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Rutland County Council

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Meeting: CABINET

Date and Time: Tuesday, 15 August 2017 at 9.30 am

Venue: COUNCIL CHAMBER, CATMOSE, OAKHAM,
RUTLAND, LE15 6HP

**Corporate support
Officer to contact:** Sue Bingham 01572 758165
email: corporatesupport@rutland.gov.uk

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A G E N D A

APOLOGIES FOR ABSENCE

- 1) **ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE**
- 2) **DECLARATIONS OF INTEREST**

In accordance with the Regulations, Members are required to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

- 3) **RECORD OF DECISIONS**

To confirm the Record of Decisions made at the meeting of the Cabinet held on 18 July 2017

- 4) **ITEMS RAISED BY SCRUTINY**

To receive items raised by members of scrutiny which have been submitted to the Leader (copied to Chief Executive and Corporate Support Services Officer) by 4.30 pm on Friday 11 August 2017.

REPORT OF THE CHIEF EXECUTIVE

5) QUARTER 1 PERFORMANCE MANAGEMENT REPORT

Report No. 141/2017

(Circulated under separate cover)

REPORT OF THE DIRECTOR FOR RESOURCES

6) QUARTER 1 FINANCE UPDATE (KEY DECISION)

Report No. 147/2017

(Circulated under separate cover)

7) TECHNICAL REFORM OF COUNCIL TAX REVIEW

Report No. 149/2017
(Pages 5 - 18)

REPORT OF THE DIRECTOR FOR PEOPLE

8) CONVERSION OF EXTON AND GREETHAM CHURCH OF ENGLAND PRIMARY SCHOOL TO ACADEMY STATUS

Report No. 153/2017
(Pages 19 - 26)

REPORT OF THE DIRECTOR FOR PLACES

9) REVIEW OF GREEN WASTE SERVICES (KEY DECISION)

Report No. 150/2017
(Pages 27 - 32)

10) EXCLUSION OF PUBLIC AND PRESS

Cabinet is recommended to determine whether the public and press be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provisions of Procedure Rule 239, as the following item of business is likely to involve the disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A of the Act.

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

11) DIGITAL RUTLAND PROJECT UPDATE

Report No. 140/2017
(Pages 33 - 50)

12) ANY ITEMS OF URGENT BUSINESS

To receive items of urgent business which have previously been notified to the person presiding.

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MEMBERS OF THE CABINET: Mr T Mathias Chairman

Mr R Clifton
Mr R Foster
Mr O Hemsley
Mr A Walters
Mr D Wilby

SCRUTINY COMMISSION:

Note: Scrutiny Members may attend Cabinet meetings but may only speak at the prior invitation of the person presiding at the meeting.

**ALL CHIEF OFFICERS
PUBLIC NOTICEBOARD AT CATMOSE
CORPORATE SUPPORT TEAM**

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CABINET

15 August 2017

TECHNICAL REFORM OF COUNCIL TAX REVIEW

Report of the Director of Resources

Strategic Aim:	Sound financial planning and workforce planning	
Key Decision: No	Forward Plan Reference: FP/140717/04	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Oliver Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance)	
Contact Officer(s):	Saverio Della Rocca, Assistant Director- Finance	01572 758159 sdellarocca@rutland.gov.uk
	Andrea Grinney, Revenues and Benefits Manager	01572 758227 agrinney@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet:

- Approves that officers undertake a public consultation on the Council Tax discounts and premium for empty homes as described in the report and detailed in Appendix A.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek authority to undertake a public consultation exercise in order to ascertain people's views about making changes to the Council Tax empty home discounts and the Council Tax premium on empty homes that have been unoccupied for over two years.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Since April 2013, local authorities have been able to set their own discretionary discounts for empty homes and charge a premium for empty homes that fall until certain defined categories.
- 2.2 The discounts and the premium have not been reviewed since they were originally set in 2013. There are two key factors that support a review at this time:
- Financial pressure that the Council continues to face - the Council faces a financial gap of c1-£1.5m by 2019/20 on latest information; and
 - Increasing pressure to bring empty homes back into use - the Council has 90 long term empty homes.

3 THE CURRENT POSITION

- 3.1 The table below sets out the current discounts and premium which were set by the Council in 2013 and the potential to change.

Property Status	Our scheme	Example	Cases in 2016/17	Potential to change
Unoccupied and unfurnished for 1-5 months	100% discount for 1 month followed by 50% discount for 5 months	A taxpayer moves house without selling their existing home (Home A). We give them 1 month discount on Home A of 100% (so no Council tax is paid) as it is unoccupied and unfurnished. If Home A stays empty for up to 6 months, the owner pays only 50% of Council Tax for months 2 – 5.	1,300	We can remove all discounts so charge in full.
Unoccupied and Unfurnished 6+ months	Full charge	In the example above, if Homes stays empty after 6 months, the owner is charged full council tax.	800	N/A, Council already charges maximum rate.

Property Status	Our scheme	Example	Cases in 2016/17	Potential to change
Unoccupied and Unfurnished 2+ years	Premium of 10%	In the example, above, if Home A stays empty after 2, we charge a levy of 10% (so the owner pays full council tax plus an additional 10%)	90	We can increase the Premium to 50%
Unoccupied and uninhabitable	50% discount for 12 months	A builder buys a Home to renovate and sell after works are completed. The builder receives a 50% Council Tax discount for 12 months.	70	We can remove the discount.
Second Homes	Full charge	A taxpayer buys a property as their second home. They are charged full Council Tax.	160	N/A, Council already charges maximum rate.

4 CONSULTATION

4.1 Although there is no statutory duty to consult on these technical reforms, all public authorities have a duty to act fairly in the exercise of their functions and to consider whether consultation is required and, if so, how this will be undertaken.

4.2 Accordingly, the Council has, like all other local authorities in this area, decided to consult and seek the public's views on how the authority should exercise its statutory powers. The two key reasons for this decision are:

- All residents pay Council Tax and therefore any changes to discounts could impact on all residents at some point in time; and
- Case law has confirmed that when determining whether to change policy, the Council must be receptive to reasonable arguments against the proposals. This does not mean that it cannot proceed with proposals if they are not supported but it must have regard to any arguments made.

4.3 The aim of the consultation is to seek views from taxpayers and stakeholders on our discounts for empty homes and our premium percentage for long term empty homes. The draft consultation is attached at Appendix A.

4.4 If approved, the consultation will run until 15th September 2017. During this time officers will promote the consultation using a number of methods including:

- a) A mailshot to a random selection of resident taxpayers;

- b) A mailshot to a random selection of empty home owners;
- c) A flyer promoting the consultation to be include with all communications from the section, i.e. new bills, benefit notification letters, reminder letters etc.; and
- d) Social media announcements.

4.5 The Council is also required to consult the Leicestershire Fire Authority and the Police and Crime Commissioner for Leicestershire.

5 NEXT STEPS

5.1 Following the closure of the consultation, officers will collate the data and bring a report to Members on 17th October 2017 with the findings of the consultation and will make recommendations about the amount of discount we should set and the amount of premium we should charge from 1st April 2018.

5.2 It is important that any changes to Council Tax discounts are made prior to setting the tax base in January 2018. This is because the tax base is calculated by making assumptions about discounts, exemptions, growth and collection rates. Parish and Town councils also use the tax base to calculate their precepts.

6 ALTERNATIVE OPTIONS

6.1 The Council could decide not to review discounts and premiums. In light of the comments made in Section 2, this is not recommended.

7 FINANCIAL IMPLICATIONS

7.1 The cost of undertaking a consultation can be met from existing budgets.

7.2 The financial impact of any changes will be assessed as part of the response to the consultation exercise and development of formal proposals. For illustrative purposes, we can confirm that the cost of applying the discounts/premium in 2016/17 was c£215k.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 The Council has discretionary authority to set local discounts for empty homes and a premium for long term empty homes under sections 11 and 12 of the Local Government Finance Act 2012 and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2964/2012).

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Monitoring form will form part of the consultation questionnaire to enable officers to collate this data.

9.2 An Equality Impact Questionnaire will be completed when the consultation data is analysed.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications arising from this report.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no health and wellbeing implications arising from this report.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The empty home discounts and the premium have not been reviewed since 2013, given the financial pressures that the council is facing and our desire to reduce the number of empty homes in our area, is reasonable to consult the public on what we can change.

13 BACKGROUND PAPERS

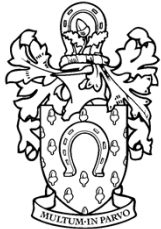
13.1 Report 5/2013.

14 APPENDICES

14.1 Appendix A Draft Consultation document.

A Large Print Version of this Report is available upon request – Contact 01572 722577.

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APPENDIX A

Consultation on Council Tax discounts and premium for empty homes

1. Why are we consulting?

The Government gave local authorities discretion to set their own discounts for empty homes and set a premium for long term empty homes.

Discounts reduce the amount people pay on their council tax bill if they own an empty home. A premium increases the amount of council tax that people pay on their council tax bill if they own a home that has been empty for over 2 years.

We set our discounts and our premium in 2013 and we haven't changed them since.

There are two key drivers that have prompted us to think that we need to look at them again now:

- a) We continue to face financial pressures. Although we spend less per household than the average UK council, we continue to receive less central government funding than other councils. It is therefore important that we look at all discounts that we offer and premiums that we charge to make sure that we consider any opportunities to increase our income before we look at reducing or cutting services.
- b) Empty homes continue to have an impact on our community. They can be a health and safety risk to others, they can be a focal point for anti-social behaviour and they can be a waste of housing when people are in need. We want to do what we can to bring empty homes back into use.

2. What are we consulting on?

We are asking for your views on the discounts we offer and the premium we charge. We are asking for your views on 5 main issues:

- a) should we do what we can to increase our income;
- b) the amount of discount that we offer on uninhabitable homes;
- c) the amount of discount that we offer on empty homes;
- d) the amount of premium that we charge on long term empty homes; and
- e) whether or not we should help people who have a council tax bill to pay for their empty home but are suffering from genuine financial hardship.

3. What we are not consulting on?

We are not consulting on:

- a) Our Local Council Tax Support scheme and the discretionary fund that sits alongside the main scheme. This helps people who are on a low income and reduces or fully remits the amount of council tax that they have to pay.
- b) Our Discretionary Crisis Fund that helps people in one-off severe financial hardship.
- c) Our Discretionary Housing Payments Policy. This fund helps people who have a shortfall in their rent.
- d) Other empty home exemptions that we can't change because they are set by central government. For example- a home that is empty as the owner is now living in a residential care home.

We have no plans to change the above. If we want to look at these again we will conduct a separate consultation.

4. How can I have my say?

We are inviting all residents and other key stakeholders to have their say and we are keen to hear your views so please tell us what you think by:

- Completing our online survey at <https://www.rutland.gov.uk/my-council/have-your-say/public-consultations/>
- Completing and returning a paper survey

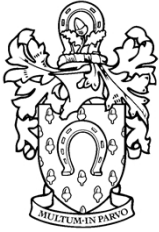
A large print copy is available on request. If you need some help in completing the questionnaire please contact us by email at localtaxation@rutland.gov.uk .

5. What happens next?

The consultation closes on 15th September 2017. We will use the information from the consultation to help make our decision. A report with recommendations will be taken to Cabinet on 17th October 2017.

Data Protection

The information you provide will be kept in accordance with the Data Protection Act 1998 and will only be used for the purposes for which it has been collected. Your details will not be passed on to any other individual, organisation or group. Rutland County Council is the Data Controller for the information on this form for the purpose of the Data Protection Act 1998.



Rutland County Council

1. We continue to face financial pressures. Although we spend less per household than the average UK council, we continue to receive less central government funding than other councils. It is therefore important that we look at all discounts that we offer and premiums that we charge to make sure that we consider any opportunities to increase our income before we look at reducing or cutting services. There is more information on our website about our funding and spending here <https://www.rutland.gov.uk/my-council/contacts-facts-and-figures/council-spending/low-cost-council/>

Do you think we should do what we can to increase our income before we look at reducing or cutting services? (please tick one box)

Yes

No

Don't know

If No, can you indicate what services you think we could reduce or cut?

2. We currently offer a discount of 50% for 12 months for an empty home that is uninhabitable. After 12 months the full council tax charge is payable.

Example 1- Mr West, a local builder, buys a rundown house in Uppingham to renovate and sell. The house is in Band C. Mr West receives a discount of £726.18 for the financial year 2017/18. From 1st April 2018 he will pay the full council tax charge.

Example 2- Mrs Scott lives in Wales and has inherited a house in Oakham. It is in a very poor state of repair so she decides to 'do it up a bit' before she sells it on and this involves major remedial works. The house is in Band E. Mrs Scott receives a discount of £1,133.73 for the financial year 2017/18. From 1st April 2018 she will pay the full council tax charge.

In 2016/17 we awarded 70 uninhabitable home discounts which cost £25,000.

Do you think we should charge full council tax or reduce the current discount for homes that are uninhabitable? (please tick one box)

Full charge

Reduce charge

Don't change

Don't know

3. We currently offer a discount of 100% for 1 month followed by a 50% discount for a further 5 months on all other empty homes that are habitable. After 6 months the full council tax charge is payable.

Example 1- Ms Kaur owns 1 Spark Lane, her tenant moves out on 1st May 2017. Ms Kaur doesn't find a new tenant for a few months. She doesn't pay any council tax for the first month and then she is billed 50% for the following 5 months. The house is in Band B. MS Kaur receives a discount of £355.95. After 6 months the full council tax is charged.

Example 2- Mrs & Mrs Green own 10 Crofters Mews, their daughter lived here but she has recently moved to London. Mr & Mrs Green have not yet decided what they want to do with the house. They don't pay any council tax for the first month and then they pay 50% for the following 5 months. The house is in a Band D. Mr & Mrs Green receives a discount of £523.90. After 6 months the full council tax is charged.

In 2016/17 we awarded 1,350 discounts at 100% for 1 month (or up to 1 month) and 801 discounts at 50% from 2-5 months which cost £200,000.

Do you think that we should charge full council tax or reduce the current discount on empty homes? (please tick one box)

Full charge **Reduce charge** **Don't change** **Don't know**

4. We currently charge a premium of 10% on homes that have been empty for over 2 years. This means that people pay 110% council tax.

Example 1- Ms Baxter lives in Birmingham and owns Hope Cottage in a Rutland village. The property has been empty and up for sale for 3 years. She has received a number of offers but none for the asking price. The house is in Band A. Ms Baxter has been charged an extra 10% on her council tax bill for this house from 2017/18 of £121.44.

Example 2- Mr Webb own Foxglove House in Oakham. Mr Webb inherited the property when his mother died 5 years ago. He doesn't want to sell or rent out the house as he is emotionally attached to it. The house is in Band G. Mr Webb has been charged an extra 10% on his council tax bill for this house from 2017/18 of £309.20.

In 2016/17 we charged 90 premiums at 10% which resulted in additional income of £8,500.

Do you think we should increase the premium from 10% to the maximum premium of 50% on long term empty homes? (please tick one box)

Yes **No** **Don't know**

5. Currently we do not offer help to people who have to pay council tax for an empty home but can't afford to pay their bill due to genuine financial hardship.

Example 1- Miss Browne owns and lives at 42 Park Crescent, Langham. Her house was struck by lightning, a fire broke out and she had to move out. She has been rehoused in temporary accommodation by her home insurance company. Miss Browne has been billed council tax on the empty home. She can't afford to pay the bill because she is unable to work as she was injured while she was escaping from the fire and is now claiming out of work benefits.

Example 2- Mr Radcliffe inherited 1 Welland Street, Cottesmore when his mother died 2 years ago. The bungalow is on a complex for the over 55's. It is being actively marketed and the price has been reduced to attract a buyer but to date, no offers have been made. Mr Radcliffe has been billed council tax on the empty home. He can't afford to pay the bill because he is in poor health and is receiving home care and his sole income is from state benefits.

Do you think we should offer a discretionary discount to people who have to pay council tax for an empty home if they are suffering from genuine financial hardship? (please tick one box)

Yes

No

Don't know

6. **Do you have any other comments that you wish to make about paying Council Tax on empty homes?**

7. **Please indicate which statement best describes you:**
(please tick one box)

- | | |
|--|--------------------------|
| a) I own a property in Rutland that is uninhabitable | <input type="checkbox"/> |
| b) I own a property in Rutland that is empty | <input type="checkbox"/> |
| c) I live in Rutland | <input type="checkbox"/> |
| d) I am representing an organisation | <input type="checkbox"/> |
| e) Other | <input type="checkbox"/> |

Thank you for taking the time to complete this survey.

Please return this completed survey to Rutland County Council, Catmose, Oakham, Rutland LE15 6HP.

We want to make sure that our services are provided fairly and to those who need them. The information collected helps us get a picture of who contacts us, uses or does not access our services so will help us improve what we provide and reduce potential barriers to access.

Please answer the questions below by ticking the boxes that you feel most describes you.

If you do not want to answer any specific question then please leave it blank.

Some questions may feel personal, but the information we collect will be kept confidential and secure. The better the information is that we collect the more effective our monitoring will be.

Ethnicity

White		Mixed / Dual Heritage	
<input type="checkbox"/> English / Welsh / Scottish / British / Northern Irish		<input type="checkbox"/> White and Black Caribbean	
<input type="checkbox"/> Irish		<input type="checkbox"/> White and Black African	
<input type="checkbox"/> Gypsy/ Irish Traveller		<input type="checkbox"/> White and Asian	
<input type="checkbox"/> Roma		<input type="checkbox"/> Other mixed background (please state):	
<input type="checkbox"/> Other European (please state):		Black / African / Caribbean or Black British	
<input type="checkbox"/> Other white background (please state):		<input type="checkbox"/> Caribbean	
		<input type="checkbox"/> Other African background(please state):	
Asian or Asian British		Other Ethnic Group	
<input type="checkbox"/> Indian	<input type="checkbox"/> Pakistani	<input type="checkbox"/> Other Arab	
<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Chinese	<input type="checkbox"/> Other ethnic group (please state):	
<input type="checkbox"/> Other Asian background (please state):			

Language Preference

<input type="checkbox"/> English	<input type="checkbox"/> British Sign Language
<input type="checkbox"/> Other (please state):	

Residency

Are you a: British / United Kingdom citizen	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you a national of another country?	
<input type="checkbox"/> EU National	<input type="checkbox"/> Other (please state)
<input type="checkbox"/> Refugee	<input type="checkbox"/> Asylum Seeker
<input type="checkbox"/> Student	

Postcode

(first part of code only e.g. LE15)	
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Disability

Do you consider yourself to be a disabled person <input type="checkbox"/> Yes <input type="checkbox"/> No	
If you have answered 'yes', please tick boxes below that best describe your impairment. This information helps us improve access and remove barriers to our services.	
"An impairment that has (or is likely to have) a substantial, adverse, long-term effect on the ability to carry out normal day-to-day activities"	
<input type="checkbox"/> Hearing e.g. profound to mild deafness	<input type="checkbox"/> Learning e.g. Downs syndrome

<input type="checkbox"/> Communication e.g. speech	<input type="checkbox"/> Developmental e.g. Dyslexia		
<input type="checkbox"/> Visual e.g. blind or partial sighted	<input type="checkbox"/> Mobility or physical e.g. walking, dexterity		
<input type="checkbox"/> Impaired memory / concentration or ability to understand e.g. Stroke, dementia, head-injury			
<input type="checkbox"/> Mental ill health e.g. Bi polar disorders, schizophrenia, depression			
<input type="checkbox"/> Long-term illness or health condition e.g. cancer, HIV, diabetes, chronic heart disease, rheumatoid arthritis, chronic asthma			
<input type="checkbox"/> Other (please state):			
Gender			
<input type="checkbox"/> Female	<input type="checkbox"/> Male		
<input type="checkbox"/> Other (please state):			
Gender Identity			
Is your gender identity the same as the gender you were assigned at birth?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Sexual Orientation			
Do you consider yourself to be?			
<input type="checkbox"/> Bisexual	<input type="checkbox"/> Gay man	<input type="checkbox"/> Heterosexual	
<input type="checkbox"/> Lesbian / gay woman	<input type="checkbox"/> Other (please state):		
Relationship Status			
<input type="checkbox"/> Civil partnership	<input type="checkbox"/> Married		
<input type="checkbox"/> Co-habiting	<input type="checkbox"/> Single		
<input type="checkbox"/> Other (please state)			
Age			
<input type="checkbox"/> Under 16	<input type="checkbox"/> 16- 25	<input type="checkbox"/> 26 - 39	<input type="checkbox"/> 40 -64
<input type="checkbox"/> 65 – 80	<input type="checkbox"/> 80 +		
Caring Responsibilities - Do you provide regular and substantial unpaid care for:			
<input type="checkbox"/> Relative (e.g. disabled child, partner, parent etc)			
<input type="checkbox"/> Another person (please state)			
Childcare responsibilities			
<input type="checkbox"/> Children 0 to 4	<input type="checkbox"/> Children 5 to 10		
<input type="checkbox"/> Children 11 to 18			
Faith / Religion / Belief			
<input type="checkbox"/> Atheist/None	<input type="checkbox"/> Baha'I	<input type="checkbox"/> Buddhism	<input type="checkbox"/> Christianity
<input type="checkbox"/> Hinduism	<input type="checkbox"/> Humanism	<input type="checkbox"/> Islam	<input type="checkbox"/> Judaism
<input type="checkbox"/> Sikhism	<input type="checkbox"/> Other (please state)		
Do you actively practice your religion/ belief?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Service Personnel and their Families			
Are you currently serving in the UK Armed Forces?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you a veteran or ex-service personnel of the UK Armed Forces?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you a member of a service personnel immediate family?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you a reservist or in part time service such as in the Territorial Army?			<input type="checkbox"/> Yes <input type="checkbox"/> No

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CABINET

15th August 2017

CONVERSION OF EXTON AND GREETHAM CHURCH OF ENGLAND PRIMARY SCHOOL TO ACADEMY STATUS

Report of the Director for People

Strategic Aim:	Creating a brighter future for all	
Key Decision: No	Forward Plan Reference:	
If not on Forward Plan:	Chief Executive Approved Leader Approved Scrutiny Chair Approved	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr D Wilby, Portfolio Holder for Education	
Contact Officer(s):	Gill Curtis , Head of Learning and Skills	01572 758460 gcurtis@rutland.gov.uk
Ward Councillors	Councillor June Fox (Exton) and Councillor Nick Begy (Greetham)	

DECISION RECOMMENDATIONS

That Cabinet:

1. Authorise the grant of a 125 year lease of the land and buildings occupied by Exton and Greetham CofE Primary School to Rutland Learning Trust Limited;
2. Authorise the execution and completion of a Commercial Transfer Agreement (CTA) between the Council, Exton and Greetham CofE Primary School and Rutland Learning Trust Limited; and
3. Delegate authority to the Director - Places (Development and Economy) to complete the agreement of the final terms of the lease of land and buildings and the CTA referred to in recommendations 1 and 2.

1 PURPOSE OF THE REPORT

- 1.1 To provide information relating to the lease of land and buildings and the Commercial Transfer Agreement (CTA) as part of the Academy Conversion of Exton and Greetham CE Primary School.
- 1.2 To seek Cabinet approvals as set out in the recommendations above.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Department for Education has confirmed that Exton and Greetham School is to convert to academy status, with the Academy to be operated by Rutland Learning Trust Limited. The anticipated date of conversion is 1 November 2017. The School is currently Local Authority maintained and is based in Exton, Rutland.
- 2.2 The DfE require that the lease, CTA and all arrangements be signed by 4th October 2017 to enable the School to convert on 1st November 2017.
- 2.3 The Council owns the freehold of the land and buildings (including the playing field) currently occupied by the School. A Statutory Transfer of the built areas, from the Council to the Diocese, should have taken place historically and this now is being progressed. The Statutory Transfer should take place even if the academy conversion process was halted for any reason.
- 2.4 As part of the conversion to an academy, DfE guidance specifies that land held by the Local Authority and occupied by the converting school is to be leased to the Academy Trust on a 125 year lease for a peppercorn rent. Local Authorities also enter into a CTA as part of the conversion, to set out the respective obligations of the parties in relation to the conversion (including in relation to the transfer of assets, contracts and liabilities).
- 2.5 The Council is obliged under the Academies Act 2010 to cease maintaining a school on the date it opens as an Academy. The DfE expect Local Authorities to cooperate with the academy conversion process once conversion has been approved by the Secretary of State for Education, and to have in place a system for schools converting to academy status. Currently, in Rutland, the following schools have converted to Academy status and are members of the following Multi Academy Trusts (MAT) or remain Single Academy Trusts (SAT) at this time:

Academy Trust		Schools	Date/ Type of Conversion (Converter/ Sponsored)	
MAT	Brooke Hill Academy Trust	BROOKE HILL primary	01/09/11	C
		EDITH WESTON primary	01/02/16	S
MAT	Rutland and Districts Schools' Federation	CATMOSE College	01/04/11	C
		HARINGTON SCHOOL (Post 16 free school)		
		CATMOSE primary	01/05/12	C
MAT	Rutland Learning Trust	LANGHAM C of E Primary	01/07/13	
		KETTON C of E Primary	01/10/14	C

		ST NICHOLAS (VA) C of E Primary	01/10/14	C
		WHISSENDINE C of E Primary	01/10/14	C
		EXTON & GREETHAM C of E Primary (VC) Academy Order (01/10/17)	TBC	C
MAT	Heighington Millfield	COTTESMORE primary	01/10/16	S
MAT	St Gilbert of Sempringham Catholic Multi Academy Trust	ENGLISH MARTYRS Catholic Voluntary primary	01/05/13	C
MAT	Discovery Schools Academy Trust	LEIGHFIELD primary	01/04/13	C
MAT	Peterborough Diocese Education Trust	RYHALL C of E primary (VC)	01/10/14	S
SAT	N/A	UPPINGHAM COMMUNITY COLLEGE	01/04/11	C
SAT	N/A	CASTERTON COLLEGE (RUTLAND COUNTY COLLEGE)	01/09/11	C

- 2.6 An Academy Order has been made on behalf of the Secretary of State for Education for Exton and Greetham CofE Primary School to convert to an Academy. The Council's consent is not required for the School to convert to an Academy and if the Council does not cooperate with the conversion process and negotiate and enter into lease arrangements and a CTA, the Secretary of State has the power to make transfer schemes under the Academies Act 2010 in relation to property, land, rights and liabilities (including rights and liabilities in relation to staff) which would be binding on the Council.
- 2.7 It is preferable for the Council to reach agreement with the Governing Body of the School and the Trust and enter into the lease arrangements and a CTA in respect of these matters, rather than be subject to transfer schemes which may be made by the Secretary of State.
- 2.8 The Trust will be responsible for the operation of the Academy upon conversion and will be the employer of School staff. The Council employees in respect of the School will therefore transfer from the Council to the Trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). The respective liabilities of the Council and the Trust in relation to those employees are dealt with within the CTA.

3 PROPOSED HEADS OF TERMS

- 3.1 The proposed terms of the Lease are as follows:
- a) The Lessee: Rutland Learning Trust Limited;
 - b) Term: 125 years from the date of conversion to academy status (anticipated to be 1st November 2017);
 - c) Rent: Peppercorn rent for the full term of the lease;
 - d) User: Use of demised premises for provision of educational services by the lessee and for community fund raising and recreational purposes

- e) Repairs and maintenance: Lessee to be responsible for repairs and maintenance;
- f) Alienation: Lessee to be able to assign the whole to the Secretary of State, a proprietor or proposed proprietor of an Academy, or to a successor charitable or public body with Secretary of State consent;
- g) Termination: The lease will determine in circumstances where there is no Funding Agreement in existence unless either:
 - i) the Council has received prior notice in writing from the Secretary of State for Education of an intention for the Lease to be assigned; or
 - ii) the Lease has been assigned.

The lease will be contracted out of security of tenure provisions.

- h) Demised area: A plan of the area to be leased is attached at Appendix A.

3.2 The terms of the proposed Lease are based on the current version of the DfE Model Lease (with such amendments as are advised by Legal Services/negotiated with the Trust).

3.3 The proposed CTA sets out the respective obligations of the Governing Body of the School, the Council and the Trust arising from the academy conversion in relation to employees, contracts and assets (other than land), and the liabilities of each of the parties in that regard. This document is based on the published DfE Model Transfer Agreement (with such amendments as are advised by Legal Services/negotiated with the Trust). Information is being collated by various Council departments to enable the relevant provisions to be agreed and finalised in respect of contracts, assets and liabilities which are to transfer to the Trust and those which are to be retained, and the relevant staffing and TUPE information.

3.4 Legal Services have been instructed to assist and advise, in the negotiation and finalising the terms of both the proposed lease, the statutory transfer and the CTA.

4 CONSULTATION

4.1 Consultation has involved Property Services, HR, Finances, and Legal Services.

4.2 Meetings and consultation have been held with parents, staff and trade unions. The prescribed consultation required under TUPE has been carried out.

5 ALTERNATIVE OPTIONS

5.1 Refuse to enter into the lease to the Trust and the CTA: as detailed within paragraph 2 above, as the School has been accepted for academy status by the Secretary of State and an Academy Order has been made, the Council is expected to cooperate. Failure to cooperate and negotiate and enter into the lease and CTA could result in the Secretary of State making transfer schemes which would be binding on the Council.

5.2 Sell the School site to the Trust: there is no requirement for the Trust to buy the land or for the Council to sell it because the DfE guidance instead specifies that

land is to be leased to academy trusts on a 125 year lease for a peppercorn rent. It is also felt to be preferable that the Council retain freehold ownership of the site.

6 FINANCIAL IMPLICATIONS

- 6.1 The Trust will be responsible for all outgoings related to the land to include public liability and premises insurances, and repairs / maintenance.
- 6.2 The Council will retain a landlord role but the lease will contain provisions for recovering costs for approvals required under the terms of the lease e.g. for alterations.
- 6.3 When a school is to join the academy trust (AT) of an external sponsor and open as a sponsored academy, the law requires that the surplus will transfer to the AT. Where a school with a deficit is to join the AT of an external sponsor and open as a sponsored academy, the deficit remains with the LA, to be funded from its core budget.

At present, it is anticipated that Exton and Greetham CofE Primary School will have a budget surplus but this will be confirmed when accounts are finalised following conversion.

- 6.4 The Trust will receive its funding direct from the DfE. Government funding for Rutland schools will be reduced proportionately.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 As detailed within paragraphs 2.4 above, the Council is obliged under the Academies Act 2010 to cease maintaining a school on the date it opens as an academy. Paragraph 2.6 – 2.7 of this report set out the implications if the Council fails to cooperate and enter into a lease and CTA.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) has not been completed because no service, policy or organisational changes are being proposed.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 None identified.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 None identified.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 Environmental implications

None identified

- 11.2 Human Resource implications

As detailed in paragraph 2.8 above, the Council employees in respect of the School will transfer from the Council to the Trust under TUPE. The school's HR is

dealing with these human resource implications.

11.3 Procurement Implications

None.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

The Academy Order from the Secretary of State has been received confirming that Exton and Greetham CofE Primary School will convert to an academy. The DfE expect the Council to cooperate with the conversion process and if the recommendations are not approved, there is a risk of the Secretary of State making transfer schemes binding on the Council.

13 BACKGROUND PAPERS

There are no additional background papers to the report.

14 APPENDICES

Appendix A: Site Plan. –attached

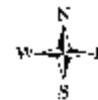
Appendix A. Site Plan

APPENDIX A Exton & Greetham C of E



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Ordnance Survey [100018056]

The representation of a road, track or path is no evidence of right of way.
The representation of features as lines is no evidence of a property boundary.



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CABINET

15 August 2017

GREEN WASTE COLLECTIONS CHARGING

Report of the Director for Places (Environment, Planning & Transport)

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/140717/04	
If not on Forward Plan:	Chief Executive Approved	N/A
	Scrutiny Chair Approved	N/A
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr A Walters, Portfolio Holder for Community Safety, Culture, Sport & Recreation and Environment	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning & Transport)	01572 758461 dbrown@rutland.gov.uk
	Mark Loran, Senior Environmental Services Manager	01572 758430 mloran@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Recommends to Council the implementation of a charge for the kerbside collections of Green Waste, starting on 01st April 2018.
2. Recommends to Council an annual charge per bin, starting at £35 for the financial year 2018/19.
3. Authorises the Director for Places (Environment, Planning & Transport), in consultation with the Cabinet Member with portfolio for Environment, to revise as necessary the terms and conditions associated with the implemented chargeable service for the kerbside collections of Green Waste.

1 PURPOSE OF THE REPORT

- 1.1 To request approval for the implementation of a charge for the kerbside collections of Green Waste, starting on 01st April 2018.
- 1.2 To set the initial annual charge per bin of £35 for the financial year 2018/19.
- 1.3 To authorise the Director for Places (Environment, Planning & Transport), in consultation with the Cabinet Member with portfolio for Environment, to draft and then to revise as necessary the terms and conditions associated with the implemented chargeable service for the kerbside collections of Green Waste.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The number of local authorities charging for Green Waste collections has been steadily increasing since 2000. It is anticipated that by the end of this year 50% will be charging, and by the end of 2019 over 70%.
- 2.2 One of the key drivers for introducing a charge is the Council's financial position and in particular the reduction in Government funding. The Council estimates that by 2020/21, it will have a financial gap of in excess of £1m and any charge will go towards closing this gap.

3 SCHEME DETAILS

- 3.1 The scheme will operate as follows:
 - After the initial subscription process and subsequent annual renewal processes, customers will be able to join up to the end of December each year;
 - Payment options will be direct debit, web payment or by phone;
 - The scheme will have a dedicated telephone number and email address;
 - Cancellation and refunds will only be issued in exceptional circumstances;
 - There will be a 25% discount for those on local council tax support;
 - Existing bins will not be removed from customers who do not join the scheme, unless they specifically request this; and
 - Stickers will be issued to identify those bins 'in the scheme'.

4 CONSULTATION

- 4.1 The above recommendations have not been subject to public consultation.
- 4.2 This is on the basis that there is no statutory duty to consult and that the Council can demonstrate that it has 'exercised fairness' because:
 - The Council has previously publically set out its challenging financial position and that it will have to generate additional income to protect services;
 - The Council has never vowed that it will always maintain a free of charge for Green Waste collection service;
 - The chargeable service will be optional;
 - Alternative options for the disposal of Green Waste are available and reasonable, including use of the two Civic Amenity Sites and home composting (the Council subsidises the provision of home composters to Rutland residents);
 - The £35 annual fee is reasonable, equating to less than 70 pence per week;

- and
- Those residents on local council tax support will be eligible for a 25% hardship discount.

5 ALTERNATIVE OPTIONS

- 5.1 An alternative option is to keep things as they are and not implement a charge for the kerbside collections of Green Waste.
- 5.2 An alternative delivery model, utilising Biffa's Garden Waste Club, has been considered but rejected due to the higher costs for residents.

6 FINANCIAL IMPLICATIONS

- 6.1 The costs of delivering the service are estimated at c£308k; £209k for operational contract costs, £39k for overheads and £60k for administration.
- 6.2 At a projected 50% take up, which equates to 8,000 bins, the associated income generation based on the annual £35 per bin charge, is £280,000 per annum.
- 6.3 With a charge of £35 the Council therefore expects to recover the majority of costs.
- 6.4 As operational contract costs and overheads are already included in the Medium Term Financial Plan, the new income is expected to deliver a net Medium Term Financial Plan contribution of £220k per annum. This assumes the projected 50% take up rate.
- 6.5 The charge will be subject to indexation in future years, as the recoverable costs will also be subject to annual inflation increases. This will be subject to corporate procedures for setting fees and charges.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 Section 45(3) of the Environmental Protection Act 1990 states "no charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State". Section 4 of Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 states that charges may be made for the collection of garden waste (also referred to as Green Waste). This is therefore a valid legal basis for the proposal.
- 7.2 It is noted that there is no provision for the Council to charge for disposing of Green Waste collected from residents.
- 7.3 Section 45(3) of the Environmental Protection Act 1990 also states that the authority may recover a reasonable charge for the collection of the waste from the person who made the request. The Council has therefore set a charge with a view to recovering the majority of associated operational contract costs, overheads and administration costs, with the exception of disposal costs which, per the legislation, are not recoverable.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 Equality impact assessment screening has been carried out and no adverse

impacts have been identified.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no community safety implications from the above recommendations.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no health and wellbeing implications from the above recommendations.

11 ORGANISATIONAL IMPLICATIONS

11.1 Environmental implications

11.2 The above recommendations would protect the valued but non-statutory service of kerbside collections of Green Waste, supporting the strategic aim of 'sustainable growth'.

11.3 Human Resource implications

11.4 The scheme administration allows for one new permanent post, as well as temporary staff to be employed during annual renewal periods.

11.5 Procurement implications

11.6 The procurement of a new IT software system is required, although this will deliver other long-term benefits. Associated costs are included in the estimated scheme administration costs.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 The implementation of a charge for the kerbside collection of Green Waste is recommended as it is a reasonable change that will protect this valued but non-statutory service.

12.2 An initial annual charge per bin of £35 is recommended as this will, based on the projected take up rate, give some flexibility for future adjustment whilst balancing cost recovery only against an optimum positive impact on the Medium Term Financial Plan.

12.3 Authorising the relevant Director to revise as necessary the associated terms and conditions, is required in order to ensure that the scheme can be delivered and managed appropriately following any initial lessons learnt.

13 BACKGROUND PAPERS

13.1 There are no additional background papers to the report.

14 APPENDICES

14.1 There are no appendices.

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CABINET

15 August 2017

DIGITAL RUTLAND UPDATE

Report of the Chief Executive

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/260517/04	
Exempt Information	Appendix B of this report contains exempt information and is not for publication in accordance with Part 1 of Schedule 12A of the Local Government Act 1972.	
Cabinet Member(s) Responsible:	Mr O. Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance)	
Contact Officer(s):	Libby Kingsley , Digital Rutland Project Manager	01572 720983 lkingsley@rutland.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. Notes the update on the Digital Rutland.
2. Approves capital funding requirement as outlined in Exempt Appendix B to enable a further phase of deployment of superfast broadband coverage.
3. Approves £25k of additional revenue budget to cover project management, consultancy and legal support to implement and monitor delivery.
4. Delegates to the Chief Executive in consultation with the Portfolio Holder the authority to sign a Change Form to the existing contract to effect the further investment, subject to full project assurance, state aid approval and value for money assessments.

1 PURPOSE OF THE REPORT

- 1.1 To update Cabinet on the progress made to date on the Digital Rutland project.
- 1.2 To make a recommendation for Phase 3 to maximise the fibre deployment and superfast broadband coverage.
- 1.3 To consider a request for revenue funding for the associated project management, consultancy and legal support.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Digital Rutland project commenced delivery of improved broadband across Rutland in March 2013. Through our contract with BT there have been significant improvements across the County over the initial two phases of the project.
- 2.2 Now is the appropriate time to review progress and consider how we conclude the project and meet our objective of delivering improved broadband across Rutland in the areas of the County we are able to influence.

3 PHASE 1 & 2 OUTCOMES

- 3.1 The original BDUK aim was for superfast broadband (defined as speeds of more than 24Mbps) to 90% of UK premises and to ensure universal availability of standard broadband with speeds of at least 2Mbps.
- 3.2 On completion of Phase 1 and Phase 2 circa 10,658 premises in the areas of Rutland we are able to intervene and invest in can access fibre broadband services with circa 9,672 (90%) currently able to access broadband speeds of 24Mbps and above.
- 3.3 Take up of fibre broadband where we have been able to intervene and invest at 57.1% is the highest in the UK. Take up continues to increase across the County. We anticipate that over time this increasing take up will be sustained.
- 3.4 Publicly available figures put the superfast broadband coverage in Rutland currently at circa 94% just below the BDUK government target of 95%.

4 GAINSHARE FURTHER INVESTMENT OFFER

- 4.1 Our contract with BT included a provision whereby if actual take up exceeded the take up levels anticipated within the business model on which our contract was based then the amount of public subsidy required would be subsequently reduced to reflect this. This is called Gainshare. Gainshare is available to be reinvested into later phases of the Digital Rutland project.
- 4.2 At the date of this report the Digital Rutland Gainshare is estimated at £613k. BT have agreed with BDUK that this Gainshare can be released early as 'Accelerated Gainshare'.
- 4.3 Based on the available Gainshare BT were asked to model what might be achieved with further investment. For the purposes of this report BT has modelled

two scenarios Option B and C. These are demonstrated in **Appendix B** to this report. Option A – the ‘do nothing’ Option is shown for comparator purposes.

- 4.4 The recommended option is Option C which would provide maximum superfast broadband coverage to the remaining eligible premises in the project intervention area and contributes to a higher County coverage which will well exceed the BDUK UK coverage target of 95%. As a result Rutland would be positioned well relative to other parts of the UK ensuring it remains competitive and attractive to our businesses, potential inward investors and the Rutland Community.

5 STATE AID COMPLIANCE

- 5.1 Work has been undertaken to ensure that the recommended option is State Aid compliant. In 2016 the BDUK received confirmation of the National Broadband Scheme for the UK for the period 2016-2020. The Digital Rutland project has operated under the umbrella of the approved National Broadband Scheme for the UK.
- 5.2 Open Market and Public Consultations conducted by the Council to date have been assessed by the NCC as consistent with the requirements of the EU Broadband Guidelines pertaining at the time.
- 5.3 The Phase 3 deployment documentation will be assured by the NCC as state aid compliant and confirmed with BT before a Change Form is signed.

6 VALUE FOR MONEY ASSESSMENT

- 6.1 The Digital Rutland project team has worked closely with BT to ensure that the modelling outcomes maximises the number of eligible premises able to access superfast broadband services for the public subsidy requirement.
- 6.2 BDUK will conduct a value for money assurance assessment to ensure the funding requirement is minimised. It will benchmark our data taking into account such factors of rurality and the higher costs associated with delivering Fibre solutions to the hardest to reach areas. This assurance together with the Council's own assurance will be taken into account before a Change Form is signed.
- 6.3 The final contracted commitment for Phase 3 (Option C) - the recommended option is subject to further full project assurance of the detailed plans provided by BT.
- 6.4 An initial review of the average cost per premise connected and per superfast premise connected (Phase 1, Phase 2 and Phase 3 combined) is considered to represent good value for money.

7 CONSULTATION

- 7.1 Informal Consultation for the project has been extensive since its inception including a County Broadband Summit and Provider day in 2011, Local Strategic Partnership and wider stakeholder input into the Local Broadband Plan in 2011/12.
- 7.2 Formal consultation with providers and the public to define the project intervention area was undertaken in 2011, 2014 and 2016.
- 7.3 An Open Market Review and Public Consultation on Next Generation Broadband Services took place between 2 November 2011 and 2nd November 2012.
- 7.4 An Open Market Review conducted in August 2014 informed the public consultation conducted between 4 December 2014 and 5 January 2014 to redefine the intervention area. The priority was to provide a step change in broadband capability for premises getting relatively slow broadband speeds (<15Mbps).
- 7.5 A further public consultation was conducted between 8th April 2016 and 8th May 2016 to confirm the areas which did not have Next Generation Access capable of delivering at least 30Mbps or where there were no plans to provide such infrastructure over the next three years.
- 7.6 All known commercial providers were notified for each of the consultations referred to in paragraphs 7.3 to 7.5 above.
- 7.7 The Digital Rutland project continues to engage with stakeholders through its Digital Rutland webpages, Digital Rutland Twitter account, parish council updates and through one to one engagement with residents and businesses.

8 ALTERNATIVE OPTIONS

- 8.1 **Test the market with a new procurement exercise** - this option would require a new Open Market Review and Public Consultation (at address level detail) followed by an OJEU compliant procurement process requiring considerable revenue resources. The minimum estimated time to complete a new procurement is estimated to be 12-15 months. The number of remaining eligible premises is relatively small and dispersed over the County making it a less attractive bidding option to alternative providers. This Option is not recommended.
- 8.2 **Option A:** Do Nothing more. This option would leave circa 560 eligible premises in the intervention area without access to superfast broadband. Coverage of Superfast Broadband in the County would be less than the BDUK UK target of 95%.
- 8.3 **Option B:** Tackle sub 15Mbps premises within the project remaining intervention area. This option would leave circa 230 premises in the intervention area without access to superfast broadband.
- 8.4 **Option C:** Tackle sub 24Mbps premises within the project remaining intervention area. This option would leave circa 14 premises in the intervention area without access to superfast broadband.

8.5 **Appendix B** (Exempt Appendix) sets out Phase 3 Options A – C. Option C, the recommended Option, is set out in a higher level of detail.

9 FINANCIAL IMPLICATIONS

CAPITAL

9.1 **Appendix A (Table 1)** sets out the approved capital budget of £2.67m. Phase 1 and Phase 2 Deployment is now completed and the contracted outputs have been delivered with less funding than initially anticipated. The Council therefore has residual funding and Gainshare of £613k available to spend on the Phase 3 of the programme should it choose do so.

9.2 Exempt **Appendix B (Tables 2 and 3)** sets out the funding requirements for Phase 3 (Option B and C) which can be met within the available funding.

9.3 If the Council chooses not to proceed a phase 3 then:

- The gainshare would be paid over to RCC in March 2022 (the expiry date of the contract)
- The amount of gainshare retained by Council may be less if BDUK take a share based on the intended comparative investment ratios (i.e. as it stands BDUK has invested more than originally planned in % terms so could clawback some funding).

The impact on received/retained gainshare under Options B and C is shown in Exempt **Appendix B, Table 1b**.

9.4 If the Council chooses not to proceed with phase 3 then:

- There remains unallocated underspend (residual funding)
- The amount of residual funding retained by Council may be less if BDUK take a share based on the intended comparative investment ratios

The impact on available underspend/retained underspend if Council proceeds with either Option B or C is shown Exempt **Appendix B, Table 1b**.

9.5 It is anticipated that Phase 3 Deployment could complete within 12 months of a Change Form being signed.

REVENUE

9.6 **Appendix A (Table 2)** sets out the forecast revenue position with no further Delivery - Option A.

9.7 **Appendix A (Table 3)** sets out the forecast revenue position with a Phase 3 delivery (Options B and C) and shows an additional funding requirement of £25k beyond the remaining approved revenue budget.

10 LEGAL AND GOVERNANCE CONSIDERATIONS

- 10.1 Council undertook a compliant Official Journal of the European Union (OJEU) procurement process to determine the award of contract to BT in May 2012.
- 10.2 The notified contract value is not exceeded by undertaking further investment in Phase 3 under the recommend option.
- 10.3 A change control and Gainshare mechanism exists within the contract to enable this further investment. The BT 'accelerated gainshare' approach has been accepted by BDUK subject to detailed review of change form documentation.
- 10.4 The uplifted documentation would be subject to full BDUK and NCC assurance checks and legal review by the Council's representative prior to signing.
- 10.5 The Council has a legal obligation under the terms of its grant agreement with BDUK to ensure continued value for money and state aid compliance in relation to the use of public funds under its contract with BT.
- 10.6 Expenditure evidenced and claimed by BT in relation to a Phase 3 would be subject to on-going assurance reviews by the Digital Rutland project team, BDUK assurance team and Welland Audit.
- 10.7 Joint governance arrangements are in place with all three parties represented at a senior level to review the project's progress and assure delivery is targeted to the state aid approved white postcode and eligible superfast broadband premises. The governance board includes the Council's Portfolio Holder and Chief Executive who together with the Assistant Director of Finance would authorise payments to BT providing a level of separation from the Digital Rutland project team.

11 EQUALITY IMPACT ASSESSMENT

- 11.1 An equality impact assessment screening has been undertaken and there are no adverse effects.

12 COMMUNITY SAFETY IMPLICATIONS

- 12.1 The provision of good broadband infrastructure contributes towards road safety (reduction in journeys required through on-line transactions), and in facilitating technologies, products and services which build resilience in communities.

13 HEALTH AND WELLBEING IMPLICATIONS

- 13.1 Maximising fibre and superfast broadband coverage increases the ability to deliver public services more efficiently and to facilitate the "Internet of Things" whereby devices are talking to each other without human intervention and beneficial to both health and well-being particularly for our most vulnerable residents.
- 13.2 In addition near ubiquitous coverage of fibre technology enables better health, education and economic outcomes deemed critical to closing inequality gaps.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 The recommendations if approved would provide the maximum coverage of superfast broadband in the Digital Rutland project intervention area.
- 14.2 To support the delivery of:
- the Council's strategic aims and objectives
 - the Council's Corporate Plan
 - Rutland's Economic Growth Strategy
- 14.3 To support inclusive economic and well-being objectives
- 14.4 To support more effective delivery of public services
- 14.5 To exceed BDUK UK Superfast Broadband coverage objectives of 95%
- 14.6 To enable the accelerated gainshare offer by BT to be taken up and to utilise pre-approved residual capital funding.

15 BACKGROUND PAPERS

- 15.1 Reports previously provided to Cabinet / Council relating to the Digital Rutland Project
- Report 43/2011
 - Report 108/2011
 - Report 192/2011
 - Report 145/2014
 - Report 55/2012

16 APPENDICES

- 16.1 Appendix A
- 16.2 Exempt Appendix B

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577

Exempt Appendix – Appendix B is marked as “Not For Publication” because it contains exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, namely:

- It relates to business and financial affairs of a company

- The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
- Mapping which is indicative to inform political decision

The public interest test has been applied to this information and it is considered that the need to retain this information as exempt outweighs the public interest in disclosure because to disclose it could breach confidentiality agreements between BT plc and the Council and the change form solution is still subject to full assurance and state aid reviews.

Appendix A, Table 1: Digital Rutland Approved Capital Budget

Capital Funding	£000
BDUK allocation	820
BDUK SEP Match	180
RCC Contribution	1,490
RCC SEP Match	180
Total	2,670

Appendix A, Table 2: Forecast Revenue Costs to 31st March 2018 without Phase 3.

Total Revenue Budget remaining for 2017/18: £67K

	Forecast 2017/18 £000	Forecast 2018/19 £000
Project management costs	19	0
Legal costs	5	0
Technical support	8	0
Marketing and Communications	0	0
Total	32	0

Total Budget remaining: £35k

Appendix A, Table 3: Forecast Revenue Costs to 31st March 2018 with Phase 3 Option C and D.

Total Revenue Budget remaining for 2017/18: £67K

	Forecast 2017/18 £000	Forecast 2018/19 £000
Project Management costs	26	27
Legal Costs	10	5
Technical Support	12	12
Marketing and Communications	0	0
Total Forecast	48	44

Total Budget Shortfall: £25k

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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