



The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 27th March 2013

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of Bolsover District Council to be held in Chamber Suites 1 and 2, The Arc, Clowne, on Monday 8th April 2013 at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.


You will find the contents of the agenda itemised on pages 2 and 3.

Yours faithfully,

Chief Executive Officer
To: Chairman & Members of the Executive

ACCESS FOR ALL

If you need help understanding this document or require a larger print on translation, please contact us on the following telephone number:-

 **01246 242435**
Minicom: 01246 242450

Democratic Services
Fax: 01246 242423



INVESTORS IN PEOPLE

Email enquiries@bolsover.gov.uk Web www.bolsover.gov.uk
Chief Executive Officer: Wes Lumley, B.Sc., F.C.C.A.
The Arc, High Street, Clowne, Derbyshire, S43 4JY



The Government Standard

EXECUTIVE AGENDA

Monday 8th April 2013 at 1000 hours
Council Chamber Suites 1 & 2 The Arc, Clowne

| Item No. | | Page No.(s) |
|-----------------|--|-----------------------|
| | PART 1 – OPEN ITEMS | |
| 1. | <u>Apologies for absence</u> | |
| 2. | <u>Urgent Items of Business</u> 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. | <u>Declarations of Interest</u> Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time. | |
| 4. | <u>Minutes</u> To approve the Minutes of a meeting of the Executive held on 4 th March 2013. | Previously circulated |
| 5. | The record of decision notices from the meeting of the Joint Board held on 11 th March 2013 have now been circulated to all Members. Members may raise any questions on these decision notices. | Previously circulated |
| 6. | Single Equality Scheme 2011-2015 Annual Review 2013 <i>Recommendation on page 5</i> | 4 to 23 |
| 7.* | Sustainable Community Strategy Refresh 2013 <i>Recommendation on page 26</i> | 24 to 26 |
| 8.* | Local Taxation - Debt Recovery Policy <i>Recommendation on page 28</i> | 27 to 50 |

| | | |
|---|---|-----------|
| 9. | Neighbourhood Management Community Houses <i>Recommendation on page 58</i> | 51 to 59 |
| 10. | Community Right to Bid <i>Recommendation on page 63</i> | 60 to 63 |
| 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> | | |
| 11.* | New Houghton Tarrans <i>Recommendation on page</i> | 64 to 69 |
| 12.* | Tender Evaluation Outcome – Supply and Fit of UPVC Doors <u>Paragraphs 1, 3, and 4</u> | To Follow |
| 13.* | Grounds Maintenance and Street Cleansing Service Delivery Arrangements <i>Recommendation on pages 75 and 76</i> | 70 to 76 |
| 14. | Station Road, Bolsover, Traffic Island Sponsorship <i>Recommendation on page 79</i> | 77 to 83 |

* Denotes Key Decision

| | | | |
|---------------------------|---|------------------|------|
| Committee: | Executive | Agenda Item No.: | 6. |
| Date: | 8th April 2013 | Status | Open |
| Category | Decision within the functions of Executive | | |
| Subject: | Annual Review of the Single Equality Scheme 2011-2015 | | |
| Report by: | Assistant Director, Strategy and Performance | | |
| Other Officers Involved | Equality Improvement Officer Improvement Group | | |
| Director | Chief Executive Officer | | |
| Relevant Portfolio Holder | Councillor A. Syrett, Portfolio Holder for Social Inclusion | | |

RELEVANT CORPORATE AIMS

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

The Council has general and specific statutory duties in respect of eliminating discrimination; advancing equality and fostering good relations between different groups. The Single Equality Scheme is in line with current legislation and sets out a framework towards achievement of key aims for the Council. The Scheme was approved and adopted by Full Council in March 2011. The annual review of the Scheme is a specified action within it.

TARGETS

Delivery of actions identified in the Single Equality Scheme is a target in the Corporate Plan 2011-2015.

VALUE FOR MONEY

The second annual review of the Single Equality Scheme is in line with legislation and sets out progress towards the achievement of a key aim for the Council. The Single Equality Scheme ensures we deliver our services in line with legislation and the requirements of our residents.

THE REPORT

Public bodies have legal duties relating to equality which are specified in the Equality Act 2010. The public sector duty consists of a general duty with three main aims, as set out in section 149 of the Equality Act 2010; and specific

duties as set out in the Equality Act 2010 (Statutory Duties) Regulations 2011. The specific duties are designed to help public bodies meet the general duty.

The Single Equality Scheme 2011 - 2015 assists the Council in meeting these duties by setting out the Council's equality objectives and the steps it will take to achieve them. The objectives were set with the involvement of local interest groups. The second Annual Review of the Single Equality Scheme evidences the progress made in 2012-2013.

Further consultation and engagement with interest groups is planned for autumn 2013.

ISSUES/OPTIONS FOR CONSIDERATION

For members of the Executive to consider the second Annual Review (2012-13) of the Single Equality Scheme 2011-2015.

IMPLICATIONS

Financial : Within existing budgets.

Legal : Production of document meets legal requirements.

Human Resources : Identified within the documentation.

RECOMMENDATION

That the second Annual Review of the Single Equality Scheme 2011-2015 be approved by Executive, in compliance with the Council's statutory responsibilities prior to information being made available to the public.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

In accordance with the Executive function.

ATTACHMENTS: **Yes**

FILE REFERENCE:

SOURCE DOCUMENT:

8. Action Plan: Bolsover District Council - Single Equality Scheme 2011- 2015

Updated March 2013

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|---|--------------|--------------------------------|---------------------------------|--|--|--|
| 1. Publish Single Equality Scheme and undertake regular reviews | JADSP EIO | Mar 2011 | Publish Scheme | Officer time Costs of consultation & feedback | First Draft SES Jan. 2011 | Completed. Single Equality Scheme approved and adopted by Council in March 2011; information circulated to interest groups and published on intranet and corporate website: http://www.bolsover.gov.uk/equality-a-diversity.html |
| | JADSP EIO | Mar 2012 Mar 2013 | Produce Annual Review of Scheme | Officer time Costs of consultation & feedback | Draft first Annual Review to Improvement Group on 12 June 2012 and to Executive on 2 July 2012. Also reported to Equality Panel in September 2012 and at look Beyond the Label event on 5 October 2012. Draft second Annual Review to Improvement Group on 19 March | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|-----------------------------|-------------------------------------|---|--|---|--|
| | | Mar 2014 Mar 2015 | | | 2013 and to Executive on 8 April 2013. Also reported to Equality Panel on 15 March 2013. | |
| | IEM UEO | Sept 2011 Sept 2012 Sept 2013 | Undertake annual on-line equality questionnaire via Ask Derbyshire; Consultation Report showing year on year data feeding into annual review of SES | Officer time Costs of consultation & feedback | Engagement Plan 2010-11 On-line questionnaire Sept-Oct 2010/11 – baseline data analysed. | Completed. Annual Engagement Plan embedded in Corporate Plan 2011-2015. http://www.bolsover.gov.uk/corporate-plan.html http://intranet/intranet/corporate-plan.html Equality questions incorporated into Citizen's Panel Survey, November 2011. Survey findings reported in 'Listening Bolsover' report and published on Ask Derbyshire website: http://www.askderbyshire.gov.uk/bolsover |
| 2. Meet requirements of public sector equality | JADSP JADHR &P EIO | July 2011 | - Publication of required equalities data in existing formats | | SES incorporates a range of equalities data; data analyses published in CSV format, July | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|---|--------------|-------------|--|--------------|---|--|
| duty | | Apr 2012 | - Publication of required equalities data in open formats | | 2011. Corporate and service level data published on website and work ongoing: http://www.bolsover.gov.uk/equalities-information.html | |
| | | Apr 2013 / | - Publish open data annually | | Open data published on corporate website and updated periodically: http://www.bolsover.gov.uk/equalities-information.html | |
| | | Apr 2014 | - Engagement Plan(s) 2011-2014 to establish methods & timeframe for engagement | | Engagement Plan produced annually: http://www.bolsover.gov.uk/have-your-say-home.html | |
| 3. Equality impact assessment programme | JADSP EIO | Mar 2011 | Monitor Impact Assessment process; ensure it remains fit for | Officer time | Summary of services provided to vulnerable people completed March 2010, to inform EIA | Completed. Summary of services provided to vulnerable people completed March |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|---|--------------|-------------|---|-----------|--|---|
| | | | purpose; & feeds into decision-making processes: <ul style="list-style-type: none"> - Review & report to EWG / ESDG - EIAs of review to Equality Panel | | rolling programme: http://ericssrv.bolsover.gov.uk/intranet/index.php?option=com_content&view=article&id=44&Itemid=586 Reports to EWG & ESDG. | 2010, to inform EIA rolling programme: http://ericssrv.bolsover.gov.uk/intranet/index.php?option=com_content&view=article&id=44&Itemid=586 |
| 4. Promote involvement in civic & public life | EIO | Mar 2011 | Evaluation of Equality Panel <ul style="list-style-type: none"> - Feedback on satisfaction with involvement | | To be completed Jan 2011 | Completed. Evaluation completed and reported to Equality Panel in May 2011. |
| | UEO | Mar 2015 | Citizen's Panel <ul style="list-style-type: none"> - % by gender - % who are disabled - % who are BEM | | Derbyshire Citizen's Panel at May 2009: <ul style="list-style-type: none"> - 49.6% females / 50.4% males Bolsover Citizens Panel Report May 2012: <ul style="list-style-type: none"> - 48.9% females / 51% males - 99.5% White British or Irish / 0.4% Ethnic minority including White Other http://www.askderbyshir | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|--------------|-------------|---|--------------|--|---|
| | | | | | e.gov.uk/bolsover/strategy-performance/0-2012-13-citizenpanelmay | |
| | EIO UEO | Mar 2015 | Feedback / evaluation from engagement events <ul style="list-style-type: none"> - Peoples' experience of involvement - Equality monitoring data | | Evaluation Report on <i>Look Beyond the Label</i> engagement events, December 2010 and October 2012. 2012 event focused on Welfare Reform with public consultation on local council tax support scheme. http://www.bolsover.gov.uk/equality-a-diversity.html | |
| 5. Evidence implementation of SES through the Equality Framework or similar quality standard | All | Mar 2011 | Maintain Achieving level | Officer time | Update of corporate evidence in progress. | Completed. Equality Framework 'Achieving' level maintained to March 2011. |
| | | Mar 2011 | Customer Service Excellence validation - linked to EFLG evidence | Allocated | Contact Centres achieved Customer Service Excellence in 2010; Corporate Customer Service Excellence achieved April 2011. | Completed. Corporate Customer Service Excellence standard achieved April 2011: http://www.bolsover.gov.uk/council-news- |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|--------------------|-------------|---|--------------|---|---|
| | | | | | | 2011/1221-customer-excellence-standard.html |
| 6. Further develop standardised procurement which takes into account requirements of SES | SPU EIO | Mar 2011 | Develop Working Group to assess, prioritise & monitor key contracts | Officer time | Large contracts are more rigorously assessed for equality policy compliance through standard documentation. http://www.bolsover.gov.uk/contract-management.html 'Meet the Buyer' event in February 2011 to engage voluntary & community sector in future procurement. | Completed. |
| | SPU | Mar 2011 | Review procurement documentation & processes | | Full suite of model documentation reviewed by East Midlands Centre of Excellence to address requirements of Equality Act 2010. | Completed. |
| 7. Raise awareness of mental health issues to | EIO JADHR &P | Mar 2015 | Consider training for managers & front line staff | Officer time | 'Aspects of Mental Health: supporting people in employment' training by Disability | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|---|--------------------|-------------|---|-----------|--|----------------|
| address needs of customers and staff | | | | | Dynamics delivered to partner organisations, September 2011. Mental health awareness training for frontline staff being sourced for 2013. | |
| 8. Raise awareness of needs of deaf and hard of hearing customers and staff | EIO JADHR &P | Mar 2015 | Consider training for managers & front line staff | | Representative from Derbyshire Police attended Equalities Services Development Group in January 2011, to share best practice & learning from achieving Royal National Institute for the Deaf quality standard. | |
| | JADs HoS | Mar 2012 | Consider meeting criteria of RNID standard | | | |
| | JADs HoS | Mar 2015 | Consider BSL training for front line staff | | 'Disability in the Workplace' training by Disability Dynamics, delivered to partner organisations, October 2011 | |
| 9. Raise awareness of | EIO | Mar 2015 | Link into actions agreed by | | Derbyshire LGBT Forum development plan, Jan | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|--------------|-------------|--|-----------|--|-------------------|
| LGBT issues | | | Derbyshire LGBT Forum Consider training for managers and front line staff | | 2011 – actions met for publication of equality data. LGBT Awareness Training delivered for 23 participants in November 2011 and June 2012 by Derbyshire Friend. | |
| 10. Ensure information on specialist support agencies is distributed widely and openly to encourage those experiencing domestic and sexual violence and abuse to seek help | DVO CSO | Mar 2011 | Promotion through Community Safety campaigns & events | | Delivered 11 Cracking Crime events April-Oct 2010. Participated in Operation Relentless June & September 2010. Produced leaflet in Polish, October 2010. | Completed. |
| | CO CSO | Mar 2011 | Ensure website signposting to sources of information, advice & support | | Information on sources of support provided on corporate website from June 2010: http://www.bolsover.gov.uk/component/content/article/107-domestic- | Completed. |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|-------------------|-------------|---|--------------|---|---|
| | | | | | violence/145-hs-dv-domestic-violence.html | |
| | CSO DVO EIO | Mar 2015 | Service user monitoring data | Officer time | Reported in Gender Equality Scheme to 2011; SES; and in Community Safety Partnership Annual Plans: http://www.bolsover.gov.uk/community-safety-partnership.html | |
| | CSO DVO EIO | Mar 2011 | Improve practice and participate in case reviews where appropriate - N. Derbyshire Domestic Abuse Group - Police Public Confidence Panels | Officer time | Hate crime and domestic violence cases now reviewed by Police Public Confidence Panels. Officer attendance at PPCP November 2010 and July 2011. | Completed. |
| 11. Link into county-wide work to tackle sexual violence | CSO | Mar 2011 | * Work led by Local Criminal Justice Board's Sexual Violence Group Community Safety | | Some service user data reported in Gender Equality Scheme & Single Equality Scheme Participation in | Completed. Actions set out in Derbyshire Community Safety Agreement 2011-2015: http://www.bolsover.gov.u |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|----------------------------------|-------------|--|--------------|--|--|
| | | | Campaigns & SCTAG actions | | Operation Relentless, June & September 2010. | k/images/departments/community_Services/csp_plan_2012.pdf |
| 12. Reduce repeat victimisation rate to 29% (National Indicator 32*) | JADCS HoS Housing Legal | Mar 2011 | County target for * NI 32 - Performance monitoring (data on cases reviewed at Multi Agency Risk Assessment Conferences) | | Safer Derbyshire performance data reported in Gender Equality Scheme & SES Repeat victimisation rate: - 13.04% in 2009-10. - 15.45% at June 2010. - 17.93% at September 2010. (MARAC implementation on track). | Completed. Outcome 2010 - 2011: 24.16% * National Performance Indicator now removed by government |
| 13. Carry out scheduled reviews to Equal Pay Audit | JADHR &P | Dec 2011 | Carry out a light touch review of the Equal Pay Audit, December 2009. | Officer time | Gender pay gap reported in Gender Equality Scheme from 2007- 2011 and in SES. A light touch review of the recommendations from the Equal Pay Audit conducted in 2009 is to be completed by 31/03/2013. | Completed. |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|-------------------------|--------------|-------------|---|--------------|---|---|
| | JADHR &P | Dec 2014 | Carry out a complete Equal Pay Audit of all posts | Officer time | A light touch review of the recommendations from the Equal Pay Audit conducted in 2009 is to be completed by 31/03/2013. | |
| 14. Workforce diversity | JADHR &P | Mar 2011 | Local Performance Indicator retained to 2011: <ul style="list-style-type: none"> - Top 5% of earners who are female - Top 5% of earners who are disabled - % of workforce who are disabled - % of workforce who are BEM | Officer time | Local Performance Indicator retained for 2011 – 2012. Top 5% of earners who are female: <ul style="list-style-type: none"> - 45.16% out-turn for 2009-10. - 45.16% at June 2010. - 43.75% at September 2010. - 45.16% Outturn 2010 - 2011. Top 5% of earners who are disabled: <ul style="list-style-type: none"> - 6.45% at June 2010. - 9.37% at September 2010. - 9.67% Outturn 2010 - 2011. | Completed. Local performance indicators retained for 2011 – 2012 and reported with our equality information: http://www.bolsover.gov.uk/equalities-information.html |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|-------------|-------------------|-------------|--|--------------|---|---|
| | | | | | <p>% of disabled employees:</p> <ul style="list-style-type: none"> - 5.65% at June 2010. - 7.33% at September 2010. - 7.06% Outturn 2010 - 2011 <p>% of workforce who are BEM:</p> <ul style="list-style-type: none"> - 0.64% at June 2010. - 0.63% at September 2010. - 0.64% Outturn 2010 – 2011. | |
| | JADHR &P JADSP | Mar 2012 | Publish workforce monitoring data across required equality strands | Officer time | <p>All workforce monitoring scrutinised by Union Employer Consultative Committee; minutes published on council website.</p> <p>Some data published in SES, Workforce data report and in open data format on website.</p> | <p>Completed. Workforce data published on the corporate website, January 2012: http://www.bolsover.gov.uk/equalities-information.html</p> <p>Gaps in workforce information identified; to be addressed in 2012-13</p> |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|---|--------------|-------------|---|---|--|--|
| | | | | | | following internal service reviews & organisational restructure. |
| 15. Raise awareness and address hate incidents and harassment | JADHR &P | Mar 2014 | Monitoring of workforce policies | Officer time | Ongoing – reported quarterly to Union Employer Consultative Committee; minutes published on council website. | |
| | JADHR &P | Mar 2015 | Monitoring of workforce policies via Biennial Employee Survey | Officer time Costs of external support for survey analysis allocated | Ongoing – reported to Senior Management Team Employee Survey conducted in November 2011. Findings from all Employee Surveys are published on the intranet: http://ericssrv.bolsover.gov.uk/intranet/index.php?option=com_remository&Itemid=573&func=fileinfo&id=158 From 2007-2009, there was no increase in the | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|-------------|--------------|-------------|------------------|-----------|---|----------------|
| | | | | | <p>number of respondents to the Employee Survey stating that they have encountered harassment or bullying at work. Compared to 2004 (27%) there was a fall of 17% in 2009 (10%) in staff reporting of harassment and bullying from another employee, elected member, or member of the public.</p> <p>Revised <i>Harassment and Bullying at Work Procedure</i> introduced in January 2011, following feedback through the HR and Payroll Customer Satisfaction Survey 2010 and the Employee Survey 2009: http://intranet/intranet/policies-a-plans/64-human-resources-and-payroll.html</p> | |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|-------------|--------------|-------------|--|-----------|--|--|
| | CSO EIO | Mar 2011 | Monitor Hate Incident Reports | | Ongoing work by Community Safety. All performance is reported via the Safer Derbyshire website: http://www.saferderbyshire.gov.uk/ | Completed. There were 40 police reported hate incidents in Bolsover District in 2010 – 2011. Derbyshire wide, total contacts with the Stop Hate service have increased from 33 to 157 in 2011 – 2012. |
| | CSO EIO | Mar 2011 | Improve practice and participate in case reviews where appropriate - N. Derbyshire Hate Crime Consultative Group - Police Public Confidence Panels | | Officer attendance at Police Public Confidence Panels November 2010 and July 2011 | Completed. |
| | CO EIO | Mar 2011 | Promote reporting mechanisms in the district through corporate communications - Stop Hate | | Eyes & Ears Scheme relaunched September 2010: http://intranet/intranet/latest-news/247-eyes-and-ears.html | Completed. |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|--|--------------|-------------|---|--|--|-------------------|
| | | | - Eyes & Ears scheme | | | |
| 16. Raise awareness of Council's equality services | EIO CO | Mar 2012 | Consider using 'Did You Know' touring board(s) - Contact Centres - Parish Councils - Local groups - Events - Website page Publicise in corporate communications | Officer time Costs of printing & distribution | 'Did you Know' posters & flyers produced. To be distributed / publicised in June 2012. | Completed. |
| | CCM EIO | Mar 2011 | Promote CRM system | | CRM data now collected via Contact Centre leading to improved take up. | Completed. |
| | CCM | Mar 2014 | Annual National Customer Service Week events - Outcomes | Officer time | No activity during 2011 and 2012. | |
| 17. Audit of services to vulnerable people | JADSP | Ongoing | Identify gaps & priorities | | Summary of services provided to vulnerable people, March 2010. Circulated to Equality Services Development | Completed. |

| Improvement | Lead Officer | Target date | Expected outcome | Resources | Progress | Actual outcome |
|---|--------------|-------------|---|-----------|--|----------------|
| | | | | | Group; also available on intranet. | |
| 18. Develop community cohesion activities / resources | JADSP EIO | Mar 2015 | Explore development of joint project work with partner agencies - Consider developing a multicultural event - Consider developing a shared history project bringing together local people | | Cohesion Project Group established and project outline developed in partnership with Police Migrant Worker Outreach Workers. This work has been delayed due to limited internal and external resources. | |
| 19. Actions to address any relevant targets set in Corporate Plan 2011-2015 | JADs HoS | Mar 2015 | Identify any relevant targets and determine actions in service plans to achieve them | | SES completion is a Corporate Plan target monitored as part of the Performance Management Framework. | |

Planned actions outstanding from the Disability Equality Scheme 2010-2011, Gender Equality Scheme 2010-2011, Race Equality Schemes 2008-2011 and Corporate Equality Plan 2008-2011 have been incorporated into the Single Equality Scheme. This will ensure that reporting on performance against those actions is maintained.

Abbreviations used:

| | |
|--------|--|
| JADCS | Joint Asst. Director Community Services |
| JADHRP | Joint Asst. Director Human Resources and Payroll |
| JADSP | Joint Asst. Director Strategy and Performance |
| HoS | Heads of Service |
| SPU | Shared Procurement Unit |
| CCM | Contact Centre Manager |
| Co | Communications Officer |
| IEM | Information and Engagement Manager |
| UEO | User Engagement Officer |
| EIO | Equality Improvement Officer |
| CSO | Community Safety Officer |
| DVO | Domestic Violence Officer |

| | | | |
|---------------------------|---|------------------|------|
| Committee: | Executive | Agenda Item No.: | 7. |
| Date: | 8 th April 2013 | Status | Open |
| Category | 1. Key decision included in Forward Plan | | |
| Subject: | Sustainable Community Strategy Refresh 2013 | | |
| Report by: | Chief Executive's and Partnership Manager | | |
| Other Officers Involved | Partnership Performance and Sustainability Officer Partnership Consultant Programme Manager Partnership Administration and Communications Officer | | |
| Director | Chief Executive Officer | | |
| Relevant Portfolio Holder | Councillor E. Watts, Leader of the Council and Portfolio Holder for Policy, Strategy, Finance, Customer Services and Human Resources. Councillor A. Tomlinson, Deputy Leader of the Council and Portfolio Holder for Regeneration. | | |

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
ENVIRONMENT – Promoting and enhancing a clear and sustainable environment
REGENERATION – Developing healthy, prosperous and sustainable communities
SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

Due to the broad thematic focus of the Sustainable Community Strategy (SCS) and the involvement of key partner organisations and the 4 sectors, public, private, community and voluntary, the above Corporate aims apply.

The SCS provides a clear vision for the Local Authority and its partners to achieve locally agreed priorities across Bolsover district.

Each of the strategic themes in the document have a specific vision and priorities to deliver against until 2020 using an established Action Plan with a series of targets. These have been monitored and reviewed on an annual basis to date.

VALUE FOR MONEY

Working in partnership provides the opportunity for the Authority and its partners to continue to establish sound working relationships and build trust and reliability between organisations.

In the current economic climate this approach has been crucial in agreeing joint projects, initiatives and services to ascertain areas for collaborative working, the achievement of joint priorities, the potential to achieve savings and opportunities to lever in additional funding resources.

The SCS is the key driver in promoting this method of collaboration through Bolsover Partnership and its thematic Action Groups.

TARGETS

N/A

THE REPORT

The Local Government Act 2000 required all local authorities to consult, develop and deliver, with partners, a Sustainable Community Strategy to include aims, objectives and a vision for the area. In 2006 Bolsover District Council consulted and produced the Sustainable Community Strategy covering a 15 year period (2006-2020) and since has delivered against those aims in partnership with the public, private, community and voluntary sectors via the former Local Strategic Partnership (now known as Bolsover Partnership).

A 'light touch review' of the original document has been completed on an annual basis and this has reflected the achievements and reviewed the aims moving forward. During 2011/12 an annual review process did not take place due to the change of Government in 2010 following the General Election and the subsequent need to await any changes to the way in which we were performance monitored to ensure that processes and procedures could be adapted. However, one of the key decisions by the new Government was to repeal the statutory duty upon Local Authorities to produce a Sustainable Community Strategy and there were no newly imposed methods of performance managing our agreed priorities for the district.

Locally, however, it was agreed to continue to utilise our existing Sustainable Community Strategy, as there was recognition that the strategy was a key driver in ensuring local priorities are raised, discussed and agreed by local people. As the Strategy is now six years old it was agreed that a full refresh of the document would be undertaken to reflect current priorities moving forward. A consultation process has been carried out to gauge feedback. It is evident that a significant number of successes have been achieved in working together with partner agencies.

The format of the refreshed strategy is made up of the following thematic areas:

- 'A safer and better community'
- 'A better place to live'
- 'A better life'

- 'Getting better all the time'
- 'A better place to work'
- 'Better access to all areas'
- 'Better results, a better future'
- 'Better together'

And the following is explored for each:

- What were the priorities in 2006
- What has been done to address them
- What impact has been achieved
- What are the priorities moving forward

The Sustainable Community Strategy remains a corporate document within the Local Authority and directly links to the following corporate aims:

- Regeneration
- Social Inclusion
- Developing healthy and prosperous communities
- Environment

IMPLICATIONS

Financial: None

Legal: None.

Human Resources: None

RECOMMENDATION

That the Executive note the report and endorse the Sustainable Community Strategy Refresh and launch event to be staged on the 18th April 2013.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To advise Members of the Sustainable Community Strategy Refresh and seek endorsement of the launch event.

ATTACHMENTS:

FILE REFERENCE:

SOURCE DOCUMENT:

http://www.lsp.bolsover.gov.uk/index.php?option=com_content&view=article&id=18&Itemid=138

| | | | |
|---------------------------|--|------------------|------|
| Committee: | Executive | Agenda Item No.: | 8. |
| Date: | 8 th April 2013 | Status | Open |
| Category | 3. Part of the Budget and Policy Framework | | |
| Subject: | Local Taxation - Debt Recovery Policy | | |
| Report by: | Assistant Director of Corporate Resources | | |
| Other Officers Involved | Billing and Recovery Manager | | |
| Director | Director of Corporate Resources | | |
| Relevant Portfolio Holder | Councillor E. Watts, Leader of the Council and Portfolio Holder for Policy, Strategy, Finance, Customer Services and Human Resources | | |

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

The policy is formulated so that recovery is fair and consistent, ensuring that the recovery of local taxation is maximised, procedures and controls are adhered to and customers are respected and dealt with firmly but fairly.

TARGETS

Not applicable.

VALUE FOR MONEY

To maximise collection and minimise the arrears owed to the Council.

THE REPORT

- 1.1 The Local Taxation – Debt Recovery Policy is attached at Appendix 1. The document lists the legislation and regulations that must be adhered to, in addition to the procedures that will be followed in the recovery of Council Tax and Non Domestic Rates. Whilst the document itemises the different stages and options available, individuals' personal circumstances, where known, are taken into account.

- 1.2 The Council has a Debt Collection Procedure in place which has been operating since 2008 however it was felt appropriate to review the procedure and to adopt a policy.
- 1.3 As part of the Council's partnership work with advice agencies the draft Debt Collection Policy was circulated to the Derbyshire Unemployed Workers Centre, North East Derbyshire Citizens Advice Bureau (CAB), Royal British Legion, Chesterfield Law Centre, Release and Mansfield CAB for their comments. The comments by North East Derbyshire CAB are incorporated in the Local Government Association Collection of Council Tax Arrears Good Practice Protocol, attached as Appendix 2.

ISSUES/OPTIONS FOR CONSIDERATION

Whether to adopt a Debt Recovery Policy.

IMPLICATIONS

Financial: It is important that the Council adopts a clear and transparent debt collection policy which optimises collection rates whilst recognising the support required by those facing financial hardship.

Legal: The Council has a statutory duty to collect local taxation.

Human Resources: None

RECOMMENDATION

That Executive approve the attached Debt Recovery Policy and recognises the Good Practice Protocol for the Collection of Council Tax Arrears and commits to continuing partnership working with advice agencies for the benefit of residents.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To adopt a Debt Recovery Policy.

ATTACHMENTS: Debt Recovery Policy and Good Practice Protocol for the Collection of Council Tax Arrears.

SOURCE DOCUMENT: The Council Tax (Administration and Enforcement) Regulations 1992 (as amended)
The Non Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (as amended)
Internal records

BOLSOVER DISTRICT COUNCIL

Local Taxation – Debt Recovery

Policy

April 2013

This Policy addresses the following Corporate Aims (show those which are appropriate to this policy only):



CUSTOMER
FOCUSED SERVICES



SOCIAL INCLUSION



Equalities Policy Statement

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with its Equality Policy.

The Council also has due regard to eliminate discrimination and to proactively promote equality of opportunity and good relations between persons of different groups when performing its functions.

Access for all

If you need help understanding this document or require a larger print or translation, please contact us on the telephone number at the bottom of the page.

Jeśli potrzebują Państwo pomocy w zrozumieniu tego dokumentu lub jeśli chcieliby Państwo otrzymać jego tłumaczenie czy też wersję dużym drukiem, proszę się z nami skontaktować pod numerem telefonu podanym na dole strony.

Nel caso in cui si abbia bisogno di aiuto per comprendere il presente documento o si necessiti di un documento stampato in un formato più grande o di una traduzione, contattateci al numero di telefono riportato in fondo alla pagina.

倘若您需要幫助瞭解本檔的內容，或需要提供大字體格式或翻譯件，請按照頁面底端的電話號碼聯絡我們。

اگر آپ کو یہ دستاویز سمجھنے میں مدد کی ضرورت ہو یا یہ بڑے حروف یا ترجمہ کی شکل میں درکار ہو تو برائے مہربانی اس صفحے کے آخر میں دیے گئے نمبر پر ہم سے رابطہ کریں۔



01246 242397. **Department:** Revenue Services

Minicom: 01246 242450 Fax: 01246 242423

Website:www.bolsover.gov.uk

CONTROL SHEET

| Document Details | Comments / Confirmation (To be updated as the policy progresses) |
|--|---|
| Title | Local Taxation - Debt Recovery Policy |
| Document type – i.e. draft or final version | Final version |
| Author of Policy | Billing and Recovery Manager |
| Location of Policy – i.e. L-drive | |
| Member route for approval | Improvement Scrutiny Committee/ Executive |
| Cabinet Member (if applicable) | Finance |
| Risk Assessment completed (if applicable) | |
| Date Equality Impact Assessment approved | |
| Partnership involvement (if applicable) | Advice agencies have been consulted on the policy |
| Policy Approval i.e. Executive/ Council Planning Committee | Executive |
| Date Approved | |
| Date Policy due for review (maximum three years) | |
| Date forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public) | |

CONTENTS

1. Introduction

2. Scope of the Policy

3. Principles of the Policy

4. Policy Statement

5. Responsibility for implementing the Policy

Appendix 1 – list of advice and support agencies for those facing financial hardship

Appendix 2 – LGA, National CAB, Advice UK Collection of Council Tax Arrears Good Practice Protocol

1. Introduction

This policy identifies the legislation and outlines the procedures for the recovery of Council Tax and Non Domestic Rates. It is formulated so that recovery is fair and consistent and in accordance with the regulations. It will ensure that:

- The recovery of local taxation is maximised
- Procedures and controls are adhered to
- Customers are respected and dealt with firmly but fairly.

2. Scope of the Policy

To maximise collection and minimise the arrears owed to the Council. The Council recognises that some people face financial difficulties and, therefore, the policy operates within the context of social and financial inclusion and equal opportunities.

Poor performance in debt collection has an impact on cash flow and the reputation of the Council. If the debt cannot be collected it is unfair to those that pay their bills on time, income is lost and may have to be written off. It is important for action to be taken promptly.

3. Principles of the Policy

There is a statutory duty on the Council to collect local taxation. The recovery system must be efficient and effective. The steps taken are in accordance with the regulations but officers should not adopt a blanket approach; they should give consideration to an individual's circumstances, in accordance with the Council's Equality Policy, whilst protecting the Council's position.

Council tax and non domestic rates should be collected as it becomes due and before the next amount is payable. Delays can exacerbate an individual's ability to pay and manage their debts. Debtors should be encouraged to contact the Council at an early stage.

Recovery officers are fully trained and can negotiate payments over the telephone. They promote various payment methods and check to ensure that an individual is aware of any discount or benefit they may be entitled to claim. Arrangements can be entered into at any time and are regularly monitored.

If recovery escalates to a summons and a hearing at the Magistrates' court, it is important that legal requirements are adhered to and are clearly explained to the debtor.

3.1. Legislation

The rules for identifying and determining the recovery of council tax and non domestic rates are contained in the following legislation and regulations, as amended:

- The Local Government Finance Act 1992
- The Local Government Finance Act 1988
- The Council Tax (Administration and Enforcement) Regulations 1992
- The Non Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989
- The Council Tax (Deductions from Income Support) Regulations 1993
- The Insolvency Act 1986
- The Local Government Act 1972

3.2. Good Practice

In addition to adhering to legal requirements, the Council gives consideration to the guidance issued from the Local Government Ombudsman when determining the best course of recovery action. The Council ensures that:

- All documentation is easy to understand and it is clear in what has to be paid and by when and includes the legal restraints that both the council and the payer are subject to.
- All documentation informs the debtor of the consequence of non-payment and gives the debtor the opportunity to contact the Council if they are experiencing difficulty in making payment or they need advice and guidance on what to do next.
- Unpaid amounts are followed up early to avoid the build up of arrears and to prevent the debtor having to manage large debts.
- At all stages payers are made aware of any benefits or discounts to which they are entitled or which may be available to them.
- People with payment problems are encouraged to come forward early to discuss their individual circumstances. However, staff are aware that some customers need more support and work to the Council's Code of Practice and Standards.
- Officers refer people facing financial difficulties to the advice and support agencies listed at Appendix 1.
- Officers are flexible and agree reasonable payment arrangements at all stages of the collection and recovery process, having regard to individual circumstances.
- Payment arrangements are regularly reviewed and monitored.
- Officers make use of the most appropriate recovery option, subject to legal restraints, by using a flexible approach to the recovery of monies due to the Council.

The Council recognises the LGA Collection of Council Tax Arrears Good Practice Protocol (Appendix 2) and is working in partnership with advice agencies to ensure that taxpayers are able to pay their council tax bills on time, get the benefits to which they are entitled and those in financial difficulty get high quality debt advice.

4. Policy Statement

4.1. Schedule

The recovery schedule is prepared for the next financial year in January of each year. It identifies the key dates for the issue of reminders, summonses and liability order hearings. Consideration is given to:

- The legal time restraints for the issue of recovery documents.
- The occurrence of Bank Holidays and when the Council offices are closed.
- Workload.
- The availability of court dates with Her Majesty's Court Service (HMCS).
- End of year requirements.

4.2. Reminders

If payment is not made by the due date a **1st reminder** will be issued, giving 7 days in which to pay. If payment is made, the right to pay by instalments will be retained. If payment is not made, the right to pay by instalments will be lost and a summons will be issued.

If, after bringing the account up to date, a payment is late for the second time a **2nd reminder** will be issued. The procedure is the same as for 1st reminder.

If a payment is late for a third time, a **final reminder** will be sent. The right to pay by instalments is lost and the whole amount must be paid within 7 days.

All reminders will clearly set out the amount due and the consequences of failure to comply with the notice. It will also give the debtor the opportunity to contact the Council and discuss their account.

4.3. Arrangements

An arrangement can be entered into at any time following the issue of the demand (bill). Arrangements can be weekly, fortnightly, 4 weekly or calendar monthly. A weekly direct debit arrangement is also available for Council Tax.

- Previous payment history is considered and, if a direct debit arrangement is requested, whether any payments have been returned unpaid.
- If an instalment is missed a reminder will be issued. If the arrangement is then brought up to date it will remain in force. If the arrangement is not brought up to date, or two payments are missed, it is cancelled and a default notice issued.
- Only 1 arrangement is allowed in any financial year. This is to ensure that bad payers do not continuously request an arrangement and thereby prevent any recovery action.
- After a summons has been issued, an arrangement can be set up that will include the court costs. A liability order will still be obtained but as long as the arrangement is adhered to no further action will be taken. If the arrangement is defaulted upon, a 14 day letter will be sent (Council Tax).
- All arrangements for payments are confirmed to the debtor by the issue of an arrangement notice.

4.4. Summons

If payment is not received a summons will be issued for the full amount.

- Summons should be issued at least 14 days before the Liability Court hearing. In practice, this will be between 21 and 28 days before the court date.
- The debtor will again be encouraged to contact the Council to pay the amount in full or to enter into an arrangement.
- If an arrangement is made a liability order will be obtained but no further action will be taken as long as the arrangement is maintained.
- Costs will be added to the account. These costs:
 - Cover additional work and resources needed to ensure that all local taxation debts owed to the Council are recovered.
 - Include the costs payable to HMCS (Her Majesty's Courts Service) for the awarding of the liability order.

4.5. Liability Order Hearing

- The debtor is not required to attend court but does have the right to defend the action if they wish.
- Officers will interview anyone who appears at court before the hearing to discuss their case and to try and agree payment.
- If the debtor is not satisfied they can make representations to the Magistrates.
- The Magistrates have limited power at this stage. There may be valid defences and there may be some instances where the case is adjourned on agreement of all parties for further investigation or discussion.
- A liability order will be granted if the court is satisfied that all legal processes have been followed. The liability order entitles the Council to enforce the debt in a number of ways including:
 - Distress i.e. bailiff action
 - Attachment of earnings (Council Tax)
 - Attachment of benefit (Council Tax)
 - Commitment to prison
 - Charging order (Council Tax)
 - Insolvency
- A 14 day letter (for Council Tax debts) will be sent after a liability order has been granted. This requests details of income. The debtor is legally obliged to return this form. Included with the letter will be a schedule of fees associated with distress and bailiff action.
- If the 14 day letter is returned, the next recovery stage will be dependent upon the income and status of the debtor i.e. whether employed, in receipt of JSA/ ESA.
- Any cases where the 14 day letter is not returned will be sent to the bailiff after 1 month, where the debt is over £250.00.
- Cases where the debt is less than this amount will be looked at on an individual basis and the best course of action determined. This may include the case being passed to the Recovery Visiting Officer.

4.6. Bailiff Action

- The Council employs an external bailiff company (Bristow and Sutor) to collect unpaid council tax and national non-domestic rates.
- Any fees charged are in accordance with the legislation; details of these are issued with the liability order notice (Council Tax).
- The bailiff company operates in accordance with the Council's agreement, the Enforcement Service Association Code of Practice and the National Standards for Enforcement Agents Guidelines.
- All bailiffs employed by the bailiff company are certificated by the County Court.
- If an account has been passed to the bailiff, the customer is encouraged to contact them direct with regards to payment of the arrears.

4.7. Attachment of Earnings Orders (AEO)

- Under Regulation 37 Council Tax (Administration and Enforcement) Regulations 1992 the council may make an attachment of earnings to secure payment. The Council Taxpayer's employer(s) details will be held and these will be used where this course of action is appropriate.
- Whenever an AEO is set up, the employer will receive a copy of the order and a booklet outlining the guidelines to be followed by the employer. Similarly, the employee will also receive a copy of the order.
- Under the regulations, the employer is entitled to deduct £1 for every deduction that is made.
- Where an AEO is set, it will remain in force until full payment of the arrears is made, whether this is through the deductions from earnings or through a direct payment to the council by the council taxpayer. An AEO will not be cancelled unless:
 - It has been issued in error by the Council
 - An acceptable alternative payment option is agreed between the Council and the Council Taxpayer
- The Council can set a maximum of 2 AEO's at any one time.
- AEO's will be monitored for payment on a regular basis and the Council will:
 - Contact employers where deductions are not being made and passed to the Council
 - Contact employers where the Council Taxpayer has paid the Council directly and an AEO is in force
 - Advise employers and employees of any changes in the legislation that will affect the administration of the scheme

4.8. Deductions from Income Support/Job Seekers Allowance

The Council Tax (Deductions from Income Support) Regulations 1993 allow the Council to apply to the Department of Works and Pensions (DWP) for deductions to be made from a person's income support or job seekers allowance providing that a liability order has been obtained from the Magistrates Court.

- The level of deductions is prescribed in legislation and only one deduction may be made at any one time. Whenever deductions are set the Council will serve a copy of the order on the DWP and on the Council Taxpayer.
- Where deductions are set, they will remain in force until full payment of the arrears is made, whether this is through the deductions from income support or through a direct payment to the Council by the Council Taxpayer.
- Deductions from income support will be monitored for payment on a regular basis and the Council will:
 - Contact DWP where deductions are not being made and passed to the Council
 - Contact DWP where the council taxpayer has paid the Council directly and deductions are in force
 - Advise DWP and the council taxpayer of any changes in the legislation that will affect the administration of the scheme
- If deductions cannot be made e.g. if there are already deductions in place for other priority debts, the Council will inform the Council Taxpayer and encourage the debtor to contact the Council and make alternative arrangements to pay the Council Tax at a similar rate to the prescribed rate of deduction, where appropriate.

4.9. Attachment of Councillors' Allowances'

Where a debtor is an elected member of the Council or relevant major precepting authority, an order may be made to secure payment from allowances paid to the member.

- The sum to be deducted will be 40% of the allowances payable to the debtor.
- Where an attachment to allowances is set the Council will serve a copy of the order on the elected member and the order will remain in force until the arrears are paid in full.

4.10. Commitment to Prison

This stage can only be instigated where the debt has been passed to the bailiff and the bailiff has returned a certificate of 'nil effects' (Nulla Bona) or attempts to distrain were frustrated by the debtor, either through lack of contact or by refusing the bailiff entry to their premises.

- When a liability order is returned to the Council in any of these circumstances the Council will write to the debtor and encourage payment of the arrears either in full, by a suitable payment arrangement or by making deductions from earnings, benefits or allowances. If this is successful and payment is either made or agreed, the Council will not initiate committal proceedings at that time.
- If no contact is made and no alternative method of recovering the arrears is made known to the Council, a justice of the peace or justice's clerk may issue a summons requiring a person to appear before the court for the purpose of a means inquiry to be held in the debtor's presence. This will decide whether the failure to pay is due to wilful refusal or culpable

- neglect. Wilful refusal is the deliberate avoidance of making payment. Culpable neglect is where the failure to pay is due to carelessness.
- The summons will be hand delivered to the debtor by the Recovery Visiting Officer. If on attempt of making service, the officer is unable to personally serve the documents, they will leave the documents in a sealed envelope, addressed to the debtor, at their last known place of residence. The Visiting Officer will complete a certificate of service detailing the visit they have made and this will be presented to the Magistrates at the hearing. This will satisfy the clerk to the Magistrates recommendation of good service.
 - Where a person does not appear in response to the summons the Council will make an application for a warrant of arrest with bail. The Recovery visiting officer will attempt to execute the warrant, thereby arresting the debtor and releasing them on bail to appear at Court on the date specified on the warrant. If the warrant is not executed by the date specified, the Council will return to Court to ask the Magistrates to re-date the warrant to allow further time for the visiting officer to try to execute the warrant.. If seven days prior to the date on the Warrant it has not been executed, the Council will write to the debtor advising him/her that they must attend Court on the date specified, otherwise a warrant without bail will be issued and passed to the Council's representatives for them to arrest the debtor and take them to the Magistrates Court in Chesterfield. If the debtor contacts the Council at any stage, the Council may decide (without appearing at the court) to accept payment over a fixed period or initiate deductions from earnings, benefits or allowances if reasonable and appropriate. These cases will be reviewed and if the conditions of the arrangement are not maintained or deductions end (for whatever reason) the Council can release the warrant for execution. If the warrant is paid before it can be executed the Council will inform the clerk to the Magistrates and the case will be marked withdrawn.
 - Where a debtor attends the court either in response to the summons or through the execution of the warrant of arrest, the Council's Court Officer will interview the debtor in private at the court and will determine the most suitable course of action having:
 - Discussed the matter with the debtor to identify if full payment can be made or an acceptable alternative method of recovery can be used
 - Conducted and recorded a full means inquiry, making inquiries into the income and expenditure of the debtor and their household
 - Discussed the case with the debtor's legal representative
 - The Council's Court Officer will use their experience and knowledge at the court and will decide on which cases should be heard before the Magistrates. However, in the following circumstances the cases will be either adjourned to a later date (in agreement with the clerk to the Magistrates) or withdrawn from the court list:
 - Offer of full payment before the proposed adjourned hearing.
 - An offer of payment to clear the arrears within a reasonable time period, supported by full employment details and a means inquiry.

- Where employment details are gained and an Attachment to Earnings can be set which will clear the arrears within a reasonable time period.
- Where deductions can be made from the debtors income support/job seekers allowance which will clear the arrears within a reasonable time period.
- Where there is doubt over the certainty of the debt and/or the liability and an agreed outcome is decided between the debtor, the Council's Court Officer and the court, before the adjourned hearing
- Where the personal circumstances of the debtor are such that it would be in the best interests of all concerned to handle the matter outside of the court
- The Court Officer will present all other cases to the Magistrates for the purpose of a means inquiry and will support the Council's application by providing the following evidence:
 - Certificate of nil effects
 - Copies of liability orders
 - Copies of all relevant documentation issued to the debtor to try and obtain payment
 - Copy of a signed certificate of service
 - A full case history, outlining details of the liability, recovery action taken prior to the hearing and the steps both the Council and the debtor have taken to try and resolve the matter without the intervention of the magistrate's court
 - A signed copy of a full means inquiry
- The Magistrates will conduct a full enquiry into means for each period of charge. If they find the debtor guilty of either wilful refusal or culpable neglect they can decide to:
 - To issue a warrant of committal forthwith in which case the debtor would go straight to prison
 - To issue a warrant of committal and suspend it on terms of payment which is set at a sum that the court considers reasonable taking into account the evidence heard
 - To dismiss the case
 - To remit all or part of the debt
- The Magistrates also have the power to remit the debt when wilful refusal or culpable neglect is not found. If they do not fix a term of imprisonment the case can be brought back to court on the grounds that the circumstances of the debtor have changed.
- The Court Officer will always behave in a professional and courteous manner to the court, its officials and the debtor whilst conducting their duties in the court arena. The Council will respect the decision of the court and where appropriate will challenge a decision through the formal appeals process.
- Following the court hearing the Council will:
 - Write to confirm the outcome of the court hearing to all debtors concerned and update the personal account of the debtor.

- Will inform the debtor by telephone if possible and also by post any notices of adjournment, unless the adjourned date was agreed in the presence of the clerk to the court or the magistrates, in which case the notice will be served in the ordinary course of the post.
- Will monitor progress of adjourned cases to ensure that the agreed course of action is taken.
- Will monitor suspended payment orders made by the court and where these are not maintained the Council will bring this to the attention of the court for the purpose of a further hearing.
- Accept full payment of any reduced amount of Council Tax and costs due under the order of commitment where the debtor has been committed to prison by the magistrates and serves only part of the sentence.
- Write off any Council Tax and costs due under the order of commitment where the debtor has been committed to prison by the Magistrates and serves the term of the sentence as no further recovery action would be suitable for the recovery of the debt.

4.11. Further Hearing

Where a debtor fails to pay as ordered by the court the Council will remind the debtor of the terms of the suspended order and of the consequences of failing to bring the order up to date. There will be no variation of the order unless the debtor appears before the Magistrates and that decision is made by the court on evidence of a relevant change in the debtor's personal circumstances identified through a full means inquiry.

- Where there is continued default, a justice of the peace or justices clerk may issue a notice requiring a person to appear before the court for the debtor to show good cause why the terms of the order have not been maintained.
- The notice and a covering letter will be hand delivered to the debtor by a Recovery Visiting Officer. If on attempt of making service, the officer is unable to personally serve the documents, they will leave the documents in a sealed envelope, addressed to the debtor, at their last known place of residence. The Visiting Officer will complete a certificate of service detailing the visits they have made and this will be presented to the Magistrates at the hearing.
- Where a person does not appear in response to the notice the Council will make an application for a warrant of arrest without bail, including additional costs.
- The Council will inform the debtor that the warrant has been issued and will invite them to contact the recovery team and make arrangements to surrender themselves to the court or make full payment of the amount.
- If the debtor does not make contact with the recovery team within 7 days the warrant of arrest will be released to the Council's bailiff who will execute it and escort the debtor to the nearest court.
- Where a debtor attends the court either in response to the summons or through the execution of the warrant of arrest, the Council's Court

- Officer will interview the debtor in private at the court and will determine the most suitable course of action having:
- Discussed the matter with the debtor to identify if full payment can be made or an acceptable alternative method of recovery can be used
 - Conducted and recorded a full means inquiry, making inquiries into the income and expenditure of the debtor and their household
 - Discussed the case with the debtors legal representative
 - The Council's Court Officer will take all cases before the magistrates unless payment in full is made. The Court Officer will present a summary of the first hearing to the Magistrates and the action that has been taken since that date by both the debtor and the Council. The court officer will also present:
 - A signed certificate of service.
 - Any action taken following the court hearing will follow the principles laid down earlier in this policy for commitment to prison.

4.12. Bankruptcy/ Insolvency

Council Tax debt and Non Domestic Rates debt are deemed to be debts for the purpose of bankruptcy and winding up, where a liability order has been made.

All potential cases for bankruptcy are to be considered by the Court Officer and the Billing and Recovery Manager. The Billing and Recovery Manager will review the details of each individual case and determine the course of action.

Consideration will be given to the following:

- The history of the case and what actions have already been considered/ tried/ aborted:
 - Liability orders have been obtained.
 - Arrangements have been tried at all stages of recovery.
 - Income/ personal circumstances of the debtor are known/ not known.
 - Attachments of benefit/ earnings have been considered (if relevant).
 - Case(s) have been passed to the Council's Bailiff to levy distress but returned as unable (for whatever reason) to find any or sufficient goods.
 - Committal proceedings have commenced but unable to serve warrant with or without bail.
 - A charging order has been considered.
- The amount of debt.
 - Bankruptcy proceedings can be taken for as little as £750.00. However, before cases are actioned, the debt should cover at least two or more years and the amount of debt should exceed £2000.00. Please note that these are minimum amounts and, depending upon the circumstances in individual cases, these amounts will mostly be exceeded.
- The circumstances of the debt.
 - How the debt arose
 - Whether the debt is ongoing or for a closed account

- Other liabilities the debtor has with the Council i.e. Business Rates, Sundry Debts.
- The circumstances of the debtor.
 - Income, earnings if known (Has 14 day letter been returned?)
 - Determine if any benefit application has been lodged, previously or currently and is there entitlement to benefit.
 - Review personal circumstances of debtor (if known): age, family situation, vulnerability of debtor and family.
- Obtain Land Registry search for all relevant properties.
- Obtain (Experian) search detailing financial circumstances of debtor and partner.
- If decision is made to proceed with bankruptcy, letter to be sent:
 - Advising debtor of situation.
 - Intention to take bankruptcy proceedings.
 - Enclose copy of Guide to Bankruptcy issued by The Insolvency Service.
 - Advising payment in full within 14 days will avoid action being taken.
 - Inviting debtor to contact and not to ignore the situation.
- If no contact received nor payment made, the case will be referred to the nominated agent specialising in bankruptcy proceedings. This can be after 14 days, but in practice a longer period will be allowed.

4.13. Charging Orders

A charging order is an order issued by the court and placed on a debtor's property for monies owed. The authority can make an application to the county court for a charging order for Council Tax debt. This is dependent upon liability orders. The charging order may only be obtained for the property in respect of which Council Tax is due.

All potential cases for charging orders are to be considered by the Court Officer and Billing and Recovery Manager. The Billing and Recovery Manager will review the details of each individual case and determine the course of action.

Consideration will be given to the following:

- The history of the case and what actions have already been considered/ tried/ aborted:
 - Liability orders have been obtained.
 - Arrangements have been tried at all stages of recovery.
 - Income/ personal circumstances of the debtor are known/ not known.
 - Attachments of benefit/ earnings have been considered (if relevant).
 - Case(s) have been passed to the Council's Bailiff to levy distress but returned as unable (for whatever reason) to find any or sufficient goods.
 - Committal proceedings have commenced but unable to serve warrant with or without bail.
- The amount of debt.
 - Charging orders can be obtained if the amount of debt is at least £1000.00. However, before cases are actioned, the debt should cover

at least two or more years and the amount of debt should exceed £2000.00. Please note that these are minimum amounts and, depending upon the circumstances in individual cases, these amounts will mostly be exceeded.

- The circumstances of the debt.
 - How the debt arose
 - Whether the debt is ongoing or for a closed account
 - Other liabilities the debtor has with the Council i.e. Business Rates, Sundry Debts.
- The circumstances of the debtor.
 - Income, earnings if known (Has 14 day letter been returned?)
 - Determine if any benefit application has been lodged, previously or currently and is there entitlement to benefit.
 - Review personal circumstances of debtor (if known): age, family situation, vulnerability of debtor and family.
 - Determine whether obtaining a charging order would unduly affect any other person e.g. joint owner, spouse, dependent children.
- Obtain Land Registry search for relevant property.
- Consider if the property is likely to be repossessed
- If decision is made to proceed with obtaining a charging order, letter to be sent:
 - Advising debtor of situation.
 - Intention to obtain a charging order.
 - Advising payment in full within 14 days will avoid action being taken.
 - Inviting debtor to contact and not to ignore the situation.

4.14. Write Offs

All recoverable local taxation debts, considered appropriate for write off, will be agreed and authorised.

- Where the debt is under £1000, the write off is authorised by the Joint Director of Corporate Resources.
- Where the debt is over £1000, a report is compiled and presented to Executive for authorisation.
- Write offs would normally be considered in the following cases:
 - The debtor has absconded
 - The debt is not cost effective to pursue
 - The debtor is deceased and there are no funds available in the estate
 - The debtor has ceased to trade
 - The debtor is bankrupt, in liquidation or receivership
 - A debt relief order is in force

Where a debt has been written off, the Council may still recover the debt if circumstances change and it becomes recoverable.

5. Responsibility

Responsibility for implementing this policy lies with Revenue Services – Billing and Recovery Section. If the customer feels that the policy has not been adhered to they should contact the Section in the first instance. If they are still dissatisfied, a formal complaint can be lodged, in accordance with the Council's Corporate Complaint Policy. This can be via the website www.bolsover.gov.uk to email enquiries@bolsover.gov.uk.

Appendix 1

Advice and Support

Bolsover District Council -Revenues and Benefits Service

Website: www.bolsover.gov.uk/housing-benefit-overview or enquiries@bolsover.gov.uk

Telephone: **01246 242443**

Advice Derbyshire

Website: <http://www.advicederbyshire.org/index.shtml>

Telephone: **08444 111 308**

Textphone: **08444 111 445**

Call from a mobile: **0300 3300 650**

NE Derbyshire Citizens Advice Bureau

Website:

<http://mymoney.nedcab.org.uk/moneyadvice/advicefrombureau.asp>

Telephone: **0844 8489800**

Derbyshire Unemployed Workers Centre

Website: www.duwc.org.uk

Telephone: **01246 231441**

2 Shires Credit Union

Website: <http://www.2shires.org.uk/>

Telephone: **01909 500575**

National Debtline

Website: <http://www.nationaldebtline.co.uk/>

Telephone: **0808 808 4000**

Release

Pinxton and South Normanton residents only

Telephone: **01773 306289 Or 07854 296344**

Collection of council tax arrears good practice protocol

Council tax payers will receive a better level of service if billing authorities and local debt advice agencies work closely together.

This good practice protocol makes a number of suggestions on how existing relations can be strengthened and improved. It has been developed as a result of partnership work between the national bodies representing advice agencies and local government throughout England and Wales. It reflects best practice at local level and is intended to be an aid towards regular liaison on practices and policy concerning council tax arrears collection. By setting down clear procedures and keeping them regularly under review, all parties can ensure that cases of arrears are dealt with

Approved by

quickly and realistically whilst complaints are handled efficiently.

This partnership approach is even more important at a time of economic uncertainty in order to ensure that taxpayers are able to pay their council tax bills on time, get the benefits to which they are entitled and those in financial difficulty get high quality debt advice. The intention is to ensure that council tax arrears are dealt with quickly, effectively and realistically.



Local Government Association



Partnership

The following items cover effective liaison between local authorities and advice agencies.

- Local authorities and advice agencies should agree to meet regularly to discuss practical and policy issues with a recommendation to meet quarterly at local authority officer level and annually with elected members.
- All parties should have dedicated contacts accessible on direct lines and by electronic means so that issues can be taken up quickly.
- All parties should promote mutual understanding by providing training workshops and/or exchange visits so that those involved understand the issues facing respective organisations.
- Vulnerable people: local authorities and advice agencies should work together to develop a fair collection and enforcement policy highlighting examples of vulnerable people and specifying clear procedures about how they should be dealt with. Contractual arrangement with bailiffs should specify procedures for the council to take back cases involving vulnerable people.
- Local authorities should consider informal complaints as evidence of problems with collection or enforcement with bailiffs. Debtors may be afraid to complain formally where bailiff activity is ongoing. Informal complaints received from advice agencies can indicate problems worthy of further investigation.

Information

Literature concerning council tax collection and recovery should be reviewed as part of liaison work between local authorities and advice agencies.

- Publicise debt advice contact details on literature and council tax notices. Local Authorities can provide council tax payment plans to help people budget. Advice agencies can help by promoting the need for debtors to contact their local authority as soon as possible in order to agree payment plans. Work together to ensure that the tone of letters is not intimidating and encourages prompt engagement by council tax payers experiencing financial difficulties.
- Local authorities should consider providing literature addressing any likely concerns council tax debtors involved in the recovery process may have on bailiffs and enforcement. Information could cover charges bailiffs are allowed to make by law, how to complain about bailiff behaviour or check bailiff certification and further help available from the local authority or advice agencies.
- All parties should work together to promote engagement by council tax payers. Include information on how bills can be reduced through reliefs, exemptions and council tax benefit, how tax payers should contact the local authority if they experience financial hardship and the consequences of allowing debts to accumulate. Information should be made available on local authority and advice agency websites and available at offices of relevant agencies. This is an opportunity for joint campaign work.
- Promote different payment dates within the month as options available to council tax payers. This can allow people to budget more effectively for council tax when they have the money.

Recovery

If a council tax bill is not paid then the recovery process comes into play. The first stage of the recovery process will involve the billing authority obtaining a liability order from the courts. While authorities strive to make contact with a debtor the first point of contact often occurs only when a bailiff visits the premises. The following items should be considered to ensure an appropriate response.

- Local Authorities should work in partnership with advice agencies on the content of all documents produced by the billing authority and agents acting on its behalf which are part of the enforcement process. This should ensure that the rights and responsibilities of all parties are clearly set out and understood.
- Recovery officers should provide the debtor with a contact number should they wish to speak to the billing authority.
- All charges associated with recovery should be kept regularly under review to ensure they are reasonable. Bailiffs employed by billing authorities should only make changes in accordance with council tax collection and enforcement regulations.
- Consider the level of debt (inclusive of liability order fees) before bailiff action is taken.
- Billing authorities will have varying definitions of a vulnerable person/household. Recovery action will be referred to the billing authority where these criteria are found to have been met.
- Find out whether the debtor has outstanding claims for council tax benefit or housing benefit which are contributing to arrears. Recovery can be suspended once it is established that a legitimate claim is pending.
- Billing authorities should prioritise direct deduction from benefits or attachment of earnings in preference to using bailiffs. This avoids extra debts being incurred by people who may already have substantial liabilities.
- Ensure procedures exist for debt advisors to negotiate payments on behalf of the taxpayer at any point in the process including when the debt has been passed to the bailiff. In some cases the debtor may only, in practice, contact an advice agency following a visit from the bailiff.
- Set down, as part of contractual arrangements, a clear procedure for people to report complaints about recovery action. Billing authorities will regularly monitor the performance of those recovering debts on their behalf and ensure that contractual and legal arrangements are adhered to.
- A key part of the recovery is treating each case on its merits. Arrangements need to be affordable and sustainable while ensuring that the debt is paid off within a reasonable period.

For more copies of this protocol visit:
www.citizensadvice.org.uk/pdf-ct-protocol.pdf

Published by Citizens Advice
July 2009

www.citizensadvice.org.uk
www.adviceguide.org.uk

| | | | |
|---------------------------|--|------------------|------|
| Committee: | Executive | Agenda Item No.: | 9. |
| Date: | 8 th April 2013 | Status | Open |
| Category | Decision within the functions of Executive | | |
| Subject: | Neighbourhood Management Community Houses | | |
| Report by: | Director of Health and Wellbeing | | |
| Other Officers Involved | Environmental Health Manager (Housing and Pollution) Neighbourhood Management Project Workers | | |
| Director | Director of Health and Wellbeing | | |
| Relevant Portfolio Holder | Councillor A. Tomlinson, Portfolio Holder for Regeneration | | |

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services
ENVIRONMENT – Promoting and enhancing a clear and sustainable environment
REGENERATION – Developing healthy, prosperous and sustainable communities
SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

Due to the holistic nature of Neighbourhood Management the service contributes to all of the above corporate aims.

VALUE FOR MONEY

The proposals in the report, aim to reduce costs by delivering services by an outreach approach and therefore avoiding the ongoing costs incurred from the three existing premises.

THE REPORT

Following the recent decision to close the Community Houses, officers have been gathering information to seek alternative funding or effectively plan for their closure if alternative funding was not forthcoming. An important part of transition was to maintain elements of support for those communities affected following any closures.

The issues faced differ between the three community houses and so each house is approached in turn. It should also be noted that the outline costs for each house are outlined in appendix 1.

South Normanton

Current use

The organisations currently using the South Normanton Community House are the Residents' Group, the Police and North Derbyshire Women's Aid.

Funding and alternative arrangements

Funding to sustain the Community House has not been forthcoming for the property. Alternative accommodation has already been found for the Residents' Group at The Hub. They are eligible for a reduced rent and are receiving financial support from Derbyshire County Council for the coming financial year due to their Community Group status.

The Domestic Violence Worker uses the Community House for confidential appointments with their clients. We understand that the project is not able to pay for the use of any accommodation and on average they use the premises for approximately 2 hours per week. It is therefore proposed that they are allowed to book the District Council interview rooms at The Hub, in order to ensure that vulnerable residents can continue to receive this service unaffected.

The Police already have alternative accommodation at the Hub and will be using these premises. Following discussions with the Police, they have indicated that they could vacate the premises at relatively short notice. It is therefore proposed to give 2 months Notice. However it should be noted that the Police occupy the premises on an informal basis and formal Notice is therefore not necessary. The Police will continue to work with the Residents' Group and as they will also be based at the Hub, they will both continue to work from the same location.

Closedown preparation

A date for the Residents' Group to move into their new premises at The Hub is not yet confirmed, but it is anticipated that this will be from the beginning of the new financial year. The Residents' Group owns a considerable amount of equipment for sports and general events and there is not sufficient space for all of this to be stored at The Hub. Additional storage facilities are therefore being explored at the Post Mill Centre as this would be an ideal location.

Considerable work is necessary to empty the premises and it will also be necessary to undertake conversion work, to bring the property back to a residential standard, before it can be returned to the Housing Department. It will also be necessary to apply for Planning Permission for Change of Use back to residential premises.

The Brunch Clubs in South Normanton and Pinxton are delivered in partnership with the Residents Association and equipment used at the Brunch Clubs can be accommodated at The Hub. Neighbourhood Management will therefore continue to deliver this work in partnership with the Residents'

Group. The Brunch Clubs currently deliver the majority of the customer engagements for the South Normanton Community House services and it is therefore important to continue this work.

Closure/transfer

Considering the points above and that the service provision is relatively unaffected, it is proposed that we plan the closure of the premises within the next two months.

Despite the expenditure incurred in bringing the premises back to residential use, once the property is occupied it will contribute to the New Homes Bonus received by the Authority. This is in the region of £6,000 over the next 6 years*. In addition to this, once the property is returned to the Housing Department it will be let for an annual rent of £3,972 and will add to the short supply of affordable homes within the District.

Castle Estate

Current use

The only organisation currently using the Castle Estate Community House is the Residents Association. They use the premises to store their equipment, hold their monthly meetings and host events and activities during school holidays.

Funding and alternative arrangements

Local members have been supporting The Residents' Group, by approaching the Town Council and the owner of the property (Villagate) on their behalf, to seek potential ways for them to take over the management of the premises. This has resulted in Bolsover Town Council making a pledge of £1,000 to the Residents' Group, as a contribution towards the running costs for the year 2013/14. Villagate have confirmed that they are willing to allow three months free rental (until the end of June) to allow the Residents' Group more time to obtain funding that may allow them to take over the tenancy of the premises.

Grant funding has been explored, however, there are very limited opportunities, as much of the funding available is capital funding rather than revenue funding. Capital funding by its nature is focussed around the delivery of new projects and is not suitable for covering ongoing expenditure. From discussions with the Residents' Group, it is clear that they too have experienced this problem and are doubtful about the prospects of obtaining funding for ongoing revenue requirements to sustain the facility.

Enquiries have also been made to the County Councillor to request support for the Residents' Group, similar to that offered in South Normanton, but this was unsuccessful due to having no funding available.

An Officer attended a recent Residents' Group meeting, where the potential to take over the tenancy of the House was discussed. It was clear that whilst the

*Note that New Homes Bonus is calculated as a net figure across the District

group felt that the Community House was a valuable asset to the community, they would not be able to take over the tenancy or running costs of the premises, due to the level of costs, limited availability of funding and the necessity to staff the premises.

The most immediate problem for the Residents' Group upon closure of the premises is their storage requirements. We are therefore exploring if there are any local facilities available and the Parish Council are currently considering if they are able to assist with this .

Closedown preparation

Villagate's offer of three months free rental is conditional upon the tenancy remaining with the District Council and the contractual obligation to convert the property back to a residential standard being honoured. As the Residents' Group have advised that they will not be able to take over the tenancy, then the conversion works can now be planned.

As with the South Normanton Community House, it will be necessary to apply for Planning Permission for Change of Use to residential and we would not be able to return the property to the Landlord until Planning Permission is granted. The target time for determining an application is 8 weeks and time also needs to be allowed for planning and completion of the conversion works. When the Castle Estate Community House is closed and returned to the landlord as residential premises, it is likely that the property will be brought back into use therefore attracting New Homes Bonus of around £6,000 over 6 years.

Over the past year no services have been run out of the community house on the castle estate. If staff are no longer tied to premises following this process, it is intended that support for the Residents' Group can be reinstated, therefore improving the service they currently receive.

Closure

As no alternative arrangements have been found to cover the running costs and keep the premises open, preparations can now be made for closure. The Residents' Group require more time to remove their equipment and the conversion works now need to be planned and completed. It is therefore proposed to close the Community House within the next month and to complete conversion works in preparation for handover within the 3 month period set by Villagate.

New Houghton

Current use

Unlike the other two Community Houses, there is no longer an active Residents' Group within New Houghton and so no community led events are delivered from these premises. However, limited services are delivered by partner organisations from these premises. These services are predominantly

provided by a variety of services at Derbyshire County Council and include Children's Centre activities, adult education and multi agency team meetings.

Alternative arrangements

As there is no active Residents' Group within New Houghton, there is no opportunity for the local community to take over the Community House.

Derbyshire County Council are the main users and have been advised of the potential closure of the premises. They are currently considering the impact on their services and whether they would be willing to consider renting the premises in order to continue their services from this location, or whether they could explore alternative venues.

Early indications suggest that rental of the premises may not be possible but we are awaiting a formal response. Whilst many of the projects may be able to contribute by an hourly rental rate, such contributions would not be sufficient to cover the running costs of the premises and so the only way of retaining the facility would be for DCC to take over a tenancy of the premises.

Closedown preparations

A regular and well established activity at New Houghton is 'Stay and Play'. This group provides support to local mums and promotes engagement and development of young children. There is a clear demand for this service and we are therefore exploring the potential to continue this service at the local Community Centre.

It is also proposed to develop a chair based exercise class, similar to the Brunch Clubs in South Normanton, which would assist in the prevention of slips trips and falls, as well as help engage with vulnerable residents.

Due to the size and facilities of the New Houghton premises, there is a considerable amount of equipment and contents, which can be stored at Pleasley Vale.

Previous work by the Residents' Group means that they own many items within the house, such as play equipment and a photocopier. If the equipment cannot be returned to the Residents' Group (as they are no longer active), then it will be offered to other groups and partners for the benefit of the local community. Alternatively it will be sold and the proceeds returned to the community.

As it will take considerably more time to clear this premise it is proposed that this is the last of the three to be closed, should it be necessary to close all three.

As the Council is the owner of the New Houghton premises, its future use needs to be determined. The Development Directorate have been advised of the potential closure of the premises, subject to alternative arrangements being found, to give consideration to its future and potential uses are being explored.

If the premises were closed and vacated, a 3 month exemption period would apply for business rates leading to a further saving of £1,000. However, following the 3 month exemption, full business rates will be due for these premises.

If no funding is brought forward within the next few weeks, then it is proposed to close the facility within the next 3 months.

Further developing the Neighbourhood Outreach service

Should all three Community Houses be closed, staff resources will no longer be tied to the Community Houses. These resources can be focussed on the three locations where houses were provided to allow for a soft transition within these communities. It will also present new opportunities across the District, where need is identified.

It is proposed that the service will operate using an outreach approach, particularly supporting those areas where Community Houses were located, to maintain or in some cases enhance service delivery. The outreach approach will help to engage with vulnerable people who would never previously have had access to the services run from the Community Houses and this will increase the number of vulnerable people that it can assist. The vision of the new service is to be more flexible and deliver more across the District and at present, it is envisaged that the focus of the service will be working with communities on the impacts of welfare reform and to contribute to the challenging issues still posed by the Public Health Agenda within the district.

Over the next few months, to help shape the future of the service, it will be necessary to consult with internal departments, customers, partners and members. The service will need to work in partnership with Public Health colleagues, Environmental Health, Revenues and Leisure to name a few. It is proposed that we will consult with members and customers (via the citizen's panel) to help inform the development of the service.

In order to better understand the distribution of need across the District, we will analyse data from a new system called MOSAIC, which has the capacity to identify the location of target groups, such as high levels of deprivation and disabilities for example.

The draft Equality Impact Assessment is attached as appendix 2 to this report. This assessment has identified that the outreach approach will minimise discrimination against minority groups, as it will no longer rely on customers accessing the services via a premises or from a distinct community.

The services provided from the Community Houses have always been at nil charge, despite the potential for charging. Consideration will therefore be given to the future service and where it may be appropriate to implement

charging, for example a nominal charge of £2 for Brunch clubs. Such charges may assist with room rental costs and allow a more sustainable service serving more communities.

As the service will operate by an outreach approach, it will be necessary for the officers to operate as flexible workers. Two of the three officers will therefore require laptops in order for them to operate as flexible workers. It is proposed that this investment should be funded via transitional funding.

ISSUES/OPTIONS FOR CONSIDERATION

In essence no sustainable funding options have been brought forward for any of the community houses and many of the facilities are continuing within those communities.

Alternative arrangements are in place in preparation for the closure of the South Normanton Community House and closure could be facilitated within two months.

The Residents' Group are not able to take over the running costs of the Castle Estate Community House. It is therefore proposed to close the Community House within the next month and to complete conversion works in preparation for handover within the 3 month period set by Villagate.

The outcome of consultations with Derbyshire County Council about the New Houghton Community House are yet to be determined. However, if no funding is brought forward within the next few weeks, then it is proposed to close the facility within the next 3 months.

Conversion works will be necessary at South Normanton and Castle Estate Community Houses. Inspections have been completed to schedule the necessary works and detailed costs are yet to be determined. However, it is anticipated that the costs will be in the region of £10,000 to £12,000 (including Planning fees) for both of the premises. It is proposed that these works are funded via transitional funding (Efficiency Grant).

As the new service will operate an outreach approach and will no longer be working from the Community Houses, the officers will need to 'flexible workers'. Two of the Project Workers will therefore require laptop computers and it is proposed to fund this requirement via transitional funding (Efficiency Grant).

IMPLICATIONS

Financial: There are costs incurred to close and convert the premises, but the closure does bring about long term savings.

Legal: None

Human Resources: As the Outreach Service is developed, it may be necessary to review the current job descriptions and this could require the post to be re-evaluated.

RECOMMENDATIONS

- 1. The report be received and progress on the development of the Neighbourhood Outreach Service be reported to Executive in June.**
- 2. To close the South Normanton Community House within 2 months.**
- 3. To close the New Houghton Community House within 3 months subject to alternative funding not being forthcoming.**
- 4. To close the Castle Estate Community House within the next month. To undertake the necessary conversion works in preparation for handover within the 3 month period set by Villagate and to terminate the tenancy agreement.**
- 5. To fund the costs of Planning Applications and necessary conversion works via Transitional Funding.**
- 6. To provide laptops for project workers and fund this provision via Transitional Funding.**

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To effectively plan for the closure of the Community Houses and to develop a future outreach service.

ATTACHMENTS: **Y**
FILE REFERENCE:
SOURCE DOCUMENT:

APPENDIX 1 - Property related costs for each Community House

2011/12 - Full Year costs

| | South Normanton | New Houghton | Castle Estate | Code total |
|-----------------------------------|--------------------|-----------------|-----------------|----------------|
| G010/4004 Stores | 113.00 | 113.00 | 113.00 | 339.00 |
| G010/2014 Electricity | 910.61 | 246.70 | 284.45 | 1,441.76 |
| G010/2016 Gas | 405.29 | 1,588.73 | 163.49 | 2,157.51 |
| G010/2019 Business Rates | 1,071.67 | 3,853.70 | 1,558.80 | 6,484.17 |
| G010/2021 Water Rates | 264.43 | 131.18 | 373.92 | 769.53 |
| G010/2029 Pre-planned Maintenance | 522.08 | 522.08 | 522.09 | 1,566.25 |
| G010/4039 Telephones | 400.84 | 736.37 | 437.53 | 1,574.75 |
| G010/5001 Rent | 0.00 | 0.00 | 4,800.00 | 4,800.00 |
| | 3,687.92 | 7,191.76 | 8,253.28 | £19,133 |

£307.33 per C/M £599.31 per C/M £687.77 per C/M

| | | | |
|---------------------------|---|------------------|------|
| Committee: | Executive | Agenda Item No.: | 10. |
| Date: | 8 th April 2013 | Status | Open |
| Category | Decision within the functions of Executive | | |
| Subject: | Community Right to Bid | | |
| Report by: | Senior Principal Solicitor | | |
| Other Officers Involved | | | |
| Director | Solicitor to the Council | | |
| Relevant Portfolio Holder | Councillor A. Syrett, Portfolio Holder for Social Inclusion | | |

RELEVANT CORPORATE AIMS

Customer Focused Services- this will provide a means to comply with the requirements of the Localism Act 2011 relating to administering a list of assets of community value and the processes resulting from a listing

TARGETS

None

VALUE FOR MONEY

N/A

THE REPORT

This report explains the statutory obligations imposed by the Localism Act 2011 in respect of what is commonly known as the Community Right to Bid. The relevant provisions of the Localism Act, which came into force on 21st September 2012, are contained within Chapter 3- Assets of Community Involvement.

The purpose of the Community Right to Bid is to seek to ensure that important assets remain in public use and stay as part of community life as it is considered that the closure of these assets can create lasting damage to the communities where they are situated. The types of property that are covered by the act are not just municipal buildings but include other buildings used by the community, such as shops and public houses.

There are two central strands to the Community Right to Bid. Firstly is the creation and management of a list of assets of community value and secondly the impact of a listing on the owner of the asset. This report will now look at each strand in more detail. The report also explains the financial consequences of the Community Right to Bid.

LIST OF ASSETS OF COMMUNITY VALUE.

District Councils are now required to maintain a list of assets of community value. Assets are placed on the list following a nomination by a parish council or community group provided the property meets the criteria set out by the legislation. It will be for the District Council to determine this and will have 8 weeks to do so.

What is an asset of community value? It is land or building the use of which furthers or has recently furthered the social well being of the local community including its cultural, recreation and sporting interests.

There are a number of properties that are exempt from being included on the list, e.g. residential properties, caravan sites and land used by statutory undertakers.

When a nomination is made the District Council will need to consider whether the land meets the criteria for an asset of community value. If it does it will be placed on the list, however the landowner will have a right of appeal. If the nomination is unsuccessful the property will be listed on a separate list known as the list of land nominated by unsuccessful community nominations.

A landowner dissatisfied with a listing has the right of appeal to the General Regulatory Chamber of the First-Tier Tribunal.

Entries on the List of Assets of Community Value must remain on the list for five years.

Both lists must be published and made available for free inspection.

If the property is placed on the list the District Council must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register which safeguards against a disposal being made without compliance with the Act.

THE CONSEQUENCE OF A LISTING

A landowner may not dispose of a property that is listed as an asset of community value without first notifying the District Council. The District will then notify whoever initially nominated the property as an asset and update the list. There then follows a six week period during which community bodies may express an interest in bidding for the property. If no expressions of

interest are received the landowner is free to dispose of the property. If a community body does register its interests then the owner may not dispose of the property until 6 months from the date he/she notified the Council of his/her intention to sell, although he/she is free to negotiate and market the property as he/she sees fit. The owner however may sell the property during this period to the community body who expressed an interest or any other body who could have expressed an interest.

Community Right to Bid does not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do not confer a right of first refusal to community interest groups. There is therefore no guarantee that the property will remain a community asset. However the legislation at least gives community bodies an opportunity to raise the capital in order to bid for the asset.

Not all disposals will be subject to the notification and moratorium provisions. The disposals that are exempt are contained in the Act and the Assets of Community Value (England) Regulations 2012. Examples of exempt disposals are gifts, disposal by a personal representative in accordance with a will and sale of business property at the same time as the sale of the business as going concern.

FINANCIAL CONSEQUENCES

Private owners may claim compensation from the Council for loss and expense incurred through the asset being listed or previously listed. This includes a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal. If the District Council refuses a claim for compensation the owner may appeal to the Tribunal.

The government will meet the Council's compensation costs exceeding £20,000 in any financial year however the District Council is responsible for compensation below that amount. New burdens funding for the Community Right to Bid received for 2012/13 is £4,873 and it is anticipated that we will continue to receive a payment up to and including 2015/16 although the precise amounts are yet to be determined.

Another financial implication will be the cost of obtaining title documents from the Land registry and registering a restriction at the Land Registry which at current Land Registry rates will be £26.00.

ISSUES/OPTIONS FOR CONSIDERATION

It is proposed that the Director of Development be the nominated officer to deal with all issues relating to the Community Right to Bid and he be delegated powers accordingly.

IMPLICATIONS

Financial: As set out in the report

Legal: Ensuring compliance with Part 3 of the Localism Act 2011

Human Resources: Staff time needed to maintain the lists, to deal with nominations and appeals and to register as local land charge and at the Land Registry

RECOMMENDATIONS

- 1. To note the statutory obligations imposed by the Localism Act 2012 relating to Assets of Community Involvement;**
- 2. That delegated powers be granted to the Director of Development in consultation with the Leader and Deputy Leader of the Council to make decisions on any matter the Council is required to make a decision on in relation to Part 3 Chapter 3 (Assets of Community Involvement) of the Localism Act**

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

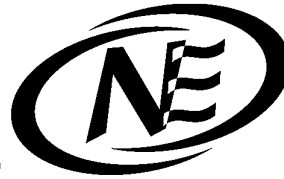
In order that the Council has procedures on place to comply with the provisions of the Localism Act 2011.

ATTACHMENTS: None
FILE REFERENCE: N/A
SOURCE DOCUMENT: N/A

Appendix 2



North East
Derbyshire
District Council



Equality Impact Assessment Recording Form

This is a new and important process that will require different perspectives to be considered and, in some cases, difficult decisions may need to be made about policy and service delivery.

Whilst it is necessary to identify a lead officer, it is advised that they do not undertake the impact assessment on their own, but set up a group comprising a diverse range of staff responsible for delivery the service, there may also be an opportunity to include a customer, stakeholder, partner or critical friend to get a more rounded understanding of the full implications of the policy, practice, service or function.

For more information on carrying out the assessment please refer to the guidance notes or contact the Equalities and Diversity Officer or your Department's Equality Champion.

STEP1 Equality Impact Assessment Team

Name of Policy, BDC Neighbourhood Management Service

Assessment Team Leader Name:

Directorate Responsible: Health and Wellbeing

Service Area: Environmental Health

Other members of the assessment team:

| Name | Position | Area of Expertise |
|-------------|--|------------------------------------|
| Sam Bentley | Env Health Manager (Hsg and Pollution) | Env Health |
| Sue Simmons | Technical Support Team Leader | Lead Equality Officer (Env Health) |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

STEP2 Identifying the aims/objectives of the policy, practice, service or function

Questions

| | |
|---|---|
| 1 | <p>What are the main aims and objectives or purpose of the policy, practice, service or function?</p> <p>To assist in the delivery of a neighbourhood management service for the benefit of vulnerable residents and resident groups across BDC's district.</p> <p>What outcomes do you want to achieve?</p> <p>To assist in the delivery of the following corporate aims: Developing healthy, prosperous and sustainable communities Ensuring communities are safe and secure</p> |
| 2 | <p>Are there any associated services, policies or procedures? No</p> <p>If 'Yes' please list below</p> |
| 3 | <p>Who is affected by this policy, practice, service or function, or by the way it is carried out? i.e. Who are the internal and external customers, groups, communities or any other stakeholders?</p> <p>BDC residents, BDC community groups, elected members, partner organisations eg DCC, Police, Connexions, NE Derbyshire Domestic Abuse team.</p> |

| | |
|---|--|
| 4 | <p>Who implements, carries out or delivers the policy, practice, service or function? Please state where more than one person, team, department or body? – and include any outside organisations who deliver under procurement arrangements etc.</p> <p>Neighbourhood Management Co-ordinator and Project Workers, Env Health Manager (Hsg and Pollution)</p> |
| 5 | <p>Is the policy, practice, service or function affected by external drivers for change? e.g. new legislation, national policy, external inspection etc.</p> <p>Disability Discrimination Act Equality Acts Human Rights Act Budget constraints internal and external</p> |
| 6 | <p>What existing or previous inspections of the policy, practice, service or function are there? E.g. Best Value Inspections, policy reviews, research into the effects of a policy or practice.</p> <p>Not of aware of any previously</p> |

| | |
|---|---|
| 7 | <p>How is information about the policy, practice, service or function publicised?</p> <p>Via engagement with local residents and groups.</p> |
|---|---|

STEP 3 Equality Impact Assessment

Although this form is set out under the six strands of equality we are focusing on (race, disability, gender, age, religion and belief and sexuality), consider any impacts/barriers that might cross over between race/disability, gender/religion and belief, sexuality/age etc. or all three. Use the boxes on the next couple of pages to indicate where the policy, practice, service or function could have a positive or negative impact for different groups and your reasons.

Race

This question looks broadly at adverse impacts/barriers in terms of race, whilst the next page considers adverse impacts/barriers which may be particular to people from one ethnic group.

Question 9 considers impact/barriers for different ethnic groups within the five broad census headings.

| | | |
|---|--|--|
| 8 | <p>Identify an adverse impacts/barriers of the policy or procedure on people who may be disadvantaged because of their race</p> <p>For residents where English is not their first language they may be disadvantaged if it prevents them having a quality engagement experience with officers.</p> | |
| 9 | <p>Broad categories used in 2001 census</p> | |
| | <ul style="list-style-type: none"> Asian or Asian British | |

| | | |
|----|--|--|
| | <ul style="list-style-type: none"> • Black or Black British | |
| | <ul style="list-style-type: none"> • Chinese | |
| | <ul style="list-style-type: none"> • Dual Heritage | |
| | <ul style="list-style-type: none"> • White | |
| | <ul style="list-style-type: none"> • Any other people | |
| | <ul style="list-style-type: none"> • Gypsies and Travellers | |
| | <ul style="list-style-type: none"> • Asylum Seekers and Refugees | |
| 10 | <p>Where do you think improvements could be made for people of different racial groups?</p> <p>Ensure that information is available in alternative languages if required and that officers are aware of how to access translation services</p> | |

Gender

It is worthwhile remembering that women and men have different priorities in relation to what services they want and different needs for how these are provided. Men-only or women-only delivery for some services could be an option.

| | | |
|----|---|-----------------|
| 11 | <p>Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their gender.</p> | |
| | Women | None identified |

| | | |
|----|---|-----------------|
| | | |
| | Men | None identified |
| | Transgender | None identified |
| 12 | Where do you think improvements could be made for people experiencing disadvantage because of their gender? | |

Disability

All service providers have a duty to make reasonable adjustments for people with disabilities, including physical features of premises, so it is advisable to anticipate any adjustments that may be required. Consider the barriers faced by different groups of people with disabilities as listed in the boxes below. Note also that changes to legislation mean that conditions such as MS, HIV and cancer are now included under the DDA from the time of diagnosis.

| | | |
|----|--|---|
| 13 | Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their disability. | |
| | People with physical or mobility impairments | May have difficulties access the existing community houses |

| | | |
|----|--|---|
| | People with sensory impairments (hearing, visual and speech) | None identified |
| | People who use mental health services | None identified |
| | People with learning disabilities | Unable to read and understand information provided |
| | People who have a non-visible condition such as epilepsy or diabetes | None identified |
| 14 | <p>Where do you think improvements could be made for people experiencing disadvantage because of their disability?</p> <p>By engaging with established groups in their locale. By making home visits where requested. By advertising in a variety of locations eg doctors surgeries, library etc ensuring that advertising material is available in large font. Continue to engage with other agencies.</p> | |

Age

When answers the following questions consider the needs of the wider age range of District

| | | |
|----|--|--|
| 15 | Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their age. | |
| | None identified – | |
| | 0-9 | |
| | 10-15 | |
| | 16-19 | |

| | | |
|----|--|--|
| | 20-29 | |
| | 30-44 | |
| | 45-59 | |
| | 60-64 | |
| | 65-74 | |
| | 75-over | |
| 16 | Where do you think improvements could be made for people experiencing disadvantage because of their age? | |

Religion and Belief

| | | |
|--------|---|--|
| 17 | Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their religion or belief. | |
| | None identified – | |
| | Christian | |
| | Buddhist | |
| | Hindu | |
| | Jewish | |
| Muslim | | |

| | | |
|----|---|--|
| | Sikh | |
| | Other | |
| | No religion or belief | |
| 18 | Where do you think improvements could be made for people experiencing disadvantage because of their religion or religion? | |

Sexuality

| | | |
|----|---|--|
| 19 | Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their sexuality. – None identified - | |
| | Lesbian, gay or bisexual people | |
| 20 | Where do you think improvements could be made for people experiencing disadvantage because of their sexuality? | |

Socio-economic inequalities

| | | |
|----|---|--|
| 21 | Identify any adverse impact/barriers of policy, practice, service or function on people who may be disadvantaged because of their Socio-economic background? This group is targeted and benefits advice is given. | |
|----|---|--|

| | | |
|----|---|--|
| | Socio-economic background?* | |
| 22 | Where do you think improvements could be made for people experiencing disadvantage because of their Socio-economic background*? Continue to sign post for debt advice, handyvan service and energy advice. Ensure that advice is freely accessible locally and in home where required | |

(*reduce the barriers that hold people back, block aspirations and prevent people fulfilling their potential)

Other Categories

| | | |
|----|--|--|
| 23 | Rural/Urban The new service will be outreach and this therefore will limit disadvantages to the rural community. | |
| 24 | Carers The new service will provide support and sign post to the carer support service | |
| 25 | Any other – see section on socia-economic. | |

Customer Access

| | |
|----|---|
| 26 | <p>How do customers currently access the service i.e. what are the access channels e.g. web, telephone, letter etc. By the use of website, telephone, personal visit, written correspondence</p> <p>By visiting the neighbourhood management houses and by phone. By utilising the community transport provision.</p> <p>What improvements can be made?</p> <p>By providing an outreach service. By promoting the service to more groups across the district. By engaging with community groups at a local level across the district. By offering home visits to those who are not members of groups or who are unable to access community buildings.</p> |
| | <p>Are there any physical barriers to accessing the service</p> <p>Community transport provision if required. The service will be offered at community buildings and other outreach centres and BDC will not have responsibility for ensuring that these are DDA compliant.</p> <p>How are they overcome?</p> <p>Home visit service will be provided where necessary</p> |
| | <p>What customer involvement in setting the customer service standards i.e. opening hours, response times, availability etc.</p> <p>None so far - see step 7</p> |

STEP 4 Procurement and Partnerships

Consideration of external contractor obligations and partnership working

Is this project due to be carried out wholly or partly by contractors? If yes, have you done any work to include equality considerations into the contract already?

If you have, please set out what steps you will take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

Specifically you should set out how you will make sure that any partner you work with complies with equality and human rights legislation. You will need to think about:

- tendering and specifications
- awards processes
- contract clauses
- performance measures, and monitoring and performance measures.

N/A

STEP 5 Collecting the information and data about how the policy, practice, service or function impact on communities

Please record your information and data below with reference to:

- Deciding what information or data you will need or desire
- Using both quantitative and qualitative data
- Ensuring that where possible there is information that allows all perspectives to be considered
- Identified any gaps in the information/data and what it can tell you

| Data or information | When and how collected | Source | What it tells you – please consider all 6 equality strands where possible | Gaps in information |
|---|---|--------|---|--|
| Customer feedback and complaints | None collected | | | Will use customer satisfaction questionnaires to inform service |
| Consultation and community involvement | At the present time the team work closely with 3 residents groups | | | Will need to expand type of groups attended. |
| Performance information ie Performance Indicators | Performance information collated on spreadsheet | | | Will begin to identify what service was given |
| Take up and usage data | As above, events are recorded with number of attendees at the 'Brunch Clubs' | | | |

| Data or information | When and how collected | Source | What it tells you – please consider all 6 equality strands where possible | Gaps in information |
|--|---|--------|---|---------------------|
| Comparative information or data where no local information | | | | |
| Census, national or regional statistics | Demographic profile information for BDC indicates that there is an aging population overall, there is significant evidence of socio-economic disadvantage, increase in ethnic minority groups and high levels of ill health and disability | | | |
| Access audits or assessments e.g. DDA assessments | None undertaken | | | |
| Workforce profile | | | | |
| Where service delivered under procurement | n/a | | | |

| | | | | |
|---|--|--|--|--|
| arrangements – workforce profile for deliverers | | | | |
| Monitoring and scrutiny outcomes | | | | |

STEP 6 Monitoring

For this step it is important to refer to any monitoring information which is already held. As stated in the guidance notes arrangements need to be set up for effective monitoring if this is not already taking place.

| | |
|--|--|
| | How do we know whether our service is accessible to all groups? We acknowledge a lack of information around accessibility. |
| | If there is a lack of information, what research will be carried out, and for which groups? Collate data on type of groups attended and number of attendees. Will seek to engage a variety of groups across the district and offer the service |
| | If this is a new policy, or one not currently monitored, what are the arrangements to begin monitoring the actual impacts of the policy? Performance monitoring reports |

STEP 7 Consultation

| | |
|--|--|
| | <p>What have service users/non-users or other stakeholders (including employees) already told you about the policy and negative impacts? Who has been consulted and what methods were used? None previously</p> |
| | <p>If you need to carry out further consultation, who will you be consulting with and by what methods? Customer Satisfaction questionnaires Questions to Citizens Panel and Equality Panel to help shape the service</p> |

DRAFT

STEP 8 Equality Action Plan

Problem/barrier identified
 Actions to overcome problem/barrier
 Resources required Responsibility Target date

| Problem/barrier identified | Actions to overcome problem/barrier | Resources required | Responsibility | Target date |
|--|--|--------------------|----------------|------------------|
| For residents where English is not their first language they may be disadvantaged if they cannot read and understand the publicity about service provision. | Ensure that information is available in alternative languages if required | | | June 2013 |
| Residents who chose not to attend or are unable to attend for personal reasons at community groups/locations | Offer home visits | | | June 2013 |
| Residents living in rural areas | Offer an outreach service | | | June 2013 |

| | | | | |
|--|--|--|--|-----------------|
| Lack of consultation/input from service users | Utilise customer satisfaction questionnaires and enlist opinions from the citizens panel and equality panel | | | Dec 2013 |
| | Review EIA | | | Dec 2013 |
| | | | | |

DRAFT

STEP 9 Signing Off

The final stage of the EQIA is to formally sign off the document as being a complete, rigorous and robust assessment. The policy has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Author of policy and EQIA

| Name: | Job title and directorate: | Date: | Signature: |
|-------|----------------------------|-------|------------|
| | | | |

Quality check: screening document has been checked by:

| Name: | Date: | Signature: |
|-------|-------|------------|
| | | |

| Director level (sign-off) | | |
|---------------------------|--|--|
| | | |

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Chamber Suites 1 & 2, The Arc, High Street, Clowne on Monday 4th March 2013 at 1000 hours.

PRESENT:-

Members:-

Councillor A.F. Tomlinson – In the Chair

Councillors K. Bowman, D. Kelly, D. McGregor and B.R. Murray-Carr.

Officers:-

W. Lumley (Chief Executive Officer), B. Mason (Director of Corporate Resources), S. Tomlinson (Director of Neighbourhoods), A. Turner (Legal and Standards and Deputy Monitoring Officer), S. Chambers (Communications Officer), R. Owen (Senior Valuer) (from Minute no.967 to Minute no. 971) and R. Leadbeater (Democratic Services Officer).

955. APOLOGY

An apology for absence was received on behalf of Councillor E. Watts.

956. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

957. DECLARATIONS OF INTEREST

| Minute No. | Councillor | Level of Interest |
|------------|-----------------|--------------------------------|
| 965. | A. F. Tomlinson | Non Significant Other Interest |
| 963. | A. F. Tomlinson | Non Significant Other Interest |

EXECUTIVE

958. MINUTES – 6TH MARCH 2013

Moved by Councillor D. McGregor, seconded by Councillor D. Kelly
RESOLVED that the minutes of a meeting of the Executive held on 6th March 2013 be approved as a true record.

959. COMPLIMENTS, COMMENTS, COMPLAINTS

The Director of Corporate Resources presented the report to provide Members with information in respect of the number of compliments, comments and complaints for the period 1st October to 31st December 2012.

Members were pleased to note that the processes for handling complaints were working well and all contacts were responded to within the required standard. The Director of Corporate Resources added that external verification of the Council's overall good performance was reflected in the decisions reached by the Ombudsman in relation to complaints.

Moved by Councillor D. McGregor, seconded by Councillor B. R. Murray-Carr
RESOLVED that the report be received.

REASON FOR DECISION:

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

960. CORPORATE PLAN TARGETS QUARTER 3 PERFORMANCE UPDATE REPORT

The Chief Executive Officer presented the report which had previously been considered in detail by Joint Cabinet.

Members were provided with brief updates.

CFS10 - Process all new Housing and Council Tax benefit claims within 20 days – the first quarter had outturned within 20 days with the second slightly outside of this target. The overall target should be met if there was good performance in the remaining quarter.

Members noted that this was a good report with the majority of corporate targets achieved or on track.

EXECUTIVE

Moved by Councillor A. F. Tomlinson, seconded by Councillor K. Bowman
RESOLVED that the good progress against the Corporate Plan 2011-2015 be noted.

REASON FOR DECISION: **In line with the Executive function.**

961. BUDGET MONITORING REPORT – QUARTER 3

The Director of Corporate Resources presented the report which confirmed the position previously set out in the Medium Term Financial Plan for 2012/13. The report showed that the Council remained on track to achieve its savings targets for the current year.

Members raised questions in respect of the position with the Icelandic banks. The Director of Corporate Resources responded that it was anticipated that the full amount invested would be recouped, however it was unclear if the full interest due on the money would be received. The money was currently held in foreign currency accounts and the Council was continuing to work with other local authorities in order to resolve the matter.

Moved by Councillor D. McGregor, seconded by Councillor D. Kelly
RESOLVED that the position on the Council's budgets at the end of the third quarter of the 2012/13 financial year and the Treasury Management activity for the same period be noted.

REASON FOR DECISION: **To inform Executive of the position on the Council's budgets at the end of the third quarter of the 2012/13 financial year and the Treasury Management activity for the same period.**

962. RISK STRATEGY

The Director of Corporate Resources presented the report to update Members on the Strategic Risk Register. Members were advised that Performance, Finance and Risk were now part of a more explicit balanced scorecard approach and were considered together.

A series of meetings had taken place in the current quarter with all officers responsible for budgets. These would be held regularly in future and would involve Portfolio Holders. Executive was supportive of the initiative and in particular the involvement of the portfolio Members.

EXECUTIVE

In response to questions the Director of Corporate Resources advised that the Auditors had raised only minor points in respect of debts and officers were comfortable that adequate provision had been made. A quarterly Budget Scrutiny had been established which if it chose could monitor these types of issues.

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson
RESOLVED that the contents of the report be noted.

REASON FOR DECISION:

To update Members on the performance of the Housing Service at the end of the third quarter 2012/13.

Councillor Tomlinson declared a Non Significant Other Interest in item number 965 and left the meeting.

964. APPOINTMENT OF CHAIR

Moved by Councillor K. Bowman, seconded by Councillor B.R. Murray-Carr
RESOLVED that Councillor D. McGregor act as Chair of the meeting for the following item.

Councillor D. McGregor in the Chair

965. EMPTY HOMES – GROUNDWORK

The Director of Neighbourhoods advised that Bolsover and North East Derbyshire District Councils had been approached by Groundwork Creswell with proposals to bring a small number of empty properties back into use. Groundwork Creswell had been successful in securing funding from the Homes and Communities Agency for works to be carried out on a total of 16 properties, 8 in each authority.

The works would include for example, installing a heating system and replacing kitchens and bathrooms. There would be no charge to the owner for the improvements but in return they would have to agree to let the properties at an affordable rent (80% of the market value) for a minimum of 5 years. Groundwork would act as the letting agent and Bolsover Council and Rykneild Homes (for the North East Derbyshire properties) had been approached for assistance with the housing management element. The Councils would also provide gas boiler testing and some minor repairs up to approximately £200.00.

EXECUTIVE

The Council would collect rent for the properties, deducting the necessary fee for housing management and repairs. Responsibility for recovery of rent arrears would remain with Groundwork Creswell. The properties would be advertised on the Council's Choice Based Lettings system. The Council would also benefit from the New Homes Bonus.

Members were pleased to approve the initiative but some concerns were raised in respect of the tenants' security in a short term let. Officers advised that the minimum let was for 6 months but this could be agreed for any length of time. The short term let initially provided some protection for the landlord against any breaches in the tenancy agreement.

The details of the scheme including the Service Level Agreement were still to be agreed.

Moved by Councillor D. McGregor, seconded by Councillor B.R. Murray-Carr
RESOLVED that (1) the scheme be approved in principle;

(2) delegated authority be given to the Director of Neighbourhoods, in conjunction with the Solicitor to the Council and the Portfolio Holder for Housing Management to agree a Service Level Agreement with Groundwork to allow the Council to carry out management and maintenance of these properties.

REASON FOR DECISION:

To allow officers to further develop and implement a project with Groundwork that will bring empty homes into use.

(Director of Neighbourhoods)

Councillor Tomlinson rejoined the meeting.

Councillor A.F. Tomlinson in the Chair

966. FORMER TENANTS ARREARS – WRITE OFFS

The Director of Neighbourhoods presented the report to seek Executive approval to write off arrears for 7 former tenants that were now deceased.

Moved by Councillor K. Bowman, seconded by Councillor D. McGregor
RESOLVED that (1) Executive agree to the write off of deceased Former Tenants' Arrears.

EXECUTIVE

969. ARREARS IRRECOVERABLE ITEMS OVER £1,000 EXEMPT – PARAGRAPH 3

The Director of Corporate Resources presented the report to seek Executive approval to write off irrecoverable arrears in relation to Council Tax and Business rates arrears.

Moved by Councillor D. McGregor, seconded by Councillor A. F. Tomlinson
RESOLVED that approval is given to write off the irrecoverable items including costs amounting to £89,995.43 with the proviso that should any of the debts become collectable the amounts be debited.

REASON FOR DECISION: **In order that outstanding debts be written off.**

(Director of Corporate Resources)

970. CAR PARK AT ELMTON ROAD, CRESWELL EXEMPT - PARAGRAPH 3

The Senior Valuer presented the report to seek Members' views on whether to renew a license agreement for the use of a Car Park on Elmton Road, Creswell. Lengthy negotiations had taken place with the owner to reach a provisional agreement on the terms and cost of the lease. Members were advised that there was no budget identified for the lease or the anticipated annual running costs.

Members discussed the issue at some length and background information was provided by the local Member for Elmton with Creswell. It was confirmed that the car park was used by the visitors of a number of local businesses and community facilities, however only two other parties had agreed to take part in a lease agreement.

Moved by Councillor A.F. Tomlinson, seconded by Councillor B.R. Murray-Carr
RESOLVED that the renewal of the lease on the Car Park at Elmton Road, Creswell be refused due to there being no identified budget for the related costs.

REASON FOR DECISION: **No budget had been identified for the costs of the lease.**

The Senior Valuer left the meeting.

EXECUTIVE

971. CCTV TENDERS EXEMPT – PARAGRAPH 3

The Director of Neighbourhoods presented the report to seek Members' views on the options for CCTV provision. Members' attention was drawn to the supplementary report which contained revised proposals and recommendations for consideration.

As Members had previously requested, the Director of Neighbourhoods had contacted Parish Councils to ask them to consider inclusion in the CCTV scheme, on the proviso that they commit to making a financial contribution to the installation and running costs.

Members were advised of the various proposals that had been discussed and the feedback from Parish Councils.

Old Bolsover Town Council had advised they did not wish to contribute to the scheme. Clowne Parish Council were prepared to fund the running costs but not the initial one off capital sum. South Normanton, Elmton with Creswell and Shirebrook Parish and Town Councils had all confirmed that they would contribute the requested amounts for inclusion in the scheme. The Parish and Town Councils would be contacted accordingly.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. McGregor
RESOLVED that (1) Options 1 and 3 are approved at a capital cost of £20,097 which can be financed from grant and contribution money available to the Council. The annual revenue costs in 2013/14 are estimated at £18,172 per annum and will be met from the existing CCTV budget provision and from an annual contribution from each Parish Council involved.

(2) Savings arising from this decision be "rolled" forward and utilised to fund future schemes should proposals be received from other Town or Parish Councils and if not, any under spend be utilised to contribute to the overall savings target.

(3) Bolsover Town Council and Clowne Parish Council be advised that CCTV will not be provided in their areas but this can be reconsidered in the future should they be prepared to contribute on a pro rata basis towards the cost of any new system.

REASON FOR DECISION:

To seek Members views on the provision of CCTV

(Director of Neighbourhoods)

EXECUTIVE

972. TENDER EVALUATION OUTCOME – LEGIONELLA MONITORING SERVICES EXEMPT - PARAGRAPH 3

Councillor Tomlinson, the Portfolio Holder for Regeneration presented the report to seek Executive approval of the recommended contractor for Legionella Monitoring Services. This was a Bolsover led tender but was also carried out on behalf of Ashfield and North East Derbyshire District Councils.

A total of 19 bids had been received by the closing date. A paper evaluation exercise was undertaken at a number of evaluation meetings involving officers from all 3 Councils. The bids were evaluated on a 50% cost and 50% quality basis and it was recommended that the contract be awarded to H2O.

Moved by Councillor A. F. Tomlinson, seconded by Councillor D. Kelly
RESOLVED that (1) the contract be awarded to H2O. The work should be awarded on the basis of a two year contract with the option to extend for two further periods of up to twelve months each.

(2) The Assistant Director Regeneration is given delegated authority to implement the extension based on satisfactory performance from the contractor and also an acceptable pricing proposal going forward.

REASON FOR DECISION: To secure best value for the Council

(Head of Shared Procurement)

Councillor Tomlinson declared a Non Significant Other Interest in the following item.

973. TENDER EVALUATION OUTCOME – WOBURN HOUSE EXTERNAL WALL INSULATION EXEMPT – PARAGRAPH 3

Councillor Tomlinson, the Portfolio Holder for Regeneration presented the report to seek Executive approval of the recommended contractor for External Wall Insulation for Woburn House, Blackwell.

A total of 4 tenders were received by the closing date. An evaluation exercise was undertaken where the bids were considered on a 30% quality and 70% cost basis. It was recommended that the contract be awarded to Westville due to full funding being available to carry out the required works.

EXECUTIVE

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that Westville be appointed to undertake the works as outlined in the report.

REASON FOR DECISION: To secure best value for the Council.

(Head of Shared Procurement)

974. TENDER EVALUATION OUTCOME – PLEASLEY VALE MILLS CLEANING CONTRACT EXEMPT – PARAGRAPH 3

Councillor Tomlinson, the Portfolio Holder for Regeneration, presented the report to seek Executive approval of the recommended contractor for the Pleasley Vale Mills Cleaning Contract.

A total of 4 tenders were received by the closing date. The bids were evaluated on a 40% quality 60% cost basis and it was recommended that the contract be awarded to Elite Cleaning.

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that (1) the contract be awarded to Elite Cleaning on the basis of a two year contract with the option to extend for two further periods of up to twelve months each.

(2) the Assistant Director Regeneration is to be given the delegated authority to implement the extension based on satisfactory performance from the contractor and also an acceptable pricing proposal going forward.

REASON FOR DECISION: To secure best value for the Council

(Head of Shared Procurement)

The meeting concluded at 1140 hours.

RECORD OF EXECUTIVE DECISION - JOINT WORKING

| | | | |
|---|--|---|---|
| CBC: LEADER | | Date of Decision: 11 th March, 2013 | |
| BDC: LEADER | | | |
| NEDDC: LEADER | | | |
| CBC Non-executive Leader's Support Members present: N/A | | | |
| Title Reference: Minutes of Previous Meetings | | | |
| Consultee Member(s) N/A | | | |
| Key Decision References (if applicable): CBC: BDC: NEDDC: | | Delegation References: CBC: R080L BDC: NEDDC: | |
| Report and background papers | Yes | Public <input checked="" type="checkbox"/> | Exempt <input type="checkbox"/> Confidential <input type="checkbox"/> |
| Decision Status (CBC) | On Forward Plan General urgency *Special urgency | N/A | Authorised by: |
| Record of Decision: That the notes and Records of Decision of the Joint Board meeting held on 14 th February, 2013 and the minutes of the Joint Chief Executive's meeting held on 20 th February, 2013 be noted. | | | |
| Reasons for Decision To note progress on joint working. | | | |
| Alternative options considered and rejected (if any) N/A | | | |
| Declarations of interests: None | | | |
| Decision subject to call-in | Yes | | |
| Date Record issued: 12 th March, 2013 Contact Officer: Jackie Brobyn | | | |

| | | | |
|--|--|--|---|
| CBC: LEADER BDC: LEADER NEDDC: LEADER | | Date of Decision: 11 th March, 2013 | |
| CBC Non-executive Leader's Support Members present: N/A | | | |
| Title Reference: Working Together | | | |
| Consultee Member(s) N/A | | | |
| Key Decision References (if applicable): CBC: BDC: NEDDC: | | Delegation References: CBC: R080L BDC: NEDDC: | |
| Report and background papers | Yes | Public <input checked="" type="checkbox"/> | Exempt <input type="checkbox"/> Confidential <input type="checkbox"/> |
| Decision Status (CBC) | On Forward Plan General urgency +Special urgency | N/A | Authorised by: |
| Record of Decision: | | | |
| <ol style="list-style-type: none"> That the Economic Development Officers of the 3 Councils and of Bassetlaw D.C. be tasked with preparing a prioritised list of regeneration projects for targeted inclusion in future funding pipelines, with particular reference to the Sheffield City Region Investment Fund. That further consideration be given to the present shared services arrangements operating across the 3 Councils being extended in terms of their reach and remit to include Bassetlaw District Council. That the Shared Procurement Unit and the Internal Audit Consortium provide the initial foci for the above consideration and preparation of business plans, as necessary. | | | |
| Reasons for Decision: | | | |
| To reduce administration costs by sharing resources, to strengthen the participating District Councils' approach to external funding organisations, and to increase their access to inward investment for project development | | | |
| Alternative options considered and rejected (if any) N/A | | | |
| Declarations of interests: None | | | |
| Decision subject to call-in | | Yes | |
| Date Record issued: 12 th March, 2013 Contact Officer: Jackie Brobyn | | | |

| | | | |
|---|--|---|---|
| CBC: LEADER | | Date of Decision: 11 th March, 2013 | |
| BDC: LEADER | | | |
| NEDDC: LEADER | | | |
| CBC Non-executive Leader's Support Members present: N/A | | | |
| Title Reference: Shared Procurement Unit (SPU) Issues Update | | | |
| Consultee Member(s) N/A | | | |
| Key Decision References (if applicable): CBC: BDC: NEDDC: | | Delegation References: CBC: R080L BDC: NEDDC: | |
| Report and background papers | Yes | Public <input checked="" type="checkbox"/> | Exempt <input type="checkbox"/> Confidential <input type="checkbox"/> |
| Decision Status (CBC) | On Forward Plan General urgency +Special urgency | N/A | Authorised by: |
| Record of Decision: | | | |
| 1. That consideration of the request to advertise the two vacant posts be deferred pending further discussion of the job evaluation outcomes currently applying to the 2 posts. | | | |
| 2. That the market supplement currently applied to posts in the Shared Procurement Unit be reviewed, to bring them in line with the salaries paid by other local authorities for comparable posts. | | | |
| 3. That until the Shared Procurement Unit is fully-staffed, projects be prioritised, so that where possible, implementation can be deferred, enabling the remaining tow staff to focus on essential work. | | | |
| 4. That the Shared Procurement Unit support other Council staff taking responsibility for projects by providing on-site clinics and sharing standard documentation. | | | |
| Reason for Decision | | | |
| To enable the Shared Procurement Unit to continue to offer an economic, efficient and effective service . | | | |
| Alternative options considered and rejected (if any) N/A | | | |
| Declarations of interests: None | | | |
| Decision subject to call-in | Yes | | |
| Date Record issued: 12 th March, 2013 Contact Officer: Jackie Brobyn | | | |

| | | | |
|--|--|---|---|
| CBC: LEADER | | Date of Decision: 11 th March, 2013 | |
| BDC: LEADER | | | |
| NEDDC: LEADER | | | |
| CBC Non-executive Leader's Support Members present: N/A | | | |
| Title Reference: Head of Internal Audit Consortium – Interim Arrangements | | | |
| Consultee Member(s) N/A | | | |
| Key Decision References (if applicable): CBC: BDC: NEDDC: | | Delegation References: CBC: R080L BDC: NEDDC: | |
| Report and background papers | Yes | Public <input checked="" type="checkbox"/> | Exempt <input type="checkbox"/> Confidential <input type="checkbox"/> |
| Decision Status (CBC) | On Forward Plan General urgency +Special urgency | N/A | Authorised by: |
| Record of Decision: | | | |
| <ol style="list-style-type: none"> That the Head of Internal Audit Consortium post be filled on a temporary basis by the current Deputy 'acting up' pending the outcome of an external recruitment exercise. That CBC's Head of Finance be authorised to utilise the approved budget to put in place other temporary arrangements, as necessary, in order to ensure that an effective service is maintained. | | | |
| Reason for Decision | | | |
| To ensure that suitable management and staffing arrangements are in place pending a permanent appointment to the Head of the Internal Audit Consortium post. | | | |
| Alternative options considered and rejected (if any) N/A | | | |
| Declarations of interests: None | | | |
| Decision subject to call-in | Yes | | |
| Date Record issued: 12 th March, 2013 Contact Officer: Jackie Brobyn | | | |

Notes to Record of Decision (Joint Working):

CBC - CALL-IN REQUESTS

*The implementation of certain decisions is suspended until the call-in period has expired without a call-in being validly invoked. Any Member of the Council shall be entitled to call for a decision to be suspended by giving notice to the Head of Governance, as Monitoring Officer either by telephone, fax, email or in writing **not later than 5.00 pm on the day following the date of the Joint Board meeting.** Any decisions so suspended shall not be capable of implementation for a period of **five calendar days** from the date of the Joint Board meeting. During the call-in period a request may be made in respect of any decision so suspended by not less than one quarter of the total membership of the Overview and Performance Scrutiny Committee. To do this you will need to notify the Monitoring Officer in writing, by fax or by email by 5.00 pm on the date being five days following the day of the Joint Board meeting.*

BDC - CALL-IN REQUESTS

*The implementation of certain decisions is suspended until the call-in period has expired without a call-in being validly invoked. The call-in period is **nine working days** from the date of this decision. During the call-in period **at least three** members may request certain decisions to be called in. You may do this in any of the following ways - In writing - a written notice may be signed by one or more Members, or By telephone - in order to safeguard the integrity of the system, Members may only call in by telephone on their own behalf, • E mail - this may be done using a Members terminal within the Council Offices or where a member has the facility via the internet, • By fax - as with written notifications, the faxed message may contain the signature of more than one Member, • In person. Democratic Services Officers who are authorised to accept notifications from Members.*

NEDDC - CALL-IN REQUESTS

*The implementation of certain decisions is suspended until the call-in period has expired without a call-in being validly invoked. The call-in period is **five working days** after the publication of this decision. During the call-in period the **Chair and Vice Chair together with three other members of any Overview and Scrutiny committee** may object to a decision and call it in.*

Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

EXECUTIVE

8th April 2013

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice of Intention to Conduct Business in Private

Notice is hereby given in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the following items are likely to be considered in private:

NEW HOUGHTON TARRANS

The reason that the above item is likely to be considered in private is that it may involve the disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information).

TENDER EVALUATION OUTCOME – SUPPLY AND FIT OF UPVC DOORS

The reason that the above item is likely to be considered in private is that it may involve the disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information).

**GROUNDS MAINTENANCE AND STREET CLEANSING
SERVICE DELIVERY ARRANGEMENTS**

The reason that the above item is likely to be considered in private is that it may;

- 1) include information relating to an individual;
- 2) involve the disclosure of information relating to the financial or business affairs of any particular person (including the Authority holding that information);
- 3) contain information relating to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority;

in accordance with Part 1 of Schedule 12A of the Local Government Act 1972

STATION ROAD, BOLSOVER, TRAFFIC ISLAND SPONSORSHIP

The reason that the above item is likely to be considered in private is that it may;

- 2) include information relating to an individual;
- 2) involve the disclosure of information relating to the financial or business affairs of any particular person (including the Authority holding that information);
- 4) contain information relating to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority;

in accordance with Part 1 of Schedule 12A of the Local Government Act 1972

The Council has received no representations requesting that these items be considered in public.



W. Lumley BSc, FCCA,
Chief Executive Officer
27th March 2013