

EXECUTIVE

**27th OCTOBER 2008
AT 1000 HOURS**

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Minicom: 01246 242450 Fax: 01246 242423

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 17th October 2008

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of the Bolsover District Council to be held in the Council Chamber, Sherwood Lodge, Bolsover, on Monday 27th October 2008 at 1000 hours.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16th May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on pages 85 and 86.

Yours faithfully,



Chief Executive Officer

To: Chairman and Members of the Executive

Tel 01246 242424 **Fax** 01246 242423 **Minicom** 01246 242450 **Text** 07729 421737

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Chief Executive Officer: Wes Lumley, B.Sc., F.C.C.A.

DECLARATION OF INTERESTS

COMMITTEE - EXECUTIVE _____ DATE – 27TH October 2008 _____

NAME OF MEMBER - _____

- Levels of Interest 1. Personal
 2. Personal and prejudicial

AGENDA ITEM	SUBJECT	LEVEL OF INTEREST
Signed		
Dated		

Note

- * Completion of this form is to aid the accurate recording of your interest in the minutes only. This form, duly signed, should be provided to the Clerk at the commencement of the meeting

- * A nil return is not required.

- * It is still your responsibility to disclose any interests which you may have at the commencement of the meeting.

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Monday, 8th September 2008 at 1000 hours.

PRESENT:-

Members:-

Councillor E. Watts – Chair

Councillors J.E. Bennett, K. Bowman, A.J. Hodkin, D. Kelly, D. McGregor, B.R. Murray-Carr (from Minute No. 309), A.M. Syrett and A.F. Tomlinson.

Officers:- W. Lumley (Chief Executive Officer), S. E. A. Sternberg (Solicitor to the Council), P. Campbell (Head of Housing), John Sherwood (Residential Principal Environmental Health Officer), F. Bacon (Head of Revenue Services), B. Truswell (Head of Procurement), S. K. Bidwell (Head of Environmental Health and Street Services (to Minute No. 306)), R. Owen (Senior Valuation Officer (for Minute No. 315 only)), D. Troop (for Minute No. 316 only)) and A. Bluff (Democratic Services Officer).

Also in attendance was Mandy Chambers, Head of Health Improvement at Derbyshire County PCT (to Minute No 306).

302. APOLOGIES

There were no apologies for absence.

303. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

304. DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
(318 (part))	A.F. Tomlinson	2

305. MINUTES – 4TH AUGUST 2008

Moved by Councillor E. Watts, seconded by Councillor D. McGregor

RESOLVED that the minutes of a meeting of the Executive held on 4th August 2008 be approved as a true and correct record.

EXECUTIVE

Minute No. 252 – Proceeds from the sale of Bolsover Baths Exempt – Paragraph 3

A query was raised as to whether a meeting had taken place with CISWO. The Leader advised Members that a meeting had not yet been arranged.

306. RECOMMENDED ITEM FROM SCRUTINY COMMITTEE – 19TH AUGUST 2008 – DRAFT HEALTH IMPROVEMENT STRATEGY

Mandy Chambers, Head of Health Improvement at Derbyshire County PCT, gave a slide presentation on the Draft Health Improvement Strategy for Bolsover.

The Strategy was a Health Improvement Plan for people living and working in Bolsover with the aim of addressing the wider issues that affect health and well being such as employment, education, community safety and housing, and also to give support to people to improve their own health through lifestyle choices.

Members asked various questions and lengthy discussion took place.

The Leader expressed his thanks on behalf of the Authority to Maureen Whitaker, Mandy, Judy Derricott and their team for a fantastic job and their hard work in putting the document together.

Mandy advised that feedback from Members was requested by week ending 19th September 2008.

Moved by Councillor E. Watts and seconded by Councillor A. F. Tomlinson
RESOLVED that 1) the adoption of the Health Improvement Plan be approved,

Moved by Councillor E. Watts, seconded by Councillor D. McGregor
RESOLVED that 2) the Health Scrutiny Group be clear on its role and remit,

3) the Health Scrutiny Group be responsible for;

Monitoring the delivery of the Health Improvement Plan
Monitoring the LSP Health and Wellbeing Action Group
action plan
Monitoring dentistry – as per PPMG3's review
recommendation
Dealing with local health issues that affect many residents
e.g. GP Surgeries, P.P.G's
Scrutinising the performance of the LAA health targets,

4) there be a scheduled meeting every six months (which would be open to the public) for the purpose of monitoring the plans and performance,

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5) when other issues are raised, ad hoc meetings will be arranged, but must be agreed in advance by the Scrutiny Committee,

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that 6) Councillor E. Watts be nominated as the Portfolio Holder with responsibility to drive the health improvement agenda in the District,

7) the Chief Executive Officer be asked to designate a senior officer as the lead officer for health improvement to work closely with the Portfolio Holder to drive the health improvement agenda forward.

Reason for Decision: In order to promote improvement in the health of those within the District by the implementation of the Health Improvement Strategy.

With regard to Resolution 7, the Chief Executive Officer advised the meeting that Doctor Maureen Whitaker, Associate Director of Public Health, was the nominated lead officer for health improvement. Other officers would also be involved.

(Scrutiny and Policy Officer / Head of Democratic Services)

Mandy Chambers and The Head of Environmental Health and Street Services left the meeting.

Councillor McGregor left the meeting at this point.

307. RECOMMENDED ITEM FROM SCRUTINY COMMITTEE – 22ND JULY 2008 – MUTUAL EXCHANGE POLICY

The Head of Housing presented the proposed Mutual Exchange Policy.

Members asked questions.

Moved by Councillor K. Bowman, seconded by Councillor J.E. Bennett
RESOLVED that the Mutual Exchange Policy be approved.

Reason for Decision: In order to deal with mutual exchanges in an open, transparent and fair way and to be able to demonstrate this.

(Head of Housing)

Councillor McGregor returned to the meeting at this point.

EXECUTIVE

308. RENT ARREARS – VERBAL UPDATE

The Head of Housing circulated information on area based targets in respect of housing rent areas to the end of August 2008.

He advised the meeting that Housing Officers would now spend one full working day per week focusing on rent arrears to meet set targets.

Moved by Councillor K. Bowman, seconded by Councillor J. E. Bennett

RESOLVED that the report be noted.

Reason for decision: To keep Members updated on the present position of housing rent arrears.

Councillor Murray-Carr entered the meeting at this point.

309. KEY DECISION NOTICES FROM THE JOINT BOARD HELD ON 29TH JULY 2008

Councillor Watts presented the key decisions notices from the Joint Board held on 29th July 2008.

It was noted that none of the key decision notices had been called in by Bolsover's Scrutiny Committee or either of the Scrutiny Committees of North East Derbyshire District and Chesterfield Borough Councils.

Moved by Councillor D. McGregor, seconded by Councillor K. Bowman

RESOLVED that the key decision notices from the Joint Board held on 29th July 2008 be accepted.

Reason for decision: To keep Members informed of key decisions made by the Leader as part of the Joint Board.

310. PROCUREMENT STRATEGY 2008 – 2010

The Head of Procurement presented a new Procurement Strategy for 2008 – 2010.

The new Procurement Strategy would take into account the work and functions of the Shared Procurement Unit (SPU). A similar Strategy would be implemented at North East Derbyshire and Chesterfield Borough Councils as well as Bolsover thus SPU would be working to one set of standards.

The Head of Procurement informed the meeting that targets would be presented to a future meeting.

Members asked questions.

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Moved by Councillor K. Bowman, seconded by Councillor J.E. Bennett

RESOLVED that 1) the Procurement Strategy be adopted to provide a framework for strategic procurement activity across the Council, subject to the provision of baseline evidence to feed into the targets (these targets to be presented to a future meeting),

2) the Procurement Strategy be adopted in its current form in order to provide a consistent strategic procurement framework across the three partner Councils for whom the Shared Procurement Unit works.

(Head of Shared Procurement)

Reason for decision: In order to provide a consistent strategic procurement framework across the three partner Councils for whom the Shared Procurement Unit works.

311. ARREARS – IRRECOVERABLE ITEMS OVER £1000

The Head of Revenue Services presented the report to seek Members approval to write off outstanding debts, including costs, amounting to £113,695.30 in respect of persons; unable to trace / bankrupt or companies in liquidation.

Members asked questions.

Moved by Councillor J. E. Bennett, seconded by Councillor A. M. Syrett

RESOLVED that the irrecoverable items including costs amounting to £113,695.30 be written off with the proviso that should any of the debts become collectable the amounts be re-debited.

(Head of Revenue Services)

Reason for decision: In order that outstanding debts can be written off where they are uncollectable.

312. DISCRETIONARY NATIONAL NON DOMESTIC RATE REVIEW

The Head of Revenue Services presented the report which set out criteria for determining discretionary rate relief from April 2009.

Members asked questions.

Moved by Councillor A. M. Syrett, seconded by Councillor D. Kelly

RESOLVED that 1) the criteria as set out in the report for determining Discretionary Rate Relief from April 2009 be approved,

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2) awarding Discretionary Rate Relief above the 80% level be restricted to applicants who can demonstrate that the level of the award saves the Council expenditure it would otherwise have to incur if the organisation did not supply the service. The maximum to be limited the amount saved within the 20% maximum discretion,

3) the delegation scheme as set out in the report be recommended to the Standards Committee for approval.

(Head of Revenue Services / Head of Democratic Services)

Reason for decision: **To ensure that the way of assessing the appropriateness of awarding Discretionary Business Rate Relief against a set criteria is fair and consistent to all applications and to introduce a delegation for the Director of Resources to determine the awards to be given.**

313. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor J. E. Bennett, seconded by Councillor E. Watts

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

314. ARREARS – IRRECOVERABLE ITEMS OVER £1000 EXEMPT – PARAGRAPH 3

The Head of Revenue Services presented the report to seek Members approval to write off irrecoverable items, including costs, amounting to £16,879.14 where it would not be cost effective to pursue.

Members asked questions.

Moved by Councillor A. M. Syrett, seconded by Councillor J. E. Bennett

RESOLVED that the irrecoverable items, including costs, amounting to £16,879.14, be written off with the proviso that should any of the debts become collectable the amounts be re-debited.

(Head of Revenue Services)

Reason for decision: **In order that outstanding debts can be written off where uncollectable.**

EXECUTIVE

315. 1 & 2 GEORGE INN COURT, WHITWELL EXEMPT – PARAGRAPH 3

The Senior Valuation Officer presented the report to seek Members approval to sell 1 & 2 George Inn Court, Whitwell.

Further information relating to an additional recommendation that application had to be made to the Secretary of State for consent to sell the property without any restrictions had been previously circulated to the meeting.

Subject to a reply from the Secretary of State, it was proposed that the property be offered for sale by auction on the 14th October 2008. The Council's agents had advised a reserve figure of £185,000 for the property.

Members asked questions.

After discussion the Chief Executive Officer advised the meeting that the capital receipt from the sale of the property should be used for regeneration or affordable housing purposes and this should be added as a further recommendation.

Moved by Councillor A. F. Tomlinson, seconded by Councillor E. Watts

RESOLVED that 1) application be made to the Secretary of State for consent to sell the property without any restrictions,

2) the reserve price for the property be agreed,

3) delegated powers be given to the Head of Regeneration to exchange contracts to sell 1 & 2 George Inn, Whitwell, at any price that meets or exceeds the reserve,

4) delegated powers be given to the Head of Regeneration to accept an offer for the properties at a price that the agents recommend that the Council accepts,

5) the capital receipt from the sale of the property be used for regeneration or affordable housing purposes.

(Senior Valuation Officer)

Reason for decision: In order to secure a capital receipt for the Council from the sale of properties that are surplus to the Council's requirements.

The Senior Valuation Officer left the meeting.

EXECUTIVE

316. TARRAN BUNGALOWS OPTIONS APPRAISAL STUDY EXEMPT – PARAGRAPH 3

The Head of Housing presented a report in respect of the Tarran Bungalow Options Appraisal Study.

Discussion took place and Members asked questions.

Councillor Watts informed the meeting that in light of an announcement from the Housing Minister that suggested that additional money may be made available to councils to build new properties, he had spoken to the MP for Bolsover and suggested that a meeting be arranged with the Housing Minister, Bolsover Council and the MP to see if there was an opportunity for Bolsover to carry out demolition and new build. Councillor Bowman would arrange the meeting.

Moved by Councillor K. Bowman, seconded by Councillor D. McGregor

RESOLVED that 1) a meeting be arranged with relevant Housing Ministers and government departments to see if there was an opportunity to gain additional funding to enable Bolsover to carry out demolition of the Tarran bungalows and to build replacement properties.

Moved by Councillor A. F. Tomlinson, seconded by Councillor K. Bowman

RESOLVED that 2) demolition Option 2 or 3 for Bolsover and Option 3 for New Houghton and Langwith Junction be approved,

3) Members note the intention to continue to engage with Tarran bungalow tenants and residents commencing September 2008 by public meeting, letter and personal visit to inform of the decision to pursue the option of demolition and redevelopment,

4) Members approve the decision to go out to competition in the Autumn of 2008 to select a Registered Social Landlord partner to deliver the Option approved above,

5) Members delegate to the Solicitor to the Council in consultation with the Portfolio Holder for Regeneration (Strategy) the authority to agree the terms of the legal agreements,

6) Members be informed of the outcomes of Registered Social Landlord competition and the likelihood of capital receipt from Bolsover, Langwith Junction and New Houghton sites through a report to the Executive,

7) Members approve the temporary amendment of the Housing Allocations Policy to allow the award of 40 points to the secure tenants of Tarran Bungalows,

8) Members confirm the decision not to relet Tarran bungalows with the exception of short term, non-secure tenancies,

EXECUTIVE

9) Members approve the ending of all garage and garage plot agreements in all garage sites relevant to Tarran bungalow rehousing,

10) Members approve the cessation of letting of all accommodation in the Stratton Road area to enable a pool of voids to be created to allow people to move more quickly.

(Head of Housing / Head of Regeneration)

Reason for decision: **In order to resolve the issue of the construction of the Tarran Bungalows being not up to the Decent Homes standard and to provide suitable accommodation for the residents who currently live in Tarran Bungalows across the District.**

317. TENDER OPENING – TENDER FOR NEW HOUGHTON REGENERATION WORK EXEMPT – PARAGRAPH 3

Five tenders for the above contract had been received before the deadline.

Moved by Councillor E. Watts, seconded by Councillor D. McGregor
RESOLVED that 1) the Executive witness the opening of the tenders,

2) the tenders be passed to the Evaluation Team for final evaluation,

3) once evaluation has been completed, a Report for Information be submitted for Members.

Reason for decision: In order to secure the tender which gives the best value for money.

The date of final evaluation of the tenders would be 9th September 2008 at 1100 hours.

(Head of Shared Procurement / Head of Democratic Services)

Councillor Tomlinson declared a personal and prejudicial interest in the following item in respect of the receipt of a tender from Crestra Ltd (Groundwork Creswell) and left the meeting.

EXECUTIVE

318. TENDER OPENING – TENDER FOR CAVITY WALL AND LOFT INSULATION EXEMPT – PARAGRAPH 3

Three tenders for the above contract had been received before the deadline.

Moved by Councillor E. Watts, seconded by Councillor D. McGregor
RESOLVED that 1) the Executive witness the opening of the tenders,

2) the tenders be passed to the Evaluation Team for final evaluation,

3) once evaluation has been completed, a Report for Information be submitted for Members.

Reason for decision: In order to secure the tender which gives the best value for money.

(Head of Shared Procurement / Head of Democratic Services)

Councillor Tomlinson returned to the meeting.

319. TENDER UPDATES EXEMPT – PARAGRAPH 3

The Head of Shared Procurement gave a verbal update to the meeting on the progress for tenders opened at the July and August meetings being uPVC doors, asbestos removal services and provision of security at Pleasley Vale Mills, respectively.

Members asked questions.

Moved and seconded that the report be noted.

The meeting concluded at 1215 hours.

Committee:	Executive	Agenda Item No.:	5
Date:	27th October 2008	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Planning 106 Criteria		
Report by:	Democratic Services Officer		
Other Officers Involved	Scrutiny and Policy Officer Head of Planning		
Director	Director of Strategy		
Relevant Portfolio Holder	Environment		

RELEVANT CORPORATE AIMS

REGENERATION – Developing healthy, prosperous and sustainable communities

The priorities in the Corporate Plan have been considered and have contributed to the ordering of the criteria that the group have agreed.

TARGETS

There are no specific targets specified in the Corporate Plan

VALUE FOR MONEY

There is no financial impact on the Council or its customers

THE REPORT

The report is attached

ISSUES/OPTIONS FOR CONSIDERATION

The Executive is requested to approve the review of Planning 106 Criteria carried out by the Scrutiny Committee and forward the review to the Planning Committee in order that the relevant policies are formulated.

IMPLICATIONS

Financial: None
 Legal: None
 Human Resources: None

RECOMMENDATIONS

1. That the Executive approve the review.
2. That the review be forwarded to the Planning Committee to adopt as their priorities for planning 106 agreements and that policies be produced to support those priorities.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

In order to have a robust policy in place regarding Section 106 Agreements

ATTACHMENTS: Y
FILE REFERENCE:
SOURCE DOCUMENT: *Report to Scrutiny Committee on 30th
September 2008*

395. POLICY AND PERFORMANCE MANAGEMENT GROUPS

(1) Progress on Reviews

(v) Chairs Review of Planning Section 106 Criteria

The Chair presented a report detailing a review carried out by the Chair of the Scrutiny Committee and the PPMG Chairs into Planning Section 106 Criteria. The report looked at criteria for both commercial developments and housing developments and prioritised outcomes for a policy to be formulated.

The Chair thanked the Head of Planning, the Development Control Manager, the Director of Strategy and the Chairman of Planning Committee for all their help with the review.

Councillor Wallis asked whether the Percent for Art would still benefit from Section 106 monies and whether there would still be scope to tackle social issues as the arts play a part in tackling changing behaviours. The Director of Strategy explained the ranking principle applied to commercial and housing developments and that percent for art would only be applied if there were funds left over when higher priorities had been satisfied. The Chair confirmed, however, that in some circumstances, diversionary activities as part of community safety initiatives could include an arts element.

Councillor Connerton asked whether Section 106 was collected from developments that started off with just one building and then extended piecemeal.

The Head of Planning responded that the current position was that where it was clear that the site was larger than the application site, the possibility of a 106 agreement was assessed on the whole site where possible.

Councillor Morley asked whether the employment opportunities would be in the form of apprenticeships on the construction sites.

The Director of Strategy explained that this fitted with the Social Outcomes Concordat which had been adopted by the Council, but that there had never been an opportunity to filter this into the planning process. This would enable the Council to try to secure training, not only on the construction site, but also in the end use of any commercial development, hopefully at better than minimum wage.

The Head of Planning noted that Section 106 planning obligations were required where there was a policy within the Development Plan, the review would inform the preparation of new policies for inclusion in Development Plan Documents. This would then give the Council the power to refuse planning permission if the developer refuses to sign a 106 Agreement.

Planning obligations had two elements, the threshold at which they were applied, and the requirement, or financial amount the Council wishes to

secure. Where there is currently no set requirement or amount, this will need to be worked out and consulted upon.

There was also currently no priority order for the various planning obligations, but the review introduces a priority order to feed into the policy process, but which can be applied now. The increased need for affordable housing was so great, that if it is identified as the top priority, it would be likely to take up all available funding generated in Section 106 planning obligations from housing developments

Moved by Councillor K. Walker and seconded by Councillor M. Dooley

RECOMMENDED that (1) the prioritised criteria for the planning 106 agreements be approved,

(2) the Executive, in consultation with the Planning Committee adopt the priorities contained within the report as their priorities for planning 106 agreements and that the policies are produced to support the priorities,

(3) the criteria be reviewed in 2011 when the next version of the Corporate Plan is agreed.

(Head of Democratic Services /Scrutiny and Policy Officer)

Council/ Committee:	Scrutiny Committee	Agenda Item No.:	7 (2)
Date:	30 September 2008	Category	
Subject:	Planning 106 Criteria	Status	Open
Report by:	Scrutiny Chairs		
Other Officers involved:	Scrutiny and Policy Officer		
Director	Director of Strategy		
Relevant Portfolio Holder	Environment		

RELEVANT CORPORATE AIMS

REGENERATION – Developing healthy, prosperous and sustainable communities

The priorities in the Corporate Plan have been considered and have contributed to the ordering of the criteria that the group have agreed.

TARGETS

There are no specific targets specified in the Corporate Plan.

VALUE FOR MONEY

There is no financial impact on the Council or its customers.

THE REPORT

The report is attached.

ISSUES FOR CONSIDERATION

None

IMPLICATIONS

Financial : None

Legal : None

Human Resources : None

RECOMMENDATIONS

- 1. That the Scrutiny Committee approve the prioritised criteria for the planning 106 agreements**
- 2. That the Executive in consultation with the Planning Committee adopt this as their priorities for planning 106 agreements and that the policies are produced to support the priorities**
- 3. That the criteria is reviewed in 2011 when the next version of the Corporate Plan is agreed.**

ATTACHMENT: Y
FILE REFERENCE: Scrutiny report planning 106 Sept 08
SOURCE DOCUMENT:

Review of
Planning 106 Criteria
September 2008

by
The Scrutiny Chairs

Cllr Bowler
Cllr Dooley
Cllr Gilmour
Cllr Ward
Cllr Walker

As Chair of Scrutiny it gives me pleasure to present this report to you. The review of section 106 was a request from the Director of Strategy and with a short timescale to complete, it required frequent lengthy meetings. The group did not have time to consult directly with the community and therefore used their knowledge of the community requirements, reports from other authorities, guidance and advice from the planning department.

I would like to take this opportunity to thank the Scrutiny Chairs for their time and commitment, Graham Clarke and Chris Doy, to Stuart Tomlinson and Cllr Dennis Kelly for all their help and advice given throughout this review, and also to Bernie, our Scrutiny and Policy Officer for her help and continued support.

Rose Bowler
Chair of Scrutiny

Reasons for the review

At present there is no written policy to give any guidance to on the Council's priorities for the agreement and the request was made to scrutiny by the Director of Strategy.

Aim of the review

To deliver an agreed list of priorities and to give a clear understanding to enable the planning officers to help to develop the 106 agreement together with the members requirements for the benefit of Bolsover District Council and to agree the list of priorities to be included in the Local Development Framework.

Evidence gathered

The group questioned Graham Clarke and Chris Doy from planning, the Director of Strategy Stuart Tomlinson, also the cabinet member Dennis Kelly.

They used the agreed criteria from South Derbyshire District Council and Derby City Council as evidence for the review. They also used the report 'Section 106 Planning Obligations' dated 18 June 2008 by Graham Clarke as input to the review.

The proposed criteria

1. Contributions for essential work on the site

The group discussed all the criteria that could be considered as part of the 106 agreements and considered that some had to be site specific. The output of these discussions produced the following list of elements that will be mandatory for all commercial and housing developments if applicable to the site.

Mitigating environmental impact (GEN3)	no threshold
Removing contamination (GEN4)	no threshold
Floodplain capacity, surface water/groundwater drainage, flooding measures, access to watercourses (GEN5)	no threshold
Sewerage and sewage disposal (GEN6)	no threshold
Housing and commercial site infrastructure (HOU3)	no threshold
Highway improvements, Pinxton castle (EMP1) South Shirebrook (EMP2) Highway improvements on all applications. Travel plans Cycling facilities Pedestrian routes/access New Bridleways and greenways (also see TRA12) Motorway junction improvement	no threshold

Designated and registered nature conservation sites(ENV6)	no threshold
Archaeological sites, minimum disturbance, excavation and post-excavation (CON13 and CON14)	no threshold
Alternatives to existing footpaths/bridleways (TRA12)	no threshold
Essential dwellings in the countryside, prevention of the sale separate to holding(HOU10)	no threshold
Re-use and adoption of rural buildings, to maintain/enhance buildings or site, or prevent separate sale of dwellings linked to business. (ENV4)	no threshold
Landscape zones, non-industrial employment sites(EMP6)	no threshold
Commissioning studies (Post development to validate pre-development assumptions)	no threshold
Natural conservation and geology (ENV5) including increasing / maintaining biodiversity, and mitigation as in GEN 3	no threshold
Conservation, including the implementation of approved conservation area management plans	no threshold
Environmental improvement/public realm improvement/ landscaping, including implementation of master plan proposal	no threshold
Climate change (including energy production, lowering carbon emissions) but excludes the construction which is covered by the building regulations	no threshold
Recycling facilities	no threshold
Repair, restoration and management (CON 12) of: historic parks gardens graveyards cemeteries repair of historic buildings	no threshold
Provision of sports areas as detailed in the leisure open space requirements (site specific)	no threshold

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This would mean that any land where a development was being planned that was contaminated, had potential to flooding and required drainage installing it would be mandatory for the developer to address these issues.

All the other elements were considered and grouped in to the following 2 types – commercial and housing. The group discussed and took in to account the needs across the whole of the District. The group also considered the Council's priorities stated in the Corporate Plan. The size of the developments were also considered. The input from all these areas enabled the group to prioritise all the criteria detailed in the next section of this report.

2. Contributions from commercial developments

The criteria agreed by the group in priority order :

Areas in priority order	=>1,000 sqm	>2,500 sqm	>5,000 sqm	>10,000 sqm	> £		
Min and max employees	14-52	35-131	71-263	526-1402	£ 1		
Community safety including: prevention e.g. diversionary activities reactive e.g. CCTV, police, CAN rangers	X	X	X	X			
Increased employment and training opportunities: for the disadvantaged and economically inactive for local people		X	X	X			
Contribution to public transport : major development (TRA7) minor development			X	X			
Percent for art and culture in the community (GEN17) - to support the Council's Arts Strategy	X	X	X	X			

The group considered the criteria and felt that those that were specified in the Corporate Plan should be. The group felt that as representatives of the residents of the district that community safety was the main priority.

3. Contributions from housing developments

The criteria agreed by the group in priority order :

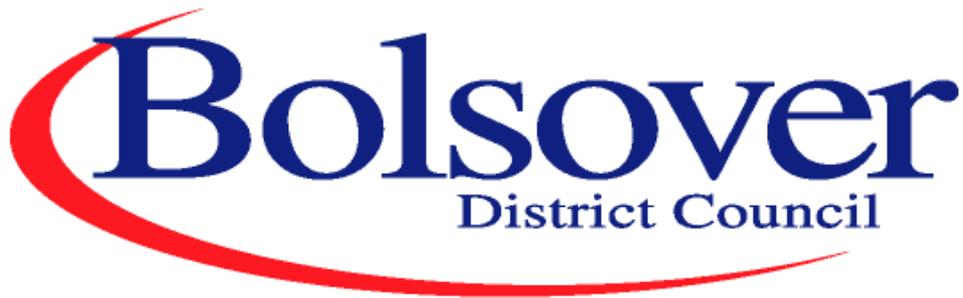
Areas in priority order	>10units	>15units	>25units	>50units	>		
Affordable housing (HOU5) including: on new housing development Revised % Upgrading council housing stock/private housing (to provide housing to rent or part buy)		X	X	X			
Increased employment and training opportunities: for the disadvantaged and economically inactive for local people		X	X	X			
Community safety including: prevention e.g. diversionary activities reactive e.g. CCTV, police, CAN rangers	X	X	X	X			
Outdoor recreation and play space for(HOU5)new housing			X	X			
Indoor/community facilities(General)		X	X	X			
Health care and service (including doctors and dentists) The PCT have worked out a figure per house but an impact				X			

Areas in priority order	>10units	>15units	>25units	>50units	>		
assessment needs to be provided by the PCT							
Contribution to public transport : major development (TRA7) minor development				X			
Education (Assessment made of 3 school levels only and contribution required when capacity needs to be increased)				X			
Percent for art and culture in the community (GEN17) to support the Council's Arts Strategy	X	X	X	X			

The group used the same criteria for the housing. The amount of affordable housing that is required the district will not be able to be delivered by the private developers. The group considered the corridor including open spaces and education. However, in the current climate the group felt that this had to affordable housing was placed at the top of the list.

All others were considered in relation to affordable housing. The group felt that education had not be could not supercede the existing priorities in the Corporate Plan.

To ensure that open spaces were not lost in the district the group added the provision of open spaces ensure that it kept in line with leisure's open space requirements.



SCRUTINY REVIEW SCOPE

Review Topic: Planning 106 agreement

<p>Policy and Performance Management Group Chairs</p>
<p>Review Members: Cllr Bowler Cllr Dooley Cllr Gilmour Cllr Walker Cllr Ward</p>
<p>Relevant Portfolio Holder: Cllr Kelly</p>
<p>Corporate Aim: The agreement could support the aims: COMMUNITY SAFETY – Ensuring that communities are safe and secure ENVIRONMENT – Promoting and enhancing a clean and sustainable environment REGENERATION – Developing healthy, prosperous and sustainable communities SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.</p>
<p>Aim of Review: To deliver an agreed list of priorities to enable the planning officers to develop 106 agreements in line with the members requirements for the benefit of the community. This will be delivered by the end of September 08 to enable it to be included in the Local Development Framework (LDF).</p>

Terms of Reference and Scope

All elements will be considered for inclusion on the list of priorities.

Meeting Dates:

3 July 08
3 July 08
4 August 08
20 August 08
28 August 08
11 September 08

Provisional Timescales:

Evidence gathering – July – September 2008
Finalise list – week commencing 8 September
Develop report by 16 September

How community will be involved :

Due to the short timescales it is not possible to involve the community. However the group will review information already supplied by the residents (e.g. CVP survey, Citizen panel) to assess if they can support the priorities agreed.

Key Issues and Reasons for Review:

Review requested by the Director of Strategy

Information Requirements and Sources:

- The existing criteria that it used to develop the agreements
- Input from the planning officers
- Information from other councils
- The Corporate Plan

Committee:	Executive	Agenda Item No.:	8
Date:	27 th October 2008	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Compliments, Comments, Complaints and Freedom of Information Requests		
Report by:	Customer Service and Access Officer		
Other Officers Involved			
Director	Chief Executive Officer		
Relevant Portfolio Holder	Customer Focused Services		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The effective management of complaints and customer requests is central to good customer service. It also provides a good source of information which the Council can use to improve services.

TARGETS

Local performance indicators for handling written complaints and Ombudsman complaints.

VALUE FOR MONEY

A centralised complaints and freedom of information requests service maximises the use of staffing resources as well as the provision of management information.

THE REPORT

To provide information on the number of compliments, comments, complaints and freedom of information requests for the period 1st July 2008 to 30th September 2008.

Compliments

Table A shows the number of written compliments received for the period 01/07/08 to 30/09/08. In total 25 written compliments were received with the majority appreciating helpful staff and services especially the organised leisure activities for the school holidays.

Comments

Table B shows the number of written comments received for the period. Of the 11 comments received, 8 have been replied to within standard (20 working days), 1 took longer than the standard and 2 remained open but within timescale as of 9th October 2008.

Table C shows the above information by department.

There were no trends for this period.

Complaints

Stage one

Stage one complaints refer to expressions of dissatisfaction made verbally by customers. The table below provides a breakdown of stage one complaints handled by the Contact Centres by service area and volume for the period 01/07/08 to 30/09/08:

Stage One Complaints		
Service Area	01/04/08 - 30/06/08	01/07/08 - 30/09/08
Complaints regarding housing repairs e.g. out of time, quality	35	27
Complaints regarding refuse, grounds maintenance, cleansing services e.g. not returning bin to collection point, missed green bin collection	111	80
Missed clinical waste collection	54	35
Missed domestic bin collection	478	329
Missed blue box collection	177	201
Bin not fully emptied	5	6
Total	860	678

For the same period Contact Centres handled 9,466 requests for service in total.

Stage two

Table D shows the number of stage two or written complaints received for the period by date order. Of the 26 complaints received, 7 remained open and within timescale as of 9th October 2008. Of the remaining 19 complaints, all have been responded to within our customer service standard of 20 working days.

Table E shows the above information by department.

Regarding trends, there were 6 complaints regarding housing repair related matters and 3 complaints regarding delays in receiving a response to letters.

Stage three

Table F shows the number of stage three complaints received for the period by date order. These are complainants who have already made a stage two complaint and still feel dissatisfied. During this period 7 stage three complaints were received, of which 2 remained open and within timescale as of 9th October 2008. Of the remaining 5 complaints, 4 had been responded to within standard and 1 complaint took longer.

Ombudsman

Table G shows the status of Ombudsman complaints for 2008/09 as of 9th October 2008. During this period one informal complaint requiring an update has been received and responded to. One decision from the Ombudsman has been received as well recording a 'no or insufficient evidence of maladministration' outcome.

Freedom of Information (FOI)

Table H shows the number of requests for 'freedom of information' for the period 01/07/08 to 30/09/08 by date order. Of the 61 requests received, 5 remained open and within timescale as of 9th October 2008. Of the remaining 56 requests, 55 or 98% were responded to within the government standard of 20 working days, 1 (2%) took longer than the standard.

Table I shows the above information by department.

Performance

A target of 90% has been set for responding to stage two complaints within 20 working days for 2008/09. For this period so far 100% has been achieved improving the performance to date to 90.5%.

Customer Satisfaction

A new methodology has been used this financial year to measure customer satisfaction. It is based on a 10 point rating and asks respondents to rate their importance of as well as their satisfaction with a set of customer requirements, for example, receiving a clear understandable written response to their complaint, being treated fairly etc. This methodology enables a CSI or Customer Satisfaction Index to be calculated, which enables comparisons to be made with the UK national Customer Service Index.

Between April and September 2008 we received 64 stage two complaints, each complainant would have been issued a complaints handling satisfaction form with their response letter. For the above period we received 13 completed surveys making a response rate of 20% and can report the following:

Customer Satisfaction Index score of 47% (UK CSI for Local Government 64%).
Of the 13 respondents 4 or 31% felt that their complaint had been resolved to their satisfaction, 1 or 7% felt that their complaint had been partially resolved and 8 or 62% felt that their complaint had not been resolved.

'Dealing with your enquiry quickly' came out as the number one priority for improvement.

A fuller analysis will be included in the year end summary of Compliments, Comments and Complaints.

ISSUES/OPTIONS FOR CONSIDERATION

None

IMPLICATIONS

Financial: - None

Legal: - None

Human Resources: - None

RECOMMENDATION(S)

That the report be received

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To keep Members informed of volumes and trends regarding compliments, comments, complaints and freedom of information requests.

ATTACHMENTS: **Y**

Table A: Compliments summary for the period 01/07/08– 30/09/08

Table B: Comments summary for the period 01/07/08 – 30/09/08

Table C: Comments summary by department 2008/09

Table D: Stage two complaints summary for the period 01/07/08 – 30/09/08

Table E: Stage two complaints summary by department 2008/09

Table F: Stage three complaints summary for the period 01/07/08 – 30/09/08

Table G: Ombudsman complaints summary for 2008/09

Table H: Freedom of information summary for the period 01/07/08 – 30/09/08

Table I: Freedom of information summary by department 2008/09

FILE REFERENCE: - N/A

SOURCE DOCUMENT: - N/A

Table A - COMPLIMENTS SUMMARY 01/07/08 – 30/09/08

Date Received	Area	Summary of Compliment	Departments Involved
02/07/2008	Pinxton	She thought the refuse operators were very helpful	Street Services
08/07/08	Pinxton	Impressed by how the bridleway was cleared	Street Services
18/07/08	Pinxton	Thankful for the grant of £200 towards convalescing	CEPT
18/07/08	Bolsover School	Thankful for suggested improvements to their communication strategies	CSPD
28/07/08	St John's Ambulance	Thought our operatives were very helpful and a credit the Council	Housing
05/08/08	Bolsover	Very pleased with the operatives - made no mess and were very courteous	Housing
06/08/08	Worksop	Received good customer service	Contact Centre
13/08/08	Tibshelf	Happy with 4th Annual Festival of Sport Event. Received great support from the Council	Leisure
19/08/08	Creswell	Letter to thank Street Services for Creswell looking its very best	Street Services
22/08/08	Shirebrook	Thanking Shirebrook Market staff for providing the pod shelter for walk-in clinic	Environmental Health
22/08/08	Rotherham	Thanking for help and co-operation regarding an incident on river Doe Lea	Environmental Health
29/08/08	Shirebrook	Really happy with Kissingate Leisure Centre and how their children looked after by the staff	Leisure
29/08/08	Shirebrook	Really happy with Kissingate Leisure Centre and how their children looked after by the staff	Leisure
08/09/08	Not Known	Compliments card in respect of Market Service	Environmental Health
10/09/08	Pinxton	Organised activities during the Summer school holidays	Leisure

Table A - COMPLIMENTS SUMMARY 01/07/08 – 30/09/08

Date Received	Area	Summary of Compliment	Departments Involved
10/09/08	South Normanton	Organised activities during the Summer school holidays	Leisure
10/09/08	South Normanton	Organised activities during the Summer school holidays	Leisure
10/09/08	Alfreton	Organised activities during the Summer school holidays	Leisure
10/09/08	Pinxton	Organised activities during the Summer school holidays	Leisure
10/09/08	South Normanton	Organised activities during the Summer school holidays	Leisure
10/09/08	South Normanton	Organised activities during the Summer school holidays	Leisure
10/09/08	South Normanton	Organised activities during the Summer school holidays	Leisure
10/09/08	Pinxton	Organised activities during the Summer school holidays	Leisure
16/09/08	South Normanton	Organised activities during the Summer school holidays	Leisure
16/09/09	South Normanton	Thankful for efficient service at contact centre with regards to bulky removal service	Contact Centre Street Services

SUMMARY OF COMMENTS 01/07/08 – 30/09/08

Date Received	Area	Summary of Comment	Departments Involved	Date Response Sent	No of work days	Summary of Response
07/07/08	Alfreton	Would like to see more facilities available for plastic recycling	Street Services	25/07/08	14	Explanation as to why plastic can not be recycled yet
07/07/08	Creswell	The perception of the public that the CCTV cameras are monitoring 24/7	CSPD Community Services	25/07/08	14	Explanation on how Bolsover District Council operates a CCTV scheme at Creswell and other locations in the District
14/07/08	Worksop	Council Tax forms not clear enough	Revenues	05/08/08	16	Explanation regarding the form and an apology
21/07/08	Worksop	Would prefer operatives not to work on Saturday mornings	Housing	13/08/08	15	Explanation of working patterns by operatives and why sometimes work has to be carried out on Saturdays
23/07/08	Bolsover	In relation to an earlier stage two complaint, asking when some work is going to be done	Regeneration	11/08/08	12	Confirmed that a new 'pressure reducing valve' ordered. Apology for length of time to process recent complaint
18/08/2008	Palterton	Dissatisfied with the state of public toilets in Cavendish Walk and if any plans to renovate them	Street Services Regeneration	16/09/08	19	Informed that the toilets are in need of some improvements and the matter will be taken to Asset Management Group to see if there is any funding available to bring them up to an acceptable standard

SUMMARY OF COMMENTS 01/07/08 – 30/09/08

Date Received	Area	Summary of Comment	Departments Involved	Date Response Sent	No of work days	Summary of Response
18/08/08	Mansfield	Access issues to Arcadia Avenue in Shirebrook	Housing	18/09/08	21	Assured that Housing have not provided the tenants with rear access gates or conferred any parking rights
08/09/08	Shirebrook	The parking of cars for the residents of Limes Crescent is inadequate. Requesting to have extension to existing parking area	Regeneration	03/10/08	18	Holding letter sent advising more time needed to make enquiries
11/09/08	Shirebrook	Requesting a reduction in Business Rates	Revenues	07/10/08	18	Charging of rates explained together with details of how to appeal to the Valuation Agency
17/09/08	Bolsover	Making enquiries about travellers in the district	Planning			Open and within timescale as of 08/10/08
24/09/08	Whitwell	Suggestion to remind tenants to keep gardens tidy	Housing			Open and within timescale as of 08/10/08

Table C – Comments Summary by Department

Department/Section	01/04/08 – 30/06/08			01/07/08 – 30/09/08		
	No. of Comments	No. Responded to in time	No. responded to out of time	No. of Comments	No. Responded to in time	No. responded to out of time
Contact Centres	1	1				
Customer Service & Performance				1	1	
Community Services				1	1	
Environmental Health	1	1				
Street Services	5	4	1	2	2	
Housing	2	2		3	2	1
Legal						
Leisure						
Planning	1	1		1	1	
Regeneration	1	1		3	3	
Revenues	3	3		2	2	
Totals	14	13	1	13	12	1

Table D - Summary of Stage Two Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response Sent	No of work days	Remedy
07/07/08	Bolsover	Excessive noise from central heating - they feel ignored	Regeneration	17/07/08	8	Details of the inspection date given and an apology
08/07/08	Creswell	Unhappy about receiving a standard enforcement letter	Environmental Health	24/07/08	12	Explanation of procedure, assurance that Housing now dealing with and an apology
21/07/08	Glapwell	Believes kitchen is not up to Decent Homes Standard. Not happy with treatment when contacting us about it	Housing	13/08/08	15	Informed that no substantial work will be carried out until after 2010. Some minor works will be done. Contact details of Decent Homes Officers given. Apology for not providing this information previously
22/07/08	Tibshelf	Not happy with response from email enquiry regarding recycling issues	Street Services	14/08/08	15	Explanation that the green waste collection is an additional service, introduced on a trial basis. Also would be unfair to collect two bins from one property and then have to exclude another property on the round
23/07/08	Bolsover	Regarding treatment received when dealing with his Council Tax and a late payment that was made	Revenues	18/08/08	17	An explanation given about the payment plan, payments missed and Council procedure to refer to bailiff
24/07/08	Whitwell	Regarding a complaint that residents at Duke street made in June 2007 about another property	Housing	14/08/08	15	Pending court action, unable to advise any further at present

Table D - Summary of Stage Two Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response Sent	No of work days	Remedy
28/07/08	Bolsover	Not happy with the service received when making a telephone call to contact centre	Contact Centres	19/08/08	16	Apologies for any misunderstanding or upset caused
28/07/08	Tibshelf	Delay and fragmented approach to letters proposing a development in Tibshelf	Planning Environmental Health Regeneration Legal	27/08/08	20	Explained that individual departments did reply to proposed development but not within customer service standard. Apology
28/07/08	Pinxton	Unhappy about the action being taken by the Council to counter a nuisance neighbour	Planning Environmental Health	21/08/08	14	Explanation. Assured that both departments are progressing this matter in accordance with their procedures and the legislative requirements in which they operate
01/08/08	South Normanton	Unhappy with service regarding application for a house	Housing	22/08/08	15	Explanation about the current housing application and how many points. Assured being progressed in line with procedures
01/08/08	Shirebrook	Unhappy about being turned away from drinking in the bar on a Wednesday night	Leisure	22/08/08	15	Explanation as to why not able to drink in bar on Wednesday between 6 and 7. An apology given and a compromise offered

Table D - Summary of Stage Two Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response Sent	No of work days	Remedy
04/08/08	Bolsover	Unhappy about the way benefit application was reviewed	Revenues	27/08/08	15	Explanation that details on application required further checks to be undertaken in order to comply with benefit reviews
13/08/08	Bolsover	Damage to carpet after a pipe leaked again after being fixed	Housing	15/08/08	17	Explanation of events. Department feels it is not appropriate to refund the cost of carpet. Referred to Tenants' Handbook, which clearly sets out both tenant and landlord responsibilities with regards to repair and maintenance matters
21/08/08	Clowne	Unhappy with the length of time to receive a letter	Planning	22/09/08	20	Explanation of events. Apology for any inconvenience caused with mix up in dates on letter
21/08/08	Newton	Unhappy with way Council Tax dealt with	Contact Centre Revenues	16/09/08	16	Provided breakdown of events and confirmed no evidence of any documents being handed in at Contact Centre
27/08/08	Barnsley	Unable to access the public access system (Planning) on the website - happened a number of times	ICT	18/09/08	16	Confirmed that there was a problem over the Bank Holiday with public access not being available on the website. Apology

Table D - Summary of Stage Two Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response Sent	No of work days	Remedy
29/08/08	Bolsover	Unhappy with various repairs	Housing	22/09/08	6	Arrangements made for required repairs
05/09/08	Barlborough	Treatment they have received with regards to ill fitting back door to bungalow	Housing	02/10/08	19	Explained experienced a number of problems with the contactor regarding delivery and time taken to fit doors. New door should be manufactured and fitted within the next few days. Apology
11/09/08	Mansfield	Follow up questions to an earlier complaint regarding a proposed development in Tibshelf	Planning Regeneration	07/10/08	18	Information on grant support provided and clarification of previous planning guidance
18/09/08	Clowne	Noise problems with engineering company recently set up near them. Feel Council ignoring their complaints about the noise	Environmental Health Planning Legal			Open and within timescale as of 08/10/08
19/09/08	Pinxton	Experienced inconvenience and delay in receiving Gold Card	Finance			Open and within timescale as of 08/10/08
22/09/08	Alfreton	Dissatisfied and upset to receive a reminder notice to pay Council Tax already paid	Revenues			Open and within timescale as of 08/10/08
24/09/08	Bolsover	Shower still not fixed	Housing			Open and within timescale as of 08/10/08
24/09/08	Pinxton	Time taken to respond to a letter and points made	Housing			Open and within timescale as of 08/10/08

Table D - Summary of Stage Two Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response Sent	No of work days	Remedy
30/09/08	Alfreton	Would like kitchen floor redoing, walls replastered and kitchen brought up to standard	Housing			Open and within timescale as of 08/10/08
30/09/08	Bolsover	Vehicles causing a nuisance outside flat	Housing			Open and within timescale as of 08/10/08

Table E - Stage Two Complaints Summary by Department

Department/Section	01/04/08 – 30/06/08			01/07/08 – 30/09/08		
	No. of Complaints	No. Responded to in time	No. responded to out of time	No. of Complaints	No. Responded to in time	No. responded to out of time
Contact Centres	2	2		2	2	
Customer Service & Performance						
Community Services						
Environmental Health	3	3		4	4	
Street Services	6	5	1	1	1	
Finance	5	5		1	1	
Housing	20	14	6	10	10	
ICT				1	1	
Legal				2	2	
Leisure	1	1		1	1	
Planning				5	5	
Regeneration				3	3	
Revenues	3	3		4	4	
Totals	40	33	7	34	34	

Table F - Summary of Stage Three Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response sent	No of work days	Remedy
03/07/08	Shuttlewood	Still not happy about getting rid of his scooter and efforts by Housing to re-house	Housing	25/07/08	16	Re-iterated previous advice re scooter and action to date regarding housing transfer
18/07/08	Glapwell	Not happy with stage 2 remedy - asking for a refund regarding missed bin collections	Street Services	12/08/08	17	Explained that already provided a suitable remedy to complaint (an apology and an explanation). Informed that regulations do not allow for council tax to be refunded on the basis suggested. Contact Centre procedures explained
18/08/08	Shuttlewood	Not happy with 2nd stage reply regarding complaint about work done by contractors approximately 7 years ago to neighbour's property. Not happy with length of time Council taking to rectify problems	Housing	29/09/08	28	Apologies for the length of time it has taken to respond. Re-iterated no record of a written complaint under current centralised system, which has been in operation since 1st January 2006. Explained that the property was inspected by Surveyor from a different department who reported only minor repairs

Table F - Summary of Stage Three Complaints 01/07/08 – 30/09/08

Date Received	Area	Summary of Complaint	Departments Involved	Date Response sent	No of work days	Remedy
09/09/08	Bolsover	Not happy with 2nd stage reply regarding complaint about treatment received when dealing with his Council Tax and a late payment that was made	Revenues	02/10/08	17	Explanation and run down of events. Not paid in accordance with billing information provided. Assured customer that officers have worked in accordance with procedures
15/09/08	South Normanton	Not satisfied with 2nd stage reply regarding problems with the Housing Department regarding their application for a house	Housing	08/10/08	17	Re-iterated that correct procedures have been followed and that Housing Officer has acted professionally
23/09/08	Clowne	Complained already about the central heating not working correctly. They are not satisfied that their system is up to standard	Housing			Open and within timescale as of 08/10/08
30/09/08	Whitwell	Seeking compensation from the Council with regards to flood damage	Housing			Open and within timescale as of 08/10/08

Table G - Summary of Ombudsman Complaints 2008/09

Date Received	Area	LGO's Summary of Complaint	Departments Involved	Date Response sent	No. of Calendar Days	Date Decision Letter Received	Ombudsman's Decision
08/04/08	Glapwell	Still unhappy about having to pay for a replacement bin	Street Services	28/04/08	20	09/06/08	Local Settlement Council to provide a replacement bin, pay £75.00 for time and trouble and produce a new policy on bins
17/06/08	Shirebrook	Despite assuring complainant that his application for a grant to replace the roof of his business had been successful, failed to honour that assurance or, as promised, integrate decision to award a grant into successor scheme. The Council since refused grant to him under either scheme	Regeneration	01/07/08	14	15/09/08	No or insufficient evidence of maladministration as Council had followed the correct administrative procedures for assessing eligibility
26/08/08	Clowne	Unhappy that the Council did not take any enforcement action against a neighbour who has constructed an access without planning permission and erected brick pillars and double gates	Planning	No information requested	N/A	28/08/08	No or insufficient evidence of maladministration as Council had followed the correct administrative procedures for enforcement action and permitted development

Table G - Summary of Ombudsman Complaints 2008/09

Date Received	Area	LGO's Summary of Complaint	Departments Involved	Date Response sent	No. of Calendar Days	Date Decision Letter Received	Ombudsman's Decision
16/09/08	Whitwell	Informal enquiry asking for an update on a complainant's case regarding damage caused to a retaining wall in the garden as a result of flooding and action taken by the Council to resolve	Housing	24/09/08	6		Open awaiting decision

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
03/07/08	037/0809	Information about software systems for Electoral Services	Democratic Services	25/07/08	16	Yes
04/07/08	038/0809	TWO requests- 1. Chief Officers and Assistant Chief Officers salaries 2. Agency staff	HR (Payroll) Finance	25/07/08	15	Yes
04/07/08	039/0809	Information regarding Highways Act 1980 section 38	DCC	15/07/08	7	Transferred to DCC
04/07/08	040/0809	Data Security within Local Government	CSPD	25/07/08	15	Partially
04/07/08	041/0809	Number of licenses to sell alcohol issued	Legal	25/07/08	15	No
07/07/08	042/0809	Requesting information regarding Hackney Carriage and Private Hire Licenses issued	Legal	01/08/08	17	Yes
09/07/08	043/0809	Seeking information on Bakestone Moor Allotments	Regeneration	01/08/08	15	No
11/07/08	044/0809	Fixed penalty notices relating to household waste	Environmental Health	06/08/08	18	Yes
11/07/08	045/0809	In the 07/08 financial year on how many occasions did authorised staff access the Driver and Vehicle Licensing Agency's (DVLA) Web Enabled Enquiry System (WEES) to assist in the investigation of environmental offences	Environmental Health	06/08/08	18	Yes
11/07/08	046/0809	Current position regarding the collection of residual household waste and recycle collection	Street Services	06/08/08	18	Yes

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
11/07/08	047/0809	1. Latest inspection report by the Office of the Surveillance Commissioner 2. Breakdown on the use of RIPA powers to date	Legal	06/08/08	18	Yes
14/07/08	048/0809	Income obtained from the electoral register during the financial year 2007/8	Democratic Services	06/08/08	17	Yes
15/07/08	049/0809	Clarification regarding an earlier request - how many planning committee meetings were attended	CEPT Services Democratic Services	17/07/08	2	Yes
15/07/08	050/0809	Requesting source and details of planning complaint	Planning	12/08/08	20	Partially
17/07/08	051/0809	Name of child care voucher supplier, commission fee currently paying and the number of employees that are currently using the scheme	HR	11/08/08	17	Yes
22/07/08	052/0809	Fixed penalty notices issued. Tickets issued to drivers who littered. How many warning signs about littering	Environmental Health	14/08/08	15	Yes
30/07/08	053/0809	The numbers of requests made to use the Regulation of Investigatory Powers Act for domestic waste offences, littering or fly tipping offences in last three years	Environmental Health	18/08/08	13	Yes
01/08/08	054/0809	How many Licences issued under the Dangerous Wild Animals Act 1976 in 2007	Environmental Health	21/08/08	14	Yes
01/08/08	055/0809	A list of groups and amounts given to worthy community and voluntary groups by two District Councillors	Finance	22/08/08	15	Yes

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
04/08/08	056/0809	How many incidents of refuse collectors being assaulted by members of the public whilst carrying out council duties How many working days lost by refuse collectors as a result of injuries connected with assaults from members of the public	Street Services	21/08/08	13	Yes
04/08/08	EIR	Request for environmental information for a site in Bolsover	Environmental Health	19/08/08	11	Yes
05/08/08	057/0809	Details of noise nuisance complaints received in the past year for noise experienced from a dwelling house	Environmental Health	22/08/09	13	Partially
08/08/08	058/0809	Information on policy on free swimming and related statistics	Leisure	03/09/08	16	Partially
12/08/08	059/0809	Copy of latest figures regarding the forecasted spend split between Decent Homes works, ongoing planned maintenance and responsive repairs	Housing	22/08/08	8	Yes
12/08/08	060/0809	How much money has been refunded to council tax payers who have been placed in lower council tax bands following representations to the Valuation Office Agency	Revenues	N/A	N/A	Request Withdrawn
14/08/08	EIR	Request for environmental information for a site in Bolsover	Environmental Health	10/09/08	19	Yes
15/08/08	061/0809	What steps have been taken to implement the ruling of a specified appeal	Planning	03/09/08	8	Yes

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
15/08/08	EIR	Request for environmental information for a site in South Normanton	Environmental Health	05/09/08	15	Yes
20/08/08	062/0809	Has the council used powers under the Regulation of Investigatory Powers Act to mount any kind of surveillance operation against a household in its area	Legal	03/09/08	8	Yes
20/08/08	063/0809	How many schools have been found to contain asbestos in each year since 2002	DCC	21/08/08	1	Not held - transferred to DCC
20/08/08	064/0809	How many full time social work posts do we have in child protection service	DCC	21/08/08	1	Not held - transferred to DCC
20/08/09	065/0809	Attendance figures for an ex-Councillor during last year of office	CEPT Democratic Services	18/09/08	19	Yes
27/08/08	066/0809	Contract information on windows, doors, plumbing and heating	Procurement Regeneration	24/09/08	21	No
27/08/08	067/0809	Asking for specific documents in connection with two planning applications	Planning	24/09/08	20	Yes
27/08/08	068/0809	Requesting information about maladministration and Ombudsman findings	CSPD	23/09/08	19	Yes
27/08/08	069/0809	Any plans concerning the New Drum at Shirebrook and surrounding area	Regeneration Planning	23/09/08	19	Yes
27/08/08	070/0809	List of persons served with an ASBO	Housing	24/09/08	20	Partially

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
27/08/08	071/0809	For last 3 years - Member expenses, number of complaints, Ombudsman decisions, staffing numbers and costs	Finance CSPD HR & Payroll	24/09/08	20	Yes
27/08/08	072/0809	Requesting information on timber procurement policy and paper procurement policy	Procurement	22/09/08	18	No
28/08/08	EIR	Request for environmental information for a site in Whitwell	Environmental Health	09/09/08	8	Yes
01/09/08	073/0809	Information regarding any Olympics Coordinator post at the Council	Leisure	02/09/08	1	No
01/09/08	074/0809	Structure charts for HR and Finance	HR	26/09/08	19	Yes
01/09/08	075/0809	Information on conservation programmes and budgets	Planning	26/09/08	19	Yes
03/09/08	076/0809	Cost incurred due to the employment of agency staff and external consultants	Finance HR	30/09/08	19	Yes
03/09/08		Work carried out to rectify breaches on Bolsover Model Village	Housing	30/09/08	19	Yes
04/09/08	077/0809	A copy of the organogram of the internal structure of the positions within the Council	HR	30/09/08	18	Yes
05/09/08	078/0809	Information on the number of publicly-owned athletics tracks and cycle tracks in our area	Leisure	30/09/08	17	Yes
05/09/08	082/0809	Seeking more information on treasury management practices	Finance	30/09/08	17	Yes
09/09/08	079/0809	Travelling expenses for the Chairman	Finance	06/10/08	19	Yes
09/09/08	080/0809	Details of any persons who have died since March 2008 and whose details have been passed onto the Treasury Solicitor	Environmental Health	06/10/08	19	No

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
10/09/08	081/0809	Information on whether the Council is twinned	CSPD	12/09/08	2	No
10/09/08	083/0809	Revenue Out-Turn Form requested and an estimate of the number of Full Time Equivalent staff in post in the Development Control Service at or around the 31st March 2008	Finance Planning	06/10/08	18	Yes
12/09/08	084/0809	Information relating to the "Free Swimming" initiative launched by the Government on 6th June 2008	Leisure	08/10/08	18	Yes
15/09/08	085/0809	Planning applications since January 2005 that the local authority has consulted with, notified, or received comments from the Highways Agency	Planning	08/10/08	17	Partially
15/09/08	EIR	Request for environmental information concerning a site in Barlborough	Environmental Health	29/09/08	11	Yes
16/09/08	091/0809	Parking enforcement details and the number of vehicles towed away etc.	CSPD	19/09/08	3	No
18/09/08	086/0908	Various details about management and corporate plan	CSPD			Open and within timescale as of 08/10/08
18/09/08	087/0908	Does the Council have contracts with various industrial companies	Procurement			Open and within timescale as of 08/10/08

Table H - Summary of FOI Requests 01/07/08 – 30/09/08

Date Received	Reference Number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
22/09/08	088/0908	A list of contracts agreed in the last 18 months for outsourced services detailing whether the Best Value Code of Practice on Workforce Matters was applied, or not	HR			Open and within timescale as of 08/10/08
26/09/08	089/0908	Full details of all Premises Licences reviewed between January 2007 and April 2008	Legal			Open and within timescale as of 08/10/08
30/09/08	090/0908	Information regarding licensing for taxis	Legal			Open and within timescale as of 08/10/08

Table I – FOI Summary by Department

Department/Section	01/04/08 – 30/06/08				01/07/08 – 30/09/08			
	No. of Requests	FOI	DP	EIR	No. of Requests	FOI	DP	EIR
All	1	1						
CEPT					2	2		
Customer Service and Performance	5	5			6	6		
Democratic Services	2	2			4	4		
Environmental Health	8	5		3	12	7		5
Street Services	5	5			2	2		
Finance	4	4			7	7		
Housing	3	3			3	3		
HR & Payroll	1	1			7	7		
ICT	3	3						
Legal	3	3			6	6		
Leisure	1	1			4	4		
Planning	2	2			7	7		
Procurement					3	3		
Regeneration	2	2			3	3		
Revenues	3	3			1	1		
Transferred	3	3			3	3		
Totals	46	43		55 3	70	65		

Committee:	Executive	Agenda Item No.:	9
Date:	27th October 2008	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Renewal of Insurance Policies		
Report by:	Senior Technical Officer		
Other Officers Involved	Director of Resources Head of Finance		
Director	Resources		
Relevant Portfolio Holder	Corporate Efficiency		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving the efficiency and effectiveness of Council services by demonstrating value for money by reviewing the current basis of risk transfer arrangements whilst maintaining sound financial management.

TARGETS

To review the whole insurance portfolio with the current insurer, whilst endeavouring to retain within a Long Term Agreement (LTA) to improve the effectiveness and efficiency of the renewal process. This enabled the Council to maintain LTA and package discounts and obtain competitive renewal terms, therefore contributing towards the Council's efficiency gains targets.

VALUE FOR MONEY

Obtain competitive renewal terms for all of the Council's insurance policies following significant insurance claim settlements during the previous 12 months, during a time of financial uncertainty and the insurance market hardening causing global premium increases.

THE REPORT

The Council's insurance policies were due for annual renewal on 1st October 2008. This report is to inform Members of the outcome of the recent insurance renewal process carried out under powers delegated to the Director of Resources.

Delegated Powers

It was agreed at Council on 6th October 2004 that the Chief Finance Officer, now re-designated the 'Director of Resources', be granted delegated powers on a permanent basis to renew the Council's insurance cover, in order to obtain the most economically advantageous outcome, without the restrictions imposed by meeting deadlines.

The Council's Standing Orders were waived in accordance with Standing Order numbers 4.8.2 (3) and 4.8.2 (4).

Members are now asked to note the actions of the Director of Resources in renewing the Council's insurance cover as described in the report.

Background

The principal insurance contracts are insured with Travelers Insurance Company. The engineering inspection, contractors plant insurance and vehicle uninsured loss recovery agent are with Allianz and MAPS respectively.

These contracts were awarded following a tendering exercise in 2006 and are subject to a three year long term agreement (LTA) expiring on 30th September 2009, with an option to extend by 2 further years, which qualified the Council to receive a 5% LTA discount.

Alignment of all principal insurance policies to Travelers in 2006 enabled the Council to receive a further 7.5% package discount during the LTA period.

The principal insurance policies are subject to a £20,000 excess each and every claim. The exceptions are vehicles which are subject to a £250 excess, engineering contractor's plant having £10,000, and leasehold flats having a nil excess except subsidence claims where £2,500 applies.

A vehicle accumulation policy was added to the contract at the 2007 renewal. This is required where an accumulation of vehicles stored at any one location exceeds a total market value of £1 million.

The outcome of the 2006 tender process achieved 'one off' savings which cannot be repeated at subsequent renewals during the LTA. These included:

- ➔ Removal of the aggregate cap, as historically, this was never breached, saving £11,595.
- ➔ Removal of Personal Accident & Travel insurance cover, as no losses occurred during recent years.
- ➔ Reduction in the claims handling fee.
- ➔ Increased minor class excess from £10,000 to £20,000 to align with all major policies, reducing premiums.
- ➔ Transferred the Engineering policies to a more competitive provider.

ISSUES/OPTIONS FOR CONSIDERATION

Premium Rating Factors

Insurers predominantly base their premium rate calculations on the following factors -

- ➔ Salary and wages figures declaration, which increases annually due to grading increments and pay awards.
- ➔ Property valuation figures, for all general properties and housing stock (which was reviewed in 2008).
- ➔ Leased and fleet vehicle numbers and market values.
- ➔ Degree of risk exposure.
- ➔ Types of risk.
- ➔ Fees generated (Professional Indemnity).
- ➔ Operable perils attracting different premium rates.
- ➔ Claims history (settlement values and types of losses).
- ➔ Market forces.

Housing Stock

Due to weather related losses in 2007 the insurer continues to attempt to apply a 'property endorsement' in respect of the Housing Stock properties, altering the excess from any one incident to each and every property. Further negotiations at the 2008 renewal have secured the same terms, (i.e. £20,000 each and every incident and not every property loss).

Previously, the housing stock insurance valuations were based on 3 categories, dependant upon type of dwelling, which equated to a total sum insured of £411.431 million in 2007. It became apparent during 2008 some properties were under insured and the current method of calculating valuations was inaccurate and too generic, therefore a more extensive and methodical approach was adopted, whereby 14 categories were introduced, replacing the previous 3. This valuation review was calculated using rebuilt costs from BCIS and Spons guidance, based on number of bedrooms and floor area for each type of dwelling, i.e.

Houses
Bungalows
Flats
Sheltered Accommodation

This has resulted in an increased sum insured of £51 million to almost £463 million for 2008 costing an additional premium of £5,619 (inc IPT).

Pleasley Vale Business Park

Due to severe weather on 25th June 2007 causing flooding at Pleasley Vale Mills the Council suffered two flood related insurance claims at this site. The first significant loss was to the Mills and parking area, totalling £54,490 of which £51,495 was covered by insurance policies. The second related to water damage to the Outdoor Activity Centre site and equipment. This amounted to £8,572. The £20,000 excess was payable once, as this was classed as one incident.

Damage to the bridge to the Outdoor Activity Centre and to culverts is excluded from the insurance policies.

On 15th October 2007, specialist contractors undertook a survey for any possible structural damage that may have occurred to the culverts at the three Mills. Following concerns expressed by the Council's insurers an estimate was obtained for the removal of silt in and around the culverts of Pleasley Vale Mills. To cover the costs of removing an estimated quantity of 200 tonnes of silt and debris from all three Mill culverts by dredging and other mechanical means and removing waste to a licensed tip off site, plus any necessary river diversions / over pumping and attendance by a qualified confined spaces rescue team it is likely to require a budget of approximately £150,000.

When this issue was considered at Scrutiny Committee on 30th September 2008 it was recommended and agreed not to undertake any further work to the culverts at Pleasley Vale Mills. Consideration was given as to whether the removal of the silt would improve the situation should flooding happen again and it was noted that the Senior Engineer felt that given the same volume of water, flooding would occur, whether the silt was removed or not, because of the hydraulic capacity of the Mills culverts.

As a result of the Pleasley Vale claims the Council's insurer visited the site in December 2007 to undertake a risk survey. Due to the survey findings, risk exposure, the loss incurred, and as no action is being taken to remove the silt, the insurer has increased the excess from £20,000 to £50,000 in respect of the flood peril at the Pleasley Vale site.

Profit Share Scheme

At the 2006 tender Travelers offered a profit share scheme subject to renewal over the Long Term Agreement period. This is based on a sliding scale to reflect the loss ratio (premiums to claims) at each forthcoming renewal.

The profit share has increased from £3,992 in 2007/08 to £8,714 in 2008/09 (excluding IPT), demonstrating the need to monitor, interrogate and analyse losses. Profit share for 2008 is based on 2005 - 2006 claims experience. This year's profit share was only available if the contracts were renewed with the current insurer.

The anticipated profit share for 2009 renewal is based on 2006 – 2007 claims experience, and due to the claims incurred during this period the Council should budget for no rebate.

Long Term Agreement (LTA)

A 3 year long term agreement with an option to extend by a further 2 years was negotiated with the current insurer at the 2006 tender. This was due to expire in September 2009.

At a time when unprecedented market conditions and a weakening economy have created much financial uncertainty and due to the recent circumstances surrounding AIG, the insurance market is likely to constrict and harden causing global rate increases, and also reduce the number of providers available to tender.

These were major factors in deciding to extend the LTA by a further 2 years, from 2009 until 2011. This will enable the Council to maintain LTA and package discounts and obtain competitive renewal terms and rates, therefore contributing towards the Council's efficiency gains targets.

If the LTA is breached the Council can decide to tender if considered financially beneficial.

Renewal Outcome Summary

The following summarises the outcome of the 2008 renewal process:

- Renewed principal insurance policies with Travelers receiving discounts of 5% and an additional 7.5% for LTA and package policies apply respectively.
- Renewal with Travelers includes a total of 6 free risk management consultancy days.
- No aggregate cap applies.
- Principle excess of £20,000 applies to each and every loss, with the exception of flood at Pleasley Vale, which is now £50,000.
- Premium ratings unchanged from 2007.
- Pleasley Vale insured on a first loss basis for a sum of £5 million.
- Officials Indemnity policy (including land charges and public health act) indemnity limit remains at £5 million.
- Excess in respect of property losses remains each and every incident.
- Leasehold properties excess is nil, except subsidence where a £2,500 excess applies.
- Vehicle excess remains at £250 for accidental damage and £50 for windscreen damage.

- Uninsured loss recovery agent remains with Maps.
- Contractors Plant and Engineering Inspection remain with Allianz.
- General terms, conditions, perils and endorsements remain unchanged from 2007.
- Reviewed Fidelity Guarantee cover, with indemnity limits remaining at £2.5 million for 9 nominated Officers and £250,000 for remainder.
- Re-valued Housing Stock properties at £462 million sum insured.
- LTA been extended by 2 years to 2011.

Conclusion & Costs

Negotiations secured no premium rating increase or contract changes despite significant payments in respect of settled claims, and a perceived increased risk profile, due to weather related losses, malicious damage at Oxcroft Lane depot and a property fire.

The increase in 2008 premium is due to increased sum insured figures and salary costs.

The following action has been taken, ensuring all options have been considered to ensure the Council received the most financially beneficial outcome:

- Insurance policies were renewed with Travelers with the exception of Engineering, Contractors Plant and Motor Uninsured Loss Recovery contracts at a total cost (inclusive of LTA, Day One and Package discounts and net of taxes) of £306,895, (£300,395 + 5% IPT (Insurance Premium Tax) and £6,500 +VAT).
- Contracts with Travelers are subject to a long term agreement and profit share, extended by a further 2 years now expiring on 30th September 2011.
- Renewed vehicle uninsured loss recovery contract with MAPS legal assistance, at a cost of £790 + 5% IPT.
- Renewed Engineering Inspection and Contractors Plant with Allianz at a cost of £7,784 (net of taxes), (£6,834 + VAT / £950 + 5% IPT).
- Received £8,714 (exc IPT) profit share credit from Travelers Insurance Co Ltd.

The following comparison table shows premiums by category and compares with 2007:

	2007/2008 £	2008/2009 £	Variance £
Motor	90,818	89,598	(1,220)
Liability	131,978	144,114	12,136
Property	64,199	70,177	5,978
Minor Classes	12,949	13,794	845
Claims Handling	6,500	6,500	0
I.P.T. @ 5%	14,490	15,107	617
Less Profit Share	(3,992)	(8,714)	(4,722)
Total	316,942	330,576	13,634

'Motor' includes all fleet and leased vehicles, uninsured loss recovery and Vehicle Accumulation policy.

'Liability' includes public liability, employers liability, officials indemnity, land charges, public health act, professional indemnity and libel and slander.

'Property' includes general properties, housing stock, Pleasley Vale site, leasehold flats, car parks, money, contents, work in progress, play areas, business interruption, and all risks.

'Minor Classes' includes Computer, Fidelity Guarantee, and Engineering and contractors plant policies.

IMPLICATIONS

Financial:

1. At 1st April 2008, the opening balances for the Insurance Provision was £392,846 and the Reserve was £174,064, before any scheduled contribution.
 - a. Contributions of £60,000 to the Provision and £50,000 to the Reserve were budgeted for in the Medium-term Financial Plan.
 - b. The availability of funds to meet the Council's liability and responsibility for claims below the excess and finance any uninsured losses is a vital component in the risk transfer process. The Council has a greater risk exposure, with the Pleasley Vale flood excess being increased to £50,000 and would rely on these funds for such losses.
 - c. In 2007/08 the provision contribution reduced by 50% to £30,000 to offset additional premium costs. The contribution for 2008/09 to the provision should be considered to revert to £60,000, and the contribution to the reserve shall remain at £50,000 to meet the eventuality of unforeseen losses and losses below the excess.
2. Consultancy and Brokering services are to be retained, continuing to provide the Council with guidance and support in developing an enhanced understanding of the impact of losses, claims analysis,

insurance advice, monitoring the adequacy of the “insurance fund” and verify insurers’ contract terms and conditions. The annual cost for this service is £4,500. An additional fee of £5,000 is required for the consultant to assist in the 2009 renewal process.

3. The overall annual cost is £450,076, as the following table shows and compares with 2007 :

	2007 Costs £	2008 Costs £
Premiums (net of IPT)	302,452	315,469
IPT @ 5%	14,490	15,107
Provision Contribution	30,000	60,000
Reserve Contribution	50,000	50,000
Consultancy / Claims Analysis	4,500	4,500
Renewal Consultancy	5,000	5,000
Total	406,442	450,076

4. The impact spans two financial years as the figure of £450,076 is based on the insurance year, 1st October 2008 to 30th September 2009. The financial year budget for 2009/10 will differ dependent upon:

the probability that premiums will increase again in October 2009;

a judgement on whether the provision for future years will be sufficient;

the LTA is breached, obligating the Council to tender.

Legal: None

Human Resources: None

RECOMMENDATION(S)

That the action of the Director of Resources under delegated powers be noted.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

The Council has assessed value for money, quality and service issues, together with the preferred risk transfer method and selected the option financially beneficial to the Council.

ATTACHMENTS: **N/A**

FILE REFERENCE: ***Held by Senior Technical Officer***

SOURCE DOCUMENT: **N/A**

Committee:	Executive	Agenda Item No.:	10
Date:	27 th October 2008	Category	1 st report
Subject:	East Midlands Landlord Accreditation Scheme	Status	Open
Report by:	Head of Environmental Health and Street Services		
Other Officers involved:	Principal EHO (Residential) Senior EHO (Residential) District EHO (Residential)		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Environment Housing Management Customer Focused Services		

RELEVANT CORPORATE AIMS

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment. By properties being kept in good repair by self regulation and promoting good property management

REGENERATION – Developing healthy, prosperous and sustainable communities. By reducing the number of Category 1 hazards present in private rented properties through self regulation, without the need for enforcement action thereby driving improvements within the private rented sector

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services by listening to and working closely with residents and other partners.

TARGETS

The project contributes to the following Corporate priorities :-

Environment – To Protect, enhance and improve the natural and built environment in a sustainable way by effectively raising housing standards in additional ways to enforcement.

Regeneration - Contribute to local, regional and national housing strategies

Customer Focused Services – To strengthen community consultation and involvement with private landlords and private sector tenants.

Derbyshire Local Area Agreement 2008-11 Priority Indicators

The scheme also impacts on the following indicator:-

Safer Communities

NI 49 Number of primary fires and related fatalities and non-fatal casualties.

Healthier Communities

NI120 All age all cause mortality rate.

NI142 Number of vulnerable people who are supported to maintain independent living.

VALUE FOR MONEY

The Council will be supporting a self regulatory strategy which will work within a rigorous regulatory framework. It will recognise and encourage the best landlords to maintain and improve their standards; this will provide a market force which will raise the standard of the majority of the remainder of the landlords. It will also allow the Council to easily identify and focus its resources on enforcement on the landlords who do not wish to be self regulating thereby contributing to efficiencies.

INTRODUCTION

The private rented sector within Bolsover District Council accounts for approximately 11% of the housing stock and there have been a number of initiatives to ensure that the housing provided within this tenure is of a good quality and meets the legal requirements.

The provision of housing within the private rented sector is supplied by a large number of landlords each with very diverse reasons for being in the market. Over the years it has been our policy to work with as many private rented housing providers as possible to give them a stake in making decisions that impact on them. This has been achieved via the landlords forum and events organised by DASH (Decent and Safe Homes). Accreditation schemes have been discussed in the past with landlords with no great interest from them. However, over the past few years these schemes have become more popular with more schemes being developed across the country.

Some local authorities have developed and implemented local schemes, however, landlords have experienced inconsistencies where they own properties across Council boundaries and are subject to two different schemes administered by different local authorities.

A regional accreditation scheme has now been developed by Decent And Safe Homes (DASH) East Midlands and there would appear to be many advantages in the scheme that has been developed.

DASH is a project funded by the Government Office for the East Midlands and was created as a regional facility to support the implementation of the Housing Act 2004. The project aims to raise housing standards in the East Midlands region, which will create a fairer and better housing market for all those who own, rent or let residential property whilst protecting those most

vulnerable. DASH is an East Midlands Regional Partnership Project sponsored by the three cities of Derby, Leicester and Nottingham to encourage all local authorities and landlords in the East Midlands to become partners. DASH is currently working with 40 Local Authorities in the East Midlands providing training and best practice guidance. Landlords can take advantage of the events and accreditation scheme to enable them to understand fully property management and how to deal with tenancies.

Landlord accreditation is a set of standards (or code) relating to the management or physical condition of privately rented accommodation. Landlords who join a scheme and abide by the standards are “accredited”. Accreditation schemes are normally voluntary. There is no compulsion for landlords to join, but there may be many advantages.

The East Midlands Accreditation Scheme

The aim of the East Midlands Landlords Accreditation Scheme (EMLAS) is to encourage, acknowledge, raise awareness and actively promote good standards and management practice in the private rented sector. It will also support landlords and tenants in undertaking their responsibilities. It is intended to be a significant factor in a strategy of self regulation for the Private Rented Sector which will contribute to the raising of housing standards. EMLAS is for responsible landlords who wish to demonstrate their commitment to providing good quality accommodation services. The following points highlight some of the key issues of the scheme.

The scheme accredits landlords, not properties, and guidance on compliance is available from the Regional Scheme Operator (RSO). The Scheme is a voluntary scheme.

EMLAS is primarily aimed at good management practices and supporting landlords through the provision of development courses; it is not intended to cover detailed property standards. An indication of the property standards to be expected in a property that has a reasonable standard of management is given in Appendix One.

Accreditation is open to all landlords and managing agents who own or manage property in the region. References to ‘landlord’ in the scheme documentation includes managing agent. The scheme is not open to registered social landlords or for local authority owned properties. The scheme aims to provide as much support as possible to landlords to enable them to provide the essential private rented letting services that the communities of the East Midlands region need. DASH will look to develop and provide incentives for accredited landlords.

The Scheme will provide the following benefits:

Benefits to Landlords

Market advantage - the properties are let sooner, at a possible premium and from a choice of tenants

Financial - including discounts for goods and services. Developed by DASH

Local - such as telephone hotlines. Developed by the Local Authority partners

Until such a time that the scheme can provide a market advantage the scheme will rely on other benefits to attract landlords.

Other benefits include:

- To be a consultee of the Local Authority on matters of business interest to the PRS and to have a defined role within a Council's Housing Strategy.

- To provide a good working partnership with the Local Authority

- To receive increased support from Council Services.

- Enhancement of the image and reputation of the PRS.

- To acknowledge and encourage responsible landlords

- To contribute to confidence and stability of the private residential letting market.

- To support landlords in encouraging tenants to be good tenants and neighbours.

Benefits to Tenants

Tenants will be able to choose with a high degree of confidence a responsible landlord who has demonstrated an understanding of the standards of management required for the PRS and has effective management in place to a recognised acceptable standard.

- Helps prospective tenants to identify landlords who are committed to providing quality accommodation services.

- Helps to provide satisfactory accommodation that meets reasonable minimum standards of health and safety, management and tenant welfare.

- Enables tenants to require the residential letting services being provided to them by their landlord, to be in accordance with the requirements of the scheme.

- Assists tenants to gain access to the PRS

- Acknowledges good tenants.

Benefits of the scheme for communities

- To encourage landlords to properly maintain and invest in their properties so as to keep them in good order and not detrimental to local amenity.

- Improve community safety.

- Reduction of anti social behaviour by tenants

- Contributes towards improved community relations

- Contributes towards improved community cohesion

- Assist in area regeneration providing sustainable and mixed communities

There are some basic criteria that a landlord will need to satisfy in order to become accredited. These are:

certify that they satisfy the Housing Act 2004 definition of fit and proper person
attend approved training course(s) covering tenancy management, health & safety and hazard awareness, in order to demonstrate a sufficient level of ability to manage property to the standard required by this accreditation scheme;
comply with the Code Management
have a basic awareness of the most common Category 1 hazards as defined by the Housing Health and Safety Rating System (HHSRS) and to the best of their abilities ensure that their premises have no known Category 1 Hazards;
ensure that the physical condition of dwellings, the level of provision of basic amenities, and management practices are fair and reasonable and are not prejudicial to the health, safety and welfare of tenants or the surrounding neighbourhood.

Landlords' Development

All landlords are required to attend professional development courses as a condition of becoming accredited. Accreditation will only be awarded after the applicant has attended the approved introductory landlord professional development courses and successfully completed an EMLAS compliance ability test. This test is not intended to satisfy the RSO that landlords have an existing level of property management competency, but rather that they have the potential ability to achieve this and have a reasonable ability to comply with the requirements of EMLAS.

After three years landlords are required to undertake a professional development update course that covers new developments in tenancy management and health and safety requirements. Membership of EMLAS will be automatically discontinued unless an accredited landlord supplies a certificate of attendance at an update course within three months of the anniversary of the three-year membership. The scheme operator monitors the attendance at update courses and sends out reminders to landlords.

There are fees associated with the cost of becoming accredited. The full scale of fees is set out in Appendix Two. The basic cost for a landlord with between 5 and 10 properties will be £50 plus the cost of the courses which will be an additional £100. Currently to encourage landlords to participate there is free membership for the first three years if applications to join are submitted before the 1st April 2009.

A full copy of the Scheme is attached as Appendix Three.

ISSUES FOR CONSIDERATION

Joining the scheme

Any accreditation scheme needs to be a robust and consistent scheme that offers benefits to landlords as well as seeking to minimise administration costs. The East Midlands Accreditation Scheme meets these criteria. Therefore it is proposed that Bolsover District Council should become a partner in the Scheme and seek to encourage landlords to become accredited.

As there is no fee payable for the current year there is an option of committing to the scheme in principle on the condition that future membership will be dependent on there being sufficient interest from local landlords. This option has been discussed with DASH and they are happy to proceed on this basis so long as a final decision is made in January 2009.

Benefits to Bolsover District Council Joining the Scheme

- Contribute to local, regional and national housing strategies
- More effective at raising housing standards than enforcement
- Provides access to an accreditation scheme for all their PRS landlords
- Provides an accreditation scheme for good value for money. The average cost of implementing and running an independent district scheme is £90,000 per annum (Developing a Landlord Accreditation Scheme DASH/Accent Regeneration)
- Contributes towards increased efficiency due to the economy of scale and avoidance of duplication of efforts within the East Midlands.
- Provides consistency in housing standards and regulation throughout the East Midlands and to sub regional housing markets.
- Enables development of tenancy support services with trusted partners in the PRS.
- Contributes towards the reduction of homelessness by enabling the development of various schemes including
 - nomination rights and
 - tenancy support and sustainability services
 - Accredited tenant scheme
 - Bond guarantee schemes
- Contributes towards better regulation providing for a risk based assessment of landlords and their properties (National Better Regulation agenda; Hampton Report)
- Enables effective targeting of enforcement resources contributing to efficiency
- Contributes towards attaining a higher level of decent homes
- Contributes towards Regional and Local Affordable Warmth and Carbon Emission Reduction Strategies
- It can be an alternative or complimentary solution to selective licensing for low demand or areas with high levels of ASB which will be considerably cheaper and require fewer resources to regulate the better landlords

Staying out of the scheme

The Council would be missing out on a valuable opportunity to recognise the “good” landlords who chose to join the scheme.

Miss the opportunity to promote the effect that local market forces play on increasing housing standards.

Miss the opportunity to eliminate Category 1 hazards at privately rented properties as these would only be eliminated following a complaint by the tenant and subsequent enforcement action had been taken by Environmental Health.

There is also potential to damage the Council’s reputation within the East Midlands and with other national funding bodies such as the Regional Housing Group and GOEM.

Financial Implications

Participating local authorities are required to provide financial assistance towards the running of EMLAS. This takes the form of an annual payment set by the Regional Steering Group. The size of the contribution is in relation to the estimated number of privately rented properties within the District of Bolsover compared with the total number within the region. The Council would sign a partnership agreement with EMLAS that commits the Authority to providing the agreed funds and the resources needed to contribute towards the successful operation of the scheme.

Based on the calculation set out above the annual fee payable by Bolsover District Council would be £2250 per annum. Although we would gain access to the scheme immediately there is no fee payable for the current year and therefore this fee would be payable from the 1st April 2009. DASH are also seeking funding for 2009 and 2010 from Regional Housing Group and if successful will be able to offer a further year of free membership for participating councils, meaning that a membership fee would not be payable until April 2010. Currently there is no budgetary provision for this expenditure. However, the Principal Environmental Health Officer (Residential) has indicated that the fee could be paid from The Private Sector Housing Budget, to support this initiative. This additional expenditure needs to be incorporated into the budget from 2009/10.

The Council can leave the scheme at the end of a financial year but must give at least six months notice in writing to the Regional Steering Group.

IMPLICATIONS

Financial : Annual Partnership fee to commence 2009 or 2010.

Legal : Service level agreement.

Human Resources : None.

RECOMMENDATION(S) that:

1. The report be received;
2. The Council becomes a partner in the East Midland Landlord Accreditation Scheme;
3. The Head of Environmental Health and Street Services, with the prior approval of the Data Protection Officer, be given delegated authority to sign the required service level agreement and information sharing protocol;
4. The take up of the scheme is reviewed in September 2009 and the Head of Environmental Health and Street Services in consultation with the Principal Environmental Health Officer (Residential), Chief Executive Officer, Solicitor to the Council and the Leader of the Council to decide whether to remain as a partner in the scheme;
5. The cost of the annual partnership fee is met from the Environmental Health, Private Sector Housing Budget.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE COUNCIL'S CONSTITUTION

To improve the quality of private sector housing and its management within the District.

Property Standards

Landlords are required to satisfy the RSO that they are able to identify and eliminate the most common unacceptable hazards in their properties. This appendix is a guide to the hazards and serves only as an introduction. It also provides an indication as to what standards are expected for fire safety, security, and hygiene and waste disposal in a property that is managed well.

Housing Health and Safety Rating System (HHSRS)

The HHSRS is a method of risk assessing hazards that may be found in residential accommodation. Landlords should ensure that their properties and boundaries are maintained, as reasonably practicable, free of any avoidable or unnecessary hazards as listed in the table below.

There should be no known Category 1 hazards. These are serious hazards for which local authorities must require appropriate remedial action.

1. Damp & Mould Growth
2. Excess Cold
3. Excess Heat
4. Asbestos & Manufactured Mineral Fibres
5. Biocides
6. Carbon Monoxide & Fuel Combustion Products
7. Lead
8. Radiation
9. Uncombusted Fuel Gas
10. Volatile Organic Compounds
11. Crowding and Space
12. Entry by Intruders
13. Lighting
14. Noise
15. Domestic Hygiene, Pests & Refuse
16. Food Safety
17. Personal Hygiene Sanitation & Drainage
18. Water Supply
19. Falls Associated with Baths etc
20. Falls on the Level
21. Falls Associated with Steps and Stairs
22. Falls Between Levels
23. Electrical Hazards
24. Fire
25. Flames, Hot Surfaces etc
26. Collision and Entrapment
27. Explosions
28. Position and Operability of Amenities
29. Structural Collapse and Falling Elements

Appendix 2

Scale of Fees

Administration Fee

An administration fee of **£25** will be charged to all member landlords.

Landlord Development

Half Day Training Course **£35**

Full Day Training Course **£65**

The above fees include materials

Membership Fee

In addition a fee is charged on the following scale for the properties owned or managed by a landlord or agent.

Landlord Fee:

Properties owned in the region Fee

1 – 5 Nil

6 –10 £25

11 – 20 £50

21 – 30 £75

30+ £100

Managing Agents Fee:

Number of properties managed Supplementary fee

1 - 5 NIL

6 – 10 £25

11 – 20 £50

21 – 30 £75

31 - 50 £100

51 – 100 £150

101 – 200 £200

201 – 300 £250

301 – 400 £300

Each additional 100 properties add £50

Membership and administration fees are payable every three years.



GOVERNMENT OFFICE
FOR THE EAST MIDLANDS



EAST MIDLANDS LANDLORD ACCREDITATION SCHEME



Scheme Manual

Authors Note:

Please ensure that you are satisfied before using any or part of this document. All are welcome to use this in any way that they will find of use on the following conditions:

- ~ Prior permission is sought
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- ~ The DASH web site address www.eastmidlandsdash.org.uk and the EMLAS website address www.emlas.org.uk are in a prominent position
- ~ The DASH and GOEM logos are incorporated into a final document

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V1_02 11/03/2008

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1.0 Overview

1.1 Strategic Context

The aim of the East Midlands Landlords Accreditation Scheme (EMLAS) is to encourage, acknowledge, raise awareness and actively promote good standards and management practice in the private rented sector. It will also support landlords and tenants in undertaking their responsibilities. It is intended to be a significant factor in a strategy of self regulation for the Private Rented Sector (PRS) which will contribute to the raising of housing standards.

EMLAS is for responsible landlords who wish to demonstrate their commitment to providing good quality accommodation services.

The scheme accredits landlords, not properties and guidance on compliance is available from the Regional Scheme Operator (RSO) upon request. The scheme will complement existing local landlord or property accreditation initiatives.

EMLAS is primarily aimed at good management practices and supporting landlords through the provision of development courses; it is not intended to cover detailed property standards. An indication of the property standards to be expected in property that has a reasonable standard of management is given in [appendix 6](#) Property Standard.

1.2 Region of Operation

The scheme covers the geographical area of the East Midlands. The map provided in [appendix 8](#) illustrates the area covered. [Appendix 9](#) is a list of local authorities eligible to join.

1.3 Accreditation

Accreditation is open to all landlords and managing agents who own or manage property in the region. References to 'landlord' in the scheme documentation includes managing agent. The scheme is not open to registered social landlords or for local authority owned properties.

The scheme aims to provide as much support as possible to landlords to enable them to provide the essential private rented letting services that the communities of the East Midlands region need. The RSO will develop and provide incentives for accredited landlords.

1.4 Beneficiaries of Scheme

The beneficiaries of the scheme are:

- Tenants who are enabled by the scheme to choose a quality assured private landlord
- Landlords who receive the support necessary to operate a profitable business in a highly regulated service area for the benefit of the citizens of the region
- Communities that can be assured that accredited landlords will manage their property in a way that contributes to community sustainability
- Local authorities that have a strategic housing duty to facilitate an adequate supply of quality privately rented accommodation and a regulatory function to ensure that rented accommodation is healthy and safe.

1.5 Scheme Requirements

To become accredited a landlord must:

- certify that they satisfy the Housing Act 2004 definition of fit and proper person
- attend approved training course(s) covering tenancy management, health & safety and hazard awareness, in order to demonstrate a sufficient level of ability to manage property to the standard required by this accreditation scheme;
- comply with the Code Management (see [appendix 5](#));
- have a basic awareness of the most common Category 1 hazards as defined by the Housing Health and Safety Rating System (HHSRS) (see [appendix 6](#)) and to the best of their abilities ensure that their premises have no known Category 1 Hazards;
- ensure that the physical condition of dwellings, the level of provision of basic amenities, and management practices are fair and reasonable and are not prejudicial to the health, safety and welfare of tenants or the surrounding neighbourhood.

1.6 **Scheme Compliance**

EMLAS is a self-certification scheme complemented by verification and compliance checks, which are designed to ensure the scheme has credibility. It contributes to a strategy of self regulation and accordingly relies on the good will and trust on the parts of landlords, tenants and the RSO. Compliance checks may be carried out by the RSO and/or by the local authority in whose area a property is situated.

Compliance with the scheme will ensure that:

- landlords, tenants and community members enjoy the benefit of good dwelling conditions, competent management and considerate neighbourly behaviour
- disputes are reduced
- problems are promptly resolved

1.7 **Scheme Regulation**

Investigation of complaints by tenants or breaches of the requirements of the scheme may be undertaken by the RSO and/or by the local authority in whose area a property is situated. A disciplinary procedure is prescribed for breaches of the scheme. The ultimate sanction for which is removal from the register of regional accredited landlords.

1.8 **Scheme Finances**

EMLAS is non-profit making, all sources of revenue are invested into the scheme. A balanced annual budget will be set for the scheme.

1.9 **Date of Commencement**

The scheme will come into commencement on 1st April 2008

Full details of the scheme are also available at www.emlas.org.uk

2.0 Constitutional Framework

2.1 The Constituent Bodies of EMLAS

The constitutional framework of EMLAS comprises:

The Regional Steering Group (RSG) The RSG owns the scheme and has overall responsibility for the operation of the scheme. It makes decisions and directs the other bodies to achieve the strategic aims of EMLAS.

The Committee of Management (CoM) The CoM is responsible for the implementation of policies, performance and financial management of EMLAS. The CoM provides the work programmes for delivery of the Schemes objectives.

The Regional Scheme Operator (RSO) The RSO delivers the service and undertakes activities to achieve the schemes objectives as required by the CoM and the RSG.

The Consultative Committee (CC) The CC is a group of stakeholders that provide opinions and advice to EMLAS.

The Host Authority (HA) The HO is a Local Authority who has agreed with the RSG to provide the staff, facilities, amenities and support for the operation of EMLAS.

Regional Accredited Landlord (RAL) A RAL is a landlord that meets EMLAS requirements and has been accepted into EMLAS by the RSO.

Participating Local Authority (PLA) A PLA has entered into an agreement with the RSG to undertake certain responsibilities and to actively support EMLAS by contributing resources to it.

2.2 The Regional Steering Group

2.2.1 Membership Membership of the RSG is comprised of one representative from each of the participating Local Authorities. There is a publicly available register of members of the RSG.

2.2.2 Chair The RSG has a Chair elected by the group. The Chair is the spokesperson representing EMLAS.

2.2.3 Secretary The RSG has a Secretary elected by the group. The RSO provides the administrative support for the Secretary and EMLAS.

2.2.4 Meetings The RSG must meet no less than twice a year and as often as is necessary to carry out their functions. There shall be a quorum of five.

2.2.5 Voting Rights Each member of the RSG is entitled to one vote. Decisions are made by a simple majority. In the event of votes being equal the Chair has the casting vote.

2.2.6 Functions The RSG will:

- Have ownership of EMLAS
- Ensure EMLAS achieves its aims and objectives.
- Contribute practical and professional expertise into EMLAS strategy and policy development
- Provide financial support in accordance with the budget

- Provide guidance to the CoM on the strategic aims of EMLAS and the means to achieve them.
- Undertake any other activity in support of EMLAS

2.3 **Committee of Management**

2.3.1 **Membership**

The members of the CoM are appointed by, report to and are accountable to the RSG. The RSG can remove a member of the CoM. The individual members of the CoM have defined policy responsibilities as determined by the RSG.

Members of the CoM must ensure

- their actions are in keeping with the aims of the scheme, and
- their performance in undertaking their policy responsibilities is satisfactory

2.3.2 **Chair and Secretary**

The Chair and Secretary of the RSG also have those functions on the CoM.

2.3.3 **Meetings**

The CoM meets as regularly as necessary in order to ensure the efficient, effective operation of the scheme but not less than twice a year. The RSO provides administrative and secretarial services for the CoM. There shall be a quorum of three.

2.3.4 **Voting Rights**

Each member of the CoM is entitled to one vote. Decisions are made by a simple majority. In the event of votes being equal the Chair has the casting vote.

2.3.5 **Function**

The policy and performance management of the scheme is the responsibility of the CoM.

2.3.6 **Development of Policies and Procedures**

The CoM will determine policies and procedures to include:

- Scheme publicity and promotion
- Financial management and fund raising
- Landlord professional development courses
- Scheme operational procedures
- The contents of the Code of Good Management Practice

2.3.7 **Business Plan**

The CoM has responsibility for developing, implementing and regularly reviewing the EMLAS business plan. The CoM consults with the RSG and the RSO, when undertaking this function. The business plan will specify:

- the aims and objectives of the scheme
- the actions necessary to achieve them
- how those actions will be funded and by whom
- the timescales involved
- the method of monitoring the outcomes

The CoM provides work programmes to the RSO derived from the business plan.

The CoM provides a report at least every six months and whenever requested, to the RSG on how the scheme is performing in meeting its business plan targets.

2.3.8 **Financial Management**

The CoM has responsibility for monitoring the financial management of EMLAS and reporting to the RSG.

2.4 Regional Scheme Operator

2.4.1 Officers

The Regional Scheme Operator (RSO) is a team of officers employed to administer the scheme. The team comprises the team leader and associated support staff as determined and appointed by the RSG.

2.4.2 Function

The RSO is authorised by the RSG and the CoM to undertake all the day to day activities necessary to operate EMLAS. It will administer and monitor the EMLAS Business Plan and provide reports to the CoM and the RSG. The RSO reports to, is accountable to, and receives policy and work instructions from the CoM. Ideas for improvement and change will also be generated and driven by the RSO. The RSO can make recommendations to the CoM and RSG.

2.4.3 Partnerships and Consultation

The RSO will:

- Work in partnership with landlords, landlord associations and other private rented sector stakeholders
- Consult with accreditation scheme stakeholders

2.4.4 Responsibilities

The RSO has the following responsibilities:

Applications

- Process applications for Regional Accredited Landlords (RAL)
- Assist in the preparation of a Property Improvement Plan (PIP) for applicants
- Assist landlords in achieving accreditation status
- Provide a landlord the reasons in writing if an application is unsuccessful

Administration

- Maintain the database of RALs
- Provide secretarial and administrative services for the CoM and the RSG
- Provide a public list of accommodation available to let, managed by RALs
- Liaise and share information with other local authorities
- Publicise and promote EMLAS
- Develop and maintain membership incentives and benefits
- Facilitate a resolution service for disputes by ensuring landlords and tenants have access to mediation services

Scheme Compliance

- Issue, administer, suspend and revoke accredited status
- Investigate complaints of breaches of EMLAS requirements
- Undertake compliance audits of the schemes requirements
- Coordinate participating Local Authorities property compliance check inspections
- Implement disciplinary procedures where necessary
- Inform landlords of a right of appeal and the procedure in respect of any decision made by the RSO

Landlord Training and Development

- Arrange for the provision of the landlord training that is necessary to comply with the requirements of the scheme

- Develop and provide other landlord professional development courses

Provision of Information

- Develop and maintain the EMLAS website
- Produce information in printed form and electronic formats available from the web site
- Organise conferences and seminars
- Provide information on changes in legislation
- Provide help and advice on housing related matters
- Provide advice on energy efficiency

Financial

- Management of the finances of EMLAS
- Develop sources of revenue

Publicity and Promotion

- Actively promote EMLAS across its geographical area
- Adopt and use a logo which will allow easy identification of RALs by prospective tenants
- Establish website links between the EMLAS website and the sites of all EMLAS stakeholders, particularly members of the RSG.
- Establish links are with a range of other organisations that are supportive of accreditation, for example Accreditation Network UK (ANUK) and the CLG.
- Establish website links between the landlords and managing/letting agents' web sites and the EMLAS web site
- Enable prospective tenants to access EMLAS information and identify the benefits of renting from an EMLAS landlord.
- Provide publicity leaflets that have a brief explanation of EMLAS and direct interested persons to the EMLAS website.
- Encourage prospective tenants to use a RAL
- Encourages landlords to become RAL
- Provide supplies of EMLAS publicity leaflets to PLAs and stakeholders that are supportive of EMLAS for distribution by them
- Coordinate the publicity and promotion of the RALS by PLAs and others.

2.5 Consultative Committee

2.5.1 Membership

The members of the CC are appointed by the RSG. Membership of the CC is not exclusive and comprises a range of Private Rented Sector (PRS) stakeholders. These include individuals, groups and organisations that wish to contribute their own time and resources to EMLAS and achieving its objectives. Members of the CC agree to support the aims, objectives and operation of EMLAS.

The CC may include representatives of:

- Local Authorities
- Central Government
- Regional Government
- Regional Authorities
- Landlord associations, local and national
- Individual unaffiliated landlords
- Tenants and tenant support groups
- Statutory authorities e.g. Police, Fire and Rescue Service
- Citizens Advice Bureau

- National Union of Students
- Chartered Institute of Housing
- Chartered Institute of Environmental Health
- Shelter
- Higher Educational Institutions and agencies acting on their behalf
- Housing related charitable organisations
- Training organisations
- Other accreditation scheme operators
- Other organisations with an interest in the PRS

2.5.2 Meetings

The Consultative Committee are invited by the RSG to attend meetings of the RSG. They contribute to the discussions but do not have a vote on any decisions. The RSG must take into account the views of the CC.

2.6 Host Authority

The HA provides the staff, premises and other overheads; support services including administration, human resources, financial, accounting, auditing and legal; and other necessary services in accordance with the agreement between the RSG and the HA.

2.6.1 Personnel

The staff of the RSO are employed by the HA. The HA provides management services to the RSO, the manager of the RSO reporting to an Officer of the HA. The RSO are bound to the policies and procedures of the HA which must be adhered to by all staff.

2.6.2 Finances

The RSO is financed from a separate budget that is outside the control of the HA but who provide financial management services for the income and expenditure of the budget. The agreement between the RSO and the HA may include remuneration for all or part of any costs incurred in being the HA.

2.7 Regional Accredited Landlords

A RAL agrees to comply with EMLAS requirements and to its terms and conditions. (See [3.0 Accreditation Requirements](#))

2.8 Participating Local Authority (PLA)

A PLA has entered into an agreement with the RSG to undertake certain responsibilities and to actively support EMLAS by contributing resources to it. A PLA can join EMLAS at the start of the financial year or at any other time by agreement with the RSG. A PLA can leave the scheme at the end of a financial year but must give at least six months notice in writing to the RSG.

2.8.1 Responsibilities

A PLA will:

a) Provide corporate wide support

PLAs should work towards including clear statements within their housing strategy to ensure that:

- The PLA corporately supports EMLAS
- The necessary resources are provided as agreed by the RSG
- The partnership agreement between the PLA and EMLAS is complied with
- All departments and sections within the PLA carry out the activities necessary for the scheme to operate efficiently, effectively and successfully

b) Publicise and promote

PLAs provide publicity and promotion of EMLAS to all landlords and managing agents within their administrative area. This includes:

- The electronic and hard copy mailing of publicity material provided by the RSO, to the landlords and managing agents that the authority has on its database.
- Requesting the agreement of all landlords to allow the authority to provide the RSO with their details so as to periodically provide them directly with further information on EMLAS.
- Hosting landlord fora at which EMLAS is promoted.
- Arranging for the RSO to periodically speak to officers that have regular communication and involvement with landlords, to explain how the scheme operates. The RSO will provide officers with the means to publicise the scheme.
- Providing details of EMLAS on their website with a direct link to the EMLAS website.
- Publicity and promotion of EMLAS recommending prospective tenants to seek out RALs.
- Positive promotion of the PRS.

c) Liaise with the RSO

- *Compliance Checking* - PLAs and the RSO provide mutual assistance in monitoring the compliance of EMLAS accredited landlords. This includes the exchange of positive information regarding compliance in addition to any information about non-compliance.
- *Information Sharing* - PLAs must enter into an Information Sharing Protocol and Agreement with the RSG and other PLAs to enable the proper exchange of information
- *Enforcement* - All PLAs have access to the RAL database. Before officers of PLAs visit privately rented properties, they refer to the RAL database to check whether the property is owned by an EMLAS landlord. If so, the officers carry out a simple EMLAS compliance check at the time of the visit. For this purpose, the RSO provides scheme compliance checklists. The PLA keeps one copy for their records and sends another to the RSO. A copy is sent to the RAL by the PLA.
- The findings from the compliance check determine the course of action taken by the scheme operator for any breaches of the EMLAS requirements. Action would normally be taken under the EMLAS regulatory procedures in the first instance, rather than the authority taking statutory enforcement action.
- If the RSO undertakes any compliance checks they will provide PLAs with copies of completed compliance checklists.
- *Enforcement Policy Agreements* The participating authority should have adopted the Enforcement Concordat and have enforcement policies to incorporate the requirements of EMLAS. Participating local authorities have the discretion to over-ride this protocol and initiate formal statutory enforcement action in the first instance, if circumstances are such that it is appropriate to do so. Where this happens the authority notifies the RSO of the course of action and the outcome. The RSO records these details against the landlord's EMLAS compliance performance.
- *Local Accreditation Schemes* Landlords may be members of both EMLAS and a PLA landlord accreditation scheme. The local scheme operator will inform the RSO of any breaches of the local scheme. If the RSO undertakes any

compliance checks they will provide local scheme operators with copies of completed compliance checklists.

- *Referral of Tenant Complaints* The RSO informs PLAs if a complaint of non-compliance is received from a scheme tenant and also on the outcome of any investigation.

d) Provide the resources necessary for the operation of EMLAS

PLAs provide financial assistance towards the running of EMLAS. This takes the form of an annual payment set by the RSG. The size of the contribution is in relation to the estimated number of privately rented properties within the PLA compared with the total number within the region. The PLAs sign a partnership agreement with EMLAS that commits the authority to providing the agreed funds and the resources needed to contribute towards the successful operation of the scheme (See [Appendix 1](#)).

e) Provide representation on the EMLAS steering group

PLAs are entitled to nominate one representative on the RSG.

2.8.2 Funding the RALS

EMLAS is a not for profit scheme. All income received from activities connected with EMLAS are used in the operation of the RALS.

The RSG must approve a balanced budget prior to their financial year which is from April 1st to March 31st. All income and expenditure of EMLAS must be authorised by the RSG. This includes approval of fees and subscriptions. The fees payable by RAL and applicants to the scheme are given in [appendix 3](#).

The RSO produces quarterly financial accounts of income and expenditure for the scheme. The scheme is financed from a variety of sources as follows:

a) Local authority subscriptions

The total local authority contribution towards the cost of the scheme will be set by the Regional Steering Group. Local authorities that participate in EMLAS pay an annual subscription that is relative to the estimated number of privately rented properties within their administrative area, set by the RSG. Participating local authorities' sign an agreement with the RSO that commits them to providing financial and operational support for the scheme (See [appendix 1](#)).

b) RAL fee

An administrative fee will be charged for an application to become a RAL. In order to cover the additional operational costs for landlords with larger property portfolios, a supplementary fee, determined by the RSG, is charged. The fees are set within the annual budget.

c) Grants from public bodies

The RSO should seek public funding for the operation of the scheme.

d) Revenue from professional development courses

All landlords are required to attend professional development courses as a condition of becoming accredited. The fees for this and for any other courses provided by EMLAS are set within the annual budget. There is an extra cost to be determined by the RSG to non-accredited landlords for attendance at courses provided by EMLAS.

e) Sponsorship

The RSO should seek additional funding through sponsorship and advertising in order to supplement financing of the scheme.

3.0 Accreditation Requirements

3.1 Landlords' Commitments to the Scheme

A landlord that has been registered as a member of EMLAS is known as a Regional Accredited Landlord (RAL). In order to become a RAL a landlord must:

- sign a declaration that they meet the criteria of being a fit and proper person (see [appendix 2](#))
- attend a training course(s) within a reasonable period of time as specified by the RSO and demonstrate a sufficient level of ability to manage property to the standard required by this accreditation scheme
- provide the RSO with a full list of dwellings owned or managed by them
- enable access to dwellings for the RSO or its agents to carry out verification and compliance checks
- be committed to partnership working with all stakeholders in the PRS
- Either:
 - Ensure that all their properties and management practices meet the requirements of the scheme including compliance with the Code of Management

Or

- Where all of a landlord's dwellings are not fully compliant, apply to the scheme operator for a concession. A Property Improvement Plan (PIP) is then agreed in order to upgrade, within a reasonable timescale, any dwelling that does not meet the requirements of the Scheme. The landlord must also accordingly inform any existing or prospective tenants of this arrangement.

3.2 Making an Application for Membership of EMLAS

Landlords may make an application for membership of EMLAS and pay their membership fee as determined by the RSG. Landlords will provide a list of the properties that they own within the region covered by EMLAS. This information will be contained on a public register and will also be used for the purpose of compliance checking.

3.3 Accrediting landlords

On receipt of an application for accredited landlord status, the RSO will ensure as far as is reasonably practicable, that the landlord is responsible, competent and suitable to be a member of the scheme.

3.4 Register for Public Enquiries

The names of accredited landlords and managing agents are a matter of public record and are available from the RSO. Landlords signing the application form agree to have their name and addresses of properties they own or manage displayed on the RSO's internet website or other stated publicly available records.

3.5 Compliance Checking

On receipt of an application the RSO refers the landlord's details to the local authorities participating in the scheme. The RSO requests that they reply within 15 working days if they are of the opinion that a landlord is not suitable for membership of the scheme. This should be accompanied with evidence as to the reasons why.

3.5.1 The RSO will inspect ten per cent of properties within a Local Authority's district belonging to Landlords applying to become a RAL. As part of the consideration of the application, a

local authority may carry out compliance checks at a proportion, or all, of a landlord's properties (see [4.0 Scheme Regulation](#)). This procedure is at the discretion of the local authority. Similarly the RSO may wish to carry additional checks using its own inspector or an inspector from an agency.

- 3.5.2 Landlords are notified of any compliance visits, prior to them being carried out, in order that they have the option to attend.

3.6 **Property Improvement Plans (PIP)**

If some of a landlord's properties do not meet the full requirements of the scheme at the time of application, then the landlord may include with their application for EMLAS membership, a PIP, providing

- the shortfalls are not significant.
- the shortfalls are remedied within a period of time agreed with the RSO; this is termed a Property Improvement Plan (PIP).
- satisfactory progress with the PIP is regularly reported to the RSO.
- tenants of properties subject to a PIP are advised of the plan that relates to their dwelling.

- 3.6.1 These plans state the properties at which the shortfalls exist, what those shortfalls are, what the proposed remedial works are and their estimated timescales. The RSO will provide advice and assistance for landlords to complete such a plan. The plans are negotiable with the RSO to enable landlords to achieve full compliance within a reasonable timescale.

- 3.6.2 If the PIP is accepted, the landlord's application is accepted with the agreement that the works contained within the plan will be satisfactorily completed within the timescale specified.

- 3.6.3 An RAL who does not fulfil the requirements of their Property Improvement Plan may be subject to regulatory procedures ([4.0 Scheme Regulation](#)).

3.7 **Deferring Application**

Alternatively a landlord and the RSO may agree that the landlord's application is deferred until any necessary improvements are carried out. However, the landlord may prefer to withdraw the application and make a new application at a future date when any necessary improvements have been completed. Whichever option is chosen the RSO will provide assistance and advice where possible to enable the landlord to make a successful application.

3.8 **Exemption Certificates**

There are circumstances, especially with vulnerable tenants, where carrying out works to a property to comply with EMLAS may cause significant distress to tenants and therefore be counter-productive. A typical example is the case of an elderly tenant who does not wish to be disturbed. In this situation the landlord can apply to the RSO for an EMLAS exemption certificate. This will exempt the landlord from the requirements of the scheme that would cause distress if complied with. An exemption certificate may also be given to premises occupied by regulated or controlled tenants.

3.9 **Fit and Proper Person Assessment**

As part of an assessment, or if the RSO thinks it appropriate, a landlord may be asked to provide a copy of a Criminal Record Bureau (CRB) report. These reports indicate whether

or not an individual has a criminal record. A request for the provision of a CRB report is the exception rather than the norm. The RSO may also require the provision of a CRB report as part of the scheme's random checking programme.

- 3.9.1 Landlords can obtain CRB reports from an organisation called 'Disclosure Scotland'. The RSO is not entitled to obtain a CRB report on behalf of landlords. Disclosure Scotland issues certificates, known as "Disclosures", which give details of an individual's criminal convictions or state that they have none. For the purposes of EMLAS the provision of the basic disclosure is satisfactory. There is a charge for the service which is payable by landlords.

The reports can be obtained via their website at www.disclosurescotland.co.uk or through using the following details:

Disclosure Scotland
PO Box 250,
Glasgow
G51 1YU

E-mail info@disclosurescotland.co.uk

Telephone help line 0870 609 6996 (Monday to Friday - 8:00am to 6:00pm)

3.10 Landlords Development

All landlords are required to attend professional development courses as a condition of becoming accredited. Accreditation will only be awarded after the applicant has attended the approved introductory landlord professional development courses and successfully completed an EMLAS compliance ability test. This test is not intended to satisfy the RSO that landlords have an existing level of property management competency, but rather that they have the potential ability to achieve this and have a reasonable ability to comply with the requirements of EMLAS.

- 3.10.1 Applicants may provide other proof of competence to a standard agreed with the RSO.
- 3.10.2 Following the successful fit and proper person assessment procedure the RSO advises the landlord of the dates and venues of the approved professional development courses that are available. The courses are approved by the RSG as satisfying the requirements of EMLAS.
- 3.10.3 The standard introductory course comprises three modules each of which is covered in a half day session:
- Managing a Tenancy
 - Health and Safety Responsibilities
 - Risk Assessment Techniques for Residential Hazards

The course includes a copy of the ANUK/IDeA landlord development manual.

- 3.10.4 Landlords will make their own arrangements to attend an approved course and on completion they provide the RSO with a certificate of attendance and the compliance ability test results.
- 3.10.5 The RSO provides landlords with the option of only taking an EMLAS compliance ability test. The test should enable the RSO to identify any areas of competency landlords may need support with, in order to operate a successful business. If a landlord does not successfully pass the scheme compliance ability test, the RSO will provide help,

assistance and guidance in whatever form possible. This will enable them to improve their knowledge, skills and experience in order to be in a position to pass the test.

3.10.6 The cost of attending the course and taking the compliance ability test is included in the EMLAS membership application fee, set in the annual budget.

3.11 **Continual Professional Development**

After three years landlords are required to undertake a professional development update course that covers new developments in tenancy management and health and safety requirements. Membership of EMLAS will be automatically discontinued unless an accredited landlord supplies a certificate of attendance at an update course within three months of the anniversary of the three-year membership. The RSO monitors the attendance at update courses and sends out reminders to landlords.

3.11.1 Landlords may supply proof of Continual Professional Development (CPD) to the RSO as an alternative to attending an update course. Landlords must attend a minimum of 10 hours relevant CPD per year to satisfy this requirement. The RSO determines what constitutes relevant CPD.

3.11.2 EMLAS will facilitate a range of supplementary professional development courses to suit the demand of accredited landlords.

3.11.3 The introductory courses and any supplementary courses will be available to all landlords within the region, including non-accredited landlords and landlords that are members of a local accreditation scheme within the region.

3.11.4 The costs of the introductory course and the update course are to be set by the RSG.

3.12 **Acceptance of an Application**

Following successful application landlords will be awarded the status of RAL and eligible for all the benefits of being RAL. They will be bound by the conditions of being an RAL. They will be sent a full membership pack and their details are included on the list of registered EMLAS.

3.13 **Refusal of an Application**

The RSO provides landlords who are unsuccessful in their application for membership with the reasons for refusal in writing, together with appropriate advice and assistance for landlords should they wish to make a successful future application. The RSO will provide all applicants refused accreditation with the appeals procedure of the scheme.

3.14 **Benefits of a RAL**

The RSO will develop a range of membership benefits to landlords, which may include those listed below.

- Market advantage when letting
- Personalised RAL certificate
- Credit card sized RAL card.
- Authority to use the EMLAS logo on personal stationery e.g. letterheads
- Scheme advertising posters made available for landlords and managing agents to display on their premises indicating they are RALs
- A '*negotiation first, enforcement last*' procedure operated by participating authorities in respect of their housing health and safety standards enforcement role.
- Details of the scheme are provided on the EMLAS and participating authorities' websites.

- RALs are listed on the EMLAS website.
- Properties to let advertised on the EMLAS or participating authorities websites
- Professional advice for landlords on health and safety, landlord/tenant law and contractual matters.
- Scheme newsletter providing local, regional and national PRS development updates.
- Landlord seminars on essential and useful matters for landlords
- Access and discounts to landlord development courses
- Landlord Fora
- Discounted joining fee for membership of a national landlord association
- Discounts for services and products from a range of suppliers
- Housing Benefit Service enquiries hotline*
- Bond guarantee scheme*
- Tenant referencing scheme*
- Tenancy support scheme*
- Other local benefits

Those benefits marked with an * are dependent on the participating local authority.

3.14.1 Landlords whose application is refused may appeal against the decision using the procedure detailed in [4.0 Scheme Regulation](#) and Appeal Procedures ([appendix 8](#)).

3.15 **Regional Accredited Managing Agents**

Regional Accredited Managing Agents are able to apply for membership of the scheme and become Regionally Accredited Managing Agents (RAMA). They can make a significant contribution to the success of EMLAS because of the large numbers of properties that they have under their control. Accordingly EMLAS places an emphasis on the promotion of the RAMA status in order to encourage prospective tenants to rent properties from a RAMA rather than a non-accredited agent. RAMAs are entitled to use the EMLAS logo in order to achieve this. In order to become a RAMA, managing agents must satisfy the same requirements of the scheme as landlords. All references to a landlord can be read as references to managing agents.

3.16 **Additional requirements for RAMAs**

A managing agent must be a member of a recognised professional scheme for managing or letting agents. This includes ARLA, AMRA, NALS, RICS, NAEA and any other scheme to a similar standard, recognised by the Steering Group.

3.16.1 **Applications**

The application for EMLAS membership is completed by:

- the owner of the agency where it is not a registered company (or one owner where ownership is in more than one name);
- the most appropriate director where the agency is a registered company; or
- the most appropriate partner where the agency is owned by a partnership.

3.17 **Fit and Proper person assessments**

When applications for EMLAS membership are made, the names of all the employees and directors of the RAMA involved with property management are included on the fit and proper person self certification. Additional fit and proper person self-certifications are made to the RSO when new employees join the agency.

3.18 Professional Development

All employees, partners and directors of an agency that have an involvement in property management attend the EMLAS introductory professional development course and pass the EMLAS compliance ability test or otherwise provide proof of competence. The RAMA membership fee is determined by the RSG. A charge will be made for each person within the managing agency that is required to attend the introductory professional development course, take the EMLAS compliance ability test or otherwise provide proof of competence. Those persons identified above must also satisfy the CPD requirement of EMLAS.

3.19 Promotion of Landlord Development

In order to encourage professionalism amongst the landlord clients of managing agents it is a requirement that RAMAs promote attendance at an EMLAS approved introductory professional development course to their landlord clients. The RSO provides the promotional publicity to achieve this.

3.20 Contractual arrangements

Where RAMAs have a clause in their contractual agreement with their landlord clients stating that the landlord retain responsibility for some management and property maintenance/repair functions, there must be a contractual duty to comply with the requirements of EMLAS. Under this arrangement the RAMA will conduct sufficient checks to ensure that a landlord is complying with those requirements of EMLAS that the landlord has taken responsibility for. The RAMA must be able to terminate a contract where such a landlord does not comply with the requirements of the scheme. Where failure to comply with the scheme requirements occurs the RAMA must cease to manage the property and inform the RSO within 10 working days.

3.21 Exemption Certificates

If it is in the interests of tenants that a RAMA continues to manage the property of a non-compliant landlord until the end of the tenancy, then the RAMA may apply to the RSO for an exemption certificate in respect of the landlord's portfolio. The RAMA should provide reasons why the issue of a certificate would be appropriate. When exemption certificates are issued the relevant tenants are given a copy.

3.22 Disciplinary Procedures

Persistent or serious failure to ensure compliance with EMLAS may ultimately result in the accredited agent losing their RAMA status.

3.23 Certified Managing Agents

Managing Agents that are qualified members of established schemes such as
Association of Residential Letting Agents
Association of Managing Agents
RICS
NAEA
NALS

may apply for membership of the RALS. Individuals that have passed certain professional qualifications in respect of management of properties are exempt from the Professional Development Courses required by EMLAS.

4.0 Scheme Regulation

4.1 Regulation

Although EMLAS is self-certifying, there is a system for regulation so that the scheme maintains credibility. Scheme compliance is checked using the following methods:

a) Verification Inspection Property inspections at membership application stage. A Participating Local Authority may inspect none, some or all of the premises of a landlord applying to become a RAL. A Participating Local Authority must inform the RSO of the type and level of checks to be carried out and the criteria for deciding when a check will be made

b) Compliance Inspection Property inspections after successful membership application. A Participating Local Authority may inspect none, some or all of the premises of a RAL. A Participating Local Authority must inform the RSO of the type and level of checks to be carried out and the criteria for deciding when a check will be made

c) Complaint Investigations Property inspections following a complaint from a tenant. The tenant must provide documented proof (usually in writing) that he has brought the matter to the RALs attention and that satisfactory progress has not been made before the complaint can be considered by the RSO.

d) Surveys of tenants The RSO may conduct a survey of tenants. The questionnaires or interviews may ask for information about the condition of the property and associated management practices. The questionnaires provide the opportunity for tenants to say positive things about their accommodation and their landlord in order that a properly balanced picture can be formed of the quality of the landlord's accommodation services.

e) Determining compliance The RSO determines any apparent breaches of EMLAS requirements.

4.2 Sharing Information on Compliance

To provide mutual assistance in the regulation and monitoring of standards, the RSO and participating local authorities maintain close regular liaison and information sharing. The authorities provide the RSO with details of any substandard property or management standards in respect of EMLAS accredited landlords. The RSO provides the local authorities with information on EMLAS landlords who may persistently or seriously breach the requirements of the scheme.

- 4.2.1 The sharing of information between the RSO and local authorities includes positive compliance information about landlords, including complimentary comments made by tenants, so that an accurate picture of landlords' compliance performance can be maintained.

4.3 Tenant's Complaints Procedure

4.3.1 Information for Tenants

A requirement of the scheme is that landlords inform their tenants that they are a member of EMLAS and provide the tenant with a scheme information leaflet (see [appendix 7](#)). Compliance with EMLAS also relies on tenant participation.

4.3.2 Complaints Procedure

RALs are required to have a written procedure for dealing with complaints, which is given to each tenant at the start of the tenancy. The procedure should aim to resolve complaints quickly and fairly, and should clarify:

- the purpose of the complaints procedure
- how the complaint should be made
- how and by whom it will be considered
- how long it is likely to take to resolve a complaint

All complaints should be acknowledged as soon as possible. Guidance on a written complaints procedure can be obtained from the Housing Ombudsman Service (<http://www.ihos.org.uk/>). Where a landlord has few dwellings that they manage themselves, the complaints procedure can be very short and straightforward. Larger organisations and landlords with more dwellings may need to have more stages in a more formal process. The RSO will provide advice on appropriate complaints procedures.

4.3.3 Making a complaint

By being aware of the requirements of EMLAS, tenants may be able to undertake their own compliance check of their accommodation. If tenants identify a possible breach of the scheme, they should inform their landlord in the first instance. In most cases this is expected to result in an agreement for any necessary remedial action.

If a tenant complains to either the RSO or the local authority without first referring their complaint to the landlord, the RSO or local authority should advise the tenant to initially refer their complaint to the landlord. Documented proof of this may be required so a tenant should be advised that this is preferably in writing, a copy may be sent to the participating local authority or RSO.

Where agreement cannot be reached or a landlord fails to remedy a breach of conditions, tenants refer the case to the RSO who will investigate and take action in accordance with the regulatory procedures of the scheme.

- Tenant complaints may be made orally or in writing to the landlord. If they are not resolved by the landlord, and must be considered externally, they must be put in writing.
- However made, complaints should be formally registered by the landlord so their progress can be tracked.
- The complaints procedure should be completed as quickly as possible to minimise the damage to the landlord-tenant relationship.
- Landlords are encouraged to join the Independent Housing Ombudsman Scheme (<http://www.ihos.org.uk/>) in order that any complaints or disputes, which fail to be resolved within the scheme, can be referred to the Ombudsman for his consideration.

4.3.4 Initial Assessment

On receipt of a complaint the RSO makes an initial assessment. The RSO will hear representations by a landlord, tenant or member of the community. If their opinion is that the matter can be easily resolved through informal negotiation with the tenant and landlord, then that course of action is taken.

4.3.5 Referral to Landlord

If the complaint appears to be of a more serious nature then the tenant is advised to complete and return a formal complaint form which is available from the RSO. A copy of the complaint form is sent to the landlord for comments which should be provided within five working days, or within a longer period as may be agreed with the RSO.

4.3.6 **Consideration of Landlord's Representation**

On receipt of all information the RSO may consider whether the dispute can still be resolved through negotiation between the two parties. If this is not believed to be the case the RSO may decide that there is a need to investigate the complaint further, and will arrange for investigation which may require an inspection of the property.

4.4 **Landlord Disputes**

In the event of a landlord-tenant dispute that is a complaint that does not directly relate to property conditions, the RSO will deal with the matter by means which may involve

- conciliation
- mediation
- arbitration
- formal investigation
- referral to another body

4.5 **Breaches of Scheme Requirements**

The possible outcomes of a property inspection check are proportionate to the findings. Following inspection a failure to comply with EMLAS requirements may be determined to be of the following categories;

Minor non-compliance ~ landlords are informed verbally, the issues confirmed in writing and a copy letter kept on file. There is no follow up action as landlords are trusted to remedy any breaches of the scheme.

Moderate non-compliance ~ landlords are informed verbally, the necessary remedial action is confirmed in writing and the case is followed up to ensure that remedial action has been taken. This may require a later inspection to ensure compliance.

Significant non-compliance ~ the same action as described above may be taken, but in addition, other properties owned by the landlord are also inspected. Following this, a decision will be made as to whether a landlord is asked to remedy the shortfalls, or whether the overall level of non-compliance is serious enough for disciplinary action.

Serious non-compliance ~ the same action as described above can be taken in addition to the case being referred for disciplinary action. Serious non-compliance may be due to a RAL persistently failing to comply with the Code of Management or failure to comply after being informed of a breach.

4.6 **Imminent Risk to Health or Safety**

If, on inspection, conditions are identified at a property that present an imminent risk to health and/or safety, and the RSO feels that the landlord may not act sufficiently quickly to remedy the situation, the RSO may refer the case to the enforcement officers of the local authority.

4.7 **Regulatory Action**

If the RSO, following the completion of the investigation, is of the opinion that the complaint is not substantiated, then the complainant will be informed accordingly, together with the reasons for the opinion.

4.8 **Disciplinary Action**

Where there is significant or serious non-compliance either due to a single breach or a series of breaches with the Code of Management the RSO may take disciplinary action against a RAL. Disciplinary action may include:

Written warning	A final warning before further action is taken.
Suspension of Membership	For a stated limited time period or until breaches are remedied.

In both the above cases a clear written statement of what must be done to comply with the scheme requirements and a time for compliance must be given to the landlord in writing.

Removal of Membership	For significant non-compliance with the RAS requirements the RSO may remove the landlord from the scheme and exclude them for a limited period of time or indefinitely. The landlord must be informed of this in writing stating the reasons for the decision, the date the decision was made and the date the removal of membership comes into effect. Landlords who lose their accredited status will no longer be participants of, or eligible for, any of the benefits of the Scheme.
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4.9 **Complaints against the RSO or Participating Local Authorities**

Landlords wishing to make a formal complaint about any aspect of EMLAS should make representations to the RSO in the first instance. The RSO must consider the formal complaint and take appropriate action. The landlord should be informed of the outcome of the consideration, any action taken or to be taken in writing within 28 days. Where agreement cannot be reached and therefore a dispute exists, landlords may refer the matter to the Review Panel for a hearing.

4.10 **Appeals Procedure**

The intention is to resolve complaints as early as possible. The appeals procedure has the following stages:

Stage 1 – RSO

If the complaint cannot be resolved between the parties concerned, it may be referred to the RSO who will consider the case and make recommendations for resolution, in accordance with the Regulatory Procedures in section 4.0. The case can be referred to Stage 2 by any relevant party if not in agreement with the decision of the RSO.

Stage 2 - Review Panel

Any case, regardless of its nature, may be referred to the Review Panel by any relevant party not satisfied with the decision of the RSO.

All parties will have the opportunity to present their case in person and the panel will decide on appropriate course of action. No legal representation is required, however all parties are permitted to bring witnesses to the hearing to support their case. Before the hearing, both parties may provide the RSO with any paperwork supporting their case, in order that copies can be supplied to both parties and to the Review Panel members.

At the hearing, cases may be presented with both parties present. Members of the Review Panel are entitled to cross-examine both parties. Opposing parties are not permitted to cross examine each other but may request clarification, or put questions through the Panel.

Stage 3 - Final Appeal

Complainants not satisfied with the decision of the Review Panel will be entitled to make an appeal against the decision to the Chair of the RSG.

4.11 **The Review Panel**

A landlord or tenant may appeal any decision made by the RSO to the Review Panel to which they will have the opportunity to make representations.

If a complaint is not resolved at previous stages, or if a landlord or tenant is not satisfied with a decision of the RSO they may apply to have a Review Panel Hearing. There are two types of review panel:

- The Full Review Panel
- The Fast Track Review Panel

The complainant may choose which panel to refer their case to on advice from the RSO. Minor issues should be referred to the Fast Track Review Panel, and more complex cases should be referred to the Full Review Panel.

4.11.1 The Fast Track Review Panel is comprised of three persons, one of whom is the Chairperson, one who is a representative of a landlord association, and the third is a representative of the authority in which the property is located that is the subject of the complaint. This is intended to be used for less complicated or serious matters for consideration and can be undertaken by submission of statements, evidence and documents and does not necessarily require a meeting of those involved.

4.11.2 The Full Review Panel comprises seven persons. One of whom is the Chairperson of the RSG. The membership of the Full Review Panel is selected by the Chairperson and is a balanced cross section of representation in order that no particular private rented sector interest group may have an overall influence. The Panel includes a representative of the authority in which the property is located that is the subject of the complaint. The Full Review Panel hearing will take place for more serious or complicated matters, or when an agreement cannot be obtained to have the matter heard by a Fast Track Review Panel.

The procedures for the hearings of a Review Panel Hearing must be reasonable, fair and balanced and are conducted informally.

4.11.3 Review Panel Decisions

The Review Panel may

- uphold,
 - amend,
 - or reverse
- any decision taken by the RSO.

The Review Panel may make a decision based on a majority view.

The Review Panel can direct the RSO or participating Local Authorities or landlords to take such action as is necessary to comply with the Scheme Requirements.

The Review Panel may decide on an appropriate regulatory provision as detailed above or further course of action which may include providing the landlord with the opportunity to carry out any necessary remedial action within a given time.

The result of any disciplinary action will be a matter of public record.

The Review Panel will consider the reinstatement of accreditation status if the landlord is able to demonstrate that following remedial action they are capable of meeting the requirements of the scheme.

The Review Panel must reach a decision as soon as possible then ask the RSO, on their behalf, to notify the landlord and tenant(s) of their decision in writing within 5 working days of reaching that decision.

Important Notes

Disclaimer

The scheme operator reserves the right at any time to amend the content of the Scheme or its operation subject to consultation with the relevant parties.

Adoption of the Regional Landlord Accreditation Scheme and compliance or non-compliance with the provisions of the scheme do not affect the statutory rights of people seeking housing.

Members of the scheme agree to comply with and accept that amendments to the content and or operation of the scheme can be made by the scheme operator subject to consultation with the relevant parties, whereupon members of the scheme will be notified of any changes.

The scheme operator makes no representation nor warrants and no warranty shall be implied that the scheme operator has inspected, approved or, in any way endorsed any particular property or owner. The scheme operator shall not be liable to any person or persons for any information contained in the scheme or supplemental document or reliance upon it or for any loss damage or injury or any disputes proceedings or claims by or between any person or persons (and whether or not including or against the scheme operator) whatsoever or howsoever arising from any information herein contained or any supplemental document.

Licensed HMOs

In the case of licensed HMOs, where an HMO licence includes a particular condition that is different to a requirement of this accreditation scheme, then compliance with the HMO licence condition will take precedence.

Local Accreditation Schemes

In cases where a property is covered by a local landlord accreditation scheme and a particular requirement of the local scheme is of a higher standard than the regional scheme, then the local scheme requirement will take precedence.

Statutory Obligations

Signatories to the Scheme must ensure that in addition to complying with the requirements of the Scheme, they also comply with their legal obligations.

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5.0 APPENDICES

- Appendix 1 EMLAS / Local Authority Partnership Agreement
- Appendix 2 Accreditation Requirements
- Appendix 3 Fee Structure
- Appendix 4 EMLAS Training Syllabus
- Appendix 5 Code of Management
- Appendix 6 Property Standards
- Appendix 7 Information for Tenants
- Appendix 8 Map of the East Midlands Region
- Appendix 9 Local Authorities in the Region

Appendix 1 EMLAS/LOCAL AUTHORITY PARTNERSHIP AGREEMENT

This authority, _____, commits itself to making the contributions listed below towards the operation of the East Midlands Landlord Accreditation Scheme.

In signing this agreement this authority is committing itself to partnership with the scheme, having a share in the responsibility for its successful operation and complying with the conditions of the agreement as detailed below:

This authority agrees to comply with the conditions of the partnership agreement. These are that this participating authority shall:

1. Publicise and promote EMLAS to all the landlords and managing agents within their administrative area and to include:
 - Sending out in electronic and hard copy form, the publicity material that the EMLAS scheme operator will provide, to the landlords and managing agents that this authority has on its databases.
 - Requesting the agreement of landlords to allow the authority to provide the EMLAS scheme operator with the landlords' details so that the scheme operator can periodically provide landlords directly with further publicity material about the EMLAS.
 - Promoting EMLAS at landlord fora.
 - Arranging for the EMLAS operator to speak directly to meetings of officers of the Departments and sections within this authority that have regular communication and involvement with landlords in order to explain how the scheme operates, provide officers with the means to publicise the scheme and generally encourage officers to promote EMLAS.
 - Providing details of EMLAS on this authority's website and maintain a direct link to the EMLAS website.
2. Provide financial support for EMLAS by payment of an annual subscription. The total annual subscription paid by all the participating authorities is determined by the annual budget approved by the RSG. The size of the subscription paid by this authority is in relation to the number of privately rented properties within this authority compared with the total number within the region.
The division of responsibilities between the participating Local Authority and the Scheme Operator will be taken into account in determining the contribution. The division of responsibilities and the contribution is to be set out in a schedule to this agreement.
3. To provide a representative to sit on the regional steering group.
4. Arrange for the RSO to periodically speak to officers of the Departments and sections that have regular communication and involvement with landlords in order to explain how the scheme operates. Provide officers with the means to publicise the scheme and generally inspire, stimulate and motivate officers of the Local Authority to promote EMLAS.

5. Recommendations will be made to include a clear statement within this authority's housing strategy that:
 - this authority corporately supports EMLAS,
 - the resources necessary to do so will be provided
 - the partnership agreement between this authority and EMLAS will be complied with
 - all Departments and sections within this authority will carry out the activities necessary for the scheme to operate efficiently, effectively and successfully
6. Liaise with EMLAS scheme operator and, in compliance with the Data Protection Act, exchange all necessary information to ensure that compliance with EMLAS is properly monitored.
7. Carry out inspections at properties covered by EMLAS or owned by landlords who have made an application to join the scheme. Participating Local authorities have the discretion to inspect
 - none
 - any proportion or
 - all of the properties covered by the scheme or the subject of a membership application.

This authority will declare what proportion of premises they will inspect for verification or compliance with the schemes requirements and their criteria for choosing premises for inspection. The authority or the RSO will make this information available to landlords.

As far as possible comply with any reasonable request of EMLAS to carry out inspections as part scheme compliance-checking programme.

8. Refer to the EMLAS register of RALs and premises to check whether privately rented properties are owned by an EMLAS landlord before officers visit them. This being the case, the officers will carry out a simple prescribed EMLAS compliance check at the time of the visit and report the findings to the EMLAS scheme operator, unless there is good cause to take immediate enforcement action.
9. Adopt an enforcement policy that will permit EMLAS scheme operator to require the landlord to carry out any works necessary to comply with the requirements of the scheme rather than this authority taking enforcement action in the first instance. Cases of non-compliance will be referred back to this authority for any necessary action.
10. Notify the scheme operator of the action and the outcome when it was appropriate for this authority to initiate enforcement action against an EMLAS landlord without firstly referring the case to the EMLAS scheme operator.
11. Refer to the EMLAS scheme operator any complaints of non-compliance with the scheme.
12. Inform the EMLAS scheme operator of any breaches of this authority's local accreditation scheme.
13. Respond to the EMLAS scheme operator within 15 working days, with reasons and evidence, if this authority is of the opinion that a landlord applying to become does not comply with the scheme's fit and proper person criteria.
14. Provide a representative to sit on the scheme's Fast Track or Full Review Panel in cases of disciplinary action being taken against an EMLAS landlord that involves a property situated within this authority's area.

- 15. Provide incentives to membership of EMLAS benefits and contribute to the provision and maintenance of region wide incentives.
- 16. A PLA can leave the scheme at the end of a financial year but must give at least six months notice in writing to the RSG.

Signed Dated

Designated Officer of Local Authority

.....
Position Held

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Appendix 2 APPLICATION FORM FOR MEMBERSHIP

Landlords accepted into the scheme have the title of Regional Accredited Landlords (RAL).
Managing agent members have the title of Regional Accredited Managing Agent (RAMA).

Please complete all of the following questions and return to:

Decent and Safe Homes East Midlands
Bio House
Derwent Street
Derby
DE1 2ED

I wish to apply for membership of the scheme as a Regional Accredited Landlord / Regional Accredited Managing Agent *(Please delete as appropriate)*

Applications from landlords or agents operating as a sole trader must be in the name of the owner of the business. If the business is in joint ownership only one of the owners needs to make the application. This is on the understanding that the other joint owner(s) agrees to comply with the requirements of the scheme.

Applications from landlords or agents operating as a company, a partnership or a trust are in the name of the company, partnership or trust and signed by one of the directors, partners or trustees, and the most senior where appropriate. This is on the understanding that the other directors, partners or trustees agree to comply with the requirements of the scheme.

Applicants Details

Is your business (a) a company (b) a partnership (c) a trust (d) sole trader
(Please delete as appropriate)

Title: _____ First Name(s): _____ Last Name: _____

Trading as (if appropriate): _____

Address for correspondence: _____

Telephone Number: _____ Mobile Number: _____

E-Mail Address: _____

If you are not a sole trader are you (a) a director (b) a partner (c) a trustee
(Please delete as appropriate)

If not a sole trader please provide the names of the other joint owners, directors, partners or trustees.

FIRST NAMES	SURNAME	ADDRESS

Use additional sheets if necessary

Compliance Declaration

I declare that:

- I have read and understood the East Midlands Regional Landlord Accreditation Scheme for Private Rented Housing and that all properties under my ownership or control (or that of the managing agent) that are let to tenants whilst I hold membership of the East Midlands Regional Landlord Accreditation Scheme meet the terms and conditions of the scheme subject to any Property Improvement Plan agreed by the scheme operator.
- My conduct (and/or that of the managing agent) will be in accordance with the provisions of the Scheme and, subject to my rights of appeal, I will recognise the authority of a Scheme Review Panel and comply with its decisions.
- I acknowledge the scheme operator's rights over the EMLAS Logo
- *(Delete if not appropriate)* I am signing this declaration of behalf of myself and all other owners/directors/partners/trustees and in doing so I am accepting responsibility on behalf of others for ensuring compliance with the requirements of the Regional Landlord Accreditation Scheme.

Fit and Proper Person Declaration

All owners, directors, partners, trustees and employees of the agency who have an active involvement in the management of properties under the control of the agency are required to sign the following fit and proper person declaration.

- I have not committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- I have not practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- I have not contravened any provision of the law relating to housing or of landlord and tenant law.

- If requested, and with the assistance of, I will provide the scheme operator with a copy of a Criminal Record Bureau report as part of the process of satisfying the 'fit and proper person' requirement of the scheme.

NAME	SIGNATURE	ROLE	DATE

 **STATUTORY DECLARATION FOR RELEASE OF INFORMATION**
 (To be completed by the Applicant)

All information provided will be treated in confidence and in accordance with the Data Protection Act 1998. It will only be used for the purposes of the East Midlands Landlord Accreditation Scheme.

The Regional Scheme Operator may have to share and/or check your information with other agencies including the Police, Fire & Rescue Service, Office of Fair Trading, local authorities and other relevant departments within a Council, for example Council Tax, Revenues and Benefits and Debtors.

Please sign and date the declaration below in order for us to progress your application.

I, as the proposed Accredited Landlord, hereby authorise any statutory body holding information about me, which falls within the categories above, to provide this information on request by the Scheme Operator.

I authorise the public disclosure of my name as a member of the Scheme

Name: (please print)

Signature:

Date:

To the best of my knowledge and belief the information in the application is correct

Signed: _____ Date: _____

Property Declaration

- All the properties that I own in the region are listed on the attached property portfolio list

PROPERTY PORTFOLIO LIST		
Property Address	Indicate with an X if the property is licensed or an application is pending	Local authority in which the property is situated

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Appendix 3 FEE STRUCTURE

Administration Fee

An administration fee of **£25** will be charged to all member landlords.

Landlord Development

Half Day Training Course	£35
Full Day Training Course	£65

The above fees include materials

Membership Fee

In addition a fee is charged on the following scale for the properties owned or managed by a landlord or agent.

Landlord Fee:

<u>Properties owned in the region</u>	<u>Fee</u>
1 – 5	Nil
6 – 10	£25
11 – 20	£50
21 – 30	£75
30+	£100

Managing Agents Fee:

<u>Number of properties managed</u>	<u>Supplementary fee</u>
1 - 5	NIL
6 – 10	£25
11 – 20	£50
21 – 30	£75
31 - 50	£100
51 – 100	£150
101 – 200	£200
201 – 300	£250
301 – 400	£300
Each additional 100 properties	add £50

Membership and administration fees are payable every three years.

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Appendix 4 EMLAS TRAINING SYLLABUS

One day landlord professional development course

Purpose of the Course

1. To provide awareness of a landlord's basic legal obligations for health and safety
2. To explain the legal requirements for managing a tenancy
3. To ensure the landlord is capable of complying with the schemes requirements

Details of the course material are contained within the ANUK/IDEA landlord development manual that is provided to course delegates. The course can only raise awareness and provide entry level knowledge of the knowledge and skills necessary to be a good and responsible landlord. Accredited landlords are expected to undertake their own professional development following successful completion of this course.

References for further reading are given to enable landlords to do this.

The RSO will provide further information and relevant courses to assist Landlords in their development.

Landlords are advised to join a Landlords Association to assist in the management of their properties.

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Appendix 5 CODE OF MANAGEMENT REQUIREMENTS OF THE LANDLORD ACCREDITATION SCHEME

Marketing – Commencement of Tenancy

Landlords will ensure that the following requirements are complied with

Contractual Terms	<p>Prospective tenants are provided with a copy of any contractual terms under which a property is offered. Such terms are to include details of any fees payable in addition to rent and any arrangements involving tenants' guarantors. Potential tenants should be allowed at least 24 hours, if requested, to consider and/or seek independent advice regarding those contractual terms.</p> <p>Landlords use a government approved national tenancy deposit protection scheme if a deposit is required.</p> <p>A returnable deposit is only received prior to the signing and completion of a letting agreement if the accommodation is reserved for an agreed specified period, for which a receipt must be given.</p> <p>Existing tenants are provided with a EMLAS information leaflet and new tenants are provided with same at the time of signing a new tenancy agreement.</p>
Utility Charges (Gas, Electricity, Telephone)	<p>The tenant is clearly informed as to who is responsible for the payment of all utility charges and Council Tax and that this responsibility is accurately stated in the terms of the letting agreement.</p>
Other Service Charges	<p>Where any service charges are levied by the landlord, such services and charges, and the method of arriving at such charges, are properly specified and detailed in the letting contract.</p>
Operating Procedures	<p>On request, at the commencement of their tenancy, tenants are provided with information on the landlord's standard operating procedures.</p> <p>Landlords must have a written complaints procedure which is given to tenants at the commencement of the tenancy.</p>
Accounts and Receipts	<p>Where transactions by Bank transfer are made and where requested by a tenant, a statement will be provided to the tenant at least annually for all monies demanded whether for rent, deposit, utility or service charge. Where transactions are undertaken in cash or cheque a written receipt will always be provided by the landlord.</p>
Letting Agreements	<p>There is a proper written tenancy agreement.</p> <p>Prospective tenants are issued with a clear statement of the rent due to be paid during the contract, including the dates, amounts and method of payment.</p> <p>The name and current business address of the landlord is stated on the agreement together with the address and telephone numbers of any managing agent or person/s acting on behalf of the landlord.</p> <p>Letting agreements are written in clear legible English containing no contractual terms in conflict with any statutory or common law</p>

	<p>entitlement of the tenant or the terms of this Scheme.</p> <p>Where a fee is charged for arranging a letting agreement, prospective tenants should be clearly informed of this in advance.</p>
Inventory	<p>An inventory, based on current good practice, is agreed with the tenant and signed by both parties as being accurate.</p> <p>The scheme operator will provide advice on good practice in managing inventories if requested.</p>
Anti Social Behaviour	<p>Where the letting agreement includes a clause requiring the tenant not to cause a nuisance or annoyance, the landlord will use reasonable endeavours to achieve compliance. The scheme operator will provide advice to the landlord.</p> <p>Court proceedings for possession will be a last resort.</p>
Pre-tenancy Repairs etc.	<p>At the commencement of the tenancy or other date mutually agreed with the tenants, all obligations on the part of the landlord in regard to the repairs, dwelling maintenance and the PIP have been fully discharged.</p> <p>New tenants are provided with details of the PIP where the dwelling is subject to one as part of the landlords working towards full accreditation.</p> <p>Any agreed pre-tenancy repairs or any intentions on the part of the landlord to undertake upgrading should be confirmed in writing.</p>

During the Tenancy

Landlords will ensure that the following requirements will be complied with

Licensing	<p>They have made application for an HMO licence for all of their licensable HMOs and for all properties that may be located within a selective licensing area, and that those properties meet or will comply with licence conditions within agreed timescales.</p>
Ensuring Possession	<p>Correct notice for possession has been served on current tenants so that new tenancies do not commence until the existing one has finished.</p>
Access	<p>Where access is required for routine inspection/s or viewings, the tenants receive notification of the date, time and purpose of the visit not less than 24 hours in advance, unless otherwise agreed.</p> <p>Tenants' privacy and entitlement to unnecessary intrusion is respected.</p>
Conduct	<p>Business is pursued by the landlord in a professional, courteous and diligent manner at all times. The landlord does not act in such a manner that brings EMLAS into disrepute.</p>
Scheme Awareness	<p>If requested, tenants are given a copy of the Scheme guidelines at the start of their tenancy. Sufficient copies will be provided by the RSO.</p>

Repairs and Maintenance	<p>All dwellings are maintained in a satisfactory state of repair.</p> <p>Decorative finishes for which landlords have responsibility are made good within a reasonable timescale if damaged or disturbed during repairs.</p> <p>Tenants are provided with a point of contact in case of emergency.</p> <p>The following standards should be achieved:</p> <p>Priority One - Emergency Repairs: any repairs required in order to avoid an imminent danger to health, risk to the safety of residents or serious damage to buildings or internal contents should be resolved within 24 hours of report of defect. In circumstances where this is not practicable, landlords will make best temporary arrangements.</p> <p>Priority Two - Urgent Repairs: repairs to defects, which materially affect the comfort or convenience of the residents should be resolved within five working days of report of defect.</p> <p>Priority Three - Non Urgent day to day repairs: reactive repairs not falling within the above categories should be resolved within 28 working days of report of defect.</p> <p>With the exception of Emergency Repairs, the date on which the repair was reported to the landlord in writing shall be the start date for the repairs completion timescale.</p>
Planned Programmes of Repair/Improvement and Cyclical Repairs	<p>Maintenance and Servicing tasks which can be carried out in a planned and cyclical manner and which are the responsibility of the landlord, are carried out with due regard to the convenience of tenants.</p> <p>With the exception of emergencies, tenants will be notified at least 24 hours prior to attendance by contractors or others to undertake repairs.</p>
Visual Appearance	<p>Within the landlord's responsibilities and reasonable endeavours the visual appearance of dwellings, outbuildings, gardens, yards and boundaries are maintained in a reasonable state so as not to detract from the visual amenity of the area</p>
Furniture and Storage Space	<p>All furnishings and furniture provided by the landlord are in satisfactory condition at the commencement of the tenancy and comply as appropriate with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).</p>
Kitchen Facilities	<p>Each kitchen contains reasonably modern and hygienic facilities for the storage, preparation and cooking of food which are suitable for the number of occupants using the kitchen, unless provided by the tenant.</p>
Toilet and Personal Washing Facilities	<p>An adequate number of suitably located, reasonably modern and hygienic W.C.s, baths and/or showers and washbasins are provided with constant hot and cold water supplies as appropriate, which are suitable for the number of occupants, as required by any relevant legislation.</p>
Overcrowding	<p>Dwellings are not knowingly overcrowded.</p>

Health & Safety

Landlords will ensure that the following requirements will be complied with:

Freedom from Hazards	Properties and boundaries are maintained, as reasonably practicable, free of any avoidable or unnecessary hazards as defined in the HHSRS and there are no known Category 1 hazards.
Gas Appliances and Supply	<p>All means of use and supply of mains gas and alterations and repairs to gas installations shall comply with current Gas Safety (Installation and Use) Regulations.</p> <p>Documentation giving verification of annual gas safety checks by a CORGI registered gas installer will be provided to tenants (or put on display in the dwelling) and made available to the RSO.</p> <p>Clear written instructions in the safe use of all central heating and hot water systems are provided.</p>
Liquefied Gas, Paraffin Heaters and Other Appliances	<p>Portable bottled gas or paraffin heaters will not be provided as a heating source.</p> <p>Oil fired heating systems are serviced in accordance with the manufacturer's recommendations.</p>
Electrical Installations and Appliances	<p>All electrical installations provided by the landlord are certified as safe by a competent electrician in accordance with the current relevant legislation. It is recommended that a document of verification is obtained showing that the electrical wiring of the dwellings is in a safe and satisfactory condition, and stipulating the timescale within which the next safety check should be carried out.</p> <p>All components used in electrical wiring installations and repairs comply with the relevant International Standards and all appliances will be installed in accordance with Manufacturers instructions.</p> <p>Reasonable steps are taken to ensure that all electrical appliances provided by the landlord under the terms of the tenancy are functioning effectively, in accordance with manufacturers' operational limits, and in a safe manner. Portable Appliance Testing (PAT) would be one satisfactory method of ensuring this.</p> <p>Appliances are regularly visually inspected for wear and tear and any defects remedied.</p> <p>Instructions in the safe use of all electrical appliances (including cookers, space and water heaters, refrigerators and freezers) will be given upon request.</p>
Lighting and Ventilation	All dwellings are provided with adequate natural and artificial lighting and ventilation.
Space Heating and Energy Efficiency	Dwellings are provided with a suitable space heating system that is capable of providing an adequate degree of thermal comfort throughout the premises.

	<p>All dwellings are provided with a reasonable level of energy efficiency measures and to include as a minimum hot water tank and exposed pipe lagging and insulation to roof void areas.</p> <p>Tenants are given advice upon request, or given contact details of an appropriate advisory agency, on how best to heat their accommodation and use hot water in an energy efficient way using the facilities provided. The RSO will assist with the provision of such information.</p> <p>Energy efficiency improvements are incorporated, where practicable, into refurbishment schemes</p>
Internal Layout	<p>They do not let dwellings, or parts of, if the layout is likely to be prejudicial to the health, safety or well being of the tenants, or otherwise not reasonably suitable for occupation.</p> <p>Rooms have an adequate floor to ceiling height.</p>
Fire Safety	<p>Fire safety risk assessments are carried out at all single - and multiple - occupation properties, and any appropriate precautions are installed (see appendix 6).</p> <p>Tenants are informed of their responsibilities and proper use of the alarm system.</p> <p>Clear guidance on fire safety will be provided to residents at the commencement of the tenancy or the tenants are given contact details of a suitable advisory agency. The necessary information will be provided to the landlord by the RSO.</p>
Security Measures	<p>Dwellings are provided with sufficient security measures to ensure that they are, as reasonably as practicable, safe from entry by intruders (see appendix 6).</p>
Hygiene and Waste Disposal	<p>All dwellings are capable of being maintained in a clean and hygienic condition and are provided with sufficient facilities to avoid accumulations of waste (see appendix 6).</p>

At the End of the Tenancy

Landlords will ensure that the following requirements are complied with

Tenancy Deposits	Tenancy deposits are returned in accordance with any agreements and the requirements of the tenancy deposit protection scheme in operation.
Cleaning	Tenants are issued with clear written guidelines regarding the standard of cleaning and other arrangements for bringing the tenancy to an end, so as to avoid misunderstandings regarding the standard of cleanliness and condition of the dwelling expected at the end of the tenancy.

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Appendix 6 - PROPERTY STANDARDS

Landlords are required to satisfy the RSO that they are able to identify and eliminate the most common unacceptable hazards in their properties. This appendix is a guide to the hazards and serves only as an introduction. It also provides an indication as to what standards are expected for fire safety, security, and hygiene and waste disposal in a property that is managed well

Housing Health and Safety Rating System (HHSRS)

The HHSRS is a method of risk assessing hazards that may be found in residential accommodation. Landlords should ensure that their properties and boundaries are maintained, as reasonably practicable, free of any avoidable or unnecessary hazards as listed in the table below.

There should be no known Category 1 hazards. These are serious hazards for which local authorities must require appropriate remedial action.

PHYSIOLOGICAL	PSYCHOLOGICAL	INFECTION	ACCIDENTS
Damp & Mould Growth	Crowding and Space	Domestic Hygiene, Pests & Refuse	Falling Between Levels
Excess Cold	Lighting	Personal Hygiene Sanitation & Drainage	Falls Associated with Baths etc
Excess Heat	Noise	Food Safety	Falling on Level Surfaces
Volatile Organic Compounds	Entry by Intruders	Water Supply	Falling on Stairs
Biocides			Electrical Hazards
Lead			Flames, Hot Surfaces
Asbestos & Manufactured Mineral Fibres			Structural Collapse and Falling Elements
Carbon Monoxide & Fuel Combustion Products			Position and Operability of Amenities
Uncombusted Fuel Gas			Fire
Radiation			Explosions
			Collision and Entrapment

Fire Safety Precautions

Fire precautions may typically include:

- A fire escape route with a minimum of 30 minutes fire resistance
- An automatic fire alarm system
- An emergency lighting system sited to protect the route of escape
- Whole stair lighting, where one switch illuminates all the lights in the stair
- Fire escape windows
- Fire extinguishers

The minimum fire safety requirement for any property is the provision of an interlinked fire detection system with detectors that comply with BS 5446 Part 1 and sited to protect the route of

escape in case of fire. Such systems should be properly maintained in accordance with the manufacturer's instructions.

Fire alarm and emergency lighting systems should be properly checked and maintained by a competent approved electrician, not less than every 12 months, and that inspection certificates should be provided and retained.

All exit routes within a dwelling such as hallways, landings and staircases, so far as they are under the control of the landlord and as far as reasonably practical, should be maintained safe, unobstructed and free of fixtures and fittings to enable evacuation of the dwelling in the event of fire.

Security Measures

Landlords should consider and implement where appropriate, measures recommended by local Police Authority backed Crime Prevention initiatives.

External doors and frames should be secure and fitted with a secure locking system.

In high risk Houses in Multiple Occupation, to help avoid delay in escaping in case of fire, all accommodation doors, final exit doors and any other doors through which a person may have to pass should be so fastened and maintained that they can be easily and immediately opened from the inside without the use of a key

Ground floor and upper storey windows accessible from ground level should be of sound construction and resistant against unauthorised entry.

If present, burglar alarm systems should have a 20 minute cut out and a key holder nominated to the local authority.

Hygiene and Waste Disposal

All facilities for the storage, preparation and cooking of food should be capable of being readily cleaned and being maintained in a clean and hygienic state by the tenants.

All floor coverings in kitchens, bathrooms and W.C's should be capable of being readily cleaned with suitable domestic disinfectant products.

All dwellings should be provided with suitable refuse disposal facilities sufficient for the number of occupants, as advised by the local authority's waste collection service.

Landlords should inform tenants of the need for proper refuse management.

All appropriate steps should be taken to enforce all tenancy agreement clauses relating to proper refuse disposal.

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Appendix 7 INFORMATION FOR TENANTS

What is this scheme?

The scheme provides privately rented accommodation that is in good condition, well managed and considers the welfare of tenants. Accommodation is provided by good landlords who are committed to providing good quality services.

The scheme covers the region illustrated on the rear of this leaflet.

How does the scheme operate?

Landlords agree to comply with strict rules about healthy, safe property conditions, good management practices and good relations with tenants.

The scheme operator and local authorities check compliance with the rules.

Landlords who fail to comply are removed from the scheme.

Where do I get information about the scheme?

Full details of the scheme are available at www.emlas.org.uk

If you want to be sent a brochure about the scheme please telephone the scheme operator at: 01332 256475 or e-mail dash@derby.gov.uk or write to

Decent & Safe Homes
Floor Bio House
Derwent Street
Derby
DE1 2ED

What happens if I have a problem with accommodation covered by the scheme?

Tenants first raise their concern with their landlord. The landlord should remedy any defect. As evidence of this may be required it is advisable to put this in writing. If the defect is not remedied, tenants refer their problem to the scheme operator who will attempt to resolve the dispute.

If the tenant is not satisfied with the RSO decision they may refer the matter to a Review Panel. Details are available from the RSO

How do I find a property to rent that is covered by the scheme?

Properties covered by the scheme and available to rent can be located through:

- the scheme website
- accredited managing agents - look for the accredited agent logo (*SHOW*)
- through letting agents dealing with accredited landlord clients
- direct contact with accredited landlords

How do I know if a landlord is accredited?

Ask the landlord to show you their accreditation scheme membership card.

If you have any doubts then contact the scheme operator (*contact details*) who will confirm whether the landlord is accredited.

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Appendix 9 LOCAL AUTHORITIES IN THE REGION

East Midlands Local Authorities

Participating

Unitary Authorities (4)

Derby City Council
Leicester City Council
Nottingham City Council
Rutland County Council

County

Derbyshire (8)

District Authority

Amber Valley
Bolsover
Chesterfield
Derbyshire Dales
Erewash
High Peak
North East Derbyshire
South Derbyshire

Leicestershire (7)

Blaby
Charnwood
Harborough
Hinckley and Bosworth
Melton
North West Leicestershire
Oadby and Wigston

Lincolnshire (7)

Boston
East Lindsey
Lincoln
North Kesteven
South Holland
South Kesteven
West Lindsey

Northamptonshire (7)

Corby
Daventry
East Northamptonshire
Kettering
Northampton
South Northamptonshire
Wellingborough

Nottinghamshire (7)

Ashfield
Bassetlaw
Broxtowe
Gedling
Mansfield
Newark and Sherwood
Rushcliffe

40 Local Authorities

6.0 Glossary

AGM	Annual General Meeting
ANUK	Accreditation Network United Kingdom
CC	Consultative Committee
CoM	Committee of Management
CRB	Criminal Record Bureau
EMLAS	East Midlands Landlord Accreditation Scheme
HHSRS	Housing Health and Safety Rating System
HMO	House in Multiple Occupation
HA	Host Authority
PIP	Property Improvement Plan
PLA	Participating Local Authority
PRS	Private Rented Sector
RAL	Regional Accredited Landlord
RAMA	Regional Accredited Managing Agent
RSG	Regional Steering Group
RSO	Regional Scheme Operator

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EXECUTIVE AGENDA

Monday 27th October 2008 at 1000 hours

Item No.		Page No.(s)
PART 1 – OPEN ITEMS		
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	To receive declarations of interest in respect of business on the agenda and any urgent additional items to be considered at the meeting.	3
4.	To approve the minutes of a meeting held on 8 th September 2008.	4 to 13
5.	Recommended Item from Scrutiny Committee 30 th September 2008 – Planning 106 Criteria. Recommendation on Page 15.	14 to 28
6.	Working Neighbourhoods Fund Update.	To Follow
7.	Rent Arrears – verbal update.	Verbal Report
8.	Compliments, Comments, Complaints and Freedom of Information Requests.	29 to 55
9.	Renewal of Insurance Policies.	56 to 63
10.	East Midlands Landlord Accreditation Scheme.	64 to 73
11.	Half Yearly Budget Report.	To Follow
12.	National Coal Mining Museum – Membership of Liaison Committee.	74
PART 2 – EXEMPT ITEMS		
<i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a.</i>		
<u>Paragraph 3</u>		
13.	Transfer of Land to the rear of Vale Drive, Shirebrook, for use as a children's play area.	75 to 78
14.	Wayleave at The Green, Clowne.	79 to 81

15.	Land at Park Lane, Pinxton.	82 to 84
16.	Tender Updates	Verbal Report

Committee:	Executive	Agenda Item No.:	6
Date:	27 th October 2008	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Working Neighbourhoods Fund		
Report by:	Consultant Programme Manager		
Other Officers Involved	Chief Executive's and Partnership Manager		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Policy and Strategy Regeneration		

RELEVANT CORPORATE AIMS

REGENERATION – Developing healthy, prosperous and sustainable communities
By targeting the most deprived areas within the District in respect of the Worklessness Agenda.

TARGETS

The Working Neighbourhoods Fund will impact on the National Indicator 153 – Working age people claiming out of work benefits in the worst performing neighbourhoods. Bolsover District Council has agreed a holding target with the LAA of reducing the out of work claimant rate within the worst performing neighbourhoods from 28.7% to 25.4% by March 2011. The Local Authority's success in tackling worklessness will also be measured against a further 4 indicators, these being:

- NI 117 – 16 to 18 year olds who are not in education, training or employment
- NI 118 – Take up of formal childcare by low income working families
- NI 163 – Working age population qualified to at least Level 2 or higher
- NI 172 – VAT registered businesses in the area showing growth.

VALUE FOR MONEY

The principles of Value for Money – economy, efficiency and effectiveness will be applied in all interventions considered.

THE REPORT

Background

1. Executive Members will recall the Authority's award of Working Neighbourhoods Fund earlier this year (Minute No. 886 refers). The Working Neighbourhoods Fund was introduced as part of the Local

Government Finance Settlement and is one element of the new Area Based Grant. It provides resources to local authorities to tackle worklessness and low levels of skills and enterprise in their most deprived areas.

2. The WNF allocation to Bolsover District Council is:

2008/09	£2,055,516
2009/10	£2,440,522
2010/11	£2,535,018

3. As part of the Council's approach to tackling worklessness, a Commissioning Framework has been established to allocate the funding in two ways:-
- i) the Local Authority's focus upon the people who are **already receiving benefits** and are unemployed and try to encourage them back into work and off benefits, and
 - ii) tasking the Local Strategic Partnership for Bolsover with identifying measures to address and **prevent the need to be in receipt of benefits** or become unemployed.
4. In respect of (i) above, the Council has established a Core Worklessness Group with the Leader of the Council having delegated powers to agree the Working Neighbourhoods Fund spend.
5. £1m per annum has been allocated to the Local Strategic Partnership (LSP) in respect of 2(ii) above

Progress Update

6. The Core Worklessness Group (CWG) held its inaugural meeting on Monday 23rd June 2008. Membership and Terms of Reference for the group have been agreed.
7. The Commissioning process has been formalised and a set of key commissioning documents have been agreed. These include:
- Commissioning Framework
 - Commissioning Brief
 - Single Source Tender Justification Form
 - Combined Project Proposal and Appraisal Form
 - Risk Impact Assessment
 - Scoring Framework
8. Targets against NI 153 have been set by the Government Office for the East Midlands through the Local Area Agreement. NI 153 is the primary indicator for the Working Neighbourhoods Fund – "Working age people claiming out of work benefits in the worst performing neighbourhoods". The measure for this indicator is defined as those Lower Super Output

Areas (LSOAs) with a benefit claim rate of 25% or more based on a four quarter average between May 2006 and February 2007.

9. Using the measure as detailed in 8 above, the LSOAs that GOEM will use to measure progress against NI 153 are as follows:

LSOA	Ward Name	Working age population (16-59/64)	Average worklessness benefits claimants	Rate (%)
E01019509	Shirebrook North West	638	213.75	33.5
E01019507	Shirebrook East	1,007	312.50	31.0
E01019488	Bolsover West	914	268.75	29.4
E01019498	Elmton-with-Creswell	913	252.50	27.7
E01019523	Whitwell	665	182.50	27.4
E01019483	Bolsover North West	1,273	322.50	25.3
Total		5,410	1,552.50	28.7

10. The average claim rate of the 6 LSOAs highlighted above is 28.7%. The current target that GOEM has negotiated with Bolsover District Council through the Local Area Agreement is a 25.4% claimant rate by 2011. In terms of numbers, this equates to a **net reduction** of 163 people off benefits and into work by March 2011. The district's success at impacting on indicator NI 153 will be measured by the claimant rate of these 6 LSOAs solely.
11. Whilst the 6 LSOAs highlighted above will be a priority, it has been agreed that interventions commissioned by the CWG and the LSP may be widened to impact on the top 20% most deprived as an analysis of the Indices of Multiple Deprivation shows that nearly 50% of Bolsover district's LSOAs fall within the top 20% most deprived nationally.
12. To maximise use of the WNF and to ensure sufficient time is made available to target and impact in local communities, the Leader of the Council via delegated authority, has agreed that projects will be allowed to span a 3 year period. This is feasible as the WNF grant is a rolling programme of funding and therefore allows the Local Authority flexibility in utilising the spend.

Commissioning Activity

13. A conference was held on Friday 11th July 2008 to officially launch Bolsover's allocation of the Working Neighbourhoods Fund. The conference was well attended by over 70 delegates and included a guest speaker, Councillor Stephen Houghton, Leader of Barnsley Metropolitan Borough Council and Chair of the newly formed Government WNF National Tackling Worklessness Review Team.

14. The afternoon saw delegate participation in workshops which were used to identify key priorities and potential intervention projects under the following themes:
- a. Fit for Work
 - b. Skills for Work
 - c. Growth at Work
 - d. Access to Work
15. A summary of the key priorities as detailed in 14 above were then made available to all conference delegates and further consulted on through the various Action Groups of the Local Strategic Partnership and the Core Worklessness Group.

Core Worklessness Group

16. The Core Worklessness Group has met three times, and has agreed a list of priority interventions for future commissioning. A summary is shown on the following pages.

Local Strategic Partnership

17. The Local Strategic Partnership has been tasked with commissioning activities that are less direct interventions to prevent worklessness. From the feedback received at the launch of the WNF, five priority themes emerged, these being:
- Volunteering
 - Financial inclusion
 - Raising aspirations
 - Employer engagement
 - Transport
18. Further to the above, Commissioning Briefs for each priority theme are currently being progressed and are at varying stages of development. The LSP has agreed that under the first round of commissioning, approximately £1.9m of the LSP's total allocation of £3m WNF would be made available. The remaining WNF will be made available via a second round of commissioning to be undertaken in 2009. This will enable an assessment of the range of activities that have been commissioned to be undertaken so that recommendations for future commissioning can be targeted appropriately. A summary of the LSP's strategic priorities and indicative interventions/costings are also summarised on the following pages.

CORE WORKLESSNESS GROUP

Strategic Priority	Proposed Activity	Indicative Cost (where known)	Commissioning Timescale
1. Reducing Worklessness and increasing enterprise and skills	Additional Adviser to provide outreach support within the Family Employment Initiative team to work with economically inactive adults	£238,017	Approved
	Business start-up support and advice through a BizFizz Coach in Clowne and Elmton with Creswell (1 yr only)	£24,927	Approved
	Business start-up support and advice for people with disabilities/learning difficulties		Short Term A Commissioning Brief is being prepared
	Business start-up support and advice for women, particularly in Bolsover, Creswell in Shirebrook		Medium Term A scoping study is currently being undertaken.
	An ILM programme to tackle worklessness and provide accredited training for those with multiple barriers including ex-offenders, substance mis-users, young people not in employment, education or training and the long term unemployed.		Medium Term Project ideas currently being formulated
	Pre 'Skills for Jobs' intervention and development including courses for JCP/CET clients who need more intensive support and guidance than is presently provided, i.e. red/amber clients that are furthest away from the labour market	£180,000	Short Term A Commissioning Brief is being prepared
	Pre-employment gateways and job-specific short courses, sector focused to meeting employer needs – either reactive to inward investment or proactive to meet specific hard to fill vacancies in specific sectors. Engaging JCP and CET clients who are close to employment but need job-specific skills	£240,000	Short Term A draft commissioning brief is being prepared

Strategic Priority	Proposed Activity	Indicative Cost (where known)	Commissioning Timescale
	To broaden the availability of work placements and deliver a scheme which compliments and adds value to existing provision.		Medium Term A scoping exercise is currently being undertaken
	Apprenticeships: Explore public sector apprenticeships Develop provision for lower entry level apprenticeships		Medium/Long Term A working group is being set up to take this forward
	A Masterplan for Shirebrook Town Centre has been produced. Opportunities for maximising training/employment will arise from masterplan developments over the coming years.		Long Term A feasibility study on options for the Drum public house is to be undertaken Development briefs are to be prepared
2. Improving access to employment	'Bus to Work' Mini-bus service picking up from Langwith, Shirebrook and Bolsover and taking people to work at Markham Vale, Clowne and Balborough Links. SSP funding secured until June 2009, WNF required beyond then.	£130,088	Short Term Full proposal to be invited. Exemption from Contract Standing Orders is required
	A Workwise Derbyshire Scheme to include scooter loan, bike to work, personalised travel planning, subsidised driving lessons, and 'how to get to' leaflets. Feasibility study into providing bus or taxi vouchers for the first two months of employment, and the development of an interactive website to bring together all existing transport information	£130,745	Short Term Full proposal to be invited. Exemption from Contract Standing Orders is required

LOCAL STRATEGIC PARTNERSHIP

Strategic priority	Proposed Activity	Indicative Cost (where known)	Commissioning Timescale
1. Increase the employability, skills and confidence of local people through high quality volunteering	Increase the number of high quality volunteering opportunities in order to improve the confidence, capacity and skills of local people, including those who are unemployed and/or experiencing poor health	£192,000	Short Term A Commissioning Brief has been agreed by the LSP. Exemption from CSOs is required.
2. Financial inclusion for all	Four streams of activity to financial inclusion, to include: savings accounts affordable loans access to free debt advice money education.	WNF to be made available from Commissioning Round 2	Medium Term A scoping exercise is currently being undertaken.
3. Improving employer engagement and employee retention and advancement	To improve the engagement of employers and provide an aftercare service to aid job retention and advancement of employees. Occupational health and mentor support are potential elements within the scheme	£400,000	Medium Term A Commissioning Brief is currently being prepared
4. Raising aspirations	Raising aspirations within the NEET group, with a focus on: teenage parents those that have been NEET for 6+ months young people with drug/alcohol problems those in care, have been in care or are homeless	£530,000	Short Term A Commissioning Brief is currently being finalised
	Raising aspirations of people in care, care leavers and homeless people	£107,000	
	Raising aspirations within all Yr 11s	£200,000	
	Raising aspirations within local communities	£267,000	

Strategic priority	Proposed Activity	Indicative Cost (where known)	Commissioning Timescale
5. Improving job outcomes for people with learning disabilities/mental health issues	To create a community interest company based at Markham Vale Environment Centre that will employ and provide training to vulnerable adults with learning disabilities and mental health issues in the management of the developing green tourism resource in Bolsover & Chesterfield	£141,000	Medium Term A draft Commissioning Brief has been agreed in principle by the ESG. Exemption from CSOs is required
6. Reducing health inequalities	Provide a District/Practice Nurse to work as a member of the existing Family Employment Initiative Team based in Shirebrook	£100,000	Short Term A Commissioning Brief is being prepared. Exemption from CSOs is required

Financial Update

19. The table below provides summary information on the WNF allocations, approvals and commitments for both the LSP and the CWG.

	LSP £	CWG £	Total £
WNF Allocation	3,000,000	4,031,056	7,031,056
Management and Admin Budget	106,126	106,126	212,252
WNF Available for Commissioning Interventions	2,893,874	3,924,930	6,818,804
WNF approved to date	-	426,292	426,292
WNF Indicative Cost of Priority Interventions	1,937,000*	680,833**	2,617,833
Remaining WNF	956,874	2,817,805	3,774,679

* *Indicative figures only i.e. actual WNF required may go up or down during the commissioning/tendering process*

** *Many of the CWG's priority interventions summarised on previous pages do not have an indicative cost attached to them yet so this figure appears low at this stage*

Suspending Contract Standing Orders

20. The Local Authority and the LSP have taken the strategic decision to commission only sizeable projects to ensure maximum impact with WNF resources.
21. The Local Authority's procurement regulations state that Contract Standing Orders (CSOs) apply when contracts exceeding £50,000 are entered into by the Local Authority.
22. Taking into account 21 above, CSOs will apply to the majority of interventions commissioned by both the CWG and LSP. Consideration of whether interventions should be commissioned via an open tender process, or whether there are justifiable reasons for a single source tender, takes place during the commissioning process.
23. The CWG and the LSP have identified a number of interventions to be commissioned where there are justifiable reasons for suspending CSOs. These reasons have been discussed and supported by the Head of Shared Procurement. Endorsement from the Executive is now being sought to suspend CSOs for the following projects:

Project Description	Reasons for Suspending CSOs	Estimated Contract Value
<p>Volunteering To expand the team at Community Voluntary Partners (CVP) to enable a volunteering service to be provided to VCOs and volunteers across the district. This will involve:</p> <ul style="list-style-type: none"> Establishing a volunteer forum Creating volunteering opportunities Placing 250 volunteers over 3 years Providing training and support to VCOs to improve the quality of volunteering 	<p>There is no holistic volunteering infrastructure in Bolsover since the closure of Voluntary Action Bolsover. CVP was been set up by the LSP as the infrastructure organisation specifically to support the Voluntary and Community sectors. CVP receives core funding from BDC and a Service Level Agreement to March 2011 is in place CVP is best placed to deliver a volunteering service within the district and has a good track record in delivery and working with the LSP</p>	<p>Community Voluntary Partners (CVP) – up to £192,000 over 3 years</p>
<p>Learning Disabilities To set up a Community Interest Company (CIC) based at Markham Vale Environment Centre that will recruit staff to support adults and young people with learning disabilities in the work place. Trainees will undertake land management and conservation work and profits earned will be reinvested in the company.</p>	<p>Essentially the provision of WNF is towards a ‘project’, rather than a service that is required to be procured The WNF will lever in significant match funding as DCC is proposing to attach 3.8 fte of its existing staff resource to the business DCC is a lead player in and host to staff at Markham Vale and the Bolsover Countryside Partnership DCC has a good track record in delivering significant grant programmes effectively</p>	<p>A contribution of £141,000 WNF is being sought to support the project in the first two years. It is proposed that this will be a joint project with Chesterfield Borough Council and a similar amount of funding will be sought from Chesterfield’s WNF allocation. Derbyshire County Council is the project deliverer</p>
<p>Workwise Derbyshire A cross-cutting transport project based on the Workwise scheme in Merseyside that aims to reduce the transport barriers people face when accessing employment. Project components</p>	<p>Workwise Derbyshire is an enhancement of an existing project ‘Wheels to Work’. Derbyshire Rural Community Council (DRCC) has been running the Wheels to Work project for a number of years in Derbyshire Tendering the service would be a costly and time-consuming</p>	<p>Derbyshire Rural Community Council (DRCC) up to £130,745 over 3 years</p>

Project Description	Reasons for Suspending CSOs	Estimated Contract Value
<p>include scooter/bicycle loan, subsidised driving lesson vouchers, personalised travel planning etc as well as a feasibility study into bus/taxi vouchers and the development of a website that brings together all existing transport information</p>	<p>procedure and runs the risk of introducing a duplicate service Procuring DRCC to manage the Workwise Derbyshire scheme will provide economies of scale Tendering the service would put at risk funding from the Coalfields Regeneration Trust that has been secured until March 2011. DRCC has a good track record in project delivery and can commence almost immediately</p>	
<p>Mini Bus 'Moving Forward' mini-bus service linking workers from Langwith, Shirebrook and Bolsover to business parks at Markham Vale and Balborough Links</p>	<p>WNF will enable a (relatively) new bus service to continue when funding from the Alliance SSP ends in June 2009. WNF will therefore be used to fund an existing service Tendering the service would be costly, time consuming and could potentially introduce a competitive service when the infrastructure already exists</p>	<p>Chesterfield Community Transport up to £130,088 to March 2011</p>

Project Description	Reasons for Suspending CSOs	Estimated Contract Value
<p>Practice Nurse within FEI Team To recruit a Practice/District Nurse to work within the existing Family Employment Initiative Team based in Shirebrook to address health needs and provide appropriate signposting where appropriate.</p>	<p>The Executive approved the suspension of CSO's for an additional Adviser within the FEI Team, minute 188 refers. The same reasons apply for the recruitment of a Practice Nurse within the team:</p> <p>The Family Employment Initiative is already established, supporting families in Derbyshire and North Nottinghamshire, with very successful outcomes</p> <p>Support for the continuation of the FEI from partners is strong, with financial support from Derbyshire County Council committed for the next three years.</p> <p>To consider the procurement/tendering process would be unnecessarily time consuming and would seriously jeopardise the best practice developed by the FEI.</p>	<p>Coalfields Regeneration Trust up to £100,000 over 3 years</p>

ISSUES/OPTIONS FOR CONSIDERATION

Whether to agree the suspension of Contract Standing Orders 4.8.3 as set out in the report.

IMPLICATONS

Financial: Detailed in the report

Legal: The suspension of Contract Standing Orders 4.8.3 in relation to the interventions as detailed in para. 22, as a tendering process would usually be required for WNF commissioned interventions under the Local Authority's Procurement procedures.

Human Resources: None

RECOMMENDATION(S)

- (1) that the report be received
- (2) that the Executive suspends Contract Standing Orders 4.8.3 for the reasons given above in relation to the interventions listed.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To ensure that WNF is targeted to best effect and where needed and to ensure that the tendering process does not unjustifiably distort the result.

ATTACHMENTS: **N**
FILE REFERENCE:
SOURCE DOCUMENT:

Committee:	Executive	Agenda Item No.:	11
Date:	27th October 2008	Category	
Subject:	Half Year Budget Review	Status	Open
Report by:	Director of Resources		
Other Officers involved:	Chief Accountant Principal Accountant		
Director	Director of Resources		
Relevant Portfolio Holder	Leader of the Council		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – to continually improve the efficiency and effectiveness of all Council Services by maximising the potential use of Council resources.

TARGETS

The development of Policy Led Budgeting will help to inform future spending plans and assist in the delivery of annual efficiency gains targets.

VALUE FOR MONEY

The budget process challenges existing spending levels and new spending proposals to ensure that resources are effectively used and directed towards the delivery of the Corporate Aims.

THE REPORT

Background information

Earlier this year the Executive, Scrutiny Committee and Council approved the Council's Budget Strategy for 2009/10 to 2011/12. This report takes account of actual income and expenditure up to 30th September 2008 and then attempts to forecast the income and expenditure for the remainder of the year, taking account of spending patterns and known events likely to affect the budget.

OPTIONS FOR CONSIDERATION

The supporting financial information for this report is attached to this report.

General Fund

A summary of the General Fund, together with the cost centre budgets can be found at appendix C.

Whilst it appears expenditure is budgeted to increase by £985,000 and appropriations from Reserves to fund this by £723,000. This level of change in the main reflects the change in accounting practices that have resulted in the Planning Delivery Grant being moved from the in year expenditure to a reserve.

Overall, total expenditure is budgeted to increase by £262,050, this reflects no budget changes having been made for the planned £300,000 of efficiency saving (which are detailed later in the report).

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of performance for the year.

There are many variations within the Recharges from Other Services largely as a direct result of a number of revisions to the allocation methods for internal charges. There are also a number of budget adjustments to reflect items of expenditure funded through Reserves. These are outlined in Appendix A attached to this report.

A summary of the other main variations in income and expenditure are as follows:

Support staff for the Working Neighbourhood Fund have been added to the budget with corresponding funding.

Community safety staffing increased due to revised payroll arrangements and associated grant received to fund this.

Equalities funding (£16,000) from NEDDC now ended and budget adjusted to reflect it.

LEGI expenditure adjusted to match to lower funding levels.

Pleasley Vale Mills electricity budget increased by £38,480 to reflect current charges. Officers are reviewing the options available to the Council to minimise any cost increase

Pleasley Vale Mills Rates budget increased by £22,260 to reflect the impact of the empty property rates for more units than budgeted.

The overall effect of these variations, including a revised figure for Anticipated Savings, shows overall spending to be in line with the approved budget.

Housing Revenue Account

A summary of the Housing Revenue Account, together with detailed information on the main areas of income and expenditure can be found at appendix D.

Overall the budget reflects the original budget, with the exception of the Efficiency Saving Target of £150,000. This will be commented on later.

Budget Risk Assessment

As part of the proposed budget approved by Council in February 2008, a risk assessment of material items of income and expenditure was prepared. The risk matrix, together with a half year review of the main areas is attached as Appendix B to this report.

Risk 13 has been the focus of Senior Management Team. To progress this further a regular meeting is scheduled to consider new ideas and progress on schemes already being worked on. This has cascaded to the Heads of Service in a joint meeting and a number of initiatives agreed to. In addition we have:

sought to maximise funding for such reviews by linking in with the Regional Efficiency and Improvement Programme.
commenced work on mainstreaming mobile working for within Housing
progressed alternative options for stores provision
linked into external support from the Regional Efficiency and Improvement Partnership to train officers on a worked example of LEAN / systems redesign approach.

Recovery of Arrears

The half year position in terms of income collection and arrears collection is set out below.

	Income Collection Target	1st Quarter Progress	2nd Quarter Progress
Council Tax	97.80%	98.32%	100.2%
NNDR	97.50%	94.60%	98.10%
Sundry Debtors	88.00%	78.00%	90.00%
Housing Rents/Arrears Collection	Subject to separate monitoring by Executive	Subject to separate monitoring by Executive	Subject to separate monitoring by Executive

	Arrears Recovery Target	1st Quarter Progress	2nd Quarter Progress
Council Tax	Reduce the balance of arrears (as at 31/03/07) by 55% (£625,618)	Balance reduced by 20.4%. (£268,066)	Balance reduced by 34.2%. (£450,275)
NNDR	Reduce the balance of arrears (as at 31/03/07), after taking account of any revaluation adjustments by 45%	Balance decreased by 36.8% (£281,819)	Balance decreased by 70.8% (£541,213)
Sundry Debtors	Reduce the balance of arrears (as at 31/03/07) by 88%	Balance reduced by 48.0% (£328,425)	Balance reduced by 53.0% (£362,418)
Housing Rents/Arrears Collection	Subject to separate monitoring by Executive	Subject to separate monitoring by Executive	Subject to separate monitoring by Executive

Capital Programme

A summary of the Capital Programme, together with a review of the individual schemes is shown in appendix E.

Overall the Capital Programme has increased from £11.5m to £15.5m. A significant proportion of the increased expenditure is due to slippage in 2007/08 being carried forward into the current year. The additional spend will be financed from unused Grants, Contributions and Usable Capital Receipts also carried forward from 2007/08.

A summary of the other main variations are as follows:

Code	Details of Expenditure	£	Description of Variance
C123	Tractor	35,000	Approved by SMT
C024	New Terrace Upper Pleasley	107,697	Slippage from 07/08
C027	Shirebrook Group Repair	(66,500)	Transfer of funding within Pte Sector Schemes
C032	Byron Street, Shirebrook	75,700	Slippage from 07/08
C033	Empty Property Grants	32,000 47,000	Slippage from 07/08 Transfer of funding within Pte Sector Schemes
C035	New Houghton Renewal Area	135,030 500,000	Slippage from 07/08 New external funding received – GOEM
C038	Station Road, Shirebrook	176,435 400,000	Slippage from 07/08 Transfer of funding within Pte Sector Schemes
C100	Electrical Rewiring – Decent Homes	48,395 200,000	Slippage from 07/08 Transfer within MRA schemes
C103	Electrical Relets	110,000	Transfer within MRA schemes
C107	Cavity Wall + Loft Insulation	170,000	Transfer within MRA schemes
C118	Kitchen Replacements – Decent Homes	300,000	Transfer within MRA schemes
C119	Decent Homes Standard	(300,000)	Transfer within MRA schemes
C145	Creswell Schools	114,550	Slippage from 07/08
C148	Asset Management Plan	138,335	Slippage from 07/08
C152	Creswell Environmental Phase 2	25,000 59,920	Slippage from 07/08 New external funding – MVMP Ltd
C157	Creswell Elmtton Road Project	57,000	Expenditure transferred from 07/08
C169	Street Services Depot Relocation	107,175	Slippage from 07/08
C179	Major Capital Works – Pleasley Vale Mills	65,430	Slippage from 07/08
C187	Private Sector Decent Homes	88,000 200,000	Transfer between Pte Sector schemes New external funding

Code	Details of Expenditure	£	Description of Variance
			received – GOEM
C020	Disabled Facility Grants	497,000	New external funding – PCT and extra Specified Capital Grant
C120	Improvements – tenants; aspirations	(155,800)	Transfer within MRA schemes
C126	Clune Street Recreation Ground	100,000	Work required as part of sale of land – funded by capital receipt
C133	Playground Upgrade Programme	87,442	Slippage and Expenditure transferred from 07/08
C173	Northern Housing Market Needs Survey	84,315	New external funding – Other Council contributions

Treasury Management

This section of the report will outline borrowing and investment activities for the period ended 30th September 2008, and also monitor the Prudential Indicators determined by Council in March 2008 as part of the Treasury Management Strategy 2008/09.

The following table outlines the movement in the value of loans outstanding as at the end of the second quarter:

	Value of Outstanding Loans		Difference £
	At 31 st March 2008 £	At 30 th Sept 2008 £	
Total Long Term External Borrowing (PWLB)	19,100,000	19,100,000	0
Parish Councils	701,211	866,236	165,025
Temporary Borrowing	0	0	0
Total External Borrowing	19,801,211	19,966,236	165,025

The increase in Parish Council investments reflects the re-investment of two Parish Council precepts.

The table below details the level of investments as at 30th September 2008:

	Level of Investments		Difference £
	At 31 st March 2008 £	At 30 th Sept 2008 £	
Temporary Investments	16,800,000	21,900,000	5,100,000
Long Term Investments (365 days or more)	0	0	0
Total Investments	16,800,000	21,900,000	5,100,000

The comparative level of investment as at 30th September 2007 was £20,100,000.

The average rate of interest earned on external investments for the first six months was 5.70%. Throughout the period the base rate has been constant at 5%.

Prudential Indicators

	Estimate for year £	Position at 30 th Sept 2008 £	Variance £
Capital Financing Requirement Non - HRA	9,981,000	10,174,223	193,223
Capital Financing Requirement - HRA	6,874,000	6,873,586	(414)

In 2006/07 and 2007/08 capital receipts were used to temporarily reduce the Capital Financing Requirement. The effect of starting to reverse this is an increase to the Capital Financing Requirement towards its original position.

	Limit / Boundary £	Position at 30 th Sept 2008 £	Headroom £
External Debt to Authorised Limit	26,600,000	19,966,236	6,633,764
External Debt to Operational Boundary	23,600,000	19,966,236	3,633,764

The headroom for the limit/boundary includes for the possibility of undertaking borrowing to finance the capital programme.

A further report will be presented to the Executive on 26th January 2009, which will form the basis for the formal revised budget position.

IMPLICATIONS

Financial: Overall spending on the General Fund and Housing Revenue Account is expected to be in line with approved budget.

Legal: None

Human Resources: None

RECOMMENDATIONS

- 1. That the current position on the projected income and expenditure levels for the General Fund, Housing Revenue Account and Capital Programme be noted.**
- 2. That the current position against the main areas identified in the Budget Risk Assessment be noted.**
- 3. That the report on the Treasury Management activities and Prudential Indicators be received.**

ATTACHMENTS: Y

FILE REFERENCE: None

SOURCE DOCUMENT: Background papers held in Financial Services

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE COUNCILS CONSTITUTION

In accordance with best practice and sound financial management, Members' monitoring and consideration of changes to the budget are considered on a regular basis.

APPENDIX A

BUDGET ADJUSTMENTS - ITEMS FUNDED THROUGH RESERVES

Cost Centre	Contribution £	Reserve	Description
Depot – Bolsover	5,000	CPA Dev.Fund	Restructure Costs – Depot from 05/06
HRA – Repair + Maintenance	8,000	CPA Dev.Fund	Asbestos Register
Community Action Network	18,540	General	New Technology for Rangers
Sherwood Lodge	800	General	Evacuation Chair
Customer Contact Centre	1,350	General	Uniforms for Customer Advisors + receptionist
Customer Contact Centre	21,000	General	Overtime budget increase
Customer Contact Centre	23,522	General	Customer Advisors
Human Resources	23,220	General	Job Evaluation contribution
Licensing	3,550	General	Costs towards setting up the Gambling Act
Customer Services + Performance	4,000	ICT	Development of the BDC website
Legal Services	13,000	Legal Costs	Revenue expenditure to be funded by the reserve
Planning Policy	22,580	Local Dev. Scheme	Revenue expenditure to be funded by the reserve
Pleasley Vale Mills	40,000	Pleasley Vale Building	Revenue expenditure to be funded by the reserve
Planning Department Management	1,130	Planning Del. Grant Revenue	Staff advertising funded by PDG
Development Control	140	Planning Del. Grant Revenue	Training funded by PDG
Development Control	5,000	Planning Del. Grant Revenue	Unit Payments to staff to be funded by PDG
Planning Policy	3,730	Planning Del. Grant Revenue	Contribution to joint DCC archaeologist
Regeneration Mgmt + Admin	(5,665)	CPA Dev. Fund	Alliance SSP Project Officer all contribution paid in 06/07
Regeneration Mgmt + Admin	(7,140)	Local Dev. Scheme	Housing needs survey no longer funding revenue expenditure
TOTAL	181,757		

REVENUE BUDGET RISK ASSESSMENT 2008/09

No.	Budget Item	Risk	Impact	Actions Required	<i>Half Year Progress</i>
1	Pay Awards	Settlements for 2008/09 – 2010/11 exceed the percentage increase provided for in the budget.	Additional cost for the Council.	Prudent budget estimates and regular budget monitoring to determine overall financial position	Budget includes a 2.47% increase per annum pending the outcome of the pay negotiations.
2	Pay and Grading Review	The costs associated with the Pay and Grading Review cannot be met from within existing resources	Additional cost for the Council.	Ensure the financial implications of the final proposed Pay Model and settlement of Equal Pay Claims are fully considered and monitored.	Continued consideration of all aspects.
3	Fuel Costs	The increases in Gas and Electricity exceed the budget provision.	Additional cost for the Council.	Regular budget monitoring and maintenance of adequate reserves and working balance levels to deal with any major fluctuations.	Significant pressures anticipated. Officers looking at alternative solutions.
4	Investment Income	Available cashflow surpluses are lower than anticipated and/or lower than expected interest rates.	Reduction in the level of income earned on investments	Monitor the average rate of interest received, and changes to levels of balances. Liaise with Treasury Management Consultants to ensure the maximum potential is being realised from investment activities	A number of longer term investments have attracted favourable interest rates during the first half year.

No.	Budget Item	Risk	Impact	Actions Required	Half Year Progress
5	Income from Fees and Charges	Reduction in the number of users/applications.	Shortfall in the amount of anticipated income	Regular budget monitoring, which must identify any primary reasons for reductions.	Planning income could be 50% less than estimated.
6	Pleasley Vale Mills	Loss of key tenants and/or rise in repairs and maintenance costs.	Either of these factors will have an adverse effect on the Council's budget.	Regular monitoring and liaison with the Management Company. Also need to consider the long term viability of the Mills.	Estimates at the end of the first quarter show an expected shortfall in income of £100,000 plus additional expenditure on NNDR.
7	Concessionary Fares	The financial implications of an appeal lodged by key Bus Operators are higher than anticipated.	The costs of the national scheme exceed the budget provision.	Monitor the outcome of the appeal and continue to liaise with the Department for Transport regarding the cost to the Council.	Costs expected to be on target, only 1 appeal still outstanding.
8	Housing Benefits and Subsidy	An increase in the level of Benefit Overpayments,	Lower than expected levels of Subsidy Grant income.	Full Subsidy is only payable on correctly paid benefits; therefore there is a need to monitor the levels and recovery of benefit overpayments.	Monitoring continues
9	Council Tax and NNDR Income	Failure to achieve collection rate targets.	Adverse effect on the Council's overall cashflow position.	Monitor monthly and evaluate the effectiveness of recovery procedures.	Monitoring continues

No.	Budget Item	Risk	Impact	Actions Required	Half Year Progress
10	Supporting People	The Council may receive a lower than expected contribution from the central fund, administered by Derbyshire County Council.	Any shortfall between the actual costs incurred in the Supporting People scheme and the contribution received will have to be met by the Council.	Liaise closely with the Supporting People Team and monitor costs.	Monitoring continues.
11	HRA Rent Income	Higher than anticipated void property levels or right to buy sales.	Either of these options will reduce the levels of Rent Income.	Regular budget monitoring and review the procedures to manage void properties.	Right to buy levels dropped significantly.
12	Housing Rent Arrears	Little or no improvement in the collection of arrears.	Adverse effect on the Council's overall cashflow position.	Monitor monthly and evaluate the effectiveness of recovery procedures.	On going development of arrears monitoring and recovery methods being considered.
13	Efficiency Gains	Efficiency targets cannot be met.	If the efficiency targets are not achieved, this will require a reduction in the current working balance levels in order to maintain a balanced budget. Consistent failure to meet targets could lead to Government intervention.	Develop a Savings Strategy and monitor progress against target on a quarterly basis.	SMT now have dedicated meeting to this subject on a regular basis. Number of projects progressing. Linking into national funding (Regional Improvement & Efficiency programme) and local joint service opportunities.

GENERAL FUND SUMMARY

Actual 2007/08 £	Details of Expenditure	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
555,500	Community Safety	572,230	582,510	10,280
356,976	Customer Focused Services	975,100	997,410	22,310
4,600,641	Environment	4,643,970	5,153,060	509,090
336,680	Regeneration	780,680	952,340	171,660
2,554,757	Social Inclusion	2,456,480	2,464,270	7,790
2,894,434	Strategic Organisational Development	2,969,450	2,958,660	(10,790)
0	Contingency for Inflation and Other Items	25,000	0	(25,000)
0	Efficiency Savings Targets	(300,000)	0	300,000
11,298,988	TOTAL EXPENDITURE ON CORPORATE AIMS	12,122,910	13,108,250	985,340
0	Capital Charges - Reversal	(743,990)	(743,990)	0
900,628	Debt Charges	792,040	792,040	0
(1,009,049)	Investment Interest	(710,750)	(710,750)	0
11,190,567		11,460,210	12,445,550	985,340
	Appropriations:			
	Contributions to Reserves:			
0	CPA Development Fund	0	0	0
478,718	General	0	0	0
12,000	Historic Buildings	12,000	12,000	0
120,000	ICT & Office Equipment	70,000	70,000	0
18,000	Legal Costs	18,000	18,000	0
50,000	Local Development Scheme	50,000	50,000	0
0	Planning Fees	0	0	0
0	Pleasley Vale Building	0	0	0
10,600	Vehicle Replacement Reserve	10,600	10,600	0
				0
(946,932)	Contribution from Earmarked Reserves	(408,450)	(1,131,740)	(723,290)
10,932,953	TOTAL EXPENDITURE	11,212,360	11,474,410	262,050
1,922,649	Parish Precepts	1,922,649	1,922,649	0
12,855,602	TOTAL SPENDING REQUIREMENT	13,135,009	13,397,059	262,050
(7,636,698)	Formula Grant	(7,788,298)	(7,788,298)	0
5,218,904	TOTAL TO BE RAISED BY COUNCIL TAX	5,346,711	5,608,761	262,050
1,400,000	Working Balance Brought Forward	1,400,000	1,400,000	
1,400,000	Working Balance Carried Forward	1,400,000	1,400,000	



Community Safety – Ensuring that communities are safe and secure

Actual 2007/08	Details of Expenditure	Original Estimate 2008/09	Estimated Outturn 2008/09	Variance
£		£	£	£
85,160	Bolsover Community Sports Coach Scheme	89,760	89,840	80
75,295	Bolsover Energised Youth Programme	79,080	79,460	380
0	Community Action Network	0	0	0
265,219	Community Safety	270,200	276,610	6,410
0	Community Services Mgmt & Admin	0	0	0
43,341	Housing Anti Social Behaviour Fund	56,510	56,550	40
77,557	Neighbourhood Management	76,680	81,920	5,240
393	Parenting Practitioner	0	(1,870)	(1,870)
8,535	Safer & Stronger Communities	0	0	0
555,500		572,230	582,510	10,280



Customer Focused Services – Providing excellent customer focused services

Actual 2007/08 £	Details of Expenditure	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
(124,621)	Benefits	421,330	420,020	(1,310)
452,496	Council Tax / NNDR	527,400	553,680	26,280
0	Customer Contact Service	0	0	0
26,464	Emergency Planning	28,430	30,850	2,420
0	Groundwork & Drainage Operations	0	0	0
2,637	Land Charges	(2,060)	(7,140)	(5,080)
0	Leisure Services Mgmt & Admin	0	0	0
0	Revenue Services	0	0	0
0	Security Services	0	0	0
356,976		975,100	997,410	22,310



Environment – Promoting and enhancing a clean and sustainable environment

Actual 2007/08 £	Details of Expenditure	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
104,820	Animal Welfare	117,290	119,130	1,840
0	Depot - Bolsover	0	0	0
0	Depot - South Normanton	0	0	0
182,526	Drainage Services	196,180	200,110	3,930
246,161	Engineering Services	239,460	246,540	7,080
0	Environmental Health Mgmt & Admin	0	0	0
222,643	Food Safety	250,570	246,280	(4,290)
0	Grounds Maintenance	0	0	0
89,332	Health & Safety	103,250	100,630	(2,620)
62,756	Licensing	80,150	90,420	10,270
6,856	Other Building Control Work	102,500	102,500	0
243,143	Parks, Playgrounds & Open Spaces	253,080	249,130	(3,950)
120,327	Pest Control	119,910	115,590	(4,320)
140,443	Planning Development Control	5,070	211,410	206,340
113,772	Planning Enforcement	123,060	129,350	6,290
6,488	Planning Environmental Initiatives	6,870	7,370	500
0	Planning Services Mgmt & Admin	0	0	0
460,876	Planning Policy	515,730	783,110	267,380
272,447	Pollution Reduction	271,630	280,760	9,130
31,557	Public Conveniences	33,950	30,140	(3,810)
49,448	Public Health	51,850	57,020	5,170
683,483	Street Cleansing	808,770	805,910	(2,860)
0	Street Services Mgmt & Admin	0	0	0
0	Vehicle Fleet	0	0	0
1,563,563	Waste Services	1,364,650	1,377,660	13,010
4,600,641		4,643,970	5,153,060	509,090



Regeneration – Developing healthy, prosperous and sustainable communities

Actual 2007/08 £	Details of Expenditure	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
10,443	Alliance	16,420	17,960	1,540
49,156	Bolsover Wellness Programme	64,790	65,360	570
240,176	Economic Development	275,750	297,240	21,490
0	EMDA - Shirebrook Master Plan	0	0	0
45,144	Home Improvement Agency	49,050	49,530	480
0	LEGI - Making The Connection	0	0	0
287	LEGI - Public Procurement	0	0	0
0	LEGI - Small Business / BizzFizz	0	0	0
20,715	Markets	35,470	37,140	1,670
(234,732)	Planning Delivery Grant	0	0	0
(23,812)	Pleasley Vale Electricity Trading	(3,550)	35,790	39,340
(29,242)	Pleasley Vale Mills	50,980	138,130	87,150
(10,301)	Premises Development	11,110	13,740	2,630
175,402	Private Sector Housing Renewal	165,240	182,770	17,530
0	Regeneration Mgmt & Admin	0	0	0
33,865	Strategic Sub-Regional Partnership	43,630	45,890	2,260
0	Street Trading	(400)	(400)	0
59,579	Tourism Promotion & Development	72,190	69,190	(3,000)
336,680		780,680	952,340	171,660



Social Inclusion – Promoting fairness, equality and lifelong learning

Actual 2007/08 £	Details of Expenditure	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
(1,916)	Bolsover n-gage Partnership Community Development & Welfare	0	0	0
34,568	Services	39,090	36,900	(2,190)
1,067,374	Concessionary Fares & TV Licenses	1,207,660	1,244,310	36,650
203,346	Creswell Leisure Centre	152,550	141,150	(11,400)
130,107	Culture & Heritage	141,720	132,260	(9,460)
0	Family Intervention Project	0	0	0
33,168	Frederick Gents School Community Use	32,260	30,860	(1,400)
45,451	GO Football	56,050	62,960	6,910
109,281	Homelessness	148,100	145,220	(2,880)
231,982	Kissinggate Leisure Centre	217,760	212,380	(5,380)
374,090	Miscellaneous Expenses	117,900	117,910	10
69,869	Outdoor Sports & Recreation Facilities	71,340	70,560	(780)
124,243	Repairs and Maintenance - GF	130,960	130,490	(470)
140,976	Sports Development	149,770	147,950	(1,820)
0	Stores Overhead Account	0	0	0
(9,842)	Town Centre Housing	(10,680)	(10,680)	0
2,060	Welfare Services	2,000	2,000	0
2,554,757		2,456,480	2,464,270	7,790



Strategic Organisational Development – Continually improving our organisation

Actual 2007/08 £	Details of Expenditure	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
0	Audit Services	0	0	0
0	Building Cleaning	0	0	0
0	Chief Executive & Partnership Team	0	0	0
1,030,519	Corporate Management	1,045,600	1,006,440	(39,160)
0	Customer Service & Performance	0	0	0
892,423	Democratic Representation & Mgmt	944,090	963,840	19,750
0	Democratic Services	0	0	0
0	Director of Operations	0	0	0
0	Director of Resources	0	0	0
0	Director of Strategy	0	0	0
34,060	District Council Elections	0	0	0
38,230	Electoral Registration	66,480	66,670	190
0	Financial Services	0	0	0
0	Human Resources	0	0	0
0	Information & Communication Technology	0	0	0
0	Legal Services	0	0	0
898,291	Non Distributed Costs	913,280	921,710	8,430
911	Parish Council Elections	0	0	0
0	Payroll	0	0	0
0	Reprographics	0	0	0
0	Restaurant	0	0	0
0	Shared Procurement Unit	0	0	0
0	Sherwood Lodge	0	0	0
0	Solicitor to the Council	0	0	0
2,894,434		2,969,450	2,958,660	(10,790)



Social Inclusion – Promoting fairness, equality and lifelong learning

Actual 2007/08 £	Details of Expenditure	Original Budget 2008/09 £	Estimated Outturn 2008/09 £	Variance £
HOUSING REVENUE ACCOUNT				
Expenditure				
4,352,915	Repairs and Maintenance	4,113,690	4,146,910	33,220
2,699,454	Supervision and Management	2,857,330	2,891,160	33,830
322,542	Special Services	427,620	425,410	(2,210)
20,434	Supporting People	136,900	80,110	(56,790)
102,306	Tenants Participation	112,090	104,110	(7,980)
298	Rents, Rates, Taxes & Other Chrgs	1,570	1,570	0
0	Increase in Bad Debts Provision	0	0	0
3,495,501	Housing Subsidy Payable	4,768,510	4,768,510	0
261,866	Cost of Capital	7,919,350	7,919,350	0
5,207	Debt Management Expenses	6,710	6,710	0
0	Departmental Restructuring	0	0	0
0	Efficiency Savings Targets	(150,000)	0	150,000
11,260,523	Total Expenditure	20,193,770	20,343,840	150,070
Income				
(14,289,078)	Income	(15,668,340)	(15,668,340)	0
(14,289,078)	Total Income	(15,668,340)	(15,668,340)	0
(3,028,555)	Net Cost of Services	4,525,430	4,675,500	150,070
Appropriations				
0	Cost of Capital Adjustment	(7,579,110)	(7,579,110)	0
3,010,674	Depreciation	3,024,770	3,024,770	0
421	T/f to/(from) Major Repairs Reserve	88,080	88,080	0
(17,460)	Net Operating (Surplus) / Deficit	59,170	209,240	150,070
(962,198)	Working Balance at Beginning of Year	(1,054,339)	(979,658)	74,681
(17,460)	Contribution to/(from) Balances	59,170	209,240	150,070
(979,658)	Working Balance at End of Year	(995,169)	(770,418)	224,751

CAPITAL PROGRAMME SUMMARY

	Original Estimate 2008/09 £	Estimated Outturn 2008/09 £	Variance £
Community Safety	0	0	0
Customer Focused Services	0	0	0
Environment	1,314,005	1,391,790	77,785
Regeneration	8,305,596	11,338,056	3,032,460
Social Inclusion	1,536,326	2,398,895	862,569
Strategic Organisational Development	8,600	51,580	42,980
Fees - Regeneration Mgmt & Admin	339,780	339,780	0
TOTAL CAPITAL EXPENDITURE ON CORPORATE AIMS	11,504,307	15,520,101	4,015,794
Contributions from Reserves	9,000	70,560	61,560
Contributions from Revenue	650,000	702,110	52,110
General Fund Capital Receipts	5,052,100	5,500,395	448,295
Grants and Contributions	931,780	2,632,830	1,701,050
HRA Capital Receipts	616,000	1,807,860	1,191,860
Major Repairs Allowance	3,245,852	3,400,639	154,787
Operating Lease	355,005	388,005	33,000
Private Sector Renewal Grant	0	7,423	7,423
Single Capital Pot	478,570	740,279	261,709
Specified Capital Grant	166,000	270,000	104,000
TOTAL CAPITAL FINANCING	11,504,307	15,520,101	4,015,794