



AGENDA

CABINET

MONDAY, 6 FEBRUARY 2006

10.30 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Duncan Kerr, Chief Executive

CABINET MEMBERS:	Councillor Mrs. Linda Neal (Leader/ Portfolio: Strategic Partnerships & Community Safety), Councillor Teri Bryant (Portfolio: Resources & Assets), Councillor Ray Auger (Portfolio: Healthy Environment), Councillor Paul Carpenter (Deputy Leader & Portfolio: Access and Engagement), Councillor Mrs Frances Cartwright (Portfolio: Organisational Development & Housing) and Councillor John Smith (Portfolio: Economic)
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Cabinet Support Officer:	Lena Shuttlewood tel: 01476 406119 e-mail: l.shuttlewood@southkesteven.gov.uk
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Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following page. Key decisions are marked *.

1. **Apologies**
2. **Minutes**
To approve the record of the Cabinet meeting held on 9th January 2006
(attached)
3. **Declarations of Interest (if any)**
4. **HEALTH AUTHORITY REORGANISATION**
The Cabinet to receive Sue Hitchenor, from the Lincolnshire SM Primary Care Trust

CATEGORY A PRIORITY ISSUES:

EXCLUSION OF THE PUBLIC

It is anticipated that, in accordance with Section 100(A) of the Local Government Act 1972, the public may be excluded from the meeting during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraphs 7 and 8 of Schedule 12A of the Act, would be disclosed to the public.

5. **BOURNE CORE AREA**
Report number PLA553 by the Head of Planning Policy & Economic Regeneration
(exempt report attached)
6. **COMMUNICATIONS WORK PROGRAMME**
Report number DCS39 by the Communications Manager **(attached)**
7. ***WASTE MANAGEMENT: ALTERNATE WEEKLY COLLECTION POLICIES**
Report number WCS12 by the Head of Waste and Contract Services **(attached)**
8. **WASTE MANAGEMENT: SUPPLEMENTARY SERVICES**
Report number WCS11 by the Head of Waste & Contract Services. **(attached)**

CATEGORY B PRIORITY ISSUES:

9. **PROGRESS TOWARDS THE LOCAL DEVELOPMENT FRAMEWORK (LDF) FOR SOUTH KESTEVEN**
Report number PLA555 by the Head of Planning Policy & Economic Regeneration.
(attached)

CHANGE MANAGEMENT ACTION PLAN ISSUES:

10. ***REVIEW OF THE COUNCIL'S AMBITION IN THE LIGHT OF THE REVIEW OF USE OF RESOURCES**
Report number FIN256 by the Director of Finance and Strategic Resources.
(attached)
11. ***HOUSING REVENUE ACCOUNT: RENT AND OTHER CHARGE SETTING 2006/07**
Report number FIN255 by the Director of Finance and Strategic Resources.
(attached)

CATEGORY Y ISSUES:

12.	*SKDC ENFORCEMENT POLICY Report number ENV339 by the Head of Environmental Health & Housing. (attached)
13.	Matters Referred to Cabinet by the Council or the Development & Scrutiny Panels
14.	Items raised by Cabinet Members including reports on Key and Non Key Decisions taken under Delegated Powers.
15.	Representations Received from Members of the Public on Matters within the Forward Plan (if any)
16.	Representations received from Non Cabinet Members
17.	Any other business which the Chairman, by reason of special circumstances, decides is urgent



MEETING OF THE CABINET
9 JANUARY 2006 - 10.30 AM – 12.32 PM

PRESENT:

Councillor Teri Bryant
Councillor Ray Auger
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor John Smith

Councillor Mrs. Linda Neal – Leader / Chairman

Chief Executive
Director of Finance and Strategic Resources
Director of Regulatory Services
Director of Community Services
Corporate Manager, Democratic & Legal Services
Head of Waste & Contract Services
Head of Planning Policy & Economic Regeneration
Revenues Manager
Member Services Manager
Sustainable Waste Management Policy Officer
Public Relations Consultant

Non- Cabinet Members :
Councillors Craft ; Kerr ; G. Taylor ; G. Wheat ;
Wilks

CO103. MINUTES

The minutes of the meeting held on 5th December 2005 were confirmed as a correct record.

CO104. DECLARATIONS OF INTEREST

The Corporate Manager, Democratic and Legal Services had been asked to attend the meeting to clarify the position on declarations of interest in relation to the item on the review of the Discretionary Rate Relief Scheme.

He had sought advice from the Standards Board on this issue. In effect, for those Councillors who had been appointed by the Council as a representative on an outside body, where general matters of policy were being discussed they should declare a personal interest but not a prejudicial one. Councillors in this position could claim exemption and still take part in the discussion and voting even in relation to the organisation on which they sat provided the issue related to policy and its application.

In the light of this advice, the following interests were declared.

Minute CO111: Review of Discretionary Rate Relief Scheme:

Councillor Auger: personal interest by virtue of him being co-opted as a ward member on the Deepings United Charities but not appointed by the District Council.

Councillor Bryant: personal interest by virtue of sitting on a number of organisations potentially affected by the revised scheme.

Councillor Carpenter: personal interest by virtue of being a school governor appointed by the Lincolnshire County Council.

Councillor Mrs Cartwright: personal interest by virtue of being a trustee of Aslackby Village Hall not appointed by the Council.

Councillor Mrs Neal: personal interest by virtue of being a school governor not appointed by the Council.

Councillor Smith: personal interest by being a trustee of Bourne United Charities, a school governor and a representative (not appointed by the Council) on a number of organisations potentially affected by the scheme.

John Pell, Director of Community Services: personal interest by virtue of him being a chairman of a school governing body.

CO105. STAMFORD GATEWAY SCHEME

DECISION:

- (1) That part (2) of minute CO78 relating to a contribution from the Stamford Town Council be deleted and that the District Council proceeds with its contribution towards the scheme;**
- (2) The payment of the District Council's contribution in three instalments of 40%, 40% and 20% to be linked in with the three main components of the scheme being Sheep Market North, Red Lion Square, and Sheep Market South. These three components**

to be considered the specified outcomes to be delivered; the second 40% of funding to be payable upon satisfactory completion of the Sheep Market North component;

(3) The other outcomes to be fulfilled are:

- (i) during implementation, the satisfaction of the Highways Authority on the running of the project to be achieved;
- (ii) engaging the community in art workshops;
- (iii) delivering the phases on time and to budget;
- (iv) selecting and maintaining a quality standard of workmanship in all phases with positive ongoing feedback from the businesses and communities as to disruption minimisation by the contractor;
- (v) on completion, success to be measured by national recognition, increased footfall, positive post-evaluation by the residents, particularly in the quality of the environment, impact of the artwork, improved responses in the business survey, greater use of Red Lion Square for events, positive feedback from funding bodies, and reduction in accidents;

(4) Noting that both the Economic Portfolio Holder and the Resources & Assets Portfolio Holder are satisfied with the design of the scheme and the liabilities and responsibilities likely to accrue to this Council have largely been resolved, subject to a small number of issues to be discussed by the Portfolio Holders;

(5) Noting the scheme has been prioritised and allows for maximum flexibility in adjusting the scope of the works to suit the contract sum. Therefore no further financial assistance will be forthcoming from the District Council.

Considerations/Reasons for Decision:

- (1) Report number PLA549 by the Head of Planning Policy & Economic Regeneration referring to the Cabinet's previous decision on 7th November 2005 to contribute £350,000 towards the Stamford Gateway public realm scheme, subject to a number of outcomes;
- (2) The Stamford Town Council were invited to contribute towards the scheme but at its meeting held on 13th December 2005 declined to do so although supported the project in principle;
- (3) Having regard to support for the scheme expressed earlier in 2005 by the Stamford Town Council, results of local consultation with the public and all those affected by the scheme also showing support, evaluation of the scheme by the Welland SSP, Lincolnshire County Council, SKDC, the Arts Council, and the East Midlands Tourist Board all being positive, the District Council still proceeds with the scheme in the light of the response from the Stamford Town Council subject to the outcomes specified;
- (4) Noting the outcome from an informal meeting between the Cabinet and members of the Stamford Town Council;
- (5) The scheme is a category A priority and accords with the majority views expressed by the local community.

[Before reaching its formal decision on this item the Cabinet adjourned for five minutes between 10.55am and 11.00am.]

CO106. WASTE MANAGEMENT: ALTERNATE WEEKLY COLLECTION
CONSULTATION AND IMPLEMENTATION

DECISION:

- (1) To proceed with the introduction of an alternate weekly waste collection system using wheeled bins throughout the whole district council area, as outlined in appendix B2 to report WCS10;**
- (2) To implement the rollout of the system in a phased approach, beginning in September 2006, ending September 2007, subject to the Healthy Environment Portfolio Holder approving any variation due to circumstances.**

Considerations/Reasons for Decision:

- (1) Report number WCS10 by the Head of Waste & Contract Services concerning the results of a recent consultation exercise on the proposed introduction of an alternate weekly waste collection service throughout the District;
- (2) Outcome from the feedback received indicates that the residents of south Kesteven would like to see wheeled bins introduced for both refuse and recycling collections. The outcome of the consultation accords with the conclusions reached by the working group set up by the Healthy Environment DSP. The Cabinet received comments from the Chairman of the Working Group at the meeting;
- (3) It is acknowledged that there are areas where wheeled bins would be unsuitable. It has always been a recognised factor that some properties would be exempt from this collection method and a policy on exempt properties would be required;
- (4) A phased-in approach is preferred, implementing the scheme round by round. The advantages of this approach is outlined in report WCS10;
- (5) Noting the emphasis on continuing and future consultation with residents to ensure that they are well informed, individually if necessary;
- (6) The Portfolio Holder has delegated responsibility to make any variation to the phased introduction of the scheme where necessary in the light of experience;
- (7) It is recognised that sufficient resources should be included within the Revenue and Capital Programmes to implement this decision.

Other options considered and rejected: A “Big Bang” approach to implementation is rejected as this would be the least effective and successful. This approach could fail because:

- (1) It is estimated that distribution of bins would take approximately 6 months, and therefore some households would start using their bins long before collections are due to commence. This situation occurred with the introduction of the green waste scheme.
- (2) An integral part of introducing an alternate weekly collection scheme is publicity. It is recommended by all communication specialists to run publicity three weeks and one week before implementation. A lack of resources would make this impossible to cover the whole 365 square miles on this time frame.

CO107. BUDGET 2006/07 & 2007/08:

DECISION:

- (1) To note the impact of the provisional Local Government Settlement for 2006/07 and 2007/08;
- (2) To set a target General Fund budget requirement of £13.959m for 2006/07 with resultant Council Tax of £105.84 and to consider preparing indicative figures for 2007/08. These figures to be reviewed later in the budget process;
- (3) To ensure the Scale of Charges are reviewed as part of the Gateway Budget Review;
- (4) To agree in principle the rent proposals as set out in report FIN254 subject to consultation on the proposals taking place with the Tenant Compact;
- (5) To request further feedback on budget consultation from the Budget Working Party and public feedback from SKToday and the Local Area Assembly meetings in January, in time for its consideration of budget plans in February.

Considerations/Reasons for Decision:

- (1) Report number FIN254 by the Director of Finance and Strategic Resources which comments upon the provisional Local Government Settlement for 2006/07 and indicative settlement for 2007/08; the budget requirement and reserves; housing rents for 2006/07; and the scale of charges for individual services;
- (2) Advice from the Director of Finance and Strategic Resources on the relative position of South Kesteven's settlement compared to the national position and an explanation of the formulae changes for grant distribution;
- (3) Noting that whilst the East Midlands fared well from the 2006/07 settlement, South Kesteven's grant is the second lowest in Lincolnshire.

CO108. ALLOCATION OF INCOME FROM REDUCED DISCOUNT OF COUNCIL TAX ON SECOND HOMES

DECISION:

- (1) To approve the request to Lincolnshire County Council for a grant allocation from the additional income raised from council tax on second homes;**
- (2) To agree that the grant be allocated for use by the Local Strategic Partnership to assist the development of schemes and projects identified in the draft Community Plan 2006/07;**
- (3) To note that the grant in respect of 2005/06 will be paid alongside the payment for 2006/07.**

Considerations/Reasons for Decision:

- (1) Report number DCS37 by the Director of Community Services which refers to an opportunity to submit proposed schemes to Lincolnshire County Council for the use of additional income arising from the reduced discount of council tax on second homes. Such proposed schemes to be of mutual benefit to both the district concerned and the county;
- (2) Given the emphasis being placed on both tiers of local government to develop and promote excellence in partnership working and the increased importance being placed on Local Strategic Partnerships (LSPs) to deliver the outcomes of Local Area Agreements, the Lincolnshire County Council is asked to make a grant towards the development of the South Kesteven Local Strategic Partnership. The themes to be addressed by the LSP are also being addressed by the County Council. If the grant is approved, allocating funds to the LSP will facilitate a more integrated and coherent approach to project development and implementation.

Other options considered and assessed

- (1) In considering other options thought has been given to other mutually important priorities shared by the County Council and South Kesteven District Council. Themes such as community safety, economic development and support to the voluntary sector have been considered.
- (2) It is the case that many funding opportunities open to partnerships organisations are not available to local authorities. If this funding is made available to the Local Strategic Partnership opportunities may exist to use the grant as matched

funding to support a range of projects within the district. Since the Local Strategic Partnership and the District Council are strategically aligned there are opportunities for mutual gain.

CO109. FUNDING OF SOUTH KESTEVEN CITIZENS' ADVICE BUREAUX

DECISION:

- (1) To not support the request from the South Kesteven Citizens' Advice Bureau (SKCAB) for a supplementary grant of £3,500 as a contribution towards the additional costs of providing an additional session at the Grantham office from 1st October 2005;**
- (2) To approve core funding of £50,000 for the financial year 2006/07, the grant to be conditional upon the SKCAB entering into a Service Level Agreement with the Council;**
- (3) To note that additional resources will be available to fund additional capacity for advice and support for homelessness through the Government's Homelessness Innovation Fund commencing 2006.**

Considerations/Reasons for Decision:

- (1) Report number DCS32 by the Director of Community Services setting out proposals for the longer term programme of funding for the SKCAB. The SK CAB has expressed a concern about long-term stability in funding and the possibility that the Council could consider a further bid for 2005/06 in October this year. A request for a supplementary grant of £3,500 for the current financial year has been made to reflect the cost of three (3) hour session per week at the Grantham office from 1st October 2005 to 31st March 2006;
- (2) Noting from an oral update at the meeting given by the Director of Community Services, that the Countywide funders' consortium is of the opinion that the CAB would be regarded as a front line service provider. Funding through the Area South Partnership is really for infrastructure organisations and therefore the CAB would not be eligible for grant allocations through this Partnership;
- (3) The audit Commission's report on the Council's Strategic Housing function was critical that the Council provided funding for the CAB but did not have a service level agreement in place to ensure that benefits advice, debt counselling and housing rights advice are easily available in the area and contribute to the prevention of homelessness. The requirements for a service level agreement is therefore in response to this criticism;
- (4) Details given in the report on client contacts and advice references, and subsequently updated for the third quarter at the meeting;
- (5) Future partnership working will provide an opportunity for enhancing services in partnership with the SKCAB and this approach will be

beneficial for the future sustainability of the SKCAB;

(6) The Cabinet declines the request for the supplementary grant of £3,500 as it was made clear at the outset that in return for the core funding and free use of accommodation, the SKCAB had to undertake the hours of service specified within the original agreement;

(7) The Council (as part of a Countywide bid) has also successfully bid for ODPM Homeless Innovation Funding to work in partnership with the SKCAB to prevent homelessness, particularly in relation to work with the private rented sector. This is a two year programme of funding commencing in April 2006. One of the outcomes identified for this project is to provide additional capacity for advice and support within the private sector through an enhanced service in partnership with the Citizen Advice Bureaux who are integral to the successful delivery of the outcomes of the bid.

CO110. HOUSING IMPROVEMENT PROGRAMME UPDATE REPORT

The Leader had agreed to take this as an urgent item in order that members are aware at the earliest opportunity of the receipt of a letter from the Minister for Housing & Planning in which she refers to the Audit Commission's inspection of the Council's Strategic Housing Services.

The recommendations now contained in report DRS29 require a decision now in order for the work to be carried out and reported to Cabinet before the budget is prepared for Council.

DECISION:

- (1) To note the contents of the letter from the Minister for Housing & Planning and to note the contents of the reply from the Leader of the Council;**
- (2) The Director of Regulatory Services be authorised to include a bid for a provision of £20,000 within the Housing Solutions Business Plan for 2006/07 for work with the voluntary sector to deliver the Housing Improvement Plan. Expressions of interest to be sought from voluntary agencies and the amount awarded will be dependent on the additionality as demonstrated in the bid.**

Considerations/Reasons for Decision:

- (1) Report number DCS29 by the Director of Regulatory Services appending a letter addressed to the Leader referring to the poor rating which had been given by the Housing Inspectorate to the Council's Strategic Housing Service. However, she noted that the Inspectors had found a strong commitment at corporate level to drive through improvements. A copy of the Leader's reply was also attached;**
- (2) The Director advised that, as part of the restructuring of the Housing**

Service, work has been ongoing in building the relationship with the CAB with a view to developing a Service Level Agreement. The revised structure will provide additional capacity and further work with the voluntary sector will be required in order to provide advice on the prevention of homelessness. The bid for inclusion within the Housing Solutions business plan for 2006/07 is to support this work and for expressions of interest to be sought from voluntary agencies to work in partnership with the Council to provide housing advice.

CO111. REVIEW OF DISCRETIONARY RATE RELIEF SCHEME

DECISION:

- (1) That the Council adopts a new scheme for awarding Discretionary Rate Relief as set out in Appendix A to report FIN252, as amended to allow for 15% discretionary rate relief for community centres and village halls who have registered as a charity. The revised scheme to come into effect from 1st April 2006;**
- (2) That all awards for Discretionary Rate Relief and Mandatory Relief are delegated to the Revenues Manager;**
- (3) Appeals to be dealt with by the Portfolio Holder for Assets & Resources in consultation with the Director of Finance and Strategic Resources.**

Considerations/Reasons for Decision:

- (1) Report number FIN252 prepared by the Revenues Manager setting details of a proposed alternative Discretionary Rate Relief scheme. The Council decided to disinvest in its discretionary grants including Discretionary Rate Relief and set a budget of £10,000 per annum from 1st April 2006 for the award of Business Rate Relief. The Council is not in a position to deny applications for Business Rate Relief and therefore the Cabinet must review the criteria of awarding Discretionary Rate Relief and any issues as a result so as to keep within the £10,000 budget;**
- (2) Details of the categories of ratepayers to who discretionary rate relief can be made and the two forms of rate relief – mandatory and discretionary. Based on current figures, Discretionary Rate Relief of approximately £93,000 per annum is awarded. If the Council did not have a scheme in place, the ratepayers would pay approximately £150,000 more in Business Rate each year and this would affect nearly 250 organisations including village halls and some schools;**
- (3) Details of a proposed alternative scheme together with guidance for calculating Discretionary Rate Relief which demonstrates clear linkage to the Council's priorities;**
- (4) Noting that the Portfolio Holder will consider revising the discretionary rate relief scheme next year to take account of those Sports Clubs who**

have registered as a Community Amateur Sports Club being eligible for 80% relief;

(5) Noting that the Council will consider favourably applications from community centres and village halls that have made applications for charitable status but are awaiting confirmation of that status from the Charities Commission.

CO112. COMMUNITY STRATEGY FOR LINCOLNSHIRE

DECISION: That the Chief Executive, in consultation with the Leader, prepare a response to the County Council's first draft of the Community Strategy based on the views expressed in his report CEX310.

Considerations/Reasons for Decision:

- (1) Report number CEX310 by the Chief Executive and appended copy of the first draft by the Lincolnshire County Council of its Community Strategy. The main driver for this document has been the requirement to have a community strategy in place in order to secure a local area agreement for Lincolnshire;
- (2) The Cabinet concurs with the views expressed by the Chief Executive that the document could have better attempted to deal with the locality of Lincolnshire, and that certain targets are naïve or over optimistic. Whilst agreeing with the principle of the strategy, some of the actual detail needs addressing.

DATE DECISIONS EFFECTIVE:

Key decisions at minutes CO106, CO108, and CO111 and non key decisions taken on 9th January 2006 will become effective on 18th January 2006 unless subject to call-in by the relevant Development & Scrutiny Panel Chairman or five members of the Council.

South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ

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Agenda Item 5

By virtue of paragraph(s) 7, 8 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 6

REPORT TO CABINET

REPORT OF: CORPORATE DIRECTOR (COMMUNITY SERVICES)

REPORT NO. DCS 39

DATE: 6 FEBRUARY 2006

TITLE:	COMMUNICATIONS WORK PROGRAMME
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NON-KEY DECISION

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR PAUL CARPENTER - COMMUNICATIONS
CORPORATE PRIORITY:	A
CRIME AND DISORDER IMPLICATIONS:	NONE
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NONE Unless exempt, this report is a public document and available from the Council's website: www.southkesteven.gov.uk
BACKGROUND PAPERS:	COMMUNICATIONS ACTION PLAN

1. INTRODUCTION

The communications unit within South Kesteven District Council has the following long-term objective:

To position South Kesteven District Council as a leading and reputable public service organisation by ensuring fair, accurate, timely and accessible representation of its role, decisions and activities to a variety of audiences.

In line with this objective the communications unit has produced an interim communications work programme, concentrating on the period February – July 2006. The communications work programme sets out recommended key actions – both corporate and service-related-, based on nine council communication principles. These principles have been identified based on the factors as described in 2.

Background:

- ① Creating a recognisable brand identity*
- ② Building relationships of trust and confidence*
- ③ Communicating clear and consistent messages*
- ④ Responding to different audiences*
- ⑤ Establishing and maintaining effective communication channels*
- ⑥ Making communications fit for their purpose*
- ⑦ Making two-way internal communications a reality*
- ⑧ Investing properly in communications*
- ⑨ Measuring value for money.*

Please find the communications work programme attached.

2. BACKGROUND

Internal and external influences on the role of communications within SKDC

The following factors have contributed to the shaping of the role of communications within South Kesteven District Council:

- 1.1 In March 2004 the Audit Commission stated in its Comprehensive Performance Assessment report that internal communications within SKDC had been identified as an area of weakness. Good practice and learning were not shared systematically across the council, which led to the council not maximising its skills, knowledge and learning.
- 1.2 The residents survey, undertaken in 2005, makes references to the level of information residents receive. The following outcomes are quite significant and prove that further improvements are required:

Outcome 1

Just over three fifths (61.9%) thought that the council keeps them fairly or very well informed, but nearly a third disagreed.

Outcome 2

765 respondents (75.2%) were proud of their local community. A lower number – 444 (47.8%) were proud of their council.

- 1.3 The staff satisfaction survey, held in 2005, shows that, although, compared to the results from the staff satisfaction survey 2003, outcomes in 2005 have generally improved, there is still a significant discrepancy between information demand and supply, which the council needs to address through communications strategies.

The following outcomes are significant and have a direct impact on the role of communications within South Kesteven District Council:

Outcome 1

Those agreeing with the statement "I feel well informed" has increased from 23.8% in 2003 to 35.5% in 2005.

Outcome 2

More staff know what the Council's vision is. 69.5% of respondents in 2005 compared to 41.2% in 2003 agreed with this statement.

Outcome 3

The Corporate Management Team clearly explains decisions taken". 30.2 % of respondents agreed with this statement in 2005, compared to 16.6% in 2003.

Outcome 4

There has been a fall off in the percentages of respondents who feel that their manager clearly explains how council plans will affect them. In 2005, 33.7% agreed with this statement, compared to 42.6% in 2003.

- 1.4 With the appointment of a public relations manager (March 2005) and communications manager (October 2005) the council now has a dedicated communications unit in place, which has a responsibility for ensuring fair, accurate, timely and accessible representation of the council's role, decisions and activities to a variety of audiences. Activities undertaken to date include:
 1. Vast improvement of media relationships
 2. Assessment of current external information material
 3. Revamped council's priorities, values and vision posters
 4. Qualitative research into current internal communications structures
 5. Incorporation of the role of the communications unit into the council's Emergency Peace Plan
 6. Performed advisory role in restructuring of the housing department
 7. Ensured equality and diversity principles and policies representation on website
 8. Internal promotion of the role of the communications unit
 9. Production and distribution of a third issue of SKtoday
 10. Production and distribution of a fourth and fifth issue of SKoop.
- 1.5 In 2005 the LGA, IDeA and MORI launched "the Local Government Reputation project" last year, in a joint effort to improve residents' perception of their council. Local councils are invited to sign up to this project, which provides a helpful framework for councils to review their current performance on communications, and sets out good practice suggestions that can help councils improve their structures. The project challenges councils to commit to core actions on communications and liveability that will raise a council's reputation and standing in the eyes of local communities.

If South Kesteven District Council decides to formally sign up to the

Local Government Reputation project, this would show a true commitment towards the development of effective communications structures, according to the framework as recommended by LGA, IDeA and MORI. This would be a positive step and would thus be recognised by Comprehensive Performance Assessments and other future performance assessments.

Please note that there are no financial consequences, nor will there be any formal assessments by Local Government Reputation project committees. It merely formalises a commitment to improving standards of communications with all target audiences involved, based on sharing good practice.

The LGA will be able to monitor progress and measure success in the standing and reputation of local government. In parallel, the LGA will be stepping up its media work with the aim of raising the profile at national level of the good work that councils do in their communities, as well as continuing to use media channels to support its lobbying work and also to highlight the pressure of resources within this area of local government.

1.6 On 17th October 2005 Ben Page, director of MORI (market and public opinion research agency) visited SKDC to present to councillors why communications is the key to an excellent council performance. MORI's research has clearly shown a strong link between residents' satisfaction with their council and how well the council keeps them informed. Along with environmental issues, communications is able to make the greatest impact on how people perceive their councils.

Findings from MORI research:

Key drivers:

- Perceived quality of services overall
- Perceived value for money
- Media coverage
- Direct communications
- District/county's performance (in two-tier) areas
- A clean, green and safe environment
- Positive experiences of contact with staff

- Initial, top of mind impressions are almost exclusively negative – though having had the opportunity to reflect on the role and range of tasks local government is involved in, respondents become (a little) more charitable

Recommended communications core actions include:

- Effective media management
- Provide an A-Z guide to council services
- Publish a regular council magazine/newspaper
- Branding – effective and consistent linkage of council brand to community services
- Good internal communications

1.7 At the council meeting held on 27th October 2005 councillors promoted communications to an 'A' priority category. Communications is an issue arising from aligning the council's current priorities alongside the LSPs.

1.8 Internal and external pressures on local councils are constantly changing. Factors such as:

1. the restructuring of councils
2. future changes in council performance assessment
3. SKDC – internal restructuring

will have a fundamental impact on the role of communications within the council. Communicating change and the support required to implement change demands that the role of communications is integrated on all levels throughout the organisation.

3. RECOMMENDATIONS

1. For cabinet members to endorse the communications work programme.
2. For cabinet members to actively promote the role of communications and the communications unit to all target audiences, both internally and externally.
3. For cabinet to formally sign up to the Local Government Reputation project.

(If the cabinet decides in favour of the Local Government Reputation project a form should be completed on the LGA website.)

4. DETAILS OF COMMUNICATIONS WORK PROGRAMME

The communications work programme as per attached has been developed in accordance with the aforementioned factors and developments, and sets out the work programme for the communications unit for the 6-month period of February – July 2006.

This programme is an integral part of the communications unit's service plan for 2006 - 2008, and focuses on establishing internal and external communications structures, or, where already established, improving these structures. Please note that activities identified in the communications work programme (and those activities already undertaken) are consistent with good practice as identified by the Local Government Reputation project.

Overall the communications unit makes a major contribution to all areas of council work at an operational, strategic and political level.

Please note that this communications work programme will be reviewed in 6 months time, after the results of the residents survey 2006 and the staff survey 2006 have been analysed. The reviewed programme will be part of the future communications strategy.

5. CONTACT OFFICER

Communications unit
Ellen W. Breur – Communications manager
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Mobile 07740 08 12 73
e.breur@southkesteven.gov.uk

Corporate Communications Planning

February – July 2006

Planned		Ongoing (monitoring)	
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Project	Activity	February		March		April		May		June		July		
		05 - 30	06 - 12	12 - 19	13 - 19	20 - 26	27 - 02	10 - 16	17 - 23	24 - 30	03 - 09	10 - 16	17 - 23	24 - 30
• Team briefing	<ul style="list-style-type: none"> • Consultation with management • Implementation of team briefings • Review of team briefings 													
• Corporate identity (housestyle)	<ul style="list-style-type: none"> • Develop and implement corporate identity (housestyle only, not logo!) • Incorporate new corporate identity into new information resources (housing leaflets, posters, etc.) • Housestyle guideline handbook written and implemented • Brand management 													
• Production of information material	<ul style="list-style-type: none"> • Housing leaflets x 8 • Material new customer service centre • Key message video for CSC 													

Project	Activity	February	March	April	May	June	July
SKtoday	<ul style="list-style-type: none"> Internal management of SKtoday Manage distribution 						
TCM Vision	<ul style="list-style-type: none"> Advise and support tcm with a communications plan, if requested 						
• Code of recommended practice on local authority publicity	<ul style="list-style-type: none"> Design and implement Code of recommended practice on local authority publicity 						
• Corporate communications plan	<ul style="list-style-type: none"> Review current communications plan Revise and implement new communications plan 						
• LSVT project	<ul style="list-style-type: none"> Monitoring the Bridge in corporate advisory role re. LSVT 						
• Public relations (Gershon saving)	<ul style="list-style-type: none"> Monitor PR function and set up an analysis structure Promote role of PR internally, incl. managing expectations Continuously work towards improving relationships with media through press releases Continue research and intelligence function 						

Project	Activity	February	March	April	May	June	July
• Council tax leaflet	• Support and advise SKDC re. new council tax, and align with housestyle (planning to be confirmed)						
• Community portal strategy	• Review current community portals • Community portal strategy						
• Corporate website (to tie in with ICT strategy)	• Review current website • Devise general strategy • Implement hate crime/incident reporting procedures online • Online amateur photography library • Update pr and communications section						
• Central photography library (Gershon saving)	• Develop and implement central photography library						
• Communications unit	• Promote role of communications unit, incl. managing expectations						
• Awards	• Design awards database						

Project	Activity	February	March	April	May	June	July
• Young people's involvement	• Establish current situation within SKDC • Structured approach						
• Alternative formats (Gershon saving)	• Review alternative formats provided • Pull Crystal Mark, translating/interpreting services and Language Line under communications unit						
• Service Plan	• Manage and continuously review service plan • Gateway reviews • Budget management						
• Local government reputation LGA	• Explore, sign up and, where possible, implement principles of Local Government Reputation Project into communications plan						
• Skoop	• Production, management and distribution of Skoop						
• Moving to cashless office	• Advise on appropriate actions to encourage cashless payment						
• Communications & awareness training	• Arrange training for appropriate staff						

Project	Activity	February	March	April	May	June	July
• Media training	• Arrange training for appropriate staff and members						
• Introduction twin bins	• Information campaign to residents						
• Leisure Trust	• To support transfer to Leisure Trust internally/ externally						
• Budget consultation	• To support budget consultation process Planning still to be agreed						
• Air pollution project	• Work on a campaign around air pollution together with environmental health						

Forums, DSPs and working groups

Project	Activity	February	March	April	May	June	July
• E-government working group	• Attend Action, when required						
• Customer service centre working group	• Attend Action, when required						
• Multicultural forum	• Attend Action, when required						
• Communications and Engagement DSP	• Attend Action, when required						
• Community DSP	• Attend Action, when required						

Agenda Item 7

REPORT TO CABINET

REPORT OF: Garry Knighton – Head of Waste and Contract Services

REPORT NO. WCS11

DATE: 6 February 2006

TITLE:	Alternate Weekly Collection Policies
FORWARD PLAN ITEM:	Waste Collection Arrangements
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 June 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	PFP

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Ray Auger – Portfolio Holder for Healthy Environment
CORPORATE PRIORITY:	Recycling
CRIME AND DISORDER IMPLICATIONS:	Minor
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Unless exempt, this report is a public document and available from the Council's website: www.southkesteven.gov.uk
BACKGROUND PAPERS:	WCS7 to Cabinet on 8 August 2005 WCS10 to Cabinet on 9 January 2006

ALTERNATE WEEKLY COLLECTION POLICIES

1. INTRODUCTION AND SUMMARY

With the forthcoming introduction of an alternate weekly collection service for waste, changes to our current policies are required and more added relating directly to the use of wheeled bins.

This report considers these policies and the impact they will have on waste collection in the future.

2. RECOMMENDATIONS

- To adopt the policies on:
 - Waste Collection and Twin Bin Service
 - Exempt Properties, including flat complexes with communal bin areas
 - Side Waste
 - Large Families
 - Mixed Hereditaments
 - Assisted Collections
 - Enforcement

3. DETAILS OF REPORT

The introduction of a wheeled bin collection service for waste collection is a significant change from the current arrangement. As such there will be a need to provide residents with thorough guidance and instruction on the use of the bins and the service. In order for this information to be consistent, these policies need to be decided upon to direct future publicity.

Other authority policies have been used to assist with the development of our own, covering the service and details of its provision, handling properties unsuited to a wheeled bin service, additional waste presented with the bins, larger families, properties operating a business from home, assisted collections and dealing with misuse of the service.

Waste Collection and Twin Bin Service

Waste collection includes recycling and refuse (residual waste) collections.

Containers

All waste must be presented in the correct container, as described in the following table:

	Typical Household	Household identified as being exempt through the Policy on Exempt Properties
Recycling Collections	Designated wheeled bin, and any side waste presented as described in the Policy on Side Waste	55-litre recycling box(es) and any side waste as described in the Policy on Side Waste
Residual 'Landfill' Waste	Designated wheeled bin	Black refuse sacks – one bag being issued by the Council per week and additional bags provided by the householder

Bins for recycling will be collected alternate / opposite weeks to bins collecting residual 'Landfill' waste.

Edge of Property

Waste should be placed at the edge of the property boundary nearest the highway or footpath. Containers should not be left to cause an obstruction, though they should be easily accessible from the road, with minimal obstruction to the collection staff.

There have been an increasing number of complaints regarding the vehicles accessing shared or private driveways and causing damage to property. Therefore, the household will be required to move the containers to the end of these drives, so they are nearest the **public highway**. Collectors will not access private roadways or drives, except where special agreement has been given by residents and Head of Waste and Contract Services or Operational Manager.

Residents living in properties with long driveways, these being over a quarter of a mile long, will be asked to place their waste at the end of the drive, nearest the highway. If the householder is willing to sign a declaration for the collection vehicles to travel their on drive, accepting that any damage done to their property is not to be claimed from the Council, special agreement will be given by Head of Waste and Contract Services or Operational Manager. A draft copy of this form is attached as Appendix A.

Time

Waste collections will continue to commence at 7.30 am. Therefore, householders are required to ensure their waste is ready for collection by this time on the morning of their collections.

Use of the Bins

The recycling bin will be used for the collection of paper, cardboard, plastic bottles, cans and tins, and clothing and shoes.

The residual 'Landfill' waste bin will be for current 'black bag' waste.

Policy on Exempt Properties

It is unavoidable that some properties will not be able to use wheeled bins, due to the access and location of their property. Such properties will be identified through this **Policy on Exempt Properties**.

Those properties unsuitable for having a wheeled bin will be identified through a number of measures:

1. GIS mapping
2. Results from the consultation exercise in Autumn 2005
3. Special requests from householders and assessment by staff within Waste and Contract Services

The results from the consultation exercise have been analysed and it is evident that there are areas where we need to consider:

- Grantham town centre – 14 of 19 (73%) of respondents wishing to continue using black sacks and boxes for recycling
- Stamford town centre – 79 of 195 (41%) of respondents wishing to continue using black sacks and boxes for recycling
- Postcode area PE9 4, covering villages outside Stamford – 28 of 76 (37%) of respondents wishing to continue using black sacks and boxes for recycling
- Postcode area NG23 5, covering villages north of Grantham – 16 of 45 (36%) of respondents wishing to continue using black sacks and boxes for recycling

These areas are those that showed the highest support for black sacks and boxes.

Through local knowledge and GIS, it is known that this is due to the properties being terraced or flats, with either no garden or no access to it from the highway. Though there is still strong support for wheeled bins in these areas, awareness to a minority of properties whom would have problems with the bins is needed.

POLICY STATEMENT 1

The provision of wheeled bins would be compulsory amongst all residents of the district, unless the property has no storage area for the bin (either front or back) or has no access to the highway from a potential storage point.

Areas where properties are likely to be exempt will be identified using GIS, results from the consultation exercise and upon special request from the householder.

Properties identified as being exempt will not be issued with wheeled bins, and will continue to receive a black bag collection for residual 'Landfill' waste. This will be collected every week. Recyclables will be collected every two weeks, through a 55-litre recycling box or clear sacks.

POLICY STATEMENT 2

Properties identified as being exempt will receive a black bag collection for residual 'Landfill' waste, every week, and a box or sack collection for recyclables, every two weeks. Residents will receive the equivalent to one sack (black and clear) per week in a bulk delivery once per year. Two boxes will be issued to each household.

Some properties within the district have communal bin store areas. These properties will be assessed individually for the viability for using two large 1100 litre wheeled bins, one for residual 'Landfill' waste and the other for recyclable materials. These will be collected in the same way as those smaller bins from their neighbours.

POLICY STATEMENT 3

Flat complexes and communal dwellings, such as GOPD's, will be assessed for their viability to have two larger 1100 litre wheeled bins – one for the collection of recyclables and the other for residual 'Landfill' waste.

Those areas not felt to be adequate for such a service, will be judged as all other properties of the district.

Policy on Side Waste

A key reason for introducing a twin bin service is to restrict the amount of waste diverted to landfill and to increase recycling rates. The issue of side waste is greatly influential for the service to have the desired impact.

A typical household waste bin is approximately 50% recyclable (paper, cardboard, glass, cans and tins, plastic bottles, clothing and shoes), and therefore, for ardent recyclers, the recyclables wheeled bin may not provide enough capacity, despite glass needing to be recycled through the glass recycling banks. As such, additional recyclable waste will be accepted alongside the wheeled bin on collection day. This waste must be presented in either clear sacks / bags, carrier bags or cardboard boxes.

POLICY STATEMENT 4

Side waste will be accepted for collection beside the recycling wheeled bin, if presented in clear sacks / bags, carrier bags or cardboard boxes.

In order to be effectively controlling waste disposed into landfill, no side waste will be accepted beside the residual 'Landfill' waste bin. If the scheme is used correctly, there will be little need for additional capacity to that offered through the wheeled bin. Advice and guidance will be given to residents complaining of insufficient storage space in this bin.

POLICY STATEMENT 5

Side waste will not be accepted beside the residual 'Landfill' waste bin. Residents feeling this policy does not meet their needs will be offered comprehensive advice about the use of their bins, including better choice of shopping and increasing the amount they recycle.

Policy on Large Families

Whilst it is recognised that larger families may create more waste, moving towards an alternate weekly collection will lead to a more responsible attitude towards waste, created by the restrictions on the bin space available.

Each household will have the equivalent to 6-8 black sacks per two weeks, made up of an equal split in residual 'Landfill' waste and recyclables. This should provide ample disposal space, though if not, the householder will be responsible for making alternative arrangements, such as using a Household Waste Recycling Centre.

POLICY STATEMENT 6

Comprehensive advice and guidance will be offered to all households, especially where they make request for additional bin space. This will cover issues such as 'waste conscious' shopping, home composting and increasing recycling.

Large families will be given this advice, and more detailed instruction on how best to use the bins.

Changes from this will only be for those properties identified through the Policy on Exempt Properties.

Policy on Mixed Hereditaments

A mixed hereditament is a property registered for both domestic and non-domestic rates.

The business element of these properties are responsible for making suitable arrangements for their trade waste, with their household waste collected as any other household in the district.

In the past, mixed hereditaments have been advised that only two black sacks of waste will be collected per week. Since this is difficult to manage with the introduction of wheeled bins, it is felt that they should receive the same capacity as other households in the district. This will continue to be solely for their household waste.

POLICY STATEMENT 7

Mixed hereditaments will receive two wheeled bins, as other households in the district, unless their property is identified within the Policy on Exempt Properties. If they are to remain on a black bag system, they will continue to be restricted to two black sacks of household waste per week.

Policy on Assisted Collections

Currently, all residents making a claim of being unable to present their waste for collection due to ill health or incapacity are offered our Assisted Collection Service. This is whereby residents are not expected to place their waste at the edge of their property for collection, and collection staff will collect from the point of storage. The only responsibility on householders is to ensure that the waste is available for collection by 7.30 am on the correct morning.

It is felt that some residents are abusing this list, especially as there is no current review system in place, and the address remains on the list unless otherwise requested.

Also, there are no formal criteria to be added to the Scheme, allowing all claimants to be accepted without question. It has been recognised that some formal guidelines for this scheme, especially with the introduction of wheeled bins, are needed, especially since collection staff will be expected to return the bins to the point of storage, adding time to their work.

Assisted Collections will be made on the following criteria, determined by completion of a detailed Application Form:

- Physical difficulty walking
- Physical difficulty pushing / pulling
- Physical difficulty lifting
- Learning difficulties / Behavioural problems

It will also be necessary to assess that there are no other persons able to present the waste for them, such as a neighbour, relative, carer etc

POLICY STATEMENT 8

The current list will be reviewed, with all residents asked to comply with the criteria, over the next 12 months.

All new applicants will be asked to complete an application form and comply with the above criteria.

Policy on Enforcement

Wheeled bins bring with them issues not arising with a black sack or box collection, made more significant by the restrictions placed on the amount of waste collected.

The expected issues are:

- Bins being left on the highway, causing an obstruction, between collections
- Contamination of the recycling bin with non-recyclable materials
- Bins being presented for collection sooner than 24 hours prior to the scheduled collection
- Side waste being left with the residual 'Landfill' waste bin
- Bins being presented for collection with the lid left ajar

Each of these are to be addressed through this **Policy on Enforcement**.

Bins left to cause an obstruction on the highway

Correct and appropriate storage of bins between collections is the responsibility of the householder. It is important they are aware that causing an obstruction on the highway outside their home is not suitable storage for their bins, either before or after collections.

Should the Council receive reports from neighbours that bins are causing a problem, the householder responsible (identified using the electronic identification tag on the bin) will be contacted by post asking them to make the appropriate arrangements for its storage.

If they continue to ignore the requests, an officer will visit the address to establish the problem. Advice and guidance will be given, and consideration to the Policy on Exempt Properties will be made.

POLICY STATEMENT 9

Obstruction on footpaths outside a residents home will not be tolerated. They will be first asked to make suitable arrangements for the storage of their bins, though continued obstruction of the highway will result in the issuing of a £50 fixed penalty notice.

Contamination of the Recycling Bin with non-recyclable materials

A full and exhaustive list of materials will be issued to every resident at the start of the changeover, brought through the extensive publicity campaign. Details of the materials accepted within the recycling wheeled bin (or boxes) will also be available on the South Kesteven District Council website.

This is because contamination may result in all recyclables being landfilled. As such, contamination must be addressed as an urgent matter.

Contamination will be identified by:

- a. Frequently, both the recycling and residual 'Landfill' bins are similar weights
- b. Collection staff seeing contamination on emptying of the recycling bin

If contamination occurs:

- a. A letter will be sent to remind the householder of the correct list of materials recyclable through the service, and the consequence of contaminating the recycling bin. Second warnings will be issued, explaining the next steps if contamination persists
- b. If this fails to resolve the problem, a visit to the address will be made, and the bin thoroughly checked before emptying. If contamination exists, the bin will not be emptied
- c. This will continue until such a time as there is no contamination occurring

POLICY STATEMENT 10

Contamination will not be tolerated. Bins will not be emptied if contamination persists after warnings have been issued, until the Council can satisfy itself that the problem has been resolved.

Bins being presented too early for collection

Wheeled bins on the highway can pose a problem for vehicles and pedestrians if not presented correctly. In order to avoid the problems being expanded, residents will be asked to present their bins for collection no earlier than 24 hours prior to the collection.

If complaints are received by neighbouring properties, letters will be sent to the residents concerned, identified by the electronic identification chip in their bin, to ask them to change the time they place their bin out for collection.

If the problem persists, further action will be taken, as with the bins being stored on the highway.

POLICY STATEMENT 11

Bins left on the highway will not be tolerated, and residents are expected to present their bins for collection no sooner than 24 hours before the collection day, that is 7.30 am on the morning before their scheduled collection day.

Action will be taken in the same way as that taken for bins being left on the highway causing an obstruction, with advice being given before a £50 fixed penalty notice is issued.

Side waste being presented with the residual 'Landfill' bin

As stated in the **Policy on Side Waste**, additional waste will not be accepted alongside the residual 'Landfill' bin.

Moving towards an alternate weekly collection places the focus on householders to be responsible for the waste they produce, and ensuing that it is presented in the specified manner.

The terms specified in the **Policy on Side Waste** will be followed if a householder persistently presents side waste with their residual 'Landfill' bin, with the side waste not being accepted.

POLICY STATEMENT 12

Side waste will not be accepted with the residual 'Landfill' bin, and persistent presentation of side waste with the bin will be addressed by the Council. Letter and advice on reducing their waste will be issued, and if necessary, a visit to see the contents of their bin made. Ultimately, side waste will not be collected.

Bins presented with the lid ajar

It is not possible for the bins to be emptied with the bin lid open, and therefore, residents will be advised to present the bin with the lid fully closed.

If bins are presented with the lids ajar, they will not be collected. Notification will be left on the bin to explain the reason for the action, and advising them to refer to the publicity materials issued to them at the start of the campaign.

POLICY STATEMENT 13

Bins not presented correctly for collection will not be emptied.

Advice will be given to the householders at the start of the service change, and throughout the service where necessary.

These policies should enable the Twin Bin Scheme to operate most efficiently and effectively.

They have been formulated using the advice and guidance of other authorities using this service, only altered to suit the needs of the District.

4. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

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

No comments.

6. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

7. CONCLUSIONS

This report presents the Policies required to ensure the best use and impact of the Twin and Alternate Weekly Collection service. Some policing of the bins will be required to produce the desired outcome – increased recycling and reduced landfilling of residual waste.

8. CONTACT OFFICER

Garry Knighton – Head of Waste and Contract Services
Extension 6276
g.knighton@southkesteven.gov.uk

Dawn Temple – Sustainable Waste Management Policy Officer
Extension 6557
d.temple@southkesteven.gov.uk

APPENDIX A

AGREEMENT FOR WASTE COLLECTION VEHICLES TO **TRAVEL PRIVATE DRIVEWAYS**

This form is consenting vehicles from South Kesteven District Council to travel your driveway for the purpose of collecting your recyclables and refuse 'Landfill' waste.

I / We* agree that a waste collection vehicle can access my property on my private driveway for the purpose of collecting my waste, and that any damage caused by this action is my responsibility, and not that of South Kesteven District Council. As such I / we* will not make any insurance claim against South Kesteven District Council, or its staff for such incidents.

Signed

Name

Address ..
.....
.....
.....
.....

Length of Drive (please note claims will only be accepted from those households with a drive of 1/4 mile or more)

.....

Agenda Item 8

REPORT TO CABINET

REPORT OF: Garry Knighton – Head of Waste and Contract Services

REPORT NO. WCS11

DATE: 6th February 2006

TITLE:	Supplementary Services
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:	Ray Auger – Portfolio Holder from Healthy Environment
CORPORATE PRIORITY:	Recycling
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	N/A
BACKGROUND PAPERS:	SKDC Waste Minimisation Strategy; Report number WCS1

1. SUMMARY

The Lincolnshire County Council has withdrawn the provision of supplementary waste collection services to the residents of South Kesteven with effect from 1st January 2006. The main areas affected are the Deepings, Caythorpe, Long Bennington, Ancaster, Billingborough, Folkingham, Colsterworth, and Corby Glen.

This report sets out the provision currently provided by the district council and its future provision

2. RECOMMENDATIONS

That in view of the decision taken by Lincolnshire County Council and the reasons for that decision the District Council should cease providing a supplementary service from the 1st April 2006

3. LINCOLNSHIRE COUNTY COUNCIL STANCE

The County Council's decision to cease its supplementary service for South Kesteven was to encourage residents to recycle the waste collected from this service, and hence decrease the amount sent to landfill, the decision was not based on financial reasons.

It further highlighted an issue to do with health and safety. This involves residents throwing waste into the back of a freighter. Instances have occurred where paint etc has been thrown into the freighter and then when the compaction process starts this has resulted in the paint being compressed and thrown out the back. Although no serious injury has yet occurred the potential is there for this to happen.

They have now agreed to continue with the provision at Stamford due to the fact that the location of the town is more than eight miles from a household waste recycling centre, which is the criteria they are using to determine the provision of these facilities throughout the county.

4. SOUTH KESTEVEN DISTRICT COUNCILS CURRENT SERVICE

The District Council has for a number of years operated its own supplementary service. This is offered to villages that do not currently receive a service from the County Council. Parish Councils, via their parish clerk, approach the district council and request a freighter to visit the village. Normally villages are able to request this service once a year, however if the budget allows a second freighter can be provided. The current cost of providing this service is in the region of £12,000 per annum. About 36 villages currently benefit from this scheme.

Some parish councils who feel the provision of one or two freighters per year pay for additional freighters to be provided and this is met by the parish precept.

All waste collected via this service is sent to landfill.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

None.

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

None.

7. CONCLUSIONS

The reasons for the County Council withdrawing their service is based on the requirement to divert waste from landfill. The County believe that ceasing this service will require residents to seek alternative methods of disposal and it is hoped that this will lead to an increase in the use of the Household Recycling Centres. These are currently based at Grantham and Bourne.

The district council is also committed to reducing the amount of waste that is landfilled and therefore the provision of supplementary services does not support this aim.

8. CONTACT OFFICER

Garry Knighton - Head of Waste and Contract Services
Extension 6276

REPORT TO CABINET

REPORT OF: Head of Planning Policy and Economic Development

REPORT NO. PLA555

DATE: 6TH FEBRUARY2006

TITLE:	Progress towards the Local Development Framework (LDF) for South Kesteven
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr Smith Economic Development
CORPORATE PRIORITY:	A - Town Centres B – Planning, conservation, affordable housing
CRIME AND DISORDER IMPLICATIONS:	minor
FREEDOM OF INFORMATION ACT IMPLICATIONS:	All LDF documents are published on the Council's web site and are made available for public inspection at the District Council's offices and the local libraries in the district.
BACKGROUND PAPERS:	Planning and Compulsory Purchase Act 2004, PPS12, Lincolnshire Structure Plan (Deposit Draft) Regional Planning Guidance Cabinet reports and minutes dated 24 th November 2004, 7 th February 2005, 4 th April 2005, 9 th May 2005, 6 th June 2005, 5 th September 2005 and 10 th October 2005 Non-key decision 5 th December 2005

1. INTRODUCTION

- 1.1 Previous reports considered by Cabinet set out the timetable and progress made to date in the preparation of the new Local Development Framework (LDF).
- 1.2 This report provides an update on progress made since October 2005 and sets out how this progress relates to the timetable set out in the Local Development Scheme (LDS), which was approved by GOEM in April 2005. The report also considers changes that need to be made to this timetable to take account of the short delays that have already occurred.

2. RECOMMENDATIONS

- 2.1 **Members are asked to note the progress which has been made to date in developing the council's Local Development Framework.**
- 2.2 **Members are also asked to note the changes which are proposed in this report to the timetable and the LDS arising from delays which have already occurred and to delegate approval of a revised LDS to the Economic portfolio holder.**

3. DETAILS OF REPORT PROGRESS TO DATE

3.1 Statement of Community Involvement

- 3.1.1 The final version of the Statement of Community Involvement (SCI) was submitted to the Secretary of State on 14th November 2005. Submission coincided with a six week public consultation period, during which formal representations should have been submitted. Any representations made at this stage should have been related to one of nine tests of soundness (which have been prescribed by the ODPM and the Planning Inspectorate and are appended to this report at Appendix a) and will be considered by the Planning Inspectorate through a public examination process.
- 3.1.2 During the consultation period (which was extended to 6th January 2006 to allow for delays and time lost over the Christmas period) five formal Representation forms. Two informal representations and 29 letters of acknowledgement were received.
- 3.1.3 The main issues raised in formal representations were concerns that parish and town councils are not kept informed about changes in planning applications and decisions; the role of the planning panel in determining applications and that resources are not available to realistically manage community involvement effectively. The formal representations commented on four of the nine tests of soundness which were

- No 4 – that the SCI identifies how the community and other bodies can be involved in a timely and accessible manner
- No 5 – that the methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of Local Development Documents
- No 6 – that resources are available to manage community involvement effectively
- No 9 – that the SCI clearly describes the planning authority's policy for consultation on planning applications

3.1.4 These representations are summarised in Appendix b of this report. Only one of the representations made requested an appearance at public Inquiry. The Planning Inspectorate will liaise with the objector to decide the best method for considering the objection; this may be through appearance at an informal hearing or via written representation.

3.1.5 All representations have now been forwarded to the Planning Inspectorate. It is expected that details of the appointed Inspector will be received by the Council by 31st January. Objectors will then have four weeks in which to provide additional statements in respect of their objection(s), following which the Council has two weeks to respond. The appointed Inspector will consider all the statements submitted and prepare his report during March. It is anticipated that the report will be received in early April.

3.1.6 If the Inspectors report makes recommendations for change the Council must make these changes before the SCI can be adopted.

3.1.7 If this timetable is met it will mean that the SCI should be adopted in late April or early May. The timetable included in the approved LDS set out that the SCI would be adopted in March 2006. The timetable has therefore slipped by about two months.

3.2 Core principle of Development and Location Strategy and the Housing and Economic Development DPD

3.2.1 The Issues and Options paper for both these policy documents was published for consultation on 30th September 2005. Public consultation was undertaken in line with the requirements of the SCI. This included direct consultation with all key stakeholders and those individuals and organisations who have previously registered an interest in the LDF. Documents were made available at nearly all local post offices (subject to local agreement of the post master), all local libraries (including the mobile service) and district offices. Public notices were placed in local newspapers and posters were displayed in all villages and in various locations in the towns. A public exhibition was displayed in the four towns and in Billingborough, Colsterworth and Long Bennington and an open invitation was made for people to meet, via appointment, planning officers at any of the four district offices.

3.2.2 Public consultation on the Issues and Options closed on 14th November 2006. A total of 178 response forms and letters have been received about the Issues and Options. These are being considered at the moment and a summary of responses will be reported to Cabinet in March. Work has begun on preparing new policies and identifying site allocations for inclusion in both documents. It is anticipated that these policies and sites will be included in the “preferred options” version of the two DPD’s, which should be published for six weeks consultation in May or June this year.

3.2.3 In addition to consultation on the Issues and Options, 6 weeks public consultation was also held into the Scoping Report for the Strategic Environmental Appraisal (SEA)/A. This is a largely technically document which has been prepared by a specialist consultant. This assessment process forms an ongoing part in the identification and assessment of preferred options. It is therefore essential that work on this element of the LDF is integral to the evolution of policies and proposals for inclusion within the two DPD’s. Consultation on the SEA/SA resulted in 10 responses from organisations and bodies dealing with environmental and sustainability issues. The comments made about the Scoping report will feed through the ongoing SEA/SA work and may result in changes being made to the sustainability objectives and framework.

3.2.4 The timetable set out in the LDS for the preparation of these two policy documents has slipped by about four months. However rapid progress on the preparation of the policies and the identification of sites is now being made. It is anticipated that draft policies and proposals will be available by the end of February. As set out above it is essential that the policies and proposals are assessed as part of the SEA/SA process, this will take place during February and March. It is proposed that the emerging policies and sites should be considered by the Economic and Community DSP’s prior to Cabinet considering the draft documents for public consultation. The aim would be to take the draft policies and preferred sites to the DSP’s in March and April and for Cabinet to consider the draft documents on 24th April. If these dates are achieved public consultation could begin at the end of May.

3.2.5 As a consequence of these delays the timetable in the LDS should be revised as follows.

LDF Stage / Milestone	Approved timetable	Revised timetable
Public consultation on Preferred options	Jan / Feb 2006	May/June 2006
Submission consultation	July / August 2006	Nov / Dec 2006
2 nd consultation on suggested sites (if needed)	October 2006	Feb / Mar 2007
Examination (Core strategy)	Jan / Feb 2007	March / April 2007
Examination (Housing and	Feb/ Mar 2007	May/June 2007

Economic development)		
Inspectors Reports	April / May 2007	Sept / Oct 2007
Report to Cabinet to Adopt		November 2007
Report to Council to Adopt		Jan 2008
Adoption	August 2007	Feb 2008

3.3 Annual Monitoring Report

3.3.1 The [Annual Monitoring Report \(AMR\)](#) was prepared in December 2005 and submitted to the Government Office for the East Midlands before Christmas. Submission of the Annual Monitoring Report before the end of December means that the Council has met an important national target and will receive planning delivery grant accordingly. The AMR is available for public consideration and is published on the Council's web site. The AMR sets out monitoring data relating to development rates in the district, it also considers progress made in the preparation of the LDF. The conclusions of the AMR reveal that the timetable included in the Local Development Scheme (LDS) has slipped by between two and four months. As a result the LDS will need to be updated and revised. The new timetable as outlined above should be included

4. OTHER OPTIONS CONSIDERED AND ASSESSED

Not relevant to this report

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

No implications

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

No implications

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

No implications

8. CONCLUSIONS

8.1 Progress on the production of a number of documents which will form the Local Development Framework is being made. Whilst this progress is slower than was anticipated in the approved LDS timetable, the SCI is now nearing adoption and policies and proposals for inclusion in the two key policy documents are beginning to form. It is hoped that no further delays will occur during the next two years and that the LDF will be in place and adopted by the beginning of 2008.

- 8.2 The next milestone in the preparation of the two key policy documents (public consultation on the preferred options) should begin in late May and June this year. It is suggested that draft policies and site allocations be considered by the Economic and Community DSP's prior to being considered by the Cabinet in April.
- 8.3 Changes to the timetable included in the LDS are proposed within this report, these changes represent an overall delay of some 5 months from the originally envisaged timetable. As such the Adopted South Kesteven Local Plan (1995) which is automatically saved until September 2007 will need to be saved for an extended period. This will need to incorporate into a revised LDS along with the revised timetable. It is suggested that these changes are made and the revised LDS approved as a non-key decision prior to being submitted to the Government Office for the East Midlands (GOEM) for approval.

9. CONTACT OFFICER

Mike Sibthorp
Head of Planning Policy and Economic Regeneration

Appendix a

Nine Tests for Assessing the Soundness of Statement of Community Involvement

The government requires that the Statement of Community Involvement meets the following nine tests of soundness:

1. that the local planning authority has complied with the minimum requirements for consultation as set out in Regulations (The Town & Country Planning (Local Development)(England) Regulations 2004)
2. that the local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy
3. that the statement identifies in general terms which local community groups and other bodies will be consulted
4. that the statement identifies how the community and other bodies can be involved in a timely and accessible manner
5. that the methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development document
6. that resources are available to manage community involvement effectively
7. that the statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents
8. that the authority has mechanisms for reviewing the statement of community involvement
9. that the statement clearly describes the planning authority's policy for consultation on planning applications.

Appendix B - Summary of Formal Representations made about the Submitted SCI
 (This table includes a summary of the responses received. A copy of all response forms is available for inspection in the members room)

Ref Number	Name	Test	Comment	Attend / Written Rep
31	Mr T Bladon Rippingale Village Design	9	<p>Concerned about a lack of consultation by the council, amendments being made to planning applications after comments have been sought and the role of the planning panel.</p> <p>The adopted status of the Rippingale Village Design statement and the village design committee is not recognised in the documents.</p> <p>South Kesteven community should be consider with greater respect than has been shown in the Council's responses. The SCI is an opportunity not to be missed by the community or the council, but can only be achieved if the current secrecy in planning is removed.</p> <p>It is our hope that transparency in processing planning applications is achieved by open and honest means, by the dissolution of the Planning Panel.</p>	Attend
33	P Hooper	4 & 9	<p>From our observations our local council does not seem to have much effect on the outcome of planning decisions. Documents such as objectors letters are not supplied to planning committee of the town council, town council planners are not listened to and the work of the EMPA is not generally known.</p>	Written
34	Mr C Townson	9	<p>Support 21.1, 2, 3 – This probably has the most relevance to the community rather than endless correspondence. Face to face communication can achieve more meaningful results.</p> <p>Object to 23.2 in relation to major planning applications. SKDC should insist on proper dialogue being established with the parish/town council. Outline guidance should be produced by SKDC and all points discussed with developers and PC.</p>	Written
35	Mr D Hinds	6	<p>The intention of the Statement is supported, however, it is not thought that resources are available to manage community involvement effectively because it does not work now</p>	Written

Agenda Item 10

REPORT TO CABINET

REPORT OF: Director of Finance and Strategic Resources

REPORT NO: FIN256

DATE: 6 February 2006

TITLE:	REVIEW OF THE COUNCIL'S AMBITION IN THE LIGHT OF THE REVIEW OF USE OF RESOURCES ASSESSMENT
FORWARD PLAN ITEM:	
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 January 2006
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY FRAMEWORK PROPOSAL

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR T BRYANT
CORPORATE PRIORITY:	CORPORATE GOVERNANCE

Introduction

1. The purpose of this report is to inform the Cabinet of the steps necessary to achieve an improved performance in the Use of Resources Assessment. The District Auditor has performed a dry run during 2006/06 on the 'Use of Resources - Harder Test'.

Background

2. The 'Use of Resources Assessment - the Harder Task' is split into five main categories:

- Financial Management
- Financial Reporting
- Financial Standing
- Internal Control
- Value for money.

3. Financial Management

Within this category there are three main lines of enquiry:

- (a) The Council's Medium Term financial strategy, budgets and capital programme are soundly based and designed to deliver its strategic priorities.
- (b) The Council manages performance against budgets.
- (c) The Council manages its asset base.

4. Financial Reporting

The key lines of enquiry are:

- (a) The Council produces annual accounts in accordance with relevant standards and timetables, supported by comprehensive working papers.
- (b) The Council promotes external accountability.

Internal Control

The keylines of enquiry are:

- (a) The Council manages its significant business risks.
- (b) The Council has arrangements in place to maintain a sound system of internal control.
- (c) The Council has arrangements in place that are designed to promote and ensure priority and propriety in the conduct of its business.

Value for Money

The key lines of enquiries are:

- (a) The Council currently achieves good value for money.
- (b) The Council manages and improves value for money.

Audit focus and Criteria for Judgement

Within each of the five categories there is a specified audit focus and distinct criteria for Judgement. I have attached a copy of the criteria used this year. It may change for next year but does provide a valuable starting point to assess the Council's current position. All of the criteria in 'bold' are must haves and you will not gain the requisite score for a category if all of these are not in place.

During the dry-run, evidence was submitted under all of the categories, and we will be informed of the judgement in March.

Gap Analysis

I have been preparing a gap analysis based upon the requirements of achieving a Level 3 Judgement - this is the minimum requirement if the Council wishes to be considered excellent on a corporate basis. In my opinion this is important for the following reasons:

- (a) Excellent financial management is an underpinning fundamental building block of the organisation's development towards the delivery of proprieties and effective corporate governance.
- (b) The criteria for Judgement mirror best practice, and it seems logical to use them for our internal assessment.
- (c) The Council should want to demonstrate an excellent use of its resources to all stakeholders; especially at times of discussion on the future of the two-tier system
- (d) Excellent service provision needs to be supported by excellent financial management.

Next Steps

The Financial Services function is currently classified as a 'Y' Service. It is not possible to deliver the stepped changes necessary on operational minimum levels that the current assessment dictates. Council Tax collection is assessed as a 'B' Service and is operating effectively.

I recommend that the Cabinet

- (a) Considers asking the Council to re-score the Financial Services function to at least a 'B' priority, whilst amending Council Tax collection to a 'Y' service.
- (b) Approves additional resources within the Budget for 2006/07 to meet the Harder Test.

Key lines of enquiry for Use of resources

To be used in conjunction with *Use of Resources Guidance for Councils*

June 2005

1. FINANCIAL REPORTING How good are the council's financial accounting and reporting arrangements?	
Key line of enquiry	1.1 The council produces annual accounts in accordance with relevant standards and timetables, supported by comprehensive working papers
Audit Focus	
Evidence that:	<ul style="list-style-type: none"> the council's accounts are compiled in accordance with statutory and professional reporting standards the council's accounts are supported by comprehensive working papers the accounts and supporting working papers are prepared and approved in accordance with relevant timetables
Criteria for Judgement	<p>Level 2</p> <p>Level 3</p> <p>Level 4</p>
	<p>* The council's accounts were prepared in accordance with statutory requirements, statutory/regulatory timetables, relevant accounting and reporting standards, and the council's agreed accounting policies.</p> <p>* The auditor received auditable accounts, including a complete set of financial statements, disclosures and notes, in accordance with the timetable agreed with the audited body.</p> <p>* The accounts presented for audit were free from material errors and misstatements.</p> <p>* Comprehensive working papers supporting the accounts were provided at the start of the audit to the standard specified by the auditor.</p> <p>* Guidance made available to staff on final accounts closedown procedures, including relevant timetables agreed with the auditor and allocation of tasks to individual members of staff, were adhered to.</p> <p>The accounts presented for audit contained only 'trifling' errors and misstatements which did not require reporting to those charged with governance or adjustment.</p> <p>The quality of the working papers provided was exemplary.</p> <p>* The accounts submitted to the council/committee meeting at which they were approved were accompanied by an explanatory paper providing interpretation of the accounts and highlighting key issues for the benefit of members.</p> <p>* The accounts were subject to robust member scrutiny/discussion either at the formal approval meeting or at another appropriate forum prior to approval.</p> <p>* The council is aware of future earlier accounts deadlines that will be required for the Whole of Government Accounts process and is proactively developing arrangements and procedures that will enable those future deadlines to be met, including any re-engineering of processes to enable earlier closure.</p>

<ul style="list-style-type: none">* The council ensured that appropriate, knowledgeable and skilled staff were available to deal with external auditors' queries, to substantiate assertions, and to explain items of account.* The auditor gave an unqualified opinion.	
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1. FINANCIAL REPORTING How good are the council's financial accounting and reporting arrangements?							
Key line of enquiry							
Audit Focus							
Evidence that:							
<ul style="list-style-type: none"> • the council publishes its accounts in accordance with statutory requirements • the council publishes summary accounts/annual report in a way that is accessible to the public 	<p>Criteria for Judgement</p> <table border="1"> <thead> <tr> <th>Level 2</th> <th>Level 3</th> <th>Level 4</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> * The council publishes its accounts and publicises how local electors can exercise their rights, in accordance with the requirements of the Accounts & Audit Regulations 2003. </td><td> <ul style="list-style-type: none"> * A process of consultation has been carried out with a range of stakeholders to establish their requirements in respect of the publication of summary accounts or an annual report. <p>The council publishes summary accounts that are intelligible and accessible to members of the public.</p> </td><td> <p>The council publishes an annual report or similar document which includes summary accounts and an explanation of key financial information/technical terms designed to be understandable by members of the public.</p> <p>The annual report is available in a wide variety of formats to meet local user needs (for example different languages, large print, speaking version).</p> <ul style="list-style-type: none"> * The most recent published accounts, in either full or summary format, are available on the council's website. * The most recent published annual audit letter is available on the council's website. </td></tr> </tbody> </table>	Level 2	Level 3	Level 4	<ul style="list-style-type: none"> * The council publishes its accounts and publicises how local electors can exercise their rights, in accordance with the requirements of the Accounts & Audit Regulations 2003. 	<ul style="list-style-type: none"> * A process of consultation has been carried out with a range of stakeholders to establish their requirements in respect of the publication of summary accounts or an annual report. <p>The council publishes summary accounts that are intelligible and accessible to members of the public.</p>	<p>The council publishes an annual report or similar document which includes summary accounts and an explanation of key financial information/technical terms designed to be understandable by members of the public.</p> <p>The annual report is available in a wide variety of formats to meet local user needs (for example different languages, large print, speaking version).</p> <ul style="list-style-type: none"> * The most recent published accounts, in either full or summary format, are available on the council's website. * The most recent published annual audit letter is available on the council's website.
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2. FINANCIAL MANAGEMENT			
How well does the council plan and manage its finances?			
Key line of enquiry			
2.1 The council's medium-term financial strategy, budgets and capital programme are soundly based and designed to deliver its strategic priorities			
Audit Focus	Criteria for Judgement	Level 2	Level 3
Evidence that:		<ul style="list-style-type: none"> the council's corporate business plan (that sets out its aims and objectives) is linked to its financial planning and management the council's budgets and capital programme are based on robust medium-term financial projections and risk assessments 	<ul style="list-style-type: none"> * The council has put in place a medium-term (three year) financial strategy which is linked to its key strategic objectives, and takes account of both local improvement priorities and national priorities. * The medium term financial strategy models income and expenditure over a minimum of 3 years and is reviewed and updated at least annually. * A comprehensive and balanced revenue budget has been set, based on realistic projections about pay, inflation, and known service and capital development plans. * The financing of expenditure is transparently explained in budget summaries and reports. * Budgets are revised annually in light of the reasons for and consequences of the previous year's outturn and are linked to the medium-term financial strategy.
Criteria for Judgement	Level 2	Level 3	Level 4
		<ul style="list-style-type: none"> * Business planning is integrated with financial planning. * The corporate business plan drives the medium-term financial strategy and internal resource allocation, with changes in allocations determined in accordance with policies and priorities. 	<p>The medium-term financial strategy describes in financial terms joint plans agreed with partners and other stakeholders.</p> <p>The medium-term financial strategy models balance sheets and cash-flows over a minimum of 3 years.</p> <p>The council identifies future developments that may impact on its financial management arrangements and proactively manages them.</p> <p>The council monitors and can demonstrate how its financial plans and strategies have contributed to the achievement of its corporate objectives.</p>
		<ul style="list-style-type: none"> * The council's medium-term financial strategy is linked to other internal strategies/plans as appropriate, such as human resources, IT. 	<p>The corporate business plan projects forward at least three years and takes account of each of the following:</p> <ul style="list-style-type: none"> • stakeholder and partner consultation • external drivers, including funding variations and requirements to improve efficiency • capital investment plans and their revenue implications • risk assessments and financial contingency planning • sensitivity analysis • expected developments in services.

<p>agreed and the current and future funding of this is built into revenue planning.</p> <ul style="list-style-type: none"> * Budget holders are involved in the budget setting process. * Budgets are subject to review by senior officers and members. * Each capital and revenue budget is assigned to the individual manager best able to use and control it. 	<p>The council prepares cash-flow forecasts on a regular basis throughout the year.</p> <ul style="list-style-type: none"> * The budget reported to members includes a positive assurance statement from the chief finance officer about the robustness of estimates made for the purposes of the budget calculations, in accordance with the requirements of section 25 of the LG Act 2003. * Prudential indicators are applied in assessing the affordability of capital projects. <p>The council's medium-term financial strategy is communicated to staff and stakeholders.</p> <ul style="list-style-type: none"> * Budgets are linked to: <ul style="list-style-type: none"> • the medium-term financial strategy and high level budgets for future years within this business and activity plans • risk assessments of material items of revenue and capital income and expenditure, incorporating lessons learned from previous years <p>The council regularly reviews financial management arrangements to ensure that they remain fit for purpose'.</p> <ul style="list-style-type: none"> * There are project appraisals, business plans and affordability tests for new policy and capital developments.
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2. FINANCIAL MANAGEMENT							
How well does the council plan and manage its finances?							
Key line of enquiry							
2.2 The council manages performance against budgets							
Audit Focus							
Evidence that:							
<ul style="list-style-type: none"> the council has arrangements in place for monitoring performance against budgets to senior officers and members the council's financial information systems meet users' needs 	<p>Criteria for Judgement</p> <table border="1"> <thead> <tr> <th>Level 2</th> <th>Level 3</th> <th>Level 4</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Profiled budgets are input to the main accounting system on a timely basis, at an appropriate level of detail. There is a formal scheme of budget delegation. There is guidance available to budget holders which includes a description of their responsibilities, an outline of the budget process, and a budget process timetable. Budgets are approved before the start of the year and monitored regularly throughout the year. Action plans are developed when a material variance arises or a deficit is forecast. The appropriate member committee receives budget monitoring information that is accurate, relevant, understandable and consistent with underlying records, and data is as up to date as possible when reported. </td><td> <p>The council's financial information systems have flexible reporting tools to enable specialist reports to be designed.</p> <p>The council produces accurate profiled financial monitoring reports for all budget holders within ten working days of the month end.</p> <p>There is a regular training programme providing training on financial issues for members and non-finance staff.</p> <p>* Relevant non-financial and financial information, in addition to the budget, is reported to members and acted upon.</p> <p>* The council uses agreed processes to adjust and approve budgets in year if major programmes are varied by more than pre-set tolerances.</p> <p>* The council's budget monitoring is:</p> <ul style="list-style-type: none"> predictive rather than backward looking focused on large, high risk or volatile budgets </td><td> <p>The council ensures through regular testing of its financial systems that the report outputs are timely, accurate, reliable, clear, in a convenient format (hard copy and online, in summary and in detail, as appropriate) and readily understood by their recipients.</p> <p>There is a 'traffic light' system (or similar) in place to focus the Executive on key variances, and there is evidence that these are acted upon.</p> <p>The Executive receives fully accrued financial monitoring reports on a quarterly basis including appropriate revenue account and balance sheet items.</p> <p>The council consults with, advises and trains users so that it develops and provides the financial information systems to meet their needs.</p> <p>Savings and efficiency gains are profiled over the year and there is monitoring throughout the period by members to ensure their achievement.</p> </td></tr> </tbody> </table>	Level 2	Level 3	Level 4	<ul style="list-style-type: none"> Profiled budgets are input to the main accounting system on a timely basis, at an appropriate level of detail. 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<ul style="list-style-type: none">* Relevant non-financial and financial information, in addition to the budget, is reported to and used by senior officers.* There is a line of professional accountability between those with principal functional responsibility for finance within business groups and the chief finance officer, to ensure compliance with professional standards and objectivity of advice on financial matters.* The budget shows the resources allocated to major spending activities and programmes, with user-friendly summaries, and separate identification of revenue and capital items to ensure focus on use of resources.* The council regularly tests its financial systems to ensure that their processes are secure.* Where any significant departmental overspends have occurred they have been managed with no adverse impact on service delivery.	<ul style="list-style-type: none">• related to operational activity indicators that are lead indicators of spend and informed by a risk assessment.* Progress in achieving planned savings and efficiency gains is regularly reported to senior management with developed action plans.* No significant departmental overspends/under-spends have occurred.
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The financial performance of significant partnerships is regularly reviewed, linked to outputs, and the results shared with partners and acted upon.

2. FINANCIAL MANAGEMENT							
How well does the council plan and manage its finances?							
Key line of enquiry							
2.3 The council manages its asset base							
Audit Focus							
Evidence that:							
<ul style="list-style-type: none"> the council has a capital strategy and fixed asset management plan the council reports to members on asset management 	<p>Criteria for Judgement</p> <table border="1"> <thead> <tr> <th>Level 2</th> <th>Level 3</th> <th>Level 4</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> The council has an up to date corporate capital strategy linked to its corporate objectives and medium-term financial strategy. The council has an up to date asset management plan that details existing asset management arrangements and outcomes, and planned action to improve corporate asset use. The council maintains an up to date asset register. The council has a designated corporate property function. </td><td> <p>A member has been allocated portfolio responsibility for the council's fixed assets.</p> <p>* There is a plan in place to reduce the level of backlog maintenance and this has been approved by members.</p> <p>The council has developed a set of local performance measures in relation to assets that link asset use to corporate objectives.</p> <p>* The council makes investment and disposal decisions based on thorough option appraisal and whole life costing.</p> <p>* The council's arrangements for reporting to members are sufficient to ensure that they fulfil their responsibility in relation to the council's land and buildings portfolio at both a strategic and service level.</p> <p>* The council has an annual programme of planned maintenance based on a rolling programme of property surveys.</p> <p>* The council has assessed the level of</p> </td><td> <p>Performance measures and benchmarking are being used to describe and evaluate how the council's asset base contributes to the achievement of corporate and service objectives, including improvement priorities.</p> <p>The results of performance measurement and benchmarking are communicated to stakeholders where relevant.</p> <p>The council has developed an approach for the co-ordination of asset management information and its integration with relevant organisational financial information.</p> </td></tr> </tbody> </table>	Level 2	Level 3	Level 4	<ul style="list-style-type: none"> The council has an up to date corporate capital strategy linked to its corporate objectives and medium-term financial strategy. The council has an up to date asset management plan that details existing asset management arrangements and outcomes, and planned action to improve corporate asset use. The council maintains an up to date asset register. The council has a designated corporate property function. 	<p>A member has been allocated portfolio responsibility for the council's fixed assets.</p> <p>* There is a plan in place to reduce the level of backlog maintenance and this has been approved by members.</p> <p>The council has developed a set of local performance measures in relation to assets that link asset use to corporate objectives.</p> <p>* The council makes investment and disposal decisions based on thorough option appraisal and whole life costing.</p> <p>* The council's arrangements for reporting to members are sufficient to ensure that they fulfil their responsibility in relation to the council's land and buildings portfolio at both a strategic and service level.</p> <p>* The council has an annual programme of planned maintenance based on a rolling programme of property surveys.</p> <p>* The council has assessed the level of</p>	<p>Performance measures and benchmarking are being used to describe and evaluate how the council's asset base contributes to the achievement of corporate and service objectives, including improvement priorities.</p> <p>The results of performance measurement and benchmarking are communicated to stakeholders where relevant.</p> <p>The council has developed an approach for the co-ordination of asset management information and its integration with relevant organisational financial information.</p>
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backlog maintenance.

- * The council's capital programme gives priority to potential capital projects based on a formal, objective approval process.

3. FINANCIAL STANDING How well does the council safeguard its financial standing?	
Key line of enquiry	3.1 The council manages its spending within the available resources
Audit Focus	
Evidence that:	<ul style="list-style-type: none"> the council is financially sound the council manages its levels of reserves and balances current spending plans match available resources
Criteria for Judgement	Level 2
	<ul style="list-style-type: none"> * The council sets a balanced budget that takes account of cost pressures and the impact on council tax and housing rents. * The council maintains its overall spending within budget. * The council has a policy on the level and nature of reserves and balances it needs that has been approved by members and reflected in the budget and medium-term financial strategy.
	Level 3
	<ul style="list-style-type: none"> * The council consistently maintains its spending within its overall budget and without significant unexpected overspends or underspends. * The council has identified target levels for reserves and balances that are based on a thorough understanding of its needs and risks, including its treasury management strategy and is meeting these targets. * Monitoring information is available that evaluates the effectiveness of debt recovery actions, associated costs, and the cost of not recovering debt promptly.
	Level 4
	<ul style="list-style-type: none"> * The council monitors the opportunity costs of maintaining its levels of reserves and balances and compares these to the benefits it accrues. * The budget reported to members includes a positive assurance statement from the chief finance officer about the adequacy of the proposed financial reserves, in accordance with the requirements of section 25 of the LG Act 2003. * The council has a treasury management

<p>strategy that reflects the requirements of the CIPFA Code of Practice for Treasury Management in the Public Services.</p> <p>* The council monitors the budget and underlying assumptions throughout the year and takes appropriate action to deal with any deterioration in the financial position, in accordance with the requirements of section 28 of the LG Act 2003.</p> <p>The council sets and monitors targets for income collection and recovery of arrears, based on age profile of debt.</p>	

4. INTERNAL CONTROL How well does the council's internal control environment enable it to manage its significant business risks?			
Key line of enquiry	Criteria for Judgement		
Audit Focus	Level 2	Level 3	Level 4
<p>Evidence that:</p> <ul style="list-style-type: none"> the council has a risk management process in place the risk management system covers partnership working 	<p>* The council has adopted a risk management strategy/policy that has been approved by members.</p> <p>* The risk management strategy/policy requires the council to:</p> <ul style="list-style-type: none"> identify corporate and operational risks assess the risks for likelihood and impact identify mitigating controls allocate responsibility for the mitigating controls. 	<p>* The risk management process is reviewed and updated at least annually.</p> <p>* The risk management process specifically identifies risks in relation to partnerships and provides for assurances to be obtained about the management of those risks.</p> <p>All staff have been given appropriate training and guidance to enable them to take responsibility for managing risk within their own working environment.</p>	<p>A senior officer and member jointly champion and take overall responsibility for embedding risk management throughout the council.</p> <p>The council can demonstrate that it has embedded risk management in its corporate business processes, including:</p> <ul style="list-style-type: none"> strategic planning financial planning policy making and review performance management <p>All members have received risk management awareness training.</p> <p>The council considers positive risks (opportunities) as well as negative risks (threats).</p> <p>* The members with specific responsibility for risk management have received risk management awareness training.</p> <p>* The member committee with responsibility for risk management receives reports at least quarterly and takes appropriate action to ensure that corporate business risks are being actively managed, including reporting to full council at least annually.</p>

4. INTERNAL CONTROL How well does the council's internal control environment enable it to manage its significant business risks?			
Key line of enquiry	4.2 The council has arrangements in place to maintain a sound system of internal control		
Audit Focus	Evidence that:		
Criteria for Judgement			
Level 2	Level 3	Level 4	
<ul style="list-style-type: none"> the council reviews and reports on its system of internal control the council has an audit committee or equivalent and an internal audit function 	<ul style="list-style-type: none"> An appropriate member group has responsibility for review and approval of the SIC and considers it separately from the accounts. The council has conducted an annual review of the effectiveness of the system of internal control and reported on this in the SIC. The sources of assurance to support the SIC have been identified and are reviewed by senior officers and members. 	<ul style="list-style-type: none"> The council has put in place an assurance framework that maps the council's strategic objectives to risks, controls and assurances. The assurance framework provides members with information to support the SIC. <p>There is a specific member group (such as an audit sub-committee or member panel) which has audit and governance issues as the principal responsibility in its terms of reference.</p>	<p>The assurance framework is fully embedded in the council's business processes.</p> <p>The council can demonstrate corporate involvement in/ownership of the process for preparing the SIC.</p> <p>There is an audit committee which is constituted as a full committee of the council and is independent of both the Executive and Scrutiny functions.</p> <p>The council has taken steps to ensure that the audit committee chair either has previous knowledge of, or has received appropriate training on, financial and risk management, accounting concepts and standards, and the regulatory regime.</p>
<ul style="list-style-type: none"> the council has an audit committee but the core functions of an audit committee have been identified and are being undertaken by a member group. The council has an internal audit function that operates in accordance with the CIPFA code of practice for internal audit in local government. 	<ul style="list-style-type: none"> There are action plans in place to address any significant internal control issues reported in the SIC. 	<p>The procedure notes/manuals for those systems identified by the council as being business-critical are reviewed and updated at least annually.</p> <p>The standing orders, standing financial instructions and scheme of delegation are reviewed at least annually.</p>	<p>Audit committee members are provided with specific training relevant to their responsibilities.</p> <p>The audit committee has terms of reference which are reviewed on an annual basis, taking into account relevant governance developments and how it integrates with other committees within the</p>

Use of Resources

<ul style="list-style-type: none">* There are procedure notes/manuals in place for those systems identified by the council as being business-critical.* There are standing orders, standing financial instructions and a scheme of delegation in place.* The council has arrangements in place to ensure compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful.* All reports to members have been formally considered for legal issues before presentation.	<ul style="list-style-type: none">* Compliance with standing orders, standing financial instructions and the scheme of delegation is monitored by management, and any breaches identified and appropriate action taken.	council. The standing orders, standing financial instructions and scheme of delegation make specific reference to partnerships. Partnership agreements are subject to regular review and updating.
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4. INTERNAL CONTROL	
How well does the council's internal control environment enable it to manage its significant business risks?	
Key line of enquiry	
4.3 The council has arrangements in place that are designed to promote and ensure probity and propriety in the conduct of its business	
Audit Focus	
Evidence that:	
<ul style="list-style-type: none"> the council has adopted codes of conduct and monitors compliance the council's arrangements to prevent and detect fraud and corruption are effective 	
Criteria for Judgement	
Level 2	<p>* The council has formally adopted a code of conduct for members that includes the mandatory provisions of the statutory Model Code of Conduct.</p> <p>* All elected and co-opted members have signed up to the code of conduct.</p> <p>* The council has adopted a code of conduct for staff.</p>
Level 3	<p>The council is proactive in raising the standards of ethical conduct amongst members and staff, including the provision of ethics training.</p> <p>* The council has undertaken an assessment of standards of conduct, including how effectively members are complying with the code of conduct, the number and types of complaints received, and takes action as appropriate.</p>
Level 4	<p>The council can demonstrate that its members and staff exhibit high standards of personal conduct.</p> <p>The council can demonstrate a strong counter fraud culture across all departments. Staff have clearly acknowledged and accepted their responsibility to prevent and detect fraud and corruption.</p> <p>The risk of fraud and corruption is specifically considered in the council's overall risk management process.</p> <p>Successful cases of proven fraud/corruption are routinely publicised to all staff.</p> <p>The council has a track record for effective action in response to whistleblowing disclosures. There are periodic reviews of the effectiveness of the whistleblowing arrangements, and there are effective arrangements for receiving and acting upon disclosures from members of the public.</p> <p>The council can demonstrate that effective action has been taken to maximise the potential savings available through NFI.</p>

<p>throughout the council.</p> <ul style="list-style-type: none"> * The council has arrangements in place to receive and investigate allegations of breaches of proper standards of financial conduct, and of fraud and corruption. * There is a whistleblowing policy which has been communicated to staff and those parties contracting with the council. * The council has provided the required data for the National Fraud Initiative (NFI), has notified data subjects of this use of data, and has established a process to follow-up NFI data matches. 	<p>and corruption work is adequately resourced.</p> <ul style="list-style-type: none"> * Investigations into allegations of fraud and corruption are conducted in accordance with statutory requirements, e.g. Police and Criminal Evidence Act, Regulation of Investigatory Powers Act, Data Protection Act, by appropriately trained staff. <p>The council ensures that financial redress is sought in appropriate cases of proven fraud/corruption, in accordance with legal advice and the results of a cost/benefit analysis.</p> <ul style="list-style-type: none"> * The whistleblowing policy is publicised within the council and demonstrates the council's commitment to providing support to whistleblowers. <p>The council has effectively identified the key NFI data matches for review from all levels of reports (high, medium and low).</p> <p>The council works with other bodies such as DWP when following-up data matches from NFI. Risks are followed-up promptly to prevent prolonged exposure.</p>
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5. VALUE FOR MONEY			
Key line of enquiry	5.1 The council currently achieves good value for money		
Audit Focus			
Evidence that:			
<ul style="list-style-type: none"> Costs compare well with others allowing for external factors Costs are commensurate with service delivery, performance and outcomes achieved Costs reflect policy decisions 	<p>Criteria for judgement/descriptors</p> <p>Level 2</p> <p>There is some information on costs and how these compare to others and to the quality of services but this is not fully understood. Managers use information to review value for money and report to members.</p> <p>Overall costs and unit costs for key services are not significantly higher than other councils providing similar levels and standards of services, allowing for the local context. There is a positive relationship between costs and the range, level and quality of services provided, including overheads and capital costs.</p> <p>Significant unintended high spending is identified and addressed.</p> <p>The council has a well managed capital programme, with projects usually completed on time and on budget.</p> <p>Capital spending decisions are always taken with full information on the revenue implications and financial forecasts of their longer term impact.</p>	<p>Level 3</p> <p>There is clear information on costs and how these compare to others and to the quality of services achieved currently and over time. Members and managers routinely use this information to review and challenge value for money throughout services and corporately. Achieving value for money is an integral part of senior officer's performance appraisal.</p> <p>Overall costs and unit costs for key services are low compared to other councils providing similar levels and standards of services and allowing for the local context. Unintended high spending is identified and addressed effectively.</p> <p>The council has a well managed capital programme, with most projects completed on time and within budget.</p> <p>Areas of higher spending are in line with stated priorities and the investment results in improved services.</p> <p>The council understands the full short and long-term costs of its actions and takes account of these when making decisions.</p>	<p>Level 4</p> <p>The council regularly benchmarks its costs and quality of services achieved currently and over time. Members and managers actively use this information to review and challenge value for money throughout services and corporately. Achieving value for money is an integral part of senior officer's performance appraisal.</p> <p>High performance is achieved across a range of priority services whilst costs remain generally low compared to others. Any high spending is identified and addressed effectively.</p> <p>The council has a well managed capital programme, with projects completed on time and within budget.</p> <p>Areas of higher spending are in line with stated priorities and the investment results in improved services.</p> <p>The council has detailed information on the full short and long-term costs of its actions and takes account of these when making decisions. All policy proposals have in built cost analyses.</p>

5 VALUE FOR MONEY			
Key line of enquiry	5.2 The council manages and improves value for money		
Audit Focus			
Evidence that:			
<ul style="list-style-type: none"> The council monitors and reviews value for money The council has improved value for money and achieved efficiency gains (limited to the last three years) Procurement and other spending decisions take account of full long term costs 	<p>Criteria for judgement/descriptors</p> <p>Level 2</p> <p>Members and senior managers identify and pursue opportunities to reduce costs or improve quality within existing costs. Consideration is given to the likely impact on users of changes in spending levels.</p> <p>Areas of high spending are identified, are subject to review and scrutiny, and action to address them results.</p> <p>Sound processes for reviewing and improving value for money are in place and have led to some significant improvements in value for money.</p>	<p>Level 3</p> <p>There is evidence that members, senior managers and service managers seek to manage costs alongside quality of services and responding to local needs. The impact on users is assessed and then tracked to ensure that costs are not simply cuts without regard to outcomes.</p> <p>The scope for improving cost-effectiveness is kept under review and scrutiny. There are clear policies and effective processes for reviewing and improving value for money. Internal reviews are targeted at high cost services and lead to improved value for money.</p>	<p>Level 4</p> <p>There is strong commitment among members, senior managers and service managers to managing costs alongside quality of services and responding to local needs. The impact on users is assessed and then tracked to ensure that costs are not simply cuts without regard to outcomes.</p> <p>The scope for improving cost-effectiveness is kept under review and scrutiny. Innovative approaches are used where appropriate and have achieved clear improvements in value for money.</p>

Use of Resources

the Efficiency Review targets of 2.5 per cent gains per year over a three year period.	<p>Targets are used 'intelligently' to reflect potential for improvement.</p> <p>The council has produced and [from 2006] is delivering on a robust efficiency plan to achieve more than the Efficiency Review targets of 2.5 per cent gains per year over a three year period.</p> <p>The council follows good procurement practice, knows where the greatest benefits can be gained and acts on these effectively. It has used joint procurement and works with the LSP and other partners to improve value.</p> <p>Procurement decisions are not based solely on lowest cost options but reflect the best combination of cost and quality.</p> <p>Internal reviews are carried out (in line with Best Value legislation) and achieve significant improvements in value.</p> <p>Investment is made in poorer services to secure future improvements in value for money.</p> <p>External funding is sought where appropriate to support local priorities.</p>	<p>Procurement decisions are not based solely on lowest cost options but on achieving greatest benefit to the public purse, for example securing additional health or environmental benefits and opportunities for joint procurement with partners are actively pursued. Significant and identifiable savings have been achieved through procurement and internal reviews without unintended loss of quality (or quality increased at no extra cost).</p> <p>Investment is targeted at improving value for money in the longer term. Past investment has resulted in demonstrable improvements in value for money.</p> <p>External funding is sought strategically to support local priorities and the council has a successful track record of securing external funding and using it to deliver required outcomes and increased value for local people.</p>
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REPORT TO CABINET

REPORT OF: Director of Finance and Strategic Resources

REPORT NO: FIN255

DATE: 6 February 2006

TITLE:	HOUSING REVENUE ACCOUNT - RENT AND OTHER CHARGE SETTING 2006/07
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 September 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	KEY DECISION

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR F CARTWRIGHT: Portfolio Organisational Development & Housing COUNCILLOR T BRYANT: Portfolio Assets & Resources
CORPORATE PRIORITY:	Corporate Governance

Background

1. The purpose of this report is to make recommendations on dwellings and other rents within the Housing Revenue Account (HRA) for 2006/07. The District Tenants Impact has been consulted on the rent increase for 2006/07.

Recommendation

2. It is recommended that:

- (a) Dwelling Rents are increased in accordance with the Government guidance on rent-restructuring proposals. The average rent will rise by 5% for 2006/07.
- (b) Garage Rents to increase by 3.2% in line with the Government's price index used within the subsidy determination.
- (c) All other charges within the HRA to rise by 3.2% in line with the price-index used within the subsidy determination.
- (d) The service charges in relation to warden and care-services to be set dependent upon the level of supporting people grant to be received in 2006/07. These to be set on consideration of the relevant service plan.

REPORT TO CABINET

REPORT OF: **Head of Environmental Health and Licensing**

REPORT NO. **ENV 339**

DATE: **6 FEBRUARY 2006**

TITLE:	SKDC Enforcement Policy
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	December 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cabinet
CORPORATE PRIORITY:	Links to all priorities
CRIME AND DISORDER IMPLICATIONS:	Yes
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Medium
BACKGROUND PAPERS:	Enforcement Concordat

1. INTRODUCTION OR SUMMARY

The Council undertakes a range of legal enforcement activities. In order that these can be coordinated and carried out in a fair and consistent way, an overarching policy on enforcement is necessary. The policy requires adoption by the Cabinet.

2. RECOMMENDATIONS

- (a) The Cabinet approves the adoption of the policy.
- (b) If there are any minor amendments necessary to Section 1 following consultation, that the Leader be authorised to approve these.
- (c) The relevant portfolio holder is responsible for authorising and for approving changes to the individual section arrangements.

3. DETAILS OF REPORT

The Council has responsibility for enforcing a range of legislation. Enforcement is carried out by all regulatory services and by many other areas of the Council, including Crime and Disorder, Cleansing and Housing. Enforcement action to secure monies owed to the Council is also undertaken. Historically, each service involved with taking legal action has had its own arrangements and protocols to achieve this and has carried out enforcement in a variety of ways, the main consistency being the use, in nearly all cases, of the Council's legal service.

Members of the public and business owners are entitled to understand what type of legal action could be taken against them and when this may be taken. The principals of this are contained within the Enforcement Concordat, which this Council has signed. The Enforcement Concordat includes measures to promote fairness but it does not contain detail regarding how and when enforcement will be undertaken, nor does it include arrangements to ensure consistency across the Council.

An Enforcement Policy has been produced following liaison with section heads (please see appendix). This includes an introduction, which encompasses the requirements of the Enforcement Concordat, general principals of enforcement that refer to all enforcement, followed by service sections specific arrangements for each of their areas of responsibility. In many cases the service specific arrangements includes guidance from a relevant national body (for example the HSE or the FSA) or from a Government department. The individual sections will need to be updated from time to time as this guidance is revised or updated.

It is felt that by adopting a Council wide Enforcement Policy, that clarity, consistency and transparency in enforcement will be improved.

Arrangements are in place to consult stakeholders and the Policy will need to be in compliance with Plain English standards.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

None.

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

No comment.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

The following service managers have been consulted in the formulation of this draft:

- (a) (Former) Head of Housing
- (b) Housing Solutions Manager
- (c) Head of Planning
- (d) Building Control Services Manager
- (e) Contracts Manager
- (f) Revenues Manager
- (g) Community Safety Manager

8. CONCLUSIONS

In order to improve consistency in enforcement, a Council wide Policy on Enforcement has been produced.

9. CONTACT OFFICER

R Hadfield, Head of Environmental Health and Licensing
Tel: 01476 406306 e-mail: b.hadfield@southkesteven.gov.uk



ENFORCEMENT POLICIES

SOUTH KESTEVEN DISTRICT COUNCIL
Council Offices, St. Peter's Hill
Grantham, Lincs, NG31 6PZ

tel: 01476 406080
fax: 01476 406000
<http://www.southkesteven.gov.uk>

C O N T E N T S

1. General Enforcement Policy
2. Environmental Health and Licensing Enforcement Policy
3. Private Sector Housing Enforcement Policy
4. Planning Enforcement Policy
5. Building Control Enforcement Policy
6. Waste & Contract Services Enforcement Policy
7. Fair Rent and Debt Recovery Policy
8. Anti-Social Behaviour Enforcement Policy

Section 1 General Enforcement Policy

1.1 PRINCIPLES WE FOLLOW

In most cases our Officers will act in an informal way when dealing with those who have duties under the law. Officers may offer information, advice, support, and keep relevant parties informed of the current situation, either face to face, in writing or over the telephone. However, Officers may also use formal action to secure compliance with legal requirements or the remedying of defects or statutory nuisance. Formal action is described later.

If enforcement action is necessary, it will be appropriate and will depend on the seriousness of the breach of the law. Decisions will take into account the principles of good enforcement set out in the Enforcement Concordat, which this Council has signed. These principles are:

Standards

We will consult businesses and other interested parties on the development of clear standards, which set out levels of service and performance that residents of, businesses within, and visitors to the district, can expect to receive. Each year we will publish details of our performance against these standards.

Openness

We will provide information and advice in plain language on the rules that we apply. Where necessary and if possible, translations will be provided. We will disseminate it as widely as possible. We will be open about how we work, including any charges we set. On such matters as charges, we will consult businesses, other organisations, the voluntary sector, and residents of, and visitors to, the district.

Helpfulness

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized business, to advise on and help with compliance with the law. We also believe in taking the same approach in our dealings with residents of, and visitors to, the district.

We will provide a courteous and efficient service. Our staff will identify themselves by name. We will provide a contact point and telephone number for future dealings with us. We will encourage all those who have dealings with us to ask us for advice and information.

We will deal efficiently and promptly with applications for approvals etc. Wherever possible we will ensure that our services are effectively organised to avoid unnecessary overlaps and time delays.

Complaints about our service

Regulators are accountable to the public for their actions. This means that enforcing authorities must have policies and standards against which they can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.

We will provide well-publicised, effective and timely complaint procedures that are easily accessible to all who have dealings with us.

If disputes cannot be resolved we will explain the right of complaint or appeal, giving details of the process and timescales involved.

Proportionality

We will make compliance as straightforward as possible by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the individual concerned.

We will take particular care to work with small businesses, community and voluntary groups and individual residents so that they can meet their legal obligations without heavy cost where practicable.

Consistency

We will carry out our duties in a fair, equitable and consistent manner.

Inspectors are expected to exercise judgement in individual cases but we will have arrangements in place to promote consistency, including effective liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Coordinators of Regulatory Services (LACORS).

Charging

In certain cases such as The Housing Acts, the authority can charge for the service of a notice. The person receiving the notice is liable to pay the charge.

1.2 SHARED ENFORCEMENT RESPONSIBILITIES

The majority of enforcement functions will be the responsibility of our own Officers, but there may be occasions where there is a shared enforcement role, or we may need to transfer the case details to another enforcement body for their further action.

1.3 SCOPE OF THIS DOCUMENT

This document applies to all our areas of responsibility.

1.4 ENFORCEMENT ACTION

Enforcement action may take the following forms:

- Advice
- Verbal warning
- Written warning
- Service of statutory notice
- Demand for payment
- Work in default
- Formal caution
- Prosecution
- Fixed penalty tickets
- Amendment or Revocation of a licence

Enforcement visits will be made at appropriate times in accordance with the nature of the business. If possible 24 hours notice will be given for entry to domestic premises where this does not prejudice the purpose of the inspection.

1.5 FAIRNESS AND PREVENTION OF DISCRIMINATION

We recognise our responsibilities under the provisions of the Human Rights Act 1998 and equalities laws and will not discriminate against individuals or organisations. Our investigations will be carried out following recognised and lawful procedures, particularly those contained within the Regulation of Investigatory Powers Act 2000 (RIPA) or the Police and Criminal Evidence Act 1984 (PACE).

Officers will be properly trained in their enforcement functions and systems are in place to ensure that these competencies are maintained.

Where work is undertaken outside of normal office hours the principles of this policy will still be observed.

1.6 PROCEDURES

Advice from an officer will be put clearly and simply and will be confirmed in writing on request, explaining why any remedial work is necessary and over what time-scale, making sure that any legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference.

Where immediate action is considered necessary (for example, in the interests of health and safety or environmental protection, or to prevent evidence being destroyed), an explanation of why such action was required will be given at the time and confirmed in writing within 10 working days.

Where there are rights of appeal against formal action, advice on the legal mechanism will be clearly set out in writing at the time the action is taken (wherever possible, this advice will be issued with the enforcement notice).

1.7 DECIDING WHETHER TO RECOMMEND PROSECUTION

Most of the laws and regulations we administer allow us to prosecute in the criminal courts. In some cases there may be no alternative to this. We will also have regard to the Councils declared priority areas such as street scene or antisocial behaviour. It is more likely that enforcement action will be taken to deal with a breach of the law if it falls within these categories. In deciding whether to recommend a prosecution, we follow the guidance set out in the Code of Practice published by the Crown Prosecution Service (under section 10 of the Prosecution of Offences Act 1985). Our aim is to ensure the correct approach and apply the criteria in a uniform and consistent way.

We therefore consider:

- Is there a risk or danger to public or personal safety?
- Is fraud, gross negligence or an otherwise guilty intention involved?
- Is there failure to follow our advice concerning legal requirements?
- Are there persistent breaches following our warnings?
- Is there significant (potential or actual) economic advantage?

Additionally, we must pay due regard to guidance and advice from Government departments, advisory bodies, local authority associations and professional/technical bodies.

Advice and verbal warnings

Whether authorised officers give advice or verbal warnings is at their own discretion. Advice or verbal warnings may be given when they consider that an infringement is not serious enough to require a written warning, formal caution or prosecution.

Officers will take the following action in the case of a verbal warning:

- Details of the warning will be noted by the officer and:
- A file note made on the database for the individual/business concerned.

If officers consider that a matter is serious enough to prepare a full report recommending further action, they will discuss the matter with their line manager at the earliest opportunity and in any case within 10 working days.

Written warnings

A written warning is a letter from an officer which:

- Alleges that an offence has been committed by the recipient of the letter;
- States that no action is to be taken by the authority; and
- States that if a future report is received alleging an offence, legal proceedings could result.

The written warning will also state what must be done to put right the alleged offence.

Formal Cautions

Officers may give a formal caution instead of prosecution. The aim of a formal caution is to:

- Deal quickly and simply with less serious offenders;
- Divert them from unnecessary appearance in the criminal courts; and/or
- Reduce the chances of their re-offending.

A formal caution will normally be given by the Head of the particular service or in his absence, by a nominated deputy.

The cautioning officer will normally give the caution in person. Only in exceptional circumstances will a caution be given by post. At the time of administering a caution the offender will be advised that the caution will remain on record for a period of 3 years and can be cited by the Council if further and subsequent enforcement action is taken against the offender

If an offender refuses to accept or sign and return a formal caution within 14 days, we will consider taking legal proceedings.

Fixed penalty tickets

Some Acts empower us to offer the chance to pay a fixed penalty instead of prosecution. These are generally for anti-social behaviour or environmental issues such as litter dropping or dog fouling. Where this option is offered then time will be given to allow payment, or alternatively for the individual concerned to take advice or make representations.

1.8 AUTHORISATION

All Council officers are required to be authorised to exercise statutory functions on behalf of the Council. Officers will carry a card with them that

can be produced on request to confirm their authority to carry out inspections, investigations and to enter premises. Full details of how officers are authorised are contained within the Councils constitution.

1.9 PRINCIPLES OF ENFORCEMENT

The enforcement of all law should be informed by the principles of proportionality in applying the law and securing compliance, consistency of approach, targeting of enforcement action and transparency about how the regulator operates and what those regulated may expect.

Proportionality

- (a) Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that the action taken by officers to achieve compliance should be proportionate to any risks to health, safety or the environment and to the seriousness of any breach.
- (b) Some duties are specific and mandatory - others require action so far as practicable. In general, the concept of proportionality is built into the regulatory system through the principle of "so far as is reasonably practicable". Deciding what is reasonably practicable to control risks involves the exercise of judgement by duty holders and discretion by enforcers. When duty holders and enforcers, cannot reach agreement, final determination on what is reasonably practicable in particular circumstances is made by the court.
- (c) When the law requires that risks should be controlled, the principle of "so far as is reasonably practicable" will always be taken into account. In considering protective measures taken by duty holders, we will always take account of cost as well as the degree of risk. It is legitimately expected that relevant good practice and guidance will be followed. Where relevant good practice in particular cases is not clearly established, legislation requires duty holders to assess the significance of the risks (both their extent and likelihood) to determine what action needs to be taken. Some irreducible risks may be so serious that they cannot be permitted, irrespective of the economic consequences. At the other extreme, some risks may be so trivial that it is not worth the expenditure to reduce them. In general, risk-reducing measures would be weighed against the associated costs and benefits.

Consistency

- (a) Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- (b) Duty holders managing similar risks expect consistency from Council officers in the advice tendered, the use of enforcement notices,

approvals and other remedies, decisions on whether to prosecute and in the response to accidents or incidents.

- (c) It is recognised that in practice consistency is not a simple matter. Enforcing officers are faced with many variables: the level of hazard, the attitude and competence of management, the accident, complaint or incident. History and past record also vary between companies and proprietors, which may otherwise appear similar. The decision on enforcement action is a matter of judgement and discretion must be exercised fairly. Arrangements are in place to promote consistency in the exercise of discretion, including effective liaison with other enforcing authorities. In addition, all officers will have regard to statutory Codes of Practice and guidance.

Targeting

- (a) Targeting means making sure that inspection or enforcement action is targeted, primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it - whether owners, employers, manufacturers, suppliers, or others.
- (b) We have systems for prioritising visits according to the risks posed by a duty holder's operations. These take account of hazards and the nature and extent of risks. Management competence is important, because a relatively low hazard site that is poorly managed can entail greater risk to its workforce or the public than a higher hazard site where risk-control measures are in place. There are, however, high hazard sites, which will receive regular visits so that we can be sure that remote risks continue to be effectively managed.
- (c) When formal enforcement action is necessary, the person or persons responsible for creating a risk should be accountable for it. The duty holder may be the owner of the premises, a supplier, the designer or client rather than the proprietor of the business. Where several duty holders share a responsibility, we will take action against those who can be regarded as primarily in breach.

Transparency

- (a) Transparency means helping duty holders to understand what is expected of them and what they should expect from us. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they do not have to do. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.
- (b) Duty holders need to know what to expect when an enforcing officer calls and what rights of complaint are open to them. South Kesteven District

Council's approach is set out in publications, "Customer Service Standards" and "The Council's Complaints Procedure".

Appropriateness means applying such enforcement measures to a breach as are relevant and necessary to remedy the breach that has occurred. It also means only taking formal actions when the circumstances of the case dictate that intervention is appropriate in the public interest. Remedial actions should be relevant, directly related to the breach that has occurred, and appropriate in all respects. Actions should directly address the breach, and overcome the harm that has arisen from the breach.

1.10 PRACTICAL APPLICATION OF THE POLICY

The following gives an outline of the practical application of enforcement powers and the type of action that will normally be taken according to the circumstances that typically occur. Where it is appropriate for action to be taken by other departments of the authority, they will be informed of the situation.

Minor Breaches of Legislation

Where relatively minor breaches of legislation occur and there is a willingness of the duty holder to undertake the necessary remedial measures, an oral or written warning will normally be given in the first instance.

All reports or letters following any inspection, visit or monitoring activity will clearly state the breaches of legislation identified and the remedial measures required. Where recommendations are made which relate to good practice or advice, then these will be clearly distinguished from any legal requirements. Clear guidance, information or advice will also be given positively to encourage compliance.

Serious Breaches of Legislation

Council officers have powers to serve a range of legally binding enforcement notices upon duty holders in breach of legislation, in order to prohibit activities or effect necessary improvements. These notices are usually served where serious breaches of legislation have been identified or where there are serious risks to health, safety or the environment. Officers are authorised to serve various notices by virtue of their qualifications, training and competence.

The use of formal enforcement notices will normally be restricted to circumstances where:-

- (a) There are serious breaches of legislation.
- (b) There are potential or serious risks to health, safety or the environment.
- (c) We have a 'statutory duty' to serve a notice.

(d) An informal approach has proved unsuccessful.

Whenever practicable, and except in cases of immediate risks to health, safety or the environment, prior warning of the intention to serve an enforcement notice or to undertake enforcement action will be given to the duty holder. The warning will include a suitable period to deal with the matters or discuss the circumstances of the case, prior to the commencement of formal action. However, warnings will not be issued where a fixed penalty scheme exists, eg dog fouling offences.

Licensing and Registration - Breaches of Conditions

The Council issues licences and approvals for a variety of activities such as hackney carriages, caravan sites, food premises, the sale of alcohol and provision of entertainment, horse riding, animal boarding establishments and Houses in Multiple Occupation etc. Licences are usually issued subject to specific conditions, which control the management and provision of appropriate facilities at such premises.

Where relatively minor breaches of licence conditions occur and there is a willingness of the duty holder to undertake the necessary remedial measures, a verbal or written warning will usually be given in the first instance. Where there are serious failures to comply with the licence conditions, or where the informal approach has failed to effect the necessary improvements, a formal report will be submitted to the relevant Council Committee and recommendations made as to whether or not a licence will be granted, renewed or revoked. The duty holder will be entitled to make representations in support of their case.

Where serious breaches of licensing or registration requirements occur, they will be considered in accordance with the criteria relating to prosecutions and, if appropriate, legal proceedings will be instigated. In some cases, the suspension of a licence or approval may be necessary until the matter can be considered by the relevant Committee.

Prosecutions

Consideration of formal action will only be undertaken after reference to Legal Services' Prosecution Manual and consultation with the Solicitor to the Council (or duly authorised representative).

There are certain circumstances in which it will be appropriate for prosecutions to be recommended following breaches of legislation. Examples of situations which would warrant recommendation of prosecution are:-

- (a) Where death was a result of a breach of the legislation.
- (b) Where there is a blatant disregard for the law, especially where there is an economic advantage to do so (ie if it is profitable to flout the law);

- (c) Failure to comply with an enforcement notice;
- (d) Where there is a reckless disregard for the law, which could affect the safety or well-being of an individual or endanger the environment;
- (e) Where there have been repeated breaches of legal requirements and management is neither willing nor structured to remedy the situation;
- (f) Where there has been a serious accident or a case of ill health arising from a substantial legal contravention;
- (g) Where a contravention has caused serious public concern,
- (h) Failure to pay a fixed penalty notice.
- (i) Where false information has been supplied wilfully.
- (j) Officers have been intentionally obstructed in the lawful course of their duties.

Before deciding whether or not to recommend prosecution, a number of factors will be taken into account including:-

- (a) The seriousness of the offence;
- (b) Previous history of the duty holder concerned;
- (c) The willingness of the duty holder to prevent a recurrence of the problem;
- (d) The likelihood of the duty holder being able to establish a due diligence defence;
- (e) The probable public benefit of a prosecution and importance of the case - eg whether it might establish a legal precedent, or whether the case would be in the public interest;
- (f) The issue of an enforcement notice or other action, such as issuing a formal caution in accordance with Home Office Circular 18/1994, would be more appropriate;
- (g) Any explanation offered by the affected person, organisation or business;
- (h) Any views, concerns or comments of any other interested parties, eg businesses, employees and the public or a home enforcement policy.
- (i) That there is sufficient evidence to provide a realistic prospect of prosecution.

Unless there are exceptional circumstances, legal proceedings will be recommended, following the failure to comply with any enforcement notice.

In addition to the above, prosecutions will only be considered when the circumstances fall within the guidelines produced by the Attorney General, such as the Code for Crown Prosecutors.

Where prosecutions are instigated they will be brought promptly.

Prosecution of Individuals

Subject to the above, we may identify and prosecute or recommend prosecution of individuals, including company directors and managers, if it is considered that a conviction is warranted and can be secured.

Works in Default

In place of, or in addition to prosecutions, certain powers exist to carry out work in default. These powers will only be exercised following the expiry of a Notice to undertake works. All charges incurred will be recovered either through the courts or as a land charge on property.

PUBLIC REGISTER

Any notices served under the above legislation will be placed on the Council's public register, if they relate to matters of public concern

APPEALS

There is usually a statutory right of appeal against the requirement of an enforcement notice or action contained in the relevant legislation. Such appeals are usually made to Magistrate's Court. Where health and safety legislation matters are concerned, it would be an Industrial Tribunal and in the case of a Housing Act Notice, the County Court. Individuals, small organisations or businesses may be reluctant to spend a considerable amount of time, effort and money preparing and submitting an appeal against enforcement action. South Kesteven District Council therefore provides an informal appeal mechanism whereby the individual circumstances of the case can be taken into account and considered prior to enforcement action being commenced. Where necessary, access will be made available to a service providing translation facilities.

Informal Appeal

If you do not agree with action taken by the enforcement officer, you should first contact the Manager of the Officer's Section to see if the problem can be resolved informally. If the disagreement remains after that, you should contact the Head of the Service. Should your disagreement continue, a South Kesteven District Council Complaint Procedure Booklet is available which explains further action.

Statutory Rights of Appeal

Where enforcement notices are served, detailed information will be provided to the person concerned regarding their statutory rights of appeal. The information will include, where appropriate, the necessary forms and help with completion to enable an appeal to be made.

1.11 CONSULTATION, REVIEW AND PUBLICATION

We will endeavour to form partnerships with local business organisations and will consult them regarding the contents of this policy and any significant changes that may arise from time to time.

Arrangements will be made for the Enforcement Policy to be monitored and reviewed and reported as necessary, and at least annually, so as to ensure that it is used in a fair and consistent manner. The Policy will also be published and arrangements made for it to be brought to the attention of individuals, organisations and businesses in a 'user-friendly' format.

Signed: (Councillor Mrs L Neal)
Leader of the Council

Signed: (Duncan Kerr)
Chief Executive

Date:

Section 2

Environmental Health & Licensing Enforcement Policy

2.1 INTRODUCTION

Environmental Health & Licensing has responsibility for enforcing a wide range of legislation that may affect individuals, organisations or businesses residing, visiting or operating within the district. Enforcement action is taken by the following Sections:-

Environment Section

Commercial Section

Depending upon the particular circumstances, Environmental Health and Licensing may use a variety of means, including education, advice, guidance, warning letters and legal notices (including "minded-to" and "Fixed Penalty" notices) to ensure that individuals, organisations or businesses meet their legal responsibilities. Where there are serious breaches of legislation or risks to health, safety or the environment, activities may be prohibited, licences revoked, formal cautions issued, legal notices served, works done in default and prosecutions instigated.

Much modern legislation is goal setting - setting out what must be achieved, but not how it must be done. Guidance on how to achieve the goals is often set out in Codes of Practice and there is also a wide variety of advisory material describing good practice. Neither Codes nor guidance material are in terms which necessarily fit every case. In considering whether good practice has been adopted, officers will take relevant Codes and guidance into account, using sensible judgement about the extent of the risks and the effort that has been applied to counter them.

Sometimes the law is prescriptive - spelling out in detail what must be done. For example, contact with live wires must be avoided or failure to clean up after a dog has fouled in a prescribed area. Prescriptive law limits the discretion of the duty holder and the enforcer. This document is intended to provide members of the public, organisations and businesses with information and guidance about the practical application of the enforcement policy operated by Environmental Health and Licensing. Whilst the document aims to provide the reader with a clear understanding of the policy due to the individual nature of many of the circumstances, it cannot be considered either exhaustive or complete. The document also incorporates and adopts the principles set out in the LACORS Guidance on Food Safety Enforcement Policies. A Booklet entitled "Environmental Health and Licensing and Your Business", is available which reflects the principles of the Government's "Code for Enforcement Agencies". This publication gives information on specific complaints and services dealt with by Environmental Health and Licensing and the processes followed. The publication describes a complaints procedure in the case of administrative decisions and appeals to a court or an industrial tribunal in the case of statutory notices.

2.2 COMPLAINTS OF INJURY INVESTIGATIONS

In selecting which complaints or reports of injury or occupational ill health to investigate and in deciding the level of resources to be used, we will take account of the following factors:

- The severity and scale of potential or actual harm
- The seriousness of any potential breach of the law
- Knowledge of the duty holder's past health and safety performance
- The enforcement priorities
- The practicality of achieving results

The wider relevance of the event, including serious public concern

2.3 LEAD/HOME AUTHORITY PARTNERSHIP SCHEMES

The Lead Authority Partnership Scheme and Home Authority Arrangement promote consistency of enforcement among businesses with multiple outlets in different local authority areas. The Lead Authority process involves a local authority forming a partnership with a company. The local authority then carries out a Safety Management Review (SMR) of the company, produces a report of its findings and, where necessary, the company produces an action plan in response. The Lead Authority then enters into a long-term liaison arrangement where it acts as a focal point for liaison with other local authorities on health and safety issues affecting the company. The full list of registered partnerships is held by the Local Authority Unit of the HSE.

We will discuss with the appropriate Lead/Home Authority any shortcomings in participating companies' centrally agreed policies or procedures. If we are considering formal enforcement action, ie notices or prosecution, against an outlet of a participating company we will, except in the case of immediate action, discuss the matter with the Lead/Home Authority before taking action. Where immediate action has been necessary we will advise the Lead/Home Authority as soon as reasonably practicable.

2.4 SHARED ENFORCEMENT RESPONSIBILITY

In circumstances where enforcement responsibility is shared between enforcement agencies, for example in relation to waste offences (where both local Councils and the Environment Agency can take enforcement action), Environmental Health and Licensing will have regard to procedures agreed with other enforcement agencies, particularly where memoranda of understanding exist.

In some cases, enforcement powers will rest with another agency, for example the Health and Safety Executive. In these situations, Environmental Health and Licensing will act to ensure that the case is transferred to the enforcing agency promptly and in accordance with any agreed procedures.

The following list is not exhaustive but will include most possible alternatives.

- Any animal health matters are to be passed to the Trading Standards Animal Welfare Service at Lincolnshire County Council. It may also be necessary to involve the RSPCA.
- The Lincolnshire Fire & Rescue Service may need to be involved in matters involving Houses in Multiple Occupation and Licensing.
- Lincolnshire County Council Trading Standards may need to get involved where there are safety concerns over appliances or furniture provided by a landlord in a privately rented house or flat.
- Local pollution incidents may fall to the Environment Agency for enforcement, but this may require detailed liaison between the two authorities to determine responsibility.
- Incidents involving Travellers may require involvement by the Lincolnshire County Council Liaison Officer.
- Infectious disease incidents, or mental health matters requiring s.47 action under the National Assistance Act 1948 will involve liaison with the Consultant in Communicable Disease control at the Health Protection Agency.
- In the event of a food complaint involving another Local Authority or Home Authority they should be consulted fairly early during the investigative process. Their contact details may be found in a Directory of Environmental Health Departments.
- Any food matters that should be dealt with by Trading Standards will be passed to them.
- Any matters involving meat inspection services, licensed or unlicensed, may require the involvement of the State Veterinary Service.
- Any Health and Safety at Work incidents on premises not enforced by us will be passed to the Health & Safety Executive at Nottingham.

2.5 DEATH AT WORK (HEALTH AND SAFETY AT WORK ETC ACT 1974)

Where there has been a breach of the law leading to a work-related death, we will need to consider whether the circumstances of the case might justify a charge of manslaughter. Liaison may take place with the Police, the Coroner and the Crown Prosecution Service (CPS), and if evidence is found to suggest manslaughter, action will be taken by the Police or, where appropriate, the CPS. If the Police or the CPS decide not to pursue a manslaughter case, we may still prosecute or recommend prosecution of a health and safety case if that is appropriate

Section 3 Private Sector Housing Enforcement Policy

1 INTRODUCTION

Housing Services is an important part of South Kesteven District Council and has responsibility for enforcing a wide range of legislation relating to the private housing sector.

Private sector housing amounts to over 46,000 homes, of which 6,400 are privately rented including 281 Houses in Multiple Occupation.

Depending upon the particular circumstances, Housing Services may use a variety of means, including education, advice, guidance, warning letters and legal notices (including: demand for payment, closure of premises, demolition, management orders and notices prohibiting overcrowding) to ensure that individuals, organisations or businesses meet their legal responsibilities. Where there are serious breaches of legislation or risks to health, safety or the environment, activities may be prohibited, licences revoked, formal cautions issued, legal notices served, works carried out in default and prosecutions instigated.

Much modern legislation is goal setting - setting out what must be achieved, but not how it must be done. Guidance on how to achieve the goals is often set out in Codes of Practice and there is also a wide variety of advisory material describing good practice. Neither Codes nor guidance material are in terms which necessarily fit every case. In considering whether good practice has been adopted, officers will take relevant Codes and guidance into account, using sensible judgement about the extent of the risks and the effort that has been applied to counter them. More is said about these matters below.

Sometimes the law is prescriptive - spelling out in detail what must be done. For example, contact with live wires must be avoided or failure to clean up after a dog has fouled in a prescribed area. Prescriptive law limits the discretion of the duty holder and the enforcer. This document is intended to provide members of the public, organisations and businesses with information and guidance about the practical application of the enforcement policy operated by Housing Services. Whilst the document aims to provide the reader with a clear understanding of the policy due to the individual nature of many of the circumstances, it cannot be considered either exhaustive or complete.

2 WORKS IN DEFAULT

In place of, or in addition to prosecutions, certain powers exist for Housing Services to carry out work in default. These powers will only be exercised following the expiry of a Notice to undertake works. All charges incurred by Housing Services will be recovered either through the courts or as a land charge on property.

3 SHARED ENFORCEMENT RESPONSIBILITY

In some cases, enforcement powers will rest with another agency, for example the Health and Safety Executive. In these situations, Housing Services will act to ensure that the case is transferred to the enforcing agency promptly and in accordance with any agreed procedures.

4 APPEALS

There is usually a statutory right of appeal against the requirement of an enforcement notice or action contained in the relevant legislation. Such appeals are usually made to Magistrate's Court; in the case of a Housing Act Notice, the County Court. Individuals, small organisations or businesses may be reluctant to spend a considerable amount of time, effort and money preparing and submitting an appeal against enforcement action. South Kesteven District Council therefore provides an informal appeal mechanism whereby the individual circumstances of the case can be taken into account and considered prior to enforcement action being commenced. Where necessary, access will be made available to a service providing translation facilities.

4.1 Statutory Rights of Appeal

Where enforcement notices are served, detailed information will be provided to the person concerned regarding their statutory rights of appeal. The information will include, where appropriate, the necessary forms and help with completion to enable an appeal to be made.

Section 4 Planning Enforcement Policy

INTRODUCTION

1. Development Control Services is the section of the District Council responsible for the discharge of duties under the Planning Acts. These duties include the determination of applications submitted for consideration and by more formal enforcement control.
2. The enforcement of planning control is an essential feature of the overall planning system.
3. An effective system of control requires strong powers of sanction against persons who transgress regulatory provisions. The Town and Country Planning Acts contain such extensive enforcement powers, and the District Council will not hesitate to resort to such powers where circumstances demand firm action.

AIMS AND OBJECTIVES

6. The aim of the Council's Enforcement Policy is to ensure, when circumstances dictate, effective compliance with planning and associated legislation, which is itself aimed at regulating the development and use of land in the public interest. Development should conform to the provisions of the South Kesteven Local Plan. The District Council shall seek to ensure by education, promotion, monitoring, negotiation and, where necessary and appropriate, legal measures, that the quality, character and appearance of the built and natural environment is protected and enhanced.
7. In the exercise of its enforcement powers, the District Council's objectives are:
 - a) To strike an appropriate balance between the planning and development needs and demands of the population, and the need through regulatory control, to protect and enhance the environment, and regulate the development and use of land in the public interest.
 - b) Wherever breaches of control occur, to apply appropriate and proportionate remedies, wherever possible without recourse to formal legal action.
 - c) To promote the need to protect and enhance the built and natural environment, and the need to conform to regulatory controls.

- d) To allow acceptable development to take place.

DEVELOPMENT CONTROL SERVICES ENFORCEMENT POLICY

- 8. This policy document sets out the basic approach and principles to be followed by the authority in the discharge of its enforcement functions. In its preparation, account has been taken of procedural and policy advice as contained in Department of the Environment Circulars and Planning Policy Guidance Notes, and the Department of the Environment, Transport and the Regions document 'Enforcing Planning Control: Good Practice Guide for local planning authorities'.
- 9. This policy is intended to provide clear guidance to users of the planning system; members of the public, local businesses, elected members and service providers, about enforcement controls. It explains the powers available to the District Council to remedy breaches of planning control, and the steps involved in seeking to secure a satisfactory outcome to complaints lodged.
- 10. Allied to the policy, and observing the key principles of the policy, working procedures have been developed relating to the most frequently occurring areas of enforcement activity. By the nature of the work activity however, these procedures cannot cover every eventuality. In the absence of a defined procedure, the Council will discharge its enforcement activities in accordance with the general principles of the policy.

PLANNING CONTROL

- 19. Breaches of planning legislation occur for a number of reasons. Sometimes it is deliberate and pre-meditated. On most occasions it is inadvertent and unintentional, and occurs through a misunderstanding of planning legislation and regulations.
- 20. In some cases, whilst a breach has occurred, the resultant works may be acceptable or capable of being made acceptable with some form of modification. In other cases the works or development in question may be totally unacceptable. In each individual case, the District Council will make an individual judgement of the significance of the breach, and determine a course of action necessary to secure a satisfactory outcome in planning terms which is in the public interest.
- 21. The carrying out of works or development without the prior approval of the District Council may result in legal action against the person causing the breach and persons having an interest in the land involved, and/or prosecution.

ENFORCEMENT COMPLAINTS

22. Enforcement Complaints are complaints received relating to suspected breaches of planning legislation, including development carried out without prior approval, and works contrary to an approval granted or condition imposed. They are distinguishable from complaints relating to the conduct of the Planning Services section in the discharge of its functions, which are covered by the Council's Complaints Procedure.
23. All Enforcement complaints received by Planning Services are investigated, regardless of source. Often complaints made to the District Council arise from non-planning disputes. The District Council's investigations will relate solely to planning issues. It is not the Council's role to intercede or act as arbiters in non-planning disputes. Nevertheless, where planning breaches appear to be involved investigation will take place.
24. In some cases, complaints will be generated as a result of pro-active investigations and ongoing monitoring by Planning and Building Control Services staff. Such non-conformances will be investigated in the same manner as externally generated complaints, and in accordance with the key objectives of this policy.
25. Complaints may be made to the Development Control Services section either in person, by telephone or in writing. Full details of the complaint will be sought, together with details of the location of the site or premises, and where known, the name of the person causing the alleged breach.
26. Personal details of the complaint will be requested in order that they may be kept informed of the progress of the investigation, and approached for further information should this prove necessary. Details of a complainant will remain confidential and are not disclosed to the person who is believed to have caused the breach. Complaints made anonymously will be investigated.
27. Complainants will however be made aware that if an enforcement complaint results in the submission of a retrospective planning application, any comments made specifically on that application will be available for inspection as a public document, and as such may be viewed by the person causing the breach.

RESPONDING TO COMPLAINTS

28. When a complaint is received, and it is ascertained that it does, or potentially could relate to a planning matter details of the alleged breach will be registered in the Planning Services Enforcement Register. The register will contain full details of the complaint alleged and particulars of the complainant and defendant. Throughout the course of an enforcement investigation detailed records of the complaint, and any investigations, actions and outcomes will be maintained.

30. Enforcement Complaints will be acknowledged within 3 working days of the complaint being received. The letter will:-

- Identify the Case Officer and his contact telephone number.
- Identify a target response date to the initial complaint (this will normally be within 10 working days of receipt of the complaint).
- Include an explanatory leaflet outlining the Council's Enforcement Policy.
- Advise on confidentiality.

30. Matters alleged by a complainant will be fully investigated and a site inspection carried out. Council officers will seek to establish, on the basis of their own investigations, whether a breach has occurred.

31. Where insufficient information can be established from a site visit alone, the Case Officer will make further enquiries, and respond to the complainant within the target response date, or, as may be necessary a revised response date, which will be notified to the complainant.

32. Where it becomes apparent that a breach of planning control has not occurred, the complainant will be so informed, and given an explanation as to why this is considered to be the case.

33. In the investigation of suspected breaches of control, the Planning Services shall prioritise such investigations on the basis of an assessment of the anticipated severity of the alleged breaches, and the harm which may be arising there from.

34. A 'case prioritisation' model is suggested in the DETR document Enforcing Planning Control: Good Practice Guide for Local Planning Authorities, published in July 1997. This suggests a possible order of priorities for action might be:

- i Any unauthorised development, which causes immediate and irremediable harm in the locality.
- ii Unauthorised demolition or partial demolition of a building, which it is essential to retain.
- iii Breach of a condition, which results in serious harm to amenity in the neighbourhood.
- iv Unauthorised development in a National Park, AONB or Conservation Area
- v Any unauthorised development where the time limit for enforcement action will expire within the next six months.

35. The relative priority to be assigned to each case will be considered on the individual merits of the case, based upon a considered assessment of the severity of the breach, and the harm that is arising therefrom. Regard will be paid to the model referred to above. Particular priority will be given to matters which give rise to adverse irremediable effects upon local amenity, compromise the character, appearance & integrity of protected buildings or

structures, and matter which are giving rise to conditions detrimental to public safety (controllable under the Planning Acts).

BREACHES OF CONTROL

36. If a breach of planning control is found as a result of investigating a complaint, the severity and seriousness of the breach will determine the most appropriate course of action to achieve a satisfactory outcome.
 - (a) Where the breach of control that has occurred is likely to be acceptable.**
37. Where the breach of control is generally acceptable in planning terms, or could be made so by means of some form of modification, the person causing the breach, will be invited to submit a retrospective planning application for determination. They will be advised of the practical difficulties which may arise were they not to do so. A fixed time period will be set for the submission of any application. This will normally be between 7 days and 21 days, dependent upon the nature of the breach and the issues concerned.
38. Upon receipt of any application, the application will be publicised in accordance with the Council's Code of Practice, and third parties invited to comment. If adverse representations are received relating to the application, the application will be considered and determined by the Council's Development Control Committee.
39. If the person causing the breach fails to submit a valid application within the specified time period, the matter will be presented to the Council's Development Control Committee for members to consider whether enforcement action or prosecution proceedings should be instituted. In so doing, regard shall be given to Government policy as contained in PPG18 (December 1991), which states that enforcement action should not be used solely to 'regularise' development which is acceptable on its planning merits but for which planning permission has not been sought.
40. Where a breach of control has occurred which is in principle likely to be acceptable, subject to the imposition of certain controls or conditions, a planning application will be sought. Where such an application is not forthcoming, and the development is considered unacceptable without proper controls, authority will be sought to initiate enforcement action to secure appropriate remedies.
 - (b) Where a breach of control has occurred that is unacceptable in planning terms, and unlikely to be capable of being rendered acceptable.**
41. Where the works of development are unacceptable in planning terms, and unlikely to be capable of being rendered acceptable, the person causing the breach will be advised of the unacceptability of the works carried out and advised to cease operations, and to restore the buildings or land to their pre-

existing state, or to a state consistent with any approval issued by the Council. Whilst the person causing the breach will be advised they are at liberty to submit a retrospective planning application, they will also be advised that any such application would not be likely to be supported by Council officers.

42. The person causing the breach will be advised to cease operations immediately, and to restore the buildings or land to its pre-existing state, or to a state consistent with any approval issued by the Council. They will be advised that failure to respond within the defined time period (which will reflect the nature of the breach), will result in authority being sought for enforcement proceedings.

ENFORCEMENT ACTION

43. Where it becomes apparent that a person causing a breach of control is unwilling to comply, either with planning controls or with the terms of a consent granted, the District Council will consider the initiation of measures to secure compliance. Planning Policy Guidance Note 18 advises the need for enforcement action will particularly arise where the following are satisfied:-
 - 43.1 Where the breach took place in full knowledge that prior approval was required.
 - 43.2 Where the person responsible will not submit an application to regularise the development (despite being given the opportunity to do so).
 - 43.3 Where the breach is causing serious harm to public amenity in the neighbourhood of the site.
44. The first action will normally be to obtain further information from the person causing the breach, about who owns the land in question, and other people who have an interest in the land. This information is obtained by serving a **Requisition for Information Notice** upon the person(s) concerned. This requires information to be provided within a defined time period. Failure to provide the required information is an offence and may result in Court proceedings.
45. In some cases the District Council may require further information as to the activities which are taking place on a site, to ascertain whether a breach is occurring, or to determine the precise nature of the breach. The District Council may obtain such information by the service of a **Planning Contravention Notice**. This notice will either require the provision of certain information, or require persons to attend the Council Offices at a given date and time to furnish the information required. It is an offence not to comply with the terms of a notice.
46. Following receipt of ownership information, and Committee authorisation the District Council can serve an **Enforcement Notice**.

47. An Enforcement Notice will be served upon all persons known to have an interest in the land (this might for example include a mortgage lender). The Notice will:
 - Identify the breach of planning control that has occurred.
 - Identify the steps that are required to be taken to remedy the breach of control.
 - Identify the time period within which the steps must be undertaken.
 - Identify the planning reasons for the service of this notice.
48. It is an offence not to comply with an enforcement notice. Failure to comply will be likely to result in legal proceedings. The courts have the power to impose substantial fines or custodial sentences.
49. Once served, Notice takes several weeks (and not less than 28 days) before it comes into effect. In that time period, any person served with a notice, may appeal against the notice to the Secretary of State. The appeal may be lodged on the basis that the Notice is procedurally or technically invalid. At the same time the defendant may, subject (in most cases) to the payment of the relevant application fees, contest that permission ought to be granted for the breach that has been alleged to have occurred.
50. The Notice will effectively be suspended pending the determination of the enforcement notice appeal. The appeal will be decided either by an independent Inspector appointed by the Secretary of State, or by the Secretary of State himself. The Secretary of State or the Inspector, as the case may be, has the power to uphold the appeal, or to dismiss it. In either case there are powers to vary the terms of the notice drafted by the District Council.
51. It is not uncommon during the enforcement process, for defendants to either submit a planning application for the development concerned, or to appeal against an earlier refusal of planning permission. Usually these represent a genuine attempt to overcome the concerns of the District Council. In a few cases such tactics are intended merely to delay the due progress of the enforcement proceedings. Whilst the District Council will normally suspend actions pending the determination of an application or the outcome of the planning application appeal, each case will be looked at on its individual merits and a decision to suspend action will be made in the light of the particular circumstances and history of the case, and the stage reached in any proceedings. It will also be subject to the provision of legal advice by the Solicitor to the Council.

STOP NOTICES AND INJUNCTIONS

52. In cases where the nature of a breach warrants immediate intervention, the District Council will consider the service of a Stop Notice. This imposes a ban on activities until the enforcement notice takes effect. Injunctions will also be considered as a supplement to other statutory powers, particularly in cases

where an immediate response is required. The issue of an injunction or stop notice will only be authorised on receipt of advice from the Solicitor to the Council or his/her nominated representative.

DEFAULT POWERS

53. In the event of a defendant not complying with the terms of an enforcement notice, the District Council has 'default' powers to enter land and carry out the necessary works, and to recover their reasonable expenses from the then owner of the enforcement notice land. Expenses incurred become a legal charge on the land until such time as the expenses are recovered. This charge is binding on successive owners of the notice land.
54. The District Council shall consider the use of default powers as an alternative or supplement to prosecution proceedings in the event of non-compliance, and where the circumstances of the case warrant positive intervention to remedy ongoing adverse environmental or amenity effects, or giving rise to conditions prejudicial to public safety (controllable under the Planning Acts).

ENFORCEMENT ACTION AND THE BUSINESS SECTOR

55. In cases involving unauthorised works affecting businesses and employment uses, particular regard will be paid to the effect of any enforcement measures (financial and otherwise) upon the business concerned. Where circumstances dictate that a particular activity must cease, discussions will normally be held with the business to determine ways in which impact of the unauthorised activity upon the local area may be minimised, together with discussions on the possible relocation of the business to another site. If relocation is necessary, any enforcement proceedings will have regard to an agreed timetable for relocation, which will minimise disruption to the business and avoid, if possible, any permanent loss of employment as a result of the relocation.

ENFORCEMENT ACTION AND PRIVATE HOUSEHOLDERS

56. In consideration of enforcement action against private householders, particular regard will be paid to the extent to which the householder was professionally advised, and the relationship of the unauthorised works to any 'permitted development' rights which may apply. The Council would not normally take enforcement action to remedy only a slight variation in excess of what would have been permitted by virtue of General Permitted Development Order provisions.

ADVERTISEMENTS

57. The regulatory provisions relating to advertisements differ markedly from those for other planning controls. Most fundamentally, there is no provision in the advertisement regulations for the service of enforcement notices. Advertisement offences are normally remedied by prosecution proceedings. A number of specific working procedures have been developed for advertisement matters which follow the general aims and objectives of this policy.

INTERVIEWING UNDER CAUTION

58. In certain circumstances, where it appears that works carried out may constitute an offence (for example, unauthorised works to a listed building), investigating officers may wish to obtain evidence from a defendant for use in future court proceedings. In such circumstances, the provisions of the Police and Criminal Evidence Act will be observed. Defendants will be cautioned and offered access to legal representation during any interview. Regard will be had to the advice contained in the Legal Services 'investigators and Enforcement Officer's Prosecution Manual as to the conduct of interviewing under caution.

ACCESS TO LAND TO INVESTIGATE COMPLAINTS

59. The Planning Acts confer rights of entry onto land to duly authorised planning personnel, for the purposes of investigating an alleged breach of planning control. Wilful obstruction of this right of entry is an offence. In the event of access being denied, the District Council, where necessary, shall seek a warrant from magistrates authorising entry, and pursue prosecution proceedings.

MONITORING OF NEW DEVELOPMENT

60. Operating procedures exist for the monitoring and checking of new developments by Building Control Services, in respect of sites supervised by themselves, and for the supply of information relating to building commencements and completions on Council supervised and Approved Inspector supervised sites (including NHBC sites).
61. The monitoring and control of ongoing developments is an important aspect of development and enforcement control, and the District Council shall, within the reasonable limits of its available resources, monitor authorised development activity to ensure compliance with approved details. Monitoring

activity shall take place alongside other enforcement monitoring activities, and prioritised accordingly. In this particular context, priority shall be given to:-

- (i) sites, which by reason of their nature, character, location, or site history are considered to be sensitive
- (ii) sites not subject to control/supervision by Building Control Services.

FURTHER INFORMATION

62. Further information on the Council's Enforcement Policy is available from the Development Control Services Manager, or from the Planning Enforcement Officer.

OTHER REFERENCE DOCUMENTS

63. - Planning Policy Guidance Note 18: Enforcing Planning Control (1991)
- Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural requirements.
- Enforcing Planning Control: Good Practice Guide for Local Planning Authorities (July 1997) (DoETR)
- Planning Charter Standards

Section 5 Building Control Enforcement Policy

Title: **ENFORCEMENT:** Works contravening the Building Regulations

Issue: August 2005

Purpose: To describe the process of enforcement where contravention's of the Building Regulations are discovered.

Scope: All Building Regulation applications (Full Plans and Building Notices) submitted to this authority.

References: Building Act: Sections 35 & 36
Building Regulations 2000

PROCEDURE

1. Ascertain the nature and extent of the work and determine whether or not the works contravene the Building Regulations. This may be for construction works that do not show compliance with the regulations or for commencement prior to an application being made or non-submission of notices.
2. Advise the owner and the builder of any works in contravention. This may be done verbally.
3. With the applicant and any other party concerned, outline the works required to be carried out to ensure compliance.
4. Agree a time scale for the works to be completed, usually within 14days of the offending work being discovered.

It is the Building Control officer's responsibility to check the offending works when notified of compliance by means of a site visit, or to ensure an application has been made within the 7day period. The use of the Building Control Officers diary will act as a reminder on the appropriate time scales for each type of offence.

5. If the offending works have not been rectified within the 14 days, an L024 will be sent to the owner and builder as applicable within 5 working days.

6. Where the contravention concerns the non-submission of notices or an application, the subsequent procedures should be followed. If no application has been received within 7 days an L018 will be sent to the owner and if known an L019 to the builder.
7. In respect of construction work which does not comply with the regulations, if within 21 days of the letter no response has been received a follow up letter will be sent L093 to the applicant.

For non-submission of an application an L094 should be sent and it should be referred to the Building Control Services Manager who will send a requisition for information, as allowed for under section 16 of the Miscellaneous Provisions Act.

8. The Building Control Officer will submit a report to the Building Control Services Manager, within 5 days, outlining the events and extent of the contravention and detailing all visits made to the site and all correspondence sent. This should be in a typed format.
9. Subject to agreement by the Building Control Services Manager, a request to proceed with legal proceedings (MM11) memo will be sent to the Cabinet Portfolio holder with responsibility for Building Regulations and the Solicitor to the Council.
10. The Building Control Officer is to make a further visit to site to ascertain if the required works have been carried out to a satisfactory standard. Report the findings to the Building Control Services Manager. This must be carried out with 7 days
11. A memo (MM09) is to be sent to the Solicitor to the Council by the Building Control Services Manager, to allow enforcement proceeding to commence.
12. Where deemed necessary by the Council, the Building Control Officer will give evidence in court on behalf of the Council.
13. Throughout the procedure the Building Control Officer will keep an accurate record of the proceedings on the work progress sheet (AM 05) as this may form part of the Council's evidence in any legal actions. The Building Control Officer may deem it appropriate to also keep a photographic record of the case.

Stuart Vickers
Building Control Services Manager
August 2005

Section 6 Waste & Contract Services Enforcement Policy

1 INTRODUCTION

The Waste and Contract Services Section of South Kesteven District Council has the responsibility of enforcing a wide range of legislation that may affect individuals, organizations or businesses whom are residing, visiting or operating within the district of South Kesteven

2 LEGISLATION

A large amount of the legislation that the department uses sets out what must be achieved. These laws do not include how it must be done. The guidance for the use of enforcement relating to these laws are often set out in Codes of Practice. There is also a wealth of advisory material describing good practice, which is an invaluable aide to the enforcement.

All material with regard to the procedures and relevant codes are there to aid individuals. The sensible judgment and initiative of the individual will also be used to judge the situation.

There are areas of the law, which are used, where the law is prescriptive, giving exact details of what must be done. Prescriptive laws limit the discretion of the duty holder and the enforcer.

3 PURPOSE OF THIS POLICY

This policy is intended to provide members of the public, individuals, organizations and businesses with information and guidance about the practical application of the enforcement policy operated by Waste and Contract Services. Whilst the document aims to provide the reader with a clear understanding of the policy due to the individual and unique nature of many of the circumstances, it cannot be considered either exhaustive or complete.

4 PRACTICAL APPLICATION OF THE POLICY

The following gives an outline of the practical application of enforcement powers and the type of action that will normally be taken according to the

circumstances of that occurrence. The procedure and protocol for each area must be consulted as to the specific action.

Where it is appropriate for action to be taken by other departments of the authority, they will be informed of the situation.

When an officer finds a contravention of the law they will have to choose the most appropriate method of achieving compliance with the law from the range of possible actions available.

When an Officer finds a contravention of the law they will endeavor to discuss fully with a responsible person any compliance failures or difficulties and will give full consideration to their views before deciding on the most appropriate course of action. Officers will warn those involved of the steps needed to put things right, unless more formal enforcement action is the most appropriate way of dealing with the matter.

All communications will be clear and in plain English, translated where appropriate and will distinguish between advice and legal requirements.

When applying this Policy Officers must be fair, independent and objective. They must not let any personal views about ethnic or national origin, religious beliefs, political views or the sexual orientation of the alleged offender influence their decisions. Officers must not be affected by improper or undue pressure from any source.

5 ENFORCEMENT OPTIONS

The decision to use formal enforcement action will be dependent upon the seriousness of the breach.

The following options, in increasing order of seriousness are violable when infringements or criminal offences are detected:

(a) No Action

In exceptional circumstances, contraventions may not warrant any action. A decision to take no action must be recorded in writing and must take into account the exact offence.

No action can be taken where the cost of compliance to the offender outweighs the detrimental impact of the offence, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the offence.

A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances.

(b) Formal Caution

A formal caution can be considered at the discretion of the Head of Waste and Contract Services. The criteria for prosecution must be met, but the circumstances surrounding the infringement are such that a more lenient approach to prosecuting is appropriate. A formal caution can only be considered for adults (namely persons aged 18 years and above)

Any formal caution must follow the criteria as laid down in Home Office Guidelines. It should also be explained that the Council reserves the right to cite the caution for a period of up to 3 years after it was given if a further breach occurs and the Council takes enforcement action against the offender.

If a decision to offer a formal caution is rejected by the alleged offender, then the file shall be forwarded to the Head of Legal and Democratic Services with recommendation to prosecute.

(c) Fixed Penalty

A fixed penalty notice can be issued when all the prosecution criteria are met. It is an alternative to commencing proceedings in Court and offers an offender the opportunity to discharge their legal liability by the payment of a fine.

If a decision to offer a fixed penalty in lieu of prosecution is rejected by the alleged offender, or an alleged offender fails to pay the fixed penalty within the time limit, then the file shall be forwarded to the Head of Legal and Democratic Services with a recommendation to prosecute.

(d) Prosecutions

Consideration of formal caution will only be undertaken after reference to Legal Services' Prosecution Manual and consultation to Head of Legal and Democratic Services.

There are certain circumstances in which it will be appropriate for prosecutions to be recommended following breaches of legislation. Examples of situations which would warrant recommendation of prosecution:

- (i) Where there is a blatant disregard for the law, especially where there is an economic advantage to do so (i.e. If it is profitable to break the law)
- (ii) Where there is a reckless disregard for the law which could affect the safety or well being of an individual or endanger the environment.
- (iii) Where there have been repeated breaches of legal requirements.
- (iv) Failure to pay a fixed penalty notice.

Before deciding whether or not to recommend prosecution, a number of factors will be taken into account including:

- (i) the seriousness of the offence
- (ii) previous history of the duty holder
- (iii) the probable public benefit of a prosecution and importance of the case- whether it might establish a legal precedent or whether the case would be in the public interest.
- (iv) Any explanation offered by the affected person, organization or business
- (v) That there is sufficient evidence to provide a realistic prospect of prosecution.

Section 7 Fair Collection and Debt Recovery Policy

INTRODUCTION

As part of a growing partnership approach to anti-poverty initiatives, South Kesteven District Council has agreed that there is the need to work on developing a collection and debt recovery policy that is fair to everyone, especially people on low incomes.

This handbook provides a summary of the policy. It is intended to:

- Help staff work within the policy,
- Help advice workers understand it so they can advise people about it and let us know if we don't keep to it,
- Help contractors who work for the Council on debt recovery and other activities to follow the aims of the policy.

OUR POLICY AIMS TO

- Take positive action to prevent debts from occurring in the first place – for example by making the most of people's incomes and offering different payment methods
- Take positive enforcement action against deliberate non payers or those who delay payment unnecessarily
- Make sure we make early contact to avoid debts increasing
- Encourage our customers to make early contact with us to avoid debts building up
- Make sure that where people have fallen or are likely to fall into debt, we work with them and their representatives to try to set reasonable payment levels that they can maintain
- Make sure that all parts of the Council work towards adopting a co-ordinated approach to billing, concessions, benefits and multiple debts
- Make sure we consider our customers other debts and liabilities when making arrangements for recovering the money they owe.

MAKING OUR POLICY EFFECTIVE

We know that for our policy to work, we must:

- Send clear and accurate bills quickly,
- Respond to changes in our customers' circumstances as soon as we are told about them,
- Deliver fast and accurate benefit entitlements,
- Stick to the time scales we give people for processing non-payment.

THE BENEFITS OF OUR FAIR COLLECTION AND DEBT RECOVERY POLICY

We believe that our policy will:

- Help people who are in debt to make payment agreements that are realistic and appropriate to their circumstances,
- Make sure that when we have to process non-payment, the action we take is both appropriate for the individual and likely to be effective,
- Mean that by being seen as easy to talk to, people will be more likely to make contact with us when they first face difficulties,
- Help reduce the burden of debt for people on low incomes,
- Enable people who experience change, even after an arrangement has been made, to vary their payments in line with those changes,
- Help identify and recognise people who may try to abuse the policy, such as people who refuse to pay or who delay payment without a real reason,

STATEMENT OF PRINCIPLES FOR OUR FAIR COLLECTION AND DEBT RECOVERY POLICY

Here at South Kesteven District Council, we:

- Believe that people have a responsibility to pay what they owe,
- Actively encourage contact at every stage of the collection and recovery process,
- Aim to help people make the most of their income,
- Provide clear, accurate and speedy bills and information about liabilities,
- Acknowledge the need to provide a service that is effective but sensitive to peoples' needs,

- Acknowledge our responsibility to collect money effectively.

WHEN PEOPLE GET INTO DEBT, WE WILL:

- Make sure that payment arrangements reflect our customers' ability to pay as well as the amount they owe
- Not take the next step in the recovery procedure if agreements are being met,
- Acknowledge and respect a persons' obligations to his or her dependants and recognise the need for a person to maintain a reasonable standard of living,
- Expect Priority Debts (see Annex 1) to be given precedence over other money owed,
- Acknowledge the role of the recognised advice agencies and treat offers made on behalf of their clients in good faith.

OUR DUTY TO COLLECT & RECOVER

South Kesteven District Council has a duty to all Council tax and business ratepayers to ensure cost effective billing, collection, and recovery of all money due to the Council. We also have a responsibility to all our tenants to collect rent as efficiently as possible, and take early action against those who do not pay.

In trying to meet these aims, we recognise that people do not pay their debts for a variety of reasons:

- Some people, because of living in or on the margins of poverty, will find it hard to pay. We will try to help these people to minimise the impact of debt upon them.
- Some people may be able to pay but do not do so because of an oversight or personal difficulties not because of a deliberate decision to avoid or delay payment. The Council will try to help such people by encouraging them to contact us to discuss their difficulties.
- Some people may deliberately set out to delay or not make payments. In these cases all methods of enforcement may be used to make them pay the money they owe.

The need to get in touch is central to our policy. When a person contacts us, their circumstances will be used to agree a reasonable payment arrangement. This will minimise our need to take recovery action and help prevent hardship for the individual. If people do not make contact or maintain their payments, recovery action will continue.

THE COUNCIL WILL:

- Make sure that publicity is available in a variety of formats about benefits, claim forms and information about where to get independent advice,
- Promote maximum take-up of housing and Council tax benefits and ensure that bills and liabilities are taken into account when we ask you to pay,
- Notify people of the availability of Council tax discounts, rate relief, reductions for people with disabilities, exemptions and second adult rebate,
- Inform people of the general availability of income-related benefits,
- Make sure staff who deal with the public are aware of this policy and where professional/independent advice may be found,
- Help to complete a benefit application for all Council tenants who may be eligible when the tenancy agreement is signed.

For business (non-domestic) rates, the Council will make all payers aware, via its billing leaflet, of the availability of charitable rate relief, rural rate relief and Small Business Rate Relief. Each application is determined on its individual merit and in accordance with existing legislation and national guidance. Application forms are available from the Council.

For housing benefit overpayments, the Council will consider in each case, whether recovery should be sought and, if so, determine a level of payment appropriate to the person's financial circumstances.

OTHER COUNCIL DEBTS

Other Council debts are due on demand, but where an account is ongoing e.g. commercial rent, payments can be made by monthly instalments by standing order.

Customers must ensure that payments reach us by the due date.

To try to prevent debts, we want people to contact us as soon as they have difficulty paying. Many people are unaware of their rights and responsibilities, and of the availability of a variety of payment arrangements. If people contact us early we will be able to discuss the situation and prepare a payment plan. This will help people to manage their debts.

When people contact us we will:

- Check whether they should be paying less or nothing at all,
- Check whether all benefits, discounts, reliefs, exemptions and rebates are being claimed,
- Advise on the most appropriate payment methods,

- If appropriate, advise them to contact an independent advice agency.

COUNCIL TAX RECOVERY PROCESS

Where payments due have not been made, the Council will take the following action:

1. A **Reminder Notice** will be issued if a Council Tax instalment is missed. The Notice requires the instalment to be paid within 7 days to bring the account up to date.
2. If the Reminder Notice is not paid, the right to pay by instalments is lost for the financial year in question and the total remaining balance (displayed on the Reminder Notice) becomes due and payable and must be paid within a further 7 days.

If the Reminder Notice is paid, the Taxpayer can continue to pay by instalments.

3. If another instalment is not paid the same process takes place.
4. However, if an instalment is missed for the third time, the Taxpayer automatically loses the right to pay by instalments for the financial year in question and a **Final Reminder Notice** is issued for the total remaining balance.
5. If a Taxpayer has lost the right to pay by instalments and not paid the total remaining balance within 7 days, **Complaint** is made to the Magistrates Court that the Taxpayer has defaulted in payment of the Council Tax. The Court Costs, which are charged to the taxpayer, currently £30.00 (summons) & £10 (Liability Order).
6. A **Summons** is then sent to the Taxpayer requiring full payment before the date of the Court Hearing. If a Taxpayer disputes the Summons they, in the first instance, should contact The Revenues Collection & Enforcement Section to discuss and hopefully resolve the matter. If the Taxpayer is still aggrieved then they must attend the Magistrates Court on the day of the Court Hearing and appear before the Magistrates informing them why they have not paid and their dispute. A Taxpayers ability to pay will not be considered by the Magistrates at this time.
7. The Council's application at the Court Hearing is for a **Liability Order** to be issued in respect of each unpaid Summons.

This action will not affect the Taxpayers credit rating as the case is heard in a Magistrates Court and not the County Court.

A Liability Order gives the Council further recovery powers, which include:

- an Attachment of Earnings Order
- an Attachment of Benefit Order (Income Support / Job Seekers Allowance)
- Distress

- Insolvency & Bankruptcy
- Charging Orders

The Council may implement an Attachment of Earnings/Benefit Order at anytime after the issue of a Liability Order.

8. A **Liability Order Notice** (7 day notice) is sent to the Taxpayer and a copy of 'Schedule 5 – Charges Connected with Distress' informing the Taxpayer that full payment is required within 14 days of the date of the letter. If full payment cannot be made by the Taxpayer they are advised that a payment arrangement will be considered. If no contact is made, the Taxpayer is informed that the Council's Bailiffs will call at their premises to remove their goods.
9. Where there is no response to the Notice, the Liability Order will be passed to the Council's Bailiffs.
10. The Bailiffs will visit the Taxpayer's address a minimum of twice in order to secure payment. The first visit will incur a cost of £22.50 and subsequent visits £16.50, which must also be paid by the taxpayer. If no contact is made a Committal Warning letter is issued. If the Taxpayer still does not make contact, the Liability Order in question is endorsed by the Bailiff and the next step is Committal action against the Taxpayer.
11. A **Pre-Committal Notice** is sent to the Taxpayer informing them that the Council is in the process of issuing a Committal Summons to them if full payment is not received the day before the Summons is due to be issued.
12. If full payment is not received, the Committal Summons, after being endorsed by the Magistrates Court incurring a further £10.00 costs that will be added to the debt, is issued to the Taxpayer (together with appropriate Guidance Notes). Full payment must be made or the Taxpayer must attend the Magistrates Court as the Council's application at the Hearing is for the Taxpayer's committal to prison.

During the Council Tax recovery process the Council, where possible, will take into account a Taxpayers personal circumstances and ability to pay. Also, payment arrangements (including Voluntary deductions from wages) are always made with Taxpayers where possible. Staff can also use their discretion by amending payment arrangements and inputting recovery 'suspended' so queries can be resolved.

NATIONAL NON DOMESTIC RATES

An identical recovery process for this applies up to and including the acquisition of a Liability Order. However an Attachment of Earnings Order or an Attachment of Benefit Order cannot be implemented in respect of this debt. Also, Committal action can only be taken against an individual and not, for example, a Limited Company.

COUNCIL HOUSING RENT RECOVERY PROCEDURE

Where payment due has not been made, the Collection & Enforcement Section will take the following action:

1. A reminder letter will be sent after 3 weeks of non-payment of rent. This will include details of who to contact, the need for payment to be made and outline the consequences of failing to pay.
2. If there is no response to this letter, two weeks later a Notice Seeking Possession (NSP) will be sent. The consequences of any failure to maintain the agreement will be made clear. Where the tenant has difficulty paying, they will be referred to the Revenues Collection & Enforcement Section for relevant advice on claiming benefits, etc.
3. If there is no response to the NSP, a home visit will be made. If no response a 7 day letter will be sent, warning that Court proceedings will commence unless the balance is paid in full or a suitable arrangement made.
4. If there is no contact from the tenant within 14 days, or if the payment arrangements are not kept up, Court action will be pursued.
5. The Legal Section will be notified to send a request for a possession summons to the court with the particulars of the claim.
6. The court will send a copy of the summons to the tenant with a form "Reply to a possession summons" and a court date.
7. At the court hearing, an order will be made either for:
 - ❖ Possession forthwith, or after 14 days, 28 days or after 56 days.
 - ❖ Possession suspended on fixed payments
 - ❖ Withdrawal if paid.

CAR PARK FINES

Where payment due has not been made, the Collection & Enforcement Section will take the following action:

- If the fine remains unpaid a reminder letter will be sent after 2/3 weeks of non-payment of the excess charge notice.
- If there is no response to this letter, four weeks later the fine is passed to the Legal Section for further action. A summons is issued to the registered keeper to attend the Magistrates Court. If proven guilty the Magistrates will recover the fine.

RECOVERY OF OTHER COUNCIL DEBTS

Where payments are due for other Council debts (e.g. Sundry Debtors/Overpayments), the following action will generally be taken:

- An invoice will be issued stating the amount owed and methods of repayment.
- If no payment is made within 14 days, a reminder notice will be issued which requires the account to be paid up to date within 10 days.
- If no payment is received, a final reminder will be issued warning the debtor of the need to pay and warning that legal action may follow
- If the debt remains unpaid after 7 days a further letter is sent to the debtor informing them of possible legal action.
- A 'Court warning notice' informing of possible County Court action will follow after a further 7 days and an internal memo is sent to the relevant Section.
- The debt will be either passed to our Legal Section for their attention or passed to external debtor collectors.
- During any stage of this process, arrangements for payments can be made which will result in proceedings being adjourned.
- Payment will then be enforced using the most appropriate means. This may be one of the following:
 - ❖ attachment of earnings
 - ❖ warrant of execution
 - ❖ charging order
 - ❖ garnishee order

MAKING ARRANGEMENTS FOR PEOPLE IN ARREARS

Our staff will:

- make every reasonable effort to contact people at an early stage in the recovery process
- expect priority debts (see Annex 1) to be given precedence over other debts.

When a person makes contact a realistic agreement for payment will be made.

If there is any doubt as to whether the agreement is realistic (either because it appears to be too high or too low), staff will help the individual to complete an income and expenditure form.

It is important to remind the person to contact the Council if they anticipate problems in meeting any instalment due date. They will be advised not to wait until they have received a written response to their offer of payment, but to start to make the payments which they have offered.

PAYMENT DATES

- The payment date should take into account:
 - * the date the person receives income
 - * the method and frequency of agreed payments

ARRANGEMENTS MADE BY ADVICE AGENCIES

- Where an arrangement is proposed by a recognised advice agency, an Income and Expenditure form will normally be provided. Their offers received will be treated in good faith, subject to approval.
- Where a person appears to have complex benefit or money advice problems, staff will refer them to an appropriate agency.

OBTAINING DETAILS

- Staff should try to get as much detail as possible of a person's circumstances to enable us to make the best assessment of their ability to pay.
- If a person refuses to divulge any information, this should not be used as a reason for refusing to make an arrangement. However, they will be advised that this could lead to a higher rate of payment being required than if their circumstances were fully assessed.

DOCUMENTARY EVIDENCE

- In some cases it will be necessary to request documentary evidence to confirm particular details when arriving at a payment arrangement. People will not, however, be asked for documentary evidence unless it is absolutely necessary.
- Where it is necessary, the person will be told of the particular items that require confirming and be given a specified reasonable time limit within which they are required to provide the documents.
- If it is easier for the person, arrangements will be made for the documents to be confirmed either by the Council or a recognised advice agency.
- The person will be advised that if the evidence is not produced within the agreed time-scale, the offer of payment may be rejected and further action could be taken.

MONITORING PAYMENT ARRANGEMENTS

- All payment arrangements will be closely monitored.

- Further recovery action may be taken in respect of late or missed payments.
- The responsibility for making sure that payment reaches the account by the due date remains with the debtor.
- The person will be reminded that the date on which instalments are to be paid is the final date on which money should reach the account. This means that people must allow sufficient time for the payment to reach the Council by the due date

WHEN PAYMENT ARRANGEMENTS ARE NOT MAINTAINED

- It is important to ensure that where arrangements have not been maintained, prompt action is taken by the person to try and bring the arrangement back up to date. If the person's circumstances have changed, they will be encouraged to contact us to alter the agreement.
- When a person defaults on an arrangement, we will send a written notice advising them of the need to take action. This will provide the person with the opportunity to bring the arrangement up to date or advise the Council of a change of circumstances.
- Although the Council will ideally require the original agreement to be brought up to date within a short time scale, if there has been a significant change in circumstances it will be possible to negotiate a new arrangement.

MAINTAINING CURRENT INSTALMENTS

When negotiating arrangements for payment, staff will ensure that current instalments/rent are being maintained, i.e. the arrangement will be in addition to and conditional on, the current Council tax, weekly rent, business rates, or other Council debt being paid. For Council Tax, current instalments will be the yearly Council Tax divided by 52 in the case of weekly instalments or 12 in the case of monthly instalments. This arrangement is available only on hardship grounds and is subject to completion of an income/expenditure form.

TO CONTINUE TO DEVELOP THE STRATEGY WE WILL:

- continue to build on the trust that has developed between the advice agencies and the Council
- forge stronger links with the Department for Works & Pensions, and Job Centre Plus, particularly in areas of Income Support Direct Deductions and notification of changes in benefits.
- continue to review all leaflets being forwarded by the Council in respect of debt collection and benefits
- look at better targeting of information, particularly in relation to benefits
- consider recommendations that could be made to national Government to amend appropriate legislation

ANNEX 1

DEFINITIONS

Throughout the document several words or phrases have been used that may have different meanings to different people. This section provides the Council's accepted definitions of some of those terms.

1. Poverty

The Council uses a relative definition of poverty, which is "the enforced lack of the resources needed to participate in society"

2. Minimum accepted standard of living

The means-tested benefits level is a simple and measurable indicator of how much someone needs to live on. However, it is generally accepted that this level is insufficient for a decent standard of living and it does not take account of individual circumstances. The Council therefore uses this level as a minimum whilst allowing a degree of flexibility for special costs or expenses that individuals or families may face.

3. Priority Debts

Priority debts are those debts that can result in loss of essential service, lose your home or imprisonment

Housing	Utilities	Other
Council Tax	Electricity	Business Rates
Mortgage	Gas	CSA deductions
Rent	Telephone	Court Fines
	Water	Hire Purchase for essential goods
		Income Tax
		Maintenance Arrears
		Secured Loan
		VAT

SECTION 8

Anti-Social Behaviour Enforcement Policy

INTRODUCTION

South Kesteven District Council is committed to the reduction and prevention of Anti-Social Behaviour within the District. The South Kesteven Crime and Disorder Reduction Partnership have set a target to reduce the level of crime by 15% over 3 years. This policy seeks to enhance the Authority's commitment to the reduction of anti-social behaviour, and sets out the framework and procedures to support this target. Anti-Social Behaviour is defined within the Crime and Disorder Act 1998 and this definition has been adopted by South Kesteven District Council.

“Any person acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”.

AIM

In 1998 the Crime and Disorder Act was introduced, under the 1998 Act, the Council has a legal duty to consider the crime and disorder implications of all its policies and practices. The view South Kesteven District Council is taking; is that the legislation should cover all areas and activities that impact on residents and communities of South Kesteven. Section 17 of the 1998 Act requires that consideration of crime and disorder issues are integrated into all functions and corporate thinking. This part of the Act seeks to identify corporate responses to crime and disorder by stating that:

“Without any prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area”

The requirement of Section 17 is to make sure Community Safety is considered throughout South Kesteven District Council as a whole when carrying out its activities and functions, there is a further reference with this section entitled partnership working. Section 17 is one of the most comprehensive and fundamental sections of the 1998 Act, and dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues in the future. Section 218A of the Housing Act 1996 inserted by Section 12 Anti-Social Behaviour Act 2003 requires landlords that are local housing authorities to prepare and publish policies and procedures in relation to Anti-Social Behaviour by 30 December 2004. The Council approved the Housing Services Anti-Social Behaviour Policy and procedure on 9th December 2004.

This policy and procedure extends beyond the scope of the Landlord function and include other enforcement polices within the South Kesteven District Council's

statutory functions and framework. Anti-Social Behaviour statements, policies and procedures should support the priorities of South Kesteven District Council; its Corporate aims and objectives.

SCOPE OF THE ANTI-SOCIAL BEHAVIOUR AND ENFORCEMENT POLICY

The Anti-Social Behaviour and Enforcement Policy and Procedures seek to provide guidance to officers responsible for Anti-Social Behaviour and Enforcement of any nature. It informs and explains to employees, the public and businesses how the Council will enforce this legislation. In addition this policy supports and enhances the Enforcement Policies already in place covering the following service areas; Housing, Community Safety, Cleansing (Contracts), Food, Licensing, Health and Safety, Environmental Protection, Planning, and Building Control.

Who is affected by the Policy?

“Everyone who lives in, works in or visits South Kesteven”.

IMPLEMENTATION ACCOUNTABILITY AND RESPONSIBILITY

Corporately the accountability for the strategic overview rests with the partners within the South Kesteven Crime and Disorder Reduction Partnership.

Heads of Service will be responsible for making sure this policy is implemented, communicated to staff and that appropriate training is made available. Accountability and responsibility for operational issues rests with the Heads of Service and delegated officers.

Authority to serve Formal Notices will only be given to those officers that are suitably qualified. All authorised officers must have received appropriate training and must have suitable relevant experience to demonstrate competence through an understanding of legislation and enforcement powers.

Any recommendations to prosecute will be referred by the enforcing officer to the Manager, who will seek legal advice. In all cases where there is a likelihood of a prosecution; approval will be sought from the Heads of Service or delegated officer with the appropriate delegated authority for the specific service area. The Heads of Service will need to have due regard for the nature of the offence and where appropriate, link their decisions to other relevant service units, where there may be an overlap in enforcement action and where other legal remedies can be considered.

South Kesteven District Council will work to make sure that enforcement decisions are consistent, well balanced, fair and related to common standards both locally and nationally.

PARTNERSHIP WORKING

Anti-social behaviour has to be tackled in partnership and the various functions of South Kesteven District Council can contribute to tackling anti-social behaviour through prevention, early intervention, rehabilitation and enforcement.

South Kesteven as a district authority has responsibility for tackling anti-social behaviour and in line with Section 17 of the Crime and Disorder Act (1998) there is a requirement on Housing, Environmental Health, Cleansing, Planning and Building Control functions of South Kesteven District Council to consider the crime and disorder implications and how they can contribute to tackling anti-social behaviour in their policies and procedures.

Section 17 of the Crime and Disorder Act (1998) requires that consideration of crime and disorder issues are integrated into all Council functions and corporate thinking. In line with this requirement in the following service areas; Housing, Community Safety, Cleansing, Environmental Health, Planning, and Building Control should include in their service plans a statement in relation to tackling Anti-Social Behaviour.

SUMMARY OF THE LEGISLATION

Anti-Social Behaviour Act 2004

The purpose of the Act is to provide the tools for practitioners and agencies to effectively tackle anti-social behaviour. The Act is comprised of eight parts, which build upon existing legislation to clarify, streamline and re-enforce the powers that are available to practitioners.

Crime and Disorder Act 1998

The purpose of this Act is to tackle crime and disorder and help create safer communities. The Act gives the lead responsibility for Crime and Disorder to the Police and Local Authorities. The 1998 Act provides additional powers for agencies to use when carrying out their work to reduce crime, namely:

- Section 115 which allows for the sharing of information for the purposes of preventing crime and disorder without contravening the Data Protection Act 1998
- The establishment of local partnerships between Police, Local Authorities and others to help fight crime
- Section 17 places a duty upon local authorities to consider the community safety within their district for any function that it may undertake. This section dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues.
- Section 1 introduced the Anti-Social Behaviour Order, which aims to prevent serious and persistent anti-social behaviour.

Police Reform Act 2002

The purpose of this Act is to make provisions about the supervision, administration functions and conduct of Police Forces, Police Officers and other persons serving with or carrying out functions in relation to the Police.

In relation to Anti-Social Behaviour the Police Reform Act 2002 strengthened the arrangements in the Crime and Disorder Act 1998 for anti-social behaviour orders:

- Extending the use of Anti-Social Behaviour Orders to the British Transport Police and Registered Social Landlords
- Extending the area over which an Anti-Social Behaviour Order can be made within the United Kingdom
- The provision of imposing an Anti-Social Behaviour Order in addition to a sentence on conviction for a criminal offence involving Anti-Social Behaviour
- Section 59 of the Police Reform Act 2002 introduced Police powers to deal with the anti-social use of motor vehicles on public roads and off road.

LOCAL GOVERNMENT ACT 2000

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

Housing Act 1985 and the Housing Act 1996

The purpose of these Acts gave measures to local housing authorities to enforce the terms and conditions of tenancy where there are breaches which may be considered to be nuisance and or annoyance and where the local housing authority may wish to seek possession.

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

South Kesteven District Council 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.

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.

Examples of ASB

Listed below are some of the types of anti-social behaviour that the Authority considers to be unacceptable. This is not a complete list:

- Noise nuisance
- Intimidation and harassment
- Fouling of public areas
- Dumping rubbish
- Vandalism and graffiti
- Aggressive and threatening language and behaviour
- Abandoned vehicles
- Actual violence against people and property
- Hate behaviour targeting people or members of identified groups because of their perceived background or their gender race, religious beliefs, disability, sexual orientation or other perceived difference
- Using public or private housing accommodation to sell drugs and for other unlawful activities
- Domestic violence

PRINCIPLE OF ENFORCEMENT

The overriding principle of Enforcement and that which has been adopted by South Kesteven District Council is contained within the Office of the Deputy Prime Minister's Enforcement concordat. Any enforcement action that is taken has to be in the best interests of the public and the four principles of enforcement are:

- **Proportionality:** the degree of enforcement action taken should be proportional to the risk involved.
- **Consistency:** officers should take a similar approach in similar circumstances to achieve similar outcomes.
- **Transparency:** making sure that our role is clear to businesses, employees and customers and that any advice given or action taken by enforcement officers is understood.
- **Targeting:** inspection priorities are aimed at highest risk areas and we identify those responsible for controlling those risks.

The Council will be guided by codes of practice issued under the various pieces of legislation. Any departure from these policies must be exceptional, capable of justification and approved by the appropriate Corporate Director, unless there is a significant risk in delaying a decision.

The Community Safety Team, Housing Services, Environmental Health Services, Cleansing Services, Planning and Building Control; may use a variety of means such as education, advice and guidance, warning letters and or legal notices to ensure that individuals and or groups are made aware of their actions, and responsibilities and what the outcomes may be.

Depending upon the individual circumstances; the following actions may be taken:

- No action necessary.
- Mediation and arbitration.
- Informal action – written or verbal advice.
- Issuing formal notices.
- Use of formal cautions.
- Seizure of equipment.
- Direct action.
- Prosecution.

ENFORCEMENT OPTIONS SPECIFIC TO THE ANTI-SOCIAL BEHAVIOUR ACT

The options available for the enforcement of Anti-Social Behaviour are contained primarily within, Housing Act 1996, Crime and Disorder Act 1998, Anti-Social Behaviour Act 2003. Where there are serious cases of Anti-Social Behaviour the following remedies can be applied:

Acceptable Behaviour Contracts (ABC)

ABC's are voluntary written agreements between a person, the authority and the Police. Under the ABC a person agrees not to be involved with certain specified anti-social acts and agrees to a range of undertakings. The contract is not a legally binding document and usually lasts for about six months.

Anti-Social Behaviour Orders (ASBO)

ASBOs under section 1 of the Crime and Disorder Act 1998 are legally defined court orders designed to prevent persistent anti-social behaviour. ASBOs have effect for a period of not less than two years and if breached a prison sentence of between six months to five years depending upon the severity of the breach can be imposed along with a fine.

Post Conviction Anti-Social Behaviour Orders (ASBO)

A person that is convicted of a relevant offence in the Criminal Courts, can under Section 1c of the Crime and Disorder Act 1998, as amended by Section 64 of the Police Reform Act 2002, make an order that is equivalent to an Anti-Social Behaviour Order, prohibiting the defendant from doing anything that may be specified in that order.

INJUNCTION AND EXCLUSIONS ORDERS

Injunctions and exclusions orders under sections 153a, 153b, 156c or 153d of the Housing Act 1996. Injunctions were introduced to prevent anti-social behaviour, unlawful use of premises and breaches of tenancy agreements. In order for injunctions to be appropriate there has to be some blame on behalf of the perpetrator. The injunction order can force the perpetrator to do something and or forbid a further breach of the tenancy. The length of the order is left to the discretion of the Judge. However, it is unlikely that the order will not exceed 12 months and will only take effect once personally served upon the perpetrator. Injunctions can also be obtained under section 222 of the Local Government Act 1972.

DEMOTED TENANCIES

Where a tenant or resident of or visitor to the dwelling is guilty of anti-social behaviour, the local housing authority will be able to apply for an order for the demotion of the tenancy. In relation to secure tenancies the tenancies will become demoted tenancies.

POSSESSION ORDERS

Possession can be sought under Ground Two of Schedule 2 to the Housing Act 1985, (as substituted by Section 144 of the Housing Act 1996) Ground 2 – The tenant or a person residing in or visiting the dwelling house:

- a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- b) has been convicted of:
 - (i) using the dwelling house or allowing it to be used for immoral or illegal purposes, or
 - (ii) an arrestable offence committed in, or in the locality of, the dwelling-house

Any other legal action which could be taken with the support of the Police or Local Authority for example Environmental Protection Act 1990 action or criminal prosecution.

Other Tools

There are a range of services and enforcement tools that are available to South Kesteven District Council to deal with and to address anti-social behaviour and this depends on the specific nature of the complaint, but these can include the following:

COMMUNITY SAFETY MANAGER

The Community Safety Manager will assist the Council in discharging its functions under the Crime and Disorder Act 1998 and will be responsible for the co-ordination of activities of the South Kesteven District Council Crime and Disorder Partnership, and will take action to address the objectives of the Crime and disorder Strategy and comply with Anti-Social Behaviour Legislation. The Community Safety Team Manager will manage the Community Safety Team.

THE COMMUNITY SAFETY TEAM

The Community Safety Team aims to reduce anti-social behaviour by:

1. Having due regard in carrying out its function for the agreed procedures set out in the Lincolnshire County Partnerships Protocol on Anti-Social Behaviour Orders and Acceptable Behaviour Contracts and by;
2. Working in partnership with a number of key agencies such as the Police, PCT, Probation, Drug Action Teams, Youth Offending Teams, the County Council's education, and social services, Registered Social Landlords, Victim support, Women's Aid and, both other statutory and voluntary agencies.

The Community Safety Team will provide training and support to staff and other external bodies on issues around Anti-Social Behaviour. The role of the team is to:

- introduce and implement diversion and prevention strategies
- review jointly with the police individual cases of anti-social behaviour and take the appropriate enforcement measures
- develop and implement anti-social behaviour policies and procedures
- strengthen community partnerships

REPORTING ANTI-SOCIAL BEHAVIOUR

An individual who is experiencing Anti-Social Behaviour should report it directly to the authority or agency that would normally deal with that particular issue, for example: "disorder in the street" to the police, "fly tipping" to the Council, issues on mixed tenure housing estates to the Council's Housing Services. The Community Safety Team will take direct referrals only in exceptional circumstances.

HOUSING SERVICES ON MIXED TENURE ESTATES

Housing services will include direct contact with a member of the Housing Service Estate Management Team. The Estates Management Team Manager has the overall responsibility for co-ordinating the Estate Management Services and enforcing the terms and conditions of the tenancy. The Estates Management Team will be the first point of contact and will make an initial assessment, as to the severity of the problem and the appropriate course of action.

CLEANSING

Cleansing (Contract Services) deal directly with the following:

- Litter
- Abandoned vehicles
- Rubbish
- Graffiti
- Fly tipping

ENVIRONMENTAL HEALTH

Environmental Health Service deals directly with the following:

- Noise nuisance
- Graffiti
- Bonfires

Planning Enforcement

Planning Enforcement will deal with the following enforcement issues:

- Unauthorised physical development
- Unauthorised changes of use
- Unauthorised works to protected trees
- Unauthorised works to listed buildings
- High hedges
- Breaches of planning conditions
- Fly-posting and unauthorised advertising
- Untidy sites

Referral to other Enforcement Agencies

Where the enforcement action is outside of the local authority's remit the following agencies may be contacted.

- Police, criminal activities and anti-social behaviour that is not covered by South Kesteven District Council
- Education
- Registered Social Landlords

Referral to Support or Advice Agencies

- Victim Support
- Mediation
- Community Development Projects and Youth Workers
- Social Services
- Drug and Alcohol Action Teams
- Independent Legal Advice
- Citizens Advice Bureau
- Domestic Violence Services

Data Protection 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.

Training and Support for Staff

South Kesteven District Council recognises that its staff must be trained in tackling anti-social behaviour. Heads of Service will be responsible for ensuring that all front line staff involved should receive training in best practice, legal solutions, evidence gathering, and attendance at Court, and dealing with racial incidents. Training needs are identified through annual appraisal interviews.

South Kesteven District Council 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 should receive training in how to deal with violence and difficult situations. Effective lone working procedures should be in place together with risk assessments for all front-line staff.

South Kesteven District Council will take appropriate legal action such as seeking injunctions, anti-social behaviour orders, possession proceedings against any individuals who threaten, abuse or harm its staff. It will also support criminal prosecutions where necessary.

Lincolnshire County Partnership Protocol on ASBO and ABC

The Lincolnshire County Partnership Protocol on Anti-social Behaviour Orders and Acceptable Behaviour Contracts it set out the protocol for what this policy seeks to achieve; that is to protect the community from anti-social behaviour by effectively stopping and then preventing it. The protocol is attached at appendix A.

Monitoring and Data Collection by the Community Safety Team

Details of the data that will be record by the Community Safety Team and the agreed Performance Indicators for South Kesteven District Council for the period 2005 to 2006 are shown at Appendix B.