



Meeting: **POLICY REVIEW COMMITTEE**  
Date: **TUESDAY 15 September 2015**  
Time: **5.00PM**  
Venue: **COMMITTEE ROOM**  
To: **Councillors J Deans (Chair), M Hobson (Vice Chair),  
K Arthur, K Ellis, D Hutchinson, R Packham and Mrs J  
Shaw-Wright.**

## Agenda

### 1. Apologies for absence

### 2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://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.

### 3. Minutes

To confirm as a correct record the minutes of the meeting of the Policy Review Committee held on 14 July 2015 (pages 1 - 5 attached).

### 4. Chair's Address to the Policy Review Committee

### 5. Medium Term Financial Strategy Update

To consider the Medium Term Financial Strategy (pages 6 - 37 attached).

## **6. Review of the Corporate Enforcement Policy**

To consider the proposals for the review of the Corporate Enforcement Policy (pages 38 - 74 attached).

## **7. Work Programme 2015/16**

To consider the Committee's Work Programme for 2015/16 (pages 75 - 77 attached).

**Jonathan Lund**  
**Deputy Chief Executive**

Enquiries relating to this agenda, please contact Janine Jenkinson on:  
Tel: 01757 292268 or email: [jjenkinson@selby.gov.uk](mailto:jjenkinson@selby.gov.uk)

### **Recording at Council Meetings**

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

# Minutes

## Policy Review Committee

Venue: Committee Room

Date: 14 July 2015

Time: 5.00 p.m.

Present: Councillors J Deans (Chair), M Hobson (Vice Chair), K Arthur, K Ellis, D Hutchinson, R Packham and Mrs J Shaw-Wright.

Apologies for Absence: None

Officers Present: Rose Norris - Executive Director, Gillian Marshall – Solicitor to the Council, Chris Watson – Policy Officer, Glenn Shelley – Business Manager, Tammy Fox – Benefits and Taxation Officer and Janine Jenkinson - Democratic Services Officer.

### **2. DISCLOSURES OF INTEREST**

There were no declarations of interest.

### **3. MINUTES**

**RESOLVED: To receive and approve the minutes of the Policy Review Committee held on 16 June 2015 for signature by the Chair.**

### **4. CHAIR'S ADDRESS**

There was no address from the Chair.

**5. PR/15/4 - NATIONAL NON-DOMESTIC RATES TRANSITIONAL RELIEF SCHEME**

Tammy Fox, Benefits and Taxation Officer presented a report that set out the details of the National Non-Domestic Rates Transitional Relief Scheme.

**RESOLVED: To recommend to the Executive that the Transitional Relief Scheme, as set out in Appendix A of the report be approved.**

**6. PR/15/5 - NATIONAL NON-DOMESTIC RATES DISCRETIONARY RELIEFS**

The Committee was advised that local authorities had the power to grant Discretionary Rate Relief to organisations that met certain criteria.

Overall, the Discretionary Rate Relief Policy had worked well and those organisations entitled to relief had continued to benefit. However, experience had shown that there were some changes that could improve administration and transparency.

Councillors were asked to consider a revised Policy, as set out in Appendix A of the report.

The Benefits and Taxation Officer was asked if the three months Business Rate Relief for unoccupied shop premises could be extended in order to encourage landlords to let premises to businesses as well as charity shops. In response, the Benefits and Taxation Officer reported that the Council had no discretion in relation to premises valuations, as these were set by the Valuation Office Agency (VOA). Therefore, the three month exemption could not be extended unless the use of the premise changed and the premise was re-evaluated by the VOA.

The Committee also discussed the 80% Mandatory Relief available to charities.

**RESOLVED:**

- I. To approve the following changes to the Council's Discretionary Rate Relief Policy:**
  - **S44a relief (part occupation of premises) be added to the Policy; and**
  - **The award cap relating to rateable values be removed.**
- II. To recommend that the Executive consider charity shops' compliance with the Discretionary Rate Relief scheme.**

## **7. PR/15/6 – REVIEW OF THE LICENSING POLICY**

Gillian Marshall, Solicitor to the Council presented a report that set out the scope and timetable for the review of the Licensing Policy.

The Committee queried the licensing responsibilities of alcohol wholesale and retail businesses.

The Solicitor to the Council was asked how the sale of alcohol to people under the age of 18 was monitored. In response, the Committee was advised that appropriate conditions, prohibiting the sale of alcohol to people under the age of 18 years old, were attached to any licence granted. As young people often looked older than their actual age, the Council encouraged licensees to adopt a 'Challenge 21' Policy in order to be certain that no sales of alcohol to people underage took place. The Solicitor to the Council explained that The Trading Standards Institute was responsible for enforcement and often carried out test purchase sales to monitor the sale of alcohol.

Councillors were advised that the Licensing Authority would work closely with all Responsible Authorities, particularly North Yorkshire Police, North Yorkshire Fire and Rescue Service and North Yorkshire Trading Standards to ensure the promotion of the Licensing Objectives.

### **RESOLVED:**

- I. To note the proposals for the review of the Licensing Policy.**
- II. To include a section in the Policy on the licensing responsibilities of alcohol wholesale/retail businesses.**
- III. To include a section in the Policy regarding the Council's joint partnership working on enforcement to promote the Licensing Objectives.**

## **8. PR/15/7 - WELFARE REFORM – SIX MONTHS UPDATE**

Glenn Shelley, Business Manager presented a report that provided a six month review detailing the impact of the Welfare Reform changes in Selby.

The Government was committed to reduce spending on working age benefits by £12 billion over the course of the new Parliament. Officers would monitor the situation closely, as it was expected to have a very noticeable impact on residents, tenants and Council services as a whole. There was not yet sufficient detail to model the impact with any degree of certainty.

Referring to the minutes of the previous meeting held on 16 June 2016, it was highlighted that it had been agreed that information in relation to the Council's approach to debt collection would be incorporated into the Welfare Reform report; however, it was noted that this information had not been provided in the report.

In relation to the tables presented in 2.1.4 and 2.1.5 of the report, showing the number of people affected by the Spare Room Deduction and rent arrears information, Councillors asked if historical data could be provided to allow the Committee to monitor any long term trends.

The Committee noted that under Universal Credit, all claimants would have their housing costs paid to them directly, rather than to the landlord, as at present. The Business Manager explained that this could potentially have a significant impact on the Council, because for the first time, a number of tenants would have discretion over when and if to pay their rent. Officers would monitor this closely and tenants would be offered any advice/support needed.

In addition, the Committee asked what impact the Government's recent announcements regarding the Living Wage would have on Selby residents. The Benefits and Taxation Officer explained that forecasting work would be carried out and information would be available to Councillors in the future.

In relation to Spare Room Deductions and how this affected parents that had joint custody of a child, the Benefits and Taxation Officer explained that a child was deemed to live at the address of the parent in receipt of Child Benefit. Therefore, any Spare Room Deduction would be applied to the parent not receiving Child Benefit.

In response to a query regarding what type of advice Community Officers were able to provide to Council tenants, the Business Manager explained that where necessary Community Officers visited tenants to help them with queries and to ensure they were receiving all the support available.

The Benefits and Taxation was asked how many residents paid Council Tax and how many residents were in receipt of Council Tax Benefit.

#### **RESOLVED:**

- I. To note the report.**
- II. To include the following information in the next Welfare Reform report:**
  - **The Council's approach to debt collection.**
  - **Forecast information regarding the impact of the Living Wage on Selby residents.**
  - **Historical data in relation to the number of people affected by the Spare Room Deduction and level of tenant rent arrears.**
  - **The number of residents that paid Council Tax and the number of residents in receipt of Council Tax Benefit.**

**9. PR/15/8 - WORK PROGRAMME 2015/16**

The Chair reported that he had received requests to include the following items on the Committee's Work Programme:

- Tenancy Fraud – to consider the Council's policies and procedures to prevent tenancy fraud.
- Taxi Driver Licensing – to look at how taxi driver licenses were granted and to consider if Councillors should receive a weekly list of the applications approved.

The Chair reported that he had spoken to the Solicitor to the Council regarding the Taxi Driver Licensing Policy and he had been reassured that the Policy had been reviewed last year and was considered to be working well. It was therefore felt that a further review at this time was unnecessary.

**RESOLVED:**

- I. To note the Work Programme 2015/16.**
- II. To add an item regarding tenancy fraud to the Work Programme for the meeting scheduled to be held on 19 January 2016.**
- III. Not to include an item regarding Taxi Driver Licensing Policy on the Work Programme 2015-16.**

The meeting closed at 5:52 p.m.

**Report Reference Number (PR/15/7)**

**Agenda Item No: 5**

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**To:** Policy Review Committee  
**Date:** 15 September 2015  
**Author:** Karen Iveson, Executive Director (s151)  
**Lead Officer:** Karen Iveson, Executive Director (s151)

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**Title:** Medium Term Financial Strategy Update

**Summary:** This report allows Policy Review Committee the opportunity to comment on the Medium Term Financial Strategy as proposed by the Executive.

**Recommendation:**

**That councillors scrutinise the proposed Medium Term Financial Strategy and feedback comments to the Executive.**

**Reason for recommendation**

The Committee ensures the contribution of scrutiny is effective in supporting service improvement and delivery against district wide and Council priorities.

**1. Introduction and background**

**1.1** At its meeting on 3 September 2015, the Executive discussed the Medium Term Financial Strategy (MTFS) - the Executive report and MTFS paper (amended as explained at the meeting) attached at appendix A.

**1.2** The MTFS sets the framework for the 2015/16 budget and the 2015 – 2017/18 Medium Term Financial Plan. As part of the Budget and Policy Framework of the Council, the Constitution sets out that Policy Review Committee be given the opportunity to review and comment on the document.

**2. The Report**

**2.1** The report asks the Policy Review Committee to review the MTFS and forward any comments to the Executive.



- 2.2** To aid Policy Review Committee, the Executive report and MTFS document and update are attached.
- 2.3** Following on from the Executive meeting of 3<sup>rd</sup> September 2015, further work has been carried out on the Programme for Growth following the close down of accounts. This has changed some of the figures in Appendix B Reserves and Appendix E Programme for Growth. The updated figures have been highlighted in the report.
- 2.4** At the time of writing this report the Executive had not met and therefore the relevant minutes of the meeting will follow.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

None arising from the report.

#### **3.2 Financial Issues**

As set out in the report and the strategy

### **4. Conclusion**

That Policy Review contributes to the consultation on Financial Strategy and feedback any comments to the Executive.

### **5. Background Documents**

None

**Contact Officer:**  
**Karen Iveson**  
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#### **Appendices:**

Appendix A – Executive Report with Strategy 3 September 2015 (as amended)

Appendix B – Extract from Executive Minutes 3 September 2015 (to follow)

# Selby District Council

## REPORT

Reference: E/15/11

Item 6 - Public



**To:** The Executive  
**Date:** 3 September 2015  
**Status:** Key Decision  
**Report Published:** 25 August 2015  
**Author:** Karen Iveson –Executive Director (s151)  
**Executive Member:** Councillor C Lunn – Lead Member for Finance & Resources  
**Lead Officer:** Karen Iveson – Executive Director (s151)

**Title:** Medium Term Financial Strategy

### Summary:

This report presents an update to the revised Medium Term Financial Strategy (MTFS) approved by Council in December 2014. Taking into account anticipated cuts to public sector funding a target net revenue budget of £11.5m is proposed for the forthcoming budget round.

Anticipated cuts to Revenue Support Grant will mean that further savings are required up to 2019/20 in addition to the £1.5m already planned to 2017/18 and it is proposed that the current plan be extended by £700k over 2018/19 and 2019/20.

The future of New Homes Bonus is uncertain although there is the potential for additional Business Rates income to bridge the funding gap. However, it would be prudent to plan for the additional savings at this stage.

### Recommendations:

**It is recommended that subject to comments from the Policy Review Committee the draft update to the Medium Term Financial Strategy be submitted to Council for approval.**

## **Reasons for recommendation**

To set the framework for the 2016/17 budget and 2016 – 2018/19 Medium Term Financial Plan.

### **1. Introduction and background**

- 1.1 The Council's latest Medium Term Financial Strategy was approved by full Council in December 2014 – this report presents an update taking into account changes to the key assumptions within the strategy.

### **2. The Report**

- 2.1 The attached update paper models three scenarios for the Council's General Fund revenue budget over the next 10 years. The mid-range forecast is the scenario that is proposed as the basis for the forthcoming budget round.
- 2.2 The modelled budget assumes continuation of grant for Parish Councils (circa an average of £80k p.a.) to support them with the reductions in Council Tax Base as a result of changes to Council Tax Support.
- 2.3 Assuming a further cut of 25% to 40% on Government funding; Council Tax increases of 2% for the next 3 years and delivery of savings already planned, a budget surplus of £359k is forecast for 2016/17, a surplus of £19k for 2017/18 and a deficit of £315k for 2018/19. Taking into account current £1.5m savings targets to 2017/18, a further savings target of £700k is proposed for 2018/19 to 2019/20.
- 2.4 The mid-case scenario assumes that New Homes Bonus is phased out from 2017/18 to 2022/23. Whilst the future of New Homes Bonus remains in doubt, savings at this level would mean that funds could continue to be diverted to the Programme for Growth but clearly this is highly dependent on achieving the savings targets set.
- 2.5 There also remains the potential for additional Business Rates income, with £750k being released from the Business Rates equalisation Reserve in 2016/17. Further receipts from general growth and renewable energy schemes are anticipated in 2015/16 for release in 2017/18. These receipts could be used to extend the 'Programme for Growth' or reduce our savings requirement. Any such decisions would need to be taken in light of the overall funding risk at that time.
- 2.6 A review of earmarked reserves has also been undertaken and no major changes to reserves are proposed.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

None as a direct result of this report.

#### **3.2 Financial Issues**

3.2.1 Based on the updated key assumptions within the paper and a mid-range cut to Government grant/business rates, the target net revenue budget for 2016/17 is £11.5m.

3.2.2 Taking into account the forecast gap between income and expenditure plus the savings target already set for Access Selby an overall target of £2.2m is proposed for the coming 4 years.

### **4. Conclusion**

4.1 Forecasted revenue resources for 2016/17 are £11.845m. Based on current spending plans our Net Revenue Budget for 2016/17 is £10.486m (including savings of £418k) giving an estimated surplus for the year of £359k which provides a buffer should there be delays to planned savings or if Government funding cuts are front loaded.

4.2 Currently, New Homes Bonus is crucial to our financial resilience and to our capacity to invest in Selby District. Whilst it continues, £880k p.a. is funding the Programme for Growth with the remainder supporting the Council's revenue budget. The MTFs assumes that New Homes Bonus is phased out from 2017/18 to 2022/23.

4.3 Looking ahead to the potential 40% additional funding cuts expected, the savings on the General Fund are estimated to extend by a further £700k from 2018/19 to 2019/20 (to £2.2m in total from 2015/16 to 2019/20). Where possible Business Rates surpluses can be used to help bridge the funding gap but it would be prudent to plan for the additional savings requirement at this stage.

4.4 Meeting the on-going savings challenge features strongly in the Council's strategic and operational plans and this work will continue. The on-going risk to the Council's funding means that a careful balance between savings and investment, will need to be struck. We will continue to strive for more efficient and effective services which in turn will provide the financial capacity for investment – replacing central Government funding with sustainable cash returns in the form of income from services, Council Tax and Business Rates.

## **5. Background Documents**

Approved MTFS December 2014

### **Appendices**

Appendix A - Medium Term Financial Strategy Update 2015

### **Contact Details**

Karen Iveson

Executive Director (s151)

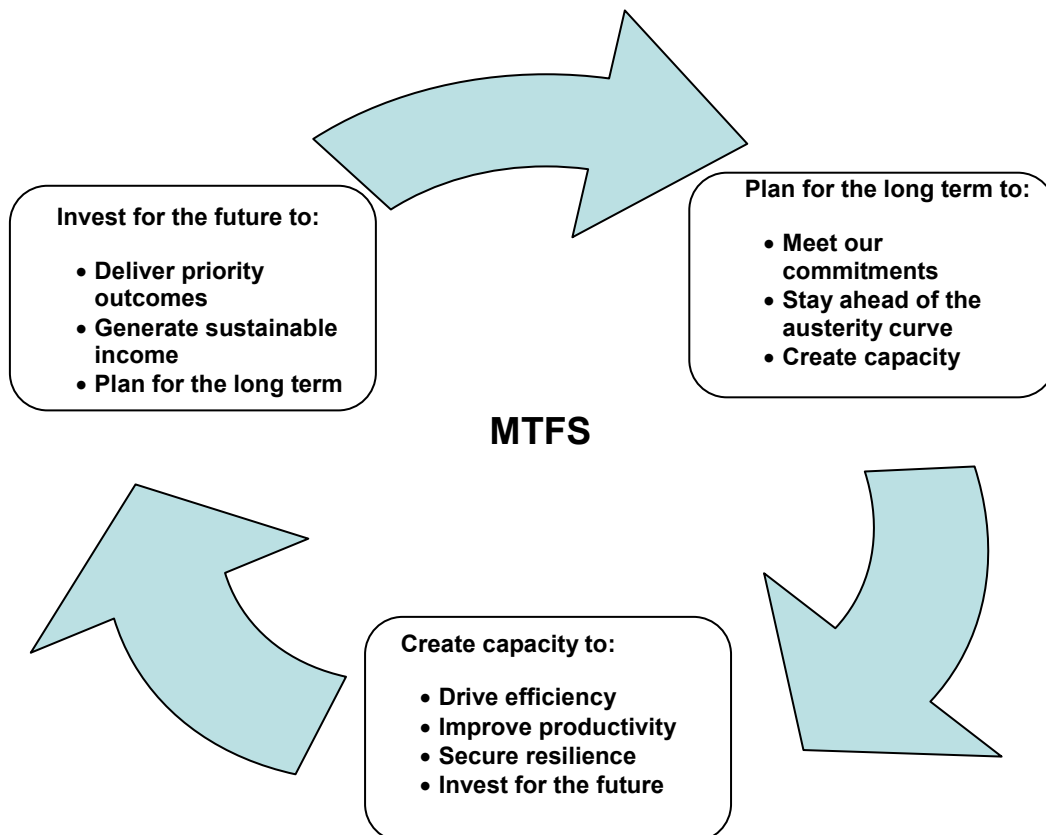
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# Selby District Council

## Medium Term Financial Strategy Update September 2015

### 1. Introduction and Background

- 1.1 This paper presents an update to the revised Medium Term Financial Strategy approved by Council in December 2014. It considers the budget pressures and issues facing the Council over the next 3 years and beyond, and provides the framework for the forthcoming budget round.
- 1.2 The strategic context for the financial strategy remains unchanged as the pressure on Local Government finance continues and austerity is expected to be with us for some time to come.
- 1.3 During 2014/15 we refreshed the Corporate Plan and with it the Council's priorities for the coming 5 years. The financial strategy aims to provide financial sustainability and resilience for the Council in pursuing its objectives and secure the resources necessary to deliver the Corporate Plan, in spite of the additional funding cuts we are facing.



- 1.4 To support this paper three scenarios have been modelled and are attached at **Appendix A**. The mid-case scenario is proposed as the framework for the forthcoming budget round although our assumptions may need to change following the Government's autumn Spending Review.
- 1.5 As this strategy is being written, the devolution agenda is progressing at pace. At this stage the financial implications are not clear and therefore have not been taken into account in this refresh. It will be important to understand the on-going implications as part of any future decisions on forming a combined authority with other partners.

## **2 Update on financial assumptions**

### Interest Rates

- 2.1 The bank base rate remains at 0.5% with a rise now forecasted in early to mid-2016. The Bank rate is projected to increase slowly and gradually thereafter, reaching 1.00% by March 2017 and 1.75% by March 2018. The approved strategy assumes investment rates will rise to 2% by 2016/17 and therefore returns are likely to be less than estimated in the short term. Loans to Selby and District Housing Trust will provide some mitigation but it would be prudent to reduce our forecasts.
- 2.2 Current returns are below 1% and the MTFs has been updated to reflect the latest forecasts.
- 2.3 The approved strategy includes provision for a £300k cap on the amount of investment interest used to support the revenue budget and as a result of the on-going low rates it is anticipated that this will not be reached in the next 2 years.

### Growth and Inflation

- 2.4 The approved strategy took a cautious stance on growth/inflation projections with 3% included for all years. This is higher than CPI, which is running at below 0.1% as at August 2015, and whilst 3% provides a level of contingency for spending pressures, given the continued cuts to central Government funding the MTFs assumption has been revised down to 2%.

### Settlement Funding

- 2.5 This element of funding has seen the most significant changes in recent years following the localisation of Business Rates and Council Tax Support.

- 2.6 The 2015/16 Local Government Finance Settlement was for one year only and we await details of proposals for 2016/17. Assuming a 10% reduction in funding overall for 2016/17 (in line with the previously approved MTFs), with an RPI increase in Business Rates Baseline Funding – the table below summarises the estimated settlement for Selby:

Local Government Finance Settlement February 2015	Actual 2015/16 £000's	Estimated 2016/17 £000's
Revenue Support Grant (RSG)	1,756	1,335
Business Rates Baseline Funding (BRBF)	2,232	2,254
<b>Settlement Funding Assessment (SFA)</b>	<b>3,988</b>	<b>3,589</b>

- 2.7 The Chancellor's 'Summer Budget 2015' included little detail about the future reductions to Local Government funding but the Government published its approach to the 2015 Spending review on 21 July 2015. Non-protected departments have been asked to model 25% and 40% real term reductions in their resource budget for the periods 2016/17 to 2019/20. The outcome of the review will be published on 25 November. Based on Selby's 2015/16 settlement, real term reductions of these scales would be around £1m and £1.7m p.a. respectively by 2019/20 – settlement funding resources reducing by a further £700k beyond our previous assumptions.
- 2.8 Excluding Business Rates growth above the Retail Price Index (the index used to inflate the Business Rates Multiplier), the impact of these cuts on the Council's Settlement Funding Assessment (SFA) over the next 5 years, is estimated in the table below. A straight line profile is assumed at this stage in the absence of a definitive picture. This profile shows that RSG is almost entirely depleted by 2019/20.

	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's
RSG	1,756	1,312	908	538	201
BRBF	2,232	2,277	2,322	2,369	2,416
<b>SFA (Mid case)</b>	<b>3,988</b>	<b>3,589</b>	<b>3,230</b>	<b>2,907</b>	<b>2,617</b>
<b>% Reduction</b>		<b>10%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>

#### Business Rates Retention

- 2.9 The current approach to Business Rates Retention income is to set aside gains above our baseline funding (per settlement) into the Business Rates Equalisation reserve to off-set potential future losses. In 2013/14 the initial forecast (NDR1) showed potential Business Rates growth of circa £1.4m (Selby's share) which would mean additional income to the Council of £700k after the payment of the 50% levy.



- 2.10 However a significant successful appeal by (and subsequent refund to) a major business in the district meant that our Business Rates income was below the safety net in 2013/14.
- 2.11 In 2014/15 Selby's fortunes reversed following the withdrawal of a significant appeal and some business growth. A surplus of £511k was achieved after a levy payment of £501k. Current forecasts suggest a surplus of £450k for 2015/16 (after the levy payment) and then renewable energy schemes are expected to bring a further £1.01m in 2015/16 (Selby retains 100% of this rates income), which is estimated to rise to £1.44m in 2016/17. Should this income continue then receipts could be as follows:

Business Rates Income	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's
Baseline	2,232	2,277	2,322	2,369
Surplus	450	459	468	478
Renewable energy	1,010	1,440	1,470	1,500
Total	3,692	4,176	4,260	4,347

- 2.12 These forecasts do not include any provision for new significant appeals or closures (e.g. one of the power stations operating in the district) and therefore they should be treated with extreme caution. In such circumstances the 'safety net' would provide mitigation although not for reductions in the renewables related income. Taking a more cautious approach, the mid-case scenario assumes 50% of these receipts are achieved.
- 2.13 It is proposed that the allocation of receipts above the baseline is made as part of the budget process once the actual receipts are known (i.e. the 2014/15 surplus allocated in the 2016/17 budget). The improvement in Business Rates income provides the opportunity to divert additional resources towards spending priorities. Allowing for 3 years' worth of funding down to the 'Safety Net', £750k is available for allocation in 2016/17. It is proposed that the Executive consider the application of these funds as part of their 2016/17 budget, although the mid-case scenario assumes they are allocated to the Programme for Growth. Decisions on future allocations would need to be taken in light of the overall funding available and risk at that time.
- 2.14 The volatility in Selby's Business rates income means that joining one of the pools operating locally (Leeds City Region and North Yorkshire) is unlikely but officers are keeping a watching brief should circumstances change.

## New Homes Bonus

- 2.15 New Homes Bonus (NHB) is an incentive scheme which rewards housing growth. The scheme is funded partly by the Government (£250m p.a.) and the remainder by top-slicing the local government funding settlement (£918m for 2015/16). We currently anticipate around £2.5m p.a. for Selby from NHB when the scheme reaches maturity in 2016/17 (year 6 of the scheme).
- 2.16 The approved strategy provides that Years 1 and 2 NHB is used to support the 'Programme for Growth' – i.e. £880k p.a. A new Programme has been established as part of the refresh of the Council's Corporate Plan and the current budget assumes that £880k p.a. continues to be transferred to reserves whilst NHB income continues, although funds have not been allocated to projects beyond those approved in 2015/16. The approved MTFS also assumes that receipts above £880k p.a. are used to support the revenue budget, effectively helping to back fill further grant cuts.
- 2.17 The Government's evaluation of NHB up to 2014/15 (published in December 2014) showed that like other district councils, Selby had gained overall by the scheme. The report showed that in net terms Selby had benefitted by £1.53m in 2014/15 i.e. our finance settlement including NHB was £1.53m more than it would have been if NHB had not been paid. Whilst this is positive and has helped to shield Selby from the full force of the Government's austerity measures, should the scheme be brought to an end and the top-sliced funds 'repatriated', then Selby would see a significant reduction in funding. Based on the trend to date, the gain could rise to £2.2m by year 6 of the scheme, with £1.6m being used to support on-going revenue expenditure.
- 2.18 The report concluded that NHB had been successful and this was likely to increase further over time which suggests that the scheme may continue. However there remains concern over the future of the NHB and we await further announcements as part of the forthcoming Autumn Spending Review. The mid-case scenario assumes the scheme is phased out from 2017/18 and therefore our latest assumptions on NHB<sup>1</sup> are:

	2011/12 £000's	2012/13 £000's	2013/14 £000's	2014/15 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's
Year 1	445	445	445	445	445	445	
Year 2		435	435	435	435	435	435
Year 3			303	303	303	303	303
Year 4				542	542	542	542
Year 5					353	353	353
Year 6						439	439
<b>Total</b>	<b>445</b>	<b>880</b>	<b>1,183</b>	<b>1,725</b>	<b>2,078</b>	<b>2,517</b>	<b>2,072</b>

*Allocated to the Programme for Growth as 'one-off' resources*

<sup>1</sup> Updated following submission of Council Tax Base Return October 2014

- 2.19 Using the above projections, the NHB resources are assumed to be allocated as follows:

<b>Allocation of NHB</b>	<b>2011/12 £000's</b>	<b>2012/13 £000's</b>	<b>2013/14 £000's</b>	<b>2014/15 £000's</b>	<b>2015/16 £000's</b>	<b>2016/17 £000's</b>	<b>2017/18 £000's</b>
Programme for Growth	445	880	880	880	880	880	880
Rev Budget			303	845	1,198	1,637	808
<b>Total NHB</b>	<b>445</b>	<b>880</b>	<b>1,183</b>	<b>1,725</b>	<b>2,078</b>	<b>2,517</b>	<b>2,072</b>

#### Special and Specific Grants

- 2.20 The Council is in receipt of a number of additional grants for 2015/16 which may continue into the future. The Local Government Finance Settlement included:

	<b>2015/16 £000's</b>	<b>2016/17 £000's</b>
Transitional Council Tax Support	11	0
S31 Grant NDR cap	11	0
<b>Total Special and Specific Grants</b>	<b>22</b>	<b>0</b>

- 2.21 These grants are not ring-fenced and have been assumed in the current MTFP for 2015/16 - no awards are included in our budget going forward although awards may be included within future funding settlements.

#### Council Tax

- 2.22 The 2015/16 to 2017/18 MTFP includes a Council Tax freeze in 2015/16 and rises of 2% to 2017/18. If this approach continues into 2018/19 and taking into account a 1% rise in the tax base each year, then Council Tax income forecasts show:

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Tax Base	29,117	29,408	29,702	29,999
Band D Charge	£162.00	£165.24	£168.54	£171.91
Council Tax Income	£4,716,954	£4,859,378	£5,005,975	£5,157,128

- 2.23 The mid case scenario assumes that Council Tax is increased by 2% p.a. Should further Council Tax freeze grant be offered and accepted then in the longer term additional savings would be required as future Council Tax rises would be restricted.

#### Council Tax Support Grant for Parishes

- 2.24 In accordance with the approach adopted in the 2014/15 budget, it is assumed that support for parishes will continue for the foreseeable

future. The strategy forecasts the grant amount reducing in line with the reduction in the Council settlement funding (RSG/NNDR).

### General Balances

- 2.25 In accordance with the current strategy it is assumed that General Fund balances are **not** used to support the revenue budget.
- 2.26 General Balances remain funding of last resort. The approved minimum working balance is £1.5m and resources will be managed to maintain this level over medium to long term.
- 2.27 Access Selby balances are estimated to be £355k by March 2016. This provides a buffer for risk within their operations which is considered a reasonable level for Access Selby's operational risks.

### Earmarked Reserves

- 2.28 An initial review of major earmarked reserves suggests:
- PFI – the on-going adequacy of this reserve is kept under review in light of interest rates and inflation. Any necessary increases in contributions will form part of the revenue budget and will be funded as a commitment before further service growth is considered.
  - Asset Management - £130k p.a. is transferred into this reserve to cover our commitments to maintaining our built assets. However, following the move to the new Civic Centre and the fire at Abbey Leisure Centre this amount needs to be reviewed. Furthermore major works to car parks and industrial units need to be assessed to establish the appropriate annual contributions. This work is being done as part of the Asset Management Strategy refresh due later in 2015 and the MTFs will be updated once the results are known.
  - ICT Replacement – £150k p.a. General Fund and £50k p.a. HRA contributions are planned to sustain this important reserve, which provides the financial capacity to upgrade and replace our ICT infrastructure, hardware and systems in accordance with our approved ICT Strategy. The use of ICT to support the Council's customer 'self-service' and channel shift agenda means that the financial capacity to invest in modern technologies is crucial to support future services. Fixed contributions allow the smoothing of these irregular costs to avoid peaks and troughs in funding requirements.
  - Business Development – the need for on-going savings and efficiencies to achieve the Council's objectives remains a key priority. This reserve provides up-front investment for improvements and efficiency initiatives, to support the Council's

savings plan – in particular commercialisation and income generation.

- Pension Equalisation – following the last triennial valuation and with it the stabilisation of employers' contribution rates the £600k balance of this reserve as at 31 March 2014 was released for alternative uses.

However, changes to the National Insurance Contribution rates with effect from April 2017, for employers with their own pension schemes (currently NIC rates are discounted) will add a further £120k p.a. to our payroll costs. This coupled with the on-going risk to pensions costs provided good reason to continue to set aside the circa £180k p.a.

- Business Rates Equalisation – this reserve was created in 2012/13 in anticipation of the new rules governing localised Business Rates and the funding risk inherent within the scheme. The current strategy assumes that any excess Business Rates above our baseline are transferred into this reserve to mitigate any funding shortfalls prior to the safety net being reached.

The current approved MTFs established a working balance of 3 years' worth of safety payments to provide some headroom to mitigate the funding risk - this equates to circa £500k.

The fund was established with £300k and then added to with budget surpluses and a prior year income adjustment. The available balance on the reserve at 1 April 2015 is £1.3m and it is anticipated that further receipts will be available to add to this reserve in 2015/16.

The latest estimates for Business Rates income suggests that the Council will be above its target for 2015/16 and 2016/17 and therefore there is the potential to release some resources for alternative use.

At this stage the reserve balances above the minimum recommended balance of £500k are proposed for release to the Special Projects Reserve. However, if New Homes Bonus comes to an end then this reserve could be used to support the revenue budget and help manage the consequential funding reduction.

- Contingency – this reserve provides resources to cover unforeseen issues beyond those that can be accommodated by in year contingency budgets – for example significant planning appeal costs. The reserve is topped-up using year-end surpluses if available and required. In 2015/16 £281k has been drawn down to cover the additional costs of Plan Selby. The

current forecast balance of £504k at 31 March 2016 is only slightly above the recommended balance of £500k and therefore no changes are proposed at this stage.

- Discretionary Rate Relief – this reserve was established with £300k from the 2012/13 General Fund revenue surplus. Future contributions could come from excess Business Rates income subject to availability and prioritising against the revenue budget and ‘Programme for Growth’.
- Special Projects Reserve - £880k of New Homes Bonus in 2012/13 – 2015/16 has been used to top up this reserve for the Council’s ‘Programme for Growth’. Contributions beyond 2015/16 are subject to sufficient NHB and/or Business Rates growth. **It must be stressed that the use of NHB resources to fund growth is wholly dependent upon achieving the revenue savings targets set.**

2.29 A forecast of General Fund reserve balances is set out at **Appendix B**.

### **3 Revenue Budget Outlook 2016/17 to 2018/19**

#### Costs

- 3.1 It is assumed that on average costs will increase in line with inflation. Whilst cuts in general grant continue, any demand led cost pressures must be contained within the net revenue budget.

#### Income

- 3.2 Income levels are improving and helping to support Access Selby’s savings plan. Opportunities for growing income generation remain a priority and proposals for the commercialisation of some services are currently in development. A strategic review of income generation is proposed as part of our savings work.

## Net Budget

- 3.3 The forecasted resources available to support the revenue budget for 2016/17 to 2018/19 are shown in the table below (mid case):

<b>General Fund Revenue Resources</b>	<b>2016/17 £000's</b>	<b>2017/18 £000's</b>	<b>2018/19 £000's</b>
Council Tax	4,860	5,006	5,158
SFA	3,589	3,230	2,907
NHB	2,517	2,072	1,637
Special and Specific Grants	0	0	0
Collection Fund Surplus	129	62	0
Business Rates Collection Fund Deficit	750	750	950
<b>Total Resources</b>	<b>11,845</b>	<b>11,120</b>	<b>10,652</b>
Core	4,485	4,242	4,327
Access Selby	5,424	5,384	5,492
Investment Interest	-240	-280	-300
Parish Grant	86	77	70
Reserves Transfers (Net)	1,731	1,678	1,378
<b>Total Net Budget</b>	<b>11,486</b>	<b>11,101</b>	<b>10,967</b>
<b>Surplus/(Deficit)</b>	<b>359</b>	<b>19</b>	<b>(315)</b>

- 3.4 Due to the uncertainty of Government grant/Business Rates it is extremely difficult to predict the level of resources we can expect beyond 2015/16. The strategy assumes that whilst it remains available, NHB is used to support the Programme for Growth (recognising that this funding is at risk) and to help backfill funding cuts. A level of Business Rates surplus provides some capacity to replace NHB if it is phased out but additional savings may be needed.
- 3.5 The on-going risk to the Council's funding means that a careful balance between savings and investment will need to be struck and we will continue to strive for more efficient and effective services. This in turn, will enable the financial capacity for investment to achieve sustainable cash 'returns' and minimise the impact on front line service outcomes.
- 3.6 Based on the current Medium Term Financial Plan (3 year budget) and the assumptions in this paper, revenue resources are expected to fall by £1.2m to £10.7m by 2018/19 which reflects the reducing central Government funding and means that inflationary and other cost pressures must be managed within the available resources.
- 3.7 Plans for income generation and savings to bridge the estimated gap to 2017/18 are in progress but we must be ready to cope with more severe cuts should the need arise. A further **£700k** target is therefore proposed for 2018/19 and 2019/20. This takes our overall targets to:
- **Transforming** through ICT and flexible working – **£600k** (previously £350k by 2017/18)

- **Growing** resources through trading – **£600k** (previously £350k by 2017/18)
  - **Commissioning** to achieve efficiencies and reduce demand for public sector services - **£1m** (previously £800k by 2017/18)
- 3.8 Our collaboration with North Yorkshire County Council and other partners continues to be an important part of this work as is the commercialisation of our business, reducing demand for services and income generation – we are developing appropriate strategies to ensure delivery of our targets.
- 3.9 The latest versions of the savings action plans are set out at **Appendix C** and in summary show:

<b>Current Savings Summary</b>	<b>2015/16 £000's</b>	<b>2016/17 £000's</b>	<b>2017/18 £000's</b>	<b>2018/19 £000's</b>	<b>2019/20 £000's</b>
Access Selby savings	458	930	933	933	933
Core savings	310	594	593	595	593
New savings targets				350	700
<b>Total savings</b>	<b>768</b>	<b>1,524</b>	<b>1,526</b>	<b>1,876</b>	<b>2,226</b>

#### **4 Capital Programme**

- 4.1 The Council's General Fund Capital Programme contains the 'business as usual' capital projects planned – these include Disabled Facilities Grants (DFGs), ICT replacements and major works to the Council's assets. Expenditure is funded by earmarked reserves set aside for these specific purposes, or in the case of DFGs, through capital receipts from Council House and other small asset sales. The approved programme is attached at **Appendix D**.
- 4.2 There is currently around £5.7m available in usable capital receipts expected over next 3 years from right to buy receipts and land sales. These receipts are generally used to cover the cost of Disabled Facilities Grants, however increases in Council House sales and the Council's agreement with the Government to retain extra receipts to achieve one for one replacement of Council homes, means that going forward, receipts retained from council house sales may be used to support new house building.
- 4.3 The fire at Abbey Leisure Centre and the resulting temporary gym arrangements mean that receipts from the sale of land at the former Civic Centre site will be delayed beyond 2015. These receipts were originally earmarked for the Programme for Growth although they have been substituted by other resources to mitigate the need for additional borrowing. If they are realised then they will be available for reinvestment in the district or could be used to repay debt if this could achieve a more favourable outcome for the Council.



- 4.4 In 2015/16 further (internal) prudential borrowing will be used to cover the purchase of a strategic site at Burn and funding towards the new leisure village in Selby. Further borrowing requirements will be kept under review as the new 'Programme for Growth' develops.

## 5 Programme for Growth

- 5.1 The 'Programme for Growth' is the Council's strategic programme to support delivery of its Corporate Plan. The programme comprises a range of cross cutting projects designed to '**make Selby a great place**' by investing in jobs; housing and infrastructure; retail; and the leisure economy. The approved programme, which aligns to the new Corporate Plan, is set out at **Appendix E**.
- 5.2 The programme to the end of 2015/16 is currently sustained by New Homes Bonus (£880k p.a.). In summary, the latest programme is set out in the table below:

Programme	Capital £000	Revenue £000
Leisure	6,075	175
Jobs/skills	0	725
Housing	75	184
Infrastructure/economic development	0	639
<b>Total</b>	<b>6,150</b>	<b>1,723</b>
<b>Funding</b>		
Special Projects Reserves	1,650	2,346
Borrowing	4,500	0
<b>Uncommitted Balance/contingency</b>	<b>0</b>	<b>623</b>

- 5.3 There currently remains £623k in the programme contingency, which is available for new projects that emerge over the life of the Corporate Plan. These resources could increase further subject to the future of New Homes Bonus.
- 5.4 However, this of course relies heavily on no major changes to the New Homes Bonus scheme and delivery of the savings needed to balance the revenue budget.
- 5.5 There may also be opportunity to extend the programme further through bids for funding from external partners (such as the LEP) and/or should income allow, through excess Business Rates.
- 5.6 The resources available to fund the programme will be reviewed annually in light of announcements on Local Government funding and the Council's financial outlook. However the Council's strategic approach to its future financial sustainability is reliant upon investment to stimulate housing and business growth which in turn will generate

local funds through Council Tax and Business Rates to mitigate losses in central Government funding and provide the capacity for further reinvestment.

## **7 Conclusions**

- 7.1 Forecasted revenue resources for 2016/17 are £11.845m. Based on current spending plans our Net Revenue Budget for 2016/17 is £10.486m (including savings of £418k) giving an estimated surplus for the year of £359k which provides a buffer should there be delays to planned savings or if Government funding cuts are front loaded.
- 7.2 Looking ahead to 2018/19 (and 2019/20) and the potential 40% additional funding cuts expected, the savings on the General Fund are estimated to extend by a further £350k (plus potential for a further £350k for 2019/20), which when combined with £1.5m savings already planned to 2017/18, means a total savings target of £1.9m between 2015/16 and 2018/19 (and potentially £2.2m by 2019/20). Where possible Business Rates surpluses can be used to help bridge the funding gap but it would be prudent to plan for the additional savings requirement at this stage.
- 7.3 Proposals for further savings will be brought forward as part of the budget process and once the detail of the 2015 Spending Review is known.
- 7.4 There remains risk with the business rates retention scheme, New Homes Bonus, the continuing economic situation, income generation and delivery of savings. The Council's longer term financial position is heavily reliant upon resources keeping pace with inflation and costs being contained within base budget.
- 7.5 Currently, New Homes Bonus is crucial to our financial resilience and to our capacity to invest in Selby District. Whilst it continues, £880k p.a. is funding the Programme for Growth with the remainder supporting the Council's revenue budget. For 2014/15 Selby has benefitted by a net gain of £1.53m. If this trend continues, the gain could rise to £2.2m by year 6 of the scheme, with £1.6m being used to support on-going revenue expenditure. Improvements in Business Rates income provides the potential to replace these resources should the need arise but withdrawal of the scheme may require further savings.
- 7.6 Meeting the on-going savings challenge features strongly in the Council's strategic and operational plans and this work will continue. Our collaboration with North Yorkshire County Council and other partners, the commercialisation of our business, reducing demand for services and income generation are important to this work.

- 7.7 The on-going risk to the Council's funding means that a careful balance between savings and investment will need to be struck. We will continue to strive for more efficient and effective services which in turn will provide the financial capacity for investment – replacing central Government funding with sustainable cash returns in the form of income from services, Council Tax and Business Rates.

**SELBY DISTRICT COUNCIL - 10 YEAR FINANCIAL PLAN (Aug 2015 V3) Best Case**

	Base 2015/16	← Medium Term Financial Plan → 2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>KEY ASSUMPTIONS</b>											
Inflation		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interest Rates		1.75%	2.00%	2.25%	2.50%	3.00%	3.50%	4.00%	4.00%	4.00%	4.00%
Tax Base Increase		2.10%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Government Grant (SUFA) Increase		-10.00%	-10.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Council Tax Increase		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
<b>COUNCIL TAX</b>											
Tax Base (Number of Band D Equivalentents)	29.117	29.728	30.026	30.326	30.629	30.936	31.245	31.557	31.873	32.192	32.514
Council Tax @ Band D (£)	162.00	165.24	168.54	171.92	175.35	178.86	182.44	186.09	189.81	193.60	197.48
Council Tax Income (£000's)	4,717	4,912	5,061	5,214	5,371	5,533	5,700	5,872	6,050	6,233	6,421
Precept (£000's)	4,717	4,912	5,061	5,214	5,371	5,533	5,700	5,872	6,050	6,233	6,421
<b>REVENUE FINANCING</b>											
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Council Tax	4,717	4,912	5,061	5,214	5,371	5,533	5,700	5,872	6,050	6,233	6,421
SFA	3,988	3,589	3,230	3,295	3,361	3,428	3,497	3,566	3,638	3,711	3,785
Council Tax Freeze Grant	49	-	-	-	-	-	-	-	-	-	-
New Homes Bonus	2,078	2,517	2,455	2,455	2,455	2,455	2,455	2,455	2,455	2,455	2,455
Special and Specific Grants	22	-	-	-	-	-	-	-	-	-	-
Council Tax Collection Fund Surplus/Deficit (+/-)	84	129	62	-	-	-	-	-	-	-	-
Business Rates Collection Fund Surplus/Deficit (+/-)	- 164	750	1,899	1,938	1,978	2,018	2,058	2,099	2,141	2,184	2,228
<b>TOTAL EXTERNAL RESOURCES</b>	<b>10,774</b>	<b>11,898</b>	<b>12,707</b>	<b>12,901</b>	<b>13,165</b>	<b>13,434</b>	<b>13,710</b>	<b>13,993</b>	<b>14,284</b>	<b>14,582</b>	<b>14,888</b>

(a)

<b>REVENUE BUDGET</b>	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Operational Budget - Core	6,781	4,525	4,262	4,347	4,570	4,523	4,613	4,706	4,953	4,896	4,994
Operational Budget - Access Selby	5,695	5,424	5,384	5,492	5,602	5,714	5,828	5,944	6,063	6,185	6,308
Investment Interest	- 200	- 280	- 300	- 300	- 300	- 300	- 300	- 300	- 300	- 300	- 300
Parish CTS Grant	96	86	77	70	71	73	74	76	77	79	80
<b>Contributions to Reserves:</b>											
PFI Scheme (Updated - incl SDC's contribution & interest)	380	399	401	435	437	440	442	443	443	443	443
Building Repairs	130	130	130	130	130	130	130	130	130	130	130
Computer Development	150	150	150	150	150	150	150	150	150	150	150
District Election	30	34	34	34	34	34	38	38	38	38	38
Pension Equalisation	181	183	183	183	183	183	183	183	183	183	183
Special Projects/P4G (C.Tax Freeze Grant)	119										
Special Projects/P4G (New Homes Bonus)	880	880	880	880	880	880	880	880	880	880	880
Special Projects/P4G (Business Rates)		750	1,899	1,938	1,978	2,018	2,058	2,099	2,141	2,184	2,228
Access Selby (Lifeline)	79	11	10								
Access Selby		206	229								
<b>Contributions from Reserves:</b>											
Spend to Save											
ICT	- 248	- 263	- 293								
PFI	- 400	- 411	- 423	- 434	- 447	- 459	- 472	- 484	- 497	- 497	- 497
Building Repairs	- 38	- 64	- 3								
Special Project/P4G	- 2,392	- 174	- 170								
District Election	- 80				- 136				- 153		
Access Selby	- 92										
NYCC Collaboration	- 100	- 100	- 50								
Business Rates Equalisation	- 164										
<b>Forecast Net Revenue Budget</b>	<b>(b) 10,807</b>	<b>11,486</b>	<b>12,400</b>	<b>12,925</b>	<b>13,152</b>	<b>13,384</b>	<b>13,625</b>	<b>13,864</b>	<b>14,108</b>	<b>14,370</b>	<b>14,637</b>

**SELBY DISTRICT COUNCIL - 10 YEAR FINANCIAL PLAN (Aug 2015 V3) Mid Case**

	Base 2015/16	← Medium Term Financial Plan →									
		2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>KEY ASSUMPTIONS</b>											
Growth/Inflation		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interest Rates		1.50%	1.75%	2.00%	2.50%	3.00%	3.50%	4.00%	4.00%	4.00%	4.00%
Tax Base Increase		1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Government Grant (SFA) Increase		-10.00%	-10.00%	-10.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Council Tax Increase		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
<b>COUNCIL TAX</b>											
Tax Base (Number of Band D Equivalents)	29.117	29.408	29.702	29.999	30.299	30.602	30.908	31.217	31.530	31.845	32.163
Council Tax @ Band D (£)	162.00	165.24	168.54	171.92	175.35	178.86	182.44	186.09	189.81	193.60	197.48
Council Tax Income (£000's)	4,717	4,859	5,006	5,157	5,313	5,474	5,639	5,809	5,985	6,165	6,352
Precept (£000's)	4,717	4,859	5,006	5,157	5,313	5,474	5,639	5,809	5,985	6,165	6,352
<b>REVENUE FINANCING</b>											
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Council Tax	4,717	4,859	5,006	5,157	5,313	5,474	5,639	5,809	5,985	6,165	6,352
SFA	3,988	3,589	3,230	2,907	2,965	3,025	3,085	3,147	3,210	3,274	3,340
Council Tax Freeze Grant	49	-	-	-	-	-	-	-	-	-	-
New Homes Bonus	2,078	2,517	2,072	1,637	1,334	792	439	-	-	-	-
Special and Specific Grants	22	-	-	-	-	-	-	-	-	-	-
Council Tax Collection Fund Surplus/Deficit (+/-)	84	129	62	-	-	-	-	-	-	-	-
Business Rates Collection Fund Surplus/Deficit (+/-)	- 164	750	750	950	969	988	1,008	1,028	1,049	1,070	1,091
<b>TOTAL EXTERNAL RESOURCES</b>	<b>10,774</b>	<b>11,845</b>	<b>11,120</b>	<b>10,652</b>	<b>10,581</b>	<b>10,279</b>	<b>10,171</b>	<b>9,984</b>	<b>10,243</b>	<b>10,509</b>	<b>10,782</b>

(a)

	Base	← Medium Term Financial Plan →					2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21							
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	
<b>REVENUE BUDGET</b>													
Operational Budget - Core	6,781	4,485	4,242	4,327	4,549	4,502	4,592	4,684	4,930	4,873	4,970		
Operational Budget - Access Selby	5,695	5,424	5,384	5,492	5,602	5,714	5,828	5,944	6,063	6,185	6,308		
Investment Interest	- 200	- 240	- 280	- 300	- 300	- 300	- 300	- 300	- 300	- 300	- 300	- 300	
Parish CTS Grant	96	86	77	70	71	73	74	76	77	79	80		
<b>Contributions to Reserves:</b>													
PFI Scheme (Updated - incl SDC's contribution & interest)	380	399	401	435	437	440	442	443	443	443	443	443	
Building Repairs	130	130	130	130	130	130	130	130	130	130	130	130	
Computer Development	150	150	150	150	150	150	150	150	150	150	150	150	
District Election	30	34	34	34	34	34	38	38	38	38	38	38	
Pension Equalisation	181	183	183	183	183	183	183	183	183	183	183	183	
Special Projects/P4G (C. Tax Freeze Grant)	119												
Special Projects/P4G (New Homes Bonus)	880	880	880	880	880	792	439	-	-	-	-	-	
Special Projects/P4G (Business Rates)		750	600										
Access Selby (Lifeline)	79	11	10										
Access Selby		206	229										
<b>Contributions from Reserves:</b>													
Spend to Save													
ICT	- 248	- 263	- 293										
PFI	- 400	- 411	- 423	- 434	- 447	- 459	- 472	- 484	- 497	- 497	- 497	- 497	
Building Repairs	- 38	- 64	- 3										
Special Project/P4G	- 2,392	- 174	- 170										
District Election	- 80				- 136				- 153				
Access Selby	- 92												
NYCC Collaboration	- 100	- 100	- 50										
Business Rates Equalisation	- 164												
<b>Forecast Net Revenue Budget</b>	<b>(b) 10,807</b>	<b>11,486</b>	<b>11,101</b>	<b>10,967</b>	<b>11,153</b>	<b>11,258</b>	<b>11,104</b>	<b>10,863</b>	<b>11,065</b>	<b>11,283</b>	<b>11,506</b>		
<b>Difference between resources and forecast budget (a - b)</b>	<b>- 33</b>	<b>359</b>	<b>19</b>	<b>- 315</b>	<b>- 572</b>	<b>- 979</b>	<b>- 933</b>	<b>- 879</b>	<b>- 822</b>	<b>- 774</b>	<b>- 724</b>		

**SELBY DISTRICT COUNCIL - 10 YEAR FINANCIAL PLAN (Aug 2015 V3) Worst Case**

	Base 2015/16	← Medium Term Financial Plan → 2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>KEY ASSUMPTIONS</b>											
Inflation		2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Interest Rates		1.25%	1.50%	2.00%	2.50%	3.00%	3.50%	4.00%	4.00%	4.00%	4.00%
Tax Base Increase		1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Government Grant (SUFA) Increase		-10.00%	-10.00%	-10.00%	-10.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Council Tax Increase		0.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
<b>COUNCIL TAX</b>											
Tax Base (Number of Band D Equivalentents)	29.117	29.408	29.702	29.999	30.299	30.602	30.908	31.217	31.530	31.845	32.163
Council Tax @ Band D (£)	162.00	162.00	165.24	168.54	171.92	175.35	178.86	182.44	186.09	189.81	193.60
Council Tax Income (£000's)	4,717	4,764	4,908	5,056	5,209	5,366	5,528	5,695	5,867	6,044	6,227
Precept (£000's)	4,717	4,764	4,908	5,056	5,209	5,366	5,528	5,695	5,867	6,044	6,227
<b>REVENUE FINANCING</b>											
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Council Tax	4,717	4,764	4,908	5,056	5,209	5,366	5,528	5,695	5,867	6,044	6,227
SFA	3,988	3,589	3,230	2,907	2,617	2,669	2,722	2,777	2,832	2,889	2,947
Council Tax Freeze Grant	49	49	-	-	-	-	-	-	-	-	-
New Homes Bonus	2,078	2,517	2,072	1,637	1,334	792	439	-	-	-	-
Special and Specific Grants	22	-	-	-	-	-	-	-	-	-	-
Council Tax Collection Fund Surplus/Deficit (+/-)	84	129	62								
Business Rates Collection Fund Surplus/Deficit (+/-)	- 164	750									
<b>TOTAL EXTERNAL RESOURCES</b>	<b>10,774</b>	<b>11,798</b>	<b>10,272</b>	<b>9,600</b>	<b>9,159</b>	<b>8,827</b>	<b>8,690</b>	<b>8,472</b>	<b>8,699</b>	<b>8,933</b>	<b>9,174</b>

(a)



<b>REVENUE BUDGET</b>	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Operational Budget - Core	6,781	4,445	4,202	4,286	4,508	4,459	4,548	4,639	4,885	4,827	4,923
Operational Budget - Access Selby	5,695	5,424	5,384	5,492	5,602	5,714	5,828	5,944	6,063	6,185	6,308
Investment Interest	- 200	- 200	- 240	- 300	- 300	- 300	- 300	- 300	- 300	- 300	- 300
Parish CTS Grant	96	86	77	70	63	64	66	67	68	70	71
<b>Contributions to Reserves:</b>											
PFI Scheme (Updated - incl SDC's contribution & interest)	380	399	401	435	437	440	442	443	443	443	443
Building Repairs	130	130	130	130	130	130	130	130	130	130	130
Computer Development	150	150	150	150	150	150	150	150	150	150	150
District Election	30	34	34	34	34	34	38	38	38	38	38
Pension Equalisation	181	183	183	183	183	183	183	183	183	183	183
Special Projects/P4G (C.Tax Freeze Grant)	119										
Special Projects/P4G (New Homes Bonus)	880	880									
Special Projects/P4G (Business Rates)		750									
Access Selby (Lifeline)	79	11	10								
Access Selby		206	229								
<b>Contributions from Reserves:</b>											
Spend to Save											
ICT	- 248	- 263	- 293								
PFI	- 400	- 411	- 423	- 434	- 447	- 459	- 472	- 484	- 497	- 497	- 497
Building Repairs	- 38	- 64	- 3								
Special Project/P4G	- 2,392	- 174	- 170								
District Election	- 80				- 136				- 153		
Access Selby	- 92										
NYCC Collaboration	- 100	- 100	- 50								
Business Rates Equalisation	- 164										
<b>Forecast Net Revenue Budget</b>	<b>(b) 10,807</b>	<b>11,486</b>	<b>9,621</b>	<b>10,046</b>	<b>10,223</b>	<b>10,415</b>	<b>10,613</b>	<b>10,810</b>	<b>11,011</b>	<b>11,228</b>	<b>11,450</b>
<b>Difference between resources and forecast budget (a - b)</b>	<b>- 33</b>	<b>312</b>	<b>651</b>	<b>- 445</b>	<b>- 1,064</b>	<b>- 1,588</b>	<b>- 1,923</b>	<b>- 2,338</b>	<b>- 2,311</b>	<b>- 2,295</b>	<b>- 2,276</b>
Note: Savings included in revenue budget	418	884	1417	1,445	1,474	1,504	1,534	1,564	1,596	1,628	1,660

<b>Reserves</b>															
<b>Description</b>	<b>Actual Balance 31 March 15</b>	<b>Adjustments relating to 14/15 MTFS</b>	<b>Use</b>	<b>Contribs</b>	<b>Estimated Balance 31 March 16</b>	<b>Use</b>	<b>Contribs</b>	<b>Estimated Balance 31 March 17</b>	<b>Use</b>	<b>Contribs</b>	<b>Estimated Balance 31 March 18</b>				
	<b>£</b>		<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>				
<b>Revenue Reserves</b>															
<b>General Fund</b>															
<b>Reserves to fund future commitments:</b>															
PFI Scheme	2,385,274	-	400,290	379,780	2,364,764	-	411,500	398,980	2,352,244	-	423,020	400,720	2,329,944		
ICT	695,040	-	248,300	200,000	646,740	-	262,500	200,000	584,240	-	292,500	200,000	491,740		
Building Repairs & Projects	267,478	-	38,500	130,000	358,978	-	64,500	130,000	424,478	-	2,940	130,000	551,538		
Election	126,954	-	80,000	30,000	76,954			34,000	110,954			34,000	144,954		
Tadcaster Central Area	204,936	-	136,000	-	68,936			0	0				0		
Industrial Units	50,275				50,275			50,275	50,275				50,275		
Open Space Maintenance	58,535				58,535			58,535	58,535				58,535		
GF Carried Fwd Budgets	966,580	-	966,580		-			-	-				-		
Affordable Housing	120,568				120,568			120,568	120,568				120,568		
	4,875,640	-	136,000	-	1,802,606	739,780	3,676,814	-	738,500	762,980	3,701,294	-	718,460	764,720	3,747,554
<b>Reserves to fund growth and improvement:</b>															
Special Projects (Programme for Growth)	782,868	1,359,247	-	2,142,524	1,042,936	1,042,527	-	205,500	837,027	-	201,500		635,527		
Special Projects (Non_PFG commitments)	317,970	-	167,000	-	150,000	970		1,630,000	1,630,970		1,480,000		3,110,970		
Discretionary Rate Relief Fund	300,000				300,000			300,000	300,000				300,000		
NYCC Collaboration	250,000		100,000	-	150,000	100,000	-	50,000	50,000	-	50,000		-		
Spend To Save (Business Development)	359,663	132,880			492,543			492,543	492,543				492,543		
	2,010,501	1,325,127	-	2,392,524	1,042,936	1,986,040	-	305,500	1,630,000	3,310,540	-	251,500	1,480,000	4,539,040	
<b>Reserves to mitigate financial risk:</b>															
Pensions Equalisation Reserve	786,120	-	600,000		181,110	367,230		182,820	550,050			182,820	732,870		
NDR Equalisation	1,257,318	-	-		-	1,257,318	-	750,000	1,899,000	2,406,318	-	750,000	1,938,000	3,594,318	
Planning Inquiries	100,000	-	100,000		-	-		-	-				-		
Access Selby	602,301	-	234,000	-	92,070	79,000	355,231	217,630	572,861		239,700		812,561		
Contingency	837,958	-	53,135	-	140,500	644,323	-	140,500	503,823				503,823		
General Fund	1,673,872	-	174,000		1,499,872			1,499,872	1,499,872				1,499,872		
	5,257,568	-	1,161,135	-	232,570	260,110	4,123,973	-	890,500	2,299,450	5,532,923	-	750,000	2,360,520	7,143,443
<b>Other Reserves:</b>															
Sherburn Amenity Land	9,992	-	9,992		-	-		-	-				-		
Wheeled Bins	18,000	-	18,000		-	-		-	-				-		
	27,992	-	27,992		-	-		-	-				-		
<b>Total GF Revenue reserves</b>	<b>12,171,702</b>	<b>-</b>	<b>-</b>	<b>4,427,700</b>	<b>2,042,826</b>	<b>9,786,828</b>	<b>-</b>	<b>1,934,500</b>	<b>4,692,430</b>	<b>12,544,758</b>	<b>-</b>	<b>1,719,960</b>	<b>4,605,240</b>	<b>15,430,038</b>	
<b>Capital Reserves</b>															
General Capital Receipts*	1,925,615	-	329,430	1,053,150	2,649,335	-	175,000	1,065,020	3,539,355	-	145,000	1,096,060	4,490,415		
Capital Receipts (Programme for Growth)	720,636	-	720,636		-		1,000,000	1,000,000	1,000,000				1,000,000		
Capital Receipts (HRA Reserved )	77,672	-	77,672	152,850	152,850	-	152,850	197,780	197,780	-	197,780	225,870	225,870		
<b>Total GF Capital Receipts</b>	<b>2,723,923</b>	<b>-</b>	<b>-</b>	<b>1,127,738</b>	<b>1,206,000</b>	<b>2,802,185</b>	<b>-</b>	<b>327,850</b>	<b>2,262,800</b>	<b>4,737,135</b>	<b>-</b>	<b>342,780</b>	<b>1,321,930</b>	<b>5,716,285</b>	
* Capital receipts include assumptions on right to buy sales															
Note: Capital receipts subject to a review of requirements of council house 'one for one replacement'															

## Access Selby - General Fund Savings

Proposed Savings	Sponsor	Status	2015/16	2016/17	2017/18	Update
			£	£	£	
<b>IT &amp; Transformation Workstream</b>						
CRM Replacement	J Lund	Red	8,980	66,252	66,252	Phase 1 saw CRM go live in July 2015. Phase 2 is currently being scoped.
Mobile Working	J Lund	Red	-	41,728	41,728	Project currently under review by Access Selby Directors. Any changes will be reflected in the savings plan once the review is complete.
Review of planning advice and consultants	E Scothern	Amber	3,750	3,750	3,750	Savings achieved on experts but due to increased number of applications the overall spending might not be reduced.
Joint Business Support Manager Post	J Barlow	Green	3,632	-	-	Saving to be reviewed in conjunction with options for long term arrangements
Formal amalgamation of District newspaper and County Council publications	J Barlow	Red	3,000	3,000	3,000	Awaiting long term decision from NYCC
Opening of Civic Centre Better Together	J Barlow	Green	6,083	6,083	6,083	Completed
Better Together	J Lund	Amber	75,000	150,000	150,000	Various projects including Finance, Business Support, Assets & Customer Services. First meeting held on 6th July to exchange information on land holdings.
Electronic Payments	J Lund	Amber	0	25,000	25,000	Project linked to CRM and will follow in the later phases.
Improved Revs & Bens Value for Money	J Lund	Amber	25,000	50,000	50,000	Competitive Dialogue process to commence in July 2015. - £25k saving will be achieved in 2015/16 due to frozen post.
Further Internal Efficiencies	Various	Red	25,000	50,000	50,000	Officers exploring internal efficiencies through improved processes and IT.
Access Selby Commercialisation	Mark Steward	Amber	5,000	50,000	50,000	Officers working on commercialisation of repairs & maintenance.
<b>Total Transformation</b>			<b>155,445</b>	<b>445,813</b>	<b>445,813</b>	
<b>Commissioning Workstream</b>						
Printers		Green	18,811	18,811	18,811	Completed
Lifeline pendants	S Parkinson	Green	-	67,576	69,000	Projected savings on track to be delivered
Postage and Mail	G Bruce	Amber	5,000	5,000	5,000	Further work required before savings can be confirmed
Supplier Engagement	K Cadman	Red	20,000	20,000	20,000	Options are limited in this area, officers will be seeking alternative savings.
Reduce Tail end spend	ICT Shared	Amber	14,500	14,500	14,500	On Target
IT Service Contracts	Service Manager	Amber	7,500	7,500	7,500	Options currently under review.
External Audit - Grants Audit Fee	G Shelley	Green	8,130	8,130	8,130	Completed
Lexis Nexis Legal Library	K Iveson	Green	13,500	13,500	13,500	Completed
Community Support Vehicle lease	J Barlow	Green	3,940	3,940	3,940	Completed
Improved Waste / Recycling Value for Money	S Parkinson	Green	-	100,000	100,000	
Maximise use of Civic Centre Office Space	K Iveson	Amber	22,500	45,000	45,000	Based on an additional 30 desks occupied by partners.
<b>Total Commissioning</b>			<b>113,881</b>	<b>303,957</b>	<b>305,381</b>	
<b>Income Generation Workstream</b>						
Negotiation for share of out performance on Council Tax collection	J Lund	Amber	3,961	3,961	3,961	Target under constant review and outcome is based on full year performance.
Land Charges Income - Search fees	G Marshall	Amber	48,000	21,000	21,000	On track to achieve £48k in current year.
Legal Income	G Marshall	Amber	32,750	8,750	8,750	On track to achieve savings from increase in fee-generating work.
Street Naming & Numbering	J Barlow	Green	30,000	18,000	18,000	On track to achieve savings
Registrar Service	G Shelley	Green	10,994	10,994	10,994	Completed
	D Richardson	Green				

<b>Proposed Savings</b>	<b>Sponsor</b>	<b>Status</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Update</b>
			£	£	£	
Caravan inspection fee	S Parkinson	Green	2,000	2,000	2,000	On track to achieve savings
Policy changes to introduce new income streams	E Scothern	Red	26,783	78,783	80,823	Service areas are reviewing areas where this may be appropriate.
Community Support Lifeline Income	S Parkinson	Amber	20,000	20,000	20,000	Income growth has been achieved, however due to grant funding being reduced the additional income is only mitigating the loss.
<b>Total Income Generation</b>			<b>174,488</b>	<b>163,488</b>	<b>165,528</b>	
<b>Other</b>						
Agency Staff	J Barlow	Red	-	2,500	2,500	Savings opportunity identified for future years
NY regional strategy officer	S Parkinson	Green	2,520	2,520	2,520	Completed
Community Support Office telephone savings	S Parkinson	Green	9,600	9,600	9,600	Completed
Contracts General Office Expenses	E Scothern	Green	360	360	360	Completed
Contracts - Officer subsistence general saving	E Scothern	Green	200	200	200	Completed
Commercial Waste	E Scothern	Green	1,160	1,160	1,160	Completed
Environmental Health & Housing telephone savings	E Scothern	Green	430	430	430	Completed
<b>Total Other</b>			<b>14,270</b>	<b>16,770</b>	<b>16,770</b>	
<b>Total General Fund Savings in Progress</b>			<b>458,084</b>	<b>930,028</b>	<b>933,492</b>	

## Key:

Green: Savings likely to be achieved/low risk

Amber: Tentative savings - further work required/medium risk

Red: Requires a change in Council policy or significant change in service delivery/high risk

## Core Savings Plan

Proposed Savings	Status	2015/16	2016/17	2017/18	Progress
		£	£	£	
<b>Procurement Workstream</b>					
Leisure Management Contract	Green	75,000	150,000	150,000	-
Community / Pooled Budgets	Red	5,000	10,000	10,000	-
Improved waste / recycling value for money	Amber	50,000	100,000	100,000	-
Banking tender	Green	10,000	10,000	8,400	Go live happened successfully in August, on target
<b>Total Procurement</b>		<b>140,000</b>	<b>270,000</b>	<b>268,400</b>	
<b>Transformation Workstream</b>					
Better Together - Finance	Green	44,000	44,000	44,000	Savings will be achieved in 2015/16 - Future years will be dependant on the success of the trial period.
<b>Total Transformation</b>		<b>44,000</b>	<b>44,000</b>	<b>44,000</b>	
<b>Value for Money Workstream</b>					
Internal Drainage Boards	Green	20,000	-	-	levies lower than budgeted for 2015/16
Ward Boundary Review	Amber	41,430	41,430	41,430	Based on current scheme, to be implemented following the general election in 2015
<b>Total Value for Money</b>		<b>61,430</b>	<b>41,430</b>	<b>41,430</b>	
<b>Base Budget Review Workstream</b>					
NDR Base Budget Review - Various small sites	Green	14,390	14,390	14,390	-
<b>Total Base Budget Review</b>		<b>14,390</b>	<b>14,390</b>	<b>14,390</b>	
<b>Discretionary Service Review Workstream</b>					
<b>Total Discretionary Service Review</b>	Green	0	0	0	
<b>Income Generation Workstream</b>					
Use of assets for advertising space	Amber	25,000	25,000	25,000	Negotiations ongoing with NYCC about income split in 15/16
General Fund Housing Development	Amber	25,000	50,000	50,000	-
Green Energy	Red	-	150,000	150,000	Feasibility work completed and detailed business cases to be prepared, subject to Executive decision on 3 September 2015. Saving will not be achieved in 15/16.
<b>Total Income Generation</b>		<b>50,000</b>	<b>225,000</b>	<b>225,000</b>	
<b>Total General Fund Savings</b>		<b>309,820</b>	<b>594,820</b>	<b>593,220</b>	

## 2015/16 – 2018/19 GENERAL FUND CAPITAL PROGRAMME

	Current Programme 2015/16 £	Estimated Programme 2016/17 £	Estimated Programme 2017/18 £
<b><u>PROJECTS</u></b>			
Asset Management Plan Leisure Centres & Park	3,350	12,500	2,940
Tadcaster Central Area	2,000		
Road Adoption - Industrial Units Sherburn	23,785		
Mast Relocation	139,060		
Tadcaster Bus Station refurbishment	25,000		
Replacement Car Park Ticket Machines		52,000	
Collapsed Culvert - Portholme Road	150,000		
Lifeline Equipment			50,000
Housing Development	1,550,000	1,250,000	1,250,000
Burn Airfield	1,700,000		
<b><u>Grants</u></b>			
Disabled Facilities Grants	447,230	300,000	300,000
Repair Assistance Loans	37,200	30,000	
<b><u>ICT Hardware &amp; Systems Within ICT Strategy</u></b>			
Implementation & Infrastructure Costs	240,120	245,000	275,000
Desktop Replacement Programme	35,840	17,500	17,500
CRM & Website	93,970		
Mobile Working Solution	249,800		
<b>TOTAL</b>	<b>4,697,355</b>	<b>1,907,000</b>	<b>1,895,440</b>
<b><u>SUMMARY OF FUNDING</u></b>			
Capital Receipts	329,430	175,000	145,000
Grants & Contributions	155,000	155,000	155,000
Reserves	962,925	327,000	345,440
Borrowing	3,250,000	1,250,000	1,250,000
<b>TOTAL</b>	<b>4,697,355</b>	<b>1,907,000</b>	<b>1,895,440</b>

Programme for Growth 15/16 to 19/20

Projects	Capital £	Revenue £	Estimate 15/16 £	Estimate 16/17 £	Estimate 17/18 £	Estimate 18/19 £	Estimate 19/20 £
Healthy living - concepts fund	-	175,000	35,000	35,000	35,000	35,000	35,000
Leisure Village	6,000,000	-	6,000,000	-	-	-	-
Selby Skate Park	75,000	-	75,000	-	-	-	-
Ready 4 Work	-	16,556	16,556	-	-	-	-
Growing enterprise	-	175,000	69,000	39,000	35,000	32,000	-
Market Selby's USP	-	62,664	22,664	20,000	20,000	-	-
Community skills/capacity building	-	100,000	100,000	-	-	-	-
Retail experience	-	351,576	351,576	-	-	-	-
Construction skills hub	-	20,000	20,000	-	-	-	-
Empty homes	100,000	15,475	52,475	31,500	31,500	-	-
Housing Trust	-	133,750	51,250	30,000	30,000	22,500	-
St Josephs St	-	31,000	31,000	-	-	-	-
Green energy	-	30,000	30,000	-	-	-	-
Strategic sites	-	285,000	185,000	50,000	50,000	-	-
Town masterplanning	-	250,000	250,000	-	-	-	-
Green infrastructure	-	20,000	20,000	-	-	-	-
Economic Development Projects arising from ERYC peer review	-	50,000	50,000	-	-	-	-
Improvements to gateways	-	3,639	3,639	-	-	-	-
Contingency	-	-	538,133	-	-	-	-
<b>Total</b>	<b>6,175,000</b>	<b>1,719,660</b>	<b>7,901,293</b>	<b>205,500</b>	<b>201,500</b>	<b>89,500</b>	<b>35,000</b>
<b>Total Allocated to Projects</b>		<b>7,894,660</b>					

Funding Sources	£	Estimate 15/16 £	Estimate 16/17 £	Estimate 17/18 £	Estimate 18/19 £	Estimate 19/20 £
Balance Brought Fwd	2,889,787	2,889,787	531,500	1,326,000	1,124,500	1,035,000
Special projects reserve *	2,043,006	1,043,006	1,000,000	-	-	-
Prudential Borrowing	4,500,000	4,500,000	-	-	-	-
Project Spend	- 8,432,793	- 7,901,293	- 205,500	- 201,500	- 89,500	- 35,000
<b>Balance</b>	<b>1,000,000</b>	<b>531,500</b>	<b>1,326,000</b>	<b>1,124,500</b>	<b>1,035,000</b>	<b>1,000,000</b>

\*£1m resources in 2016/17 relates to capital receipts from land sales

**Public Session**

**Report Reference Number (PR/15/8)    Agenda Item No: 6**

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**To:** Policy Review Committee  
**Date:** 15 September 2015

**Author:** Chris Watson Assistant Policy Officer &  
Michelle Dinsdale Policy Officer  
**Lead Officer:** James Cokeham Head of Policy

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**Title: Review of the Corporate Enforcement Policy**

**Summary:**

The current Corporate Enforcement Policy (Appendix A) is due for review in Autumn 2015. This report sets out the scope and timetable for the review as well as details of the consultation and approval process.

**Recommendations:**

- i. To note the proposals for the review of the Corporate Enforcement Policy and to provide any comments or recommendations on the scope of the review and proposed consultation
- ii. For Policy Review Committee to provide a steer regarding future enforcement priorities and campaigns of awareness.

**Reasons for recommendation**

To update the policy in light of changes to the regulatory framework and best practice.



## **1. Introduction and background**

- 1.1 The Government is committed to reducing regulatory burdens on businesses and supporting growth of compliant businesses through open and constructive relationships between regulators and those they regulate.
- 1.2 In 2002 the government introduced the Enforcement Concordat ('the Concordat') which was a voluntary scheme to promote good enforcement. The Council signed up to the Concordat and agreed to adhere to its principles which define good enforcement, these are:
  - 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; and
  - ensuring consistent enforcement practice.
- 1.3 Whilst still relevant, the Concordat has largely been replaced by the Regulator's Code ('the Code'). The Code is mandatory and came into statutory effect on 6 April 2014 in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. This act also set out an updated list of principles for good regulation the details of which can be found in paragraph 2.5 of this report.
- 1.4 The current Corporate Enforcement Policy was approved in September 2012 and as such is now due its 3 year review. The previous policy looked to offer a broad approach, then shift to specific enforcement for a number of specific types of non-compliance across several annexes.
- 1.5 The intention of the current Corporate Enforcement Policy was to give guidance to officers, residents and business owners on the powers available to the Council to react to relevant breaches of legislation. These pieces of legislation covered such areas as: Planning, Licensing, Housing, Benefit Fraud, Anti-Social Behaviour and Environmental Protection.

## **2 The Report**

- 2.1 The general Corporate Enforcement Policy and individual policies/annexes within the current policy are in need of updating due to the above mentioned shift in regulatory framework and best practice. This is therefore an opportune time to review the approach to our corporate enforcement policy.

- 2.2 Officers are minded for the policy to cover all relevant regulatory compliance and enforcement services, with the exception of debt control and Regulation of Investigatory Powers. These enforcement areas present complex and in-depth issues, therefore, specific policies developed separately will be more appropriate.
- 2.3 The general aims of the policy are to protect the public, the environment, consumers and workers through:
- Risk based enforcement – not just enforcing for the sake of enforcement, therefore, allowing the best use of resources
  - Enforcing the law in a consistent and fair manner
  - Providing advice as an effective tool to help people meet their legal obligations
- 2.4 A key action required to ensure compliance with the Code is to have an enforcement policy explaining how the local authority responds to non-compliance.
- 2.5 The Code is based on 6 broad principles which are set out below. The Code contains a section on each of these which sets out what is expected of the regulator in each case.
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
  2. Regulators should provide straightforward ways to engage with those they regulate and hear their views;
  3. Regulators should base their regulatory activities on risk;
  4. Regulators should share information about compliance and risk;
  5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
  6. Regulators should ensure that their approach to their regulatory activities is transparent.
- 2.6 Officers intend to take the opportunity of scrutinising and amending the policy in its entirety to align it with the above principles.
- 2.7 The new policy is intended to further develop the broad approach that the Council takes to enforcement. This means moving away from the more specific elements of current policy, which restrict officers as they border on procedure.
- 2.8 This will allow officers: discretion to act appropriately; to make best use of resources; and to take account of the Code. It will therefore, commit us to being compliant with the Legislative & Regulatory Reform Act 2006 by being:
- Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence;

- Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others;
- Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return; and
- Targeted – we will focus our resources on higher risk enterprises and activities

- 2.9 Officers intend for an approach similar to the enforcement priorities and awareness campaigns found at Annexe 1 of the existing policy to be included in the new policy. These priorities are to create district priorities which will help focus the allocation of resources at tackling the higher priority areas. The awareness campaigns are aimed at educating a target audience on a certain issue. The existing policy had campaigns chosen by the Corporate Management Team. Officers consider these priorities and campaigns would benefit from Members having a greater role in the setting of priorities.
- 2.10 Officers intend to link the new policy to the Enforcement Team's key performance indicators and improvement plan to allow effective monitoring of the policy.
- 2.11 A draft will be presented to the Executive at their meeting on 5 November 2015 seeking approval for public consultation.
- 2.12 There are no statutory consultees for the policy; however, the Concordat sets a framework for consultation on the policy involving, businesses and 'other stakeholders'. There is no definition of 'other stakeholders', however, it should be taken to be as broad as possible. For this reason, officers intend the 'other stakeholders' we consult to be the public (through the citizen's panel and online), other regulators and elected members.
- 2.13 If approved, the draft policy will be advertised on and be available to download from the Council's website for a 6 week period between 6 November and 18 December 2015.
- 2.14 This draft will be brought back to this committee on 17 November 2015 for comment as part of the consultation.
- 2.15 The policy is to be presented for approval to Executive on 4 February 2016 and if approved come into force shortly after.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

Failure to formally review the Corporate Enforcement Policy to take account of the Code would mean the Council was not complying with its statutory duty and would also leave the Council open to legal challenge and any subsequent costs.

#### **3.2 Financial Issues**

None raised by this report

#### **3.3 Impact Assessment**

No other impacts have been identified but the revised policy will be impact screened before being submitted for approval.

### **4. Conclusion**

- 4.1 That Policy Review Committee should consider the proposals and provide comments and recommendations.

### **5. Background Documents**

None

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#### **Appendices:**

*Appendix A – current Corporate Enforcement Policy*

**Corporate Enforcement Policy****Summary Sheet**

<b>Policy Title</b>	Corporate Enforcement Policy
<b>Policy Number</b>	012
<b>Date Introduced/Revised</b>	06 September 2012
<b>Replaced Policy</b>	No previous policy
<b>Responsible Directorate</b>	Access Selby/Community Selby/Core
<b>Responsible Officer</b>	Business Manager – Access Selby
<b>Responsible Champion</b>	The Lead Member for Communities
<b>Review Date</b>	3 years from Adoption
<b>Related Policies and Strategies</b>	<ul style="list-style-type: none"> <li>• Generic policies</li> <li>• Anti Social Behaviour Policy</li> </ul>

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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](http://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](http://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](http://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](http://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:**

	<b>Activity</b>	<b>Duration/expiry</b>
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 then 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.

## **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 buildings<sup>1</sup>.

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

<sup>1</sup>The 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).



## **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.

## **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 Councils 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'.

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](mailto: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](http://www.selby.gov.uk).

**Policy Review Committee Work Programme 2015/16**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
16 June 2015	<u>Executive Requested Item</u> PLAN Selby	To receive an update from Executive Member and Officers
14 July 2015	<u>Requested by Executive (via KI)</u> Transitional Relief Policy	To receive a report from the Executive Director (s151).
	<u>Requested by Executive (via KI)</u> Discretionary Rate Relief Policy	To receive a report from the Executive Director (s151).
	<u>Committee Requested Item</u> Welfare Reform	To receive an update from Lead Officer Council Tax/Benefits.
	<u>Committee Requested Item</u> Licensing Policy Report	To receive a report on the Licensing Policy.
	<u>Committee Requested Item</u> Work Programme	To review the Committee's Work Programme.

15 September 2015	<b><u>Budget and Policy Framework</u></b> Financial Strategy	To consider the Executive's proposals for the Council's long term (10 year), resource and spending framework in which the budget strategy and three year financial plan will be developed.
	<b><u>Committee Requested Item</u></b> PLAN Selby	To receive an update from Executive Member and Officers.
	<b><u>Committee Requested Item</u></b> Enforcement Report	To receive a report from the Policy Officer.
	<b><u>Committee Requested Item</u></b> Work Programme	To review the Committee's Work Programme.
19 January 2016	<b><u>Budget and Policy Framework</u></b> Draft Budget and Medium Term Financial Plan	To consider the Executive's proposals for revenue budgets and the capital programme for 2015/2016.
	<b><u>Committee Requested Item</u></b> Welfare Reform	To receive an update from Lead Officer Council Tax/Benefits.
	<b><u>Committee Requested Item</u></b> Tenancy Fraud	To receive a report on the Council's approach to tackling Tenancy Fraud.

	<b><u>Committee Requested Item</u></b> Work Programme	To review the Committee's Work Programme.
12 April 2016	Approve Policy Review Annual Report & Work Programme 2015/16	To consider the Committee's Annual Report.
	<b><u>Committee Requested Item</u></b> Work Programme	To review the Committee's Work Programme.

The following dates are also in the Democratic Services calendar for Provisional meetings if required:

21 October 2015  
17 November 2015  
15 March 2016