



AGENDA

For a meeting of the
COUNCIL
to be held on
THURSDAY, 9 DECEMBER 2004
at
2.00 PM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Duncan Kerr, Chief Executive

Members of the Council are invited to attend the above meeting to consider the items of business listed below.

- 1. Public Open Forum**
The public open forum will commence at **2.00 p.m.** and the following formal business of the Council will commence at **2.30 p.m.** or whenever the public open forum ends, if earlier.
- 2. Apologies for Absence**
- 3. Declarations of Interest**
Members are asked to declare any interests in matters for consideration at the meeting.
- 4. Minutes of the meeting held on 28th October 2004. (Enclosure)**
- 5. Communications (including Chairman's Announcements) (Enclosure)**
- 6. Notices of Motion given under Council Procedure Rule 12
(1) by Councillor Linda Neal**

This Council declares that the decision of some members of the non-administration group to return to a situation where the important scrutiny function is exercised in part through a "Shadow Cabinet" with an overtly political agenda has profound implications for the progress of the authority and is to be regretted.

The Council reminds members who have chosen to go down this route that the CPA report, which they along with the whole Council, accepted in January stated that the presence of a Shadow Cabinet had led to a situation where "the skills and commitment of Councillors is not harnessed for the benefit of local people"

(para 57). The same report also highlighted the limited capacity amongst some members (para 59).

The Council declares that the reforming of a Shadow Cabinet, with an overtly political agenda, can only further dilute member capacity to the detriment of service to our residents. In order to minimise this danger the Council resolves that with immediate effect:

Clr M Taylor replaces Clr John Hurst as Chairman of the Communications and Engagements DSP with Clr Nadarajah becoming the Vice Chairman.

Clr Fines replaces Clr Kerr as Vice-Chairman of the Development Control Committee.

In this way the Council can ensure that the member appointed to serve the community of South Kesteven in undertaking these important functions have both the capacity and the confidence of residents in their willingness to place their duty to the public ahead of their political aspirations.

The Council also asks that if the "Shadow Cabinet" continues then with immediate effect it extends to all other members the courtesy of confirming positions and membership, the constitution and remit, methods by which members were appointed, and how it intends to resolve the fundamental obstacles to effective scrutiny outside the Council's constitution that were identified by the CPA report.

(2) by Councillor Maureen Jalili

That this Council resolves that an additional sum of £60,000 be allocated for advice services in the financial year 2005/06 .

(3) by Councillor Stephen O'Hare

This Council believes in relation to CAB in South Kesteven that

- (1) This Council should state precisely what, if anything, it is seeking from South Kesteven CAB;
- (2) There should be a willingness by SKDC to negotiate openly, honestly and realistically with South Kesteven CAB;
- (3) An active and effective CAB is and will continue to be of benefit to the people we represent;
- (4) An enhanced CAB will be of even greater benefit;
- (5) It will be easier both for this Council and South Kesteven CAB, to plan for the future if there is in place an agreement dealing with the future (and thereby providing stability and mutual commitment);
- (6) A clear agreement between SKDC and South Kesteven CAB with both knowing what is expected of them by the other is to be encouraged;

- (7) If need be the funding allocation of £50,000 for advice services in 2005 /06 be treated as an interim payment pending agreement being reached between SKDC and South Kesteven CAB as to the future;
AND
- (8) Strongly urges and requests the Cabinet having taken these points into account to, as far as need be, amend or rescind any previous Cabinet decisions which if left unaltered would prevent or impede progress towards the aims stated above.

(4) by Councillor Stephen O'Hare

That this Council believes in local democracy and so endorses and totally supports the right of any individual Councillor to bring to this Council for debate and decision any issue affecting the district or any part of it and especially an issue affecting the people of the area represented by that local Councillor.

(5) by Councillor John Wilks

This Council wishes to make it clear to all, that it believes in the benefits being provided to residents of the district, consequent upon the continued existence of the South Kesteven Citizens Advice Bureau.

- 7. **Local Public Service Agreement: Round 2**
Report number FIN214 by the Director of Finance & Strategic Resources.
(Enclosure)
- 8. **Local Government Settlement 2005/2006**
The Director of Finance & Strategic Resources to report. **(Enclosure)**
- 9. **Statement of Licensing Policy**
Report number ENV224 by the Head of Environmental Health & Licensing.
(Enclosure)
- 10. **Freedom of Information Policy & Procedure**
Report number DLS11 by the Corporate Manager, Democratic & Legal Services.
(Enclosure)
- 11. **Customer Services and Modernisation Programme, Customer Service Standards, and IEG4**
Report number DOS261 by the Director of Operational Services.
(Enclosure)
- 12. **Housing Services Anti-Social Behaviour Policy and Procedure**
Report number DRS12 by the Director of Regulatory Services.
(Enclosure)
- 13. **Independent Remuneration Report: Members' Allowances**
Report number FIN211 by the Director of Finance & Strategic Resources.
(Enclosure)
- 14. **Representation on Stamford Vision**
Report number DLS13 by the Corporate Manager, Democratic & Legal Services.

(Enclosure)

15. Constitution and Accounts Committee: Membership

The Chief Executive to report on the resignation of Councillor George Waterhouse from the Constitution and Accounts Committee. Accordingly, the Council is asked to :

- (1) Nominate a new member to serve on this committee;
- (2) To appoint a Vice-Chairman.

16. Questions without Discussion.



MINUTES

ORDINARY MEETING OF THE COUNCIL

28th October 2004
2.00 p.m.

PRESENT

Councillor Graham Wheat in the Chair until 3.33pm
Councillor John Kirkman, Vice-Chairman in the chair from 3.45pm

Councillor Auger
Councillor Bisnauthsing
Councillor Mrs Bosworth
Councillor Bryant
Councillor Burrows
Councillor Carpenter
Councillor Mrs Cartwright
Councillor Miss Channell
Councillor Chivers
Councillor Conboy
Councillor Craft
Councillor Neil Dexter
Councillor Mrs Dorrien Dexter
Councillor Fines
Councillor Fisher
Councillor Mrs Gaffigan
Councillor Galbraith
Councillor Genever
Councillor Gibbins
Councillor Hewerdine
Councillor Howard
Councillor John Hurst
Councillor Mrs Jalili
Councillor Joynson
Councillor Mrs Kaberry-Brown

Councillor Kirkman
Councillor Lovelock
Councillor Martin-Mayhew
Councillor Morris
Councillor Nadarajah
Councillor Mrs Neal
Councillor Nicholson
Councillor O'Hare
Councillor Parkin
Councillor Pease
Councillor Mrs Margery Radley
Councillor Radley
Councillor Sandall
Councillor Selby
Councillor Mrs Judy Smith
Councillor John Smith
Councillor Stokes
Councillor Mike Taylor
Councillor Gerald Taylor
Councillor Thompson
Councillor Turner
Councillor Mrs Mary Wheat
Councillor Wilks
Councillor Mike Williams

OFFICERS

Chief Executive
Director of Finance and Strategic Resources
Director of Community Services
Corporate Manager, Democratic & Legal
Services (Monitoring Officer)

OFFICERS

Corporate Manager, HR & Organisational
Development
Head of Housing Services
Training Manager
Member Services Manager

50. BY-ELECTION: GREYFRIARS WARD, GRANTHAM

The Chairman congratulated Councillor Ian Stokes on being elected Councillor for the Greyfriars ward in Grantham at the by-election held on 21st October 2004. Councillor Stokes was welcomed to the Council meeting.

51. CHAIRMAN'S CHARITY: CHEQUE PRESENTATION

Before the commencement of the public open forum, there was a brief presentation of a cheque in the sum of £2,000 by the immediate past Chairman, Councillor Mrs Pam Bosworth to Daphne Oxford of the Motor Neurone Disease Association. The MNDA was one of Councillor Mrs Bosworth's nominated charities during her year of office which she had chosen because the late Councillor Mrs Ann Hill had suffered from the disease.

52. PUBLIC OPEN FORUM

(2.08 p.m. – 2.12 p.m.)

Prior notice in accordance with Council Procedure rule 10.3 had been given of the following questions put by members of the public:-

Question: Mrs M. Patrick, 119 Essex Road, Stamford

To Councillor Linda Neal, Leader:-

Mrs. Neal, could you please tell me why the vulnerable people and the elderly are being targeted and their vouchers are being taken away from them once more and why the age discrimination?

Response: Councillor Mrs Linda Neal

Thank you for your question Mrs Patrick. Through the Council's rigorous prioritisation process involving all sectors of the community, travel vouchers were not deemed to be a high priority. The message has always been loud and clear that when setting priorities there will always have to be non priorities. Age discrimination is implicit in the whole scheme as it is at present. Our new proposals attempt to target the most vulnerable.

Supplementary Question: Mrs Patrick

Mrs Neal, I don't object to people having vouchers at 65 but I do object to you making people wait until 70 when they are nearly ready for their coffins and that is not good. You are taking pennies away. The Councillors here will next year have their rises and they will also have their rises in expenses. Let the people have them at 65, the proper age for when they retire. I have no

objection to 60 to 65 going – but when they are going into their coffins, I don't think it is fair. All you Councillors here should be ashamed of yourself – every one. I'm sorry for that Mrs Neal, but I do think 65 would be a much more acceptable for the elderly and vulnerable of South Kesteven. I talk on behalf of all South Kesteven as you know I am passionate about elderly people and vulnerable people of whatever age. I think that at 65 when they have done a lifetime's work. I know it is concessionary what you are doing – and I thank you for the concessions – but I think that 65 would be far more acceptable.

Response: Councillor Mrs Linda Neal

I note the comments that Mrs Patrick has made, however she will hear if she is still here later, that there is a misprint in the paper and the Chief Executive will be informing us that the 65 should read 60.

Question: Rosie MacLennan, 19 Ryhall Road, Stamford

To Councillor Linda Neal, Leader:-

When funding organisations with public money does your contract to these organisations include a regular audit (most funders do this on a quarterly basis) which will be conducted in order to monitor individual progress and quality of service to include the following:

Outputs

Milestones

Delivery

Professional standards

Community Feedback

Response: Councillor Mrs Linda Neal

Yes, when the funds are significant.

Supplementary question: Rosie MacLennan

Do you feel that if a specific audit was in place, South Kesteven would benefit from a more supportive role towards the organisations that they fund, and therefore both parties would be in a more favourable position to address current issues that may be affecting successful delivery?

Response: Councillor Mrs Linda Neal

It is already happening.

Question: Rosie MacLennan

If it is already happening, have you applied the same criteria to all organisations that you fund?

Response: Councillor Mrs Linda Neal

No, because most are funded at insignificant amounts e.g. about £100 for a specific purpose, perhaps the printing of a leaflet.

Supplementary question: Rosie MacLennan

Can you tell me where you draw the line?

Response from Councillor Mrs Linda Neal

Between significant and insignificant funds.

Rosie MacLennan:

I'm sorry but I don't understand that.

53. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Helyar, Fereshteh Hurst, Kerr, Waterhouse, Avril Williams, Wood, and Mrs Woods.

54. DECLARATIONS OF INTEREST

There were no declarations of interest made.

55. MINUTES

The minutes of the meeting held on 2nd September 2004 were confirmed as a correct record, subject to the following amendment:

Page 50, 4th paragraph: "In response to a comment that Grantham was **not** represented on the Cabinet .."

Councillors Mrs Jalili and O'Hare raised points in relation to pages 52 and 54 but the Chairman ruled that these were matters arising and the purpose of the agenda item was only to confirm or otherwise the accuracy of the minutes as a record of the meeting.

Councillors Bisnauthsing, Mrs Jalili and O'Hare requested that their votes against the acceptance of the minutes be recorded.

56. COMMUNICATIONS

The schedule of Chairman's and Vice-Chairman's civic engagements from 28th August to 24th October 2004, previously circulated with the agenda was noted.

The Chief Executive advised he had written to the Local Government Association in accordance with Councillor Wilks' successful motion at the last meeting. He had been promised a response in time for this meeting, however the response was still awaited and he hoped to be in a position to report this to the next ordinary meeting of the Council.

57. ORDER OF AGENDA

The Chairman advised the meeting, that following his briefing meeting with officers, he intended to now take item 8 on the agenda, Completing the Prioritisation Process. This would then be followed by item 6, Citizens Advice Bureau Funding.

58. COMPLETING THE PRIORITISATION PROCESS

DECISION:

(1) That in accordance with the recommendation of the Cabinet, the Council approves the following aspects of report CEX235:

A. The weighting, assessment and scoring of all Council services as set out in paragraphs 3.1 and 3.5.

B. The resultant classification of services into priority categories as set out in paragraphs 3.5 and 3.8, with the amendment that car parks and public toilets move from Category Y to Category B.

C. All targets and service standards as detailed in the table in paragraph 5, with the amendment that for car-parks reference is made to the provision of a new multi-storey facility in Grantham.

(2) That as described in 7.3 of report CEX235, in the preparation of the budget for 2005/6 and beyond, a target of £700,000 be set for investment in priority areas, comprising £500,000 from non-priority services and £200,000 from efficiency savings. The savings in non-priority areas to be realised from the services identified in Schedule 1 of part 6 to this report.

Members had before them the Chief Executive's covering report number CEX257 appended to which was his earlier report to the Cabinet on 12th July (CEX235). He explained that the Cabinet had agreed the contents of report CEX235 as a consultative draft on the completion of the prioritisation process. He highlighted a typographical error in the paper on page 5 of report CEX257 under the service item Travel Vouchers. This should read: "Restrict eligibility to over 70 for new applicants, protecting existing recipients aged over **60**". The implementation date for this should also read from **01/01/06**.

The issues had now been fully considered at each of the Council's six Local Area Assemblies and by each of the Development and Scrutiny Panels. The Cabinet had accordingly proposed that the Council now approves its recommendations to effect the completion of this process. The recommendations contained in report CEX257 were moved and seconded.

Whilst supporting the outcome of the prioritisation process and the means by which the priorities were derived, concern was expressed that if the Council did not finance services at an adequate level the expectations of the public would not be met. The Council's approach to concessionary travel tokens was already meagre and the present proposal raised issues about the way the Council financed its services. The point was raised that the Council should balance the cost of services with the level of Council Tax it levied. Comments were made about the accuracy of the Chief Executive's summarisation of the outcome of the local area assemblies in relation to support expressed for the priorities.

A member then addressed the meeting about serious concerns he had over the proposal to make savings of £13,000 by reducing the level of archaeological services procured from Heritage Lincolnshire. This, he stressed, was not a grant to a voluntary body but the purchase of a valuable service which not only helped to preserve important historical features of the district but also served to attract other funding for this vitally important work. £13,000 was a relatively small sum which helped to generate benefits to the district far in excess of this monetary value. His amendment to remove archaeological services from the list of savings in non priority areas received a seconder.

Further debate ensued on the necessity to prioritise given the insufficient central government support grant and the unpopularity of raising the Council Tax levy which, in any case, could be subject to capping. The Leader reminded the meeting that the Council had resolved to review its priorities annually and urged members to vote against the amendment. A vote was taken and subsequently lost. A vote was then taken on the original motion to accept the recommendations as presented and this was carried.

[The Chairman declared a personal and prejudicial interest in that part of the discussion and amendment on Archaeological services and took no part in the voting on that motion. His interest was by virtue of being a Director of Heritage Lincolnshire who provided the archaeological services to the Council.]

60. CITIZENS' ADVICE BUREAU FUNDING 2005/06

DECISION:

The Council recognises that the last payment has now been made to the Citizens Advice Bureau under the current funding agreement which ends on 31st March 2005. The Council's existing budgeted commitment to funding has come to an end.

Because of the urgency of the situation from the Citizens Advice Bureau's point of view and the importance of continuity of service to the community a budgetary decision needs to be made now rather than at the budget meeting in February 2005 – that could be too late for the Citizens Advice Bureau to maintain its service and related commitments.

Therefore,

(1) the Council determines a budget of £50,000 for the financial year 2005/2006 for Advice Services in the South Kesteven area;

(2) the determination of any applications within that budget will be a matter for the Cabinet who will need to ensure that outcomes from the Citizens Advice Bureau, or any other service provider are specified and monitored.

Members of the Council had previously been circulated with report number FIN209 which had been jointly prepared by the Chief Executive and Director of Finance & Strategic Resources and considered by the Cabinet on 11th October 2004. The Cabinet had taken into account the recommendation of the Capacity & Resources DSP that the funding request for £135,000 for 2005/06 from the Citizens Advice Bureau (CAB) not be accepted. Since the agenda had been despatched, the Chief Executive had received an e-mail dated 25th October 2004 from the Chairman of South Kesteven CAB confirming the withdrawal of its current £135,000 bid and indicating the intention to submit a new proposal to the Council at its next meeting.

In the light of this development, the Leader stated that it was important that the Council recognised that the last payment had now been made to the CAB under the current funding agreement which ended on 31st March 2005. The Council's existing budgeted commitment to funding had come to an end. She went on to advise that because of the urgency of the situation from the CAB's point of view and the importance of continuity of service to the community, a budgetary decision needed to be made now rather than at the budget meeting in February 2005 as this could be too late for the CAB to maintain its service and related commitments.

The Leader moved that the Council determined a budget of £50,000 for 2005/06 for Advice Services in the South Kesteven area. The determination of any applications within that budget would then be a matter for the Cabinet

who would need to ensure that outcomes from the CAB, or any other service provider were specified and monitored. The motion was seconded.

A debate followed during which many members expressed their support for the CAB and the need to retain its services especially as many people nowadays were facing mounting debt crises. Reference was made to the wealth of support from within the community for the CAB which had become apparent as a result of recent press publicity on this issue. Whilst acknowledging the need to keep the CAB service, it was important that the service in Grantham should be more accessible in terms of opening days and times. The Council must ensure that the CAB did not waste money and that the service was preserved.

An amendment was then moved and seconded that the budget provision be raised to £100,000. This would then give the Cabinet greater flexibility to determine the necessary level of funding. Some concern was expressed over this greater amount and questions raised about where this additional level of funding would come from. It was suggested that £50,000 should enable a good quality service to be delivered to the district. After the Leader had responded to the points made, a vote was taken on the amendment and subsequently lost. A further vote on the original motion was carried.

[The Vice-Chairman in the Chair.]

60. NOTICES OF MOTION

(1) Councillor Ian Selby

DECISION: To not support the motion proposed by Councillor Selby.

The following motion had been proposed by Councillor Selby:

“That this Council amends the allocation policy so that it does not pursue a policy of housing young homeless people next to elderly residents and that an alternative housing provision is found instead for the young homeless.

Proposed by Councillor Ian Selby, Isaac Newton Ward
Seconded by Councillor Mrs Angeline Percival, Glen Eden Ward”

Councillor Selby stated that he had submitted this motion because urgent action needed to be taken as a result of confrontation and anti-social behaviour created in the community as a result of housing young homeless people next to elderly residents. He expressed concern for the residents in and around Newton Court, Colsterworth if the Council was going to pursue its policy of putting young people near the elderly. His concerns were based on the experiences reported to him by other Councillors and elderly residents in other areas. Whilst acknowledging that not all young people behaved anti-socially, their lifestyles were often incompatible with the needs of the elderly

who wished to live in a more tranquil environment. He suggested that an alternative housing provision should be found for the young homeless and cited as an example the St. Mathew's housing association which also provided support for these tenants, or through the planning gain process. Councillor Selby's motion was met with support from a considerable number of members of the public who had attended the meeting. The motion was seconded.

The Leader sought advice from officers on the legal and financial implications of Councillor Selby's motion. The Monitoring Officer stated that his general advice to the Council was that caution should be exercised if it was considering amending its current housing allocation policy on a district wide basis. The Council had a statutory duty to house the homeless and could not restrict this obligation to housing people of a certain age or in certain places. Such restrictions imposed upon a statutory duty would be challengeable in Court. He pointed out that Housing Services already worked within a sensitive housing allocation policy which was part of the Council's housing responsibilities. The Director of Finance & Strategic Resources added that if it did not use its own housing stock for those presenting themselves as homeless, the Council would have to turn to the use of bed and breakfast accommodation. This would be considerably more expensive and housing benefit would only pay a small proportion of these costs.

The motion stimulated considerable debate on the difficult issue of balancing the Council's legal obligations to the homeless and the welfare of other tenants and residents. Comments were made on the desirability of integrating different age groups within a community but within a mix of suitable accommodation. The stereotypical view of a homeless person being a rowdy drug addict was challenged and the point made that during consultation, residents had supported the proposal to de-designate warden controlled accommodation. It was suggested that hysteria had been whipped up by the local media and that the real issue for the Council was to have strategies in place for housing those on low incomes.

Some members spoke about incidents in their wards where anti-social behaviour by young people had caused concern and anxiety for the elderly. Having regard to the advice given by the Monitoring Officer concerning the risk that the Council could be challenged on discriminatory policy were it to agree to Councillor Selby's motion, it was suggested that the correct means of addressing this issue was to combine sensitive allocations with rigorous implementation of the Council's enforcement policies regarding anti-social behaviour. After Councillor Selby was given an opportunity to respond to the speakers a request for a recorded vote was made but not supported. A vote was then taken on the motion which was lost.

(2) Councillor Bob Sandall

DECISION: To not support the motion proposed by Councillor Sandall.

The following motion had been proposed by Councillor Sandall:

“The Council supports the motion that no one individual should have the authority to sell any SKDC assets (e.g. land or buildings) without first consulting and taking account of the majority vote from a full Council meeting. No matter what the value of the asset is. (This does not apply to Council houses because of the right to buy.)”

Councillor Sandall explained that his motion had been prompted by the recent decision made by one member to put up a Council building for sale. He considered that it was undemocratic for just one member of the Council to be able to make a decision on the disposal of the Council's assets. Although the Cabinet system would still enable a portfolio holder to make an individual decision, if his motion today was carried and any future decision had to come before the Council, he suggested it might encourage the individual decision maker to think long and hard about disposing of any other asset.

In seconding the motion, a member referred to the recent issue about the disposal of the toilets at Star Lane, Stamford prompting this motion. She suggested that any capital receipt from the sale of this property would be negligible compared to the benefits which could be obtained for the local community. This same issue would apply to all the district; the Council was seeking short term gain at the cost of long term provision of amenities for the local population. Several other members expressed support for the motion although it was pointed out this decision making structure was imposed on the Council through the introduction of the Local Government Act 2000.

So as not to delay matters, it was proposed and seconded as an amendment that a value of £10,000 be set as the level above which the sale of an asset should be referred to the Council. A call was then made for the motion to be put under Council procedure rule 14.11(c) which was carried following a vote.

A vote was then taken on the amendment to set a threshold of a value of £10,000 for an asset's disposal being put to the Council. This resulted in an equality of votes. The Chairman exercised his casting vote against the amendment which resulted in the amendment being lost.

A vote was taken on the original motion which was also lost.

61. BUDGET 2005/06 AND MEDIUM TERM FINANCIAL STRATEGY

DECISION: That the 2005/06 Budget be developed on:

- (1) a 6% rise in Council Tax;**
- (2) Special Expense Areas to breakeven over an 3 year period; and**
- (3) A target budget requirement of £13,030,000 for 2005/06.**

The Director of Finance & Strategic Resources referred to his report number FIN210 which had been previously circulated with the agenda. The purpose

of the report was to update the Council on the budget development process for 2005/06 and pooled capital receipts. The Director had appended a copy of his report FIN208, previously submitted to the Cabinet, which outlined the major issues to be taken into account through the budget process.

Due to time constraints the Director of Finance & Strategic Resources advised he would make his presentation on the Council's medium term financial strategy at a later date. He then outlined the salient points in relation to the progress made in 2004/05 and the issues facing the Council for its 2005/06 budget. These related to: the limited expectation of revenue support grant increase; the pressure of capping; the use of reserves; interest receipts; and Gershon efficiency savings (so named after the person appointed to find efficiency savings in Whitehall).

As part of the preparation process the Capacity & Resources DSP had made a number of recommendations with regard to the development of the 2005/06 budget which had been taken on board by the Cabinet. These recommendations were so moved and seconded.

In accordance with Council Procedure rule 9, as the meeting was nearing being in progress for three hours, the majority of members present voted for the meeting to continue for a further one hour.

62. AMENDMENTS TO THE CONSTITUTION

DECISION:

(1) That Rule 16 procedure in the Constitution be amended from "seek the agreement of the relevant DSP Chairman" to "notify in writing" the Chairman of the relevant DSP and this be indicated prior to the start of a Cabinet meeting.

(2) That Article 7 of the Council's Constitution be amended to include the following:

7.7 Consideration of reports from external auditors. The Cabinet to be responsible for the initial consideration of reports from the Council's external auditors with pertinent items being forwarded to the relevant Development and Scrutiny Panel.

The Leader, in her capacity as Chairman of the Constitution & Accounts Committee proposed amendments to the Constitution put forward by the Committee following its last meeting on 18th October 2004.

The legality of sending out a paper on the Committee's recommendations after the agenda had been despatched was questioned. The Monitoring Officer stated that the matter appeared as a substantive item on the Council agenda and therefore subsequent circulation of his report DLS6 complied

fully with the Access to Information provisions. Concern was expressed that there was no need to amend the Rule 16 procedure as adequate safeguards in terms of consultation with the Vice Chairman of the DSP, the Chairman or Vice-Chairman of the Council existed. An objection was also raised by the same member to the proposal to provide access to recordings of meetings in the Members' Room rather than access on request to CD copies. He saw this as placing more restrictions on members' access to information. The Leader pointed out that the recommendations before the Council had received the unanimous support of the Committee. The proposed amendments to the Constitution were seconded and carried following a vote.

63. STOCK OPTION APPRAISAL

DECISION:

- (1) To approve the work programme of the Stock Option Appraisal Commission and to accept the Council's responsibilities to complete the Stock Option Appraisal process and achieve sign off by the Government Office by July 2005;**
- (2) To note the letter received from the Government Office for the East Midlands on 20th September 2004 referring to the District Council being "at risk" of not completing the process by July 2005 and the Chief Executive's response to this dated 29th September 2004;**
- (3) To note that a risk assessment regarding the completion of the process has been undertaken by the Director of Regulatory Services.**

The Chief Executive presented report number DRS9 by the Director of Regulatory Services which referred to the requirement upon the Council to undertake a Housing Stock Option Appraisal Process which must be signed off by the Government Office for the East Midlands (GOEM) by July 2005. The report detailed the timetable for the work programme of the Stock Option Appraisal Commission (SOAC) and advised the Council on the outcome of recent correspondence between GOEM and the Council in relation to the Council's progress on this issue.

The Corporate Director of Regulatory Services had completed a risk assessment and as identified that although the timescale is extremely demanding the Council should be in a position to complete this process in line with the Government timescale provided clearly focused and targeted work is undertaken by the Stock Option Appraisal Commission and that the Council and tenant groups both support the Commission in its work throughout this process. The Director warned about the adverse implications should the Council be unable to complete the process which made it even more essential that the Council fully supported the prioritisation of this work.

A member asked what this exercise was costing the Council, was it able to recover anything from the Government, and if not, why not? The Chief Executive replied that there was a budget of £50,000 within the Council's Housing Revenue Account but that there was no specific additional support

from the Government. He stated he would be happy to take up these concerns with GOEM as he also shared them.

The Housing Service Portfolio Holder advised members that the Council was consulting widely through a series of roadshows and commended the Director of Regulatory Services and the Head of Housing Services for driving the process in line with the timescale. In response to a question on the possible sanctions if the Council failed, the Chief Executive explained that the Government could penalise the Council by stopping funds allocated from its Major Repairs Allowance. The recommendations were so moved and second and carried following a vote.

64. PEOPLE MANAGEMENT STRATEGY AND WORKFORCE DEVELOPMENT PLAN

DECISION: That the Council formally adopts the People Management Strategy and Workforce Development Plan as submitted.

All members of the Council had been previously circulated with copies of the above two documents which had been submitted to the Cabinet on the 11th October 2004. The Leader, on behalf of the Cabinet, recommended that these documents now be formally adopted as policy by the Council.

A member highlighted reference in the Workforce Development Plan to Job Evaluation being identified as unsettling and impacting on staff morale. He considered that this vindicated the legitimacy of concerns he had expressed in the past.

65. REVIEW OF PERFORMANCE TARGETS FOR BVPIs INCLUDED IN SKDCs 2004/05 BEST VALUE PERFORMANCE PLAN

DECISION: To agree the amendments to the current year performance targets (as appended to report DOS255) for inclusion within the Council's Best Value Performance Plan.

The Chief Executive submitted report DOS255 by the Director of Operational Services which referred to the annual targets which the Council was obliged to set for its performance against a range of specified performance measures. These targets formed part of the content of the Council's Best Value Performance Plan. All targets were set having regard for factors applying at that time i.e. the beginning of the year. Therefore, it was felt that it was sensible to review these targets and amend them where necessary and justifiable to reflect current circumstances.

The Cabinet had considered the amendments proposed at its meeting on 11th October and accordingly recommended to the Council that the adjustments be made. After the Head of Housing Services had responded to

a query relating to the target for use of bed and breakfast accommodation, it was moved and seconded to accept the revised targets as presented.

66. REPRESENTATION ON OUTSIDE BODIES

DECISION:

(1) That Councillor Parkin be nominated to serve as the District Council representative on the Grantham College Engineering Focus Group;

(2) That the nomination to fill the vacancy on Stamford Vision be deferred until the next meeting for clarification on the membership of this body.

Report DLS5 by Member Services Manager had previously been circulated which referred to a request from the Grantham College for a District Council member to serve on its newly constituted Engineering Focus Group. The college had been successful in its bid to the Learning & Skills Council to become a Centre of Vocational Excellence for Engineering and the purpose of this new group was to support the aims behind the Centre of Vocational Excellence. Councillor Parkin was the only nominee put forward for this position.

The Chairman invited nominations for a vacancy that had arisen on Stamford Vision (formerly the Stamford town centre management partnership). A member queried the need to fill this vacancy given that at the annual meeting of the Council in May 2003, names of members willing to serve on Stamford Vision had been put forward pending clarification on the totality of the membership of this body. It was agreed that this matter be deferred so that membership details could be clarified.

67. ANNUAL STAKEHOLDER CONFERENCE: 9TH DECEMBER 2004

DECISION:

(1) To agree the proposals contained in the Chief Executive's report CEX253 for the Annual Stakeholder Conference on 9th December 2004;

(2) That an ordinary meeting of the Council be held at 2.00 p.m. on 9th December 2004.

The Chief Executive presented his report CEX253 which outlined the proposed format, venue, agenda and invitations to the Annual Stakeholder Conference. He also recommended that this be followed in the afternoon by a formal Council meeting starting at 2.00 p.m. It was necessary to hold an ordinary meeting of the Council as the authority was required to approve its Licensing Policy at least one month before the implementation of the new

legislation on 7th February 2005. There were also other matters on the proposed agenda for determination.

A member stated that there was no provision within the Constitution to hold this meeting as it had not been included within the schedule of meetings set at the annual meeting. The Monitoring Officer advised that the Constitution does not specifically state that the Council cannot call another ordinary meeting of its own volition. The alternative would be to call a series of extraordinary meetings (one for each item). He suggested that to send out four agendas for one day would be a case of administrative “over kill”. Given that the proposed meeting was 9th December 2004, due notice of the meeting in accordance with the Local Government Act Access to Information provisions would be fully complied with. Agreement was indicated for the Chief Executive’s recommendations with the corollary that this would suggest a marker for the future that Council meetings needed to be more frequent.

68. REPORT ON URGENT KEY DECISION

In accordance with Part 4 of the Constitution, Access to Information Procedure Rule 17.3, the Leader reported on the urgent Key Decision which had been taken by the Cabinet on 20th September 2004. The decision related to the opportunity to re-submit a bid to DEFRA for just under £1m of funding for a green waste recycling scheme. She explained that the timescale for this bid had been extremely tight which had necessitated the calling of a special meeting of the Cabinet in order to make this decision.

69. QUESTIONS WITHOUT DISCUSSION

Seven questions had been submitted prior to the meeting.

Verbatim details of the questions, together with supplementary questions and the responses are set out in the appendix to the minutes.

70. CLOSE OF MEETING

The meeting closed at 5.40 p.m.

APPENDIX TO COUNCIL MINUTES: 28TH OCTOBER 2004

MINUTE 69: QUESTIONS WITHOUT DISCUSSION

(1) Question 1 (Councillor John Hurst)

Does the Leader understand that the implementation of the Council's defined set of priorities will lead to intolerable resistance from within the Community unless it be coupled with a thorough-going revision of our financial strategies?

Response: Councillor Mrs Linda Neal

The Council's financial strategies are always under review and they must apply to all.

Councillor Hurst:

Next time I ask a question can I have an answer that is not useless - that is utterly disgraceful. It doesn't give us any information. The test of a good answer is whether it contains any information. That contains no information whatsoever so I shall put that question down next time and I shall expect a much better answer or there'll be trouble.

(2) Question 2 (Councillor Stephen O'Hare)

Can the Leader of the Council (and Chair of the Cabinet) explain how it is possible for a member of the Cabinet to make a decision at a cabinet meeting when that Cabinet member was not present?

Response: Councillor Mrs Linda Neal

It is not possible.

Councillor O'Hare:

I'm most grateful indeed to have that confirmation. I am sure if I look later at those Cabinet minutes that has actually happened.

Response: Councillor Mrs Neal

I am probably guessing that Councillor O'Hare is referring to non key decisions. I am afraid I can inform the Council that Councillor O'Hare has again missed the plot. Non Key decisions are not made in Cabinet. They are made outside of Cabinet with an announcement in Cabinet of what the decision was that had been taken.

(3) Question 3 (Councillor Stephen O'Hare)

As Stamford Town Council on 14th September 2004 passed a resolution about Star Lane toilets in Stamford referring to continuing maintenance and running costs at an

unknown level (before going on to ask that these be allocated as a Special Expense Area for Stamford) will he confirm whether before a decision was made at Cabinet on 11th October 2004 he had before him a written report stating what the continuing maintenance and running costs would be?

Response: Councillor Peter Martin-Mayhew

No I did not.

(4) Question 4 (Councillor Paul Wood)

Put in Councillor Wood's absence by the Vice-Chairman

What explanation is Councillor Martin-Mayhew able to give, this time, to the people of South Kesteven about the fact that the accounts for 2003/2004 show that while budgeted to spend £1.5million on decent homes provision this Council did not spend a single penny.

Response: Councillor Peter Martin-Mayhew

£1.5m was really apportioned to Aire Road but unfortunately we did have some problems with sorting out demolition and other things. We needed to take the right action so we have hung on a bit. So the £1.5m will go onto the next year – it does follow on. It is wasted, it just stays there until we are ready and we are almost ready for this next year coming.

(5) Question 5 (Councillor Paul Wood)

Put in Councillor Wood's absence by the Vice-Chairman

Does the leader of the Council believe that decisions made in public should be based upon documents which are available to the public?

Response: Councillor Mrs Linda Neal

Yes, my answer is provided it doesn't require the release of private or confidential information which would breach the requirements of the Local Government Act which I am sure Councillor Wood should be aware of.

(6) Question 6 (Councillor Mrs Maureen Jalili)

The Cabinet's recommendation for the 2005/06 budget is for a 6% rise in council tax. When the Cabinet discussed the Star Lane toilets in Stamford on 11th October (and I appreciate that press and public were excluded for that item), then to the extent that there was any discussion on council tax increases affecting that issue will he confirm, without disclosing the precise figure unless he wishes to, whether the percentage increase was higher or lower than the 6% upon which the budget preparation for next year is proposed?

Response: Councillor Peter Martin-Mayhew

The time I spent at Cabinet on that day was pretty short. I don't recall any discussion regarding budget preparation in relation to Star Lane toilets.

(7) Question 7 (Councillor Mrs Maureen Jalili)

The Cabinet view when SKDC is paying, is that failure to meet 'requirements' attract harsh penalties. Will the Leader accept with good grace the same reasoning if it is applied by central government to SKDC particularly if central government 'requirements' have not been fully and explicitly spelt out to SKDC?

Response: Councillor Mrs Linda Neal

My answer to Mrs Jalili is that, unfortunately I have no choice other than to accept it. Indeed the situation is far worse than that. Often the present government seems to consider it a virtue to change the rules to suit its funding decisions. As we know from its refusal to use the latest census data and its draconian approach to capping, I am not sure why the question has been asked but if it was about CAB, you will appreciate that, unlike central government, the District Council made its criteria abundantly clear. That's how business is conducted in the private sector and our residents will expect us to have the same value for money approach.



Agenda Item 5

SCHEDULE OF CHAIRMAN'S / VICE-CHAIRMAN'S CIVIC ENGAGEMENTS

Thursday, 28 October 2004	Chairman	Best Kept Village Presentation Evening
Friday, 29 October 2004	Chairman	North Kesteven District Council Charity Concert
Friday, 05 November 2004	Chairman	Marie Curie (Field of Hope) Bulb Planting
Saturday, 06 November 2004	Chairman	Induction service for the New Minister Reverend Jane Cambell.
Sunday, 07 November 2004	Chairman	Garden of Remembrance Opening Ceremony.
Friday, 12 November 2004	Chairman	Newark and Sherwood Charity Concert Evening.
Sunday, 14 November 2004	Chairman	Grantham Remembrance Day Service and Parade
Friday, 19 November 2004	Chairman	Boston Borough council Charity Evening
Saturday, 20 November 2004	Chairman	Lincolnshire Young Enterprise Trade Fair, Judging and Prize Giving.
Saturday, 20 November 2004	Chairman	Finkin Street Methodist Church Charity Concert
Friday, 26 November 2004	Chairman	Grantham Journal Business Awards
Saturday, 27 November 2004	Chairman	Melton Borough Council Charity Evening.
Sunday, 28 November 2004	Chairman	Army Benevolent Fund Charity Presentation and Reception.
Sunday, 28 November 2004	Chairman	Grantham Switching the Christmas Lights on Ceremony.
Sunday, 28 November 2004	Vice-Chairman	Sleaford Town Council Christmas Civic service.
Friday, 03 December 2004	Chairman	Annual Mencap Carol Festival.
Sunday, 05 December 2004	Chairman	Bottesford Bikes Annual Charity Toy Run

REPORT TO COUNCIL

REPORT OF: DIRECTOR OF FINANCE AND
STRATEGIC RESOURCES

REPORT NO: FIN 214

DATE: 9 DECEMBER 2004

TITLE:	PUBLIC SERVICE AGREEMENT ROUND 2
FORWARD PLAN ITEM:	
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	BUDGETARY FRAMEWORK

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	PRIORITY ACHIEVEMENTS
CORPORATE PRIORITY:	PARTNERSHIP WORKING

Introduction

1. The purpose of this report is to update the Council on progress with the Public Service Agreement (PSA) Round 2 bid, being co-ordinated by Lincolnshire County Council. It considers the background to the bid and the next stages of the process.

Background

2. A public service agreement involves a partnership between local government and central government. The former agrees to deliver stretch targets in delivering local services, and the latter provides performance reward grant if they are achieved.
3. The County Council will receive the Performance Reward Grant (PRG) for each of the targets in its agreed Local Public Service Agreement (LPSA) achieved over the period of the agreement. The LPSA1 is for the period April 202 to March 2005, for LPSA2 April 2005 to March 2008. South Kesteven did not sign up to LPSA1 although Boston and North Kesteven did.
4. The LPSA bid is due to be submitted by the end of November. The Cabinet agreed that delegated authority be given to the Chief Executive in consultation with the Leader on deciding whether the PSA11 bid is signed up to later in the year. Any

final LPSA2 contract will require Cabinet approval. The hard work of negotiating with government departments begins following submission of the bid. If the Council is unable to commit to the agreed targets its Chief Executive must produce a statement as to why not.

Performance Reward Grant

5. Performance Reward Grant is calculated at 2.5% of the Council's budget requirement. Based upon the reference year 2004/05, the following performance reward grant would be available across the county.

£15.3m	County Council
<u>£ 1.7m</u>	District Council's (providing all sign up)
£17.0m	potential Performance Reward Grant

6. How will the Performance Reward Grant be allocated?
7. The LPSA2 will be based around 12 individual targets. A copy of the latest draft of targets is attached to this report. The targets are being developed to allow the Districts to contribute to their fulfilment. This is important because the PRG will be divided equally between the main targets. Thus, for 12 targets the County will receive £1,275,000 for each target achieved, and a total of £142,000 for all Districts if all Districts agree to be substantially involved in delivering the agreement. Based upon the 2004/05 budget, South Kesteven would receive £26,000 per target achieved – a maximum of £312,000 if all targets are achieved.
8. A number of the targets have indicators (sub-targets) which contribute towards the achievement of the main target. The percentage contribution of the indicators to the appropriate main target varies, however, the PRG payable depends on the achievement of the main target.
9. The PRG is payable in the same proportion as the enhancement in performance up to a maximum 10% and a minimum of 60%. Below 60% no PRG is payable, therefore in the case of 60% achievement of the target, 60% of the PRG will be received.

Pump-Priming Grant

10. The County Council will receive pump-priming monies if the bid is successful. Further information is required as to the extent that any of this will be shared with the Districts. The pump-priming grant is £750,000 plus £1 per head of population. It can be spent on capital or revenue providing the capitalisation directive on the former is received.

Next Stage

11. The County Council continues to revise the targets and these will be reduced to 12 at the appropriate time. The outline bid will be submitted by the end of November.
12. It is expected that Districts should sign up to LPSA's – it is funds available to the residents of Lincolnshire since this bid runs to 2008, it may be a long time before any financial rewards find their way to South Kesteven and the Authority's main role is as contributing partner to ensure a Performance Reward Grant is optimised County-wide.

Recommendation

13. It is recommended that the Council notes
- (a) that a further report of the final bid by the Chief Executive be presented to Cabinet for consideration at the appropriate time
 - (b) that the Cabinet develops the LPSA2 bid and will incorporate its impact in budget development for 2005/06 and beyond.

John Blair
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REPORT TO COUNCIL

REPORT OF: **R D HADFIELD**
ENVIRONMENTAL HEALTH AND LICENSING

REPORT NO. **ENV224**

DATE: **18 NOVEMBER 2004**

TITLE:	STATEMENT OF LICENSING POLICY – FINAL VERSION FOR APPROVAL
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 SEPTEMBER 2004
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY FRAMEWORK AGREEMENT

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	STATUTORY REQUIREMENT
CORPORATE PRIORITY:	CATEGORY 'Y'
CRIME AND DISORDER IMPLICATIONS:	YES
FREEDOM OF INFORMATION ACT IMPLICATIONS:	YES
BACKGROUND PAPERS:	STATEMENT OF LICENSING POLICY AND RESULTS OF CONSULTATION PROCESS

1. INTRODUCTION OR SUMMARY

The Licensing Act 2003 transfers alcohol licensing functions from the Magistrates to local authorities. This is in addition to the licensing function already carried out by councils.

Each council is under a duty to publish a Statement of Licensing Policy, having consulted on a draft before publication. The Policy must be published before 7 January 2005.

The draft Statement has been consulted upon, the responses considered and the final version of the Statement is submitted for consideration by the Council for approval and publication. The Statement is attached as Appendix 1.

2. RECOMMENDATIONS

- (i) That the final version of the statement of Licensing Policy be adopted for publication.
- (ii) A separate Alcohol, Entertainment and Late Night Refreshment Licensing Committee be established.
- (iii) The new committee to carry out the functions set out in Annex A to this report.
- (iv) The new committee to consist of the 11 members of the existing Licensing Committee who have received training and have particular expertise in licensing matters.
- (v) The new committee be recommended to adopt the Council's ordinary constitutional standing orders concerning proceedings quorum, public access publicity agenda records and access to information until such time as Regulations concerning the Committee or its sub committee are made under Section 9 of the Licensing Act 2003.

3. DETAILS OF REPORT

Section 3 of the Act defines the Council as the "Licensing Authority".

Section 4 of the Act requires the Licensing Authority to have regard to its Licensing Policy in carrying out its functions.

Section 5 requires the Licensing Authority to determine and publish a Licensing Policy and review it on an on-going basis. A review is automatically required every three years.

Before determining its policy, the Licensing Authority must consult with a range of consultees, ie Police, Fire authority, County Council and other representatives of businesses and residents in the district.

The consultation period was from 17 August to 31 October 2004.

The responses have now been considered and amendments made, which have been approved by the Licensing Committee Steering Group at its meeting on 16 November 2004.

A record of the consultees, their responses and the process have been maintained.

The Policy was submitted for approval by the Cabinet at their meeting on 6 December 2004 and an oral update will be given at the meeting.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The requirement to produce a Policy following consultation is a statutory duty. There are no other options.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

Fees for the new licensing system have not yet been determined.

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

It is now necessary to constitute a separate and additional Licensing Committee to deal solely with licensing functions created under the Licensing Act 2003. This is required by the 2003 Act.

It is therefore proposed to create an Alcohol, Entertainment and Late Night Refreshment Licensing Committee. This committee will comprise the same 11 members as the existing Licensing Committee which will continue to deal with all other council licensing functions.

The functions of the proposed new committee are set out in Annex A attached to this report. The Act envisages that it will be appropriate to delegate functions to a sub committee **of 3 members**. It is therefore proposed that such a **facility** should be available to the new committee if it wishes to use it.

It is therefore necessary for the Council to consider the formation of the new committee as set out in the recommendations (paragraph 2 (ii) – (v) of the reports as above).

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

All service heads were invited to a meeting on 22 September 2004 to discuss the effects on their respective areas and give their views which were duly considered.

8. CONCLUSIONS

Every effort has been made to comply with the legislation and consult as widely as possible. The process is now at its final stage and only awaits approval by full Council prior to publication.

9. CONTACT OFFICER

M Start, Environmental Health Practitioner

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SOUTH KESTEVEN DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY – FOR APPROVAL

(NOVEMBER 2004)

1. Introduction

1.1 South Kesteven District Council (hereinafter referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications for:

- retail sale of alcohol
- supply of alcohol by or on behalf of a club, or to the order of a member of a club
- provision of regulated entertainment
- a performance of a play
- an exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of facilities for making music
- provision of facilities for dancing
- other similar entertainment
- provision of late night refreshment

This policy is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance will be made available to assist applicants.

1.2 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the 4 licensing objectives. These are: -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

In promoting the licensing objectives the Licensing Authority will pay due regard to the Guidance issued under Section 182 of the Licensing Act 2003 and any subsequent legislation or Guidance issued by the Secretary of State.

1.3 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within

the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the objectives as outlined.

1.4 In preparing this policy statement the Licensing Authority has consulted with the following:-

- the police
- the fire service
- representatives of licence holders and club certificate holders
- local businesses and their representatives
- local residents and their representatives
- area child protection committee
- other bodies

Appropriate weight has been given to the views of all those consulted prior to this policy statement taking effect on 7 February 2005.

1.5 The purpose of licensing is to control licensed premises and other events within the terms of the Act. In accordance with the terms of the Act and subject to any relevant representations, conditions may be attached to licences and the various other permissions which will focus on matters falling within the control of individual licensees.

1.6 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.

1.7 In undertaking its licensing function, the licensing authority is also bound by other legislation, including, but not exclusively:-

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every local authority to do all that it reasonably can to prevent crime and disorder in its locality and to consider crime and disorder in its decision making process
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 which places a duty on public authorities to protect the rights of individuals in a variety of circumstances.
- The Health and Safety at Work etc. Act 1974 and subsidiary regulations
- Environmental Protection Act 1990
- The Anti-social Behaviour Act 2003
- Fire Safety Legislation

1.8 The Licensing Authority will also seek to discharge its responsibilities identified by other Government and local strategies, so far as they impact on the objectives of the Licensing Act. Some examples of these Strategies are

- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
- Safer Clubbing
- LACORS/TSI Code of Best Practice on Test Purchasing
- Alcohol Harm Reduction Strategy for England

1.9 It should however be made clear that the licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the imposing of conditions to meet the concern.

2. Integrated Strategies and the Avoidance of Duplication

2.1 The Council's vision is:

"To ensure that the residents of South Kesteven are proud of their district and of their Council"

2.2 By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local community safety, planning, transport, tourism and cultural strategies.

2.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority's Licensing Committee may therefore receive and may act upon relevant reports on the -

- level of crime and disorder and community safety issues, including anti-social behaviour
- needs of the local tourist economy
- cultural strategy for the area
- employment situation in the area and the need for new investment and employment where appropriate
- planning considerations which might affect licensed premises
- local transport arrangements
- any other reports considered appropriate to the licensing function

2.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. To assist in this process the Licensing Committee may provide reports to the Planning Committee on the situation regarding Licensed premises in the district, including the overarching priority to reduce the impact of alcohol related crime and disorder.

- 2.5 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 2.6 In order to avoid duplication with other existing legislation and regulatory regimes the Licensing Authority will, as far as possible, not attach conditions of licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3. The Licensing Process

- 3.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1.
- 3.2 Each application for licensing will be considered on its own merits, for example, free from the imposition of quotas on the number of licensed premises or generalised closing times.
- 3.3 Applicants will be required to submit with their application for a premises licence or club premises certificate, or a major variation to their existing premises licence or club certificate an Operating Schedule detailing: -
- the licensable activities to be conducted on the premises;
 - the times during which it is proposed that the relevant licensable activities are to take place;
 - any other times when the premises are to be open to the public or to members of a club;
 - where the licence is required only for a limited period, that period;
 - where the licensable activities include the sale of alcohol, the name and address of the individual to be specified as the designated premises supervisor and a copy of his or her personal licence;
 - where the licensable activities include the sale of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
 - the steps which the applicant proposes to take to promote the licensing objectives.
 - All relevant documentation to satisfy the four licensing objectives.
- 3.4 Applications will be determined having regard to:
- this Policy
 - the Licensing Act 2003 and subordinate legislation
 - guidance issued by the Department for Culture, Media and Sport (DCMS)

- any 'relevant representations' received (provided they are not determined by the Licensing Authority to be frivolous, vexatious or repetitive).

3.5 Account will be taken of the need to encourage and promote all types of entertainment including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

3.6 The Licensing Authority acknowledges the advice received from the DCMS that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

4. Licensing Hours

4.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours permitting the supply of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport.

4.2 As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is necessary and can lead to increased disorder and nuisance.

4.3 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to receiving valid, relevant representations, a limitation on licensing hours may be appropriate.

4.4 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises which are situated in largely residential areas.

5. Children and Licensed Premises

5.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm.

5.2 When deciding whether to limit access to children or not the Licensing Authority will judge each application on its own individual merits. Examples, which may give rise to concern in respect of children, would include premises –

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealings;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

5.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.

5.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm.

5.5 The options available for limiting access by children would include –

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult; and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

5.6 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

5.7 In respect of premises licensed for the sale of alcohol the Licensing Authority commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks.

5.8 The body responsible for the interests of children is:

Lincolnshire Area Child Protection Committee – who are contactable through the Lincolnshire County Council.

6. Cumulative Impact

- 6.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, off licence, restaurant or hotel. The issue of 'need' is therefore a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 6.2 The Licensing Authority may receive representations from either a responsible authority or an interested party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.
- 6.3 The Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 6.4 The decision to include a special policy relating to cumulative impact, with this policy will be evidentially based. The steps to be followed in considering whether to include such a special policy are:-
- identification of concern about crime and disorder or public nuisance;
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
 - subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of the section 182 guidance issued by the DCMS in the statement of licensing policy.
 - publication of the special policy as part of this statement of licensing policy required by the 2003 Act.

- 6.5 Any special policy is not absolute and the circumstances of each application will be considered properly.
- 6.6 Rather than adopt a special policy there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises, these include –
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices’
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - the confiscation of alcohol from adults and children in designated areas;
 - police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

These should be supplemented by other local initiatives that similarly address these problems.

- 6.7 The Licensing Authority may address a number of these issues through the South Kesteven Crime and Disorder Partnership and County Licensing Group in line with the strategic objectives for crime and disorder reduction within the district.

7. Nudity and Striptease

- 7.1 Where the activities specified in an operating schedule include striptease or any other kind of nudity (for example, topless waitresses) the Licensing Authority will take into consideration the increased risk to the promotion of the licensing objectives. In particular, the Licensing Authority will expect the applicant to have given additional thought to the promotion of the licensing objectives
- 7.2 Where premises licence applications include striptease or any other kind of nudity, the Licensing Authority will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.
- 7.3 In order to promote the licensing objectives, where the Licensing Authority grants premises licences that include striptease or any other kind of nudity it will generally impose conditions relating to the following issues:-

- the location within the premises where the activity takes place
- the absence of advertising the activities outside the premises
- the measures taken to ensure no person under 18 years of age enters the premises
- the measures taken to ensure that the activities inside the premises cannot be seen from outside the premises
- the position of the performers' dressing rooms in relation to the area in which they perform
- physical contact between performers and customers

8. Conditions of Licence

- 8.1 The Licensing Authority does not propose to implement standard licensing conditions across the board. It may draw upon the model pool of conditions issued by the DCMS and attach conditions (contained in Annexes D-H of the guidance issued under the Act) as appropriate given the circumstances of each individual case.
- 8.2 The Licensing Authority is aware of the need to avoid measures which deter live music and theatre by imposing direct costs of a substantial nature and the Licensing Authority will take account of this.
- 8.3 Conditions not listed in the pool of model conditions may be specifically tailored by the Licensing Authority and attached to licences as appropriate.

9. Enforcement

- 9.1 The Licensing Authority will establish protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, whilst applying a lighter touch to low risk premises.
- 9.2 In general, action will only be taken in accordance with the Licensing Authority's own enforcement policy, which reflects the agreed principles which are consistent with the Enforcement Concordat. To this end the key principles of targeting, consistency, transparency and proportionality will be maintained.

10. Review

- 10.1 The Policy Statement will remain in existence for a period of 3 years and will be subject to review and further consultation before January 2008. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

11. Advice and Guidance

- 11.1 Further information and advice on the licensing process can be obtained by contacting the South Kesteven District Council, Environmental Health and Licensing in person, by telephone or by going to the council's web site www.southkesteven.gov.uk and going to "Licensing".

APPENDIX I

Delegation of Functions

The delegation of functions in relation to licensing matters are as follows: -

<u>Matter to be dealt with</u>	<u>Licensing Committee</u>	<u>Alcohol Entertainment and Late Night Refreshment Licensing Committee or its Sub-Committee</u>	<u>Officers</u>
Application for person licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases

<u>Matter to be dealt with</u>	<u>Licensing Committee</u>	<u>Alcohol Entertainment and Late Night Refreshment Licensing Committee or its Sub-Committee</u>	<u>Officers</u>
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when the Licensing Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

The sub-committee of the Alcohol Entertainment and Late Night Refreshment Licensing Committee shall be comprise three Members of that Committee

ANNEX A

1.1 ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING COMMITTEE

The purpose of this committee will be to undertake and exercise the functions of the licensing authority as allocated to the committee under the Licensing Act 2003, together with any associated functions of the Council.

1.2 MEMBERSHIP

- (a) **Appointment.** The Alcohol Entertainment and Late Night Refreshment Licensing Committee will consist of eleven members of the existing Council's Licensing Committee appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting.
- (b) **Chairman.** The Chairman and Vice-Chairman of the committee shall be appointed annually at the Annual Council meeting or committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- (c) **Quorum and Proceedings.** The committee may, subject to regulations made under the Licensing Act 2003 concerning proceedings, quorum, public access, publicity, agendas, records and access to information, regulate its own procedures.

1.3 Sub-Committee (Panels)

- (a) **Appointment.** The committee may appoint sub-committees (Licensing Act Panels) for the purpose of exercising the function of hearing applications, licence reviews and other such matters that may be so delegated under the Licensing Act 2003.
- (b) **Quorum and Proceedings.** The committee may, subject to regulations made under the Licensing Act 2003 concerning proceedings, quorum, public access, publicity, agendas, records and access to information, regulate the procedures of its sub-committees (panels); which shall consist of a minimum of three members.

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER, DEMOCRATIC AND
LEGAL SERVICES

REPORT NO. DLS11

DATE: NOVEMBER 2004

TITLE:	FREEDOM OF INFORMATION ACT POLICY AND PROCEDURE
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR T BRYANT COUNCILLOR P CARPENTER
CORPORATE PRIORITY:	MANAGEMENT OF COUNCIL BUSINESS
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	N/A
BACKGROUND PAPERS:	MINUTES OF THE COMMUNICATIONS AND ENGAGEMENT DSP DATED 18 TH NOVEMBER 2004

1. **INTRODUCTION**

The Freedom of Information Act 2000 ("the Act") gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. Any person who makes a request to a public authority for information must be informed whether the public authority holds that information and, subject to exemptions, be supplied with that information.

Individuals already have the right of access to information about themselves (personal information) under the Data Protection Act 1998 and to certain other information under other legislation (for example the Access to Information Act 1985, Town and County Planning Acts, Environmental Information Regulations etc.). As far as public authorities are concerned, the Freedom of Information Act will extend this right to allow public access to all other types of information held. This individual right of access to information is effective from 1st January 2005.

2. **OBJECTIVE**

The attached Policy sets out the South Kesteven District Council Policy and Procedures in preparation for the individual access rights under the Freedom of Information Act 2000.

3. **REQUIREMENTS OF THE ACT**

The Act requires that public authorities implement and maintain an effective system for responding to requests for information. South Kesteven District Council will comply fully with the Act and will place in the public domain as much information about its activities as is practicable, and subject to the exemptions permitted under the Act will make all other information available on request.

In particular it will fulfil the following requirements:

- (a) Provide advice and assistance to persons making requests for information;
- (b) Deal with all requests within 20 working days of receipt of request, charge any fees in accordance with the Lord Chancellor's Fee Regulations and justify any refusal of a request;
- (c) Assist a person making a request, when the information they are seeking is held by another public authority;
- (d) Consult with third parties before releasing any information that may affect them;

- (e) Consult with third parties where it might assist the Council in determining if and how the information should be released;
- (f) Have a complaints procedure to deal with any complaints made about the Publication Scheme, or the handling or result of an individual request.

4. **THE PUBLICATION SCHEME**

South Kesteven District Council has a Publication Scheme which details the classes of information that are publicly available, together with details of how the information can be obtained and any associated cost. The Publication Scheme may be viewed at www.southkesteven.gov.uk/publications/index.htm

5. **CONSIDERATION BY COMMUNICATIONS AND ENGAGEMENT DEVELOPMENT AND SCRUTINY PANEL AND THE CABINET**

This report and the draft policy and procedures were considered by the DSP at its meeting on 18th November 2004 who accepted them subject to receiving regular future reports on progress, applications and trends in applications.

Cabinet likewise has considered the policy and procedures at its briefing meeting on 22nd November 2004.

6. **CONCLUSION & RECOMMENDATION**

The Council is required to approve the attached Policy and Procedures in preparation for the implementation of the Freedom of Information Act in January 2005.

Contact details:

Nick Goddard

Corporate Director Democratic and Legal Services

Tele: 01476 406104

Email: n.goddard@southkesteven.gov.uk

Policy and Procedures for Dealing with Requests for Information under Freedom of Information Act 2000

1. Introduction

- 1.1 The Freedom of Information Act 2000 ("the Act") gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. Any person who makes a request to a public authority for information must be informed whether the public authority holds that information and, subject to exemptions, be supplied with that information.
- 1.2 Individuals already have the right of access to information about themselves (personal information) under the Data Protection Act 1998 and to certain other information under other legislation (for example the Access to Information Act 1985, Town and County Planning Acts, Environmental Information Regulations etc.). As far as public authorities are concerned, the Freedom of Information Act will extend this right to allow public access to all other types of information held. This individual right of access to information is effective from 1st January 2005.

2. Data Protection

- 2.1 The provisions of the Data Protection Act 1998 always take precedence over those of the Freedom of Information Act 2000. Personal information must always be obtained, processed, stored and disclosed in accordance with the Data Protection Act, even where a request for information has been made under the provisions of the Freedom of Information Act.

3. Code of Practice

- 3.1 This Code of Practice provides guidance on the handling of requests for information submitted under the Freedom of Information Act 2000 ("the Act")
- 3.2 The Act requires that public authorities implement and maintain an effective system for responding to requests for information. South Kesteven District Council will comply fully with the Act and will place in the public domain as much information about its activities as is practicable, and subject to the exemptions permitted under the Act will make all other information available on request.
- 3.3 In particular it will fulfil the following requirements
 - (a) Provide advice and assistance to persons making requests for information;
 - (b) Deal with all requests within 20 working days of receipt of request, charge any fees in accordance with the Lord Chancellor's Fee Regulations and justify any refusal of a request;
 - (c) Assist a person making a request, when the information they are seeking is held by another public authority;
 - (d) Consult with third parties before releasing any information that may affect them;
 - (e) Consult with third parties where it might assist

- the Council in determining if and how the information should be released;
- (f) Have a complaints procedure to deal with any complaints made about the Publication Scheme, or the handling or result of an individual request.

4. The Publication Scheme

South Kesteven District Council has a Publication Scheme which details the classes of information that are publicly available, together with details of how the information can be obtained and any associated cost. The Publication Scheme may be viewed at www.southkesteven.gov.uk/publications/index.htm

5. Organisation and Responsibilities

- 5.1 **Corporate Management Team.** The Corporate Management Team will monitor and review the performance of the Council in dealing with its responsibilities under the Act. The Corporate Management Team will be responsible for appointing the Information Champion.
- 5.2 **The Information Champion.** The Information Champion is Ian Yates, Director of Operations. He is responsible for the overall management of information and e-government for South Kesteven District Council and will keep the relevant portfolio holder informed.
- 5.3 **Corporate Manager Democratic and Legal Services.** The Corporate Manager Democratic and Legal Services is responsible for the overall management of Freedom of Information and the related Code of Practice and Staff Procedures. He is also the Council's Monitoring Officer and as such will take the decision regarding the use of a section 36 exemption – conduct of public affairs.
- 5.4 **Information Manager.** The Information Manager will work alongside Section Heads by assisting them to improve their records management and ensuring that appropriate records management policies are in place. He will also assist the Corporate Manager Democratic and Legal Services in dealing with requests for information under the Act. He will ensure that the Publication Scheme is maintained and regularly monitored.
- 5.5 **Section Heads** have a significant responsibility. They must ensure that:
- (a) An Information Co-ordinator is appointed in respect of their section(s) to receive and co-ordinate FOI requests;
 - (b) Records management systems are in place and regularly monitored;
 - (c) Staff are appropriately trained and are aware of the implications and significance of the Act;
 - (d) Have systems in place for checking and, if necessary, redirecting the post and electronic mail of staff absent from work (this may on occasions contain information subject to an information request);

- (e) Respond to a request and prepare the information in a suitable form as required for disclosure to the applicant;
- (f) Inform the Information Manager of any changes to any information covered by the Publication Scheme.

5.6 **Section Information Co-ordinators.** The Section Information Co-ordinator will have an important role as a source of information and advice for their colleagues on all information matters. They will advise their colleagues on whether a request for information will need to be dealt with under the Act and will assist the Section Head and Information Project Management Group to ensure that all staff are aware of the Act and their duties and responsibilities under the Act.

The Role Description for the Section Information Co-ordinator is attached as Annex A

5.7 **Information Project Management Group (PMG).** The Information PMG is responsible for:

- (a) Working with sections to ensure they are aware of their responsibilities under the Act;
- (b) Developing policies and procedures for meeting the Council's responsibilities under the Act and information management generally;
- (c) Assisting and advising section heads and staff on information management.

5.8 **Individual members of staff** are responsible for:

- (a) Knowing their responsibilities under the Act;
- (b) Making sure that, when they are absent from work for any reason, arrangements are in place for their post and electronic mail to be checked or redirected to someone who can deal with it promptly;
- (c) Responding to requests for information and, if they are unwilling or unable to do so, referring the request to their manager or Head of Service;
- (d) Seeking advice when they are uncertain on how to respond to a request.

5.9 **Individual Councillors** are responsible for:

- (a) Knowing their responsibilities under the Act;

- (b) Responding to requests for information and, if they are unwilling or unable to do so, referring the request to the Information Manager or relevant Head of Service;
- (c) Seeking advice when they are uncertain on how to respond to a request.
- (d) Members who also hold office (e.g. Leader/Deputy, portfolio holders, chairmen of committee or scrutiny panel, etc) will keep the Chief Executive and Monitoring Officer informed of all correspondence relating to their particular office.

6. Procedure for responding to requests for information under the Act

- 6.1 Requests for information will continue to form part of our normal course of business and members of staff will be expected to continue dealing with these requests as usual.
- 6.2 This Policy and Procedural document relates to requests for information where a member of staff is not able to respond to the request (maybe because of a possible exemption) or the request is made under the Act and the information requested is NOT covered in the Council's Publication Scheme.
- 6.3 All requests of this nature must be passed to their Section Head as a matter of urgency. Their Section Head will then consider the request, record it on the Section's Freedom of Information Act central register for co-ordination and monitoring purposes and work with appropriate departments/services to locate the information. The Section Head will work with the Corporate Manager Democratic and Legal Services and the Exemption Panel, if appropriate, to consider any exemptions that might apply to releasing the information and in determining any associated fees.

Flowcharts outlining the process for dealing with requests are shown at Annex B.

7. Initial Request – Assisting the Applicant

- 7.1 There is an obligation on the Council to provide advice and assistance to those making requests under the Act. The duty on the Council is to provide advice and assistance "so far as it would be reasonable to expect [it] to do so". Not all potential applicants will be aware of the Act, or Regulations made under it. Member of staff receiving requests must draw these to the attention of potential applicants who appear to be unaware of them thereby fulfilling part of their "duty to assist".
- 7.2 A request for information under the Act must be made in writing (which can include email or fax). For ease of use, a form has been designed for this purpose although its use is not obligatory.

A copy of the form together with guidance notes is attached in Annex C.

8. Procedure for identifying where information is held

- 8.1 Documents will be stored either physically or electronically, both in current form and in archives. Once the Electronic Records Management System (ERMS) is completed databases will be able to be searched more rigorously and accurately for specific information by providing a searchable interface. There may be circumstances where the Council does not hold some or all of the information requested by the applicant. In addition to providing the information held, we must also:
- (a) Where it is believed another public authority holds some or all of the information, redirect the applicant to enable him or her to pursue their request;
 - (b) Where we do not know who owns some or all of the information, provide what advice and assistance we can to the applicant to enable him or her to pursue the request.
- 8.2 We must work across service boundaries to identify and locate any general information not restricted to a particular subject and we must also retrieve any information requested that may be located in long-term storage.
9. **Timescale for responding to requests**
- 9.1 The Act requires that replies to requests for information be made **within 20 working days**. Those members of staff dealing with requests must do so promptly and not delay responding until the end of the 20 working day period if the information can reasonably be provided earlier. Heads of Service, the Corporate Manager Democratic and Legal Services and the Exemption Panel must aim to make all decisions within 20 working days, including those where it is necessary to consider where the public interest lies in respect of an application for exempt information.
- 9.2 In those circumstances where it is not possible to deal with an application within 20 working days (for example where it is intended to apply an exemption which will be subject to a 'public interest' test'), the Council must:
- (a) Give an estimate of the date by which it is expected the Council will reach such a decision;
 - (b) Ensure that the estimate is realistic and reasonable in the circumstances of the particular case, taking account, for example, of the need to consult third parties where this is necessary;
 - (c) Comply with the estimated time unless there are good reasons not to do so. If the estimate is exceeded the applicant must be informed of the reason(s) for the delay. An example would be where it takes longer than anticipated to consider the public interest and external advice might have to be sought;
 - (d) Arrange for instances of estimates being exceeded to be recorded on the central recording system, and where this happens more than occasionally, to take steps to identify the problem and rectify it.

10. Dealing With Exemptions

10.1 Any section which considers that an exemption may be applied to a request for information must refer the request to the Exemption Panel. They must provide the exemption panel with the following information:

- Details of the request, including date that it was received
- Details of the exemption(s) which may apply
- Details of why the exemption might apply

10.2 The Exemption Panel will consider the request and provide guidance to the section enabling them to respond to the applicant. Ensuring with section heads that, in considering requests for information and accepting or refusing them, the public interest is properly assessed and exemptions are properly applied

10.3 The Exemption Panel will consist of:

- The Corporate Manager Democratic and Legal Services/Monitoring Officer (or nominated representative)
- Solicitor to the Council/Deputy Monitoring Officer (or nominated representative)
- Information Manager (or nominated representative)
- Chairman of the Communications and Engagement Scrutiny Panel

11. Fee Charging

11.1 The Council has discretion to charge applicants a fee in accordance with The Freedom of Information (Fees and Appropriate Limit) Regulations in respect of requests made under the general right of access.

11.2 The decision regarding fees and the level of fees to be charged will be decided following an initial assessment of the request. The fees will be decided in accordance with the **Fees Schedule attached at Annex D.**

12. Notification of Complaints Procedure

12.1 When responding to any decision made in relation to a request under the Act's general right of access, the Council is obliged to notify the applicant of their rights of complaint. Heads of Service must provide details of the Council's complaints procedure, including how to make a complaint, and must inform the applicant of his or her right to complain to the Information Commissioner if dissatisfied following the Council's review. This is particularly important where an application is refused because of an exemption.

13. Refusal of Request

13.1 Where the Council relies on an exemption to refuse a request for information, Section Heads in conjunction with the Exemption Panel should notify the applicant which exemption has been claimed, and, if it would otherwise not be apparent, why that exemption applies. The Act also requires the Council,

when withholding information (other than an “absolute” exemption), to state the reasons for claiming that the public interest in maintaining the exemption outweighs the public interest in disclosure. Section Heads and the Exemption Panel are again expected to specify the public interest factors (for and against disclosure) they have taken into account before reaching the decision.

Further details on the exemptions that may be claimed under the Act are set out in Annex E.

14. Contracts and Third Party Confidence

- 14.1 The Council should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of its functions and it would not otherwise be provided. In addition, the Council should not agree to hold information received from third parties “in confidence” which is not confidential in nature. Acceptance of any confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner.

Further details are given in Annex F.

15. Handling requests for information which appear to be part of an organised campaign

- 15.1 The Council is not required to comply with a number of related requests where the cumulative cost of complying with the requests would exceed the “appropriate limit” (i.e. cost threshold) prescribed in the Lord Chancellor’s Fee Regulations. In such cases members of staff must consider whether the information could be disclosed in another, more cost-effective, manner. For example, publication on the Council’s website, and a brief notification of the website reference to each applicant, might bring the cost within the appropriate limit.

16. Corporate Register of Freedom of Information requests

- 16.1 For monitoring purposes the Corporate Manager Democratic and Legal Services will hold a corporate register of all FOI applications. The system will include details of applications where all or part of the requested information is withheld or refused and any exemptions applied.
- 16.2 Section Heads will provide a monthly report of all their Freedom of Information requests to the Corporate Manager for Legal and Democratic Services for the purpose set out in 16.1 above.
- 16.3 Corporate Management Team will need information on each case to determine, where an appeal or complaint has been lodged, whether cases are being properly considered, and whether the reasons for refusals are sound.

17. Review of the Policy and Procedures

- 17.1 This policy document will be reviewed each year by the Corporate Management Team. They will also monitor statistics, complaints and be responsible for reviewing and, where necessary, amending procedures.

- 17.2 The Information Manager will consider whether the Council's Publication Scheme should be updated at any time to include material that is the subject of repeated requests. This will prevent having to deal with requests for that information through formal Freedom of Information procedures.

18. **Contacts**

- 18.1 Any enquiries about this Code of Practice or for more details on the Council's Freedom of Information Policy or Publication Scheme should be directed to:

Corporate Manager Democratic and Legal Services
South Kesteven District Council
Council Offices
St. Peter's Hill
Grantham
Lincolnshire
NG31 6PZ

ANNEX A	Role Description for Section Information Co-ordinator
ANNEX B	Flow Charts outlining the process for dealing with Freedom of Information Requests
ANNEX C	Freedom of Information Act Request Form and information on assisting applicants
ANNEX D	Scale of Fees and Charges – Awaiting regulations
ANNEX E	Information on exemptions
ANNEX F	Contracts and third parties

ANNEX A

Section Information Co-ordinator

Role Description

- Act as first point of contact for information requests within the section (Freedom of Information Act, Data Protection Act, Environmental Information Regulations etc)
- Recognises and understands the information flows within the section and is able to locate records and files
- Works with corporate officers to develop policy on the retention of records and other information management policies
- Act as section co-ordinator and overseer for the Council's electronic document and records management system
- Actively encourages colleagues to use and manage records in accordance with the retention policy
- Recognises and understands the implications of a request for information under the Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations
- Develops an understanding within the section of Freedom of Information Act policy and its implications for records
- Develops an understanding within the section of the use of exemptions under the Freedom of Information Act
- Assists his/her line manager in monitoring the SKDC Publication Scheme from a section perspective

The role will require the post holder to have a broad understanding of the Council's Customer Relationship Management and Content Management systems. A basic understanding of Internet Explorer, Adobe Acrobat and scanning will be needed.



South Kesteven District Council Information Request Form

The Freedom of Information Act 2000 ('the Act') gives a general right of access to information that South Kesteven District Council holds or produces. To help us give you the best service possible and to ensure that we have all the necessary information to process a request efficiently for information under the Act, we require you to complete this request form.

Please note that there may be a fee payable depending upon the type and amount of information you are requesting. Any costs will be made known to you before the information is released.

1. Full details of the person making the request:

Surname: Forename(s): Mr/Mrs/Ms/Dr

Address:

.....

..... Postcode:

Telephone No: Email:

2. Full details of the information you are seeking. Please describe the information you want as clearly as possible:

.....

.....

.....

.....

(Continue on separate sheet of paper if necessary)

3. In what format would you like the information? *Full details/summary of the information/personal inspection

4. How would you like to receive it? *Hard copy/fax/email/collect in person/other (.....)

Signature: Date:

* *Delete as necessary*

Please see over for general guidance notes and other information.

General Guidance Notes For Your Information

1. We have to respond to your request within 20 working days. If the request will take longer than this, we will write to you with an estimate of how much longer it will take us.
2. If we are unable to satisfy your request i.e. because we don't have the information or what you have asked for is covered by an exemption under the Freedom of Information Act, we will let you know and give you reasons.
3. If the request is for information held by another public body, we will advise you where possible on how you should proceed with your request.

We reserve the right to refuse requests that we consider unreasonable. The criteria we will use in deciding reasonableness include but are not limited to:

- Amount of employee time involved
- Is the request vexatious? (insufficient grounds)
- Similar to previous requests and may form part of an organised campaign
- We will not satisfy a request requiring us to undertake research
- Quantity of information involved
- Repeated request

Our Freedom of Information Policy is available on our website at www.southkesteven.gov.uk where you may also request information electronically by using the Freedom of Information Request Form.

Please return this form to: Corporate Manager
Democratic and Legal Services
South Kesteven District Council
Council Offices
St. Peter's Hill
Grantham
Lincolnshire
NG31 6PZ

Tel: 01476 406080
Fax: 01476 406000

For Office use only:	Date request received	Reply deadline
	Do we hold the information? YES/NO	Where?
	Is it publicly available? YES/NO	Where?
	Is information exempt? YES/NO	Reason

Date info requested from source:.....Date info received from source:.....

Date info provided to requester:Fee payable £

ANNEX D

SCALE OF FEES AND CHARGES (awaiting regulations)

1.0 Fees

- 1.1 In dealing with any request for information under the Act, the Council is able to charge fees in accordance with the Freedom of Information Fee Regulations.
- 1.2 The costs to be taken into account by the Council when determining any fee to be charged are:
 - (a) The prescribed costs, meaning any costs reasonably incurred by the Council in determining whether it holds information of the description specified in the request, in locating and retrieving such information and in giving effect to any preference expressed by the applicant as to the means of communication of such information, and
 - (b) The disbursements, meaning any costs directly and reasonably incurred by the Council in informing the applicant whether it holds information of the description specified in the request and in communicating any such information, that would be incurred by the Council in complying with the request for information to which the fee relates.

2.0 Appropriate Limit

- 2.1 There will be no charge for information that costs the Council less than £450 to produce
- 2.2. The Council does not have to comply with a request for information if it estimates that the cost of complying would exceed the appropriate limit
- 2.3 Where the cost of complying with a request exceeds the appropriate limit then the Council may still decide to comply with the request and charge the full prescribed costs and disbursements

3.0 Aggregation of Costs

- 3.1 Where two or more requests for information are made to the Council and:
 - (a) the two or more requests referred to are for information which is on the same subject matter or is otherwise related;
 - (b) the last of the requests is received by the Council before the twentieth working day following the date of receipt of the first of the requests; and
 - (a) it appears to the Council that the requests have been made in an attempt to ensure that the prescribed costs of complying separately with each request would not exceed the appropriate limit;

then the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

ANNEX E

INFORMATION ON EXEMPTIONS

1. Some of the information held by the Council may be regarded as exempt information i.e. it will not have to be provided in response to an individual request. There are 23 such exemptions and they relate to information held for a variety of functions. These include national security, law enforcement, commercial interests and personal data. The **Exemption Panel** will be responsible for deciding if an exemption is applicable.
2. Before relying on an exemption it will usually be necessary to consider two further points. First, some of the exemptions can only be claimed if the release of the information would prejudice the purpose to which the exemption relates. Thus information held in connection with law enforcement can only be withheld if its release would, for example, prejudice the prevention or detection of a crime. Secondly, some of the exemptions also require the “public interest” test before making a final decision as to whether or not to release the information. The public interest test requires the Council to consider whether the public interest in withholding the exempt information outweighs the public interest in releasing it.
3. Most of the exemptions will require the Exemption Panel to consider both the test of prejudice and the public interest test. However, care must be taken to determine if a specific exemption can be relied upon. It should be noted that only the information to which an exemption applies would be withheld. Thus, if a particular document had been requested which contained some exempt information, only those specific items of exempt information within the document could be withheld. The rest of the document would still have to be released.

The Exemptions are as follows:-

Absolute Exemptions

Sec 21	Information accessible to applicant by other means
Sec 23	Information supplied by, or relating to bodies dealing with security
Sec 32	Court records
Sec 34	Parliamentary privilege
Sec 41	Information provided in confidence
Sec 44	Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

Partly Absolute Exemptions

Sec 36	Prejudice to effective conduct of public affairs (Applies only to information held by House of Commons or House of Lords otherwise public interest test)
Sec 40	Personal Information (absolute where the applicant is the subject of the information requested and they already have the right of ‘subject access’ under the Data Protection Act 1998. There is also an exemption if the information requested concerns a third party and disclosure by the Council would breach one of the Data Protection Principles)

Exemptions where the Public Interest Test Applies

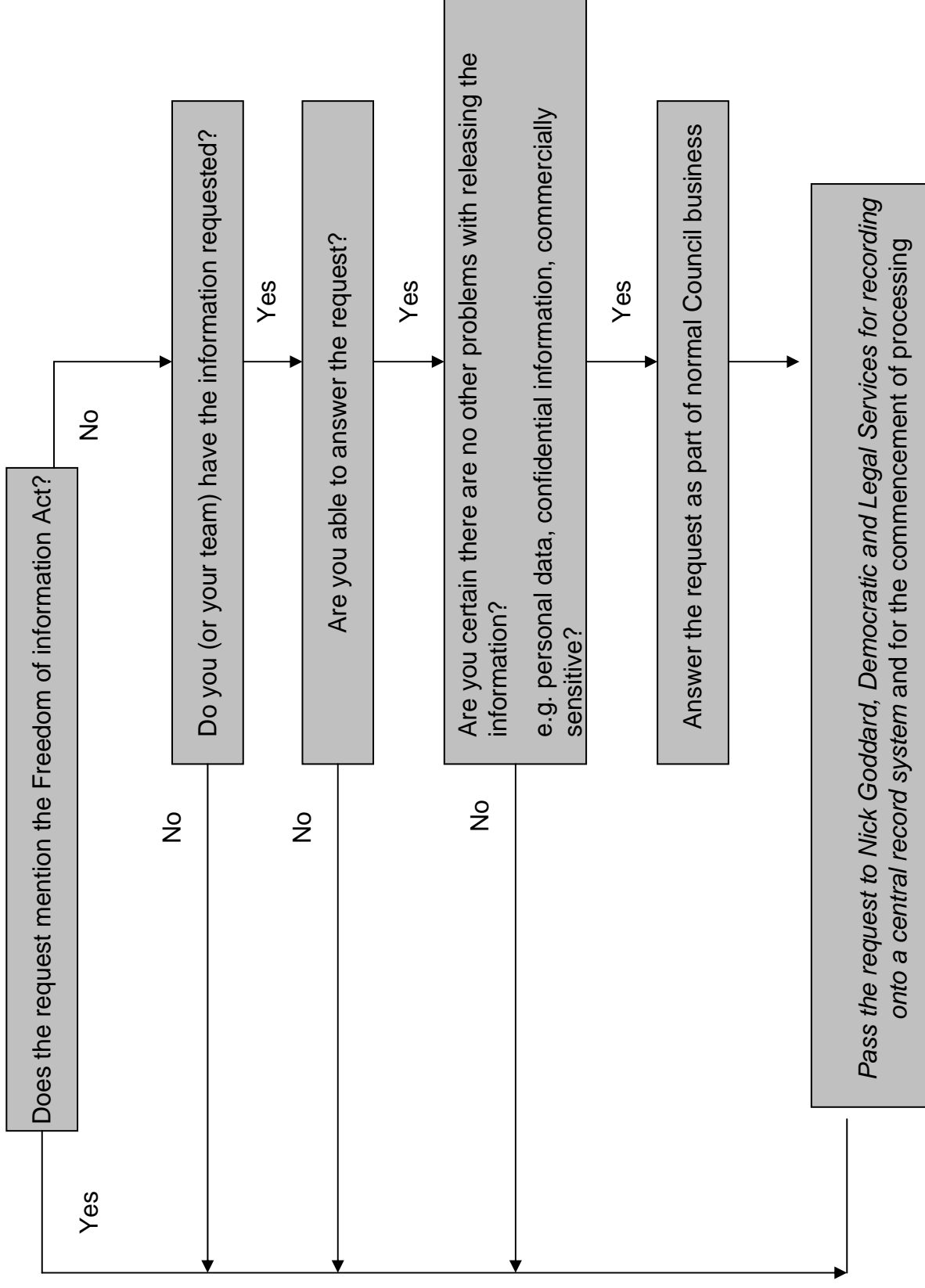
Sec 22	Information intended for future publication
Sec 24	National Security
Sec 26	Defence
Sec 27	International relations
Sec 28	Relations within the United Kingdom (between any administrations in the UK)
Sec 29	The economy
Sec 30	Investigations and proceedings conducted by public authorities
Sec 31	Law enforcement (applies to local authority regulatory functions)
Sec 33	Audit functions
Sec 35	Formulation of government policy
Sec 37	Communications with the monarch and honours
Sec 38	Health and safety
Sec 39	Environmental information
Sec 42	Legal professional privilege
Sec 43	Commercial interests

ANNEX F

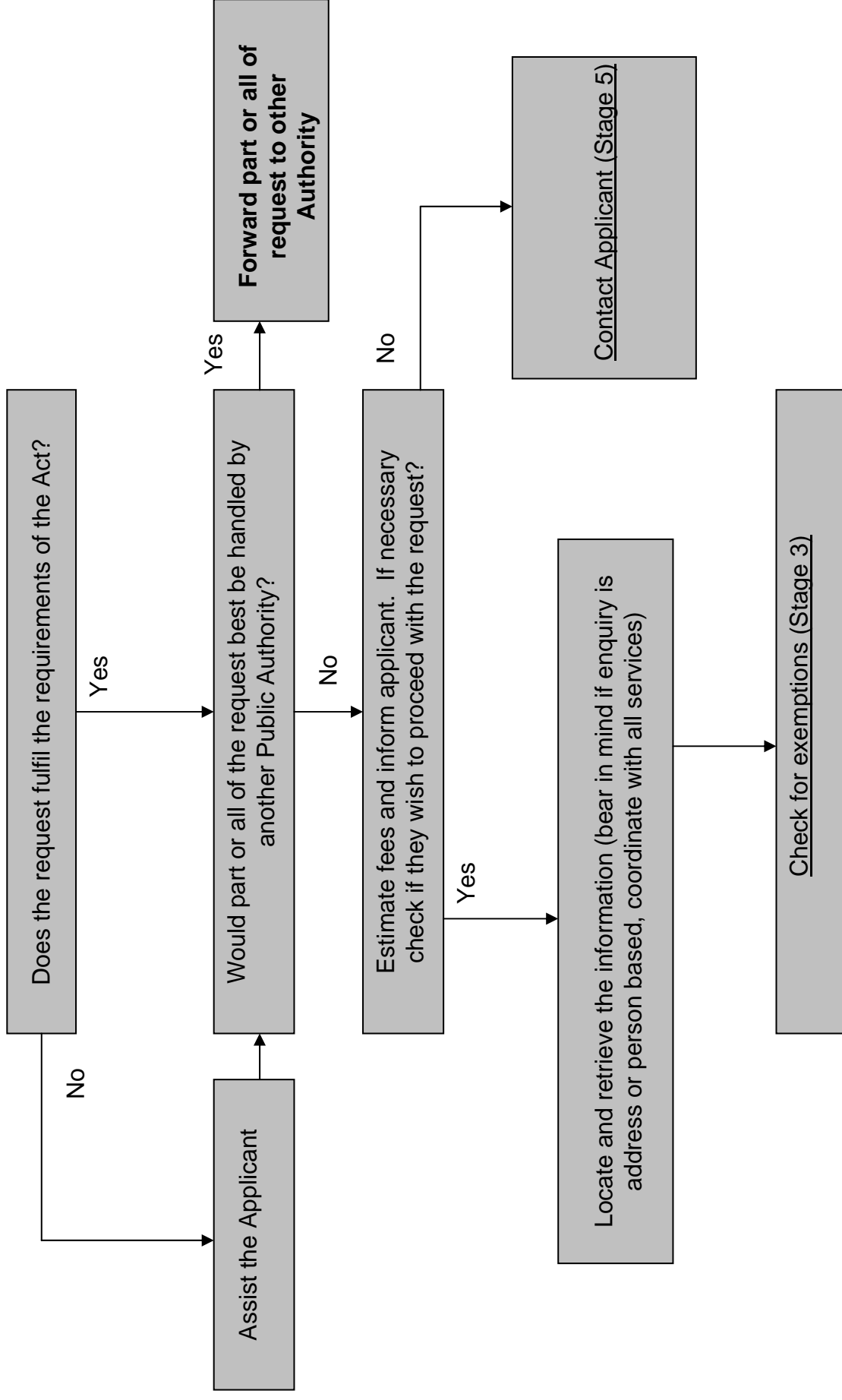
CONTRACTS AND THIRD PARTIES

1. When entering into contracts the Council should refuse to include contractual terms which purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act. The Council cannot “contract out” its obligations under the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Council will; be obliged to disclose that information in response to a request, regardless of the terms of any contract.
2. When entering into contracts with non-public authority contractors, the Council may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. The Council should reject such clauses wherever possible. Where exceptionally, it is necessary to include non-disclosure provisions in a contract, an option could be to agree with the contractor a schedule of the contract that clearly identifies information, which should not be disclosed. However, the Council will need to take care when drawing up any such schedule, and be aware that any restrictions on disclosure provided for, could potentially be overtaken by its obligations under the Act, as described in the paragraph above.
3. In any event, the Council should not agree to hold information “in confidence” which is not in fact confidential in nature. It should be aware that the exemption provided for in the Act only applies if information has been obtained by the Council from another person, and the disclosure of the information to the public, other than under the Act, would constitute a breach of confidence actionable by that, or any other, person.
4. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner.
5. It is for the Council to disclose information pursuant to the Act, and not the non-public authority contractor. However, the Council may wish to protect from disclosure by the contractor, by appropriate contractual terms, information which it has provided to the contractor, which would clearly be exempt from disclosure under the Act. In order to avoid unnecessary secrecy, any such constraints should be drawn as narrow as possible, and according to the individual circumstances of the case. Apart from such cases, the Council should not impose terms of secrecy on contractors.
6. The Act empowers the Lord Chancellor to designate, as public authorities for the purposes of the Act, persons (or bodies) who provide under a contract made with a public authority, any service whose provision is a function of that authority. Thus, some non-public authority contractors will be regarded as public authorities within the meaning of the Act, although only in respect of the services provided under the specified contract. As such, and to that extent, the contractor will be required to comply with the Act like any other public authority.

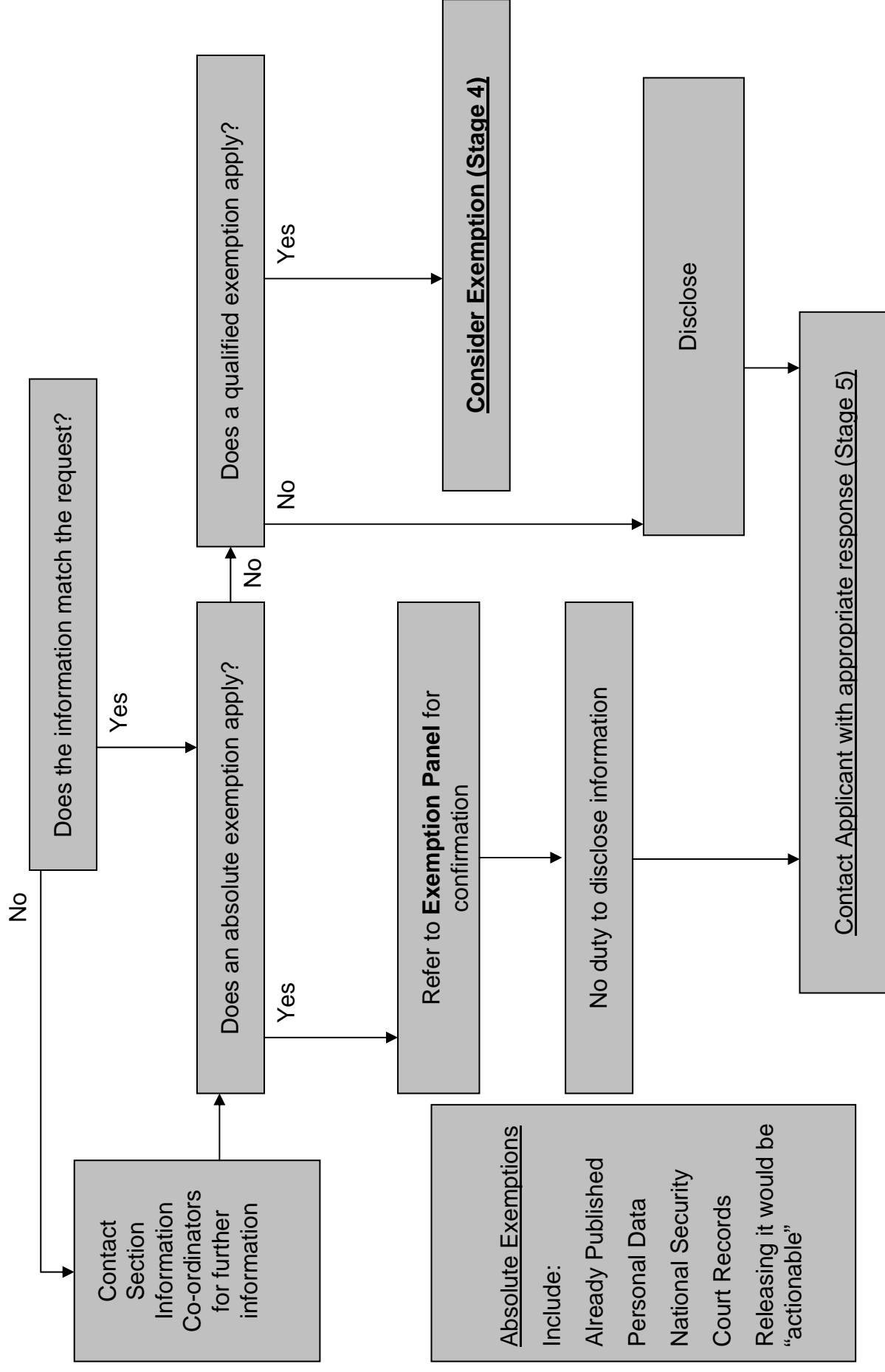
Requests for Information : Stage 1 – Dealing with Requests



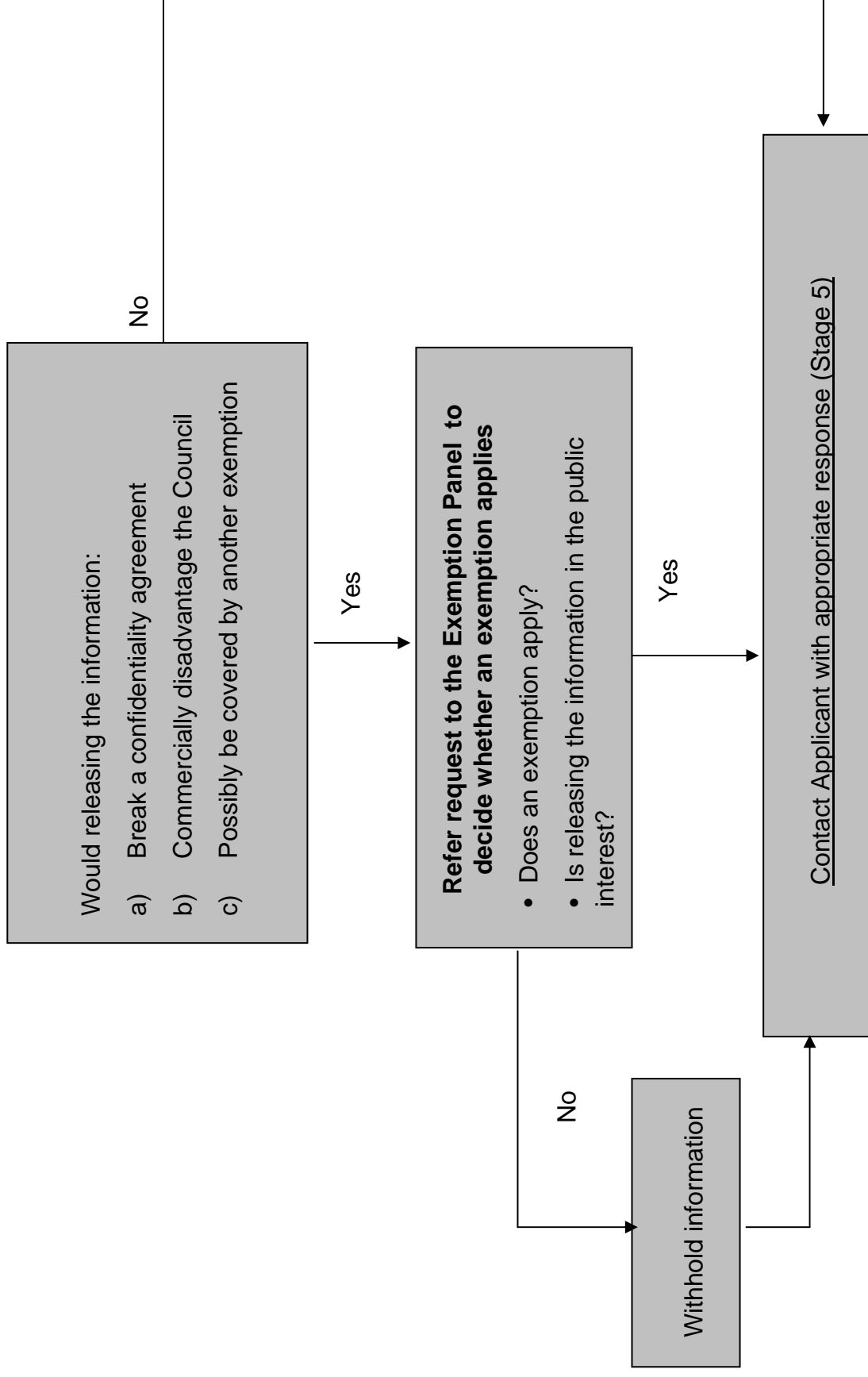
Requests for Information : Stage 2 – Assisting applicant



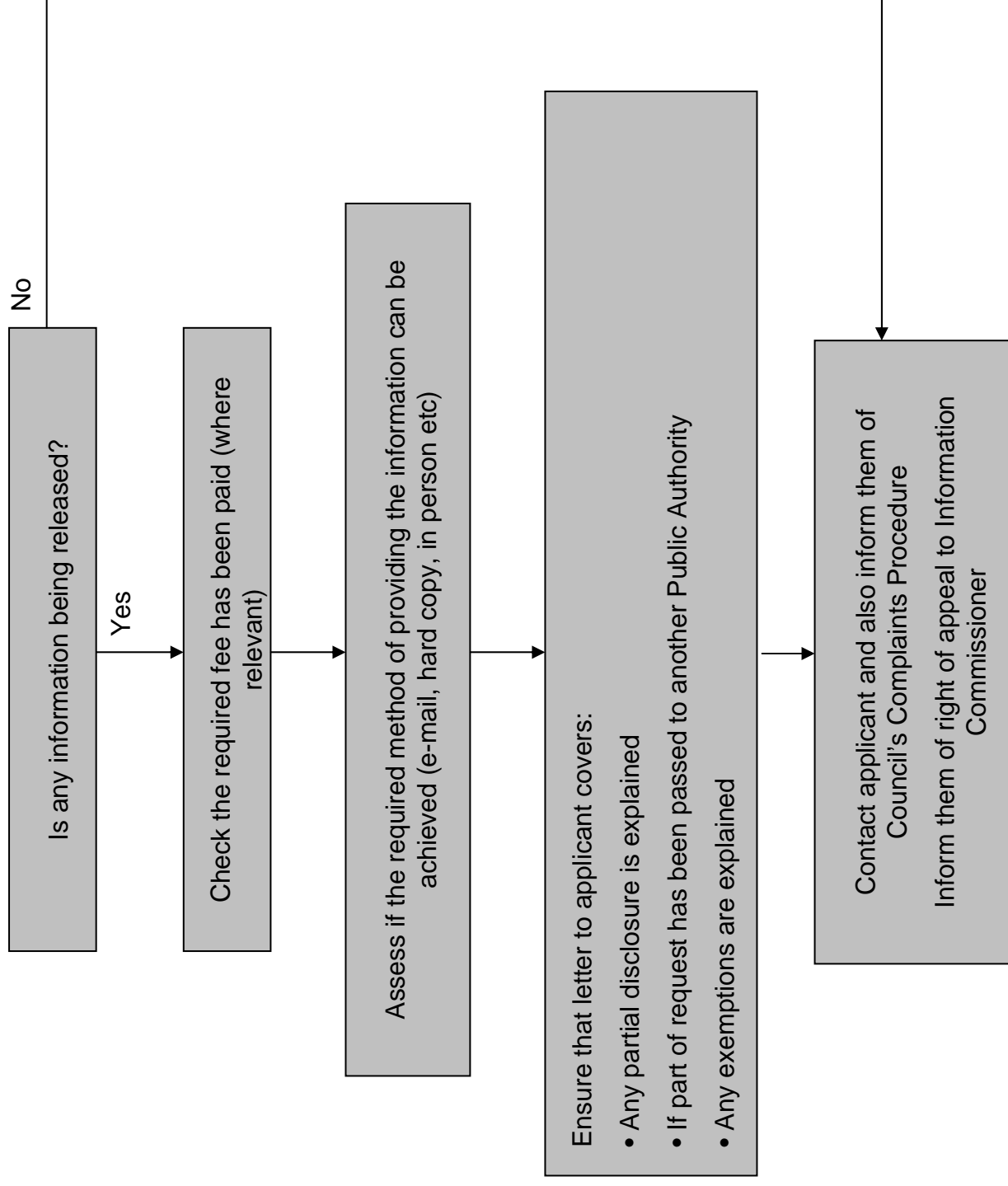
Requests for Information : Stage 3 – Checking for exemptions



Requests for Information : Stage 4 – Applying Exemptions



Requests for Information : Stage 5 – Responding to the Request



REPORT TO COUNCIL

REPORT OF: CORPORATE DIRECTOR OF
OPERATIONAL SERVICES

REPORT NO: DOS261

DATE: 9 DECEMBER 2004

TITLE:	Customer Services and Modernisation Programme Customer Service Standards IEG4
FORWARD PLAN ITEM:	E Government and Customer Service Standards
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 July 2004
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposals

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Customer Services/Councillor Paul Carpenter - Technology Portfolio Holder
CORPORATE PRIORITY:	Access
CRIME AND DISORDER IMPLICATIONS:	None
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Major
BACKGROUND PAPERS:	See Reports DOS253, CSV34 and IEG4 attached

1. Introduction

This report covers three separate decisions which are interrelated.
They are:

- 1) Customer Services and Modernisation Programme (DOS253)
- 2) Customer Service Standards (CSV34)
- 3) Implementing Electronic Government (IEG) return 4

2. Recommendations

Each of the above reports have been submitted to Cabinet and therefore subject to them being supported the recommendations to Council are as follows:

(i) Customer Services and Modernisation Programme

"In order to maximise external funding it is recommended that the Customer Services and Modernisation Programme be approved and the Council's financial strategies amended accordingly reflecting the funding requirements (as detailed in Section 9) to allow immediate delivery of the project."

(ii) Customer Service Standards

"That the Council adopts the Customer Service Standards as amended."

(iii) Implementing Electronic Government (IEG) return 4

"That the IEG4 Return be approved."

3. Details of Report

The relevant reports as submitted to Cabinet are attached. The first report details how the "Access" priority will be delivered, the aims of the project and the associated funding requirements. It has been through a pre-scrutiny process and gained support. It will be through that work programme that the new customer service standards will be achieved.

The Implementing Electronic Government return is an annual exercise which requires Council approval. The targets required in that document need the Customer Services and Modernisation Programme in order for SKDC to achieve them.

4. Contact Officer

Ian Yates
Corporate Director of Operational Services
01476 406201
i.yates@southkesteven.gov.uk

REPORT TO CABINET

REPORT OF: Corporate Director of Operational Services

REPORT NO. DOS253

DATE: December 6th 2004

TITLE:	Customer Services and Modernisation Agenda
FORWARD PLAN ITEM:	E-government (second item on plan published 17/8/04))
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 th July 2004
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposal

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Customer Service Standards Cllr Paul Carpenter – Technology Portfolio Holder
CORPORATE PRIORITY:	Access Priority
CRIME AND DISORDER IMPLICATIONS:	None
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Major
BACKGROUND PAPERS:	Customer Services and Modernisation Programme DOS 251 E-government and Customer Services Position Statement - 6th September 2004 Implementing e-Government Returns (IEG3) SKDC Category A Priorities documentation Recommendations from the Capacity and Resources Development and Scrutiny Panel (1.11.04) – See appendix 3 Recommendations from the Communications and Engagement Development and Scrutiny Panel (18.11.04) - See appendix 3

1. INTRODUCTION

The purpose of this report is to provide members with an update on the work recently undertaken in respect of the above subject before approving the work programme. This work programme has been named Customer Services and Modernisation programme to give an understanding of the work involved; the programme will deliver the access priority. It is important that in commissioning the work to be undertaken there is a good appreciation and understanding of the wide-ranging implications.

2. RECOMMENDATIONS

In order to maximise external funding it is recommended the Customer Services and Modernisation Programme be approved and the Councils financial strategies amended accordingly reflecting the funding requirements (as detailed in Section 9) to allow immediate delivery of the project.

3. KEY DRIVERS FOR CHANGE

The key drivers for the e-government and customer services programme can be described as:

- i. **e-Government – Electronic Service Delivery (Web Self-serve)**
With the expansion of the Internet, future delivery through this medium will be expected by our customers and in using this self-serve method transactional costs will be lower. This is also a Government driven target, 100 % of services to be delivered electronically by December 2005.
- ii. **Excellent Customer Service**
To survive in the modern world with customer expectations demanding excellent services, new approaches to service/customer support need to be adopted. The number of ways by which our customers may wish to contact us is growing and this needs to be enabled. These include contact by text messaging, web access, telephone, visiting area offices and via another Council's customer contact points.
- iii. **Efficiency Gains and Improved Effectiveness**
A strong case exists to release back office professionals and those who deliver services from the direct contact with customers. A centrally trained customer 'support' unit with back office employees concentrating on delivery issues is a more effective and efficient business model.
- iv. **Improved Corporate Service Planning**
Currently the authority has little corporate wide data on overall customer service performance and little data on tracking customer requirements to drive service planning for the future.
- v. **Priority Services**
The Government has set outcomes with respect to e-government for Councils to achieve by 2005. Required outcomes must be delivered by

December 2005, Good outcomes by April 2006 and as yet there is no target date for excellent outcomes.

The work to deliver the above is already partly underway through our partnership working with the Welland, Lincolnshire partners and the overall e-government/Customer Services Modernisation Programme is designed to deliver the above future benefits.

4. GOAL

The statement below is designed to articulate the overall goal:

‘South Kesteven - Proud to serve whoever, whenever and wherever, in an efficient and effective manner’.

WHEREVER					
LOCATION	Home	Work	Village	Town	
METHODS	Telephone, in person, Internet, e-mail, home visits, SMS text messaging.....				
WHENEVER					
TIME	24 x 7		9 a.m. – 5 p.m. (Monday to Friday)		
METHODS	Internet Email SMS text		Council offices, home visits, telephone		
WHOEVER					
EQUAL ACCESS	Nationality	Age		Disability Mobility	
	Language Conversion	Most convenient method		Home visit Internet, e-mail telephone	
PUBLIC SERVICES					
SERVICE	Improved access to service where it is effective to do so				
ORGANISATION	District Council	County Council	Health Services	Fire	Police

Delivering the above goal will support the delivery of the Council's overall vision of achieving 'PRIDE' in the district and council. This will be realised by greater customer satisfaction when engaging with public services, making it easier and better.

5. PERFORMANCE MANAGEMENT

A range of key measurements to be monitored during the course and after this programme will be reported to assess the success of the investment. They will be as follows:

Measure	Target			
	December 2005	December 2006	December 2007	December 2008
Percentage of transactions enabled electronically	100%	100%	100%	100%
Percentage reduction in cost per transaction (year on year)	-	3%	3%	2%
Number of customer enquiries dealt with at first point of contact	40%	60%	80%	80%
Proportion of self-serve transactions (over and above current levels)	5%	10%	15%	20%
Percentage increase in number of transactions (year on year)	Tba	Tba	Tba	Tba
Percentage of customers very or fairly satisfied with the ways and means in which they are able to access the Council Services	Tba	Tba	Tba	Tba
Pride rating of customer services employees	Tba	Tba	Tba	Tba

These will complement the range of measures needed to monitor the customer service standards, detailed in report CSV33 (Cabinet Meeting November 8th 2004).

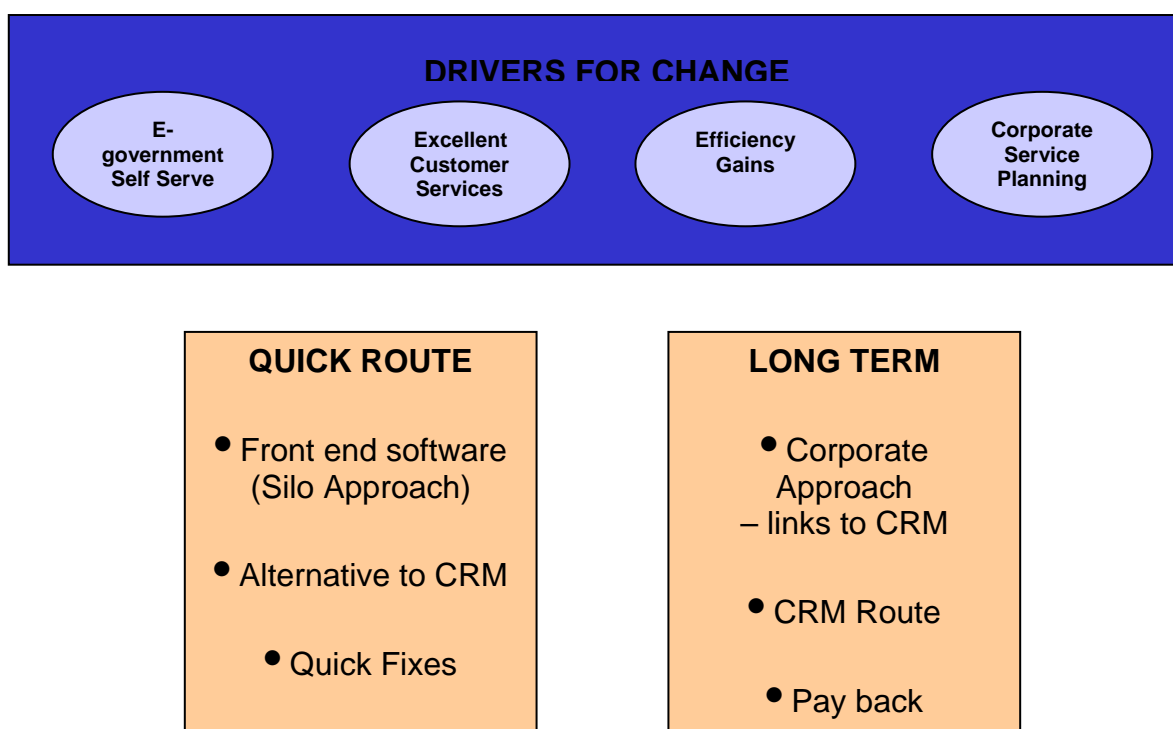
In addition the project management arrangements allow for reporting on progress on a regular basis. This will include the Development and Scrutiny Panel members monitoring group who have pre-scrutinised this report.

6. PAUSE FOR THOUGHT

As in most situations, there are alternative routes available for delivering the above objectives. If these were considered individually we would perhaps take very different and easier routes to the ones being followed and in some cases 'prescribed'. It is important to be aware of these as an authority when taking relevant decisions. However, an understanding of the overall goal is needed to appreciate why some individual decisions are made.

7. DIFFERENT APPROACHES AVAILABLE

The different approaches available for delivering the key objectives are summarised in the diagram below. This is followed by an explanation of each approach.



i. e-Government – Electronic Service Delivery (Web Self-serve)

To deliver services electronically via the web could be achieved quickly and efficiently through approaching our existing software suppliers for services such as Council Tax, Housing, Planning, Environmental Health and Benefits etc. They produce and many have available web-enabled front ends. These have fixed costs and direct linkages to back end systems. When systems are upgraded there are no interfacing problems. However, this route is considered to create a 'silo' approach, in that it produces excellent 'within' service solutions but no cross linking of services, whereby any customer enquiry can be centrally logged and tracked for whatever Council service.

The longer term, more corporate approach is not to purchase the web-enabled front ends, but to build links between the website and the central log facility and the back office systems. The links or 'adaptors' are not readily available

although central Government is putting pressure on suppliers to provide them. This solution is linked as a requirement to the Customer Relationship Management (CRM) software described in point ii below. Using this approach will inevitably require more time and may require short term solutions to be in place for the Government's December 2005 deadline. These will be replaced in time as back office systems are updated or replaced by compatible and compliant solutions.

ii. Excellent Customer Services

The Government and industry drive here is for the use of a software solution called Customer Relationship Management (CRM). This supports the centrally run customer services staff providing the tracking of all customer enquiries. It should, where possible, link through to all the Council's Service systems thereby providing the customer with a much better at first point of contact experience.

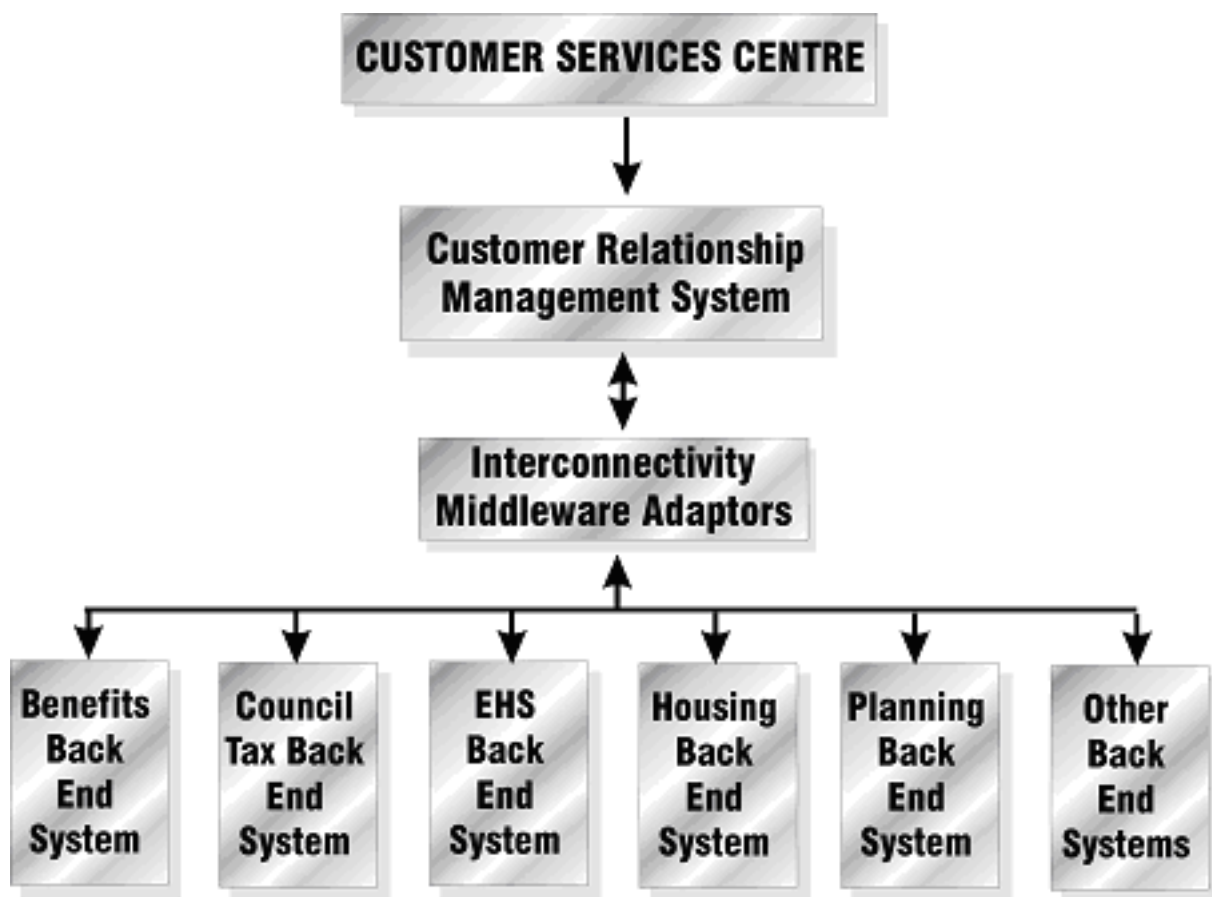
The wish is to deal satisfactorily with 80% of all customer enquiries at first point of contact. This is the route taken to date via the Welland projects. However, there is considerable investment required in following this route. To date, the software available in respect of local authorities is simply not 'readily' available. The private sector has lead in this field for many years but even here there has been a failure rate close to 60% in the systems that have been developed. However, more are being developed by companies perhaps because those that work do so really well.

The added complications in the public sector are the numbers of services and associated different back end systems. The Welland CRM solution still needs significant development; it is not an off-the-shelf solution, rather a set of tools. Associate with this the interconnectivity with our other software suppliers and there are great risks in terms of sustainability and development. To help mitigate these risks we need to input far more resources working with our software partners and suppliers. Otherwise, there is a significant risk that the Council's business processes could be seriously jeopardised.

Other routes to improve customer services exist such as improving communication between service units or by establishing a number of smaller customer services centres a kin to the existing revenues/housing unit. A regulatory and general service unit could deliver all the services without the CRM solution. However, much of the longer-term benefits would not be achieved. The Government's priority outcomes also detail Customer Relationship Management requirements.

An appraisal of the benefits and drawbacks of centralised and decentralised approach to Customer Services is explored in Appendix 1. This appendix also contains an analysis of the benefits of using a Customer Relationship Management system; a definition of thin and thick CRM and to what level it should be used.

The following diagram shows how the Customer Service Centre will use a Customer Relationship Management system and the interconnectivity of software.



iii. Efficiency Gains

There is an agenda from central government to use the e-government process to deliver efficiency gains within the public sector. The requirement to measure these gains will become necessary in the near future. Central Government has invested by providing funds they will expect to see a return on over the next few years.

There is no doubt that when comparing costs of transactions, the web-based self serve route compares very favourably against the cost of serving a customer in person. Compare also the customer who queues up in person to pay by cheque and have their rent card printed to the direct debit methodology. If we are to achieve true efficiency gains then our approach to such issues will need to be firmer. Our approach to managing service peaks will also need to be much smarter.

A large part of the attached programme will look at reviewing and modernising our service process (i.e. rent payment, planning application, missed bin reporting etc. etc.) Some processes will require complete changes but all will need to be documented ready for the software to be built to support the new front office central customer services unit and back office processes.

iv. **Improved Corporate Service Planning**

At present we use consultation methods such as sending questionnaires to samples of customers and Regional Assemblies to gain knowledge on customer demand and requirements. The reengineering of business processes and Customer Relationship Management system will give us intelligence to enhance corporate service planning in the future.

v. **Partnerships**

To date we have mainly worked in the Welland and Lincolnshire Partnerships to deliver services electronically. In future it is recommended we continue to work with our partners but only in areas that are beneficial to South Kesteven District Council customers. Concentration will be on providing services electronically at South Kesteven rather than relying on partnership projects to deliver.

8. **MAIN CONSEQUENCES**

The programme to deliver the objectives as stated in section 3 will have wide ranging implications for the organisation. The main consequences of the programme are as follows:

- i. **Significant Cost**
On current estimates, the work programme will require the investment of some £2.21 million over a 1-4 year period. To deliver the benefits, the appropriate level of resources and skill sets will be required.
- ii. **Time**
It is not going to be a short-term fix and will be longer term to reach a return on the investment due to the size of the work programme and I.T. software developments. To date, there is no hard evidence to guarantee future efficiency savings.
- iii. **Repeat Fixes**
Due to external demands (Government Target – 100% by December 2005) and the developing technology issues pragmatism will rule leading to short, medium and long term solutions. This could take up to 5 years to deliver the efficiency gains sought and some fixes will need to be done more than once.
- iv. **Size of Programme**
There is an appreciation that the work will cover all of the Council's services and business processes; There are 642 individual customer transaction types and includes the Council's central support services.

v. **Steep Learning Curve**

This is a new agenda and will require new skills to be brought in and new methodologies and technologies to be developed. Some will not go to plan hence the requirement for good standards of project management.

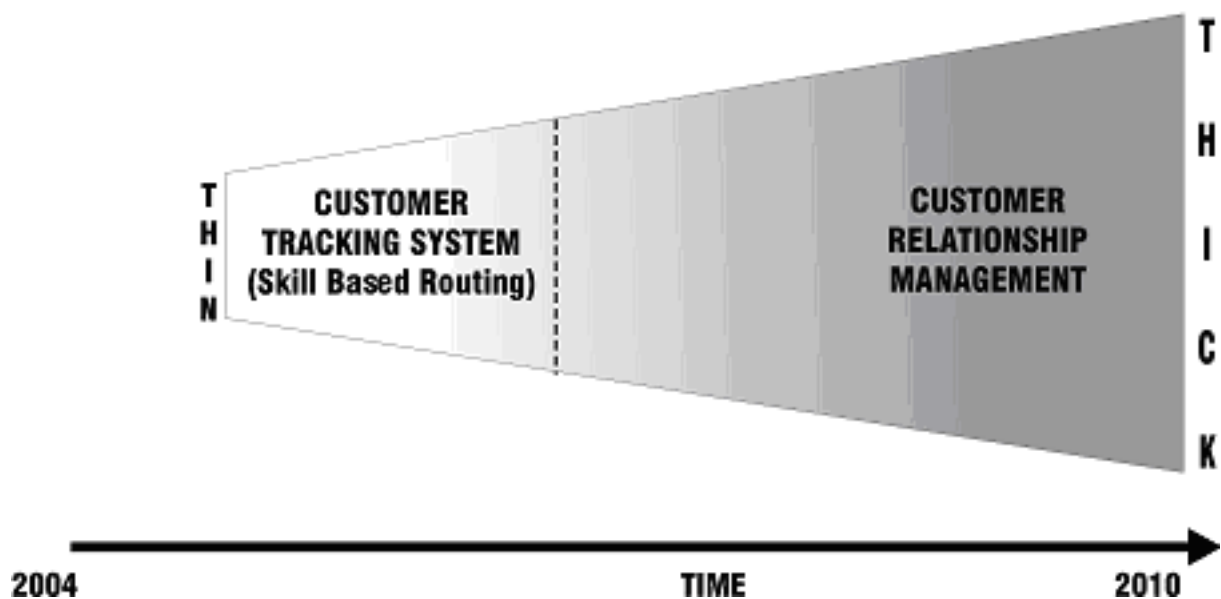
vi. **Change Management**

The move to providing a centrally resourced unit will require significant changes both to operations and employees.

vii. **Incremental Approach**

The size of this project will require a step-by-step approach as building blocks are put into place to deliver a fully functional Customer Services Centre. With the final aim of a 'thick' Customer Relationship Management solution taking probably some years to deliver then a pragmatic approach will need to be taken and flexibility built in.

CUSTOMER RELATIONSHIP MANAGEMENT THIN & THICK APPROACH



9. COSTINGS

On such a new project it is difficult to give precise costings but reasonably sound estimates give a good indication on the level of investment required overall. These costings assume that the main work programme, in terms of the work streams, will be active for a minimum of 24 months. No account has been taken of existing service section input as the main aim is to provide support centrally. A summary of investment required is given in the table below:

	£'000
Programme Employee Costs	800
Service Software New Investment	562
Customer Relationship Management & Content Management	150
Back scanning (data build ERMS)	80
Building Costs	400
Grantham	80
Stamford	40
Bourne	
Total	2112
Ongoing – licence fees (per annum)	100
Total Investment over 24 months	2212

The above costs include existing staff resources reallocated from other duties. They total approximately £540, 000, leaving a shortfall of £260,000 (i.e. £130,000 per year). A bid for £150, 000 of government funding has recently been successful and a further bid for £332,000 is being prepared.

A summary of IEG income and expenditure is found below:

£	Income	Expenditure	Balance
Grant Received 2002/03	200,000		
Grant Received 2003/04	200,000		

Actual Expenditure

03/04

NLIS Hub	6,500
Banking Hall - Internet Payments	19,146
Modern.Gov DMS	15,000
	<u>40,646</u>

Balance of grant as at 31 March 2004

359,354

Granted Awarded 2004/05	350,000
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Committed Expenditure

03/04 Slippage

NLPG	30,000
IP Telephony	290,000
Area Office WAN to achieve IP Telephony	20,000

04/05 Budget

HR - On line Application Forms	17,300
	<u>357,300</u>

Estimated Balance of grant as at 31 March 2005

352,054

The level of Government grant received to date totals £750,000 with the offer of an additional £150,000 next year depending on our performance. This is a significant contribution towards the project costs. The statement below identifies the additional funding requirements.

Funding Requirements for Modernisation Programme

COSTS	Capital £ ' 000	Revenue £ ' 000	Total £ ' 000
<u>Building</u>			
Grantham	400		
Stamford	80		
Bourne	40		
	<u>520</u>		
<u>System Infrastructure Build</u>			
Staffing	330		
Data build ERMS	80		
	<u>410</u>		
<u>Software</u>			
Service	562		
CRM	150		
	<u>712</u>		
Programme Employee Costs		470	
Ongoing Licences		100	
TOTAL COSTS	<u>1642</u>	<u>570</u>	<u>2212</u>
<hr/>			
SECURED FUNDING			
LGOL Funding (Bid 1)	150		
IEG Funding	352		
	<u>502</u>		
Employee Budget		540	
PROPOSED FUNDING			
LGOL Funding (Bid 2)	332		
IEG Funding	150		
	<u>482</u>		
TOTAL SECURED/PROPOSED FUNDING	<u>984</u>	<u>540</u>	<u>1524</u>
REQUIRED FUNDING (over 2 years)	<u>658</u>	<u>30</u>	<u>688</u>

10. ANALYSIS OF CUSTOMER ENQUIRES AT THE GRANTHAM OFFICES

A simple analysis of customer contact details based upon current activities has been carried out. The data will be treated with caution however it indicates that the key service areas to be targeted are:

- Council Tax
- Benefits
- Housing
- Repairs
- Cash payments
- Planning

Although there are obviously other key service areas requiring the same customer service centre approach the data does put into perspective the main contributors to customer activity. The volume of customer transactions making cash office payments is particularly significant and an obvious target for efficiency savings.

11. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

I have consulted and agreed all the financial aspects of the report and fully support the recommendations for immediate delivery of the project.

12. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

The strategy is required to meet e-Government targets.

13. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

None

14. CONCLUSIONS

There is considerable risk involved in aiming for a fully integrated CRM supported customer service centre but without this overall goal the benefits both for the customer and the organisation will not be fully achieved.

The key to delivering this aim is therefore in ensuring that those risks are managed appropriately. The attached Customer Services and Modernisation Programme therefore is designed to do that.

15. CONTACT OFFICER

Ian Yates, 01476 406201, i.yates@southkesteven.gov.uk

Appendix 1: A Summary of the Benefits and Drawbacks of centralised and decentralised customer services provision

CENTRALISED CUSTOMER SERVICES CENTRE	
Benefit	Drawback
<ul style="list-style-type: none"> • One stop 	<ul style="list-style-type: none"> • Non-specialists
<ul style="list-style-type: none"> • Efficient use of staff and Improved staff cover 	<ul style="list-style-type: none"> • Generalists
<ul style="list-style-type: none"> • Concentration of customer service skills 	<ul style="list-style-type: none"> • More complexity in retaining currency (training)
<ul style="list-style-type: none"> • Thick end CRM improves customer experience 	<ul style="list-style-type: none"> • Dependency on back office to keep up to date
<ul style="list-style-type: none"> • Concentration of public in one area 	<ul style="list-style-type: none"> • Cost and complexity of back office system integration
<ul style="list-style-type: none"> • Wider spread of knowledge 	<ul style="list-style-type: none"> • Staffing levels crucial
<ul style="list-style-type: none"> • Easier monitoring of standards (staff) 	<ul style="list-style-type: none"> • Won't get the same agent on repeat contract
<ul style="list-style-type: none"> • Back office not distracted 	<ul style="list-style-type: none"> • Set up costs
<ul style="list-style-type: none"> • Performance Management 	<ul style="list-style-type: none"> • Potential short term drop in satisfaction levels
<ul style="list-style-type: none"> • Suited for multi-service enquires 	<ul style="list-style-type: none"> • Potentially slower service for single service enquiry
<ul style="list-style-type: none"> • Professional approach to customer service 	<ul style="list-style-type: none"> • Public perception of contact centre
<ul style="list-style-type: none"> • Future service planning 	

DECENTRALISED CUSTOMER SERVICES (no CRM)	
Benefit	Drawback
<ul style="list-style-type: none"> • Specialists 	<ul style="list-style-type: none"> • Customers passed around for multiple service requests
<ul style="list-style-type: none"> • Proximity to service delivery officers 	<ul style="list-style-type: none"> • Inefficient usage of staff
<ul style="list-style-type: none"> • Quicker service for single service transactions 	<ul style="list-style-type: none"> • Silo approach
<ul style="list-style-type: none"> • Easier to train (service specific) 	<ul style="list-style-type: none"> • Small numbers of staff – coverage during lunch / hols etc
<ul style="list-style-type: none"> • Ownership of Senior Managers 	<ul style="list-style-type: none"> • Security
<ul style="list-style-type: none"> • Named / regular officers – confidence 	<ul style="list-style-type: none"> • Distraction from service delivery
<ul style="list-style-type: none"> • Satisfaction levels good 	<ul style="list-style-type: none"> • No overall performance data available
<ul style="list-style-type: none"> • No immediate investment required 	<ul style="list-style-type: none"> • No / little monitoring of customer service standards
	<ul style="list-style-type: none"> • Poor performance disguised

A Comparison of the Scoring on the Benefits of Centralised and Decentralised Customer Services

Customer Assessment Criteria <i>1=low, 5=high</i>	Weighting	Central		Decentralised	
Single point of contact	30	5	150	1	50
Client history	20	4	80	2	40
Customer environments	5	5	25	3	15
Knowledge (explanations)/Confidence	30	2	60	4	120
Staff empowerment	15	3	45	4	60
Availability	15	5	75	4	60
Customer Service standards	20	5	100	3	60
Named person (staff/client relationship)	10	1	10	4	40
Time	15	3	45	4	60
TOTAL		590		505	

Business Assessment Criteria <i>1=low, 5=high</i>	Weighting	Central		Decentralised	
		Score	Weighted	Score	Weighted
Efficient use of staff - front	20	5	100	3	60
Efficient use of staff - back	20	5	100	2	40
Complexity (IT etc)	30	1	30	5	150
Confidence	20	3	60	4	80
Monitoring of Corporate Standards	15	5	75	2	30
Planning for future services	10	4	40	2	20
Performance monitoring	25	4	100	3	75
Organisational change	25	5	125	2	50
Training	20	5	100	2	40
Speed of communication for service issues	15	2	30	4	60
Security issues (physical)	10	4	40	1	10
Ownership by Service Managers	15	3	45	5	75
TOTAL		845		690	

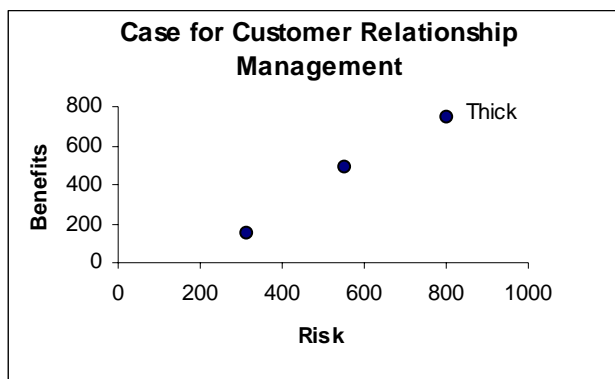
Appendix 2: An Analysis of the Case for using a Customer Relationship Management System

Benefits	Grouping	Weighting	CRM		
			NONE	THIN score	THICK
BPR (outcomes)	4	30	3	4	5
Performance Management	1	20	2	3	5
Business Intelligence	4	20	2	3	5
Customer Service Standards	1	20	2	4	5
Central database	4	20	1	4	5
Cultural change	3	20	1	3	5
Customer experience	3	30	2	3	5
Total			310	550	800

Risks	Grouping	Weighting	CRM		
			NONE	THIN score	THICK
Time	2	40	1	3	5
Complexity	2	40	1	4	5
Dependency	2	30	1	3	5
BPR (process)	2	40	1	3	5
Total			310	490	800

Grouping:

- 1 - Corporate performance management
- 2 - Operational delivery / Internal arrangements
- 3 - Customer focus
- 4 - Corporate delivery (efficiency / effectiveness)



Thin CRM - Under this model the CRM is used mainly as a Customer Tracking system. Limited service specific information is kept within the CRM. Details of customer requirements are logged on the CRM but the transaction is completed through the relevant backend system. There is no interconnectivity between the CRM and the back end systems and double entry of data may be required.

Thick CRM - Under this model the CRM is not only used for Customer Tracking, processes can be completed through the CRM. This is achieved by having interconnectivity between the CRM and the backend systems. Requests entered into the CRM are automatically fed into the backend systems and vice versa.

Appendix 3: Recommendations from the Development and Scrutiny Panels

Capacity and Resources Development and Scrutiny Panel: 1st November 2004

To support the recommendations from the working group:

- (1) The E-Government and customer services modernisation programme be approved
- (2) To recommend Council adopts the programme as policy in its drafting of the 2005/6 Budget
- (3) The project and working group be renamed "Customer Services and Modernisation Programme"

Communications and Engagement Development and Scrutiny Panel: 18th November 2004

(1) To support the recommendations from the working group:

- The E-Government and customer services modernisation programme be approved
- To recommend Council adopts the programme as policy in its drafting of the 2005/6 Budget
- The project and working group be renamed "Customer Services and Modernisation Programme"

(2) To recommend to Cabinet that, to ensure valid efficiency savings are achieved from the modernisation programme, a freeze on recruitment be implemented.

(Councillors M Taylor and M Williams asked for their votes against recommendation 2 to be recorded)

Customer Services and Modernisation Programme

1. Introduction

1.1 Purpose

The purpose of this document is to explain the work to be undertaken in delivering the above programme. It will identify the structure of the review work and the project standards to be maintained.

1.2 Programme Documents

For each sub-project that makes up the whole programme, individual Project Initiation Documents will be required defining the objective roles and responsibility, inter-dependencies key milestones etc. See Appendix A (template). The Project Initiation Documents in Appendix E outline the work required to deliver this project.

1.3 Associated Documents

Any associated documents relating to policies and strategies will also need to be linked – for example the Technical Architecture and Customer Service Standard documents.

2. Programme Objectives

2.1 To Improve Service Delivery to Customers

This will be achieved through the modernisation of South Kesteven District Council's current arrangements utilising appropriate technologies available, improving working practices and processes. In doing so the following sub objectives are to be achieved-

- Improve access to information and services

For both internal and external customers at Grantham and area offices. Promotion of 'self service' arrangements will be maximised and other channels of access supported.

- Improve the efficiency and effectiveness of the organisation

To release capacity and resources for re-investment in priority and improved services.

- Improve the number of customers requests resolved at first point of contact

The aim is to fulfil/answer 80% of all customer requests at the first point of contact.

- Improve the ability to service customer requests relating to other Lincolnshire based (together with the Welland partnership authorities) public services

A flexible and sustainable approach is required to expand and adapt to future changes and demands.

- Ensure equity of service to all South Kesteven customers

To support cohesion and inclusion in South Kesteven's communities.

3. Scope of Programme

The modernisation programme will cover the following key areas:

- Business Process Reviews
- Customer Services Support Systems - Customer Relationship Management
- Content Management
- Self Serve - Web
- Customer Services - Human Resources
- Information Management
- Document image processing
- Building Alterations

Associated support projects will be:

- Technical Architecture
- e-payments
- e-procurement
- community portals
- National Land and Property Gazetteer
- Priority Services

4. Programme Organisation Structure

4.1 Steering Group

Responsible for strategic overview, setting direction and for taking decisions escalated up from the Projects Working Group.

Comprised of:

Cabinet E-champion Portfolio Holder	Cllr Paul Carpenter
Chief Executive (Chair)	Duncan Kerr
CMT e-champion	Ian Yates
Corporate Manager – Democratic & Legal Services	Nick Goddard
Corporate Director - Finances & Resources	John Blair
Corporate Manager – Human Resources	Chris Sharp
Corporate Director – Reg Services	Sally Marshall
Corporate Director – Community Services	John Pell

4.2 Operational Working Group

This group is responsible for approving, monitoring and roll out of the services road map. The Group will also be responsible for any identified 'going live' issues and their effective management. This group is essential to obtain authority-wide buy-in and to ensure the knowledge of service area issues are considered and dealt with. This group will also be able to ensure efforts are made by service heads to maximise efficiency issues such as to reduce expensive transactions (e.g. encouraging customers to pay by direct debit or online rather than pay in person) and managing work volumes (e.g. Corporately scheduling key work activities). Heads of Sections are key stakeholders and will use the end products.

The membership should be at Head of Service (or equivalent) but if not their personal representative empowered to take decisions on their behalf.

CMT e-champion and Programme Manager	Ian Yates
Customer Services Network Manager	To be confirmed
Regulatory Services Representative	Richard Edwards
Revenue Services Representative	Kevin Legg
Community Services Representative	John Slater
Cleansing & Contracts Services Representative	Garry Knighton
Democratic & Legal Services Representative	Nick Goddard
Property Services and DWO Representative	Paul Stokes
Housing Services Representative	Philip Doughty

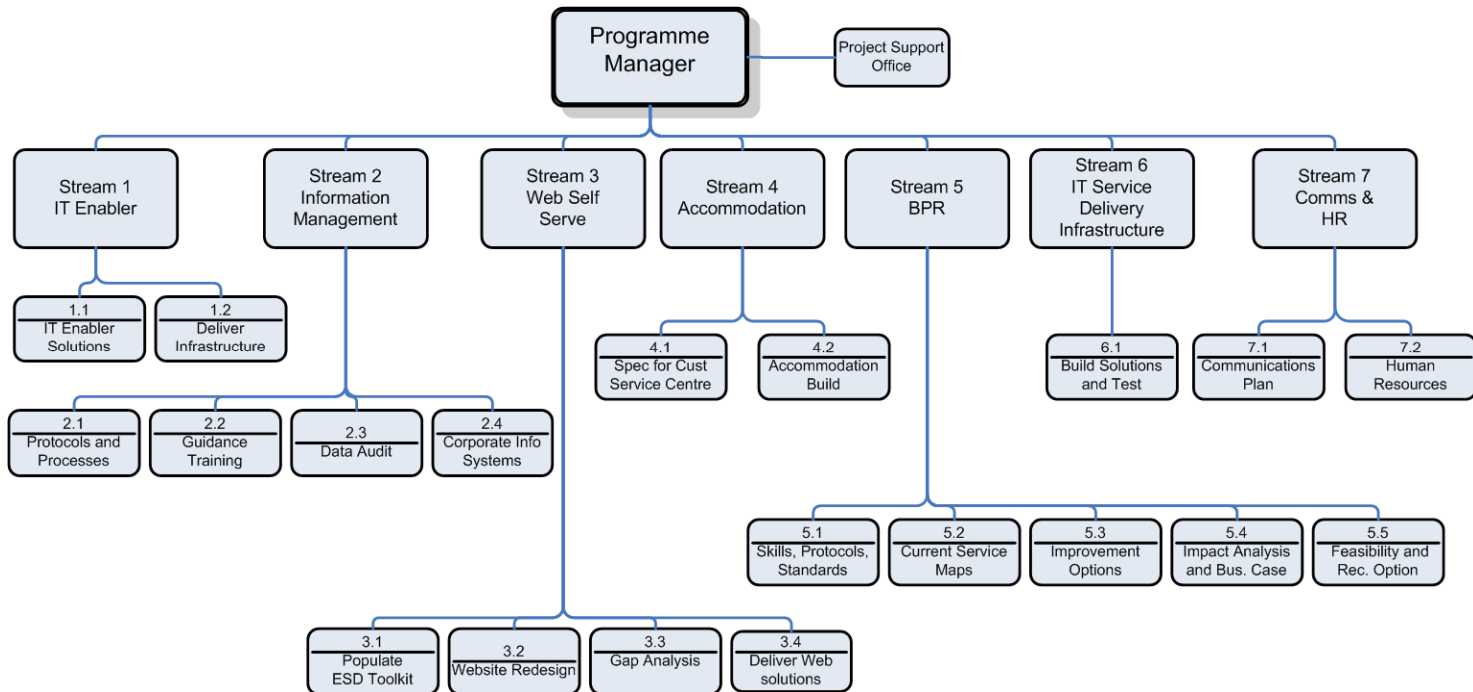
4.3 Projects Group – Work Streams

Comprised of those officers responsible for delivering each work stream. These are the key elements of the work required to be undertaken when each service area is reviewed/modernised. This group will meet on a weekly basis (or as often as required) to provide updated information in respect of each project area. Any outstanding actions will be checked to ensure they have been carried out. Full project management arrangements will be in place including Risk Registers as outlined in appendix B.

Programme Manager	Ian Yates
Project Support Officer	To be confirmed
Work Stream Leaders	Detailed in section 4.4
Appropriate service manager as required	As required.

4.4 Programme Reporting Structure

The following diagram illustrates the structure of the programme team and the relationship between each of the project team functions:



Work stream leaders are as follows:

Programme Manager – Ian Yates
Project Support Officer – External Post
Stream 1 – Andy Nix
Stream 2 – Kev Martin
Stream 3 – Andy Nix
Stream 4 – Trevor Burdon
Stream 5 – External Post
Stream 6 – Jackie Mills
Stream 7 – Chris Sharp

IDeA funding will be used to fund the 'external' posts. Business Services Officers will support the project. An overview of the job roles is found in appendix D.

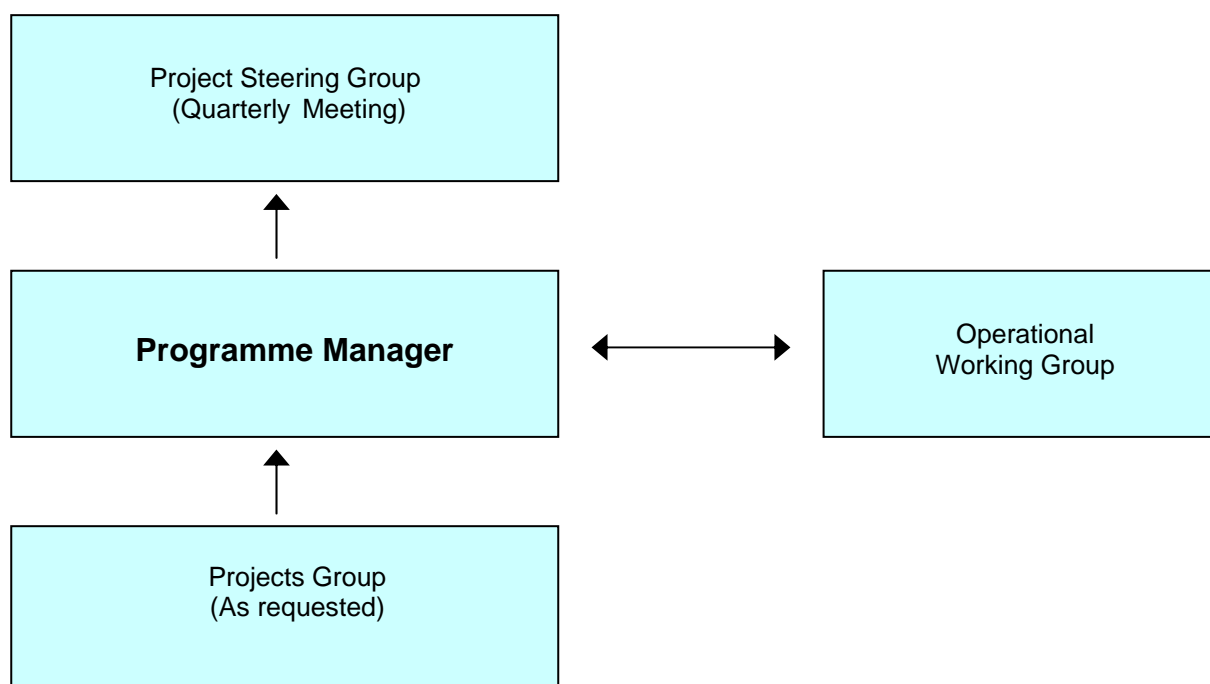
5. Control and Monitoring Procedures

It is the responsibility of the programme manager to ensure that reporting procedures are clearly defined and individual projects are monitored closely against their respective project plans. Project plans should be updated by each Work Stream Leader against progress made and any risks, issues and budgetary updates logged accordingly. The Programme Support Officer will produce a summary progress report that includes all of the information supplied by the individual project plans. Quarterly reports should be prepared and submitted to the Steering Group and the Operational Working Group. Equally go-live reporting will be undertaken by the Operational Working Group to the Steering Group.

Individual project plans should be tracked and the project plan updated on a weekly basis. The updated plans should be submitted to the programme manager on a weekly basis. The plans should include a summary of progress made, budgetary updates and general comments. In addition the latest Issues and Risks Registers (see later for definition) should be provided. Equally important is that progress slippage should be identified together with details of how slippage has occurred and the required action required.

The reporting structure can be shown thus:

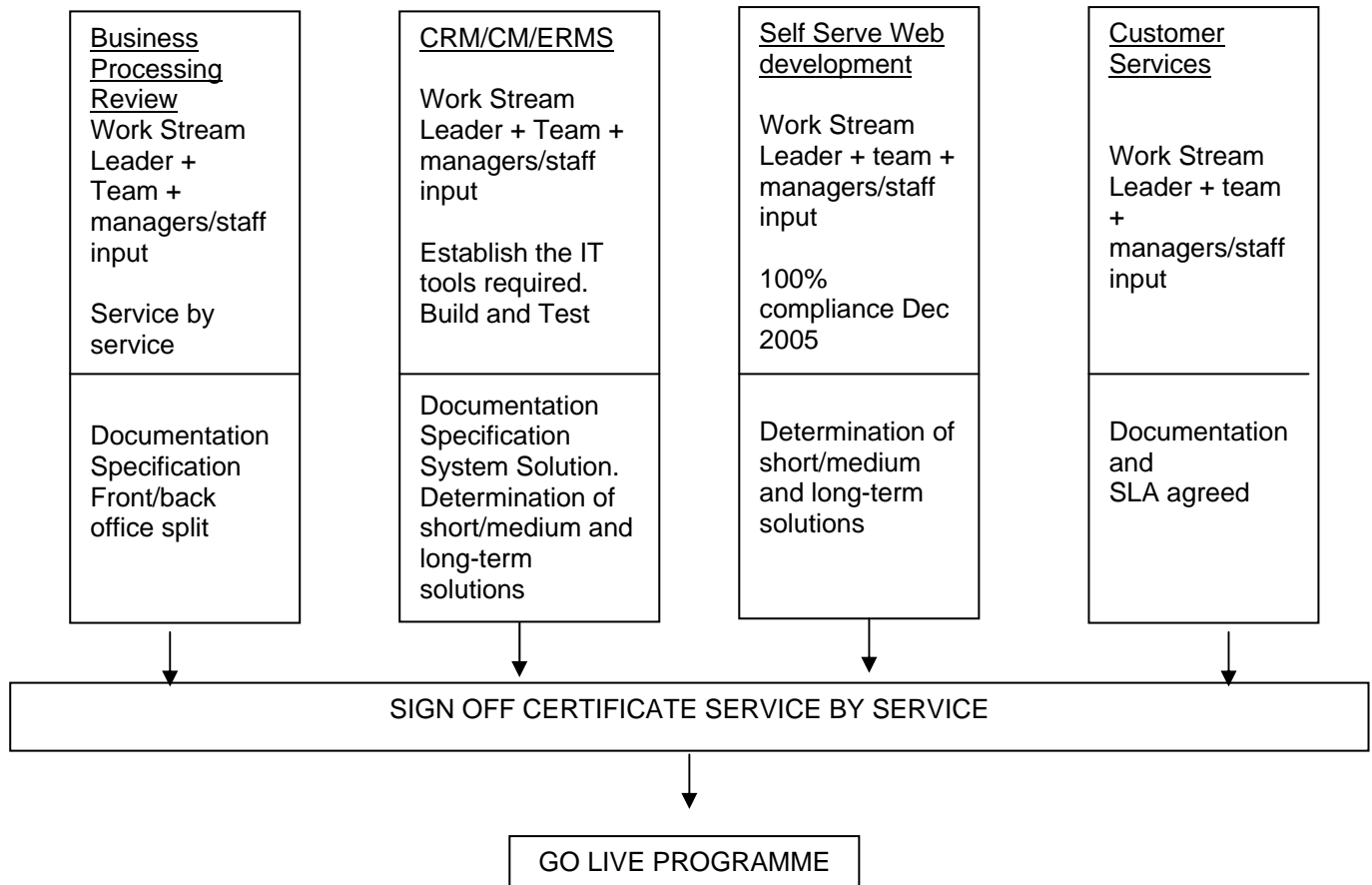
Reporting Structure



A consultation officer group with Unison involvement will be used specifically in respect of the office accommodation and new customer service centre.

5.1 Work Streams – Service by service

The following diagram shows the project work streams that will be followed for each service review. Whilst separate work streams can progress at different speeds each service area, once reviewed, will require a sign off ready for the Operational Working Group to roll out the service.



5.2 Associated work streams and responsible officers

- e-procurement – John Blair
- Joined up access – Jackie Mills
- e-democracy – Nick Goddard
- Community Portals – Ian Yates
- e- payments – John Blair
- National Land and Property Gazetteer – Sharon Yates

5.2 Risk Management

There is a need to retain a Risk Register (Appendix B) which will keep a record of risks that may arise during the course of the programme. Risks will also need to be reported to the programme manager if they fall into one of the following categories:

- They may affect other projects within the overall programme
- They may impact the overall goals of the programme
- They may impact the project budget

This is an important element of the programme and must be correctly managed to ensure all components of the programme are delivered within budget and achieve the desired outcome.

To assist in the mitigation of the risks the following will need to be undertaken by both the project work stream leaders and the programme manager. These are:

- Identification of risk areas
- Assessment of the likely impact of the risk
- Identification of contingency plans
- Tracking of risks using a Risk Register

The Risk Register details a description of the risk, the likelihood of the risk occurring and the potential impact it may have on the project (these will be scored accordingly). In addition preventative solutions will be identified together with the likely additional resources needed (such as additional personnel).

5.4 Action Management

Actions arising from meetings (whether formal or informal) should be documented and reviewed as part of any agenda item. A template for meeting notes can be found in appendix C. Progress of an action should be included as part of the weekly reporting process to the programme manager.

PROJECT INITIATION DOCUMENT

South Kesteven Modernisation Programme
Stream # –Stream Name

Release:
Date:

Author:

Owner:

Document Number:

Work Stream History

Document Location

Revision History

Date of this revision:

Date of next revision:

Revision date	Previous revision date	Summary of Changes	Changes marked

Approvals

This document requires the following approvals.

Signed approval forms are filed in the Management section of the project files.

Name	Title	Date of Issue	Version

Distribution

This document has been distributed to:

Name	Title	Date of Issue	Version

Stream # – STREAM NAME

Work Stream Description

The Stream will be made up of (number) work packages:

Work Package # – Name

This work package will implement the following:

-
-

Work Package # – Name

This work package will implement the following:

-
-

Work Package # – Name

This work package will implement the following:

-
-

Work Package # – Name

This work package will implement the following:

-
-

Stage Plan

Joint Agreements On Effort, Cost, Start And End Dates

- Cost of Work Stream:
- Start Date:
- End Date:

Sign-Off Requirements

How Completion Is To Be Advised

Any Constraints To Be Observed

Reporting Arrangements

Work Stream # Results / Deliverables

Output	Delivery date

Appendix B

Risk Register

WP	No.	Description	L	I	Mitigation/Contingency	Contingency Details	Prob (%)	£
Prog	1							
	2							
	3							
	4							
1.1	1							
	2							
	3							
	4							
1.2	1							
	2							
	3							
	4							
2.1	1							
	2							
	3							
	4							
2.2	1							
	2							
	3							
	4							
2.3	1							
	2							
	3							
	4							
2.4	1							
	2							
	3							
	4							
3.1	1							
	2							
	3							
	4							
3.2	1							
	2							
	3							
	4							

WP	No.	Description	L	I	Mitigation/Contingency	Contingency Details	Prob (%)	£
3.3	1							
	2							
	3							
	4							
4.1	1							
	2							
	3							
	4							
4.2	1							
	2							
	3							
	4							
4.3	1							
	2							
	3							
	4							
5.1	1							
	2							
	3							
	4							
5.2	1							
	2							
	3							
	4							
5.3	1							
	2							
	3							
	4							
6.1	1							
	2							
	3							
	4							
6.2	1							
	2							
	3							
	4							

Appendix C**Meeting Notes Template**MEETING HELD ON**Present:****Apologies:****Copy:**

	Issue	Action	By Whom	By When
1				
2				
3				
4				
5				
6	Next Meeting(s)	To be attended	Team	

Programme Manager

- Production of the summary project plan
- Co-ordination between the CMT e-champion and the project teams
- Taking responsibility for the management of work stream leaders (as a team)
- Working with Service Managers to ensure appropriate service unit work is undertaken including looking for reduction of 'expensive' transactions.
- Monitoring and Reporting on progress made for each project plan
- Monitoring of the relevant budgets including a report to the Project Steering Group on a quarterly basis.
- Ensuring delivery of each service completion sign off

Support Officer

- Production of project plans for each individual project
- Management and maintenance of all project management related documentation (to aid monitoring of the service managers to ensure the appropriate work is undertaken) in conjunction with Stream Leaders
- Prepare reports on any issues that have arisen and actions taken
- Help support the stream leaders
- Report to the programme manager

Appendix E

Work Stream Documents

Stream 0 – MODERNISATION PROGRAMME – PROGRAMME MANAGER

Work Stream Description

The council is embarking on an ambitious programme of modernisation. The development of a Customer Service Centre that will handle 80% of all Council transactions using IT solutions such as Customer Relationship Management software (CRM), Content Management Systems (CM), Electronic Records Management Systems (ERMS) and back office integration adapters.

Driving this change is a modernisation programme to examine, challenge and refine the business processes that we use to interact with the public. The challenge process will highlight new methods of working, realise efficiency savings, maximise the use of IT and provide a better service to the customer.

The Council faces a deadline of December 2005 to achieve 100% of e-government and the 'recommended' section from the priority outcomes document. Another deadline of March 2006 exists for the 'good' section from priority outcomes. This affects the corporate web site and other areas of the business. The modernisation programme will drive through these changes and achieve the national targets to the benefit of the internal systems and the citizen.

The Council wishes to deliver a new approach to delivering its services and therefore needs to split the front/back office functions in order to establish a specialist customer facing service unit. In order to achieve this the customer service centre needs to be accommodated and satellite centres in the area offices to complement the approach.

Programme Decisions 0.1 – Approach to ERMS

To include mail handling arrangements (how, central or devolved, who does it, where does it take place, what needs sorting and scanned). Hardcopy storage. Scanning policy. Misallocation of scanned items.

Programme Decisions 0.2 – Customer/Property CRM Database Population

Programme Decisions 0.3 – Vision of Thick Customer Service Centre

Programme Decisions 0.4 – IEG4

Stream 1 – IT ENABLER

Work Stream Description

As part of the overall Modernisation Programme there is a requirement to provide IT solutions covering a variety of different areas.

The scope of the IT Enabler Stream is to investigate the following:

- Use of Adaptors to back end systems
- Use of Middleware solutions to link the back end systems to the CRM system
- Use of GIS solutions and how this will link to the CRM system and a the Web channel
- Investigate use of CRM and how to maximise its benefits
- Investigate use of the ERMS system and how to maximise its benefits for customer service provision
- Investigate how different access channels will be accommodated within the CRM system (including ERMS)
- Understand the requirements of the Priority Outcomes document
- Understand the outputs of National Projects and their use within the Modernisation Programme
- Investigate the WAI compliance levels as required by Priority Outcomes
- Investigate how to integrate NLPG and the CRM solution
- Investigate how to integrate Government Gateway
- Develop a solution for multiple website registrations/authentication
- Document solutions within the overall budget

The IT enabler Stream will be made up of two work packages:

- 1.1 IT Enabler Solutions - investigation into IT solutions required
- 1.2 Deliver Infrastructure - the implementation of these IT solutions

Work Package 1.1 – IT Enabler Solutions

This work package will investigate the IT issues around the modernisation programme and has the following outputs:

- Development of an integration Strategy (including Middleware solutions)
- Develop a list of current back end systems and the options (inc cost) and recommendations for adaptors to CRM
- Develop a solution for GIS within the CRM environment
- Develop an access channel Strategy (including identifying the different channels)
- Develop a strategy to integrate ERMS and the CRM for customer service provision - to include security considerations.
- Develop a project plan for roll out of Priority Outcomes
- Develop a list of applicable outputs from National Projects and project plan for roll out of these outputs

- Develop a SoftwareAG CRM usage strategy including recommendations for use of CRM workflows (across all access channels), managing front and back office workflows and use of Content Management information.
- Develop recommendations for the approach to WAI compliance
- Develop recommendations for the integration of NLPG property information with the CRM.
- Develop strategy and recommendation to link CRM and CM systems. Including decision on use of Welland CM, in-house version or other.
- Develop strategy for use of Government Gateway in the overall solution

It is likely that this information will be presented as a complete Technical Architecture document.

Work Package 1.2 – Deliver Infrastructure

This work package will create either proofs of concepts, models or full implementations of:

- Integration between CRM and Back Office systems through middleware
- A GIS solution integrated to the CRM and web access channel
- The ability of the CRM to deal with different access channels
- The use of the CRM within the modernisation programme
- The use of ERMS within the customer service provision
- The use of NLPG within the CRM solution
- The link between CRM and CM solution(s)

Stream 2 – INFORMATION MANAGEMENT

Work Stream Description

This document describes Stream 2 Information Management which will deliver the legal requirements that the Council has to deal with respect to the management of internal information (electronically or manually) around the Data Protection and Freedom of Information Act.

It will establish the protocols and processes that the Authority needs to follow in its operations and will provide the necessary staff guidance and training to ensure that there is a full understanding of responsibilities and how to follow the procedures required.

To enable the Authority to corporately ensure that its information management is promoted within the organisation and protected as a key resource, work will be required to complete a data audit across the authority. This may develop in respect of recommendations moving forward to ensure the maximum advantages are obtained from the Council's information resources.

The Stream will be made up of four work packages:

- 2.1 Protocols and Processes
- 2.2 Guidance and Training
- 2.3 Data Audit
- 2.4 Corporate Information Systems

Work Package 2.1 – Protocols and Processes

This work package will implement the following:

- Set up protocol and processes for the management of and use of all information through out the council. The protocols will include retention schedules, disposal procedures, and security of information.
- Establish the process for stakeholders to make information management requests.
- Procedures to ensure that the information to be released has been fully assessed against the relevant criteria.
- Security to include access requirements to corporately available data. Protocols have to state what types of data can be routinely released and which should be not be retained/secured.
- Protocols for ensuring the data sources are kept up to date from within service sections e.g. content management on the web/contact centre
- Advise and guide work stream leaders on controls and procedures for information management.

Work Package 2.2 – Guidance and Training

This work package will implement the following:

- Guidance and Training for all officers and members of the Council with respect to their responsibilities and requirements as per the protocols and processes developed.
- Specific recommendations with respect to Work Stream 6 i.e. impact on CRM

Work Package 2.3 – Data Audit

In order to establish and develop an information management plan for the Authority an audit of all the authorities data and manually held information will need to be undertaken. This is in order to ensure we maximise the use of centrally held data and as per Freedom of Information act so that all the data on an individual can be captured to facilitate a request.

Work Package 2.4 – Corporate Information Systems

This work package should make recommendations to reduce any duplication of information and maximise the use of centrally held data thereby improving efficiency and service to our customers.

This work package should make recommendations on how information is managed centrally, specific responsibilities of service managers and how to maximise the use of corporate information management systems across the authority.

The work package will also:

- Implement the recommendations from the Priority Outcomes
- Implement the appropriate National Projects

Stream 3 – WEB SELF SERVE

Work Stream Description

As part of the overall Modernisation Programme there is a requirement to deliver 100% e-government of Council Services by December 2005 to meet the BVPI 157 requirements. There is also a requirement to meet the 'Required' Priority Outcomes by December 2005 and the 'Good' Priority Outcomes by March 2006.

The scope of the Web Self Serve Stream is to implement the following areas:

- Populate the ESD Toolkit
- Redesign the current southkesteven.gov.uk website
- Gap Analysis and road map
- Deliver web solutions

The Web Self Serve Stream will be made up of the following work packages:

- 3.1 Populate ESD Toolkit
- 3.2 Website Redesign
- 3.3 Gap Analysis and Mini Road Map
- 3.4 Deliver Web Solutions

Work Package 3.1 – Populate ESD Toolkit

As part of our reporting of IEG4 and BVPI157 there is a requirement to populate the ESD toolkit. This will provide information of our progress towards e-government and also help to set up a plan to achieve 100% e-government by December 2005.

Work Package 3.2 – Website Redesign

In order to provide a best in class, database driven website the corporate website will need redesigning. This will enable all the e-government targets to be met more easily and to provide a much improved customer experience.

Work Package 3.3 – Gap Analysis

The gap analysis will identify electronic services not enabled for instance information, transaction. This will be based on work from Work Package 3.1 populating ESD toolkit and Work Package 1.1 IT Enabler Solutions.

The creation of a mini road map will document a path to 100% e-government via the web.

It is recognised that some of the decisions made are to achieve a specific target date of December 2005 and March 2006 and that the Modernisation programme will be a much longer programme.

Therefore the gap analysis will identify if the solutions complement the chosen architecture of customer service centre or not and if the solutions are short, medium or long term. This will enable decisions on actions for revisits.

Given the type of decisions made, there may be for the short-term solutions and so tight control is required on the costings of individual solutions. The Gap Analysis will show costings for each solution.

Work Package 3.4 – Deliver Web Solutions

The gap analysis carried out in work package 3.3 will identify where the gaps are in the progress toward e-government. This work package will deliver solutions to fill these gaps. It is recognised that there is some interlinking between this work package and some of the outputs from Stream 1.

The work package will need to manage these solutions against the costs shown from the gap analysis costings.

Stream 4 – ACCOMMODATION

Work Stream Description

The Stream will be made up of work packages:

- 4.1 Specification for Customer Service Centre
- 4.2 Head Office and Area Office Accommodation Build

Work Package 4.1 – Specification for Customer Service Centre

The Council wishes to deliver a new approach to delivering its services and therefore needs to split the front/back office functions in order to establish a specialist customer facing service unit. In order to achieve this the customer service centre needs to be accommodated and satellite centres in the area offices to complement the approach. In order to achieve the above there needs to be a statement of requirements and to have indicative staff numbers for the both the centralised service centre and area offices.

This work package will implement the following:

- Produce benchmarking comparisons with other councils to give indicative resource requirements including staff, office furniture requirements, access points, layout arrangements, accommodation footprint
- Produce a current staffing provision assessment i.e. identify number of customer access points, associated staff and equipment
- Analysis of transaction volumes across different channels for each service
- Produce a future specification of the customer service centre and satellite offices covering the above.

Work Package 4.2 – Head Office and Area Office Accommodation Proposals

Taking into account the outputs from 4.1 this work package will implement the following:

- Produce accommodation options and associated costings for delivery of the customer service requirements and associated back office accommodation requirements.
- Liaise and work with an accommodation working group which will comprise of managers, and staff closely affected by the final solution to ensure their input is included.
- Make recommendations on preferred solution
- Produce final specification for approval by CMT
- Produce plan to manage the transition arrangements
- Plan for back office staff displacement requirements
- Produce proposals for the additional requirements for changes to Head Office in respect of business needs (i.e. security requirements, delivery arrangements, additional meeting rooms and office accommodation).

- Proposals for area offices at a later date to facilitate the new customer service delivery arrangements in the main towns.

Work Package 4.3 – Head Office and Area Office Accommodation Build

Taking into account the outputs from 4.2 this work package will implement the following:

- Produce tender documentation for build
- Complete tender process and award tender contract
- Manage the overall building alterations within defined budget and time constraints

Stream 5 – BUSINESS PROCESS RE-ENGINEERING

Work Stream Description

This document describes Stream 5 Business Process Re-engineering which will examine current working practices and through a process of re-engineering will create an efficient, cost effective and customer facing service.

The scope of the Stream is to implement the following areas:

- Define the approach the Council will take on BPR
- Document current process maps
- Re-engineer these process maps to create efficiency savings and to complement the move towards a Customer Service Centre
- Document Improvement Options
- Undertake an Impact Analysis and Business case
- Undertake a feasibility study with recommended option

The Work Stream will be made up of the following work packages:

- 5.1 Skills, Protocols and Standards
- 5.2 Current Service Maps
- 5.3 Improvement Options
- 5.4 Impact Analysis and Business Case
- 5.5 Feasibility and Recommended Option

Stream 6 – IT SERVICE DELIVERY INFRASTRUCTURE

Work Stream Description

As part of the overall Modernisation Programme there is a requirement to create an infrastructure on the key components of the Customer Service Centre and Back Office interface. These key components will include the development of workflows on the CRM, the population of Content Management systems and integration of ERMS.

Work Stream 5 BPR will create an agreed process flow demonstrating efficiency savings, the front office/back office split and also requirements for back office integration.

The Work Stream will take this information and will program the CRM to create the workflows required for implementing the Customer Service Centre.

The Stream will be made up of one work package:

6.1 Build Solutions and Test

Work Package 6.1 – Build Solutions and Test

This work package implement the following:

- The creation of workflows within the CRM system (incl. Multiple workflows)
- Build Services into the CRM solution
- The population of the Content Management system
- The development of service specific security hierarchy
- The development of service specific administrative hierarchy
- The development of service specific users (e.g. user names, passwords etc)
- Creation of queues for the use by workflows
- Use of Back Office integration (identified from IT enabler)
- Testing of the above including stress testing

Stream 7 – COMMUNICATIONS AND HR

Work Stream Description

The modernisation programme and delivery of e-government is driving significant changes which will need to be managed effectively to ensure the end goals are achieved. Specifically this works stream needs to handle policies and details around staffing issues and also in a period of change ensure there is good internal and external communication to keep all stakeholders informed.

This Stream will be made up of the following work packages:

7.1 Communications Plan

7.2 Human Resources

Work Package 7.1 – Communications Plan

To produce a communication plan that will ensure that there is active promotion of the improvement aims of the overall work programme that will ensure regular and timely updating of progress on the work programme specific communication with unions and key stakeholders with respect to the changes and impact on how that affects individuals.

Ensuring buy in from individual members of staff providing them with details of the changes in advance, how those changes affect them as individuals and what part they will play in the future.

Work Package 7.2 – Human Resources

To produce a HR plan to drive the staffing policies in respect of the staff changes and redeployments that will be required from the front/back office splits. This will include job specifications for customer service agents, the arrangements for recruitment and selection and policies with respect of redeployment or otherwise and to ensure good support is provided to staff who are particularly affected by these changes

REPORT TO COUNCIL

REPORT OF: Customer Services Manager

REPORT NO. CSV34

DATE: 9th December 2004

TITLE:	Customer Service Standards
FORWARD PLAN ITEM:	Service Standards
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16th July 2004
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposal

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Access
CORPORATE PRIORITY:	Access
CRIME AND DISORDER IMPLICATIONS:	None
FREEDOM OF INFORMATION ACT IMPLICATIONS:	None
BACKGROUND PAPERS:	CSV5 – Report to Cabinet 8 Oct 01 – CS Charter CSV31 – Report to Cabinet 12 Jul 04 – CS Standard CSV32 – Report to Capacity & Resources DSP 9 Sep 04 – CS Standard CSV33 – Report to Cabinet 8 Nov 04 Cabinet Decision CO70

Introduction & Background

1. The Cabinet endorsed the principle of the Council's Customer Service Standards and referred it to consultation. Cabinet has now agreed the consultation amendments to the standards and recommends adoption by the Council (CO70).

Recommendation

2. That the Council adopts the Customer Service Standards as amended.

Consultations & Comment

3. Consultation on the proposed Standards took place with internal and external consultees. Response from external consultees was minimal. Further internal consultees, including the Capacity and Resources DSP, made the following observations:

Consultee	Suggestion	Recommendation
Cabinet	Advisory Wording. Consider wording to include such as "frivolous and vexatious" nature of a customer enquiry.	Appropriate phraseology requested from the "Plain English" Campaign and included. Advisory Wording amended.
Capacity & Resource DSP	Point 3. Recommends the removal of "wear name badges and gives names so you know who you are talking to" from point 3 because it is fundamental to the safety of Council staff that in some services, members of staff cannot be personally identified.	In line with current local authority best practise, the current policy is that Customer Service advisors have name badges which only display their forename for staff safety reasons. Other members of staff who deal with the public face-to-face may wear forename only namebadges at their manager's discretion. No change to Point 3
Service Managers	Point 5. Suggests the inclusion of the phrase "90% of the time".	Ten rings is sufficient time for all telephones to be answered. No change to Point 5
	Point 7. Suggests the addition of the phrase "in Plain English"	This supports the Council's adherence to the Plain English Campaign, but would mean little to a customer. No change to Point 7.
Corporate Management Team	New Point. Inclusion of new point "Provide and advertise appropriate provision to deal with	Inclusion agreed by Cabinet as it supports the 24hr a day 7 day a week culture. Standards

	serious problems which can be dealt with out-of-hours". To be monitored by annual audit.	amended.
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Comments of Director of Finance and Strategic Resource

5. None

Comments of Corporate Manager, Democratic and Legal Services (Monitoring Officer)

6. None.

Conclusion

7. The Council benefits from corporate Customer Services Standards which are applicable to all services that are provided. Customer Service Standards declare the corporate expectations to all users of Council services. The Standards remind staff of the importance of customer service corporately and the minimum standard they are expected to deliver.

Contact Officer:

**Jackie Mills,
Customer Services Manager**

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Annex:

- A. Customer Services Standards including performance monitoring methodology.
- B. Public Version of Customer Services Standards

SOUTH KESTIVEN DISTRICT COUNCIL

CUSTOMER SERVICE STANDARDS (INTERNAL)WE WILL -HOW WE WILL MEASURE THIS

- | | |
|---|--|
| • Respond to your needs in a polite and helpful way. | Customer feedback and satisfaction survey |
| • Listen and consider your needs as a valued customer. | Customer feedback and satisfaction survey |
| • Dress appropriately, wear name badges and give names so you know who you are talking to. | Visual check |
| • Have private interview facilities available if you require them. | Customer feedback |
| • Answer telephone calls within 10 rings. | Use telephony software and set up performance monitoring tool |
| • Answer 80% of your enquiries at first point of contact or tell you why we can't. | Set up performance monitoring tool. |
| • Answer your letters within 10 working days of receipt. | Set up performance monitoring tool |
| • Acknowledge your e-mails within 1 working day of receipt, and answer within 8 working days of receipt. | Set up performance monitoring tool |
| • Provide easy to understand information in a suitable format. | Seek to gain the Crystal Mark for all public documents and forms |
| • See you within 10 minutes of your appointment time. | Customer feedback |
| • Investigate any complaint you may have by following the Council's complaints procedure. | See Complaints Procedure |
| • Inform all sections of your changes and major events on your behalf with your permission. | Set up performance monitoring tool |
| • Provide and advertise appropriate provision to deal with serious problems which can be dealt with out-of-hours. | Set up annual audit |

AS A CUSTOMER THE COUNCIL EXPECTS YOU

To treat Council staff and contractors properly without violence or abuse. Council staff have the right to carry out their duties without fear of being attacked or abused. Violent and/or abusive customers will be reported to the police and added to the Council's Violence To Staff Incident List. Our Customer Service Standards will not apply to you if you are violent or abusive, or make a complaint that is not justified or made only to cause a nuisance.

These are the Customer Service Standards that the Council and its contractors will deliver.

SOUTH KESTEVEN DISTRICT COUNCIL**CUSTOMER SERVICE STANDARDS**

We will:

- Respond to your needs in a polite and helpful way.
- Listen and consider your needs as a valued customer.
- Dress appropriately, wear name badges and give names so you know who you are talking to.
- Have private interview facilities available if you require them.
- Answer telephone calls within 10 rings.
- Answer 80% of your enquiries at first point of contact or tell you why we can't.
- Answer your letters within 10 working days.
- Acknowledge your e-mails within 1 working day of receipt, and answer within 8 working days of receipt.
- Provide easy to understand information in a suitable format.
- See you within 10 minutes of your appointment time.
- Investigate any complaint you may have by following the Council's complaints procedure.
- Inform all section of your changes and major events on your behalf with your permission.
- Provide and advertise appropriate provision to deal with serious problems which can be dealt with out-of-hours.

AS A CUSTOMER THE COUNCIL EXPECTS YOU

To treat Council staff and contractors properly without violence or abuse. Council staff have the right to carry out their duties without fear of being attacked or abused. Violent and/or abusive customers will be reported to the police and added to the Council's Violence to Staff Incident List. Our Customer Service Standards will not apply to you if you are violent or abusive, or make a complaint that is not justified or made only to cause a nuisance.

These are the Customer Service Standards that the Council and it's contractors will deliver.

REPORT TO CABINET

REPORT OF: DIRECTOR OF OPERATIONAL SERVICES

REPORT NO: DOS 262

DATE: 6 DECEMBER 2004

TITLE:	IMPLEMENTING ELECTRONIC GOVERNMENT RETURN 4
FORWARD PLAN ITEM:	E-GOVERNMENT
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 July 2004
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	No
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Access Cllr Paul Carpenter – Technology Portfolio Holder
CORPORATE PRIORITY:	ACCESS TO SERVICES
FREEDOM OF INFORMATION ACT IMPLICATIONS:	None
BACKGROUND PAPERS:	Implementing Electronic Government Statement 1 Implementing Electronic Government Statement 2 Implementing Electronic Government Return 3

INTRODUCTION

1. The Council is required to submit an Implementing e-Government Return annually to the Office of the Deputy Prime Minister. The Return must be submitted on-line through the ESD web site to the ODPM no later than 20th December 2004.

RECOMMENDATION

2. The Cabinet is asked to recommend to Full Council on 9th December 2004 that the IEG4 Return be approved.

DETAILS OF REPORT

3. The draft IEG4 is attached for consideration. The format of the IEG4 is prescribed by the ODPM and is intended to standardise the returns for 2004. The intention of the ODPM is to enable national benchmarking as well as measuring our achievement against target as we work towards full implementation of e-government by December 2005.

A new section within IEG4 is to demonstrate the efficiency savings that will be achieved in both cash (cash savings) and non cash (quality benefits) terms. This is an important section of the Return which is required to justify the corporate investment in local e-government. For this return indicative figures have been submitted based on proposals to introduce the e-government agenda. It is proposed to introduce robust data gathering methods where e-government is introduced to ensure that the efficiency savings can be captured.

The Council has received the sum of £400,000 through IEG submissions to date. An additional £350,000 is supported by the acceptance of IEG3 last year. ODPM acceptance of this return could enable the Council to access a further £150,000.

COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

4. The IEG4 Return, if approved, will release additional funding to support our e-government agenda.

COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

5. No specific comments.

CONTACT OFFICERS

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REPORT TO COUNCIL

REPORT OF: **Corporate Director, Regulatory Services**

REPORT NO. **DRS12**

DATE: **25th November 2004**

TITLE:	HOUSING SERVICES ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16th November, 2004
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposal

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr. Peter Martin-Mayhew Housing
CORPORATE PRIORITY:	Anti-Social Behaviour - Priority A Housing Management - Priority B
CRIME AND DISORDER IMPLICATIONS:	Meets the Council's requirement under s17 of the Crime and Disorder Act 1998
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Recognised in the appendix to the report
BACKGROUND PAPERS:	None

1. INTRODUCTION OR SUMMARY

Section 218a of the Housing Act 1996, as introduced by Section 12 of the Anti-Social Behaviour Act 2003, requires that all local housing authorities produce an Anti-Social Behaviour Policy and Procedures by the end of December 2004.

Appendix 1 attached to this report contains the Anti-Social Behaviour Policy and Procedures for Housing Services.

2. RECOMMENDATIONS

That the Council:

- i. Approves and adopts the Housing Services' Anti-Social Behaviour Policy and Procedure.**
- ii. Notes that the document may be subject to amendment and review in line with the Council-wide Anti-Social Behaviour Policy due for completion by 31st March, 2005.**

3. DETAILS OF REPORT

The Housing Services Policy and Procedure for dealing with Anti-Social Behaviour is attached at Appendix 1. The procedures and methods for dealing with incidents of anti-social behaviour are defined. In addition the arrangements for joint working, both internally and with external agencies are highlighted

The document contains proposed performance indicators that will provide a benchmark against which service improvements can be judged in the future.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

There are no other options as this is a statutory requirement.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

None

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

None

7. COMMENTS OF DIRECTOR OF COMMUNITY SERVICES

The Council is required to produce a council-wide Anti-Social Behaviour Strategy by 31st March 2005. Preparatory work is currently being undertaken in relation to the council-wide strategy. The strategy will be submitted to Council for approval in due

course and at that time any revision of the Policy and Procedure attached at appendix 1 will be identified.

8. CONCLUSIONS

The report sets out how Housing Services currently deals with complaints and incidents of anti-social behaviour and also outlines service improvements that are planned.

9. CONTACT OFFICER

Sally Marshall, Corporate Director of Regulatory Services - Tel: 01476 406511

HOUSING SERVICES

ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE



November 2004

**HOUSING SERVICES
SOUTH KESTIVEN DISTRICT COUNCIL**

ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE

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**HOUSING SERVICES
SOUTH KESTEVEN DISTRICT COUNCIL**

ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE

INTRODUCTION

This document sets out Housing Services' Policy and Procedure on Anti-social Behaviour as required by s.218A Housing Act 1996, as introduced by s.12 Anti-social Behaviour Act 2003.

DEFINITION OF ANTI-SOCIAL BEHAVIOUR

For the purposes of the duties imposed by s.218 of the 1996, anti-social behaviour is any conduct to which sections 153A(1) and 153B(2) of the 1996 Act apply. These sections apply to conduct which:

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects the housing management functions of the Council; or
- consists of or involves using or threatening to use housing accommodation owned by the Council for an unlawful purpose

People to whom the conduct may cause annoyance or nuisance are anyone living in property owned by the Council, as well as those living in any other property in the same neighbourhood, for example owner-occupiers, leaseholders, and tenants of other landlords.

The housing management function of the Council directly covers any activity that the Council carries out in the day-to-day management of its housing stock. This includes but is not limited to; homelessness, letting properties, tenant consultation, dealing with neighbour disputes, and initial complaints about fly tipping, abandoned vehicles, vandalism and graffiti. Those matters, which indirectly affect the housing management function, include; repairs and maintenance, rent

collection, refuse collection, and environmental health matters such as dog warden, and noise.

The Council will treat all incidents of anti-social behaviour seriously.

Examples of anti-social behaviour include:

- Noise nuisance
- Intimidation and harassment
- Aggressive and threatening language and behaviour
- Vandalism
- Fouling of public areas
- Hate behaviour targeting people because of their race, gender, religious beliefs, disability, sexual orientation or other perceived difference
- Domestic violence
- Using housing accommodation to sell drugs or for other illegal purposes

THE LEGAL AND STRATEGIC FRAMEWORK

Housing Services operates within the framework created by legislation and its own strategies which include:

- the Housing Strategy
- the Homeless Strategy
- the Domestic Violence Strategy
- the Tenancy Agreement, and
- the Council's Crime and Disorder Strategy

Housing Act 1985 (as amended by Housing Act 1996)

The Housing Act introduced statutory grounds for possession.

- a) For breach of an express clause of the tenancy agreement.
- b) Statutory grounds relating to nuisance or conviction for use of the premises for illegal or immoral purposes, this covers:

- Behaviour, which is a annoyance to neighbours or anyone else in the locality
 - Behaviour, which is likely to cause a nuisance to neighbours or others i.e. where evidence from someone other than the victim is available
 - Conviction for an arrestable offence in the locality of the property
 - Behaviour by the tenant or anyone else living at or visiting the premises
- c) Statutory grounds covering acts of waste, for example where the condition of dwelling has deteriorated due to acts of waste, neglect or default by the tenant or anyone else living at or visiting the premises

The Crime and Disorder Act 1998

This Act introduced Anti-Social Behaviour Orders (ASBO). The Police or a Local Authority can seek an ASBO against anyone over age 10 who has acted in an anti-social manner and where people need to be protected from further anti-social acts.

The Act also requires Local Authorities to form Crime Reduction Partnerships with the Police and other agencies and to produce a Crime Reduction Strategy.

The Police Act 2002

Introduced further powers relating to ASBOs, these included:

- Allowing Housing Associations to apply for ASBO
- Interim ASBOs that can be applied for at the time of other court proceedings

Local Government Act 2000

Puts a duty on Local Authorities to promote economic, social and environmental wellbeing in its area.

Homelessness Act 2002

This imposed a duty on the Council to assist people at risk of violence in addition it states that the Council does not have to give preference for housing to people guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

Children Act 1989

This Act places a duty on authorities to co-operate with each other in the protection of children. In particular information on one authority's actions must be shared with others if it would help them carry out their functions.

Disability Discrimination Act 1995

This Act made it unlawful for a local authority to discriminate against a disabled person by evicting them. The Council has to ensure that a person's anti-social behaviour is not a direct consequence of their disability.

Race Relations Act 1976 and the Race Relations (Amendment) Act 2000

This places a statutory duty on Public Authorities to eliminate unlawful discrimination, promote equality of opportunity, and promote good race relations. Race equality issues must be considered in all of its policies.

Commission for Racial Equality Code of Practice on Rented Housing 1991

This code does not impose any legal obligations but can be used in court as evidence, listed below are summary of the codes recommendations:

- An effective support mechanism should be in place for victims
- Alternative accommodation should be offered to victims if needed

- Racial harassment clauses should be included in the tenancy agreement, this Council has a clause in its Tenancy Agreement, at Section 6
- Legal action against perpetrators should be considered where appropriate
- Staff, tenants and prospective tenants should be aware of the policy and there should be training for staff
- Landlords should discuss policies with tenants and their representatives
- Consideration should be given to improving security on estates and there should be clear guidelines for staff with a reporting system for incidents in place

Protection from Eviction Act 1997

The Act covers racial harassment and is defined as the use of words or behaviour, which would put the victim in fear of violence.

Human Rights Act 1998

The Act gives statutory effect to the European Convention on Human Rights, key rights include:

- Freedom of expression
- Right to life
- Prohibition of torture
- Prohibition of discrimination
- Right to freedom of thought and religion
- Right to respect for private and family life

Housing Services will ensure it is doing all it can within its powers to enable quiet enjoyment by people of their homes and to ensure that it is not breaching the human rights of anyone it may take action against for anti-social behaviour

The Anti-Social Behaviour Act 2003

The Act brings in a number of new duties and powers for local authorities in their landlord capacity, these are:

- Duty to publish and keep under review their policies and procedures for dealing with Anti-Social Behaviour
- Amendments to Section 152 and 153 of the 1996 Housing Act relating to injunctions. Injunctions can now be obtained under the amended S153A, S153B and S153D of the 1996 Act to prohibit behaviour capable of causing nuisance and annoyance, which directly or indirectly affects their housing management functions. This includes improper use of the premises and breaches of tenancy agreements. It widens the scope of injunctions so that they can be used to protect wider categories of people and can be used where the behaviour occurs at the Council's housing offices. The power of arrest can also be attached where there is actual or threatened violence.
- Demotion Orders are introduced. This enables the Council's Legal Services to apply to Court for an order demoting a tenant from a secure tenancy to a less secure one for a year. Technically, this would make it easier for the Council to obtain possession should the tenant continue to act in an anti-social way.
- The Courts must give particular consideration to the impact on victims, witnesses and the wider community in all nuisance related possession cases.
- The Council will be able to ask the Court to consider granting an ASBO on other parties involved with a tenant against whom the Council is taking possession proceedings for nuisance.

GENERAL POLICY STATEMENT

Housing Services recognises that in order to provide a quality service, it must be effective in tackling anti-social behaviour in its properties or in the neighbourhoods those properties are in. It cannot do this in isolation and in addition to its general policy; there are ranges of other related policies that it follows.

Anti-social behaviour can vary in severity and Housing Services has to assess how serious it is in order to decide what the appropriate response to it should be. Some behaviour is perceived by some people to be anti-social, while others find it quite acceptable, for example

ball games by children. In these cases, the most appropriate action may well be to find some compromise that satisfies all parties. At the other extreme, the behaviour may involve violence, to which the right response should be legal action against the perpetrator and support for the victim.

Any response to incidents must be proportionate and reasonable. Residents should be encouraged to resolve minor problems themselves or to make use of the Family Mediation Service.

OPERATING PRINCIPLES

Housing services will follow a set of operating principles when dealing with complaints of anti-social behaviour, these are:

- All complaints should be treated seriously and thoroughly investigated in a non-judgmental way.
- Estate Officers will try and identify and interview all interested parties
- Confidentiality will be maintained where appropriate or requested
- Investigations will be carried out promptly
- All reported incidents will be logged centrally on the database within the Council's housing management system. Details of the case including grade, profile of alleged offender, age, ethnicity, and any special needs will be recorded.
- All incidents will be investigated and where possible corroboration of them obtained from other witnesses living in the area, Street Wardens, Environmental Health and the Council's Anti-Social Behaviour Officer and from other agencies such as the Police, the Fire Service, and the Education Welfare Officer, and from meeting such as Joint Action Groups
- It should be explained to complainants that legal action such as an injunction or possession proceedings would not be taken until the case has been investigated and there is sufficient evidence to take legal action
- When evidence is assessed, account will be taken of the following principles:

- Anyone has the right to a chosen lifestyle providing it doesn't spoil the quality of life of others
 - There must be some degree of tolerance of and respect for the requirements and needs of others
 - Housing Services has a role in ensuring that such rights and obligations are realised in individual cases
 - Housing Services has a larger role to promote and protect the interests of those living in the District
- That the Council will need to decide if the case involves harassment or is a dispute, the indicators are:
 - a. Harassment can involve; a victim, continuous action, deliberate intent, motivation, and outsiders
 - b. A dispute can involve; accidental actions, age difference, six of one and half a dozen of the other
 - c. To do this the Council needs the facts:
 - i. What is the problem?
 - ii. Who is affected? - Are more people than you affected? - They are useful as witnesses to give supporting evidence if the case goes to court
 - iii. Where does it happen? - Location
 - iv. When does it happen? - Dates and times, that this is only the complainants view however this helps to assess whether it is harassment
 - v. Are other agencies involved?

These principles should be made clear to both complainant and perpetrator.

- Complaints will always be discussed with the other party, subject to Data Protection and Freedom of Information implications, to hear their views unless the complainant does not wish this. At this stage anonymity of complainants will be maintained wherever possible.
- Where cases involve parties who are either receiving support with their housing or who are seen to have special needs or a degree of vulnerability, other agencies such as Social Services or their Supported Housing provider will be contacted. There will be documented evidence of all such contact including copies of correspondence, emails, notes of case conferences.

- Cases will be graded in order to direct the necessary resources to successfully resolve them. The grading is as follows:

Grade 1

Serious anti-social behaviour resulting in actual and/or threatened violence and racially motivated harassment.

Grade 2

Anti-social behaviour, which prevents quiet enjoyment of the home and or affects physical and mental wellbeing, where the perpetrator would be aware that they are causing a nuisance, such as verbal abuse, damage or threats of damage to another person's property, deliberate acts aimed at interfering with the peace or comfort of any other person such as deliberate loud noise.

Grade 3

Breaches of the Tenancy Agreement or anti-social behaviour resulting from a thoughtless attitude, such as: noise nuisance that is continuous and at unreasonable hours but not deliberately aimed at disturbing a particular person, and nuisance by animals and car repairs.

Grade 4

Minor acts that do not represent a breach of the Tenancy Agreement or where legal action is inappropriate, such as: neighbour dispute involving no other parties and one-off incidents that are not part of a pattern of behaviour such as a party and car parking on the public highway.

It is possible for cases to move up and down between categories depending upon circumstances. Complainants must be told the grading of the case and why it has been given that grade.

There must be documentation of all actions and decisions taken and written confirmation to parties of all decisions, subject to Data Protection and Freedom of Information implications.

The complaint will be acknowledged within 5 working days of receipt and an appointment made by the investigating officer.

An Action plan should be agreed with the complainant at the first interview where possible.

All cases should either be resolved OR have a plan of action agreed OR be closed within 28 days from date of initial complaint.

Housing Services will use the full range of remedies available to it in order to deal with anti-social behaviour depending on the nature of the behaviour. These include the use of Acceptable Behaviour Contracts, Anti-Social Behaviour Orders and possession and eviction proceedings if the perpetrators are tenants of the Council.

There should be regular bi-monthly review of all cases by the Estates Management Team Leader. The grading of cases should be reviewed at this stage to see if it is still appropriate.

Cases requiring action or where action has been taken should be referred to the weekly Joint Action Group meeting comprising Estate Officer, the Council's Anti-Social Behaviour Officer, the Police, the Youth Offending Team, and the Education Welfare Officer. The Group is able to share information in line with Data Protection principles and decide jointly an appropriate action to take on particular cases.

The Estate Management Team and the Joint Action Groups

Estate Officers

A team of 3 Estate Officers managed by a Team Leader who manages the Council's own estates and properties. They deal with all aspects of tenancy management and nuisance complaints involving the Council's own tenants and leaseholders. They work closely with the Police, Street Wardens, the Council's and Police Anti-Social Behaviour Officers and other agencies. The remedies used by the team to resolve nuisance include mediation, written warnings, joint visits with the Police Community Beat Officer, ABCs, ASBOs and possession action in the County Court against tenants of the Council who cause

persistent nuisance in their neighbourhoods or allow it to be caused by people who live with or visit them.

Street Wardens

Operating in the Earlesfield Estate, the wardens are there to reduce the fear of crime and reduce incidents of low-level nuisance, particularly that caused by groups of young people. They attempt to deter youngsters away from anti-social behaviour by referring them to other agencies or providing positive things for them to do.

Tenant Participation Officer

The role of this officer is to facilitate involvement and ownership of tenants and leaseholders in the provision and management of housing services provided.

Joint Action Groups

Are multi-agency group that meets weekly to identify appropriate action for individual cases of anti-social behaviour across the District. It consists of representatives from Housing, the Police, Street Wardens, the Council's and the Police Anti-Social Behaviour Officers, Youth Offending Team, Education Welfare, and Social Services. It enables information to be shared in accordance with Data protection principles and for joint working to be arranged in order to combat specific cases of anti-social behaviour across the district.

Support for Complainants and Witnesses

Housing Services recognises that some people will have concerns about coming forward and making complaints, particularly if they feel that this could result in intimidation towards them if their identity is revealed.

Other complainants may well have concerns about acting as witnesses in any legal action that may be taken by housing Services or it's partners once complaints have been investigated.

Housing Services will therefore offer support to complainants appropriate to their needs in order to encourage them to give the evidence necessary for the matter to be investigated. Where this is not possible, Housing Services and its partners will do all they can to investigate the matter and gather evidence without directly involving the victim.

In order to demonstrate it is taking the matter seriously, acting professionally and valuing complainants and witnesses, Housing Services will ensure:

- No unreasonable delay in investigating incidents. There must be an immediate response to any serious nuisance or harassment.
- It does not make unrealistic promises about the ease or speed in which the matter can be dealt with.
- Complainants and witnesses are given appropriate support and protection, this could include:
 - Re-housing, in extreme cases
 - Taking emergency legal action for example injunction, action under the Protection from Harassment Act 1977 or the Criminal Justice and Police Act 2001
 - Extra security measures such as the installation of Lifeline or additional locks.

The Council will work closely with the Police and other agencies as necessary to ensure witnesses are protected from intimidation

- If the action complained of appears to be racially motivated or the complainant states they believe it to be, staff will follow the Council's policy and procedure for dealing with Racial Incidents
- Complainants are kept informed of action to be taken and that agreed timescales are kept to, subject to Data Protection and Freedom of Information requirements
- Complainants are given assistance in collating evidence or making witness statements
- Complainants receive advice on appearing in Court

- Support in Court from Estate Officer
- Support and training is given to Housing staff acting as witnesses and working with witnesses
- Witnesses are made aware of the outcome of cases and what further evidence gathering may be necessary.

RACIAL AND OTHER FORMS OF HARASSMENT

Housing Services takes a serious view of harassment issues and in relation to racial harassment, Housing Services adopts the definition of racist incident provided by the "McPherson Report of the Stephen Lawrence Inquiry 1999":

"a racist incident is any incident which is perceived to be racist by the victim or any other person"

This will include both criminal and non-criminal incidents. Any such incident must be reported, recorded and investigated thoroughly.

There is a clear distinction between neighbour disputes and activities labelled as racial harassment. The latter are usually distinguished by being:

- Racially motivated
- Frequently premeditated
- Often not carried out by immediate neighbours
- More likely to occur over a period of time.

Housing Services has a policy of zero tolerance towards the anti-social behaviour of any tenant, any member of the tenant's household, any person occupying the property with the tenant's permission, any visitor to the tenant's home and any member of staff, including contractors working for housing Services.

Racial harassment is an act, which is racially motivated. It includes, but is not limited to:

- Violence or the threat of violence towards any person
- Abusive or insulting words or behaviour
- Damage or threats of damage to property
- Writing threatening, abusive or insulting graffiti
- Arson - or attempted arson
- Any act which is threatening or abusive

Tackling a reported harassment incident Housing Services policy and procedures aim to:

- Prevent harassment occurring
- Provide support for victims
- Deal with perpetrators of harassment.

Staff need to be aware of and trained in:

- The legal framework
- How harassment, including racial harassment, is defined
- The role of other agencies such as the Police
- The need to offer appropriate support to victims and witnesses
- Effective mediation
- Victims' perceptions
- Effective reporting

Prevention of Racial Harassment

The Council's policy should be widely publicised including:

- Leaflets
- Tenants newsletter and handbook
- Clauses in the Tenancy Agreement

When signing up a new tenant, the policy and other clauses relating to nuisance and harassment should be fully explained. That action will be taken against perpetrators should also be explained.

There should be effective and regular monitoring of applications and lettings to ensure discrimination is not occurring. It is important that records are kept of properties that have been vacated as a result of claims of racial harassment.

Staff must have regard to the safety and security of tenants homes and areas where they live. Measures to improve safety or security can be carried out under crime prevention initiatives.

Investigating Racial Harassment

Staff should take action against reported cases of racial harassment when:

The Victim

- Is a South Kesteven District Council tenant or leaseholder or a member of their householder
- Is a visitor to a South Kesteven district Council property as a member of staff, contractor, family, or friend of the tenant

The Perpetrator

- Is an South Kesteven District Council tenant or leaseholder or member of their household
- Is a tenant of another landlord
- Is an owner-occupier
- Is unknown to the victim or the Council

It is possible that victim and perpetrator may both be tenants of the Council.

DOMESTIC VIOLENCE

Violence by one member of a household against another person or persons in that household can have the effect of:

- Causing the victim of violence to flee the household
- Potentially causing nuisance to neighbours

The serious nature of these incidents mean that Housing Services will investigate reports of domestic violence in conjunction with other

agencies such as the Police and offer support to victims of domestic violence.

Housing Services have a duty under the Homelessness Act 2002 to treat people claiming homelessness due to the threat of violence as a priority need, this support will include:

- Improving the security of the property
- Offering temporary or permanent alternative accommodation
- Giving advice on the legal position regarding the tenancy. This will include giving advice on the options for ending a joint tenancy by the party fleeing violence

If Housing Services does accept a duty to the victim, it will take appropriate action against the perpetrator if they remain in the property, this action will either be:

- For unauthorised occupancy, if the tenancy has been ended by the party fleeing domestic violence, or
- For a breach of the tenancy agreement if the other party is a tenant and the tenancy has not been ended.

PREVENTION OF ANTI-SOCIAL BEHAVIOUR AND REHABILITATION OF PERPETRATORS

Housing Services recognises that it is far better to prevent anti-social behaviour from occurring rather than dealing with it after the event.

As such it has a range of initiatives that it can use in conjunction with its partners that can help to prevent it, these are:

Mediation

Housing Services will refer cases of low-level nuisance and anti-social behaviour to Mediation Service at the earliest possible stage. This is built into the procedures for investigating anti-social behaviour by Estates Officers.

The service is completely impartial. It is able to offer a range of mediation techniques from face to face mediation to liaising between parties in person or by letter or telephone. Its aim is to broker mutual understanding between parties and arrive at a compromise that all parties can sign up to.

Council Anti- Social Behaviour Officer

The ASB Officer works closely with the other agencies, and has an important preventative role.

Support Agencies

There is a range of support agencies for people with for example: substance misuse, mental health, and disability issues. Housing Services will, where these needs are identified and are the direct or indirect cause of a person's anti-social behaviour, make a referral to the appropriate agency.

Housing Services aims to try and achieve a balance between the needs of the individual and the needs of the wider community who may be adversely affected by their behaviour. Housing Services recognises that this may not always be possible and that action against the perpetrator may be the only effective solution.

DATA PROTECTION, FREEDOM OF INFORMATION AND CONFIDENTIALITY

Under the Crime and Disorder Act 1998 section 115, personal data or information may be disclosed to the police, probation service or health authority, where it is necessary or expedient for the purposes of obtaining an ASBO. The information must however still be processed in accordance with the data protection principles under the Data Protection Act 1998 and the common law e.g. defamation, duty of confidence. The information will also be subject to Freedom of Information requirements.

TRAINING AND SUPPORT FOR STAFF

Housing Services recognises that its staff must be trained in tackling anti-social behaviour. All housing front line staff involved should receive training in best practice, legal solutions, evidence gathering and attendance at Court, dealing with racial incidents. Training needs are identified through annual appraisal interviews.

Housing Services recognises that staff dealing with complaints of anti-social behaviour may well face threats of or actual abuse, both physical and verbal. As such, all staff have received training in how to deal with violence and difficult situations. Effective lone working procedures should be in place together with risk assessments for all housing front-line staff.

Housing Services will take appropriate legal action such as seeking injunctions, anti-social behaviour orders, possession proceedings against any individuals who threaten, abuse or harm it's staff. It will also support criminal prosecutions where necessary.

TENANCY CONDITIONS

Housing Services will make it clear to its tenants and those seeking a tenancy of its policy on anti-social behaviour. Housing Services Tenancy Agreement contains conditions aimed at ensuring that the tenant does not act anti-socially or allows other people living with or visiting them to do so.

Housing Services has the right, at its discretion to take action to enforce the conditions if the tenant does not comply with them.

The Council's policy and the Tenancy Conditions will be explained to all new tenants when they sign up for a Council tenancy. The Tenancy Agreement and notes on Anti-Social Behaviour at Section 6, pages 10 and 11, states that:

- a. You, your friends and relatives, and any other person living in or visiting the property (including children) must not:

- do anything which causes or is likely to cause a nuisance to anyone in the local area;
 - do anything which interferes with the peace, comfort or convenience of other people living in the local area;
 - harass anyone in the local area for any reason;
 - use the property for any criminal, immoral or illegal purpose, including selling, producing or using any illegal drugs, or storing or handling stolen goods;
 - harass, or threaten to harass, or use violence towards anyone in the local area;
 - harass, or threaten to harass, or use violence towards our employees, councillors, contractors or agents; or
 - use, or threaten to use, violence towards anyone living in the property.
- b. We may ask you to enter into a contract that you will not continue antisocial behaviour.
- c. We may take legal action to evict you if you behave antisocially.
- d. We may not find you a new home if you are evicted because of antisocial behaviour.

Anti-social behaviour includes:

- ☐ using or threatening to use violence;
- ☐ racism;
- ☐ playing loud music;
- ☐ banging and slamming doors;
- ☐ damaging property;
- ☐ drug and alcohol abuse;
- ☐ playing ball games close to properties;
- ☐ skateboarding and cycling on footpaths and balconies;
- ☐ dumping rubbish;
- ☐ being drunk in public;

- ❑ dogs barking;
- ❑ criminal activity in properties;
- ❑ spraying graffiti;
- ❑ domestic violence;
- ❑ throwing things out of windows;
- ❑ prostitution;
- ❑ dealing in pornography;
- ❑ not keeping your pets under control;
- ❑ breaking shared security, for example, allowing strangers to get into the building;
- ❑ not keeping your children under control;
- ❑ car repairs at unreasonable hours;
- ❑ verbal abuse; and
- ❑ harassment.

We want you to enjoy living in your home and we recognise your right to enjoy living life as you choose, as long as this does not make other tenants' lives miserable. We ask that all tenants and their families are considerate towards their neighbours and help to create caring and happy communities. We will do all we can to promote harmony on all estates and to deal with any problems. We will act quickly against tenants who ignore this tenancy agreement.

You and any joint tenants are responsible for your behaviour and the behaviour of your children and anyone else living with or visiting you while they are in your home (including shared areas such as landings, stairways, foyers, lifts, courtyards, gardens and parking areas). The local area includes play areas, streets, shopping areas, community buildings and facilities, and any area within the district of South Kesteven.

We offer a mediation service to all our tenants who have problems getting along with each other.

Procedure

Making a Complaint

Housing Services will investigate and take appropriate action on a complaint of anti-social behaviour when:

The Victim

- Is a South Kesteven District Council tenant or leaseholder or a member of their household
- Is a visitor to a South Kesteven District Council property as a member of staff, contractor, family or friend of the tenant
- Is an owner occupier in the same neighbourhood as properties owned by South Kesteven District Council
- Is carrying out lawful activities in the same neighbourhood as properties owned by South Kesteven District Council
- Is a member of staff or contractor carrying out duties connected to the management of housing owned by South Kesteven District Council

The Perpetrator

- Is an South Kesteven District Council tenant or leaseholder or a member of their household
- Is an owner-occupier in the same neighbourhood as properties owned by South Kesteven District Council or who lives with that owner-occupier or is visiting them.

Complaints can be made in writing, over the telephone or in person to the Council Offices

Complainants are encouraged to have resolved minor neighbour problems, such as boundary disputes, noise caused by ball games, and personal disagreements themselves or to have made use of Mediation Services before contacting Housing Services. Wherever possible, they should also have contacted the other party to discuss the issue. This may not be possible due to the threat of or actual violence.

If the complaint does involve violence, harassment, criminal damage or criminal behaviour such as drug dealing, the complainant should contact the Police before contacting Housing Services and obtain a Police incident number.

If the complaint is purely about noise, it will be initially investigated by Housing Services and if not resolved a referral should be made to the Council's Environmental Health Services.

When making a complaint, the complainant should give as much information as possible about the problem, this should include:

- Their name and address
- Details about the alleged perpetrator(s)
- Description of the problem
- Details of any contact made with other agencies, including any Police incident numbers

The complainant will be told who will be investigating the complaint.

Investigation

Arrangements should be made to interview the complainant.

A plan of action should be agreed between the complaint and the investigating officer.

The complainant should be advised to record further incidents that may occur. A diary sheets booklet should be issued to the complainant at this stage if appropriate together with advice on how to collect evidence that can be used in any legal action, this should include:

- Dates, times and duration of incidents
- Description of incidents and their effect on the complainant
- Recording incidents that can be directly linked to another party or their home rather than assumptions

The complainant should be asked if they wish the other party to be contacted. It should be explained to them that their identity would not be revealed at this stage but that if the case is taken further it may be necessary for them to give evidence. They should be given reassurance about the support that can be given to them and the other methods that can be used to gather evidence. A realistic assessment of the use of hearsay evidence or the ease of gathering independent evidence based on the facts should be given to the complainant. The complainant should be told what Grade the case has been classified as (see page 9).

If the complaint is suitable for mediation rather than further investigation, with the complainant's agreement a referral to the Peterborough Mediation Service should be made.

A timescale for collecting this evidence should be agreed with the complainant. This should be based on the severity and frequency of the problem complained of. A date that the investigating officer will contact the complainant again should also be agreed.

Any witnesses to the incident that are identified should be interviewed as soon as possible after the initial interview with the victim. Other agencies such as the Police, Street Wardens, the Council's Anti-Social Behaviour Officer or Environmental Health should be contacted if appropriate to provide independent corroboration of the complaint.

Evidence of any damage or graffiti should be taken before repairs are carried out. This can be used in any claim for criminal damages made, criminal damage. The complainant should be advised to report the damage to the Council's Property Services.

Where violence or the threat of violence is involved, an urgent referral to the Legal Section for an ex parte injunction application should be made.

The perpetrator should be interviewed as soon as possible after the interview with the victim.

As with all investigations of harassment and nuisance, the perpetrator should not be accused of any wrongdoing.

The nature of the complaint and Housing Services Anti-social Behaviour policy and the conditions of the Tenancy Agreement should be explained to them.

They should be asked for their comments.

If there is a risk of violence, at an interview, consideration of a joint visit with either another Estate Officer or the Police should be made.

Following the completion of the interviews and the gathering of any evidence, the case should be discussed with the Estate Management Team Manager or the Head of Housing Services in order for action to be agreed. There should be a record of this meeting and any decision made. The outcome should be confirmed in writing to the alleged perpetrator. This confirmation should warn them about their conduct and tell them what action could be taken if it continues.

The case should also be taken to the next meeting of the Joint Action Group where the decision on action will be confirmed and any joint action needed by other agencies agreed.

The complainant should be contacted again and the outcome of the investigation and any action that is to be taken explained to them. If the complainant indicates that the situation has improved, it should be agreed with them to either close the case or agree a further period of monitoring.

All cases should either be closed or agreement reached on further action within 28 days of the initial report, after that period cases, which are not closed, should be reviewed every 28 days.

Complainants should be informed that a case could be reopened if the problem reoccurs and given details of how to complain if they are unhappy with the decision to close the case.

Supporting Complainants

The victim may be reluctant to follow up reports for fear of reprisal. The victim's wishes are paramount but the investigating officer must consider Housing Services duty of care to other residents and the public. The complainant must be made aware that direct evidence from them is likely to be stronger than hearsay evidence.

If it is believed that the incident could reoccur and affect other members of the community, the matter must be reported to the Police. If a referral is to be made to the Police, the victim must be told the reasons.

The views of the victim should always come first and any support needed agreed and provided. This could include:

- Arranging for a Lifeline unit to be fitted
- Improvements to security of the tenant's home
- Repairs to damage and removal of graffiti
- Arranging for temporary re-housing and or a management transfer
- Ensuring speedy action against perpetrators
- Referral to other support groups

Action that can be Taken

There is a range of options available to deal with complaints of anti-social behaviour once they have been investigated. Precisely which option is used will depend on the nature of the problem.

These include:

- Referral to Mediation

Mediation may be particularly suitable when the complaint does not involve violence or serious harassment, such as: lifestyle clashes, ballgames, noise from everyday living, boundary disputes, and personal disputes.

It is not necessary for all parties to a dispute to agree to mediation for a referral to be made to the Peterborough Mediation Service, though it is, of course, preferable. If the complainant is willing for the referral to be made without the investigating officer contacting the other parties, this can be done. The investigating officer should make it clear that all the time mediation is being tried; Housing Services will be taking no further action.

If mediation is unsuccessful and the anti-social behaviour continues, the investigating officer will then agree a new action plan with the complainant for tackling the problem.

- Acceptable Behaviour Contracts

These are voluntary agreements drawn up between the Housing Services, the Police and the individual causing the anti-social behaviour and their parent or guardian.

In the contract, the perpetrator agrees not act anti-socially and, in particular, not to carry out any of the specific acts that had been originally complained of.

Responsibility for drawing up the ABC is normally with the Estate Officer, see example as appendix A. The contract is not legally binding, but if the terms are broken, this can be used as evidence in any legal action that may follow. Once signed, details should be passed to all relevant agencies, to enable monitoring.

- **Anti-Social Behaviour Orders**

An Anti-Social Behaviour Order is a civil order similar to an injunction, although the exact terms of the order will depend on the circumstances of each case. The order lasts for a minimum of two years. If breached, an individual will commit an arrestable offence and could be imprisoned.

Both the Police and the Council can apply for ASBOs but they must consult each other.

In addition to stand-alone ASBOs, they can be secured on the back of a criminal conviction or as part of Possession proceedings against a tenant, where they can be applied for against other parties involved in the tenant's anti-social behaviour.

- **Injunctions**

Injunctions can provide a speedy and effective response to anti-social behaviour. They are a Court order, which is preventative in nature. Breach of one amounts to contempt of Court and is punishable by a fine or imprisonment.

They can be obtained as an urgent measure to stop an ongoing problem of serious nuisance, annoyance or harassment pending the outcome of other legal proceedings such as possession. These are known as interim injunctions and can be made without notice that is without the perpetrator being present at Court.

The Housing Act 1996, as amended by the Anti-Social Behaviour Act 2003 allows for an injunction to be applied for if there is evidence of behaviour that is capable of causing nuisance and annoyance which indirectly or directly affects the Council's Housing management function.

The injunction can be applied for against a person whose behaviour is causing a nuisance to anyone who has a right to live in property in the neighbourhood regardless of whether that property is owned or managed by the landlord. Previously, owner-occupiers were excluded from such protection. The injunction can also be obtained where the victims of anti-social behaviour are staff employed in connection with the Council's housing stock. The anti-social behaviour need not occur in the vicinity of the Council's housing stock. The behaviour, however, will still need to be related, at least indirectly, to the Council's management of its stock.

An injunction could be applied for if the anti-social behaviour occurred at one of the Council's housing offices. The person causing the problem does not have to be a tenant of the Council.

The Act also allows the Council to apply for an injunction where someone has used or threatened to use their housing for an illegal purpose, for example drug dealing or prostitution.

The court can attach a power of arrest or an exclusion order including exclusion from the perpetrator's place of residence to these injunctions where there is the use or threat of violence or a significant risk of harm to any person who has a right to live in property in the neighbourhood. Therefore, there is no need for the Council to prove that there has been actual or threatened violence.

The Act also makes available an injunction on the grounds of a breach or anticipated breach of the terms of the tenancy agreement. The breach must relate to conduct which is capable of causing a nuisance or annoyance to any person. In addition, the conduct must include violence or the threat of violence or a significant risk of harm to any person.

Injunctions can now be used to protect:

Anyone living or working in an area where the Council manages housing irrespective of whether they are tenants of the Council or not;

Anyone involved in the housing management function of the Council such as staff at housing offices.

In addition to these new injunctive powers, the Act also enables the Council to ask for a power of arrest to be attached to an injunction applied for under S222 of the Local Government Act 1972 if there is a risk of violence. This Act allows a Council to institute legal proceedings to promote or protect the rights of inhabitants of its local area. It is obviously more wide-ranging than Housing Act injunctions.

Injunctions should be considered ahead of proceedings for possession as they are quicker to obtain and may well stop the problem from occurring. Possession proceedings may still be necessary if an injunction is breached.

Possession Proceedings

Possession proceedings for a breach of the Council's tenancy conditions and or one of the statutory grounds for possession should be taken as a last resort if warnings or other legal remedies such as Injunctions or ASBOs have failed to stop the anti-social behaviour. Housing Services has a range of tenancy types:

- Secure Tenants

In order to start possession proceedings against a secure tenant, the Council must first serve a Notice of Seeking Possession.

This must give the statutory grounds that possession is being sought under and provide full details of why it believes these grounds are met. This will include details from witness statements of the incidents of anti-social behaviour, details of action taken to try and prevent it, relevant tenancy conditions, and details of any relevant convictions against the tenant.

The Council can begin possession proceedings immediately it has served the notice provided it has used the statutory ground for possession of nuisance as the basis for its action.

Statements from all witnesses who will be giving evidence in Court will need to be drawn up. Hearsay evidence is admissible but a stronger case is always guaranteed if witnesses who have experienced the anti-social behaviour first hand can give evidence. It is important to present the strongest case possible. Judges have a legal duty to take into account the effect of the nuisance on other people if it is allowed to carry on.

The Court may not give outright possession of the property. Instead, they may suspend possession subject to the tenant not causing nuisance. Alternatively, the Court may decide not to grant any form of possession order if they do not feel the grounds have been proved.

- Non Secure tenancies

The Council brought in introductory tenancies for all qualifying new tenants in August 2003.

Non secure tenants hold their tenancies for an initial 18 months. If they conduct them satisfactorily and the Council has not started legal proceedings against them, they automatically convert to a secure tenancy after 18 months.

They do not have the security of secure tenants and it is not necessary to prove statutory grounds for possession to the Court in order to obtain possession. All that needs to be satisfied is that the Council has followed its procedures correctly.

Housing Services will investigate complaints of anti-social behaviour by a non-secure tenant in the same way as it would for a secure tenant.

If, after written warning, the tenant continues to cause anti-social behaviour, a Notice to Terminate the tenancy can be served. The tenant will have an opportunity to request a review of this decision by a senior officer unconnected with the case. If the decision is upheld,

an application to Court is made. The Court has no discretion but to grant possession.

It is not necessary for witness evidence to be used, a statement from the Estate Officer detailing the anti-social behaviour and the steps taken to try and prevent it are all that is required.

- Demoted tenancies

The Anti-Social Behaviour Act allows the Council to apply for a Court order demoting a secure tenant to the same status as an introductory tenant. This means that the tenant would lose their security of tenure and all associated rights. It also means that if they continued to cause nuisance, possession proceedings would result in automatic possession.

This option should be considered where the nuisance or breach of the tenancy conditions is not serious enough to warrant applying for an injunction or possession proceedings such as Grade 3 category cases or where it is felt that with some support the tenant should be able to sustain their tenancy in the longer term. It would effectively put the tenant on a probationary period for 12 months.

MONITORING AND DATA COLLECTION

All cases dealt with by the Estate Management Team should be logged on the database and by-monthly reviews carried out by the Team Manager on the progress of each case. The following details should be recorded:

- Date first reported
- Grade
- Details of age, ethnicity, gender of victims and perpetrators
- Details of action taken
- Date closed

Cases should be discussed at the Estate Management team meeting if other agencies are involved in the case or need to be involved in the case. This meeting will provide guidance on action needed and

monitors action taken on a monthly basis. This will allow hotspots to be identified and trends monitored to allow for targeted action.

The following performance indicators are kept and monitored on a regular basis:

- Numbers of nuisance cases received / month
- Numbers of Acceptable Behaviour Contracts signed / month
- Number of Anti-Social Behaviour Orders obtained / month
- Number of Injunctions obtained / month
- Number of Legal Notices served / month
- Number of evictions carried out due to anti-social behaviour / month

This Policy is subject to amendment by South Kesteven District Council's wider Anti-Social Behaviour Policy and will itself be subject to review on a regular basis.

REPORT TO COUNCIL

REPORT OF: CORPORATE DIRECTOR OF FINANCE
AND STRATEGIC RESOURCES

REPORT NO: FIN211

DATE: 9 December 2004

TITLE:	Independent Remuneration Report – Members' Allowances
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Decision Reserved for Full Council

Introduction

1. I have pleasure attaching the Welland Remuneration Panel's report on Members' Allowances.

Background

2. In setting a member's scheme of allowances the Council must have regard to the recommendations of an independent remuneration panel. The Welland panel met during July at the Council Offices, and the meeting was clerked by Kamal Metha Director of Finance from Harborough District Council. The panel considered the representations of members via questionnaires and interviewed the Monitoring Officer and myself.
3. The report contains several recommendations for the Council to consider. The overall budgetary implications of the proposals are an additional £54,000 per annum. There is currently no budget provision for this increase in expenditure.
4. The Council is recommended to consider the independent panel's report, and having had regard to it, advise me of whether the members' allowance scheme needs revising for the financial year 2005/06.

John Blair
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REPORT OF THE WELLAND PARTNERSHIP MEMBERS' REMUNERATION PANEL TO THE MEMBERS OF SOUTH KESTEVEN DISTRICT COUNCIL

1. PURPOSE OF REPORT

- 1.1 This Report has been prepared by the Independent Panel set up to make recommendations and provides guidance to the Council in respect of its scheme for members' allowances.
- 1.2 The Report sets out the Panel's recommendations for the Council's further consideration.

2. INTRODUCTION

- 2.1 The 2003 Regulations put in place a consolidated and simplified framework for allowances that covers District Councils and Parish and Town Councils.
- 2.2 Part 4 of the new regulations still make provision for the establishment of an independent panel to make recommendations concerning allowances, travel and subsistence and pension provision. The existing Welland Remuneration Panel is compliant and therefore no changes have been necessary to the composition or membership of the Panel to allow the Council to receive and rely upon its recommendations.
- 2.3 The Council is unable to revoke or amend its scheme of allowances without first considering the recommendations of an Independent Panel. Whilst the Council is not bound by the recommendations of the Panel, there is a duty placed upon it to consider the recommendations, publish the Panel's recommendations and publish its Scheme. The Council will therefore need to be able to justify any variations agreed from the recommendations of the Panel.

2.4 The Panel currently consists of :-

Gordon Wells, Chief Executive of the Melton Mowbray Building Society;
Martin Shilling, a Civil Engineer;
Professor John Greenwood, Department of Public Policy, DeMontfort University; and
John Collier, who is retired.

2.5 This review does not apply in respect of any allowance under Section 3(5) of the Local Government Act 1972 towards the office of the Chairman of the Council i.e. the 'civic dignitary's allowance'.

2.6 The Panel did not take into account the Authority's budget provision when making its recommendations. The affordability of a scheme and current budgetary provision is not a matter for the Panel. Placing constraints on the review process would have fettered the Panel's objectivity and independence. The Panel recognises that the Council may not, therefore, be able to fully implement the recommendations due to budgetary constraints.

3. **THE PANEL'S APPROACH**

Information Gathering

3.1 The Panel has considered a range of background papers relating to the Council and its political management structure, the original review and its previous recommendations and methodology.

3.2 The Panel considered the statutory framework and guidance relating to the development of members' allowances schemes.

Consult

3.3 All members were invited to make formal representations to the Panel. The Corporate Director of Finance and Strategic Resources and the Corporate Manager, Legal and Democratic Services met with the Panel to give background and clarification on the Council's political management structure. Members did not meet with the Panel.

3.4 All members were requested to complete a questionnaire to obtain their views and assess the time and workload commitment required by individual Councillors to carry out both the "basic" activities and any extra duties for which a special responsibility allowance was payable.

Compare

3.5 The Panel carried out a "compare" exercise to ensure that any sums recommended would be consistent with similar size authorities, other Shire Districts and authorities that had adopted the "alternative arrangements". Comparative information and details of review

methodology was identified from Councils within the same Audit Family, of a similar size and nature. Reliance was placed on an Improvement and Development Agency (IDeA) Survey and other local authority surveys.

Methodology

- 3.6 There was recognition by the Panel that elected members work was onerous and demanding and therefore should be appropriately remunerated.
- 3.7 The Panel noted the Guidance had stressed it was important that some element of the work of members continues to be voluntary and therefore that some hours should be not remunerated. But it also recognised this had to be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained. However, it was also accepted that there was a voluntary and public service element to the work. The Panel considered various options but regarded an allowance of 50% to be appropriate to reflect the voluntary and community nature of the duties. A limit of 50% was consistent with other schemes and the Panel's recommendations to the other authorities within the Welland area.
- 3.8 For the basic allowance the Panel favoured an approach that would determine the basic allowance by the average time commitment of all Councillors, including such inevitable calls on their time as meetings with officers and constituents. It was also acknowledged any allowance was to cover incidental expenses. The majority of Members, however, had not acknowledged the level of expenses as a significant issue in its consultation. The Panel noted that many other review panels, elsewhere in the country, had adopted a similar approach of using time commitment in determining the basic allowance.
- 3.9 For Special Responsibility Allowances the Panel considered the elected members should be remunerated, without any deduction, for their extra time input and additional responsibility.
- 3.10 The Panel noted that the approach was consistent with the guidance provided by the Office of the Deputy Prime Minister under the 2000 Act and the consolidated 2003 Regulations.
- 3.11 In determining an hourly rate to be used in calculating the allowances the Panel agreed to apply the average hourly pay (excluding overtime) of all adult worker in the counties covered by the Welland Partnership. From the ONS New Earnings Survey 2003 this was determined at £11.59 per hour. The Panel considered alternative hourly rates but it was generally felt that the proposed rate would be an appropriate

measure of the average remuneration received by local people within the Welland area.

4. **BASIC ALLOWANCE**

- 4.1 When considering the basic allowance the Panel took into account the hours recorded by elected members on the questionnaire. The Panel compared the recorded hours against other data within the Welland and nationally. It was satisfied that an average of about 55 hours per month was not unreasonable for these basic activities. The Panel further took into account comments made by the respondents to the questionnaire and the Officers who attended the Panel and concluded that workloads will be higher whilst the recently introduced new member structure is settling in. In recognition the Panel have allowed an additional 5 hours per month to the average 55 hours. The Panel recommends that this additional 5 hours workload be reviewed by the Council in the light of experience of the new member structures once settled in. The Panel understands that there may be concerns, firstly regarding uneven distribution of workloads within the Council and secondly, a perception that some members may not be either putting in the time or making the commitment that was necessary. The Panel considers that the former is addressed by the Special Responsibility Allowance and the latter is a matter for the Council to address.
- 4.2 Using the methodology detailed above, it was determined a basic allowance in the region of £4,175 would be justified and not viewed as unreasonable. The allowance applies in respect of a full financial year to each elected member of the Authority. If the term of office or duties undertaken by a Member begin or end part way through a Municipal Year, or amendment to the Scheme during a Municipal Year changes the amount to which a Councillor is entitled, then calculation of the allowance payable shall be on a pro rata basis having regard to the proportion that the term of Office, period of duty or relevant periods of the Scheme bear to the Municipal Year in which they occur.
- 4.3 The amount is higher than comparable authorities in the East Midlands. This is a result of the recognition of the higher workloads initially in the first year at least that the Panel felt Members will have in adjusting to and working in the new member structures.
- 4.4 Bearing in mind all the factors the Panel **recommends** that the basic allowance be set at £4,175 per annum.

5. **SPECIAL RESPONSIBILITY ALLOWANCES (SRA)**

5.1 **The Leader of the Council**

- 5.1.1 The Panel recognised that the profile of the Leader had been raised by the modernisation agenda and the Council's Constitution reflected the importance of this role. The Panel appreciated the role resulted in a

significant number of extra hours as Leader and that the time commitment and the responsibilities were significantly higher than the average member and committee chairs.

5.1.2 The Panel reviewed the existing level of SRA of £12,333 per annum which came into effect on 28th April 2004. The Panel concluded that the basis of this amount does not need amendment, but that there should be an uplift for inflation using the RPI as at 30th June 2004. The SRA would thus be £12,710 per annum.

5.1.3 The Panel **recommends** that the Leader of the Council be entitled to receive a SRA of £12,710. The total amount of allowances would be £16,885 (inclusive of the Basic Allowance).

5.2 Deputy Leader of the Council

5.2.1 The Panel notes that the Deputy Leader of the Council is recognised under the Council's constitution. The Panel concluded that the basis of the existing level of SRA of £8,810 per annum which came into effect on 28th April 2004 does not amendment, but that it should be uprated for inflation using the RPI as at 30th June 2004. The SRA would be £9,080.

5.2.2 The Panel **recommends** that the Deputy Leader of the Council be entitled to receive a SRA of £9,080. The total amount of allowances would be £13,255.

5.3 Cabinet Member

5.3.1 A common method to reflect increased responsibilities and the hours is to set the SRA at a multiple of the Basic Allowance. On this basis the Panel elected to set the multiple at 2 times the Basic Allowance for the Cabinet Members. The SRA for a Cabinet Member would thus be £8,350.

5.3.2 The Panel **recommends** Cabinet Members be entitled to receive a SRA of £8,350. The total amount of allowances would be £12,525.

5.4 Chairman of Policy & Development Committee and Regulatory Committee

5.4.1 The Panel concluded the following multiples apply in the determination of the SRA for :

Policy and Development Committee Chairman : 0.66 of Basic Allowance = £2,755 (Rounded)

Development Control Committee Chairman : 0.75 of Basic Allowance = £3,135 (rounded to nearest £5)

Licensing Committee Chairman : 0.75 of Basic Allowance = £3,135 (rounded to nearest £5)

The Panel took account of the relative workloads of the Chairman from the discussion with the Officers.

There was general agreement that the nature and profile of Development Control warranted a multiple of 0.75 of the Basic Allowance. The Panel was advised that the workload of the Licensing Committee will increase significantly with the implementation of the new Licensing Laws particularly in respect of Liquor Licensing. The multiple of 0.75 acknowledges this point.

5.4.2 The Panel **recommends** that the :

- Chairman of Policy & Development Committee be entitled to receive a SRA of £2,755 per annum. The total amount of allowances would be £6,930 per annum
- Chairmen of Development Control Committee and the Licensing Committee be entitled to receive a SRA of £3,135 per annum each. The total amount of allowances would be £7,310 per annum each.

5.5 **Vice-Chairman of Policy & Development Committee and Regulatory Committees**

5.5.1 The Panel determined that the SRA for the Vice-Chairs should be linked to the SRA of the Chairman of the said Committees. Therefore the following multiples were agreed :

- Policy & Development Committee =
one third of the Chairman's SRA i.e. £918.
- Development Control and Licensing Committees =
one third of the Chairman's SRA i.e. £1,045.

5.5.2 The Panel **recommends** that the :

- Vice-Chairman of the Policy & Development Committee be entitled to receive a SRA of £918 per annum. The total amount of allowances would be £5,093 per annum
- Vice-Chairmen of the Development Control and the Licensing Committees be entitled to receive a SRA of £1,045 per annum each. The total amount of allowances would be £5,220 per annum each.

5.6 **Standards Committee Chairman**

5.6.1 The Panel considered the workload of the Standards Committee Chairman in discussion with the Officer. On the basis of frequency of meetings and the independent nature of the Chairman, the Panel concluded that the basis of the allowances effective from 28th April 2004 do not need any amendment other than uplifting it for RPI at 30th June 2004. The amount of SRA thus determined is £1,860 (rounded).

- 5.6.2 The Panel **recommends** that the Chairman of the Standards Board be entitled to receive a SRA of £1,860 per annum. Basic Allowance cannot be paid to the Chairman of the Standards Board.

5.7 Vice-Chair of the Standards Board

- 5.7.1 The Panel concluded that the same applies to the SRA for the Vice-Chair as recommended for the Chairman of the Standards Board. The SRA thus determined is £1,260 per annum (rounded).
- 5.7.2 The Panel **recommends** that the Vice-Chairman of the Standards Board be entitled to receive a SRA of £1,260 per annum.

5.8 Opposition Group Leaders

- 5.8.1 The Panel discussed the current operation of this SRA at length. The Panel revisited its previous recommendation which was a multiple of 0.66 of the Basic Allowance then recommended. The Panel felt that the workload of the Opposition Group Leaders will have increased under the new political structure and operation of the Council and concluded that the multiple be increased from 0.66 to 0.75 of the Basic Allowance to give the total maximum allowance available of £3,135 (rounded) for allocation between Opposition Group Leaders. The Panel also felt very strongly that the allocation from this should be on the basis of the political balance for each group in terms of numbers of members.
- 5.8.2 The Panel **recommends** that the Opposition Group Leaders be entitled to receive an allocation from a maximum total SRA of £3,135 (rounded). The allocation to be on the basis of the political balance of each group on the Council in terms of numbers of members.

5.9 Chairman of Development and Scrutiny Panel

- 5.9.1 The Panel were advised of the likely workloads of the Development and Scrutiny Panel in the new member structures of the Council and concluded that the same methodology as that for the Chairman of the Policy & Development Committee would be appropriate to apply here. However, the Panel are of the opinion that this should be reviewed in 12 months time in the light of experience of how it has worked. The SRA therefore is based on what the structure and workload is known to be now. The SRA, therefore, is determined at a multiple of 0.66 of the Basic Allowance i.e. £2,755.
- 5.9.2 The Panel **recommends** that the Chairman of the Development and Scrutiny Panel be entitled to receive a SRA of £2,755. The total amount of allowances would be £6,930. The allowance should be reviewed after 12 months of operation of the new member structures.

5.10 Vice-Chairman of Development and Scrutiny Panel

5.10.1 The Panel concluded that the same basis as that applied to the Vice-Chairman of the Policy & Development Committee and the Regulatory Committees would be appropriate to determine the SRA here. The Panel therefore determined a multiple of a third of the Chairman of the Panel i.e. £918 per annum.

5.10.2 The Panel **recommends** that the Vice-Chairman of the Development and Scrutiny Panel be entitled to receive a SRA of £918 per annum. The total amount of allowances would be £5,093.

5.11 Chairman and Vice-Chairman of the Constitution and Accounts Committee

5.11.1 The Panel noted that the Committee performs mainly a monitoring and overseeing role and receives the Annual Financial Statements for approval under delegated authority from the Council.

The Panel therefore concluded that such a role did not warrant a SRA.

5.11.2 The Panel **recommends** that no SRA is payable to the Chairman and Vice-Chairman of the Constitution and Accounts Committee.

5.12 Co-Opted Members of the Standards Committee

5.12.1 The Panel concluded that co-opted members of the Standards Committee who do not hold the Office of Chairman or Vice-Chairman of the Committee should be appropriately recognised for their commitment and input into the Council's work. The Panel determined a SRA multiple of 0.25 of the Standards Chairman's allowance, i.e. £465 per annum. In the Panel's view this adequately reflects the workload and responsibility balance when compared with the other bodies within the Council.

5.12.2 The Panel **recommends** that the co-opted members of the Standards Committee who do not hold the Office of Chairman or Vice-Chairman be entitled to receive a SRA of £465 per annum.

5.13 Working Groups/Task Panels/Task & Finish Groups

5.13.1 The Panel discussed whether there should be any additional SRA payable for members working in such groups. It was noted that there is no recognition of sub-committees. The Panel felt that there is no compelling justification for a SRA for membership of such groups especially if the overall workload of the Council was fairly distributed across its member structures.

5.13.2 The Panel therefore does not recommend a SRA for membership of working groups, Task Panel, Task and Finish Groups.

6. **Childcare and Carers' Allowance**

- 6.1 The Panel considered that a Childcare and Carers' Allowance should be available to members, so that those members who have such responsibilities, can make a full contribution to the Council's work.
- 6.2 The Panel therefore **recommends** an allowance for childcare and carers at £5.25 per hour subject to a ceiling of £1,050 per annum per Councillor be available, payable for approved duties.

7. **Travel and Subsistence Allowances**

- 7.1 The Panel noted that since the last review the new Regulations had now deregulated the Schemes and gave Remuneration Panels the responsibility for advising Councils.
- 7.2 The Panel view was Members travel and mileage rates and subsistence should be aligned to those which apply to staff and the same rules for recovery of expenses should apply.
- 7.3 The Regulations still define the approved duties where claims can be made.
- 7.4 The Panel therefore, **recommends** that the travel and subsistence allowances for elected and non-elected co-opted members be the same as the allowances enjoyed by staff employed under the NJC national conditions of services. The mileage rates should be the same rates as paid to casual car users. The nationally agreed mileage and subsistence rates applicable in 2004/05 and for each year thereafter should be available within the Council as notified to it by the Employer's Organisation.

8. **Pensions**

- 8.1 The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 and the 2003 Regulation set out the pension provisions that relate to elected members.
- 8.2 The Panel is able to make recommendations as to which members (who are under age 70) should be entitled to membership of the Local Government Pension Scheme (LGPS) and whether the basic allowance or any special responsibility allowance, or both, should be made pensionable.
- 8.3 The Council will only be able to make membership of the LGPS available to those elected members who are recommended for membership of the LGPS by the Panel, but the Council can decide not to offer membership to some or all of the recommended elected

members. The decision whether to actually join the LGPS will rest with the individual elected member once the Council has decided which, if any, members should be eligible.

- 8.4 The Panel **recommends**, having had regard to the time commitment of members and particularly those with special responsibilities and there being no justification for discriminating between elected members, that all elected members should be given the option of joining the LGPS and pensionable pay should be based on both basic and special responsibility allowances. Whilst budget issues are not a consideration for the Panel it is nevertheless mindful that there are cost implications for the Council if elected members join the LGPS both in terms of making employer contributions and in the administration of the arrangements.

9. **Indexation**

- 9.1 A scheme of allowances may make provision for an annual adjustment of allowances by reference to an index. Where the only change is caused by the annual impact of an index contained within a scheme the scheme may be amended without reference to its independent remuneration panel. Indexation may not run for more than four years before a further recommendation on it is sought from an independent remuneration panel.
- 9.2 The Panel **recommends** that the indexation should run for two years with the next review being completed for the start of the municipal year commencing in May 2006. It is further recommended that all allowances with the exception of travel should be linked to the annual NJC salary award for staff and should be applied from the date of the AGM each year. Travel should be directly linked to the NJC travel allowances for staff and be applied as and when the rates for staff are varied.

10. **Other Recommendations**

- 10.1 The Panel **recommends** that only one SRA should be payable to any member, and that this should be the highest that the member is entitled to.

11. **Acknowledgement**

- 11.1 The Panel wishes to thank members who completed questionnaires and Officers who provided additional information.

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER, DEMOCRATIC & LEGAL SERVICES

REPORT NO. DLS13

DATE: 9th DECEMBER 2004

TITLE:	REPRESENTATION ON OUTSIDE BODIES: STAMFORD VISION
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NO

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Democratic representation Cultural Portfolio – Councillor Mrs F. Cartwright
CORPORATE PRIORITY:	Community Leadership
CRIME AND DISORDER IMPLICATIONS:	None
FREEDOM OF INFORMATION ACT IMPLICATIONS:	None
BACKGROUND PAPERS:	Minutes of Annual Council meeting held on 15 th May 2003

1. INTRODUCTION

At the last Council meeting held on 28th October 2004 nominations were sought to fill a vacancy on Stamford Vision (formerly the town centre management partnership). A decision was deferred “for clarification on the membership of this body”.

2. RECOMMENDATION

That the Council appoints a member to fill the vacancy on Stamford Vision.

3. BACKGROUND DETAILS

The Annual Meeting following the quadrennial elections appoints members to a wide variety of outside bodies and other organisations. At the meeting held on 15th May 2003, the membership of Stamford Vision was recorded as:

Councillor Mrs J. Gaffigan
Councillor Miss Channell
*plus Councillor R. Conboy
and Councillor S. O'Hare*

To continue until the position
is clarified on the totality of
the membership.

The then Chief Executive advised the meeting that the memberships of the town centre management partnerships should remain stable as the partnerships (including those for Grantham, Bourne and the Deepings) were undergoing renewal and some proposals were to come forward from individual partnerships about the level of involvement from Councillors representing the District Council. The Chief Executive recommended that the Council allow “lapsing” to take place until the position became clearer.

Following receipt of this advice, there were two members who were particularly keen to put themselves forward to serve on Stamford Vision. These were Councillor Robert Conboy and Councillor Stephen O'Hare. Both of these members were so proposed and seconded. No ranking of these two “substitute” members was indicated at that time.

The minutes therefore recorded their names in italics pending clarification of the membership of Stamford Vision. Councillors Mrs Gaffigan and Miss Channell were existing members.

4. CURRENT POSITION

The vacancy has arisen through the resignation of Councillor Mrs Gaffigan. Having regard to the decision taken at the May 2003 annual meeting, it is for the Council to nominate either Councillor Conboy or Councillor O'Hare to fill

this vacancy on the basis that they were put forward as “substitutes”, or to nominate another member.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

None

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

This is now a matter for the Council to appoint a representative from either the two members who have already indicated a willingness to become a representative or, and other members who wish to put themselves forward.

7. CONTACT OFFICERS

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