



BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

THURSDAY, 8TH FEBRUARY, 2007 AT 6.00 PM

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

AGENDA

MEMBERS: Councillors R Hollingworth (Executive Leader), Mrs J M L A Griffiths (Deputy Executive Leader), Mrs J Dyer M.B.E., B L Fuller C.B.E. Q.F.S.M., Mrs M A Sherrey, Mrs C J Spencer, Mrs M M T Taylor and P J Whittaker

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the Minutes of the Meeting of the Executive Cabinet held on 3rd January 2007 (Pages 1 - 8)
4. Matters Arising from the Minutes
5. Public Questions
6. To receive the Minutes of the Scrutiny Steering Board dated 2nd January 2007 (Pages 9 - 12)
7. Minutes of meeting Friday, 19th January, 2007 of Performance Management Board (Pages 13 - 16)
8. To receive the Minutes of the Local Development Framework Working Party dated 6th February 2007 (to follow)
9. Petition relating to Charges for Car Park Permits (Pages 17 - 20)
10. Improvement Plan and Exceptions Report - November 2006 (Pages 21 - 52)
11. Preferred Partnership - Affordable Housing (Pages 53 - 62)
12. Future Management of Museum (Pages 63 - 68)

13. Emergency Plan (Pages 69 - 72)
14. Rural Settlement List for Rural Rate Relief (Pages 73 - 78)
15. Strategy for Administration of Council Tax Benefit and Housing Benefit (Pages 79 - 92)
16. Discretionary Rate Relief Policy (Pages 93 - 108)
17. Benefits Take up Strategy (Pages 109 - 116)
18. Recovery Policy (Pages 117 - 142)
19. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the meeting and which the Chairman , by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.
20. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of the following item of business containing exempt information:-

“RESOLVED” that under Section 100A (4) of the Local Government Act 1972, the Public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, the relevant paragraph of that part being as set out below:-

<u>Item No.</u>	<u>Paragraph</u>
21	12

21. Write Offs Policy (Pages 143 - 152)

K. DICKS
Acting Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE EXECUTIVE CABINET

Wednesday, 3rd January 2007 at 6.00 p.m.

PRESENT: Councillors R. Hollingworth (Executive Leader), Mrs. J. M. L. A. Griffiths (Deputy Executive Leader), Mrs. J. Dyer M.B.E., B. L. Fuller C.B.E., Q.F.S.M., Mrs. M. A. Sherrey J.P., Mrs. C. J. Spencer, Mrs. M. M. T. Taylor and P. J. Whittaker.

Observers: Councillors Miss D. H. Campbell, Mrs. A. E. Doyle, P. M. McDonald and N. Psirides J. P.

125/06 MINUTES

The Minutes of the Meeting of the Executive Cabinet held on 6th December 2006 were submitted.

RESOLVED: that the Minutes of the Meeting be approved and confirmed as a correct record.

126/06 MATTERS ARISING FROM THE MINUTES

With reference to Minute No. 106/06 (BDHT Scrutiny Report), it was queried whether any progress was being made with regard to resolution (b). The Head of E-Government and Customer Services advised that a rent collection service had been provided in the past at the Customer Service Centre (CSC) but had not been well used. The Acting Chief Executive indicated that the possibility of providing a wider housing service at the CSC would be explored with Bromsgrove District Housing Trust of which rent collection would be one element.

(Note: Councillor Mrs. C. J. Spencer declared a personal interest in this item as a member of the BDHT Board).

127/06 SCRUTINY STEERING BOARD

The Minutes of the Meeting of the Scrutiny Steering Board held on 5th December 2006 were submitted.

With reference to Minute No. 77/06 (Closure of Rural Post Offices), the Chairman of the Scrutiny Steering Board referred to the subsequent discussion on this matter which had taken place at the meeting of the Board on 2nd January 2007. The Corporate Director (Services) had undertaken to contact Post Watch Midlands to obtain background information including the definition of a Rural Post Office and the number of Rural Post Offices within the district in order to facilitate future discussions.

RESOLVED: that the Minutes of the Meeting be noted.

128/06

PERFORMANCE MANAGEMENT BOARD

The Minutes of the Meeting of the Performance Management Board held on 15th December 2006 were submitted.

RESOLVED: that the Minutes of the Meeting be noted and the recommendations be approved.

129/06

MEDIUM TERM FINANCIAL PLAN

Further to the report on the Medium Term Financial Plan considered at the meeting of the Cabinet on 6th December 2006, Members received an update on the draft budget summary for 2007/08 to 2009/10.

The Head of Financial Services referred to work which had been carried out since the previous discussions which had led to further savings being identified for salaries and wages, the Improvement Plan and the implementation of Single Status. In addition, the Head of Street Scene and Waste Management had agreed the inclusion of a target income of £10,000 for sponsorship of traffic roundabouts and had collated a comprehensive ten year vehicle renewal programme for inclusion in the Capital Programme which would preclude the need for provision for repairs/renewals in the Medium Term Financial Plan. Further work would be ongoing with regard to opportunities for shared/partnership working, identifying further savings and income generation. It was pointed out that the draft budget did not include any provision for Haybridge and Woodrush Sports Centres or the Museum.

Earlier in the meeting the Chairman of the Scrutiny Steering Board had referred to the Board's view regarding the need to inform the public about the future position of the Haybridge and Woodrush Sports Centres. The Leader indicated that this would be dealt with in due course.

The Leader thanked the efforts being made by officers in order to achieve a balanced budget.

RESOLVED: that the update be noted.

130/06

CAPITAL PROGRAMME 2007/08 – 2009/10

The Cabinet considered a report on the proposed Capital Programme for 2007/08 to 2009/10. During the discussion concern was expressed at the proposal to exclude the Dolphin Centre and leisure related schemes whilst alternative ways of exploring such services were explored. It was felt there should be some capital provision for improvements to the fabric of the Dolphin Centre and for the Museum. It was acknowledged that if such provision was made, other schemes would have to be excluded in order to achieve a Capital Programme limited to £1million per annum. Members also felt that they needed to give further consideration as to which schemes should be given high priority ranking and to Section 106 schemes.

It was therefore

RESOLVED:

- (a) that the proposed Capital Programme for 2007/08 to 2009/10 be deferred and considered together with the Medium Term Financial Plan at the special meeting of the Cabinet to be held 21st February 2007;
- (b) that, in the meantime, officers provide advice on the appropriate level of possible capital funding for the Dolphin Centre and the Museum and that Cabinet Members have further discussions on priority rankings and Section 106 schemes.

131/06

VALUE FOR MONEY STRATEGY

Consideration was given to a proposed Value for Money Strategy which set how the Council intended to improve Value for Money in the delivery of its services. Following discussion, it was

RESOLVED: that the Value for Money Strategy be approved.

132/06

POLICE UPDATE

The Leader introduced former Chief Inspector Hill to the meeting who briefly addressed the Cabinet on police activity and performance. He in turn introduced his successor, Chief Inspector Love who spoke about his background. The Leader expressed his thanks to former Chief Inspector Hill for all his efforts and joint working with the Council and looked forward to working with Chief Inspector Love.

133/06

ASSET MANAGEMENT PLAN

Having considered a proposed Asset Management Plan for 2006/07 to 2009/10 which set out the high level actions required to embed effective asset management within the Council, it was

RESOLVED: that the Asset Management Plan 2006/07 – 2009/10 be approved.

134/06

IMPROVEMENT PLAN EXCEPTION REPORT OCTOBER 2006

Consideration was given to the updated Improvement Plan Exception Report as at the end of October 2006. The full Improvement Plan would no longer be reported formally to the Cabinet but would be made available as background information to Members in a number of ways. At the request of the Leader, relevant Portfolio Holders and officers explained the position with regard to the red tasks (over one month behind target) and the actions being taken to address these. The Corporate Director (Services) advised that as there would not be a separate inspection of Culture and Community Services due to the forthcoming Comprehensive Performance Assessment, the tasks related to the inspection should be withdrawn from the Improvement Plan. Following discussion, it was

RESOLVED:

- (a) that the corrective action being taken for red and amber tasks as set out in the report and updated at the meeting be noted;
- (b) that the Improvement Plan be amended:
 - (i) to delete the tasks related to the inspection of Culture and Community Services; and
 - (ii) to reflect that having agreed a revised target for the Workforce Plan, progress should be reported against this new target and shown as green not red.

135/06

COUNTYWIDE STRATEGIC HOUSING PRIORITIES – LOCAL AREA AGREEMENT

Consideration was given to a report which informed Members of the progress made in the development of three key countywide housing priorities for the Worcestershire Local Area Agreement (LAA), namely:

1. The use of public sector land for affordable housing.
2. The development of a programme of renewable domestic energy systems across Worcestershire.
3. A countywide scheme for the release of capital from private housing to improve housing conditions and maintain people's independence.

During the discussion Members expressed concerns about the equity release scheme, the potential financial implications for the Council of priorities 2. and 3., and at the proposal for the Worcestershire LAA to agree targets for these priorities. It was therefore

RESOLVED:

- (a) that the housing priorities set out in 1. and 2. above endorsed, but that priority 2. be subject to the budget limitations set out in the financial implications section of the report;
- (b) that the relevant targets and outcomes be agreed by the Strategic Housing Manager in consultation with the Portfolio Holder for Housing and Environment;
- (c) that priority 3. only be endorsed for people in need and not the whole population who can easily obtain equity release from the private sector.

136/06

CODE OF PRACTICE RELATING TO LICENSING MATTERS

Consideration was given to a report which presented a revised code of practice in relation to licensing matters which had been amended to include reference to the Gambling Act 2005. It was

RECOMMENDED: that the revised code of practice in relation to licensing matters, as set out in the appendix to the report, be approved.

137/06

SCHEME OF DELEGATION – GAMBLING ACT 2005

Having considered a report on proposed delegations to the Licensing Committee, Licensing Sub-Committee and officers for the determination of applications received under the Gambling Act 2005 which was based on guidance issued by the Gambling Commission, it was

RECOMMENDED: that the table of delegations set out in the appendix to the report be approved.

138/06

SUBMISSION OF COMPREHENSIVE PERFORMANCE ASSESSMENT SELF ASSESSMENT

Having considered a report on the need and timescale for the submission of a self assessment document in connection with the forthcoming Comprehensive Performance Assessment (CPA) of the Council it was

RECOMMENDED: that the Acting Chief Executive be authorised, in consultation with group leaders, to agree the CPA self assessment.

139/06

LOCAL PROTOCOL ON RELATIONS BETWEEN MEMBERS

Consideration was given to a proposed local Protocol which sought to facilitate good working relationships between Members and Political Groups represented on the Council, to help Members perform effectively and to provide guidance on the procedure to be followed when things went wrong. The Protocol would form part of the Council's Constitution.

The Leader proposed a number of amendments to the contents of the document and it was therefore

RECOMMENDED: that the Local Protocol on Relations between Members, as now amended, be approved and adopted.

140/06

COMMITTEE TIMETABLE 2007/08

Having considered a report which presented the proposed Committee Timetable for 2007/08, it was

RECOMMENDED: that the Committee Timetable for 2007/08, as set out in the appendix to the report, be approved.

141/06

ELECTORAL ADMINISTRATION ACT 2006

Having considered a report which highlighted the key principles and main implications of the Electoral Administration Act 2006, it was

RESOLVED: that the report be noted.

142/06

COMMUNITY INFLUENCE/NEIGHBOURHOOD MANAGEMENT PILOT

The Cabinet considered a report which presented proposals for the development of community influence/neighbourhood management in the district which, through the creation of local area committees, would seek to make services more relevant and reflect local priorities, to improve service standards and to provide a mechanism that would enable local people to become more involved should they wish to do so. The Leader referred to the need to amend the diagram set out in Appendix 2 of the report to depict that such committees would be led by the District Council.

RESOLVED:

- (a) that neighbourhood committees be piloted in two areas, namely Waseley/Beacon and Alvechurch;
- (b) that subject to the agreement of the 2007/08 Council Budget, a budget of £8,000 be delegated to the Assistant Chief Executive to support the associated administrative costs for the pilot phase.

143/06

LONGBRIDGE – APPROVAL FOR JOINT DEVELOPMENT PLAN DOCUMENT

(The Chairman agreed to the consideration of this item as a matter of urgency as a decision was required thereon before the next ordinary meeting of the Executive Cabinet).

It was reported that it was a statutory requirement for authorities wishing to prepare joint Development Plan Documents such as the Longbridge Area Action Plan to have full council approval to this effect. The approach to the Longbridge Area Action Plan would require this approval as it was intended to prepare one document covering the whole of the site area which would then be adopted formally by both Bromsgrove District Council and Birmingham City Council. This approach would enable the delivery of a more cohesive plan for the regeneration of the entire site as opposed to looking at different parts of the site in isolation. It was

RECOMMENDED: that Bromsgrove District Council and Birmingham City Council work jointly to prepare a Development Plan Document in relation to the Longbridge Area Action Plan.

144/06

LOCAL GOVERNMENT ACT 1972

RESOLVED: that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the Meeting during the consideration of the items of business the subject of the following minutes on the grounds that they involve the likely disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant paragraph of that part, in each case, being as set out below:-

<u>Minute No.</u>	<u>Paragraphs</u>
145/06	7
146/06	1

145/06 **WRITE-OFF – HOUSING BENEFIT OVERPAYMENT**

Following consideration of the report, it was

RESOLVED: that the Housing Benefit overpayment of £9,827.03 be written-off as irrecoverable.

146/06 **PERFORMANCE & DEVELOPMENT PROCESSES – CHIEF EXECUTIVE/ACTING CHIEF EXECUTIVE**

Following consideration of the report, it was

RECOMMENDED:

- (a) that the proposed Performance Development and Review (PDR) process for the Chief Executive as outlined in the report be approved;
- (b) that the proposed PDR process for the Acting Chief Executive as outlined in the report be approved and that responsibility be delegated to the Head of Human Resources and Organisational Development in consultation with the Leader of the Council to ensure that agreement to vary the Acting Chief Executive's current contract of employment is reached through a proper process of consultation with him;

RESOLVED: that the new PDR procedure for all other employees as outlined in the report be noted.

(Note: Mr. K. Dicks declared a personal interest in this item).

The Meeting closed at 8.56 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE SCRUTINY STEERING BOARD

Tuesday, 2nd January 2007 at 6.00 p.m.

PRESENT: Councillors Miss D. H. Campbell J.P. (Chairman), C. J. K. Wilson (Vice-Chairman), J. T. Duddy, W. R. Newnes, S. R. Peters, N. Psirides J.P., J. A. Ruck, S. P. Shannon and C. J. Tidmarsh.

Officers: Mr. P. Street, Mrs. C. Felton, Mr. J. Wright, Miss. D. McCarthy.

Observer: Councillor G. N. Denaro

81/06 **APOLOGIES**

Apologies for absence were received from Councillors Mrs. J. M. Boswell, A. J. Dent, Mrs. R. L. Dent and Mrs. A. E. Doyle

82/06 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest or whipping arrangements were made.

83/06 **MINUTES**

The Minutes of the Meeting of the Scrutiny Steering Board held on 5th December 2006 were submitted.

It was suggested that in future those officers who attend meetings of this Board should be included in the minutes. However, there was some concern about this suggestion.

RESOLVED:

- (i) that the Minutes be approved and confirmed as a correct record; and
- (ii) that, subject to discussions with the Chief Executive, the attendance of officers at future meetings be recorded and included in the minutes.

84/06 **CLOSURE OF RURAL POST OFFICES**

A report relating to the closure of rural post offices was considered and a discussion ensued. Members were still of the opinion that further background information would be useful and it was questioned whether or not Postwatch Midlands should be contacted again requesting information such as the official classification of a rural post office, the number of rural post offices within Bromsgrove District, viability issues facing rural post offices and the process that could be followed when closing rural post offices. It was felt this information would enable members to better respond to any potential closures that may be announced in the near future.

RESOLVED that the Corporate Director (Services) be requested to contact Postwatch Midlands requesting general information and any facts and figures which members might find useful, such as, the official classification of a rural post office, the number of rural post offices within Bromsgrove District, viability issues facing rural post offices and the process that might be followed for the closure of rural post offices.

85/06

BDHT SCRUTINY REPORT – EXECUTIVE CABINET DECISION

It was reported to members that the BDHT scrutiny report had been considered at the Executive Cabinet meeting held on 6th December 2006 where members had acknowledged the good work of the Task Group.

RESOLVED that the report be noted.

86/06

PROGRESS ON CURRENT TASK GROUPS

Car Parking Task Group

Councillor Denaro, Chairman of the Car Parking Task Group, reported that due to the issues surrounding car parking being more complex than originally anticipated and in particular, complications in relation to financial implications, the Task Group had not been able to finalise its report. It was requested that the Task Group be allowed more time to continue the scrutiny exercise and submit the final report to a future meeting of the Scrutiny Steering Board. It was hoped that following the next Task Group meeting on the 11th January 2007, members might be able to finalise their scrutiny report and it could, therefore, be ready for the Board meeting scheduled to be held on 6th February 2007.

A discussion ensued relating to the work of the task group and the Chairman of the Task Group agreed to take all comments on board.

Flytipping Task Group

Members were informed that the Task Group's final report was expected to be finalised at its meeting on 10th January 2007 and would be submitted to the next Scrutiny Steering Board meeting in February 2007 as agreed.

It was questioned whether the Task Group's report should be delayed due to the suggestion that the reduction of the green waste collection and the trial operational changes relating to the household waste site in Romsley this year could have an impact on the number of flytipping incidents. However, it was believed that Task Group reports should not be delayed wherever possible and that the comments made would be taken into account at the Task Group's review meeting.

Members also raised concerns over the poor publicity over the change in the green waste collection and Christmas waste collection and it was suggested that a sticker could be placed on wheelie bins informing the public of any imminent changes. The Corporate Director (Services) noted this suggestion and reassured members that in future the Council would improve the publicity of such changes in service.

Watercourses Task Group

A brief update on the progress of the Watercourses Task Group was given to the Board. It was stated that the Watercourses Task Group was due to submit its final report to the Scrutiny Steering Board at the meeting scheduled to be held in March 2007.

A specific issue was discussed relating to a particular watercourse in the District which was close to three recently built properties. It was stated that the ward member was following up this issue with the Head of Planning and Environment Services.

RESOLVED:

- (i) that the verbal updates given by members of the Car Parking, Flytipping and Watercourses Task Groups be noted; and
- (ii) that the Car Parking Task Group be granted an extension to allow members of the Task Group to finalise their report and submit it to the meeting of the Scrutiny Steering Board scheduled to be held on 6th March 2007 or the meeting scheduled to be held on 6th February 2007, if possible.

87/06

WORK PROGRAMME

Consideration was given to the work of the Scrutiny Steering Board.

RESOLVED that the following Work Programme be approved -

Subject	Date of Consideration	Other Information
Health Scrutiny Update	Quarterly (March/June/Sept/Dec)	Councillor D. McGrath, as this Council's representative on Worcestershire County Council's Health Overview and Scrutiny Committee, to provide an update report.
Flytipping – Task Group	6th February 2007	Final Task Group Report due February 2007 – Task Group set up September 2006. First Meeting: 12th October 2006.
Car Parking – Task Group	6th February 2007 / 6th March 2007	Final Task Group Report postponed. Due February/March 2007 depending on outcome of Task Group Meeting on 11th January 2007 – Task Group set up September 2006. First Meeting: 3rd October 2006.
Watercourses – Task Group	6th March 2007	Final Task Group Report due March 2007 – Task Group set up October 2006. First Meeting: 15th November 2006

Worcestershire County Council's Highways Maintenance Scrutiny Task Group	6th March 2007 / 3rd April 2007	Chairman of the County's Overview and Scrutiny Committee to be invited to attend a meeting to provide information to the Board on the work carried out by the Highways Maintenance Scrutiny Task Group once completed.
High Hedges Legislation	3rd April 2007	Report relating to the cost incurred by other local authorities. The service at BDC to be reviewed in April 2007.
Culture and Community Services – Task Group Review	June 2007	Task Group to reconvene for a review meeting June 2007.
Use of Consultants – Task Group Review	July 2007	Task Group to reconvene for a review meeting July 2007.
BDHT – Task Group Review	December 2007	Task Group to reconvene for a review meeting December 2007.

88/06

ITEMS TO BE CONSIDERED BY EXECUTIVE CABINET

Consideration was given to the items on the agenda for the Executive Cabinet meeting which was scheduled to be held on 3rd January 2007.

A general discussion ensued relating to the Medium Term Financial Plan and specifically the future of the Museum as well as Haybridge and Woodrush Sports Centres. Funding for implementing scrutiny recommendations was also discussed.

RESOLVED:

- (i) that with regard to item 8, Medium Term Financial Plan, and specifically relating to Haybridge and Woodrush Sports Centres, the Executive Cabinet be requested to inform members of the public on the future of both leisure facilities as soon as a decision had been taken;
- (ii) that the Leader of the Council be invited to attend the next meeting of the Scrutiny Steering Board on 6th February 2007 to discuss the position of scrutiny in relation to the Executive Cabinet and, in particular, how the recommendations arising from scrutiny reviews, when accepted by the Executive Cabinet, could fit in to the Medium Term Financial Plan in order that the recommendations were adequately funded to ensure that they made a difference to the residents of Bromsgrove and to ensure that scrutiny remained an effective tool for the Council; and
- (iii) that the Portfolio Holder for Culture and Community Services be invited to attend the next meeting of the Scrutiny Steering Board on 6th February 2007 to explain whether the Cabinet had taken in to account the recommendations of the Museum Task Group when discussing the future of the Museum and why the Cabinet had not directly communicated to the Board its proposal to close the Museum.

The Meeting closed at 7.30 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PERFORMANCE MANAGEMENT BOARD

FRIDAY, 19TH JANUARY, 2007

PRESENT: Councillors J. A. Ruck (Vice-Chairman, in the Chair), Miss D. H. Campbell JP and Mrs. J. D. Luck

Observers: Councillors Mrs. J. Dyer M. B. E. and Mrs. M. A. Sherrey JP

Officers: Mr. H. Bennett and Mr. A. Jessop

62/06 APOLOGIES

Apologies for absence were received from the Chairman, Councillor P.M. McDonald, and Councillor Mrs. S.J. Baxter.

63/06 MINUTES

The Minutes of the Meeting of the Board held on 15th December 2006, were submitted.

RESOLVED that the Minutes be approved and confirmed as a correct record.

64/06 PERFORMANCE INDICATORS - NOVEMBER UPDATE

A report incorporating a summary (Appendix 1), together with a full list (Appendix 2) of the Council's Performance Indicators as at November 2006, was submitted, and the following issues were highlighted and **AGREED**

Indicator BV78a (Average no. of days taken for processing new Benefit Claims)

Head of Financial Services to attend the March meeting of the Board to explain the reasons for the variance in the monthly figures

Indicator BV127a (Number of violent crimes per 1,000 population)

Members requested that an update be included in next months report from the Community Safety Officer on recent criminal activities referred to at the last PACT meeting within the Beoley area of the District

Indicator BV170c (Number of pupils visiting Museums & Galleries in organised School Groups)

That the Executive Cabinet be informed that it is the opinion of this Board that, if the Museum were to remain open, in an endeavour to increase its usage, efforts be made to encourage more schools to visit

Indicator BV199b (Proportion of land and highways assessed as having unacceptable levels of visible graffiti)

Having identified a Health and Safety issue delaying the use of the graffiti-removing machine, Members asked for an update on this matter to be included in next months PI report

Indicator BV219a,b,c (Conservation Area details)

Head of Planning Services to be advised that figures for these indicators were requested (are currently blank), as were details of the Conservation Officer currently employed by the Council

Local Indicators - Top 45 (Number of Small Business Start-ups)

A number of questions/queries were raised regarding the information set out in the report in this regard and the Assistant Chief Executive confirmed that he would ask the appropriate officers to re-evaluate this item

Local Indicators – Top 45 (Dolphin Centre Usage)

Following a query on the apparent high usage of this facility, Members were assured that an explanation as to how this figure was arrived at would be included in next month's report

Local Indicators – Top 45 (Number of missed household waste collections)

It was noted by the Board that an update on this matter would be reported to the next meeting, including details of any corrective action taken

Notwithstanding the above issues, it was

RECOMMENDED

- (1) that the Board notes the corrective action being taken;
- (2) that the Board notes that 49% of indicators were improving or stable as at 30 November 2006 (72% if those indicators which cannot be reported on were omitted), which was a small decrease on last month's figures;
- (3) that the Board notes that 45% of indicators were achieving their targets at October 2006 (66% if those indicators which cannot be reported on were omitted), which was the same as last month;
- (4) that the Board note that the projected outturn position in relation to other authorities (by comparing projected outturn to the quartile positions) is an improvement over last year;
- (5) the Board notes and celebrates the successes as outlined in Sections 4.4 to 4.6 of the Report, sharing examples of good practice between Portfolio Holders and Heads of Service as appropriate; and
- (6) the Board notes the potential areas of concern as set out in Section 4.7 of the Report, and that Portfolio Holders work with Heads of Service to identify any significant issues and develop corrective action plans as necessary, insofar as is practical.

65/06 **IMPROVEMENT PLAN: EXCEPTION REPORT - NOVEMBER UPDATE**

Consideration was given to the report on the Improvement Plan for November 2006, together with the corrective action being taken, as set out in the Appendix to the report.

RECOMMENDED

- (1) that the revisions to the Improvement Plan Exception Report, together with the corrective action being taken, as now reported, be approved; and
- (2) that it be noted that 66.5% of the Improvement Plan was on target (green), 12.5% was one month behind (amber), and 9.5% was over one month behind (red).

The meeting closed at 3.30 pm

Chairman

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8TH FEBRUARY 2007

PETITION RELATING TO CHARGES FOR CAR PARKING PERMITS

Responsible Portfolio Holder	Councillor Mrs. M. Sherrey
Responsible Head of Service	Claire Felton

1. SUMMARY

- 1.1 To receive a petition relating to charges for car parking permits issued to disabled persons and persons over the age of 60.

2. RECOMMENDATION

- 2.1 That Members note the contents of the petition.
- 2.2 That the proposals, including the budget implications, be considered at the special meeting of the Cabinet on 21st February 2007 when details of the Medium Term Financial Plan will be under consideration.

3. BACKGROUND

- 3.1 At the Council Meeting on 16th January 2007, Councillor P. M. McDonald presented a petition to the Chairman of the Council. The petition, which contained approximately 1730 names, related to charges for car parking permits issued to disabled persons and persons over the age of 60. The Chairman of the Council, in accordance with Council Procedure Rule 20, referred the petition to Executive Cabinet for consideration.
- 3.2 The wording of the petition is as follows:

“We the undersigned call upon Bromsgrove District Council to scrap the £30 charge levied at those over 60 years of age and those who are disabled for a parking permit. The Council should reinstate the £5.15 charge for those between 60 and 64 and no charge for those over 65.”

4. FINANCIAL IMPLICATIONS

- 4.1 Details of the financial implications of the proposal will be considered as part of the discussions on the Medium Term Financial Plan.

5. LEGAL IMPLICATIONS

5.1 There are no specific legal implications.

6. CORPORATE OBJECTIVES

6.1 Not applicable at this stage.

7. RISK MANAGEMENT

7.1 Not applicable at this stage.

8. CUSTOMER IMPLICATIONS

8.1 Not applicable at this stage.

9. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes

Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. **APPENDICES**

None

12. **BACKGROUND PAPERS**

Petition.

CONTACT OFFICER

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BROMSGROVE DISTRICT COUNCIL

8th FEBRUARY 2007

EXECUTIVE CABINET

IMPROVEMENT PLAN EXCEPTION REPORT [NOVEMBER 2006]

Responsible Portfolio Holder	Councillor Roger Hollingworth Leader of the Council
Responsible Officer	Hugh Bennett Assistant Chief Executive

1. SUMMARY

- 1.1 To report to the Executive Cabinet to ask them to consider the attached updated Improvement Plan Exception Report November 2006.

2. RECOMMENDATION

- 2.1 That the Executive Cabinet considers and approves the revisions to the Improvement Plan Exception Report, and the corrective action being taken.
- 2.2 That the Executive Cabinet notes that 66.5 percent of the Improvement Plan is on target [green] 12.5 percent is one month behind [amber] and 9.5 percent is over one month behind [red].

3 BACKGROUND

- 3.1 The Council overhauled its Recovery Plan in July 2006 in order to give the plan a more outward focus e.g. performance indicators, customer issues, strategic priorities etc. The new plan, renamed the Improvement Plan, was agreed by Cabinet on 2nd August 2006.
- 3.2 The full Improvement Plan will provide background information only and will be emailed to Members of the Executive Cabinet The Improvement Plan will also be posted onto the Council website at the address at the end of this report.

4. PROGRESS IN OCTOBER 2006

- 4.1 Overall performance as at the end October 2006 is as follows: -

November 2006

October 2006

RED	13	9.5%	RED	13	9%
AMBER	17	12.5%	AMBER	22	15%
GREEN	91	66.5%	GREEN	114	76%

- 4.2 The Board will note that the November totals do not add up to 100 percent. This is due to a number of actions being re-programmed with

revised dates. This amounts to 11.5 percent of the total actions for November [Total actions being 137].

Where: -

	On Target
	Less than one month behind target
	Over one month behind target
	Original date of planned action
	Re-programmed date.

4.4 An Exception Report detailing corrective actions being under taken for red and amber tasks is attached at **Appendix 1**

4.5 The Executive Cabinet is asked to note that at the Cabinet meeting on 3 January 2007 it was agreed that tasks related to Culture and Community Services inspection [which were showing red] should be deleted from the Improvement plan. This inspection is not taking place due to the Corporate CPA, which has been agreed for the 26th February 2007.

5. FINANCIAL IMPLICATIONS

5.1 No financial implications.

6 LEGAL IMPLICATIONS

6.1 No Legal Implications.

7. CORPORATE OBJECTIVES

7.1 The Improvement Plan relates to all of the Council's four objectives and ten priorities as approved on the 19th September Full Council.

8. RISK MANAGEMENT

8.1 The risks associated with the Improvement Plan are covered in the corporate and departmental risk registers.

9. CUSTOMER IMPLICATIONS

The Improvement Plan is concerned with strategic and operational issues that will affect the customer.

10 OTHER IMPLICATIONS

Procurement Issues: Delivery of the Improvement Plan involves various procurement exercises.
Personnel Implications: See Section 18 of the Improvement Plan.
Governance/Performance Management: See Section 4 of the Improvement Plan.
Community Safety including Section 17 of Crime and Disorder Act 1998: See sections 12.2 and 12.3

Policy: See Section 4 of the Improvement Plan.
Environmental: See Section 8 of the Improvement Plan.
Equalities and Diversity: See Section 3 of Improvement Plan.

10 **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service <i>(i.e. your own HoS)</i>	Yes
Head of Financial Services <i>(<u>must</u> approve Financial Implications before report submitted to Leader's Group)</i>	Yes
Head of Legal & Democratic Services <i>(for approval of any significant Legal Implications)</i>	Yes
Head of Organisational Development & HR <i>(for approval of any significant HR Implications)</i>	Yes
Corporate Procurement Team <i>(for approval of any procurement implications)</i>	No

10.1 This report went to CMT on January 9 2007 prior to Leaders group on the 17 January 2007. The timings are late due to the Christmas break

11 **APPENDICES**

Appendix 1 Improvement Plan Exception Report November 2006

12 **BACKGROUND PAPERS:**

Full Improvement Plan for November will be e- mailed to all Members of the Executive Cabinet and can be found at www.bromsgrove.gov.uk under meetings Minutes and Agendas where there is a direct link to the Improvement Plan.

CONTACT OFFICER

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Exception Report for November 2006 Improvement Plan

Appendix 1

1. Improved image and perception of the Council				Who	Original Date	Revised Date
Ref	November Action	Colour	Corrective Action			
1.3.1	Establish Accurate information on workforce profile sending out pro-forma asking for verification /identification of missing information.		Questionnaires sent out to all employees in July. 2006 393 returned 12 still outstanding.	JP	31 Aug 06	31 Dec 06

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Ref.	Action	Lead													Corrective Action
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
1.1	Improved Image/ perception of the Council														
1.3.1	Establish Accurate information on workforce profile sending out pro-forma asking for verification /identification of missing information.	JP													Questionnaire sent out to all employees in July 2006 393 returned with 12 still outstanding. Outstanding forms being chased through the relevant Heads of Service by 31 Dec 06

Exception Report for November 2006 Improvement Plan

Appendix 1

1	Improved Image/ perception of the Council.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
1.3.2	Start analysing recruitment and HR data on equal opportunities information.		Data recording started in January 2006. Evaluation and analysis to commence with effect from Dec 2006.	JP	30 Sept 06	31 Dec.06

Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
1.3.2	Start analysing recruitment/HR data on equal opportunities information	JP														Started recording data in January 2006. Evaluation and analysis to commence with effect from Dec.06.

Exception Report for November 2006 Improvement Plan

Appendix 1

6	Public feel involved in the democratic process and able to influence decision-making about what is happening in their neighbourhood.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
6.1.1	Agree approach to neighbourhood management with partners.		Report removed from LSP Board agenda on 30Nov due to further consideration by the Leader Now going to Cabinet 3 Jan 07.	HB	30 Sept 06	3 Jan 07

Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
6.1	Neighbourhood Management.														
6.1.1	Agree approach with partners.	HB													Report removed from LSP Board agenda on 30Nov due to further consideration by the Leader. Now going to Cabinet 3 Jan 07.

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Exception Report for November 2006 Improvement Plan

Appendix 1

6	Public feel involved in the democratic process and able to influence decision-making about what is happening in their neighbourhood.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
6.1.2	Formally report to LSP Board.		See 6.1.1 above	HB	30 Sept 06	15 Jan 07

Ref.	Action	Lead													Corrective Action
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
6.1	Neighbourhood Management.														
6.1.2	Agree approach with partners.	HB													See 6.1.1 above.

Exception Report for November 2006 Improvement Plan

Appendix 1

6	Public feel involved in the democratic process and able to influence decision-making about what is happening in their neighbourhood.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
6.1.3	Formally report to Cabinet		Originally, programmed 06 Dec 06-report put back to Jan 07 to reflect changes by the Leader.	HB	30 Sept 06	3 Jan 07

Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
6.1	Neighbourhood Management.														
6.1.3	Agree approach with partners.	HB													Originally programmed 06 Dec 06 report put back to Jan 07 to reflect changes by the Leader.

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7.2	Improve Customer and Performance Culture of the Council					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
7.2.4	Implementation of new PDR forms and process effective from next annual appraisal year.		PDR timetable put back to fit in better with business and budget timetable.	JP	30 Sept 06	30 Apr.07

Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
7.7	Improve Performance and Culture of the Council.														
7.2.4	Implementation of new PDR forms and process effective from next annual appraisal year.	JP													PDR timetable put back to fit in better with business and budget timetable.

Exception Report for November 2006 Improvement Plan

Appendix 1

7.	Improve Customer and Performance Culture of the Council					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
7.7.3	Customer First posters agreed and displayed.	X	Approved waiting for three other posters to be printed all will be launch in January 07.	HB	30 Oct 06	31 Jan 07

Ref.	Action	Lead													Corrective Action		
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June			
7.7.3	Customer First posters agreed and displayed.			X	X	X	X	X	X	X	X						Approved waiting for three other posters to be printed all will be launch in January 07.

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Exception Report for November 2006 Improvement Plan

Appendix 1

8.	Re-development of Bromsgrove Town Centre					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
8.1.2	Carry out issues and options analysis.		The overall LDF core strategy needs to be agreed before work on the Area Action Plan can commence It is now anticipated this will start in August 2007	PS/ DH/ MD	30 Aug 06	31 August 2007

Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
	Re-development of Bromsgrove Town Centre															
8.1.2	Carry out issues and options analysis.															The overall LDF core strategy needs to be agreed before work on the Area Action Plan can commence It is now anticipated this will start in August 2007.

Exception Report for November 2006 Improvement Plan

Appendix 1

15	Improved Access to Services Electronically.					
15.2						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
15.2.2	Develop complaint handling procedure		A draft procedure has been developed in consultation with staff. To be completed by 30 Nov 06.	DP	31 Oct 06	30 Nov.06

Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
15.2	Reduce Complaints															
15.2.2	Develop complaint handling procedure	DP														A draft procedure has been developed in consultation with staff. To be completed by 30 Nov 06.

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Exception Report for November 2006 Improvement Plan

Appendix 1

16	Improved Access to Services Electronically.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
16.1.3	Install software system		System will be installed when final decision has been made. Due to ICT and departmental staffing pressures, a new completion date of 31 st March 2007 has been agreed.	DP	31 Oct 06	31 March 07

Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
16.1	Service Requests														
16.1.3	Install software system	DP													System will be installed once a final selection has been made. This is dependant upon 16.1.2. Due to ICT departmental staffing pressures and the timescales for funding approval. A new completion date of the 31 March 07 has been agreed.

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Exception Report for November 2006 Improvement Plan

Appendix 1

16	Improved Access to Services Electronically.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
16.1.4	Install large screen for customers		This will be included as part of the system installation. Due to ICT and departmental staffing pressures a new completion date of 31 March 2007 has been set.	DP/ HB	31 Oct 06	31 March 07

Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
16.1	Service Requests														
16.1.4	Install large screen for customers	DP													Will be included as part of the system installation. Dependant upon 16.1.2 & 16.1.3 Due to ICT departmental staffing pressures and the timescales for funding approval, a new completion date of the 31 March 07 has been agreed.

Exception Report for November 2006 Improvement Plan

Appendix 1

16	Improved Access to Services Electronically.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
16.1.5	Improve knowledge base link in e-shop system using new council website.		Work will be carried out in partnership with the Worcestershire Hub once a system has been selected. Due to ICT departmental staffing pressures and the timescales for funding approval, a new completion date of the 31 March 07.has been agreed.	DP/ HB	31 Oct 06	31 March 07

Ref.	Action	Lead													Corrective Action
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
16.1	Service Requests														
16.1.5	Improve knowledge base link in e-shop system using new council website.	DP													Work will be carried out in partnership with the Worcestershire Hub once a system has been selected Due to ICT departmental staffing pressures and the timescales for funding approval, a new completion date of the 31 March 07.has been agreed.

Exception Report for November 2006 Improvement Plan

Appendix 1

17	Improved Access to Services Electronically.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
17.3.1	Introduce letter answering guidelines.		Guidelines to be introduced in the complaints handling procedure. This action is linked to 15.1.3 A new completion date of 28 February 2007 has been agreed.	DP	31 July 06	28 Feb 07

Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
17.3	Letter Answering															
17.3.1	Introduce letter answering guidelines	DP/HB														Guidelines will be included in the complaints handling procedure in the future. This action is linked to 15.1.3 A new completion date of 28 Feb 07 has been agreed.

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17	Improved Access to Services Electronically.					
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
17.3.2	Introduce method of monitoring letter answering and produce stats to support process.		Monitoring will be undertaken as part of the complaints handling system. This action is linked to 15.1.3. A new completion date of 31 March 2007 has been agreed.	DP	31 July 06	31 Mar 07

Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
17.3	Letter Answering															
17.3.2	Introduce method of monitoring letter answering and producing statistics to support monitoring process	DP/HB														Monitoring will be undertaken as part of the complaints handling system. This action is linked to 15.1.3 A new completion date of 31 Mar 07 has been agreed.

Human resources and Organisational Development						
Improved Governance						
Ref	October Action	Colour	Corrective Action	Who	Original date	Revised Date
18.1.2	Group leaders to undertake 1:1 interviews with Councillors for training needs analysis.		Some training needs analysis forms still outstanding and need to be progressed. A review of the outstanding forms will take place before 25.Dec 06.and each group leader notified accordingly so they can take remedial action.	JP	31 Aug 06	28 Feb.07

Human Resources and Organisational Development.														
Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
		18.1	Improved Relations											
Group leaders to undertake 1:1 interviews with Councillors for training needs analysis.	JP													Some training needs analysis forms still outstanding and need to be progressed. A review of the outstanding forms will take place before 25.12.06.and each group leader notified accordingly so they can take remedial action.

Human Resources and Organisational Development						
Suitably Skilled Workforce						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
19.2.3	Implement actions from staff survey from staff survey.		Completion of tasks ongoing. From 39 actions, 20 remain to be delivered. More information on Decembers update.	JP	Started July 06	30 June 07

Human Resources and organisational Development.															
Ref	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
19.2	Investors in People														
19.2.3	Implement actions from staff survey.	JP													From 39 actions, there are 20 remaining to be delivered. More information on Decembers update.

Human Resources and organisational Improvement						
Improved Performance in Key HR Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
20.1.5	Adopt new sickness absence policy		Out to consultation and re-programmed to allow more time for unions to continue consultation due to their internal lack of capacity issues.	JP	30 Sept 06	31 Dec 06

Human Resources and organisational Improvement															
Ref	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
20.1	Sickness														
20.1.5	Adopt new sickness absence policy	JP													Out to consultation and re programmed to allow more time for unions.

Human Resources and organisational Improvement						
Improved Performance in Key HR Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
20.1.6	Provide training on new policy and support documentation		Training to be reviewed to ensure appropriate balance between training and delivery.	JP	30 Sept 06	31Jan 06

Human Resources and organisational Improvement															
Ref	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
20.1	Sickness														
20.1.6	Provide training on new policy and support documentation	JP													Training to be reviewed to ensure appropriate balance between training and delivery.

Improved Financial Management and Improved Services.						
21.2 DWP Performance Standard / Performance Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.3	Benefits Support [training] Officer to be recruited to co-ordinate plan across the section		An outside provider is currently covering this post. The post will be advertised now that the outcome of shared services has been decided. It has been agreed that the post will be advertised week commencing 15.Jan 07.	JLP	31 Oct 06	31 Mar 07

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Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
21.2	DWP Performance Standard / Performance Measures														
21.2.3	Benefits Support [training] Officer to be recruited to co-ordinate plan across the section														An outside provider is currently covering this post. The post will be advertised now that the outcome of shared services has been decided.

Improved Financial Management and Improved Services						
21.2 DWP Performance Standard / Performance Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.5	Percentage of cases for which the calculation of the amount of benefit due is correct PM6 – 98%-99%.		Accuracy as reported by the DWP at 95.2% for July –Sept which is a 3% increase on April –June remains under the target set and the managers will continue to make additional checks processed with the aim to further improve accuracy for the period Sept –Dec 06. We are expecting the DWP report at the end January 2007 This will provide information on the period.	JLP	31 Oct 06	31 Jan 07

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Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
21.2	DWP Performance Standard / Performance Measures														
21.2.5	Percentage of cases for which the calculation of the amount of benefit due is correct PM6 – 98%-99%.	AB/ HL													Accuracy as reported by the DWP at 95.2% for July –Sept which is a 3% increase on April –June remains under the target set and the managers will continue to make additional checks processed with the aim to further improve accuracy for the period Sept –Dec.06.

Improved Financial Management and Improved Services						
21.2 DWP Performance Standard / Performance Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.7	PM7 HB overpayments – amount recovered during the period as % total amount of HB overpayments during period 79%		The actual figure for November to date is 67.40% which is an improvement on the October figure Due to the previous performance a lower target of 55% was agreed at Executive Cabinet 6Dec 06. Although to date we now exceeded this the results may still fluctuate over the coming months as the measurement is based on debt identified and income collected and there may be peaks and troughs where large payments are made and not much debt identified.	JLP	30Sept 06	30 Nov 06

Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
21.2	DWP Performance Standards /Performance Measures															
21.2.7	PM7 HB overpayments – amount recovered during the period as % total amount of HB overpayments during period 79%	AB/HL														The actual figure for November to date is 67.40% which is an improvement on the October figure Due to the previous performance a lower target of 55% was agreed at Executive Cabinet 6Dec 06. Although to date we now exceeded

Exception Report for November 2006 Improvement Plan

Appendix 1

Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
															this the results may still fluctuate over the coming months as the measurement is based on debt identified and income collected and there may be peaks and troughs where large payments are made and not much debt identified.

Improved Financial Management and Improved Services.						
21.2 DWP Performance Standard / Performance Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.8	PM8 – amount of HB overpayments recovered during period as total amount of HB debt at end of period Testing of system to enable reports to be run to establish PI.		The actual for November to date is 24.61% and just below the new local target of 25%.	JLP	31 Oct 06	31 Dec 06

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Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
21.2	DWP Performance Standard / Performance Measures														
21.2.8	PM8 – amount of HB overpayments recovered during period as total amount of HB debt at end of period Testing of system to enable reports to be run to establish PI	AB/HL													The actual for November to date is 24.61% and just below the new local target of 25%.

Improved Financial Management and Improved Services.

21.2 DWP Performance Standard / Performance Measures

Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.10	SECURITY: PM10 Number of interventions for which review action has commenced since April 1st. 91%-100% Team fully staffed to meet targets as set.		The actual of 1509 interventions is just over the target of 1504. This has been achieved by telephoning certain categories to speed up the process and increasing activity on a number of visits.	JLP	31 Oct 06	31.3.07

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Ref.	Action	Lead													Corrective Action	
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June		
21.2	DWP Performance Standard / Performance Measures															
21.2.10	SECURITY: PM10 Number of interventions for which review action has commenced since April 1st. 91%-100% Team fully staffed to meet targets as set	MW														The actual of 1509 interventions is just over the target of 1504. This has been achieved by telephoning certain categories to speed up the process and increasing activity on a number of visits.

Improved Financial Management and Improved Services.						
21.2 DWP Performance Standard / Performance Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.11	PM 11% of data matches resolved within two months of 86%-90%		Currently below the DWP standard 3 but above locally set target of 75%. Work ongoing within the team to improve the data matching with the aim to meet DWP standard in 2007/08.	JLP	31 Oct 06	2007/2008

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Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
21.2	DWP Performance Standard / Performance Measures														
21.2.11	PM11 % of data matches resolved within two months of 86%-90%														Currently below the DWP standard 3 but above locally set target of 75%. Work ongoing within the team to improve the data matching with the aim to meet DWP standard in 2007/08.

Improved Financial Management and Improved Services.

21.2 DWP Performance Standard / Performance Measures

Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.17	<p>USER FOCUS PM17 % of applications for reconsideration or revision actioned and notified within 4 weeks 60%-65% Temporary worker employed to clear backlog of submissions to the tribunal service team now fully staffed we have ability to address within target.</p>		Despite an actual performance of November in 100%, the year to date figure is at 58%, which slightly under the target set. It is anticipated that the increase will be sustained during the next month.	JLP	31 Oct 06	2007/2008

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Ref.	Action	Lead													Corrective Action
			July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
21.2	DWP Performance Standard / Performance Measures														
21.2.17	<p>USER FOCUS PM17 % of applications for reconsideration or revision actioned and notified within 4 weeks 60%-65%</p>														<p>Temporary worker employed to clear backlog of submissions to the tribunal service team now fully staffed we have ability to address within target. Despite an actual performance of November in 100%, the year to date figure is at 58%, which slightly under the target set. It is anticipated that the increase will be sustained during the next month.</p>

Improved Financial Management and Improved Services							
21.2 DWP Performance Standard / Performance Measures							
21.2.18	PM18 % of appeals submitted to the tribunal service within 4 weeks 60%-65% Employed a temp to clear backlog of submissions to the tribunal service – as team now fully staffed we will be able to address within target		All appeals will be cleared. by the 31 Dec 06				JLP 31 Oct 06 31 Dec 06

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Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
21.2	DWP Performance Standard / Performance Measures														
21.2.18	PM18 % of appeals submitted to the tribunal service within 4 weeks 60%-65% Employed a temp to clear backlog of submissions to the tribunal service – as team now fully staffed we will be able to address within target														All appeals will be cleared by 31 Dec 06.

Improved Financial Management and Improved Services						
21.2 DWP Performance Standard / Performance Measures						
Ref	October Action	Colour	Corrective Action	Who	Original Date	Revised Date
21.2.19	PM19 % of appeals submitted to the tribunal service within 3 months 90%-95% Team now fully staffed to address the 10 outstanding appeal submissions Target to be achieved by Dec 06		The Benefits Manager is now monitoring the progress of appeals and once this current batch have been completed, it should be easy to track and complete within the 4-week target.	JLP	31 Oct 06	31 Dec 06

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Ref.	Action	Lead	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Corrective Action
21.2	DWP Performance Standard / Performance Measures														
21.2.19	PM19 % of appeals submitted to the tribunal service within 3 months 90%-95% Team now fully staffed to address the 10 outstanding appeal submissions Target to be achieved by Dec 06														The Benefits Manager is now monitoring the progress of appeals and once this current batch have been completed, it should be easy to track and complete within the 4 week target.

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8th February 2007

PREFERRED PARTNERING IN THE DELIVERY OF AFFORDABLE HOUSING

Responsible Portfolio Holder	Cllr Peter Whittaker
Responsible Head of Service	David Hammond

1. SUMMARY

- 1.1 The purpose of the report is to agree a process for reviewing the partnership arrangements that the Council has with Registered Social Landlords (RSLs) in ensuring that the needs of residents and others wishing and needing to live in the area are addressed.
- 1.2 Existing preferred partnership arrangements with four RSLs (Focus (now known as Midland Heart), Servite Homes, Bromford Housing Group and West Mercia/Nexus) were established over 15 years ago. In more recent years, the Large Scale Voluntary Transfer of housing has enabled the development of Bromsgrove District Housing Trust to come into being as a major partner and contributor to the delivery of affordable housing in the District.
- 1.3 The Council's Housing Strategy Action Plan identifies the need to review the long term partnership arrangements with RSLs to ensure the ongoing delivery of quality housing services and affordable housing to meet the authority's wider policy and strategic objectives.
- 1.4 This report sets out proposals for a process of reviewing preferred partnership arrangements and the Councils partnership relationship with BDHT.

2. RECOMMENDATION

- 2.1 A Housing Partnership Review Panel be set up and granted delegated authority to review and approve the formalisation of new preferred partnership arrangements as detailed in Section 8 of the report.

3. BACKGROUND

- 3.1 Since the 1980's Registered Social Landlords (RSLs) have become the major provider of affordable housing. In the early 1990's, Bromsgrove District Council selected four RSLs to work with on a preferred partnership basis. These were Harden (now Nexus, part of West Mercia Housing Group), Bromford Housing Group, Servite Houses and Focus. Other RSLs such as Rooftop (formerly Evesham & Pershore Housing Association) have not been excluded from developing in partnership with the Council where they have demonstrated good value for money and committed their own resources to development schemes but have not been formally adopted as partners.
- 3.2 In March 2004, BDC established Bromsgrove District Housing Trust (BDHT), specifically set up in accordance with tenant consultation to receive the transfer of its housing stock. Since

its inception, the Council has worked in close partnership with BDHT on the joint commissioning of a number of affordable housing schemes and has forward allocated extensive funding for the provision of an Extra Care Scheme at Charford. BDHT has formed a development partnership with West Mercia/Nexus and has become an important contributor to the delivery of affordable housing in the District working closely with the Council supporting the authority in projects such as the hostel de-commissioning and temporary accommodation for the homeless.

3.3 In July 2006 the Council received a 'zero star', poor rating for its Strategic Housing Service with uncertain prospects for improvements. Key weaknesses identified were around poor outcomes for homeless people, a lack of leadership on affordable housing and on diversity and a weak approach to providing private sector housing services. Two particular elements contained in that report that are of particular relevance when considering preferred partner status are as follows:

“66” There has been little corporate effort to assist in balancing the housing market in Bromsgrove. Officers within strategic housing have been unsupported in using all of the possible options to address concerns about affordability and the limited amount of social housing in the district. Whilst officers have been opportunistic in identifying small scale development sites, the lack of leadership and vision more widely has stifled innovation. This has impacted on the lack of affordable social housing and poor outcomes for people in temporary accommodation or in housing need.

“67” There is a lack of a common vision for housing at a member level, which would set a clear framework for the future of Bromsgrove. Officers have driven forward the development of the housing strategy despite members, rather than as a result of a common understanding of the way forward. For example, whilst members acknowledge that affordability is the key issue, there is no clear consensus of whether the moratorium on larger scale general needs housing sites should be lifted or is still appropriate. Whilst it is clear that the numbers of homeless households moving into temporary accommodation is increasing there is also no clear direction or leadership being given by Councillors to addressing this issue. This leaves staff and external partners without a clear mandate from Councillors about the future direction of housing in Bromsgrove, and undermines staff efforts to address concerns about affordability.”

3.4 The Council fully appreciates, understands and is committed to addressing the above issues (as demonstrated by the extensive improvement plan and the fact that housing is one of the Council's priorities). The lack of balance in the local housing market is a critical issue to Bromsgrove, as is the supply of temporary accommodation – this makes the selection of preferred partner(s) critical.

3.5 Having allowed for a period of re adjustment following housing transfer, and in accordance with Housing Corporation guidance, it is proposed that the Council now reviews the preferred partner RSLs with which it works. Preferred partnership status identifies the RSLs with whom the Council:

- works upon the development of affordable housing
- directs the authorities own land and grant resources
- and in partnership with the Housing Corporation jointly commissions affordable housing projects

3.6 Where affordable housing opportunities arise under planning powers through Section 106 agreements, developers are normally directed towards the preferred partner RSLs however it is not possible to make this conditional in a section 106 agreement.

- 3.7 The guidance in DETR Circular 6/98 states that "Local planning authorities should not prescribe which partners developers should use to deliver the affordable housing, but rather should aim to ensure that arrangements will deliver the objectives of the policy as set out in the local plan." Many developers consider that they can most efficiently deliver affordable housing on S106 sites if they work with a relatively small number of RSL partners with whom they have established good working relationships, have the potential to secure significant efficiencies through continuity, increased standardisation and improved procurement processes. There is therefore sometimes conflict as Local authorities will often prefer to work with RSLs who have a commitment to the area and which are following policies on issues such as rents, services to tenants and housing stock management which they are happy with. It is likely that future gains through Section 106 agreements in the Bromsgrove area, prior to 2026, are very unlikely unless the West Midlands Regional Spatial Strategy produces growth in the local housing market (which is currently felt to be unlikely).
- 3.8 However, where it is proposed that the Section 106 affordable housing scheme should receive some top up funding through Social Housing Grant provided through the Housing Corporation Approved Development Programme, the Corporation does have a legitimate interest in the selection of the RSL and will normally only wish to fund RSLs which have the endorsement of the local authority.
- 3.9 Turning to 100% affordable housing schemes (not provided through Section 106 agreements) the Housing Corporation favours schemes being jointly commissioned with groups of local authorities reflecting social housing market areas. The Corporation's view is that by working with local authorities to jointly commission social housing programmes from Registered Social Landlords (RSLs) it will be possible to improve the strategic planning and development process, improve the allocation of resources, reduce the time and effort associated with the bidding process and achieve added value for money.
- 3.10 Joint commissioning works by the local authority and the Housing Corporation working together to agree a joint approach to the allocation of Social Housing Grant to RSLs. Strictly speaking this could be any one RSL or any group of RSLs chosen by competition open to all. Joint commissioning has, however, come to be associated with the idea of preferred partners, where a relatively small group of RSLs have exclusive access to most or all of the sites, projects and grant funding in a local authority area.
- 3.11 Over recent years, the Housing Corporation has selected certain 'Approved Development Partners'. These are RSLs to whom the Housing Corporation guarantees development funding on a regional basis and to whom at least 80% of their grant programme is allocated. Accordingly, it is important that when a local authority selects RSLs as its local preferred partners they hold investment partner status with the Housing Corporation or have a development partnership agreement with an RSL that does.
- 3.12 All four of the Bromsgrove's existing RSL partners (Nexus/W Mercia, Focus, Servite and Bromford) have full Investment Partnership with the Housing Corporation. Whilst BDHT as a relatively young organisation does not hold this status, they have developed a development partnership with Nexus / West Mercia Housing Group (who do) that enables Housing Corporation grant to be allocated to the BDHT development programme.

4. DEFINING PREFERRED PARTNERS

- 4.1 A defined group including a limited number of RSLs who engage as a group in discussion with the local authority on issues relating to development in a regular forum and

who are given preference in some way when sites and grants are allocated.

- 4.2 The advantages of the preferred partner joint / commissioning approach are as follows:
- It is a flexible approach that can evolve with the changing housing agenda.
 - It reduces unnecessary competition as endless 'beauty contests' are time and resource consuming.
 - Developers know who to approach.
 - It limits the opportunities for developers to "bid up" prices.
 - RSLs are more committed to the local authority area.
 - It provides a framework around which other common issues can be discussed e.g.:- Energy efficiency, Egan Compliance, Regeneration partnerships and Local strategic partnerships.
 - It can provide additional resources: e.g. if there is slippage elsewhere in grant spending, a well organised joint commissioning set up with a defined forward programme can attract extra funds.
 - It provides RSLs with more security as it limits the ability of predatory RSLs to "muscle in" and it encourages partner RSLs to spend time and resources in developing longer term opportunities.
 - A longer (usually 3 year) planning cycle helps with the development of more complex, longer term projects e.g. regeneration schemes, resettlement of vulnerable needs groups.
 - Makes it more likely that projects will be appropriate and sustainable.
 - Gives time to build effective links with Health Authorities and Social Services Departments.
 - Provides tighter programme management and focus for monitoring programme delivery.
 - Streamlines the bidding process – bids are supported by all parties and a single programme supported by all key stakeholders.
 - Ability to develop common performance standards on development housing management and maintenance
 - **But overwhelmingly the main benefit for everyone is a more positive relationship between the partner RSLs, the local authority and the Housing Corporation – more openness, honesty and commitment – and probably most importantly delivery of an improved final product.**

- 4.3 The disadvantages of the preferred partner joint / commissioning approach are as follows:
- Partners may not perform and may need to be removed from the partnership
 - Outsider RSLs may have access to sites and other resources which may be lost (this can be overcome by not granting total exclusivity).
 - Possible loss of innovation if the group is too small.
 - In some cases open competition may maximise the chances for development.

With regard to the possible loss of innovation this could be countered by the view that innovation requires investment; with security comes confidence to invest at risk. Some reports into 'partnering' cite one of the key advantages as being accelerated innovation resulting from close collaborative working. Competition achieves the lowest initial price whereas innovation brings the lowest cost and the highest value.

4.4 Best Value requires an appropriate level of competition to ensure the provision of value for money, quality services and products. But Best Value is also based on quality management approaches which emphasise partnering and co-operative working.

5. GETTING THE NUMBER OF PARTNERS RIGHT

5.1 Housing Corporation Guidance states that there is no one right answer to the number of partners a local authority should look to choose. The number chosen will depend on:

- The size of the programme – RSLs will, reasonably, not be prepared to put effort into a partnership where the rewards are small or uncertain.
- The variety in the programme – RSLs bring different expertise to the table, the more varied the programme the more likely it is to need more RSLs with different areas of expertise.
- The level of co-operative working required – long term complex regeneration schemes need a high level of collaboration which would be difficult to achieve with more than two or three partners.
- Land supply (a particular issue for Bromsgrove)

5.2 Whatever the number of RSLs initially decided on, local authorities will need to keep open the option of adding to the pool in future to cater for any possible failure to perform to agreed standards or meet agreed targets and objectives. Partners may also merge with other RSLs both within and outside the partnering arrangements thereby altering the balance within the partnership. Or more specialist expertise may be required for a specific project in the future. Failure to do this could lead to the development of a cosy and anticompetitive cartel.

5.3 For Bromsgrove, whilst it is important to have a contained number of RSLs in the partnership that reflects the limited opportunities for development, it is important that the partnership is not limited to the extent that it restricts the availability of:

- Innovation.
- Development expertise and experience.
- Access to Housing Corporation funding.
- Inward investment through RSLs own resources and Recycled Capital Grant from the sale of RSL dwellings or shares in shared ownership dwellings.

It is worth noting that the level of investment (financial and land) that the Council can bring to bear is limited due to financial constraints and a number of other competing priorities. With this in mind it is essential that the Council selects the right preferred partner(s).

5.4 The more limited the partnership the greater the risk to the authority of not being able to carry out its statutory housing function. On the other hand, the more compact the partnership is, the greater is the incentive for the partner RSLs to invest in investigatory and preparatory work, at risk, to help bring about affordable housing within the authorities area.

6. THE SELECTION PROCESS

6.1 For RSLs, in particular, the way in which preferred partners are selected, is one of the major issues in joint commissioning. A clear, fair and transparent process is therefore important as the consequences for an RSL being excluded, particularly from their "home patch", can be very serious.

- 6.2 The Housing Corporation recommends implementation of an accountable selection process in which all key stakeholders are involved including important and meaningful criteria looking at housing service delivery, local community involvement and customer feedback as well as development criteria.
- 6.3 The criteria used by local authorities varies depending on local circumstances and the type of programme that is likely to be commissioned. In general most of the following criteria would be included:
- involvement in local authority strategy development,
 - track record in development and in housing management,
 - commitment to or experience of joint or partnership working,
 - tenant participation and consultation,
 - financial position,
 - efficiency and programme delivery.
- 6.4 Other criteria that can be used includes:
- Performance indicators
 - developmental capacity
 - standards or quality of development
 - having an adequate complaints procedure
 - experience of S106 agreements
 - Local priorities such as:
 - Providing better temporary accommodation for the homeless
 - local management presence
 - commitment to Bromsgrove.
- 6.5 Where partnership arrangements are already in place it may be appropriate for the authority to consider a review / refresh of the existing partners to ensure that the arrangements provide an appropriate supply of expertise, innovation, enthusiasm and access to resources.
- 6.6 Whilst a review process may not be as extensive as the full process set out in the Housing Corporation guidance, the criteria based approach can still be implemented allowing for disinterested or less appropriate partners to be de-selected and new players exercising appropriate qualities to be included.

7. HOUSING CORPORATION GUIDANCE - CONCLUSION

- 7.1 All joint commissioning partners need to be clear about the nature of the partnership, who will be responsible for what and the processes which will apply. It is in the nature of a new and developing partnership that not everything will be or should be decided at the beginning. It is important however to make it clear what is already decided and what the framework will be for developing the partnership. The guidance states that, there is no right answer on how this should be done. Looking nationally, some partnerships have formally signed more or less detailed agreements; others have opted for terms of reference or protocols. Experience seems to show, however, that the more detailed, formal and "legal" the document is seen to be, the more time and money is expended by all parties before the agreement is finally signed. A more informal, flexible document, which is nevertheless clear about key issues, seems a better option. The partnership, however, lies not in the documentation but in how partners behave towards each other in practice.

8. DEVELOPING A PROCESS FOR SELECTING RSL PREFERRED PARTNERS

8.1 It is recommended that:

8.1.1 Considering the limited resources / landholdings that the Council has to offer and the land supply and planning constraints that exist, that the proposed partnership be limited to a maximum of four RSLs who have Housing Corporation Development Partnership status or a formalised development partnership with an RSL that does.

8.1.2 The four RSLs with whom the Council has existing Preferred Partnering arrangements and the Council's LSVT organisation (BDHT) be invited to make a bid submission to be considered under the review.

8.1.3 An Officer / Member Housing Partnership Review Panel be formulated to firstly consider the bid submissions and secondly receive a presentation from each of the RSL organisations who have submitted a bid. It is proposed that the panel consists of:

- The Portfolio Holder for Strategic Housing
- The Portfolio Holder for Planning
- The Council's Acting CEO
- The Corporate Director (Services)
- The Strategic Housing Manager

8.1.4 The Housing Partnership Review Panel be granted delegated authority to approve the formalisation of new preferred partnership arrangements with a compact group of up to a maximum of four RSL partners that is:

- small enough to focus and encourage commitment from the partners and encourage clear joint working practices.
- sufficient in size and scope to supply appropriate skills and expertise and harness inward RSL investment as well as Housing Corporation resources.

8.1.5 Within this process, there is scope for the new partnership agreement to consider the priority of BDHT as the primary organisation within the group for the receipt of financial support from the Council. If chosen as one of the preferred partners, the review panel may consider that priority for the allocation of BDC Grant and land resources be made to BDHT to reflect the strategic support BDHT provides to the Council on Homelessness and other services and the support they require (as the organisation charged with sustaining the former Council Housing), to maintain stock levels and remain a strong and viable operation i.e., that BDHT become "first amongst equals".

8.1.6 With appropriate support from Planning and Strategic Housing Officers the proposed revised preferred partnership arrangements will be better placed to promote a closer working relationship to address the many challenges the Council faces in delivering affordable housing in the District and maximise the benefit from opportunities that arise.

9. FINANCIAL IMPLICATIONS

9.1 The formulation of preferred partnering arrangements that contribute the provision of appropriate skills, expertise and access to inward investment are fundamental to improving the Council's strategic planning and development process, the allocation of Housing Corporation resources to the authority and achieving added value for money from the application of the local authority's resources.

10. LEGAL IMPLICATIONS

- 10.1 The revised preferred partnership arrangements would be formalised through legal documentation.

11. CORPORATE OBJECTIVES

- 11.1 The formulation of preferred partnering arrangements are fundamental to all four of the Council's objectives including the delivery of affordable housing under CO1 including the Town Centre and Longbridge, the delivery of environmental improvements under CO2, through consultation and provision of housing to assist community wellbeing under CO3 and in improving performance upon the delivery of affordable housing under CO4.

12. RISK MANAGEMENT

- 12.1 Risk management is a key issue in deciding upon the number of preferred partners who are included in the arrangements. A too smaller partnership could lead to the Council being constrained in its ability to deliver against its Housing Strategy if any of the organisations were to fall into financial or regulatory difficulties.

13. OTHER IMPLICATIONS

Procurement Issues Transparent process of appointing RSL partners.
Personnel Implications None.
Governance/Performance Management Delivery of affordable housing against targets.
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Equalities and Diversity Consideration of the suitability of the policies of partner RSL's,

14. OTHERS CONSULTED ON THE REPORT

Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes

Head of Organisational Development & HR	Yes
Corporate Procurement Team	Yes

15. BACKGROUND PAPERS

None

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8TH FEBRUARY 2007

Future Management of Museum

Responsible Portfolio Holder	Councillor Brian Fuller C.B.E.
Responsible Head of Service	John Godwin

1. SUMMARY

- 1.1 The report explores the future management and control of Bromsgrove Museum and indicates approaches to be pursued to ensure its continued operation.

2. RECOMMENDATION

- 2.1 The Council resolves to keep the museum open for the forthcoming year (2007 / 8) and instructs officers to investigate the feasibility of a trust or other arms length organisation to manage the museum from 2008 / 9.

3. BACKGROUND

- 3.1 Bromsgrove Museum is situated at 26 Birmingham Road, Bromsgrove. The museums content consists of artefacts and items, the majority of which have been collected by Denis Norton. The collection was built up over more than a forty year period and largely contains items of social and historical relevance to Bromsgrove. The museum shares it premises with Bromsgrove Tourist Information Centre.
- 3.2 The collection was undertaken by Denis Norton and has become known as the Norton Collection. In the late 1970's the Norton Collection went on display in its current venue. In 1992 the collection was donated to Bromsgrove District Council with the object and intention of benefiting the citizens of Bromsgrove. The transfer of the collection was subject to conditions laid down in a trust document.
- 3.3 The trust deed contains some specific conditions relating to where the collection should be displayed; specification regarding public access to the collection; the cataloguing of the collection and controls on the disposal of any or all items.

- 3.4 Since transfer of the collection to the Council there has been a decline in the number of visitors viewing the collection. Recent performance figures state that the number of monthly visitors to the museum is currently 21 people per thousand head of population whereas the median set by Government is 313 per thousand head of population.
- 3.5 Furthermore, since transfer the collection has not been catalogued and has not been registered with the Museum and Galleries Commission.
- 3.6 The actual expenditure for the museum and tourist information centre in 2005 / 6 was £122,000. However, the expenditure directly attributable to the museum was £32,000, but when adding in an apportionment of support costs this expenditure increases to £71,000.
- 3.7 The museum currently employs a part-time curator who is seconded from the Worcestershire County Council Museums Service.
- 3.8 In 2005 the District Council established a task group to examine the need for and purpose of a museum for Bromsgrove. The task group concluded that the Council should retain the museum in its current position.
- 3.9 The report was presented to the Executive Cabinet, but in February 2006 when presenting its medium term financial strategy the District Council resolved to close the museum from April 2007.
- 3.10 In response to this decision the Council received a letter from Denis Norton's solicitors reminding the Council of the duties it agreed to accept as a consequence of the trust deed signed in 1992. The issuing of this letter was challenged by the District Council as Denis Norton had become an elected member of the District Council in May 1999 and as such could not, under conditions determining elected members responsibilities under take actions of this kind.
- 3.11 The District Council's legal department did advise the Council that the trust document was specific and there were constraints upon movement of the collection and its disposal.
- 3.12 The future of the museum has been the subject of considerable debate within the District Council during 2006. A number of proposals have been explored by officers. Amongst these has been the transfer of the collection to the Avoncroft Museum. This had been proposed by the task group as an alternative to the Council retaining the collection.
- 3.13 Reference to the trust document indicated that a transfer to Avoncroft was outside the conditions of the trust document.

- 3.14 The trust document specifies the extent of public access and restrictions on disposal of items. Therefore, closure faces a number of challenges not least the storage of artefacts should the museum be closed.
- 3.15 In the present context it is being proposed that the museum should remain open until March 2008, but that officers are instructed to investigate and make proposal for the transfer of the management and control of the museum from April 2008. It is being proposed that officers explore transfer to a trust or arms length organisation.
- 3.16 This would require the approval of signatories to the deed and in particular the donor of the collection.
- 3.17 It is suggested that as part of the investigation to be undertaken by officers the District Council should pursue agreement with the donor regarding the transfer of the management of the collection to another organisation and that this organisation should assume the responsibilities for maintaining, displaying and promoting the collection.
- 3.18 It may be necessary for Bromsgrove District Council to set about establishing a trust and assist in its development. This would take a form similar to that pursued with the management of the Artrix Centre.
- 3.19 It is suggested that the collection remain housed in its present accommodation and this building remains the property of Bromsgrove District Council, but is leased for an agreed number of years to the managing organisation at a peppercorn rent. However, the exact arrangements should be subject to an officer's report on transfer and future management arrangements.
- 3.20 It is proposed that officers will produce an initial report in June 2007 regarding the transfer of the management of the museum.
- 3.21 Furthermore, the report in June 2007 will indicate to members the level of support necessary to ensure the museum remained open following any transfer of management arrangements.

4. FINANCIAL IMPLICATIONS

- 4.1 The current medium financial strategy removes funding from the museum from April 2007. It is suggested that this decision is retracted and funding is provided for the museum for 2007 / 8.
- 4.2 In 2005 / 6 the actual expenditure on the museum and tourist information centre was £122,000. It is suggested that some £71,000 of this was attributable to the museum. However, this includes an apportionment of support costs and these will have to be re-assigned if the decision to

transfer the museums management is approved. The costs directly assigned to the museum are around £32,000.

- 4.3 It is suggested that from 2008 / 9 there may be a requirement for a revenue grant to be paid to the managing organisation. Guidance on the level of support that may be required will be indicated in the report produced for June 2007.

5. LEGAL IMPLICATIONS

- 5.1 In August 2005 a report was presented regarding the legal implications surrounding the museum collection. This report makes particular reference to the sections of the trust deed relating to location of the collection.
- 5.2 The report also advises on scope for changing the terms of the trust deed. It states that any change has to be carried out under the auspices of the Charity Commission and have to be demonstrated to be in the best interests of the charity.
- 5.3 The views of the donor would be taken into consideration.
- 5.4 Officers will seek advice on the process for establishing a trust and for transferring control to that trust

6. CORPORATE OBJECTIVES

- 6.1 In entering into an agreement with a trust to manage the museum this would demonstrate partnership.

7. RISK MANAGEMENT

- 7.1 The paramount risk to the District Council is that unless action is taken to address the position of the museum's management the potential exists for legal action against the council. However, the current arrangements appear unsustainable and levels of usage are currently low and may even be falling.

8. CUSTOMER IMPLICATIONS

- 8.1 Closure of the museum would remove a service to the community. However, current visit figures indicate a low level of interest in the facility.
- 8.2 The recommendation to transfer management of the museum to a managing organisation would retain the service to the customer, reduce the financial costs to the Council and possibly inject new enthusiasm into the promotion of the facility.

9. OTHER IMPLICATIONS

9.1

Procurement Issues - None
Personnel Implications – Possible redundancy of museum staff
Governance/Performance Management – Remove responsibility for the management of the museum
Community Safety including Section 17 of Crime and Disorder Act 1998
Policy - None
Environmental - None
Equalities and Diversity - None

10. OFFICERS CONSULTED ON THE REPORT

10.1

Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	no

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8TH FEBRUARY 2007

District Council's Emergency Plan

Responsible Portfolio Holder	Councillor Jill Dyer
Responsible Head of Service	Phil Street

1. SUMMARY

- 1.1 The report provides an introduction to the District Council's Emergency Plan. The District Council's previous emergency plan was audited and regarded as unsatisfactory. The plan has now been substantially revised in association with advice from the Worcestershire County Council Emergency Planning Officer. The plan now conforms to the expectations of the Civil Contingency Act 2004. This report provides background to the plan and introduces the attached document.

2. RECOMMENDATION

- 2.1 To receive the report and approve the plan copies of which can be found on the District Council's website and a hard copy can be viewed in the Members Room.

3. BACKGROUND

- 3.1 The District Council has had an emergency plan, but following an audit of the plan by KPMG it was regarded as unsatisfactory and insufficiently robust in the case of an emergency.
- 3.2 The Council is expected to fulfil certain roles in the event of an emergency situation. According to the scale of an emergency the Council's precise role will vary. However, the Council has to have procedures in place to respond to being called upon in an emergency.
- 3.3 The Civil Contingencies Act 2004, and accompanying guidance and regulations sets out clear expectations and responsibilities for front line responders at the local level to ensure that they are prepared to deal effectively with the full range of emergencies from localised incidents

through to catastrophic emergencies. Bromsgrove District Council is a Category 1 responder under the Act, and has the following duties placed upon it:

- Assess local risks and use this to inform emergency planning;
 - Put in place emergency plans;
 - Put in place Business Continuity Management arrangements;
 - Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
 - Share information with other local responders to enhance co-ordination;
 - Co-operate with other local responders to enhance co-ordination and efficiency; and
 - Provide advice and assistance to businesses and voluntary organisations about business continuity management. (Local Authorities only).
- 3.4 The attached plan details the approach Bromsgrove District Council would adopt in the case of an emergency. In addition to the attached plan the Council has produced an activation file that guides the exact actions necessary should an emergency occur.
- 3.5 Members are asked to receive the emergency plan for information and be aware that it has been accepted by Worcestershire County Council Emergency Planning Unit and that the plan has been tested with an exercise in December 2006.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no immediate financial implications. In the case of emergency Council would need to identify resources to pay for personnel to act as assistants in the rest centres or as drivers and other support staff for transporting equipment and supplies.
- 4.2 In the instance of a severe and prolonged emergency there is the potential for assistance from the Bellwin Fund which is administered by the Government.
- 4.3 In the case of an emergency authority for expenditure decisions would be delegated to officers and a report would be presented to Executive Cabinet immediately following the emergency detailing any financial implications for retrospective approval by Executive Cabinet.

5. LEGAL IMPLICATIONS

- 5.1 The District Council is required by the Civil Contingency Act 2004 to have an emergency plan.

6. CORPORATE OBJECTIVES

6.1 It links to the Council's objectives to meet its statutory requirements.

7. RISK MANAGEMENT

7.1 The Emergency Plan has to take account of a substantial range of risks and the Council has to possess the capability and procedures to respond to local or more wide scale emergency.

8. CUSTOMER IMPLICATIONS

8.1 The Emergency Plan is designed to preserve well-being and provide the Council with the capability to protect, relieve and address issues of disruption, danger or threat to the running of the life of the community.

Procurement Issues - None
Personnel Implications – There is the need for a list of staff who could be called upon in the case of an emergency
Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy – Statutorily required
Environmental – Central to protecting the environment
Equalities and Diversity – Has to take account of the requirements of elderly, frail, people with a disability and speakers of other languages.

10. OFFICERS CONSULTED ON THE REPORT

Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes

Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	No

11. APPENDICES

Emergency Plan attached

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8th February 2007

Rural Settlement List for Rural Rate Relief

Responsible Portfolio Holder	Cllr Margaret Taylor
Responsible Head of Service	Head of Financial Services – Jayne Pickering

1. SUMMARY

- 1.1 The rural settlement list for the financial year from 1 April 2007 and revised guidelines for the award of discretionary rural rate relief are presented for approval.

2. RECOMMENDATION

- 2.1 The rural settlement list as set out in **Appendix A** be approved and adopted for use from 1 April 2007.
- 2.2 The revised guidelines for the award of discretionary rural rate relief as set out in **Appendix B** are approved.

3. BACKGROUND

- 3.1 As a billing authority we are required to compile and maintain a list that identifies the rural settlements within the billing authority's area. This is used to determine those properties which will qualify for rate relief under the rural rate relief legislation.
- 3.2 A rural settlement must be wholly or partly within a billing authority's area; it must appear to have a population of less than 3000 on 31 December in the year before the rural settlement list comes into force and it must be in an area designated by the secretary of state as a rural area.
- 3.3 Certain types of property within a rural settlement will be entitled to 50% mandatory relief against the business rates liability if the rateable value for the property is below a prescribed level.
- 3.4 The properties eligible for the mandatory relief are;
- The only post office within a rural settlement.
 - The only general store within a rural settlement.
 - The only public house within a rural settlement.
 - The only petrol filling station within a rural settlement.
 - A rural food shop.

- 3.5 In addition to the 50% mandatory relief the billing authority can at its discretion award a further relief of up to an additional 50%.
- 3.6 Any business within a rural settlement, with a rateable value of less than £14,000, can be granted a discretionary relief of between 1-100%. This is provided the billing authority is satisfied that the property is used for a purpose which is of a benefit to the local community and it would be reasonable for the billing authority to grant relief having regard to the interests of the Council Tax payers.
- 3.7 The policy submitted for approval for Discretionary Rate Relief sets out the framework for application and approval of Rural Rate relief.

4. FINANCIAL IMPLICATIONS

- 4.1 The costs of all awards of Mandatory Rural Rate Relief are met centrally through a deduction against contributions to the Non-Domestic Rates Pool.
- 4.2 75% of the costs of any discretionary award can be deducted from the authority's contribution to the Non-Domestic Rates pool. The remainder is met from the existing discretionary relief budget, which is currently £69,519.

5. LEGAL IMPLICATIONS

- 5.1 The power to grant Mandatory and Discretionary relief is contained in section 43 and 47 of the Local Government Finance Act 1988. The legislative procedures that govern the relief are contained in the;

Non-Domestic Rating (Designation of Rural Areas) (England) Order 2001
The Rating (Former Agricultural Premises and Rural Shops) Act 2001
The Non-Domestic Rating (Public Houses and Petrol Filling Stations) (England) order 2001 (as amended)

6. CORPORATE OBJECTIVES

- 6.1 The rural rate relief scheme provides support to essential business within vulnerable rural communities. The approval of the revised settlement list and the guidelines for relief will support the council's objective to provide a sense of community.

7. RISK MANAGEMENT

- 7.1 An up to date Rural Settlement list is required to ensure that there is transparency in the administration of awards for relief in rural areas. Failure to publicise Rural Rate Relief can mean that relief is not awarded to those businesses in rural areas that would qualify which in turn could lead to adverse publicity.

8. CUSTOMER IMPLICATIONS

- 8.1 The approval of the revised guidelines for awards of discretionary relief will ensure that applications from all customers are processed fairly and equitably. This information will be made available on the website.

9. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	None

10. APPENDICES

Appendix A Rural Settlement List for the financial year commencing 1 April 2007

Appendix B Guidelines for the discretionary award of rural rate relief

11. BACKGROUND PAPERS

Bromsgrove District Council Local Plan

Bromsgrove Information Handbook 2006

2001 Census Information

CONTACT OFFICER

Name: Sally Grieve
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Tel: (01527) 881234

Bromsgrove District Council**Rural Settlement List from 1 April 2007**

Settlement	Estimated Population
Adams Hill	170
Barnt Green	2,974
Belbroughton	825
Beoley	210
Blackwell	1,391
Bourneheath	635
Burcot	190
Clent	97
Cofton Hackett	1,416
Dodford	303
Fairfield	178
Grimes Hill	1,782
Hopwood	528
Holy Cross	528
Lickey	2873
Lower Clent	76
Major's Green	993
Romsley	1,601
Rowney Green	393
Stoke Prior	2,008

Bromsgrove District Council**Discretionary Rate Relief Guidelines to be operated from 1 April 2007**

Category Number	Category	Discretionary Relief of
1	Premises in receipt of Mandatory Rural Rate Relief	Up to 50% based on social criteria
2	Premises which would be entitled to Mandatory Rural Rate Relief but do not qualify because their rateable value is above the prescribed limit	50% and up to a further 50% based on social criteria
3	Public Houses which do not qualify for the mandatory relief because a licence is also held in respect of another property within the rural settlement. Where the other licensed premises is not traditional village pub.	50% and up to a further 50% based on social criteria
4	Premises with a rateable value below the RV limit that are not entitled to the Mandatory relief because of the presence in the rural settlement of other premises of that type.	50% relief divided by the number of premises of that type within the rural settlement. Up to a further 50% based on the social criteria.
5	Other business premises with an RV of below 14,000 which are of benefit to the local community.	Up to 50% relief based on the social criteria. A further relief of up to 50% if the business is trading at a loss.

Note

Where a further relief is available for businesses trading at a loss the amount of relief will be 50% or the level of the trading loss whichever is lower.

A licence is:

- (a) a premises licence granted under Part 3 of Licensing Act 2003, or
- (b) a licence granted under Part 1 of Schedule 8 to that Act.

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8th February 2007

Strategy for the administration of Council Tax Benefit and Housing Benefit

Responsible Portfolio Holder	Cllr Margaret Taylor
Responsible Head of Service	Head of Financial Services – Jayne Pickering

1. SUMMARY

- 1.1 A strategy for the administration of Council Tax Benefit and Housing Benefit is an effective framework stating the Council's commitment to providing a secure, efficient and effective administration of the Benefits service.

2. RECOMMENDATION

- 2.1 The strategy shown at **Annex A**, is approved and adopted.

3. BACKGROUND

- 3.1 The Department of Work and Pensions has objectives for councils to provide a secure, efficient and effective administration of the Benefits service. A strategy document which has been approved by members shows that the authority has formally made a commitment to meet these objectives.

4. FINANCIAL IMPLICATIONS

- 4.1 The council pays out around £12m in benefit each year and although the majority of this money is claimed back in subsidy from the Department of Work and Pensions there are some penalties for error in the calculation of benefit. This means that accuracy is an important factor in the administration of benefit.

5. LEGAL IMPLICATIONS

- 5.1 There are no specific legal requirements to produce this strategy but is considered to be good practice in the administration of Council Tax and Housing Benefit.

6. CORPORATE OBJECTIVES

- 6.1 Approval of this policy contributes to the Council's corporate objectives by agreeing procedures which address customer service in a fair and equitable way and support the delivery of improvements in the Council.

7. RISK MANAGEMENT

- 7.1 There are no specific risks relating to the policy. It is good practice and clearly states the Council's intentions in relation to this service.

8. CUSTOMER IMPLICATIONS

- 8.1 Council Tax Benefit and Housing Benefit provides assistance to some of the most vulnerable members of the community. The approval of this policy shows that the Council is committed to providing customers with an efficient Benefit Service paying benefit to the right people at the right time.

9.0. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	None

10. APPENDICES

Annex A Strategy for the administration of Council Tax and Housing Benefit

11. BACKGROUND PAPERS

None

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Bromsgrove
District Council

www.bromsgrove.gov.uk

Strategy for the administration of Council Tax Benefit and Housing Benefit

Revenues and Benefits

Financial Services



February 2007

**Strategy for the administration of council tax benefit and
housing benefit**

1. Introduction

- 1.1 The Council recognises the importance, to residents of the District, of council tax benefit and housing benefit. Council tax benefit assists just under 5,000 residents of the District to pay their council tax. Housing benefit assists over 2,800 residents of the District to pay their rent. Many residents of the District receive both council tax benefit and housing benefit. For the year 2007/08, the Council expects to pay around £12m in council tax benefit and housing benefit.
- 1.2 Apart from the fact that council tax benefit and housing benefit are of direct assistance to many residents of the District, the Council recognises that council tax and housing benefit also impact on landlords in the District, who are letting properties to residents in receipt of benefit. Furthermore, the general economic wellbeing of the District is partly dependent on the payment of council tax and housing benefit to those residents who are entitled to them. The performance of the Council in terms of collecting council tax is affected if those residents who would be entitled to council tax benefit do not receive it or receive an amount of benefit that is lower than their entitlement. The Council is aware that the provision of council tax and housing benefit could be of assistance in terms of reducing crime and disorder in the community.
- 1.3 For the above reasons, the Council accepts that it should adopt a strategy for the delivery of the council tax and housing benefit service. It is not the purpose of this document to set out the details of the day-to-day administration of the council tax and housing benefit service. This document merely embodies the Council's vision for the standard of service that should be achieved and the way in which the Council wishes the service to develop.

2. Underlying principles of the strategy

- 2.1 In formulating this strategy, the Council has taken into account the following:
 - 2.1.2 That the strategy reflects the objectives of the Council to include the aim to deliver quality, high performing services and ensure customer satisfaction. The Council recognises its obligation to provide services to all of our customers on a equal and fair basis.
 - 2.1.3 Council tax benefit and housing benefit are state benefits that are administered at a local level. Therefore, in administering the service, the Council must ensure that it acts within the regulations made by central government in relation to council tax and housing benefit. The Council also notes the requirements of other legislation relating to such matters as

data protection, freedom of information and the investigation of fraud.

- 2.1.4 The cost of council tax and housing benefit is partly met by central government and partly by this Council. However, the majority of the cost is met centrally. In operating the service, the Council recognises that it must have secure systems in place to ensure that monies are properly accounted for.
- 2.1.5 The benefit scheme allows local authorities a certain amount of discretion in the calculation of benefit, eg in terms of disregarding the pensions of war widows. The Council recognises that the exercise of discretion should be reviewed at regular intervals.
- 2.1.6 The Council recognises that the benefits scheme is highly complex and is subject to frequent amendment. For this reason, the Council is committed to the provision of adequate staff training and the recruitment of appropriately qualified staff.
- 2.1.7 In recognition of the fact that the benefit system is open to fraud and error, the Council has a Fraud Strategy with relevant procedures in place to prevent fraud and error from entering the system and to detect fraud and error that has already entered the system.
- 2.1.8 In the interests of all of the residents of the District, the Council will take appropriate steps to recover any overpaid benefit.
- 2.1.9 The Council recognises the role of information technology within the benefits service.
- 2.1.10 The Council supports the Council Tax Benefit and Housing Benefit Performance Standards and, where appropriate and practical, will aim to meet the standards in full.
- 2.1.10 The Council recognises the importance of the best value performance indicators relevant to the benefits service.
- 2.1.11 The Council accepts that there are residents of the District that would be entitled to benefit were they to apply. It will, therefore, advertise the benefits scheme as widely as possible. The Council will ensure that information will be made available in formats that are accessible to all sections of the community and this will be addressed in the benefit take up strategy.

3. The Council's vision

- 3.1 The Council aims to provide excellent services to its customers. It wishes to ensure that it gives the right amount of benefit to the right people at the right time and that it delivers a high performing, value for money service to our customers.

4. The reporting process

- 4.1 The administration of council tax and housing benefit shall be the responsibility of the Head of Financial Services. The Council expects that officer to report on a regular basis, via either the Executive or other approved route, on all matters affecting the management and administration of the service.
- 4.2 Reporting on the service will be done by:
- Monthly performance indicator (PI) reporting by the Head of Finance to the Chief Executive and the Portfolio Holder
 - Quarterly Performance reporting to the Performance Management Board
 - Quarterly Performance reporting to Executive Cabinet
- 4.3 The Head of Financial Services shall be responsible for the maintenance of a risk register for the benefits function to include monitoring the impact and regular assessment of risks. This information is included in the Financial Services Risk register.

5. Staffing

- 5.1 The Council shall make arrangements for the Head of Financial Services to be adequately supported in the task of managing the benefits service. It is the responsibility of the Head of Financial Services to keep under review the staffing of Financial Services and, in particular, the staffing resources devoted either partly or wholly to the management and administration of all aspects of the benefits service.
- 5.2 The Principal Benefits Officer shall have day-to-day responsibility for the management and administration of the benefits service. It is his/her responsibility to assist the Head of Financial Services in keeping under review the staffing requirements of the benefits service.
- 5.3 All staff employed within the Benefits Administration and Investigation Units will be rigorously vetted prior to appointment and if misrepresentation is found to have occurred, disciplinary procedures will be implemented.

6. Training

- 6.1 The Council recognises that the staff of the benefits service will have training requirements in respect of the benefits scheme and for other more general matters, eg customer-care and equality and diversity. The Council will ensure that sufficient funds are available through its training budget to meet all reasonable training expenses. In particular, the Council will encourage staff to undertake study for professional qualifications such as the

technician level examination of the Institute of Revenues, Rating and Valuation.

7. Performance indicators

7.1 The Council recognises that, to the majority of claimants, the speed, accuracy and efficiency of the service they receive are of paramount importance. In recognition of these factors, the Council is particularly keen that upper quartile performance should be achieved in respect of the performance indicators relevant to benefits. The relevant indicators relate to:

- The average time taken to process new claims for benefit.
- The average time taken to process changes of circumstance.
- The percentage of overpayments recovered in the year.
- The percentage of claims calculated correctly.
- Overall satisfaction of claimants with the benefits service

8. Council tax benefit and housing benefit performance standards

8.1 Although the Council recognises that the performance indicators give a valuable indication of the performance of the benefits service, it acknowledges that there is always scope to improve the service. For this reason the Council has embraced the Department for Work and Pensions' Council Tax Benefit and Housing Benefit Performance Standards Framework.

8.2 The framework provides standards for the service across four areas, namely:

- Claims administration
- Security
- User focus, &
- Resource management

8.3 The Council aims, in due course, to meet all of the standards for each area. Therefore, the Head of Financial Services has specific responsibility to ensure that this aim is achieved. The Service Business Plan will identify the timescale for the delivery of the improvements in performance.

8.4 For the avoidance of doubt, it is the Council's intention that an effective and secure council tax benefit and housing benefit service will be provided to the standards set out in the various performance standards.

9. Service delivery

9.1 The Council will aim to provide service delivery that :

- Is customer-focused
- Is speedy and accurate;
- Reduces the risk, and level, of fraud and error;
- Provides the resources required to deliver the intended service;
- Is accessible to everyone in the community;
- Ensures that claimants receive the benefit to which they are entitled;
- Minimises barriers to work;
- Helps claimants to live in decent housing;
- Recovers overpayments;
- Investigates potential fraud and punishes fraud where detected; and
- Encourages a culture of good performance within the organisation.

9.2 The Council is working towards meeting these commitments in the following ways.

10. Customer accessibility and satisfaction

10.1 The Council has invested heavily in IT systems and has introduced document image processing and workflow systems. The Council is also committed to the e-Government. The Council will aim to give claimants the ability to interact electronically with the benefits service through the Council's website. These systems will enhance the service the Council is able to provide to its customers. The Council will ensure that it makes the benefits information available in various formats to achieve accessibility to all sections of the community

10.2 It appreciates that, on occasions, claimants will have cause to complain about the service they have received. Where this is the case, the Council, through the Head of Financial Services, will investigate the complaint. Where possible, it will try to resolve the complaint to the satisfaction of the claimant. If the Head of Financial Services is unable to resolve the complaint to the claimant's satisfaction, the claimant will be advised of their right to take their complaint further.

10.3 The Council is keen that the views of its customers are taken into account. It will take action to address areas of concern and make

improvements arising from complaints, customer surveys; feedback from its Citizens' Panel, Equality and Diversity Forum and customer comment cards.

- 10.4 As part of the Council's Best Value Review of the benefits service, it will shortly be introducing a new series of information leaflets for claimants and a customer charter.

11. A speedy and accurate service

- 11.1 The Council already provides a speedy service as is demonstrated by the results for the performance indicators in respect of processing new claims, changes of circumstance etc. In order to achieve a high standard of accuracy, the Head of Financial Services has put in place arrangements to check 10% of all new claims for benefit, to ensure that the amount of benefit to be granted is correct.

- 11.2 The Council recognises that, despite its best endeavours, it will make mistakes. The Council will therefore ensure that it tells claimants of their rights of appeal and, when a claimant appeals, will deal with the appeal as efficiently and effectively as possible.

12. A service that reduces the risk and level of error and fraud

- 12.1 The Council remains keen to reduce the risk of fraud and error. The Council has adopted, with adaptations, the Benefit Fraud Inspectorate's model claim form. The Council will continue to investigate ways in which the risk of fraud and error entering the system can be minimised and the level of existing fraud reduced.
- In particular, the Council shall:
 - Maintain a Benefit Investigation Section;
 - Maintain and regularly review a Benefits Anti-Fraud Policy;
 - Use the Council's web site to promote the work of the Benefit Investigation Section;
 - Continue to use the 'Do Not Re-Direct Service' provided by the Post Office for the despatch of benefit documents;
 - Participate in data-matching exercises;
 - Provide regular training for Assessment staff in Fraud Awareness;
 - Use the Council's Prosecution Policy to apply sanctions for cases where fraud is proven;
 - Publicise the outcome of fraud investigations; and

- Maintain a fraud 'hotline' for the reporting of suspected fraud.

13. Provision of resources required to deliver the intended service

- 13.1 The Council recognises the high-profile nature of the benefits service and the fact that it 'touches' the lives of many of the District's residents. Therefore, the Council will, upon the recommendation of the Head of Financial Services and in the context of the Council's overall budgetary position, commit the appropriate resources to the service to ensure a high standard of service to benefit claimants.
- 13.2 The Council is also keen to make sure that the residents of the District receive value for money. The Council will, therefore, through the Head of Financial Services, continue to seek ways in which the costs of the service can be reduced whilst maintaining service to customers. The service shall also be subject to regular internal and external audits.
- 13.3 To assist the service, the Council, through the Head of Financial Services, will seek ways in which additional external funding for the service can be secured. Where appropriate, the Council will match any external funding.

14. A service accessible to everyone in the community

- 14.1 The Council is committed to providing a benefits service that can be accessed at a local level. However, it recognises that there are groups of residents that will have difficulty in accessing the service or who are loath to do so. The Council will therefore provide, and promote, the following in an attempt to reach those groups:
- The Ethnic access link for those residents whose first language is not English.
 - A visiting service for those residents who have difficulty in accessing the Council's offices.
 - A home visit, where requested, to all new claimants of benefit.
 - Assistance with form completion.
 - A text phone service for those with hearing problems.
 - Documents in larger type for those with visual impairments.
 - An out-of-hours answerphone service for reporting fraud.
 - An improved website that contains comprehensive material regarding benefits and a benefits calculator,

which can be used to give a person an indication of whether they might be entitled to benefit.

- Articles in Council Chat and local newspapers explaining the benefits scheme and encouraging take-up of benefit.

14.2 As far as is possible, the Council will make its premises accessible to disabled people; it will ensure that the provision of the benefits service is non-discriminatory.

14.3 The Council wishes to ensure that its benefits service is available to residents of the District at times convenient to them. The Council will continue to review the opening hours of the customer service centre through the results of customer surveys.

15. Ensuring that claimants receive the benefit to which they are entitled

15.1 The Council is conscious of the fact that not all residents of the District, who are entitled to benefit, actually claim it. The Council will therefore ensure that maximum publicity is given to the benefits scheme.

15.2 In addition, although not part of the benefits scheme, the Council will raise awareness of Discretionary Housing Payments.

16. Minimising barriers to work

16.1 The Council recognises the important part the benefits service can play when a claimant returns to work. The Council shall, in order to ensure a smooth transition for the claimant, process return-to-work claims as quickly as possible and apply the extended payments scheme where appropriate.

17. Helping claimants to live in decent housing

17.1 The Council recognises the role of housing benefit in terms of helping claimants to secure and retain decent accommodation. Therefore it will do all that it can in order that a claimant's accommodation should not be put at risk.

17.2 To assist with the meeting of this objective, the Council will:

- Maintain liaison meetings with registered social landlords for example through the landlord forum.
- Establish, where possible, regular contact with other landlords.
- Maintain liaison with the Rent Service and monitor the service level agreement with the Service.
- Encourage the use of pre-tenancy determinations.

- Where necessary and appropriate, authorise payments on account for housing benefit.
- Take an active role, in conjunction with other Services, and external agencies, in the prevention of homelessness.

18. Recovering overpayments

18.1 The Council will be proactive in the recovery of overpayments and there is a separate policy which covers this area of administration.

18.2 The Council recognises that not all cases can be treated in the same way and that individual circumstances must be taken into account. Where the facts of the case so warrant, the Council will consider writing-off of the debt for which there is also a policy document.

19. Investigating potential fraud and punishing detected fraud

19.1 The Council is committed to the prevention and detection of fraud. In order to achieve this the Benefits Investigation Section will:

- Maintain and regularly review a Benefits Anti-Fraud Policy;
- Actively investigate referrals of alleged fraud;
- Operate a Prosecution Policy for cases where fraud is proven to include the use of Cautions, Administrative Penalties and Prosecution;
- Promote the work of the Section and publicise outcomes of investigations.

20. Encouraging a strong culture of good performance within the organisation

20.1 The Council is keen to encourage a culture of good performance in order to improve:

- service to the customer; and
- job satisfaction.

20.2 The Council sees poor performance, and the resultant complaints, as a demoralising factor. Good performance will, therefore, be encouraged through, among other, the following means:

- A benefits business plan which is included in the Financial Services Business Plan;
- Individual performance development reviews;
- Regular team briefings;
- Circulation of the minutes of Revenues and Benefit team briefings;
- Circulation of the minutes of meetings of the Financial Services Management Team;

- Training;
- The sharing of complaints and compliments.

21. Code of Conduct

- 21.1 The Council will require **all** Council officers involved in the administration of Benefits to report to the Principal Benefits Officer details of any claims for benefit to which they have some connection. Examples are claims for Benefit where the officer is the landlord, the client or a partner.
- 21.2 If a Benefits officer has knowledge of any claim where they are a close family member, as described by Schedule 2 of the Housing Benefit and Council Tax Benefit General Regulations, then the officer must report this case to the Principal Benefits Officer.
- 21.3 Interest in a Benefit claim must be registered in the Code of Conduct, in accordance with agreed procedures. Any Council officer found to be involved in an offence under the Social Security Act 1992, or any other criminal offence involving claims of Benefit, either at this Council, any other Council or the DWP, will be subject to the Council's Disciplinary Procedures. This will be in addition to any prosecution proceedings that may occur.

22. Duties and Considerations of Elected Members

- 22.1 The Council will require **all** elected Members to report to the Head of Financial Services, details of any claims for Housing or Council Tax benefit to which they have some connection. This may be a claim for benefit where the Member is the Landlord, the claimant, a partner, or non-dependant on the application.

23. Summary

- 23.1 The council tax and benefit schemes are complex and require considerable skill, on the part of the Council's staff, to operate. Nevertheless, the Council realises that the difficulties caused by the complexity of the schemes must not be allowed to thwart the aim of the schemes, which is to provide assistance to some of the most vulnerable members of the community. For residents of the District claiming benefit, their concern is that they should receive the benefit to which they are entitled quickly and efficiently. The Council aims to treat all customers fairly and with dignity.
- 23.2 This strategy, and the incorporation of its principles within section performance plans etc, will result in the expectations of benefit claimants being met in full and will contribute to the general wellbeing of the District.

24. Review

- 24.1 The Council will review this strategy on an annual basis.

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8th February 2007

Discretionary Rate Relief Policy

Responsible Portfolio Holder	Cllr Margaret Taylor
Responsible Head of Service	Head of Financial Services – Jayne Pickering

1. SUMMARY

- 1.1 A policy is required to cover the procedure for approving the discretionary rate relief applications and the period for which they are granted.
- 1.2 A policy for granting this relief should not be too prescriptive because it is discretionary and the decision should be made for each individual case. There are criteria defined in the policy to provide guidance in making that decision.
- 1.3 Applications will be submitted to the Head of Financial Services and the Portfolio Holder for approval as per the Council Constitution. The submission will be in an agreed format making a recommendation to refuse or approve the application based on the facts supplied by the organisation, showing that it has been considered against the criteria in the policy.
- 1.4 Any appeals will be made to Members for their consideration.

2. RECOMMENDATIONS

- 2.1 The policy at **Annex A** is approved and adopted.
- 2.2 The Council's scheme of delegation be amended to delegate authority to Head of Financial Services, in consultation with Portfolio Holder for Finance, to approve the applications for discretionary rate relief within the approved Council policy and that the Executive Cabinet be given delegated authority to review any appeals.
- 2.3 It is recommended that Discretionary Rate Relief will be granted for a period of one year and then will be reviewed annually. A report will be made to Executive Cabinet annually detailing the organisations and relief granted.

3. BACKGROUND

- 3.1 The Local Government Finance Act 1988 makes provision for Discretionary Rate relief in certain circumstances and whilst a strict policy is not appropriate in these cases a procedure for assessing applications ensures a consistent and transparent process.
- 3.2 The Council's constitution currently lists delegation for both Executive Cabinet and also Head of Service to approve these applications. To clarify the process, this should be amended to Head of Service with Portfolio holder to approve the applications and Executive Cabinet to review any appeals.
- 3.3 The Rural Rate relief scheme includes award of Discretionary Rate Relief and therefore the two reports are submitted together.

4. FINANCIAL IMPLICATIONS

- 4.1 Budgetary provision for this relief is currently set at £69,519 but this will increase over a period of years especially if it is granted on an ongoing basis. Therefore each case should be considered carefully with regard to the period of time that the relief is granted for.
- 4.2 A regular review of relief granted should be carried out as good practice.

5. LEGAL IMPLICATIONS

- 5.1 Relief must be granted in accordance with the legislation

6. CORPORATE OBJECTIVES

- 6.1 Approval of this policy contributes to the Council's corporate priorities of customer satisfaction as a transparent process will be followed for all applications. The policy will also seek to ensure that procedures in a non-discriminatory way.

7. RISK MANAGEMENT

- 7.1 The policy should ensure that any risks will be minimised.

8. CUSTOMER IMPLICATIONS

- 8.1 The approval of the policy will ensure that applications for relief are assessed in a consistent and fair way.

9. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	None

10. **APPENDICES**

Annex A Discretionary Relief Policy

BACKGROUND PAPERS

Local Government Finance Act 1988

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Bromsgrove
District Council

www.bromsgrove.gov.uk

Discretionary Rate Relief Policy

Revenues and Benefits

Financial Services



February 2007

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Charitable Discretionary Rate Relief

1.0 Introduction

Under section 47 of the Local Government Finance Act 1988, discretionary rate relief may be awarded provided that one, or more, of the following criteria applies:

The ratepayer is a charity, or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes, or

All or part of the hereditament is occupied for the purposes of one or more institutions none of which is established or conducted for profit and each of whose main objects are:

- Charitable
- Social welfare
- Philanthropic
- Science
- Religious
- Literature
- Educational
- Fine Arts

or

The hereditament is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

Trustees in paramount occupation of an excepted hereditament will be considered for discretionary relief. An excepted hereditament is one that is in the occupation of a billing authority or a precepting authority (other than the Receiver for the Metropolitan Police or charter trustees) and is not eligible for the relief.

Discretionary relief of up to 100% may be granted in accordance with the criteria overleaf.

Any granting of discretionary relief can be backdated to the start of the previous financial year, as long as the authority has made a determination within the first six months of the following financial year.

Discretionary relief may be granted where the hereditament is unoccupied and it appears that when next in use the hereditament will be wholly or mainly used for charitable purposes.

A legal definition of charity comprises four principal divisions:

- Relief of Poverty
- Advancement of Religion
- Advancement of Education
- Other Purposes beneficial to the Community

2.0 Applications

There is no legal requirement for the completion of an application form, however, for the purpose of consistency it is proposed that a form is completed so that the application can be assessed. Organisations may supply any additional information or evidence to support their claim as appropriate. Applications will be made available in formats to ensure accessibility to all sections of the community.

3.0 Criteria to be considered when reviewing applications

3.1 General

Applications must be consistent with Bromsgrove District Council's own objectives and priorities as detailed in the Council Plan.

Council Vision

“Working together to build a district where people are proud to live and work, through community leadership and excellent services”

Objectives

1. Regeneration

Priorities

- Town Centre
- Longbridge
- Housing

2. Environment

Priorities

- Clean Streets
- Planning

3. Sense of Community and Well Being

Priorities

- Community Activities
- Community Influence

4. Improvement

Priorities

- Customer Satisfaction
- Reputation
- Performance Improvement

3.2 In addition :

3.2.1 National organisations must show either that there will be a direct benefit to the District of Bromsgrove or that benefit will accrue to the public at large.

- 3.2.2 Local and Non-national organisations must show a need for the activity/facility and either demonstrate a benefit to local people of Bromsgrove District or where there may be reciprocal arrangements in other parts of the country
- 3.2.3 Consideration must be given to the level of financial support the inhabitants of Bromsgrove District must meet
- 3.2.4 The Head of Financial Services may ask for and must be satisfied with the accounts.
- 3.2.5 The activity must not seek to promote or oppose a political party.
- 3.2.6 Providing the relevant criteria are met, charitable organisations be considered for 20% Discretionary Relief in addition to 80% Mandatory relief. Those charitable organisations that are not registered must satisfy the above criteria and will be considered for up to 100% discretionary relief.
- 3.2.7 Organisations that have an application for charitable status outstanding with the Charities Commission will be pended for 6 months awaiting the Commissions decision.
- 3.2.8 Any organisation that the authority believes could be a registered charity and has not applied, will be encouraged to apply to the Charities Commission.
- 3.2.9 Rifle and gun clubs must be affiliated to the National Association

3.3 Special Cases

3.3.1 Religious establishments

Whilst these establishments do not directly meet any of the main themes of the Bromsgrove District Plan, they qualify for 80% mandatory relief and will be considered for up to 20% discretionary relief.

3.3.2 Animal Establishments

These establishments do not meet any of the main themes either, but providing they are a registered charity, discretionary relief of up to 20% will be considered

3.3.3 Educational Establishments

The authority does not consider it appropriate to award relief to primary, secondary or further education. Pre-school education may be considered providing the organisation is a registered charity.

3.3.4 Charity Shops

Relief of up to 20% in respect of Charity Shops be considered, provided that
80% Mandatory Relief has been granted

3.3.5 The Scout and Girl Guides Associations

Relief of 20% should be considered, provided that;

- 80% Mandatory Relief has been granted, and
- the Scouts or Guides and other non-profit making community users are in paramount occupation.

3.3.6 Village or Parish Halls

Relief be considered provided that;

Non-profit making community users are in paramount occupation.

(Where 80% Mandatory Relief has been granted, top up of 20% be considered).

3.3.7 Credit Unions

Relief of up to 100% be considered, provided that:

- The union is in receipt of a letter from the Inland Revenue saying it is entitled to exemption from taxes under the provisions of section 505 of the Income and Corporation Taxes Act 1988 and
- No dividend or interest is available for distribution to its members, and
- Assistance is provided to avoid social exclusion

3.3.8 Sports, Social Clubs and Societies

Relief of up to 100% be considered for non charitable organisations and up to 20% for charitable, provided that the property is used as a sports, social club, or society and

- The organisation is not established or conducted for profit
- Where there are in excess of 100 members, at least 50% live in the Bromsgrove District area (unless there are good reasons for this e.g. a club situated on the border of Bromsgrove District)

4.0 Granting Relief

4.1 The cost of Discretionary relief is partly borne by the District Council and therefore consideration should be given to any community benefit gained. The amount of relief granted should be dependent on issues such as; whether there is any possibility of generating income; how many people the facility or club is available to; whether the club assists in the Councils objectives etc. In some cases there may be restrictions on membership or there is little benefit to the community etc in most cases where four or more of these criteria apply then the application should be refused. These are only intended to be guidelines and consideration must be taken of particular circumstances surrounding individual cases.

4.2 When Officers have evaluated the application a report will be submitted to Head of Financial Services and Portfolio Holder recommending approval or refusal based on the criteria below. A period of time should be given when granting relief with a review date in each case. This is good practice and assists in the budgetary process.

5.0 Evaluation Criteria

- 5.1** Each of the criteria should be considered and based on the criteria below a recommendation to approve a percentage reduction (up to 100% relief) or refuse the application should be made.
- Membership is restricted. (This may include where membership rates are set at a high level as to exclude the general community)
 - The organisation runs a bar that is open for more than 20 hours per week on average **and** the gross income from bar sales exceeds £2,000 per annum
 - The percentage of members who live in Bromsgrove District is less than 80% unless there are valid reasons for this e.g. a club situated on the border
 - The facilities are not made available to people other than members. (there may be valid reasons for this e.g. small changing rooms not required by other people)
 - The facility is not used by children.
 - Similar facilities are already provided by the authority in the area and the organisation does not supplement or enhance those offered
 - The facilities have not been provided for by self-help or grant aid.

6.0 Appeals

- 6.1** Organisations that been refused relief will be given reasons in order that they are aware of the criteria in which their application failed. They will also be given details of how to appeal.
- 6.2** Appeals will be referred to Executive Cabinet for review.

Bromsgrove District Council

Application by a charity, club, society or other organisation claiming Mandatory and/or Discretionary Rate Relief under section(s) 43(5) and (6) and 45(5) and (6) or section 47 or Mandatory and/or Discretionary Rural Rate Relief under section 43 (6a,6b) and 47 (3a,3b) of the Local Government Finance Act 1988

	Business Rates Reference	
1	Name and Address of the charity/Organisation claiming relief	
2	Address of property in respect of which relief is claimed	
3	Description of Property	
4	The main aims and objectives of the Charity/Organisation	
5	<p>Is the Charity/Organisation registered with the Charity Commissioners or any registered society within the Friendly Societies Act 1896 to 1974?</p> <p>If yes, please state the Registration Certificate Number or enclose the Certificate for Inspection and Return</p> <p>If no, please state the reasons on which there is an exemption/exception from registration or give evidence of charitable status.</p>	<p>Yes/No</p> <p>Number</p>
	<p>APPLICATION OF CRITERIA <i>(Please do not write in boxes)</i></p> <p>Bromsgrove District Council's objectives and priorities as set out in the Council Plan are as follows:</p> <p>Regeneration</p> <ul style="list-style-type: none"> • Town Centre • Longbridge • Housing <p>Environment</p> <ul style="list-style-type: none"> • Clean Streets • Planning 	

	<p>Sense of Community and Well Being</p> <ul style="list-style-type: none"> • Community Activities • Community Influence <p>Improvement</p> <ul style="list-style-type: none"> • Customer Satisfaction • Reputation <p>Please state how your organisation supports these priorities.</p>	
	<p>Please give examples of how the local community has benefited from your activities or facilities.</p>	
	<p>Please answer the questions relevant to your type of organisation</p>	
	<p><u>Sports Clubs</u> Applications for Sports Clubs please also complete Appendix A</p>	
	<p><u>Charity Shops</u></p> <ol style="list-style-type: none"> 1. Please give examples of how your charity supports the local community. 2. Please provide evidence (eg Audited Accounts) that the sales income generated from donated goods is greater than 50%. 	
	<p><u>Social Welfare Institutions (eg Citizens Advice Bureaux)</u></p> <p>Please give examples of how your charity supports the local community.</p>	
	<p><u>The Scout & Girl Guide Association</u></p>	

	<p>Please provide evidence that the Scouts, Guides or other non-profit making local community users are the main users of the premises</p>	
	<p><u>Theatres & Museums (managed by a charity or trustees of a charity)</u></p> <p>No further evidence is required. If mandatory relief is awarded a further 20% discretionary relief will be given.</p>	
	<p><u>Village of Parish Halls</u></p> <p>Please provide evidence that non-profit making local community are the main users of these premises.</p>	
	<p><u>Credit Unions</u></p> <p>Please provide evidence that your organisation supports social inclusion and debt prevention.</p>	

<p>“I certify that the above particulars are correct to the best of my knowledge and belief.”</p>	
<p>Name</p>	
<p>Capacity in which signed</p>	
<p>Date</p>	
<p>Telephone Number</p>	

<p><u>Sports And Social Clubs</u></p> <p>(Please note organisations that are entitled to Mandatory relief will not be entitled to any further relief and that a <u>maximum</u> 50% discretionary relief will be given to other organisations).</p> <ol style="list-style-type: none"> 1. Do you have a licensed bar? 2. What is the percentage of your members that live in the Bromsgrove area? 3. What is the percentage of members who participate in team activities? 4. Is membership restricted in any way? (You should provide membership criteria 5. Does the organisation provide education, training or coaching facilities in order to develop member skills? Please provide details. 6. Are membership fees related to the ability to pay? Please provide details. 7. Are the facilities open to non members and other organisations at reasonable rates? Please give details. 8. Is the principle of open access to all members of the community in operation? Please give details. 9. Does the organisation actively encourage membership from particular groups e.g. young people, senior citizens, disabled persons or ethnic minorities? Please provide details. 10. Does the organisation undertake fundraising activities to finance its own expenses? Please provide details. 11. Do the facilities indirectly relieve Bromsgrove District Council's need to provide, enhance or supplement the service or activity? 	
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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8th February 2007

Benefit Take up Strategy

Responsible Portfolio Holder	Cllr Margaret Taylor
Responsible Head of Service	Head of Financial Services – Jayne Pickering

1. SUMMARY

- 1.1 The Benefit Fraud Inspectorate recommended that the Council should have a benefit take up strategy to underpin the operation of the Benefit Service. This shows that the authority is committed to ensure that its residents are receiving advice on all aspects of benefit that they may be entitled to.

2. RECOMMENDATION

- 2.1 The strategy shown at **Annex A**, is approved and adopted.

3. BACKGROUND

- 3.1 The Department of Work and Pensions has objectives for councils to ensure that residents receive the benefit that they are entitled. Joint working with other agencies to ensure that applying for welfare benefits is as seamless as possible is a key element in their strategy for the improvement of benefit administration.

4. FINANCIAL IMPLICATIONS

- 4.1 The council pays out around £12m in benefit each year and although benefit take up will increase this, the majority of the money is reclaimed from the Department of Work and Pensions in subsidy. Some advice given may result in take up of other welfare benefits which will have no cost to this council.

5. LEGAL IMPLICATIONS

- 5.1 There are no specific legal requirements to produce this strategy but is considered to be good practice. The Benefit Fraud Inspection report recommended that a strategy should be written and approved.

6. CORPORATE OBJECTIVES

- 6.1 Approval of this strategy contributes to the Council's corporate objectives because it supports the delivery of improvement in its service delivery and supports the customer focus priority as the Council aims to pay benefit to all members of the community who are eligible in a timely and accurate way.

7. RISK MANAGEMENT

- 7.1 There are no specific risks relating to the strategy. It is good practice and clearly states the Council's intentions in relation to this service.

8. CUSTOMER IMPLICATIONS

- 8.1 Improved welfare benefit take up provides extra assistance to some of the most vulnerable members of the community.

9.0. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	None

10. APPENDICES

Annex A Benefit Take Up Strategy

11. BACKGROUND PAPERS

None

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Benefit Take Up Strategy

Revenues and Benefits Section

Financial Services



February 2007

Benefit Take Up Strategy

1.0 Introduction

1.1 Bromsgrove District Council's Benefit Take Up Strategy demonstrates the Council's commitment to improve customer service and reputation of the Council by ensuring;

- Income is maximised for all residents within the District which benefits the local economy
- Entitlement is correctly assessed based on information provided by the customer
- Working in partnership with other organisations enables customers to access all welfare benefits and to provide information for their claims in an efficient way
- The Council pays the right amount of benefit to the right people at the right time
- Residents entitled to benefit can look to improve their quality of life with access to the financial resources available to them
- Information to be available in formats that are accessible to all sections of the community

1.2 In addition the strategy is key to delivery of a high performing benefits service and to improve customer satisfaction.

2.0 Reasons for having a take up strategy

2.1 The reasons for developing this strategy are

- To meet the Council's priorities of customer satisfaction, performance improvement and a sense of well being.
- Encouraging take up potentially improves the quality of life for those customers who are eligible
- Increasing the income of customers has a direct impact on spending in the community
- Residents who are entitled have full access to all benefits available to them
- Improved welfare benefit take up provides extra assistance to some of the most vulnerable members of the community.

2.2 Take up of benefit is a key government objective for tackling poverty and the effects of poverty eg Health and Social Service issues

2.3 Maximising take up improves the ability of:

- tenants to pay rent
- owner occupiers to meet housing costs
- tax payers to meet their liability
- all to reduce debt levels generally

3.0 Why people do not apply for benefits

3.1 Recent research shows the reasons for not claiming benefit as complex and include pride and stigma, but there are other reasons:

- Lack of awareness despite the information and encouragement to claim
- Poor perception of the gains in money terms that claiming can make
- Difficulties or perceived difficulties in claiming benefits, makes people reluctant to claim.
- Lack of information in formats accessible to all sections of the community

3.2 A personal approach to claiming welfare benefit is the most satisfactory and where possible if claiming more than one benefit can be linked ie the different agencies can work on behalf of one another the more likely people are to claim all that they are entitled to.

3.3 Age Concern stress the need for assisting pensioners with claims, preferably with home visits as they are generally confused with the provision of welfare benefits.

3.4 In 2003 there were 11.2 million pensioners resident in the UK with 2 million living below the poverty line. One third of pensioners do not claim basic welfare benefits which includes Housing and Council Tax benefit.

3.5 Bromsgrove District Council has made a positive commitment to encouraging and helping people to claim benefit by:

- Appointing a welfare benefits officer who visits claimants to explain claims and collect information.
- Partnering with other organisations such as Pensions Service and Social Services – third age project
- Arrangements with Housing Associations to collect benefit information
- Home visits
- Talks and presentations
- Advertising
- Questionnaires and consultation
- Publicity material
- Annual take up leaflets for Council Tax Benefit
- Interpreting and translating information

4.0 Targeting Take Up

4.1 In the Government's document 'Tackling Social Exclusion' target groups were defined as:

- Pensioners
- Minority ethnic Groups
- Disabled people and disabled people with high dependency needs
- Lone Parents
- In Work/Low Income Claimants

- Claimants in Hospitals

4.2 A range of approaches is needed to target these groups and we aim to provide general advice on the take up of the following benefits:

- Attendance Allowance
- Carers Allowance
- Child Tax Credits
- Council Tax Benefit
- Council Tax discounts/disregards
- Council Tax disability relief
- Disability Living Allowance (for both adults and children)
- Discretionary Housing Payments
- Extended Payments for Council Tax and Housing Benefit
- Guardians Allowance
- Housing and Council Tax Benefit
- Income Support
- Job Seekers Allowance
- Pension Credits
- Second Adult Rebates
- Working Tax Credits

5.0 The way forward

5.1 The approach to take up will depend on the target group. Some may be specific activities such as attending pensioner groups or clubs or events etc. We have identified a number of information sources that are to be used

5.2 We will ensure that we provide clear, accessible and up to date information in formats suited to our target groups. We will seek to ensure that this information to will be made available in formats that accessible to all sections of the community.

5.3 These information sources are:

- Leaflets
- Posters
- Website, including a benefit calculator and guidance on other benefits
- Targeted mail shots to specific groups
- Newsletters
- Landlord Forums
- Council Magazine

6.0 Monitoring Effectiveness

- 6.1 Where it is possible to identify take up as a result of a particular campaign we will estimate the value of additional benefit claimed. This will usually be as a result of targeting a particular group of people.

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

8th February 2007

Recovery Policy

Responsible Portfolio Holder	Cllr Margaret Taylor
Responsible Head of Service	Head of Financial Services – Jayne Pickering

1. SUMMARY

- 1.1 An effective recovery policy is required to ensure the efficient administration of Revenues and Benefits.

2. RECOMMENDATION

- 2.1 The recovery policy shown at **Annex A** is approved and adopted.

3. BACKGROUND

- 3.1 Bromsgrove District Council has a legal duty to ensure cost-effective billing, collection, and recovery of all sums due to the Council. The Recovery Policy forms a vital procedure in ensuring that this is done in a consistent, firm but fair way. The document outlines all of the stages prior to a debt being considered for write off.

4. FINANCIAL IMPLICATIONS

- 4.1 The bad debts provision currently stands at £697,000 for Council Tax and £900,000 for Business Rates (NNDR).

5. LEGAL IMPLICATIONS

- 5.1 A procedure for recovery action provides a framework within the appropriate legislation.

6. CORPORATE OBJECTIVES

- 6.1 Approval of this policy contributes to the Council's corporate objectives by ensuring that the Council has clear guidelines in place for the collection of debt and that the customer are dealt with in a transparent manner.

7. RISK MANAGEMENT

- 7.1 There is a risk that debts may not be adequately pursued without a clear policy or procedures in place. .
- 7.2 The policy should ensure that any risks will be minimised.

8. CUSTOMER IMPLICATIONS

- 8.1 The approval of the revised policies ensure that taxpayers are treated in a firm but fair way. The policy also seeks to ensure that procedures are operated in a non discriminatory way.

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Acting Chief Executive	Yes
Corporate Director (Services)	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	None

11. APPENDICES

Annex A Recovery Policy

BACKGROUND PAPERS

None

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Recovery Policy

Revenues and Benefits Section

Financial Services



February 2007

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Introduction

This policy covers the collection of Housing Benefit overpayments, Council Tax and Non-Domestic Rates (Business Rates) and sundry debt and should be read in conjunction with the Write Off Policy.

The Policy

1 Bromsgrove District Council's Policy on Recovery is designed to set out a framework for employees and provide information to other advice agencies when dealing with the recovery of debts.

1.1 Policy Statement

1.2 Bromsgrove Council has a legal duty to ensure cost-effective billing, collection, and recovery of all sums due to the Council.

1.3 Policy Objectives

- To be firm and fair yet sympathetic when assessing an individual's ability to pay
- To follow all appropriate legislative requirements and procedures in an efficient and effective way
- To maximise recovery of debts using all methods available
- To ensure that benefit entitlements are accurately and efficiently applied
- That there is clarity in the enforcement action process
- To identify and assist those who face difficulties in paying at an early stage and to actively encourage them to contact us at the earliest stage
- To encourage people to make contact when they first face difficulties and to help to reduce the effect of debt on people on low income.
- To help identify customers who face barriers in understanding what is expected of them e.g. because of age, language, culture or disability

1.4 The policy will:

- help identify deliberate non-payers or people who delay payment
- enable people who fall into arrears to make payment agreements appropriate to their circumstances
- ensure that when we take enforcement action it is appropriate and likely to be effective
- to enable the Council to remove barriers to fair and effective collection of debt

2. Introduction of a Recovery Policy

2.1 By implementing a recovery policy :

- We will fulfill the Council's statutory obligations to collect Council Tax, Business Rates and Housing Benefit overpayments. We will be consistent and fair in our dealings, regardless of race, disability, sex, sexual orientation, religion or belief, or age. The policy will contribute to the improvement and customer service of the Council.
- We will support the provision of high performing services.
- By administering the policy we will assist in tackling poverty by offering the right advice to enable people to maximise their income and to help prevent the build up of debt.

2.2 When people get into arrears, we will:

- ensure that payment arrangements reflect the ability to pay as well as the level of debt owed
- acknowledge and respect a person's obligations to his/her dependants and recognise the need for a person to maintain a reasonable standard of living
- expect Priority Debts (see appendix 1) to be given priority over other debts owed
- work with recognised advice agencies wherever possible to reach an acceptable arrangement for the recovery of the debt..

Code of Practice

3.0 We will provide clear and prompt information about bills and liabilities. The information we provide will show:

- what the bill or liability is for
- the amount due
- how to make payment
- a contact point for all enquiries

3.1 All correspondence will be clearly written, without the use of jargon and will include information on how to get independent advice.

3.2 The Council will advise people how they can reduce their payments where possible by:

- inform people of their entitlement to benefits, discounts, reliefs and exemptions
- ensuring that maximum take-up occurs and that net bills/liabilities are issued
- inform people of the general availability of income-related benefits such as Job Seekers' Allowance, Income Support, Working Families Tax Credit, Pension Credits, Disability Working Allowance, Housing Benefit and Council Tax Benefit
- training staff who advise the public on debt matters to be aware of the benefits discounts, reliefs and exemptions that may be applied to ensure that takeup is maximised.
- advise people where they can get independent advice with financial problems, for example the Citizens' Advice Bureau

Information and Advice

4.0 Information and Advice to Council Tax Payers

The Council encloses information to all taxpayers with the annual Council Tax bill which covers the following areas:

- Valuation Bands
- Discounts
- Reductions for people with disabilities
- Exempt Dwellings
- Council Tax Benefits
- Appeals
- How the Council Tax is spent – leaflets are enclosed with bills from

:

Bromsgrove Council
Worcestershire County Council
West Mercia Police Authority
Hereford and Worcester Joint Fire Authority

4.1 We will make information available in a variety of formats and languages when required.

4.2 Information and Advice to Business Ratepayers

The Council encloses information to all Business Ratepayers with the annual bill which covers the following areas:

- Rateable Values
- Reliefs and Exemptions
- Appeals
- Small Business Rate Relief
- Information as supplied by the DCLG

4.3 We will make information available in a variety of formats and languages when required.

4.4 Information and Advice with Housing and Council Tax Benefit Overpayments

4.4.1 An overpayment is any amount of Housing or Council Tax benefit which has been paid but to which there was no entitlement.

4.4.2 When an overpayment is identified the benefit claimant is notified in writing and given the following information: -

- The reason for the overpayment
- The amount
- The benefit period covered
- The method of recovery
- Their right of appeal

Information on the above can be viewed on the Council's website:
www.bromsgrove.gov.uk

5.0 Making a Payment

5.1 We will provide a choice of convenient methods of payment for bills and invoices and details of these options are shown on each bill: -

- **Payments can be made by:**
 - Direct Debit (Council Tax and Business Rates ONLY)
 - Cheque Payment
 - Cash Payment
 - Debit Card
 - Credit Card
 - Standing Order
 - Postal Order

- **Where payments can be made.**
 - Post Office (Council Tax ONLY)
 - Paypoint and PAYzone
 - Council's Website
 - Postal payment
 - Internet Banking
 - By visiting the Service Centre, School Drive, Bromsgrove
 - Using the Council's automated debit and credit card telephone line (01527 881474) This facility is available 24 hours a day, 7 days a week

5.2 Whatever the method of payment individuals must ensure that payments made reach the Council by the due date

5.3 Housing Benefit overpayments will be recovered from on going benefit where possible.

6.0 Making arrangements for people in arrears

6.1 We will encourage people to contact us early if they are having difficulty paying and advise them where to get independent advice.. Many people are unaware of their rights and responsibilities and of the availability of a variety of payment arrangements. If people contact us early we will be able to discuss the situation and prepare a payment plan. This will help to keep people out of debt.

6.2 When people contact us we will:

- check whether they should be paying less or nothing at all by ensuring that all the relevant benefits, discounts, reliefs, exemptions and rebates are being claimed
- advise on the most appropriate payment methods
- advise them to contact an independent advice agency.
- expect priority debts (see appendix 1) to be given precedence over other debts

6.3 When a person makes contact a realistic agreement for payment will be made. If there is any doubt as to whether the agreement is realistic (either because it appears to be too high or too low), staff will help the individual to complete an income and expenditure form. It is important to remind the individual to contact the Council if they anticipate problems in meeting any installment due date. They will be advised not to wait until they have received a written response to their offer of payment, but to start and maintain payments.

6.4 Arrangements made by Advice Agencies

Where an arrangement is made by a recognised advice agency, an I Income and Expenditure form will normally be provided.

- Where an individual appears to have complex benefit or money advice problems, staff will refer them to an appropriate agency or welfare benefit officer.

6.5 Obtaining details

- staff should try to get as much detail as possible of a person's circumstances to make the best assessment of their ability to pay
- where a customer refuses to give financial information an arrangement cannot be made and therefore we will continue to follow the debt recovery procedure

6.6 Documentary evidence

- in some cases it may be necessary to request documentary evidence to confirm particular details when arriving at a payment arrangement. Individuals should not however be asked for documentary evidence unless it is absolutely necessary
- if it is necessary the individual should be told of the particular items that require confirmation and be given a specified reasonable time limit within which they are required

- the individual should be advised that if the evidence is not produced within the agreed timescale the offer of payment may be rejected and further action could be taken.

All information collected is governed by the Data Protection Act 1998 and the Council has a procedure and policy in place to comply with the Act.

7.0 Monitoring Payment Arrangements

- all payment arrangements will be closely monitored
- recovery action will be taken in respect of missed payments following the detailed procedure within the recovery team
- action may be taken, even where payment is received shortly after the due date
- the responsibility for making sure that payment reaches the account by the due date remains with the individual
- the individual should be reminded that the date on which installments are to be paid is the final date on which money should reach the account.

This means that individuals must allow sufficient time for the payment to reach the Council by the due date.

8.0 When payment arrangements are not maintained

- it is important to ensure that where arrangements have not been maintained that action is taken to bring the arrangement back up-to date
- the Council will ideally require the original agreement to be brought up to date, but if there has been a significant change in circumstances it may be necessary to negotiate a new arrangement.

9.0 Maintaining current instalments

9.1 When negotiating arrangements for payment, staff should ensure that current instalments are being maintained, i.e. the arrangement will be in addition to and conditional on, the current debt being paid. When an arrangement is made on a total balance the minimum arrangement will be the usual current instalment plus a contribution towards the arrears.

10. Minority Groups

- 10.1 The Council is obliged to pursue all debts irrespective of a person's age, disability etc. However, the Council recognises that some groups of people may have difficulty understanding or dealing with their financial problems.
- 10.2 When these cases are identified and the tax payer has not made contact arrangements may be made to visit the individual. When a visit is made the customer will be asked if they would like to have third party (e.g. a close relative or a social worker or a benefit advice worker) present during the discussions.

- 10.02 The purpose of the visit will be to maximise income where possible by the application of any additional benefits or reductions. Assistance will be given in the completion of any forms and an income and expenditure form will be completed.
- 10.3 A suitable plan will be agreed along with the payment method most convenient to the person's circumstances. Once the payment plan is agreed it will be monitored and may be reviewed.
- 11.0 **Write offs**

The Council will exercise their discretion when deciding to write off debts and will only consider this as a final option.

The write off procedure will be considered when

- All methods of recovery have been exhausted
- Claimant deceased and no funds available from the estate
- No trace of the debtor and the debt has become uneconomical to pursue
- Claimant declared bankrupt and evidence from the Official Receiver available confirming the overpaid benefit is a non priority debt
- Limitations Act, debt is 6 years old and expired
- Debtor has emigrated and been out of this country for over 2 years
- Debtor is terminally ill (usually for benefit overpayment cases)

12 Monitoring the Policy

- 12.1 It is the responsibility of the Council to ensure the policy is effective through their monitoring and complaints procedure, taking into account the indicators listed below:

- rate of collection, including recovery of housing benefit overpayments
- number of cases reaching each stage of recovery
- number of cases where attachments of benefit/earnings are made
- number of cases being referred to the bailiffs
- number of cases where recovery is suspended due to arrangements being made
- number of cases with arrears outstanding at year end
- amount of arrears outstanding at year end
- number of complaints received where policy is not being followed
- Audit checks

1.0 What is a Priority Debt?

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

HOUSING

Mortgage/Rent

Council Tax

UTILITIES

Electricity

Gas

Telephone

Water

OTHER

Business Rates

Child Support Agency deductions

Court Fines

Income Tax

Maintenance Arrears

Secured Loan

VAT

Council Sundry Debts

Council Tax Recovery Process

1.0 Explanation of Recovery terms

1.1 Reminder

A document issued when an instalment is overdue

1.2 Final Notice

A document issued when an account is in arrears and there is no right to pay by instalments

1.3 Summons

A document issued summoning the person to Magistrates Court when there has been no satisfactory response to one of the above or when the account is in arrears for the third time .At Court the Council will make an application for a Liability Order to be granted.

1.4 Liability Order

The Magistrates will grant a Liability Order if they are satisfied, the Council Tax is outstanding. The order gives the Council the power to take further action if the account remains unpaid. The main options are:-

Attachment of earnings or benefit (Income Support or Job Seekers Allowance)

Referral to the Bailiffs who have the power to remove and sell goods

Committal to prison

Bankruptcy proceedings

Charging Order placed on property

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

- a **Reminder** is issued which requires the account to be brought up to date within seven days.

2.1 When there is no response to the reminder within 14 days a **Final Notice** will be issued.

2.2 If the person brings the account up to date within seven days but falls into arrears a second time a **second reminder** is issued. It is important that payment is made on or before the instalment due date. A further instalment reminder will be issued every time when instalments are brought up-to date within seven days of last issue date.

2.3 If instalments fall into arrears greater than seven days a **Final Notice** will be issued for the whole amount due under the instalment plan. At this stage recovery will only be suspended if the person agrees to pay by Direct Debit.

- When a **Summons** is issued and Summons Guidance Notes and £50 costs are debited to the Council Tax account. Wherever possible employment/benefit details are obtained to enable an attachment to be made when the Liability Order has been granted, if

a satisfactory arrangement is not negotiated or has not been maintained. Arrangements may still be agreed but they will not stop the Liability Order being granted at this stage. The summons costs must be paid.

- once a **Liability Order** has been obtained in court the Council will:
 - monitor payment arrangements where tax payers have already contacted the Council.
 - make deductions from Benefit/Income Support or Job Seekers Allowance where appropriate
 - make an attachment of earnings order where appropriate
- in all other cases a **Liability Order/Bailiff Notice** is sent requesting information about the person's Income and advising that if there is no response within 14 days the matter will be passed to the Bailiffs. A list of the Bailiffs fees is enclosed with the notice. If there is still no response after 14 days the case is referred to the Bailiffs for collection.

2.4 Whilst undertaking any of these activities, as a result of obtaining a Liability Order, the Council may apply for an Attachment of Earnings or deductions from benefit. A payment arrangement may be discussed at any stage and the Council aims to consider an individual's circumstances and ability to pay.

- if all other enforcement options fail, the Council may apply to the Magistrates Court with a view to a prison sentence in absence of payment. We may consider Bankruptcy and apply for a Charging Order to secure the debt.

Business Rates Recovery Process

1.0 Explanation of Recovery terms

1.1 Reminder

A reminder is issued when an instalment is overdue

1.2 Final Notice

A document issued when an account is in arrears and the right to pay by instalments has been lost.

1.3 Summons

A document issued summoning the ratepayer to the Magistrates Court when there has been no satisfactory response to one of the above. At Court the Council will make an application for a Liability Order to be granted.

1.4 Liability Order

The Magistrates will grant a Liability Order if they are satisfied that the Business Rates are outstanding. The order gives the Council the power to take further action if the account remains unpaid.

The main options are: -

- Referral to the Bailiffs who have the power to remove and sell goods
- Committal to prison
- Bankruptcy or winding up proceedings

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

- a **reminder notice** is issued which requires the account to be brought up to date within seven days.

2.1 When there is no response to the **reminder notice** within 7 days a **Final Notice** is issued.

2.2 If the ratepayer brings the account up to date within seven days but falls into arrears a second time a **final notice** is issued for the whole year's Business Rates.

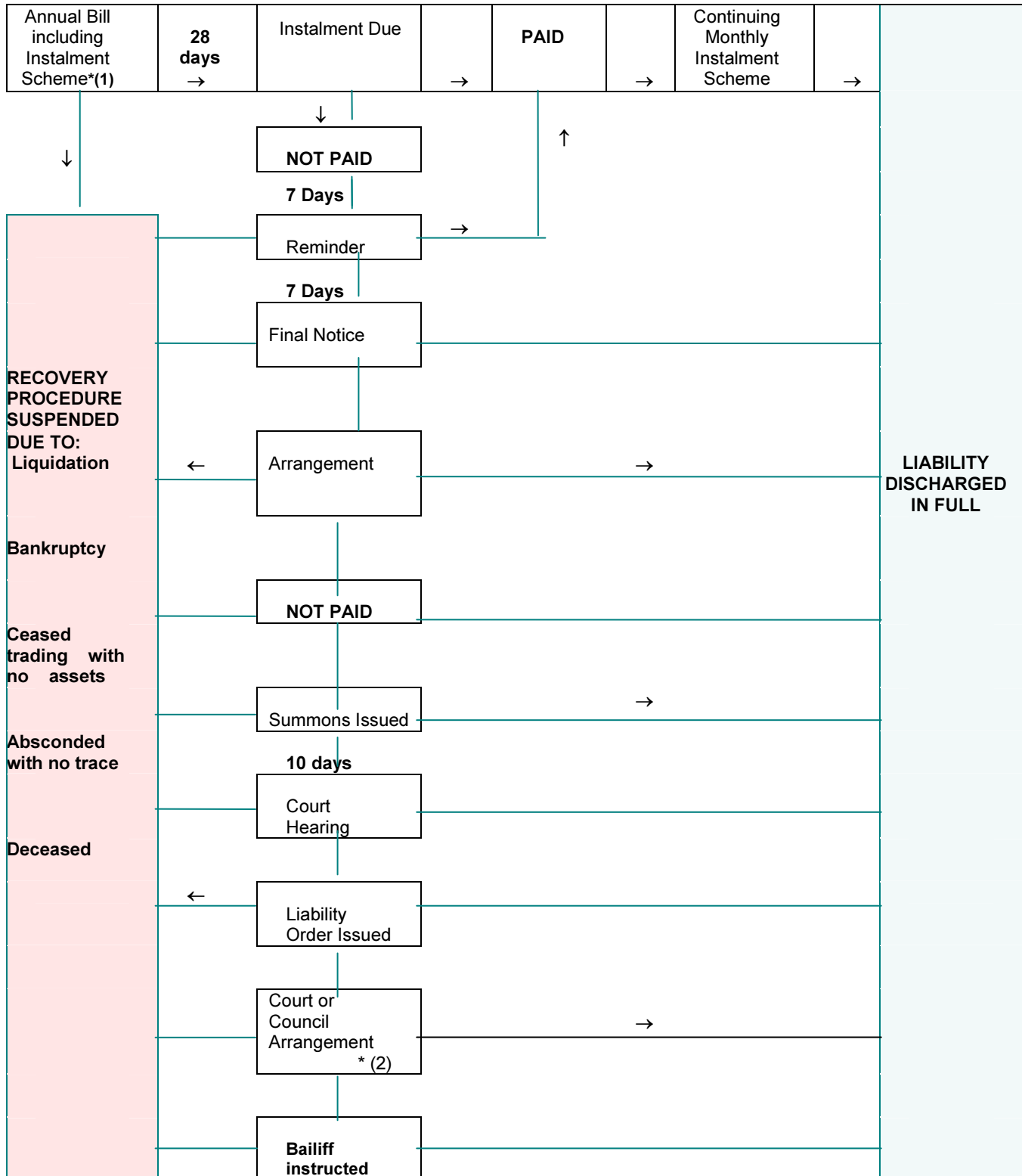
2.3 The whole amount must be paid within 7 days of the notice to prevent the issue of a summons. The right to continue paying by instalments will normally only be reinstated if a direct debit form is completed.

- when a **Summons** is issued and Summons Guidance Notes and £80 costs are added to the account. Special payment arrangements may still be agreed but they will not prevent application for a Liability Order at this stage.
- once a **Liability Order** has been obtained in court the Council will:
- monitor payment arrangements where business ratepayers have already contacted the Council.
- in most other cases the **Liability Order** is referred to the Council's bailiff or internal bailiff for collection.
- In other cases the Council may start bankruptcy/winding up proceedings.

- if all other enforcement options fail, the Council will, where appropriate, apply to the Magistrates Court to have the ratepayer committed to prison for failing to pay.

2.4 A payment arrangement may be discussed at any stage and the Council aims to consider an individual's circumstances and ability to pay.

Flowchart for Council Tax and NNDR Recovery Process



Payment Arrangements

- Instalment arrangements to pay will be considered at any stage, but in most circumstances a liability order will be applied for. This is to avoid any frustration of the recovery process. Where arrangements are made prior to liability order it is necessary to start again where the debtor defaults and this increases the time and effort taken to recover the debt.
- Arrangements must clear the balance within 12 months unless there are exceptional circumstances and approval is obtained from the Billing or Recovery Officer.
- If an arrangement is broken a "Payment Arrangement Reminder Notice" is sent.

If the debtor makes no contact within 7 days of the notice the standard recovery action process continues. If contact is made the debtor is given a further opportunity to keep to the arrangement (or another arrangement may be made).

- If the arrangement is broken a second time the case is dealt with immediately under the standard recovery action procedure.
- We encourage for both Council Tax and Business Rates that Direct Debit is the preferred payment method. This is the most cost effective payment method.

Housing and Council Tax Benefit Overpayment Recovery Process

1.0 Overpayments

1.1 Overpayments are created when Benefit entitlement decreases because circumstances are not correctly declared from the outset of the claim, where changes are not reported promptly, or where an error is made by the Department for Works and Pensions or the Local Authority.

1.2 Once an overpayment has occurred, the Authority must then determine

- Eligibility to underlying entitlement
- Classification of the overpayment
- Whether the overpayment is recoverable
- From which party recovery will be taken
- The most effective recovery method

2.0 Recoverable Overpayments

2.1 All overpayments are recoverable, regardless of the reason they occurred, where the claimant or person to whom the benefit was paid can reasonably have been expected to know they were receiving benefit to which they were not entitled.

2.2 When an overpayment is classed as recoverable the Benefit Assessor dealing with the case must make a separate decision as to whether or not the overpayment is to be recovered.

3.0 Recovery Rate

3.1 Overpayments will be recovered from ongoing benefit at the maximum rate allowed (DWP circular for current recovery rates). In addition, to this rate of recovery, where appropriate, deductions may be increased by 50% of any applicable disregard, subject to the overall maximum deduction. However, a reduction in the week recovery rate will be considered on health or financial grounds.

4.0 Non-Recoverable Overpayments

4.1 Arise as a result of a Local Authority or Department Error, where the claimant or person to whom the benefit was paid cannot reasonably have been expected to know they were receiving benefit to which they were not entitled.

4.2 Non-recoverable overpayments are referred to the Principal Benefits Officer for authorisation to write off the debt.

5.0 Classification of Overpayments

5.1 The overpayment must be correctly classified so that the correct subsidy can be claimed.

- **Fraudulent:** A person knowingly fails to report a relevant change of circumstances contrary to Regulation 75 (HB Regulations) or Regulation 65 (CTB Regulations).
- **Claimant error:** The claimant or the person acting on the claimant's behalf has notified us of a change in circumstances of their own accord, but that report was not prompt and there was no intent to claim benefit fraudulently.
- **Local Authority error:** Where information provided has not been actioned within the specified time limits or has been input incorrectly and the claim calculated.
- **Other, such as DWP, Pension Service:** Information provided by the departments is incorrect at the time of the calculation.

6.0 Notification of a Benefit Overpayment

6.1 Benefit notification letters must be sent to all affected parties to include:

- The fact that a recoverable overpayment has occurred
- The reason that the overpayment occurred
- The amount of the overpayment
- How the overpayment was calculated
- Effective dates of the overpayment
- Who the overpayment will be recovered from
- The rights of appeal of the affected party.

7.0 Methods of Recovery

- Recovery direct from ongoing entitlement to Housing Benefit at the prescribed Department of Works and Pension rates, dependant upon the cause of the overpayment.
- Invoice raised and arrangement agreed when no further entitlement to Housing Benefit exists.
- Allowable deductions from certain State Benefits through the Government Debt Management System, recovery rates as per the Department of Works and Pensions deduction rate.
- Direct payment from the Landlord where appropriate
- Council Tax Benefit only – the overpayment of benefit is put directly onto the Claimants Council Tax bill.
- Debt collection agency.
- Direct recovery through another Local Authority assuming an entitlement to Housing Benefit at the Authority.
- County Court Orders enabling further recovery action to secure payment of the debt, attachment of earnings, warrant of execution, charging order or third party debt orders. (The most appropriate method being selected in each case to maximise the recovery of the debt.)

8.0 Definition & Legal Duties

Housing Benefit Regulation 75 - Council Tax Benefit Regulation 65 The duty of the claimant or any affected person to notify the Local Authority of a change in circumstances.

Regulation 98

Defines an overpayment as "...any amount which has been paid by way of housing benefit to which there was no entitlement under these regulations".

Regulation 99

Any overpayment shall be recoverable, including an overpayment which has been caused by official error. An official error is a mistake, whether in the form of an act or omission made by the authority, the Benefits Agency or the Employment Service.

An official error overpayment is recoverable where the claimant, or a person acting on his or her behalf, could reasonably have known there was an overpayment at the time of payment, or any notice relating to the payment.

Regulation 101

A recoverable overpayment must always be recovered from the claimant or the person to whom it has been paid. A recoverable overpayment is recoverable via any lawful method.

Regulation 102

When the authority determines that a recoverable overpayment has occurred, and exercises its discretion to recover, an authority shall notify in writing any person affected by the determination made by it and every notification shall include a statement as to the matters set out in Schedule 6. The schedule is the legal notification which should be sent out to the person from whom recovery is to be sought and any other persons affected by the determination.

9.0 Explanation of Recovery terms

Reminder 1

A reminder is issued when full invoice amount is not paid

Reminder 2

Second reminder to remind that payment is still outstanding and the debt will be referred to a Debt Collection Agency if payment or an arrangement is not made.

Debt Collection Stage

Cases will be referred to a Debt Collection Agency – when the Agency's process has been completed they will return those cases which they have been unable to collect or make arrangements for. The Agency will have advised that failure to pay may result in a county court judgment.

Legal Stage

A letter will be sent to those cases over an agreed amount (financially viable compared to the court costs incurred.) advising that they are being referred to the county court.

Referred to Legal

County Court Summons to be issued followed by a 'County Court Judgment' if payment is still not received. This will involve in further costs to the debtor.

At every stage from reminder we will check to see if Housing Benefit is back in payment and arrange that the debt be recovered from ongoing benefit if appropriate. In all cases, where a successful new claim is processed and the claimant has an outstanding overpayment the overpayment will be recovered from underpaid and/ or ongoing benefit unless the claimant has made and is maintaining a reasonable repayment arrangement.

The Enforcement Concordat

Principles of Good Enforcements

1.0 Standards

- 1.1 In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

2.0 Openness

- 2.1 We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

3.0 Helpfulness

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licences, registrations etc, will be dealt with efficiently and promptly. We will ensure that wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

4.0 Complaints About Service

- 4.1 We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

5.0 Proportionality

- 5.1 We will minimise the cost of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action. We will take care to work with small business and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

6.0 Consistency

- 6.1 We will carry out our duties on a fair, equitable and consistent manner. While our inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

7.0 Procedures

- 7.1 Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what timescale, and making sure that legal requirements are clearly distinguished from best practice advice.
- 7.2 Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).
- 7.3 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.
- 7.4 Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

8.0 Policy and Procedures

- 8.1 This document sets out what business and others being regulated can expect from enforcement offices. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.
- 8.2 The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.
- 8.3 The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.
- 8.5 We have therefore adopted the central and local government Concordat on Good Enforcement. By adopting the concordat we

commit ourselves to those principles and will provide information to show that we are observing them

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