

Selby District Council



Agenda

Meeting: **Executive**
Date: **9 January 2014**
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 December 2013. Pages 1 to 4 attached.

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Core Strategy Legal Challenge and Implications for the Sites and Policies Local Plan

Report E/13/43 asks the Executive to approve the revised timetable for the Sites and Policies Local Plan and to allocate the necessary budget for the legal challenge to the Core Strategy. Pages 5 to 12 attached.

Appendix 1 to the report is exempt from publication by virtue of paragraph 3 in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). If councillors wish to discuss information contained within the appendix it will be necessary to pass the following resolution to exclude the press and public:

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 3 Part 1 of Schedule 12(A) of the Act.

5. Potential Purchase of Homes and Communities Agency (HCA) Land at Burn – Key Decision

Report E/13/44 asks the Executive to consider informing the HCA that Council is interested in purchasing the Burn Airfield site. Pages 13 to 21 attached.

The appendix to the report is exempt from publication by virtue of paragraph 3 in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). If councillors wish to discuss information contained within the appendix it will be necessary to pass the following resolution to exclude the press and public:

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 3 Part 1 of Schedule 12(A) of the Act.

6. Document Retention Policy

Report E/13/45 asks the Executive to approve the Policy. Pages 22 to 42 attached.

7. Procurement of North Yorkshire County Council's Telephone System.

Report E/13/46 asks the Executive to approve the purchase of the Telephone System. Pages 43 – 45 attached.

Jonathan Lund
Deputy Chief Executive

Dates of next meetings
16 January 2014 - Executive Briefing
3 February 2014 Executive

Enquiries relating to this agenda, please contact Glenn Shelley on:

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Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	5 December 2013
Present:	Councillor M Crane (Chair), Mrs G Ivey, C Lunn, J Mackman and C Metcalfe.
Officers present:	Chief Executive, Executive Director S151, Executive Director, Director of Community Services, Solicitor to the Council, Lead Officer – Finance, Lead Officer – Policy, Policy Officer and Democratic Services Manager.
Also Present:	Councillor J Crawford
Public:	0
Press:	0

NOTE: Only minute numbers 62, 63, 64 and 65 are subject to call-in arrangements. The deadline for call-in is 5pm on 16 of December 2013. Decisions not called in may be implemented on 17 of December 2013.

58. Apologies for Absence

No apologies were received.

59. Minutes

The minutes of the meeting on the 7 November 2013 were submitted and agreed as a correct record and signed by the Chair.

60. Disclosure of Interest

Councillor J Mackman declared a registered 'other interest' in item 6 (Minute 63 - Improvements to Gateways – Authority to apply for planning commission) through his role with Groundwork Wakefield. He remained in the meeting and participated during consideration of that item.

61. Draft Budget and Medium Term Financial Plan – Key Decision

Councillor C Lunn presented the report on the draft revenue budget and capital programme for 2014/15 to 2016/17.

Councillor C Lunn set out that, subject to the forthcoming Finance Settlement, further cuts were expected to the Revenue Support Grant and a 14% reduction cut in Formula Funding for 2014/15.

The Council planned to support a modest capital programme over the next three years, with General Fund spend including Disabled Facilities Grant, the new All Weather Pitch, repairs to a culvert at Portholme Road and replacement ICT systems. The Housing Revenue Account programme would see the final phase of the Airey Home improvements completed within the coming year.

The Executive discussed the potential impact of the reduction in funding on parish councils. Councillor C Lunn set out the Council's position which had been communicated to parish councils.

The draft budget proposals would be subject to public consultation and would then be finalised at the Executive meeting in February.

Resolved:

- i. Subject to comments from the Policy Review Committee, the draft budgets, bids and savings be submitted to Council for approval;**
- ii. To increase Council Tax by 2% for 2014/15.**

Reason for the decision:

To ensure the Executive's budget proposals are fully funded for 2014/15.

62. Community Infrastructure Levy

Councillor M Crane presented the report which on the progress of the Community Infrastructure Levy (CIL). He set out that the Council had commissioned consultants to provide an updated viability and

infrastructure information to inform the preliminary draft charging schedule.

The Executive discussed the preliminary draft charging schedule and the proposals to split the Selby District into two distinct charging zones with a substantial difference in the CIL charge applicable. The Executive discussed a number of alternative options including the introduction of a flat rate fee across the District. It was noted that any proposals put forward as part of the consultation would need to be evidence based.

Resolved

- i. To approve the content of the report and the assumptions set out in paragraph 1.6 of the report;**
- ii. To approve the draft charging schedule and consultation material for public consultation.**

Reasons for the decision:

To progress the Community Infrastructure Levy to public consultation.

63. Improvements to Gateways – Authority to apply for planning permission

Councillor J Mackman presented the report which set out progress on the Improvements to Gateways and Public Realm project. The report sought authority to make progress on the work now required to undertake heritage themed makeovers on two major roundabouts.

The Executive welcomed the proposals and thanked the project team for its continued efforts.

Resolved:

- i. To seek planning permission for the erection of the two statues and landscaping on the two major roundabouts;**
- ii. Subject to planning permission and confirmation of grant funding; to progress the work to completion on the two major roundabouts;**
- iii. To note the district wide arrangements for enhanced maintenance linked to advertising income.**

Reasons for the decision:

Improving gateways and public realm is a key priority for the council under the Programme for Growth. The proposals set out in this

report will ensure that early progress can be made on a high visibility project.

64. Selby Countryside and Green Spaces Strategy

Councillor C Metcalfe presented the report on the Draft Countryside and Green Spaces Strategy following consultation.

Councillor C Metcalfe gave a brief overview of the background to the Strategy and summarised the consultation responses which had been received.

Resolved:

- i. To note the responses made to the consultation and approve the Council's responses and subsequent amendments to the Countryside and Green Spaces Strategy;**
- ii. To approve the Countryside and Green Spaces Strategy.**

Reasons for the decision:

To enable the Countryside and Green Spaces Strategy to be used to inform future work that may seek to deliver its aims.

65. Tadcaster Car Park

Councillor M Crane presented the report, which was being dealt with as an urgent item of business. He set out that, since the dispatch of the agenda for the Executive Meeting, tenders had been assessed for resurfacing the Central Area Car Park in Tadcaster. The costs of the works were greater than the currently available budget.

The Executive discussed the history of the Council's efforts to resurface the Central Area Car Park in Tadcaster and wanted to see progress made.

Resolved:

To approve an additional budget provision of £80,000 for the resurfacing of the central Area Car park, Tadcaster, to be met by savings from the Core's revenue budget in 2013/14.

Reasons for recommendation

To comply with the procedures set down in the Constitution where an estimate has been exceeded by more than £20,000.

The meeting closed at 5.10 pm

Selby District Council

Report

E/12/43

Public Report – private appendix 1

Item 4



To: The Executive
Date: 9 January 2014
Status: Non-Key Decision
Report Published: 31 December 2013
Author: Gillian Marshall
Executive Member: Councillor John Mackman
Lead Director: Keith Dawson, Director of Community Services

Appendix 1 to this Report contains exempt information under paragraph 3 of the new schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Title: Core Strategy Legal Challenge and Implications for the Sites and Policies Local Plan (SAPP)

Summary:

Following the Legal Challenge to the Adoption of the Core Strategy, this report:

1. Updates The Executive on the Legal Challenge process and timetable
2. Asks The Executive to agree a budget robustly to defend the challenge at the High Court
3. Recommends that the Council continues to progress work on the Sites and Policies Local Plan (SAPP) and proposes a revised timetable for the SAPP to allow evidence gathering prior to a delayed public participation on Issues and Options later in 2014.

Recommendations:

Executive to:

- i. Note the contents of the report

- ii. **Approve a budget as set out in Appendix 1 from Council Reserves to meet the costs of the Legal Challenge as set out in paragraph 2.5**
- iii. **Agree the revised timetable and approach for the Sites and Policies Local Plan (SAPP) as set out in paragraphs 2.7-2.13**

Reasons for recommendations:

To ensure sufficient resources are in place to defend the challenge to the Core Strategy whilst still progressing the new Local Plan in a timely but robust fashion to meet statutory requirements, and to deliver sustainable growth in the District in line with the Council's key priorities.

1. Introduction

- 1.1 The Selby District Core Strategy Local Plan was formally adopted by the Council on 22 October 2013 (Report ref C/13/9 and minute no, 51).
- 1.2 A previous report to the Executive (report ref E/13/23 and minute no. 36) considered the next stage for the development plan in the District and recommended to Council to approve a revised Local Development Scheme incorporating the programme for progressing a new Sites and Policies Plan (SAPP).
- 1.3 Council approved both the new Local Development Scheme for 2013-2016 and the format, scope, broad content and the proposed timetable for the SAPP encompassing both the site allocations and development management policies.
- 1.4 It is envisaged that once adopted, the SAPP, together with the Core Strategy will replace the remaining saved policies in the Selby District Local Plan.
- 1.5 It had been envisaged that The Executive would consider a draft SAPP Issues and Options document prior to public participation in January and February 2014 - followed by evidence base work to inform the next 'Preferred Options' stage later in 2014.
- 1.6 However, a legal challenge has been made to the adoption of the Selby District Core Strategy Local Plan. The challenge has been submitted by Samuel Smiths Old Brewery (Tadcaster) on a number of grounds. The Council has indicated that it will be defending the challenge.
- 1.7 This report sets out the legal challenge process and budget requirements as well as the implication for the Core Strategy implementation and impact on the timetable for the SAPP.

2. The Report

Legal Challenge

- 2.1 The Inspector found the Core Strategy with main modification proposed

by the Council legally compliant and sound and the Council has formally adopted the Core Strategy. However, under section 113 of the Planning and Compulsory Purchase Act 2004 a person who is aggrieved by a relevant document may make an application to the High Court on the grounds that:

- (a) the document is not within the appropriate power; or
- (b) a procedural requirement has not been complied with.

- 2.2 The Claimant - Samuel Smiths Old Brewery (Tadcaster) has submitted a legal challenge and is required to submit their statements and evidence to the Council / High Court by 17 January 2014. Selby District Council is required to submit its statement and evidence in response by 14 February 2014.
- 2.3 The High Court will, after March 2014 set the dates of the Hearing which will be heard in Leeds later in the year.
- 2.4 The Court has the power to quash the Core Strategy in whole or in part or it can direct that the Council return the development of the strategy to an earlier stage in the process such as the Examination in Public or adoption stages.
- 2.5 The Council will robustly defend the Claim and requires budget provision to meet the costs of Counsel and additional staff costs within the Legal and Policy Teams. This will impact on the work programme for the SAPP and on-going legal work. Staff resources from both the Legal and Policy Teams will be required in January and February 2014 to collate all the relevant documents and prepare witness statements to exchange. Further resource commitment will be required from the teams for a period of around 4-6 weeks at the time of the hearing itself. There will be a requirement for additional staffing resources in both teams to 'back-fill' for the staff involved in the preparation work. The anticipated budget for the costs of counsel and staffing costs is set out in Appendix 1.

Status of the Core Strategy

- 2.6 Unless and until the Court quashes the Plan or orders that it be suspended pending a full trial of the issues raised by the challenge, the adopted Selby District Core Strategy Local Plan remains in force. The challenge does not, in itself, change the status of the Plan in relation to the determination of planning applications. The Local Plan remains part of the Development Plan unless or until any part of it is remitted or quashed by the Courts and therefore, the Council will continue to use the adopted Selby District Core Strategy Local Plan as a means of determining planning proposals in the Selby District.

Progression of the Sites and Policies Plan (SAPP)

- 2.7 In order to make most efficient use of resources it is recommended that the previously agreed timetable for the SAPP is reconfigured to progress evidence gathering in 2014 prior to public participation on Issues and

Options later in 2014 rather than after early public participation as previously envisaged in the agreed Local Development Scheme (LDS).

- 2.8 Delaying the first SAPP consultation until late 2014, supported by up-to-date evidence will give the greatest flexibility to adapt to the outcome of the legal challenge. Regardless of that outcome the evidence gathered will be able to inform the SAPP in the event the Core Strategy is upheld, or inform a revised comprehensive Local Plan in the event that the challenge is successful. It effectively keeps the Council on track – demonstrating commitment to producing the SAPP to deliver the Core Strategy.
- 2.10 Work will include the Strategic Land Availability Assessment (SLAA) which will consider the availability and deliverability of land for a range of potential purposes, building upon the ‘Call for Sites’ exercise in October 2013. This will feed into further work on the amount of development needed in settlements (e.g. housing, employment, retail), site selection criteria, and the Green Belt review methodology, reviews of Development Limits and Strategic Countryside Gaps.
- 2.11 A range of technical studies will also be undertaken such as the Employment Land Review, Retail and Commercial study, Sport and Leisure Study, Highways Studies, Strategic Flood Risk Assessment etc. Issue and options will also be tested through the Strategic Environment Assessment/Sustainability Appraisal process and an Appropriate Assessment under the Habitat Regulations (or the Habitat Regulations Assessment). The Council will continue comprehensively to review and update the Infrastructure Development Plan to support the SAPP.
- 2.12 The process will also include working with our neighbours to meet our duty to cooperate and focussed stakeholder engagement through developing an Engagement Plan.
- 2.13 Ultimately the analysis of the technical studies and stakeholder engagement and Sustainability Appraisal will inform the document for public participation later in 2014. It is envisaged that the document will comprise a firmer range of focussed issues and reasonable options, including more site specifics and details than would have been possible through an early public participation, as previously proposed.

Impact on the Local Development Scheme (LDS)

- 2.14 The recently approved LDS for 2013 -2016 included the following:
- Sites and Policies Plan (SAPP)
 - Community Infrastructure Levy (CIL)
 - Appleton Roebuck and Acaster Selby Neighbourhood Plan (ARASNP)
- 2.15 It also incorporated a timetable for each. For the SAPP in the light of the legal challenge it is anticipated that the timetable is amended (see

Appendix 2). However, it is not necessary to amend the LDS itself but, instead, the Regulations require the Council to monitor progress against the agreed LDS. This is undertaken through the Authority Monitoring Report (AMR) and it will set out the reasons why the timetable is altered.

2.16 The Core Strategy legal challenge does not affect the Community Infrastructure Levy consultation in January 2014 which may be undertaken as planned in the Local Development Scheme, although the planned-for cost savings of dual consultations will be lost.

2.17 The Appleton Roebuck and Acaster Selby Neighbourhood Plan (ARASNP) has progressed as far as identifying the Neighbourhood Plan Area. Work on the Neighbourhood Plan itself is in the early stages and it will be for the Neighbourhood Plan group to decide how to take that forward in the light of the challenge. Ultimately the Neighbourhood Plan would be adopted by the Council and must be consistent with the Local Plan.

3. Legal/Financial Controls and other Policy matters

Legal Issues

3.1 The Council as Local Planning Authority has a statutory duty to provide an up-to-date Local Plan. The plan must be legally compliant and meet the soundness tests as laid down by the relevant Acts and Regulations and the National Planning Policy Framework (NPPF).

3.2 The Core Strategy is a key part of the Local Plan. Although it is subject to challenge there is no legal reason why the SAPP (which forms the other major document in the local plan) should not continue to be developed whilst we await the outcome of the challenge. However it is prudent to ensure that steps taken now to develop the SAPP will be of value to the process of ensuring an up to date local plan whatever the outcome of the Court Process.

Financial Issues

3.2 Assuming that the SAPP can be progressed within the context of a Core Strategy which isn't quashed, it is anticipated at this stage that there will be sufficient funds allocated for the SAPP costs from the existing LDF budget. However there is a shortfall in budget for the SAPP Examination in Public (anticipated in 2016/17); for which a bid has been made as part of the 2014/15 budget process.

3.3 The programme depends on the use of all qualified planning staff plus the support of generic policy staff for some aspects of the work as well as business support. The timetable also envisages that key elements are supported with external expertise as required.

3.4 There is no LDF budget for defending the Core Strategy legal challenge and such costs will be considerable given the need to employ Counsel

and Legal Team costs in the Council plus policy officers' time diverted from the SAPP. Additional budgetary provision for these costs must be made as requested in this report. In addition the Executive should note that if the Council successfully defends the challenge it can reasonable expect to recover those costs from the challenger. However if it does not successfully defend the challenge the Court may order that the Council pay the costs incurred by the other party.

- 3.5 No assessment has been made of the costs of producing a single Local Plan in the event that the Core Strategy is quashed.

4. Conclusions

- 4.1 The Council will be robustly defending the Legal Challenge to the adoption of the Core Strategy but requires additional budget to cover the expected costs.
- 4.2 The Core Strategy remains part of the development plan and will continue to be used to assess planning applications alongside the NPPF.
- 4.3 In order to manage risk and more efficiently allocate resources, the timetable for progressing the SAPP is proposed to be amended to allow technical work to continue as planned but defer public participation until later in 2014.

Background Documents

Selby District Core Strategy Local Plan
Local Development Scheme 2013-2016

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Appendices:

- Appendix 1 Legal Challenge Budget (Exempt from Publication)
Appendix 2 Old and New Timetable

Selby District Council

REPORT

Reference: E/13/43

Public – Appendix in private – Item 5



To: The Executive
Date: 9 January 2014
Status: Key Decision
Report Published: 31 December 2013
Author: Eileen Scothern
Executive Member: Councillor Mark Crane
Lead Officer: Keith Dawson - Director

The Appendix to this report contains exempt information under paragraph 3 of the new schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Title: Potential purchase of Homes and Communities Agency land at Burn

Summary:

The current owner of the site, Homes and Communities Agency (HCA) are looking to dispose of their site by March 2015. This report provides an appraisal of the Burn Airfield site and seeks Councillors' views on whether the Council is minded to submit a bid to purchase the site.

An enabling budget would be required to carry out various site investigations and pay fees for legal and agent services if the Council is minded to bid to purchase the site.

Recommendations:

- i. To consider whether the Council wishes to inform the HCA that Council is interested in purchasing the Burn Airfield site.
- ii. If so, approve a budget from the Programme for Growth Strategic Sites budget sufficient for the Council to carry out the necessary due diligence as set out in the Appendix, Para A2.6 to allow the submission of a bid to HCA and

- iii. **Authorise the Chief Executive to appoint a land agent and procure legal advice to negotiate a price and agree heads of terms.**

Reasons for recommendation

To ascertain whether further work on preparing a bid is supported by the Council.

1. Introduction and background

- 1.1 The HCA own a 195 hectare (482 acres) site which is currently used for agricultural (Grade 2) and recreational purposes including Burn Gliding Club and dog walking.
- 1.2 The HCA had discussed with the Council the possibility of selling the site to the Council, however, on 9th December 2013 HCA wrote to the Council to say that they propose placing the site on the open market.
- 1.3 Purchasing the land will safeguard the land for future use as a strategic site. It may for example protect the majority of the route of the proposed bypass and could enable the delivery of the bypass by facilitating future development.

2. The Report

- 2.1 The site is 3.5 km (2 miles) south of Selby town centre; it is 195 Ha (482 acres) in size, in two parcels split by Burn Lane. Both parcels are irregular in shape with no frontage or direct access on to the A19. The larger site is bound by a railway line to the east, Common Lane to the North, Brick Kiln Lane and the village of Burn to the west and Burn Lane to the South. The smaller plot is bound by Burn Lane to the North, agricultural fields to the east and west and a drain to the south.
- 2.2 Access to the site is via Common Lane, Brick Kiln Lane, Burn Lane or through the Gliding Club entrance.
- 2.3 This site was part of RAF Burn and consists of open land which is currently leased out for agricultural purposes and a number of small structures and tarmac airfield runways. The Pennine trail runs along the northern perimeter track and along the eastern boundary.
- 2.4 The site was subject to a planning application in 2005 (2005/0575/OUT) for a research and development facility. This was granted but never implemented. As part of this application it was envisaged it would contribute to and facilitate the implementation of a Bypass round Burn. Without the Bypass the development potential of the site is very limited.
- 2.5 The site has also been subject to 4 applications to register parts of the site as a Community Asset of these one has been approved (Runways and associated club buildings), the other three are still under

consideration they are Land associated with the Pennine Trail; Henwick Hall and the Burn Airfield site including adjacent farmland.

- 2.6 The site has been previously used as a military base and as part of the due diligence of the planning application 2005/0575/OUT a desk study of military use and potential unexploded ordnance was carried out in 2002 which concluded there is a low risk of UXO remaining on the property. HCA commissioned a further Desk Study in 2013 which pointed to a low risk of German unexploded bombs (UXBs) and Allied Anti-Aircraft Artillery (AAAs) but a medium risk of other types of allied military ordnance for example small arms ammunition (SAAs). As part of the Council's application for a travellers site a non intrusive walkover of the site identified nearly 2,000 potential ferrous objects, these may be old agricultural/vehicle/spent ordnance debris but could also be AAA/SAA or UXBs.
- 2.7 The HCA following the receipt of their desk study issued a letter to their tenants stating that it is safe to farm the land but if they find any suspect objects it set out the procedures they are expected to take.
- 2.8 The site is partially in Flood Zones 1, 2 and 3 and any application for development will require a sequential test. As part of the Core Strategy the sequential test will be in this order Principal Town, Local Service Centre, Designated Village, Secondary Village.
- 2.9 Part of the site has been designated by North Yorkshire County Council as a SINC (Sites of Importance for Nature Conservation), and was last surveyed in 2000. Any development will need to take this designation into account.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 Any land acquisition would be under s227 of the Town and County Planning Act 1990 which allows acquisition of land by agreement with the owner for one of the following purposes
- 3.2
 - a) where the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,] or
 - b) [which] is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

The development, re-development or improvement must also be likely to contribute to the achievement of any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of the area;

- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

3.3 Financial Issues

- 3.4 The site was purchased by Yorkshire Forward (transferred to HCA) in 2003 for £2,694,000.
- 3.5 The Council does not have sufficient cash resources to purchase the site and therefore will need to take out prudential borrowing in full or part depending on the ultimate value negotiated. There is the potential for some funding from the Programme for Growth which could reduce the amount of borrowing needed. The cost of serving the interest payments and the required Minimum Revenue Provision associated with borrowing can not be fully funded by income generation from the site and therefore will require additional finance allocated to this project on an annual basis.
- 3.6 The ultimate funding package will be brought forward as part of the report should Council approval be sought to purchase the site.

4. Risk Management

- 4.1 The HCA now intend to offer the site for sale on the open market. The Council may find itself in a competitive situation and will have to proceed under the procedures now created by the Assets of Community Value regime
- 4.2 Any monies expended on the investigative works and consultant's fees would be abortive costs if the site were not to proceed.
- 4.3 SDC would have public liability responsibilities but most of the maintenance responsibilities are transferred to the tenants under the various leases.

5. Sustainability

- 5.1 The development of this site will be to the latest building regulations, therefore, assisting with the drive to reduce carbon emissions.
- 5.2 The development will provide much needed development for either residential or employment purposes and act as a catalyst for the Burn Bypass.

6. Value for Money

- 6.1 The cost of serving the interest payments based on the land value can't be funded by income generation and therefore will require additional

finance allocated to this project on an annual basis until the site is developed or sold.

Contact Officer:

Eileen Scothern
Business Manager
Selby District Council

Selby District Council

REPORT

Reference: E/13/45

Public – Item 6



To: The Executive
Date: 9 January 2014
Status: Non Key decision
Report Published: 31 December 2013
Author: Michelle Dinsdale - Policy Officer
Executive Member: Cllr M Crane - Leader of the Council
Lead Officer: Keith Dawson - Director of Community Services

Title: Document Retention Policy

Summary: A lack of a robust policy and practice for document management can expose the Council to risk. This report presents a proposed Document Retention Policy (Appendix 1) which makes reference to relevant legislation, key considerations and the Corporate Records Retention and Disposal Schedules (currently in the process of being finalised).

The Council is also currently in the process of implementing an automatic on-going retention and disposal programme in order to manage its electronic document life cycle effectively. The Northgate Information@Work Retention and Disposal Module will provide the organisation with a number of benefits in relation to records management, including enabling faster document retrieval. The policy will serve to enable Officers to employ a consistent approach to the retention and disposal of documentation, including facilitating the implementation of the Northgate module.

Recommendations:

- i. **Approval of the Document Retention Policy**

Reasons for recommendation

- i. **To have a robust framework to provide a consistent, professional approach to both paper and electronic document management, which complies with current legislation in relation to the management of information.**

1. Introduction and background

- 1.1 Information is one of the most important resources of any organisation. For local government, good record keeping is fundamental to enable effective service provision, informed decision-making, and to demonstrate accountability for public funds. Records management also underpins the Council's ability to meet other requirements such as open government, partnership working or legal challenges.
- 1.2 Inadequate retention policies and practices can expose the Council to risk of legal challenge. Various statutes require certain information to be retained for periods set down by law. The Freedom of Information Act 2000, has been in force since January 2005, and promotes open and transparent decision making and allows members of the public to make requests for information from public bodies. The Council may be in breach of the law where records are not kept for the required period.
- 1.3 On the other hand, the Data Protection Act (DPA) 1998 requires that personal data should only be kept for as long as is necessary for the purpose for which it was collected. The DPA places obligations on organisations that use personal information and gives individuals certain rights. The DPA states that those who record and use personal information must be open about how the information is used and must follow the eight principles of "good information handling". The retention of excessive personal data may breach the DPA and lead to enforcement action by the Information Commissioner.
- 1.4 The Council has been using the Northgate Public Services Information@Work management system for several years in order to store its documents. Over the years it has accumulated millions of documents, many of which are no longer useful. The unnecessarily large volume of documents stored on the system often results in user searches being slow. It is essential that the information is cleansed.
- 1.5 The Council has recently purchased a retention and disposal module for the Northgate system which will further facilitate the efficient and effective operation of document management within the organisation. In order to implement this module, the organisation needs to have a robust Document Retention Policy in place together with a Corporate Record Retention and Disposal Schedule, which clearly states the retention periods applicable to the various document types.

2. The Report

2.1 The implementation of a Document Retention Policy will provide a number of benefits to the organisation, individuals and stakeholders. It will:

- Improve records management practices within the organisation
- Assist in identifying records that may be worth preserving permanently
- Prevent the premature destruction of records that need to be retained for specific legal, financial or other requirements of public administration
- Provide consistency for the archive and destruction of records not required permanently after specified periods
- Create additional storage capacity (both electronic and hardcopy)

2.2 The aim of the policy is to:

- Clearly set out the Council's commitment with regard to records management
- Detail the procedures to be adopted in relation to document retention and disposal
- Fulfil statutory or other regulatory requirements
- Meet operational needs
- Ensure the preservation of documents of historic or other value
- Clarify the roles and responsibilities, including that of Lead Officers (or designated officers) in the decision making process in relation to document retention and disposal.

2.3 The purpose of the policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:

- Retained – and if so in what format and for what period; or
- Disposed of – and if so when and by what method.

2.4 A range of standards and guidance exist to assist local authorities in ensuring they are carrying out their records retention and disposal practices in line with best practice. These include the Records Management Society of Great Britain *Retention Guidelines for Local Authorities* (2003) and the Local Government Classification Scheme. The Corporate Records Retention and Disposal Schedule is currently in the process of being developed in order to determine which records will be retained and for what period. In developing this document the above guidance has been referred to. Consideration in relation to retention periods has also been on the basis of administrative need, statutory requirements, financial needs and historical value. In cases where no end date is stated in the schedule in relation to a particular document, it is the intention that the retention period will be six years.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Council has a legal obligation to comply with the Data Protection Act 1998 and the Freedom of Information Act 2000.

The Data Protection Act 1998 does not set out any specific minimum or maximum periods for retaining personal data. Instead it says '*Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.*'

The Freedom of Information Act 2000 requires organisations to maintain a list of records which have been destroyed and who authorised their destruction. In order to provide an audit trail and comply with the legislation a template has been devised, which is included in Appendix 2 of the Document Retention Policy. Under the policy Lead Officers are responsible for ensuring the completion of such a document.

3.2 Financial Issues

Officers from Policy and Strategy, Data and Systems and Business Support are currently working together to ensure a coordinated approach and this is being delivered within the existing cost envelope.

Following initial implementation of the new working practices within each individual service area, it is anticipated that ensuring compliance with the policy will be included as part of the routine day job and will therefore not require any additional resources.

Failure to adhere to relevant legislation, as referred to in the policy, could result in legal action against the organisation, the cost of which, whilst unknown, could potentially be significant.

The upgrade to the Northgate system has being approved from the Capital ICT Budget.

4. Conclusion

The implementation of the policy will allow for a managed disposal of documents that have reached their retention period, both paper and electronic, part of which involves the implementation of the Northgate electronic retention and disposal module.

The Council is required to comply with both the Freedom of Information Act 2000 and the Data Protection Act 1998. By adopting the Document Retention Policy the Council will be able to demonstrate that it is committed to having a policy which provides effective and efficient information and record management, whilst also ensuring that the relevant legislation is being adhered to.

5. Background Documents

None

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Appendices:
Appendix 1 - Document Retention Policy



Selby District Council

Document Retention Policy

November 2013

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1 INTRODUCTION

1.1 In the course of carrying out its various functions and activities, the Council collects information from individuals and external organisations and generates a wide range of data/information which is recorded. These records can take many different forms e.g.

- Letters received from third parties
- Copy letters which have been sent out
- File attendance notes
- Invoices
- Completed application forms
- Plans/drawings
- Financial records
- Registers
- Contracts/deeds
- E-mail communications (and any attachments)
- Photographs
- Tape Recordings

1.2 Many of the above documents can be retained as 'hard' paper records as well as in electronic form.

1.3 Retention of specific documents may be necessary to:

- Fulfil statutory or other regulatory requirements.
- Evidence events/agreements in the case of disputes.
- Meet operational needs.
- Ensure the preservation of documents of historic or other value.

1.4 The untimely destruction of documents could cause the Council:

- Difficulty in defending litigious claims
- Operational problems
- Embarrassment
- Failure to comply with the Freedom of Information or Data Protection Acts.

1.5 Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:

- A shortage of new storage space
- Disposal of existing documents can free up space for more productive activities

- Indefinite retention of personal data may be unlawful
- Reduction of fire risk (in the case of paper records).

1.6 Modern day records management philosophy emphasises the importance of organisations having systems in place for the timely and secure disposal of documents/records that are no longer required for business purposes. Additionally, the Freedom of Information Act makes it important that the Council has clearly defined policies and procedures in place for disposing of records, and that these are well documented.

2 SCOPE & PURPOSE

2.1 The purpose of this policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should be:

- Retained - and if so in what format, and for what period; or
- Disposed of - and if so when and by what method.

Additionally, this policy seeks to clarify the roles and responsibilities of Lead Officers in the decision making process.

2.2 This policy is not concerned with the disposal/retention of unused materials (e.g. stocks of paper, unused forms, and duplicated documents).

3. THE RETENTION/DISPOSAL PROTOCOL

3.1 Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol. This protocol consists of:

- The key disposal/retention considerations criteria checklist (Appendix 1)
- The Corporate Records Retention and Disposal Schedule (CRRDS), published on the intranet.

3.2 Under the Freedom of Information Act 2000, Local Government is required to maintain a retention schedule listing the record series which it creates in the course of its business.

A Corporate Records Retention and Disposal Schedule has been established which details record types held by all areas of the organisation, together with retention periods and statutory or other regulations that govern retention and disposal. The schedule has been compiled with reference to the Local Government Classification Retention Scheme (LGCRS) and the Retention Guidelines for Local Authorities (RGLA) 2003:1.

The retention schedule refers to all information, regardless of the media in which it is stored.

Retention/disposal decisions in respect of 'residual documentation/records' (i.e. those which are not specifically covered by the CRRDS) should be considered against the guidelines contained in Appendix 1.

It cannot be over emphasised that in determining the retention period appropriate for documents, regard must be had to the key disposal/retention considerations set out in Appendix 1.

4. ROLES & RESPONSIBILITIES

4.1 Lead Officers

4.1.1 Responsibility for determining (in accordance with the CRRDS protocol referred to in section 3.2 of this policy) whether to retain or dispose of specific documents rests with the individual Lead Officer, in respect of those documents that properly fall within the remit or control of his/her service area.

The rationale for this is that it is reasonable to both assume and expect that each Lead Officer should be broadly conversant with the types of documents received, generated and stored by his/her service area.

Because of the clear benefits resulting from the disposal of unnecessary documentation, Lead Officers are expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal.

4.1.2 Lead Officers may delegate the operational aspects of this function to one or more officers within their service area. However in doing so they should ensure that any such Officer is fully conversant with this Policy and is also familiar with the operational requirements of the service area in relation to document retention/disposal.

4.1.3 Where a retention period has expired in relation to a particular document, a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming. Where the Lead Officer (or designated officer) is familiar with the contents of the document or where the contents are straightforward and easily apparent then such an exercise may only take a few minutes.

4.1.4 Lead Officers should be prepared, where necessary, to carry out a risk analysis i.e. assess (i) the value (or possible value) of a particular document/class of document; (ii) the likelihood that recourse may be needed to it in the future (Key Disposal/Retention

Consideration No. 4 is relevant here); and (iii) the consequences to the Council/service if that document is not available because it has been destroyed. Clearly, there will be the temptation to adopt a policy of retaining every single document or record for at least 6 years. Undoubtedly, this will be the safest option; but it is also unduly cautious and generally to be discouraged.

- 4.1.5** Where paper records are concerned Lead Officers should also endeavour to avoid duplicate record keeping, wherever it is practicable to do so. It may sometimes be the case that two or more service areas have the same documents/records in their possession. Provided that one service area has a full set in safe storage there may well be the case that there is no need for the other service area(s) to retain a set. Inter-service communication and cooperation in the context of document retention is to be encouraged.
- 4.1.6** The destruction of records needs to be satisfactorily documented to facilitate an audit trail and it is the responsibility of each Lead Officer to ensure that this process is completed in relation of their service areas. A template for recording the disposal of records is available on the intranet (Appendix 2).

4.2 Legal Services

- 4.2.1** Legal Services can advise on whether minimum retention periods are prescribed by law, and whether retention is necessary to protect the Council's position where the likelihood of a claim has been identified by the relevant Lead Officer. Legal Services staff cannot be expected to possess the operational or background knowledge required to assess whether a particular document may be required by the service concerned for operational need. This is the responsibility of the relevant Lead Officer (or designated Officers).

4.3 Data & Systems

- 4.3.1** The Data & Systems team are available to provide Lead Officers with advice and guidance on effective records management practices.

5 DISPOSAL

- 5.1** In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal.
- 5.2** Disposal can be achieved by a range of processes:
- 'Confidential waste' – i.e. making available for collection by a designated refuse collection service or use of the confidential waste bags within the Civic offices.

- Physical destruction on site (paper records - shredding)
- Deletion – where computer files are concerned
- Migration of document to external body

5.3 Lead Officers should take into account the following considerations when selecting any method of disposal:

- Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render the Council liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed on site (e.g. by shredding) or placed in specially marked “Confidential Waste” refuse bags.

- Deletion - the Information Commissioner has advised that if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.

- Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Public Record Office (“PRO”)/County Archivist. “Migration” can, of course, include the sale of documents to a third party. The Solicitor to the Council is happy to be a point of reference in cases where migration to the PRO/County Archivist or other external archive is considered a possibility.

- Recycling - wherever practicable disposal should further recycling, in-line with the Council’s commitment to sustainable development and promoting an alternative waste disposal strategy.

5.4 The Freedom of Information Act 2000 requires the Council to maintain a list of records which have been destroyed and who authorised their destruction (as referred to in section 4.1.6).

6. DATA PROTECTION ACT 1998

6.1 The Fifth Principle of the Data Protection Act 1998 states that *‘Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes’*. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

The Data Protection Legislation contains no interpretive provisions on this provision. It is a matter for reasonable judgement and common sense as to how long personal data should be retained.

Clearly, in many instances the retention of personal data will be necessary and thus justified for a very long period of time. In general provided there is adherence to this Policy few problems should arise.

Lead Officers and their staff need to be conscious of the fact that in some contexts it can be relatively easy to fall foul of the Data Protection Act regarding the retention of personal data.

7. HUMAN RESOURCES

Documents/records relating to Personnel matters warrant careful attention in so far as retention periods are concerned. There is the need to be aware of the fact that the Council may have recourse to certain documents/records in the event of a claim being made against it under employment protection or antidiscrimination legislation.

Many employment documents or records will contain “personal data” and “sensitive personal data” as defined by the Data Protection Act 1998. Thus, in some instances, the Council will be under a legal duty to destroy employment records. However, the Information Commissioner has stated that in considering an employer’s compliance with this principle she will have regard to the need for the employer to respond to enquiries, for example, from an employee’s new employer or from Inland Revenue as well as for its own use.

The Information Commissioner has published a draft code of practice (“ICE of P”) on the use of personal data in employer/employee relationships that provides guidance on retention periods for certain categories of employment records. Where applicable, these are referred to in the Corporate Records Retention and Disposal Schedule.

8. LEGAL

Documents in the custody or care of Legal Services warrant special consideration, as they may have legal significance. In addition to the document retention considerations set out in the main body of the policy it should be noted that the Solicitor to the Council is governed by guidelines issued by the Law Society of England and Wales under the guise of its Professional Conduct Rules.

The Law Society at the outset stresses that it is unable to specify particular periods of years for which individual old files should be retained. Solicitors should exercise their own judgement in this respect, having regard to such factors as the subject matter of the contents and their own circumstances, including availability of storage space and the costs thereof. Subject to that, the Law Society considers it may well be advisable to retain all files for a minimum period of 6 years from when the subject matter was wholly

completed. At the end of the 6 year period, solicitors should review the files again according to the nature of the particular transactions to which they refer, and the likelihood of any claims arising there from within the appropriate limitation period.

The CRRDS seeks to identify documents/files that can be safely disposed of before expiry of the six year principle.

After taking these matters into account and before deciding that certain old files can be destroyed, solicitors should consider whether there are any documents that ought to nevertheless be preserved for their archival or historic value. If there is any possibility of this it is suggested that contact should be made with the County Archivist in order to arrange for an inspection.

The Law Society guidelines are, of course, in line with the Key Disposal/Retention considerations set out in this Policy.

9 POLICY COMPLIANCE AND AUDIT

9.1 Lead Officers should familiarise themselves with the Corporate Records Retention and Disposal Schedule and be able to assign retention periods to records they create, maintain or use. Failure to observe the standards set out in this policy may be regarded as serious and any breach may render an employee liable to disciplinary action, which may include dismissal.

9.2 Non-compliance with this policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers. The Council will undertake audits as required to monitor compliance with this policy.

10 REVIEW

10.1 This policy will be reviewed annually, or as appropriate and in response to changes in legislation or Council policies, technology, increased risks and new vulnerabilities or in response to security incidents.

Key Disposal/Retention Considerations

No document should be earmarked for disposal unless due regard has first been given to (i) the five Key Disposal/Retention considerations detailed in this Appendix, and (ii) to the Corporate Records Retention and Disposal Schedule.

KEY CONSIDERATION NO. 1

HAS THE DOCUMENT BEEN APPRAISED?

1. As a first step, the nature/contents of any document being considered for disposal should be ascertained. No document(s) should be earmarked or designated for disposal unless this has been done. Insofar as *existing documents* are concerned it follows that the above can only be achieved by the carrying out of physical inspection and appraisal. The process may only take a few minutes - perhaps even seconds. Nonetheless it can be a skilled task - depending on the complexity of the document(s) concerned – and should only be undertaken by officers who possess sufficient operational knowledge to enable them to identify the document concerned and its function within both the individual Service and corporate frameworks. Any decision to the effect that *future documents* of a specified description be disposed of on expiry of a specified retention period should be an informed one *i.e.* taken with a full appreciation and understanding of the nature and function of such document.

2. The above is largely commonsense, and hardly needs to be stated. However, if appraisal is inadvertently overlooked or carried out negligently, or by an employee who lacks the necessary background operational knowledge, the Council runs the very real risk of important documents being destroyed in error.

KEY CONSIDERATION NO. 2

IS RETENTION REQUIRED TO FULFIL STATUTORY OR OTHER REGULATORY REQUIREMENTS?

There is, in fact, very little specific legislation that stipulates mandatory retention periods for documents in local government.

The main pieces of legislation which do, either directly or indirectly, impose minimum retention periods are as follows:

Tax Legislation: Minimum retention period for certain financial records are imposed by statutes such as the VAT Act 1994, and the Taxes Management Act 1970. These retention periods are identified in the retention schedules.

Statutory Registers: Various local government statutes require registers to be kept of certain events, notifications, or transactions. It is implicit within such legislative requirement that these records be maintained on a permanent basis, unless the legislation concerned stipulates otherwise.

The Audit Commission Act 1998: This provides auditors with a right of access to every document relating to the Council that appears necessary for the purposes of carrying out the auditor's functions under the Act.

The Local Government Act 1972, S.225: Any document deposited with "the proper officer" of the Council in accordance with Statute should be retained permanently.

(This is analogous to the position re Registers, above).

Part VA of the Local Government Act 1972: This governs public access to certain documents relating to Council and Committee meetings. Certain documents that form part of the public part of the agenda are required to be available for inspection by members of the public.

KEY CONSIDERATION NO. 3

IS RETENTION REQUIRED TO EVIDENCE EVENTS IN THE CASE OF DISPUTE?

On occasions, the Council becomes involved in disputes with third parties. Such disputes, if not satisfactorily resolved, can result in the dissatisfied party bringing legal proceedings against the Council, usually (but not always) with a view to obtaining monetary compensation. Conversely, the Council may wish to institute legal proceedings against an individual or organisation e.g. to recover an unpaid debt, or in respect of faulty workmanship. Where a dispute arises, or litigation has been commenced it is important that the Council has access to all correspondence and other documentation that is relevant to the matter. Without such, there is the danger that the Council's position will be compromised, and the very real possibility that an unmeritorious claim might succeed, or that the Council may be unable to assert its legal entitlements.

The **Limitations Act 1980** specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that has to elapse before a claim is barred. The main time limits that are directly relevant to local government are as follows:

- Claims founded on simple contract or tort (other than personal injury claims) cannot be brought after the expiration of 6 years from the date on which the cause of action occurred.
- Compensation claims for personal injury are barred on expiry of 3 years from the date on which:
 - (i) The cause of action occurred (this will usually be the date when the incident causing the injury occurred); or
 - (ii) The date when the injured person first had knowledge of the injury, its cause and the identity of the person responsible (some injuries are latent and do not manifest themselves for some period of time).
- Claims that are based on provisions contained in documents that are 'under seal' are barred after the expiration of 12 years from the date on which the cause of the action occurred.

Limitations Act 1980 S.14A and S.14B: "Latent damage claims": S.14A provides a special time limit for negligence actions (excluding personal injury) where facts relevant to the cause of action were not known to the claimant at the date of the negligence.

The six-year retention period and risk assessment: As stated above the majority of potential legal claims are statute barred on the expiry of 6 years.

For this reason many organisations consider it prudent to retain files/records for a period of 6 years form the date when the subject matter was completed.

It is important, though, to keep in mind that in the course of the Council's everyday business large masses of document action are generated that serve no purpose after relatively short periods of time. Many documents will relate to completed matters where, realistically, the risk of subsequent litigation or other dispute is minimal, if not non-existent. Long-term retention of such documents is counterproductive. Lead Officers should be prepared to carry out a risk analysis, with a view to disposal of such documents within a shorter period than the 6 year time frame.

KEY CONSIDERATION NO. 4

IS RETENTION REQUIRED TO MEET THE OPERATIONAL NEEDS OF THE SERVICE?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies or has expired. Lead Officers should be open to the danger of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgement needs to be made as to the usefulness of a particular document.

Key Documents

The Audit Commission recognises that key records may merit permanent preservation, notwithstanding nothing is prescribed. These are covered in the CRRDS.

KEY CONSIDERATION NO. 5

IS RETENTION REQUIRED BECAUSE THE DOCUMENT OR RECORD IS OF HISTORIC INTEREST OR INTRINSIC VALUE?

In most cases this consideration will not be applicable. However, it is certainly possible that some documents currently in Council storage may be of historic interest and/or even have some monetary value.

Illustration

A local authority may have in its possession records of damage to property caused by air raids during WW II. These records may well be of interest to museums, local history societies, and the County Records office.

Where it is suspected that the document falls within this description appropriate enquires should always be made before taking any further action. The Solicitor to the Council should be contacted for advice and guidance in the first instance.

Even if the document is of historical or monetary value, disposal rather than retention by the Council, may well be the appropriate option – but in the form of transfer to, say, the County Records office; or even sale to an external body.

Template for recording the disposal of records

Service	Surname	First name	Job title	Type and title of file and description ⁱ	Is there an outstanding FOI request on these records?	Amount (no, of boxes, files etc.)	Date of disposal or review	Action taken ⁱⁱ	Justification ⁱⁱⁱ

ⁱ Indicate the storage medium (paper, cd, floppy disk, video tape, database etc.) and date range of any of the records destroyed.

ⁱⁱ Where applicable include destruction method (e.g. shredding).

ⁱⁱⁱ Where applicable include the relevant legislation.

Selby District Council

REPORT

Reference: E/13/46

Public - Item 7



To: The Executive
Date: 9 January 2014
Status: Non Key Decision
Report Published: 31 December 2013
Author: Rob Williams, Business Transformation Officer
Executive Member: Cllr C Lunn
Lead Officer: Karen Iveson – Executive Director (151 Officer)

Title: Procurement of North Yorkshire County Council's Telephone System

Summary: The report asks the Executive to approve the virement of funds from the approved ICT Capital Programme in 2013/14 to enable the bringing forward of a project to purchase a new telephony system. Urgent work is required to upgrade our existing server and system to ensure compliance with the Government's 'Code of Connection' to avoid a spend to meet CoCo compliance.

Recommendations:

To approve the virement of £57,000 from savings within the approved ICT Capital Programme to finance the purchase of the NYCC Mitel phone system and avoid an abortive £15,500 CoCo compliance cost.

Reasons for recommendation

To deliver a modern phone system that will enable potential partnership and revenue opportunities, while avoiding a £15,500 outlay to meet CoCo compliancy.

1. Introduction and background

- 1.1 As part of the better together project, early opportunities have been identified where we can work more closely with NYCC; telephony was highlighted as one of the quickest and best ways to achieve this.

1.2 Our current phone system does not offer the functionality that some other phone systems do, such as flexible working, working from home and more flexible and cost effective links with other authorities.

1.3 In the U.K., the Code of Connection (CoCo) is a mandatory set of requirements that must be demonstrated before local authorities can connect to the Government Secure Intranet (GSI).

This means that we must ensure every server and every piece of software is compliant, otherwise we can be denied access to the network. We have until the 31st March 2014 to achieve compliance, at this moment in time our current phone system is not compliant.

2. The Report

2.1 The 'Better Together' project highlighted a number of quick wins, with sharing a telephony platform being one of the first. The aim was to achieve closer working with NYCC, while modernising how we handle calls.

2.2 Research was conducted on potential options to help inform whether it was better to work with NYCC or to pursue a Selby only option.

2.3 This led to a bid being submitted as part of the capital bids process for 2014/15.

2.4 On the back of this, an options paper was prepared and presented to the ICT strategy board. The ICT Strategy board agreed that the preferred option should be to work with NYCC, due to the opportunities and benefits the collaboration would deliver.

2.5 Due to the pressing issue of CoCo compliance a quick decision is required to ensure we move to the new system before the 31st March 2014, otherwise the authority will be required to enhance its current phone system to meet compliancy at a cost of £15,500. Early action to implement to NYCC system will avoid this unnecessary outlay.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Council is looking to procure the services of North Yorkshire County Council and its telephone system under section 1 of the Local Authorities (Goods and Services) Act 1970 which allows local authorities to enter into agreements to supply goods, materials and/or administrative, professional or technical services to any public body without the need for a formal procurement exercise. The terms of the agreement with North Yorkshire will need to be drafted to carefully protect the Council's interests.

3.2 Financial Issues

A capital bid has been discussed and supported as part of the development of the 2014/15 budget preparations however due to 'Code of Connection' compliances issues; it is recommended that the project be brought forward to avoid an outlay of £15,500 to move our current telephony system onto a compliant server and version of software.

Purchase and implementation costs are estimated at £57,000, this cost will cover the purchase of the system, handsets and telephone switch upgrade. There are savings associated with the upgrade of the Document Image Processing system (DIP) within the 2013/14 approved capital programme that can cover this cost.

The ongoing revenue cost is £11,000 per year for maintenance (£2,000 per year more than the existing system). But savings of £5,000 per year are anticipated through efficient use of the new system bringing a net saving of £3,000 p.a. towards Access Selby's savings target

4. Conclusion

Bringing forward this project will avoid an unnecessary outlay on a legacy system and will provide a new, modern phone system which will support the Council's wider objectives for improved customer service and the 'Better Together' project.

5. Background Documents

Contact Details

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