



Meeting: **POLICY REVIEW COMMITTEE**
Date: **TUESDAY 19 JANUARY 2016**
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.

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 21 October 2015 (pages 1 - 4 attached).

4. Chair's Address to the Policy Review Committee

5. Draft Budget and Medium Term Financial Plan

To consider the Draft Revenue Budget and Capital Programme 2016/17 and the Medium Term Financial Plan (pages 5 - 32 attached).

6. Welfare Reform

To consider a report that provides a six month review detailing the effect of the Welfare Reform changes in Selby district and highlighting future developments (pages 33 - 41 attached).

7. Review of the Corporate Enforcement Policy

To consider the Corporate Enforcement Policy report (pages 42 - 58 attached).

8. Tenancy Report

To receive a verbal update from the Lead Officer - Debt Control and Enforcement.

9. Work Programme 2015/16

To consider the Committee's Work Programme for 2015/16 (pages 59 - 61 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

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: 21 October 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: Jonathan Lund - Deputy Chief Executive, Keith Dawson – Director Access Selby, Stephen Hay – Interim Planning Policy Manager and Janine Jenkinson - Democratic Services Officer.

Also in attendance: John Mackman - Deputy Leader of the Council and Lead Executive Member for Place Shaping.

16. DISCLOSURES OF INTEREST

There were no declarations of interest.

17. MINUTES

RESOLVED:

To receive and approve the minutes of the Policy Review Committee held on 15 September 2015 for signature by the Chair.

18. CHAIR'S ADDRESS

The Chair informed the Committee that the provisional meeting scheduled to consider the Enforcement Report on Tuesday 17 November, had been cancelled. The Executive had been due to consider the Enforcement Report in November; however this had been deferred until December. Therefore, the Policy Officer had requested that the Policy Review Committee consider the Enforcement Report on 19 January 2015, to align with the revised timetable.

19. PLAN SELBY – RESPONSES TO FOCUSED ENGAGEMENT

Keith Dawson, (Director Access Selby), Stephen Hay, (Interim Planning Policy Manager) and Councillor John Mackman, (Deputy Leader of the Council and Lead Executive Member for Place Shaping) provided the Committee with an update on the key issues arising from the Plan Selby Focused Engagement Consultation which had been held between 29 June – 10 August 2015.

The Interim Planning Policy Manager reported that the representations received in response to the Focused Engagement related to the following key themes:

- Designated Service Villages (DVS) and Growth Options
- Development Limits
- Employment Land Review
- Green Belt
- Highways Assessment
- Strategic Housing Market Assessment (SHMA)
- Market Towns Study
- Site Selection
- Villages in Green Belt
- Strategic Countryside Gap

The Committee was informed that further work was underway in relation to the most suitable growth options for Selby Town based on detailed site assessments. The Interim Planning Policy Manager reported that there was a need to focus upon a balanced range of sustainable sites for housing and employment. In particular, it was important to plan positively for the needs of an ageing population. In addition, Councillors were advised that in order to maintain the existing network of green spaces to a good standard, work would be focused on maintaining and strengthening Selby's natural and heritage assets.

With regard to Tadcaster, the Interim Planning Policy Manager informed the Committee that land availability and deliverability had been recognised as key local issues. Due to the land availability constraints in Tadcaster, PLAN Selby would need to identify land for three times the amount of housing identified as appropriate for the town. Councillors were advised that the regeneration of Tadcaster town centre was a key priority focus.

The Committee was informed that local concern had been raised about the scale of growth linked to the approval of recent planning applications in Sherburn in Elmet. It was noted that some respondents' considered Sherburn in Elmet a highly sustainable settlement for growth. Councillors expressed concern regarding the capacity of the local infrastructure in Sherburn in Elmet to support growth. Particular attention was drawn to the capacity of the local primary schools that were considered to be oversubscribed and unable to accommodate additional pupils.

In response to a query concerning the wording of Option 1 - policy considerations/work tasks listed on page 9 of the report - 'Some settlements are subject to housing growth through recent planning permissions and this may be considered in the future allocation or apportionment of growth', the Interim Planning Policy Manager confirmed to the Committee that no decisions had yet been taken and this matter may be considered in the future allocation or apportionment of growth.

With regard to the Highways Study information presented on page 13 of the report, some concerns were raised that increased traffic generation and highways capacity issues would not be appropriately addressed.

It was requested that reference to South Milford be included on page 15 of the report under the heading 'Flooding'.

In response to a question regarding the improvement of the public realm to increase the prosperity of town centres, Councillor Mackman reported that work was currently being undertaken in relation to retail and leisure policies. He highlight that the remit of Selby Town Enterprise Partnership (STEP) was to stimulate and promote businesses in Selby Town Centre and he advised the Committee that parish and town councils had an important role in developing their local areas. The Committee noted that neighbourhood planning would allow local communities to determine the most appropriate sites for development in their areas.

In response to a query in relation to development limits, the Interim Planning Policy Manager reported that development limit details would be considered as part of the site allocations policy process.

Councillor Mackman addressed the Committee in relation to the Council's Five year housing land supply. He reported that the Council had been working extremely hard to address the issue and an update report would be presented to Full Council on 1 December 2015.

RESOLVED:

To ask that the Director Access Selby and the Interim Planning Policy Manager take into consideration the comments made during the meeting, as outlined above.

20. WORK PROGRAMME 2015/16

The Committee considered the current Work Programme 2015/16.

RESOLVED:

- I. To include the Enforcement Report on the agenda for the Committee meeting to be held in 19 January 2015**

The meeting closed at 6.10 p.m.

To: Policy Review Committee
Date: 19 January 2016
Author: Karen Iveson, Executive Director (s151)
Lead Officer: Karen Iveson, Executive Director (s151)

Title: Draft Revenue Budget and Capital Programme 2016/17
and Medium Term Financial Plan

Summary: This report allows Policy Review Committee the opportunity to comment on Executive Report E/15/41 on the Draft Revenue Budget and Capital Programme 2016/17 and the Medium Term Financial Plan.

Recommendation:

To offer comments on the Draft Budget, Capital Programme and Medium Term Financial Plan.

Reasons for recommendation

- i. To enable the views of Policy Review to be considered by the Executive when they finalise the budget for submission to full Council.
- ii. 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 December 2015, the Executive discussed E/15/41 and approved the draft budget for public consultation and submission to Policy Review Committee for comment. The report sets out the draft budget for the General Fund and Housing Revenue Account for 2016/17 and following two financial years, along with proposals for capital investment and the Programme for Growth. The report proposed an increase in Council Tax of 2% for 2016/17 subject to the referendum rules.

2. The Report

- 2.1** The report asks the Policy Review Committee to review the Executive report and provide comments before the Executive finalise their budget proposals for submission to full Council on 23 February 2016.
- 2.2** To aid Policy Review Committee, the Executive report and minutes are attached as appendices 1 and 2 respectively.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

As shown in the Executive report E/15/41 attached at Appendix 1.

3.2 Financial Issues

As shown in the Executive report E/15/41 attached at Appendix 1.

4. Conclusion

Following comments from Policy Review Committee and public consultation responses, the Executive will consider their final budget proposals on 4 February 2016 and submit these to full Council for approval on 23 February 2016.

5. Background Documents

None

Contact Officer: *Karen Iveson*
Executive Director (s151)
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Appendices:

Appendix 1 – Executive Report E/15/41 (including supporting appendices)

Appendix 2 – Minutes of Executive 3 December 2015

GENERAL FUND SUMMARY 2016/17 - 2018/19

	2016/17	2017/18	2018/19
	Original	Original	Original
	£	£	£
Access Selby	8,553,775	8,134,350	8,183,420
Core	3,310,760	3,330,950	3,336,910
Communities Selby	200,910	201,040	201,070
Capital Charges	732,160	727,840	706,260
Service Budgets	12,797,605	12,394,180	12,427,660
CEC Charged to HRA	(2,374,440)	(2,394,990)	(2,413,840)
Service Budget	10,423,165	9,999,190	10,013,820
Further savings in progress	(611,760)	(988,803)	(988,803)
Net Service Budget	9,811,405	9,010,387	9,025,017
Investment Income	(240,000)	(280,000)	(300,000)
External Interest	112,100	129,260	109,910
Parish CTS Grant	86,000	77,000	70,000
Capital A/c Adjustment MRP Charge	383,162	384,287	385,609
Capital A/c Adjustment DFG & Conservation Grants	(155,000)	(155,000)	(155,000)
Capital A/c Adjustment Capital Chgs	(732,160)	(727,840)	(706,260)
Growth bids/Projects:			
Programme for Growth Projects	205,500	201,500	89,500
Building Repairs Projects	92,000	2,940	19,700
ICT Projects	262,500	192,500	32,500
Other Growth Projects	207,000	0	0
Impact of change to NI rates	112,910	114,700	116,280
Discretionary Rate Relief	100,000	100,000	0
Contingencies	300,000	300,000	300,000
Net Budget before contribution to/(from) Reserves*	10,545,417	9,349,734	8,987,256
Contribution To Reserves			
Building Repairs	148,560	152,270	152,570
ICT	150,000	150,000	150,000
PFI	387,400	394,410	401,330
Pension Equalisation Reserve	182,820	182,820	182,820
District Election	34,000	34,000	34,000
Special Projects (Programme for Growth)	6,289,264	1,630,000	1,130,000
Local Plan	145,000	50,000	50,000
Contribution From Reserves			
NYCC Collaboration Reserve	(100,000)	(50,000)	0
Building Repairs	(92,000)	(2,940)	(19,700)
ICT	(262,500)	(192,500)	(32,500)
PFI	(402,190)	(410,230)	(418,430)
Discretionary Rate Relief Fund	(100,000)	(100,000)	0
Special Projects / Programme for Growth	(412,500)	(201,500)	(89,500)
Contingency	(210,500)	0	0
NET REVENUE BUDGET	16,302,771	10,986,064	10,527,846
Grant RSG	(1,314,098)	(910,813)	(542,553)
NNDR	(2,275,114)	(2,319,478)	(2,364,708)
New Homes Bonus	(2,445,000)	(1,999,000)	(1,564,000)
Special and Specific Grants*	0	0	0
Amount to be met from Council Tax	10,268,559	5,756,773	6,056,585
Council Tax Requirement			
Council Tax to be Levied	(4,982,643)	(5,133,123)	(5,288,140)
Council Tax Collection Fund Deficit/(Surplus)	(129,000)	(62,000)	-
Business Rates Collection Fund Deficit/(Surplus)	(5,409,264)	(750,000)	(950,000)
Shortfall / (surplus)	(252,348)	(188,349)	(181,556)
C Tax Base	30,154	30,456	30,760
Council Tax Rate	165.24	168.54	171.92

HOUSING REVENUE ACCOUNT SUMMARY 2016/17 to 2018/19

Appendix A

	2016/17	2017/18	2018/19
	Original	Original	Original
	£	£	£
Net Service Budget	5,604,900	5,652,150	5,698,370
Investment Income	(48,000)	(57,000)	(61,000)
HRA Debt - Payment of Interest	2,637,930	2,637,930	2,637,930
Provision for Bad & Doubtful Debts	124,480	122,940	121,410
Pension - Past Service Costs	204,130	216,810	225,720
Net Budget before contribution to/(from) Reserves	8,523,440	8,572,830	8,622,430
Contribution To Reserves			
Comp Development Cont	50,000	50,000	50,000
Major Repairs Reserve			
Reversal of Depreciation Charges	(1,254,100)	(1,280,970)	(1,308,550)
Revenue Contribution - MRA re dwellings dep'n equivalent	1,254,100	1,280,970	1,308,550
Revenue Contribution to Capital Programme	845,400	629,030	761,450
HRA Debt - MRR Principal	1,260,000	1,260,000	1,260,000
NET REVENUE BUDGET	10,678,840	10,511,860	10,693,880
Dwelling Rents	(12,199,000)	(12,048,000)	(11,898,000)
Shortfall / (surplus)	(1,520,160)	(1,536,140)	(1,204,120)
Contribution To/ (From) HRA Reserves (MRR)	1,520,160	1,536,140	1,204,120

2015/16 – 2018/19 GENERAL FUND CAPITAL PROGRAMME

	Current Programme 2015/16 £	Estimated Programme 2016/17 £	Estimated Programme 2017/18 £	Estimated Programme 2018/19 £
<u>PROJECTS</u>				
Asset Management Plan Leisure Centres & Park	3,350	40,000	2,940	19,700
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	207,000		
Housing Development	1,550,000	1,250,000	1,250,000	1,250,000
Burn Airfield	1,700,000			
<u>Grants</u>				
Disabled Facilities Grants	447,230	300,000	300,000	300,000
Repair Assistance Loans	37,200	30,000		
<u>ICT Hardware & Systems Within ICT Strategy</u>				
Implementation & Infrastructure Costs	240,120	245,000	175,000	222,000
Desktop Replacement Programme	35,840	17,500	17,500	17,500
CRM & Website	93,970			
Mobile Working Solution	249,800			
TOTAL	4,697,355	2,141,500	1,745,440	1,809,200
<u>SUMMARY OF FUNDING</u>				
Capital Receipts	329,430	175,000	145,000	145,000
Grants & Contributions	155,000	155,000	155,000	155,000
Reserves	2,662,925	561,500	195,440	259,200
Borrowing	1,550,000	1,250,000	1,250,000	1,250,000
TOTAL	4,697,355	2,141,500	1,745,440	1,809,200

2015/16 – 2018/19 HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME

<u>PROJECTS</u>	Current Programme 2015/16 £	Estimated Programme 2016/17 £	Estimated Programme 2017/18 £	Estimated Programme 2018/19 £
<u>PROJECTS</u>				
<u>Current Projects</u>				
Electrical Rewires	260,000	240,000	240,000	240,000
Central Heating - Gas	890,480	502,500	470,000	470,000
Central Heating - Solid Fuel		75,000	75,000	75,000
Roof Replacements	555,600			220,000
Damp Surveys & Works	250,000	230,000	220,000	220,000
Door & Window Replacements	134,000	140,000	130,000	120,000
Kitchen Replacements	421,900	237,000	140,000	130,000
Pre Paint & Cyclical Repairs	113,000	150,000	150,000	150,000
Void Property Repairs	53,500	60,000	65,000	65,000
Asbestos Condition Survey	30,000	30,000	30,000	
Fencing & Gates	40,000	40,000	40,000	40,000
Bathroom Replacements	180,000	30,000	30,000	30,000
Pointing Works	300,000	300,000	300,000	300,000
<u>New Projects</u>				
Fire Alarm System at St Wilfrids Court	25,000			
Laurie Backhouse Court Refurbishment	200,000			
Environmental Improvement Plan	160,000	160,000	160,000	
Garage Sites		50,000	20,000	10,000
Ousegate Fire Alarm System		15,000		
New Build Projects	1,550,000	1,250,000	1,250,000	1,250,000
TOTAL	5,163,480	3,509,500	3,320,000	3,320,000

SUMMARY OF FUNDING

Revenue Contributions	2,120,580	845,400	629,030	761,450
Major Repairs Reserve	1,332,900	1,254,100	1,280,970	1,308,550
Access Selby HRA Reserve	160,000	160,000	160,000	
Borrowing	1,550,000	1,250,000	1,250,000	1,250,000
TOTAL	5,163,480	3,509,500	3,320,000	3,320,000

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	-	-	-	-
Burn Airfield	1,790,400	-	1,790,400	-	-	-	-
Contingency	-	512,803	-	-	-	-	-
Total	7,965,400	2,232,463	9,153,560	205,500	201,500	89,500	35,000
Total Allocated to Projects		10,197,863					

Funding Sources	£	Estimate 15/16 £	Estimate 16/17 £	Estimate 17/18 £	Estimate 18/19 £	Estimate 19/20 £
Balance Brought Fwd	2,864,457	2,864,457	1,044,303	1,838,803	1,637,303	1,547,803
Special projects reserve *	6,161,406	5,161,406	1,000,000	-	-	-
Prudential Borrowing	2,172,000	2,172,000	-	-	-	-
Project Spend	- 10,197,863	- 9,153,560	- 205,500	- 201,500	- 89,500	- 35,000
Balance	1,000,000	1,044,303	1,838,803	1,637,303	1,547,803	1,512,803

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

Access Selby - General Fund Savings

Proposed Savings	Status	2015/16	2016/17	2017/18	2018/19	Members' Update
		£	£	£		
IT & Transformation Workstream						
CRM Replacement	Red	8,980	66,252	66,252	66,252	Phase 1 saw CRM go live in July 2015. Phase 2 is currently being scoped.
Mobile Working	Red	-	41,728	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	Amber	3,750	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	Green	3,632	-	-	-	Saving to be reviewed in conjunction with options for long term arrangements
Formal amalgamation of District newspaper and County Council publications	Red	3,000	3,000	3,000	3,000	Awaiting long term decision from NYCC
Opening of Civic Centre Better Together	Green	6,083	6,083	6,083	6,083	Completed
	Amber	75,000	150,000	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	Amber	0	25,000	25,000	25,000	Project linked to CRM and will follow in the later phases.
Improved Revs & Bens Value for Money	Amber	21,440	50,000	50,000	50,000	Competitive Dialogue process to commenced in July 2015. - £21k saving will be achieved in 2015/16 due to frozen post.
Further Internal Efficiencies (Outside of Better Together)	Red	21,350	50,000	50,000	50,000	Officers exploring internal efficiencies through improved processes and IT.
Access Selby Commercialisation	Amber	5,000	50,000	50,000	50,000	Officers working on commercialisation of repairs & maintenance.
Total Transformation		148,235	445,813	445,813	445,813	
Commissioning Workstream						
Printers	Green	18,811	18,811	18,811	18,811	Completed
Lifeline pendants	Green	-	67,576	69,000	69,000	Projected savings on track to be delivered
Postage and Mail	Amber	5,000	5,000	5,000	5,000	Further work required before savings can be confirmed
Supplier Engagement	Red	-	20,000	20,000	20,000	Options are limited in this area, officers will be seeking alternative savings.
Reduce Tail end spend	Amber	8,500	14,500	14,500	14,500	£8.5k realised already in relation to car park tickets & telephones - £6k additional savings still to be identified in 2016/17 onwards.
IT Service Contracts	Amber	7,500	7,500	7,500	7,500	Options currently under review in conjunction with wider options around IT services.
External Audit - Grants Audit Fee	Green	8,130	8,130	8,130	8,130	Completed
Lexis Nexis Legal Library	Green	13,500	13,500	13,500	13,500	Completed
Community Support Vehicle lease	Green	3,940	3,940	3,940	3,940	Completed
Improved Waste / Recycling Value for Money	Red	-	-	100,000	100,000	Service under pressure due to growth in property numbers.
Maximise use of Civic Centre Office Space	Amber	22,500	45,000	45,000	45,000	Based on an additional 30 desks occupied by partners.
Total Commissioning		87,881	203,957	305,381	305,381	

Proposed Savings	Status	2015/16 £	2016/17 £	2017/18 £	2018/19	Members' Update
Income Generation Workstream						
Negotiation for share of out performance on Council Tax collection	Amber	3,961	3,961	3,961	3,961	Target under constant review and outcome is based on full year performance.
Land Charges Income - Search fees	Amber	48,000	21,000	21,000	21,000	In future years it is possible that some of this income may go direct to the Land registry - this will be kept under close review and updated once further information is received.
Legal Income	Green	32,750	8,750	8,750	8,750	On track to achieve savings from increase in fee-generating work.
Street Naming & Numbering	Green	30,000	18,000	18,000	18,000	Original target of £18k for 15/16 is expected to be exceeded with a revised estimate of £30k being set for the year.
Registrar Service	Green	10,994	10,994	10,994	10,994	Completed
Caravan inspection fee	Green	2,000	2,000	2,000	2,000	On track to achieve savings
Policy changes to introduce new income streams	Red	0	78,783	80,823	80,823	Commercialisation project established to identify further opportunities
Community Support Lifeline Income	Amber	20,000	20,000	20,000	20,000	Income growth has been achieved, however due to grant funding being reduced the additional income is only currently mitigating the loss.
Total Income Generation		147,705	163,488	165,528	165,528	
Other						
Agency Staff	Red	-	2,500	2,500	2,500	Savings opportunity identified for future years
NY regional strategy officer	Green	2,520	2,520	2,520	2,500	Completed
Community Support Office telephone savings	Green	9,600	9,600	9,600	9,600	Completed
Contracts General Office Expenses	Green	360	360	360	360	Completed
Contracts - Officer subsistence general saving	Green	200	200	200	200	Completed
Commercial Waste	Green	1,160	1,160	1,160	1,160	Completed
Environmental Health & Housing telephone savings	Green	430	430	430	430	Completed
Housing Benefits - Overpayments subsidy	Amber	32,520	33,980	35,480	35,480	Being monitored throughout the year
Total Other		46,790	50,750	52,250	52,230	
Total General Fund Savings in Progress		430,611	864,008	968,972	968,952	
Savings Target		549,920	747,221	950,790	950,790	
Headroom/Deficit (+/-)	** -	119,309	116,787	18,182	18,162	
Green Savings		144,110	172,054	173,478	173,458	
Amber Savings		253,171	429,691	431,191	431,191	
Red Savings**		33,330	262,263	364,303	364,303	
Total		430,611	864,008	968,972	968,952	

Core Savings Plan

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

Proposed Savings	Status	2015/16 £	2016/17 £	2017/18 £	2018/19	Progress
Procurement Workstream						
Leisure Management Contract	Green	75,000	187,915	196,487	174,907	Completed
Community / Pooled Budgets	Red	5,000	10,000	10,000	10,000	-
Improved waste / recycling value for money	Red	-	-	100,000	100,000	Due to fall in the price received for the sale of recyclates this income is at risk.
Inflation Savings on Street Scene Contract	Green		99,110	99,110	99,110	Savings resulting from contract inflation
Banking tender	Green	10,000	10,000	8,400	8,400	Completed
Total Procurement		90,000	307,025	413,997	392,417	
Transformation Workstream						
Better Together - Finance	Green	44,000	43,800	44,240	44,240	Savings will be achieved in 2015/16 - Future years will be dependant on the success of the trial period.
Total Transformation		44,000	43,800	44,240	44,240	
Value for Money Workstream						
Internal Drainage Boards	Green	20,000	-	-	-	levies lower than budgeted for 2015/16
Ward Boundary Review	Green	41,430	41,430	41,430	41,430	Completed
Total Value for Money		61,430	41,430	41,430	41,430	
Base Budget Review Workstream						
NDR Base Budget Review - Various small sites	Green	14,390	14,390	14,390	14,390	Completed
Total Base Budget Review		14,390	14,390	14,390	14,390	
Discretionary Service Review Workstream						
Total Discretionary Service Review		0	0	0	0	
Income Generation Workstream						
Use of assets for advertising space	Amber	25,000	25,000	25,000	25,000	Negotiations ongoing with NYCC about income split in 15/16
General Fund Housing Development	Amber	25,000	25,000	50,000	50,000	Interest from loans to SDHT
Green Energy	Red	-	-	150,000	150,000	The feasibility report confirms that a ground and roof mounted schemes are possible but pending changes to government subsidies means that detailed business case will be defered and therefore a scheme will not be delivered to achieve a saving in 16/17.
Total Income Generation		50,000	50,000	225,000	225,000	
Total General Fund Savings		259,820	456,645	739,057	717,477	
Savings Target		369,068	210,430	552,224	530,644	
Headroom/Deficit (+/-)	** -	109,248	246,215	186,833	186,833	
Green Savings		204,820	396,645	404,057	382,477	
Amber Savings		50,000	50,000	75,000	75,000	
Red Savings**		5,000	10,000	260,000	260,000	
Total		259,820	456,645	739,057	717,477	

Key: **HRA Savings Plan**

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

Proposed Savings	Status	2015/16	2016/17	2017/18	2018/19	Progress
		£	£	£	£	
Review of Property Services unfilled posts	Green	50,000	50,000	50,000	50,000	Completed
Gas Servicing Contract	Green	20,000	20,000	20,000	20,000	Completed
Grassed Areas & Open Spaces base budget review	Green	29,000	29,000	29,000	29,000	Completed
Various Suppliers	Green	22,000	22,000	22,000	22,000	Completed
WTT - Savings	Green	129,591	129,591	129,591	129,591	Completed
2011/12 Pay Award	Green	27,000	27,000	27,000	27,000	Completed
Car Allowances	Green	5,600	5,600	5,600	5,600	Completed
Savings on Audit Fees and early Retirement Charges	Green	40,460	40,460	40,460	40,460	Completed
Ryecare Help-Line Telecom Saving	Green	700	700	700	700	Completed
Consolidation of IT Budgets	Green	23,685	23,685	23,685	23,685	Completed
Electrical Testing - R&M	Green	15,000	15,000	15,000	15,000	Completed
Vehicle Tracking System	Green	500	500	500	500	Completed
Direct Works - Phones	Green	2,000	2,000	2,000	2,000	Completed
Grants Audit Fees	Green	6,000	9,390	9,390	9,390	Completed
Clear Access Footways	Green	2,500	2,500	2,500	2,500	Completed
Footpaths	Green	10,000	10,000	10,000	10,000	Completed
Gutters & Fallpipes	Green	5,000	5,000	5,000	5,000	Completed
Tenants Participation - Housing Reports	Green	370	370	370	370	Completed
Energy Performance Certificates	Green	3,000	3,000	3,000	3,000	Completed
SDC Contract Hire Vehicles	Green	18,000	18,000	18,000	18,000	Completed
Asbestos Removal	Green	500	500	500	500	Completed
Solid Fuel Servicing	Green	12,470	12,470	12,470	12,470	Completed
Communal Lighting	Green	3,350	3,350	3,350	3,350	Completed
Pumping Stations	Green	3,210	3,210	3,210	3,210	Completed
Lift Maintenance	Green	1,300	1,300	1,300	1,300	Completed
Bank charges	Green	1,600	1,600	1,600	1,600	Completed
Debt collection costs	Green	1,300	1,300	1,300	1,300	Completed
Hostels	Green	5,230	5,230	5,230	5,230	Completed
HRA Investment Interest	Green	-	8,000	17,000	21,000	Completed
Van Fuel (oil price & fuel card savings)	Green	-	2,450	2,450	2,450	Completed
Resource Accounting	Green	-	4,000	4,000	4,000	Completed
Rent - Bank Charge Savings	Green	-	1,000	1,000	1,000	Completed
Use of Temporary Accommodation	Green	-	13,740	13,740	13,740	Completed
Community Centres	Green	-	9,600	9,600	9,600	Completed
Total Housing Revenue Account Savings		439,366	481,546	490,546	494,546	
Savings Target		360,000	360,000	360,000	360,000	
Headroom/Deficit (+/-)		79,366	121,546	130,546	134,546	
Green Savings		439,366	481,546	490,546	494,546	
Amber Savings		-	-	-	-	
Red Savings**		-	-	-	-	
Total		439,366	481,546	490,546	494,546	

GENERAL FUND NEW BIDS 2016/17 - 2018/19

Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term
		16/17	17/18	18/19	16/17	17/18	18/19		
Repointing and plastering the gable end wall at Tadcaster Leisure Centre.	Maintaining the leisure offer supports the living well priority				30,000			An intrusive survey is to be complete and should it identify the need for major work the responsibility for the funding will fall to the SDC per the landlord and tenant split of maintenance responsibilities. Should any structural repairs identified not be actioned, the sports hall will require closure with associated publicity and loss of income	One-Off
Net Cost of Bid		0	0	0	30,000	0	0	Funded from Building Repairs Reserve	
To effect repairs to collapsed culvert located at Portholme Road	Tackling the tough stuff				207,000			Capital allocation of £150k was approved as part of 14/15 capital program. Final bid price plus utility diversions etc. was £327k. It was agreed by AS Directors & CMT to engage consultant to investigate, report source of collapse to pursue insurance claim, design a repair and manage associated works (£30k).	One-Off
Net Cost of Bid		0	0	0	207,000	0	0	Funded from Special Projects Reserve	
Specialist advice including valuation services, arboricultural services, contaminated land advice etc. Increased pressure has been placed on this budget due to the number of complex applications received	Changing Places Tackling Tough Stuff	16,000	16,000	16,000				Shortage of in-house expertise on specialised matters could result in a delay in processing more complex planning applications coupled with the increase in applications and demand.	Permanent
Net Cost of Bid		-16,000	-16,000	-16,000	0	0	0	Fund from increased planning income	
Advertising planning applications in local press		19,000	19,000	19,000				Increased advertising rates and increases in number of major applications that have to be advertised	Permanent
Net Cost of Bid		-19,000	-19,000	-19,000	0	0	0	Fund from increased planning income	
Recovery of Housing Benefit Overpayments	Being switched on & business like Delivering great value	26,790						Full time post for 1 year to improve the Council's recovery of HBO which has seen an increase in part due to the introduction of RTI from DWP (total value of debt is now at £712k).	One-Off
Net Cost of Bid		26,790	0	0	0	0	0	Fund from Invest to Save	
Total Value of New General Fund Bids		26,790	0	0	237,000	0	0		

Funding	16/17	17/18	18/19	16/17	17/18	18/19
Invest to Save Fund	26,790					
Special Projects Reserve				207,000		
Building Repairs Reserve				30,000		
	26,790	0	0	237,000	0	0

HOUSING REVENUE ACCOUNT NEW BIDS 2016/17 - 2018/19

Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term
		16/17	17/18	18/19	16/17	17/18	18/19		
Tidying up garage sites.	Effectively maintain the condition of the SDC housing stock Environmental improvements				50,000	20,000	10,000	To bring out of management garages back into use and tidy up or demolish unrequired/unused garages. To include repair or replacement of roofs & doors.	Fixed
Net Cost of Bid		0	0	0	50,000	20,000	10,000		
Aids & adaption funding	Support Independent Living	30,000	30,000	30,000				Increased level of aids & adaption referrals for ramps / lifts / wetrooms / handrails to provide assistance to enable tenants to remain in their own homes.	Permanent
Net Cost of Bid		30,000	30,000	30,000	0	0	0	Funded from Revenue	
Roof replacements	Effectively maintain the condition of the SDC housing stock						220,000	45 roofs identified in stock survey as requiring replacement	One-Off
Net Cost of Bid		0	0	0	0	0	220,000		
Replacement fencing & gates	Effectively maintain the condition of the SDC housing stock					40,000	40,000	Addition to budget provision due to high demand & work identified in stock condition surveys.	Permanent
Net Cost of Bid		0	0	0	0	40,000	40,000		
Gas central heating and replace old systems.	Effectively maintain the condition of the SDC housing stock				-72,980	-105,480	-105,480	Original budget £575,480 16/17 to 18/19 revised to £503k 16/17, £470k 17/18 onwards Reduction of existing approved bid following stock conditioning survey and assessment of need and demand.	Permanent
Net Cost of Bid		0	0	0	-72,980	-105,480	-105,480		
Bathroom replacements	Effectively maintain the condition of the SDC housing stock				-150,000	-150,000	-150,000	Reduction of existing approved bid to £30k per year following stock conditioning survey. Original budget £180,000 for 16/17 to 18/19 reduced to £30k per year	Permanent
Net Cost of Bid		0	0	0	-150,000	-150,000	-150,000		
Electrical rewires of SDC housing stock	Effectively maintain the condition of the SDC housing stock				-20,000	-20,000	-20,000	Original budget £260k per year reduced to £240k per year. Reduction in existing bid for electrical rewires as work done on partial rewires has reduced demand, caused less disruption to tenants while keeping properties safe & compliant	Permanent
Net Cost of Bid		0	0	0	-20,000	-20,000	-20,000		

HOUSING REVENUE ACCOUNT NEW BIDS 2016/17 - 2018/19

Description	Strategic Theme / Priority	Revenue			Capital			Comments	Term
		16/17	17/18	18/19	16/17	17/18	18/19		
Void property repairs	Effectively maintain the condition of the SDC housing stock				6,500	11,500	11,500	Increase of existing approved bid. Total £60k 16/17, £65k 17/18 onwards	Permanent
Net Cost of Bid		0	0	0	6,500	11,500	11,500	Increase to keep up with cost of void works & to maintain performance of turnaround time to maintain rental income.	
Pre paint & cyclical repairs	Effectively maintain the condition of the SDC housing stock				37,000	37,000	37,000	Increase of existing approved bid to £150k per year. Increase in repairs identified for next 3 years, work will include replacing wood for UPVC which will reduce future painting demand.	Permanent
Net Cost of Bid		0	0	0	37,000	37,000	37,000		
Replacement kitchens	Effectively maintain the condition of the SDC housing stock					-97,000	-107,000	Reduction of existing approved bid from from £237k in 17/18 and 18/19 to £140k and £130k Reduction in bid after completion of this years programme. Demand identified in stock condition surveys.	Permanent
Net Cost of Bid		0	0	0	0	-97,000	-107,000		
Damp Proofing	Effectively maintain the condition of the SDC housing stock				-20,000	-30,000	-30,000	Reduction in budget due to reduce in demand and need. Original budget £250k per year reduced to £230k 16/17 ans £220k 17/18 onwards.	Permanent
Net Cost of Bid		0	0	0	-20,000	-30,000	-30,000		
Door & Window replacement programme	Effectively maintain the condition of the SDC housing stock				90,000	80,000	70,000	Increase following stock condition survey, will result in reduced maintenance costs. Original budget £50k per year increased to £140k 16/17, £130k 17/18 and £120k 18/19.	Permanent
Net Cost of Bid		0	0	0	90,000	80,000	70,000		
Ousegate - Replace existing fire alarm system	Tackling the Tough Stuff				15,000			Existing system needs replacing due to age.	One-Off
Net Cost of Bid		0	0	0	15,000	0	0		
Net Cost of Core HRA Bids		30,000	30,000	30,000	-64,480	-213,980	-23,980		

Funding	16/17	17/18	18/19	16/17	17/18	18/19
HRA Major Repairs Reserve				-64,480	-213,980	-23,980
Revenue	30,000	30,000	30,000			
	30,000	30,000	30,000	-64,480	-213,980	-23,980

Reserves										
Description	Estimated Balance 31 March 16	Use	Contribs	Estimated Balance 31 March 17	Use	Contribs	Estimated Balance 31 March 18	Use	Contribs	Estimated Balance 31 March 19
	£	£	£	£	£	£	£	£	£	£
Revenue Reserves										
General Fund										
Reserves to fund future commitments:										
PFI Scheme	2,364,764	- 402,190	387,400	2,349,974	- 410,230	394,410	2,334,154	- 418,430	401,330	2,317,054
ICT	646,740	- 262,500	200,000	584,240	- 192,500	200,000	591,740	- 32,500	200,000	759,240
Building Repairs & Projects	358,978	- 92,000	148,560	415,538	- 2,940	152,270	564,868	- 19,700	152,570	697,738
Election	76,954		34,000	110,954		34,000	144,954		34,000	178,954
Industrial Units	50,275			50,275			50,275			50,275
Open Space Maintenance	58,535			58,535			58,535			58,535
Affordable Housing **	120,568			120,568			120,568			120,568
	3,676,814	- 756,690	769,960	3,690,084	- 605,670	780,680	3,865,094	- 470,630	787,900	4,182,364
Reserves to fund growth and improvement:										
Special Projects / Programme for Growth **	2,121,718	- 412,500	6,289,264	7,998,482	- 201,500	1,630,000	9,426,982	- 89,500	1,130,000	10,467,482
Discretionary Rate Relief Fund	200,000	- 100,000		100,000	- 100,000		-			-
NYCC Collaboration	150,000	- 100,000		50,000	- 50,000		-			-
Spend To Save (Business Development)	492,543			492,543			492,543			492,543
	2,964,262	- 612,500	6,289,264	8,641,026	- 351,500	1,630,000	9,919,526	- 89,500	1,130,000	10,960,026
Reserves to mitigate financial risk:										
Pensions Equalisation Reserve	367,230		182,820	550,050		182,820	732,870		182,820	915,690
NDR Equalisation	1,257,318			1,257,318			1,257,318			1,257,318
Local Plan	355,231		145,000	500,231		50,000	550,231		50,000	600,231
Contingency	644,323	- 210,500		433,823			433,823			433,823
General Fund	1,499,872			1,499,872			1,499,872			1,499,872
	4,123,973	- 210,500	327,820	4,241,293	-	232,820	4,474,113	-	232,820	4,706,933
Total GF Revenue reserves	10,765,049	- 1,579,690	7,387,044	16,572,403	- 957,170	2,643,500	18,258,733	- 560,130	2,150,720	19,849,323
Capital Reserves										
General Capital Receipts*	2,372,335	- 175,000	1,065,020	3,262,355	- 145,000	1,096,060	4,213,415	- 145,000	1,096,060	5,164,475
Capital Receipts (Programme for Growth)	-		1,000,000	1,000,000			1,000,000			1,000,000
Capital Receipts (HRA Reserved)	152,850	- 152,850	197,780	197,780	- 197,780	225,870	225,870	- 197,780	225,870	253,960
Total GF Capital Receipts	2,525,185	- 327,850	2,262,800	4,460,135	- 342,780	1,321,930	5,439,285	- 342,780	1,321,930	6,418,435
* Capital receipts include assumptions on right to buy sales										
** Spending plan to be developed during 2016/17										
Note: Capital receipts subject to a review of requirements of council house 'one for one replacement'										

Selby District Council

REPORT

Reference: E/15/41

Item 5 - Public



To: The Executive
Date: 3 December 2015
Status: Key Decision
Report Published: 25 November 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: Draft Revenue Budget and Capital Programme 2016/17 and Medium Term Financial Plan

Summary: This report presents the draft revenue budget and capital programme for 2016/17 to 2017/18 (General Fund and Housing Revenue Account). Subject to confirmation of the Formula Grant Settlement, the 2016/17 budgets show a forecasted surplus of £252k (after planned savings) on the General Fund and a £1.268m surplus on the HRA, which is required to fund the capital programme.

The draft budget reflects the latest update to the Medium Term Financial Strategy considered earlier on this agenda.

Recommendations:

It is recommended that:

- i. **The draft budgets, bids and savings be approved for public consultation and submitted to Policy Review for comments.**

Reasons for recommendation: To enable the views of the public and Policy Review Committee members to be gathered through consultation.

1. Introduction and background

- 1.1 The MTFS provides the strategic financial framework for medium term financial planning and annual budget setting. The Executive considered the draft Medium Term Financial Strategy (MTFS) on 4 September 2015 and

submitted this to the Policy Review Committee for comments on 15 September 2015. However since then, a significant change to the Council's Business Rates income for 2014/15 and 2015/16 has been identified (surpluses of £5m and £5.4m respectively) and consequently the Council's resource forecasts have had to be updated. A revised MTFs (covering General Fund activities) is earlier on this agenda and this draft strategy has been used to inform the proposed budget.

- 1.2 The Housing Revenue Account (HRA) and Housing Investment Programme (HIP) are covered by the Housing Business Plan (HBP). The draft HBP was approved by the Executive on 4 September 2014 and is scheduled for refresh over the coming year.
- 1.3 The MTFs assumes continuing cuts to central Government settlement funding although at the time of writing this report the extent and phasing of these cuts is not known. The MTFs recognises significant cash inflows from Business Rates anticipated in 2015/16 and 2016/17, set against continuing austerity and the need to deliver our savings plan as the key financial issues facing us over the next 3 years.
- 1.4 The budget has been prepared on a current policy basis and includes provision for inflation where considered necessary. There is provision for the approved pay award of 1% from 2016/17 to 2018/19. The General Fund revenue budget includes contingencies totalling £300k and the HRA includes a contingency of £75k.

2. The Report

- 2.1 The draft revenue budgets for the 3 years from 2016/17 to 2018/19 are presented at **Appendix A** and the proposed capital programmes and Programme for Growth are shown at **Appendix B**.

General Fund Revenue Budget

- 2.2 The estimated position for 2016/17 including assumed savings and growth/commitments is as follows:

	2016/17 Budget £000's
Net Service Budget	10,545
Appropriations to Reserves (Net)	5,757
Net Budget	16,302
Council Tax	(4,982)
Revenue Support Grant	(1,314)
Business Rates (NDR) baseline	(2,275)
New Homes Bonus	(2,445)
Collection Fund Surplus – Council Tax	(129)
Collection Fund Deficit – Business Rates	(5409)
Total Funding	(16,554)

Surplus	(252)
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- 2.3 The draft budget includes committed growth where necessary along with proposals for discretionary growth. **Appendix D** identifies the proposals for approval (both revenue and capital).
- 2.4 The estimated surplus of £252k for 2016/17 is subject to planned savings of £752k, identified as amber and red savings at **Appendix C (i) & (ii)**.

Council Tax

- 2.5 The draft MTFS assumes a Council Tax increase of 2% for 2016/17 and a Council Tax Base of 30,154 (a rise of 3.5% on 2015/16 as a result of property growth and a reduction in Council Tax Support claims).
- 2.6 A 2% increase will take the Council average Band D charge from £162.00 to £165.22 – a rise of 6p per week.
- 2.7 Based on these assumptions, Council Tax income is estimated at £4.983m for 2016/17.

Settlement Funding and New Homes Bonus

- 2.8 A 10% cut in Settlement Funding has been assumed for 2016/17 in line with the draft MTFS. Allowing for 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	1,314
Business Rates Baseline Funding (BRBF)	2,232	2,275
Settlement Funding Assessment (SFA)	3,988	3,589

- 2.9 In addition the income from Business Rates highlighted in paragraph 1.1 above, will have a significant impact on the Council's financial outlook. A forecasted £5.4m surplus is assumed for 2016/17 although it is not known if similar levels of receipts can be expected going forward.
- 2.10 There is also uncertainty over New Homes Bonus – the budget assumes an award of £2.445m in 2016/17. Of this amount, £880k p.a. is funding the Programme for Growth with the remainder (£1.565m) supporting the Council's revenue budget. Improvements in Business Rates income provides the potential to replace these resources should the need arise but withdrawal of the scheme and loss of Business Rates income would require further savings.

Savings

- 2.11 A number of savings have already been identified as part of the budget process and the current savings action plans are attached at **Appendices C(i) and C(ii)**.

- 2.12 The Council had made good progress against its savings target to date, but it is becoming increasingly difficult to achieve further savings from a reducing cost base. However, the focus on delivering planned savings must be maintained, given the importance of savings in achieving the Council's financial (and wider) objectives and to avoid the use of balances to support on-going spending which is unsustainable in the medium to longer term.
- 2.13 The Council's approach to savings covers three key strands:
- **Transforming** our business through the use of technology and flexible working to meet citizen and customer needs;
 - **Growing** our resources through charging for services and trading externally;
 - **Commissioning** from and with partners to achieve shared efficiencies and reduce the demand for public sector services.
- 2.14 In order to help implement this strategy the Council is working with partners such as North Yorkshire County Council on a long term plan to share service delivery for the benefit of our customers and taxpayers generally.
- 2.15 However, such projects can take significant time and effort to bring to fruition so we will continue to work towards other savings in accordance with our strategy to ensure the Council's finances stay on a firm footing.

Housing Revenue Account

- 2.16 The HRA budgets have been prepared using assumptions on rent reductions based on the Government's formula. From 2016/17 to 2019/20 a 1% year on year reduction is to be imposed, which along with increasing right to buy sales, will put pressure on our ability to sustain the HRA in the long term unless sufficient replacement homes can be delivered. Over the next 4 years the loss of rent income is estimated at approximately £4m, although our forecasts for major capital works have been revised downwards following a stock condition survey in 2015/16.
- 2.17 The estimated position HRA for 2016/17 is shown below. Progress against the HRA savings action plan is ahead of target and therefore no further direct savings are planned for 2016/17, although opportunities for efficiencies will continue to be sought wherever possible and the HRA will benefit from savings to the Council's corporate overheads. Going forward we will continue to monitor the long term outlook for the HRA and carefully balance investment in enhancements to our existing stock and new build against the need for operational savings.

	2016/17 Budget £000's
Net Budget	11,221
Less Dwelling Rents	(12,489)
Surplus transferred to Major Repairs Reserve	(1,268)

- 2.18 A surplus position is anticipated for 2016/17 which will be required to meet the capital programme. Future surpluses will be transferred to the Major Repairs

Reserve to either repay debt or spend on the future HRA capital programme, including new build projects.

General Fund Capital Programme

- 2.19 The General Fund capital programme includes previously approved projects as well as new growth – a summary of the growth proposals are shown at **Appendix D(i)** and the capital programme is attached at **Appendix B(i)**.
- 2.20 There is limited room for additional revenue contributions to support the capital programme and therefore it is largely supported by capital receipts, external grants and earmarked reserves. The following table presents a summary of the proposed programme:

Programme	2016/17 £000's	2017/18 £000's	2018/19 £000's
Asset Management Works	40	3	20
Replace Car Park Ticket Machines	52		
Collapsed Culvert	207		
Housing Development	1,250	,1,250	1,250
Grants	330	300	300
ICT Projects	263	192	239
Total Programme	2,142	1,745	1,809
Funding			
Capital Receipts	175	145	145
Grants	155	155	155
Reserves	562	195	259
Borrowing	1,250	1,250	1,250
Total Funding	2,142	1,745	1,809

- 2.21 Projects include Selby and District Housing Trust developments, Disabled Facilities Grants and ICT projects. The latter cover a range of replacement and new systems, hardware and infrastructure (including a Mobile Working solution) – funding for ICT replacement projects is covered by the ICT Replacement Reserve.

Housing Investment Programme

- 2.22 The Housing Investment Programme includes a number of growth proposals to ensure our homes continue to meet the decency standard – these proposals are shown at **Appendix D(ii)** and the updated HIP is at **Appendix B(ii)**. The following table presents a summary of the programme:

Programme	2016/17 £000's	2017/18 £000's	2018/19 £000's
Electrical	240	240	240
Central Heating	578	545	545
Roof Replacements			220
Damp Survey & Works	230	220	220
Doors & Windows	140	130	120
Kitchens	237	140	130
Pre-Paint & Cyclical	150	150	150

Pointing	300	300	300
Environmental Improvements	160	160	
New Build	1,250	1,250	1,250
Other	225	185	145
Total Programme	3,510	3,320	3,320
Funding			
Revenue Contributions	846	629	761
Major Repairs Reserve	1,254	1,281	1,309
Access Selby Reserve	160	160	
Borrowing	1,250	1,250	1,250
Total Funding	3,510	3,320	3,320

The MTFS highlights expected s106 affordable housing commuted sums and increased capital receipts from right to buy sales over the medium term and our spending plans will be revised once an assessment of an extended affordable housing programme has been done.

Programme for Growth

- 2.23 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 economic development; housing; infrastructure; retail; and the leisure economy.
- 2.24 To date the programme has been funded largely by New Homes Bonus (up to £880k p.a.) and unallocated capital receipts. The significant Business Rates surplus for 2015/16 anticipated in 2016/17 will provide additional capacity within the programme to take forward the Council's emerging Economic Development strategy. At this stage more work on the potential proposals is needed and plans will be brought forward for consideration in due course. Details of the current programme are set out at **Appendix B(iii)**, a summary of the programme shows:

Programme	Capital £000	Revenue £000
Leisure	6,075	175
Jobs/skills	0	726
Housing*	100	180
Infrastructure/economic development	1,790	639
Contingency	0	511
Total	7,965	2,231
Funding		
Special Projects Reserves	5,793	2,231
Borrowing	2,172	0
Total Funding	7,965	2,231

**Note: The capital cost of the affordable homes is contained within the capital programme*

Reserves

- 2.25 The Council has a robust reserves strategy which is reviewed annually as part of the refresh of the MTFs. A forecast of reserve balances based on the MTFs assumptions and draft budget, is set out at **Appendix E**. Budgeted appropriations to and from General Fund reserves for 2016/17 (including capital/programme for growth financing) are:

General Fund Reserves	£000's
Transfers to:	
Building Repairs	149
ICT Replacement - GF	150
- HRA	50
PFI	387
Pension Equalisation	183
District Election	34
Special Projects - Revenue	6,289
Local Plan	145
Transfers from:	
NYCC Collaboration	(100)
ICT Replacement	(262)
PFI	(402)
Special Projects – Programme for Growth	(413)
Building Repairs	(92)
Discretionary Rate Relief Fund	(100)
Contingency	(211)
Net Appropriations from Reserves	5,807

- 2.26 Overall the Council's General Fund reserves are expected to increase by £5.8m in 2016/17 although plans to invest the Programme for Growth resources are expected over the coming months.
- 2.27 The HRA reserves are General Balances and the Major Repairs Reserve (MRR). The overall estimated surplus of £1.268m on the HRA for 2016/17 will be transferred to the MRR. The HRA capital programme will require £1.254m from the MRR in 2016/17.

Budget Risk Assessment

- 2.28 A risk assessment of the Council's major budgets has been carried out. The continuing turmoil in the wider economy, cuts to public sector funding and the volatility within the funding regime, mean greater financial risk for the Council. Areas that are particularly high risk are central government funding, income generation (for example planning fees and recycling income) and savings.
- 2.29 Demand led pressures are also increasing financial risk - for example property growth and increasing waste volumes are putting pressure on the street scene contract, although to date costs have been contained through

round rebalancing.

- 2.30 The Council's contingency budgets and general balances provide a buffer for these risks and are crucial to ensure sustained financial resilience and viability.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 None as a result of this report.

3.2 Financial Issues

- 3.2.1 As set out in the report.

4. Conclusions

- 4.1 The draft General Fund revenue budget for 2016/17 assumes a Council Tax rise of 2% and subject to the Local Government Finance Settlement and planned savings, a surplus of £252k is estimated for the year. The draft Housing Revenue Account budget assumes a 1% reduction in rent, with a surplus of £1,268m being transferred to the Major Repairs Reserve to support the capital programme.
- 4.2 The budget provides for a capital programme to meet General Fund and HRA needs and also includes a Programme of Growth to support the Council's Corporate Plan. The anticipated Business Rates surplus for 2016/17 is to be allocated to the Programme for Growth with spending plans to follow in the coming months
- 4.3 The continuing risk to Local Government funding and future rising demand for services, mean that additional savings will be sought wherever possible. This will be vital to ensure that the Council maintains its financial resilience and continues to deliver or enable the essential services that people need.

Contact Details:

Karen Iveson, Executive Director (and s151)

kiveson@selby.gov.uk

Appendices:

A – Revenue estimates

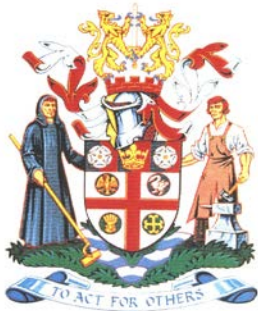
B – Capital programmes and Programme for Growth

C – Savings

D – Growth bids

E – Reserves

Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	Thursday 3 December 2015
Time:	4pm
Present:	Councillors M Crane (Chair), C Lunn and D Peart.
Officers present:	Chief Executive, Executive Director (s151), Solicitor to the Council, Director of Community Services, Interim Planning Policy Manger (minute item 75), Executive Director, Communities (minute item 76), Community Safety Project Lead (minute item 76), Core Project Officer (minute item 76), Assistant Policy Officer (minute item 77), Commissioning and Performance Officer (minute item 78) and Democratic Services Manager.
Also Present:	Councillor B Packham
Public:	1
Press:	0

NOTE: Only minute numbers 75 to 78 are subject to call-in arrangements. The deadline for call-in is 5pm on Tuesday 15 December 2015. Decisions not called in may be implemented from Wednesday 16 December 2015.

70. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Mackman and C Metcalfe.

71. MINUTES

The Executive considered the minutes from the meeting held on 5 November and the Special meeting held on 19 November 2015.

RESOLVED:

To approve the minutes of the meetings held on 5 and 19 November 2015 for signature by the Chair.

72. DISCLOSURES OF INTEREST

There were no declarations of interest

73. MEDIUM TERM FINANCIAL STRATEGY (GENERAL FUND) – KEY DECISION

Councillor Lunn, Lead Executive Member for Finance and Resources presented the report which provided an update to the revised Medium Term Financial Strategy (MTFS) considered by the Executive and Policy Review Committee in September 2015.

The Lead Executive Member for Finance and Resources explained that the Council was still awaiting details of the Local Government Finance Settlement which would be provided as part of the Spending Review.

RESOLVED:

To submit the Medium Term Financial Strategy to Council for approval.

REASON FOR THE DECISION

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

74. DRAFT REVENUE BUDGET AND CAPITAL PROGRAMME 2016/17 AND MEDIUM TERM FINANCIAL PLAN – KEY DECISION

Councillor Lunn, Lead Executive Member for Finance and Resources presented the report on the draft revenue budget and capital programme for 2016/17 to 2017/18.

RESOLVED:

To approve the draft budgets, bids and savings for public consultation and submission to Policy Review Committee for comments.

REASON FOR THE DECISION

To enable the views of the public and Policy Review Committee members to be gathered through consultation.

75. AUTHORITY MONITORING REPORT (AMR), INCLUDING FIVE YEAR HOUSING LAND SUPPLY REPORT

Councillor Crane, Leader of the Council presented the report which outlined an overall update on the AMR as well as providing new information relating to the forward publication timetable for PLAN Selby and the Council's most recent statement on five year housing land supply.

The Leader of the Council highlighted that the Council now had a housing supply of 5.8 years and it was noted this figure contained a 20% buffer.

Clarification was sought on the breakdown per designated service village of the permissions for housing outlined in table six of the report. It was agreed that this figure could be provided

A query was raised with regard to why the timescales for the Local Development Scheme had changed. The Director of Community Services explained that the consultation for the proposals which was due to take place in January or February 2016 would now be taking place in the summer of 2016. The Executive was also informed that further work needed to be done to the traffic model and traffic surveys still needed to be completed. The Director of Community Services added the delivery date was still aimed to be 2017.

RESOLVED:

- i) To note the content of the report and appendices, including the implications of the 5YHLS statement and on-going work on Duty to Co-operate.**
- ii) To endorse the new Local Development Scheme (LDS) timetable for the PLAN Selby Sites and Policies document.**
- iii) To endorse the updated Five Year Housing Land Supply Methodology and resultant**

housing land supply figure as set out in the Statement.

REASON FOR THE DECISION

- *To comply with the requirements for an Authority Monitoring Report under the Planning and Compulsory Purchase Act 2004.*
- *To inform the Executive of the performance of planning policies against Core Strategy targets.*
- *To enable the publication of an updated Local Development Scheme with regard to the timetable for PLAN Selby.*
- *To enable publication of the latest position on the Five Year Housing Land Supply.*

76. IMPLEMENTATION OF THE “PREVENT” DUTY

The Executive Director, Communities presented the report which detailed Section 26 of the Counter Terrorism and Security Act 2015, the finding of the self-assessment carried out by the Council and the Action Plan which had been formulated to address the areas identified.

It was agreed that other partnerships and collaborations that the Council was involved in should also be covered. Therefore it was agreed to amend the third resolution to state this.

RESOLVED:

- i) To note the scope of the new duty and actions being undertaken to ensure the Council complies with it.**
- ii) To consider the Selby District Prevent Duty Action Plan 2015/16.**
- iii) To approve the insertion in all new contracts of requirements to ensure that the “prevent duty” is being addressed including a requirement in larger contracts and other formal arrangements (over £50k in value) that the provider train all staff and appoint a “prevent” champion. Where existing contracts are reviewed the Council should also seek to include such terms**

where the change is permissible within the scope of public procurement law.

REASON FOR THE DECISION

To comply with the new 'Prevent duty' and Guidance.

77. CORPORATE ENFORCEMENT POLICY

Councillor Peart presented the report on the review of the current Corporate Enforcement Policy.

It was clarified that the Executive would set the enforcement priorities and campaigns.

RESOLVED:

- i) To approve the draft Corporate Enforcement Policy for public consultation.**
- ii) To note that the Executive will set the Enforcement priorities/campaigns.**

REASON FOR THE DECISION

- To ensure the policy reflects changes to the regulatory framework and best practice.*
- To ensure that appropriate priorities/campaigns are chosen to allow effective allocation of resources.*

78. SELBY DISTRICT CORPORATE PLAN DELIVERY REPORT – QUARTER 2 – 2015/16

Councillor Crane presented the report which provided details on the Corporate Plan delivery following Quarter 2 of the financial year 2015/16.

RESOLVED:

To approve the report.

REASON FOR THE DECISION

The on-going management of performance enables the Council to monitor success in achieving its strategic priorities.

The meeting closed at 4.35pm

Public Session

Report Reference Number (PR/15/11) Agenda Item No: 6

To: Policy Review
Date: 19th January 2016
Author: Ralph Gill
Lead Officer: Ralph Gill – Benefits & Taxation
Executive Member Councillor Mark Crane

Title: Welfare Reform - Six Month Update

Summary: The report provides a six month review detailing the effect of the Welfare Reform changes in Selby district and highlighting future developments.

Recommendations:

To note the report

Reason for recommendation

To ensure Policy Review Committee are able to effectively scrutinise the impact of welfare reform on Selby residents.

1. Introduction and background

- 1.1 Welfare Reform introduced significant changes to Housing Benefit from April 2013.
- 1.2 Size Criteria in the form of a Spare Room Deduction was introduced for Social Rented Sector tenants to mirror the measures already in place within the Private Rented Sector
- 1.3 An overall Benefit Cap was introduced to limit the amount of state benefits a non-working family can receive.
- 1.4 Council Tax Support for working age claimants became the responsibility of Billing Authorities from April 2013 and the Council's scheme required all working age Council Tax payers to pay a minimum of 8.5% of their Council Tax liability. From April 2015 this was increased to 10%.

- 1.5 Universal Credit has been rolled-out on a trial basis in the Selby area from 9 November 15.
- 1.6 The Government have announced further restrictions on working age benefits to come in over the next few years.

2. The Report

2.1 Housing Benefit Size Criteria/Spare Room Deduction

2.1.1 This change applies the Local Housing Allowance size criteria already used in the Private Rented Sector Private to working-age people living in social housing

2.1.2 The legislation states that one bedroom is permitted for:

- Every adult couple (married or unmarried)
- Any other adult aged 16 or over
- Any two children of the same sex aged under 16
- Any two children aged under 10
- Any other child (other than a foster child or child whose main home is elsewhere)
- A carer (or team of carers) who do not live with at the property but provide a member of the household with overnight care

2.1.3 Any tenant assessed as under-occupying receives a percentage reduction to their Housing Benefit entitlement based on the number of unoccupied bedrooms:

14% if someone is considered to have one extra bedroom.

25% if someone is considered to have two or more extra bedrooms.

2.1.4 The number of people affected by the Spare Room Deduction shows only minor changes to the position in June 15:

Tenure	% Reduction	Number affected Dec 15	Average Reduction	Highest Reduction	Lowest Reduction	Number affected June 15	Number affected June 14
Council	25%	44	£23.78	£27.09	£18.43	51	59
	14%	222	£12.42	£15.17	£9.01	225	249
HA	25%	12	£26.50	£37.59	£21.41	12	11
	14%	144	£14.03	£31.74	£0.65	146	145

From the above it can be seen that the number of council tenants affected has reduced over time.

2.1.5 71 Council tenants affected by the deduction have received DHP payments of £28,358 with a further £6,866 committed. The total value of arrears on these accounts is £3,287.78; with an average value of £136.99.

- 2.1.6 Community Officers continue to support tenants in arrears to ensure they are receiving all the support and guidance that is currently available to them. Where necessary Community Officers visit tenants to help them with their welfare reform queries.
- 2.1.7 Community Officers also visit all housing applicants who have indicated a wish to downsize to confirm their requirements.
- 2.1.8 It is very difficult to state how many people have moved home as a direct result of Welfare Reform. It may be a contributing factor; however it is not necessarily the sole factor.
- 2.1.9 No tenants have been evicted solely as a result of the spare room deduction. Tenants evicted who were subject to the deduction already had significant arrears before the deduction was introduced.

2.2 Discretionary Housing Payments (DHP)

- 2.2.1 DHPs are available to people who find themselves in financial hardship due to the welfare reform changes. This funding has again been made available in 2015/16 and the Council uses it to provide additional support for residents where appropriate.
- 2.2.2 Challenges in the Courts to the legality of the spare room deduction have failed because DHPs are seen to be a mitigating factor. It is unlikely therefore that we shall see a reduction in DHP funding whilst the deduction remains.
- 2.2.3 However, DHP should not be regarded as a long term solution and should only be used to support individuals as they try to find alternative accommodation or stabilise their financial position.
- 2.2.3 The Council continues to promote DHP to those in most need of support. In 2015/16 the Council has a total DHP budget of £85,563. From this budget (at the middle of December) £57,350 has been paid to residents with a further £14,900 committed; leaving £13,313 (16% of the budget) for new and repeat applications.
- 2.2.4 £47,709 was paid in respect of the spare room deduction
£ 9,180 was paid in respect of private tenants for rent restrictions
£ 461 was paid in respect of the benefit cap
- 2.2.5 This represents 316 DHP awards to 171 households. The DHP Budget for 2014/15 was £88,562 and only £297.47 was unallocated.
- 2.2.6 From April 2014, 244 households have received 542 DHP awards. Of these 44% received DHPs for more than six months.

2.3 Benefit Cap

2.3.1 The 'Benefit Cap' introduced a maximum limit on the total amount of benefit that people can receive. The Cap limits benefit to:

- A maximum of £500 a week
 - If the household is made up of a couple (with or without children), or
 - If the recipient is a lone parent and has children living with them who are included in their Housing Benefit entitlement.

- A maximum of £350 a week - if the recipient is a single person and
 - has no children; or
 - has children but they don't live with the recipient and are not included in their Housing Benefit calculation.

2.3.2 Nine households in Selby District are currently affected by the Benefit Cap. These can be broken down into the following tenures:

Tenure Type	Households	Reduction	Weekly
Council	4	Highest	£51.04
		Lowest	£14.19
		Average	£36.26
Housing Association	0	Highest	£0.00
		Lowest	£0.00
		Average	£0.00
Private	5	Highest	£64.22
		Lowest	£3.23
		Average	£19.78

2.3.3 One Housing Association tenant received DHPs to mitigate the effects of the Benefit Cap but is now no longer restricted.

2.3.4 The Council's approach to debt collection is to ensure that any payment arrangements the individual enters into are affordable and sustainable. Debtors are referred to Citizen's Advice Bureau for help and support.

2.3.5 Officers are also talking to South Yorkshire Credit Union (SYCU) about the further support that they can offer to individuals with rent and Council Tax arrears.

2.3.6 SYCU will help people with debt issues to reschedule those debts into a more affordable monthly payment and where they are under a threat of eviction will help them clear rent arrears, whether they be with the council or a private landlord.

3. Council Tax Support

- 3.1 Council Tax is paid in respect of 37,229 domestic properties across the District. Council Tax Support (CTS) of £3.9m is currently awarded as a discount on 4,621 accounts of which 2,320 are pensioners.
- 3.2 Pensioners are protected from the effects of welfare reform and as such are able to receive up to 100% discount depending on their income, under a prescribed scheme set by DCLG.
- 3.3 Working age people are able to receive up to 90% discount depending on their income, under a local scheme set by Selby District Council. By comparison York award a maximum of 70%, Hambleton a maximum of 80% and Harrogate up to 100%.
- 3.4 At the end of December the overall Council Tax collection rate was 84.66% of the amount due for the year.
- 3.6 The collection rates among those on Council Tax Support are somewhat lower. The figures below are what people need to pay after the discounts have been awarded:

	Liability	Net Received	Collection Rate
Working Age – Employed	£254,594.44	£162,585.27	63.86%
Working Age – Other	£304,424.76	£207,249.44	68.08%
Pensioners	<u>£400,861.32</u>	<u>£347,651.34</u>	<u>86.73%</u>
Total CTS	£959,880.52	£717,486.05	74.75%

4. Universal Credit

- 4.1 Universal Credit (UC) is a new type of benefit designed to support people who are on a low income or out of work. It will replace six existing benefits and is currently being rolled out across the UK. The six benefits included within UC are Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Income Support, Child Tax Credit, Working Tax Credit and Housing Benefit. On 29th September 2014 the Minister for Work and Pensions announced an accelerated timescale for the national roll out of Universal Credit (UC).
- 4.2 Universal Credit is being rolled out across the District dependant on Jobcentre Plus area. The majority of the District went live on 9th November, however a small number of postcodes linked to East Riding of Yorkshire Council will go live from 18 January to tie in with ERYC going live. Similarly some WF postcodes will go live on 18 April to tie in with Wakefield MDC.
- 4.3 A key area of work required as part of Universal Credit is the provision of personal budgeting support to UC claimants. The Council is offering this support through an arrangement with Selby Citizen's Advice Bureau and South Yorkshire Credit Union. Claimants initially see CAB who then refer on

to SYCU for the provision of personal budgeting accounts and, where necessary, help with outstanding debt.

- 4.4 The SYCU personal budgeting account enables people to have their UC paid into the budgeting account which retains the monies necessary to meet normal ongoing liabilities such as rent, Council Tax, utilities etc. Surplus money then goes into a separate account that the individual uses for all other expenditure thus guaranteeing that the essentials are paid for.
- 4.5.1 A UC claimant has to wait up to 7 weeks before receiving their first payment. In line with other DWP benefits, but unlike Housing Benefit, there is a period of 7 waiting days from the date of claim for which no benefit is payable. The assessment period is then a month. The payment is then made to the claimant a week after the assessment period ends.
- 4.5.2 Where people are in severe financial hardship – there must be a serious risk to the health or safety of the claimant, partner or any child/young person they are responsible for and they no access to personal resources (including cash and capital) – they can apply for an advance payment. This will be up to 50% of their expected entitlement and is to be paid back over 6 months.
- 4.5.3 DWP expect this not to be an issue as most people will be coming from work and will have received a final salary payment that can tide them over.
- 4.6 DWP estimates show that between November 2015 and March 2016 within the district they expect:

Claims	279
On-Line Supported Access	14
Straight forward Personal Budgeting Support	10
Complex Personal Budgeting Support	3
Council Tax Support claimants	0
Support for UC Service Centre on claims	56

Experience elsewhere shows that these estimates are higher than those actually realised.

- 4.7 Under Universal Credit all claimants will have their housing costs paid directly to themselves rather than the landlord as at present. This has a potentially significant impact for the Council as, for the first time, a number of the Council's tenants will have discretion over when and if they pay their rent. Housing Benefit is paid onto the council rent account a week in advance. UC will be paid to the claimant a month in arrears, a further 7 days after the assessment period.

5. Future Changes

5.1 The Government has committed to reduce spending on working age benefits by £12bn a year.

5.2.1 **Applicable amounts** (the personal allowances and premiums that establish the level at which a household's basic financial need is set) is being frozen within Housing Benefit from 2016 to 2021. This will also affect our Council Tax Support scheme as it is written to mirror DWP increases.

5.2.2 One of these allowances, the **family premium** (currently worth £17.45 per week) is being withdrawn for new claims and new births from April 16. We will be consulting on the introduction of a similar measure within Council Tax Support from April 17.

5.3 **Local Housing Allowance (LHA) rates** (Housing Benefit for those renting from private landlords) are being frozen at April 2015 levels to 2019. This is expected to be extended to 2021.

5.4.1 **Social sector rents** (Council & Housing Association) will be tied to LHA rates from April 18 for all those who sign new tenancy agreements from April 16. We expect to apply the relevant LHA rate for the size of the property rather than the current 14% or 25% spare room deduction.

5.4.2 Alongside the freeze in working age benefits, social sector rents (Council & HA) will be reduced by 1% per year for the next 4 years from April 16.

5.5.1 **Benefit Cap** – The government have announced plans to reduce the Benefit Cap from its current level of £26k to £20k per annum as part of the announced welfare reforms, from April 16. This equates to a reduction of £115.38 per week.

5.5.2 There are too many factors involved for the Council to accurately model how many more households will be affected from April but work by some of the larger authority's provide estimates between 5 and 10 times the current number; so potentially up to 90 households could be affected by up to £140 per week.

5.6.1 **Backdating** – From April 16 the maximum backdating period for a working age Housing Benefit claim is reduced from 26 weeks to 4 weeks. Pensioners retain an automatic 3 month backdate.

5.6.2 The Council will be consulting on the introduction of a similar measure within Council Tax Support from April 17.

5.7.1 **Maximum of 2 children** – From April 17 Housing Benefit, Tax Credits and Universal Credit will all see a **maximum of 2 children** within a household being provided for. This relates to new claims or children born after that date. Multiple births (twins or triplets) count as one birth.

- 5.7.2 We will be consulting on the introduction of a similar measure within Council Tax Support from April 17.
- 5.8.1 **No benefit entitlement for 4 years** – From April 17 no-one will be able to claim UK benefits unless they have resided continuously in the UK (as an adult) for a period of 4 years.
- 5.8.2 This affects both **migrants entering the UK** and UK born **18 to 21 year olds** who are not working. Neither group will be able to claim Housing Benefit or the housing element of Universal Credit.
- 5.9 **Discretionary Housing Benefit** – To help mitigate the changes there will be an increase of £800m nationally in **DHP budgets**. This is expected to give the Council an increase of around 20 to 25% (£17k to £21k) to administer. There will be additional pressure on supervisors and a need to re-prioritise work within the team to cope with the additional demand.
- 5.10 **Modelling the effects of the changes.** It is not possible for us to give more precise data on the effects of multiple changes applied to the circumstances of individual residents without the use of outside consultants who have developed specialist modelling tools based on the changes indicated above. Such an exercise would result in significant expense for which no budget is currently in place.

6. Legal/Financial Controls and other Policy matters

6.1 Legal Issues

- 6.1.1 The provision of financial support to individuals falls within the Council's legal responsibilities and will be subject to relevant terms and conditions.
- 6.1.2 The DWP and HMRC carry out Equalities Impact Assessments where state benefits, including Housing Benefit, are affected.
- 6.1.3 Where the Council amends its Council Tax Support scheme Equalities Impact Assessments and public consultation have to be undertaken.

6.2 Financial Issues

- 6.2.1 We continue to monitor the effect on welfare reform changes on the relevant income and expenditure budgets.
- 6.2.2 All support incentives are delivered in line with current budget provision. New burdens funding is not ring-fenced to Benefits and therefore goes into the General Fund unless bids are made for specific projects.
- 6.2.3 The reduced welfare spending on DWP and HMRC benefits will potentially see increased awards of Council Tax Support reducing Council Tax income and affecting the Council Tax Base.

7. Conclusions

- 7.1 The previous round of welfare reform changes are now well embedded and support measures are in place.
- 7.2 The new changes being introduced from April 16 to April 18 will see potentially see large numbers of households being affected by multiple changes.
- 7.3 The Council does not have the software to accurately model the impacts across households with any degree of certainty without paying for specialist analysis work from outside consultants.

8. Background Documents

There are no background documents associated with this report.

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Public Session

Report Reference Number (PR/15/12) Agenda Item No: 7

To: Policy Review Committee
Date: 19 January 2016

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

Title: Review of the Corporate Enforcement Policy

Summary:

A report detailing the scope and timeline for the review of the Corporate Enforcement Policy (the Draft Policy) was presented to Policy Review Committee on 15 September 2015. Part of this review included returning to Policy Review Committee in order to consult on the Draft Policy. On 3 December 2015 the Executive approved the Draft Policy to be subject to public consultation from 4 December 2015 to 1 February 2016.

Recommendations:

- i. For Policy Review Committee to review the Draft Policy;**
- ii. Provide comment(s) on the Draft Policy; and**
- iii. To note that the Executive will set the Enforcement priorities/campaigns following consideration of recommendations from Policy Review Committee.**

Reasons for recommendation

To ensure Policy Review Committee have the opportunity to comment on the Draft Policy as part of the consultation process.

1. Introduction and background

- 1.1 The current Corporate Enforcement Policy was approved in September 2012 and is now subject to a scheduled review. The purpose of the Draft Policy is to set out the main ways in which the Council can protect its residents, visitors, businesses, animals and environment, whilst following the principles of good enforcement.
- 1.2 The Draft Policy is overarching and sets out the Council's general approach to enforcement (including civil and criminal enforcement action); it outlines what the public can expect from the Council and what approach the Council will be taking to enforcement.
- 1.3 The Draft Policy reflects changes to the regulatory framework.

2 The Report

- 2.1 A report detailing the scope and timeline for the review was presented to Policy Review Committee on 15 September 2015.
- 2.2 On 3 December 2015, the Executive resolved:
 - That the Draft Policy was recommended for consultation; and
 - To note that the Executive will set the Enforcement priorities/campaigns [following a consideration of recommendations from Policy Review Committee].
- 2.3 Consultation on the Draft Policy commenced 4 December 2015 and is due to close on 1 February 2016. The consultation process has been wide, including, the general public (CEFs, online and through an article in the local press), other regulators and all District Councillors.
- 2.4 At the time of writing, there have been no consultation responses. A verbal update of any responses received up to the point of this Committee will be provided by Officers.
- 2.5 All consultation responses will be analysed and where appropriate the Draft Policy will be revised. A report is scheduled to be presented to the Executive, on 3 March 2016 seeking approval of the Draft Policy.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

Failure to formally review the Corporate Enforcement Policy to take account of changes to the regulatory framework 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 impacts have been identified as part of the Equality, Diversity and Community Impact Screening process.

4. Conclusion

4.1 This report requests that Policy Review Committee consider the Draft Policy and provide comments as part of the consultation process.

4.2 Moving forward there will be a requirement for Policy Review Committee to provide recommendations to the Executive in order to inform the setting of future enforcement priorities/campaigns.

5. Background Documents

Policy Review Agenda & Minutes 15 September 2015

<http://www.selby.gov.uk/policy-review-committee-15-september-2015>

Executive Agenda & Minutes 3 December 2015

<http://www.selby.gov.uk/executive-03-december-2015>

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Appendices:

Appendix A – draft Corporate Enforcement Policy

Access Selby

A new approach to public service

SELBY

DISTRICT COUNCIL

Moving forward with purpose

Corporate Enforcement Policy

A new approach to public service



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1. Introduction

- 1.1 At Selby District Council we have a number of duties to protect our district from harm. Therefore, we take a very serious approach to protecting individuals, animals, the environment and businesses from those who do not comply with the relevant laws or regulations. We regulate a number of functions within the district including: licensing (including alcohol and taxi), planning, fraud, housing and environmental health.
- 1.2 The purpose of this policy is to set out the main ways in which we can protect our residents, visitors, businesses, animals and the environment, whilst following the principles of good enforcement. It is not the purpose of this policy to provide an exhaustive list of all those laws we regulate or the powers of regulation available to us.
- 1.3 This policy is overarching for enforcement and sets out our general approach to enforcement (including civil and criminal enforcement action); it outlines what you can expect from us and what approach we will be taking to enforcement.
- 1.4 Through this policy we are looking to promote trust between us and those we regulate. We want you to have confidence in the advice we give and feel able to seek advice without fear of triggering unnecessary enforcement action.
- 1.5 We are always trying to improve the district and believe that effective enforcement through this policy will help us achieve our Corporate Plan 2015-2020 (available to view at www.selby.gov.uk) by making Selby a great place to:
 - a. **do business** – by building confidence that effective and fair enforcement will see businesses treated with respect. We will also provide those businesses that operate lawfully the opportunity to thrive. We will achieve this by adopting a consistent approach to enforcement
 - b. **enjoy life** – confidence that resources are utilised effectively to tackle higher risk cases; ensuring the district remains a safe and pleasant place to live
 - c. **make a difference** – this policy will empower confidence in businesses, residents and visitors alike to report any breach(es). We will achieve this through ease of reporting and keeping those who report breaches informed of progress throughout the case
- 1.6 Success of this policy is measured by the Enforcement Team's performance. The performance of the team is measured against the team's action plan, specifically, against any relevant service standard(s) and/or success measure(s).
- 1.7 This policy replaces our previous Corporate Enforcement Policy adopted in September 2012.
- 1.8 We take a proactive and risk based approach to enforcement. As part of this approach we will, from time to time, introduce specific campaigns where we will

target an area deemed to be a priority. Any breaches from the area deemed as a priority will be assigned more resources. This will give the priority area a higher profile providing more public education on how to remain compliant and make an example of those who flout the rules by adopting a zero tolerance approach to its enforcement. The priority area will be chosen by the Executive following a steer provided by elected members at Policy Review Committee.

- 1.9 In certain circumstances we will seek to raise awareness and increase compliance levels by publicising unlawful practices or criminal activity. Where appropriate the results of specific court cases may also be published. These publications will always be in accordance with the Data Protection Act 1998.

2. Principles of good enforcement

- 2.1 As previously mentioned we aim to protect our district whilst maintaining the principles of good enforcement. These principles are set out in law in the Legislative and Regulatory Reform Act 2006. We will exercise our regulatory activity in a way which is:

- 2.2 **Proportionate** – This means we will use risk based regulation and will not undertake enforcement for enforcement's sake. Priorities will include those corporately chosen from time to time as mentioned in Para 1.8 and those breaches which are a high risk to individuals, animals, businesses and the environment. As part of measuring risk we will look at the likely consequence of action on the accused in comparison with the seriousness of the offence and only proceed with action where the potential punishment fits the offence. Repeated similar offences will be regarded as higher risk than if only a single incident of that offence had occurred. This can mean that where continued/persistent low risk offences become higher risk offences they may attract a more serious punishment.

- 2.3 **Consistent** – We recognise that enforcement is not and cannot be solved with a 'one size fits all' approach, each case is individual and we will assess them as such. Consistency comes through the application of these principles, this policy (and any other more specific ones), any relevant procedure(s) and the officers making the most of their professional experience, training and judgement. This will allow the officer to provide reliable, relevant and robust information and allow discretion to choose the most suitable route of enforcement in each case.

- 2.4 **Transparent** – It is our aim to be as honest with everyone involved with a case as we can be. We will let you know, clearly, what we expect of you and what you can expect from us in return. As part of our aims to be transparent we target all our publications to be appropriate to their audience, this will also include differentiating between legal guidance and best practice where necessary.

- 2.5 **Accountable** – To remain accountable, we aim to make it as easy as possible for you to give us feedback. We do this by following our Comments, Compliments and Complaints Policy, more details of which can be found at paragraph 10.

- 2.6 **Targeted** – we will target our enforcement resources towards those higher risk cases and those deemed to be a local or national priority. This does not mean we will ignore any reported cases; it is simply a matter of best using the resources we have available to tackle those cases which have the potential to harm our district the most.
- 2.7 To help target resources and activities we also use the information we collect wisely, following the ‘collect once, use many times’ principle. Where the law allows we will agree secure mechanisms to share information with other regulators and businesses.

3. General (Officer) Principles

- 3.1 When looking into a case we recognise that each and every one is unique and this is why we follow principles of good enforcement rather than a strict procedure. These principles are those defined above, those defined in the Regulator’s Code and those defined in the Cabinet Office’s Enforcement Concordat.
- 3.2 Only those officers duly authorised to do so by our scheme of delegation will undertake enforcement activities.
- 3.3 Our officers will give due regard to their training, legislation and supporting guidance, allowing them to make reliable, accurate and robust decisions and to give appropriate and accurate information, when necessary.
- 3.4 Our officers will be independent, fair and objective when dealing with a case, they will not allow any political view and prejudice or personal belief regarding any protected characteristic of any of those involved in the case cloud their judgement. The protected characteristics are found in the Equality Act 2010. We do not permit our officers to be affected by improper or undue pressure from any source.
- 3.5 All our relevant officers have been made aware of this policy and its requirements. Any departure from this policy will have to be justified and endorsed by the Lead Officer for Enforcement or other duly authorised officer.
- 3.6 Officers will always give regard to the policy when conducting any work; this ensures that we take action that is appropriate to the risk and to the seriousness of any breach of legislation. In most circumstances the officers have a range of actions available to them. However, in certain circumstances legislation is prescriptive and this will limit the discretion of the officer. In some circumstances persistent breaches will result in formal action being taken for what would normally be regarded as less serious breaches.
- 3.7 We understand that our customers have varied and busy schedules and for example that some hours of operation will not coincide with normal office hours. For

this reason, where possible, we will try to find a mutually acceptable time or visit businesses during their normal trading hours.

- 3.8 Our officers will comply with the requirements of the particular legislation from which they are acting along with any associated guidance or codes of practice.

4. Regulator's Code

- 4.1 When developing policies and operational procedures relating to the regulatory functions and activities within the scope of the Regulator's Code ('the Code') we will duly regard the requirements of the Code. The Code only applies to those enforcement activities that we carry out under the relevant laws and regulations which are listed under Part 3 of the Legislative Reform (Regulatory Functions) Order 2007 as amended.
- 4.2 However, in certain circumstances we may need to depart from the Code. This may be for example because we conclude that a certain provision from the Code is not relevant or is outweighed by another relevant consideration. In any event, any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

5. Reporting the issue(s)

- 5.1 Investigations can occur either as a result of issues being reported to us, or we can discover the issues ourselves as part of our proactive approach to enforcement. When an issue is reported to us, this can be by, a member of the public, another business or a regulated person, another regulator or other third party. We may also provide information to another regulator if they are best placed to deal with any breaches of legislation we discover.
- 5.2 We have several ways in which you can report issues to us. You can:
- Complete an online form on the relevant page (for example fly-tipping or anti-social behaviour) on our website www.selby.gov.uk
 - Call us on 01757 705101
 - Email us at enforcementteam@selby.gov.uk
 - Tell us at Access Selby, Market Cross Shopping Centre, Selby, YO8 4JS
 - Write to us at: Enforcement Team, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT
 - Tell your local Community Officer
 - Tell your local Councillor – Councillor details can be found on our website
- 5.3 When an issue is reported to us, we will assess the information received and may make further enquiries to determine if the issue requires a full investigation – this may include us sending an officer out to do a preliminary investigation. This may be one of our Community Officers, Environmental Health Officers, Asset Coordinators

or other relevant officer. This officer will then report back with the details to establish if there has been a breach.

6. Investigating the issue(s)

6.1 General conduct

- 6.1.1 Enforcement action may result in us bringing either civil or criminal proceedings against an offender. How our investigations are conducted depends on whether the breach falls under legislation covering civil or criminal law.
- 6.1.2 We will carry out any formal interview(s) in line with this Policy and the Police and Criminal Evidence Act 1984.
- 6.1.3 We will carry out investigations in compliance with the relevant legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to us.
- 6.1.4 By using this legislation (and associated guides) we control how evidence is collected and used, they also offer a range of protections to citizens and potential defendants.
- 6.1.5 In line with our principles we will keep all those involved in the investigations as well informed as possible about the progress of an investigation insofar as their involvement in the process is concerned. There may be times when it would jeopardise the investigation to keep certain people informed. On such occasions we will not provide any information and/or updates until such a time where the risk to the investigation has been deemed to be mitigated to an appropriate level.

6.2 Primary Authority

- 6.2.1 We must consult with any primary authority before we take enforcement action against a business.

All cases will be decided on their own merit.

6.3 Partnership Working

- 6.3.1 In certain types of enforcement partnership working is crucial to effective enforcement. A good example of this is the 'Safer Selby Hub'. Officers work closely with the Police and Social Services to ensure any issues are flagged and shared at an early stage. This allows for a coordinated approach to resolving issues to be achieved.
- 6.3.2 When tackling enforcement with partners we can have a shared or complimentary role. On occasion it will be more appropriate for other enforcement agencies or local authorities to deal with breaches of legislation, in these cases officers may pass details of the offence(s) to such other parties. In carrying out these duties we will still comply with our Enforcement Policy, but the other agencies will maintain the right to take any enforcement action that they consider to be necessary.

- 6.3.3 If an offender commits offences in a number of Local Authority areas, it may be more appropriate for one Local Authority to take a prosecution for all the offences, including ones that took place outside of its area. In such cases, we will enter into legal agreements with other councils for one authority to take the lead role, making provisions under section 19 of the Local Government Act 2000, section 22 of the Local Government Act 1972 or any other enabling power(s).
- 6.3.4 As our officers do not have power of arrest there may be times when as part of partnership working with the Police or other agencies instances may arise where the Police or other agencies consider that an arrest should be made in connection with our investigation.
- 6.3.5 When working with partners there may be situations where it is necessary to exchange information regarding enforcement activities with a partner organisation. In such circumstances, we will exchange the information, only in accordance with any established methods of information sharing and legal requirements. These include the requirements established by the Data Protection Act 1998, the Crime and Disorder Act 1998 and any information sharing protocols, codes of practice or memoranda of understanding that exist.

7. Deciding which action to take

- 7.1 There is a range of actions available to us to take against those who breach enforcement regulations. These actions are set out across the different pieces of legislation that we regulate. A decision on what enforcement action we will take is based on the merits of each case and after a full consideration of the consequences and the implications of the action.
- 7.2 There are a number of considerations we will take account of when determining which action to take, these include:
- a) The previous history of the breach/accused – whether any similar situation has been found before
 - b) The seriousness of the alleged offence(s), including:
 - i. Risk to the public or the environment
 - ii. Any intent or recklessness of the person(s) committing the alleged offence(s)
 - iii. Any obstruction of our officer(s)
 - iv. Whether the alleged offence(s) are considered to be a special priority locally (as determined by Executive or nationally as determined by Central Government)
 - c) If considering prosecution or the breach may lead to prosecution whether there is enough evidence to provide a realistic prospect of prosecution
 - d) Whether any further action be in the public interest
 - e) Whether the action is likely to be deemed an adequate deterrent to further breaches
 - f) Whether the action is proportionate to the nature of the breach and the harm caused

- g) When appropriate whether the action will aim to restore the harm caused by regulatory non-compliance
- h) Whether the action will eliminate any financial gain or benefit from the non-compliance.

7.3 Where appropriate decisions about what enforcement action we will take may involve consultation between two or more of the following:

- a) Investigating Officer(s)
- b) Senior Manager(s)
- c) Lead Officer(s)
- d) Senior Officer(s)
- e) Our Legal department
- f) Primary Authorities
- g) Other regulators

7.4 The decision to prosecute a case will be taken by those with authority to do so in accordance with our scheme of delegation.

7.5 The following lists some of the more common enforcement actions available to us. This list is not exhaustive and other actions may be used where appropriate in cases:

7.6 Compliance Advice, Education and Support

We are aware that the majority of our residents and businesses want to comply with the legal requirements. Therefore, where possible and appropriate, we will offer compliance advice education or support to the accused as the first form of enforcement action. This can be in several forms including eg verbal & written warnings. We take this approach as it offers a good use of resources and promotes a culture of trust and confidence. If a warning letter is issued and a similar breach is identified again, this letter will be considered when determining the most appropriate enforcement action.

7.7 Voluntary undertakings

We may accept a voluntary undertaking from the accused where they accept responsibility and will correct any breaches accordingly and to the appropriate standard. Failure to adequately complete this undertaking will result in further enforcement action.

7.8 Statutory/Formal Notices

7.8.1 Sometimes we are required to send a notice to stop an offender from doing an action that is a contravention of any relevant legislation. These notices include (but are not limited to):

Planning Notices:
Breach of conditions
Enforcement Notice

PSH & LA Housing :
Improvement Notices
Prohibition Notice

Temporary Stop Notice
Stop Notice

Health and Safety:

Improvement Notice
Prohibition Notice

Licencing:

Notice to suspend Premises Licence
Notice to suspend driver/operator
Notice to suspend vehicle licence
Closure order (imminent risk)

Environmental Protection:

Abatement Notice
Variation Notice for an Environmental
Protection Permit

General:

Detention Notice
Closure Notice

Emergency Remedial Notice
Hazard Awareness
Demolition Order
ASB/civil Injunction
Notice Seeking Possession
Introductory Tenancy Notice
Introductory Extension Notice

Food Hygiene:

Detention of Food Notice
Food Condemnation Notice
Hygiene Emergency Prohibition notice
Hygiene Improvement Notice
Withdrawal of Detention of Food Notice
Remedial Action Notice
Notice of Determination that the Health Risk
Condition Remains in Existence
Notice of Intention to Apply for a Hygiene
Emergency Prohibition Order

7.8.2 If you are issued a notice, it will clearly set out any actions that we need you to undertake. Common actions include stopping an activity immediately or steps which must be taken to rectify the breach. If we have included steps which must be taken to rectify the breach we will always include a reasonable timeframe in which to carry out these actions.

7.8.3 Failure to comply with a notice can be a civil or criminal offence and therefore may result in prosecution or in certain circumstances where appropriate we will carry out the work 'in default' and then we may recover our costs for doing so.

7.9 Financial penalties – Fixed penalty notice (FPN)

7.9.1 FPNs can be issued by different authorities, as a district council we can issue FPNs for:

- a. Littering
- b. Graffiti
- c. Fly-posting
- d. Nuisance parking (people selling or repairing cars on the road)
- e. Dog control offences
- f. Alarm noise (no nominated key holder)
- g. Noise Act offences
- h. Unauthorised distribution of free literature on designated land
- i. Abandoning a vehicle
- j. Waste receptacle offences

When we will issue an FPN

We will only issue when **all** of the following apply

When we won't issue an FPN

We won't issue if **any** of the following apply

✓ an offence has been committed	✗ there is no criminal liability
✓ an FPN is a proportionate response	✗ enforcement action is inappropriate or would be disproportionate for the offence
✓ there's evidence to support prosecution if the offender doesn't pay the fixed penalty	✗ prosecution is more suitable
✓ the offender understands why the FPN is being issued	✗ littering is done accidentally
✓ we believe that the name and address offered by the offender is correct	

7.9.2 When we issue an FPN we must state: the alleged offence, details about the offence, when and where the offence took place, how the FPN has been issued (in person or by post), the fine imposed (and if there is a prompt payment discount), when the fine must be paid by (we must give you at least 14 days) and how the fine can be paid.

7.9.3 Failure to pay your fixed notice is a criminal offence. Therefore, if you do not pay your fixed penalty within the time given, we will initiate prosecution proceedings – unless there are exceptional circumstances for failure to pay. These legal proceedings must be commenced within 6 months of the failure to pay.

7.9.4 We cannot issue an FPN to any person younger than the age of 10 years old, we will, however, contact the parent or guardian of the child to make them aware of the child's behaviour. For those offenders aged less than 18 years old we will use special procedures and work with both the youth offending team and children's services.

7.10 Injunctive Actions, Enforcement Orders etc

7.10.1 Where appropriate we may seek an injunction or an order from the court. If granted this will mean that the court is giving direction to the offender that the breach is rectified and/or is prevented from re-occurring. Courts may also order that specified activities must be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

7.10.2 We seek enforcement orders following the issue of enforcement notices to allow the court the opportunity to confirm the restrictions imposed by the notice. Otherwise, we will usually only seek a court order if we have serious concerns about compliance with voluntary undertakings or a notice.

7.10.3 Failure to comply with a court order by an offender is considered to be contempt of court. This is a serious offence which may result in imprisonment.

7.10.4 In certain cases (eg Housing Benefit Fraud) administrative penalties can be used as an alternative to prosecution.

7.11 Simple Caution (previously known as a formal caution)

We will use a simple caution to offer a proportionate response to low-level offending where the offender has admitted the offence. Simple cautions offer the delivery of

swift, simple and effective justice which reduces the need for prosecutions, but still allows us to record an individual's criminal conduct for possible reference in future criminal proceedings or in a criminal record (or other similar checks). These are all contributory factors to the simple caution being an effective tool which reduces the likelihood of re-offending occurring. A simple caution can only be issued to an adult.

7.12 Prosecution

- 7.12.1 Deciding to prosecute an offender is not a decision we take lightly. Before we decide to prosecute we will look at such things as:
- a. the seriousness of the offence
 - b. whether the likely punishment of prosecution is proportionate to the seriousness of the offence
 - c. if there has been any other enforcement action taken
 - d. if the offender is purposefully and/or persistently breaking their legal obligations and this is likely to cause harm or loss to others
 - e. if the breach is endangering to a serious degree the health and safety or wellbeing of people, animals or the environment
 - f. if the offender has failed to comply with an enforcement notice, including non-payment of a fixed penalty notice
- 7.12.2 Any decision to prosecute must have regard to the Code for Crown Prosecutors (see para 8). We will prosecute should our officers be assaulted or obstructed in the course of their duty.
- 7.12.3 A successful prosecution may result in the offender receiving a criminal record. In addition the court will have power to add additional punishment as dictated by relevant legislation; this may include fines, prison sentences, the forfeiture and disposal of non-complaint goods and in some circumstances the disqualification of individuals from acting as company directors.

7.13 Refusal/Suspension/Revocation of licences

- 7.13.1 As previously mentioned certain types of people and businesses/premises require a licence, registration or authorisation to legally operate. We therefore take the granting and continued use of these licences, registrations and authorisations very seriously.
- 7.13.2 Should we see the need to refuse, suspend or revoke one of these licences, registrations or authorisations we will usually require one or more of the following statements to apply:
- a. The individual is not/is no longer a fit and proper person
 - b. Legal obligations which were likely to cause material loss or harm to others have been deliberately and/or persistently breached by an individual/the organisation
 - c. An officer has been obstructed from doing their duty by an individual/the organisation
 - d. The individual/organisation has deliberately and/or persistently ignored written warnings or formal notices

- e. There has been deliberate and/or persistent breach(es) of licence conditions or byelaws by the individual/organisation
- f. The individual/organisation have endangered, to a serious degree, the health, safety or wellbeing of people, animals or the environment.

7.14 Seizure and Detention

7.14.1 Certain legislation enables authorised officers to seize goods, vehicles or equipment. For example food that is unsafe or sound equipment that is being used to cause a statutory noise nuisance. When the council seizes goods an appropriate receipt will be given. Where the law requires, the council will produce seized goods before the Magistrates' Court.

7.14.2 In certain circumstances officers will make an application to the Magistrates' Court for forfeiture of the goods, vehicles or equipment. Forfeiture may be used in conjunction with seizure and/or prosecution where there is a need to dispose of the goods, vehicle or equipment to prevent them being used to cause a further problem or to prevent them re-entering the market place.

7.15 Proceeds of Crime

7.15.1 We are aware of the impact that the powers given to us under the Proceeds of Crime Act 2002 can have when we enforce against offences where the perpetrator has derived a material gain from the crime. We will therefore commence enforcement action using these powers when they are deemed both applicable and appropriate.

7.15.2 It is also possible for the Courts to instruct us to carry out a Proceeds of Crime Investigation when they consider it to be appropriate.

8. Code for Crown Prosecutors ('the CCP')

8.1 The CCP is a code which is issued by the Director of Public Prosecutions and is widely available to view online. The CCP gives guidance on the general principles that as prosecutors we must apply when making decisions about prosecutions.

8.2 **Full code test** - Before we can prosecute, we must apply the two stages of the full code test. These stages are known as: (1) the evidential stage; and (2) the public interest stage.

8.3 **Evidential stage** - To pass the evidential stage and proceed to the public interest stage we must be satisfied that:

- a. There is enough evidence to justify prosecution of the defendant.
- b. The evidence will provide a "realistic prospect of conviction"
- c. The evidence will be admissible in court, reliable and credible – we are mindful that evidence must meet these criteria throughout our investigations

If we are not satisfied that all these criteria are met, we will not proceed with the prosecution.

8.4 **Public Interest Stage** - Once we are satisfied we have passed the evidential stage we then move on to the public interest stage in order to establish if prosecution is in the public's interest. When determining if the case is in the public interest we must consider:

- a. How serious is the offence committed?
- b. What is the level of culpability of the suspect?
- c. What are the circumstances of and harm caused to the victim?
- d. Was the suspect under the age of 18 at the time of the offence?
- e. Is prosecution the proportionate response (or would another enforcement option be more appropriate)?
- f. Do sources of information require protecting?

The above list is not exhaustive or listed in order of significance.

9. Appeals

Generally speaking, appeals in relation to enforcement action are limited to those routes available to the appellant through the processes outlined in the relevant legislation to their case. However, to make this process as transparent as possible, we will inform you of any rights to representation or appeal and give information on the process involved in writing as soon as possible after the decision has been made.

10. Comments, Compliments and Complaints

It is our aim to be accountable for our actions. This is why we offer everyone the chance to have their say about how their experience with the Council has been. We offer this through our Comments Compliments and Complaints Policy which is available to view on www.selby.gov.uk.

11. Review

As a regulatory body, we are always monitoring changes to legislation. When changes take place, we review the policy and update it as necessary. We will also regularly carry out a review to monitor its effectiveness and keep it in line with best practice.

Policy Review Committee Work Programme 2015/16

Date of Meeting	Topic	Action Required
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	<u>Budget and Policy Framework</u> 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.
	<u>Committee Requested Item</u> Enforcement Report	To receive a report from the Policy Officer.
	<u>Committee Requested Item</u> Work Programme	To review the Committee's Work Programme.
21 October 2015	<u>Committee Requested Item</u> PLAN Selby	To receive an update from Executive Member and Officers.
	<u>Committee Requested Item</u> Work Programme	To review the Committee's Work Programme.
19 January 2016	<u>Budget and Policy Framework</u> Draft Budget and Medium Term Financial Plan	To consider the Executive's proposals for revenue budgets and the capital programme for 2015/2016.
	<u>Committee Requested Item</u> Welfare Reform	To receive an update from Lead Officer Council Tax/Benefits.
	<u>Committee Requested Item</u> Enforcement Report	To receive a report from the Policy Officer

	<u>Committee Requested Item</u> Tenancy Fraud	To receive a report on the Council's approach to tackling Tenancy Fraud.
	<u>Committee Requested Item</u> Work Programme	To review the Committee's Work Programme.
12 April 2016	<u>Committee Requested Item</u> Approve Policy Review Annual Report & Work Programme 2015/16	To consider the Committee's Annual Report.
	<u>Committee Requested Item</u> Work Programme	To review the Committee's Work Programme.

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

15 March 2016