

The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

Date: 1<sup>st</sup> July 2016

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of Bolsover District Council to be held in the **Council Chamber at The Arc, High Street, Clowne on Monday 11 July 2016 at 1000 hours.**

Register of Members' Interests - 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 to 4.

Yours faithfully

Assistant Director – Governance & Solicitor to the Council & Monitoring Officer

To: Chairman & Members of the Executive

### **ACCESS FOR ALL**

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**Democratic Services**

**Minicom: 01246 242450**

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Chief Executive Officer: Dan Swaine

The Arc, High Street, Clowne, Derbyshire, S43 4JY



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## EXECUTIVE AGENDA

Monday 11 July 2016 at 1000 hours in the  
Council Chamber, The Arc, High Street, Clowne

No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1	<b>Apologies for absence</b>	
2	<b>Urgent Items of Business</b>  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	<b>Declarations of Interest</b>  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	<b>Minutes</b>  To approve the minutes of the meeting of the Executive held on 13 June 2016.	Previously Circulated
5	<b>Items recommended by Scrutiny Committees</b>  None	
6	<b>Policy and Budget Framework Items</b>  None	
7	<b>Non Key Decisions</b>  (A) Enforcement Policy (Joint Environmental Health Service) May 2016 <b><i>Recommendations on page 7</i></b>	5 to 28

- (B) Local Government Ombudsman decision in the case of Mr X 29 to 36  
**Recommendations on page 30**

## 8 Key Decisions

- (A) Extension to existing Contract for Damp proof utilising the EEM framework for Bolsover District Council 37 to 39  
**Recommendations on page 38**
- (B) Financial Outturn 2015/16 40 to 67  
**Recommendations on page 48**

## PART 2 – EXEMPT ITEMS

***The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a (relevant exemption paragraph is cited next to the agenda item).***

## 9 Non Key Decisions

### Paragraph 3

- (A) Arrears – Irrecoverable Items over £2500 68 to 72  
**Recommendations on page 69**

## 10 Key Decisions

- (A) Relocation of Security Services to create a Reception facility and upgrade of CCTV System at Pleasley Vale Business Park 73 to 81  
**Recommendations on pages 77 and 78**
- (B) The Tangent Business Hub – Phase 2 82 to 89  
**Recommendations on pages 87 and 88**

### Paragraph 1, 3 & 4

- (C) Proposals to Resource the Local Plan, including an Update on Issues and the Implications and Risks Resulting from Proposed New National Targets 90 to 100  
**Recommendations on page 99**

Notes:

Items marked (KD) are all Key Decisions and are notified to the public at least 28 days in advance. A Key Decision is an executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that income or expenditure of £50,000 or more is significant.

There have been no representations from the public to hear items 9 and 10 in public session.

**Bolsover District Council**

**Executive**

**11<sup>th</sup> July 2016**

<p><b>Enforcement Policy (Joint Environmental Health Service) May 2016</b></p>
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**Report of the Portfolio Member for Health and Wellbeing**

This report is public

**1. Purpose of the report**

- 1.1. To recommend for approval a revised Enforcement Policy for the Joint Environmental Health Service which updates the Councils existing Statement of Enforcement Policy (2007)
- 1.2. This revision is required by The Regulators' Code which was made under the Legislative and Regulatory Reform Act 2016. The Code aims to reduce regulatory burdens and encourages regulators to provide support to compliant business and growth through an open and constructive relationship between regulators and those they regulate. The Council must have regard to this Code when developing policies and operational procedures.
- 1.3. The primary purpose of environmental health is to protect public health and the Code does not detract from this core purpose but seeks to promote proportionate, open, consistent and targeted regulatory activity.

**2. Report Details**

- 2.1. The Policy has been developed from the existing Statement of Enforcement Policies in place for both Bolsover and North East Derbyshire District Councils.
- 2.2. It details the enforcement principles used by the Councils in determining when enforcement action will be taken. The action may be against commercial businesses or an individual member of the public.
- 2.3. The Policy outlines the main government guidance which is followed in arriving at a decision. It also provides an outline of the possible enforcement options available to the Councils. Most of the content is legal guidance that has to be included, since environmental health have law enforcement powers and as such in executing those duties they must follow the same processes as the Police, e.g. when collating evidence and interviewing offenders under caution.
- 2.4. The Policy covers all the regulatory services in environmental health such as food hygiene and health and safety, housing and pollution, licensing and environmental enforcement and outlines the hierarchy of options available to Officers ranging from advice and guidance, statutory notices, fixed penalty notices, revocation of licences right through to prosecution. As a general rule and where there are options, the

level of enforcement is expected to be the minimum necessary to achieve a satisfactory solution subject to public interest considerations.

- 2.5. The Policy explains the evidential test and the public interest test and how all evidence has to satisfy these tests and how enforcement actions are determined.
- 2.6. The Policy meets a service plan target for environmental health and has been developed following wide consultation with internal and external stakeholders and with the relevant Elected Member.
- 2.7. The main changes to the policy are:
  - Inclusion of the requirements of The Regulators' Code (see section 4.7 part B)
  - Changes to formatting and number referencing (to allow for better navigation of the document)
  - An updated equalities statement, contents page and scope
  - Corporate Plan aim update
- 2.8. When preparing the Enforcement Policy the following information was considered:
  - Government law and guidance.
  - Council's Corporate Plan 2015-19
  - Responses from the consultation with all stakeholders
  - Comments from Scrutiny Committee
  - Comments from Strategic Alliance Management Team
  - Regional and national best practice

### **3. Consultation and Equality Impact**

- 3.1. An extensive internal and external consultation exercise has been undertaken and the Policy has been developed in conjunction with relevant managers and staff. It has been considered by the relevant Scrutiny Committee, Strategic Alliance Management Team and Cabinet Member for Health and Wellbeing. All responses have been considered and included in the final document where appropriate.
- 3.2. An Equality Impact Assessment has been completed for the Policy and the Policy sets out the approach that the Council will take to deal with enforcement in line with the Council's Equality Scheme.

### **4. Alternative Options and Reasons for Rejection**

- 4.1. There are no other options to consider as the Councils must have in place an enforcement policy for the environmental health service to outline the approach that will be taken in the delivery of its regulatory role.

### **5. Implications**

#### **5.1 Finance and Risk Implications**

The Policy aims to provide a framework to ensure expectations can be managed and effectively delivered where appropriate and in line with our statutory duties.

Without such a policy the Council could be open to the risk of formal complaints, legal challenge and ombudsman intervention

## 5.2 **Legal Implications including Data Protection**

None arising from this report.

## 5.3 **Human Resources Implications**

None arising from this report.

## 6. **Recommendations**

7. That Executive approves the Enforcement Policy (Joint Environmental Health Service) May 2016.

## **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	Supports the Councils Corporate aim of supporting our communities to be healthier, safer, cleaner and greener (July 2015)

## **Document Information**

Appendix No	Title
Appendix 1	Enforcement Policy (Joint Environmental Health Service) May 2016.
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Sharon Gillott Environmental Health Manager	(01246) 217848

# **Enforcement Policy (Joint Environmental Health Service)**

May 2016



## CONTROL SHEET FOR ENFORCEMENT POLICY – (JOINT ENVIRONMENTAL HEALTH SERVICE)

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Enforcement Policy – (Joint Environmental Health Service)
Current status – i.e. first draft, version 2 or final version	Final version
Policy author	Environmental Health Manager
Location of policy – i.e. L-drive, shared drive	S:Drive/Environmental Health/Strategy and Policy docs
Member route for approval	Strategic Alliance Joint Committee Executive (BDC) Cabinet (NEDDC)
Cabinet Member (if applicable)	Cllr Murray-Carr (BDC) Cllr Gordon (NEDDC)
Equality Impact Assessment approval date	14/07/15
Partnership involvement (if applicable)	Full internal and external consultation undertaken
Final policy approval route i.e. Executive/ Council /Planning Committee	SAMT, Executive (BDC) Cabinet (NEDDC), Scrutiny (NEDDC and BDC)
Date policy approved	
Date policy due for review (maximum three years)	May 2019
Date policy forwarded to Customer Service and Improvement (to include on Intranet and Internet if applicable to the public)	

Bolsover District Council and North East Derbyshire District Council are committed to equalities as employers and in delivering the services it provides to all sections of the

community. Both Councils believe that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.



*We speak your language*

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**Polish**  
*Mówimy Twoim językiem*

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**French**  
*Nous parlons votre langue*

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*Rozprávame Vaším jazykom*

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## **1.0 INTRODUCTION**

Officers are required to regulate activities across a wide range of businesses and in their professional dealings with every type of individual. Full regard will be had to the different abilities that are encountered and to the importance of the education, advice and support that they themselves are able to give to achieve compliance. Clear and consistent enforcement also helps businesses to compete fairly.

The Council recognises that most business owners, employees and the public want to comply with the law. Therefore, wherever possible, officers will seek to find solutions, which are arrived at by agreement and co-operation and will keep in mind that 'prevention is better than cure'.

Officers will take account of this policy when making enforcement decisions. It will be used alongside additional guidance covering specific areas of work.

The aim of the environmental health service is the protection of people at work, the general public and the environment from harm caused by failure to comply with the safeguards provided for in law. Whilst at the same time Officers will balance the need to provide the necessary support and advice to enable economic growth.

There will be circumstances in which enforcement is unavoidable and the Council does not shrink from using its full legal powers, including prosecution and/or injunction, where it is necessary to do so.

## **2.0 SCOPE**

This document outlines the Enforcement Policy for the Joint Environmental Health Service for North East Derbyshire District Council and Bolsover District Council. It falls under the scope of the Council's Corporate Enforcement Policy which is an overarching document setting out the general approach to Councils enforcement duties across a range of services.

This policy covers all the regulatory areas of the Joint Environmental Health Service including food safety, health and safety, environmental protection, housing and pollution, licensing and environmental enforcement.

This policy will also cover the activities of other authorised officers of the Council who are involved in the regulatory duties of environmental health and/or assist with law compliance e.g. the issue of Fixed Penalty Notices.

## **3.0 PRINCIPLES**

This policy supports the Councils corporate plan aim of supporting our communities to be healthier, safer, cleaner and greener (July 2015).

## **4.0 STATEMENT**

There are two distinct arms to enforcement of legislation, which may be taken to include either of the following:

### **4.1 Measures To Ensure Compliance**

This ensures that the Council has programmes in place for monitoring compliance by businesses and individuals with the legislation that affects them.

For example, there will be intervention programmes in place for food premises, workplaces, authorised processes and some private rented accommodation.

An intervention may include an inspection, a letter, organised seminar, mail shot guidance, telephone contact or business questionnaire.

Many such programmes are based upon risk while others require inspections at pre-determined intervals, or set annual targets for the number of inspections to be made.

The environmental health service has in place the means to arrange programmes or visits, which will satisfy the needs of their own particular legislation and monitoring mechanisms.

Because of the diversity of requirements under different legislation and guidance, it is not practicable in this document to be prescriptive about the ways in which intervention programmes are organised and monitored.

All such means will be purposeful and proportionate to the business activity, minimising any disruption in the interest of better business and approached in a way that supports those we regulate to comply and achieve economic growth. This will include positive feedback to businesses where applicable with a view to encouraging and reinforcing good practice.

### **4.2 Measures To Deal with Non-Compliance**

The options for taking action against businesses and individuals, for ignoring or otherwise failing to comply with their legal obligation(s) include:

- A Compliance Advice, Guidance and Support
- B Voluntary Undertakings
- C Statutory (Legal) Notices
- D Financial Penalties (Fixed Penalty Notice)
- E Injunctive Actions, Enforcement Orders etc.
- F Simple Caution
- G Prosecution

## H Review/Refusal/Suspension/Revocation of Licences

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulators' Code.

In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

Enforcement action may be taken as a result of an incident, a complaint, a request for service or an inspection.

Details of the aforementioned measures to deal with non-compliance are as follows: *(These are the enforcement actions available to the Council in respect of Criminal and Civil breaches)*

### A. Compliance Advice, Guidance and Support

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution') will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

### B. Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

## C. Statutory (Legal) Notices

In respect of many breaches the Council has powers to issue statutory notices. These include for example, 'Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

**Works in Default (WiD)** refers to the powers given to the Council under specific legislation to undertake work required in a Notice that has not been complied with in the time permitted. A charge is normally made for carrying out such work, which the person named on the Notice, would be required to pay.

The approval of line management will be sought before arrangements are made to carry out Works in Default. At the time that approval is sought, the case officer will provide full details of the perceived need to undertake the work, and be prepared to discuss alternatives.

There are two distinct types of WiD, these being:

- i) Seizure of equipment causing a nuisance, for example stereo equipment in respect of noise problems (see details below)
- ii) Physical works undertaken by the Council to abate nuisance or comply with specified standards, for example carrying out drainage works where there may be risks to health.

**Seizure of Goods, Items or Documents** - Some areas of legislation, for example in relation to food safety, health and safety and environmental protection, allow for the seizure and detention of goods, items or documents.

The seizure of an item may be undertaken in isolation to deal with, for example,

- i) A dangerous item of equipment quickly and effectively without the need for any further enforcement action, or
- ii) To allow for further testing, or
- iii) Continuance of noise nuisance, following service of an abatement notice

Alternatively seizure of items can be used in addition to other enforcement powers detailed in this section for example to prevent tampering with evidence.

A **statutory (legal) notice** will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

The **service of Statutory Notices** is a routine part of the work of the environmental health service. It is not appropriate to deal with the format and wording of Notices within a document such as this. However, there are some common points affecting all types of Notice, as follows:

- i) Peer Review;
- ii) Associated Documentation;
- iii) Method of Service.

Each of which is dealt with in the following paragraphs:

#### **Peer Review:**

There are occasions when speed of service is of the essence and in such cases peer review may not be practicable.

Wherever possible, the use of standardised Notices will be used when peer review is not possible, to ensure the greatest level of uniformity of approach.

When peer review is possible, and this should be in the majority of cases, each Notice will be scrutinised by a member of the Team unconnected with the case, using a checklist format produced for the purpose.

#### **Associated Documentation:**

Under normal circumstances, the following information will accompany a formal Notice:

- i) A covering letter, setting out the background to the Notice and designating a Case Officer or other point of contact;
- ii) A copy of the relevant Appeal provisions;
- iii) A separate Schedule of Works, where appropriate;
- iv) Any other information that may help the person to understand and comply with the terms of the Notice.

#### **Method of Service:**

This may be specified in individual legislation and, in such cases, the method of service will be followed exactly.

Where there is no prescribed method, any of the following may be used:



- i) **Hand Delivery:** The Notice will be given directly to the person(s) identified as being responsible or in the case of a Limited Company an appropriate member of staff. Where this method is used, the date, time, place and other relevant details will be immediately (or as soon as reasonably possible) entered into official notebooks and recorded on official copies.
- ii) **Recorded Delivery:** The Notice is sent by first class, recorded delivery post.
- iii) **Normal Post:** Where normal post is used, a short Witness Statement may be provided giving details of the contents of the envelope, the date, time, and place of posting, and the address to which sent. The Statement will be in addition to an entry into the case Officer's official notebook.
- iv) **Left at Scene:** The Notice may be left at the scene, i.e. attached to a premises or vehicle. If this method is used, service will normally be by two officers. Each will make an immediate (or as soon as reasonably possible) entry in their official notebook and each may provide a short Witness Statement giving details of the contents of the envelope left at the scene, the date, time and place of service.

#### **D. Financial penalties (Fixed Penalty Notice)**

The Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

Some areas of legislation, for example in relation to litter, dog fouling, fly tipping and smoke free premises, allow for Fixed Penalty Notices to be issued against persons committing offences. This Notice offers the individual the opportunity to release themselves from being prosecuted for that offence by payment of a Fixed Penalty set out in the relevant legislation.

No further legal proceedings will be taken by the Council for the offence if the individual pays the Fixed Penalty within the required time period set out in the Notice. The individual will be liable for prosecution for the offence if the Fixed Penalty is not paid within the current time period. Payments made by post will be regarded as having been made at the time at which the letter would be delivered to the Council Offices in the ordinary course of post.

The service of a Fixed Penalty Notice will be carried out where appropriate namely:

- i) The offence is sufficiently serious to warrant prosecution.
- ii) There is sufficient evidence of the offender's guilt to give a realistic prospect of conviction in case of non-compliance with the Fixed Penalty Notice.
- iii) The Officer believes that a Fixed Penalty Notice will prevent repeat offences.
- iv) The offender will accept the Fixed Penalty Notice and understands its significance.
- v) It is in the public interest to issue a Fixed Penalty Notice rather than instigate prosecution proceedings.

There are certain circumstances in which it may be necessary to issue a Fixed Penalty Notice to a juvenile (aged between 10 and 17 years). In these cases there will be special procedures in place which have regard to the authority's duty to safeguard and uphold the welfare of children.

Juveniles (under 17 years of age) or persons who are mentally disordered or other- wise mentally vulnerable will not be interviewed regarding their involvement or suspected involvement in an offence unless the parent(s) or other person responsible for their welfare, or an appropriate adult are present.

A Fixed Penalty Notice may be cited in prosecution proceedings in relation to a similar offence committed within three years of the date of the Notice.

Non payment of a Fixed Penalty Notice will result in consideration for prosecution provided the case meets the relevant criteria.

## **E. Injunctive Actions, Enforcement Orders etc.**

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

## F. Simple Caution

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance and will **never** be used simply because the evidence in a case is not robust enough to give a reasonable prospect of success in prosecution.

## G. Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute The Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). The advice of Legal Services will be sought at the earliest opportunity in such instances.

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and the case must satisfy, in general terms, the following tests:

- i) Evidential test – Is there enough evidence against the defendant?
- ii) Public interest test – Is it in the public interest for the case to be brought to court?

Each of which is described in more detail below.

### 4.3 **Evidential Test:**

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and is reliable. The Council must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

This is an objective test and means that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict each defendant on each charge.

Each prospective prosecution is scrutinised throughout the line management chain before the papers are sent to the Council's Legal Services Section recommending that legal proceedings are commenced, in accordance with procedures.

This is so that Officers not directly involved in the preparation of the case can test the evidence

The following will be borne in mind by case officers throughout the investigation:

- i) The validity and relevance of any tape-recorded interviews.
- ii) The continuity of evidence.
- iii) The quality of any notes and records kept during the investigation.
- iv) The level of compliance with the Regulators' Code, all legislation having a bearing on enforcement practice and internal procedures.

If there have been considerable departures from accepted practice on any of the above, this will be made known to line management and Legal Services, so that decisions on whether or not to proceed can be properly informed.

Officers may obtain evidence from many different sources throughout an investigation. Unused material will be disclosed in accordance with the requirements of the Criminal Procedure and Investigation Act 1996.

In considering the evidence, the following will be addressed:

- i) Any factors that might reduce the reliability of an admission made during a taped interview such as, for example, a defendant's age, or lack of understanding.
- ii) Any factors which might have a bearing on the reliability of any witness.

If, after balancing the above, it is concluded that there is not a realistic prospect of conviction, the case will not proceed to prosecution.

However, one of the alternative enforcement options listed above may still be used if appropriate.

#### **4.4 Public Interest Test:**

The Council will balance factors for and against prosecution carefully and fairly considering each case on its merits.

A number of factors will determine whether or not a particular prosecution is in the public interest and a balance in favour or against will be made between these factors, any of which might be present.

Those factors that will tend towards prosecution include positive answers to the following, which may not be an exhaustive list:

- i) Numbers of people affected by any alleged offence;
- ii) Degree to which people are/were affected (seriousness of the alleged offence);
- iii) Evidence that the offence was committed deliberately or maliciously;
- iv) Evidence that the persons affected were intimidated or harassed;
- v) Evidence of previous or continuing offences of a similar type;
- vi) Likelihood of repeated offence(s) which may be deterred by prosecution;
- vii) Abuse of position of authority or influence;
- viii) Lack of co-operation on the part of the defendant;
- ix) Offence is widespread, at least in the general area in which it was committed.

Factors which might argue **against** a prosecution will include:

- i) Court is likely to discharge the defendant or impose a small penalty on conviction;
- ii) Offence appears to have been the result of a genuine misunderstanding or mistake;
- iii) Harm done was minor and was the result of a single incident, particularly if it was caused by misjudgement;
- iv) Willingness to co-operate and ensure that no future offences of a similar nature are committed;
- v) Significant delay between offence and trial, unless:
  - The offence is serious;
  - The delay has been caused, at least in part, by the person investigated;
  - The offence has only recently come to light;
  - The complexity of the investigation results in unavoidable delays.
- vi) Persons investigated is elderly, in poor health or confused (unless there is a real possibility that the offence will be repeated);
- vii) The harm caused by the offence has so far as possible been put right.

- viii) A key witness has refused to testify or to provide a Witness Statement or, if they are the only victim, they have strongly indicated opposition to a prosecution.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

## **H. Review/Refusal/Suspension/Revocation of Licences**

The Council issues a number of licences and permits. The Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, The Council may take previous breaches and enforcement action into account.

## **4.5 Legal Provisions**

Apart from the specific laws relating to the technical aspects of environmental health and licensing work, there are a number of legal and other provisions relating to, or having a bearing on, enforcement as a whole with which authorised officers must comply:

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

These include:

- The Regulators' Code 2014 (Department for Business Innovation and Skills)
- Police and Criminal Evidence Act 1984 (PACE)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Criminal Procedure and Investigation Act 1996 (CPIA)
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- Freedom of Information Act 2000
- Data Protection Act 1998
- Environmental Information Regulations 2004
- Local Government Acts 1972 - 2000
- Equality Act 2010
- Codes of Practice/Guidance

Many of the above contain little more than a passing reference to the needs of enforcement whereas some, such as the Regulators' Code and PACE are fundamental.

Whenever possible, environmental health services will work in partnership with other agencies to achieve common objectives on matters of mutual concern or where there is a shared enforcement role. These agencies will include:

- Public Health England
- Police Authority
- Health and Safety Executive
- Food Standards Agency
- Fire Authority
- Trading Standards
- Derbyshire County Council
- OFSTED
- RSPCA
- Care Quality Commission
- Water Companies
- Environment Agency
- Department for the Environment, Food and Rural Affairs
- Department for Business Innovation and Skills
- Other government bodies and agencies
- Other Local Authorities particularly in respect of the Primary Authority principle

Some activities may result in investigations by different departments of the Council at the same time, for example Environmental Health and Planning. We will seek to co-ordinate the activity of different departments to maximise our effectiveness in dealing with complaints. We will also seek to share our enforcement intelligence and any successful action with other enforcing authorities or agencies.

All interviews of individuals under caution regarding their involvement or suspected involvement in an offence will be carried out in accordance with the requirements of the Police and Criminal Evidence Act 1984 (PACE) and in particular Code C - Code Of Practice For The Detention, Treatment and Questioning Of Persons By Police Officers made under the Act.

#### **4.6 Specific Considerations**

The enforcement policy is based on fairness and firmness. Where it is necessary, enforcement will be undertaken without fear or favour and without consideration of the race, ethnic background, religion, social status, colour, gender or sexual orientation of persons involved. Where enforcement action in respect of Council owned premises is required the matter will be referred directly to the Chief Executive Officer.

If any person exerts undue or improper pressure in an attempt to influence a decision concerning enforcement, it will be reported without delay.

As a general rule and where there are options, the level of enforcement would usually be the minimum necessary to achieve a satisfactory solution subject to public interest considerations.

#### **4.7 The Council's Approach to Enforcement**

##### **A. Principles of Good Regulation**

The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. The specified functions include those carried out by the Councils' environmental health and licensing services.

The Council will exercise its regulatory activities in a way which is:

**Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence. Costs of compliance will be minimised to ensure that any actions required by the Council are proportional to the risks involved. Where the law allows, Officers will take account of the circumstances of a case and the attitude of the operator when considering the level of enforcement action.

**Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.

A copy of this enforcement policy will be available on request and published on our websites together with our Compliments, Comments and Complaints procedure at [www.bolsover.gov.uk](http://www.bolsover.gov.uk) and at [www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk)

**Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities. The aim is to achieve consistency in the advice given, the response to incidents and the ways in which statutory powers are used.

Consistency does not mean simple uniformity and Officers will need to take account of many variables such as the scale of the risk, the attitude and actions of those involved and any history of compliance, whether positive or otherwise.

Decisions on enforcement action are a matter of professional judgement and Officers will frequently need to use discretion. Where necessary, line manager guidance will be provided and legal opinion sought. Efforts will continue in order to develop arrangements for promoting consistency, including effective arrangements for liaison with other enforcing agencies where appropriate.

Every effort will be made to ensure consistent enforcement standards between local authorities and enforcement guidance will be followed where appropriate such as the Health and Safety Executive's Enforcement Management Model. However, local circumstances may preclude a uniform approach on all issues.



**Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return. Information and advice will be published in plain language concerning the legislation that the Council is applying. Officers will be open about the work required, including any financial costs in complying, and consultation will take place as appropriate. Discussion will take place concerning general enforcement issues, specific compliance failures or problems with anyone who is experiencing difficulties. Wherever it is appropriate positive feedback will be given to regulated entities and, where applicable, their risk rating will be changed as a result of their performance.

**Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities. We will also focus our resources on perceived “rogue traders” who make no attempt to comply with the law.

**Procedures** - advice from Officers will be clear and simple and will, on request, be confirmed in writing, explaining for example why any remedial works are necessary and the timescale for progress and completion. A clear distinction will be made between legal requirements and best or desirable practice.

Before formal action is taken, the opportunity may be provided to discuss the circumstances of the case and, if possible, resolve points of difference **unless** immediate action is required (for example in the interests of health and safety, environmental protection or to prevent evidence being destroyed) and subject to any overriding public interest considerations.

In circumstances where immediate action is necessary, an explanation of why such action was required will be given at the time or, if this is not practical, within 5 working days. In some cases of immediate action such as the service of a **Fixed Penalty Notice**, a written explanation is not considered appropriate.

Except where circumstances indicate a significant risk, Officers will operate a graduated and hierarchy approach (the hierarchy of enforcement) starting with informal action such as advice, support and education and only move to more formal measures where the informal action does not achieved the desired effect.

Where there are rights of appeal against specific actions, advice on the mechanism to be followed will be given in writing. Wherever possible, this will be included with the enforcement Notice or other documentation.

**Helpfulness** - Officers will provide a courteous and efficient enforcement service and individual Officers will identify themselves by name and staff group.

A contact telephone number will be provided for on-going discussions. Businesses and individuals will be actively encouraged to seek advice and information relating to the staff group’s enforcement role.

Where possible Officers will endeavour to make provision for the particular interests of businesses and individuals. We will seek to ensure that everyone using our services receives equal treatment and we will take positive action to make our services accessible. For example, visits out of office hours and access to interpreters and translation letters where the first language is not English.

The particular needs and interests of consumers within the district, including business proprietors, their employees and the public will be accommodated wherever possible. The Council will carry out our activities in a way that supports those we regulate to comply and grow.

**Complaints** - If business operators or members of the public indicate that they wish to complain about any aspect of enforcement work, Officers will ensure that the mechanism for doing so is clearly explained. Our Compliments, Comments and Complaints procedure is published on our websites at [www.bolsover.gov.uk](http://www.bolsover.gov.uk) and at [www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk)

## **B. Regulators' Code**

The Council has had regard to the [Regulators' Code](#) in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

The Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators.

If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

The main principles of the Code are:

- i) **Regulators should carry out their activities in a way that supports those they regulate to comply and grow.**
- ii) **Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.**
- iii) **Regulators should base their regulatory activities on risk**
- iv) **Regulators should share information about compliance and risk.**
- v) **Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.**
- vi) **Regulators should ensure that their approach to their regulatory activities is transparent**

## **C. Human Rights Act 1998**

The Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

## **D. Data Protection Act 1998**

Where there is a need for the Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1998.

## **E. The Code for Crown Prosecutors**

When deciding whether to prosecute the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test' as detailed in this document at 4.3 and 4.4.

## **F. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')**

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

## **5.0 RESPONSIBILITY FOR IMPLEMENTATION**

All authorised officers in the Joint Environmental Health service working in Bolsover District and North East Derbyshire District Council's areas are responsible for implementing and following the requirements of this Enforcement Policy. Such Officers are authorised to act in such capacity under the Council Constitution by way of a formal Delegation Scheme.

Managers of the Joint Environmental Health service are responsible for monitoring adherence to this Policy and ensuring that Officers are properly authorised and have the necessary knowledge and skills to support those that they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

This will be achieved via the Council's performance management framework and by continuous professional development and training.

## **6. REVIEW**

It is intended that this policy will be subject to review every three years with additional reviews as and when required to accommodate changes in legislation and local needs. We will seek the views of stakeholders when undertaking such reviews.

**Bolsover District Council**

**Executive**

**11<sup>th</sup> July 2016**

**Local Government Ombudsman decision in the case of Mr X**

**Report of the Monitoring Officer**

This report is public

**Purpose of the Report**

To provide information to Council in relation to the Ombudsman's decision.

**1 Report details**

The Local Government Ombudsman (LGO) investigated a complaint from Mr X and as a result, the Council was at fault which caused Mr X injustice. He was awarded £100 compensation. The LGO, when referring to service failure has used the word 'fault' to refer to it.

The Monitoring Officer is statutorily required to report to members any finding of maladministration or injustice to Executive, and is required to present a report to all Councillors.

The full decision notice is appended, however for background information, the site in question is maintained by Bolsover District Council's Streetscene Services (grounds maintenance), but responsibility sits within Leisure Service's portfolio of sites. The matter is further complicated because one of the paths that the LGO refers to is in the ownership of Derbyshire County Council.

The LGO found that the Council's delay in installing replacement benches and clearing overgrown paths during the winter of 2014/15 as agreed amounts to fault causing Mr X an injustice.

**2 Conclusions and Reasons for Recommendations**

It should be noted that, whilst accepting there was a delay in carrying out the works, this case was particularly complex due to dual ownership of the site, multiple department and multiple agency involvement. The decision was based around the failure to keep Mr X updated. The Council rarely attracts decisions of maladministration or injustice, the last one being in 2013 (£250 compensation awarded).

We are confident that the matter has now been rectified and there will be no recurrence.

**3 Consultation and Equality Impact**

Mr X felt the lack of action indicated the Council was failing to comply with disability discrimination laws although he has not pursued this element of his complaint with the Equality and Human Rights Commission to the best of our knowledge.

#### 4 **Alternative Options and Reasons for Rejection**

None.

#### 5 **Implications**

##### 5.1 **Finance and Risk Implications**

The Council has already paid Mr X the sum of £100.

##### 5.2 **Legal Implications including Data Protection**

No further risks identified.

##### 5.3 **Human Resources Implications**

None.

#### 6 **Recommendations**

That Executive note the findings of the LGO.

#### 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	South Normanton
<b>Links to Corporate Plan priorities or Policy Framework</b>	

#### 8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Local Government Ombudsman decision notice and covering letter
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>

Monitoring Officer	BDC: 2414/ NEDDC: 7057
Customer Standards & Complaints Officer	BDC: 2353

Report Reference –

Local Government  
**OMBUDSMAN**

7 April 2016

Mr Daniel Swaine  
Chief Executive  
Bolsover District Council  
Sherwood Lodge  
Bolsover  
S44 6NF

Your ref:

Our ref: 15 014 152/IT6/GE

(Please quote our reference when contacting us and,  
if using email, please put the number in the email subject line)

**If telephoning please contact: 0330 403 4005**  
**email address: G.Earles@coinweb.lgo.org.uk**

Dear Mr Swaine

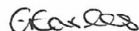
**Complaint by** \_\_\_\_\_ **of** \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Thank you for your email of 21 March 2016. I note the Council's comments and the agreement to my recommendation and thank you for your assistance.

I have now made my final decision on this complaint. I enclose a copy of the statement that explains my reasons. Please send a copy of this decision notice to those contractors or employees (or ex-contractors or ex-employees) who were consulted as part of my written enquiries. Please remind them that the law says that investigations must be conducted in private, and the complaint and information about it must not be disclosed to third parties.

Please let me know when you have completed the agreed remedy as detailed in the attached decision statement.

Yours sincerely



Gillian Earles  
Investigator

Enc: Statement of my final decision

PO Box 4771 www.lgo.org.uk  
Coventry  
CV4 0EH 0300 061 0614



*The Commission will include this complaint in the published figures for the year ending 31 March 2017. We will record the category as: Corporate & Other Services and the decision as: Upheld: maladministration and injustice.*

7 April 2016

**Complaint reference:**  
15 014 152

**Complaint against:**  
Bolsover District Council

Local Government  
**OMBUDSMAN**

### **The Ombudsman's decision**

Summary: The Council's delay in installing replacement benches and clearing overgrown paths during the winter of 2014/15 as agreed amounts to fault causing Mr X an injustice.

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### **The complaint**

1. The complainant, whom I shall refer to as Mr X complains the Council has failed to repair and maintain the open space near to his home. Mr X complained about the disrepair and inaccessibility of the area in 2014 and the Council has delayed in taking action.

### **The Ombudsman's role and powers**

2. The Ombudsman investigates complaints of injustice caused by administrative fault. She can consider the way an authority makes its decisions, but it is not her role to comment on them unless they have been taken with fault. (*Local Government Act 1974, section 34(3)*). If the Ombudsman finds fault but no injustice, she will not ask a council to provide a remedy. If she finds both fault and injustice, she may ask for a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*).

### **How I considered this complaint**

3. As part of the investigation, I have:
  - considered the complaint and the documents provided by Mr X;
  - made enquiries of the Council and considered the comments and documents the Council provided;
  - discussed the issues with Mr X;
  - sent a statement setting out my draft decision to Mr X and the Council and considered their responses.

### **What I found**

4. In September 2014 Mr X complained to the Council that the paths leading to and around a local recreational area and cricket ground were overgrown. Mr X was particularly concerned as he is disabled and often uses a mobility scooter. The lack of maintenance meant many of the paths were only just wide enough for people to walk along, but were impassable on his mobility scooter. He asked the Council to review access to the area and confirm whether it would replace the wooden benches around the cricket pitch.

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5. The Council acknowledged Mr X's complaint and confirmed work had been ordered but did not give a timeframe. Mr X felt the lack of action indicated the Council was failing to comply with disability discrimination laws.
  6. In its formal response to Mr X's complaint the Council confirmed an officer had been out to inspect the site and confirmed a path owned by the county council was severely overgrown. The Council has cleared, rebuilt and resurfaced this path to a width of 2m as part of a 'Safer Spaces' project in 2005. But lack of maintenance meant there was only 30cm of surface available to walk on.
  7. The officer also noticed significant encroachment on to the tarmac paths as well as significant overhanging vegetation. This made using the paths difficult for people using a mobility scooter or pushing a pram or pushchair.
  8. In addition the officer had noted there was one bench next to the cricket pitch which was damaged but useable. There were also the remains of three other benches near the paths to the north and east of the cricket pitch.
  9. The Council agreed to replace the three benches that had been removed. It also confirmed it would ensure all pathways owned by the Council were restored to their original width and free from obstructions. This would allow free passage for all users of the park.
  10. As the Council does not own all of the paths it confirmed it would liaise with the county council with a view to reclaiming the path at the bottom of the site.
  11. The Council aimed to complete these works during the winter of 2014/15. But could not give a timeframe for work within the county council's control. Mr X states the Council cleared some paths a few weeks later but did not complete the works.
  12. Mr X complained to the Council again in July 2015. The Council confirmed it would install the benches within the next few weeks and that officers were meeting to discuss how to deal with the overgrown paths. The Council apologised it had taken so long to resolve the issue.
  13. In August 2015 the Council cleared the footpaths around the cricket pitch and the path owned by the county council. It confirmed it would order the new benches in a couple of weeks and remove the fencing next to the cricket pitch. The Council had been unable to remove the fence post earlier as it had discovered a wasp nest next to it.
  14. As the Council had not completed the works Mr X complained again in November 2015. The Council's response apologised for the delay in fitting the benches. Although the Council bought the benches in August, it had to purchase the fixings separately. This had caused a delay but the Council intended to install the benches in the next few weeks. The Council confirmed it would also remove the remaining fences posts as soon as possible.
  15. In terms of the paths the Council said it would cut back overgrown trees and hedges and edge the paths over the winter.
  16. Mr X was concerned about further delay so asked the Ombudsman to investigate his complaint. In its response to my enquiries the Council has confirmed the open space and cricket pitch are subject to a regular mowing regime throughout the season. The Council states the issues Mr X has raised are over and above the regular maintenance programme and have required additional staff and financial resources.

- 
17. The Council installed six new benches in November 2015. It also began cutting back vegetation along the path at the bottom of the site and edging the paths around the whole site. The Council carried out the initial phase of work in December 2015 and the second phase in February 2016.
  18. The Council confirmed it had intended to carry out these works over the winter of 2014/15. It had to delay these works as staff who would normally carry out these works were already committed to another project.
  19. In addition the Council states it has informally adopted the path owned by the county council and opened it up so that it is now passable on foot. The Council intends to clear it further over the next few months so that it is passable by all users. As the Council does not own the path it cannot guarantee it will maintain it indefinitely.

#### **Analysis**

20. The Council acknowledged in October 2014 that the paths around the open space were significantly over grown and that the encroachment would make it difficult for people using mobility scooters to use them. It advised Mr X it would replace the benches and carry out work between November 2014 and March 2015 to restore the paths to their original width and ensure they were free from obstruction. But the Council failed to do so.
21. The failure to carry out this work and to advise Mr X of the delay amounts to fault. The Council should have been aware that officers were committed elsewhere and could not carry out this work, and should have advised Mr X accordingly.
22. The Council has now cleared the paths around the open space as agreed. This is an appropriate response but will inevitably need to be repeated as the vegetation grows and encroaches on the paths again.
23. The Council has provided details of its maintenance of the open space. This does not include any inspection or scheduled maintenance of the paths around the park. I would expect the Council monitor the paths and ensure they continue to be accessible for all users.

#### **Agreed action**

24. The Council has agreed to pay Mr X £100 in recognition of the time and trouble he has been put to in pursuing this matter as a result of the Council's delay in carrying out the works.

#### **Decision**

25. The Council's delay in installing replacement benches and clearing overgrown paths during the winter of 2014/15 as agreed amounts to fault causing Mr X an injustice.

#### **Investigator's decision on behalf of the Ombudsman**

**Bolsover District Council**

**Executive**

**11<sup>th</sup> July 2016**

<p><b>Extension to existing Contract for Damp proof utilising the EEM framework for Bolsover District Council</b></p>
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**Report of the Portfolio Holder for Housing and IT**

**Purpose of the Report**

- To seek approval to extend the existing contract to carry out damp surveys and damp proofing works. This applies to Council Owned homes for Bolsover District Council and has been procured through the EEM framework.

**1 Report Details**

- 1.1 There is need for a contractor to carry out DPC and remedial work to council owned properties. As the current contractor has performed in line with expectations we are looking to extend the contract for another 2 years until the expiry of the EEM framework on 16/3/2018.
- 1.2 It is the intention of EEM to retender a new OJEU compliant framework to run consecutively with the current framework. This will be a period of around 5 years. Although the tenders for this have not yet been prepared, it is likely that the prices from the framework would be less than the Council could obtain should we conduct our own tender. This reflects the fact that the framework will offer the potential for a higher volume of work.
- 1.2 The indicative spend will be £90,000 per year which will be contained within existing budgets. It should, however, be noted that the spend is generally incurred in response to the number of issues reported by tenants and accordingly may vary significantly from this figure.

**2 Conclusions and Reasons for Recommendation**

- 2.1 It is recommended that the existing contract with Baggaley & Jenkins Remedials Ltd be extended until 16/3/2018 in line with the EEM framework

**3 Consultation and Equality Impact**

- 3.1 Not directly.

#### **4 Alternative Options and Reasons for Rejection**

- 4.1 To tender the work externally. Rejected as this would be expensive to administer, is likely to result in higher prices and the current contractor has performed in line with expectations.

#### **5 Implications**

##### **5.1 Finance and Risk Implications**

The cost for this contract is within existing HRA budgets

##### **5.2 Legal Implications including Data Protection**

Using the EEM framework will ensure we meet our legal obligations for procurement

##### **5.3 Human Resources Implications**

None directly

#### **6 Recommendations**

- 6.1 That the contract for DPC and remedial work with Baggaley and Jenkins Remedial is extended until 16/3/2018.
- 6.2 That progress on this contract is reported through the Housing Stock Group

#### **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes
<b>District Wards Affected</b>	All Wards
<b>Links to Corporate Plan priorities or Policy Framework</b>	

## 8 Document Information

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Mark Dungworth	Ex 3037

Report Reference –

**Bolsover District Council**

**Executive**

**11 July 2016**

<b><u>Financial Outturn 2015/16</u></b>
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**Report of the Leader of the Council**

This report is public

**Purpose of Report**

- To inform Executive of the financial outturn position of the Council in respect of the 2015/16 financial year.

**1 Background Information**

- 1.1 The Council has closed its financial accounts for 2015/16 by the end of May 2016, reflecting the accelerated timescale agreed with our external auditors. The draft Statement of Accounts 2015/16 are now subject to the independent audit from the Council's external auditors, KPMG. Until the accounts have been agreed by our external auditors, which will take place before 30 September 2016, there remains the possibility that they will be subject to amendment.
- 1.2 Members should note that the Council's Draft Statement of Accounts in respect of 2015/16 was authorised for issue by the Council's Chief Financial Officer (Executive Director – Operations) on 27 May 2016. The final audited accounts will be reported to and approved by the Audit Committee at its meeting of 21 September 2016.
- 1.3 International Financial Reporting Standards (IFRS) require that the main focus of the Statement of Accounts is on reporting to the public in a format which is directly comparable with every country that has adopted IFRS i.e. not just UK or even other local authorities. In contrast the focus of this report is on providing management information to Members and other stakeholders to assist in the financial management of the Council.
- 1.4 The following sections of this report will consider the 2015/16 outturn position in respect of the General Fund Revenue Account, the Housing Revenue Account (HRA), the Council's Capital Investment Programme and Treasury Management activities. Within the report consideration is given to the level of balances at the year end, to any impact on the Council's Medium Term Financial Plan of the outturn position, and an assessment of the impact which the closing position has upon the Council's budgets in respect of the current financial year.



## **2 Issues for Consideration**

### **General Fund Revenue Account**

- 2.1. The Council's original budget for 2015/16 approved by Council on 4<sup>th</sup> February 2015, included an unidentified savings target amounting to £0.350m. During 2015/16 the Council has worked to address this shortfall and the ongoing requirement to address its underlying budget position against the background of ongoing reductions in the level of central government funding. As a result of this programme of work the Council had reached a position whereby at the time of the Revised Budget in February 2016 a contribution to reserves of £1.317m was anticipated. The actual outturn position has further improved the underspend to one of £1.346m which has been allocated to the Transformation Reserve (£1.046m) and General Fund Balances (£0.300m). This funding is now available for Members to allocate to investments intended to enhance or protect service delivery during a period when the level of central government support to local government will continue to be reduced. While the following reports and attached appendices detail the outturn position, the main reasons underlying the favourable variances between the original budget and the outturn position were the careful management of service expenditure (both vacancy management and non employee costs), which generated savings of some £0.5m. Improvements in NNDR income (principally arising from membership of the Derbyshire NNDR pool generated additional income of £0.5m, while reduced debt charges and improved investment interest secured some £0.4m:
- 2.2. Where possible, officers will be bringing forward further reports intended to ensure that these budget underspends are captured and are used to reduce the planned level of spending in future years. This will help address the projected underlying shortfall of £1.4m p.a. which the Council is facing over the next three financial years. It needs to be recognised, however, that many of the savings identified in the 2015/16 outturn position do not reflect permanent changes in the Council's income and expenditure patterns. In particular the levels of increased income from business rates, the increase in planning income and rental income at Pleasley Vale reflect the wider national economic recovery. Over the past few years Government support from the Transitional Grant and Efficiency Grant has funded restructuring costs and investments in improving service efficiency thus avoiding the requirement to charge them to the General Fund. While Efficiency Grant continues to be available to the Council during the current financial year (2016/17) it is unlikely to be available beyond 2018/19 when local authorities are facing more significant levels of financial cuts.
- 2.3. While part of the Council's success in addressing the reduction in the level of Government Grant can be attributed to higher than anticipated levels of income arising from national economic growth, it also needs to be recognised that the Council has agreed a range of policies which have ensured that we are well placed to take advantage of such growth, and are able to promote improvements in service efficiency. The additional funding from the Growth Agenda combined with the cost reduction arising from the Transformation Agenda have combined to protect service delivery to local residents. In addition to the Growth and Transformation agenda, there is now an effective culture of financial management across the authority under which cost centre managers have worked hard to

minimise expenditure and to optimise the level of income. While the impact at the level of individual cost centres is often relatively limited, there is a more significant cumulative impact when overall income and expenditure trends are brought together.

- 2.4 The position in respect of the General Fund outturn is detailed in **Appendix A** attached. The appendix shows the Original Budget that was set in February 2015, the Revised Budget agreed in February 2016 together with the Adjusted Current Budget. The Adjusted Current Budget incorporates any further committee approvals since the revised budget and incorporates adjustments for virements and for a change in the use of specific resources such as grants or earmarked reserves. This ensures that this earmarked funding is only utilised in line with the actual expenditure incurred in the year. The actual expenditure for 2015/16 is then compared against this Adjusted Current Budget in order to provide details of any variances. Executive should note that **Appendix B** (attached) provides detailed variances at a cost centre level. Where appropriate a summary explanation of these variances is provided within **Appendix B**.
- 2.5 At the year-end two main decisions have been necessary in order to secure effective closure of the Council's Annual Accounts. As previously agreed through Council, both the savings of £1.046m, together with the Efficiency Grant received in the year have been transferred into the Transformation Reserve resulting in the balance on the Transformation Reserve being one of £5.571m at the year end. While the Council has other general fund reserves available - a General Fund balance of £2.001m and other General Fund earmarked reserves of £3.122m - the Transformation Reserve is effectively the level of reserves which are available to support new initiatives, service reorganisation and restructure. Given the ongoing impact of the austerity agenda Council has previously agreed that the Transformation Reserve will be utilised to facilitate an Invest to Save approach to help ensure that financial sustainability of the Council and the sustainability of the services provided to local residents. While the balance of the Transformation Reserve currently amounts to £5.571m Executive should note that there are a range of commitments against the reserve principally the agreement that £2m will be utilised to fund enhanced Leisure Facilities at Clowne. It is anticipated that by the end of July 2016 the level of uncommitted Transformation Reserve will have fallen to one of £1.7m. It needs to be recognised that initiatives to promote the Council's growth and transformation agenda are likely to come at significant cost and that the remaining Reserve may be fully utilised on a limited number of investments. **Appendix D** attached provides full details concerning the Council's earmarked financial reserves.
- 2.7 The second key decision has been to allocate an amount of £0.795m to the Non Domestic Rates Growth Protection Reserve. Council is aware that while the levels of economic growth generated within the Bolsover area have secured increasing levels of income from Non Domestic Rates, that the localisation of this income stream is accompanied by a transfer of financial risk from central to local government. In setting its budget for 2016/17 the Council undertook a calculation of the level of Non Domestic Rating income that it would receive in respect of 2016/17. That calculation reflected the position as at 31 January 2016. The additional income collected into the Business Rates collection fund is split between Bolsover District Council (40%), Central Government (50%), Derbyshire County

Council (9%) and Derbyshire Fire Authority (1%). At 31st March 2016, the Business Rates collection fund has a deficit of £1.618m. The share of the deficit relating to Bolsover is £0.647m. Accounting regulations mean the repayment to the collection fund to cover this deficit is delayed until the NNDR1 form is submitted to Central Government in January following the year end (January 2017). In order to offset the future impact of this on the General Fund, a transfer of £0.795m has been made at the end of the financial year to enable this reserve to reflect anticipated expenditure payable by the Council.

- 2.8 As outlined above Officers have commenced a piece of work to identify where the evidence from the 2015/16 outturn indicates that it is appropriate to reduce budgets for both 2016/17 and future years in order to secure a contribution to the Council's savings targets. The results of that work will be reported to a future meeting of Executive for consideration.

### **3 Housing Revenue Account (HRA)**

- 3.1 The Housing Revenue Account recorded a small favourable variance of £0.032m against the Revised Budget. These savings have been transferred into the Development Reserve where they will be used to fund future investment in tenants homes. Full details are provided in **Appendix C** to this report. The Housing Revenue Account position shows overall expenditure was £0.075m below the revised budget (column C) and income £0.043m less than anticipated, giving a net cost of services favourable variance of £0.032m for the financial year 2015/16.
- 3.2 The net cost of service was then adjusted to take account of the reduced interest and depreciation costs, and transfers to and from reserves.
- 3.3 The HRA balance has improved – in line with the budget – by an amount of £10k with balances at the year-end amounting to £1.891m. This is an appropriate level to help secure the operational and financial sustainability of the HRA in the light of the HRA Risk Register.

### **Capital Investment Programme**

- 4.1 The capital expenditure incurred by the Council in 2015/16 is detailed on a scheme by scheme basis in **Appendix E** (attached). It can be seen from the appendix that the Council's capital spend in the financial year was £6.811m (£2.362m General Fund and £4.449m HRA). Overall expenditure was £3.175m below the revised budget (£1.845m General Fund and £1.330m HRA).
- 4.2 **General Fund Schemes**  
During the year the Council commenced work on the enhanced Leisure facilities at Clowne and acquired and refurbished premises for use as a contact centre within Bolsover town centre. Within the General Fund the majority of the under spend in the year relates to Vehicles (£1.344), the majority of which will be carried forward to 2016/17. Other General Fund schemes show a net underspend of £0.501m. With respect to the underspend of £1.845m on the General fund, £1.176 m is planned to take place in 2016/17 and accordingly it is recommended that Executive agree to allow the associated funding to be taken forward.

#### 4.3 HRA Schemes

During the year the Council spent £1.270m on heating upgrades, £0.880m on reroofing work, £0.570m on External Wall Insulation and £0.424m on replacement kitchens. This work has secured significant improvements to tenant's homes. In addition the Council expended over £0.5m on progressing its agreed objective of building 100 new Council homes with building progressing and necessary land acquired. Again with respect to the underspend of £1.330m it is recommended that £1.142m be approved for carry forward into 2016/17.

#### 4.4 Capital Financing

The Capital Programme was financed as follows:-

	<b>Revised Budget 2015/16 £000</b>	<b>Actual 2015/16 £000</b>	<b>Variance £000</b>
<b>HRA</b>			
Major Repairs Reserve	(4,394)	(3,471)	(923)
Capital Receipts (inc 1-4-1 receipts)	0	(87)	86
Prudential Borrowing	(547)	(420)	(126)
Revenue Contribution to Capital	(67)	(67)	0
External Grant	0	(139)	139
HRA Vehicle Reserve	(772)	(266)	(506)
<b>Total</b>	<b>(5,780)</b>	<b>(4,450)</b>	<b>(1,330)</b>
<b>General Fund</b>			
Prudential Borrowing – Gen Fund	(1,846)	(722)	(1,124)
Capital Grants and Contributions	(467)	(520)	53
Capital Receipts	(742)	(216)	(526)
Reserves	(1,152)	(859)	(293)
Revenue Contribution to Capital	0	(45)	45
<b>Total</b>	<b>(4,207)</b>	<b>(2,362)</b>	<b>(1,845)</b>
<b>Grand Total</b>	<b>(9,987)</b>	<b>(6,812)</b>	<b>(3,175)</b>

#### 4.5 HRA Capital Financing

The spending on the HRA programme was £1.330m below the Revised Budget. Therefore officers have been able to utilise available Council resources when considering the financing of the programme. One key change is the use of £0.087m of capital receipts as a contribution towards the financing of 7 new houses at Creswell.

The Council has entered into an agreement with the Government to retain a greater proportion of its capital receipts from the sale of council houses on the condition that they are used to support the financing of new council housing. If the additional

amount of retained receipts is not applied to a particular scheme within a certain time period, the Council is obliged to repay the receipts plus interest. Therefore the application of these receipts in 2015/16 to this scheme satisfies the relevant conditions. Prudential borrowing of £0.420 was undertaken in 2015/16 for vehicles.

#### 4.6 General Fund Capital Financing

Officers have sought to minimise the need to undertake prudential borrowing when completing the financing of this element of the capital programme. Prudential borrowing of £0.722m was undertaken in 2015/16 for vehicles, asset management plan and ICT schemes.

#### 4.7 Capital Receipts

The table below summarises the capital receipts received and used by the Council in 2015/16:

<b>Capital Receipt</b>	<b>Net Receipts in year £000</b>	<b>Available Capital Receipts £000</b>
Available Receipts 1 April 2015		0
<b>2015/6</b>		
Sale of Council Houses (32 sales)	(1,306)	
Land at Sherwood Lodge	(2,612)	
Other Land Sales	(38)	
Less - Pooling Costs	451	
Less - Allowable Debt (used to repay HRA debt)	590	
Sub - Total		(2,915)
Used for Capital Financing in 2015/16		303
<b>Total Available Receipts 31 March 2016</b>		<b>(2,612)</b>

### 5 Treasury Management

5.1 At **Appendix F** is a brief report on the Treasury Management activity of the Council for 2015/16. In summary the Council operated throughout 2015/16 within the Authorised Limit and Operational Boundary limits approved in the Treasury Management strategy approved by the Council in February 2015.

5.2 The key facts from the report are:

- The overall borrowing requirement of the Council is £95.824m at 31 March 2016.
- The PWLB debt is £104.100m
- The finance lease debt is £0.019m
- No new PWLB borrowing was undertaken in 2015/16
- The HRA headroom at 31 March 2016 is £22.927m
- PWLB interest paid in 2015/16 was £3.675m

- Interest received on investments was £0.217m
- The Council had £39.0m invested at 31 March 2016

## **6 Conclusions and Reasons for Recommendation**

### **6.1 General Fund**

The Council has successfully met its savings target in respect of 2015/16 and has effectively managed its financial position to allow a contribution to the Transformation Reserve of £1.046m. While at the end of the financial year the Transformation Reserve amounted to £5.571m, with a further amount of £0.843m Efficiency Grant agreed to be transferred into the Reserve in 2016/17 it needs to be recognised that there are significant agreed commitments against the Reserve. On the basis that all recommendations to this meeting of Executive are accepted the reserve will have only £1.7m of uncommitted resources. As part of the review of the Medium Term Financial Plan which will be undertaken during the course of the current financial year Officers will give consideration to the use of capital receipts to fund certain of the agreed expenditure in order to protect the level of the Transformation Reserve for future years. While there are significant calls against the Transformation Reserve it does need to be recognised that the majority of these secure ongoing savings in the Council's revenue budgets which are crucial if the Council is to operate effectively against a background of ongoing central government funding reductions.

Officers will evaluate the 2015/16 financial outturn to identify areas where the budget can be reduced in respect of 2016/17 and future financial years. While it would be reasonable to anticipate that some savings will be secured some of the income growth and expenditure reductions had already been built into budgets for 2016/17 and future years whilst other savings which arose in 2015/16 cannot be relied upon to re-occur in the current or future financial years. The contribution to the Transformation Reserve has, however, provided the Council with resources to progress its Growth and Transformation agendas in order to protect the level of services to local residents.

### **6.2 HRA**

The HRA has delivered an underspend of £0.032m which has been used to increase the level of the Development Reserve. The HRA continues to operate within the parameters established by the Business Plan and MTFP.

### **6.3 Capital Programme**

The Capital Programme details total expenditure of £6.811 into a range of projects designed to deliver services and progress the Council's priorities. Appendix E shows that a number of schemes are ongoing and therefore both the expenditure and resources relating to these approved schemes will need to be carried forward to 2016/17. The Capital Programme was fully funded from within agreed resources during the year.

### **6.4 Treasury Management**

During 2015/16 the Council has continued to operate within the framework established by the Treasury Management Strategy as approved in February 2015.

## **7 Consultation and Equality Impact**

- 7.1 No direct implications..

## **8 Alternative Options and Reasons for Rejection**

- 8.1 The financial outturn report for 2015/16 is primarily a factual report which details the outcome of previously approved budgets therefore there are no alternative options to consider.
- 8.2 The allocation of resources to earmarked reserve accounts has been determined in the light of the previously agreed policies of the Council. If the issues and risks currently anticipated do not materialise or are settled at a lower cost than anticipated then the earmarked reserve will be reassessed and returned to general balances.

## **9 Financial and Risk Implications**

- 9.1 The financial implications are set out within the body of the report.
- 9.2 Members should note that the budgets against which we have monitored the 2015/16 outturn were those agreed within the Council's Medium Term Financial Plan. The Medium Term Financial Plan gave careful consideration to both the affordability of the budgets that were approved, and to ensuring that the level of balances remained adequate for purposes of enabling sound financial management. The fact that the outturn position for 2015/16 indicates that these financial targets have been achieved, gives the Council a firm foundation from which to achieve the service delivery and financial targets approved within the current Medium Term Financial Plan.
- 9.3 The issue of Financial Risk is covered throughout the report. The risk of not achieving a balanced budget, together with the risk that the Council's level of financial balances will be further eroded are currently key corporate risks identified on the Council's Strategic Risk Register. The outturn report shows that the Council's approach to mitigating these risks during 2015/16 has been successful, with our budgets balanced and the level of financial reserves improved.
- 9.4 While the Council has effectively addressed its Strategic Financial Risks during 2015/16 it needs to be recognised that the Council will need to continue to meet a range of challenging savings targets if it is to operate effectively within the financial environment established by the Comprehensive Spending Review.

## **10 Legal Implications including Data Protection**

- 10.1 The Statement of Accounts is required to be prepared by the 30 June each year. The Council has now completed the accounts and they have been signed off by the Chief Financial Officer as at the 27 May 2016 which secures compliance with the Council's legal obligations.

## **11 Human Resources Implications**

- 11.1 There are no Human Resources issues arising directly from this report.

## 12 **Recommendations**

- 12.1 That Members note the report and in particular the Council's financial outturn position in respect of 2015/16.

### General Fund

- 12.2 That Members request the Accountancy Section to undertake a review of the under spend position of 2015/16 to determine where budget changes may be made to the 2016/17 and future budgets.

### Housing Revenue Account

- 12.3 That Members note the outturn position of the HRA and the level of balances held at 31 March 2016 of £1,891,151.

### Capital Programme

- 12.4 That Members approve the proposed carry forward of capital budgets detailed in Appendix E and totalling £2,910,674.

### Treasury Management

- 12.5 That Members note the Treasury Management reported position as at 31 March 2016.

## 13 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	Not directly
<b>Links to Corporate Plan priorities or Policy Framework</b>	The Council's budgets are linked to its corporate priorities in order to ensure that expenditure is directed towards securing the Council's Corporate Plan priorities.

## 14 **Document Information**

Appendix No	Title
A	General Fund Summary 2015/2016
B	General Fund Account Outturn 2015/2016
C	HRA Income and Expenditure Account 2015/2016
D	Earmarked Reserves and Balances
E	Capital Programme 2015/16



F	Treasury Management 2015/16
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Held in Financial Services	
<b>Report Author</b>	<b>Contact Number</b>
Assistant Director – Finance, Revenues & Benefits	2214

## GENERAL FUND SUMMARY

	A	B	C	D	E	F	G
	Original Budget 2015/2016 £	Revised Budget 2015/2016 £	Current Budget 2015/2016 £	Grant and Reserve Adjustments 2015/2016 £	Adjusted Current Budget 2015/2016 £	Actuals 2015/2016 £	Variance 2015/2016 £
Growth Directorate	3,054,161	3,468,333	2,569,874	(656,773)	1,913,101	1,660,718	(252,383)
Operations Directorate	2,903,111	2,999,735	2,909,999	(357,507)	2,552,492	2,404,894	(147,598)
Transformation Directorate	2,994,110	3,621,331	3,547,481	(512,935)	3,034,546	2,909,204	(125,342)
Provision for Pay Award	5,246	0	0		0		0
<b>Net Cost of Services</b>	<b>8,956,628</b>	<b>10,089,399</b>	<b>9,027,354</b>	<b>(1,527,215)</b>	<b>7,500,139</b>	<b>6,974,816</b>	<b>(525,323)</b>
Forecast Surplus - Transfer to Balances	5	270,207	467,591	80,471	548,062	299,928	(248,134)
<u>Debt Charges</u>	892,020	291,234	291,234	0	291,234	529,192	237,958
<u>Investment Interest</u>	(100,311)	(133,415)	(133,415)	0	(133,415)	(172,687)	(39,272)
	<b>9,748,342</b>	<b>10,517,425</b>	<b>9,652,764</b>	<b>(1,446,744)</b>	<b>8,206,020</b>	<b>7,631,248</b>	<b>(574,772)</b>
<b>Appropriations:</b>							
<u>Contributions to Reserves:</u>	1,545,323	2,328,112	2,328,112	33,000	2,361,112	3,156,118	795,006
<u>Contribution from Earmarked Reserves:</u>	(198,099)	(930,565)	(1,110,003)	189,930	(920,073)	(920,073)	0
<u>Contribution (from)/to Holding Accounts</u>	(33,579)	(176,056)	(162,740)	251,954	89,214	89,214	0
<u>Contribution (from) Grant Accounts</u>	0	(5,320)	(5,320)	3,912	(1,408)	(1,408)	(0)
<u>Contribution from S106 Holding A/cs</u>	(162,567)	(919,600)	111,183	967,948	1,079,131	1,079,131	0
<u>Efficiency Measures</u>	(350,000)	0	0			0	
<b>TOTAL EXPENDITURE</b>	<b>10,549,420</b>	<b>10,813,996</b>	<b>10,813,996</b>	<b>(0)</b>	<b>10,813,996</b>	<b>11,034,230</b>	<b>220,235</b>
Parish Precepts	2,227,081	2,285,865	2,285,865	0	2,285,865	2,285,865	0
Council Tax Support Grant - Parish	343,025	343,025	343,025	0	343,025	343,025	0
<b>TOTAL SPENDING REQUIREMENT</b>	<b>13,119,526</b>	<b>13,442,886</b>	<b>13,442,886</b>	<b>(0)</b>	<b>13,442,886</b>	<b>13,663,120</b>	<b>220,235</b>
<u>Revenue Support Grant from SFA</u>	(3,102,529)	(3,102,529)	(3,102,529)	0	(3,102,529)	(3,102,529)	0
Council Tax Grant (15/16)	(37,019)	(37,019)	(37,019)	0	(37,019)	(37,002)	17
<u>Business Rates Retention from SFA</u>	(3,463,663)	(3,719,663)	(3,719,663)		(3,719,663)	(3,977,956)	(258,293)
New Homes Bonus Grant 11/12	(117,312)	(117,312)	(117,312)	0	(117,312)	(117,312)	0
New Homes Bonus Grant 12/13	(193,346)	(193,346)	(193,346)	0	(193,346)	(193,346)	0
New Homes Bonus Grant 13/14	(169,639)	(169,639)	(169,639)	0	(169,639)	(169,639)	0
New Homes Bonus Grant 14/15	(292,058)	(292,058)	(292,058)	0	(292,058)	(292,058)	0
New Homes Bonus Grant 15/16	(277,154)	(285,730)	(285,730)	0	(285,730)	(285,730)	0
COUNCIL TAX - BDC precept	(3,189,278)	(3,189,278)	(3,189,278)	0	(3,189,278)	(3,189,278)	0
Council tax - Parish element from above	(2,227,081)	(2,285,865)	(2,285,865)	0	(2,285,865)	(2,285,865)	0
Council Tax Collection Fund Surplus	(50,447)	(50,447)	(50,447)	0	(50,447)	(50,447)	0
NNDR Collection Fund Deficit	0	0	0	0	0	46,906	46,906
Miscellaneous un-ringfenced grants	0	0	0	0	0	(8,864)	(8,864)
<b>TOTAL FUNDING</b>	<b>(13,119,526)</b>	<b>(13,442,886)</b>	<b>(13,442,886)</b>	<b>0</b>	<b>(13,442,886)</b>	<b>(13,663,120)</b>	<b>(220,234)</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(0)</b>	<b>(0)</b>	<b>0</b>	<b>1</b>
<u>General Fund Balances</u>							
Opening balance 1 April	(1,700,073)	(1,700,073)	(1,700,073)	0	(1,700,073)	(1,700,073)	(1,700,073)
Transfer (to)/from balances	(5)	(270,207)	(467,591)		(548,062)	(299,928)	(299,928)
<b>Closing balance 31 March</b>	<b>(1,700,078)</b>	<b>(1,970,280)</b>	<b>(2,167,664)</b>		<b>(2,248,136)</b>	<b>(2,000,001)</b>	<b>(2,000,001)</b>

			C	F	G	
			Full Years	12 months	12 months	
			Budget	Actuals	Variance	
			£	£	£	
Directorate						
APP	G909	Cont. to Revenue Reserves (8022)	2,328,112	3,156,118	828,006	
APP	G909	Cont from Revenue Reserves (G909)	(1,110,003)	(920,073)	189,930	
APP	G909	Cont. To/from Revenue Grants (8040)	(5,320)	(1,408)	3,912	
APP	G909	Cont. To/from Holding a/cs - (8044)	(162,740)	89,214	251,954	
APP	G909	Cont. to/from S106 Holding a/cs - (8045)	111,183	1,079,131	967,948	
APP	G911	Provision for Repayment of External Loan (G911)	(47,689)	226,014	273,703	
APP	G913	Precept Demand from Collection Fund (G913)	(5,525,590)	(5,525,590)	0	
APP	G914	General Government Grants (G914)	(7,917,296)	(8,239,333)	(322,037)	
APP	G916	Interest Received (G916)	(163,627)	(221,097)	(57,470)	
APP	G919	Interest Paid - PWLB (G919)	336,777	319,584	(17,193)	
APP	G920	Interest Paid - Parish (G920)	2,146	2,396	250	
APP	G927	Interest Received (G927)	30,212	48,410	18,198	
APP	G928	Local Precepts (G928)	2,628,890	2,628,890	0	
APP	G930	T/f of General Fund Balance (G930)	467,585	299,928	(167,657)	
APP	G940	Recognised Capital Grants and Conts	0	(244,410)	(244,410)	
APP	G954	MIRS Reversals Cap Adj Acc (G954)	0	(18,802)	(18,802)	
APP	G956	MIRS Cap Grants Unnapp (G956)	0	244,410	244,410	
APP	G961	MIRS Collection fund adj acc. (G961)	0	101,802	101,802	
APP		<b>Total for: Appropriations</b>	<b>(9,027,360)</b>	<b>(6,974,816)</b>	<b>2,052,544</b>	
GROWTH	G005	Joint Chief Executive Officer (G005)	90,136	85,980	(4,156)	
GROWTH	G006	CEPT (G006)	350,005	321,821	(28,184)	Holding a/cs £2k and reserves £4k under spent, year end entries £22k release of BDP
GROWTH	G010	Neighbourhood Management (G010)	83,800	56,685	(27,115)	Vacancy savings, recruitment in 2016/17
GROWTH	G017	Private Sector Housing Renewal (G017)	50,130	39,497	(10,633)	
GROWTH	G020	Public Health (G020)	(28,000)	(42,000)	(14,000)	Joint Crem income higher than expected
GROWTH	G021	Pollution Reduction (G021)	158,855	150,335	(8,520)	

			C	F	G	
	Monitoring Report 1/4/15 - 31/3/16					
			Full Years	12 months	12 months	
			Budget	Actuals	Variance	
Directorate			£	£	£	
GROWTH	G022	Health & Safety (G022)	(120)	(317)	(197)	
GROWTH	G023	Pest Control (G023)	49,540	50,819	1,279	
GROWTH	G025	Food Safety (G025)	131,430	127,882	(3,548)	
GROWTH	G026	Animal Welfare (G026)	92,850	92,998	148	
GROWTH	G030	Street Trading (G030)	0	(452)	(452)	
GROWTH	G036	Environmental Health Mgmt & Admin (G036)	169,670	169,859	189	
GROWTH	G053	Licensing (G053)	(54,565)	(51,217)	3,348	
GROWTH	G054	Electoral Registration (G054)	190,681	139,650	(51,031)	1/3 to holding a/c of grant not spent £29k, reserves £7k under spent, salaries under due to vacancy £6k and various other small underspends £9k
GROWTH	G055	Democratic Representation & Management (G055)	620,468	604,929	(15,539)	
GROWTH	G056	Land Charges (G056)	3,543	14,063	10,520	
GROWTH	G057	District Council Elections (G057)	67,490	67,481	(9)	
GROWTH	G058	Democratic Services (G058)	147,619	144,870	(2,749)	
GROWTH	G060	Legal Services (G060)	149,819	282,996	133,177	Reserve funding joint service cost £30k, increase of £111k increase in legal provisions
GROWTH	G073	Planning Policy (G073)	262,110	244,590	(17,520)	Reserves £13k under spent.
GROWTH	G074	Planning Development Control (G074)	(104,176)	(257,035)	(152,859)	Increased Planning Fee income £112k., staff vacancies.
GROWTH	G076	Planning Enforcement (G076)	65,255	60,278	(4,977)	
GROWTH	G079	Planning Services Mgmt & Admin (G079)	19,687	19,555	(132)	
GROWTH	G085	Economic Development (G085)	136,710	81,289	(55,421)	Reserves under spent £51k.
GROWTH	G086	Alliance (G086)	9,250	7,250	(2,000)	
GROWTH	G088	Derbyshire Economic Partnership (G088)	15,000	15,000	0	
GROWTH	G107	Home Improvement Agency (G107)	(340)	(935)	(595)	
GROWTH	G116	Parish Council Elections (G116)	0	0	0	
GROWTH	G119	European Elections (G119)	0	0	0	

			C	F	G	
			Full Years	12 months	12 months	
			Budget	Actuals	Variance	
			£	£	£	
Directorate						
GROWTH	G132	Planning Conservation (G132)	29,770	29,175	(595)	
GROWTH	G143	Housing Strategy (G143)	35,126	27,618	(7,508)	Shared post vacant £4k.
GROWTH	G144	Enabling (Housing) (G144)	23,845	19,527	(4,318)	Shared post vacant
GROWTH	G145	Handy Van Service (G145)	0	(1,046)	(1,046)	
GROWTH	G154	ERDF - Work for Yourself (G154)	11,222	4,687	(6,535)	Additional income received
GROWTH	G158	Police Commissioners Elections (G158)	0	0	0	
GROWTH	G171	S106 Education (G171)	330,112	(161,342)	(491,454)	Expenditure not spent c/f to future years, due earliest 1/3/19 - reported to S106 group 12/4/16
GROWTH	G172	S106 Affordable Housing (G172)	1,116	0	(1,116)	
GROWTH	G176	Affordable Warmth (G176)	(9,055)	18,395	27,450	Income from DCC stopped
GROWTH	G178	ERDF - Bols Public Realm (G178)	6,049	(2,886)	(8,935)	Extra income received
GROWTH	G192	Scrutiny (G192)	19,340	18,869	(471)	
GROWTH	G193	Economic Development Management + Admin (G193)	189,378	151,361	(38,017)	Holding a/c £10k and reserves £21k under spent.
GROWTH	G194	Assist Dir - Economic Growth (G194)	35,180	35,508	328	
GROWTH	G195	Assist Dir - Governance + Monitoring (G195)	34,139	34,145	6	
GROWTH	G196	Assist Dir - Planning + Env Health (G196)	32,857	32,767	(90)	
GROWTH	G204	CEPT - BIG Lottery Talent Match (G204)	(3,741)	(10,378)	(6,637)	
GROWTH	G209	Conservation - New Bolsover HLF Scheme	6,302	6,302	(0)	
GROWTH	G211	Help to Work (G211)	19,684	18,369	(1,315)	
GROWTH	G212	Budget Buddies (G212)	10,982	6,548	(4,434)	
GROWTH	G213	Volunteering (G213)	12,155	13,018	863	
GROWTH	G216	Raising Aspirations (G216)	5,589	2,539	(3,050)	
GROWTH	G218	Namibia Bound (G218)	25,500	1,450	(24,050)	
GROWTH	G220	Locality Funding (G220)	(126,088)	(156,518)	(30,430)	
GROWTH	G223	Joint Empty Property Officer	17,000	16,727	(274)	
GROWTH	G224	Prime Minister's Challenge Fund	46,500	15,969	(30,531)	

			C	F	G	
			Full Years	12 months	12 months	
			Budget	Actuals	Variance	
			£	£	£	
Directorate						
GROWTH	G225	Eats and Treats Events (G225)	6,340	5,873	(467)	
GROWTH	G226	S106 - Highways (G226)	(879,000)	(904,000)	(25,000)	Expenditure not spent c/f to future years, due 14/1/21 - reported to S106 group 12/4/16
GROWTH	G229	Housing Standards (G229)	0	(555)	(555)	
GROWTH	G242	New Bolsover MV - CVP Worker (G242)	12,725	12,725	0	
GROWTH		<b>Total for: Growth Directorate</b>	<b>2,569,874</b>	<b>1,660,718</b>	<b>(909,156)</b>	
OPERA	G001	Audit Services (G001)	115,050	86,263	(28,787)	Part of Consortium surplus released
OPERA	G007	Community Safety - Crime Reduction (G007)	48,660	46,882	(1,778)	
OPERA	G013	Community Action Network (G013)	223,213	222,417	(796)	
OPERA	G018	Public Conveniences (G018)	4,602	4,602	(0)	
OPERA	G024	Street Cleansing (G024)	338,490	317,340	(21,150)	Under spent staffing costs £19k
OPERA	G028	Waste Collection (G028)	970,309	948,652	(21,657)	
OPERA	G032	Grounds Maintenance (G032)	535,308	528,481	(6,827)	
OPERA	G033	Vehicle Fleet (G033)	723,996	733,012	9,016	
OPERA	G034	Depot - South Normanton	30,000	29,338	(662)	
OPERA	G038	Concessionary Fares & TV Licenses (G038)	(9,120)	(9,194)	(74)	
OPERA	G040	Corporate Management (G040)	108,303	96,466	(11,837)	
OPERA	G041	Non Distributed Costs (G041)	706,650	708,854	2,204	
OPERA	G044	Financial Services (G044)	302,951	300,084	(2,867)	
OPERA	G046	Homelessness (G046)	153,128	146,181	(6,947)	
OPERA	G048	Town Centre Housing (G048)	(10,700)	(10,935)	(235)	
OPERA	G080	Engineering Services (ESRM) (G080)	99,220	75,161	(24,059)	Year end adjustments
OPERA	G081	Drainage Services (G081)	3,300	1,695	(1,605)	

			C	F	G	
			Full Years	12 months	12 months	
			Budget	Actuals	Variance	
			£	£	£	
Directorate						
OPERA	G083	Building Control Consortium (G083)	85,980	74,834	(11,146)	Recharge from CBC lower than estimate
OPERA	G089	Premises Development (G089)	(61,748)	(45,176)	16,572	Year end entries £17k recharge from insurance reserve.
OPERA	G090	Pleasley Vale Mills (G090)	(121,952)	(155,166)	(33,214)	Income over achieved £9k (net). H+C under £13k due to timing, therefore orders rolled over to new year. Year end entries £9k release of BDP.
OPERA	G092	Pleasley Vale Electricity Trading (G092)	(44,938)	(97,070)	(52,132)	Additional income
OPERA	G093	Sherwood Lodge (G093)	6,695	2,032	(4,663)	
OPERA	G095	Estates + Property (G095)	524,060	441,191	(82,869)	Reserves under spent £53k, Year end entries £13k release of BDP. Staff related costs under spent by £18k due to vacancies.
OPERA	G096	Building Cleaning (General) (G096)	73,336	71,826	(1,510)	
OPERA	G097	Groundwork & Drainage Operations (G097)	45,822	44,338	(1,484)	
OPERA	G099	Catering (G099)	6,000	5,073	(927)	
OPERA	G100	Benefits (G100)	442,400	267,517	(174,883)	£23k additional income t/f to holding a/c. Staff costs £29k under spent. Plus other various small under/over spends. Year end entries £110k less required for benefits bad debt provision.
OPERA	G103	Council Tax / NNDR (G103)	236,084	288,893	52,809	Analyse fees (NNDR) £27k over spent. Enforcement fees £17k over spent. Income for collection fund council tax payers costs under estimate by £17k, less various under spends including £4k staffing costs due to vacancies.
OPERA	G104	Sundry Debtors (G104)	92,270	93,254	984	
OPERA	G106	Housing Anti Social Behaviour (G106)	70,039	69,717	(322)	
OPERA	G111	Shared Procurement Unit (G111)	34,760	34,864	104	
OPERA	G113	Parenting Practitioner (G113)	30,807	30,794	(13)	
OPERA	G123	Riverside Depot (G123)	169,875	165,936	(3,939)	
OPERA	G124	Street Servs Mgmt & Admin (G124)	60,243	70,507	10,264	Year end entries £9k recharge from insurance reserve.
OPERA	G127	Planning + Estates Admin (G127)	46,214	45,416	(798)	
OPERA	G133	The Tangent Business Hub (G133)	(1,929)	(20,398)	(18,469)	Rents over achieved £18k.
OPERA	G135	Domestic Violence Worker (G135)	38,208	38,481	273	
OPERA	G138	Sherwood Lodge Development (G138)	20,000	9,445	(10,555)	Reserve expenditure not spent
OPERA	G142	Community Safety - CCTV (G142)	90,565	14,606	(75,959)	

			C	F	G	
	Monitoring Report 1/4/15 - 31/3/16					
			Full Years	12 months	12 months	
			Budget	Actuals	Variance	
Directorate			£	£	£	
OPERA	G148	Trade Waste (G148)	(61,792)	(15,594)	46,198	Income under achieved £27k and h+c over spent £32k. Year end entries £13k release of BDP.
OPERA	G149	Recycling (G149)	77,864	127,892	50,028	H+C over spent £68k, recycling credits over achieved £14k, recharges from NE under spent £4k due to vacancy.
OPERA	G151	Street Lighting (G151)	25,563	19,611	(5,952)	Electricity under spent £5k
OPERA	G153	Housing Advice (G153)	10,870	10,991	121	
OPERA	G156	The Arc (G156)	288,952	245,138	(43,814)	Reserves under spent £20k, staffing costs £5k under spent due to vacancy, income over achieved £24k, Business Rates over spent £7k.
OPERA	G159	Council Tax Benefit Reform (G159)	(43,333)	(58,530)	(15,197)	T/f to holding a/c of grant not spent £16k.
OPERA	G161	Rent Rebates (G161)	(190,190)	(90,077)	100,113	Difference from mid-year estimate to final claim
OPERA	G162	Rent Allowances (G162)	(135,218)	(245,045)	(109,827)	Difference from mid-year estimate to final claim
OPERA	G164	Support Recharges (G164)	(3,475,528)	(3,475,528)	(0)	
OPERA	G167	Facilities Management (G167)	20,500	17,341	(3,159)	
OPERA	G169	Closed Churchyards (G169)	10,000	10,000	0	
OPERA	G177	Discretionary Housing Payments (G177)	0	(0)	(0)	
OPERA	G190	Executive Director - Operations (G190)	49,980	49,735	(245)	
OPERA	G197	Assist Dir - Finance, Revenues + Benefits (G197)	31,890	31,920	30	
OPERA	G199	Assist Dir - Street Scene (G199)	31,709	32,362	653	
OPERA	G208	Assist Dir - Estates and Property (G208)	32,155	32,036	(119)	
OPERA	G219	Community Cohesion	30,426	25,439	(4,987)	Holding account funded
OPERA	G237	Joint Venture (LLP) (G237)	20,000	12,730	(7,270)	Reserve funded - okay
OPERA	G239	Housing + Comm Safety Fixed Penalty Acc (G239)	0	(1,738)	(1,738)	Income over achieved will be used for exp in future years
OPERA		<b>Total for Operations Directorate</b>	<b>2,909,999</b>	<b>2,404,894</b>	<b>(505,105)</b>	
TRANS	G002	I.C.T. (G002)	666,593	591,238	(75,355)	Leased lines £33k, business software £26k and hired + contract £3k all under spent.
TRANS	G003	Reprographics (printing) (G003)	115,239	114,292	(947)	



			C	F	G	
	<b>Monitoring Report 1/4/15 - 31/3/16</b>					
			<b>Full Years</b>	<b>12 months</b>	<b>12 months</b>	
			<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>	
Directorate			<b>£</b>	<b>£</b>	<b>£</b>	
TRANS	G014	Customer Contact Service (G014)	731,535	705,212	(26,323)	Staffing costs £20k under spent.
TRANS	G015	Strategy & Performance (G015)	129,053	118,116	(10,937)	
TRANS	G027	Emergency Planning (G027)	15,200	15,140	(60)	
TRANS	G052	Human Resources & Payroll (G052)	294,270	268,390	(25,880)	
TRANS	G061	Bolsover Wellness Programme (G061)	58,439	62,536	4,097	
TRANS	G062	Extreme Wheels (G062)	87	(1,969)	(2,056)	
TRANS	G063	Go Football (G063)	11,916	12,693	777	
TRANS	G064	Bolsover Community Sports Coach Scheme (G064)	125,212	104,626	(20,586)	Casual staffing under spent £13k, income over achieved £7k.
TRANS	G065	Parks, Playgrounds & Open Spaces (G065)	46,705	42,652	(4,053)	
TRANS	G067	Culture & Heritage (G067)	44,775	38,147	(6,628)	
TRANS	G070	Outdoor Sports & Recreation Facilities (G070)	35,267	30,572	(4,695)	
TRANS	G071	Creswell Leisure Centre (G071)	153,181	176,438	23,257	Income under achieved £28k. Staffing costs over spent £7k.
TRANS	G072	Leisure Services Mgmt & Admin (G072)	153,332	171,167	17,835	Income under achieved £6k. Plus other various over/under spends. Year end entries £9k release of BDP and recharge from insurance reserve £28k.
TRANS	G112	Frederick Gents School Community Use (G112)	19,798	21,592	1,794	
TRANS	G125	S106 Percent for Art (G125)	164,131	15,288	(148,843)	Expenditure not all spent c/f to future years, due earliest 13/2/18 - reported to S106 group 12/4/16
TRANS	G126	S106 Formal and Informal Recreation (G126)	74,219	(6,326)	(80,545)	Expenditure not all spent c/f to future years, due 20/9/18 earliest - reported to S106 group 12/4/16
TRANS	G129	Bolsover Apprenticeship Programme (G129)	73,332	65,060	(8,272)	
TRANS	G146	Pleasley Vale Outdoor Activity Centre (G146)	34,253	44,167	9,914	Staffing costs over spent £3k, Business Rates over spent £13k (Analyse - backdated to April 2010) income over achieved £2k plus other various under spends.
TRANS	G155	Customer Services (G155)	64,914	60,599	(4,316)	
TRANS	G160	Clowne Leisure Centre (G160)	28,680	22,125	(6,555)	Staffing cost over spent £10k, income over achieved £11k plus other various under spends

			C	F	G	
	<b>Monitoring Report 1/4/15 - 31/3/16</b>					
			<b>Full Years</b>	<b>12 months</b>	<b>12 months</b>	
			<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>	
Directorate			<b>£</b>	<b>£</b>	<b>£</b>	
TRANS	G168	Multifunctional Printers (G168)	57,789	54,155	(3,634)	
TRANS	G170	S106 Outdoor Sports (G170)	198,239	(22,751)	(220,990)	Expenditure not all spent c/f to future years, due earliest 8/12/16 - reported to S106 group 12/4/16 - still waiting for decision on Joint Service Centre amount
TRANS	G173	SE Community Sports Activation Fund (G173)	1	0	(1)	
TRANS	G175	Leisure Outdoor Activity Events (G175)	0	(325)	(325)	
TRANS	G179	Streets Sports (G179)	(2,849)	(2,811)	38	
TRANS	G180	Special Events (G180)	0	(344)	(344)	
TRANS	G181	BLACA (G181)	0	(207)	(207)	
TRANS	G182	Village Games (G182)	4,773	(40)	(4,813)	
TRANS	G185	Club Link Makers (G185)	4,457	(195)	(4,652)	
TRANS	G186	PL4S Satellite Programme (G186)	0	(1,525)	(1,525)	
TRANS	G189	Executive Director - Transformation (G189)	50,105	50,107	2	
TRANS	G200	Assist Dir - Customer Services + Improvement (G200)	33,211	33,250	39	
TRANS	G201	Assist Dir - HR + Payroll (G201)	74,334	74,242	(92)	
TRANS	G202	Assist Dir - Leisure (G202)	33,302	33,598	296	
TRANS	G203	Sportivate (G203)	(191)	(1,345)	(1,154)	
TRANS	G205	Innovation (G205)	5,090	437	(4,653)	
TRANS	G206	Street Games (G206)	1,629	(3,355)	(4,984)	
TRANS	G207	Cycling (G207)	0	(2,491)	(2,491)	
TRANS	G221	Physical Inactivity (G221)		(19,313)	(19,313)	
TRANS	G222	Clowne Leisure Facilities Enhancement (G222)	47,460	46,365	(1,095)	
TRANS		<b>Total for Transformation Directorate</b>	<b>3,547,481</b>	<b>2,909,204</b>	<b>(638,277)</b>	
		<b>Total for: General Fund</b>	<b>(6)</b>	<b>(1)</b>	<b>5</b>	

# Housing Revenue Account 2015/16

## APPENDIX C

Description	A Revised Budget £	B Actual £	C Variance £
<b>Expenditure</b>			
Repairs and Maintenance	4,549,228	4,439,932	(109,296)
Supervision and Management	4,938,425	4,986,482	48,057
Special Services	620,187	559,729	(60,458)
Supporting People	780,222	789,706	9,484
Tenants Participation	87,863	82,395	(5,468)
Provision for Doubtful Debts	100,000	145,606	45,606
Debt Management Expenses	9,500	7,125	(2,375)
<b>Total Expenditure</b>	<b>11,085,425</b>	<b>11,010,973</b>	<b>(74,452)</b>
<b>Income</b>			
Rents	(20,940,023)	(20,952,779)	(12,756)
Garage Rents	(145,998)	(140,054)	5,944
Supporting People	(750,638)	(719,809)	30,829
Special Services	(332,825)	(325,563)	7,262
Leasehold Flats and Shops Income	(18,650)	(20,602)	(1,952)
Repairs and Maintenance	(9,345)	12,216	21,561
Supervision & Management/Rents/Rates/Taxes	(13,880)	(22,193)	(8,313)
Other Income	(1,310)	(1,030)	280
<b>Total Income</b>	<b>(22,212,669)</b>	<b>(22,169,813)</b>	<b>42,856</b>
<b>Net Cost of Services</b>	<b>(11,127,244)</b>	<b>(11,158,840)</b>	<b>(31,596)</b>
<b>Appropriations</b>			
Voluntary Debt Repayment	3,500,000	3,500,000	0
Interest Costs	3,346,191	3,355,966	9,775
Interest Income	(30,212)	(48,410)	(18,198)
Depreciation	2,383,034	2,136,101	(246,933)
Transfer to Major Repairs Reserve	1,480,988	1,796,906	315,918
Contribution to Insurance Reserve	50,000	50,000	0
Contribution to / from HRA Reserve	445,000	413,034	(31,966)
Use of Unapplied Revenue Grant	(57,750)	(54,750)	3,000
<b>Net Operating (Surplus) / Deficit</b>	<b>(9,993)</b>	<b>(9,993)</b>	<b>(0)</b>
<b>HRA Balances</b>			
Balance brought forward 1 April	(1,881,158)	(1,881,158)	
Movement in year	(9,993)	(9,993)	
Working Balance at End of Year	(1,891,151)	(1,891,151)	

**Transfers to/from Earmarked Reserves**

This note sets out the amounts set aside from the General Fund and HRA balances in earmarked reserves to provide financing for future expenditure plans, and the amounts posted back from earmarked reserves to meet General Fund and HRA expenditure in 2015/16.

	Balance at 1 April 2014 £'000	Transfers Out 2014/15 £'000	Transfers in 2014/15 £'000	Balance at 31 March 2015 £'000	Transfers Out 2015/16 £'000	Transfers In 2015/16 £'000	Balance at 31 March 2016 £'000
<b>General Fund/HRA</b>							
Area Based Grant/Working Neighbourhoods Fund	(585)	250	0	(335)	79	0	(256)
General	(451)	125	(61)	(387)	14	(33)	(406)
NDR Growth Protection	0	0	(705)	(705)	0	(795)	(1,500)
Insurance - GF	(353)	44	(90)	(399)	81	(90)	(408)
Insurance - HRA	(32)	15	(50)	(67)	51	(50)	(66)
Invest to Earn	(50)	0	0	(50)	50	0	0
IT and Office Equipment	(67)	78	(75)	(64)	23	(75)	(116)
Legal Costs	(100)	29	0	(71)	2	0	(69)
Local Development Scheme	(283)	64	(40)	(259)	63	(40)	(236)
New Build Reserve - HRA	(1,838)	1,922	(950)	(866)	67	(86)	(885)
Planning Delivery	(116)	0	0	(116)	24	0	(92)
Transformation Reserve	(3,158)	632	(2,372)	(4,898)	1,487	(2,160)	(5,571)
Vehicle Repair and Renewal - GF	(32)	12	(12)	(32)	5	(12)	(39)
Vehicle Repair and Renewal - HRA	(189)	53	(180)	(316)	263	(445)	(498)
CD Joint Crematorium Reserve	(169)	169	0	0	0	0	0
<b>Total Earmarked Reserves</b>	<b>(7,423)</b>	<b>3,393</b>	<b>(4,535)</b>	<b>(8,565)</b>	<b>2,209</b>	<b>(3,786)</b>	<b>(10,142)</b>

## APPENDIX E

Fund	CAPITAL PROGRAMME SUMMARY	Approved Programme 2015/16 £	Actual Outturn 2015/16 £	Variance 2015/16 £	Carried Forward requests 2016/17. £
	<b>General Fund</b>				
	<b>Assets</b>				
ASS	AMP - The Arc	37,782	22,931	(14,851)	14,850
ASS	AMP - Pleasley Vale	209,663	143,976	(65,687)	65,600
ASS	AMP - Various Investment Properties	9,325	9,321	(4)	0
ASS	AMP - Leisure Buildings	50,360	29,644	(20,716)	20,716
ASS	CCTV - Riverside Depot	29,322	0	(29,322)	29,322
ASS	Asset Management Plan (Refurbishment Work)	17,457	0	(17,457)	0
ASS	Purchase - 3 Cotton St Bolsover	186,850	186,850	0	0
ASS	Refurbishment - 3 Cotton St Bolsover	142,500	105,579	(36,921)	36,921
ASS	Refurbishment of Oxcroft House	30,000	0	(30,000)	30,000
ASS	Council Chamber Alterations	85,500	80,294	(5,206)	5,206
HRA	Shirebrook Contact Centre	10,000	3,548	(6,453)	6,453
ASS	Middle Street Car Park	20,000	19,959	(41)	0
		<b>828,759</b>	<b>602,101</b>	<b>(226,658)</b>	<b>209,068</b>
	<b>Project Horizon</b>				
HOR	ICT infrastructure - Project Horizon	28,504	0	(28,504)	0
HOR	Sherwood Lodge Disposal	78,000	28,679	(49,321)	49,321
		<b>106,504</b>	<b>28,679</b>	<b>(77,825)</b>	<b>49,321</b>
	<b>ICT Schemes</b>				
ICT	ICT Intrasfructure	55,932	20,000	(35,932)	35,932
ICT	Fleet Management System	6,890	0	(6,890)	0
ICT	Idox Uniform Estates Mgmt System	1,859	0	(1,859)	0
ICT	Automated Payment Machines	54,333	54,333	(0)	0
		<b>119,014</b>	<b>74,333</b>	<b>(44,681)</b>	<b>35,932</b>
	<b>Leisure Schemes</b>				
LEI	Clune Street Recreation Ground	6,251	3,492	(2,759)	0
LEI	P Vale Outdoor Education Centre Ph 2	41,134	0	(41,134)	41,134
LEI	Clowne Leisure Facility	736,500	637,089	(99,411)	99,411
LEI	Fitness Equipment	20,939	20,874	(65)	0
		<b>804,824</b>	<b>661,455</b>	<b>(143,369)</b>	<b>140,545</b>
	<b>Private Sector Schemes</b>				
PS	Disabled Facility Grants	496,708	488,625	(8,083)	0
		<b>496,708</b>	<b>488,625</b>	<b>(8,083)</b>	<b>0</b>
	<b>Vehicles and Plant</b>				
VEH	Pick Up (Garage YT09 XVG)	22,000	17,569	(4,431)	0
VEH	Van (SS YT09 WSO)	25,000	0	(25,000)	25,000
VEH	Van (SS YT09 TGF)	25,000	0	(25,000)	25,000
VEH	Van (SS YT09 TEY)	25,000	0	(25,000)	25,000
VEH	Refuse Vehicle (VU10 HSV)	173,545	172,190	(1,355)	0
VEH	Tipper Van (Waste YN57 ECZ)	42,500	0	(42,500)	42,500
VEH	Tipper Van (Waste YN57 EDC)	42,500	0	(42,500)	42,500
VEH	8 Hedgecutters	4,000	2,105	(1,895)	0
VEH	10 Strimmers	5,000	3,268	(1,732)	0
VEH	Van (OC YN07 RHX)	42,500	0	(42,500)	42,500
VEH	Van (OC YN57 EBK)	73,651	73,651	0	0
VEH	Van (OC YN07 FLR)	42,500	0	(42,500)	42,500
VEH	Van (Leisure YP57 HNV)	19,200	0	(19,200)	19,200
VEH	Van (Leisure YP57 HTY)	14,700	0	(14,700)	14,700
VEH	Van (Leisure YP57 HTL)	16,100	0	(16,100)	16,100
VEH	Van (Drains YR09 LDN)	30,000	6,000	(24,000)	24,000
VEH	Refuse Vehicle (VN60 CXS)	175,000	0	(175,000)	175,000
VEH	Refuse Vehicle (VN60 CXU)	175,000	0	(175,000)	175,000
VEH	Refuse Vehicle (VN60 CXR)	175,000	0	(175,000)	175,000
VEH	Refuse Vehicle (VN60 CXT)	175,000	0	(175,000)	175,000
VEH	Refuse Vehicle (Vk58 JFV)	173,545	172,190	(1,355)	0
VEH	Transit 350 d/cab tipper (SS YP58 CJE)	25,000	0	(25,000)	25,000
VEH	Powerwash Trailer & Frame (SS)	10,000	0	(10,000)	10,000
VEH	DAF 45.160 Tipper 7.5 tones(YN58 AYD)	42,500	0	(42,500)	42,500

## APPENDIX E

Fund	CAPITAL PROGRAMME SUMMARY	Approved	Actual	Variance	Carried
		Programme 2015/16	Outturn 2015/16	2015/16	Forward requests 2016/17.
		£	£	£	£
VEH	Van (SS YP58 CEK)	25,000	0	(25,000)	25,000
VEH	MF TRACTOR (SS FN08 AOD)	60,000	0	(60,000)	60,000
VEH	Ransomes Mower (SS FJ06 WVS)	27,000	0	(27,000)	27,000
VEH	MF TRACTOR (SS FN08 ANU)	50,000	0	(50,000)	50,000
VEH	FORD RANGER (Leisure PV YT08 DWP)	20,500	20,418	(82)	0
VEH	FORD TRANSIT (can YS08 PJU)	20,000	0	(20,000)	20,000
VEH	VAN (CAN FP58 KHM)	20,000	0	(20,000)	20,000
VEH	Go-Carts x 2	17,000	0	(17,000)	17,000
VEH	Community Connect Mini Bus	22,500	22,485	(15)	0
VEH	Chipper (Large)	18,000	0	(18,000)	18,000
VEH	RCV Fleet - VU59 HWF (NEDDC)	16,700	16,700	0	0
		<b>1,850,941</b>	<b>506,576</b>	<b>(1,344,365)</b>	<b>1,333,500</b>
	<b>Total General Fund</b>	<b>4,206,750</b>	<b>2,361,769</b>	<b>(1,844,981)</b>	<b>1,768,366</b>
	<b>Housing Revenue Account</b>				
HRA	External Wall Insulation	561,413	570,218	8,805	0
HRA	Electrical Upgrades	178,381	117,732	(60,649)	60,649
HRA	Cavity Wall + Loft Insulation	3,859	3,364	(495)	0
HRA	External Door Replacements	160,557	75,901	(84,656)	84,656
HRA	Heating Upgrades	1,229,743	1,270,281	40,538	0
HRA	Enviromental Works	100,000	0	(100,000)	100,000
HRA	Decent Homes - External	106,098	41,098	(65,000)	65,000
HRA	Kitchen Replacements - Decent Homes	420,000	424,385	4,385	0
HRA	Regeneration Mgmt & Admin	69,320	69,320	0	0
HRA	GD Boiler Replacement / Heat Meters	104,570	95,463	(9,107)	0
HRA	New Bolsover	350,000	6,653	(343,347)	343,347
HRA	Re Roofing	1,060,000	880,987	(179,013)	0
HRA	Flat Roofing	50,000	35,840	(14,160)	0
HRA	Blackwell Hotel Purchase	120,000	120,000	0	0
HRA	Rogers Ave Creswell - HRA New Build	377,275	384,754	7,479	0
HRA	Blackwell Hotel Site - HRA New Build	50,000	2,710	(47,290)	47,290
HRA	MACCS Software - Rents	11,900	11,900	0	0
HRA	Central Control Equipment	54,750	54,750	0	0
HRA	Van (R+M YT09 XVP)	19,242	19,242	(0)	0
HRA	Van (R+M YT09 XWN)	19,242	19,242	(0)	0
HRA	Van (R+M YT09 WOR)	19,242	19,242	(0)	0
HRA	Van (R+M YT07 BXH)	19,242	19,242	(0)	0
HRA	Van (R+M YS57 LVC)	19,242	19,242	(0)	0
HRA	Van (R+M YS57 AYW)	19,242	19,242	(0)	0
HRA	Van (R+M YP07 OCC)	19,242	19,242	(0)	0
HRA	Van (R+M YP07 FWA)	19,242	19,242	(0)	0
HRA	Van (R+M YP57 HRM)	19,242	19,242	(0)	0
HRA	Van (R+M YP07 FTZ)	19,242	19,242	(0)	0
HRA	Van (R+M DY56 OFB)	21,366	0	(21,366)	21,366
HRA	Van (R&M YP10 ORH)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OWA)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OXB)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OWF)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OTX)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OSZ)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 ORP)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OWX)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OUV)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 ETL)	20,000	14,131	(5,869)	0
HRA	Van (R&M YP10 ETJ)	20,000	14,131	(5,869)	0
HRA	Van (R&M YP10 ETF)	20,000	14,131	(5,869)	0
HRA	Van (R&M YP10 ORA)	20,000	0	(20,000)	20,000
HRA	Van (R&M YS10 OWU)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OXK)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 ETK)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OWE)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 OYY)	20,000	0	(20,000)	20,000
HRA	Van (R&M YP10 HRE)	20,000	0	(20,000)	20,000
HRA	Van (R&M YR60 AEJ)	20,000	0	(20,000)	20,000
HRA	Van (R&M YS10 OSN)	20,000	0	(20,000)	20,000

## APPENDIX E

Fund	CAPITAL PROGRAMME SUMMARY	Approved	Actual	Variance	Carried
		Programme	Outturn		Forward
		2015/16	2015/16	2015/16	requests
		£	£	£	2016/17.
HRA	Van (R&M YS10 OVG)	20,000	0	(20,000)	20,000
HRA	Van (R&M YS10 OTA)	20,000	0	(20,000)	20,000
HRA	Van (R&M YS10 OUL)	20,000	0	(20,000)	20,000
HRA	CAR (Wardens FN10 NYG)	18,000	9,381	(8,619)	0
HRA	CAR (Wardens FN10 NXC)	18,000	9,381	(8,619)	0
HRA	CAR (Wardens FN10 MVL)	18,000	9,381	(8,619)	0
HRA	CAR (Wardens FN10 MVK)	12,000	9,381	(2,619)	0
HRA	Transit Connect (New Vehicle)	11,997	11,997	(1)	0
	<b>Total HRA</b>	<b>5,779,649</b>	<b>4,449,685</b>	<b>(1,329,964)</b>	<b>1,142,308</b>
	<b>TOTAL CAPITAL EXPENDITURE</b>	<b>9,986,399</b>	<b>6,811,454</b>	<b>(3,174,945)</b>	<b>2,910,674</b>
<b>Capital Financing</b>					
<b>General Fund</b>					
	Specified Capital Grant	467,000	467,000	0	
	Private Sector Contributions	0	53,144	53,144	
	Prudential Borrowing	1,846,180	722,065	(1,124,115)	
	Revenue Contribution to Capital	0	45,000	45,000	
	Reserves	1,151,864	858,884	(292,980)	
	Capital Receipts	741,706	215,676	(526,030)	
		<b>4,206,750</b>	<b>2,361,769</b>	<b>(1,844,981)</b>	
<b>HRA</b>					
	Major Repairs Allowance	4,393,941	3,470,898	(923,043)	
	1-4-1 Capital Receipts	0	86,972	86,972	
	Prudential Borrowing	547,275	420,492	(126,783)	
	Revenue Contribution to Capital	66,650	66,650	0	
	External Grant	0	139,143	139,143	
	Vehicle Reserve	771,783	265,529	(506,254)	
		<b>5,779,649</b>	<b>4,449,685</b>	<b>(1,329,964)</b>	
	<b>TOTAL CAPITAL FINANCING</b>	<b>9,986,399</b>	<b>6,811,454</b>	<b>(3,174,945)</b>	

**BDC Treasury Management****Activity 2015/16****Capital Financing Requirement**

The key area of Treasury Management is the measurement and control of the overall debt position of the Council. This is calculated through the Capital Financing Requirement (CFR). The CFR calculates the Council's underlying need to borrow in order to finance its capital expenditure. The revised estimate of the CFR for 2015/16 and the actual outturn CFR are shown in the table below: -

	<b>Revised Budget 2015/16 £000</b>	<b>Actual Outturn 2015/16 £000</b>
Capital Financing Requirement 1 April	98,962	98,962
Prudential Borrowing General Fund	1,825	722
Prudential Borrowing HRA	470	436
Leasing Repayments	(19)	(19)
Minimum Revenue Provision (MRP)	(234)	(207)
Movement on other debt – retentions	0	20
HRA Debt Repayment per business plan	(3,500)	(3,500)
Repayment of Allowable Debt (HRA)	0	(590)
<b>Capital Financing Requirement 31 March 2016</b>	<b>97,504</b>	<b>95,824</b>

The overall outturn position shows a net reduction of outstanding debt of £3.138m in 2015/16. Prudential borrowing has been undertaken by the Council in 2015/16 for General Fund Vehicles, ICT projects, the Asset Management Plan and new Council Dwellings

The repayment of outstanding debt from the Sale of Council House receipts is the Allowable Debt sum of £0.590m. Under the current regulations when a Council dwelling is sold the Council is allowed to retain some of the capital receipts because it is carrying debt on each property following the HRA reforms settlement. It is called the Allowable Debt calculation. It is advisable that the retained receipt element for Allowable Debt is actually utilised to repay the debt outstanding on the sold houses otherwise the Council is carrying debt where it has no asset.

The Capital Financing requirement is split between the HRA and General Fund the balance of each is shown below:

<b>Capital Financing Requirement at 31 March 2016</b>	<b>£000</b>
General Fund	6,401
Housing Revenue Account	89,423
<b>Total CFR</b>	<b>95,824</b>

From the HRA CFR the Council is able to calculate the “headroom” available which is the gap between the HRA debt limit set by the Government when the HRA reforms were introduced. This is shown in the table below:



**APPENDIX F**

<b>HRA “Headroom” calculation</b>	<b>£000</b>
Housing Revenue Account – Debt Limit	112,350
Housing Revenue Account CFR 31 March 2016	89,423
<b>Headroom at 31 March 2016 =</b>	<b>22,927</b>

The above table shows that the Council’s HRA has a headroom figure of £22.927m at 31 March 2016.

**How the CFR is covered.**

As mentioned above the CFR is the Council’s underlying need to borrow to finance capital expenditure. To finance the CFR the Council has external borrowing, finance leases and the use of its own reserves and balances. The position as at 31 March 2016 is as follows:

	<b>£000</b>
Capital Financing Requirement 31 March 2016	95,824
Financed from	
External Borrowing via PWLB	104,100
External Borrowing via Leasing arrangements	19
Use of internal balances and reserves	(8,295)
<b>Total Financing of CFR</b>	<b>95,824</b>

**PWLB Borrowing**

The Council’s total outstanding PWLB debt amounted to £104.100m at 1 April 2015. During 2015/16 no principal repayments were made. No new loans have been taken out with the PWLB during 2015/16. The profile of the outstanding debt is analysed as follows: -

<b>PWLB BORROWING</b>	<b>Maturity Profile 31 March 2015 £</b>	<b>Maturity Profile 31 March 2016 £</b>
<b>Term</b>		
12 Months	0	1,000,000
1 - 2 years	1,000,000	1,000,000
2 - 5 years	4,000,000	5,000,000
5 - 10 years	20,300,000	20,300,000
Over 10 year	78,800,000	76,800,000
<b>Total PWLB Debt</b>	<b>104,100,000</b>	<b>104,100,000</b>

**PWLB Interest**

The interest cost to the Council of the PWLB debt for 2015/16 is £3,675,550. The cost is split within the accounts between the HRA and General Fund based on the level of debt outstanding within the CFR.

**Temporary Borrowing**

Cash flow monitoring and management serves to identify the need for short term borrowing to cover delays in the receipt of income during the course of the year. During 2015/16 no short term borrowing was undertaken by the Council and therefore no interest charges were incurred.

**Temporary / Fixed Investments**

The table below details the investments held at 2015/16.

<b>Bank Name</b>	<b>Balance Invested 31 March 16 £000</b>
<b>Fixed</b>	
Nationwide	5,000
Goldman Sachs	5,000
Lloyds	5,000
<b>Call Accounts</b>	
Barclays	5,000
Santander	4,000
Money Market Funds	15,000
<b>Total</b>	<b>39,000</b>

From the table above it can be seen that the balance invested by the Council at 31 March 2016 is £39.0m. Interest earned from temporary investments during 2015/16 amounted to £217,010 and is detailed in the table below:

<b>Bank Name</b>	<b>Amount Received</b>
Nationwide	(30,753)
Goldman Sachs	(28,560)
Close Brothers	(24,164)
Lloyds	(12,753)
Barclays	(29,510)
Nat West Bank	(5,403)
Money Market Funds	(69,375)
Santander	(16,492)
<b>Total</b>	<b>(217,010)</b>

**Overnight Balances**

The balance of any daily funds is retained in the Council's general account with the Lloyds Bank.

**Compliance with Treasury Limits**

During the financial year the Council continued to operate within the treasury limits set out in the Council's Borrowing and Investment Strategy.

	<b>Actual in year 2015/16 £000</b>	<b>Set Limits in year 2015/16 £000</b>
Authorised Limit (total Council external borrowing limit)	104,119	113,969
Operational Boundary	104,119	108,969

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