk Assessment and in consultation with Warwickshire Fire and Rescue Service (WFRS). Commentary is provided on how this change has been implemented and resourced.

As further mitigation the 3 high-rise blocks at Rounds gardens are now being fitted with an L5 compliant fire alarm and detection system in accordance with the National Fire Chiefs Council: Walking Watch / Common Fire Alarm guidance document.

Tenants have also been visited so that officers could increase their understanding of who is living in the blocks, vulnerabilities, current and future housing needs as well as their perception of Rounds Gardens as a place to live.

Work is being intensified to secure additional properties in preparation for a potential decant of these blocks, in addition to those at Biart Place. A summary of these works is

provided within the report. It is suggested that, should the route of demolition be agreed then a long-stop date for achieving this will be the end of March 2022.

There was a mix of both positive and negative comments arising from the consultation of tenants. The positives related mainly to the location of the site and the convenience of this for accessing services and facilities. The negatives related mainly to the expense and difficulty of keeping homes warm and issues relating to the windows.

The report details why a new build scheme would be a more sustainable long-term solution for Rounds Gardens, not just from a structural / buildings perspective. It also provides an opportunity to deliver housing which is both of a higher quality and increased affordability.

There is a proposed compensation package outlined in the report, for qualifying tenants, that are required to decant from their homes, which is in accordance with the *Home Loss Payments (Prescribed Amounts) (England) Regulations 2018*. The payment of the package will be funded by the Housing Revenue Account rather than the General Fund and is in line with what was offered to the qualifying tenants at Biart Place. The proposed compensation package is accompanied by a summary of the potential impact of decanting tenants from their existing homes, both in terms of the requirement to secure them suitable alternative accommodation that meets their needs and the financial resources required.

Proposals are also contained for a 'points system' to assist with the requirement to prioritise tenant decants according to housing need and in a transparent way, which is the same one as was used to prioritise tenants moves from Biart Place.

In respect of Rounds Gardens, the total estimated cost of a new build scheme is in the region of £28m, which excludes costs over and above construction, for example decant and compensation costs. The Council has approached MHCLG to discuss potential central government support in the financing of both the Biart Place and Rounds Gardens projects. Officers will be meeting MHCLG counterparts in the forthcoming weeks, however the magnitude and likelihood of any support is uncertain at this time.

Following the decant of Biart Place, service charges have been reviewed in respect of Independent Living Co-ordinator, Concierge, and Estate Officer charges. The decrease in charges reflects reduced operating costs at the control centre and improvements to door entry systems at communal blocks being introduced via capital investment in 2019/20.

The average weekly impact upon these charges arising from the estimates of costs associated with that service in 2019/20 (on a 52-week basis) is as follows:

Charge Type	Average Charge p/w (52 wk basis) £	Average Change p/w £
Independent Living Co-ordinator	8.58	-2.42
Concierge	2.44	-0.18
Estate Officer	17.42	-1.27

In summary

- The final BRE reports indicate that all the floors in all three blocks are not strong enough to guarantee that they would be able to resist failure in a shock event.
- The full extent of progressive collapse is unpredictable and currently unknown due to the complexity and the structural modelling required
- Further investigation and structural modelling cannot guarantee that a definitive refurbishment solution or recommendation can or will be made with sufficient warranties provided
- The estimate of the refurbishment works with the new findings has increased to £30m (without warranties).
- It is known that these blocks are at risk and although mitigation measures are in place for the short to medium period these measures are not a long-term solution.

The recommendations of this report are to **pursue the new build option at a cost of £28m** and provide a **minimum** of 221 affordable homes on the site (which is the current number of homes on the site). This recommendation is made due to:

- The high-rise blocks are nearing the end of their design life (60 years) and require significant investment to prolong their useful life.
- Their poor structural condition and known risks of progressive collapse in a shock event such as a serious fire or explosion.
- The refurbishment options have been revised upwards to £30m against a new build cost of £28m
- The refurbishment of the blocks does not resolve all the issues such as old fashioned and inefficient layouts
- The risk associated with future legislation regarding high-rise blocks refurbishment / management adding cost
- Uncertainty regarding the value of undertaking further investigation, if no definitive conclusions could be reached following it
- Recladding the structural repairs will be necessary and tenant / public appetite for such systems may be in question

1.0 Introduction

The Council has a responsibility to:

- manage its housing assets
- ensure that the housing stock is fit for purpose and sustainable in terms of meeting both current and future housing needs
- ensure the on-going safety of its tenants

The Rounds Gardens site comprises:

- three high-rise blocks with a total of 189 flats
- 32 low-level sheltered flats (all one-bedroom)
- the Council's Control Centre (open 24/7)

The high-rise blocks at Rounds Gardens:

- Were built approximately 50-years ago
- Each comprises of 11 floors with a mix of 1-bedroom and 2-bedroom flats.
- Have 2 leasehold flats in the blocks in total, both located in the same block.
- Are of Bison Large Panel System (LPS) construction
- Have in the past, around 25 years ago, benefited from some additional structural strengthening works, along with replacement of the outer leaf of the concrete cladding with brickwork.
- Contain no piped gas supply (there is piped gas to the low level-sheltered blocks)
- Have been subject to a number of structural assessments on all three blocks during the course of 2017 and 2018, including detailed intrusive surveys, structural reviews and structural reports. These were carried out by Michael Dyson Associates, Arup Consulting Engineers and more latterly the Building Research Establishment (BRE).

2.0 Rationale for commissioning recent structural survey works at Rounds Gardens

In recent years, the high-rise blocks at Rounds Gardens have been affected by issues of decreasing affordability and have become increasingly expensive to heat, due to their concrete construction.

As a result, officers commissioned initial intrusive-structural surveys of the blocks to:

- clarify the condition of the blocks
- increase their understanding of the construction type: and
- inform future investment plans for the blocks

Following structural concerns raised in the initial surveys further detailed surveys, investigations and structural modelling was commissioned from Michael Dyson Associates, Arup consulting engineers and more latterly the UK's leading experts in this form of construction The Building Research Establishment (BRE)

At the same time as the structural surveys were carried out, tenants were visited so that officers could increase their understanding of:

- who is living in the blocks – family composition
- any vulnerabilities
- current and future housing needs
- perceptions of Rounds Gardens as a place to live

It should be noted that the tenant profiling exercise extended to the tenants of the low-level sheltered-housing block on the site (32 households).

3.0 Overview of the findings for Rounds Gardens

The BRE have found that whilst the condition of reinforced concrete and build quality of the structural joints is generally better than that found at Biart Place, the blocks at Rounds Gardens have been poorly constructed in other respects. The structural floors and walls were found to be thinner than anticipated and thinner than the normal design thickness seen in this type of construction. In addition, an important structural floor connection was also found to be missing in a number of locations.

In summary the BRE found that under the current design code parameters in every sample, where an as built floor thickness was identified, the floor above a shock event would likely fail. However, due to complexities with varying thicknesses of both wall and floor components the BRE were unable to predict with any certainty the full extent of any further progressive collapse throughout the block although progressive collapse is known and accepted as a likely consequence.

Non-intrusive survey methods were trialled in an industry first, but were ultimately found to be insufficiently precise to give the assurance needed. Further structural modelling and intrusive surveys would be required to prove the extent of any progressive collapse but given the risks already known and the known complexity and expense of undertaking this work they are not recommended as a future action. It should also be noted that engineers are not able to provide warranties for this additional work so its true worth is very limited.

4.0 Additional action taken to minimise the potential of a shock event at Rounds Gardens

1. The high-rise blocks do not benefit from a piped gas supply. However, the low-level blocks do.
2. The site benefits from a 24/7 concierge service and closed-circuit television monitoring.
3. A local security company currently provides 2 security guards in each block on a 24/7 basis. Their duties include:
 - patrolling the blocks,
 - ensuring that the communal areas are free from items,
 - looking out for anyone potentially carrying combustible items, for example, portable gas appliances into the blocks
 - performing the role of fire marshals
4. Home visits to do a visual safety-survey is well advanced to identify any potentially hazardous white goods or bad practices that tenants may be undertaking within their homes.

Since the blocks were built, there has been a *'stay put'* policy in the event of fire. On 13 March 2018, tenants were advised that this policy has now been replaced by one of evacuate on hearing the alarm. This change was made in response to the recommendations of the Fire Risk Assessment and consultation with Warwickshire Fire and Rescue Service (WFRS).

Immediately following this change to policy, tenants (and their families), where this is a known physical or sensory impairment, were prioritised for visits to establish what support they may potentially need to evacuate in a confirmed fire event. Arrangements are in place to share this information, which is updated weekly, with both the WFRS and the security company, to assist their response to any fire event.

The Security guards are all fire-marshal trained and have been issued with air-horns to activate to sound the alarm, should this be needed.

Additional fire advice signage has been installed as per the recommendations of the Fire Risk Assessment, including a copy of the new evacuation procedure displayed next to the lifts on each floor. Fire assembly point signage has been installed in the secure car park between Royal Court and Ashwood Court.

The 3 high-rise blocks are now being fitted with an L5 compliant fire alarm and detection system in accordance with the National Fire Chiefs Council: Walking Watch / Common Fire Alarm guidance document. Compliance with this guidance document is a requirement for WFRS continuing to allow occupation of the blocks in the medium term. However, the installation is something that the Council would have wished to progress in keeping with its commitment to ensure that the safety of households is the first and foremost priority. The alarm installation work commenced on site on the 26 November 2018 and completion is expected in April 2019. The work, including a specialist asbestos management contractor, was approved by Council, along with a budget of £450,000 in September 2018, and is currently progressing on time and to budget.

5.0 Management of Rounds Gardens

Round Gardens tenants receive several housing management services, which are payable through their weekly service charge (which does qualify for housing benefit / Universal Credit). These services are:

- 24/7 concierge and CCTV
- Communal cleaning
- Communal lighting
- Estate officer / control centre

Grounds maintenance, grass-cutting, caretaking and housing officer costs are met via the rents.

The rent for a:

- 1-bedroom flat is currently £96.29 (which includes a weekly service charge of £23.57)
- 2-bedroom flat is currently £106.43 (which includes a weekly service charge of £24.25)

The current services provided by the local security contractor do not form part of the service charge.

The currently occupancy of the high-rise blocks at Rounds Gardens is 174 households, which includes the 2 leaseholder properties. There are currently 15 void units, mainly as a consequence of the requirement to keep units void to allow the intrusive structural surveys to progress. The voids are being let as temporary accommodation pending a decision being made on this report.

6.0 Securing additional properties for a potential decant

Additional works have been progressing to secure additional properties in preparation for a potential decant of the blocks. This is because the evidence suggests that a decant for Rounds Gardens will be required not just in the event of regeneration, but also should the Council wish to pursue remedial works to repair.

On-going activities include:

- On-going efforts to secure properties through the existing private-sector leasing scheme, to provide people living in the blocks a potential means of temporary accommodation to move into
- High-level and non-specific conversations with our housing association partners in respect of potential opportunities within their own stock – within and outside of Rugby
- On-going acquisition of properties to increase the Council's portfolio of housing stock. However, this is a slow process and inevitably supply lags behind demand.
- Non-specific discussions with local lettings agents in an attempt to broker a deal whereby the Council rents homes direct and then sub-lets them, whilst underwriting the difference in rents through a guarantor reserve.
- A further mailshot planned to local empty property owners, inviting them to contact the Council should they wish to consider selling or renting their home to us. The recent agreed changes to Council Tax billing for such properties may mean that some owners will wish to consider this option.
- Direct discussions with corporate landowners and developers with a view to leasing properties.

7.0 Tenant perceptions of Rounds Gardens

Since April 2018, officers have managed to speak to 150 households to clarify their tenant profiling data and to clarify their perception of Rounds Gardens as a place to live. It should be noted that non-secure tenants, occupying properties on a temporary basis, were excluded from this exercise. Table 1, below provides a summary of positive and negative household perceptions:

Block	Negative comments received	Positive comments received	No Comment	Total
Ashwood Court	21 (Noise, heating & Windows)	7 (Location)	3	31
Beechwood Court	23 (Heating, ASB & windows)	7 (Feels like a home & location)	6	36
Royal Court	30 (Heating & windows)	16 (Feels like a home & location)	9	55
Low Level	16 (Noise, ASB)	9 (Location)	3	28
Total	90	39	21	150

There was a clear split in perceptions of the blocks and low rise as a place to live by household composition. The least satisfied households were families whereas the most satisfied were single-person households.

8.0 Known investment requirements for the blocks

There is an estimated investment requirement of £2.476M for the high-rise blocks at Rounds Gardens, over the next 10-years, to meet the Decent Homes requirement. The breakdown of the investment required in summarised in table 2, below:

Item	£ Cost per unit	No. of units	Total £'s
Bathrooms	2,375	189	449,000
Lifts	60,000	6	360,000
Windows	3,000	189	567,000
Heating	2,850	189	539,000
Roof*	100,000	3	300,000
New Sprinklers (Flats)**	1,300	189	246,000
Secure car park	15,000	1	15,000
Total			2,476,000

* this could be more if there are issues in terms of the repairs to Royal Court's roof, if the telecom operators fail to co-operate with the required works.

**required in addition to the fire alarm installation works currently in progress

Table 3, below, provides a summary of total day-to-day cost of repairs and maintenance, fire risk works and planned maintenance for the site for the period 1 April 2014 – 12 December 2018 and includes the low-rise blocks. Planned maintenance includes new doors and windows for the low-rise blocks and new kitchens for the 3 high rise blocks:

Response repairs, planned maintenance, void and fire risk work	Cost £'s
Responsive repairs	216,893
Works to prepare empty properties for new tenants*	213,795
Fire Risk	86,816
Planned Maintenance	894,507
Total	1,412,011
Annual Costs for compliance**	42,500

*523 individual jobs were undertaken in void properties during this time

**covers fire risk, testing, lift maintenance, CCTV, asbestos and laundry

9.0 Why a regeneration scheme would be a more sustainable long-term solution

A proposed exoskeleton frame / steel members to the outside of the block, would help to secure the external panels in place, in the event of an explosion and would reduce the likelihood (rather than eliminate the risk) of the external walls blowing out in a shock event. However, this solution would not address issues of the internal crosswalls, where levelling bolts have been observed to be missing. The high levels of chloride and high penetration levels of carbonation of the concrete are also factors reducing the potential future life of the buildings and these are defects that cannot be easily rectified.

Any such remediation work would be potentially very intrusive and require households to move out on a temporary basis, albeit for several months. The Council would be obliged to provide tenants with suitable alternative accommodation for this time. As this would be on a temporary basis, there would be additional issues to manage including:

- the impact of the works on existing carpets and décor in the permanent home
- managing the subsequent move back in to Rounds Gardens
- potential disruption to schooling, as the household is required to move twice
- managing customer expectations during this unsettling time

In the case of a temporary decant, for the high-rise blocks only, should a refurbishment option be pursued, issues of disturbance payments will arise. Disturbance payments are a discretionary amount payable to assist qualifying households with the costs of moving home. These are covered as part of the Council's adopted decant policy. For the Biart Place project the disturbance payments were set at £1,500 for a 1-bedroom flat and £1,750 for a 2-bedroom flat. However, it should be noted that, if a temporary decant is applied at Rounds Gardens to permit refurbishment, then this would be payable twice to eligible tenants - once to assist the costs of moving into their temporary home and then a second instalment to help cover the costs of returning to their permanent home.

In terms of non-secure tenants occupying on a temporary basis, they would not qualify for a disturbance payment. However, the council would usually pay for the cost of their removals.

Table 4 sets out the financial Implications of a temporary decant, based on current occupation of 174 households (including the two leaseholders):

Property type	number of properties	payment per household £'s	total cost £'s
1-bedroom (qualifying households)	49	3,000	147,000
2-bedroom (qualifying households)	84	3,500	294,000
1-bedroom (non-secure tenants – removals only*)	14	550	7,700
2-bedroom (non-secure tenants – removals only*)	27	650	17,550
Totals	174	n/a	466,250

*these are estimated costs of removal

There are further issues impacting on the future sustainability of Rounds Gardens which need to be considered in parallel with the construction issues:

- The high-rise blocks remain one of the less desired property types in the borough, in terms of waiting list demand
- Issues of affordable warmth - the blocks are solid concrete-wall constructed, with electric heating (as there is no gas supply to the blocks) and are therefore expensive and hard to heat, which leads to complaints of condensation and damp.

- The level of additional investment required just to carry on as they are

When considered in totality, these factors present a strong evidence-base to inform a business case for the regeneration of the site. Such a scheme would:

- provide a sustainable supply of new homes, to meet a range of housing needs
- make better use of the footprint of the site, especially if additional land assembly opportunities can be secured from adjacent land owners
- bring benefits of low maintenance of the new housing units
- bring benefits of better energy efficiency and thermal performance within new housing units
- be an opportunity to potentially increase affordability, through quality design which could potentially help to reduce service charges
- have the strong potential to attract inward investment from Homes England, who administer government grant for new affordable housing. The Council is already registered with them as a delivery partner, allowing us the potential ability to draw down substantial grant to assist in the regeneration of the site. It should be noted that senior officers within Homes England are aware of the potential for the Council to engage in a major regeneration project as a reactive response to poor quality workmanship when Rounds Gardens was constructed. The dialogue with them is ongoing.
- be in keeping with the priorities of the recently adopted Housing Strategy 2018-20 (*helping people to access a suitable high-quality home, that meets their needs, at a price they can afford as well as making best use of the borough's current and planned housing supply*)

As at January 2019, there were 1,085 applicants on the Council's housing waiting list. However, this is a fluid situation with new applicants coming onto and off the list on a daily basis, and the circumstances of other applicants changing. The Council operates a banding system from 1+ being the most urgent housing need. The banding of the 1,085 applicants on the waiting list is summarised in table 5 below:

Band	No. of applicants
1+	17
1	140
2	384
3	349
4	139
Other*	56

10.0 What the regeneration of Rounds Gardens would mean for tenants

There are currently 174 households, including the leasehold properties, resident in the high-rise blocks at Rounds Gardens, the composition of which is outlined in table 6, below:

Household type	Number
Single-person / couple	94
1-child family	17
2-child family	9
3-adults	2
Temp accommodation	41
Leaseholder	2
Composition Unknown	9
Total	174

The Council has a decant policy which was adopted in 2014. This was refreshed in December 2017 and was subsequently scrutinised by the Council's Legal Services team who were satisfied that the refreshed document contained no material amendments from the 2014 version.

In line with legislation, the following people will be eligible for assistance and possible re-housing:

- Tenants
- Leaseholders
- Their family members, limited to partners and spouses and dependents living in the affected property, 12 months prior to the date of the decant.

There is no duty for the Council to rehouse unauthorised occupants, sub-tenants, lodgers, licensees and other non-secure occupants under the decant requirements. However, there may be duties owed by the Council under Homelessness legislation.

The sourcing of suitable alternative accommodation for qualifying households will present a significant challenge. This is because:

1. The Council is obliged to offer secure tenants a secure tenancy, or if they move to a registered provider's property then this will usually be an assured tenancy
2. The supply of Council homes is severely limited and this is further compounded by the Council choosing to make provision for statutory homelessness within its housing stock.

3. As at December 2018, 105 of the Council's own Housing Revenue Account properties, are currently being used to accommodate homeless households
4. The private-sector (including the private-sector leasing scheme) is not a route whereby we can legally discharge our duty to permanently re-house, those with secure tenancies. However, the exception to this is in the case of households occupying properties as interim / temporary accommodation, to whom we owe a statutory homeless duty
5. Any offer of alternative accommodation must be both suitable and reasonable. Examples of issues that impact on this are the proximity to school, work and support networks. Consideration is to be given to issues in respect of both the Children Act 2004 and the Care Act 2014.
6. The Council still has a statutory duty to provide accommodation for those in priority need, on a permanent or temporary basis

Tenants can potentially be offered an alternative property with a Registered Provider (RP). This will be dependent on the availability of properties, their affordability and any other local letting criteria that the RP may apply (for example they may have a policy of no children under the age of 8 in a flat). The RP's will have procedures in place to ensure that they assess the affordability of properties to potential tenants. Similarly, RBC officers will conduct an affordability check for those moving into a Council property. This will include issues of rent, Council Tax, utility costs and general costs associated with running a home.

RP's who hold stock in the borough, have shown a general willingness to assist the Council with accommodation, when called upon to do so for Biart Place. There is no foreseeable reason why this willingness would not extend to Rounds Gardens.

Officers are well advanced in consulting with tenants to clarify their perception of potential ways forward for the site and to gain a better understanding of their housing requirements. It may be that:

- Tenants may wish to give up their tenancy and make their own arrangements for housing, including the potential to use their compensation for home purchase
- Some may wish to move to alternative accommodation outside of the borough
- With the tenants' agreement, we temporarily place people into suitable privately-rented or leased accommodation until a suitable vacancy arises that better meets their needs, with the Council underwriting any additional rent

It is proposed that any household that is moved from the scheme does so on a permanent basis, with no guarantee to return to the new scheme. The rationale for this is that:

- The housing associations have already advised that they would only want to house people on a permanent basis. This is because if people view their home as being temporary then they are less likely to look after it, or feel they have a stake in their local community. This also applies to tenants of our own stock.
- The final mix of housing for a new regeneration scheme is a way off yet so the Council is unable to commit that tenants can return to the new development. Doing so would potentially limit the options open to the Council for the redevelopment and could undermine the commercial opportunities available to make the best use of the site.

- The expectations of tenants wanting to move back to the current site would have to be resourced and managed.
- **Tenants will still have the opportunity to apply to join the Council’s housing waiting list for a vacancy at the new scheme, if they meet the criteria set out in the Council’s allocations policy. They will also have the right to seek a mutual-exchange.**
- This is in keeping with the approach successfully applied during the Biart Place decant.

It will be necessary for all households that are owed a duty to be offered suitable alternative accommodation, to be registered in Band 1+ of the housing waiting list, as this is a proportionate means of securing the legitimate aim of emptying the blocks.

It is likely that several households would potentially be eligible for the same property, so it is necessary to distinguish how they will be prioritised when a suitable vacancy arises. This helps to ensure transparency in the lettings process. Table 7, below, sets out the proposed prioritisation of applicants, which is the same system as has been utilised for the Biart Place decant:

Issue	points
Physical or sensory impairment living on floors 10-8	10
Physical or sensory impairment living on floors 7-5	8
Physical or sensory impairment and living on floor 4-0	5
Families with children aged 5 years and under (points per child)	10
Families with children aged 6-10 years (points per child)	8
Families with children aged 11-17 years (points per child)	5
Living on floors 10–8	10
Living on floors 7-5	8
Living on floors 4-0	5

If an applicant has an equal number of points with another household, then the applicant living on the highest floor will take priority. If there is still a tie then priority will be given to the applicant with the youngest child in full-time residence.

There are a lot of variables in terms of moving tenants to alternative homes, which could impact on when vacant possession of the blocks is achieved. However, it is useful to set a target date for this to ensure that the project keeps momentum. This proposed date is 31 March 2022. The Building Research Establishment (BRE) has advised that they see this

as reasonable, and we continue to liaise with Warwickshire Fire and Rescue Service who have not confirmed any objections to this date.

11.0 Compensation package for qualifying households in the event of site regeneration

Should the decision be taken to regenerate the site then the majority of the 174 households, still in residence will be eligible for Home Loss Payments. These payments are statutory (Land Compensation Act 1973), and their payment would be a cost to the Housing Revenue Account rather than the General Fund. The current Home Loss Payment amount, set by the Secretary of State through the statutory instrument *the Home Loss Payments (Prescribed Amounts) (England) Regulations 2018* is £6,300 per qualifying household. Rent arrears, inclusive of court costs, can be offset against any Home Loss payment. The trigger for payment to qualifying households would be them returning their key and giving the Council vacant possession of their former home.

It should be noted that this payment is solely to compensate tenants for the loss of their home. In addition, there is a discretionary disturbance payment that each qualifying household is entitled to, in recognition of the reasonable costs associated with their having to move to an alternative home, for example:

- Removal costs
- Redirection of mail
- Disconnection / re-siting of TV and satellite equipment
- Disconnection / reconnection of a cooker by a suitably qualified person (the National Inspection Council for Electrical Installation Contracting (NICEIC) or Gas Safe registered)
- Disconnection and reconnection of telephone and/or internet
- Replacement carpets and curtains – whereby the carpets and curtains in the original home cannot be re-used
- New school uniforms – if the move to a new home triggers a requirement for a child to attend a different school
- Removing and disposing of all rubbish and unwanted items prior to vacating the property

The trigger for this payment would be when a tenant has accepted an alternative offer of suitable accommodation.

In the case of Biart Place the discretionary home loss payment was set at £1,500 for a 1-bedroom flat and £1,750 for a 2-bedroom flat, and therefore would be reasonable for Rounds Gardens too,

It has already been mentioned that some tenants may wish to secure their own alternative housing solution rather than rely on the Council or a housing association. If tenants' choose to take on this additional inconvenience and potential additional costs then it would seem fair to increase their overall compensation package to £10,000 (including statutory home-loss payment and enhanced discretionary disturbance payment). Again, this is in keeping with the approach applied to Biart Place.

The proposed financial compensation package for qualifying households is summarised in table 8 below:

Breakdown of package	1-bedroom flats £'s	2 bedroom-flats £'s	32 x sheltered flats £'s	Option to secure own accommodation
Statutory home-loss payment*	6,300	6,300	6,300	6,300
Discretionary disturbance payment (inc. removals)	1,500	1,750	1,500	3,700
Total per household	7,600	7,850	7,800	10,000

**in accordance with the Home Loss Payments (Prescribed Amounts) (England) Regulations 2018 which came into force on 1 October 2018*

It should be noted that according to the Housing Benefit Regulations 2006, the discretionary disturbance payment is specifically excluded from entitlement calculations. However, the Statutory Home-loss Payment is counted as capital. The capital limits for working age customers is £6,000 (above which a reduction of £1 in benefit entitlement applies for each £250 in capital above that limit) and for pensionable age customers is £10,000 (above which a reduction of £1 in benefit entitlement applies for each £500 in capital above that limit). If the total capital held by the customer and partner is over £16,000, then no Housing Benefit will be payable.

If the customer uses the capital to pay off debts, or for furniture for the new home then this will not be considered as deprivation of capital for the purposes of benefits eligibility. If it is used for holidays and similar luxury uses, then a different view will be taken.

In addition to the tenants, there are two leaseholders, who would also be eligible for compensation, fixed at the market-value of their property and the statutory home-loss payment. It should be noted that any sub-tenants would not be eligible for compensation.

12.0 Financial implications

12.1 Cost Estimates

The total estimated cost of a new development scheme at Rounds Gardens is in the region of £28m to replace the number of homes lost.

This cost estimate is informed by an assessment undertaken by independent building and project consultants.

- An allowance for preliminaries, overheads and contractor profit have been included based on BCIS Costs Data checked against recent tender submissions
- The £/sqft is deemed inclusive of the following works:
 - A similar number of housing units on the site as existing
 - Moderate specification of finish to apartments and housing
 - Lift Installations within apartments
 - Fit out to core areas

- Low Pressure Hot Water heating system, no cooling, small power, Hot & Cold Water Service, fire alarm
 - Naturally ventilated building
 - Nominal allowance for external works
 - Main Contractor Preliminaries
 - Main Contractor overheads and profit
- Initial inflation assumptions
 - Contingency has been included at 10%
 - No other land purchase

The £28m cost is for the build element only and does not take into account additional costs in respect of:

- fees incurred to date in respect of survey works (£150,000) and fire precaution works (£450,000) carried out
- design fees, legal fees, decant costs, and potential land acquisition costs that will be incurred

12.2 HRA Capital Programme

The HRA Capital Programme for 2019/20 is included elsewhere on this agenda. The programme is approximately £4.359m and consists of the following major schemes:

Scheme	£'000	Comment
Stock Improvements & Capitalised Repairs	2,150	Including; bathrooms, heating upgrades, kitchen improvements and door replacements
Purchase of Council Homes	1,685	To increase supply to meet RTB sales
Other	524	Including lifeline renewal programme and Disabled Adaptations
Total	4,359	

The Stock Improvements and Capitalised Repairs will be financed from the Major Repairs Reserve, with the other schemes being funded from a mix of right-to-buy receipts and revenue contributions.

Taking account of all the above schemes, and the previously approved redevelopment of Biart Place, will require an estimated HRA capital programme in excess of £55m.

12.3 Financing Sources

A capital programme of this scale will place pressure on the HRA's financial resources. After considering contributions from the Major Repairs Reserve Account, likely available grant funding and Right to Buy Receipts, it is anticipated that approximately £50m of internal resources would be required to fund the expanded capital programme.

Following the decision to redevelop the Biart Place site, the Council has been in contact with ministers at MHCLG seeking central government support. Officers will be meeting MHCLG counterparts in the forthcoming weeks, however the magnitude and likelihood of any support is uncertain at this time.

To ensure that the Council has earmarked balances to commence potential decant, demolition and rebuild costs (notwithstanding central Government financial support) in 2019/20, £5.082m that would otherwise have been set aside for the repayment of debt as part of the HRA Medium Term Financial Plan will be utilised as Revenue Contributions to Capital Expenditure adding to the anticipated opening balance of £10m of Capital Investment Balances. Further, and again in the absence of central government support, future debt repayment will be deferred and net rent surpluses utilised as Revenue Contributions to Capital Expenditure in the medium term.

If direct financial support is not available, the Council will need to fund the project costs beyond its available investment balances via an increase in the HRA Capital Financing Requirement (CFR) which in turn will increase the underlying need to borrow within the HRA.

In October 2018 Government announced the scrapping of the HRA debt cap. The statutory level set for Rugby Borough Council was £83m. In the absence of a regulated debt cap officers have examined alternative measures to ensure the Council complies with the Prudential Code for Capital Finance in Local Authorities. The Code advocates a principles-based approach which allows each local authority to determine its own prerequisites, whilst taking account of any statutory requirements.

Within the registered social housing provider sector, the nearest peer group to local authorities are housing associations. When seeking investment housing associations are typically assessed by commercial funding bodies on their interest cover metric. This examines the level of net rent generated by the organisation in comparison to its forecast debt costs. Typically, a ratio of 2:1, that is, net rent at double the level of debt costs is considered prudent to mitigate risks. Rugby Borough Council's current HRA interest cover level is 7:1, that is net rent is seven times more than its debt costs. If the Council were to mirror the approach taken by housing association funders therefore it has the capacity to sustain borrowing for investment purposes at the following levels:

Average financing costs – interest rate	Converted debt cap £'m
2.80%	124
2.90%	120
3.00%	115
3.10%	110
3.20%	108
3.30%	105
3.40%	102
3.50%	100

For reference interest on the current HRA debt pool is 1.99%. The Council's treasury advisors, Link Asset Services latest central forecast for long-term PWLB borrowing rates over the period of the medium term financial plan are as follows:

%	Mar 19	Jun 19	Sep 19	Dec 19	Mar 20	Jun 20	Sep 20	Dec 20	Mar 21
25yr PWLB Rate	3.00	3.10	3.10	3.20	3.30	3.30	3.40	3.50	3.50
50yr PWLB Rate	2.80	2.90	2.90	3.00	3.10	3.10	3.20	3.30	3.30

Forecasts and rates remain subject to volatility because of the ongoing uncertainty regarding the outcome of the UK's withdrawal from the European Union. Given the range of outcomes, a local debt cap has therefore been recommended at £110m in 2019/20.

Whilst the revised debt cap meets the Prudential Code definition in being prudent, affordable, and sustainable, without central government support the Council will be constrained in its ability to acquire new homes to increase its housing stock in the medium term.

13.0 Communications with tenants

Tenants of Rounds Gardens have already been advised of the report being submitted for the consideration of Council. They have also been directed to access the publicly available copy on the Council's web site.

An information pack has been prepared for distribution to tenants, in anticipation of a regeneration scheme being approved. This is in a question and answer format, and if

Council agree to go down the route of regeneration of the site, these will be delivered to tenants tomorrow, along with letters advising them of the Council's decision.

Tenants have been consulted individually to clarify their thoughts on both the potential for redevelopment and their individual housing needs. The response rate to this consultation has been 87%. It should be noted that the consultation has not extended to non-secure tenants occupying properties on a temporary basis.

14.0 Conclusion

In summary

- The final BRE reports indicate that all the floors in all three blocks are not strong enough to guarantee that they would be able to resist failure in a shock event.
- The full extent of progressive collapse is unpredictable and currently unknown due to the complexity of any further investigation and the structural modelling required
- Further investigation and structural modelling cannot guarantee that a definitive refurbishment solution or recommendation can or will be made with sufficient warranties provided
- The estimate of the refurbishment works with the new findings has increased to £30m (without warranties).
- It is known that these blocks are at risk and although mitigation measures are in place for the short to medium period these measures are not a long-term solution.

15.0 Recommendation

(1) The new build option at a cost of up to £28m to provide a minimum of 221 affordable homes on the Rounds Gardens site be approved;

This recommendation is made due to:

- The high-rise blocks are nearing the end of their design life (60 years) and require significant investment to prolong their useful life
- Their poor structural condition and known risks of progressive collapse in a shock event such as a serious fire or explosion.
- The refurbishment options have been revised upwards to £30m against a regeneration cost of £28m
- The refurbishment of the blocks does not resolve all the issues such as old fashioned and inefficient layouts
- Risk associated with future legislation regarding high-rise blocks refurbishment / management adding cost
- Uncertainty regarding the value of undertaking further investigation, if no definitive conclusions could be reached following it
- Recladding the structural repairs will be necessary and tenant / public appetite for such systems may be in question;

(2) the decanting of all three blocks at Rounds Gardens be completed by 31 March 2022;

(3) the demolition and new build development be undertaken in a phased manner;

(4) the Head of Communities and Homes be given delegated authority to administer a compensation package of up to £10,000 per eligible household;

- (5) the guarantor/indemnity reserve of £160,000 established to mitigate potential losses arising from the increase in private sector allocations in respect of Biart Place be extended to cover Rounds Gardens as well;
- (6) the implementation of a points scoring system, to prioritise decant moves from Rounds Gardens as outlined in section 13 of this report, be approved;
- (7) negotiations progress with adjacent land-owners to assist with additional land assembly to permit a wider developable footprint;
- (8) negotiations progress with the licensees of telecoms equipment on the roofs of the blocks to terminate their lease;
- (9) negotiations progress with leaseholders to purchase their freehold interest;
- (10) work progresses to formulate a new build development scheme for the consideration of Council; and
- (11) supplementary budgets be approved in respect of:
 - (a) £1.65m for the decanting of qualifying tenants living in both the high-rise blocks and the low-level sheltered properties. This assumes a maximum take-up of the £10,000 per eligible household as outlined in table 8 of this report, to be met from HRA capital resources;
 - (b) £150,000 for the appointment of an additional project manager for a fixed term 3-year contract to support delivery of the project; and
 - (c) an initial budget of £1.65m for design team and legal costs/fees to take the project to receipt of tenders.

Special Council – 5 February 2019

Report of the Executive Director

Public Spaces Protection Orders – New and Revised Orders

1. Background

The Anti-social Behaviour, Crime and Policing Act 2014 enabled Councils to introduce Public Space Protection Order (PSPO) which are in effect a more modern and responsive style of local byelaw.

A public spaces protection order can be made if the Council is satisfied on reasonable grounds that two conditions are met. Firstly, that

- i. activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
- ii. it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities is, or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable, and therefore justifies the restrictions imposed by the notice.

The great advantage of the PSPO over other forms of byelaw or potentially other offences is the instant availability of enforcement by way of out of court disposal through the use of fixed penalty notices (FPN).

Whittle Overview and Scrutiny Committee reviewed PSPOs and their report was presented to Cabinet at their meeting of 3rd September 2018 and Cabinet approval was given (Minute 32/2018) to commence the consultation process to extend and increase the current Public Spaces Protection Orders (PSPO).

2. Current and Proposed PSPOs

Currently the Council has PSPOs for (i) dog controls and (ii) intoxicating substances in the town centre. The current intoxicating substance PSPO was extended for a further year by Council at their meeting on 19 July 2018 (Minute 15/2018) to expire on 20th August 2019 to allow for consideration of a revised order.

The dog control PSPO covers dog fouling, dogs on leads, dogs on leads by direction, and dog exclusions, and is due to expire on 31st August 2020.

It is a statutory requirement that a public spaces protection order may not have effect for a period of more than 3 years, unless extended by the local authority responsible for granting the original order.

Whittle Overview and Scrutiny Committee carried out a review of existing and potential PSPOs and their report was considered by Cabinet on 3rd September 2018. The full report is available at <https://www.rugby.gov.uk/meetings/meeting/912/cabinet>

They proposed:

- i. Revised dog control PSPO including more flexibility regarding where dogs can be to protect children's play areas and a requirement for dog owners to carry suitable means to pick up dog faeces
- ii. Revised intoxicating substance PSPO which extended the area from the town centre into new areas of concerns mainly around the Benn and Eastlands Wards
- iii. New PSPO to deal with anti-social behaviour at Newbold Quarry
- iv. New PSPO for prohibiting cycling in the pedestrianised area of the town centre.

Full details can be found in the Whittle Overview and Scrutiny Committee report.

3. Enforcement

Through the Community Safety Partnership structures, and relationships with council officers, Police and Rugby First, all partners have agreed a firm but fair process and protocol for enforcement of the orders. All organisations are committed to using the PSPOs to improve the quality of life for residents and visitors into the town centre environment.

A range of existing council enforcement officers including Community Wardens and Environmental Protection Officers are authorised to take enforcement action, as are Police officers and PCSOs. Rugby First rangers will provide support and intelligence but are not authorised to take enforcement action.

If any person fails to comply with the PSPO then the normal action would be to issue that person with a Fixed Penalty Notice (FPN) and a fine of up to £100. A discount of 40 per cent may be applied if paid within 10 days.

The FPN for intoxicating substances also has details of how the recipient can contact substance misuse recovery agencies.

If an FPN is not paid the matter can be dealt with through the Court, and the Council may also request a Criminal Behaviour Order (CBO) which is an updated version of an anti-social behaviour order (ASBO).

4. Consultation

The consultation process ran from 22 November to 20 December 2018, but this was extended to 4 January 2019 following requests from Parish Councils to enable them time to consult and present their findings gathered from the local community.

There was general support for all of the PSPOs except for the order relating to cycling in the pedestrianised area, which notably was not supported by Warwickshire County Council who are the Highways Authority.

The consultation findings are summarised in Appendix A.

Appendix B is a summary of the proposed lead controls in the council parks (subject to review once order agreed and if alterations made to the parks).

Appendix C are the proposed orders for consideration and approval. The draft order for the cycling in the town centre is included for information.

Approval is now sought to bring the revised PSPOs and the new PSPO into force with effect as soon as possible.

For the new orders, officers suggest an educational approach to inform and engage with the public and businesses alike.

The aim is that all PSPOs commence on the same date and to last for 3 years.

It should be noted any PSPO can be reviewed at any time should the circumstances and anti-social behaviour warrant that action.

5. Recommendation

- (1) The Public Space Protection Orders as published in Appendix C for dog controls, intoxicating substances and Newbold Quarry be approved;
- (2) following consultation, the proposed PSPO for cycling in the pedestrianised area not be approved; and
- (3) all revised PSPOs and the new PSPO be reviewed and dated to expire after 3 years.

Summary of Public Space Protection Order Consultations and Results

1. Public Space Protection Order (PSPO) for Newbold Quarry Nature Reserve (NQNR)

Summary of Proposals

Purpose to address anti-social behaviour at NQNR, this is a direct transfer of present bylaws which will enable our enforcement teams along with Rugby Police address the anti-social behaviour issues which have been escalating over the last two years. A detailed draft order is provided in Appendix C.

Who we Consulted

Local residents within the area were consulted, letters were hand delivered to addresses in the surrounding area. Newbold Road 384 -278a, Morris close 15 – 45, Norman Road 41 -95, Egerton Close 1 -20, Quarry Close 1 -28, Plantoff Place 43 - 95, Avonmere 2 -10, 1- 27, 20 -8. Additionally, invited comments to a “*have your say*” consultation hosted on our website, premises and businesses within the proposed areas and proposed orders were orders posted on prominent areas in parks and affected areas. Additionally, emails and letters were sent to the topic related statutory consultees Natural England, Warwickshire County Council, Office of the Police and Crime Commissioner, Local Police Inspector, Fishing/ Dog clubs, charities and organisations for their comments; and the proposed orders were advertised within the local paper as is our statutory duty.

Responses/suggestions

Newbold Quarry Nature Reserve	(PSPO NEW, change from bylaw)
Do not agree	0
Agree, with concerns	100% (3)
Agree	

PSPO NQNR

100% support introduction of PSPO

Full support from statutory consultees including Warwickshire Police (on behalf of OPCC)

Selection of comments (3 total):

Welcome changes, BBQ are a nuisance

Welcome due to ASB

Fully Support (Warwickshire’s Police/OPPC)

SUGGESTED ACTION: Implement the proposed PSPO order in its entirety.

2. Public Space Protection Order (PSPO) for Cycling in Town Centre

Summary of Proposals

Purpose to address anti-social behaviour, by order, for cyclists to dismount whilst travelling through the restricted areas in town centre:

Who we Consulted

Posters were displayed in prominent areas close to the restricted zones. Local businesses were advised by our Community Wardens. Additionally, invited comments to a “*have your say*” consultation hosted on our website. Additionally, emails and letters were sent to the topic related statutory consultees, Warwickshire County Council, Office of the Police and Crime Commissioner, Local Police Inspector, Cycling Club UK, Rugby First, for their comments. The proposed orders were advertised within the local paper as is our statutory duty.

Responses/Suggestions

Cycling in Town Centre	(not allowed in restricted areas)
Do not agree	74% (20)
Agree, with concerns	15% (4)
Agree	11% (3)

PSPO Town Centre Cycling

28 responses: 6 support, 22 object, 1 observation comment including 2 objections by statutory consultees (Warwickshire County Council, Cycling UK)

Selection of comments

4 positives – support due to safety, endorses proposed area, agrees,
26 Negative – as below

Unfair to target cyclists, cars there all the time.
Present rules not enforced. Illegal riding affects the whole borough.
Penalises the elderly and parents of youths

No clear objective, already laws in place, not enforced. Be practical and increase resources to enforce existing laws.
Against policies to encourage/ improve cycling.

WCC is developing a Rugby cycling network strategy. Banning cycles is against county and government policies for towns & cities.

Proposal is against highway authority, council would be a laughing stock. ASB should be targeted separately.

Most cyclists in town behave and the proposal is not sensible as vehicles (including lorries) have access at certain times. Chapel Street is

Needs improved signage.
 Objects, short sighted anti-cycling measures opposed to WCC's cycling encouragement to stop the actions of people acting stupidly.
 Not always a pedestrian area. Is there evidence, or is it prejudicial to cyclists?
 Anti-ASB measures should tackle the few reckless.
 Cycling helps air quality, we should encourage. Being disabled, pedestrians are more of an issue than bikes.

available to motor vehicles for access 24hrs a day.
 Would inconvenience considerate cyclists who wish to cut down pollution.
 Discourages exercise.
 Cycling and pedestrians share other areas in town where many of which are more confined than the proposed area.
 Total ban would be detrimental for responsible cyclists, sends out a message that Rugby perceives cycling as anti-social. Will impact on potential county wide bike share scheme.

The results show a distinct lack of supportive evidence to implement this PSPO and a lack of evidence to demonstrate it being persistent or continuing in nature.

SUGGESTED ACTION: Do not continue to include and support the proposed PSPO

3. Revised Public Space Protection Order (PSPO) for intoxicating Substances

Summary of Proposals

Purpose to address anti-social behaviour relating to alcohol and psychotic substances (formally known as legal highs). Request for the present end date to be extended for three years to bring this order in line with all approved PSPOs

Who we Consulted

Posters were displayed in prominent areas close to the restricted zones. Local businesses were advised by our Community Wardens. Representation was provided by Rugby Police SNT as part of tackling Crime and disorder. Additionally, invited comments to a "have your say" consultation hosted on our website. Additionally, emails and letters were sent to the topic related statutory consultees, Warwickshire County Council, Office of the Police and Crime Commissioner, Local Police Inspector, and Rugby First, for their comments. The proposed orders were advertised within the local paper as is our statutory duty.

Responses/Suggestions

Intoxicating Substances/Alcohol	(extended area as detailed)
Do not agree	25% (1)
Agree, with concerns	0
Agree	75% (3)

PSPO Intoxicating Substances

Full support from statutory consultees (Police, Rugby Bid)

Selection of comments (5 total)

Positive step

Statutory Consultee, fully support enhanced proposal

Our Community Wardens work in partnership with PCSOs and Rugby Bid. All agencies work together to implement the PSPO in relation to intoxicating substances.

Not policed now, so waste time and money without adequate enforcement

The extension to the area as proposed is to manage the increased displacement of offenders to the present boundary of the order. We will use existing resources to patrol areas, acting on intelligence gathered data.

Parish councils want surrounding villages included in the future.

SUGGESTED ACTION: Extend area of existing PSPO and set the review date to 3 years to coordinate with the other proposed PSPOs.

4. Revise the Dog Control Public Space Protection Order

i. PSPO Dogs Means to pick up and selected “word” amendments

Summary of Proposals: For ease the specific areas which officers consulted on were:

Leads. – A person in charge of a dog must keep the dog on a lead on the following land:

- a) the addition of Rainsbrook Crematorium and Cemetery (incl. memorial gardens)
- b) the addition of Trinity Graveyard (St Andrews Gardens)

Exclusion

The removal of the word “enclosed” within a children’s” play area, to now say “A person in charge of a dog must not take it into or keep it within a “defined play area”

And an introduction to a new consideration following the initial consultation of:

Means to pick up

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless

- (a) he has reasonable excuse for failing to do so: or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

The proposed enhanced PSPO will override the existing and extend the present order to capture areas where anti-social behaviour is continuing. This will enable Officers from

Rugby Borough Council and Warwickshire Police to deal more robustly with offenders at the time of occurrence.

Who we consulted

Under s.72 of The Anti-social Behaviour Crime and Policing Act 2014, a consultation informs the decision to be made under s.59 where a local authority is deciding whether to make a PSPO and if so, what it should include. This has been undertaken by inviting comments to a “*have your say*” consultation hosted on our website, letters to homes, premises and businesses within the proposed areas and orders posted on prominent areas in parks and affected areas. Additionally, emails and letters were sent to the topic related statutory consultees, clubs, charities and organisations for their comments. The proposed orders were advertised within the local paper as is our statutory duty.

The consultation period was extended to facilitate Lawford Parish Council request for dogs on lead in Lawford parks. Supporting letters were received from members. Our records indicate no reported issues with regards to dogs off leads therefore the Government criteria have not been met. Councillors can of course alter the order subject to consultation with Legal, if they want to depart from the proposed policy.

Responses/Suggestions

Dogs Controls	(inclusive: means to pick-up, dogs on leads all cemeteries etc., excluded from play areas)
Do not agree	9% (1)
Agree, with concerns	9% (1)
Agree	82% (8)

Consultation responses

10 responses: 9 support, 1 object, Includes 7 Stat C comments

Selection of comments (13 total)

Policing and enforcement for poo bags hard to enforce.

Difficulty in enforcing if there are no boundaries.

Exclusion zones should be kept to a minimum.

Parish councils want their parks as designated ‘dog on lead’ areas.

Our Community Wardens work in pairs on a shift rota system, they patrol hot spot areas in the borough. Dog walkers are regularly approached and encouraged to report their observations to us. We actively encourage intelligence led operations.

We plan to instigate an ‘educational’ period following cabinet approval. We will continue to patrol areas that have been identified by the

Statutory Consultee urge conversation on legality of 'means to pick up'

Don't agree with draconian measures to educate.

public and parish councils as fouling or behavioural hotspots.

A dog owner will be requested to put their dog on a lead, by an authorised officer, if it is causing a nuisance or disruption to others.

We will use existing resources to patrol areas, acting on hotspots identified by members of the public and parish councils.

The evidence indicates support amongst dog walkers and non-dog walkers for the retention of the existing offences with descriptive changes and the introduction of 'having the means to pick up'

SUGGESTED ACTION to include these offences in the PSPO: Add the 'Means to pick up' order, Add Rainsbrook Crematorium & Cemetery to 'dogs on lead at all times'. Remove the word 'enclosed children's play areas' to replace with play equipment areas

Summary of the proposed lead controls in the council parks

It is not clear in the existing PSPO for dog control which areas dogs are excluded from and the aim is to provide a list that the public will be able to access which shows the restrictions. The aim of the current and revised order is to ensure that children can play safely in areas where there is play equipment and allow areas where dog owners can walk their dogs or let them off their leads, subject to the conditions of the PSPO.

Appendix B is a summary of the proposed lead controls in the council parks (subject to review once order agreed and if alterations made to the parks).

Initial consultation for Council Parks, subject to review when order is agreed and made by members.

PSPO DOGS Play & Youth Facilities

- | | |
|---|--|
| 1. Alwyn Road Recreation Ground
(Bilton), Alwyn Road, CV22 7RD | Enclosed play area - no dogs |
| 2. Apple Grove (Admirals and Cawston),
Apple Grove, CV22 7TW | Enclosed play area - no dogs |
| 3. Aqua Place (Newbold and Brownsover),
Aqua Place, CV21 1BY | Enclosed play space - no dogs |
| 4. Asheton Rec (Bilton), The Green, Bilton
Village, CV22 7LY | No dogs onto IAS / tarmac. |
| 5. Avon Mill (Newbold and Brownsover),
Newbold Road/Fosterd Road, CV21 1DE | No dogs within general play
area (make shape on aerial
image for sign), keep on path
etc. |

6. Bawnmore Road (Bilton) off Edyvean Close near to No 25, CV22 6LD	Dogs on lead whole site. Dogs to keep to paths and outside (not to enter play area side of either path)
7. Bilton Pavilions (New Bilton) Prior Park Road, CV22 7GA (opposite Lidl)	Dogs on lead and keep to paths and seat hard standing (play area side of brook). Dogs off lead other side of the bridge
8. Brindley Road (Hillmorton), Brindley Road, CV21 4BJ (next to number 21)	Enclosed play space - no dogs
9. Brooklime Drive (Coton and Boughton), Brooklime Drive, CV23 0SF	Enclosed play space. No dogs
10. Buchanan Road (Rokeby and Overslade), next to Overslade Community centre, CV22 6AZ	Dogs on lead and keep to pathways/seats. Alternative site less than 90m away for dogs off lead
11. Caldecott Park (Benn), Park Road, CV21 2QZ	Dogs on lead. Not in enclosed play area and MUGA, tennis court. Dogs to keep out of main play area (not to enter link paths on inside of circulatory paths)
12. Cave Close (Admirals and Cawston), CV22 7GL (Play area on open space behind properties)	Enclosed Play area. No dogs.
13. Cawston NEAP (Admirals and Cawston) CV22 7GU (play area on open space to rear of primary school)	Dogs on lead in area around play area until reach the SUDS pond bottle neck. To keep to paths and seating hard areas.
14. Centenary Park, Parkfield Road Former Allotment Site (Newbold and Brownsover), entrance via Meadow Road, CV21 1ER	Dog on lead and keep to paths/seating areas. (alternative option to allow dogs off lead south of circular path/meadow areas - however that is wildlife area so disturbance)

15. Charwelton Drive (Clifton, Newton and Churchover) CV21 1TU (play area in open space beyond 5 bar gate)	Enclosed play area - no dogs
16. Clifton Links (Eastlands) Ridge Drive (end of, adj. to no.52) CV21 3FE	Enclosed Play area - no dogs. & No dogs west of link path in grass football area.
17. Coton Park NEAP (Coton and Boughton) CV23 0WE (play area on open space to rear of factory accessed off Central Park Drive/Coton Park Drive, maintenance access opposite 89 Coton Park Drive)	No dogs within play area and MUGA side of the central path. Dogs on lead on path. Dogs off lead wooded areas away from play areas. (purchase and install benches to go other side for parents with dogs etc. if adopted)
18. Dewar Grove (Paddock) CV21 4AT (play area up footpath adj. to no.2)	Enclosed site (only one entrance) - no dogs.
19. Dickens Road (Rokeby and Overslade), Norton Leys, CV22 5RT (footpath adj. to no. 81 or adj to no. 70 Chaucer Rd)	Enclosed site. No dogs.
20. Freemantle Road (Admirals and Cawston) CV22 7HY (rec. Grd on Opp. Side of road to no.138)	Dog on lead - keep out away from play area and MUGA until reach Cornwallis open space - take western boundary
21. Frobisher Road (Admirals and Cawston) CV22 7JE (adj. to the shops and Henry Hinde School)	Enclosed play area - no dogs
22. GEC Recreation Ground (Paddock) Hillmorton Road, CV21 5AR, Lower Hillmorton Rd CV21 3TN	Dogs on lead and strictly on central tarmac/resin bond path only within play area mounds/circular path link.
23. Glaramara Close (Newbold and Brownsover) CV21 1JE	Enclosed play area - no dogs.

24. Heath Way (Paddock) CV22 5JA (entrance next to no.16)	Enclosed site - no dogs
25. Hillmorton Rec aka Featherbed Lane (Hillmorton) Deerings Road, CV21 4EN (car park adj. to no.1)	As part of imminent pavilion/path works minor rerouting of circulatory path draw desire lines away from play area - no dogs in play area (make map)
26. Hollowell Way (Newbold and Brownsover), Parkend, CV21 1NP (car park Opp. No.1)	No dogs in enclosed play area, MUGA or skatepark (skatepark taken as west of path). Dogs on lead in grass football area.
27. Holly Drive, Ryton (Dunsmore), Opposite 61 Holly Drive, CV8 3QA	Enclosed Play area - no dogs
28. Lennon Close (Hillmorton), CV21 4DT (end of road Opp. No 82)	Enclosed play area - no dogs.
29. Millennium Green (Benn), Craven Road, CV21 3JY	Dogs on lead on desire line through between Welford Road and Craven road. (not to be taken into play or muga). Dogs off lead on grass kick about area (but no fouling)
30. New Bilton Rec (New Bilton), Addison Road/Long Lawford Road CV22 7BG (park entrance Opp. No. 31)	No dogs in enclosed play area or at base of non-enclosed play equipment (i.e. don't take play equipment side of circulatory path).
31. Pantolf Place aka Brownsover Road (Newbold and Brownsover) Newbold, CV21 1HL	Enclosed play space - no dogs
32. Rokeby Rec (Rokeby and Overslade), Southbrook Road, CV22 5NS (Opp. No 24)	No dogs in the play area (due imminent refurb)
33. Sorrel Drive (Coton and Boughton), CV23 0TL (gate to open space adj. no 15, follow path round to left)	Enclosed play space. No dogs

34. Turchil Road (Admirals and Cawston), CV22 7FW (approx. ½ way along road)	Enclosed play space - (signs to encourage/make clear the alternative pathway route for dogs?)
35. Union Street (Eastlands), East Union Street CV22 6AJ (follow road round to open space, next to Bradby Boys Club)	No dogs play area side of the county footpath (on lead on footpath). Off lead other side of path.
36. Waterside (Newbold and Brownsover), Thomson Close, CV21 1XJ (Opp. No 14)	Enclosed play space - (signs to encourage alternative route for dogs to prevent being used as cut through?)
37. Whinfield Rec (Eastlands), Clifton Road, CV21 3QZ (Entrance Opp. No. 309)	Enclosed Play area. MUGA tbc
38. Whitehall aka Rugby Rec (Eastlands) Bruce Williams Way CV22 5LJ (on rec. Grd on approach to Diamond Leisure Centre)	No dogs in play area and skatepark (enclosed/path). Dogs on lead on the main path passing play area (from music garden/birch plantation southward to car park (and on lead in car park).
39. Woodlands (Bilton), Falstaff Drive, CV22 6LL (slip road next to no. 12 & on left)	Dog on lead, and central grass area only. Dogs not to be taken in play surfaced areas/ west section.
40. York Street (New Bilton), CV21 2BS (adj. to no.101)	No Dogs

Facilities for Young People (F4YP)

1. Addison Road Rec (New Bilton), Parkour and Gym equipment, CV22 7DA (Opp. No.113)	No Dogs within parrellogram shape paths around parkour or gym
2. Alwyn Road (Bilton), Gym equipment toward car park/pavilion, Alwyn Road Recreation Ground CV22 7RD	as above for play area

3. Avon Mill Rec (Newbold and Brownsover), ½ MUGA by pitches, Newbold Road/Fosterd Road CV21 1DE (Opp. No.13)	No dogs MUGA side of county footpath
4. Boughton Road/Butlers Leap (Newbold and Brownsover), BMX dirt pump track, opposite Prospect way, CV21 3UU.	No dogs within the bike track area (aerial image sign with shape indicated)
5. Buchanan Road (Rokeby and Overslade), MUGA next to play area, CV22 6AZ	As per above (on lead and stick to paths)
6. Caldecott Park (Benn), MUGA behind cafe, Park Road, CV21 2QZ	enclosed area - no dogs
7. Cawston NEAP (Admirals and Cawston), Gym equipment around play area, CV22 7GU (open space to rear of primary school)	as per play area comments above
8. Centenary Park, Parkfield Road (Newbold and Brownsover), MUGA and outdoor gym equipment	as per the play area comments above
9. Coton Park NEAP (Coton and Boughton), MUGA next to play area , CV23 0WE (on open space to rear of factory accessed off Central Park Drive, maintenance access opposite 89 Coton Park Drive)	as per the play area comments above
10. Freemantle Rec (Admirals and Cawston), MUGA next to play area (rec. Grd on Opp. Side of road to no.138)	as Freemantle play area
11. Freemantle Open Space (New Bilton) CV22 7HY, MUGA and Gym equipment in field with football pitches (opposite side of Cornwallis Road to the play area)	No dogs in muga and gym equipment area (satellite image marked on sign)
12. GEC Recreation Ground (Paddox), Gym equipment, Hillmorton Road, CV21 5AR	As per Alwyn - no dogs up to gym equipment etc.
13. Hillmorton Rec (Hillmorton), Skatepark, Deerings Road, CV21 4EN (car park adj. to no.1)	No dogs in skatepark area within fencing and hedges.

- | | |
|--|--|
| 14. Hollowell Way (Newbold and Brownsover), MUGA and Skatepark, Parkend, CV21 1NP (car park Opp. No.1) | as per the comments in play area above |
| 15. Jubilee Street (New Bilton), ½ MUGA, Bridle Road CV21 2JH | No dogs in MUGA (do aerial shot for sign) |
| 16. Millennium Green (Benn), Mini MUGA, Craven Road, CV21 3JY | as per above comments in play area (MUGA enclosed) |
| 17. Rokeby Rec (Rokeby and Overslade), ½ MUGA by play area, Southbrook Road, CV22 5NS (Opp. No 24) | as above |
| 18. Whinfield Rec (Eastlands) MUGA by play area, Clifton Road, CV21 3QZ (Entrance Opp. No. 309) | as above comments in play area |

Inspected by RBC

- | | |
|--|-----|
| 1. Bluemels Drive, Wolston (Wolston and the Lawfords), in open space behind Bluemels Drive, alley next to 30 Bluemels Drive, CV8 3LN | N/A |
| 2. Bluemels Drive , Wolston. (Wolston and the Lawfords), in open space behind St Margarets Avenue, alley next to 43, CV8 3LJ | N/A |

THE PROPOSED ORDERS

NEWBOLD QUARRY & NATURE RESERVE



ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER NEWBOLD QUARRY NATURE RESERVE RUGBY BOROUGH COUNCIL ORDER 2019

Rugby Borough Council ('the Council') makes the following Order being satisfied on reasonable grounds that activities at Newbold Quarry Nature Reserve ("the Reserve") have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours.

The Council believes that the effect, or likely effect, of the activities described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activities unreasonable and justifies the restriction imposed by this Order.

This order revokes the Rugby Borough Council Byelaws for Newbold Quarry Nature Reserve adopted by the Council on 13 December 1994 and confirmed by the Secretary of State on 15 May 1995 so far as it relates to the activities NOT PERMITTED at Newbold Quarry Nature Reserve.

1. Restrictions

- Not allow any dog to disturb, worry, kill, injure or otherwise molest any animal, bird, fish or the nest, eggs, or similar structure/habitat of any living creature.
- Not to take, molest or intentionally disturb, injure or kill any living creature or destroy the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- Not to fish in any area where signs erected by an authorised agent and/or officer of the Council, are displayed prohibiting fishing.

- Remove or displace any tree, plant, shrub, fungus or part thereof, or any unfashioned mineral thing including water. Removing any soil, sand, shingle, or rock or defacing any rock.
- Climb or ascend any tree or climb or place a ladder or steps against any tree.
- Engage in any act which pollutes or is likely to pollute any water this includes fouling; obstructing or diverting, any waterway without the consent of the Council.
- No swimming, bathing, wading or water skiing (includes jumping into water, from land or structures, whether man-made or natural) or ice skating.
- Sail or operate any boat, dinghy, canoe, sailboard, inflatable or model boat on any waterway without the consent of the Council.
- Moor, leave, launch or propel (by any means whatever) any boat on an area or stretch of water other than a public waterway.
- Use any device designed or adapted for detecting or locating any metal or mineral.
- Take, disturb, injure or destroy any living creature or its young, eggs or nests, by any means including (but not restricted to) hunting, coursing or shooting or spreading or using a net, or setting or using any lamp, or any trap, snare or lure or discharge any firearm, air weapon or rocket or projecting any missile manually or by artificial means.
- Bring any animal or poultry to feed or graze.
- Remove, cut or damage any plant or vegetation whether living or dead.
- Fly any kite, hang glider, rocket, model aircraft, drone or any similar aerial device.
- Erect any post, rail, fence, pole, or other structure.
- Play any game likely to cause a disturbance to wildlife or to persons in the locality or hold any sports or public meeting.
- Affix or cause to be fixed any poster or placard, notice or advertisement to any wall, fence, building, barrier, railing, post or seat.
- Light any fire, stove, heater, barbeque or other appliance capable of causing a fire, or letting fall or throw any lit match or substance in a manner to cause a fire.

- Ride, drive, park, leave, land or propel any mechanically propelled vehicle (including aircraft or hovercraft) on any part.
- Erect, leave, occupy or use any tent or other structure for the purpose of habitation. No person shall sleep in area either in the open air or in a fixed structure.
- Not to use any apparatus for transmission, reception, reproduction or amplification of sound or speed by electrical or mechanical means to the annoyance or disturbance of other persons.
- Not to sell, offer or expose for sale or let or expose for hire any commodity or article or sell or offer for sale any service.
- Not to deposit any litter or refuse.
- Not to bring on any living creature, egg of any living creature, or any plant, or seed or any other part of a plant likely that such creature or plant will reproduce or propagate itself, or egg will hatch or see germinate.
- Wilfully obstruct or disturb a warden or other authorised agent of the Council in the proper execution of his duty or any other person or employed by the Council in the execution of any work connected with the maintenance or control of the area.
- Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when a constable or authorised person has directed them to do so, in the reasonable belief that such a direction is necessary to prevent public nuisance, public disorder or anti-social behaviour.
- Any person shall hand over any containers (sealed or unsealed) which are believed to contain psychoactive substances, when required to do so by a constable or authorised person in order to prevent public nuisance or public disorder or anti-social behaviour.

1.1 Dogs

All dogs to be kept on a lead and under proper control at all times.

1.2 Nuisance or anti-social behaviour

Not to behave in a manner that is causes or is likely to cause nuisance, harassment, alarm or distress to any other person.

1.3 Direction to Leave

Any person, when directed to do so by a constable or authorised person in order to prevent public nuisance or disorder, shall leave the designated area.

2. Offence/penalties

A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of Section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale (currently £1000).

3. Fixed Penalty Notice

An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £75 if paid within 10 days).

4. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part.

5.

It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

6. Duration

The Order will come into force on XXXXXXXXXXXXXXXX and remain in place for a period of 3 years

THE COMMON SEAL of)
Rugby Borough Council was)
hereunto affixed this 12 day of)
December in the presence of:)

Executive Director



DRAFT RESTRICTED CYCLING IN TOWN CENTRE

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER RUGBY BOROUGH COUNCIL RESTRICTED CYCLING IN TOWN CENTRE 2019

Example of PSPO wording and restrictions for prevention cycling in town centre

The Public Spaces Protection Order (PSPO) enables the Council to fulfil its statutory obligations under the Anti-Social Behaviour, Crime and Policing Act 2014 and respond in a positive manner to address the anti-social behaviour of individuals who ride bicycles through the main pedestrianised area of Rugby Town Centre.

This is an example of PSPO should consultation on this matter be approved by Cabinet.

IMPORTANT: This will be subject to approval and final drafting by the legal team.

Following extensive consultation, evidence gathered suggests that reckless riding of bicycles by cyclists is being carried out in a public place which is having a detrimental effect on the quality of life of those in the locality and it is likely that activities will be carried out in a continuing nature.

On dd/m/2018 Rugby Borough Council made a decision under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 that a PSPO be made to restrict cyclists from riding bicycles through the main pedestrian area of Rugby Town Centre between designated times [this may be a consideration], allowing both authorised Local Authority and Police Officers to enforce the restriction using a fixed penalty notice regime.

The PSPO complements an existing Traffic Regulation Order (TRO) in place which restricts cyclists from riding through the pedestrian area during the same times, however it has the additional benefit of allowing authorised Local Authority staff to enforce the restrictions in the same manner as Police Officers. [this may be a consideration if TRO applies]

The introduction of the PSPO in the main pedestrian area of Rugby Town Centre represents an opportunity to put the victim of anti-social behaviour first and reassure the community that the issues that they are experiencing are being taken

seriously. The Order will enable all enforcing officers to have more power to deal with cycling restrictions in the main pedestrianised area of the town Centre.

RESTRICTIONS (suggested) *No person shall cycle/ride bicycles through the main pedestrian area of the town centre between the designated times (09:00hrs and 18:00hrs) as specified on the attached map by the grey diagonal shading (see Appendix 1/Map below).*

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on xxxx 2019 for a period of three years until xxxx 2022. At any point before the expiry of this three-year period the Council can review and vary the terms of the Order. As well as varying the Order the Council can also seek to discharge it at any time, subject to their being reasonable grounds to support such a decision.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 Anti-Social Behaviour, Crime and Policing Act 2014 states:

- 1) It is an offence for a person without reasonable excuse:
 - a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- 2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

Therefore, where a constable or an authorised person reasonably believes that you: *Are cycling through the main pedestrian area between the designated times (09:00hrs and 18:00hrs) as specified on the attached map by the grey diagonal shading (see Appendix 1/Map below).*

The constable or an authorised person may require you to: *Stop cycling through the main pedestrian area between the designated times (09:00hrs and 18:00hrs), in breach of the Order.*

FIXED PENALTY

A constable or an authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within 8 days the amount to pay will be reduced to £50. If you pay the fixed penalty within 14 days, you will not be prosecuted.

[Attach a map] of PSPO designated area:

On theday of2019

THE COMMON SEAL of the COUNCIL

Was hereunto affixed In the presence of:

.....Authorised Officer
..... Designation



**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER
RUGBY BOROUGH COUNCIL (INTOXICATING SUBSTANCES) ORDER 2018**

RUGBY BOROUGH COUNCIL (*“the Council”*) make this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 (*restricted area*) of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. The Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

1. Restrictions

Person(s) within the *restricted area* will not – ingest, inhale, inject, smoke or otherwise use intoxicating substances.

(Intoxicating substances is given the following definition (which includes Alcohol and what are commonly known as ‘Legal Highs’) substances with the capacity to stimulate or depress the central nervous system.

2. Location

This Order applies to the land described in the area shown edged in red on the attached plan, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the *Act*, and in this Order referred to as the *‘restricted area’*.

3. Offence/penalties

Alcohol – Section 63 of the *Act* says that where a constable or authorised person reasonably believes that you:

- a) Are or have been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances in which doing so would breach this order

The constable or authorised person may require you –

- a) Not to consume alcohol or anything they believe to be alcohol
- b) To surrender anything in your possession which is or reasonably believed to be alcohol or a container for alcohol.

If without reasonable excuse you fail to comply with a requirement imposed in paragraph 1 you commit an offence and are liable on summary conviction to a fine not exceeding level 2 on the stand scale (**currently £500**).

Other substances – Section 67 of the *Act* says it is an offence for a person without reasonable excuse to

- a) Do anything that is prohibited by a public place protection order or fail to comply with imposed in paragraph 1 or
- b) Fail to comply with a requirement imposed in paragraph 1

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the stand scale (**currently £1000**).

Fixed Penalty Notice

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £ 60 if paid within 10 days).

4. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

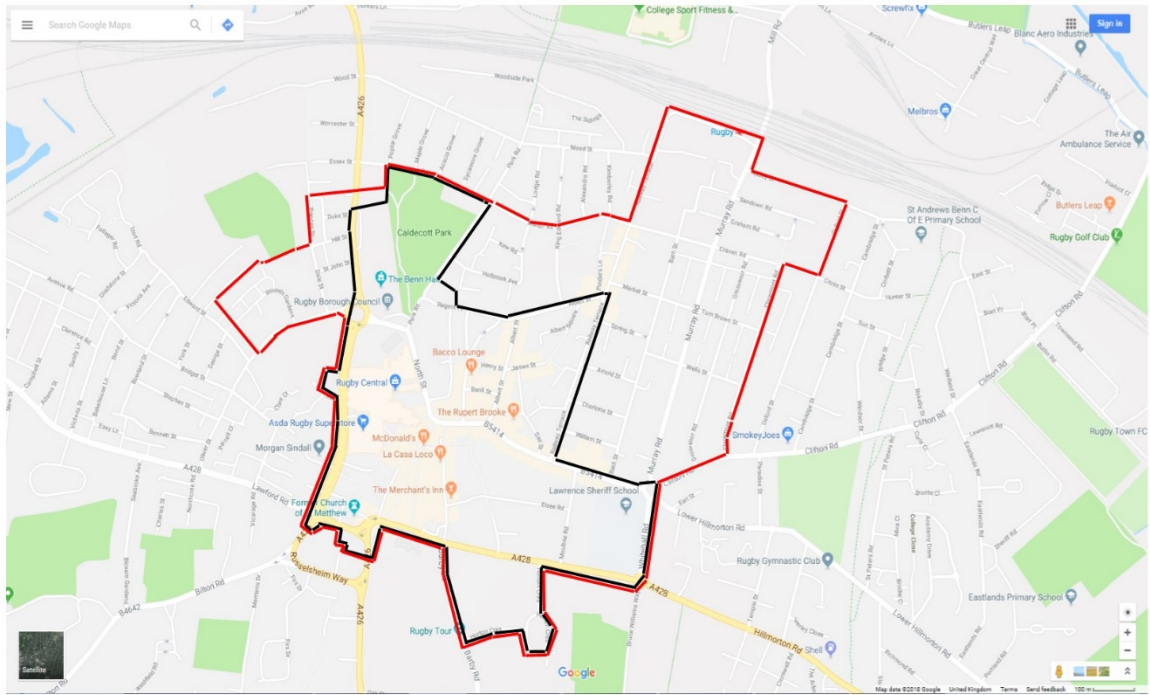
Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part

5. Duration

The Order will come into force on [XXXXXXXXXX] remain in place for a period of 3 years.

Restricted Area shown on attached map



— Current PSPO area
 — Proposed PSPO area

THE COMMON SEAL of Rugby)
 Borough Council was hereunto affixed)
 the day of)
 in the presence of:-)

Legal Services Manager



DOG CONTROLS

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER RUGBY BOROUGH COUNCIL ORDER 2019

Rugby Borough Council ("the Council") makes the following Order:

This Order shall come into force on 6 February 2019 for a period of 3 years

General provisions:

1. This Order applies to all land in the administrative area of the Council to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission which includes;
 - a) All streets and pavements throughout the Borough
 - b) All Council owned land including parks, gardens, recreation and sports grounds, crematorium, cemeteries, graveyards, memorial gardens, open spaces, car parks and parking places
 - c) All land belonging to County and Parish Councils to which the public have access
 - d) All rights of way that cross land owned by the County, Borough and Parish Councils
2. A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Anti-social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale (currently £1000).

Obligations on persons with dogs:

3. Fouling

If a dog defecates at any time on land to which this Order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless;

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

4. Leads by order

A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an authorised officer of the Council to put and keep the dog on a lead unless:

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

5. Leads

A person in charge of a dog must keep the dog on a lead on the following land:

- a) Caldecott Park
- b) The following cemeteries, graveyards, memorial gardens/areas at Watts Lane, Winfield, Clifton Road, Croop Hill, St. Andrews Gardens (Trinity Graveyard) and Rainsbrook Crematorium & Cemetery.
- c) All public roads, pavements and footways, the pedestrianised roads and allotments within the Borough of Rugby, or any grass verge which is adjacent to the carriageway or footway and is maintainable at public expense

unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

6. Exclusion

A person in charge of a dog must not take it into or keep it within a designated and/or defined play area which are within the administrative area of the Borough of Rugby or any school land which is controlled by the Warwickshire County Council

unless

- (a) He has reasonable excuse for failing to do so; or
- (b) The owner, occupier or other person or authorities having control of the land has consented (general or specifically) to his failing to do so

7. Means to pick up

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

8. Fixed Penalty Notice

An authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £75 if paid within 10 days).

9. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part.

10. Exemptions

Nothing in this Order shall apply to a person who –

- (a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) A person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

For the purpose of this Order:

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;

- Being unaware of defecation (whether by reason of not being in the vicinity of otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- “an authorised officer of the Council” means an employee, partnership agency or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under the Order.

THE COMMON SEAL of Rugby)
Borough Council was hereunto affixed)
the day of t 2019)
in the presence of:-)

Legal Services Manager