

To: Paul Osborn (Chairman) Chris Kennedy
Derrick Ashley (Vice Chairman) Heather Johnson
David Andrews Valerie Metcalfe
Ross Houston Mary Sartin

A meeting of the **EXECUTIVE COMMITTEE** (Quorum – 4) will be held by remote access on:

THURSDAY, 22 OCTOBER 2020 AT 11:00

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 MEETING**

To approve the Minutes of the meeting held on 24 September 2020 (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 2020/21**

Paper E/697/20

Presented by Keith Kellard, Head of Finance

- 6 Q2 CAPITAL PROGRAMME Paper E/692/20
BUDGET MONITORING 2020/21

Presented by Keith Kellard, Head of Finance

- 7 LEE VALLEY WEBSITE Paper E/693/20

Presented by Stephen Bromberg, Head of
Communications and Simon Clark, Head of IT

- 8 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 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)

- 10 UPDATE ON THE PROPOSED DISPOSAL OF Paper E/694/20
FORMER LEADALE KENNELS SITE, NAZEING ROAD,
NAZEING

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Not for publication following the principles of the Local Government Act 1972, Schedule 12A, Part I, Section 3

- 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.

14 October 2020

Shaun Dawson
Chief Executive

LEE VALLEY REGIONAL PARK AUTHORITY

EXECUTIVE COMMITTEE 24 SEPTEMBER 2020

Members
in remote presence: Paul Osborn (Chairman) Heather Johnson
Derrick Ashley (Vice Chairman) Chris Kennedy
David Andrews Valerie Metcalfe
Ross Houston Mary Sartin

In remote attendance: John Bevan, David Gardner

Officers
in remote presence: Shaun Dawson - Chief Executive
Beryl Foster - Deputy Chief Executive
Dan Buck - Corporate Director
Jon Carney - Corporate Director
Simon Clark - Head of IT
Keith Kellard - Head of Finance
Marigold Wilberforce - Head of Property
Victoria Yates - Head of HR
Cath Patrick - Conservation Manager
Peter Ley - Property Surveyor
Mike Stevens - Head of Asset Maintenance
Daud Arghandawi - Property Solicitor
Sandra Bertschin - Committee & Members' Services Manager

Also in remote presence: Matt Bowmer (London Borough of Enfield)

Part I

877 DECLARATIONS OF INTEREST

Name	Agenda Item No.	Nature of Interest	
Derrick Ashley	8	Member of Hertfordshire County Council	<i>Non-Pecuniary</i>
David Andrews	8	Member of Hertfordshire County Council	<i>Non-Pecuniary</i>
Chris Kennedy	11	Hackney Council is a contributor to North London Waste Plan	<i>Non-Pecuniary</i>
Ross Houston	11	Barnet Council is a contributor to North London Waste Plan	<i>Non-Pecuniary</i>
Heather Johnson	11	Camden Council is contributor to North London Waste Plan	<i>Non-Pecuniary</i>

878 MINUTES OF LAST MEETING

THAT the minutes of the meeting held on 30 July 2020 be approved and signed.

879 PUBLIC SPEAKING

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

880 2020/21 PAY AWARD

Paper E/690/20

The report was introduced by the Head of Human Resources.

Officers left the meeting.

- (1) the 2020/21 pay award for officers in the National Joint Council (NJC) scale as described in paragraphs 2 and 3 of Paper E/690/20 was noted; and
- (2) to set a pay award for 2020/21 for officers on scale point 44 and above in line with the National Joint Council (NJC) scale as described in paragraphs 12 to 16 of Paper E/690/20 was approved.

Officers rejoined the meeting.

The Chairman commented that senior staff had performed well over a difficult year.

881 HUMAN RESOURCES POLICIES UPDATE

Paper E/688/20

The report was introduced by the Head of Human Resources including that outside of the proposed Corporate Travel Policy staff would be advised that given the current prolonged period of home working their home could be considered as their temporary place of work and therefore mileage for work related travel could be claimed from home during this period.

In regard to the proposed Corporate Travel Policy Member comments included:

- the payment of 4p per mile for the use of electric cars penalised staff rather than incentivised them to use this method of transport;
- Authority vehicles should be electric;
- the policy should include a presumption in favour of use of public transport; and
- the need for a green travel plan.

The Chairman requested that further information around electric car allowances be provided when the Corporate Travel Policy is considered by the Authority and that consideration of a green travel plan be deferred until next year following lifting of current public health guidelines.

- (1) the Performance and Conduct Policy attached at Appendix A of Paper E/688/20;
- (2) the Grievance and Problem Solving Policy attached at Appendix B of Paper E/688/20; and
- (3) the Corporate Travel Policy attached at Appendix C of Paper E/688/20 be recommended to Authority was approved.

882 INFORMATION TECHNOLOGY POLICIES UPDATE

Paper E/685/20

The report was introduced by the Head of IT.

- (1) the IT Usage Policy attached at Appendix A of Paper E/685/20 and
- (2) the Information and Security Policy attached at Appendix B of Paper E/685/20 be recommended to Authority was approved.

883 BIODIVERSITY OFFSETTING SCHEME ON THE RIVER LYNCH,
HODDESDON

Paper E/687/20

The report was introduced by the Corporate Director.

- (1) signing under Seal the Deed between Hertfordshire County Council and the Authority for the funding and delivery of the biodiversity offsetting scheme on the River Lynch, Hoddesdon was approved.

884 UPDATE ON BUDGET POSITION

The Chief Executive and Head of Finance gave an oral update on the 2020/21 budget including:

- income at venues for the period to August had out-performed expectations and it was hoped to achieve a year-end surplus of approximately £2m against the emergency budget;
- there would still be a significant impact on cash reserves of approximately £4-5m;
- income generation over the coming months would be crucial following further Government restrictions; and
- the Authority had benefitted from the Coronavirus Job Retention Scheme.

In response to a Member it was advised that initial feedback was that the Authority is not eligible for the Government's income compensation scheme which had been set up for local authorities, but officers were exploring other routes to access this funding source.

Cath Patrick left the meeting.

885 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
11	North London Waste Authority – Proposed 60 Year Deed of Settlement for Rights of Access to New Eco Park Facility at Lee Park Way, Edmonton	3
12	Odeon Cinema, Picketts Lock – Proposed Underlease Restructuring	3
13	Update on Abercrombie Lodge	5

886 NORTH LONDON WASTE AUTHORITY – PROPOSED 60 YEAR DEED OF SETTLEMENT FOR RIGHTS OF ACCESS TO NEW ECO PARK FACILITY AT LEE PARK WAY, EDMONTON

Paper E/686/20

The report was introduced by the Deputy Chief Executive.

- (1) the Settlement Agreement effective for a term of 60 years between the North London Waste Authority and Lee Valley Regional Park Authority on the terms set out in Paper E/686/20;**
- (2) an application for consent to be made to the Secretary of State; and**
- (3) the signing and sealing of all documentation as necessary was approved.**

**887 ODEON CINEMA, PICKETTS LOCK – PROPOSED UNDERLEASE Paper E/689/20
RESTRUCTURING**

The report was introduced by the Deputy Chief Executive.

- (1) the variation of the Underlease;**
- (2) the grant of the reversionary Underlease; and**
- (3) that the licence formalising consent be executed in accordance with the Authority's Standing Orders was approved.**

The Chairman had agreed to accept an additional agenda item by reason of urgency.

888 UPDATE ON ABERCROMBIE LODGE Paper E/691/20

The report was introduced by the Deputy Chief Executive.

- (1) the report was noted; and**
- (2) delegation to the Chief Executive and Deputy Chief Executive to attend mediation as set out in Paper E/691/20 was approved.**

Chairman

Date

The meeting started at 10.02am and ended at 11.02am

Q2 REVENUE BUDGET MONITORING 2020/21

Presented by the Head of Finance

EXECUTIVE SUMMARY

This report summarises monitoring of revenue expenditure to 27 September 2020. It compares actual income and expenditure to the revised emergency budget. It also provides a projection indicating the likely out-turn position against the annual budget for the year ending 31 March 2021. The overall net operational expenditure at the year-end is expected to be an estimated £2,290,000 under the approved emergency budget for 2020/21. However, there is much uncertainty over the months ahead so this early end of year estimate needs to be treated with caution. The major variations currently projected are summarised in the table below.

Service Description	Projected Variance 2020/21	Impact on budget in 2021/22
	£000s	£000s
Furlough Grant	(850)	0
Legal Services	100	0
Property	240	0
Countryside Areas	(50)	0
Holyfield Hall Farm	38	0
Fisheries	(64)	0
Venues	(378)	0
Sport & Leisure Venues	(1,324)	0
Other	(2)	0
Total Estimated Under Spend:	(2,280)	0

RECOMMENDATION

Members Note (1) the report.

BACKGROUND

- 1 The Executive Committee recommended a budget for 2020/21 at its meeting in January 2020 (Paper E/654/20). This was approved by Members at the Authority meeting on 23 January 2020 (Paper A/4276/20). Following the Covid outbreak in early March, Members of the Authority were briefed on the Covid response (Paper A/4281/20) and the need to revise the budget accordingly. On 21 May 2020 Executive Committee approved a revised emergency budget

(Paper E/674/20) brought in to deal with the Covid crisis. This report compares income and expenditure to 27 September 2020 with the revised emergency budget.

- 2 The summary financial position of each Authority service or facility is shown in Appendix A to this report.
- 3 Currently the year-end position shows a projected net under spend of £2,290,000 (54%) against an emergency budget net expenditure budget of £13.8m. We are therefore now looking at a net expenditure position of £11.5m. The original 2020/21 budget was £9.5m. These savings are described within the report.
- 4 Where significant over/under spends are projected at the year-end for particular facilities/services a brief explanation is provided below.

GENERAL ECONOMIC FACTORS

- 5 Certain financial and economic factors continue to impact on the budget during 2020/21 and will continue to do so into 2021/22 and future financial years and these are summarised in the following paragraphs. Overall uncertainty exists due to the impact of Covid on the overall economy; officers will monitor closely developments that may have a direct impact on the Authority's budget, for example, further lock-down, inflation and interest rates.
- 6 Continued uncertainty in the banking sector has had an impact on investment returns and certainty around where investments are deposited. The Authority has significantly adjusted its base level of investment income downwards and this formed part of the budget setting process for 2020/21. The 2020/21 target rate of return agreed by Members as part of the Annual Report on Treasury Management was 0.25% (Paper E/671/20). In 2020/21 the impact of Covid has resulted in the Authority converting its investments into overnight cash to enable it to manage operations through the current crisis. This will mean a significant reduction (estimated £30,000) in returns in the year ahead.

The Head of Finance continues to monitor the Authority's cash/investments and the institutions that they are invested in and will keep Members updated on any variances in this position through quarterly monitoring reports in 2020/21.

- 7 There is still a possibility that a VAT reduction could be applied to local authority sporting income. Our VAT consultants have been using a lead case in respect of non-business treatment and considered the impact of reclaiming VAT on the protective VAT claims previously lodged with HMRC. They believe there is merit in seeking a repayment of the VAT on the basis that this is non-business income (this is a reclaim of VAT for the Authority business pre 2015 with no implications or impact on the Trust activity/VAT). The value of the potential VAT repayment could result in a significant windfall in 2020/21. Officers have submitted calculations to KPMG for review and they have submitted a claim and appeal to HMRC. It is anticipated that this matter will be concluded in 2020/21, although no firm date has yet been established for the lead case to be heard.
- 8 September's inflation for the Retail Price Index stood at 0.6% and Consumer Price Index at 0.2%, with future inflation projected to remain low as the impact of Covid is felt.

9 Pay Award

The Authority was notified on 24 August 2020 that agreement had been reached by employers and the relevant unions in respect of the pay award for National Joint Council (NJC) for local government services.

The agreed pay award effective 1 April 2020 is 2.75% for officers on scale points up to point 43. The offer also included an additional one day's leave which would increase the minimum entitlement from 21 to 22 days per year (plus public holidays) with an additional three days leave after five years of service (currently 4 days). However, the Authority already provide a minimum of 26 days of annual leave for those on NJC terms and conditions, so there would be no impact.

In addition, Members agreed at Executive on 24 September 2020 (Paper E/690/20) to set the pay award for officers on points 44 and above, the same 2.75% increase in line with the NJC.

The Authority initially included a rise of 2% in its budget, and included the additional 0.75% in the revised Emergency Budget. Therefore, there will be no additional financial impact as a result of the agreed pay rise.

10 Covid Support

At the start of the Covid crisis central government set up the Coronavirus Job Retention Scheme (CJRS), which provided a grant to fund employees' wages if they were furloughed whilst businesses were unable to operate. This was to allow employees to retain employment in the longer term once lock-down was eased. Originally this scheme was only available for 3 months to the end of June, but was subsequently extended to the end of October. In addition, government announced a policy for job retention - giving a bonus for employees retained until after January 2021 (potentially providing an additional value to the Authority of £150,000.) The emergency budget originally included an estimated grant sum of £400,000. Officers now estimate is that this will be nearer £1.1m - improving the budget position by nearer £700,000. The Authority currently has 157 contracted members of staff on furlough.

The Government announced a new Job Support Scheme to run for six months from 1 November, to protect viable jobs over the winter months. In this scheme, an organisation will continue to pay its employees for time worked but the cost of hours not worked will be split between the employer, the Government (through wage support) and the employee (through a wage reduction), and the employee will keep their job. There are certain financial criteria that organisations have to meet, and we are assessing our eligibility to be able to access this support. In addition, the Government announced on 9 October that the scheme would be expanded to support businesses forced to close due to corona virus restrictions. In this case, the Government will support eligible businesses by paying two thirds of each employees' salary (67%), up to a maximum of £2,100 a month.

In 2020/21 the impact of Covid has also resulted in the Authority receiving a business rate holiday (100%) for the majority of its venues, saving an estimated £2.4m for the year, which was accounted for in the revised emergency budget.

- 11 The Authority received the outcome of the 2010/17 rating appeal for Lee Valley VeloPark. A tribunal appeal hearing was heard at the end of March 2019. A more favourable valuation was achieved and this yielded a one-off benefit for

the Authority of £180,000 in 2018/19. The reduction in Rateable Value from £2.04m to £1.87m is still subject to another final appeal and further savings may accrue for the 2010/17 rating period and subsequently the new rating period of 2017/2021.

- 12 A temporary reduction announced in VAT rates for hospitality, holiday accommodation and attractions from 15 July 2020 to 12 January 2021 could yield up to a further £50,000 where this is retained and not passed on in price reductions. In September, the Chancellor announced that this rate reduction has been extended until 31 March 2021. The increased income from the VAT rate change has been included with the venues outturn, with the majority focussed on the campsites.
- 13 The main variances against this year's budget are described below.

OPERATIONS OVERVIEW

- 14 During the lockdown period officers have been working to mitigate the impact on the Authority of the reduction in income and to minimise the call on cash reserves at year end. While venues have been closed, focus has been on controlling expenditure and ensuring that all non-essential/non-contractual expenditure is kept to a minimum. As regulations are eased, and venues are gradually allowed to reopen, we have been reviewing business plans to make sure that we will only open in line with our three key guiding principles:

- the activities generate more income than it costs to run them;
- it is COVID-19 safe to the highest standard; and
- it protects the Authority's reputation.

It is important that we do this safely, meaning that we are adapting programmes, activities and opening hours as we go. We hope that the programme will evolve and expand over the next few months, but not necessarily return to what they were pre-lockdown. Programmes will be reviewed to ensure activities are meeting requirements and will be revised where necessary.

CORPORATE SERVICES

- 15 **Legal Services (£100,000 over spend)**

The Authority is currently engaging external legal services in a number of matters where specialist expertise is required. There are external legal costs relating to the end of the current Leisure Services Contract (LSC) liabilities, the procurement challenge and subsequent litigation on the outstanding Management Fee to Lee Valley Leisure Trust Ltd (the Trust). There are also costs associated with the two litigation matters in respect of Abercrombie Lodge. These costs may be mitigated by any successful mediation but this is too early to predict for this Q2 report. The overspend on Legal Services is then estimated to be £100k but could be considerably more depending on the outcome of the next stage.

- 16 **Property Management (£240,000 reduced rental income)**

The emergency budget included a potential rent loss of circa £100,000. It is likely that this figure will be slightly higher as some lessees/tenants have sought a rent holiday during the first quarter as they have not been able to operate from their premises. In addition, although some of the businesses have started to open in the second quarter, the tenants are experiencing significant reduction in

footfall during what would normally be their peak season due to the very nature of most leisure based business activities/type. This will therefore have a direct correlation on the income predicted for this financial year and the impact will be assessed in more detail in the next quarter when there is further information to enable full analysis. However, the majority of this was anticipated at the onset of the pandemic and therefore built into the emergency budgets.

The lease to College of World Sport at Lee Valley VeloPark was due to commence on 1 August 2020. However, the tenant has faced difficulty in recruiting students due to the pandemic and therefore there is a delay in the anticipated opening of the facility. The impact on not receiving the rent in this financial year is £55,000. However, it should be noted that the rent is still due as per the terms of the lease and therefore a rent payment deferral position will need to be agreed with the tenant.

It is also anticipated that the Authority is likely to agree to allow a deferred payment of the rental income increase expected from the Three Mills rent review (£100,000). The new rent is currently under negotiation with consultants and expected to be agreed imminently. The London Legacy Development Corporation continue to pay the current rent.

SPORT & LEISURE

- 17 The revised emergency budget was presented as a worst case, and removed the majority of variable income, leaving just the fixed rentals such as mooring, caravan site rents and livery.

With relaxation of restrictions the re-opening of venues has presented an opportunity for us to gain some additional income for the year. This, coupled with ensuring expenditure has been kept to essential works only, has meant that venues have been able to estimate an improvement on budget.

However, these estimates should be treated with caution due to uncertainty over the coming months.

- 18 **Venues (£378,000 increased income)**

Campsites

Lee Valley Caravan Park, Dobbs Weir and Lee Valley Campsite, Sewardstone both opened on 6 July. Lee Valley Camping and Caravan Park Edmonton opened on 20 July and Lee Valley Almost Wild Campsite, Broxbourne on 27 July.

Campsites remain with a solid performance since Q1. Performance over the summer months exceeded initial expectations, resulting in an increase in income of the reported Q1 figures, notably at Dobbs Weir, with the site operating at near its Covid reduced capacity over the holiday period. In addition, we are on target to bring in £100k for static home sales at Sewardstone now the remaining unit is ready for sale. Confirmation on caravan sales will be reported when they occur.

Marinas

Marinas have been supporting boat owners and operating in line with Government guidance over the past few months.

The chandlery has been operating on pre-order and set collection times. We are reviewing the rechargeable works and staff on furlough. If there is a proven business case and guidance can be followed, we will increase the work capacity.

Hayes Hill Farm

The venue is currently closed and likely to remain so for the rest of the summer/autumn season. The nature of the venue means that social distancing is a major challenge and the venue team is having difficulties finding appropriate solutions. The need for a booking system will significantly reduce user numbers and thereby income, making the reopening of Hayes Hill Farm for just 3 months not cost effective.

19 Sport & Leisure Venues (£1,324,000 Increased income)

With the Government announcements in July regarding the reopening of indoor sports venues, it means we were able to activate plans to get our venues back up and running again in some form if there was a business case to do so.

Reduced activity programmes and opening hours have been put in place at each venue to allow demand and safety adaptations to be tested. Demand continues to be closely monitored week to week with capacities and programmes adapted accordingly. In general demand has proved strong across most activities.

The venues will continue to operate with restricted activity programmes and opening throughout the remainder of the financial year. Each venue will outperform its emergency budget position.

PARKLANDS & OPEN SPACES

20 Parklands – (£50,000)

Car parking income is forecast to be £40,000 above the target included in the Emergency Budget. As sites have reopened and use of parklands and open spaces increased, we have seen additional use of car parks. In addition, we received increased income for use of the car park at Broxbourne in 2019/20 above that included in last year's outturn. However, car park use is still significantly down on initial budget expectations, in part due to the Covid pandemic, as well as machine breakdowns and some vandalism. Investment of c£31k is being ploughed in to installing power supplies to the car parks at Cornmill Meadows and Clayton Hill to enable Automatic Number Plate Recognition (ANPR) cameras and new card only payment machines to be installed, thereby giving customers more options to purchase their tickets but also removing cash machines and reducing the risk of future vandalism. This will then also remove the management fee costs levied by Parking Eye of £23k per annum. Officers are also investigating the option of having power installed at the car park at Tottenham Marshes to assess the viability of future parking charges at this site. The level of power being installed in to the car parks is also future proofing them so that in the future if we wish to install electric car charging points there is sufficient power on site to do this, thereby reducing the outlay at that point.

Holyfield Hall Farm - (£38,000 reduced income)

Aria, our milk processor, reduced the price payable for our milk in May, which

will mean a £35,000 reduction in income at the current production levels if the price remains the same throughout the remaining year. With the closure of Hayes Hill Farm, the vending machine is also forecast to miss its income target by £3,000, which is unlikely to be recouped.

Fisheries (£64,000 increased income)

The emergency budget was set with the assumption there would be no fishing activity in year. With the relaxation of regulations, one of the areas to see a major demand this year has been fisheries. All angling venues are very busy including our day ticket waters with healthy permit sales and waiting lists.

21 Leisure Services Contract - Potential Claims

The Authority is currently in dispute with the Trust regarding the 2019/20 Management Fee payment and end of contract liabilities. The dispute is subject of court action and would result in a potential cost to the Authority if it were unsuccessful in defending the claim brought against it by the Trust. Members have been appraised separately about the options regarding this legal claim.

ENVIRONMENTAL IMPLICATIONS

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

EQUALITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 24 These are dealt with in the body of the report. The overall outturn will leave the general fund balance at £2.4m at the end of March 2021. The approved level of £3-4m (minimum) was agreed as part of the original 2019/20 budget setting process.

The impact on reserves and the cash position is set out at Appendix B to this report. This indicates that at 31 March 2021 the Authority's cash holding will have reduced from £10.1m at the start of the year to £5.5m, an improvement on the emergency budget position of £2.4m.

- 25 There are significant matters that are not included in the current year-end position that could (if they materialise) positively or adversely affect the estimated position into 2021.

The potential impact of a further rates reimbursement is covered in paragraph 11, and VAT sporting exemption benefit in paragraph 7.

Alongside this are the end of contract liabilities dispute that is ongoing with the Trust. The Authority view is that the Trust carry a significant net liability payable to the Authority, whilst the Authority is continuing to retain monies due to the Trust as part surety against this potential.

26 2021/22 Budget Planning

The Chief Executive and officers have started the process of budget planning for 2021/22 and revising the Medium Term Financial Plan. The budget for 2021/22 needs to address the impact on the Authority's reserves in 2020/21 and the strong likelihood of reduced income across the Park's activities. The focus for 2021/22 budget is recovery and resilience.

Budget Assumptions

- Cash reserves reduced from £10m to £5m
- Little capacity for capital investment
- Reduced demand and income as a result of:
 - lower operating capacities;
 - customer caution re: indoor venues;
 - economic climate.

Key Budget Objectives

- Develop budget capacity in response to a projected fall in income
- Achieve a cash reserves position which enables the Authority to deal with further financial shocks
- Increase income where possible e.g. non LSC venues
- Minimise expenditure across all activities

The main focus for recovering the Authority's budget position is reducing the Authority's cost base. A number of areas are being looked at:

- staffing efficiencies;
- Head Office costs;
- asset management programme; and
- new operating arrangements for Hayes Hill Farm and the Water Works.

On the income side opportunities will be more limited in the short term, but an officer group has been set up to look at possible areas for income growth. The levy of course is a mechanism the Authority can consider to increase income to assist its budget position.

Budget options for 2021/22 will be developed over September/October and Member discussions will start in late autumn.

HUMAN RESOURCE IMPLICATIONS

- 27 There are 157 Authority contracted employees currently furloughed either on a full time or part time basis. The vast majority of these staff will remain furloughed until the CJRS ends on 31 October 2020. However, staff have been brought back from furlough as the venues started to open.

The new Job Support Scheme, to run for six months from 1 November is designed to support viable jobs throughout the winter months. We are reviewing our employees eligibility for this scheme, but currently plans are for all salaried staff to return on their standard contracted hours from 1 November. The expanded scheme will also support businesses that are required to close as a result of coronavirus restrictions.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

- 29 Spending of the budget is important in achieving the Authority's corporate objectives. The current net spend at the end of this financial year will impact on the Authority's budget in future years and will be incorporated into the Medium Term Financial Recovery Plan as part of the Budget Planning into 2021/22 and beyond.
- 30 As part of the final accounts process for 2019/20 the external auditor is carrying out a rigorous analysis of the Authority as a going concern. This encompasses not only the financial year 2019/20, but also the period up to 12 months beyond the date of signing those accounts. This again has mainly been brought about by the Covid crisis.

Officers have provided evidence and assurance that the current financial plan and emergency budget will see the Authority through to the year end and the early months in 2021/22, alongside a specific risk register to deal with actions over the next 12-18 months. The Medium Term Financial Recovery Plan is being led by the Chief Executive and early in the Autumn Members will be reviewing and revising the plan and future actions alongside any levy impact going forward.

Author: Keith Kellard, 01992 709863, kkellard@leevalleypark.org.uk

ABBREVIATIONS

NJC	National Joint Council
the Trust	Lee Valley Leisure Trust Ltd (trading as Vibrant Partnerships)
OJEU	Official Journal of the European Union
LSC	Leisure Services Contract

PREVIOUS COMMITTEE REPORTS

Executive Committee	E/682/20	Q1 Revenue Budget Monitoring 2020/21	30 July 2020
Executive Committee	E/674/20	Emergency Budget	21 May 2020
Authority	A/4281/20	Covid 19 Response and Work programme Update	23 April 2020
Executive Committee	E/671/20	Annual Report on Treasury Management Activity 2019/20 and Annual Investment Strategy 2020/21	23 May 2020
Authority	A/4276/20	2020/21 Revenue Budget & Levy	23 January 2020
Executive Committee	E/654/20	2020/21 Revenue Budget & Levy	23 January 2020

APPENDICES ATTACHED

- Appendix A Details of the financial position of each Authority service or facility
- Appendix B Projected Reserves and Cash position to 31 March 2021

YEAR 2020/21

PERIOD: 06 (September 2020)

QUARTER 2 2020/21

	Actual To Date			Annual	Proposed	Variance	
	Income	Expenditure	Net	Net Budget	Net Outturn	£000s	%
OPERATIONAL SERVICES							
Chief Executive	0	262	262	620	603	-17	(3%)
Corporate Services	-543	661	118	12	349	337	2808%
Finance and Support Services	-2	1,171	1,169	2,120	2,177	57	3%
Sport and Leisure	-23	449	426	965	944	-21	(2%)
Parklands and Open Spaces	-394	1,571	1,177	2,827	2,728	-99	(4%)
Venues	-1,479	1,211	-268	383	5	-378	(99%)
Sport & Leisure Venues and Support	-619	3,024	2,405	6,225	4,901	-1,324	(21%)
Budget Growth (Pay Rise)	0	0	0	46	46	0	0%
Job Retention Scheme (Furlough) Grant	0	-920	-920	-400	-1,250	-850	(213%)
	-3,060	7,429	4,369	12,798	10,503	-2,295	(18%)
FINANCING							
Interest Receivable	-7	1	-6	-30	-25	5	17%
Bank Charges	0	1	1	6	6	0	0%
Contributions to/from Earmarked Reserves	0	1	1	-239	-239	0	0%
Financing of Capital Expenditure	0	0	0	487	487	0	0%
Levies on Local Authorities	-4,788	0	-4,788	-9,576	-9,576	0	0%
LSC Contract End Liabilities*	0	0	0	800	800	0	0%
Movement in General Fund				4,246	1,956	-2,290	(54%)
General Fund Balance b/f				-4,384	-4,384		
Other General Fund Movement				80	50		
General Fund Balance c/f				-58	-2,378		

YEAR 2020/21

PERIOD: 06 (September 2020)

QUARTER 2 2020/21

	Actual To Date			Annual Net Budget	Proposed Net Outturn	Variance	
	Income	Expenditure	Net			£000s	%
CHIEF EXECUTIVE							
Chief Executive	0	119	119	265	265	0	0%
PR / Communications	0	143	143	355	338	-17	(5%)
TOTAL CHIEF EXECUTIVE	0	262	262	620	603	-17	(3%)
CORPORATE SERVICES							
Legal Service	-2	289	287	368	468	100	27%
Property Management	-541	128	-413	-955	-715	240	25%
Planning and Strategic Partnerships	0	62	62	178	178	0	0%
Asset Protection, Maintenance & Development	0	144	144	316	313	-3	(1%)
Committee Service	0	38	38	105	105	0	0%
TOTAL CORPORATE SERVICES	-543	661	118	12	349	337	2800%
FINANCE AND SUPPORT SERVICES							
Finance and Human Resources	-1	322	321	651	624	-27	(4%)
Information Technology	-1	169	168	627	625	-2	(0%)
Corporate Insurances	0	300	300	486	520	34	7%
Audit / Health & Safety	0	43	43	128	128	0	0%
Non Distributed Costs	0	29	29	69	60	0	0%
Corporate Training / Apprenticeships	0	12	12	11	32	21	191%
Sport & Leisure Project Consultancy	0	296	296	148	179	31	21%
TOTAL FINANCIAL SERVICES	-2	1,171	1,169	2,120	2,177	57	3%
SPORT AND LEISURE							
Events	-17	58	41	132	123	-9	(7%)
Sports Development	0	2	2	26	18	-8	(31%)
Policy and Performance	0	262	262	555	551	-4	(1%)
Youth & Schools Service	-6	127	121	232	232	0	0%
Community Access	0	0	0	20	20	0	0%
TOTAL SPORT AND LEISURE	-23	449	426	965	944	-21	(2%)

YEAR 2020/21

PERIOD: 06 (September 2020)

QUARTER 2 2020/21

	Actual To Date			Annual Net Budget	Proposed Net Outturn	Variance	
	Income	Expenditure	Net			£000s	%
PARKLANDS AND OPEN SPACES							
Management							
Operational Management	0	91	91	189	193	4	2%
Myddelton House Management	0	181	181	243	229	-14	(6%)
Parklands							
River Lee Country Park	-21	153	132	363	371	8	2%
Gunpowder Park	-2	24	22	70	75	5	7%
Countryside Areas	-70	536	466	1,208	1,158	-50	(4%)
Abbey Gardens	-2	20	18	83	82	-1	(1%)
Three Mills	0	6	6	27	27	0	0%
East India Dock and Bow Creek	0	11	11	43	43	0	0%
Broxbourne Riverside	-43	6	-37	19	19	0	0%
Fisheries	-116	58	-58	108	44	-64	(59%)
Visitor Attractions							
Myddelton House	-1	117	116	278	255	-23	(8%)
Rye House Gatehouse	0	2	2	3	4	1	33%
Park Projects							
Volunteers	0	54	54	106	107	1	1%
Biodiversity	-3	48	45	100	96	-4	(4%)
Farms							
Lee Valley Farm, Holyfieldhall	-120	264	144	22	60	38	173%
Initiatives and Partnerships							
King George Reservoir South	-7	0	-7	3	3	0	0%
Lee Valley Boat Centre	-9	0	-9	-30	-30	0	0%
Broxbourne Chalets	0	0	0	-8	-8	0	0%
TOTAL PARKLAND AND OPEN SPACES	-394	1,571	1,177	2,827	2,728	-99	(4%)
Venues							
Lee Valley Marina Springfield	-425	175	-250	-230	-230	0	0%
Lee Valley Marina Stanstead	-256	303	47	32	32	0	0%
Lee Valley Waterworks Centre	0	37	37	96	76	-20	(21%)
Lee Valley Farm Hayes Hill	6	186	192	368	329	-39	(11%)
Lee Valley Campsite	-273	169	-104	85	-102	-187	(220%)
Lee Valley Caravan Park	-453	152	-301	-253	-314	-61	(24%)
Lee Valley Leisure Centre Campsite	-39	129	90	197	177	-20	(10%)
Lee Valley Leisure Centre Golf Course	-39	60	21	88	37	-51	(58%)
TOTAL SMALL VENUES	-1,479	1,211	-268	383	5	-378	(99%)

	Actual To Date			Annual Net Budget	Proposed Net Outturn	Variance	
	Income	Expenditure	Net			£000s	%
SPORT & LEISURE VENUES AND BUSINESS SUPPORT							
Management and Support							
PR/Communications	0	99	99	145	135	-10	(7%)
Finance & Health/Safety	0	0	0	38	33	-5	(13%)
Information Technology	0	62	62	138	138	0	0%
Human Resources	0	1	1	53	50	-3	(6%)
Performance Management	0	0	0	103	97	-6	(6%)
Venues							
Venues Management	0	152	152	396	301	-95	(24%)
Lee Valley Velopark	-76	821	745	1,628	1,388	-240	(15%)
Lee Valley White Water Centre	-182	734	552	1,443	1,208	-235	(16%)
Lee Valley Athletics Centre	-55	284	229	488	350	-138	(28%)
Lee Valley Hockey And Tennis Centre	-133	221	88	522	292	-230	(44%)
Lee Valley Ice Centre	-14	294	280	632	420	-212	(34%)
Lee Valley Rldng Centre	-159	356	197	639	489	-150	(23%)
TOTAL LSC VENUES AND BUSINESS SUPPORT	-619	3,024	2,405	6,225	4,901	-1,324	(21%)
OTHER OPERATIONAL SERVICES COSTS/INCOME							
Budget Growth (Pay Rise)	0	0	0	46	46	0	0%
Job Retention Scheme (Furlough) Claim	0	-920	-920	-400	-1,250	-850	(213%)
TOTAL OPERATIONAL SERVICES	-3,060	7,429	4,369	12,798	10,503	-2,295	(18%)

LEE VALLEY REGIONAL PARK AUTHORITY
 QUARTER 2 - BUDGET MONITORING 2020/21
 MOVEMENT IN RESERVES

	Opening Balance £000s	Revenue Budget £000s	LSC Liabilities £000s	Fund Movements £000s	Statutory MRP £000s	Capital Budget £000s	Fund Expenditure £000s	Closing Balance £000s	Emergency Budget £000s
Usable Reserve									
General Fund	-4,384	910	800	-239	487	50		-2,376	321
Insurance Fund	-689			239			30	-420	-420
Repairs/Renewals	-1,437						30	-1,407	-1,328
Major Repairs	-1,369					1,000		-369	-500
Capital Receipts	-12,687					1,820		-10,867	-10,891
Capital Grants Unapplied	-61							-61	-61
Total Usable Reserves	-20,627	910	800	0	487	2,870	60	-15,500	-12,879
Creditors/Debtors	-1,663	0				0	0	-1,663	-1,820
Capital Financing Requirement	12,161				-487			11,674	11,655
TOTAL AVAILABLE CASH	-10,129	910	800	0	0	2,870	60	-5,489	-3,044

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Q2 CAPITAL PROGRAMME BUDGET MONITORING 2020/21

Presented by the Head of Finance

EXECUTIVE SUMMARY

This report summarises capital spending to 27 September 2020, estimates financial commitments to the year end and compares this to the approved annual budget.

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 £2.880 million, and therefore under the approved budget of £2.937 million; resulting in a net underspend of £57,000.

The main areas of variation are:

Scheme	£
Biodiversity	(30,000)
Dobbs Weir Final Phase	(27,000)
Total Slippage/(Under Spend)	(57,000)

RECOMMENDATION

Members Note: (1) the report.

BACKGROUND

- 1 Executive Committee approved a capital programme for 2020/21 at its meeting on 19 December 2019 (Paper E/646/19). Following the Covid-19 outbreak in early March, Members were briefed on the Authority's response (Paper A/4281/20) and the need to revise the budget accordingly. On 21 May 2020 Executive Committee approved a revised emergency budget (Paper E/674/20) brought in to deal with the Covid-19 crisis. This report compares the actual spend with that approved 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 The annual budget for 2020/21 is £2.937 million net expenditure. The projected net capital position for the year is £2.880 million and on budget.
- 4 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.

SPECIFIC SCHEMES

- 5 The review of major schemes and where a variance is anticipated could occur during 2020/21 are detailed below.

- 6 **Wildlife Discovery Centre (On target)**

The project has now reached the point of practical completion and we are working through the last few snags. The habitat works and Kingfisher bank has been completed and the Ranger team are in the process of making the building Covid secure in anticipation of opening. A Member visit has been arranged for 15 October. We are aiming to open to the public with a booking system at the end of October with volunteers managing at weekends and Bank Holidays. The hide will be open on a daily basis from the end of October.

The final account is being agreed with the contractor and the overall project budget is on track.

- 7 **Lee Valley Ice Centre Redevelopment (On target)**

The Ice Centre redevelopment project has progressed well and stage 3+ of the RIBA process which is the final design stage before a construction company is procured has been completed, on time and on budget. Since March, the Pre Qualification Questionnaire (PQQ) stage of the OJEU procurement process has been undertaken, completed in July and five companies have been shortlisted to the Invitation To Tender (ITT) stage which started on 7 October.

The past three months have been focused mainly on the planning process and working with the London Borough of Waltham Forest (LBWF) and the Greater London Authority (GLA) on their reports and dealing with the issues that come from that. The LBWF Planning Committee approved the Ice Centre project on 6 October and we are now awaiting the final GLA position.

The focus now is to finalise the procurement process to confirm which contractor will be our preferred bidder and what option around this the Authority will use as a delivery mechanism. Alongside this is the funding package and both these items will come back to Members for a final decision in the early part of 2021 and be discussed in full at the Member Ice Centre Working Group.

The project is currently on time (in line with the revised time line following the planning delays) and on budget, with final payments relating to this phase to be spent by December 2020.

- 8 **Asset Maintenance (On target)**

The Asset Maintenance programme was revised in line with the Emergency Budget, with a reduction on the budget to £1m. Works are underway with no expected deviation from the current budget currently anticipated.

Some areas of works were carried over from last year due to the poor weather, such as Lee Valley Riding Centre roof works and Lee Valley White Water Centre decking and CCTV. We are concentrating new expenditure on essential/Health & Safety related Asset Management works to ensure that venues are safe and secure to operate with the current Covid-19 guidelines.

9 Biodiversity (£30,000 slippage)

There is a delay on delivery of Biodiversity Action Plan works due to Covid-19. Much of this year's planned works were survey works and the timeframe in which they can realistically be undertaken this year has passed due to ecological reasons.

10 Dobbs Weir Campsite (£27,000 slippage)

This project is now substantially complete, although there is a small slippage relating to the sensory garden near the front of the Dobbs Weir site. Due to Covid-19 this has not progressed, but will recommence once the college reopens.

ENVIRONMENTAL IMPLICATIONS

- 11 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

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

FINANCIAL IMPLICATIONS

- 13 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

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

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

- 16 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/681/20	Q1 Capital Programme Budget Monitoring 2020/21	30 July 2020
Executive Committee	E/674/20	Emergency Budget 2020/21	21 May 2020
Executive Committee	E/655/20	Bittern Information Point Phase 1 Hide and Information Point Replacement Contractor Cost Increase	23 January 2020
Executive Committee	E/646/19	Proposed Capital Programme 2019/20 (Revised) to 2023/24	19 December 2019

APPENDIX ATTACHED

Appendix A Capital Monitoring 2020/21 Second Quarter

LEE VALLEY REGIONAL PARK AUTHORITY
CAPITAL PROGRAMME MONITORING 2020/21 QUARTER 2

Project Name	Accountable Officer	Project Manager	Budget 2020/21 £000s	Actual to 27 Sep 2020 £000s	Projected Outturn at 31/03/2021 £000s	Projected Variance £000s	Comment
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Land Acquisition & Remediation	Deputy Chief Executive	Head of Property	0	0	0	0	
Land Sales	Deputy Chief Executive	Head of Property	0	0	0	0	
Biodiversity Action Plan	Corporate Director	Head of Parklands	80	9	50	-30	Slippage
IT Infrastructure & Communications	Corporate Director	Head of IT	150	6	150	0	On Target
Asset Management	Corporate Director	Head of Asset Maint.	1,000	542	1,000	0	On Target
Landscaping (Eton Manor Allotments Site)	Corporate Director	Head of Parklands	7	0	7	0	On Target
Dobbs Weir Campsite Final Phase	Director Finance	Head of Asset Maint.	30	3	3	-27	Slippage
Wildlife Discovery Centre	Corporate Director	Head of Project/Funding	670	504	670	0	On Target
Lee Valley Ice Centre Redevelopment	Chief Executive	Corporate Director	1,000	339	1,000	0	On Target
New LSC Contract Investment Variant Bid	Chief Executive	Corporate Director	0	0	0	0	-

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NET PROGRAMME			2,937	1,403	2,880	-57	
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Total Capital Expenditure			2,937	1,403	2,880	-57	
Total Capital Income			0	0	0	0	

NET PROGRAMME			2,937	1,403	2,880	-57	
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LEE VALLEY WEBSITE

Presented by the Head of Communications and Head of IT

EXECUTIVE SUMMARY

This paper gives Members an update and overview of the current situation with the website and the plans for its future development.

It has been nine years since Lee Valley's current corporate and visit websites were launched. Although content has been kept up to date, expectations, technology and design have become outdated. Extensive changes are required to comply with new accessibility legislation requirements. The websites have been built on legacy software which is being retired by the current website developers in January 2021, meaning that the current system will not be supported, resulting in a new website being required.

Due to the procurement process, timeline and to build compliance an interim solution is required to maintain our web presence while a new contractor is procured and new website developed.

RECOMMENDATIONS

- Members Note:
- (1) implementation of an interim website presence for both the visit and corporate websites;
 - (2) the ITT and project timeline; and
- Members Approve:
- (3) establishment of a Comms and Access Working Group and the recommended Member involvement as outlined in this report.

BACKGROUND

- 1 The Authority's current website was created in 2011 for a very different organisation and the internet was at a very different stage regarding use and what the Authority's web visitors and stakeholders required. Technology, expectations and web users' behaviour have advanced enormously meaning that our current websites are no longer fit for purpose. Functionality, navigation and styling are out of date and, perhaps most obviously, it is not optimised for

mobile devices meaning that the increasing numbers of our visitors who use the site on a mobile phone or tablet get a poor experience.

WEAKNESSES OF CURRENT SYSTEM/PROCESS

- 2 There are technical and legislative reasons why there is now a requirement to replace the sites:
 - a. Access legislation
The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 come into force in September. This requires a new level of accessibility for web visitors with disabilities. Our current websites do not meet this requirement.
 - b. Retirement of Content Management System (CMS)
We have a bespoke CMS (the software that manages the back end and content on the website). Our current operator (S8080) have stated their intention to retire this system on 14 January 2021.
 - c. Age of website
The design, functionality and layout of the website has become outdated and need updating in order to be able to reflect the current position of the Authority and to be able to take advantage of newer technologies, such as the integration of the Authority's GIS system. The current CMS is limited (by virtue of its age) in its ability to leverage new technology.

IMPACT OF CHANGE

- 3 With the timescales involved in the procurement, development and delivery of a new website, it will go beyond the January deadline of the retirement of the current CMS. This means that there will be a need for an interim Minimum Viable Product (MVP) website that will have limited functionality, design and pages, in order to maintain an on-line presence. The MVP will essentially be a slimmed down temporary site which will have core information which we need to keep promoting and selling activities at the Park, telling the story of the Park and housing mandatory and business critical information.
- 4 We will use this as a staging post in the slimming down of the website and collation of the information that will be needed for the new site.

BENEFITS OF CHANGE

- 5 The new website will be a customer focused, business centric site which promotes and "sells" the valley and the Authority's offering. It will have a single-minded focus on this to bring visitors and potential visitors, and funders, stakeholders and other key audiences, to what they want (including sales of goods) as quickly as possible when they arrive at the site.
- 6 The amount of information, which has grown organically over time as new products, venues and projects have come on line will be reviewed and refreshed, to create a new customer and visitor focused navigation to take people to what we are promoting and what they are looking for.
- 7 As mentioned above, the retirement of the CMS means that we have little choice but to create an interim site to fill the gap between the January retirement and

the new site.

- 8 We have produced an Invitation to Tender (ITT) which is currently out to market. The procurement timeline takes us to December, with the contract award early January 2021.
- 9 By using tools such as Google Analytics we will clear away areas of the site which are not used or visited in order to better promote the core elements of what we need, dovetailing with our social media feeds.
- 10 A large amount of the site is the complex product pages of our most complicated venues – such as Lee Valley VeloPark. As we pass these to GLL all of that information goes onto their site and we simply signpost these elements to them. This rebalances the site in a new way.

IMPLEMENTATION

- 11 It is envisaged (subject to appointment of the contractor) that the development of the website will take around four months, with a planned launch to ideally coincide with the transfer of venues to GLL, or be shortly thereafter.

MEMBER INVOLVEMENT

- 12 We will ensure that Members are involved during the process and suggest that the Comms and Access Steering Group be re-established. We see the key focal points as being:
 - December / January – appointment of contractor and sharing of their schedule;
 - approx. February – sharing of early stage designs, content strategy and information architecture for input and discussion; and
 - approx. March – sharing of advanced designs, content strategy and information architecture for input and discussion.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 14 We estimate the one-off capital cost will be £40k - £60k. Money has already been allocated in the IT capital budget and this period of market engagement will determine the actual budget needed.

HUMAN RESOURCE IMPLICATIONS

- 15 Staff returning from Furlough will be redeployed to assist with both the interim and new websites.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

- 17 Accessibility Regulations 2018 – development of new websites mitigates risk on this.

EQUALITY IMPLICATIONS

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

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BACKGROUND REPORTS

None

LIST OF ABBREVIATIONS

CMS	Content Management System
MVP	Minimum Viable Product
ITT	Invitation to Tender