

Selby District Council



Agenda

Meeting: **Executive**
Date: **6 September 2012**
Time: **4pm**
Venue: **Committee Room**
To: Councillor Mark Crane, Councillor Mrs Gillian Ivey, Councillor Cliff Lunn, Councillor John Mackman and Councillor Chris Metcalfe

1. Apologies for absence

2. Minutes

The Executive is asked to approve the minutes of the meeting held on 5 July 2012. Pages 3 to 8.

3. Disclosures of Interest

Members of the Executive should disclose personal or prejudicial interest(s) in any item on this agenda.

4. 1st Interim Budget Exceptions Report – Key Decision

Report E/12/15 provides the Executive with details of major variations between budgeted and actual expenditure and income for the 2012/13 financial year to 30 June 2012. Pages 9 to 24.

5. 1st Interim Treasury Management Progress Report

Report E/12/16 asks the Executive to endorse the actions of officers with regard to the Council's treasury management activity. Pages 25 to 33.

6. 1st Interim Corporate Plan Progress Report

Report E/12/17 asks the Executive to consider Access Selby's key performance indicators following the first quarter of 2012/13. Pages 34 to 51.

7. Corporate Enforcement Policy

Report E/12/18 asks the Executive to consider approve the Corporate Enforcement Policy. Pages 52 to 86.

8. Anti Social Behaviour Policy

Report E/12/19 presents the Executive with an interim Anti Social Behaviour Policy. Pages 87 to 89.

9. Motion from Council 26 June 2012

Report E/12/20 asks the Executive to consider the Motion discussed at the Council meeting on 26 June 2012. Pages 90 to 92.

M Connor
Chief Executive

Dates of next meetings
20 September 2012 Executive Briefing
4 October 2012 Executive

Enquiries relating to this agenda, please contact Glenn Shelley on:
Tel: 01757 292007
Fax: 01757 292020
Email: gshelley@selby.gov.uk

Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	5 July 2012
Present:	Councillor M Crane (Chair), C Lunn, J Mackman and C Metcalfe
Apologies for Absence:	Councillor Mrs G Ivey
Officers present:	Chief Executive, Deputy Chief Executive, Executive Director (S151), Managing Director of Access Selby, Director of Community Services, Business Manager (SS) and Democratic Services Manager.
Also Present:	Mike Lyons and Peter Burt – Wigan Leisure Culture Trust
Public:	0
Press:	0

NOTE: Only minute numbers 14, 15, 16, 17, 19 and 21 are subject to call-in arrangements. The deadline for call-in is 5pm 16 July 2012. Decisions not called in may be implemented on 17 June 2012.

11. Apologies for Absence

In noting Councillor Mrs G Ivey's apologies, the Executive asked that the best wishes and condolences of the Executive be passed on following her bereavement.

12. Minutes

The minutes of the meeting on 31 May 2012 were submitted and

agreed as a correct record and signed by the Chair.

13. Disclosure of Interest

Councillor C Lunn declared a personal and prejudicial interest in item 8 (minute 18 - Council Tax Localisation) by the virtue of the fact that he owns a number of properties which would be, from time to time, affected by the proposals set out in the report. He left the meeting during discussion and voting on that item.

14. Annual Report

Councillor Crane presented the Annual Report. The report was a key reference point for the authority, summarising the work of the Council during the 2011/12 as well as giving a financial overview.

Resolved:

To welcome the Annual Report as an accurate record of the financial year 2011/12.

Reason for decision:

To enable the Annual Report to go forward for publication.

15. Potential Site for the Travelling Community – Key Decision

Councillor J Mackman presented the report which provided details of a potential site for the Travelling Community. The report set out the activities and decisions needed to bring the site forward.

Councillor J Mackman set out the background to the report. He reminded the Executive of the work undertaken by Policy Review Committee in the identification of the site at Burn Airfield.

Councillor Lunn, as ward member for Burn, put forward the views of his constituents. He outlined his opposition to the Burn site. He felt that there were alternative sites to consider and that provision at Burn Airfield, in addition the existing site, could strain relationships within the local community.

The Executive acknowledged the points raised by Councillor Lunn, however, they felt that the Burn site, at this stage in the process, represented a way forward that was both deliverable and in line with government policy.

Councillor Lunn voted against the proposal.

Resolved:

- i. **To note the action to date and current position with regard to a search for a suitable travellers site;**
- ii. **To authorise officers to open negotiations with Homes and Communities Agency (HCA) to secure a site for travellers**
- iii. **To authorise officers to work with partners to prepare and submit applications to facilitate the delivery of a travellers site;**
- iv. **To authorise officers to continue to identify future sites through the Site Allocation Development Plan Document (SADPD);**
- v. **To authorise officers to undertake the appropriate consultation.**

Reason for the decision:

- i. To obtain the necessary authority to secure a site within the district
- ii. To enable the Council to form and to robustly defend its future position in this matter

16. Airey House Adaption

Councillor Crane presented the report which asked that work scheduled for two properties in 2014/15 be brought forward to 2012/13. This would enable other works scheduled for the property to be completed at the same time as essential disabled adaptation works.

Resolved:

To bring forward the refurbishment of 2 properties from phase 3 (2014/15) of the Airey programme.

Reason for the decision:

To enable an essential adapted facility to be completed at the same time as the refurbishment works.

17. 2011/12 Final Accounts Outturn report – Key Decision

Councillor C Lunn presented the report which provided the final outturn position between budgeted and actual expenditure and income for the 2011/12 financial year to 31 March 2012 for the Core, Access Selby and Communities Selby.

The Executive heard that overall, there was a General Fund Revenue surplus of £818k and a Housing Revenue Account surplus of £112k.

Resolved:

- i. **To carry forward the funds set out at Appendix D in the report from 2011/12 to 2012/13;**
- ii. **To transfer both Access Selby's £263k General Fund surplus**

- to an earmarked 'Access Selby Reserve' and the £373k HRA Surplus to 'HRA Balances (Access Selby)', in accordance with the approved financial arrangements for Access Selby;
- iii. To endorse the actions of the Executive Director (S151) in contributing the saving generated in the General Fund to the Spend to Save Reserve and Contingency.

Reason for the decision:

To ensure that funds are carried forward to maintain progress on approved schemes and projects and that surpluses are set aside in accordance with approved practice and used to support future spending needs.

Having declared a personal and prejudicial interest in the item set out below Councillor C Lunn left the meeting.

18. Council Tax Localisation – Key Decision

Councillor Crane presented the report which detailed the options available for the provision of Localised Support for Council Tax to enable consultation with major preceptors to commence.

Councillor Crane highlighted that the subsidy local government receives to fund Council Tax Benefit would be reduced by around 10%. As a result, all Councils were faced with difficult decisions in respect of the impact on their residents.

The Executive discussed Option 4 as the option recommended in the report. This passed on some of the cuts to claimants with the remainder coming from reductions in other exemptions and discounts. The Executive Director (S151) responded to a number of questions regarding the options and the financial modelling which had taken place.

The Executive felt that the Council should consult on a range of approaches based on option 4.

Resolved:

- i. To delegate to the Executive Director S151, after consultation with the Leader of the Council, the authority to consult on a range of approaches in line with Option 4;
- ii. To undertake consultation with other precepting authorities jointly with the other districts in North Yorkshire;
- iii. To ask the Council to approve expenditure up to £84k in 2012/13 towards the costs of implementing the scheme funded from grant awarded by the DCLG.

Reason for the decision:

To enable a draft outline scheme to be developed for joint consultation with the other councils in North Yorkshire and to allow the necessary steps to be taken to develop proposals for implementation.

Councillor C Lunn returned to the meeting.

19. Annual Review of Leisure Contract

Councillor Lunn presented the report. This was the second formal Annual Review of the Leisure Contract with Wigan Leisure and Culture Trust (WLCT), covering the period April 2011 to March 2012.

Councillor Lunn gave an overview of the report and highlighted some of the excellent work which had been undertaken. He felt that work undertaken following the fire at Abbey Leisure Centre demonstrated the strength of the partnership between the Council and WLCT.

Mike Lyons and Peter Burt, WLCT, addressed the Executive and detailed some of the achievements from the last year. The Executive felt that the partnership between the Council and WLCT should contribute across the '5 big things' and not be limited to the 'Living Well' agenda.

The Executive thanked Mike Lyons for his contribution to the partnership and wished him well in his new role.

Resolved:

- i. To note the key findings of the report and in particular the performance of Wigan Leisure and Culture Trust to date;**
- ii. To agree the strategic objectives highlighted in the annual review to support the Council's 'Living Well' priorities;**
- iii. To give delegated authority to the Deputy Chief Executive, after consultation with the lead Councillor for Finance, to agree the revised management fee payable to WLCT and approve the necessary variations to the Leisure Contract to reflect the consequences of the fire at Abbey Leisure Centre.**

Reason for the decision:

To recognise the progress WLCT has made to date and the measures put in place to develop the service and to ensure the future strategic objectives of the service are in line with the Council's priorities.

20. Private Session

Resolved:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the

meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 1 of Part 1 of Schedule 12(A) of the Act.

21. Closed Circuit Television (CCTV) Monitoring and Maintenance and Automated Bollard Control Contract Procurement – Key Decision

Councillor C Metcalfe presented the report which asked the Executive to approve the short list of companies wishing to formally tender for the CCTV Monitoring, Maintenance and Automated Bollard Control Contract.

Resolved:

To approve the shortlist of companies to be invited to formally tender for the CCTV Monitoring, Maintenance and Automated Bollard Control Contract.

Reason for the decision:

To enable officers to continue to the next stage of the procurement process and invite companies that are suitably qualified to submit a formal tender.

The meeting closed at 5.18pm.

Selby District Council

REPORT

Reference: E/12/15

Item 4 - Public



To:	The Executive
Date:	6 September 2012
Status:	Key Decision
Report Published:	29 August 2012
Author:	Nicola Chick – Lead Officer, Finance
Executive Member:	CLlr C Lunn
Lead Officer:	Executive Director (and S151)

Title: Financial Results and Budget Exceptions Report to 30 June 2012

Summary:

This report is to update the Executive with details of major variances between budgeted and actual expenditure and income for the 2012/13 financial year to 30 June 2012, for the Core, Access Selby and Communities Selby. Also included are details supporting the Capital Programme for 2012/13 and savings identified to date.

Recommendations:

- i) Councillors endorse the actions of officers and note the contents of the report.**
- ii) That the budgets be adjusted to reflect the savings expected to be achieved this year as per Appendix C, and that the Councils Medium Term Financial Plan be amended to take account of projected savings in 2012/13 and 2013/14 where these are not currently allowed for in the budget.**
- iii) Saving identified (£314k) on external interest payments within the HRA is transferred to the Major Repairs Reserve to assist in servicing loan debt repayments.**

Reasons for recommendation

To ensure that budget exceptions are brought to the attention of the Executive with explanations from officers; in order to approve remedial action as necessary.

1. Introduction and background

- 1.1 This is the 1st quarter 2012/13 budget exception report and provides details of the Core, Access Selby and Communities Selby General Fund (GF), and Housing Revenue Account (HRA) expenditure and income variations for the financial year 2012/13 and where appropriate remedial action.

2. The Report

Financial Results

- 2.1 Appendix A presents the major forecasted variances identified to date for the 1st quarter 2012/13 against the latest approved budgets.

General Fund - Revenue

- 2.2 The full year forecast for the General Fund currently shows an estimated saving of £166k:

General Fund	Budget £000's	Forecast Full Year variance £000's
Core	3,628	(175)
Access Selby	5,668	9
Communities Selby	262	0
	9,559	(166)

- 2.3 The Core's savings include Drainage Board Levies (£106k) due to lower than anticipated charges and Investment Income (£35k).
- 2.4 Access Selby's latest reported results (Access Selby Board 23 July 2012) showed a forecasted deficit of £9k for the year highlighting the impact of a £250k shortfall in income due to the withdrawal of the localisation of fee setting. Whilst Access Selby is working hard to meet its service obligations within its approved cost envelope, the continuing decline in Planning fee income means that a loss in 2012/13 is becoming more likely.
- 2.5 The Executive allocated some £300k to Access Selby's reserves in 2012/13 recognising the risk to Planning fee income.

Housing Revenue Account

2.6 The HRA full year forecast saving is currently £335k:

HRA	Budget £000's	Forecast Full Year variance £000's
Core	(3,902)	(335)
Access Selby	3,979	0
Communities Selby	0	0
	77	(335)

2.7 The variances are: External Interest Payable (£314k) and Investment Income (£21k) as a result of self-financing. It is proposed that the former is diverted to support principal repayments of the associated debt.

Capital

2.8 There are several capital budget exceptions for 2012/13, the details of which are set out in Appendix B. Some delays are expected due in some areas for issues out of the Councils Control. The HRA capital programme is now progressing as tenders are let and contractors are now on site.

Savings

2.9 Appendix C presents an update on progress against the Council's savings action plan for the General Fund and HRA.

2.11 Additional savings of £309k for Access Selby are still required for the year in order to achieve break-even for the year, whilst savings on the HRA are currently exceeding target by £172k.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

There are no legal issues as a result of this report.

3.2 Financial Issues

The financial issues are highlighted in the body of the report.

4. Conclusion

4.1 The financial results show a declining position for Access Selby largely due to the impact of planning fees – a risk that was highlighted and provided for within the Council's spending plans for the year.

- 4.2 It should also be stressed that there a number of other number of cost and income pressures which officers are managing (such as the impact of inflation on the street scene and leisure contracts, rising energy prices and reduced income). These will continue to be a challenge going forward and the need to meet savings targets is crucial to minimise operating losses.
- 4.3 Looking forward, continuing uncertainty within the economy and future cuts to public sector funding mean that robust budget management is essential to ensure services are delivered within the resources available.

5. **Background Documents**

Accountancy budget management files

Contact Details

Nicola Chick
Lead Officer - Finance
Selby District Council
nchick@selby.gov.uk

Appendices:

Appendix A – General Fund and Housing Revenue Account Revenue budget exceptions
Appendix B – General Fund and Housing Revenue Account Capital Programme
Appendix C – General Fund and Housing Revenue Account Savings

BUDGET EXCEPTIONS REPORT

April 2012 - June 2012

Core

General Fund Income

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments
Investment Income	(165)	(35)	One-Off	Increased forecast for investment income due to higher than estimated cash flows.
Total Variance - General Fund Income		(35)		

Core

General Fund Expenditure

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments
Premises	2	14	One-Off	Relates to NNDR charges for the old Civic Centre Site. Plans to convert this space in to a new car park are progressing with an anticipated September opening. There is an expected rateable value reduction and income levels generated will cover this and associated setup costs.
Drainage Board Levy	1,567	(106)	Ongoing	The 12/13 budget was increased by 3.5% inflation plus an additional £75k to ensure adequate provision was allowed for any increases to Levies. 3 out of the 5 Drainage Boards froze their precept, the remainder had an average 1.39% increase applied.
Total Variance - General Fund Expenditure		(92)		
Total Variance - General Fund Revenue		(127)		

Access Selby
General Fund Income

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments
Government Grants*	(22,448)	331	One-Off	Housing Benefit Admin Subsidy is expected to be £58k over the budgeted figure. Based on current estimates, Council Tax benefit payments will be £380k less than budget, which is matched by a reduction in subsidy.
Customer & Client Receipts	(3,486)	160	On-going	Reduction of £268k Planning Income due to Localisation of Planning Fees initiative being currently suspended for 2012/13 £250k and planning advice projected reduction of £18k. This is partially offset by the estimated value of Housing Benefits Overpayments Debtors raised through the year of £92k. A system is being developed to track the overpayments and give accurate estimates.
Total Variance - General Fund Income		491		

Access Selby
General Fund Expenditure

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments
Employees	5,574	(147)	On-going	Current savings (£165k) are from Frozen posts, vacancies, & maternity leave. Offset by a temporary additional Community Development post and a recovery package to support the Planning Team meet the workload and other staff issues.
Premises	641	58	On-going	This is a forecast deficit of £46k on Civic Centre NNDR - Appeal submitted.
Benefit Payments*	21,513	(386)	One-Off	The 2012/13 budget was based on an anticipated increase in caseload which has not happened. Current figures based on a reduced caseload for Ctax benefit suggest that payments will be £380k less than budget. This will be offset by a reduction in Subsidy.
Total Variance - General Fund Expenditure		(475)		
Total Variance - General Fund Revenue		16		

* Reduced benefit payments are offset by reduced benefit subsidy.

**Core
Housing Revenue Account Income**

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments
Investment Income	(20)	(21)	One-Off	Additional investment income due to increased HRA cash flow balances due to self financing.
Total Variance - HRA Income		(21)		

**Core
Housing Revenue Account Expenditure**

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments
External Interest Payable	2,729	(314)	On-going	Interest payable on debt less than estimated as rate on Self Financing loans lower than estimate combined with reduced amount of debt.
Total Variance - HRA Expenditure		(314)		
Total Variance - HRA Revenue		(335)		

2012/13 Selby District Council Capital Programme

General Fund	Annual Budget £	Year to date Budget £	Year to date Actual £	Year to date Variance £	Forecast £	Comments
Industrial Units - Road Adoption	25,000	0	0	0	25,000	Legal issues are to be addressed to commence.
Selby Community Project	82,000	0	0	0	0	No further costs are anticipated for the project. The budget represented the balance of monies within the project for payment of retention. Retention has been financed in 2011/12. £63k was utilised for this. Giving a saving of £19k on the project.
Financial Management System	17,930	0	0	0	17,930	Upgrade to Version 4.1 to commence over the Summer.
ICT - Desktop Replacement Programme	25,000	0	661	661	25,000	Rolling programme of PC replacements
Tadcaster Central Area Redevelopment	258,440	0	0	0	258,440	This work in Tadcaster is currently held up by Judicial Review.
Abbey Leisure Centre	250,000	0	0	0	250,000	Costs for the replacement of the all weather pitch - on hold pending decisions for Abbey Leisure Centre following the fire.
Mast Relocation Project	147,190	0	0	0	147,190	Progress has been halted, due to the old Civic Centre car park conversion to a pay and display car park. Plans to relocate the mast have not been fully dismissed.
ICT - Capital Investment Projects	331,230	0	1,180	1,180	331,230	This budget is to cover capital costs for hardware, software, implementation & infrastructure costs.
Leisure & Park Asset Management Plan	136,720	0	0	0	8,770	This is for a programme of maintenance to leisure facilities and included £127,950 to be spent at Abbey Lesiure Centre on the roof and calorifier.
Abbey Leisure Centre - Fire Damage	544,000	390,000	387,845	-2,155	0	Costs associated with setting up the new gym and dance studio as a result of the fire at Abbey Leisure Centre. £450k has been covered by the councils insurers.
Private Sector - Home Improvement Loans	42,500	3,125	4,862	1,737	42,500	
Disabled Facilities Grants	350,000	20,000	18,345	-1,655	350,000	
Energy Efficiency & Fuel Poverty	13,640	3,410	0	-3,410	13,640	
	2,223,650	416,535	412,893	-3,642	1,469,700	

Appendix B

Housing Revenue Account	Annual Budget £	Year to date Budget £	Year to date Actual £	Year to date Variance £	Forecast £	Comments
Kitchen Replacements	398,090	0	-350	-350	398,090	Phase 2 has commenced, programme expected to be completed by Christmas
Electrical Rewires	396,810	24,203	18,955	-5,247	396,810	The programme has commenced with a plan of completing 100 rewires per year. It is anticipated that this target will be revised down as not all properties need a full rewire. This will be offset by the need to rewire 33 Airey Properties as Phase 1 progresses.
External Cyclical Repairs	142,000	35,500	7,639	-27,861	142,000	Contract to be let week commencing 9/7/12 and covers Cyclical Repairs, Door & Window Replacement and Painting.
Window Replacements	140,000	35,000	0	-35,000	140,000	As External Cyclical Repairs
External Door Replacements	57,500	14,375	0	-14,375	57,500	As External Cyclical Repairs
Central Heating System Replacements	1,088,370	272,093	100,493	-171,599	1,088,370	As part of the service round, service failures are replaced, full programme of replacements to commence by end of July.
Solid Fuel System Replacements	350,530	87,633	64,841	-22,792	350,530	Solid Fuel Servicing is 70% complete and fewer failures than anticipated have been identified. A saving is expected here, but not yet quantified.
Roof Replacements	1,016,710	254,178	208,402	-45,775	1,016,710	Currently on site, 70% of programme completed.
Damp Works	190,000	47,500	77,837	30,337	190,000	Backlog of jobs completed, now dealing with responsive works.
Airey Property Works	1,271,520	252,130	34,365	-217,765	1,271,520	The contractor is now on site, phase 1 to be completed by Christmas.
Airey Property Disabled Adaptation	30,000	0	0	0	30,000	This is an extension to an Airey Property which will also have works done under the Phase 1 repairs.
Void Property Repairs	50,000	12,500	0	-12,500	50,000	This work is responsive to the level of void properties and is dependent on each individual scenario as to the level of work required.
	5,131,530	1,035,110	512,183	-522,927	5,131,530	
Total Capital Programme	7,355,180	1,451,645	925,076	-526,569	6,601,230	

GENERAL FUND BASE BUDGET
SAVINGS/EFFICIENCIES ACTION PLAN
2012/13 - 2014/15 (V62)
Updated July 2012

Key:

Green	Savings likely to be achieved/low risk
Amber	Tentative savings - further work required/medium risk
Red	Savings require a change in Council policy or significant change in service delivery/high risk

Proposed Savings	Status	2012/13 £	2013/14 £	2014/15 £	Progress
Inflation factor		0.020	0.020	0.020	
Procurement Workstream					
Election software	Green	4,700	4,700	4,700	Completed
Audit Partnership	Green	10,000	15,000	15,000	Completed. Planned reduction in Audit days and merger with Veritau.
		14,700	19,700	19,700	
WTT - Transformation (Core)					
	Green	50,000	50,000	50,000	Completed
Total Transformation		50,000	50,000	50,000	
Asset Management Workstream					
Total Asset Management		-	-	-	
Value for Money Workstream					
Internal Drainage Boards	Green	146,000	146,000	146,000	Completed - The savings increased from £40k to £146k to reflect lower precepts as a consequence of 3 Drainage Boards freezing their precept and the remainder adding an average 1.39% inflation. This was set against a budgeted increase of 3.5% and an additional £75k to counter any large increases.
Community Safety	Green	15,000	15,000	15,000	Completed
Total Value for Money		161,000	161,000	161,000	
Base Budget Review Workstream					

Proposed Savings	Status	2012/13 £	2013/14 £	2014/15 £	Progress
External Audit Fee	Green	31,840	31,840	31,840	Completed
Early Retirements - Strain on Pension Fund	Green	75,000	75,000	75,000	Completed
Corporate and Democratic Core	Green	7,000	7,000	7,000	Completed
Car Allowances	Green	2,850	2,850	2,850	Completed
Total Base Budget Review		116,690	116,690	116,690	
Discretionary Service Review Workstream					
External Grants	Green	12,000	12,000	12,000	Completed
Total Discretionary Service Review		12,000	12,000	12,000	
Inflation adjustment		7,088	14,519	21,998	
Total General Fund Savings		361,478	373,909	381,388	
Target		255,478	265,789	271,108	
Headroom/Deficit (+/-)		106,000	108,120	110,280	
Green Savings		361,478	373,909	381,388	
Amber Savings		-	-	-	
Red Savings**		-	-	-	
Total		361,478	373,909	381,388	

ACCESS SELBY
GENERAL FUND BASE BUDGET
SAVINGS/EFFICIENCIES ACTION
PLAN 2012/13 - 2014/15 (V67)
Updated July 2012

Green	Savings likely to be achieved/low risk
Amber	Tentative savings - further work required/medium risk
Red	Savings require a change in Council policy or significant change in service delivery/high risk

Proposed Savings	Status	2012/13 £	2013/14 £	2014/15 £	Progress
Inflation factor		0.020	0.020	0.020	
Procurement Workstream					
Change provider for telephone calls and rationalisation of telephone accounts	Green	13,750	13,750	10,800	Completed
Partnering Back Office Support	Green	93,000	93,000	93,000	Completed
CCTV	Amber	10,500	42,000	42,000	EU Procurement exercise has commenced with ITT due to be issued in September 2012 - conclusion of the procurement is expected by the end of the year. Actual savings forecast yet to be determined following the outcome of procurement. Full year saving for 2012/13 will not be achieved, so the forecast is for a saving in Q4
Recycling	Green	159,000	159,000	159,000	Completed
Collaborative corporate contracts through shared procurement service	Red	48,790	42,290	70,240	Spend Analysis carried out and a detailed action plan is being put together for targeted procurement. Options limited on non-HRA spend but looking at opportunities for collaborative procurement. This will include a savings target for this project where possible. Ongoing savings have been identified on individual /discrete procurement projects. Still potential for 2012/13 target to be achieved however it is still a risk area.
Note: The balance of this target will reduce as individual procurement projects are identified					
Expanded Building Control Partnership	Red	-	5,000	5,000	Savings in 12/13 unlikely to be achieved due to continued downturn in fee earning work. It was anticipated that a new partner would join for 12/13, this now seems unlikely but potentially will happen 13/14 as the authority in question still remain positive about joining which will have a positive impact on future savings.
Contact Centre Electricity	Green	10,000	10,000	10,000	Completed
ICT - Server Virtualisation	Green	10,000	10,000	10,000	Completed
Gas Utilities Contract	Green	6,160	6,160	6,160	Completed
Negotiate savings within Street Scene and Leisure contracts	Red	-	40,000	40,000	SDC and Enterprise are to undertake a review of the contract in Q1/Q2 of 2012/13 to identify potential opportunities for efficiency savings. A cost/Benefit report will then be taken to the relevant management group to agree approach. In the meantime any low risk quick wins identified will be implemented.

Proposed Savings	Status	2012/13 £	2013/14 £	2014/15 £	Progress
Citizen Link Printing	Green	800	800	800	Completed
		352,000	422,000	447,000	
WTT - Review of remaining cash collection	Amber	3,375	4,500	4,500	Arrangements for cash collection cannot go ahead as planned due to fire at Abbey Leisure Centre - alternative arrangements to be explored.
WTT - Transformation (SDV)	Green	1,380,890	1,380,890	1,380,890	Completed
WTT - Transformation HRA Impact	Green	-120,000	-120,000	-120,000	Completed - Impact of savings generated through staff reduction which are transferred to HRA via CEC
Spend to save initiatives	Red	0	0	25,000	
Service delivery options	Red	0	25,000	50,000	Commercial & marketing strategy approved, open for business event scheduled for September. The outcome of which will inform delivery options.
Total Transformation		1,264,265	1,290,390	1,340,390	
Asset Management Workstream					
Vacation of Portholme Road Depot	Green	13,497	13,497	13,497	Completed. In addition, there is a saving to the HRA of £26,833
Running costs of new Civic Centre	Amber	40,000	40,000	40,000	A NNDR appeal has been submitted, if this is not successful then savings target will not be able to be achieved. We have now agreed with the PCT the formula for calculating the electricity split, still awaiting the invoice from PCT.
Closure of Tadcaster office	Green	30,000	30,000	30,000	Completed
Barlby Depot	Red	20,000	20,000	20,000	Depot being considered by an interested party, if they are interested then a costs v income assessment will be carried out.
Total Asset Management		103,497	103,497	103,497	
Value for Money Workstream					
Telecommunications Mast	Red		13,000	13,000	This project is being reviewed in light of the sale of the old civic centre car park site not going ahead. Options are currently being reviewed and a decision on the future of the project is expected shortly. Target for 2012/13 will not be achieved.
Decentralisation of Planning Fees	Red		250,000	250,000	Devolved Planning fees – 12/13 Saving removed. Indication fees to be increased by up to 15% in the Autumn. Impact to be assessed when details are confirmed. Impact on future years will be kept under review.

Proposed Savings	Status	2012/13 £	2013/14 £	2014/15 £	Progress
Negotiation for share of out performance on Council Tax collection	Red		25,000	25,000	Currently underachieving on the collection of Council Tax by 0.8%, this target will not be met in 2012/13
Car Park Income	Amber	60,000	60,000	60,000	An increase of 20% for both long and short stay park was implemented from 1 December 2011. As saving was not fully achieved in 11/12, income will continue to be monitored in 12/13. At the end of June, income is £6k below target, but will be clawed back through opening the new car park at the old Civic Centre Site.
Total Value for Money		60,000	348,000	348,000	
Base Budget Review Workstream					
Car Allowances	Amber	41,150	41,150	41,150	Expected saving was not achieved in 11/12 as changes to car allowances etc were not implemented until Q2 onwards. Further review of current position is taking place to determine forecast for savings in 2012/13.
Rationalisation IT Support Costs	Green	50,000	50,000	50,000	Completed
Rationalisation of cost base	Green	100,000	100,000	100,000	£140k identified £40k added to Contingency to mitigate increased budget risk
Redundant ICT systems	Green	25,000	25,000	25,000	Work ongoing to establish savings in year following system improvements and rationalisation. £25k achieved through decommissioning of 4 systems.
Frozen posts/vacancies	Green	50,000	50,000	50,000	Frozen posts continue to remain vacant.
Compensation for legacy costs/income	Green	136,000	136,000	136,000	
Review and refine apportionments between general Fund and HRA	Red		150,000	150,000	No progress on this yet. This will be looked at after closedown of accounts in time to inform the Budget setting process for 2013/14
2011/12 Profits	Green	50,000	-	-	Carry Forward 11/12 profits to offset future losses.
Additional Licensing Income	Green	5,660	5,660	5,660	Completed
Total Base Budget Review		457,810	557,810	557,810	
Discretionary Service Review Workstream					
HR - Budget review	Green	5,000	5,000	5,000	Completed
New charge for planning advice	Amber	30,000	30,000	30,000	Income running behind expectations currently £18k under target.
Reduce opening hours at Access Selby	Green	35,000	35,000	35,000	Completed
Reprioritise resources	Red	-	-	25,000	

Proposed Savings	Status	2012/13 £	2013/14 £	2014/15 £	Progress
Maximise current income streams	Red	25,000	50,000	100,000	All discretionary fees which were up for review in 2012/13 have been increased by RPI (5.6%) and Car parking charges increased by 20%. 'Pilot Projects' for Marketing Strategy now in development - each will have a potential income target which are yet to be agreed. Can update progress monthly
Redeploy resources to pursue grant funding opportunities	Red	25,000	50,000	50,000	Additional hours approved to submit HCA agreed, lead officers considering grant opportunities as part of their budget monitoring.
Policy changes to introduce new income streams	Red	-	-	150,000	Potential for green waste/parking charges in Tadcaster etc. New charges introduced for hiring of committee rooms, water sampling. Parking Charges can't be considered at Tadcaster until the legal challenge has been heard and we have carried out the improvements. In 2012/13 additional 90 car spaces from September, plus any commuted sums from residential schemes of 1 - 9 houses (5% to be for administration)
Barlow Nature Reserve	Green	53,000	53,000	53,000	Completed
Total Discretionary Service Review		173,000	223,000	448,000	
Inflation adjustment		48,211	118,966	198,601	
Total General Fund Savings		2,458,783	3,063,663	3,443,298	
Target (Per 2011/12 - 2013/14 MTFP)		2,436,783	2,727,400	2,949,451	
New savings per budget 12/13 - 14/15		330,610	642,980	786,960	
New Target		2,767,393	3,370,380	3,736,411	
Headroom/Deficit (+/-)	** -	308,610	- 306,717	- 293,113	
Green Savings		2,148,892	2,139,850	2,179,516	
Amber Savings		188,726	226,443	230,972	
Red Savings**		121,166	697,370	1,032,810	
Still to identify**		308,610	306,717	293,113	
Total		2,767,393	3,370,380	3,736,411	

HOUSING REVENUE ACCOUNT BASE BUDGET SAVINGS 2012/13 - 2014/15**Updated June (v8)****Key:**

Green	Savings likely to be achieved/low risk
Amber	Tentative savings - further work required/medium risk
Red	Savings require a change in Council policy or significant change in service delivery/high risk

	Status	2012/13 £	2013/14 £	2014/15	Progress
Inflation factor		0.020	0.020		
Proposed Savings					
Review of Property Services unfilled posts	Green	50,000	50,000	50,000	Completed
Gas Servicing Contract	Green	20,000	20,000	20,000	Reduced servicing costs from replacement boilers.
Grassed Areas & Open Spaces base budget review	Green	29,000	29,000	29,000	Completed
Various Suppliers	Green	22,000	22,000	22,000	Completed - Improvement in supplier terms and conditions.
WTT - Savings	Green	129,591	129,591	129,591	Completed
2011/12 Pay Award	Green	27,000	27,000	27,000	Completed
Car Allowances	Green	5,600	5,600	5,600	Identified as part of budget 2012/13 - input to spreadsheets
Savings on Audit Fees and early Retirement Charges	Green	24,800	24,800	24,800	Completed
Consolidation of IT Budgets	Green	23,685	23,685	23,685	Completed
WTT - Savings from recharges from GF	Green	200,000	200,000	200,000	
Total Housing Revenue Account Savings		531,676	531,676	531,676	
Target Savings		360,000	360,000	360,000	
Headroom/Deficit (+/-)		171,676	171,676	171,676	
	Green Savings	531,676	531,676	531,676	
	Amber Savings				
	Red Savings**				
Still to identify**		-171,676	-171,676	-171,676	
Total		360,000	360,000	360,000	

Selby District Council

REPORT

Reference: E/12/16

Item 5 - Public



To: The Executive
Date: 6 September 2012
Status: Non-Key Decision
Report Published: 29 August 2012
Author: Nicola Chick – Lead Officer Finance
Executive Member: Councillor C Lunn – Lead Member for Finance & Resources
Lead Director: Karen Iveson – Executive Director (s151)

Title: Treasury Management – Monitoring Report to 30 June 2012

Summary:

This report reviews the Council's borrowing and investment activity (Treasury Management) for the first three months of 2012/13 and presents performance against the Prudential Indicators.

Investments – despite interest rates continuing at their low level and forecasts for a rise being put back to 2014 at the earliest, we are forecasting an outturn of £241k, which is £56k above budget.

Borrowing – the Council has long term borrowing of £60.34m at 30 June 2012. We are forecasting interest payments of £2.413m a saving of £314k for the Housing Revenue Account (HRA).

Prudential Indicators – the Council's affordable limits for borrowing were not breached during this period.

Recommendations:

- i. **Councillors endorse the actions of officers on the Council's treasury activities for the period ending 30th June 2012 and approve the report**

Reasons for recommendation

To comply with the Treasury Management Code of Practice, the Executive is required to receive and review regular treasury management monitoring reports.

1. Introduction and background

- 1.1 This is the first monitoring report for treasury management in 2012/13 and covers the period 1 April to 30 June 2012. During this period the Council complied with its legislative and regulatory requirements.
- 1.2 Treasury management in Local Government is governed by the CIPFA “Code of Practice on Treasury Management in the Public Services” and in this context is the management of the Council’s cash flows, its banking and its capital market transactions, the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks. This Council has adopted the Code and complies with its requirements.
- 1.3 The Council's Treasury Strategy, including the Annual Investment Strategy and Prudential Indicators was approved by Council on 28 February 2012.
- 1.4 The two key budgets related to the Council's treasury management activities are the amount of interest earned on investments £185k (£165k General Fund, £20k HRA) and the amount of interest paid on borrowing £2,846k (£119k General Fund, £2,727k HRA).

2. The Report

Interest Rates and Market Conditions

- 2.1 The Bank of England is continuing to maintain interest rates at 0.5% (the bank rate). Due to the economic situation forecasters are now not expecting a rise until at least 2014 with some expecting a rate decrease before then.
- 2.2 Consumer Price Inflation (CPI) started the financial year in April at 3% and fell unexpectedly to 2.8% in May, which was good news for the markets, which hope that this trend will continue. The Retail Price Index (RPI) was at 3.5% in April and as with the CPI fell to 3.0% in May, a trend which is expected to continue.
- 2.3 Table 1 overleaf, shows that since the start of the year there has been little change in investment interest rates. The one month and over rates have decreased slightly in June reflecting the market sentiment that the Bank of England may reduce rates and the expectation for a rise has

now moved back to 2014 at the earliest.

Table 1: Average Interest Rates 1 April 2012 to 30 June 2012

	April 2012	May 2012	June 2012
Base Rate (Bank Rate)	0.50	0.50	0.50
Over Night	0.50	0.50	0.50
7 Days	0.50	0.50	0.50
1 month	0.73	0.73	0.50
3 Months	1.05	1.05	0.85
6 Months	1.35	1.35	1.10
1 Year	1.85	1.85	1.65

- 2.4 The Council's Treasury Advisors, Sector provided a forecast for interest rates for both investments and PWLB borrowing as part of the Treasury Management Strategy. This forecast is monitored regularly and has recently been updated. Table 2 shows the forecast included in the Treasury Strategy and Table 3 shows the latest forecast.

Table 2: Forecast for Interest Rates Included in Treasury Strategy

	2012			2013		2014		2015
	Now	Q3	Q4	Q1/2	Q3/4	Q1/2	Q3/4	Q1/2
	%	%	%	%	%	%	%	%
Bank Rate	0.50	0.50	0.50	0.50	0.88	1.38	2.13	2.50
5 Yr PWLB	1.77	2.30	2.40	2.55	2.75	3.00	3.40	3.70
10 Yr PWLB	2.73	3.40	3.40	3.55	3.75	4.10	4.50	4.80
25 Yr PWLB	3.91	4.30	4.30	4.45	4.65	4.85	5.05	5.20
50 yr PWLB	4.07	4.30	4.40	4.55	4.75	4.95	5.15	5.30

- 2.5 As can be seen from Tables 2 and 3 because the bank rate has remained at 0.5% this has had an impact on the forecast for rates later in this financial year and into the following financial years.
- 2.6 The forecasts are based on moderate economic recovery and Monetary Policy Committee (MPC) views about inflation looking two years ahead. There is a high level of uncertainty in all forecasts due to the factors involved and their sensitivity to each other. The MPC have indicated that further quantitative easing is likely, and forecasters are expecting this will happen before September.

Table 3: Forecast for Interest Rates June 2012

	2012			2013		2014		2015
	Now	Q3	Q4	Q1/2	Q3/4	Q1/2	Q3/4	Q1/2
	%	%	%	%	%	%	%	%
Bank Rate	0.50	0.50	0.50	0.50	0.50	0.88	1.25	1.50
5 Yr PWLB	1.83	2.10	2.20	2.25	2.45	2.70	3.10	3.40
10 Yr PWLB	2.74	3.00	3.20	3.35	3.55	3.75	4.10	4.40
25 Yr PWLB	3.98	4.20	4.30	4.35	4.50	4.65	4.85	5.00
50 yr PWLB	4.15	4.30	4.40	4.45	4.60	4.75	4.95	5.10

Annual Investment Strategy

- 2.7 The Annual Investment Strategy outlines the Council's investment priorities which are :
- ⊕ Security of Capital and
 - ⊕ Liquidity of its investments

These priorities are consistent with those recommended by DCLG and CIPFA.

- 2.8 The Council aims to achieve optimum return on investments commensurate with these priorities. In the current economic climate officers are striving to achieve a balance of investments that will give at least an average of the budgeted level of return of 1.25% whilst minimising the ongoing risks within the banking sector.
- 2.9 The Council continues to invest in only highly credit rated institutions using the Sector suggested creditworthiness matrices which take information from all the credit ratings agencies. Officers can confirm that the Council has not breached its approved investment limits during the first three months of the year for fixed term deposits (maximum £5m). However, at the end of June due to the timing of precept payments the Council had a total £6.25m (£3m fixed £3.25m call) with its bank NatWest, which in total was above the limit, the balance is now at £4m. This is not expected to happen again and the situation will be monitored, during the challenging climate for suitable institutions for investments. Appendix A shows an analysis of Investments at 1 April and 30 June 2012.
- 2.10 Despite interest rates remaining low the Council secured some deposits generating returns above the budget estimate, and cash for investment is currently above estimate. These deposits have been placed with mainly other local authorities and government backed banks. The current forecast is that the Council will achieve an additional £56k on its interest income giving £241k of which £200k would be allocated to the

General Fund (an additional £35k) and £41k to the Housing Revenue Account (an additional £21k).

- 2.11 The average level of funds available for investment during the three months to June was £22.6m, of which £18.9m was invested in fixed term deposits at an average of 1.47% and £3.7m was held in the Council's immediate access deposit account at a rate of 0.5% and money market funds at a rate of 0.6%. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme which has increased cash available to invest in the short term. The Council holds approximately £14.0m of core cash balances made up of earmarked reserves and capital receipts set aside to repay debt for investment purposes (i.e. funds available for more than one year).
- 2.12 The Council has a benchmark of its budget target of 1.25% to reflect performance of investments. The overall average rate to June of 1.31% is marginally above benchmark. Officers have taken a cautious approach to the forecast for the average rate for the year, which due to the uncertainties in the market is expected to be 1.10% which is below benchmark. This forecast is being kept under constant review. The Council's cash flows remain healthy and this should enable the interest earned to be above budget.
- 2.13 The impact of lower than forecast interest rates means the interest earned is less. The forecast at the time that the budget was set was for interest rates to start to rise early 2013. The base rate is now not expected to rise until at least 2014 and some forecasters are expecting a drop to 0.25% before then. Interest rates currently on offer are averaging between 0.5% up to 1.60% depending on the period and the institution.

Borrowing

- 2.14 It is a statutory duty for the Council to determine and keep under review its "Affordable Borrowing Limits". The Council's approved Prudential Indicators (affordable limits) were outlined in the Treasury Management Strategy Statement (TMSS). A list of the limits is shown at Appendix B. Officers can confirm that the Prudential Indicators were not breached during the first three months of the year.
- 2.15 The TMSS indicated there was no need to take long term borrowing during 2012/13 to support the budgeted capital programme. However since the budget was set the Council has had to revise its HRA capital programme and up to £263k of prudential borrowing has been approved. This borrowing can be accommodated within the Authorised and Operational borrowing limits set by the Council. The Council has not required any temporary borrowing during the first three months of the year for cash flow purposes.

- 2.16 The Council approved an Authorised Borrowing Limit of £75.0m (£72m debt and £3m Leases) and an Operational Borrowing Limit of £71.0m (£68m debt and £3m Leases) for 2012/13. The highest total gross amount of debt in the year to 30 June has not been more than £66.6m on any occasion.
- 2.17 The Council estimated that it would need to assign borrowing of up to £59.64m for the HRA self financing settlement payment. Of which £7.5m would be from existing resources and £52.14m from new loans. The actual payment was £57.733m which required new loans of £50.233m. In addition the interest rate on the new borrowing was less than estimated and this has reduced the charge that will be levied on the HRA from £2.727m to £2.413m a saving of £314k for the HRA. The forecast for the General Fund interest charges remains at £119k giving a total forecast for external interest charges of £2.532m.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

There are no legal issues as a result of this report.

3.2 Financial Issues

There are no financial implications as a result of this report. However, the Executive Director (s151) and Lead Officer - Finance will, with advice from the Council's advisor (Sector Treasury Services) look to maximise opportunities with the Council's investment and borrowing position.

4. Conclusion

- 4.1 The impact of the economy, and the turmoil in the financial markets, continues to have an impact on the Council's investment returns and will continue to do so for some while.

5. Background Documents

Accountancy treasury management files

Contact Details

Nicola Chick
Lead Officer - Finance
Selby District Council
nchick@selby.gov.uk

Appendices:

Appendix A – Analysis of Deposits at 1 April 2012, 30 June 2012
Appendix B – Prudential Indicators as at 30 June 2012

Analysis of Deposits At 1 April 2012, 30 June 2012

Institution	At 1 April 2012			At 30 June 2012		
	Amount £'000	Maturity	Rate %	Amount £'000	Maturity	Rate %
Barclays				1,000	14-Sep-12	0.92
Doncaster Council	1,000	24-May-13	1.40	1,000	24-May-13	1.40
Fife Council	2,000	29-Mar-13	0.90	2,000	29-Mar-13	0.90
Fife Council	1,000	06-Jan-14	1.30	1,000	06-Jan-14	1.30
Leeds City Council	2,000	12-Sep-12	2.00	2,000	12-Sep-12	2.00
Lloyds TSB	3,000	16-Jul-12	1.75	3,000	16-Jul-12	1.75
Newcastle City Council	2,000	02-Apr-12	1.30			
Newcastle City Council	2,000	03-Sep-12	1.70	2,000	03-Sep-12	1.70
Newcastle City Council	1,000	30-May-12	1.60			
North Lanarkshire	2,000	20-May-13	1.20	2,000	20-May-13	1.20
Sheffield City Council	3,000	29-Nov-12	1.55	3,000	29-Nov-12	1.55
NatWest				3,000	30 day	1.10
NatWest	2,030	Call	0.50	3,249	Call	0.50
Money Market Fund - Ignis				500	Call	0.69
Total Deposits	21,030			23,749		

Prudential Indicators – As at 30 June 2012

Note	Prudential Indicator	2012/13 Indicator	Quarter 1 Actual
1.	Mid Year Capital Financing Requirement £'000	63,529	62,407
	Gross Borrowing £'000	63,481	62,084
	Investments £'000	15,000	23,749
2.	Net Borrowing £'000	48,481	38,335
3.	Authorised Limit for External Debt £'000	75,000	75,000
4.	Operational Boundary for External Debt £'000	71,000	71,000
5.	Limit of fixed interest rates based on net debt %	100%	100%
5.	Limit of variable interest rates based on net debt %	30%	30%
6.	Principal sums invested for over 364 days		
	1 to 2 Years £'000	20,000	1,000
	2 to 3 Years £'000	15,000	0
	3 to 4 Years £'000	5,000	0
	4 to 5 Years £'000	5,000	0
7.	Maturity Structure of external debt borrowing limits		
	Under 12 Months %	20	0.01
	1 Year to 2 Years %	20	0
	2 Years to 5 Years %	50	1.66
	5 Years to 10 Years %	90	10.77
	10 Years to 15 Years %	90	0
	15 Years and above %	90	87.56

Notes to the Prudential Indicators

1. Capital Financing Requirement – this is a measure of the Council's underlying need to borrow long term to fund its capital projects. The information in the table shows a need to borrow £62.407m at 30 June. The

APPENDIX B

actual figure reflects the updated value of the leases that are within the Street Scene Contract and the removal of the lease associated with Gym equipment at the Abbey Leisure Centre following the fire. The impact of the additional borrowing approved for the HRA capital programme £263k has also been included in the Q1 actual figure.

2. Net Borrowing (Gross Borrowing less Investments) – this must not except in the short term exceed the capital financing requirement.
3. Authorised Limit for External Debt – this is the maximum amount of borrowing the Council believes it would need to undertake its functions during the year. It is set above the Operational Limit to accommodate unusual or exceptional cashflow movements.
4. Operational Boundary for External Debt – this is set at the Council's most likely operation level. Any breaches of this would be reported to Councillor's immediately.
5. Limit of fixed and variable interest rates on net debt – this is to manage interest rate fluctuations to ensure that the Council does not over expose itself to variable rate debt.
6. Principal Sums Invested for over 364 days – the purpose of these limits is so that the Council contains its exposure to the possibility of loss that might arise as a result of having to seek early repayment or redemption of investments.
7. Maturity Structure of Borrowing Limits – the purpose of this is to ensure that the Council is not required to repay all of its debt in one year. The debt in the 15 years and over category is spread over a range of maturities from 23 years to 50 years.

Selby District Council

REPORT

Reference: E/12/17

Item 6 - Public



To: The Executive
Date: 6 September 2012
Status: Non Key Decision
Report Published: 29 August 2012
Author: Chris Smith and Caroline Sampson Paver
Executive Member: Councillor Mark Crane
Lead Officer: Keith Dawson

Title:

**Access Selby 1st Interim Key Performance Indicator Progress Report:
April 2012 – June 2012 and SLA development progress report**

Summary:

This report provides details of Access Selby key performance indicators following the 1st quarter of reporting for the financial year 2012/13, and recommends appropriate action where required. An update is also provided of progress of the development plan that is included within the Service Level Agreement between The Core and Access Selby.

Recommendations:

It is recommended that accountable officers take the necessary action to ensure that performance indicators and projects under development achieve the targets set at the beginning of the financial year, as defined in the Service Level Agreement (SLA).

Reasons for recommendation

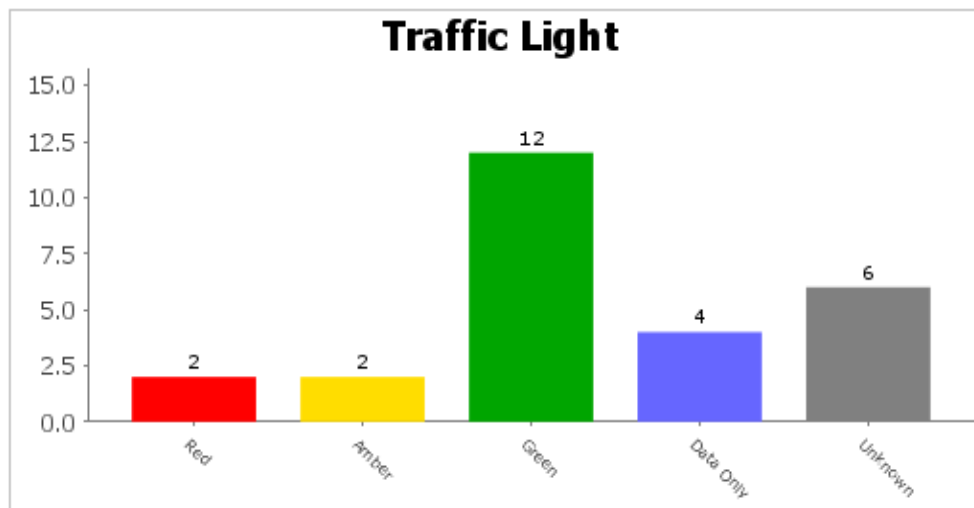
The ongoing management of performance and improvement data assists Access Selby in achieving its priorities for 2012/13.

1. Introduction and background

1.1 Performance indicator exceptions for the relevant period together with appropriate commentary from officers are shown at Appendix A.

- 1.2** A total of twenty-six key performance indicators have been created and divided into four themes: *customer and community, learning and growth, process and finance*. These four themes form the basis of the 'balanced scorecard' approach, and are designed to support the long-term sustainability of the organisation.
- 1.3** Appendix B provides a reminder of a number of projects that are contained within the development plan for the SLA (Schedule 6 of the SLA)

2. The Report



- 2.1** Based on the performance indicators that hold reported data, results are above target on twelve indicators with two indicators reported at Amber and two indicators at Red status. The data only indicators present a baseline position from which targets will be set.
- 2.2** The 11 KPIs that currently report annually, and are due for development this year, do not contain results for 2011/12, and are therefore reliant on commentary to reflect progress. It has been requested that commentary in this first quarter report is tailored to reflect progress in these service areas over the past year.
- 2.3** KPI SDV 022 – 'Development of work programme for policy development' - was highlighted as due for refresh within the SLA, and is due to report quarterly progress in Quarter 1 of 2012. This data is not available to report due to the need to review the work programme in light of the National Planning Policy Framework being published and the extension of the Core Strategy Examination in Public.
- 2.4** Slippage in SLA development has occurred in 4 of the project areas that are listed in Appendix B
- **Development of KPIs** – specifically in those measures that are scheduled to progress or report during the first quarter. Key milestones for completion of this work were agreed with Access Selby Management Group for completion by the end of July 2012.

Unfortunately some slippage has occurred, and although progress continues to be made, the target has not been met for all relevant KPIs due to resource issues within Access Selby.

- **Further details on the partnering arrangements** – due to reprioritisation this will now be reported in the second quarter.
- **Develop risk and reward statements** – A draft risk and reward statement is being developed jointly by the Core and Access to highlight areas within the SLA that need consideration, and any actions necessary, with timescales. It appears that the outcome of risks will often be determined by linked projects and processes – therefore colleagues are to be consulted, and involved in the development of the statement.

Early assumptions of the risks if KPIs are not developed on schedule are

- The Core and Access will not know how the business is performing against the SLA
 - Councillors confidence and support of the arrangements for service delivery
 - Partnership breakdown.
- **Further define client satisfaction and quality assurance** – being developed through Access Selby management indicators.

2.5 The reason that slippage has occurred in some areas is that in the case of involvement from The Core, over 50 hours of resource have been diverted towards assisting the Policy and Strategy Team and Development Management in assessing the National Planning Policy Framework compliance of Core Strategy and Selby District Local Plan policies that are used to make planning application recommendations and decisions. Access Selby resources have suffered from competing high priorities in operational areas, for example within Planning.

2.6 Work continues in key project areas such as Business Intelligence, which will further deliver on the SLA requirements. In addition, training is scheduled in performance management in September 2012 that will involve Officers across Access Selby, further allowing key aspects of the SLA development plan and associated KPIs to be delivered.

3. Legal/Financial Controls and other Policy matters

3.1 Subject to the actions determined by councillors to address weakness identified, there are no financial implications arising from the contents of this report.

3.2 Any actions identified for improvements to performance would need to be properly assessed for financial implications and, if required, approval for any additional funding sought and such issues would be highlighted in the budget exceptions report elsewhere on the agenda.

Conclusion

- 4.1** In summary, performance has been maintained in the 1st quarter of reporting with improvements evident in the progress of the Access Selby performance indicators. Mechanisms have been put in place to resolve ongoing performance issues within the Benefits/Taxation and Planning business areas with Action Plans formulated to tackle the performance issues.
- 4.2** Additionally, development of performance measures, and other development projects within the SLA need to be kept under regular review, and be afforded the necessary priority in the work plans of Access Selby and The Core, so that targets may be achieved.

5. Background Documents

None

Contact Details

Chris Smith

Lead Officer – Data & Systems Access Selby

Caroline Sampson Paver

Commissioning & Performance Officer, Core Selby

Appendices:

Appendix A - Access Selby 1st Interim Key Performance Indicator Report: April 2012 – June 2012

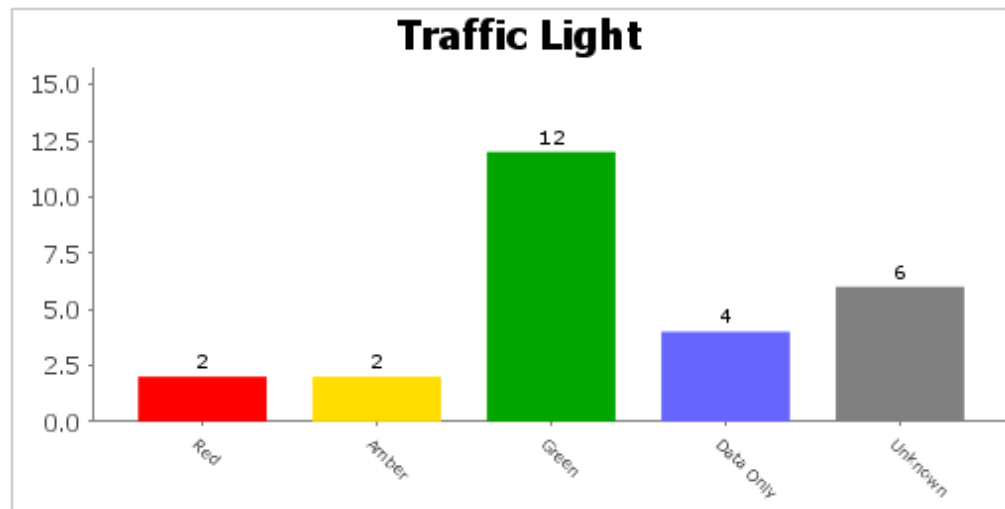
Appendix B – Service Level Agreement Development Plan







Access Selby 1st Interim Key Performance Indicator Report: April 2012- June 2012









Report Type: PIs Report
Report Author: Data & Systems
Generated on: 03 July 2012

PI Status		Long Term Trends		Short Term Trends	
	Alert		Improving		Improving
	Warning		No Change		No Change
	OK		Getting Worse		Getting Worse
	Unknown				
	Data Only				




Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
SLA_001	% of satisfied customers	Aim to Maximise	60.00%	97.33%				Quarterly	<p>How are we doing/Moving Forward?</p> <p>This indicator previously (11/12) measured customer satisfaction at the Customer Contact Centre (by telephone and face to face).</p> <p>The scope has now been broadened to measure satisfaction across all public facing business areas following successful roll out of the customer pledge in accord with the approved timescale & project plan (April 2012). The first quarter results are therefore, extremely positive. As business intelligence emerges arising from the pledge we will be able to review the target.</p>
SLA_002	% of contact 'right first time'	Aim to Maximise	80.00%	91.04%				Quarterly	<p>How are we doing/Moving Forward?</p> <p>This PI concerns the number of calls passed through the Customer Contact Centre to a back office 'service specialist'. This is a strong performance which links with SLA001.</p> <p>The emerging draft ICT Strategy (due to be considered by AS Board 27th July 2012) may provide opportunity to develop the measurement of this PI. Subsequent timescales will be dependant upon the Strategy, its development in relation to corporate ICT solutions & corporate funding cycles. Total of 37102 contacts were made to the CCC for the period 01/04/12 - 30/06/12. A total of 33778 were dealt with at 1st point of contact.</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
SLA_003	% satisfied with street cleanliness	Aim to Maximise	70.00%					Annually	<p>How are we doing/Moving Forward?</p> <p>As we no longer carry out formal satisfaction surveys we have developed a method of measuring performance based on targeted complaints.</p> <p>The street cleansing service consists of a number of categories comprising of:-</p> <ul style="list-style-type: none"> • Litter and dog bins • Work quality • Total number of complaints • Litter and dog bins responded to within 24 hours and • Offensive graffiti responded to within 24 hours. <p>These categories have been weighted and individual targets have been set.</p> <p>In terms of Q1 all categories are performing on target with the exception of the number of complaints regarding litter and dog bins responded to within 24 hours. There were 17 complaints regarding litter and dog bins in the quarter and one incident failed to meet the response time.</p> <p>This resulted in the achievement of 85% for the service for the first quarter.</p>







Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
SLA_004	% satisfied with leisure facilities provided on behalf of the Council	Aim to Maximise	70.00%	78%				Annually	<p>How are we doing/Moving Forward?</p> <p>WLCT subscribe to the sport and leisure facility management, APSE performance network to enable effective independent benchmarking of customer satisfaction information. The customer satisfaction performance scores are based on a range of factors including staff, customer information, facility characteristics and value for money.</p> <p>The overall performance scores represent a marked improvement from the baseline established during the first year (2010/11) which was 69% overall.</p>
SLA_005	Satisfaction with professional advice both to the Core and within the SDV	Aim to Maximise	70.00%					Annually	<p>How are we doing/Moving Forward?</p> <p>We carried out a piece of work during the year which focused on the quality of professional services provided. The information has enabled us to identify areas of good practice and areas where improvements need to be made. This information, however, closely reflected other existing data and intelligence, so we will look at how to develop this in the future.</p>
SLA_008	Average time taken to process disabled facilities grants applications	Aim to Minimise	120 days	135 days				Quarterly	<p>How are we doing/Moving Forward?</p> <p>Disabled Facilities Grants are currently being processed above the target time (135 days against a target of 120 days). This is mainly due to delays in surveying eligible properties towards the 2011/12 year end. It is expected that performance will improve during the 2nd quarter.</p>



Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
SLA_009.1	% or repairs to council-owned properties completed within agreed timescales (EMERGENCY/URGENT REPAIRS combined)	Aim to Maximise	90.00%	91.81%	↑	↑	🟢	Monthly	<p>How are we doing/Moving Forward?</p> <p>Improved data cleansing has allowed the Assets team to look into all jobs previously recorded as having missed the target, investigation has shown all emergency and urgent jobs were attended on time and completed, with further follow up work where required arranged with the customer to be carried out at a mutually agreed time.</p>
SLA_009.2	% or repairs to council-owned properties completed within agreed timescales (NON-URGENT REPAIRS)	Aim to Maximise	85.00%	98.82%	↓	↑	🟢	Monthly	<p>How are we doing/Moving Forward?</p> <p>This represents an increase in performance of 8% on June 2011. Performance is 13% above target.</p>
SLA_010	Average time taken to re-let local authority housing	Aim to Minimise	26 days	19.73 days	↓	↑	🟢	Monthly	<p>How are we doing/Moving Forward?</p> <p>Although this month has shown a dip in performance of 8 days, the figures include a number of difficult to let properties. We still have a number of these properties to-let; however the forecasted figure is still expected to meet the target.</p>
SLA_012	% of employees attaining behavioural competency key milestones	Aim to Maximise	90.00%					Annually	<p>How are we doing/Moving Forward?</p> <p>This is a KPI to be developed as part of the SLA with the CORE to develop a more meaningful measure of staff development. The Organisational Development Strategy and associated action plan has been developed and agreed by the Board. This outlines a wide range of initiatives aimed at developing an effective, efficiency and engaged workforce. A key strand within the OD strategy links to training and development including the roll-out of</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									<p>performance contracts for every member of staff. The new KPI to be developed will be linked to measuring the effectiveness of this new performance monitoring tool.</p> <p>Performance Contracts have been carried out for staff and are reviewed to determine level of competency development required and also to develop the corporate training plan.</p>
SLA_013	% increase in employees confidence and perception of the organisation	Aim to Maximise	Baseline					Annually	<p>How are we doing/Moving Forward?</p> <p>Year 1 was about establishing a baseline for the new organisation and this was done via the staff survey undertaken in October 2011, just a few months after the inauguration of the new organisation. . This survey will be repeated in October 2012 to measure how far we have come. As a new organisation, having undergone significant change at every level, it was important for us to understand staff perceptions and use staff feedback to inform organisational development We collected baseline information via a questionnaire and face-to-face feedback, from which a Staff Survey Group has been established to move forward initiatives in direct response to staff comments. This, has informed the development of the new Organisational Development Strategy with priorities around;</p> <ul style="list-style-type: none"> • Changing and Learning • Developing Leadership • Engaging our People


Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									<ul style="list-style-type: none"> Managing Performance
SLA_014.1	Inspection of premises in accordance with statutory code of practice (High Risk)	Aim to Maximise	100%	100.00%	▬	▬	🟢	Monthly	<p>Food Inspections: High Risk Premises- 14 out of 14 premises inspected = 100%</p> <p>Health and Safety Inspections: High Risk Premises - No premises due for inspection.</p> <p>PPC Inspections High Risk Premises - No premises due for inspection</p>
SLA_014.2	Inspection of premises in accordance with statutory code of practice (Medium Risk)	Aim to Maximise	95.00%	98.15%	⬆️	⬆️	🟢	Monthly	<p>Food Inspections: Medium Risk Premises - 51 out of 52 premises inspected = 98%</p> <p>PPC Inspections Medium Risk premises - 1 out of 1 due = 100%</p>
SLA_015	% Response to Environmental Health enquiries and complaints	Aim to Maximise	100.00%	100.00%	▬	▬	🟢	Monthly	<p>How are we doing/Moving Forward?</p> <p>100% - 9 out of 9 food and safety complaints responded within target. Sub regional target is 95% through North Yorkshire Quality Management System (ISO accredited). Access Selby performance in 2011/12 was 100%. New Environmental Health business area has maintained this performance by implementing new working practices in respect of proactive & reactive work</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									streams and support from community officers in respect of general environmental health enquiries & service requests. Demand is comparable to previous years.
SLA_016	Number of high risk enforcement issues resolved	Aim to Maximise	60.00%	100.00%				Quarterly	<p>How are we doing/Moving Forward?</p> <p>The enforcement team has achieved a 100% resolution rate for high risk enforcement cases for the period 01 April 2012 – 30th June 2012.</p>
SLA_018	% of new benefit claims and changes processed within 5 days upon receipt of complete application	Aim to Maximise	90.00%	80.28%				Monthly	<p>How are we doing/Moving Forward?</p> <p>Since February the team has seen an increase in demand, particularly a rise in the numbers of change of circumstances that have to be processed.</p> <p>To enable improved performance additional resources have been made available, further supported by a Transformation Project to look at how the business area works, with the results due in July 2012.</p>
SLA_019	% of Council Tax debt recovered	Aim to Maximise	30.56%	30.48%				Monthly	<p>How are we doing/Moving Forward?</p> <p>We are 0.08% behind our profiled target and 0.08% behind our YTD position at the same period in 2011 following 1st quarter reporting.</p>
SLA_020	% of Council Rent debt recovered	Aim to Maximise	93.61%	94.04%				Monthly	<p>How are we doing/Moving Forward?</p> <p>Collection rate is ahead of target by 0.43% & only just under YTD figure for June 2011 by 0.12%. We continue to pro-actively collect rent and arrears by contacting the customer promptly, promoting and</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									facilitating housing benefit take up and we work closely with the Community team to support new tenants and the Homeless Prevention team to prevent homelessness. We also work with our Contact Centre and external partner agencies to provide payment advice and guidance and debt and financial advice through all channels available.
SLA_021	% of applications considered within time under scheme of delegation	Aim to Maximise	70.00%	59.33%				Monthly	<p>How are we doing/Moving Forward?</p> <p>The Planning Team has worked hard over the last 2 months to establish a workable solution to allow defensible decisions to be made once again with regard to the policy uncertainty created by the ongoing Core Strategy EIP and emerging NPPF - this forms the basis of the performance recovery plan that has been prepared. Additional resources have also been received to help the team recover their position and an action plan is currently being prepared to allow the team to reach their target of 70% as soon as practically possible.</p>
SLA_023	% of invoices paid on time	Aim to Maximise	80.00%	91.42%				Monthly	The year to date performance in processing invoices has reduced slightly but still 11.42% above target. Focus will be put on Business areas to ensure prompt payment of invoices throughout the holiday months to ensure that performance is maintained. This improved performance has been achieved having reallocated resource to this area of work within Business Support.
SLA_025	% internal rate of return on commercial assets	Aim to Maximise	6.00%					Annually	<p>How are we doing/Moving Forward?</p> <p>There is currently no base data and a review of Council owned assets have been</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									programmed to take place in 2012/13 in association with the Asset Management Strategy. Expected to report every 3 years, starting from March 2013
SLA_026	Reducing internal costs on non operational sites	Aim to Maximise	2.50%					Annually	<p>How are we doing/Moving Forward?</p> <p>There is currently no base data and a review of Council owned assets has been programmed to take place in 2012/13 in association with the Asset Management Strategy. Expected to report six monthly from September 2012</p>
SLA_027	% increase in income generation	Aim to Maximise	Baseline					Annually	<p>How are we doing/Moving Forward?</p> <p>In accordance with the Corporate Charging Policy the majority of discretionary fees due for review for 2012/13 have been increased by RPI (as at September 2011). Exceptions to the Corporate Charging Policy and the MTFs were reported to and agreed by Executive.</p> <p>Three new income streams area being developed – commercial waste; room booking; and supporting people through the ‘lifeline’. Marketing and development advice has been sought and it is anticipated that projects will be in place to deliver for the next financial year. The process begins with Access Selby showcasing services to partners at an event planned for Sept 2012.</p>
SLA_028	Efficiency and productivity improvements (Delivering within Cost Envelope)	Aim to Maximise	Baseline					Annually	<p>How are we doing/Moving Forward?</p> <p>This is a KPI to be developed as part of the SLA with the CORE – to bring together all productivity and efficiency targets</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									<p>(currently SDV 28, 29 & 30).</p> <p>Access Selby has taken a number of steps to deliver effective and efficient services within the cost envelope. This includes the delivery of a range of BPI projects, robust financial management by Budget Officers and also the application of a flexible approach to the use of our resources which is a key value of Access Selby.</p> <p>In 2012/13 the cost envelope will be even more challenging however the measures that have been put in place during 2011/12 and the work programmes planned for the year ahead will ensure we can respond equally well to the challenge ahead.</p>
SLA_029	% increase in productivity	Aim to Maximise	15.00%					Annually	<p>How are we doing/Moving Forward?</p> <p>Ongoing work to develop relevant and robust productivity measures across the business. This is integral to the Business Intelligence project and builds on the time recording project. Key milestones to end August to align with SLA development plan.</p> <p>Transformation projects in priority areas have identified potential efficiency and productivity gains. Currently these accrue to 5237 productive hours; £117,881.69 potential efficiency savings; £25,948.10 cash saving. The realisation of these benefits is reliant on business area implementation of the recommendations and follow ups.</p> <p>All Transformation projects have robust</p>

Code	Short Name	Direction of Travel	Current Target	Current Value	Short Term Trend Arrow	Long Term Trend Arrow	Traffic Light	Collection Frequency	Latest Note
									targets set by the business sponsor. These need to reflect the VFM drivers and profit drivers of the business. These will be reported quarterly.
SLA_030	% efficiency gain in commissioned services, whether financial or added value	Aim to Maximise	Baseline					Annually	<p>How are we doing/Moving Forward? This is a KPI to be developed as part of the SLA with the CORE – to bring together all productivity and efficiency targets (currently SDV 28, 29 & 30).</p> <p>The Spend Analysis Project, which is being led by the Procurement Partnership, has identified key areas for smarter procurement and an action plan, with efficiency targets included, has been developed to take this forward.</p> <p>A review of all significant contracts and partnerships is to take place in Q2 of 2012/13 and this will identify opportunities for agreeing efficiency targets (or added value targets) with our partners.</p>

Appendix B

Service Level Agreement Development Plan

Project	Ownership	Development	Timeframe
To develop the range of KPI's identified in schedule 2	The Core & Access Selby	Business Areas, Data & Systems and the Core to jointly develop in line with known BPI's and emerging key projects	Throughout the year, with first developments being progressed in April 2012
An annual plan to deliver Services, to include work plans for individual service areas where appropriate and plans for business development	Access Selby	To progress from an adopted Business Plan, this is scheduled to be presented to Full Council in July 2012.	To be submitted to the Council by October 2012
Further development of the outcomes expected of Access Selby by the Council	The Core	In conjunction with progressing projects to deliver the Corporate Plan through the 5 Big Things	To be developed during April – June 2012
Soft measures of performance in areas such as the customer relationship and developing trust.	Access Selby	In line with progression of the Customer Pledge, improved customer satisfaction measures and the CEFs	Linked to customer satisfaction BPI – key findings available in May 2012
Further details on the partnering arrangements.	The Core and Access Selby	Research best practice and consider the benefits of including additional protocol	To be developed during April – June 2012
Development of new income streams for Access Selby.	Access Selby	Scope and identify areas to increase income	To be developed by July 2012
Develop risk and reward statements,	The Core and	Identify risks specific to the	To be developed

relating to key risks and ownership.	Access Selby	partnership arrangement, and areas in which the potential for reward may be increased	during April – June 2012
Further definition of Client satisfaction and quality assurance.	The Core and Access Selby	Linked to development of related KPI – (Mike James leading) – will help inform the identification of signs of quality	Agree developed reporting mechanism and likely date of initial reporting by July 2012
A Customer Pledge	The Core	To improve customer satisfaction knowledge	Pilot running from April 2012, to report on progress by July.

Selby District Council

REPORT

Reference: E/12/18

Item 7 - Public



To: The Executive
Date: 6 September 2012
Status: Non Key Decision
Report Published: 29 August 2012
Author: Andy McMillan
Executive Member: Cllr Crane
Lead Officer: Janette Barlow

Title: Access Selby Corporate Enforcement Policy

Summary:

The new Corporate Enforcement Policy will standardise the approach Access Selby takes across its enforcement activities in: Planning, Licensing, Housing, Benefit Fraud, Anti-Social Behaviour, and Environmental Protection.

The generic policy covers the service standards and Access Selby's firm-but-fair approach to promotion of compliance and training, and establishes that enforcement action is a last resort (where applicable in legislation). The Policy is supplemented by appendices that cover the specific requirements of each service where individual legislation differs across disciplines.

The Policy is generic and should endure, but when changes occur in each discipline only the appendix for that discipline need be changed.

Recommendations:

To Consider and approve the Corporate Enforcement Policy

Reasons for recommendation

- i. The Corporate Enforcement Policy standardises the approach taken across Access Selby's services that have enforcement duties. The Policy may then be implemented to improve consistency of delivery of services to local people.

1. Introduction and background

- 1.1 Since the restructure of services across Access Selby, it was apparent that each discipline had its own policy, and updating that policy had been sporadic and inconsistent. A single, generic, light-touch policy that covered the service approach to all enforcement activities would ensure that there is consistency of standards across the disciplines, and reduce the overall number of policies that the Council has.
- 1.2 Lead Officers from each discipline met and drafted the generic policy, and then each developed the appendix appropriate to that service area with regard to specific legislation and processes.

2. The Report

- 2.1 Attached at appendix 1, the new Corporate Enforcement Policy will standardise the approach Access Selby takes across its enforcement activities in: Planning, Licensing, Housing, Benefit Fraud, Anti-Social Behaviour, and Environmental Protection.
- 2.2 The Corporate Enforcement Policy sets out a broad framework to explain the service standards that users may expect to receive. The generic policy covers the service standards and Access Selby's firm-but-fair approach to promotion of compliance and training, and enforcement action as a last resort (where applicable in legislation).
- 2.3 Each discipline is bound by its own legislation and regulation, so the appendices set out more detail of specific steps, as appropriate for each discipline. In this way the generic aspects of the policy can remain unchanged, but where changes in legislation occur in a particular discipline, only that appendix need be amended. Following the advice from a recent review, the Council's policy for Regulation of Investigatory Powers Act (RIPA) is an appendix.
- 2.4 It should be noted that with the differing complexities of each discipline some appendices are to be developed and added in due course.
- 2.5 No public consultation is necessary for this policy as it merely sets out Access Selby's own service standards in light of established legislation and regulation. Opportunities for 3rd party comments may be available as the item goes through internal adoption at Executive, Policy Review and Full Council.

3 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 The general principle is following the Code for Crown Prosecution rules, however each appendix covers the more detailed legislation that occurs in a particular discipline. The Policy is in line with the emerging equal opportunities objectives.

3.2 Financial Issues

- 3.2.1 There are no direct financial implications for developing the policy, but individual campaigns will be within budget or subject to a business case for that discipline.

4. Conclusion

- 4.1 The Corporate Enforcement Policy will provide a consistent and transparent approach for Access Selby Officers to undertake their daily work. The public may be satisfied that the Council's enforcement actions are undertaken with the interests of the wider public and environment, with a view to those undertaking activities voluntarily improving compliance and cooperation so that sanctions are a last resort (wherever appropriate).

5. Background Documents

None

6. Appendices:

Draft Corporate Enforcement Policy

Contact Details

Andrew McMillan
Policy Officer
Selby District Council
amcmillan@selby.gov.uk
01757 29 2092

Draft Corporate Enforcement Policy

Summary Sheet

Policy Title	Corporate Enforcement Policy
Policy Number	xxxx
Date Introduced/Revised	xxxx
Replaced Policy	No previous policy
Responsible Directorate	Access Selby/Community Selby/Core
Responsible Officer	Business Manager – Access Selby
Responsible Champion	The Lead Member for Communities
Review Date	3 years from Adoption
Related Policies and Strategies	<ul style="list-style-type: none">• Generic policies• Anti Social Behaviour Policy

DRAFT

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Introduction to Enforcement

Either for itself or on behalf of others, Access Selby is the body that monitors and manages a range of functions and activities for the community including Licensing, Planning, Benefits Fraud, Housing and Environmental Health. Although it is the responsibility of those undertaking any activity to understand the law, Access Selby is pleased to offer advice and guidance to ensure compliance without situations deteriorating to the point that enforcement is needed.

In order for Access Selby to be effective it is necessary to have a clear, robust approach to the task. Therefore this Policy sets out a definitive approach to Access Selby's enforcement work, including the following principles:

- setting priorities
- setting clear standards
- clear and open provision of information
- helping business and residents by advising on and assisting with compliance
- having a clear complaints procedure
- ensuring that enforcement action is proportionate to the incident
- ensuring consistent enforcement practice.

Access Selby would like those undertaking activities to comply with the relevant laws and regulations from the outset. A range of activities will be undertaken by Access Selby to ensure compliance with legislation, including:

- an open-door to provide timely and clear information upon request*
- from time to time deliver training programmes and workshops*
- when appropriate, undertake proportionate, programmed and intelligence led inspections
- officers patrolling the streets

*some services may attract a fee as advertised on the Council's website at www.selby.gov.uk.

The Council and Access Selby's enforcement priorities and a range of awareness campaigns/training sessions to highlight particular enforcement issues may change over time. Annexe 1 sets out the current priorities and campaigns.

Access Selby may also use its powers under the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA regulates the manner in which Access Selby may conduct surveillance operations and/or access a person's electronic communications in a way that is necessary, proportionate, and compatible with human rights. RIPA's guidelines and codes apply to actions such as:

- intercepting communications, such as the content of telephone calls, emails or letters
- acquiring communications data – the 'who, when and where' of communications, such as a telephone billing or subscriber details
- conducting covert surveillance, either in private premises or vehicles (intrusive surveillance) or in public places (directed surveillance)

- the use of covert human intelligence sources, such as informants or undercover officers
- access to electronic data protected by encryption or passwords

Access Selby considers that enforcement and sanctions are a last resort, and wherever possible those who have failed to comply with regulations are offered an opportunity to put their error right. It is found that such an approach fosters a mutual respect and fewer unnecessary conflicts. However in some circumstances enforcement is the only course of action open to Access Selby, where formal action is necessary we will consider the most appropriate course of action from the range of sanctions and penalties available. Access Selby adopts a “firm but fair” approach to ensuring the District operates smoothly, and we will carry out all of our enforcement duties, including formal enforcement action in a fair, equitable and consistent manner.

Enforcement decisions and actions will be made with due regard to the provisions of:

- the Home Office RIPA Codes of Practice
- The Regulators’ Compliance Code
- the Human Rights Act
- the Crime and Disorder Act
- Equal rights and anti-discrimination legislation
- Service-specific legislation
- all other relevant legislation applicable from time to time

If the formal enforcement action being considered is a prosecution we will also consider the Code for Crown Prosecutors.

The appendices set out the specific details relevant to each enforcement discipline.

Access Selby will not take enforcement action where there is another available remedy, for example where the terms of a contract offer an alternative solution.

Enforcement Service Standards

Each enforcement activity is bound by its own legislation and regulation. The appendices set out the specific standards that may be expected of each service area, with specific processes and steps, and monitoring indicators relevant to that activity.

More generally, Access Selby is committed to undertaking their work professionally, fairly, and in accordance with the standards set out in the most up to date Code For Crown Prosecutors (see www.cps.gov.uk)

Where non-compliance is discovered, options to promote/seek compliance may include any of the following:

- undertaking pro-active education programmes

- self-help on the Council's website www.selby.gov.uk
- explaining legal requirements and, where appropriate, the means to achieve compliance
- providing an opportunity to discuss points in issue where appropriate consideration of alternative means and reasonable timescales and to achieve compliance
- service of advisory letters, warnings, statutory notices or prohibitions detailing non-compliance
- enforcement actions including, but not limited to, formal caution, seizure of documents or goods, closure of premises, prosecution and/or injunction

The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with this and any other more specific policies which may be applicable. Such action will consider the severity of breach, but also the resource cost and public benefit of taking action. The action taken will be proportionate to the gravity and nature of the non-compliance.

Immediate, without-notice enforcement action may also be taken where legislation requires, or where deemed necessary, reasonable and proportionate: eg where there is serious risk to public health.

Where appropriate, those involved will be kept up to date with actions taken and any future actions. A reasonable timescale of future actions will be provided to assist those involved.

Information concerning non-compliance may be shared with other enforcement agencies. Any such action will only be undertaken in the public interest and in compliance with the Data Protection Act 1998.

To serve as a warning to others, Access Selby may publicise its enforcement activity through press releases and other media as it considers appropriate.

Annexe 1: Local Corporate Enforcement Priorities and Awareness Campaigns

Access Selby's enforcement priorities and a range of awareness campaigns/training sessions to highlight particular enforcement issues may change over time. Access Selby will carry out its duties in support of the corporate aims and objectives as set out in:

- The Corporate Plan which reflects the partnership approach and sets out activities to improve the quality of life and wellbeing in the District (see www.selby.gov.uk)
- Service-specific plans and procedures which reflect the above priorities, and set out the core enforcement activities for each service
- New legislation and case law
- Relevant national and local initiatives that apply from time to time
- Issues that arise from any monitoring
- Intelligence
- Analysis of trends of incidents and complaints
- Risk assessments

The Council will agree the priorities and campaigns and this appendix will be updated accordingly.

Current enforcement campaigns:

	Activity	Duration/expiry
1	Fly tipping	Throughout 2012
2	Unlicensed riding stables	Throughout 2013
3		
4		

Annexe 2: Private Sector Housing

This annexe covers the enforcement objectives in respect of Private Sector Housing and the improvement of private housing standards to agreed and acceptable levels.

Statement of Objectives

It is the Council's policy to monitor and address private housing standards throughout Selby District with a view to ensuring that privately owned dwellings are maintained to a satisfactory standard and to meet the duties placed on the local authority by the Statutory Code of Practice for Regulators.

Achieving the Objectives

Where, in the light of a review of housing conditions or following a complaint or request for assistance from a member of the public, or for any other reason and where the authority considers it appropriate to inspect premises to assess conditions, the authority must arrange for an inspection to take place. Such an inspection should be carried out by a duly authorised officer who must carry out duties in line with the Enforcement Policy, this annexe and the relevant legislation. All officers will be made aware of this policy and any amendments to it.

This annexe will be reviewed and amended as necessary on an annual basis, or as and when Central Government Departments and Agencies produce new legislation, protocols or guidance.

Formal Action

The first step in formal action is usually to serve a Statutory Notice. Failure to comply with a statutory notice will normally lead to Court proceedings.

Statutory Notice

The service of all Statutory Notices must meet the principles detailed in the Enforcement Policy. Enforcement Notices served under Part 1 of the Housing Act 2004 will be subject to a charge based on the time spent by Access Selby in carrying out an inspection, of drawing up and service of the Enforcement Notice. All charges will reasonably reflect the cost of enforcement. Where a fire hazard is identified and where the authority considers it appropriate the Access Selby will consult the Chief Fire Officer of North Yorkshire Fire and Rescue Service on works required before taking enforcement action.

Shared Enforcement

When investigating potential breaches of legislation, there is the potential that other departments or bodies may be involved in the same issue. In this case the investigation becomes shared enforcement.

Areas where shared enforcement must be considered are:

- Houses in Multiple Occupation & Private Sector Housing – HSE jointly involved in gas safety, the Fire officer involved in fire safety.
- Privately rented accommodation – NYCC Trading Standards enforce Fire and Furnishings Regulations.

Where shared enforcement situations are found, or anticipated, joint visits should be arranged and action taken as detailed in the Enforcement Policy and this annexe.

Referrals to other Regulators

When receiving information regarding possible breaches of legislation, there is the potential for issues to be identified that should be solely regulated by another body. In such cases full written details should be passed to the relevant body within 48 hours of the information being received (the officer will assess whether the situation necessitates immediate verbal referral).

Works in Default

Some legislation gives the local authority the option to carry out works in default, i.e. completing the works required on the notice after the expiry of the notice time period.

When considering work in default, the following should be taken into account:

- The costs of the work to be carried out (some legislation gives a maximum cost of work).
- The risk to public health and safety and environmental safety pending any prosecution.

Where a decision to carry out work in default is made Access Selby will advise the occupiers of the property to ensure the minimum inconvenience.

Access Selby will advise the occupier and/or owner or manager of the property of the nature of the works to be carried out as works in default and take account of any representations the occupier and/or owner or manager might make in relation to works where alternative options occur.

Costs incurred in completing work in default shall be reclaimed from the recipient of the original notice. This may require the service of an additional notice to reclaim the cost of the issue of an invoice, and/or to place a charge on the property. The cost should include the actual cost of the work but exclude VAT. The hourly rate for officer time is the cost to Access Selby of employing the officer.

Annexe 3: Environmental Protection

This annexe covers the enforcement of environmental protection & public health issues.

Statement of Objectives

It is the Council's policy to monitor and address pollution and public health issues throughout Selby District and to meet the duties placed on the local authority by the Statutory Code of Practice for Regulators.

Achieving the Objectives

All duly authorised Officers shall investigate requests for service from the public regarding pollution and public health issues and shall carry out enforcement duties in line with the Enforcement Policy, this annexe and the relevant legislation. All officers will be made aware of this policy and any amendments to it.

This annexe will be reviewed and amended as necessary on an annual basis, or as and when Central Government Departments and Agencies produce new legislation, protocols or guidance.

Formal Action

The first step in formal action is usually to serve a Fixed Penalty Notice or Statutory Notice. Failure to comply with a Fixed Penalty Notice or Statutory Notice will normally lead to Court proceedings. Where a fixed Penalty Notice or Statutory Notice is not available (e.g. Fly-tipping) the use of prosecution or Simple Caution will be the preferred response where the use of formal action is indicated.

Statutory Notice

The service of all Statutory Notices must meet the principles detailed in the Enforcement Policy.

A wide range of legislation is available under which notices may be served to deal with public health and pollution. The legislation specifies when it shall be necessary to serve such a notice.

Fixed Penalty Notice

Where legislation specifically allows the service of Fixed Penalty Notices (eg: littering, dog fouling) these will be issued in the first instance unless consideration of the relevant facts indicate that prosecution is a proportionate response.

Shared Enforcement

When investigating potential breaches of legislation, there is the potential that other departments or bodies may be involved in the same issue. In this case the investigation becomes shared enforcement. Areas where shared enforcement must be considered are:

- Waste disposal e.g. burning waste, dumping waste or spreading waste on the land – joint with the Environment Agency.

- Defective drainage causing contamination of a watercourse – joint with the Environment Agency and potentially NYCC Highways.
- Noise from mineral extraction sites – joint with NYCC Planning.
- Building Control and Planning Departments involved in joint enforcement of a number of environmental health issues.
- Fly-tipping - Environment Agency jointly involved in accordance with fly-tipping protocol and the relevant planning authority where unlicensed tipping has occurred.

Where shared enforcement situations are found, or anticipated, joint visits should be arranged and informal or formal action taken as detailed in this policy document.

Referrals to other Regulators

When receiving information regarding potential breaches of legislation, there is the potential for issues to be identified that should be solely regulated by another body. In such cases full written details should be passed to the relevant body within 48 hours of the information being received. (the officer will assess whether the situation necessitates immediate verbal referral)

Works in Default

Some of the legislation gives the local authority the option to carry out works in default, i.e. completing the works required on the notice after the expiry of the notice time period.

When considering work in default, the following should be taken into account:

- The costs of the work to be carried out, some legislation gives a maximum cost of work.
- The risk to public health pending any prosecution.

Access Selby will advise the owner or manager of the premises of the nature of the works to be carried out as works in default and take account of any representations the owner or manager might make in relation to works where alternative options occur.

Costs incurred in completing work in default shall be reclaimed from the recipient of the original notice. This may require the service of an additional notice to reclaim the cost of the issue of an invoice, and/or to place a charge on the property. The cost should include the actual cost of the work but exclude VAT. The hourly rate for officer time is the cost to Access Selby of employing the officer.

The following points refer to principles of enforcement in respect of environmental permitting.

Statement of Objectives

It is the Council's duty to:

- Control emissions to atmosphere from installations prescribed for Local Authority Pollution Control (LAPPC) under the provisions of Pollution Prevention and Control Act 1999 and The Environmental Permitting (England and Wales) Regulations 2007.
- Control emissions to multi-media from installation prescribed for Local Authority Integrated Pollution Prevention and Control (LA-IPPC) under the provisions of Pollution Prevention and Control Act 1999 and The Environmental Permitting (England and Wales) Regulations 2007.

Achieving the Objectives

All duly authorised Environmental Health Officers and Technicians shall carry out environmental permitting & associated enforcement duties in line with the Enforcement Policy, this annexe and the relevant legislation. All officers will be made aware of this policy and any amendments to it.

This annexe will be reviewed and amended as necessary on an annual basis, or as and when Central Government Departments and Agencies produce new legislation, protocols or guidance. Process Guidance notes, Sector Guidance notes, Air Quality (AQ) notes, General Guidance Manual and Yorkshire and Humberside Pollution Advisory Council (YAHPAC) guidance will have a significant contribution.

Public Register

Access Selby will maintain separate Public Registers, for each process permitted by the local authority, containing all relevant information in accordance with the Act and associated Regulations. All public registers will be available to members of the public upon request. A charge shall be made, in accordance with approved levels, for the copying of any documents in the public register file.

Triviality

Access Selby will determine whether emissions from prescribed processes are trivial and thus exempted from the requirement to be authorised, in accordance with the Regulations. Operators will be notified of a determination of triviality, in writing, normally within 14 days of an application regarding triviality.

This time period will be extended where additional information is required to determine triviality.

Confidential Information

Where there is a request for information to be excluded from the Public Register in accordance with Government guidance on the grounds that it is commercially confidential Access Selby shall determine whether it agrees in

accordance with Government guidance and the operator shall be advised of the determination, in writing, within 14 days specifying the information deemed to be commercially confidential excluded from the Public Register.

Requiring Information

Access Selby will seek out businesses operating prescribed processes without Permit under Regulation 12 of the Regulations.

Where a company or individual is suspected of operating, whether knowingly or not a process which requires Permit, Access Selby will make the company or individual aware of the fact and depending on the circumstances request relevant information informally, in writing, within 14 days or such other longer time as is agreed.

If the relevant information is not provided within the above timescale a Notice shall be served, under Regulation 60, to determine whether the process requires Permit. Where a process is deemed to require Permit the operator will be requested, in writing, to submit an application within 14 days or such other longer time as is agreed. The subsequent failure to make a relevant application and the carrying on of a prescribed process without a relevant Permit will normally result in prosecution by Access Selby. Upon application the Company will be given information and advice as to the legal requirements, technical guidance and the need to adopt the Best Available Techniques (BAT).

Where Access Selby requires additional information, from an applicant, for the purpose of determining an application which has been made by the operator the relevant additional information shall be requested, by letter and submitted to the local authority within 14 days or such other longer time as is agreed.

Where the operator fails to provide the additional information for the purpose of determining an application within the agreed timescale a Notice shall be served under the provisions of Schedule 5, Part 1, paragraph 4 of the Regulations detailing the information required, the form in which it is to be submitted and the timescale within which it is required.

In the case of any other information which Access Selby reasonably considers that it needs for the purpose of the discharge of its functions, under the Regulations, the individual or company shall be requested, by letter, to submit the relevant information within 14 days or such other longer time as is agreed.

Failure to provide the relevant information within the agreed timescale shall result in the service of a Notice, under Regulation 60, detailing the information required, the form in which it is to be submitted and the timescale within which it is required.

Payment of Fees

No application for Permit will be considered without the payment, in advance, of the appropriate fee.

Any application received without the appropriate fee (set annually by the Secretary of State) will be returned to the applicant as not being duly made and the appropriate fee requested.

Access Selby will request payment of the annual subsistence fee promptly on 1 April each year.

Access Selby will not consider issuing a Variation Notice, under Regulation 20, in respect of a substantial change to the process unless the appropriate fee has been paid.

Determining Applications

The relevant Environmental Health Officer will usually determine applications for new and existing installations within 4 months of the duly made date, unless otherwise specified for a particular process, under the Regulations. If either party requires an extension, to the determination period, this can be done by agreement in writing.

Reduced fee application will be determined in a shorter timescale laid down by the Regulations.

The relevant Environmental Health Officer will usually issue a draft determination for an application for a new or existing LA-IPPC installation. The draft determination will be published on the Pollution – Prevention and Control page of the Council's website and is open for public representation for a period of 20 working days.

A final determination will be published, taking into account representations made and will again be published on the Pollution – Prevention and Control page of the Council's website.

Access Selby will issue a draft Permit (including Variation to existing Permits) to the operator and allow 21 days for comment prior to the issue of the Permit.

Access Selby will normally review process permits six years from the date of issue and thereafter, six years from the date of the last six year review and in accordance with the Regulations.

Inspections

All installations (with the exception of waste oil burners with a net rated thermal input of less than 0.4 megawatts, dry cleaners and petrol vapour recovery installations) will be risk assessed during inspection of the installation. The assessment and inspections will be carried out in line with the Local Authority Integrated Pollution Prevention and Control: Risk Assessment Methods for A2 and Part B Installations issued by DEFRA. Inspections include:

- Inspection to check compliance with conditions, compliance with upgrading programmes and in response to complaints.
- Inspection associated with consideration of applications for Permits, proposals for process changes and requests for advice.

Variation to Permits

Access Selby will consider applications for Variation, under Regulation 20, in respect of a substantial change to the installation in accordance with the Regulations.

Access Selby will issue a Variation Notice, under Regulation 20, where it considers that improvements are required in order to comply with updated process guidance or sector guidance to achieve BAT, or where the installation is subject to a significant degree of complaints from members of the public and improvements are required and in both cases Access Selby will seek to agree a mutually convenient time period, with the operator, for the said improvements. Access Selby reserves the right to impose a time where agreement cannot be reached.

Enforcement Notices

Access Selby will exercise its powers, under Regulation 36, by serving formal Enforcement Notices where necessary.

Suspension Notices

Access Selby will exercise its powers, under Regulation 37, by serving Suspension Notices on part or all of the installation, where the officer is satisfied that there is an actual or imminent risk of serious pollution of the environment.

The use of Suspension Notices is considered to be an emergency measure to prevent serious pollution occurring or continuing and to promote immediate remedial action by the operator. It need not relate to a breach of Permit conditions. A Suspension Notice will take immediate effect and stop the operation of part or all of the installation, until such time as Access Selby is satisfied that the risk has been abated. Such notices will normally be served, by hand, on the most senior representative of the operator on site at the time and a copy will be served on the Company Secretary or Director by post.

The operator should note that failure to comply with a Suspension Notice will normally result in prosecution.

Annexe 4: Food Safety

This annexe covers the enforcement of food safety in the District in accord with statutory obligations and requirements of the Food Standards Agency.

Statement of Objectives

It is Access Selby's policy to enforce food safety legislation concerning food and drink intended for human consumption, which is produced, stored, distributed, handled or sold within the District to protect public health and to meet the duties placed on the local authority by the Statutory Code of Practice for Regulators.

Achieving the Objectives

Food safety enforcement will be carried out by duly authorised Environmental Health Officers or Technicians who must carry out duties in line with the Enforcement Policy, this annexe and the relevant legislation. All officers will be made aware of this policy and any amendments to it.

This annexe will be reviewed and amended as necessary on an annual basis, or as and when new legislation or guidance is produced regarding food enforcement activities. The Statutory Codes of Practice will have a significant contribution.

Quality Assurance

The food service operates to a formal quality management system accredited to ISO9001:2008. All enforcement action shall be taken in accordance with the North Yorkshire Food Safety Quality Management System and all officers of Access Selby shall comply with the quality procedures.

Access Selby shall seek to ensure, as far as possible, that enforcement action is consistent with neighbouring local authorities and national guidance through the North Yorkshire Food Liaison Group. The Lead Officer – Environmental Health and Housing shall raise enforcement issues, as necessary, with the Food Liaison Group or, through the group, with the Food Standards Agency.

Formal Action

The first step in formal action is usually to serve a Statutory Notice. Failure to comply with a Statutory Notice will normally lead to Court proceedings.

Home and Primary Authorities must be informed of formal action against a relevant business.

When it is proposed to take enforcement action that may impact upon the advice issued by a Home or Primary Authority, or where the central policy of an enterprise is in question, then the Home or Primary Authority shall be consulted.

Statutory Notice

Statutory Notices include Hygiene Improvement Notices and Seizure & Detention. Hygiene Emergency Prohibition Notices are dealt with in more detail below. Remedial Action & Detention Notices can only be used in respect of premises subject to approval under EC Regulation 853/2004.

Statutory Notices should be used where the guidance criteria specified in the Statutory Code of Practice are fulfilled. In addition, the procedures in the North Yorkshire Food Safety Quality Management System will be adhered to.

The service of all Statutory Notices must meet the principles detailed in the Enforcement Policy.

The authorised officer who issues the Statutory Notice must witness the contravention(s) concerned.

Hygiene Emergency Prohibition Notices

Use of a Hygiene Emergency Prohibition Notice for premises, equipment or process should be considered in one or more of the following circumstances:

- The consequences of not taking immediate and decisive action to protect public health would be unacceptable.
- An imminent risk of injury to health can be demonstrated.
- The guidance criteria specified in the relevant Statutory Code of Practice are fulfilled.
- There is no confidence in an offer made by a food business operator to voluntarily close premises or cease the use of any premises, equipment or process associated with the identified imminent risk.
- A food business operator is unwilling to confirm, in writing, an offer of voluntary prohibition.
- In addition to prosecution, it is felt that action must be taken to remedy a situation where there is an imminent risk to public health.
- There would be sufficient evidence to successfully institute Court proceedings for non-compliance with the notice.

In view of the possible financial implications authorised officers must consult with the Lead Officer – Environmental Health and Housing before issuing the Hygiene Emergency Prohibition Notice.

Hygiene Emergency Prohibition Notices shall only be issued by competent officers who are authorised to do so. A “competent officer” is deemed to be one as defined in the Statutory Code of Practice and in respect of Hygiene Emergency Prohibition Notices must have two years post qualification experience in food safety.

The authorised officer who issues the Hygiene Emergency Prohibition Notice must witness the contravention(s) concerned.

Prohibition Order

The Court may issue a Prohibition Order upon conviction of a food business operator if the Court considers that the premises, equipment or process put public health at risk. Similarly, they may also prohibit a person from carrying on or managing any food business where they deem public health is at risk. Where appropriate, Access Selby will draw this power to the attention of the Court.

Alternative Enforcement Strategy

Low risk food premises will be subject to the alternative enforcement strategy (desk top survey) in accordance with North Yorkshire Quality Management procedures and Statutory Code of Practice.

Low risk premises will be removed from the alternative strategy where the authority determines that higher risk activities are being undertaken or where other intelligence gives rise for concern such as sampling results, complaints or information from other agencies.

Imported Food

The authority recognises the role of inland authorities in relation to imported food controls. Officers will be mindful of imported food issues and traceability in conjunction with their enforcement duties.

Meat Crime

Liaison is maintained with North Yorkshire Trading Standards and the Meat Hygiene Service to share intelligence regarding illegal meat crime.

Local Authority Run Premises

The findings of inspections of local authority-run premises will be communicated, in writing, to the relevant line-manager. Any serious breaches of food law will be brought to the attention of the Chief Executive without undue delay.

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Annexe 5: Health and Safety

This annexe covers the enforcement of health & safety in the District in accord with statutory obligations and requirements of the Health & Safety Executive.

Statement of Objectives

It is Access Selby's policy to enforce health & safety legislation concerning the health, safety and welfare of employees and the public, who may be exposed to risks within the District from work activity and to meet the duties placed on the local authority by the Statutory Code of Practice for Regulators.

Achieving the Objectives

Health & safety enforcement will be carried out by duly authorised Environmental Health Officers or Technicians who must carry out duties in line with the Environmental Health Enforcement Policy, this annexe and the relevant legislation. All officers will be made aware of this policy and any amendments to it.

This annexe will be reviewed and amended as necessary on an annual basis, or as and when new legislation or guidance is produced regarding health & safety enforcement activities.

Quality Assurance

Access Selby shall seek to ensure, as far as possible, that enforcement action is consistent with neighbouring authorities, the Health and Safety Executive and national guidance through the North Yorkshire Health and Safety Liaison Group. The nominated Environmental Health Officer (Health and Safety) shall raise issues, as necessary, with the Liaison Group or, through the group, with the Local Authority Unit of the Health and Safety Executive.

Formal Action

The first step in formal action is usually to serve a Statutory Notice. Failure to comply with a Statutory Notice will normally lead to Court proceedings.

Lead Authorities must be informed of formal action against a relevant business.

When it is proposed to take enforcement action that may impact upon the advice issued by a Lead Authority, or where the central policy of an enterprise is in question, then the Lead Authority shall be consulted.

Statutory Notices

Statutory Notices include Improvement Notices, Seizure & Detention and Prohibition. Statutory Notices should be used where the guidance criteria specified in the Statutory Code of Practice are fulfilled.

The service of all Statutory Notices must meet the principles detailed in the Enforcement Policy.

The authorised officer who issues the Statutory Notice must witness the contravention(s) concerned.

Prohibition

The use of a Prohibition Notice should be considered in one or more of the following circumstances and will be issued in accordance with the guidance issued by the Local Authority Unit of the Health and Safety Executive:

- Where the use of premises, equipment or processes pose a serious risk of personal injury and other consequences of not taking immediate and decisive action would be unacceptable.
- In addition to prosecution, it is felt that action must be taken to remedy a situation where there is an imminent risk to health and safety.
- There is no confidence in the integrity of an offer to voluntarily close premises or cease the use of any equipment or process that poses a risk of serious personal injury.
- Where the proprietor will not confirm, in writing, his/her offer of voluntary prohibition.
- There would be sufficient evidence to successfully institute Court proceedings for non-compliance with the notice.

In view of the possible financial implications authorised officers must consult with the Lead Officer – Environmental Health before issuing the Prohibition Notice.

Prohibition Notices shall only be issued by competent officers who are authorised to do so. A competent officer is deemed to be one as defined in statutory codes of practice and Government guidance and advice. The authorised officer who issues the Prohibition Notice must witness the contravention(s) concerned.

Alternative Enforcement Strategy

Low risk health & safety premises will be subject to the alternative enforcement strategy (desk top survey) in accordance with North Yorkshire Quality Management procedures.

Low risk premises will be removed from the alternative strategy where the authority determines that higher risk activities are being undertaken or where other intelligence gives rise for concern such as accidents, complaints or information from other agencies.

Annexe 6: Planning Enforcement

Planning enforcement concerns the regulation of breaches of planning control: unauthorised changes of use, failure to comply with plans or conditions of a planning permission, unauthorised works to trees or listed buildings, illegal advertisements and untidy land or buildings¹.

Statement of Objectives

Access Selby will act to control unauthorised and harmful development, to assist in the conservation of the natural and built environment, to maintain the integrity of the planning control process and to protect the quality of people's lives.

Achieving the Objectives

Where information has been received concerning a breach of planning control Access Selby will assess whether the breach of planning control unacceptably affects public amenity or causes harm to land and buildings. The site will usually be visited and the site history considered. Action will be prioritised according to the harm caused and immediate action will be considered if the breach is causing irrevocable harm; where there are immediate and significant safety implications; or where a harmful breach is likely to be consolidated without prompt action.

Access Selby will not condone wilful breaches of planning law; however, enforcement is a discretionary activity. In considering whether it is expedient to take enforcement action, Access Selby will take into account National Planning Policy Framework (NPPF), DOE Circular 10/97 "Enforcing Planning Control" and all other material considerations. Formal enforcement action will not normally be taken where a trivial or technical breach of planning control causes no harm to the local environment.

Shared Enforcement

When investigating cases, there is potential that other departments or bodies may be involved in the same or a linked issue. In this case the investigation becomes shared enforcement. Where shared enforcement situations are found, joint interviews with the suspected offender should be conducted.

Informal Action

Officers will attempt to persuade the owner to voluntarily put right the breach. However, negotiations will not be allowed to delay formal enforcement action if a breach is sufficiently serious to justify immediate action.

Formal Action

There are a number of different planning enforcement tools available to apprehend or remedy a breach of planning control and officers will consider which is most appropriate for each instance. Prior to serving a notice the harm of the breach and the public interest will be considered. Such discussions would usually involve consultation with development control section and legal

¹The council can serve an 'amenity' notice on the owner of any land or building which is in an unreasonably untidy condition and considered to have an adverse effect on the amenity of the area. This is done under section 215 of the Town and Country Planning Act 1990 (as amended).

services. Any notice served must be duly authorised and recorded in the appropriate register.

Prosecution

Non compliance with an enforcement notice is an offence. It is also an offence to display illegal advertisements and to carry out unauthorised works to trees or listed buildings. Where an offence has been committed Access Selby will follow the appropriate statutory obligations and regulations for gathering evidence and undertaking surveillance and will consider whether it is in the public interest to prosecute for the offence(s) prior to seeking authorisation to prosecute.

Works in Default

Some of the legislation gives the local authority the option to carry out works in default, i.e. completing the works required on the notice after the expiry of the notice time period.

When considering work in default, the following should be taken into account:

- The costs of the work to be carried out, some legislation gives a maximum cost of work.
- The risk to public interest pending any prosecution.

Access Selby will advise the owner or manager of the premises of the nature of the works to be carried out as works in default and take account of any representations the owner or manager might make in relation to works where alternative options occur.

Costs incurred in completing work in default shall be reclaimed from the recipient of the original notice. This may require the service of an additional notice to reclaim the cost of the issue of an invoice, and/or to place a charge on the property. The cost should include the actual cost of the work but exclude VAT. The hourly rate for officer time is the cost to Access Selby of employing the officer.

Annexe 7: Benefit Fraud

This annexe covers the enforcement of benefit fraud in respect of Housing and Council Tax Benefit in accordance with statutory obligations and legislation.

Statement of Objectives

It is Access Selby's policy to deter, prevent and detect all forms of benefit fraud and will pursue all proportionate, reasonable and appropriate means of punishment for those who commit an offence contrary to the Social Security Administration Act 1992, The Fraud Act 2006 or The Theft Act 1968.

Achieving the Objectives

Prevention: The Department for Work and Pensions Guidance & Procedures will form the basis for the Revenues Section to scrutinise and verify claims made for benefit to minimise fraud and error entering the system.

Controls designed to prevent fraud being perpetrated by Access Selby staff and members will be maintained and supplemented by internal and external audit.

Deterrent: Access Selby's commitment and policy on enforcement will be publicised in all appropriate media. All cases where a criminal conviction is successful will be publicised

Detection: Where a referral of suspected benefit fraud is received it will be assessed and investigated where it is deemed proportionate and appropriate in accordance with the Criminal Procedures and Investigation Act 1996. Access Selby will participate in data matching exercises with the Department for Work and Pensions' Housing Benefit Matching Service on a monthly basis and the Audit Commission's National Fraud Initiative bi annually.

Proactive benefit fraud drives will be carried out where the authority determines it is appropriate.

Formal Action

Access Selby will seek to prosecute all offenders where the appropriate criteria are fulfilled within the prosecution policy.

Access Selby will offer a Simple Caution or an Administrative Penalty only when it is seen that this will be an adequate deterrent to future offences and where it is in accordance with the Codes of Practice on Cautions and Administrative Penalties.

Prosecution Policy

Each case will be considered individually and all the information and facts taken into account. The decision whether to prosecute or seek a lesser sanction will take into account the principals and advice available and given by the Home Office and the recognised principals within the Code for Crown Prosecutors.

Two overarching principal tests will be used during this decision making, these are the 'evidential test' and the 'public interest test'.

Framework for Sanction Decision

Where the overpayment of benefit is under £200.00 and:

- the claimant has never previously offended
- there was no planning involved in the process
- there was no other person involved in the fraud

due consideration will be given to the issue of a Local Written Caution. Local Written Cautions are held on file and will be considered when determining any future sanction decisions.

Where the overpayment of benefit is under £800.00 but over £200.00 and:

- the claimant has never previously offended
- there was no planning involved in the process
- there was no other person involved in the fraud

due consideration will be given to the offering of a Simple Caution or/and an Administrative Penalty. In the event that the Simple Caution or Administrative Penalty is not accepted or the offender does not attend to be cautioned or interviewed, prosecution would be sought in most cases.

The offering of a Simple Caution may be considered when the offender at interview has given a full and frank admission of the offence. This is not required for the issue of an Administrative Penalty.

Where the overpayment of benefit is under £800.00 and:

- the claimant has offended previously or
- the claimant has been given a Simple Caution or Administrative Penalty previously

due consideration may be given to prosecution proceedings regardless of the level of the overpayment.

If the overpayment of benefit is over £800.00 all options will be considered taking each case into account individually. If:

- there was deliberate planning involved in the process or
- there were other persons involved in the fraud

in most instances, Access Selby will prosecute regardless of the level of the overpayment.

Shared Enforcement

When investigating suspected benefit fraud, there is potential that other departments or bodies may be involved in the same or a linked issue. In this case the investigation becomes shared enforcement. Where shared enforcement situations are found, joint interviews with the suspected offender should be conducted.

Referrals to other Agencies / Organisations

When receiving information regarding suspected benefit fraud or other possible breaches of legislation it may be necessary to refer these cases

externally. Where appropriate these will be referred within 48 hours of receiving the information.

Access Selby/Council Employees and Members

Access Selby will require all officers involved in the administration of benefits, in all areas of the Council, and all elected members to report by way of a 'Declaration of Interest', details of any property that they are renting to tenants and any claims of benefit to which they have any connection.

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Annexe 8: Licensing legislation, Hackney Carriage/Private Hire legislation and local byelaws

This annexe covers the enforcement of breaches of licensing legislation, hackney carriage/private hire legislation and local byelaws.

Statement of Objectives

It is Access Selby's policy to enforce legislation where it is under a statutory responsibility to do so. In doing so it will meet the duties placed on it by the Statutory Code of Practice for Regulators.

Achieving the Objectives

All duly authorised Enforcement Officers shall investigate requests for service from the public and the police regarding breaches of legislation where it applies to licensing, hackney carriages/private hire vehicles and local byelaws. In addition, Enforcement Officers shall carry out enforcement duties in line with the Enforcement Policy, this annexe and the relevant legislation. All officers will be made aware of this policy and any amendments to it. This annexe will be reviewed and amended as necessary on an annual basis, or as and when Central Government Departments and Agencies produce new legislation, protocols or guidance.

Formal Action

The first step in formal action is to refer matters to Access Selby's Legal Department for consideration as to the appropriate course of action. This includes: taking no action, issue of simple caution, referral to the licensing committee or court proceedings.

Shared enforcement

When investigating potential breaches of legislation, there is the potential that other departments or bodies may be involved in the same issue. In this case the investigation becomes shared enforcement. Areas where shared enforcement must be considered are:

- Breaches of the Licensing Act 2003 regarding Licensed Premises – police. .
- Breaches of hackney carriage/private hire legislation – police, NYCC Passenger Transport.
- Breaches of trading licences – police, NYCC Highways, Environment Agency, NYCC Planning.
- Breaches of local byelaws – police, town and parish councils.

Where shared enforcement situations are found, or anticipated, joint visits should be arranged and informal or formal action taken as detailed in this policy document.

Appendix 9: Anti-Social Behaviour

This annexe covers the enforcement of the Anti social behaviour policy in respect of our Local Authority statutory obligations and in our Housing Management role as a landlord.

Statement of Objectives

The objective is to address anti social behaviour (ASB) across the district, whether personal, nuisance or environmental, wherever it occurs, where early intervention methods have failed.

Achieving the Objectives

We address Anti-Social behaviour using an holistic approach that includes enforcement, prevention and supported intervention.

Prevention:

Enforcement action may follow prevention work as outlined in our ASB policy, or it may be appropriate early in a case; each case will be considered on its own merit. Either way, the purpose is to prevent re-occurrence of similar incidents.

Intervention:

Where the range of non statutory actions and swift intervention has been unsuccessful in preventing behaviour escalating to a more serious level, or effectively resolved low level anti-social behaviour, enforcement action may be taken.

Enforcement:

This may follow action taken in accordance with our ASB Policy, or sometimes the nature and severity of the anti-social behaviour means immediate enforcement action is necessary. Enforcement action should not be a last resort but a proportionate response to ASB which will stop problems.

Formal Action

Shared Enforcement

Selby District Council is a member of the Selby District Community Safety Partnership which recognises that finding effective solutions to ASB is not the responsibility of a single agency or organisation and that an integrated approach is the most successful.

Outcomes

When taking Enforcement action in relation to Anti-Social behaviour consideration will be given to the most appropriate tool available to us either as a Local Authority or as a Landlord. We will use the wide range of existing tools and legislation systematically and consistently ensuring the outcome is a considered and proportionate response.

Appendix 10: Regulation Of Investigatory Powers

Introduction

In carrying out its duties the Council may need to conduct investigations into allegations or concerns brought to its attention. In certain circumstances investigations will require the use of covert surveillance in order to garner information in respect of individual's actions. In conducting such investigations a balance must be struck between the public interest and the rights of individuals. In order to achieve that balance, the Council will take into account and comply with both the Regulation of Investigatory Powers Act 2000 (RIPA) and the Human Rights Act 1998.

The purpose of this policy is to provide overarching guidance and a framework for the Council's activities under RIPA. The Office of the Surveillance Commissioners (OSC) advises and audits the Council's actions in relation to the use of RIPA.

Key terms

- **“Surveillance”** This is the monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications or recording anything monitored, observed or listened to in the course of surveillance and includes surveillance by or with the assistance of a surveillance device.
- **“Covert surveillance”** Surveillance is covert if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.
- **“Overt surveillance”** This covers all situations where surveillance is not covert. Overt surveillance does not require authorisation under RIPA.
- **“Intrusive surveillance”** This is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle (and that involves the presence of an individual on the premises or in the vehicle or is carried out by a means of a surveillance device) Intrusive surveillance cannot be undertaken by the Council.
- **“Directed surveillance”** – Directed surveillance is covert surveillance that is not intrusive but is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of *private information* about any person (other than by way of an immediate response to events or circumstances such that it is not reasonably practicable to seek *authorisation* under the 2000 Act).
- **“Covert human intelligence sources”** (CHIS) – is the use or conduct of someone “undercover” who establishes or maintains a personal or other relationship with a surveillance subject for the covert purpose of obtaining information. The Authorising Officer must be satisfied that the CHIS is necessary, that the conduct authorised is proportionate to what is sought to be achieved and that arrangements for the overall management and control of the under cover officer are in force. CHIS may be used by the wide range of authorities identified in the legislation, which again includes the Council.

Codes of Practice

The Home Office website contains Codes of Practice relating to covert surveillance and the use of CHIS. All Covert surveillance activity and the authorisation of RIPA requests will be conducted in accordance with the following guidance.

- *Covert Surveillance and Property Interference* - Revised Code of Practice Pursuant to section 71 of the Regulation of Investigatory Powers Act 2000
- *Code of practice for the use of human intelligence sources* Revised Code of Practice Pursuant to the Regulation of Investigatory Powers Act 2000

Conducting Cover Surveillance and using CHIS in accordance with RIPA.

Authorisation is required when undertaking covert surveillance or the use of CHIS. The investigating officer shall complete the appropriate Authorisation form (contained in Annex 1). All RIPA & CHIS requests will be submitted in writing to the Council's authoring officer 'Solicitor to the Council' – Michelle Sacks.

In circumstances where it is not practicable to secure written authorisation prior to undertaking the activity oral authorisation must be given in advance. Once oral authorisation has been given a permanent note should be made by the Authorising Officer. As soon as practicable the Investigating Officer and the Authorising Officer must ensure that the appropriate form is completed and dealt with in the same way as authorisations obtained conventionally. In any event oral authorisation must be backed up by written authorisation not more than 72 hours after the oral authorisation was given.

Undertaking Surveillance

Investigating Officers of the Council shall :-

- Only undertake surveillance or use of CHIS as long as is needed for the purpose for which is authorised.
- Seek to reduce any collateral intrusion into the lives and business of both the surveillance subject (where appropriate) and also the subject's family, colleagues or associated third parties.
- Seek to minimise (where possible) the amount of private information received in the course of the surveillance.
- Ensure that adequate safety and welfare checks have been carried out prior to the use of CHIS. Where the CHIS being used is not an employee of the Council or is not trained for such work the officer in charge of the surveillance should endeavour to secure that assistance of council staff is close to hand and readily available to the CHIS.
- Act professionally and diligently regarding their own safety and the safety of any surveillance equipment at their disposal.

Using Surveillance Equipment

Surveillance equipment shall only be used to conduct covert surveillance. In instances where there is a risk that the use of such equipment will transform the operation into an intrusive one the surveillance shall cease.

Upon the cessation of surveillance officers should ensure that equipment is checked upon its return to storage both as to condition and that it does not contain material that could fall into the possession of unauthorised staff. Officers staff shall ensure that any memory cards , discs etc are removed from the equipment prior to storage and possible use by other persons. Images or data obtained shall be downloaded as soon as is practicable and stored on the secure 'Enforcement Server'. Data should then be wiped from the original memory card/disk.

Should the investigation obtain collateral information this will remain unused and confidential until the termination of the investigation when it would be dealt with in accordance with record, retain, retrieve procedures within the Criminal Procedures and Investigation Act 1996

If any faults with the equipment are detected this should be brought to the attention of the Authorising Officer as soon as possible. Under no circumstances should the Authorising Officer seek to rectify any faults as this could affect admissibility of the evidence contained within it or obtained by using it.

The Authorising Officer

Upon turning their mind as to whether or not authorisation is warranted in a particular circumstance the Authorising Officer has to be satisfied on a two stage test:-

- a. **Is the surveillance necessary?** To be necessary it must fall within one of the following categories, ie it is:
 - For the purpose of preventing and detecting crime or of preventing disorder; or
 - For any other purpose prescribed by an order made by the Secretary of State.

Authorising Officers should be particularly mindful of the actual weight and importance of individual words as to each of these categories and if in doubt should seek a second opinion from either their Business Manager or a Director.

- b. **Is the conduct of the surveillance proportionate to its aim?** In other words the objective is important enough to justify the interference with a person's liberty and privacy.

The Authorising Officer ought also to pay attention to the means by which the surveillance is proposed and whether or not that means is the most appropriate for the particular circumstances of the case. Does it, for example, minimise collateral intrusion and is it readily workable. Authorising Officers should be keen to limit the scope of authorisation where at all possible and where such limitation is imposed the authorising officer must bring such limitation to the attention of the investigating officer. The Council's forms automatically impose a restriction of three months on the grant of any authorisation and further

authorisation will need to be sought in the form of a renewal where appropriate. In the case of verbal authorisations these will cease to have effect 72 hours after the authorisation is given unless a formal application for directed surveillance authorisation has been completed within that time.

Review

Notwithstanding the initial authorisation may only be valid for three months if in the opinion of the authorising officer a more regular review is required this should be entered into the appropriate diary or calendar system by both the Authorising Officer and the surveillance officer involved.

Renewals

Authorising Officers may renew authorisations to conduct surveillance (including oral reviews in the case of emergencies) and such a renewal will last for a further three months running from the date of the original authorisation terminating.

Authorising Officers conducting renewals should be particularly mindful of changes in circumstances to particular cases and any effects such changes would have on the need for surveillance or the nature of it. In every case it should be noted on the renewal form whether or not it is a first renewal or a subsequent renewal.

Cancellation of Authorisation

Where appropriate the Authorising Officer should cancel an authorisation to conduct surveillance as opposed to letting an authorisation lapse.

Obviously it is of paramount importance that all officers involved in the surveillance are made aware of either the cancellation or lapse of an authorisation. Council officers who continue to conduct surveillance once it is brought to their attention that it is no longer authorised may be liable to disciplinary proceedings from the Council and potential Court action by any party affected by the unauthorised surveillance.

Care and Custody of Authorisation Forms

The initial authorisation form and any renewals will be kept by the authorising officer for the length of the authorisation. Upon the cessation of the authorisation or the operation involved in general arrangements will be made to promptly send the authorisation forms to the Council's Solicitor to the Council to arrange safe storage of them. These will be stored in a readily accessible state for a period of three years from the date of authorisation ceasing unless they are recalled by the officer applying for authorisation or the Authorising Officer because, for example, an investigation has restarted. Any removal from the custody of the Solicitor to the Council must be accompanied by the completion of a tracking marker. The officer removing the authorising forms will be responsible for the safe keeping of those forms and any lapse in such safe keeping may be dealt with as a disciplinary offence. Under no circumstances must the forms that have been removed from the Solicitor to the Councils' custody be altered or amended in any way. This may also be

treated as a disciplinary offence. As a general rule authorisation forms that are no longer active should be returned to the Solicitor to the Council as soon as possible. Dependant on the data management systems in place at the time it may be the case that the Solicitor to the Council will render the forms into another format eg microfiche or electronically scanned documents for the sake of practicality.

General Information

This policy is a public document and is available for public inspection at the Council's principal offices at Selby Civic Centre, Doncaster Road, Selby YO8 9FT and also upon the Council's website. Copies of this policy will be held in all Directorates and made accessible to all Authorising Officers and those who may need to provide authorisation. The policy will be reviewed and updated from time to time. Complaints by members of the public, surveillance subjects or others which relate to any aspect of the surveillance may be dealt with in one of two ways:

- i. By means of the Council's normal complaints procedure in which case the complainant will be given a copy of the Council's standard complaints form.
- ii. By virtue of a complaint to the Investigatory Powers Tribunal, PO Box 3320, London SW1H 9ZQ (Tel: 020 2723 4514).

These procedures are mutually exclusive and it is the complainants choice whether or not to make a complaint to the Council, to the Tribunal or both. Additionally dependant upon the nature of the complaint the complainant may be put in touch with the Local Government Ombudsman.

Other information:

Responsibility

Officers involved in Enforcement Action will take responsibility for adherence to this policy.

Any departure from this policy must be exceptional, capable of justification and be fully considered by a Senior Enforcement Officer before a final decision is taken.

Monitoring

Effective policy development can only be undertaken if Access Selby is aware how policies have been used. Therefore a range of monitoring indicators are set out in each enforcement area's appendix.

Reviewing Policies

This Enforcement Policy is generic and future proofed so it may endure. However, a review will be carried out every 5 years from the date of Adoption to ensure it is up to date with legislation and best practice.

Notwithstanding the above, if monitoring information shows that the Policy is not working as expected, a review may be undertaken sooner where appropriate.

Contact

For further information or to discuss any activity relating to Access Selby's enforcement and compliance work, please contact:

Selby District Council,
Civic Centre,
Doncaster Road,
Selby,
North Yorkshire,
YO8 9FT
Email: info@selby.gov.uk
Tel: 01757 705101

Complaints

Complaints concerning the application of this enforcement policy are dealt with in accordance with the standard customer complaints procedure. Details of the procedure are available from the Contact Centre at Access Selby, or online at www.selby.gov.uk.

Selby District Council

REPORT

Reference: E/12/19

Item 8 - Public



To: The Executive
Date: 6th September 2012
Status: Non Key Decision
Report Published: 29 August 2012
Author: Julia Jennison
Executive Member: Councillor G Ivey
Lead Officer: Janette Barlow

Title: Anti-social Behaviour Policy

Summary:

The draft Anti-social Behaviour (ASB) policy provides a framework for our approach to reports of ASB from all our residents across the district.

This approach takes account of the recent White Paper, placing an emphasis on prevention and partnership working. Where enforcement action is required, whether early or late in the process, the policy is intended to be read in conjunction with the Enforcement Policy, and Appendix 7 of that policy which will relate to ASB.

It was originally intended that the draft ASB Policy would go out to consultation during September, with further amendments added as the proposals set out in the White Paper are taken forward. However we are advised that further guidance will not be published until 2014. Accordingly we propose the Draft Anti-social Behaviour Policy be used as informal guidance until the Policy is reviewed in 2014. Issues relating to the White Paper are included in the draft policy in italics for ease of reference.

Recommendations:

- i. That the approach to this piece of work is noted;
- ii. That the Draft Anti-social Behaviour Policy be used as informal guidance until the Policy is reviewed in 2014
- iii. That officers programme a review of the Anti-social Behaviour Policy in 2014

Reasons for recommendation

To update on progress in developing the revised ASB policy, and provide an interim document to guide officers until the guidance is available and a full review can be completed in 2014.

1. Introduction and background

- 1.1 The existing ASB Policy 2007 relates solely to our approach as a landlord, but the aim of the new policy is to address the issue across the district, cross tenure, whether the people involved are tenants, homeowners or neither.

2. The Report

- 2.1 A small officer group was set up in May to discuss how work on this policy can be taken forward, with Cllr Gillian Ivey representing the Executive; Cllr Mark Crane has continued this work.
- 2.2 Following the first few meetings of the group, the structure of the policy was agreed, setting out our approach to ASB in general terms. Detail of how a case would progress to enforcement was agreed to be provided in Appendix 7 of the Enforcement Policy, which is in development. This appendix will be able to be readily amended to take account of the tools available, and changing legal remedies.
- 2.3 However, a White Paper was published in May, *Putting Victims First – More Effective Responses to Anti-Social Behaviour*, setting out the government's new approach to ASB, with six new powers replacing the existing nineteen.
- 2.4 The Paper also concentrates on prevention work and support for the victim, ensuring an appropriate and timely response to reports of ASB. Reports are now proposed to be categorised as personal, nuisance, or environmental, so that a risk assessment can be made of the effect on the victim when prioritising cases. Further detail is provided in the draft policy (in italics) or by reference to the White Paper.
- 2.5 These changes were discussed at the Selby ASB Group (which includes the Community Safety Partnership, Police, Registered Providers, and the 3rd Sector) when they met at the end of May.
- 2.6 In addition, a number of Councillors have raised issues recently regarding ASB, and Officers have taken these issues into account in the development of the policy. However, there does appear to be an overlap with tenancy management issues, and our Choice Based Letting (CBL) scheme, Homechoice, regarding procedural issues and concerns regarding local connection. All issues will be able to be considered either in the ASB Policy, emerging ASB and tenancy management procedures which are being worked on, or the sub-regional CBL review during the remainder of 2012.

- 2.7 The new ASB policy includes consideration of the training and protection of staff, as well as the protection of witnesses.
- 2.8 It was originally intended that the draft ASB Policy would go out to consultation during September, with further amendments added as the proposals set out in the White Paper are taken forward. However we are advised that further guidance will not be published until 2014. Accordingly we propose the Draft Anti-social Behaviour Policy be used as informal guidance until the Policy is reviewed in 2014.
- 2.9 However, we would continue to seek further input from Councillors and from other colleagues to inform our approach. The policy should be read alongside the emerging Enforcement Policy and ASB Appendix.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 Additional input from legal will be sought during the development of the policy.

3.2 Financial Issues

- 3.2.1 There are no direct financial implications; our approach to ASB will be covered by existing work practices and budgets.

4. Conclusion

- 4.1 The Draft ASB Policy will provide informal guidance to officers pending the full review in 2014 once guidance has been published.

5. Background Documents

Draft Anti-Social Behaviour Policy V9 (with issues arising from the White Paper in italics)
White Paper, Putting Victims First – More Effective Responses to Anti Social Behaviour.

Contact Details

Julia Jennison – Policy Officer
jjennison@selby.gov.uk

Selby District Council

REPORT

Reference: E/12/20

Item 9 – Public



To: The Executive
Date: 6 September 2012
Status: Non Key Decision
Report Published: 29 August 2012
Author: Glenn Shelley
Executive Member: Cllr Crane
Lead Officer: Keith Dawson

Title: Motion to Council 26 June 2012

Summary:

In accordance with the Constitution, the Labour Group submitted a Motion to the Council meeting on 26 June 2012. The Council referred the Motion to the Executive for consideration, prior to further debate at Council on 11 September 2012.

Recommendations:

To consider the Motion and approve a response to the Council meeting on 11 September 2012.

Reasons for recommendation

To ensure the Council is able to debate the Motion at its next meeting.

1. Introduction and background

1.1 In line with the constitution the Labour Group put the following Motion to the Council Meeting on 26 June 2012.

The Labour Group wish to ensure that the rights of Scrutiny and the right to proper debate of call-in issues are enshrined within our Constitution to prevent the stifling of debate before an informed vote on the issue can take place.

1.2 Council resolved to ask the Executive to consider the matter and report its findings to the Council meeting on 11 September 2012.

2. The Report

2.1 Attached at appendix 1 is the relevant extract from the Council minutes of 26 June 2012.

3 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

3.1.1 None within the context of the report.

3.2 Financial Issues

3.2.1 None within the context of the report.

4. Conclusion

4.1 That the Executive consider the Motion put forward by the Labour Group.

5. Background Documents

None

6. Appendices:

Appendix 1 – Extract of minutes from Council meeting held on 26 June 2012.

Contact Details

Glenn Shelley
Democratic Services Manager
Selby District Council
gshelley@selby.gov.uk
01757 292007

Extract from the Council Minutes 26 Council 2012

B. Councillor Mrs M Davis moved the following motion.

The Labour Group wish to ensure that the rights of Scrutiny and the right to proper debate of call-in issues are enshrined within our Constitution to prevent the stifling of debate before an informed vote on the issue can take place.

Councillor Mrs M Davis outlined that the motion had been put forward to improve the scrutiny process within the Council.

The Council discussed the perceived benefits and drawbacks of the current call in system. Councillor Mrs W Nichols highlighted some of the issues faced by the Scrutiny Committee. The debate focused on the process of validating a call in.

The Council felt that the motion should be referred to the Executive. The motion would then return to the 11 September 2012 meeting of the Council.

Resolved:

- i) To refer the motion to the Executive;**
- ii) To suspend debate on the motion until the meeting of Council on 11 September 2012.**