

To: Paul Osborn (Chairman) Chris Kennedy
David Andrews (Vice Chairman) Heather Johnson
Susan Barker Graham McAndrew
Ross Houston Mary Sartin

A meeting of the **EXECUTIVE COMMITTEE** (Quorum – 4) will be held at Myddelton House on:

THURSDAY, 17 NOVEMBER 2022 AT 10:30

at which the following business will be transacted:

AGENDA

Part I

1 To receive apologies for absence

2 **DECLARATION OF INTERESTS**

Members are asked to consider whether or not they have disclosable pecuniary, other pecuniary or non-pecuniary interests in any item on this Agenda. Other pecuniary and non-pecuniary interests are a matter of judgement for each Member. (Declarations may also be made during the meeting if necessary.)

3 **MINUTES OF LAST MEETINGS**

To approve the Minutes of the meetings held on 11, 18 & 20 October 2022 (copy herewith)

4 **PUBLIC SPEAKING**

To receive any representations from members of the public or representative of an organisation on an issue which is on the agenda of the meeting. Subject to the Chairman's discretion a total of 20 minutes will be allowed for public speaking and the presentation of petitions at each meeting.

5 **Q2 REVENUE BUDGET MONITORING UPDATE 2022/23 Paper E/789/22**

Presented by Keith Kellard, Head of Finance

6 Q2 CAPITAL PROGRAMME BUDGET MONITORING 2022/23 Paper E/785/22

Presented by Keith Kellard, Head of Finance

7 2022/23 PAY AWARD Paper E/787/22

Presented by Victoria Yates, Head of Human Resources

8 DATA PROTECTION POLICY Paper E/783/22

Presented by Beryl Foster, Deputy Chief Executive

9 ACCESS TO INFORMATION POLICY Paper E/784/22

Presented by Beryl Foster, Deputy Chief Executive

10 HUMAN RESOURCES POLICY UPDATES Paper E/788/22

Presented by Victoria Yates, Head of Human Resources

11 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.

12 Consider passing a resolution based on the principles of Section 100A(4) of the Local Government Act 1972, excluding the public and press from the meeting for the items of business listed on Part II of the Agenda, on the grounds that they involve the likely disclosure of exempt information as defined in those sections of Part I of Schedule 12A of the Act specified beneath each item.

**AGENDA
Part II
(Exempt Items)**

13 PROPOSED CABLE INSTALLATION & EASEMENT Paper E/786/22
DOBBS WEIR, HODDESDON, EN11 OAY

Presented by Beryl Foster, Deputy Chief Executive

Not for publication following the principles of the Local Government Act 1972, Schedule 12A, Part I, Section 3

14 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.

9 November 2022

Shaun Dawson
Chief Executive

LEE VALLEY REGIONAL PARK AUTHORITY

**ADDITIONAL EXECUTIVE COMMITTEE
11 OCTOBER 2022**

Members Present: Paul Osborn (Chairman) Heather Johnson
David Andrews (Vice Chairman) Chris Kennedy
Susan Barker (remote)
Ross Houston

Apologies Received From: Mary Sartin, Graham McAndrew

Officers Present: Shaun Dawson - Chief Executive
Beryl Foster - Deputy Chief Executive
Keith Kellard - Head of Finance
Rajan Mistry - Legal & Information Officer
Sandra Bertschin - Committee & Members' Services Manager

Also present: Martin Young – Barrister
Richard Collins – Womble Bond Dickinson (remote)

Part I

186 DECLARATIONS OF INTEREST

There were no declarations of interest.

187 EXEMPT ITEMS

THAT based on the principles of Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the Items of business below on the grounds that they involve the likely disclosure of exempt information again on the principles as defined in those sections of Part I of Schedule 12A of the Act indicated.

Agenda Item No	Subject	Exempt Information Section Number
5	Lee Valley Leisure Trust Limited (T/A Vibrant Partnerships) (In Liquidation)	5
188	LEE VALLEY LEISURE TRUST LIMITED (T/A VIBRANT PARTNERSHIPS) (IN LIQUIDATION)	Paper E/782/22

Martin Young and Richard Collins gave an overview of the litigation.

- (1) the background and update as set out in paragraphs 1 to 11 of Paper E/782/22 was noted;**
- (2) making an offer to settle the litigation as set out in paragraphs 12 to 14 of Paper E/782/22 as amended at the meeting; and**

- (3) **delegation to the Chief Executive and/or Deputy Chief Executive to pursue the offers to the maximum figure set out in paragraph 15 of Paper E/782/22 as amended at the meeting was approved.**

Chairman

Date

The meeting started at 11.09am and ended at 12.25pm

LEE VALLEY REGIONAL PARK AUTHORITY

**ADDITIONAL EXECUTIVE COMMITTEE
18 OCTOBER 2022**

Members
in remote presence: Paul Osborn (Chairman) Heather Johnson
David Andrews (Vice Chairman) Chris Kennedy
Susan Barker Mary Sartin
Ross Houston

Apologies Received From: Graham McAndrew

Officers
in remote presence: Beryl Foster - Deputy Chief Executive
Rajan Mistry - Legal & Information Officer
Sandra Bertschin - Committee & Members' Services Manager

Also in remote presence: James Newman – S151 Officer (London Borough of Enfield)
Lyudmil Stoyanov – Womble Bond Dickinson (Solicitors)

Part I

189 DECLARATIONS OF INTEREST

There were no declarations of interest.

190 EXEMPT ITEMS

THAT based on the principles of Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business below on the grounds that they involve the likely disclosure of exempt information again on the principles as defined in those sections of Part I of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Section Number
5	Lee Valley Leisure Trust Limited (T/A Vibrant Partnerships) (In Liquidation)	5

**191 LEE VALLEY LEISURE TRUST LIMITED (T/A VIBRANT PARTNERSHIPS)
(IN LIQUIDATION)**

The Deputy Chief Executive gave an oral update.

- (1) delegation to the Chief Executive and/or the Deputy Chief Executive to accept the Liquidator's "all in" out of court offer of settlement; and**
- (2) delegation to the Chief Executive and/or the Deputy Chief Executive in consultation with the Chairman to agree the terms of the settlement agreement was approved.**

The Chairman and Members thanked officers and external advisors for their contribution in bringing this matter to a satisfactory conclusion.

Chairman

Date

The meeting started at 3.07pm and ended at 3.26pm

LEE VALLEY REGIONAL PARK AUTHORITY

**EXECUTIVE COMMITTEE
20 OCTOBER 2022**

Members Present: Paul Osborn (Chairman) Heather Johnson
David Andrews (Vice Chairman) Chris Kennedy
Susan Barker Graham McAndrew
Ross Houston Mary Sartin

In Attendance: John Bevan, David Gardner

Officers Present: Shaun Dawson - Chief Executive
Beryl Foster - Deputy Chief Executive
Dan Buck - Corporate Director
Jon Carney - Corporate Director
Keith Kellard - Head of Finance
Victoria Yates - Head of Human Resources
Stephen Bromberg - Head of Communications
Julie Smith - Head of Legal
Michael Sterry - Senior Accountant
Sandra Bertschin - Committee & Members' Services Manager

Also attending: James Newman – S151 Officer (London Borough of Enfield)

Part I

192 DECLARATIONS OF INTEREST

There were no declarations of interest.

193 MINUTES OF LAST MEETING

THAT the minutes of the meeting held on 22 September 2022 be approved and signed.

194 PUBLIC SPEAKING

No requests from the public to speak or present petitions had been received for this meeting.

**195 Q2 REVENUE BUDGET MONITORING 2022/23 AND
BUDGET CHALLENGES**

Paper E/781/22

The report was introduced by the Chief Executive.

In response to Members it was advised:

- the Authority had benefitted from the Government's energy support package and this had been included within budget forecasts. However uncertainty remained post April 2023;
- financial liabilities with regard to settlement of the Lee Valley Leisure Trust Ltd litigation would be charged to the revenue account and general fund;

- asset maintenance was reviewed on an annual basis to assign the appropriate accounting classification. As a small authority there was limited scope for applying capital receipts to the revenue account;
- an energy expert had been commissioned to advise on the smartest way to invest to save; and
- Income targets for next year would be under pressure so some difficult choices around expenditure may be required.

Member comments included:

- preference for maintenance of discretionary spending in the areas of concessionary discounts and community programmes;
- the Levy for next year should be increased realistically in relation to rising costs; and
- concern regarding the possible deferment of asset maintenance expenditure.

(1) the report was noted.

196 FEES AND CHARGES POLICY

Paper E/779/22

The report was introduced by the Corporate Director.

A Member proposed care leavers be included in the under 25s concessionary groups.

(1) recommendation of the draft Fees and Charges Policy, with the addition of care leavers to the under 25s concessionary groups, to the Authority for adoption was approved.

197 HUMAN RESOURCES POLICY UPDATES

Paper E/780/22

The report was introduced by the Head of Human Resources.

A Member enquired whether the Authority had an Adoption Policy and suggested that the Authority sign-up to the Armed Forces Covenant. The Chairman advised that these would be considered and that a paper would be brought to Members in the future.

A Member proposed that wording in paragraph 5.3 of the Non-Smoking Policy be strengthened so that staff who do not take smoking breaks were not disadvantaged.

(1) the Equality, Diversity and Inclusion Policy attached at Appendix A to Paper E/780/22;

(2) the Non-Smoking Policy, with amendment of paragraph 5.3, attached at Appendix B to Paper E/780/22; and

(3) the Recruitment Policy attached at Appendix C to Paper E/780/22 be recommended to Authority was approved.

198 RISK REGISTER 2022/23

Paper E/778/22

The report was introduced by the Corporate Director who also expressed appreciation to the Audit Committee members who had recently reviewed the Authority's approach to risk management with the internal auditors.

The Audit Committee Chairman commented that he considered the Authority's Risk Register to be one of the more rigorous that he had been involved with and highlighted that utilities risks should be kept under review.

In response to Members it was advised that:

- each venue had its own specific and robust procedures and processes in place;
- proactive management of risks was a feature of the new health and safety contract;
- a pandemic procedure had been developed;
- the sports venues operator, GLL, were to be congratulated on the fast implementation of a new booking system, Flow, following the unexpected failure of the previous system. This new system worked well for simple venues, but more work would be undertaken for complex venues such as Lee Valley VeloPark and Lee Valley White Water Centre.

- (1) the Corporate Risk Register included in Appendix A to Paper AUD/129/22 attached as Annex A to Paper E/778/22 was noted.

Chairman

Date

The meeting started at 10.40am and ended at 11.20am

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Q2 REVENUE BUDGET MONITORING UPDATE 2022/23

Presented by the Head of Finance

EXECUTIVE SUMMARY

The Executive Committee received a report at its meeting on 20 October 2022 (Paper E/781/22) outlining the budget challenges being faced this year, notably the increases in energy costs and pay award. The net deficit for 2022/23 was forecast at £818,000. Officers have been taking mitigating actions to minimise the deficit position and this report includes the anticipated savings from these actions within the outturn. The overall net operational expenditure at the year-end is now expected to be £283,000 over the approved budget for 2022/23, an improvement of £535,000. The major variations currently projected are summarised in the table below, which shows the impact of savings in mitigating the budget challenges.

Service Description	Annual Net Budget	Proposed Net Outturn	Variance £000s
Events (incl Commonwealth Games)	31	(221)	(252)
Legal	417	591	174
Property	(1,142)	(1,380)	(238)
Leisure Services Contract	2,681	2,813	132
Parklands and Open Spaces	2,605	2,558	(47)
Small Venues	(798)	(747)	51
Corporate Insurance	594	490	(104)
Other	3,730	3,558	(172)
Financing	1,787	1,479	(308)
Levy	(9,768)	(9,768)	0
Forecast Outturn	137	(627)	(764)
Budget Challenges			
Above budget Pay Rise (c. 5%)	0	168	168
Utilities Price Increase – Lee Valley	0	365	365
Utilities Price Increase – GLL (incl. contingency)	0	395	395
NI Reduction	0	(18)	(18)
Forecast Outturn	137	283	146

RECOMMENDATION

Members Note: (1) the report

BACKGROUND

- 1 The Executive Committee recommended a budget for 2022/23 at its meeting in January 2022 (Paper E/767/22). Members approved this at the Authority meeting on 20 January 2022 (Paper A/4312/22). This report compares income and expenditure to 31 March 2023 with the budget.
- 2 The summary financial position of each Authority service or facility is shown in Appendix A to this report.
- 3 The year-end position shows a projected net over-spend of £146,000 against the net revenue budget deficit of £137,000. The net deficit for the year is forecast as £283,000.

GENERAL ECONOMIC FACTORS

4 Inflation

September's inflation for the Retail Price Index (RPI) stood at 12.6% and Consumer Price Index (CPI) at 10.1%. Inflation was expected to rise to around 11% in the final quarter of 2022, with the Bank of England forecasting a decline towards the target rate of 2% in the medium term (Bank of England Monetary Policy Committee (MPC) Report November 2022). The Bank of England increased the base rate to 3% on 3 November as it continues to try to control inflation.

5 Energy Costs

In line with our signed contracts for accessing the 2020-2024 Laser framework, our initial contract period was secured with fixed prices. We agreed to this fixed cost for 24 months, so the market price movements of wholesale electricity and gas prices did not affect us until October 2022. We have now joined the flexible basket arrangement in line with our agreement, although we still await final details of exact costs from Laser, which are expected at the end of November.

Whilst this was considered as part of the budget process, along with an expectation of around 50% increase for gas and 20% for electricity at the time, the wholesale price has risen significantly, and we are now seeing increases of around 150% for electricity and 500% for gas.

As part of the shared risk position for utility pricing at the Leisure Services Contract (LSC) venues (for the first 2 years only), with Greenwich Leisure Ltd (GLL) taking the risk for utility consumption for the entirety of the contract, we expect to see a substantial increase to the Management Fee for the first two years. After this, we are required to rebase the utility position for year 3 onwards, when GLL will take on both the cost and consumption risk, but the current Management Fee position for years 3-10 will likely be affected.

However, the Gas at Dobbs Weir Caravan Park is supplied by Avanti, and we have a fixed price contract with them until the end of March 2023, so we will not see these prices increase until 2023/24 financial year.

6 Pay Award

The Authority was notified on 1 November 2022 that agreement had been reached by employers and the relevant unions in respect of the 2022/23 pay award for National Joint Council (NJC) for local government services. The agreed pay award effective 1 April 2022 is an increase of £1,925 on all NJC pay points 1 to 43. Part of this national agreement is to also pay an increased London Weighting Rate for Outer London Allowance (currently £2,011 per annum) with a 4.04% increase to be applied to all officers up to pay point 43 with effect from 1 April 2022.

A separate paper will be presented to Members (E/787/22) as to whether the Authority should set a pay award for 2022/23 for officers on pay point 44 and above in line with the NJC scale.

The 2022/23 budget included provision for a 2% pay award, but this award averages a 5% increase and will increase costs by £168,000.

If Members do not approve the discretionary pay award to Senior Officers, this would result in a saving of £36,700 to the outturn reported in this report.

BUDGET CHALLENGES AND SAVINGS

- 7 As reported to Executive in October, the increased utilities prices and pay award detailed above pose a significant challenge to this year's budget. Mitigating actions are being taken to reduce the deficit position to one of a more manageable position.
- 8 The net deficit reported in October was £818,000. Savings have been identified in the following areas to bring this forecast down to a net deficit of £283,000.

	Net Outturn	Notes
Outturn (reported in October)	818	
Savings identified		
Contributions to/from Earmarked Reserves	(250)	Reduced Asset Management Contributions
PR / Communications	(21)	Savings on discretionary budgets
Property Management	(64)	Increased income identified
Asset Protection, Maintenance & Development	(88)	Revenue expenditure identified as capital
Sports Development	(18)	Saving (Sports Development Grants)
Community Access	(27)	Saving (Community Access Fund)
Countryside Areas	(58)	Increased income (Car Parking)
Other	(9)	Net impact of all other cost centres
Total Savings	(535)	
Outturn (reported in November)	283	

- 9 An officer working group has been set up to look at opportunities for energy saving and generation that will generate further savings this year and in future

years.

OPERATIONS OVERVIEW

- 10 The main variances against this year's budget are described below, including more detail on these savings.

FINANCING

11 Contributions to/from Earmarked Reserves (£250,000 saving)

The budget includes £1,000,000 of contributions to the Asset Management fund. This fund is used to deliver the asset management programme that has been profiled over the next ten years to deliver all scheduled work. The fund is at a healthy level and the planned programme can be delivered without variation with this reduced contribution.

CORPORATE SERVICES

12 Legal Service (£174,000 deficit)

Additional expenditure on external legal support has been required to defend the dispute with Lee Valley Leisure Trust Limited regarding the 2019/20 Management Fee payment and end of contract liabilities. Additional external support has also been required in relation to the new Leisure Services Contract and in dealing with other legal matters in particular following the departure of the Locum Property solicitor in March.

13 Property Management (£238,000 surplus)

Additional rental income has been achieved across the Authority's commercial accommodation and countryside areas. This includes both one-off sums received this year for backdated rental payments as well as ongoing income that will be built into future year budgets.

14 Asset Protection, Maintenance & Development (£88,000 saving)

A review of revenue expenditure identified a significant number of items that relate to capital projects that can be allocated to capital expenditure. There is sufficient budget within the capital programme for these items.

15 PR / Communications (£21,000 saving)

Savings have been identified across several budget areas including a reduced spend on the 10 years Olympics anniversary campaign, not attending events as exhibitors, reducing tourist board memberships, reducing new artwork and photography and savings on our press cuttings contract.

SPORT & LEISURE

16 Events (£252,000 surplus)

Lee Valley VeloPark hosted the track cycling events of the 2022 Commonwealth Games. This required exclusive hire of the venue for four weeks during July and August. The Authority received a net income from this hire which was not

included in the budget. The Management Fee agreed with GLL reflects a loss of income during this period.

17 Active Communities (£45,000 saving)

Savings have been identified against the sports development grants and community access fund budgets. All allocated grants will be spent, but no further grants will be offered this year. The £45,000 saving is against a total community programmes budget of circa £300,000 for 2022/23.

PARKLANDS AND OPEN SPACES

18 Countryside Areas (£58,000 Additional Income)

Income received for the Broxbourne Station car park managed by Broxbourne Council is higher than anticipated.

SMALL VENUES

19 Campsites (£237,000 deficit)

The campsites continue to recover from the impact of Covid restrictions, which led to a loss of business from European visitors, and reduction in visitors staying to visit and work in London. Edmonton Campsite has seen a particularly strong recovery this year after a slower recovery than the other campsites who benefited more from the staycation trend last year.

Members agreed investment into new glamping units at Sewardstone and Dobbs Weir in November 2021 (Paper E/743/21), and the additional income they are forecast to generate was built into the 2022/23 budget. Installation has been delayed by a few months which has impacted this year's income. Units are available to book from late summer at Sewardstone and winter at Dobbs Weir, and are expected to achieve good occupancy rates all year round due to their self-contained nature.

However, campsites have also been heavily impacted by the increase in utility costs, with a significant impact of around £180,000 additional costs for the year.

LEISURE SERVICES CONTRACT (£132,000 deficit)

- 20 The Leisure Services Contract (LSC) commenced on 1 April 2022, with the transfer of the operation of the six major sporting venues to Greenwich Leisure Limited (GLL). In the first two years of the contract the Authority will make a Management Fee payment to GLL. From year three onwards, this becomes a payment to the Authority.

In addition to the Management Fee there will be some additional expenditure in the first year. The Authority has picked up costs for some repair and maintenance work which wasn't possible to complete prior to commencement of the LSC, notably repairs to the pumps at Lee Valley White Water Centre. Due to a delay in the transfer of the venues to GLL's own booking system there is a cost for the short term extension of the software licence for Clarity which was the Authority's booking system to continue to manage venue bookings and payments.

Investment projects at the venues that were scheduled to be completed during 2022/23 have been budgeted to increase income and achieve cost savings. These include the meeting room development at Lee Valley White Water Centre and LED lighting at Lee Valley VeloPark. Due to planning delays with the Lee Valley White Water project the forecast for this year reflects a reduced period of achieving these savings.

The budget includes £310,000 contingency for the LSC for increased utility costs. It is anticipated that an additional £395,000 will be required in addition to this contingency to cover the higher than expected price rises.

A further issue is around the handover of Lee Valley Ice Centre, and the earliest operational date. As handover is likely to be late December, this may have an impact on the 2022/23 Management Fee. The position won't be known until the financial year end, but officers are discussing with GLL to fully assess any implications for both this year and 2023/24. A provision of £60,000 impact on the Management Fee has been included in the forecast.

FURTHER ISSUES

21 VAT Claim on Sporting Income

We await further information with regards to the "distortions of competition" issue in relation to the VAT claim on sporting income. Whilst, the first argument over non-business treatment was conceded by HMRC, it requires a further decision on the competition issue before we would expect any rebate to be received.

We are awaiting further details from KPMG and Chelmsford City Council on how this will be taken forward.

22 Litigation with Lee Valley Leisure Trust Ltd (the Trust)

The Authority has agreed a Settlement Agreement with the litigator in respect of the Management Fee and End of Contract liabilities claim. The Agreement is subject to a confidentiality clause which prevents us from disclosing the terms of the Proceedings without written consent of the other parties.

ENVIRONMENTAL IMPLICATIONS

- 23 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 24 These are dealt with in the body of the report.

25 2023/24 Budget Planning

Officers have started the process of budget planning for 2023/24, and revising the Medium Term Financial Plan. The budget for 2023/24, and outlook for future years, needs to address the impact on the Authority's reserves in 2022/23, the implications of higher inflation, and increased costs, and the need to review income across the Park's activities.

There will be a need to review both the Authority's cost and income base to reflect what is likely to be a difficult few years ahead.

Officers are continuing to review what can be done over the next years to reduce the deficit, including:

- reduction to discretionary spend;
- continuation of investment across all venues, with a view to efficiencies, savings, and additional income generating projects;
- review of fees and charges, in both price increases, and pricing to capacity programming;
- varying the LSC with GLL, for efficiencies at sports venues;
- deferring expenditure in areas where this can be done, without having a direct effect on operation e.g. asset maintenance; and
- managing asset maintenance to ensure improved lifetime usage of plant and equipment.

- 26 There will be a Budget Workshop held in December 2022 where officers will present the outcome of the planning and savings/efficiencies exercise with regards to the 2023/24 financial year and beyond.

HUMAN RESOURCE IMPLICATIONS

- 27 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 28 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 29 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 30 There are no equality implications arising directly from the recommendations in this report.

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PREVIOUS COMMITTEE REPORTS

Executive Committee	E/781/22	Q2 Revenue Budget Monitoring 2022/and Budget Challenges	20 October 2022
Executive Committee	E/774/22	Q1 Revenue Budget Monitoring 2022/23	22 September 2022
Executive Committee	E/767/22	Q4 Revenue Budget Monitoring 2021/22	26 May 2022

Executive Committee	E/765/22	Annual Report on Treasury Management Activity 2021/22	26 May 2022
Authority	A/4312/22	2022/23 Revenue Budget & Levy	20 January 2022
Executive Committee	E/751/22	2022/23 Revenue Budget & Levy	20 January 2022

APPENDIX ATTACHED

Appendix A Detailed outturn forecast

LIST OF ABBREVIATIONS

LSC	Leisure Services Contract
GLL	Greenwich Leisure Limited
the Trust	Lee Valley Leisure Trust Ltd (t/a Vibrant Partnerships)
NJC	National Joint Council

OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2022/23

PERIOD: 06 (September 2022)

	Actual To Date			Annual Net Budget	Proposed Net Outturn	Variance	
	Income	Expenditure	Net			£000s	%
OPERATIONAL SERVICES							
Chief Executive	(4)	338	334	682	648	(34)	(5%)
Corporate Services	(961)	828	(133)	(194)	(310)	(116)	(60%)
Finance and Support Services	(35)	797	762	2,366	2,274	(92)	(4%)
Sport and Leisure	(1,160)	1,109	(52)	983	682	(301)	(31%)
Parklands and Open Spaces	(487)	1,612	1,126	2,605	2,719	114	4%
Small Venues	(2,509)	1,712	(795)	(1,004)	(649)	355	35%
Leisure Services Contract	(9)	255	245	2,681	3,208	527	20%
	(5,165)	6,651	1,487	8,119	8,372	453	6%
FINANCING							
Interest Receivable	(16)	0	(16)	(8)	(15)	(7)	(88%)
Interest Payable & Bank Charges	0	2	2	56	6	(50)	(89%)
Contributions to/from Earmarked Reserves	0	0	0	1,000	750	(250)	(25%)
Financing of Capital Expenditure	0	0	0	290	290	0	0%
Minimum Revenue Provision	0	0	0	448	448	0	0%
Levies on Local Authorities	(4,884)	0	(4,884)	(9,768)	(9,768)	0	0%
Movement in General Fund				137	283	146	107%

OPERATIONAL OUTFURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2022/23

PERIOD: 06 (September 2022)

	Actual To Date		Net	Annual Net Budget	Proposed Net Outturn	Variance	
	Income	Expenditure				£000s	%
CHIEF EXECUTIVE							
Chief Executive	0	111	111	256	229	(27)	(11%)
PR / Communications	(4)	227	223	426	419	(7)	(2%)
TOTAL CHIEF EXECUTIVE	(4)	338	334	682	648	(34)	(5%)
CORPORATE SERVICES							
Legal Service	(1)	293	292	417	591	174	42%
Property Management	(960)	186	(774)	(1,142)	(1,374)	(232)	(20%)
Planning and Strategic Partnerships	0	54	54	141	129	(12)	(9%)
Asset Protection, Maintenance & Development	0	241	241	278	228	(50)	(18%)
Committee Service	0	54	54	112	116	4	4%
TOTAL CORPORATE SERVICES	(961)	828	(133)	(194)	(310)	(116)	(60%)
FINANCE AND SUPPORT SERVICES							
Finance and Human Resources	0	410	410	618	717	99	16%
Information Technology	(35)	256	221	710	680	(30)	(4%)
Corporate Insurances	0	0	0	594	480	(104)	(18%)
Audit / Health & Safety	0	43	43	219	159	(60)	(27%)
Non Distributed Costs	0	33	33	69	69	0	0%
Corporate Training / Apprenticeships	0	9	9	71	71	0	0%
Project & Funding Delivery	0	46	46	85	88	3	4%
TOTAL FINANCIAL SERVICES	(35)	797	762	2,966	2,274	(92)	(4%)
SPORT AND LEISURE							
Events	(1,107)	700	(407)	31	(217)	(248)	(800%)
Sports Development	(36)	29	(7)	123	69	(54)	(44%)
Policy and Performance	0	297	297	601	621	20	3%
Learning & Engagement Service	(17)	77	59	148	156	8	5%
Community Access	0	6	6	80	53	(27)	(34%)
TOTAL SPORT AND LEISURE	(1,160)	1,109	(52)	983	682	(301)	(31%)

OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR: 2022/23

PERIOD: 06 (September 2022)

	Actual To Date			Annual Net Budget	Proposed Net Outturn	Variance	
	Income	Expenditure	Net			£000s	%
PARKLANDS AND OPEN SPACES							
Management							
Operational Management	0	138	138	275	283	8	3%
Myddelton House Management	(9)	187	178	293	354	61	21%
Parklands							
River Lee Country Park	(7)	137	130	439	435	(4)	(1%)
Gunpowder Park	0	27	27	88	98	10	11%
Countryside Areas	(84)	501	417	1,055	1,058	3	0%
Abbey Gardens	(2)	33	31	94	98	4	4%
Three Mills	(1)	11	11	31	31	0	0%
East India Dock and Bow Creek	(5)	22	17	45	42	(3)	(7%)
Broxbourne Riverside	0	7	7	21	26	5	24%
Fisheries	(28)	3	(26)	(69)	(98)	(29)	(42%)
Visitor Attractions							
Myddelton House	(85)	164	80	183	209	26	14%
Rye House Gatehouse	0	0	0	5	6	1	20%
Park Projects							
Volunteers	0	19	19	42	45	3	7%
Biodiversity	0	53	53	106	113	7	7%
Farms							
Lee Valley Farm, Holyfieldhall	(246)	300	54	38	74	36	95%
Initiatives and Partnerships							
King George Reservoir South	(7)	10	3	(1)	(1)	0	0%
Lee Valley Boat Centre	0	0	0	(41)	(41)	0	0%
Broxbourne Chalets	(13)	0	(13)	1	(13)	(14)	(1400%)
TOTAL PARKLAND AND OPEN SPACES	(487)	1,612	1,126	2,605	2,719	114	4%
SMALL VENUES							
Lee Valley Marina Springfield	(543)	316	(226)	(345)	(327)	18	5%
Lee Valley Marina Stanstead	(418)	356	(62)	(58)	(12)	46	79%
Lee Valley Waterworks Centre	(1)	28	27	82	102	20	24%
Lee Valley Farm Hayes Hill	0	2	2	0	2	2	0%
Lee Valley Campsite (Sewardstone)	(376)	223	(153)	(91)	(52)	39	43%
Lee Valley Caravan Park (Dobbs Weir)	(571)	274	(297)	(409)	(157)	252	62%
Lee Valley Leisure Centre Campsite	(320)	185	(135)	39	(27)	(66)	(169%)
Lee Valley Leisure Centre Golf Course	(97)	70	(27)	1	33	32	3200%
Almost Wild Campsite	(40)	19	(20)	(16)	(5)	11	69%
Caravan Sales	(143)	239	96	(207)	(206)	1	0%
TOTAL SMALL VENUES	(2,509)	1,712	(795)	(1,004)	(649)	355	35%

OPERATIONAL OUTTURN SUMMARY

LEE VALLEY REGIONAL PARK AUTHORITY

YEAR 2022/23

PERIOD: 06 (September 2022)

	Actual To Date			Annual Net Budget	Proposed Net Outturn	Variance	
	(Income)	Expenditure	Net			£000s	%
LEISURE SERVICES CONTRACT							
Management Fee	0	0	0	2,171	2,626	455	21%
Efficiencies / Increased Income	0	0	0	(60)	(30)	30	50%
LSC Support	0	39	39	0	39	39	0%
LSC Venues Direct Costs	(9)	216	206	170	173	3	2%
LSC Contingency	0	0	0	400	400	0	0%
TOTAL LSC VENUES AND BUSINESS SUPPORT	(9)	255	245	2,681	3,208	527	20%
OTHER OPERATIONAL SERVICES COSTS/INCOME							
Budget Growth (Pay Rise)	0	0	0	0	0	0	0%
s106 Expenditure/Income	0	1	1	0	0	0	0%
TOTAL OPERATIONAL SERVICES	(5,165)	6,652	1,822	8,119	8,572	453	6%

Q2 CAPITAL PROGRAMME BUDGET MONITORING 2022/23

Presented by Head of Finance

EXECUTIVE SUMMARY

This report summarises capital spending in 2022/23 compared to the current capital programme.

Appendix A to this report provides a financial summary of current schemes within the capital programme and shows that overall net capital expenditure for the year end is currently projected to be £20.780 million, and in line with the approved budget.

RECOMMENDATION

Members Note: (1) the report.

BACKGROUND

- 1 Authority Committee initially approved the capital programme for 2022/23 at its meeting on 20 January 2022 (Paper A/4313/22). This report compares the actual spend with the current programme.
- 2 Where there is a significant variance, resulting in a projected under or over spend for a particular project, a brief explanation for the variance is provided below by the Accountable Officer for that scheme.
- 3 Where slippage is projected and reported, those resources remain earmarked for the particular schemes in question in future years. Where an under spend is reported these savings are added back into capital funds.
- 4 The original annual budget for 2022/23 was £16.026 million net expenditure. However, reprofiling due to prior year slippage, along with the inclusion of other identified schemes, has meant the current capital budget is now £21.771 million. The projected net capital position for the year is £20.713 million, in line with the revised budget

SPECIFIC SCHEMES

- 5 The review of major schemes in 2022/23 is detailed below.

6 Lee Valley Ice Centre Redevelopment

The Ice Centre Redevelopment has continued to progress well but there have been further pressures on the Mechanical and Electrical installation due to changes around internal partition walls on the first floor which house much of the cables and connections. This has delayed installation and the contractor Buckingham has obtained permissions from the London Borough of Waltham Forest (LBWF) for extended hours for internal works only. The revised completion and handover date at of 23 December remains currently, but there is a risk that this date could slip into January. The project remains within budget.

7 Ice Centre Funding

The redevelopment of the Ice Centre has always been anticipated to be fully funded from external borrowing, with the original strategy one of short-term loans during the construction phase, to be converted to long-term loans on completion. This was subsequently amended to allow greater flexibility with borrowing due to the increase in lending rates.

Officers have continued to adopt the more cash and affordability efficient approach of short term loans, rather than locking in long-term debt, and have to date borrowed £20million on terms of up to one year.

Due to the current volatility in rates, we have continued with this approach as it gives us greater freedom and adaptability to respond should rates drop. Over the last few weeks, we have seen long term rates increase to around 6% in late September, and then fall to 4.6% at the beginning of November. Our Medium Term Financial Forecast is based on rates being around 4%, and whilst we can secure this rate in the short-term market, we wait for when it may be appropriate to take longer-term borrowing.

Having short term borrowing also allows us to easily apply and repay loans should we benefit from future capital receipts, without charges that would be associated with repaying long-term loans.

We will continue to update Members on borrowing in future quarterly Capital Outturn reports.

8 Asset Maintenance

The Authority's has developed an Asset Management (AM) programme across the assets and open spaces that it is directly responsible for. This is a rolling programme of major one-off and planned/cyclical maintenance over 10 years. The programme is funded by annual direct contributions from revenue to ensure that the programme is fully funded to cover both lower and higher maintenance years.

The annual AM budget is amended each year to take into account where additional maintenance is required, or is deferred to future years.

The annual AM profiled budget is expected to be around £1million, and includes schemes carried over from the prior year. Works are largely progressing in line with the programme at the 6 month stage. The largest project being Lee Valley Athletics Centre track replacement at £483k which was completed in October.

Where AM works can be identified as capital in nature, these can then be capitalised, although the revenue funding will be assigned to these schemes so as not to further increase the charge to revenue that would occur with an unfinanced capital spend.

9 Hostile Vehicle Mitigation

Whilst this project has seen significant delays due to the planning process, this permission is now imminent and following that the procurement process can be commenced. However due to extended material delivery times on such specialist items it is not envisaged that this project will complete in the financial year. It will be most likely in progress with a projected spend of around 50% of its value at £250,000.

10 Lee Valley White Water Centre Pumps Replacement

The updating of pumps and controls on both courses is now in progress, two new pumps have been ordered and are due for delivery in the latter part of this calendar year. Controls are being replaced as they become available, this project will complete within the financial year.

11 Landscape, Open Space and Investment Projects

Officers have been reviewing the Landscape and Open Space project list (Paper E/711/20) for any schemes that may progress. Listed below are some that are progressing, in addition to those others are in the pipeline and these will start progress throughout 2023 and onwards, such as Cheshunt Lakes S106, and Lea Bridge Station mitigation, although the progress of these will be dependent on the release of funds when the trigger points of the developments are met.

Middlesex Filter Beds

This project has now been agreed to progress and further investigations are underway as an unknown element of Thames Water pipes has come to light. Once this element is understood the scheme will be tendered and delivered or it may have to be reassessed as to its viability. Members will be updated as to how this project is progressing.

East India Dock Basin

Surveys have now been completed and we have a firm idea of costs for the silt removal and gate repair. The final element of the study on water circulation will be complete in the next two months. Permissions for silt dispersal have been applied for from PLA (Port of London Authority) and MMO (Marine and Maritime Organisation). This has now enabled two funding streams to be pursued.

A Levelling Up Funding (LUF) bid has been constructed with London Borough of Tower Hamlets (LBTH) to seek funding for a potential £10m project which would pull in public realm and connectivity linkages to East India Dock Basin and Bow Creek. This funding stream would allow the Basin project to progress encompassing silt removal, gate restoration and a visitor centre on site (projected at £5m). The contribution in match funding required is 15% and would mean our contribution would be in the region of £850,000. This bid was submitted by 6 July with a decision expected by the end of December 2022.

The second funding stream to be looked at is National Lottery Heritage Fund

(NLHF) and we have successfully passed the Expression of Interest Stage and been invited to submit a full bid by NLHF. Working with our LBTH colleagues and using much of the information gathered for the LUF bid we will construct a bid over the summer with a view that if the LUF bid fails we will submit a bid to HLF in March 2023. Match funding for this stream is a minimum of 5% but we should also aim for more if possible. This route also allows other partners to contribute more and potential match funding from other streams will be available. If this route is taken a full paper will be taken to Members.

St Pauls Field

The consultant's designs are been reviewed and the scheme is within budget. Final amendments to the design are being completed and final drawings to RIBA stage 4 will be produced. A preliminary ecological assessment has been commissioned which we expect to propose further surveys. Any further surveys can run concurrent with a planning application which we expect to start in spring 2023. We plan to procure contractors during 2023 for delivery over the winter 2023/24 with final spend occurring in early 2024.

Three Mills Enhancement

Works to reprofile the Green are completed. The project was undertaken due to historic poor drainage issues which had been exacerbated by a number of successful musical events. The project involved the export of 1150m³ of compacted soil and the import of 4750m³ of new soil to create a dome shape with a perimeter land drain.



Fig 1 Pre enhancement works



Fig 2 Post site works

12 Venue Investment Projects

Executive Committee approved a list of venue investment projects at the meeting on 16 November 2021 (Paper E/743/21) which will enhance venues and deliver cost savings, additional income and new income streams.

The projects will be delivered over a number of years, with a number being initiated in the current financial year.

Campsites Glamping Units and Playgrounds

Orders for the new pods at each campsite have been placed, three are up and running at Sewardstone, the final three are due delivery to Dobbs Weir in September.

Lee Valley White Water Offices

This project has been successfully procured and the contract awarded at a cost of just under £500K; the project commenced on 26 September with a target completion date of 19 December.

CAPITAL BUDGET PROGRAMME FORWARD PLAN TO 2026/27

13 Sports venues investment projects are being progressed but are still to be agreed with GLL Ltd, to ensure that any agreed project delivers a return to the Authority over the lifetime of the Leisure Services Contract. Any investments proposed will be brought back to Members for consideration.

14 A provisional commitment against projects at both East India Dock Basin, and St Pauls Field has been incorporated into the longer-term capital programme.

The East India Dock Basin contribution will be dependent on the final funding stream that is secured. Our provisional commitment of £850K will just meet the 15% match funding for LUF and is comfortable for the NLHF if the final project

projection remains under £5m. As more detailed designs and costs are developed or revised we will keep Members informed of any impact on the capital programme.

The St Pauls Field commitment is currently funding the Landscape Architects design and feasibility work and by the autumn we will have a clearer idea of the potential costs of an agreed scheme and the capital costs to deliver the final option.

ENVIRONMENTAL IMPLICATIONS

- 15 There are no direct environmental implications arising from the recommendations in this report. However, within each project a full evaluation of environmental implications is undertaken and reported to Members as part of the overall project brief.

EQUALITY IMPLICATIONS

- 16 There are no equality implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 17 A variance during the year on the capital programme can result in additional/reduced investment income being earned in the year as cash balances deposited in the Authority's approved bank accounts change.

HUMAN RESOURCE IMPLICATIONS

- 18 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 19 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 20 Failure to deliver a capital project within an agreed timescale could lead to adverse publicity. It may also mean that the Authority fails to achieve its corporate objectives within the time span that was originally anticipated and/or result in revenue budget variations as part of the Medium Term Financial Plan where the investment is intended to generate new income streams.

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PREVIOUS COMMITTEE REPORTS

Executive Committee	E/775/22	Q1 Capital Programme Budget Monitoring 2022/23	22 September 2022
Executive Committee	E/766/22	Q4 Capital Programme Budget Monitoring 2021/22	26 May 2022

Executive Committee	E/754/22	Q3 Capital Programme Budget Monitoring 2021/22	24 February 2022
Authority	A/4313/22	Proposed Capital Programme 2021/22 (Revised) to 2026/27	20 January 2022
Executive Committee	E/740/21	Q2 Capital Programme Budget Monitoring 2021/22	21 October 2021

APPENDIX ATTACHED

Appendix A Capital Monitoring 2022/23 Q2 Outturn

ABBREVIATIONS

LBWF	London Borough of Waltham Forest
LBTH	London Borough of Tower Hamlets
AM	Asset Maintenance
PLA	Port of London Authority
MMO	Marine & Maritime Organisation
LUF	Levelling Up Funding
NLHF	National Lottery Heritage Funding

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LEE VALLEY REGIONAL PARK AUTHORITY
CAPITAL PROGRAMME MONITORING 2022/23 QUARTER 2

Project Name	Full Scheme Budget £000s	Spend To Date £000s	Profiled Budget 2022/23 £000s	Actual to 30 Sep 2022 £000s	Projected Outturn at 31/03/2023 £000s	Projected Variance £000s	Comment
ANNUAL EARMARKED PROVISION							
Biodiversity Action Plan	-	-	87	23	50	-37	Carry forward
IT Infrastructure & Communications	-	-	170	90	140	-30	Carry forward
Asset Management	-	-	1,067	784	1,067	0	Programme Delivery Profiling
PROJECT SPECIFIC BUDGETS							
Lee Valley Ice Centre Redevelopment	30,000	13,250	16,750	6,518	16,000	-750	
Olympic Park Hostile Vehicle Mitigation	495	5	490	0	250	-240	In Progress
Dobbs Weir Campsite Final Phase	27	0	27	27	27	0	Scheme Complete
Olympic Rings	50	0	50	0	45	-5	
Eton Manor Feasibility	25	0	25	25	25	0	
White Water Pumps Replacement	800	0	800	275	816	16	
LANDSCAPE, OPEN SPACE & INVESTMENT PROJECTS							
East India Dock Basin - Feasibility	85	10	75	25	75	0	
Middlesex Filter Beds Sluice	240	0	240	2	240	0	
St Pauls Field - Feasibility	15	4	11	12	12	1	
Waltham Abbey Gardens	20	0	20	0	20	0	Contribution/Match Funding
Three Mills Enhancement Works	330	0	330	214	330	0	
VENUES INVESTMENT PROJECTS							
Non-Sports Venues							
Campsites - Playgrounds	75	28	47	30	30	-17	
Campsites - WIFI Upgrade	30	0	30	0	30	0	
Campsites - Glamping Pods	168	99	67	56	101	34	Budget units only - no siting
Marinas - Welding Tents	10	0	10	0	10	0	
Holyfieldhall Farm - Calf Nursery/Milk Storage	62	0	62	0	60	-2	
Feeder Pillars (Springfield)	75	0	75	0	75	0	
Laundry Room Extend (Springfield)	45	0	45	0	25	-20	New machines only
Craning Pad Extension (Stanstead)	3	0	3	0	3	0	Scheme Complete
Holyfieldhall Farmhouse Conversion	250	0	250	0	100	-150	In Progress

LEE VALLEY REGIONAL PARK AUTHORITY
CAPITAL PROGRAMME MONITORING 2022/23 QUARTER 2

Project Name	Full Scheme Budget £000s	Spend To Date £000s	Profiled Budget 2022/23 £000s	Actual to 30 Sep 2022 £000s	Projected Outturn at 31/03/2023 £000s	Projected Variance £000s	Comment
Sports Venues							
Velopark - LED Lighting	700	210	490	512	612	122	Additional works - Scheme Compete
WhiteWater - Offices, Meeting Rooms	450	0	450	0	470	20	
Whitewater - Slalom Ramp	100	0	100	0	100	0	Tri party funding total cost £350k est
TOTAL PROGRAMME			21,771	8,593	20,713	-1,058	
CAPITAL PROGRAMME FINANCING							
Borrowing			16,750		16,000		
AM Reserve			1,067		1,067		
Capital Fund			290		290		
Capital Receipts			3,664		3,356		
TOTAL FINANCING			21,771		20,713		

2022/23 PAY AWARD

Presented by the Head of Human Resources

EXECUTIVE SUMMARY

The purpose of this report is to advise Members of the outcome of the national pay award negotiations contractually applicable for employees on scale points 1 to 43 and to reach a decision on whether to set a pay award increase for employees on scale points above this range.

RECOMMENDATIONS

Members Note: (1) the 2022/23 pay award for officers on the National Joint Council scale as described in paragraphs 1 to 5 of this report; and

Members Approve: (2) whether to set a pay award for 2022/23 for officers on pay point 44 and above in line with the National Joint Council scale as described in paragraphs 10 to 13 of this report; and

(3) whether to increase the annual leave entitlement by one day for officers on pay point 44 and above in line with the National Joint Council agreement from 1 April 2023 as described in paragraphs 14 to 15 of this report.

BACKGROUND

- 1 The Authority was notified on 1 November 2022 that agreement had been reached by employers and the relevant unions in respect of the 2022/23 pay award for National Joint Council (NJC) for local government services.
- 2 The agreed pay award effective 1 April 2022 is an increase of £1,925 on all NJC pay points 1 to 43. The new rates are attached in Appendix A to this report.
- 3 Part of this national agreement is to also pay an increased London Weighting Rate for Outer London Allowance (currently £2,011 per annum) with a 4.04% increase to be applied to all officers up to pay point 43 with effect from 1 April

2022, i.e. £2,092 per annum. The Outer London Allowance is not paid to officers on Head of Service grades and above.

- 4 The NJC has also agreed that from 1 April 2023, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine.
- 5 The NJC has also agreed that from 1 April 2023, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff, regardless of existing local arrangements.
- 6 Senior Managers, Heads of Service, Directors, the Deputy Chief Executive and the Chief Executive are not covered by the national negotiations. This is 15 members of staff. The NJC advice is that where the national scale has been extended locally that in essence this is a local agreement and it is up to the individual employer to decide whether to apply the increase for staff above pay point 43.
- 7 The last nationally agreed pay award for employees on pay points 1 to 43 was in 2021/22 and was an increase of 2.75% on NJC pay point 1 and 1.75% on all NJC pay points 2 to 43.
- 8 Senior Managers, Heads of Service, Directors, the Deputy Chief Executive and the Chief Executive on pay points above those covered by the national negotiations last received a pay award in 2021/22 also at 1.75%, which was approved by Executive Committee in March 2022 (Paper E/758/22).
- 9 Local Authority Chief Executive Officers are covered by separate negotiations with the Joint Negotiating Committee for Chief Executives of Local Authorities (JNC). The JNC has not reached an agreement for Chief Executives of Local Authorities pay for the period 1 April 2022 to 31 March 2023. However, the Chief Executive's pay at this Authority has always followed in line with other Senior Officers of the Authority and not been in the scope of the JNC pay award.

PAY AWARD 2022/23

- 10 Following advice from the NJC it is for Members to determine what, if any, pay award should be applied to Senior Managers, Heads of Service, Directors, the Deputy Chief Executive and the Chief Executive on pay points above those covered by the national negotiations.
- 11 The Authority currently has 15 employees who are on pay points above those covered by the national negotiations.
- 12 All employees on NJC pay points 1 to 43 will receive the increase of £1,925 effective from April 2022. This covers 101 staff.
- 13 Members will recall that the budget for Authority employees was uplifted by 2% for each of the years 2021/22 and 2022/23 to cover the potential cost of pay awards. As of January 2022 the pay deal had not been agreed, but this was subsequently approved at 1.75% for all points above NJC SCP2, and at that time the 2022/23 award had been expected to be similar.

- 14 It is also for Members to determine if the increase to the annual leave entitlement by one day should be applied to Senior Managers, Heads of Service, Directors, the Deputy Chief Executive and the Chief Executive on pay points above those covered by the national negotiations in line with the National Joint Council agreement from 1 April 2023.
- 15 Senior Managers, Heads of Service, Directors, the Deputy Chief Executive and the Chief Executive are currently entitled to 30 days annual leave, which increases to 35 days after five years' service.

ENVIRONMENTAL IMPLICATIONS

- 16 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 17 A £1,925 pay award on all pay points across the whole Authority, including Senior Officers, represents expenditure of £280,000 including additional employer national insurance and pension contributions.
- 18 The pay rise represents an average increase of 4.99%, with those employees at the bottom of the scale seeing a substantially higher increase of 10.25%, and those on pay point 43 seeing an increase of 4.04%.
- 19 The 2022/23 budget incorporated an allowance for a 2% pay rise, for all officers, which represented an increase to the employee base of £112,000. However, as the agreed pay award is substantially more, this will see an additional £168,000 in 2022/23.
- 20 If officers above pay point 43 are not awarded a pay increase then the saving to the Authority will be circa £36,700 in 2022/23.
- 21 With uncertainty around inflation, and future pay rises, we have provisionally allowed an average of 4% pay rise allowance in the Medium Term Financial Plan for 2023/24.

HUMAN RESOURCE IMPLICATIONS

- 22 These are dealt with in the main body of this report.

LEGAL IMPLICATIONS

- 23 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 24 There are no risk management implications arising directly from the recommendations in this report.

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PREVIOUS COMMITTEE REPORTS

Executive	E/09/09	Annual Pay Award 2009/10	22 October 2009
Executive	E/300/13	2013/14 Pay Award	26 September 2013
Executive	E/381/14	2014-16 Pay Award	18 December 2014
Executive	E/452/16	2016-18 Pay Award	16 June 2016
Executive	E/561/18	2018/19 and 2019/20 Pay Award	24 May 2018
Executive	E/690/20	2020/21 Pay Award	24 September 2020
Executive	E/758/22	2021/22 Pay Award	10 March 2022

APPENDIX ATTACHED

Appendix A 2022/23 NJC Pay Scales

LIST OF ABBREVIATIONS

- NJC National Joint Council
- JNC Joint Negotiating Committee for Chief Executives of Local Authorities
- SCP Spinal Column Point

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Local government services pay agreement 2022-23

Employers' Secretary

Naomi Cooke

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To: Chief executives in England, Wales and N Ireland

(additional copies for HR and finance directors)

Members of the National Joint Council

1 November 2022

Dear Chief Executive,

LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2022-23

Employers are encouraged to implement this pay award as swiftly as possible.

Pay

Agreement has been reached on rates of pay applicable from **1 April 2022**. The new pay rates are attached at **Annex 1**.

The new rates for allowances, uprated by 4.04 per cent, are set out at **Annex 2**.

The NJC has agreed that from **1 April 2023**, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine.

Annual leave

The NJC has agreed that from **1 April 2023**, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement. This may require, in some organisations, that a local agreement has to be reached in order for the extra day to be applied. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff, regardless of existing local arrangements.

The National Agreement Part 2 Para 7.2 will, with effect from **1 April 2023**, be amended to read as follows:

7.2 Annual Leave

With effect from 1 April 2023, the minimum paid annual leave entitlement is twenty-three days with a further three days after five years of continuous service. The entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated.

7.3 The annual leave entitlement of employees leaving or joining an authority is proportionate to their completed service during the leave year.

7.4 Extra Statutory Holidays

Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement or added to annual leave by local agreement.

Joint work

The NJC has also agreed to enter into discussions on homeworking policies, mental health support and maternity etc leave.Bc

Backpay for employees who have left employment since 1 April 2022

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2022 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly. Further detail is provided in **section 15 of the HR guide** [<https://www.lgpslibrary.org/assets/gas/ew/HRv4.1c.pdf>] which is available on the **employer resources section** [<https://www.lgpsregs.org/employer-resources/index.php>] of www.lgpsregs.org [<http://www.lgpsregs.org>]

Yours sincerely,

Naomi Cooke, Rachel Harrison, Mike Short

Annex 1

SCP	01-Apr-21	01-Apr-21	01-Apr-22	01-Apr-22
	per annum	per hour	per annum	per hour
1	£18,333	£9.50	£20,258	£10.50
2	£18,516	£9.60	£20,441	£10.60
3	£18,887	£9.79	£20,812	£10.79
4	£19,264	£9.99	£21,189	£10.98
5	£19,650	£10.19	£21,575	£11.18
6	£20,043	£10.39	£21,968	£11.39

7	£20,444	£10.60	£22,369	£11.59
8	£20,852	£10.81	£22,777	£11.81
9	£21,269	£11.02	£23,194	£12.02
10	£21,695	£11.25	£23,620	£12.24
11	£22,129	£11.47	£24,054	£12.47
12	£22,571	£11.70	£24,496	£12.70
13	£23,023	£11.93	£24,948	£12.93
14	£23,484	£12.17	£25,409	£13.17
15	£23,953	£12.42	£25,878	£13.41
16	£24,432	£12.66	£26,357	£13.66
17	£24,920	£12.92	£26,845	£13.91
18	£25,419	£13.18	£27,344	£14.17
19	£25,927	£13.44	£27,852	£14.44
20	£26,446	£13.71	£28,371	£14.71
21	£26,975	£13.98	£28,900	£14.98
22	£27,514	£14.26	£29,439	£15.26

23	£28,226	£14.63	£30,151	£15.63
24	£29,174	£15.12	£31,099	£16.12
25	£30,095	£15.60	£32,020	£16.60
26	£30,984	£16.06	£32,909	£17.06
27	£31,895	£16.53	£33,820	£17.53
28	£32,798	£17.00	£34,723	£18.00
29	£33,486	£17.36	£35,411	£18.35
30	£34,373	£17.82	£36,298	£18.81
31	£35,336	£18.32	£37,261	£19.31
32	£36,371	£18.85	£38,296	£19.85
33	£37,568	£19.47	£39,493	£20.47
34	£38,553	£19.98	£40,478	£20.98
35	£39,571	£20.51	£41,496	£21.51
36	£40,578	£21.03	£42,503	£22.03
37	£41,591	£21.56	£43,516	£22.56
38	£42,614	£22.09	£44,539	£23.09

39	£43,570	£22.58	£45,495	£23.58
40	£44,624	£23.13	£46,549	£24.13
41	£45,648	£23.66	£47,573	£24.66
42	£46,662	£24.19	£48,587	£25.18
43	£47,665	£24.71	£49,590	£25.70

NB: hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week)

Annex 2

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment:

1 April 2022

£39.24

RATES OF PROTECTED ALLOWANCES AT 1 APRIL 2022 (FORMER APT&C AGREEMENT (PURPLE BOOK))

Paragraph 28(3) Nursery Staffs In Educational Establishments - Special Educational Needs Allowance

1 April 2022

£1,401

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance:

1 April 2022

£228

City and Guilds Laboratory Technician's Advanced Certificate Allowance:

1 April 2022

£165

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2022

£951

Outer Fringe Area:

1 April 2022

£663

Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 2022

£31.58

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2022

£951

Outer Fringe Area:

1 April 2022

£663

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DATA PROTECTION POLICY

Presented by the Deputy Chief Executive

EXECUTIVE SUMMARY

This report seeks Member approval and a recommendation to the Authority for the revised policy relating to data protection, which has been updated as part of the ongoing review of all the Authority's existing policies. The policy has been updated to align with the Information Commissioner's Accountability Framework.

RECOMMENDATION

Members Recommend to (1) the draft Data Protection Policy attached as Authority: Appendix A to this report.

BACKGROUND

- 1 The Authority has a register of policies that ensure the organisation works efficiently and consistently towards delivering its Business Strategy. These policies are reviewed to ensure that they are relevant and up to date with legislation and best practice.
- 2 One of these policies is the Data Protection Policy, which sets out the Authority's approach towards ensuring that it complies with its legal obligations under the UK General Data Protection Regulations (UK GDPR) and Data Protection Act 2018 in respect of personal data that it holds and processes.
- 3 It should be noted that the Authority implements legislative changes from the date that they are introduced and there may be a time lag between this and the relevant policies being updated.

DATA PROTECTION POLICY

- 4 A draft of the Data Protection Policy is attached as Appendix A to this report for Members' consideration, approval and recommendation to the Authority.
- 5 The Data Protection Policy is intended to ensure that the Authority complies fully with its legal obligations under the UK GDPR and Data Protection Act 2018 and maintains the confidence of everyone who trusts it with their personal data. The current policy was introduced in April 2018 to comply with the General Data

Protection Regulation 2018 and the then forthcoming Data Protection Act 2018 (Paper E/558/18).

- 6 The draft Data Protection Policy has been fully updated to align with the Information Commissioner's Office (ICO) Accountability Framework. The Accountability Framework sets out the ICO's expectations of steps organisations should take to demonstrate their compliance with and accountability for data protection law.
- 7 Section 15 of the draft Data Protection Policy refers to a number of procedures and supporting documents. These will be reviewed to ensure alignment with the ICO's Accountability Framework during the next 3-4 months.
- 8 The Data Protection Policy provides for the Head of Legal Services to fulfil the role of Data Protection Officer (DPO). The current DPO is the Deputy Chief Executive. The DPO has a formal role under UK GDPR, they are responsible for monitoring compliance, informing and advising on data protection obligations and acting as a contact point for data subjects and for the ICO.

ENVIRONMENTAL IMPLICATIONS

- 9 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 10 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 11 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 12 The Policy supports the Authority in meeting its obligations under UK GDPR and the Data Protection Act 2018.

RISK MANAGEMENT IMPLICATIONS

- 13 The Authority's Corporate Risk Register includes the risk of failure to comply with the Lee Valley Regional Park Act 1966 and other statutory requirements (SR1.1). The Data Protection Policy aims to mitigate the risk that the Authority fails to comply with its legal obligations under data protection law.

EQUALITY IMPLICATIONS

- 14 There are no equality implications arising directly from the recommendations in this report.

Author: Julie Smith, 01992 709838, jsmith@leevalleypark.org.uk

APPENDIX ATTACHED

Appendix A Draft Data Protection Policy

ABBREVIATIONS

ICO	Information Commissioner's Office
UK GDPR	Regulation (EU) 2016/679 as it forms part of the law of England and Wales by virtue of section 3 of the European Union (Withdrawal) Act 2018
DPO	Data Protection Officer

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Data Protection Policy

[January 2023]

Reference: Version 2



This document is controlled by Lee Valley Regional Park Authority.

Lee Valley Regional Park Authority,
Myddelton House, Bulls Cross,
Enfield, Middlesex, EN2 9HG

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Document Information**Title:** Data Protection Policy**Status:** Draft**Current Version:** v2.00

Authors	<p>Rajan Mistry, Legal & Information Officer mistry@leevalleypark.org.uk ☎ (01992) 709869</p> <p>Julie Smith, Head of Legal Services jsmith@leevalleypark.org.uk ☎ (01992) 709838</p>
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Consultation:	<p>Policy & Procedure Review Group Senior Management Team</p>
Approved	<p>Approved by: Authority Approval Date: [January 2023]</p> <p>Review Frequency: Every three years or earlier if there is a change in legislation</p> <p>Next Review: January 2026</p>

Version History		
Version	Date	Description
1	25 August 2020	
2	[January 2023]	Updated to align with the Information Commissioner's Office Accountability Framework

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1. Background

- 1.1 The Authority has legal obligations in respect of how it treats personal data that it holds and processes under the UK General Data Protection Regulations (UK GDPR), as tailored by the Data Protection Act 2018. The UK GDPR is Regulation (EU) 2016/679 as it forms part of the law of England and Wales by virtue of section 3 of the European Union (Withdrawal) Act 2018.
- 1.2 It is essential that the Authority fulfils these obligations if it is to maintain the confidence of those providing it with personal data, including attendees at Park events, users of Park facilities, those subscribing to receive updates and information about the Park, volunteers, employees and Members.
- 1.3 If the Authority does not meet its obligations in respect of data protection it could suffer reputational damage. It could also receive a significant fine. A breach of the UK GDPR can lead to a fine of up to £17.5 million or 4% of total worldwide annual turnover, whichever is higher.

2. Purpose

- 2.1 This policy is in place to ensure that the Authority complies fully with its legal obligations under the UK GDPR and Data Protection Act 2018 and maintains the confidence of everyone who trusts it with their personal data.

3. Scope

- 3.1 This policy applies to all personal data that is held and processed by the Authority, however it is stored – physically or electronically - and whoever the person is to who it relates – employee, worker, volunteer, someone attending an event or otherwise using the Park or any other person.
- 3.2 Personal data is any information that relates to an identified or identifiable individual. Examples of personal data include names and addresses, e-mail addresses and banking details.
- 3.3 Certain personal data is more sensitive and is special category data. This includes:
 - data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;

- genetic data;
- biometric data; and
- data concerning a person's health, sex life and sexual orientation.

3.4 The policy applies to all Authority staff and to all activities undertaken by the Authority that involve the use of personal data.

4. Data Protection Principles

4.1 The Authority is responsible for its use and processing of personal data. It will comply with the data protection principles that are set out in the UK GDPR. These require that personal data shall be:

- processed lawfully, fairly and in a transparent manner;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

4.2 The Authority will appoint a Data Protection Officer (DPO) to oversee its arrangements for complying with the UK GDPR. The DPO will be independent, an expert in data protection, adequately resourced and report to the highest management level.

5. Individuals' rights

5.1 The Authority will ensure that individuals are able to exercise their rights under UK GDPR. These are the rights:

- to be informed about collection and use of their personal data;
- to access and receive a copy of personal data held by an organisation (commonly referred to as a subject access request);
- to have inaccurate personal data rectified or completed if it is incomplete;
- to have personal data erased;
- to request restriction of the processing of their personal data;
- to obtain and reuse their personal data for their own purposes across different services;
- to object to the processing of their personal data in certain circumstances; and
- relating to automated decision making including profiling.

5.2 The Authority will ensure that individuals are informed about their rights and how to exercise them.

5.3 Requests from individuals about their rights will be responded to by the Legal & Information Officer in accordance with the procedure for subject access requests and exercise of individuals' UK GDPR rights.

5.4 If individuals wish to complain about the use of their personal data they may complain to the DPO. They also have a right to complain to the ICO.

6. Transparency

6.1 The Authority will be open and honest about all aspects of its management of personal data.

6.2 Privacy notices will be provided at the point at which personal data is collected, for example when booking an activity or joining a mailing list.

6.3 Privacy notices will provide all the information that is required by UK GDPR:

- the Authority's contact details and the DPO's contact details;

- the purposes of the processing and the lawful bases (and, if applicable, the legitimate interests for the processing);
- the types of personal data you obtain and the data source;
- details of all personal data that the Authority shares with other organisations;
- retention periods for the personal data, or the criteria used to determine the period;
- details about individuals' rights including, if applicable, the right to withdraw consent and the right to make a complaint; and
- details of whether individuals are under a statutory or contractual obligation to provide the personal data (if applicable).

6.4 Privacy notices will be clear and easy to understand. They will be reviewed periodically to ensure that they stay accurate, up to date and effective.

6.5 Where the Authority obtains personal data from a source other than the individual to which it relates it will provide privacy information within one month of obtaining the data.

7. Records of processing and lawful basis

7.1 The Authority will maintain a comprehensive record of processing activities that ensures it knows what personal data it holds, where it is and what it does with it.

7.2 The record of processing activities will include all the information required under the UK GDPR including:

- a description of the categories of individuals and of personal data;
- the purpose of processing;
- the categories of recipients of personal data;
- retention schedules; and

- description of technical and organisational security measures in place.

It will include processing activities carried out on behalf of the Authority. The Authority will review the record of processing activities regularly to ensure that it remains accurate and up to date.

7.3 The Authority will only process personal data where it has a lawful basis for doing so. The lawful bases for processing are:

- consent – an individual has given consent to process their personal data for a specific purpose;
- contract – the processing is necessary in order to fulfil a contract or prior to entering into a contract;
- legal obligation – the processing is needed to comply with the law;
- vital interest – the processing is necessary to protect someone's life;
- public task – the processing is necessary to perform a task in the public interest or to fulfil an official function and has a clear basis in law; and
- legitimate interests – the processing is necessary for an organisation's legitimate interests or those of the third party unless there is a good reason to protect the individual's personal data, which overrides those legitimate interests.

7.4 The Authority will document and appropriately justify the lawful basis for processing personal data. This information will be made publicly available through inclusion in privacy notices and will be easy to access and understand.

7.5 Where the basis of processing is consent, requests for consent will:

- be kept separate from other terms and conditions;
- require a positive opt-in and will not use pre-ticked boxes;
- be clear and specific;
- not be a pre-condition of signing up to a service;
- explain how to withdraw consent; and

- provide the name of the Authority and any other party that the information may be shared with.
- 7.6 For children under the age of 13, parents or guardians will be asked to provide consent on behalf of their child. For children who are 13 years or over, they will be asked to provide their own consent unless factors suggest that they are unable to give informed consent in which case a parent or guardian's consent will be required.
- 7.7 The Authority will maintain easily accessible records of what an individual has consented to and will update those records if an individual withdraws their consent. Consent records will be reviewed and refreshed periodically.
- 7.8 Where the basis for processing is legitimate interests then an appropriate legitimate interest assessment will be completed prior to starting the processing. The legitimate interest assessment will assess the benefits of the processing and whether it is necessary.

8. Contracts and data sharing

- 8.1 The Authority will only share personal data with third parties where this is necessary to achieve a clearly defined and specific purpose and it is permitted to do so under the UK GDPR.
- 8.2 The Authority will ensure that before deciding to share data or entering into an arrangement for a third party to process data on its behalf, a data privacy impact assessment is carried out to assess the benefits and risks of sharing personal data and that the Authority is legally permitted to do so.
- 8.3 Where data sharing is to take place, there will be a written data sharing agreement that explains the purpose for the sharing and each parties' responsibilities for the personal data that is shared. There will be regular reviews of how the agreement is working.
- 8.4 Any processing of personal data by third parties on behalf of the Authority will be in accordance with a data processing agreement or other contract that meets the requirements of UK GDPR. The Authority will make appropriate arrangements to carry out due diligence checks on third parties processing personal data that are proportionate to the risk of the processing and to check compliance with contractual obligations relating to data protection.
- 8.5 The Authority will not transfer personal data outside of the European Economic Area (EEA) unless the UK has in place adequacy regulations in respect of the country or territory to which a transfer is to be made or appropriate safeguards can be put in place.

- 8.6 The procedure for data sharing and processing of data by third parties provides further information and detail as to how the Authority will ensure any sharing and processing of data is in accordance with the UK GDPR.

9. Data Protection by design and default – risks and data protection Impact assessments

- 9.1 The Authority will identify, assess and manage risks relating to personal data in accordance with its risk management processes. Any risks that are identified will be recorded in its information asset register, corporate risk register and departmental and venue risk registers as appropriate.
- 9.2 The Authority will adopt a data protection by design and by default approach to managing risks. It will proactively consider data protection risks and issues as part of the design and implementation of its systems, projects and activities.
- 9.3 At the outset of any project, new activity or sharing of personal data, a decision will be taken as to whether a data protection impact assessment (DPIA) is required and if it is required the DPIA will be carried out at the start of the project, new activity or sharing of data.
- 9.4 The DPIA will be used in the design of the project, activity or data sharing to ensure that appropriate and effective action is taken to mitigate and manage any risks that it identifies.
- 9.5 The Data Protection Impact Assessment procedure provides further detail when a DPIA is required and its preparation and implementation.

10. Records management and security

- 10.1 The Authority will put in place procedures to ensure good records management. It will maintain an information asset register that records all assets, systems and applications used for processing or storing personal data. It will conduct regular reviews of records containing personal data to make sure they are accurate, adequate and not excessive.
- 10.2 The Authority will keep in place a retention schedule outlining storage periods for all personal data, which will be reviewed regularly. When it is time for records containing personal data to be destroyed they will be destroyed in accordance with the records retention & disposal procedure.

- 10.3 The Authority will have in place information security measures to ensure that personal data is held and transferred securely.
- 10.4 The Authority will have in place an acceptable use policy governing the use of software that processes or stores information. Access to personal data will be restricted to authorised staff that need to access the data to fulfil their roles. The Authority will prevent unauthorised access to systems or applications processing personal data. It will manage the security risks of using devices, home or remote working and removeable media.
- 10.5 The Authority will secure its premises to prevent unauthorised physical access, damage and interference to personal data. Paper records containing personal data will be securely stored.
- 10.6 The Authority will maintain a business continuity plan that enables it to manage disruption and protects against the loss of personal data.

11. Breach response

- 11.1 The Authority will have in place a breach response procedure that sets out the procedure to be followed in the event of a suspected data protection incident. A data protection incident includes any instance in which personal data has or may have been passed to any person that should not have access to it.
- 11.2 Any member of staff who suspects that there has been a data protection incident and breaches, however minor, must report the incident to the Legal & Information Officer and to the DPO immediately.
- 11.3 The Legal & Information Officer and DPO will manage the response to data protection incidents. This will include prompt notification of affected individuals where a data protection breach is likely to result in a high risk to their rights and freedoms.
- 11.4 The DPO will assess the incident and will decide whether it needs to be reported to the ICO. If the incident needs to be reported, the DPO will ensure that the report is made within 72 hours of the Authority first becoming aware of it.
- 11.5 A log will be kept of all data protection incidents that records information about near misses or breaches. The log will also document the reasons for concluding that incident does not need to be reported to the ICO. Where an incident does occur, it will be reviewed to identify what lessons can be learned and steps to be taken to prevent a similar incident from occurring in the future.

12. Responsibilities

12.1 The Data Protection Officer (DPO), who will be the Head of Legal Services, is responsible for:

- **informing and advising on the Authority's obligations to comply with the UK GDPR and other data protection laws;**
- **monitoring compliance with UK GDPR and this data protection policy;**
- **managing responses to data protection incidents;**
- **raising awareness of data protection issues and training staff;**
- **advising on and monitoring data protection impact assessments and legitimate interest assessments;**
- **co-operating with the ICO; and**
- **acting as first point of contact for the ICO and for individuals whose data is processed.**

12.2 The Legal & Information Officer is responsible for supporting the DPO in their role and in particular for:

- **co-ordinating the information asset register;**
- **managing responses to subject access requests and other requests from individuals to exercise their individual rights;**
- **supporting the DPO in managing responses to data protection incidents;**
- **maintaining a log of data protection incidents;**
- **providing advice and assistance to colleagues on the carrying out of legitimate interest assessments and data privacy impact assessment; and**
- **providing advice and assistance to colleagues on what they need to do to comply with this data protection policy and with relevant procedures.**

12.3 All staff are responsible for ensuring that they understand and apply this policy and associated procedures in carrying out their roles. They are in particular responsible for:

- ensuring the information asset register is kept up to date in respect of any personal data for which they are owner and that retention schedules are adhered to;
- assisting the Legal & Information Officer with subject access requests or any other request relating to exercise of an individual's rights;
- where they are the lead for a project or activity, for ensuring that a data protection impact assessment is carried out and is implemented; and
- immediately reporting any data protection incident or suspected incident to the DPO and the Legal & Information Officer.

13. Training and awareness

13.1 The Authority will ensure that all its staff receive regular and appropriate training on the requirements of UK GDPR, this policy and the procedures that they need to follow.

13.2 The Authority will put in place a training programme, which includes training as part of staff induction and then regular refresher training for all staff. There will be regular awareness raising of data protection, information governance and associated policies and procedures.

14. Monitoring

14.1 The Authority's internal audit programme will include data protection and related information governance, for example security and records management. It will also carry out appropriate ad-hoc monitoring and spot checks.


14.2 The Authority will also make use of the ICO provided self-assessment tools to provide assurances on data protection and information security compliance.

15. Relevant Policies and Procedures

- Procedure for subject access requests and exercise of individuals' UK GDPR rights
- Procedure for data sharing and processing of data by third parties

- **Legitimate Interests Assessment procedure**
- **Data Protection Impact Assessment procedure**
- **Records Retention & Disposal Procedure**
- **Privacy notices**
- **Information Asset Register**
- **Record of processing activities**
- **Consent review procedure**
- **Breach Response Procedure**
- **IT Usage Policy**
- **Business Continuity Plan**
- **Risk Register Procedure**

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 <p>LEE VALLEY REGIONAL PARK AUTHORITY</p> <p>EXECUTIVE COMMITTEE</p> <p>17 NOVEMBER 2022 AT 10:30</p>	<p><u>Agenda Item No:</u></p> <p style="text-align: center;">9</p> <p><u>Report No:</u></p> <p style="text-align: center;">E/784/22</p>
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ACCESS TO INFORMATION POLICY

Presented by the Deputy Chief Executive

EXECUTIVE SUMMARY

This report seeks Member approval and a recommendation to the Authority for the revised policy relating to access to information that has been updated as part of the ongoing review of all the Authority's existing policies. The policy, which was previously titled the Freedom of Information Policy, has been updated to incorporate the Authority's obligations under the Environmental Information Regulations 2004 and to reflect changes to responsibilities for managing requests.

RECOMMENDATION

Members Recommend to (1) the draft Access to Information Policy attached as Appendix A to this report.

BACKGROUND

- 1 The Authority has a register of policies that ensure the organisation works efficiently and consistently towards delivering its Business Strategy. These policies are reviewed to ensure that they are relevant and up to date with legislation and best practice.
- 2 One of these policies is the Freedom of Information Policy. The Authority is not subject to the Freedom of Information Act (FOIA), but is currently adopting the processes set out in the FOIA when considering requests for information. The Authority is subject to the Environmental Information Regulations 2004 (EIR) in respect of environmental information.
- 3 It should be noted that the Authority implements legislative changes from the date that they introduced and there may be a time lag between this and the relevant policies being updated.

ACCESS TO INFORMATION POLICY

- 4 A draft of the Access to Information Policy is attached as Appendix A to this report for Members' consideration and approval.
- 5 The Access to Information Policy sets out a framework for ensuring the Authority complies with the requirements of the EIR in respect of environmental

information and meets its commitment to adopt the processes of the Act in respect of other information.

6 The Access To Information Policy is an update of the current Freedom of Information Policy. The key changes to the previous policy are highlighted in the draft attached at Appendix A to this report. They are:

- to incorporate the Authority's obligations under EIR;
- make clear the policy applies to information held on behalf of the Authority; and
- update responsibilities for responding to requests.

ENVIRONMENTAL IMPLICATIONS

7 The Policy ensures that members of the public are able to access environmental information held by the Authority.

FINANCIAL IMPLICATIONS

8 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

9 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

10 The Policy supports the Authority in meeting its obligations under the EIR.

RISK MANAGEMENT IMPLICATIONS

11 The Authority's Corporate Risk Register includes the risk of failure to comply with the Lee Valley Regional Park Act 1966 and other statutory requirements (SR1.1). The Access to Information Policy aims to mitigate the risk that the Authority fails to comply with its legal obligations under EIR.

EQUALITY IMPLICATIONS

12 There are no equality implications arising directly from the recommendations in this report.

Author: Julie Smith, 01992 709838, jsmith@leevalleypark.org.uk

APPENDIX ATTACHED

Appendix A Draft Access to Information Policy

ABBREVIATIONS

EIR Environmental Information Regulations 2004
FOIA Freedom of Information Act 2000



Access to Information Policy

[January 2023]

Reference: [Version 3]



Lee Valley Regional Park Authority,
Myddelton House, Bulls Cross,
Enfield, Middlesex, EN2 9HG

Document Information**Status:** Draft**Current Version:** v3.00

Authors	<p>Rajan Mistry – Legal & Information Officer rmistry@leevalleypark.org.uk 01992 709869</p> <p>Julie Smith – Head of Legal Services jsmith@leevalleypark.org.uk 01992 709838</p>
Sponsor	<p>Beryl Foster - Deputy Chief Executive bfoster@leevalleypark.org.uk 01992 709836</p>
Consulted	<p>Senior Management Team Policy & Procedure Review Group</p>
Approved	<p>Approved by: Authority Approval Date: [January 2023] Review Frequency: Every 3 years or earlier if there is a change in legislation. Next review: [January 2026]</p>

DOCUMENT HISTORY

Version	Date	Comments
1	23 April 2009	Authority meeting approved.
2	September 2013	
3	[January 2023]	The name of the policy has been amended to Access to Information Policy. It has been updated to include the Authority's obligations under the Environmental Information Regulations 2004. Its scope has been clarified as including information held on behalf of the Authority. Sections relating to responsibilities and procedures have been updated to reflect the role of the Legal & Information Officer.

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1. Background

- 1.1. The Lee Valley Regional Park Authority (the Authority) is committed to the principles of freedom of information legislation, namely that people should be able to know about the activities of public authorities such as the Authority unless there is a good reason for them not to.
- 1.2. Freedom of information legislation includes the Freedom of Information Act 2000 (the Act), which concerns any information held by a public authority and the Environmental Information Regulations 2004 (the EIR), which specifically concerns environmental information.
- 1.3. The Authority is not subject to the Act but is currently adopting the processes set out in the Act when considering requests for information.
- 1.4. The Authority is, however, subject to the EIR. The definition of environmental information in the EIR is very broad and given the nature of the Lee Valley Regional Park and the duties of the Authority under the Lee Valley Regional Park Act 1966, many of the requests that it receives will be for environmental information.
- 1.5. The requirements of the Act and the EIR are broadly similar; any important differences are identified in the relevant sections of this policy.

2. Purpose

2.1. The aim of this policy is to:

- Provide a framework that ensures compliance with the requirements of the EIR and meets the Authority's commitment to adopt the processes of the Act.
- Promote transparency of decision-making by the Authority.
- Build public trust and confidence in the Authority.

3. Scope

- 3.1. This policy covers all records and information (regardless of the medium in which they are stored or held) which belong to or are in the custody of the Authority or any of its officers and members. This policy applies to all Authority officers and Members who have access to the Authority's records.
- 3.2. It also covers information that is held on behalf of the Authority, for example information that is held by contractors providing services to the Authority may be information held on behalf of the Authority if the Authority has a right to view or receive it under the services contract.
- 3.3. This policy does not extend to requests by individuals to receive a copy of their personal data, commonly referred to as a subject access requests. These are covered by the Authority's Data Protection Policy.

4. Publication Scheme

- 4.1. The Authority will adopt and maintain a publication scheme as a guide to information it holds which is routinely available. The Publication Scheme will be made available on the Authority's website and will be reviewed on a regular basis.

5. Requests for Information

- 5.1. Any request for environmental information will be responded to in accordance with the EIR. Any other request for recorded information held by the Authority in any format will be treated as if it were an information request under the Act.
- 5.2. Requests will be accepted from any individual or organisation. Requesters are not required to mention the Act or the EIR when requesting information. Requests for environmental information may be made verbally. All other requests must state the name and address of the requestor and be made in writing to Myddelton House, by e-mailing the e-mail address provided on our website or completing a contact us form. Requestors do not have to explain the purpose of their request although it may be necessary to obtain further information to fully process their request.
- 5.3. The Legal & Information Officer will coordinate responses to requests for information in accordance with the information requests procedure.

6. Provision of Information

- 6.1. The Authority will provide information whenever possible. It will only refuse to provide environmental information where it is permitted to withhold information under the EIR and will only refuse to provide other information where it would be permitted to do so under the Act.
- 6.2. The Authority will, wherever possible, provide information to any individual who requests it in the format requested by the applicant. The Authority may deem it unreasonable to supply information in the format requested by the applicant for practical or financial reasons. In such cases the applicant will be informed of the reason for the decision. The Authority will still supply the information by another reasonable means.
- 6.3. The Authority will respond to requests for information as soon as possible and no later than 20 working days following receipt of the request unless it is able to extend the time period under the EIR or the Act and needs to do so.
- 6.4. The Authority will keep the requester informed of any delay to responding to their request, the reason for the delay and when a response will be provided.

7. Transfer of Requests

- 7.1. Where a request for information is received and the Authority does not hold all or any of the requested information, the Authority will deal with the areas it is

responsible for and advise the applicant that the other information is held by another organisation and will provide relevant contact details where possible.

8. Fees and Charges

- 8.1. Wherever possible the Authority will provide information free of charge. In some circumstances, we may consider charging for information. Any charge will be reasonable, having regard to the costs incurred in providing that information and will be consistent with the charges we are allowed to make under the EIR or the Act as applicable. Any charge for information will be in accordance with a published schedule of fees and charges.

9. Refusal of requests

- 9.1. The Authority will release environmental information unless an exception under the EIR applies and the public interest of maintaining the exception outweighs the public interest of disclosing the information.
- 9.2. The Authority will release other information unless an exemption in the Act can be reasonably applied.
- 9.3. It is possible that an exception or exemption may apply to only some of the information requested by an applicant. In such cases the Authority will redact or black out the exempt information.

10. Vexatious and Manifestly Unreasonable Requests

- 10.1. The Authority may refuse to respond to requests that would be considered vexatious under the Act, for example where there is a strong likelihood that such requests are being made to intentionally cause harassment, divert resources and/or waste the Authority's time. Where this is the case, the Authority will write to the requester to advise them of this.
- 10.2. The provisions relating to vexatious requests do not apply to environmental information. There is, however, an exception in respect of manifestly unreasonable requests, which applies in similar circumstances and the Authority may consider whether to refuse to respond to a request on this basis.
- 10.3. The Authority will not comply with a request where it has received an identical or similar request from the same individual unless a reasonable period of time has elapsed.

11. Training

- 11.1. All Authority staff will receive regular and appropriate training to ensure that they are fully aware of the Authority's obligations under the EIR and the requirements of this Policy. Advice and assistance from the Legal & Information Officer and the Head of Legal Services will also be available.

12. Responsibilities

12.1. Overall responsibility for the efficient administration of this policy lies with the Legal & Information Officer, under the direction of the Head of Legal Services. The Legal & Information Officer's duties include:

- Determining whether a request should be considered under the EIR or should be treated as a request under the Act
- Ensuring that the Authority complies with its obligations under EIR and the requirements of this policy.
- Co-ordinating and monitoring requests
- Offering guidance and advice to staff on issues relating to access to information.
- Periodically reviewing the Publication Scheme
- Recording requests on the CRM system
- Liaising with the Information Commissioner's Office in the event of a complaint.

12.2. The Head of Legal Services will provide support and direction to the Legal & Information Officer and will carry out internal reviews in the event of a complaint.

12.3. All employees must ensure that requests for information are referred to the Legal & Information Officer. They must also provide assistance to the Legal & Information Officer in collating responses in accordance with the information requests procedure.

13. Complaints

13.1. If a requester is dissatisfied with a response to their request they should in the first instance ask for an internal review of the handling of their request.

13.2. If a requester remains dissatisfied with the response to a request for environmental information following the internal review they may refer it to the Information Commissioner's Office (ICO). The Authority recognises that a requester has a right to refer a response to the ICO without first requesting an internal review although the ICO.

13.3. If a requester remains dissatisfied with the response to a request for other information following the internal review then their complaint will be considered under the Authority's complaints procedure.

14. Relevant Policies and Procedures

14.1. This policy is supported by a procedure for responding to information requests.

14.2. The Data Protection Policy covers requests by individuals to receive a copy of their personal data, which are outside the scope of this policy.

14.3. The Complaints Procedure applies where a requester remains dissatisfied with the response to a request for information that is not environmental information following an internal review.

HUMAN RESOURCES POLICY UPDATES

Presented by the Head of Human Resources

EXECUTIVE SUMMARY

The purpose of this report is to seek Members approval for the revised Retirement Policy and Early Payment of Pension Benefits Policy that have been updated as part of the ongoing review of all the Authority's existing policies. The policies have been updated to take account of legislative changes, best practice and the Authority's business objectives.

RECOMMENDATIONS

Members Recommend to Authority:

- (1) the Retirement Policy attached at Appendix A to this report; and
- (2) the Early Payment of Pension Benefits Policy attached at Appendix B to this report.

BACKGROUND

- 1 The Authority has a register of policies that ensure the organisation works efficiently and consistently towards delivering its Business Strategy. These policies are reviewed to ensure they are relevant and up to date with legislation and best practice.
- 2 There are a number of Human Resources policies and these are currently being updated and will be presented to Members for consideration and approval as and when they are reviewed.
- 3 It should be noted that the Authority implements legislative changes from the date they are introduced; and there may be a time lag between this and the relevant policies being updated.

RETIREMENT POLICY

- 4 A draft of the Retirement Policy is attached at Appendix A of this report for Members' consideration and approval. All changes are highlighted in yellow in the document.

- 5 The Authority as an employer is under a duty to prepare certain discretionary policies under the Local Government Pension Scheme Regulations.
- 6 The Retirement Policy sets out the Authority's approach to the retirement of its employees.
- 7 The Authority recognises the contributions of a diverse workforce, including the skills and experience of older employees and believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so.

EARLY PAYMENT OF PENSION BENEFITS POLICY

- 8 A draft of the Early Payment of Pension Benefits Policy is attached at Appendix B of this report for Members' consideration and approval. All changes are highlighted in yellow in the document.
- 9 The Authority as an employer is under a duty to prepare certain discretionary policies under the Local Government Pension Scheme Regulations.
- 10 The aim of this policy is to provide a framework under the Local Government Pension Scheme (LGPS), whereby under the terms of the scheme any provision for early payment of pension benefits is at the discretion of the Authority.

ENVIRONMENTAL IMPLICATIONS

- 11 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 12 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 13 The new policies will be communicated to all staff and the Authority will ensure that managers are adequately trained to implement the procedures in accordance with this policy.

LEGAL IMPLICATIONS

- 14 The legal implications are set out in the body of this report.

RISK MANAGEMENT IMPLICATIONS

- 15 In line with the Authority's Corporate Risk Register, there is always a potential risk that the Authority fails to recruit/retain staff at all levels of the appropriate calibre.

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APPENDICES ATTACHED

Appendix A	Retirement Policy
Appendix B	Early Payment of Pension Benefits Policy

LIST OF ABBREVIATIONS

HR	Human Resources
LGPS	Local Government Pension Scheme
LPFA	London Pension Fund Authority

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Retirement Policy

November 2022

Reference: [Version 2]



This document is controlled by Lee Valley Regional Park Authority.

Lee Valley Regional Park Authority,
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I Document Information

Title: Retirement Policy

Status: Draft

Current Version: v2.00

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Consultation:	Senior Management Team, Policy & Procedure Review Group
Approved	Approved by: Authority Approval Date: January 2023 Review Frequency: Every 5 Years Next Review: January 2028

Version History		
Version	Date	Description
V2	June 2022	Reviewed relevant legislation
V2	June 2022	Updated names and job titles
V2	June 2022	Reviewed and updated relevant policies and procedures

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1. Context

- 1.1 The Authority as an employer is under a duty to prepare certain discretionary policies under the Local Government Pension Scheme Regulations.

2. Policy Aims

- 2.1 The aim of this policy is to set out the Authority's approach to the retirement of its employees.

3. Content

- 3.1 From 6 April 2011 the Authority does not operate a compulsory age of retirement for its employees. The Authority reserves the right to apply an employer justified retirement age if it deems it necessary and appropriate.
- 3.2 **The Authority is committed to equality, diversity and inclusion for all its employees.**
- 3.3 The Authority is committed to equal treatment and will not withdraw or stop the provision of employee financial benefits solely for reasons related to an employee's age.
- 3.4 The Authority recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so.
- 3.5 The Authority operates a retirement procedure, **which outlines the options and processes available to those employees considering retirement.**

4. Responsibilities

- 4.1. Employees are responsible for putting any requests to retire in writing to their line manager and the Head of Human Resources. **This will initially be considered by the Head of Finance, who will evaluate the financial implications and then an SMT review to evaluate the wider implications of the request.**
- 4.2. The Senior Management Team (SMT) are accountable for ensuring that this policy is implemented across the Authority, ensuring it is communicated and understood, translated into practice and enforcing its content

- 4.4. The Human Resources Team are responsible for implementing this policy across the Authority.

5. Legal Considerations

- 5.1 The primary legislation that influences this policy is The Employment Rights Act 1996, Equality Act 2010, and Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 (SI 2011/1069). Regulations became effective from 6 April 2011.
- 5.2 The Local Government Pension Scheme Regulations 2008 and 2014 also influence this policy.

6. Relevant Policy & Procedures

- 6.1 This policy operates in conjunction with the following policies, procedures and statements:
- Retirement Procedure
 - Flexible Working Policy & Procedure
 - Early Payment of Pension Benefits Policy
 - Equality, Diversity and Inclusion Policy

7. Policy Implementation

- 7.1 This policy will be available on the intranet pages with the supporting documentation. Once the policy has been approved Human Resources will be responsible for ensuring on behalf of the Authority's Senior Management Team that this is carried out.

8. Monitoring & Evaluation

- 8.1 The policy will be monitored and evaluated on effectiveness periodically.

9. Review

- 9.1 This policy will be reviewed in light of any new legislation/regulations, every five years or whichever is the earlier.

10. Glossary of Terms

Term	Definition
LGPS	Local Government Pension Scheme
HR	Human Resources

Early Payment of Pension Benefits Policy

November 2022

Reference: [Version 2]



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i Document Information

Title: **Early Payment of Pension Benefits Policy**

Status: Draft

Current Version: v2.00

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1. Context

- 1.1 The Authority as an employer is under a duty to prepare certain discretionary policies under the Local Government Pension Scheme Regulations.

2. Policy Aims

- 2.1 The aim of this policy is to provide a framework under the Local Government Pension Scheme (LGPS), whereby under the terms of the scheme any provision for early payment of pension benefits is at the discretion of the Authority.

3. Content

- 3.1 A request for early payment of benefits, where there is a cost involved, received from a current employee will be accepted only with the consent of the Authority's Members and only if there is a clear financial or operational advantage for the Authority in so doing.
- 3.2 A request for early payment of deferred benefits other than on grounds of permanent ill-health or compassionate reasons received from a former employee who was last a member of the Fund as an employee at some time after 31st March 1998, will be accepted only where there is no financial disadvantage to the Authority.
- 3.3 A request for early payment of deferred benefits on compassionate grounds will be accepted only where the former member of the scheme can clearly demonstrate that they are prevented from working due to the need to care for a dependant. A dependant is defined as a person who relies on another for support and care on a whole time basis (especially financial support) and is therefore unable to take up gainful employment, i.e. partner, spouse, civil partner, child.
- 3.4 Further decisions regarding early payment of deferred benefits are, within the above policy, delegated to the Head of Finance.

4. Responsibilities

- 4.1. Employees are responsible for putting any requests to take pension benefits early in writing to their line manager and the Head of Human Resources . This will initially be considered by the Head of Finance who will evaluate the financial implications
- 4.2 Deferred members are responsible for putting any requests to take pension benefits early in writing to the Head of Human Resources. This

will initially be considered by the **Head of Finance** who will evaluate the financial implications

- 4.3. The Senior Management Team are accountable for ensuring that this policy is implemented across the Authority, ensuring it is communicated and understood, translated into practice and enforcing its content
- 4.4. The Human Resources Team are responsible for implementing this policy across the Authority

5. Legal Considerations

- 5.1 The primary legislation that influences this policy is The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, the Local Government Pension Scheme (Administration) Regulations 2008 and the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 became effective from 1st April 2008 and the **Local Government Pension Regulations 2014**.

6. Relevant Policy & Procedures

- 6.1 This policy operates in conjunction with the following policies, procedures and statements:
 - Pension Statement
 - **Retirement Policy & Procedure**
 - **Equality, Diversity and Inclusion Policy**

7. Policy Implementation

- 7.1 This policy will be available on the intranet pages with the supporting documentation. Once the policy has been approved HR will be responsible for ensuring on behalf of the Authority's Senior Management Team that this is carried out.

8. Monitoring & Evaluation

- 8.1 The policy and supporting statement will be monitored and evaluated on effectiveness periodically.

9. Review

- 9.1 This policy will be reviewed in light of any new legislation/regulations, every five years or whichever is the earlier.

10. Glossary of Terms

Term	Definition
Deferred Benefits	When an employee leaves the Authority and they leave their accrued benefits in the LGPS. Their pension and lump sum will be calculated using the length of their total membership up to the date that they left the Scheme.

Appendix B

PENSION STATEMENT

The Lee Valley Regional Park Authority (LVRPA) offers the Local Government Pension Scheme (LGPS) to all its employees. Currently, the scheme is administered by the London Pension Fund Authority (LPFA).

Commencing on 1 April 2008 a number of major statutory changes to all Local Government Pension Schemes came into effect. Included in the changes were varied contribution rates for employees based upon annual pensionable pay. Details of the contribution bandings are available on the Authority's Intranet or from the LPFA website.

For the purpose of clarity on the LPFA regulations with regard to salary changes, this statement gives details of the Authority's calculation of the employee's pension contribution banding in such circumstances.

Salary Increases

When salary increases occur between 1 April and 31 March, i.e. during the financial year, any resulting banding changes will be applicable from the **effective date of the salary change**. This applies to incremental awards, re-gradings and annual pay awards.

One-Off Payments

Additional payments to employees which are made as a one-off, for example reward for completion of a significant project **will not be used in the calculation of pensionable pay**.

Additional Monthly Payments

When an employee is awarded an Additional Monthly Payment to take on additional duties for a number of months or as a market supplement, the increased pension contribution rate **will apply** if the sum of the Acting-Up payments during the year and the salary mean that the next pension contribution banding is relevant.

The increased pension contribution will be applicable from the date of commencement of the Additional Monthly payment.

When the Additional Monthly payment ceases, an evaluation of the total pensionable pay for that financial year will take place to re-assess the pension contribution percentage banding.

Appeals Procedure

The intention is that all employee queries about the assignment of pension contribution rates will be dealt with by the Payroll section initially. However, if any queries are not concluded to the employee's satisfaction then an appeal may be submitted against the contribution rate, in line with the Local Government Pension Scheme Appeal Procedure. A copy of this Appeal Procedure is available on the intranet.

Transfer of Deferred Benefits

The opportunity for employees of the Authority to transfer pension benefits from another pension scheme into the Local Government Pension Scheme will only be permitted within the first year of employment.

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