

Meeting	<b>CABINET</b>
Time/Day/Date	5.00 pm on Tuesday, 20 September 2016
Location	Board Room, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

## AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3. PUBLIC QUESTION AND ANSWER SESSION</b>	
<b>4. MINUTES</b>	
Minutes of the meeting held on 26 July 2016	<b>3 - 8</b>
<b>5. RIVER MEASE SPECIAL AREA OF CONSERVATION WATER QUALITY MANAGEMENT PLAN - DEVELOPER CONTRIBUTION SCHEME 2</b>	
Report of the Director of Services Presented by the Regeneration and Planning Portfolio Holder	<b>9 - 46</b>



<b>6.</b>	<b>CHILDREN, YOUNG PEOPLE AND ADULT SAFEGUARDING REPORT 2015/16</b>	
	Report of the Director of Services Presented by the Regeneration and Planning Portfolio Holder	<b>47 - 54</b>
<b>7.</b>	<b>FINANCIAL SUPPORT TO SUPPORT COMMUNITY AMBITIONS</b>	
	Report of the Interim Director of Resources Presented by the Community Services Portfolio Holder	<b>55 - 58</b>
<b>8.</b>	<b>AUTHORITY TO AWARD THE DESKTOP COMPUTER REPLACEMENT SUPPLY CONTRACT</b>	
	Report of the Interim Director of Resources Presented by the Corporate Portfolio Holder	<b>59 - 62</b>
<b>9.</b>	<b>2016/17 QUARTER 1 PERFORMANCE MANAGEMENT REPORT</b>	
	Report of the Chief Executive Presented by the Leader	<b>63 - 84</b>
<b>10.</b>	<b>FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE-OFFS</b>	
	Report of the Interim Director of Resources Presented by the Corporate Portfolio Holder	<b>85 - 90</b>
<b>11.</b>	<b>EXTENDING AND EXPANDING THE COALVILLE SHOP FRONT IMPROVEMENT GRANT SCHEME LOCAL DEVELOPMENT ORDER</b>	
	Report of the Director of Services Presented by the Regeneration and Planning Portfolio Holder	<b>91 - 94</b>
<b>12.</b>	<b>EXCLUSION OF PRESS AND PUBLIC</b>	
	The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.	
<b>13.</b>	<b>COALVILLE MARKET STRATEGY AND ACTION PLAN</b>	
	Report of the Director of Services Presented by the Business Portfolio Holder	<b>95 - 106</b>

Circulation:  
Councillor R D Bayliss  
Councillor R Blunt (Chairman)  
Councillor T Gillard  
Councillor T J Pendleton  
Councillor N J Rushton  
Councillor A V Smith MBE

MINUTES of a meeting of the CABINET held in the Board Room, Council Offices, Coalville on TUESDAY, 26 JULY 2016

Present: Councillor R Blunt (Chairman)

Councillors R D Bayliss, T Gillard, T J Pendleton and A V Smith MBE

In Attendance: Councillors R Adams, J Clarke, J G Coxon, D Everitt, T Eynon, J Geary, G Hoult, J Legrys, S McKendrick, S Sheahan, N Smith and M Specht

Officers: Mr S Bambrick, Ms C E Fisher, Mrs C Hammond, Mr A Hunkin, Mr G Jones, Mr P Padaniya and Miss E Warhurst

#### **18. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor N J Rushton.

#### **19. DECLARATION OF INTERESTS**

There were no interests declared.

#### **20. PUBLIC QUESTION AND ANSWER SESSION**

There were no questions received.

#### **21. MINUTES**

Consideration was given to the minutes of the meeting held on 14 June 2016.

It was moved by Councillor R Blunt, seconded by Councillor T J Pendleton and

RESOLVED THAT:

The minutes of the meeting held on 14 June 2016 be approved and signed by the Chairman as a correct record.

**Reason for decision:** To comply with the Constitution.

#### **22. PROVISIONAL FINANCIAL OUTTURN 2015/16**

The Leader presented the report to Members. He advised Members that the provisional outturn figure of £2.349m was in line with the £2.3m that had been reported to Cabinet at the last meeting and that the underspend would be held in reserve, with reports being brought to Cabinet on how to spend the one-off surplus. He informed Members that the underspend was mainly due to Business Rates and Planning Income and that the HRA account was also underspent by £388k.

It was moved by Councillor R Blunt, seconded by Councillor T Gillard and

RESOLVED THAT:

The provisional financial outturn position for 2015/16 be noted.

**Reason for decision:** Requirement of Financial Procedure Rules

## 23. PROPOSALS TO IMPROVE ORGANISATIONAL PRODUCTIVITY, EFFICIENCY AND EFFECTIVENESS

The Interim Director of Resources presented the report to Members. He advised Members that the Corporate Leadership Team had considered the resources that would be required to assist the Council working towards its priorities and achieving its outcomes, and as such the Chief Executive in consultation with the Corporate Leadership Team had approved changes to the staffing structures of three teams, therefore approval was sought from Cabinet to allocate £99k to fund the changes. He highlighted to Members that to ensure the Council was able to conduct its business in an efficient and effective manor, good use of the accommodation and information technology needed to be ensured and therefore approval was also being sought to allocate one-off funds for the implementation of the accommodation and ICT strategies.

Councillor R Blunt stated that in order for the Council to carry out its work, the right structures needed to be in place.

It was moved by Councillor R Blunt, seconded by Councillor A V Smith and

RESOLVED THAT:

1. The changes the Head of Paid Service has approved to the staffing establishments of the Business Focus, Community Focus, and Sport and Physical Activity Teams be noted.
2. £99k of the Council's 2016/17 underspend be allocated to staffing revenue budgets to support changes in the staffing establishments of the Business Focus, Community Focus and Sport and Physical Activity Teams.
3. A one-off sum of £300k from the 2016/17 underspend be allocated to the accommodation strategy.
4. A one-off sum of £478k from the 2016/17 underspend be allocated to the ICT strategy.

**Reason for decision:** The proposals will improve organisational productivity, efficiency and effectiveness.

## 24. EXTENDING THE COALVILLE SHOP FRONT IMPROVEMENT GRANT SCHEME AND UPDATE ON THE COALVILLE PROJECT

The Leader presented the report to Members. He reminded Members that back in 2009 the Prince's Foundation's Coalville Regeneration Strategy highlighted the importance of making improvements to the shop fronts in the town centre and following an allocation of £225k towards shop front improvements he was pleased to announce that 15 shops out of the 40 eligible addresses were in the pipeline and it was expected that the full amount of allocated funds would be used. He advised Members that it was now proposed to extend the scheme to incorporate Belvoir Road and Marlborough Square. Therefore he was seeking approval of £300k to support the additional addresses, which would include a sum set aside for specific properties that were iconic buildings. He informed Members that improvements to Marlborough Square had been outlined in the Prince's Foundation's Regeneration Strategy and that officers had begun engagement with the business owners to seek their views on future plans.

Councillor T J Pendleton stated that a good looking Coalville would be a vibrant, happy Coalville.

Councillor T Gillard expressed his disappointment that the Council had not been successful in its bid to host the weeping windows as all concerned had worked very hard to submit the bid.

Councillor R Blunt stated that the Council was knocking on every door and that if bids such as the weeping windows were not submitted residents and business owners would say that we were not trying to improve the town.

Councillor A V Smith stated that it was a shame that the bid was not successful however the Council was planning to do something of its own.

It was moved by Councillor R Blunt, seconded by Councillor T J Pendleton and

**RESOLVED THAT:**

1. The extension of the Coalville Shop Front Improvement Grant Scheme to a wider geographical area and other types of premises be approved.
2. The allocation of £300k reserves towards an extension to the Coalville Shop Front and Frontages Improvement Grant Scheme be approved.
3. The allocation of £523k reserves towards the cost of potential improvements to Marlborough Square be approved.
4. Authority be delegated to the Chief Executive in consultation with the Leader to commit expenditure of the Marlborough Square reserve.
5. The progress made by officers regarding the Council's land off Cropston Drive be noted.
6. The future direction of work for the Coalville Project be endorsed.

**Reason for decision:**

- Policy approval needed for an extension to the Coalville shop front improvement grant scheme to include a wider geographical area and other types of premises
- Approval needed for allocation of £300k reserves to be allocated to an extension of the Coalville shop front and frontages improvement grant scheme
- Approval needed for allocation of £523k reserves towards the cost of potential improvements to Marlborough Square
- To ensure any decision made by the Chief Executive in consultation with the Leader with regards to expenditure of the Marlborough Square reserve is made in accordance with delegations approved by Cabinet.

**25. LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY**

The Leader presented the report to Members. He advised Members that they were now awaiting the draft order from the Secretary of State and that the new Prime Minister seemed even more committed to devolving powers to Local Authorities. He informed Members that a report would be taken to Council on 13 September requesting approval of the Constitution and that both he and leader of the Labour group would be kept updated by the Chief Executive on the progress of the Constitution.

It was moved by Councillor R Blunt, seconded by Councillor T Gillard and

RESOLVED THAT:

The update be noted and the approach of the Chief Executive be endorsed.

**Reason for decision:** To inform Cabinet of the development which has been made in respect of the creation of the Leicester and Leicestershire Combined Authority and the progress of the Leicestershire Devolution Deal to date.

## 26. SUPPORTING CYCLING IN THE HEART OF THE FOREST

The Community Services Portfolio Holder presented the report to Members. She advised Members that approval was being sought to re-allocate the £40k that had previously been earmarked as a contribution to the Ashby to Hicks Lodge Cycle Route and put towards the final part of the Hicks Lodge to Moira Furnace route. She informed Members that the original route was subject to a planning application that had been refused and therefore would now not be progressing.

Councillor R Blunt stated that cycle paths were crucial to the area for visitors to Hicks Lodge and to keep people cycling.

Councillor R D Bayliss stated that it was difficult not to support the recommendation before them however he was extremely disappointed over the loss of the route from Ashby highlighting that the only option to travel to Hicks Lodge was by car as both the roads were very dangerous. He asked if it would be possible to investigate securing a route from Ashby to Hicks Lodge.

Councillor A V Smith agreed that it was disappointing that the original proposed route was no longer viable but it had been subject to a planning application however she could not see any reason why investigations could be carried out to see if a route from Ashby to Hicks Lodge would be possible, but stressed that land availability may be an issue.

It was moved by Councillor A V Smith, seconded by Councillor R Blunt and

RESOLVED THAT:

1. The investment of £40,000 towards the development of cycling infrastructure in the Heart of the Forest be further approved.
2. Officers continue to work with Leicestershire County Council and other stakeholders to investigate the possibility of a cycleway linking Ashby de la Zouch with Hicks Lodge.

**Reason for decision:** To reallocate resources due to the withdrawal of the original cycle route scheme.

## 27. MINUTES OF THE COALVILLE SPECIAL EXPENSES WORKING PARTY

The Community Services Portfolio Holder presented the report to Members. She thanked the working party for continuing to invest in community projects and its commitment to match funding towards to proposed trial of the opening of the Coalville market toilets on Sundays. She informed Members that she had joined the working party on a visit to Broomleys Allotment to see what the money provided by the special expenses had been put towards.

It was moved by Councillor A V Smith, seconded by Councillor T Gillard and

RESOLVED THAT:

The minutes of the Working Party meeting be noted.

**Reason for decision:** To progress Coalville Special Expenses projects and programmes.

## 28. COALVILLE PUBLIC TOILETS

The Community Services Portfolio Holder presented the report to Members. She thanked Mrs Lacey MBE and Mrs Follows for attending the meeting and submitting the petition that was presented at Council on the 17 May. She advised Members that the toilets at the market had not been open for 20 years on a Sunday and in 2014 the decision was made to close Ashby toilets due to minimal usage.

Councillor A V Smith informed Members that following consideration of the petition and consultation with the Coalville Special Expenses Working Party she was pleased to propose that a trial opening of the public toilets at the market would take place for 5 months (10am – 4pm) from 29 August to 29 January 2017. She advised that the park wardens would carry out the opening and closing duties on the day at a cost of £1,300 for the period of the trial and it was proposed to set aside a further £700 for any unforeseen costs therefore a total cost of £2k. She reminded Members that the Coalville Special Expenses Working Party had proposed to match any contribution agreed by Cabinet and therefore sought approval for £1000 to be set aside from the underspend reserve for the trial.

Councillor T Gillard thanked Mrs Lacey MBE and Mrs Follows for submitting the petition.

Councillor A V Smith stated that it was important to have facilities available and hoped that users would respect and look after them.

It was moved by Councillor A V Smith, seconded by Councillor T Gillard and

RESOLVED THAT:

1. A trial period of Sunday opening for Coalville Market toilets as outlined within the report be approved.
2. A budget of £2,000 with £1,000 from in year General Fund underspends matched by £1,000 from Coalville Special Expense reserves be set aside.
3. Authority to make any changes to the duration of the trial period and/or operational matters be delegated to the Director of Services in consultation with the Portfolio Holder.

**Reason for decision:** In response to the presentation of an Ordinary petition as per the Council's Constitution

## 29. EXCLUSION OF PRESS AND PUBLIC

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

**Reason for decision:** To enable the consideration of exempt information.

**30. DISTRICT LEISURE SERVICES DELIVERY MODEL AND PROVISION OF FACILITIES**

The Leader presented the report to Members. He informed Members of the background to the report and that the project was in a very early stage. He advised that future reports would be brought back to Cabinet and sought Members approval to move forward.

Members agreed that it was a step forward and only the beginning of future regeneration.

It was moved by Councillor R Blunt, seconded by Councillor A V Smith and

RESOLVED THAT:

- 1) In principle the outsourcing of the District's Leisure Centre management be approved; and
- 2) In principle, exploring the use of financial receipts arising from the outsourcing of the Leisure Centre management for the provision of a new leisure facility in Coalville be approved; and
- 3) The commitment of £150,000 from the 2015/16 budget underspend to establish a project team to conduct further investigation into the feasibility of transferring the Leisure Centre management and providing a new leisure facility in Coalville be approved.

**Reason for decision:** To confirm Cabinet's support in principle to the District Leisure Services delivery model and provision of facilities.

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 5.41 pm



## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 20 SEPTEMBER 2016

Title of report	<b>RIVER MEASE SPECIAL AREA OF CONSERVATION WATER QUALITY MANAGEMENT PLAN - DEVELOPER CONTRIBUTION SCHEME 2</b>
Key Decision	a) Financial No b) Community Yes
Contacts	<p>Councillor Trevor Pendleton  01509 569746  <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a></p> <p>Director of Services  01530 454555  <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a></p> <p>Head of Planning and Regeneration  01530 454782  <a href="mailto:jim.newton@nwleicestershire.gov.uk">jim.newton@nwleicestershire.gov.uk</a></p>
Purpose of report	<p>To seek adoption of the River Mease Water Quality Management Plan Developer Contributions Scheme 2 (DCS2). The primary objective of the DCS2 is to mitigate the negative effects of new development. In doing so, DCS2 will ensure that new development can be permitted in the River Mease catchment without compromising the primary purpose of the Water Quality Management Plan (WQMP) to reduce the levels of phosphorous within the River Mease Special Area of Conservation (SAC).</p>
Reason for Decision	<p>To provide a mechanism through which major and other new residential and commercial development can continue to be allowed in the River Mease catchment without having an adverse impact on the integrity of the SAC. At present the District Council has in place the River Mease SAC Water Quality Management Plan Developer Contributions Scheme 1 (DCS1) however, this developer scheme has now reached its maximum capacity. The District Council is therefore unable to permit further development within the River Mease catchment by way of DCS1 and therefore seeks adoption of DCS2.</p>
Council Priorities	Business and Jobs

Implications:	
Financial/Staff	Post of Project Officer for the River Mease SAC Developer Contribution Scheme will continue to be employed by North West Leicestershire District Council with full costs for a five year period to be met by developer contributions. The post holder will report to the River Mease Water Quality Management Plan Programme Board and will be managed by the Council.
Link to relevant CAT	None
Risk Management	Approval of DCS2 will enable the Council to continue to approve appropriate developments whilst ensuring that the integrity of the River Mease SAC is not adversely affected by such development. Without DCS2 the Council will not be able to meet its obligations to bring forward new development to meet the ongoing housing and commercial development needs of the district. Furthermore, it could leave the Council open to challenge at appeals where developers propose one-off solutions resulting in an incremental approach to resolving the existing water quality issues if DCS2 is not adopted.
Equalities Impact Screening	Not applicable
Human Rights	No discernible impact
Transformational Government	Not applicable
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	<p>A 6 week period of consultation has taken place between 27 June 2016 and 5 August 2016.</p> <p>Those consulted include the general public, the development industry and other statutory consultees.</p> <p>In total four responses were received to the consultation.</p>

Background papers	<p><a href="#">Four consultation responses to the Developer Contribution Scheme Final Version.</a></p> <p><a href="#">Overview of responses to consultations:</a></p>
Recommendations	<p><b>THAT CABINET AGREE:</b></p> <p><b>(I) TO ADOPT THE RIVER MEASE WATER QUALITY MANAGEMENT PLAN DEVELOPER CONTRIBUTIONS SCHEME 2 AS A SUPPLEMENTARY POLICY DOCUMENT (AS APPENDED TO THIS REPORT) AND TO IMPLEMENT THE SCHEME WITH IMMEDIATE EFFECT; AND</b></p> <p><b>(II) TO DELEGATE TO THE DIRECTOR OF SERVICES, IN CONSULTATION WITH THE REGENERATION AND PLANNING PORTFOLIO HOLDER, RESPONSIBILITY TO REVIEW AND AMEND THE DEVELOPER CONTRIBUTION SCHEME AS AND WHEN MONITORING AND REVIEW OF PHOSPHOROUS REDUCTIONS REQUIRES AND TO REFER BACK TO CABINET ONLY WHERE SIGNIFICANT MATERIAL REVISIONS TO THE SCHEME ARE REQUIRED</b></p>

## 1.0 BACKGROUND TO THE DEVELOPER CONTRIBUTION SCHEME

- 1.1 The River Mease was designated by the Secretary of State as a Special Area of Conservation (SAC) under the EC Habitats Directive on the 1 April 2005. The SAC is protected through the provisions of the Conservation of Habitats and Species Regulations 2010 (SI No. 490), commonly referred to as the Habitats Regulations.
- 1.2 The SAC incorporates the Gilwiskaw Brook downstream of Packington village and the River Mease from its confluence with the Gilwiskaw Brook to its confluence with the River Trent. It is designated as a Special Area of Conservation for its internationally important habitats and species, which are collectively referred to as its “interest features”. Local planning authorities and the Environment Agency are “competent authorities” under the Habitats Regulations and must have regard to the requirements of the Habitats Directive in the exercise of any of their functions, including the determination of planning applications.
- 1.3 In accordance with the provisions of the Habitats Regulations, the Environment Agency completed a review of the consents for which they were responsible, which were considered to be relevant to the River Mease SAC. The Review of Consents identified poor water quality, mainly due to high levels of phosphorous, as representing a threat to the ability of the river in supporting its internationally important features in a sustainable way (referred to as the “integrity” of the SAC in the Habitats Regulations). The findings of

the review of consents led to concerns from Natural England that any new development in the River Mease catchment was simply serving to further increase the level of phosphorous in the river which in turn, raised challenges in respect of compliance with the District Council's statutory obligations as a competent authority under the Habitat Regulations. This resulted in significant delays in determining planning applications between 2009 and 2012 with some applications being held in abeyance for long periods. This also led to proposals for major development to be served by septic tanks and package treatment plants rather than connecting new developments to the mains sewer, which is clearly not the most sustainable option as these need emptying periodically by tanker leading to additional vehicular trips to and from a particular site to the receiving waste water treatment works outside catchment.

- 1.4 The Review of Consents conducted by the Environment Agency identified the need for stricter phosphorous limits at several waste water treatment works and these limits have now been implemented. In addition to these modifications, however, it was recognised that further action, over and above the imposition of tighter phosphorous limits, needed to be taken by the Environment Agency (and other competent authorities) to ensure that their consents do not pose a threat to the SAC over the long term.
- 1.5 The further action identified through the Environment Agency review is being coordinated by, and implemented through, a long term WQMP for the River Mease SAC. The WQMP is a jointly produced plan by the Environment Agency and Natural England and was finalised in June 2011 with a primary purpose to *“reduce the levels of phosphate within the River Mease SAC, to enable the Conservation Objectives for the SAC to be met, and an adverse effect upon the SAC avoided”* . The objective of the WQMP is that *“the combined actions will result in a reduction in phosphate in the River Mease”*. The River Mease WQMP Programme Board, a partnership responsible for overseeing the WQMP and consisting of the Environment Agency, Natural England, Severn Trent Water, North West Leicestershire District Council, South Derbyshire District Council and Lichfield District Council held its inaugural meeting in July 2011 and subsequently announced that the WQMP had been officially agreed and signed off by the Environment Agency and Natural England.
- 1.6 The WQMP includes a list of actions and investigations relating to all types of pollution sources which will help reduce the levels of phosphorous throughout the River Mease catchment and the River Mease SAC. One of the actions listed in the WQMP was to *“establish a developer contribution framework, in accordance with planning obligations best practice”* . Therefore, in order to establish the developer contribution framework, the Programme Board, led by North West Leicestershire District Council, commissioned consultants David Tyldesley Associates to produce the River Mease WQMP Developer Contribution Scheme (DCS) in conjunction with the Board.

## **2.0 THE DEVELOPER CONTRIBUTION SCHEME (DCS)**

- 2.1 The first Developer Contribution Scheme (DCS) was adopted by Cabinet on 21 November 2012.
- 2.2 The original DCS allowed for a first development window equating to approximately 2,400 dwellings to be constructed whilst also ensuring the removal of the required level of phosphorous (700 g per day). As 2400 dwellings have been approved or have resolutions

for approval, there is a need for a second development window and therefore a new developer contribution scheme to be adopted.

### **3.0 THE DEVELOPER CONTRIBUTION SCHEME 2 (DCS2)**

- 3.1 The need for DCS2 has also been identified in response to the housing requirements identified in the Publication Version North West Leicestershire Local Plan (Publication Version Local Plan). DCS2 has been subject to assessment under the Habitat Regulations and was identified as a key mechanism in providing the Council with the necessary confidence required in evidencing that development allocated in the catchment of the river will not have a significant effect on the River Mease SAC.
- 3.2 DCS2 will also enable the Council to grant planning permission for those pending applications for development in the River Mease catchment which have resolutions for approval, and additional, albeit limited capacity, for further development.
- 3.3 The Programme Board, led by North West Leicestershire District Council, again commissioned consultants DTA Ecology (set up to continue the work of David Tyldesley and Associates after it finished trading in 2015) to produce the DCS2 in conjunction with the Board.
- 3.4 DCS2 was initially published for consultation by North West Leicestershire District Council and South Derbyshire District Council in early December 2015, with the consultation period closing on 29 January 2016. However, during the consultation process it became apparent that improvements in water quality since DCS1 had not been adequately factored into the underlying calculations. As a result DCS2 could not identify sufficient measures to be funded by developer contributions which would provide enough capacity to allow for the housing requirements identified in the Publication Version Local Plan or the outstanding resolutions to approve planning permissions for a significant number of houses.
- 3.5 As a result, the Programme Board has agreed that the long term solution to facilitate development within the SAC needs to involve the pumping out of catchment of flows to Packington and Measham Waste Water Treatment Works. Following this decision, DTA Ecology has produced a revised version of DCS2 which will provide mitigation measures to facilitate approximately 1826 houses which are anticipated to come forward before flows from Packington and Measham Waste Water Treatment Works are pumped out of the River Mease catchment (see 3.6 below).
- 3.6 The Habitat Regulations assessment of the Publication Version Local Plan recognises that, upon implementation, the recent agreement of Severn Trent Water, the Environment Agency and Natural England in respect of pumping flows from Packington and Measham out of the River Mease catchment will provide an immediate solution to the impacts on the River Mease SAC from wastewater associated with development connecting to these works. As such, of the development provided for in the Publication Version Local Plan, 1150 dwellings are phased for delivery towards the end of the plan period following implementation of the scheme to pump flows out of the River Mease catchment (anticipated for delivery by 2025).
- 3.7 Consultation on the revised version of DCS2 was carried out between 27 June and 5 August 2016. As a result, four responses were received which have been reviewed by

DTA Ecology, Natural England, the Environment Agency, Severn Trent Water and the River Mease SAC Project Officer. As a result of the consultation, there were no changes made and DCS2 Final Version is now recommended for approval as a supplementary policy document. Members are advised that the full contents of the consultation responses and an overview of the responses are available to view in the Background Papers to this report.

- 3.8 The principle behind DCS2 remains the same, the polluter pays. DCS2 will apply to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC. DCS2 contains a formula to calculate the amount of phosphate that might be expected from certain types of development and allocates a cost per unit to those developments. Contributions will be sought on an equitable basis whereby different sized dwellings and commercial developments make different contributions relative to the scale of their potential impact. In order to satisfy the planning authorities, the Environment Agency and Natural England that new development is not likely to have an adverse effect on the River Mease, a contribution from each new development in line with the DCS2 will be necessary.
- 3.9 DCS2 provides a table (see Appendix 1 Table F5 page 17) on which the contributions from residential development can be calculated, depending on the number of bedrooms for each dwelling. For example, the likely costs to developers for a residential scheme of 100 houses with a mix of house sizes would be approximately £41,225. The equivalent cost for a scheme approved using DCS1 would have been approximately £25,300. While the amount of phosphate per dwelling remains the same from DCS1 to DCS2, as this is based on a fixed volume of wastewater based on estimated occupancy, what has changed is the cost to remove each milligram (mg) of phosphate. The cost per mg was £0.91 in DCS1 and this has risen to £2.50 in DCS2. This figure is calculated from the overall costs to deliver all the schemes identified as necessary to remove a given amount of phosphate and is why the contributions to be secured will now be higher.
- 3.10 DCS2 contains an action plan (Appendix 1) and sets out a list of measures that any contribution will be applied to. These include environmental improvements such as the installation of silt traps, river restoration schemes and the restoration of disused coal pits. DCS2 contributions will continue to fund the employment of a Project Officer for a further period of five years who will be responsible for ensuring that actions in DCS2 are implemented. The Project Officer will report to the River Mease WQMP Programme Board. The Council will continue to be the employing authority of the Project Officer.
- 3.11 DCS2 contributions will be directly applied to actions that help improve the water quality of the river and thereby help to restore the River Mease to favourable conservation status as required by the Habitats Directive. The contributions will be collected by North West Leicestershire District Council, South Derbyshire District Council or Lichfield District Council, depending on where the new development takes place, but as North West Leicestershire District Council is the authority likely to receive the largest contributions, it is proposed that the Council continues to act as the accounting authority for the total contributions received.

#### **4.0 BENEFITS OF THE DEVELOPER CONTRIBUTION SCHEME**

- 4.1 By adopting DCS2, the Council will continue to be in a position whereby it can grant planning permission for major new developments. Members will be aware that before the

adoption of the first DCS in 2012, in the few years proceeding, this was not possible and the absence of an approach to address the excessive nutrient levels within the SAC had resulted in a brake on economic development in this part of the district.

- 4.2 The ability to continue to allow major developments is consistent with the Council's Publication Version Local Plan and is entirely in line with the Government's commitment to the economic growth agenda and promotion of sustainable economic development outlined in the National Planning Policy Framework, which states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Furthermore, it will also enable the Council to demonstrate that the provisions of the Publication Version Local Plan are deliverable.
- 4.3 DCS2 will also give developers a degree of certainty in that their proposals will continue to be determined in a more timely fashion without the need for lengthy delays and additional costs in pursuing alternative methods of foul drainage disposal. However, Members should be aware that DCS2 will still only provide for a limited capacity for allowing new developments. The limitations on this capacity will only be lifted in the long term through the provision of a pipeline which will pump flows out of catchment by 2025. In the meantime, once DCS2 capacity is exhausted, there may be a need for a DCS3 which would be reliant on additional improvement actions being identified by the River Mease Programme Board. At this stage, it is impossible to say whether any such actions could be identified and whether it would be possible to adopt a DCS3.
- 4.4 The mechanism for securing the developer contributions required by DCS2 will be through Section 106 Agreements. The Council has provided standard Section 106 Agreements for developers so that the necessary contributions can be secured without significant delay to the process and to ensure that planning applications are determined within target wherever possible.
- 4.5 Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that any planning obligation to be taken into account in the determination of a planning application that is capable of being charged CIL must meet the following three tests:
- (i) be necessary to make the proposed development acceptable in planning terms;
  - (ii) be directly related to the proposed development; and
  - (iii) be fairly and reasonably related in scale and kind to the development.

DCS2 includes an analysis (see Appendix 1 - Page 7) which demonstrates how the planning obligations to be secured comply with the tests in Regulation 122. Whilst Regulation 123 of the Community Infrastructure Levy Regulations 2010 prevents the imposition of planning obligations for "infrastructure" if five or more separate planning obligations which provide for the funding or provision of that type of infrastructure has been entered into on or after 6 April 2010, the measures to be funded through the DCS are environmental protection measures and therefore not a "relevant infrastructure" as detailed within Regulation 123. The contributions obtained through DCS2 are therefore not subject to pooling restrictions.

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# RIVER MEASE SPECIAL AREA OF CONSERVATION WATER QUALITY MANAGEMENT PLAN

## DEVELOPER CONTRIBUTION SCHEME 2

**Final Version**

**June 2016**

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## River Mease Water Quality Management Plan: Developer Contributions Scheme (2)

This Developer Contributions Scheme (DCS) is a requirement of the River Mease Special Area of Conservation Water Quality (Phosphate) Management Plan (WQMP).

This document replaces the first DCS (dated October 2012) and is likewise divided into eight sections which are introduced below. Much of the document is unchanged from the original DCS with sections C.4, E & F having been updated.

- **Section A** sets the scope of the Developer Contributions Scheme and the development to which it relates
- **Section B** provides relevant background
- **Section C** explains the basis upon which the scheme is required and establishes the links to existing planning policy
- **Section D** provides the evidence base in relation to the negative effects of phosphorus
- **Section E** introduces how the contributions will be assigned and linked to the nature and scale of proposed development
- **Section F** sets out the list of measures that will be funded by the scheme with associated costings and specifies the contribution per dwelling
- **Section G** refers to the role of monitoring and ongoing review
- **Section H** considers the potential for bespoke solutions

### A Relevance of developments to this scheme

The developer contribution scheme (DCS) is relevant to development which results in a net increase in phosphorus load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC. The following wastewater treatment works are affected:

- Snarestone
- Norton juxta Twycross
- Donisthorpe
- Overseal
- Netherseal
- Measham
- Clifton Campville
- Packington
- Edingale
- Smisby
- Chilcote

All new development which contributes additional wastewater to the foul water catchment areas of the above treatment works will be subject to a developer contribution. Development for which connection to the mains network is not a viable option will continue to be addressed on a case by case basis; the DCS may provide a solution to such development depending on the specific circumstances of each case.

## B Background to the Developer Contribution Scheme

### B.1 The River Mease SAC

The River Mease was designated by the Secretary of State as a Special Area of Conservation (SAC) under the EC Habitats Directive<sup>1</sup> on the 1<sup>st</sup> April 2005. The SAC is protected through the provisions of the Conservation of Habitats and Species Regulations 2010 (SI No. 490), commonly referred to as the Habitats Regulations.

The SAC incorporates the Gilwiskaw Brook downstream of Packington village and the River Mease from its confluence with the Gilwiskaw Brook to its confluence with the River Trent. It is designated for its internationally important habitats and species, which are collectively referred to as its 'interest features'. Natural England has drawn up conservation objectives for these features which are set out below<sup>2</sup>:

#### **Conservation Objectives for the River Mease SAC**

With regard to the SAC and the natural habitats and/or species for which the site has been designated ('the Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

This document should be read in conjunction with the accompanying *Supplementary Advice* document which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

#### **Qualifying Features:**

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot  
S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish  
S1149. *Cobitis taenia*; Spined loach  
S1163. *Cottus gobio*; Bullhead  
S1355. *Lutra lutra*; Otter

*NB: The 'supplementary advice' referred to is not yet available*

Local planning authorities and the Environment Agency are 'competent authorities' under these regulations and must have regard to the requirements of the Habitats Directive in the exercise of any of their functions (regulation 9(5)).

<sup>1</sup> Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

<sup>2</sup> European Site Conservation Objectives for River Mease Special Area of Conservation Site Code: UK0030258 Publication date 30 June 2014

In addition to this general provision to 'have regard' to the Habitats Directive, the Regulations also set out further protection in relation to the assessment of plans and projects. Part 6 of the regulations incorporates both 'assessment provisions' which are relevant to *new* consents, permissions or other authorisations and 'review provisions' which relate to *existing* decisions and consents.

## **B.2 The Review of Consents**

In accordance with these provisions, the Environment Agency has completed a review of the consents for which they are responsible, which were considered to be relevant to the River Mease SAC. Poor water quality, mainly due to high levels of phosphorus, was identified as representing a threat to the ability of the river to support its internationally important features in a sustainable way (referred to as the 'integrity' of the SAC in the Regulations). The review identified the need for stricter phosphorus limits at several treatment works, which have either been implemented, or are scheduled to be implemented over the next few years. In addition to these modifications, it was also recognised that further action, over and above the imposition of tighter phosphorus limits, needed to be taken by the Environment Agency (and other competent authorities) to ensure that their consents do not pose a threat to the SAC over the long term.

## **B.3 The Water Quality Management Plan**

The further action identified through the Environment Agency review will be coordinated by, and implemented through, a long term Water Quality Management Plan (WQMP) for the River Mease SAC. The plan was finalised in June 2011<sup>3</sup> with a primary purpose to '*reduce the levels of phosphate within the River Mease SAC, to enable the Conservation Objectives for the SAC to be met, and an adverse effect upon the SAC avoided*'; the primary objective of the WQMP is that '*the combined actions will result in a reduction in phosphate in the River Mease to no more than 0.06mg/l*<sup>4</sup> (this is the amount in milligrams per litre of the soluble reactive portion of the chemical phosphorus that should not be exceeded, and is referred to in the rest of this document as the 'Conservation Objective target').

With this plan now in place it is the view of the Environment Agency, as the relevant 'competent authority' in respect of discharges to the river, that action to be taken through the WQMP will ensure that their existing consents do not adversely affect the integrity of the SAC. This reliance on 'further action' effectively provides for a situation, such as that on the River Mease SAC, where existing consents *contribute* to an ongoing problem rather than causing it. Action to address the phosphate exceedence should have regard to the overall circumstances in the designated site, taking account of all potentially available measures; action taken forward should be the '*least onerous*' to those affected (regulation 64(4)).

The WQMP is currently entirely concerned with reducing levels of phosphate to enable the conservation objectives target to be met. It is therefore directly connected with and necessary to the management of the River Mease SAC. As such, both the plan itself and this developer contribution scheme are excluded from the assessment provisions of the Habitats Regulations.<sup>5</sup>

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<sup>3</sup> River Mease SAC Water Quality (Phosphate) Management Plan version 1.0, 27<sup>th</sup> June 2011.

<sup>4</sup> This target has since been revised (refer primary objective of DCS on page 6)

<sup>5</sup> Ref Regulation 61(b)

#### **B.4 Why can action not be taken sooner?**

The Habitats Regulations do not specify a timescale within which such action must 'secure' the integrity of the SAC. Effects on site integrity can be highly complex in nature and are not always amenable to short term control; the nature of such action may need to involve long term management initiatives. Longer term approaches, such as the one being taken to address the high phosphate levels within the River Mease, are also reflected in the provisions of the Habitats Directive<sup>6</sup> (which is one of the underlying European directives transposed through the provisions of the Habitats Regulations). Article 6(1) requires, where necessary, appropriate management initiatives as part of the overall framework of protection for SACs, it states that:

***“Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites..... which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites”.***

The review provisions themselves (in relation to the existing permitted activities affecting the river) are closely linked to the Article 6(2) obligation for Member States to *'take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats'*. The taking of steps to 'avoid deterioration' is not limited to action on currently permitted activities (such as the sewage treatment works), but such action is considered to be an 'appropriate' step in this case. Appropriate steps to avoid deterioration for the River Mease SAC therefore comprise:

- a) General action unrelated to any given 'consent or other authorisation', such as that taken forward through the long term management initiative in the River Mease WQMP and the River Mease SSSI/SAC Restoration Plan; and
- b) Specific action on existing consented activities (eg: wastewater treatment works), which is being taken forward through the regulation 63 review provisions.

The WQMP is a key mechanism to enable all of the various public bodies to ensure appropriate steps are taken to avoid deterioration, alongside modifications to existing consents themselves.

#### **B.5 What is a developer contribution?**

A developer contribution is made by a landowner or developer to ensure that where planning permission is granted for new development any impact on the environment is in accordance with appropriate regulatory obligations and the infrastructure (eg transport and schools) necessary to support the development is provided.

By securing these contributions, Planning Authorities can help to improve the quality and sustainability of individual development schemes and their acceptability to local communities.

#### **B.6 What is a Planning Obligation?**

Developer contributions are normally secured through a ***“planning obligation”***. This is a legal commitment by the developer to secure a contribution (in cash or in kind) to address

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<sup>6</sup> Council Directive 92/43/EEC on the Conservation of natural habitats and of wild flora and fauna

community, infrastructure or environmental improvement needs associated with development. It may be a bilateral agreement between the Local Planning Authority and the developer, or simply a unilateral undertaking by the developer to provide the same. These are a proper and recognised part of the planning system and are normally entered into under Section 106 of the Town and Country Planning Act 1990 (as amended). While Regulation 123 of the Community Infrastructure Levy (CIL) Regulation prevents the imposition of planning obligations for “infrastructure” if five or more separate planning obligations which provide for the funding or provision of that type of infrastructure have been entered into on or after 6<sup>th</sup> April 2010, the measures to be funded through the Developer Contribution Scheme are “environmental protection measures” and so are not subject to pooling restrictions. As such the responsible local authorities will continue to secure developer contributions through planning obligations / CIL to fund the short term and long term measures identified in Appendix 1.

Planning obligations can be used to secure benefits on the development site itself or on other suitable sites close to the proposed development (as long as they are directly related to the development). Developers may be requested to make a payment of money to the relevant Local Planning Authority, to be spent on agreed benefits or for the maintenance of them.

Historically, planning obligations have tended to be used to secure infrastructure improvements only from the larger development sites. However in respect of the impacts on the River Mease, the Developer Contribution Scheme provides a strategic approach to offsetting the negative effects of development and includes a mechanism for gaining contributions from all new development which connects to mains drainage, and non-mains development where considered to be appropriate.

## C The requirement for a Developer Contribution Scheme

The WQMP includes a list of actions and investigations relating to all types of sources which will help reduce the levels of phosphorus throughout the catchment and the River Mease SAC. One of the actions listed in Table 5.1 of the WQMP is to 'establish a developer contribution framework, in accordance with planning obligations best practice'. The 'outcome' for such action is given as 'developer contributions fund a programme of actions to restore and provide new benefits to the river'.

**The primary objective of the developer contribution scheme (DCS) is therefore to mitigate the negative effects of development. In doing so, the DCS will ensure that new development does not compromise the primary purpose of the WQMP; to reduce the levels of phosphate within the River Mease SAC to no more than 0.04mg/L in Gilwiskaw Brook and 0.05mg/L in the River Mease to Croxhall.**

### ***C.1 Why a developer contribution is required when there is 'headroom' available at the sewage treatment works?***

There may be volumetric 'headroom' or 'capacity' available, for new development within the specific limits of the existing wastewater treatment work consents that discharge to the River Mease. However, it is important to recognise that the availability of such headroom is reliant on the WQMP being in place (because such consents were only affirmed *with* headroom under regulation 64(3), on the basis of the action '*to be taken*' through the plan). The availability of such headroom is therefore subject to any provisions or restrictions set out within the WQMP itself.

In spite of such consented headroom being available, the WQMP recognises the negative potential for any increases in phosphorus associated with new development to off-set any reductions that may be achieved through positive actions taken forward as part of the overall WQMP. The developer contribution scheme therefore provides a mechanism through which new development which increases P load to the river will mitigate the negative effects of development, as part of the overall package of reductions being delivered through the wider WQMP and the permit modifications identified through the review. **New development that contributes to the scheme will not conflict with the overall objectives and purposes of the WQMP.**

### ***C.2 Roles and Responsibilities***

Whilst the responsibility for the WQMP is shared between the Environment Agency and Natural England, its implementation relies on a wider partnership, including the relevant local planning authorities. The responsible local authorities in areas where the DCS is likely to apply are North West Leicestershire District Council, South Derbyshire District Council and Lichfield District Council. It has been agreed that North West Leicestershire District Council will take a lead role on behalf of all the responsible local authorities and will facilitate co-ordination of the DCS between them where necessary.

### **C.3 Development affected by the DCS**

As outlined in section A, the DCS currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC. Development for which connection to the mains network is not a viable option will continue to be addressed on a case by case basis; the DCS may provide a solution to such development depending on the specific circumstances of each case.

Contributions are sought on an equitable basis whereby different sized dwellings make different contributions relative to the scale of their potential impact. Further detail is provided in section F below dealing with assignment of the developer contribution.

### **C.4 Links to Planning Policy**

It is necessary to link the requirement for a developer contribution to planning policy. The National Planning Policy Framework, which came into effect on 27<sup>th</sup> March 2012, places the highest level of policy protection on European sites, such as the River Mease SAC, designated for their international nature conservation importance. Paragraph 119 makes it clear that the Framework's presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

The planning authorities are all embedding relevant policies relating to the protection of the River Mease into their Local Development Framework documents, to which the Developer Contribution Scheme will be linked in the future, as summarised below

- The South Derbyshire Part 1 Local Plan includes a number of policies which seek to improve water quality in watercourses throughout the District. In respect of the River Mease Special Area of Conservation key policies include Policy SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure) which seeks to secure financial contributions from relevant developments that could lead to a deterioration in water quality in the SAC and BNE3 (Biodiversity) which supports long term plans to restore the River Mease to a more natural condition and improve water quality.
- The Lichfield District Local Plan Strategy was adopted on 17<sup>th</sup> February 2015 and contains relevant policies to protect and enhance designated sites such as SAC and SSSI (Core Policy 13: Our Natural Resources); a generic policy which protects and enhances protected species and their habitats (Policy NR3) and a policy specifically relating to the impacts of development upon the River Mease SAC (Policy NR8).
- In the North West Leicestershire Local Plan, Policy En2 'River Mease Special Area of Conservation' is a bespoke policy referring to the Water Quality Management Plan and this Developer Contribution Scheme.

All the planning authorities will progress the production of relevant supplementary planning documents where appropriate, including those covering detailed development management policies and developer contributions.

There is therefore an adequate policy framework at national, local and emerging Local Plan level intended to protect the River Mease and providing a sound policy basis for this developer contribution scheme.



## D The Evidence Base

### ***D.1 Historic monitoring data for phosphorus loading to the River Mease catchment***

Monitoring data<sup>7</sup> shows that there have been significant improvements in phosphate concentrations within the River Mease from 2005 to present. These reductions are largely as a result of improvements to sewage treatment work discharges implemented by Severn Trent Water as a result of changes identified by the Environment Agency through their review of consents. Whilst the improvements have resulted in significant reductions to phosphate levels, and associated benefits to ecological functioning, the conservation objective target needed to support the internationally important features of the River Mease SAC over the long term has not yet been met.

### ***D.2 The effects of phosphorus on ecological functioning***

A recent Natural England Research Report<sup>8</sup> identified the key biodiversity concerns that are associated with nutrient enrichment as being:

- a) Changes in the composition and increased abundance/biomass of the algal community.
- b) Changes in the composition and increased abundance/biomass of the rooted aquatic plant community, with a reduction in extent of species adapted to conditions of lower nutrient availability.
- c) A choking of river channels with submerged higher plants and algae, with high nocturnal respiration rates and diurnal sags in dissolved oxygen in the water column.
- d) Loss of aquatic plant abundance associated with algal smothering of riverbed substrates, attracting enhanced siltation and causing poor substrate conditions for benthic invertebrates and fish species with a requirement for coarse open sediments with high interstitial dissolved oxygen concentrations.
- e) Changes in invertebrate and fish community abundance and composition associated with changes in the plant community.

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<sup>7</sup> See data presented in section 3.4 and Appendix 7 of the WQMP

<sup>8</sup> Natural England Research Report NERR034: An evidence base for setting nutrient targets to protect river habitat. Mainstone, Nov 2010.

## E Measures to reduce phosphorus

The phosphate concentrations in the River Mease are contributed by one of two types of sources: point sources (primarily sewage treatment works), and diffuse sources (both urban and rural). There are various measures that can be taken to reduce phosphorus loading to the River. In order to secure a given environmental standard such as the conservation objective target, action will need to be aimed at both diffuse and point sources. Information contained within Appendix 8 of the WQMP considers the significance of action on both sources; reductions in diffuse sources become more significant as tighter point source limits are secured.

### E.1 The Water Quality Management Plan

The actions tables contained within section 5 of the WQMP detail the broad range of measures being progressed as part of the WQMP. The DCS is one such measure, to mitigate the negative effects of new development, thereby ensuring that such development does not compromise the primary purpose of the WQMP. The DCS will identify further actions, over and above those already progressed through the WQMP that will be implemented, managed and monitored through the use of developer contributions.

The funding streams for the DCS and the wider WQMP are intentionally separated in order to demonstrate that the tests of paragraph 204 of the National Planning Policy Framework 2012 are met, namely that the related planning obligations through which they would be collected would be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Moreover:

- a. Developer contributions will not be used to deliver the wider UK obligations required under Articles 6 (1) and (2) of the Habitats Directive in relation to management measures and appropriate steps to avoid deterioration.
- b. Phosphorus reduction measures delivered through the WQMP will achieve overall *reductions* in phosphorus levels in the river, rather than simply off-setting increases associated with new development and thereby maintaining the status quo.

The measures being progressed through the WQMP include wider investigative actions, aimed at improving the evidence base against which to better understand both the main sources of phosphorus within the catchment, and the potential reduction measures that offer the most likely benefits in terms of tangible phosphorus reductions. Action funded through developer contributions however must be linked to the negative effects associated with development; the primary objective of the DCS being to *mitigate* them.

In order for actions funded through the DCS to *mitigate* the negative effects of development, they must lead to phosphorus reductions. Actions which are purely investigative in nature cannot provide such mitigation; whilst they may add to the evidence base against which mitigation measures are considered, they do not lead to actual reductions in the river and hence will not themselves *mitigate* the effects of development. Subject to the provision in section H, in relation to investigative elements of a bespoke solution which are considered by the planning authorities and Natural England to be of such significance as to provide benefits of primary importance to the overall objectives of the wider WQMP, investigative actions will not generally be appropriate for funding through the DCS.

## **E.2 The River Mease Restoration Plan**

The River Mease SSSI/SAC Restoration Plan<sup>9</sup> was finalised in March 2012 to help achieve the objectives of the Habitats Directive and Water Framework Directive. The aim of the restoration plan is ‘*to identify river restoration and enhancement actions that can address physical modifications to the River Mease SSSI/SAC which contribute to unfavourable condition*’. The plan intends to provide a framework for the improvement of the River Mease SSSI/SAC for the next 20 -30 years and includes an outline restoration plan for the river on a reach by reach basis.

Whilst measures within the Restoration Plan can be linked to site management and the avoidance of deterioration, the scope of the plan goes beyond Article 6(1) and 6(2) obligations. The actions identified are broader than those which would otherwise happen under those general UK duties.

The plan incorporates a range of restoration measures, some of which can be directly linked to associated benefits in terms of reducing levels of phosphorus. The different categories against which actions are listed have been considered by relevant specialists and those which provide benefits in terms of phosphorus reductions have been identified.

## **E.3 Further potential mitigation measures**

Beyond the implementation of measures identified within the River Restoration Plan referred to in E.2 above, further measures have been identified for DCS2 which could deliver phosphate reductions. These are briefly summarised below:

- **Compensatory surface water removal:** this is where DCS funds remove surface water from the main sewage network thereby reducing the volume of flow (and hence the amount of P) entering the river. By way of example, potential schemes might involving rainwater harvesting from public amenity buildings (such as schools or libraries), where surface water currently goes into the foul sewer. Once collected this ‘grey’ water could be for reused within the buildings facilities such as water supply for flushing toilets. This would reduce the overall wastewater flows from the building and also reduce water usage providing additional sustainability benefits.
- **Sustainable urban drainage schemes (SuDS):** SuDS schemes are generally associated with a reduction in other pollutants entering the river (such as sediment and pollutants from roads). There are circumstances however where the location and design of a SuDS scheme might also deliver associated phosphate reductions.

## **E.4 What about measures at the wastewater treatment works?**

Direct improvements to the wastewater treatment works (WWTW) themselves would provide an efficient means of mitigating the negative effects of development, and would be easily managed and monitored through the ongoing operation of the works. Severn Trent Water has advised however that whilst this would appear to be a *logical* use of developer contributions it would not be a *lawful* use of such contributions.

Severn Trent Water has a general duty under section 94 of the Water Industry Act to effectually drain the area. It is the opinion of Severn Trent Water, following the *Barratts Homes Ltd v Dwr Cymru Cyfyngedig (Welsh Water) [2009] UKSC 13 case* (“Barratts case”),

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<sup>9</sup> River Mease SSSI/SAC Restoration Plan, Environment Agency and Natural England, March 2012.

that the law has been clarified such that this general duty extends to sewerage systems as well as sewage treatment works. To this end if either a) additional capacity or b) improvement (commonly referred to as 'quality obligation') is required at a WWTW these must be funded by Severn Trent Water. Whilst this may appear to be somewhat frustrating to the situation on the River Mease, such restrictions are necessary to ensure that a water company meets its obligations in a manner that represents the least possible cost to customers. Accepting additional quality obligations outside of the normal procedures will, in effect, place an additional burden on customers that will not have been subject to the proper OFWAT scrutiny, even if they are third party funded.

Of critical importance to the development of DCS2, is an agreement which has been reached since the development and implementation of DCS1. Following recent discussions between Natural England, the Environment Agency and Severn Trent Water, the following statement has been issued.

*Severn Trent, Environment Agency and Natural England have assessed the options to meet the SAC conservation objectives in relation to flow and phosphate, and agree that pumping sewage effluent from Packington and Measham sewage works out of the Mease catchment is the most effective long term solution.*

*The primary reason to move flow out of the River Mease catchment would be to ensure the SAC flow targets are met. In addition this will also remove phosphate for which the River Mease is currently failing to meet the SAC target.*

*All parties are committed to working together to progress the development of an appropriate scheme with a view to it being included in the next round of the asset management planning process for scrutiny within the 2019 Periodic Review.*

*It is fully accepted by all parties that implementation of such a solution will take time and would be subject to appropriate scrutiny by OFWAT in respect of the necessary investment costs by Severn Trent Water being passed onto their customers.*

By way of clarification, as set out above, the scheme to pump flows out of the catchment will not be funded by developer contributions as this would not be a lawful use of such contributions. The delivery of such a scheme will be subject to appropriate scrutiny by OFWAT and funded by Severn Trent Water.

### **E.5 The delivery of DCS2 measures**

The need for DCS2 has been identified in response to the development allocations within the North West Leicestershire District Council Local Plan, which is currently being finalised. The Local Plan was subject to assessment under the Habitats Regulations<sup>10</sup> and the Developer Contribution Scheme was identified as a key mechanism to provide NWLDC, and other LPAs, with the necessary confidence that development allocated within the catchment of the river will not be likely to have a significant effect on the River Mease SAC.

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<sup>10</sup> DTA Ecology Shadow Habitats Regulations Assessment to inform the HRA of the Local Development Plan, June 2016.

The HRA of the Local Plan recognises that, upon implementation, the recent agreement in respect of pumping flows from Packington and Measham out of catchment will provide an immediate solution to the impacts upon the River Mease SAC from wastewater associated with development connecting to these works. As such, of the development provided for within the Local Plan, 1150 dwellings are phased for delivery towards the end of the plan period, following the implementation of the scheme to pump flows out of catchment (anticipated for delivery by 2025). The need for DCS 2 is limited to the delivery of mitigation to facilitate the remaining 1826 additional dwellings which are anticipated to come forwards before the flows are pumped out of catchment. On the basis of the estimated 'Volume to Mains' provided in table F.3, an estimate of phosphate contributions from these dwellings (assuming 1826 three bedroom dwellings) would be an additional 509m<sup>3</sup>/day of treated effluent entering the Mease catchment.

## F Assigning the Developer Contribution

### F.1 How different types and scales of development generate phosphorus

Phosphorus associated with development is primarily derived from household detergents and human waste. Wastewater from new development within the foul water catchment of the River Mease is ultimately discharged into the river following treatment at the local sewage treatment works.

The main sewage treatment works that discharge to the River Mease are subject to consent limits for phosphorus. The treatment works which contribute 89% of the phosphorus load to the river from point sources are subject to a 1mg/L total phosphorus limit (category A works); the smaller works which contribute the remaining 11% of the P load have a consent limit of 2mg/L total phosphorus (category B works).

- **Category A works** with a 1mg/L limit include Packington, Measham, Donisthorpe, Overseal and Snarestone
- **Category B works** with a 2mg/L limit include Netherseal, Clifton Campville, Edingale and Norton Juxta.

These limits represent the maximum concentration permissible under the relevant environmental permit. Due to existing operating practices the water companies tend to operate at levels below these limits to ensure compliance; it is simply not possible to manage the works in such a way to achieve a steady concentration of total phosphorus at the consent limit.

On a precautionary basis therefore, it follows that for every 1 litre of flow derived from new development connected to category A works, a maximum of 1mg of phosphorus will be discharged to the river. Likewise, for every 1 litre of flow derived from new development connected to a category B works, a maximum of 2mg of phosphorus will be discharged to the river.

The phosphorus loading to the river from new development is directly linked to the volume of flow generated by new development. For residential development, this in turn is linked to the occupancy of the new dwellings. For non-residential development, this will instead be linked to the nature and scale of the proposed development which will need to be assessed on a case by case basis.

It is therefore possible to estimate the phosphorus contribution to the River Mease from new development on the basis of the estimated flow from the development concerned and the consent limit at the sewage treatment works to which the development will connect.

The increase in phosphate loading to the river associated with development is dependent on which receiving works the flow is directed to. On a precautionary basis, DCS1 was drafted on the assumption that all flow would be directed to a works operating at 1mg/L. However monitoring of effluent flows during the implementation of DCS1 has provided evidence that adopting this approach for the purpose of DCS2 may be excessively precautionary. By way of example, whilst the existing permit at the works set a limit of 1mg/L, recent monitoring data of effluent quality is as follows:

Treatment Works	Relative proportion of dry weather flow (DWF) into catchment	Average effluent P concentration
Packington	60%	2011-2014 = 0.47mg/l 2015 – now = 0.14mg/l
Measham	18%	2014 – current = 0.69mg/l
Donisthorpe	10%	2014 – current = 0.27mg/l
Overseal	6%	2014 – current = 0.33mg/l
Snarestone	6%	2014 – current = 0.68

Table F.1: Monitoring data of average effluent concentrations from treatments works pumping into the Mease catchment

Taking the average effluent quality and applying a weighting to take account of the relative proportion of dry weather flow (DWF) the average phosphate concentration from effluent being discharged into the Mease catchment over the last two years is 0.494mg/L. In light of this data, whilst it is appropriate to take a precautionary approach to the development coming forwards through DCS2, this should not be excessive. The basis upon which contributions are sought needs to be reasonable.

For the purpose of DCS2, the spatial distribution of the number of dwellings provided for within DCS2 is largely known. It is therefore possible to more accurately estimate the phosphate loading from DCS2, taking account of the number of dwellings connecting to each works. A precautionary yet reasonable estimate of the average effluent phosphate concentration from each receiving works has been agreed by the Technical Group as set out below. An average phosphate concentration from all works discharging into the Mease catchment (on the basis of these precautionary estimates) is applied to Windfall development, where the receiving works is not yet known.

Treatment Works	Number of dwellings	Precautionary P conc in effluent	Volume to mains	P contribution
Packington	749	0.5mg/L	210 m <sup>3</sup> /day	105g/day
Measham	539	0.9mg/L	150 m <sup>3</sup> /day	135g/day
Donisthorpe	76	0.5mg/l	21 m <sup>3</sup> /day	11g/day
Overseal	0	N/A	-	-
Snarestone	12	0.9mg/L	3.3 m <sup>3</sup> /day	3g/day
WINDFALL (STW unknown)	450	0.6mg/L	125 m <sup>3</sup> /day	75g/day
<b>TOTAL P contribution from DCS2</b>				<b>329 g/day</b>

Table F.2: Phosphate loading to river from development provided for within DCS2

## **F.2 How phosphorus reductions will be assigned**

Prior to the collection of any contributions, work has been undertaken by the Technical Group members to identify a suite of measures which are considered to mitigate the negative effects of development which is assigned to this development 'window' (see Appendix 1 for further details). For each proposed measure an estimate has therefore been made of the phosphorus that is expected to be removed upon implementation. Due to the nature of the available measures, and the complexities of working within a highly dynamic natural riverine ecosystem, estimates have had to be based on best available information and expert judgement.

Phosphorus reduction values for each measure have been estimated by relevant experts within the Environment Agency and Natural England, but a degree of uncertainty is unavoidable. If the DCS is to *ensure* effective mitigation of the negative effects of development, these uncertainties need to be acknowledged and addressed. The DCS proposes to address these uncertainties in three ways.

- a) Firstly, uncertainties will be minimised by relevant experts taking a precautionary approach to the estimated reductions that will be associated with each measure, such that achieving a greater reduction than anticipated is more likely than achieving less.
- b) Secondly, whilst being reasonable, the estimates of phosphorus load from new development remain precautionary in light of recent monitoring data of actual effluent quality.
- c) Thirdly, where feasible, ongoing monitoring of measures to best assess the *actual* reductions achieved upon implementation is an integral part of the DCS, together with monitoring of the final effluent to calculate the *actual* P load associated with the additional flow. The rolling review model allows for the monitoring results from one 'window' to feed into the actions progressed through the next 'window'. This will ensure that the measures taken forward *overall* will mitigate the negative effects of development.

It is acknowledged that the precautionary manner in which the DCS deals with uncertainties may well result in monitoring showing that the measures within a given 'window' actually removed more phosphorus than was anticipated. The complexities of working within such a complex and dynamic environment means that the potential for such a scenario is unavoidable if the DCS is to be progressed in a manner which ensures mitigation for the negative effects of development. Any benefits to the SAC over and above mitigating the negative effects of new development, if realised, can be considered to be of wider biodiversity gain, in accordance with the WQMP and the National Planning Policy Framework.

## **F.3 How contributions will be linked to phosphorus reductions**

DCS2 will be taken forward in a strategic manner such that, as far as possible, the costs associated with the measures identified for each development window will be calculated up front. The overall financial costs associated with the delivery, management and monitoring of those measures can then be calculated per mg of phosphorus to be removed per day.

Contributions for each window will be assigned in a fair and equitable manner on the basis of the phosphorus load associated with each development proposal. As set out in section F1



above, the phosphorus load can be calculated from the volume of water going to the mains from each development proposal in light of the relevant phosphorus consent limit at the receiving sewage treatments works.

In terms of residential development the following volumes are assumed, which have been calculated on the basis of the average occupancy values<sup>11</sup> for proposed dwellings. Part G of the Building Regulations requires all new homes to achieve *domestic* water consumption of a maximum of 120 litres/head/day (125 litres/head/day if garden water usage is included).

Size of dwelling	Average occupancy	Volume to mains (L/day) (at 120 l/h/d)
1 bed	1.17	140.4
2 bed	1.72	206.4
3 bed	2.32	278.4
4 bed +	3.24	388.8

Table F.3: Assumed volume to mains based on size of dwelling and average occupancy

Non-residential development will need to be assessed on a case by case basis with the contribution being calculated on the basis of the estimated volume of wastewater to mains associated with the nature and scale of the development being proposed.

In order for the DCS to mitigate the negative effects of development, it is important that the reduction measures are implemented in a timely manner which reflects the rate at which development comes forward. Payment of developer contributions will therefore be due upon implementation. In the case of larger scale development, phased payment can be negotiated with the planning authority on a case by case basis as appropriate.

#### **F.4 Projects and Cost Allocations**

The actions list will need to ensure that the overall objective of the DCS (to mitigate the negative effects of development) is secure. To realise this objective the DCS will need to address the requirement for the list of specific phosphorus reduction actions to be adequately managed and monitored. It is therefore envisaged that the overall actions list will be broken down into:

- Phosphorus reduction actions (including any ongoing maintenance)
- Monitoring actions (to monitor the effectiveness of the phosphorus reduction actions allowing the DCS to adapt accordingly)
- Management actions (to co-ordinate and manage the implementation of the list of phosphorus reduction and monitoring actions)

The second development window has been set for 329g of P. A full list of actions associated with DCS2 which are considered to mitigate the negative effects of development which will contribute an additional 329g phosphate, in both the short and long term (as necessary), is provided in Appendix 1, including a breakdown of estimated costs.

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<sup>11</sup> As provided by NWLDC

From Appendix 1 it can be seen that the cost of phosphorus mitigation measures to remove 329g of P, in both the short and long term, during the first phase of the second development window is £821K. This is equivalent to approximately:

**£2,495 / g P / day**

**or**

**£2.50/ mg P / day**

As set out in E.5 and F.1 above, the development provided for within DCS2 will contribute an additional flow to the sewage treatments works of 509m<sup>3</sup>/day. This in turn will lead to an additional phosphate loading of 329g P/day which is equivalent to an average effluent phosphate concentration of **0.65 mg P / day**. On the basis of the volume to mains data set out in table F.3 above, the P loading to the river is as follows:

Size of dwelling	Average occupancy	Volume to mains (L/day)	P loading to river (mg/day)
1 bed	1.17	140.4	91
2 bed	1.72	206.4	134
3 bed	2.32	278.4	181
4 bed +	3.24	388.8	253

Table F.4: Assumed P loading based on sustainable homes standard and volume to mains

On the basis of the cost allocations for the list of actions identified in relation to DCS2 set out in Appendix 1, the cost for removal of 1 mg/day of phosphorus is given as £2.50. The contributions for residential development can therefore be calculated by multiplying the daily phosphorus loading (mg) from each dwelling type (in table F.4) by 2.5, and are provided in table F.3 below:

Size of dwelling	Average occupancy	DCS Contribution
1 bed	1.17	£228
2 bed	1.72	£335
3 bed	2.32	£453
4 bed +	3.24	£633

Table F.5: DCS2 contributions from residential development

## **F.6 Contributions from non-residential development**

The contributions from non-residential development will be calculated on a case by case basis in light of the estimated increased phosphorus loading to the river, which in turn is calculated from the estimated volume of wastewater to mains associated with the nature and scale of the development being proposed whereby:

$$\text{Contribution (£)} = \text{P load to river* (mg/day)} \times 2.5$$

\*the P load to the river (mg/day) is equal to the volume (L/day) from proposed development multiplied by the P consent limit at the receiving works (ie: 1mg/L for category A works and 2mg/L for category B works as set out in section F1 )

New trade effluent discharges to sewer are subject to trade effluent permits which are issued by the sewerage undertaker. Trade effluent permits contain a volumetric condition in cubic metres per day. This volumetric condition can be used to calculate the developer contribution where a trade effluent permit is required.

Non residential development which does not require a trade effluent permit from Severn Trent Water should estimate wastewater flow with reference to existing Environment Agency recommended guidance 'Flows and Loads-3'<sup>12</sup>.

### ***F.7 Selection of a rolling allocation***

The DCS has been implemented on the basis of a rolling allocation whereby sequential development 'windows' are identified. Due to uncertainties associated with the rate at which development will come forward, **each allocation 'window' is based on an overall total phosphorus load from new development assigned to that window.**

All contributions will fund the measures identified for the relevant development window until the phosphorus load allocation for that window has been assigned to development.

*This second 'development window' has a phosphorus load allocation of 329g/day, the developer contributions associated with this second window will together fund measures to remove at least 329g/day of phosphorus from within the catchment, both in the short and long term.*

*Once these measures have been delivered, any further development will be part of a subsequent development window. Further information is provided within section G below.*

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<sup>12</sup> 'Flows and Loads – 3: Sizing criteria, treatment capacity for sewage treatment systems'. British Water Code of Practice 2009

## **G Recording, Monitoring and Review**

Monitoring is a key aspect of the DCS; where feasible monitoring the effectiveness of the proposed phosphorus reduction actions across the SAC is important to provide the appropriate level of confidence for the local authorities to rely on them to mitigate the negative effects of development.

Monitoring to be undertaken will be twofold:

- a) Firstly, where feasible, the phosphorus reduction actions will be monitored, to identify the *actual* phosphorus reduction achieved within a given development window.
- b) Secondly, the final effluent phosphorus concentrations will be monitored to identify the *actual* phosphorus load associated with the additional flow from new development progressed within the given development window.

As long as the monitoring results show that the anticipated reductions have been achieved), the DCS will meet its primary objective.

The monitoring results will also be used to inform the consideration of future development windows.

### **G.1 Future Development Windows**

When the phosphorus allocation assigned to this development window is approaching the point where all the allocation will have been apportioned, a new development window will be considered. The development of this second DCS does not imply that viable actions to mitigate the negative effects of development will continue to be available over the long term. At the end of each development window a decision will be taken as to whether sufficient viable mitigation measures can be achieved in practice to allow for further development to be delivered, through the assignment of a new development window.

In this way, development is only progressed when actions to mitigate further phosphorus loading to the river are considered to be achievable in practice. The findings of the wider investigative actions delivered through the WQMP may inform the identification of novel reduction measures that can be delivered through subsequent development 'windows'. If a stage is reached whereby no further viable actions to remove phosphorus are achievable in practice then further new development will not be progressed unless any additional wastewater is dealt with in a way that would not compromise the primary objective of the WQMP.

The rolling review model will allow for the DCS to adapt accordingly in response to monitoring data. If monitoring were to show that the actions had failed to deliver sufficient phosphorus reductions, adjustments to the subsequent 'window' could potentially be used to offset any difference.

The measures referred to in section F3 should reduce the likelihood of the DCS removing less phosphorus than anticipated. It is not therefore considered likely that monitoring results will show any shortfall. However the DCS needs to consider this possibility, however unlikely, and address it. In order to ensure that the DCS meets its primary objective, to

mitigate the negative effects of development, where a development window fails to achieve sufficient phosphorus reduction, the contributions in subsequent development windows would need to off-set the difference. Consequently it is possible, that in a future window the contributions sought may need to fund phosphorus removal over and above that associated with the actual development delivered in that window. The desire to avoid such a scenario underpins the need for the precautionary approach outlined in section F3.

The list of measures associated with future development windows, and the corresponding phosphorus load allocated, are dependent upon the availability of appropriate measures at that time. It is considered likely that the associated costs of the measures for future windows will vary from one development window to the next, with associated variations in actual financial contributions sought.

The recommendations of the North West Leicestershire Water Cycle Study will be used to inform the consideration of future development windows. Once the maximum consented 'headroom', or dry weather flow capacity limits are reached, Severn Trent Water would need to apply for a new permit. At such a time the ongoing requirement for a developer contribution scheme will be considered in light of the permitting options available to provide for future growth.

## **H Bespoke Solutions**

The purpose of the DCS is to provide a strategic approach to mitigation that facilitates the delivery of new development within the catchment. The DCS does not preclude the local authority deciding to assess a particular individual planning application independently. Equally, when making an application, a developer could ask the authority to assess the application separately from the DCS. The planning authorities and Natural England remain committed to considering any bespoke mitigation proposals put forward on a case by case basis.

As outlined in section E1, investigative studies are not generally considered to provide the 'mitigation' required through the DCS, and there will be a presumption against their acceptance as bespoke solutions. However where investigative elements of a bespoke solution are considered by the planning authorities and Natural England to be of such significance as to provide benefits of primary importance to the overall objectives of the wider WQMP, they will be considered on their merits in light of the other measures proposed with them.

## Appendix 1:

### ***Measures to be funded through the Developer Contributions Scheme 2 (DCS2)***

**FINAL VERSION (June 2016)**

The need for DCS2 has been identified in response to the development allocations within the North West Leicestershire District Council Local Plan, which is currently being finalised. The Local Plan was subject to assessment under the Habitats Regulations<sup>1</sup> and the Developer Contribution Scheme was identified as a key mechanism to provide NWLDC with the necessary confidence that development allocated within the catchment of the river will not be likely to have a significant effect on the River Mease SAC.

The HRA of the Local Plan identified the need for DCS2 to deliver mitigation to facilitate the delivery of 1826 dwellings. On the basis of the estimated P loadings to the river from receiving works provided in E&F of DCS2, an estimate of phosphate contributions from these dwellings represents an increased loading of **329g P/day**.

Of critical importance to the development of DCS2, is an agreement which has been reached since the development and implementation of DCS1. Following recent discussions between Natural England, the Environment Agency and Severn Trent Water, the following statement has been issued.

*Severn Trent, Environment Agency and Natural England have assessed the options to meet the SAC conservation objectives in relation to flow and phosphate, and agree that pumping sewage effluent from Packington and Measham sewage works out of the Mease catchment is the most effective long term solution.*

*The primary reason to move flow out of the River Mease catchment would be to ensure the SAC flow targets are met. In addition this will also remove phosphate for which the River Mease is currently failing to meet the SAC target.*

*All parties are committed to working together to progress the development of an appropriate scheme with a view to it being included in the next round of the asset management planning process for scrutiny within the 2019 Periodic Review.*

*It is fully accepted by all parties that implementation of such a solution will take time and would be subject to appropriate scrutiny by OFWAT in respect of the necessary investment costs by Severn Trent Water being passed onto their customers.*

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<sup>1</sup> Shadow Habitats Regulations Assessment to inform the HRA of the Local Development Plan, DTA Ecology June 2016.

## ***'Short term' measures***

### **Installation of silt traps**

Phosphorous release from silt can/will occur under anoxic and anaerobic conditions. In rivers, such conditions tend not to exist in thin layers of mobile silt, but tend to develop if significant silt accumulations are formed in slow moving sections of the river.

Road run off, especially where roadsides are being eroded, and the decomposition of organic matter are often the more important sources of phosphate release in rivers.

The use of silt traps can reduce total phosphorous in a river, as a consequence of removing silt holding phosphorous that has the potential to become soluble phosphorus downstream. The size of the reduction may be dependent upon the nature of the silt captured, but the more organic material capture the better.

Silt traps are normally constructed with a 'wetland' i.e. a water holding pond, planted up, with the actual silt trap structure at the end letting water out. The removal rate therefore increases when the phosphorous taken up by the wetland is considered.

Work on the River Eye with the installation of silt traps has resulted in a total phosphorous removal rate in the region of 50%. This concurs with research work undertaken by Lancaster University where it has been determined that phosphorous removal efficiencies of well designed sediment traps are likewise around 50%.

A good level of monitoring and maintenance is required for silt traps, both to remove silt captured and also to harvest the wetland plants at the end of the growing season to prevent die back and return of phosphorous to the river. The amount of phosphorous removed by harvested wetland plants can be quantified as 1 gram of phosphate per 5 kilograms of plant material such as reeds. On a precautionary basis, it is estimated that the installation of silt traps will remove 25% of total phosphorous.

**DCS2 funds will deliver silt traps to remove 329g P/day based on flow and average phosphate levels at that location. Three potential locations have been identified by the Technical Group.**

## ***The need for long term measures in DCS2?***

Silt traps start to remove phosphorous as soon as they are installed and will therefore deliver phosphorous reductions immediately, allowing development to come forwards. The approach taken in DCS1 recognised that the ongoing management and maintenance requirements associated with silt traps meant that, they are not considered to be sustainable in terms of delivering benefits over the lifetime of the development. As such, in DCS1 silt traps were not considered to be sustainable in the longer term, and they were regarded as a 'short term' measure. A key component of DCS1, in recognition of this, was the requirement to ALSO deliver additional longer term sustainable phosphorous removal measures, which can effectively *replace* the reductions which will be achieved through use of the any 'short term' silt traps. These were to be delivered in parallel with the short term silt trap measures. DCS1 assumes that once the long term measures are sufficiently established to provide phosphate removal benefits to the river any 'short term' silt trap measures will no longer be required and it is envisaged that any such silt traps will then be removed.

The agreement reached by Severn Trent Water, the Environment Agency and Natural England in respect of the commitment to work together to progress the development of a suitable scheme for *pumping sewage effluent from Packington and Measham sewage works out of the Mease catchment* represents material information which is highly relevant to the drafting of DCS2. Approved schemes are subsequently assigned to a programme of works for delivery between 2020-2025. As such, in respect of the impacts associated with development which connects to Packington and Measham treatment works, measures to offset the impacts associated with increase phosphate loading to the River Mease SAC no longer need to be scrutinised in light of the 'lifetime of the development'. Instead measures need to be sufficient to offset effects that might arise pre-2025 (or earlier if a scheme is scheduled for delivery within the programme of works before 2025). Of the 1,826 dwelling assigned to DCS2, 1,288 connect to either the Packington or Measham sewage treatment works. It would not be appropriate for developer contributions to deliver 'long term' measures in respect of such development as the impacts to the SAC will only exert an effect in the short term (pre 2025).

The decision to pump flows to Packington and Measham out of catchment will not however provide any benefits in respect of flows to other works within the catchment. As such it is still appropriate for DCS2 to also deliver 'long term measures'. Long term measures are required in respect of the dwellings which are anticipated to connect to the other, smaller works within the catchment. It is not known at this time which works the 'windfall' allocations might connect to. On a precautionary basis therefore, it is assumed that all the windfall development connects to one of these smaller works. **On the basis of the figures provided in table F.2 in the DCS long term measures are therefore required in respect of the delivery of 538 dwellings which are associated with a contribution of 89g P/day.**

### ***'Long term' measures***

There are various measures which would result in longer term reductions in phosphate levels within the river. DCS1 is delivering all the necessary long term measures through the implementation of actions identified in the River Mease Restoration Plan; work along seven reaches is being funded.



With regards the measures for DCS2, **Two reaches identified by the Technical Group include projects that could take place in the very near future as necessary landowner liaison is already underway.** These schemes are therefore considered to be 'secure' and can be funded by developer contributions.

## River Restoration Plan Schemes

Restoring a river to a more natural state clearly has significant benefits for river biodiversity and water quality. A river's ability to function as a diverse ecosystem, including its ability to 'clean' itself through its management of silt and nutrients in a sustainable way is highly dependent on a naturally functioning river channel and connectivity to its vital floodplain.

The River Mease River Restoration Plan, prepared by Natural England and the Environment Agency, sets out a vision for the SAC that addresses past modifications; restoring and enhancing natural river function which in turn will improve water quality and the river ecosystem. The plan sets out a long list of specific restoration proposals, with estimated costs. The plan refers to the Developer Contributions Scheme as one of the potential funding mechanisms.

The floodplain has the potential to take up phosphorous from the river. A properly functioning floodplain, typically supporting woodland or wet grassland habitats, slows down surface water input and therefore reduces sediment and the phosphorous it carries being brought into the river via surface water, and also allows the river to undertake the natural process of sediment deposition onto the floodplain in flood situations. Furthermore, taking floodplain land out of agricultural production removes the input of phosphate rich fertilisers or organic matter from that land. Re-profiling of river banks contributes to the reconnection of the river to its floodplain by enabling flood water to spill into the floodplain where modified banks have prevented this in the past.

As explained above for silt traps, wetland creation, if properly managed provides plant material to take up phosphorous. Likewise, riparian planting will also take up nutrients. Weir removal brings back the river's ability to properly manage its silt, and therefore phosphorous within that silt, and prevents the retention of phosphorous laden silt behind weir structures.

Whilst all actions to restore a more natural river function will contribute to the river's ability to manage and reduce nutrients, in proposing projects to be funded by the developer contributions scheme those that have more direct and clear links to phosphorous removal have been identified. Projects within the plan are divided into reaches, and there are 22 reach projects where the action will result in a clear phosphorous reduction.

Whilst the scientific justification for the fact that phosphorous will be removed is considered to be robust, the scheme specific uncertainties mean that exact figures for the amount of phosphorous that will be removed by each project cannot be provided. However the Technical Group have agreed a precautionary approach to estimating the removal of phosphate that might be associated with each 'stretch'.

**Precautionary calculations of total phosphorous removal for river restoration projects:**

**a) P removal during flood conditions:**

Average total phosphorous concentration in the River Mease = 0.32mg/l

Average flow in the River Mease, based on 5 sample locations provided by EA = 0.5 m<sup>3</sup> per second

= 43200m<sup>3</sup> per day

=43200000 litres per day

X 0.32 to get the mg of P per day = 13824000 mg P per day = 13824 g P per day

25% of P removed = 3456 g P, but as this is only 10% of the time then

10% of 3456 = 345.6 g P per day, on average.

If we divide this by the 22 reaches where phosphorous removing projects are proposed, then

= 16 g P per day per reach

**b) Phosphorous removal through amelioration of surface water input**

From above calculation the river carries 13824 g P per day. Diffuse sources contribute an average of 11.7% of the overall load<sup>[1]</sup>.

The measures delivered through the Restoration Plan are carried out on land adjacent to the SAC itself. The phosphorous load within the SAC associated with surface water run-off will be derived from two sources: i) the tributaries joining the river along the length of the SAC and ii) directly from land adjacent to the SAC itself. The Restoration Plan measures will only reduce surface water phosphorous load from land adjacent to the SAC itself (source ii). On a precautionary basis it is estimated that the delivery of the Restoration Plan measures along the length of the SAC itself will reduce the diffuse phosphorous load by 20%.

Diffuse P load = 11.7% of 13824 = 1520 g P per day

20% of diffuse load = 304 g P per day

If we divide this by the 22 reaches where phosphorous removal projects are proposed, then

= 14 g P per day per reach

**Overall phosphorous removal**

Combining the figures (a) and (b) above, the overall phosphorous removal from the delivery of the River Restoration Plan measures is:

**16 + 14 = 30 g P per day per reach**

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<sup>[1]</sup> Source: Environment Agency Review of Consents, River Mease SAC Stage 4 Site Action Plan

## Restoration of the disused coal pits

The disused coal pits off Sweptstone Road to the south east of Measham are within a stretch of the river not included in the River Restoration Plan. The site is located between stretches GIL005 and GIL006 and is currently the subject of detailed restoration proposals. These proposals relate to the restoration of the disused pits themselves and do not include works along the riverbanks intended to *restore* the healthy functioning of river. The landowner (UK Coal) has however agreed to DCS funding being used to include additional appropriate restoration measures along the river to be delivered alongside the restoration of the disused pits. This scheme delivers equivalent benefits to those identified for a typical stretch within the river restoration plan and is assumed to deliver a reduction of **30 g P per day**.

## ***COSTINGS***

Measures have been identified in respect of offsetting the impacts associated with 329g phosphate. In view of the agreement to pump flows for Packington and Measham out of catchment 'short term' measures are required in respect of the full 329g phosphate. Long term measures are required to offset the impacts associated with flow directed to other, smaller works within the catchment in respect of 89g phosphate.

**Overall costs for the measures to be delivered within the first phase of the second development window to remove at least 329g/day in the short and 89g/day in the long term are detailed in Table 1 below.**

**Table 1: Measures to remove at least 329g P / day in the short term and 89g/day in the long term**

P reduction and Monitoring Actions					
Action	Estimated P reduction (mg P/day)	Implementation & maintenance Costs (£)	Monitoring approach	Monitoring cost (£)	Overall Costs (£)
<b>SHORT TERM MEASURES</b>					
<p><b>Two silt traps projects at locations identified by Technical Group</b></p> <p>Costings based per trap</p> <ul style="list-style-type: none"> <li>a) Land drainage specialist to survey sites, design and oversee works</li> <li>b) Ground works</li> <li>c) Trap checks and maintenance (e.g. clean outs)</li> <li>d) Potential removal at 2031?</li> </ul>	<p>228g from location A</p> <p>100g from location B</p>	<p><u>Per trap costs</u></p> <ul style="list-style-type: none"> <li>a) £10k</li> <li>b) £15k</li> <li>c) £20</li> <li>d) £5k</li> </ul>	<p>Monitoring of water quality entering and exiting the trap, and potentially also take sediment samples entering and exiting. This will verify extent of P reduction and inform future silt trap projects</p>	<p><u>Per trap costs</u></p> <p>£30k (up to 2031)</p>	<p>£80k per trap (up to 2031)</p> <p>traps for the DCS2 development window</p> <p><b>TOTAL= £160k</b></p>

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**LONG TERM MEASURES**

<p><b>River restoration projects</b> Specific in river projects (at stretches MEA001 and GIL004) to increase natural cleaning capacity of the river, in accordance with the river Restoration Plan. see river Restoration Plan for details</p>	60g	£22K min to £33k max for each reach	tbc		Assume maximum cost of £66k for both reaches and pro rata 66K monitoring <b>TOTAL = 132K</b>
<p><b>Long term measure – Restoration of river stretch alongside disused coal pits</b> Specific in river projects to increase natural cleaning capacity of the river, equivalent to those delivered through the river Restoration Plan.</p>	30g	£20k min -30k max	tbc	100K To cover all projects	Assume maximum cost of £30k and pro rata 34K monitoring <b>TOTAL = 64K</b>
<p><b>Consultancy fees for design and oversight of the necessary work</b></p>	Implements measures above	£80K	n/a	n/a	<b>£80K</b>

Management Actions					
<b>Project officer</b> - staff cost (to cover the Plan period to 2031)	Implements measures above	£25k per year (to 2025) then 15K per year to 2031	Project Officer reports to the Programme Board	none	£25k/annum for 10 years = £250K Plus 15K per annum for 5 years = £75K <b>TOTAL = 325K</b>
<b>Project officer's implementation budget</b> - 3 x main campaigns over DCS2 period (one every five years)		20K per campaign	Project officer to provide feedback and a measure of effectiveness of campaigns as part of role, so no additional costs	none	3 campaigns at 20K each = <b>£60K</b>
Overall Costs					
<b>Delivery of All Measures</b>	<b>329 g/day (short term) and 89 g/day (long term)</b>				<b>£821K</b>

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 20 SEPTEMBER 2016

Title of report	<b>CHILDREN, YOUNG PEOPLE AND ADULT SAFEGUARDING REPORT 2015/16</b>
Key Decision	a) Financial No b) Community No
Contacts	Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a>  Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a>  Head of Community Services 01530 454832 <a href="mailto:john.richardson@nwleicestershire.gov.uk">john.richardson@nwleicestershire.gov.uk</a>
Purpose of report	That Members are informed of Adults, Children and Young People's Safeguarding actions undertaken by NWLDC during 2015/16
Reason for Decision	To comply with the Council's statutory duty to ensure compliance with safeguarding duties as detailed in the Children Act 2004 and Working Together 2015
Council Priorities	Homes and Communities
Implications:	The District Council is a partner of the Local Safeguarding Boards and has to monitor safeguarding practice through the Safeguarding Board's Performance and Assessment Framework.  District and Borough Councils in Leicestershire work collaboratively on ensuring good practice and procedures for Safeguarding.
Financial/Staff	The Head of Community Services is the lead professional safeguarding officer for the Council. There are a further 11 members of staff who act as Designated Safeguarding Officers, who manage concerns and help develop and promote good safeguarding practice.
Link to relevant CAT	NA
Risk Management	Safeguarding will now appear on the corporate risk register.

Equalities Impact Screening	N/A
Human Rights	Human rights is considered as part of the Safeguarding process
Transformational Government	N/A
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Corporate Leadership Team
Background papers	<p>- the Children Act 2004  <a href="http://www.legislation.gov.uk/ukpga/2004/31/contents">http://www.legislation.gov.uk/ukpga/2004/31/contents</a></p> <p>-Working Together 2015  <a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a></p> <p>-No Secrets 2012 has been replace by Care and support Statutory Guidance Chapter 14 – Safeguarding.  <a href="https://www.gov.uk/guidance/care-and-support-statutory-guidance/safeguarding">https://www.gov.uk/guidance/care-and-support-statutory-guidance/safeguarding</a></p>
Recommendations	<b>THAT CABINET NOTE AND SUPPORT THE SAFEGUARDING PROGRAMME</b>

## 1.0 PURPOSE OF THE REPORT

- 1.1 To update Cabinet on 2015/16 Safeguarding statistics as required in the Children Act 2004 practice guidance “Working Together 2015”. Section 11 places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.
- 1.2 To ensure that Cabinet retains an awareness and overview of Safeguarding systems and structures in the Council.



## **2.0 OPERATIONAL UPDATE**

### **2.1 Safeguarding Lead Service and Lead Officers**

The responsibility for Safeguarding within the Council changed during 2015/16 following the departure of the lead officer who was based within the Housing service. An internal review concluded that Safeguarding should be embedded within Community Services, in the Stronger & Safer Team and specifically the Community Safety team. The responsibility for safeguarding has been subsequently included in the job descriptions for the Community Safety Team Leader and Community Safety Officer posts.

There are strong and obvious links to our work on Domestic Abuse through our Vulnerable Adults officer and with the police on a variety of community safety issues. By moving the lead role to Community Safety this creates a logical and sustainable location for this important work moving forward.

### **2.2 Kayleigh Hayward**

The Kayleigh Hayward case will forever be a reminder of the importance of safeguarding within North West Leicestershire and the priority that must be attached to it. The District Council will if requested contribute to any case reviews that will follow the outcome of the court case and embed any learning into systems and procedures.

### **2.3 Implementation of Working Together 2015 and Section 11 Audit**

The practice guidance that sits alongside the Children Act 2004, Working Together to safeguard children, was updated and refreshed in March 2015. The Leicestershire and Rutland Safeguarding Boards have implemented this new practice guidance and refreshed monitoring and auditing processes to ensure that partner agencies are compliant with standards. All District and Borough Councils participated in a countywide Section 11 Safeguarding Children audit in 2015/16 to test compliance. The feedback from the audit will be presented to Districts at a joint meeting in September 2016. The Council will implement any recommendations that are relevant for our Council as soon as practically possible and within the financial year 2016/17.

### **2.4 Training competency framework**

The Local Safeguarding Boards of Leicester, Leicestershire and Rutland, have been working together to draw up a framework of expected competencies for Safeguarding Training. The Senior HR officer and the Head of Community Services are responsible for ensuring an annual training plan is created, implemented and reviewed annually commencing in 2016/17. A training needs analysis is currently underway, free external training is being accessed wherever possible and on the job training by working in teams, on cases and at Designated Safeguarding Officer (DSO) meetings is being delivered.

### **2.5 E- Learning**

The Council have continued to use Learning Pool, our online learning resource, to ensure that all staff have a baseline level of safeguarding awareness. This will be re-released for refresher training in quarter 2 2016/17. A review to identify which staff have not accessed the course and how they can be encouraged to do so will take place in quarter 3 2016/17. Some staff will still require a more in depth level of training

in line with the new competency framework, this will mostly be delivered in house as part of the Silver and Gold safeguarding courses, but some staff such as DSO's may need to access more in depth multi agency training.

## **2.6 Disclosure and Barring Service**

Our safe recruitment practices incorporate the Disclosure and Barring Service. The Corporate Leadership Team have agreed to upgrade and register all appropriate staff and this will be undertaken in 2016/17.

## **2.7 New Designated Safeguarding Officer's (DSO's)**

In 2015/16 4 DSO's left the Council, but 5 additional DSO's were recruited and trained through the NSPCC training course which has increased our complement to 14 although 6 are relatively inexperienced.

## **2.8 Domestic Abuse Services**

A total of 14 Council staff were trained in 2015/16 to carry out risk assessments using a tool called Safelives DASH (Domestic Abuse, Stalking and Honour Based Violence). Trained staff include members of the housing, homelessness, and community safety teams. Three of the trained officers are also DSO's. A further awareness training session will be delivered in quarter 4 2016/17 to customer service staff focussing on the importance of assessing those who present with domestic abuse issues. A list of those trained to carry out DASH has been shared with frontline staff and is listed on the council intranet.

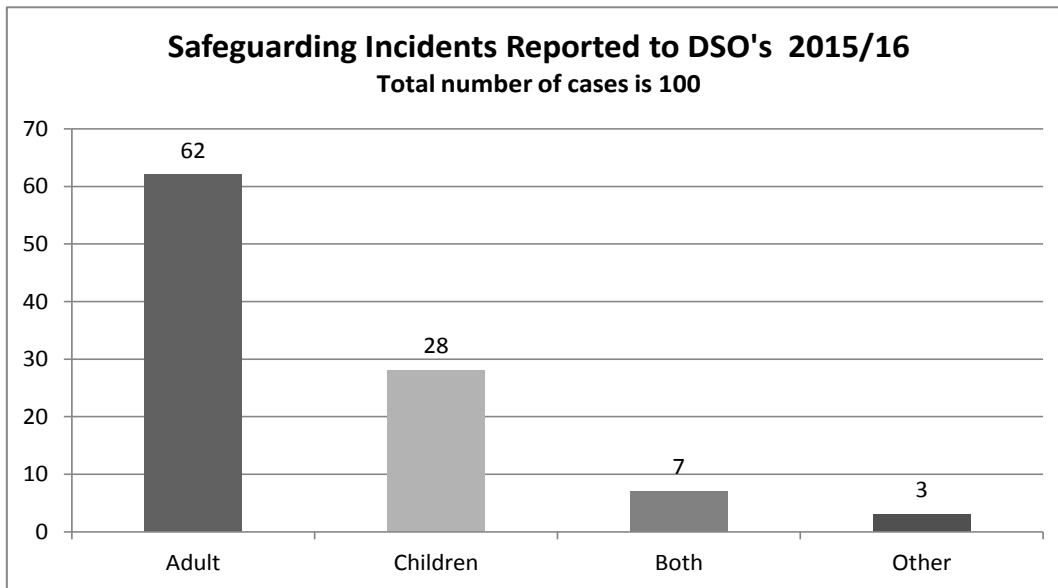
## **2.9 Risk Register and Continuous Improvement**

As the number of referrals increased, learning was captured from our experiences and advice and practices were updated and refreshed. It was noted that a lack of feedback from Adult Social Care (ASC) following referrals was a cause for concern. This led to a change in our reporting processes to ASC, we now request an "assessment" on the client, pointing out the concerns and risks identified. GP's surgeries were also trialled in 2015/16 as a method of information sharing when ASC reported that the concern/referral did not meet their thresholds, this will be developed further during 2016/17. Safeguarding will also feature in the Corporate risk register from 2016/17 with mitigations and actions being regularly reviewed through the Corporate risk group.

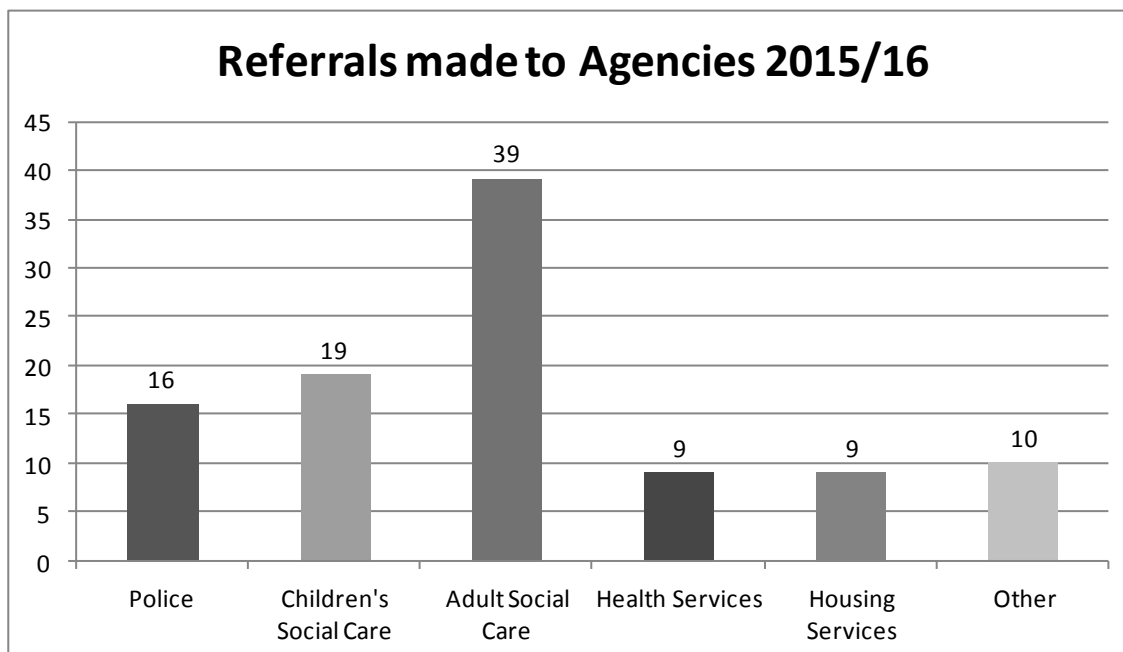
### 3.0 SAFEGUARDING STATISTICS

#### 3.1 2015/16 Safeguarding Incidents

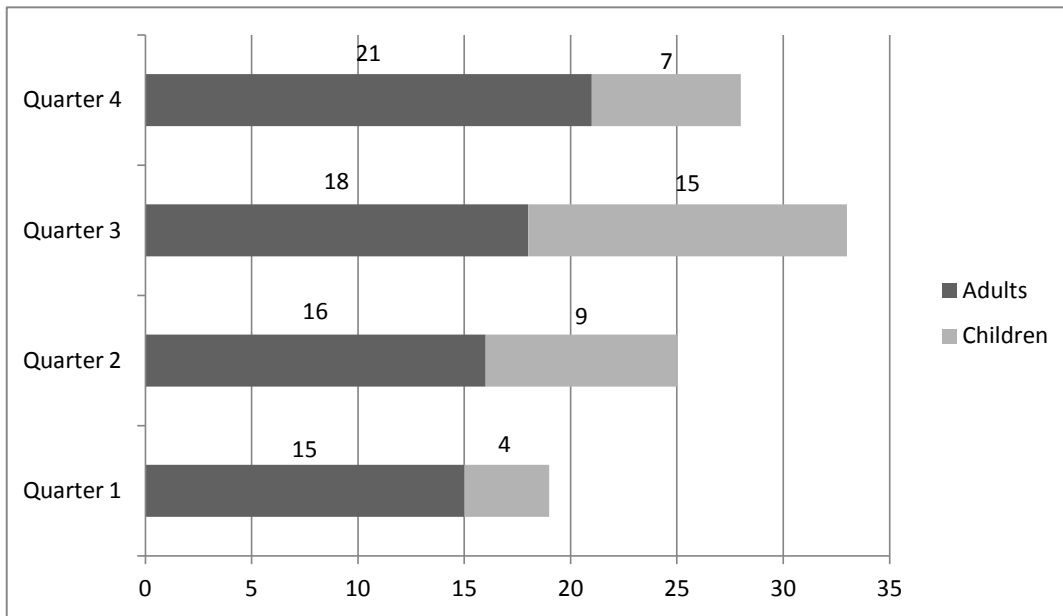
The following chart details the total number of incidents or concerns reported to DSO's in 2015/16



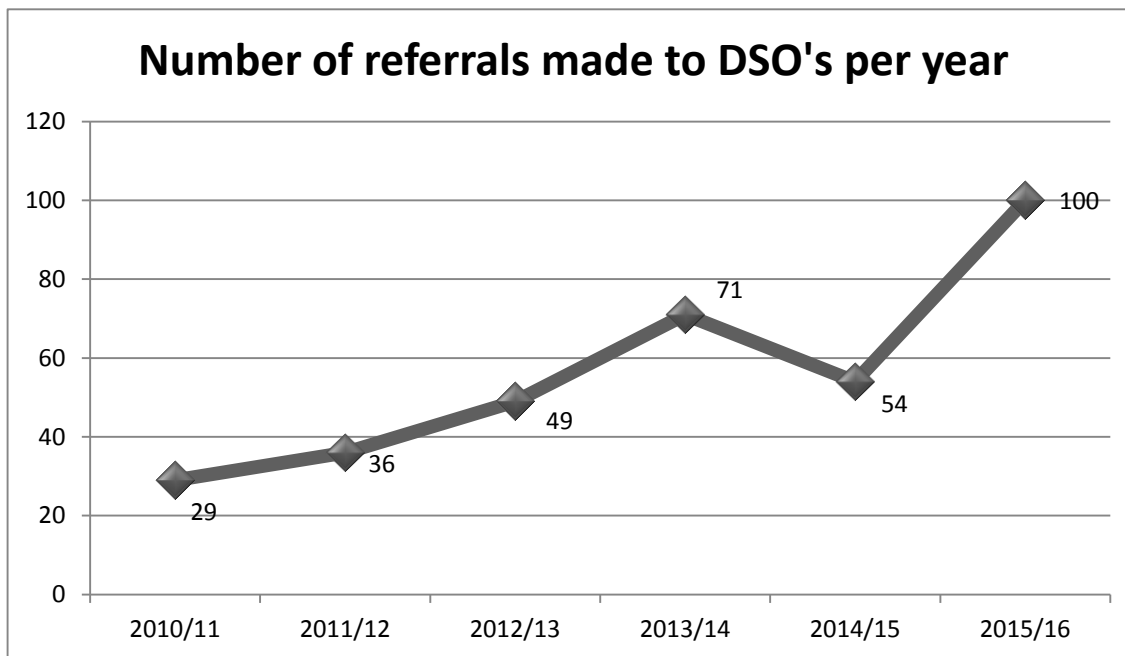
3.2 This chart details the number of referrals made to agencies from DSO's or other officers. The number of referrals out maybe higher than the number of referrals in as one incident form could lead to more than one referral being made, e.g. to the police, social care and to Domestic Abuse (DA) services.



**3.3** This graph shows the quarterly breakdown of referrals made to Social Care for 2015/16. This is higher than the number of cases as some of the 'Both' category of 3.1 were reported to both Adult and Childrens Social Care.



**3.4** Annual referral numbers for comparison over recent years.



The graph at 3.4 demonstrates a continual upward trend (apart from in 2014/15). This is from staff being trained in service areas previously without a Designated Safeguarding Officer such as Customer Services and Licensing, it could also relate to the promotion of the PREVENT (hate crime) agenda and staff becoming more aware of their responsibilities and how to report concerns following internal awareness sessions and training.

The increase of 56 in the year is broken down into 32 adults, 16 children and 8 families.

#### **4.0 STAFFING AND RESOURCE IMPLICATIONS**

- 4.1 The Corporate lead for Safeguarding changed in 2015/16 to reflect the internal move of Safeguarding into the Community Safety Team as mentioned at 2.1. The Corporate lead is now the Head of Community Services.
- 4.2 The lead officer co-ordinates the Designated Safeguarding Officer group which meet quarterly to discuss internal procedures, issues, good practice, training requirements and to consider individual cases.

#### **Current Designated Safeguarding Officers are:**

<b>Name</b>	<b>Title</b>	<b>Ext.</b>
John Richardson	Head of Community Services	832
Chris Brown	Stronger & Safer Team Manager	696
Paul Collett	Community Safety Team Leader	719
Gillian Haluch	Vulnerable Adults Officer	490
Charlotte Keedwell	Community Safety Officer (ASB)	831
Amanda Shakespeare-Ensor	Senior HR Advisor	524
Andrea Cave	Administration Supervisor	534
Jason Knight	Leisure Services Team Manager	602
Mary Chapman	Customer Services Officer	407
Bhavana Short	Licensing Assistant	823
Andy Cooper	Licensing Officer	596
Dea Stanley	Housing Officer	793
Duncan Gibb	Commercial Manager	328
Alison McCafferty	Housing Choices Advisor	569

- 4.3 There is also a quarterly meeting of the Safeguarding Action Group who manage the Safeguarding information and undertake a review of all cases to ensure that the council continue to provide the best possible service for vulnerable residents and that our Safeguarding responsibilities have been discharged.
- 4.4 Briefings are held as required with the Portfolio Holder, six monthly with the Chief Executive and Corporate Leadership Team and information is reported annually to Cabinet.
- 4.5 Officer time for DSO's to undertake their roles on top of their substantive work and job role (including attending relevant training courses and case management) is supported by the Corporate Leadership Team.

4.6 There is also a limited budget of £2,000 which has been established for the costs associated with training DSO's, the budget is held within Community Safety and is reviewed annually. It is likely to increase next year to £5,000 to include the purchase of a secure internal governance/document system.

## **5.0 OPERATIONAL FOCUS IN 2016/17**

5.1 Await the feedback from the Countywide Section 11 audit of Districts and Boroughs and implement any recommendations as soon as practically possible within the financial year.

5.2 Develop the annual Safeguarding training plan for implementation annually from 2016/17.

5.3 Continue to register identified staff with the Disclosure and Barring service.

5.4 Continue to identify staff who have not completed refresher training and support staff to undertake appropriate safeguarding training.

5.5 Identify and develop proposals for a secure internal governance/document system.

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – 20 SEPTEMBER 2016**

Title of report	<b>FINANCIAL SUPPORT TO SUPPORT COMMUNITY AMBITIONS</b>
Key Decision	a) Financial Yes b) Community Yes
Contacts	Councillor Alison Smith MBE 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a>  Interim Director of Resources 01530 454833 <a href="mailto:andrew.hunkin@nwleicestershire.gov.uk">andrew.hunkin@nwleicestershire.gov.uk</a>
Purpose of report	To request Cabinet approval for reserves to be allocated towards supporting community ambitions.
Reason for Decision	Approval needed for allocation of reserves towards supporting community ambitions.
Council Priorities	Homes and Communities
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Assessment Human Rights Transformational Government	As set out in the report.  None.  Senior officers will liaise with the appropriate authorities on spending the allocation. Final release of the allocation will rest with senior officers in liaison with the Community Services Portfolio Holder.  Not applicable.  There are no Human Rights implications.  Not applicable.
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory

Consultees	Ashby de la Zouch Town Council, Castle Donington, Lockington cum Hemington, Kegworth parish councils and Newbridge School
Background papers	<a href="#"><u>General Fund and Special Expenses Revenue Budgets 2015/16 report and minutes - Cabinet on 10 February 2015</u></a>
Recommendations	<p><b>IT IS RECOMMENDED THAT CABINET:</b></p> <ol style="list-style-type: none"> <li><b>1. APPROVE THE ALLOCATION OF £50K RESERVES TO ASSIST NEWBRIDGE SCHOOL IN DEVELOPING ITS RUNNING TRACK PROPOSAL</b></li> <li><b>2. APPROVE THE TRANSFER OF THE £50K ALLOCATED TO FREE WIFI, TO SUPPORT ASHBY DE LA ZOUCHE TOWN COUNCIL'S IMPROVEMENTS TO ST HELEN'S CHURCHYARD</b></li> <li><b>3. APPROVE THE ALLOCATION OF £300K RESERVES TO ASSIST ASHBY DE LA ZOUCHE TOWN COUNCIL IN DELIVERING ASPECTS OF ITS NEIGHBOURHOOD PLAN</b></li> <li><b>4. APPROVE THE ALLOCATION OF £300K RESERVES TO ASSIST CASTLE DONINGTON, LOCKINGTON CUM HEMINGTON AND KEGWORTH PARISH COUNCILS IN ACHIEVING THEIR LOCAL COMMUNITY PROJECTS</b></li> <li><b>5. DELEGATE AUTHORITY TO THE DIRECTOR OF SERVICES IN CONSULTATION WITH THE COMMUNITY SERVICES PORTFOLIO HOLDER TO COMMIT EXPENDITURE OF THE NEWBRIDGE SCHOOL RESERVE REFERRED TO IN RECOMMENDATION 1</b></li> <li><b>6. DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE IN CONSULTATION WITH THE COMMUNITY SERVICES PORTFOLIO HOLDER TO COMMIT EXPENDITURE OF THE ASHBY DE LA ZOUCHE TOWN COUNCIL RESERVE REFERRED TO IN RECOMMENDATIONS 2 AND 3</b></li> <li><b>7. DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE IN CONSULTATION WITH THE COMMUNITY SERVICES PORTFOLIO HOLDER TO COMMIT EXPENDITURE OF THE CASTLE DONINGTON, LOCKINGTON CUM HEMINGTON AND KEGWORTH PARISH COUNCILS RESERVE REFERRED TO IN RECOMMENDATION 4</b></li> <li><b>8. DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE AND DIRECTOR OF SERVICES TO NEGOTIATE AND AGREE THE TERMS OF THE LEGAL AGREEMENTS REQUIRED IN THE FURTHERANCE OF RECOMMENDATIONS 1 TO 7</b></li> </ol>



## 1. BACKGROUND AND PROJECT DETAILS

### **Newbridge School Running Track**

- 1.1 Discussions have been held with Newbridge School on a running track proposal. A running track facility does not exist anywhere in the district, with the nearest facilities in Loughborough or Burton. The school have proposed that they would seek external funding to provide a 400 metres athletics track with associated facilities including additional parking. It would primarily be a school facility and also open for community use outside of school hours and terms. The school would be able to offer its land to accommodate the facility along with the long-term management of the facility.
- 1.2 The total cost of the project is estimated by the school at being in excess of £2 million. Along with any capital contributions either the District or Parish Council are able to make, the school would be looking to Sport England and also local and national businesses to support the project.
- 1.3 The school has a history of successful fund-raising, yet at this stage cannot offer any financial contribution itself to the project, although that may change. The school has indicated that if the Council was able to offer/commit some funds to the project this would be critical as a starting point to allow the school to negotiate with potential funders.
- 1.4 Given that there is currently no such facility in the district to support talent development with young people, adults, disabled persons or target groups, this project would provide such a facility and will provide for the growth of clubs and associations leading to lifelong participation in sport. Also given the recent success of Team GB in the Rio Olympics, the development of the first athletics track within the district could prove to be a welcome sporting legacy.
- 1.5 Therefore Cabinet is recommended to allocate £50,000 from reserves to assist Newbridge School in developing this proposal. The details of the expenditure will be negotiated by the Director of Services in consultation with the Community Services Portfolio Holder.

### **Supporting other communities**

- 1.6 In recognising the level of investment by the Council in the Coalville area and the wider benefits that will bring to communities within its vicinity, it is proposed to provide funding in support of two other areas within the District.
- 1.7 Firstly, supporting the Ashby area through the Ashby Town Council's Neighbourhood Plan. Informal and positive discussions with representatives of the Town Council have provided sufficient information to propose the following:
  - Reallocation of the £50,000, previously allocated to Ashby Town Council by Cabinet on 10 February 2015 to support free wifi (no wifi project is being taken forward) to now support the Town Council's funding of improvements to St Helen's churchyard
  - Allocation of £300,000 to one off projects which support the delivery of aspects of its Neighbourhood Plan.
- 1.8 Secondly, as part of the approvals of the Strategic Rail Freight Interchange (the Roxhill development) there is a requirement for the developer to provide financial sums to the three local councils at certain trigger points in the development. The three parish councils are Castle Donington, Lockington cum Hemington and Kegworth which will each receive £100,000 each.

- 1.9 Following an informal and positive meeting with each council it is proposed to match the developer's contribution with £100,000 to each of the three councils to support local community projects. These projects will be determined by the parish councils within the criteria set within the planning regulations. Therefore Cabinet is recommended to allocate £300,000 in total to these councils.
- 1.10 The detail of the plans will be developed over the next months with the four Councils by the Chief Executive in consultation with the Community Services Portfolio Holder. Cabinet is asked to allocate a total of £600,000 as set out above and reallocate an existing reserve regarding Ashby Town Council.
- 1.11 Cabinet is also asked to delegate authority to the Chief Executive and Director of Services to negotiate and agree the terms of the legal agreements required in the furtherance of recommendations 1 to 7.

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – 20 SEPTEMBER 2016**

Title of report	<b>AUTHORITY TO AWARD THE DESKTOP COMPUTER REPLACEMENT SUPPLY CONTRACT</b>
Key Decision	a) Financial Yes b) Community No
Contacts	Councillor Nick Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a>  Interim Director of Resources 01530 454833 <a href="mailto:andrew.hunkin@nwleicestershire.gov.uk">andrew.hunkin@nwleicestershire.gov.uk</a>
Purpose of report	The report requests that Cabinet delegates authority to award the desktop computer replacement supply contract to the Interim Director of Resources in consultation with the Corporate Portfolio Holder.
Reason for Decision	The estimated value of this contract requires Cabinet approval.  This contract is required to enable the replacement of the desktop computers throughout the Council, to provide a new working platform, up to date software, increase staff productivity and provide a modern working environment as part of the ICT Road Map and Strategy.
Council Priorities	Value for Money
Implications:	
Financial/Staff	Financial implications contained within existing budgets, no staffing implications
Link to relevant CAT	Not applicable
Risk Management	The contract will be managed by the IT Services Team Manager
Equalities Impact Screening	Not applicable
Human Rights	Not applicable
Transformational Government	Not applicable

Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	None
Recommendations	<p><b>THAT CABINET:</b></p> <p><b>1. APPROVES THE AWARD OF THE CONTRACT FOR THE PROVISION OF REPLACEMENT DESKTOP COMPUTERS; AND</b></p> <p><b>2. DELEGATES AUTHORITY TO AWARD THE CONTRACT FOR THE PROVISION OF REPLACEMENT DESKTOP COMPUTERS TO THE INTERIM DIRECTOR OF RESOURCES IN CONSULTATION WITH THE CORPORATE PORTFOLIO HOLDER.</b></p>

## **1. BACKGROUND AND PROCUREMENT PROCESS**

- 1.1 As part of the Council's agreed ICT Road Map and Strategy, on the 24 June 2016 the Council tendered for the replacement of its legacy desktop estate with a new, modern desktop infrastructure through use of an ESPO Framework for Technology Products. This will provide a new working platform for officers, up to date software, a modern working environment and hopefully enable an increase in staff productivity.
- 1.2 As part of that process the Council carried out a competition exercise between the suppliers on that Framework. An evaluation process was then undertaken by officers and Centerprise was identified as the preferred bidder with a tendered contract price of £98,680. Centerprise were told on 9 August 2016 they were the preferred bidder and that the Council intended to award the contract to them.
- 1.3 Subsequently on 22 August 2016 Centreprise notified the Council that due to changes in exchange rates they could no longer honour the tendered price of £98,680 and a revised contract value of £104,076, was negotiated.
- 1.4 After considering Centerprise's revised price against the other bidder's tender submissions, Centerprise would still have scored the highest on price and quality had they tendered on the revised price of £104,076 and therefore officers are minded not to retender for the contract and seek to still enter into an arrangement with Centerprise for these services.

## **2. REQUEST FOR APPROVAL AND DELEGATION TO AWARD CONTRACT**

- 2.1 As the value of the contract now exceeds £100,000 Cabinet approval is required to award this contract. Consequently Cabinet is requested to approve the award of this contract to enable a modern ICT infrastructure to be installed at the Council and to delegate authority to the Interim Director of Resources in consultation with the Corporate Portfolio Holder.

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 20 SEPTEMBER 2016

Title of report	<b>2016/17 QUARTER 1 PERFORMANCE MANAGEMENT REPORT</b>
Key Decision	a) Financial No b) Community No
Contacts	<p>Councillor Richard Blunt 01530 454510 <a href="mailto:richard.blunt@nwleicestershire.gov.uk">richard.blunt@nwleicestershire.gov.uk</a></p> <p>Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a></p> <p>Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a></p> <p>Interim Director of Resources 01530 454833 <a href="mailto:andrew.hunkin@nwleicestershire.gov.uk">andrew.hunkin@nwleicestershire.gov.uk</a></p> <p>Director of Housing 01530 454819 <a href="mailto:glyn.jones@nwleicestershire.gov.uk">glyn.jones@nwleicestershire.gov.uk</a></p>
Purpose of report	The report provides members of the Cabinet with information on the performance and progress made against the Council Delivery Plan actions and performance indicators for quarter 1 (Q1) (April - June).
Reason for Decision	The report is provided for members to effectively monitor the organisation's performance.
Council Priorities	The report addresses performance against each of the Council's five priorities for 2016/17
Implications	
Financial/Staff	The report contains summary performance data on staff management & financial information.
Link to relevant CAT	The report links to the work of all Corporate Action Teams.
Risk Management	Risk management is applicable to all areas of the Council's statutory duties and service provision. Any relevant risks relating to actions set out in the Council Delivery Plan are managed through the Corporate Risk Register.
Human Rights	No direct implications.

Transformational Government	No direct implications
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Corporate Leadership Team
Background papers	<a href="#">Council Delivery Plan 2016/17</a>
Recommendations	<b>THAT CABINET RECEIVES AND COMMENTS ON THE QUARTER 1 PERFORMANCE REPORT (APRIL – JUNE 2016).</b>

## PERFORMANCE SUMMARY FOR QUARTER 1

### 1 Introduction

This report sets out the performance of the Council's key frontline services, progress against Council Delivery Plan priority actions, performance indicators, finance and sickness absence management.

### 2 Performance summary of key frontline services

The Council's key frontline services are linked to the Council's five priorities

Front line Service	Building Confidence in Coalville	Value for Money	Business & Jobs	Homes & Communities	Green Footprints
Leisure	✓	✓		✓	✓
Housing	✓	✓	✓	✓	✓
Revenues and Benefits		✓			
Refuse and Recycling	✓	✓	✓	✓	✓
Development Control	✓	✓	✓	✓	✓
Environmental Health		✓	✓	✓	

The detailed evidence and statistics of the Council's performance for Q1 is included in Appendix 1



## **2.1 Leisure Centres**

Focus in Q1 has been on retention of direct debit fitness members due to a high number of customers reporting access to fitness classes at Hermitage LC is difficult due to full classes. Advance customer cancellation times have been reduced and a more robust process has been implemented to discourage customers from failing to attend. In addition, some classes have been moved outdoors to create more customer spaces and new instructors have been recruited to mitigate against instructor holidays which keeps class availability high. Communication with members has been improved through increased newsletter frequency and notifications via the leisure centre 'app', The Health and Fitness Manager continues to meet with members to highlight further improvements and co-design new quarterly programmes.

NHS work on converting the female dryside changing rooms for the Hood Park Wellbeing Centre was completed in April, and clinics commenced on 16 May.

Building work on the new changing pavilion at Owen St Recreation Ground is due to be completed in late June. No date has yet been agreed for the formal opening of the new changing pavilion.

## **2.2 Housing Services**

Performance in average re-let times has improved and the Q1 outturn of 38 days bettered the 40 day target by 2 days. This has been achieved after a number of initiatives have become embedded in our service delivery and there is a greater deal of ownership from all parties involved in the empty homes process. Satisfaction with the allocations and lettings process has been assessed and, out of the 28 new tenants who responded to the survey (40% response rate), 96% are satisfied with the overall process. In addition to this, the same amount (96%) of our new tenants have stated that they would recommend NWLDC as a landlord.

The Lettings Plan introduced by Housing Choices outlines a slight change in approach in that if no high or medium band applicants want an empty property, then priority is given to those in the low band that are new applicants from the Housing Register. There has been no negative feedback as a result of this change. Existing council tenants in the low band who are adequately housed are being encouraged to move via a mutual exchange and promotion of this option is being developed further.

Information about residents, including tenants, affected by the new lower benefit cap has been received from the Department of Work and Pensions and current figures suggest 82 residents of the district including 33 council tenants have been identified as being affected. Arrangements are in place for personal contact to be made with all 82 residents either through the Tenancy Support Officer or the Supporting Leicestershire Families Team. The new lower benefit cap level is due to be implemented in Q2.

87 properties from a total stock of 4,351 are currently designated as being empty and unavailable. The vast majority of these are flats in sheltered housing schemes that we have already decided to decommission (Greenacres Coalville, Queensway House Measham, Westgates Ibstock, and Woulds Court Moira), Through the Asset Management Strategy we are currently negotiating the disposal of these sites, apart from Greenacres which will be redeveloped with new Council housing. In addition we have been actively seeking new tenants for the vacant flats in the St Marys Court, Hugglescote sheltered scheme using a local estate agent to promote their availability. This has been proving successful, with further lettings expected into Q2.

Through combining the Repairs Working Group and Housing Management Working Groups in April 2016 we have formed a new tenant led Landlord Services Working Group

with responsibility to oversee service development within the repairs & maintenance service and housing management service. The officers that support this group include the Resident Involvement Team.

Customer feedback from the Value for Money review of the Repairs and Improvement service, the STAR survey of tenant satisfaction and the Landlord Services Working Group has been used to develop a comprehensive Service Improvement Plan for the former Repairs and Planned Investment service (which has now been renamed the Asset Management Team). This Plan is now being implemented to achieve the longer term service objectives through to September 2017. The tenant led Landlord Services Working Group monitor progress against this Plan, and actions for Q1, which mainly involve staff recruitment, are on track.

Responsibility for taking repairs calls from tenants will transfer from the Corporate Customer Service Centre to the new Asset Management Team from October 2016. This will more closely coordinate the roles of taking reports from tenants with the subsequent processes of scheduling the repairs for completion and making appointments. Improved performance against our customer care standards are expected to follow this change of approach.

The performance management framework for the new Asset Management Team has been redesigned during the first quarter of 2016-17 and will be operational from 1 July 2016. This will enable a true performance baseline to be established to measure the development of the service against in subsequent Quarters.

All repairs policies, procedures and processes are being reviewed and revised during the first two quarters of 2016-17 and will be embedded fully within the new team following completion of the restructure in September 2016.

Q1 revenue monitoring for the HRA shows a forecast favourable variance of £81k for the financial year, largely as a result of having fewer empty homes than predicted when the budget was established, which increases rental income.

### **2.3 Revenues & Benefits**

Revenues and Benefits (R&B) are working alongside ICT to implement a number of self serve initiatives as part of the channel shift project. The initial focus is with council tax payers, business rates payers and benefit claimants to sign up which enable them to view all documents issued. The other feature within the product is that they can see charges raised each year, what they have paid and what is due to be paid. They can also opt to go paperless (though some documents still need to be issued for legal reasons) which will save printing and postage costs.

In March a web enabled product 'Direct Debit over the web' was introduced so that council tax and business rate payers can sign up to this payment method. The extra feature is that they can amend bank account details if they change banks as well as change the due date and collection frequency.

There will also be a separate feature whereby customers can view council tax bandings and rateable values for business rates.

This quarter 494 customers have used this facility to switch to direct debit.

## **2.4 Refuse & Recycling**

Compost week recycling road show took place at Coalville Market and Coalville Morrison's with over 1,000 residents engaged and over 150 recycling container orders received.

The kilograms (kg) of Household waste sent to landfill remains on target at 519kg, due in part to smaller bins being issued to new houses and as replacements for damaged bins. The percentage of recyclable waste also remains on target at 46% due to continued promotion of recycling messages at roadshows and on social media.

Waste crews standards have been observed by the waste collections supervisor and an improvement in standards reported. A training video is being produced to highlight best practice in operational practices, including the reasons why recycling is important to the Council and the value of providing excellent customer service.

## **2.5 Development Management**

Fee income for Quarter 1 was £296,334. While this is just above target for the year, only £54,756 was received in June which was significantly below the monthly average.

Performance in determining planning applications within target time continues to be above national targets, although it is not as strong as it has recently been due to both staff shortages and a high volume of applications.

Work continues to review how the team works and to streamline procedures, for instance Planning Committee reports are now shorter and more focussed.

The residential development design guide has been approved by the portfolio holder for consultation and this will be undertaken in quarter 2.

## **2.6 Environmental Health**

A comprehensive review of taxi vehicle policy and conditions has commenced with a draft policy being submitted to Licensing Committee in June. A consultation process began on 27 June with a final proposal scheduled to be presented to Licensing Committee in November. The proposed changes are expected to further improve the condition and safety of licensed vehicles and reduce vehicle emissions introduced in November.

The standard of taxi vehicles has improved with 65 of the 93 (69.9%) vehicles checked during April, May and June passing the inspection first time. This compares to a pass rate of 65.5% over the last 12 months.

The food safety team has commenced a programme of frequent visits to food establishments found not to be compliant with food hygiene law. Each business will receive tailored support, enabling the establishment to improve standards. Any business that fails respond to this support by improving standards will be subject to enforcement action.

All food establishments receive a hygiene rating and sticker following a hygiene inspection by an Environmental Health Officer. A survey carried out in Coalville town centre has identified that 15 of 23 food businesses are currently displaying their rating. An initiative to encourage businesses to display their hygiene rating sticker in a prominent position has commenced. Each of the 8 businesses not currently displaying will be visited and provided with advice on how to improve their rating.

A steering group has been established to work towards submitting an application for purple flag accreditation for excellence in managing the evening and night-time economy in Ashby

de la Zouch. The Purple Flag Accreditation Scheme was launched in October 2009 by the Association of Town Centre Management in association with partners in central and local government, the professions, police, business and industry. The steering group, made up of NWLDC officers and Members, Ashby Town Council, Ashby businesses and residents and volunteers have met to consider and deliver an action plan devised from a self assessment carried out earlier this year. A public perception survey has been devised and will be sent out in July. The steering group will meet throughout the summer and autumn with an application for accreditation scheduled to be submitted later this year.

The environmental health services continues to receive positive customer feedback with all 10 customers surveyed describing their relationship with environmental health as being 'good' and 100% of people surveyed feeling confident that they could rely on the advice received from the regulatory officer. A telephone survey was conducted targeting customers that have recently received a service.

### **3 Council Delivery Plan**

#### **3.1 Building Confidence in Coalville**

During 1Q 16/17 the Coalville Project programme board reviewed progress on all strands of activity and proposed decisions about which workstreams should continue or develop. Achievements, progress and proposals are outlined below:

**Stenson Square:** officers continue to consider the costs and wider implications of accommodating DWP in the Council Offices. Work continues on identifying options for potential future use of the whole of the current Council Offices site (not expected to include wholesale rehousing of existing council staff). Officers are preparing plans to support a potential decision to sell the Council's land off Cropston Drive.

**Market Hall:** officers are considering a report outlining proposals that will improve the viability of the market, and the contribution that it can make to increasing footfall and spend in the town centre. An action plan is due to be considered by Cabinet in Q2.

**Infrastructure:** senior officers are working closely with County colleagues regarding plans for major infrastructure investment along the Coalville Growth Corridor, to enable planned housing and employment site development.

**Leisure and culture:** officers, with external support, have reviewed the potential future demand for and model of leisure service delivery, including the potential construction of a new leisure centre in the centre of Coalville. Cabinet will invited to make a decision about investing further in this proposal during 16/17.

#### **Housing:**

**Royal Oak Court:** After completion in late March 2016 following the council's £500,000 investment, all fourteen affordable rented homes were let to tenants by emh, bringing new residents into the centre of Coalville.

Officers are working with housing associations on a number of other projects, and new homes will be completed at Walter Handford Close (Highfields Street) and School Drive (Waterworks Road) early in quarter 2, with progress also continuing at North Avenue. Preparatory work on Council led new build schemes at Linford and Verdon Crescent and Cropston Drive continues to move forward, and Cabinet will be kept informed of significant developments.

## **Business and retail regeneration:**

**Coalville shop front improvement grant scheme:** Following completion of the first new shop front in March 2016, momentum on the Coalville shop front improvement grant scheme has increased. At the end of 1Q 16/17: 1 new shop front was completed; 4 shops had work in progress; 3 grant applications had been approved; 3 applications were awaiting approval and 4 applications were still under negotiation. £174,000 out of the £225,000 was allocated to these projects, all along Hotel Street and High Street. The maximum grant was increased to 90% during this period, a decision that has successfully encouraged more business and property owners to participate.

**Market Towns study:** Officers continue to review this report which provides an economic analysis of each of the principal market towns in Leicestershire (including Coalville and Ashby) and proposes some projects that could be implemented to stimulate more economic growth, visitors and spend. The report will be presented to the LLEP Place Board in 2Q16/17.

**Community engagement:** Cabinet were advised that officers had contracted with Deana Wildgoose and Julia Burkin to deliver the Coalville Heroes project over 18 months to November 2017. This project is delivering: engagement with young people, in and out of schools; a volunteering programme supporting the Council's Green Footprints strategy; celebrations of Coalville's heritage – people and physical.

**Heritage:** Officers are continuing to developing relationships with key heritage organisations (Heritage Lottery Fund and Coalville Heritage Society) in order to define, develop then deliver an engagement and education project. Following news that we did not succeed in an application to host the Tower of London poppies, an alternative plan to celebrate Coalville's contribution to the World Wars is in development with all relevant stakeholders.

**Stakeholder engagement:** Officers and members continue to invest significant effort in engaging with all of Coalville's stakeholder groups: Members; staff; community; businesses and women in business. Ideas to stimulate confidence and economic activity in Coalville were generated by these groups during meetings in April. Officers then worked on developing and implementing these ideas, many in partnership with external organisations.

A perfect example of collective responsibility in action is Gina King's (of a charity delivering locally, Living Without Abuse) proposal to deliver a Coalville Colour Fun run in September 2016. Officers are supporting Gina to ensure the event's success, together with a small amount of financial support.

**Events:** Coalville's regular high profile events, Proms in the Park and Picnic in the Park took place on June 11<sup>th</sup> and 12<sup>th</sup> to support celebration of the Queen's 90<sup>th</sup> birthday. Poor weather did not deter the 3000+ visitors to these events in Coalville Park. Officers are regularly producing event advertising that draws attention to all events in the town centre, regardless of the organiser: this is demonstrating the range and regularity of events on offer.

### **3.2 Business & Jobs Priority**

The outcome of EU referendum has caused uncertainty for many businesses. The Business Focus Team will continue to monitor the impact of Brexit. The Leicester and Leicestershire Enterprise Partnership (LLEP) announced that European Regional Development Fund funding programmes for PA1 (Innovation), PA3 (SME Competitiveness) and PA4 (Low Carbon) have now been delayed until July.

An information sharing agreement is under development relating to NWLDC / LLEP business referrals. Work has begun on interpreting the latest data on Leicestershire's top 200 businesses by turnover. The Coalville Town Centre database is being updated.

The percentage of women economically active in the district is at 75.4%. By comparison the percentage of men economically active is higher at 94.4%. However the number of women economically active in the district is higher than the East Midlands (72.4%) and in Great Britain (72.5%) average.

As of the end of June 2016 the Councils Enterprising North West Leicestershire grants scheme (ENWL) has awarded £361,873 in grants to support 20 local SME businesses from across the District. The successful grant recipients represent a number sectors including business from priority sectors such as Manufacturing, Professional Services and Tourism.

At the end of Quarter 1 the ENWL grants awarded have leveraged in over £2.8m of private sector match funding. This has resulted in a total investment enabled through the ENWL grants programme of £3,214,138.

ENWL grant has resulted in 59.5 new local jobs being created.

The ENWL grant funding has been used by businesses in a number of different ways including the purchase of new machinery, undertake works to premises or move to larger premises, relocating businesses into the District and also supporting new enterprises to start up in the District.

### **4 Financial management update**

At the end of the first quarter of the financial year the General Fund and Special Expenses budgets are being managed effectively and there are early projections of some additional income in recycling and investments, but they have been offset by increases in expenditure mainly in public protection. It is too early in the financial year to assume for definite that there will be significantly more resources than budgeted at the end of the year because of the volatility of local income streams, particularly Business Rates and Planning Income.

The Housing Revenue Account is forecast to be £81k under spent. This is mainly due to increased Rental income of £116k. The increased forecast in rental income is reduction in void levels.

At this early point in the financial year spending on both the General Fund and Housing Capital Programmes is expected to be on budget at the year end.

## **5 Sickness absence management update**

The corporate sickness target for 2016/17 is 7.4 days per full-time equivalent, or 1.85 days per quarter. The outturn for Q1 was 1.73 days – if the rate continues at that level in subsequent quarters the end of year rate would be 6.92 days, which would amount to an improvement on the target and a significant improvement on the 2016/17 corporate outturn of 9.4 days.

Recognising that we are still at an early stage in the financial year, there has been a renewed focus on our management of absence, particularly on long-term absence cases, which followed detailed analysis and consideration at the Corporate Leadership Team in the wake of the 2015/16 outturn figure. A number of long-term absence cases have been concluded during Quarter 1 and this has helped to reduce the number of days lost – by way of comparison – 584 days were lost as a result of long term absences during Q1 of 2015/16 compared to 467 days in Q1 of 2016/17 – a reduction of around 25%.

## **6 Risk Management**




The current risk register is attached at section 7 of Appendix 1. No new risks have been added since the register was reported to Cabinet as part of the Quarter 4 report.

## **7 Supporting evidence and statistics - Appendix 1**






Appendix 1 sets out the following items:

- Progress against Council key front line services
- Progress against Business & Jobs priority
- Progress against remaining priorities
- Finance
- Management of Absence

Status definitions used in Appendix 1

-  Performance on track (milestones) or performance on or above target (PI's)
-  Performance under control (milestones)
-  Performance failing (milestones) or performance below target (PIs)

## 2 PERFORMANCE DASHBOARD – LEISURE CENTRES

Progress against CDP milestones			Progress against CDP Performance Indicators		
3  Green	0  Amber	0  Red	0  Green	0  Red	

Budgeted Cost to provide service	£85,830	Total FTE's	81.71	Complaints received	6
Forecasted cost to provide service	£700,515	Total days lost to sickness	38.40*	Compliments received	11



\*cumulative number of FTE days lost

- Swim Academy income £15,128 above income target for Q1.

The Leisure centres have built in added class capacity through a reconfiguration of the pool programmes at each site and added activities towards the top end of the programme such as synchronised swimming. Further growth on the back of the added class capacity has been achieved through a combination of planned social media campaigns and targeted advertising within areas of population ( eg, Melbourne ) where swimmers have historically secured lessons with other providers.





- Leisure Centre usage level increase of 10,035 against Q1 target.

The centres events portfolio continues to rise as a result of actively targeting event organisers that have previously operated at other facilities within the region. Some of the existing hirers that have limited events to once a year are now moving towards multiple events and the Easter Holiday activity programme saw an increase in attendances, as has the After School programme and the Hermitage Recreation Ground 3G pitch.

Service Performance Indicators	Q1 Target	Q1 Actual	Status
Leisure Centre Membership income	£247,667	£250,114	
Leisure Facility Usage Levels (cumulative)	232,000	242,035	












## 2 PERFORMANCE DASHBOARD – HOUSING

Progress against CDP milestones			Progress against CDP Performance Indicators		
20  Green	7  Amber	0  Red	12  Green	1  Red	
Budgeted Cost to provide service	£561,350	Total FTE's	93.83	Complaints received	44
Forecasted cost to provide service	£538,550	Total days lost to sickness	256.28*	Compliments received	14

\*cumulative number of FTE days lost

- Rent Arrears performance is above the target although the performance is an improvement of 0.04% when compared with Q1 2015/16. The performance is reviewed on a weekly basis and is expected to be on track in Q2.
- Improvements in the time taken to let our properties coupled with an overall reduction in the number of empty homes in 2015/16 have led to significantly improved performance in this area.
- 31 Affordable homes delivered for Q1. 21 Affordable Rented & Shared Ownership properties delivered on developments in central Coalville and Ibstock, 10 discounted open market properties delivered through the developer in Castle Donington.
- In total 531 appointments were made for Housing Repairs and Planned Investment and 523 were kept.

Service Performance Indicators	Q1 Target	Q1 Actual	Status
% rent arrears of current tenants	2.04%	2.19%	
% rent loss	1.80%	1.27%	
% tenants satisfied with the allocation and lettings process	90%	96%	
Average re-let times (days)	40	38	
% of properties empty and unavailable	2%	2%	
Percentage of customers satisfied with responsive repairs	83%	96%	
Percentage of repairs completed Right First time	76%	100%	
Appointments Made and Kept (%)	97%	98%	

Service Performance Indicators	Q1 Target	Q1 Actual	Status
Number of affordable homes delivered (Quarterly – Cumulative target 110)	N/A	31	

## 2 PERFORMANCE DASHBOARD – REVENUES & BENEFITS







Progress against CDP milestones			Progress against CDP Performance Indicators		
2  Green	0  Amber	0  Red	0  Green	0  Red	

Budgeted Cost to provide service	£582,440	Total FTE's	23.24	Complaints received	8
Forecasted cost to provide service	£576,970	Total days lost to sickness	1*	Compliments received	1






\*cumulative number of FTE days lost

- To improve our service to customers and enable services to be accessed via self serve on the internet we are currently testing Firmstep link with Capita API to include customer online authentication for Council Tax, Benefit Landlords, Business Rates and Benefits.

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Service Performance Indicators	Q1 Target	Q1 Actual	Status
Combined benefits performance	14.2 days	10.7 days	
Benefits New Claims	20.8 days	18.3 days	
Processing of change of circumstances	13.3 days	9.5 days	
Council Tax in year collection rate	28.8%	28.9%	
Non-domestic rates in year collection rate	30.9%	30.6%	
HB overpayments collection rate	11%	12%	



## 2 PERFORMANCE DASHBOARD – REFUSE & RECYCLING

Progress against CDP milestones			Progress against CDP Performance Indicators		
2  Green	0  Amber	0  Red	0  Green	0  Red	

Budgeted Cost to provide service	£2,153,100	Total FTE's	78.79	Complaints received	3
Forecasted cost to provide service	£2,062,611	Total days lost to sickness	81.48*	Compliments received	8

\*cumulative number of FTE days lost

- Total income from sale of recyclables has been set as an overall annual target of £675,000. Due to recent improvements in some commodity prices of plastics, paper and cardboard the end of year projection based on current material values is estimated to be circa £800,000. Values can go down as well as up.
- The percentage of waste recycled and the reduction in Kgs of household waste sent to landfill remain on target. This is due in part to the Council's recent policy to replace larger 240litre refuse bins with smaller 180 litre refuse bins that become due for replacement. Since the policy was introduced in 2013 approximately 2,000 smaller refuse bins have been issued. In addition, attendance at recycling roadshows and local community events promote the benefits of recycling continues to reinforce good recycling habits across the district.

Service Performance Indicators	Q1 Target	Q1 Actual	Status
Income from sale of recyclables cumulative	N/A	Annual target	N/A
% of waste recycled	46%	46.2%	
Kgs of waste sent to landfill	519	513	

## 2 PERFORMANCE DASHBOARD - DEVELOPMENT MANAGEMENT

Progress against CDP milestones			Progress against CDP Performance Indicators		
1  Green	1  Amber	0  Red	0  Green	0  Red	0  Red

Budgeted Cost to provide service	-£318,030	Total FTE's	13.23	Complaints received	14
Forecasted cost to provide service	-£318,030	Total days lost to sickness	0	Compliments received	7

- Performance on minor applications in Quarter 1 was at 73.23% which is below the local target of 80%, but above the national target of 65%.
- Seven out of seven major development schemes approved in Quarter 1 scored positively against Building for life good standard.

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Service Performance Indicators	Q1 Target	Q1 Actual	Status
Percentage of customers very satisfied or satisfied with the Planning Service	90%	90.8%	
Percentage of major planning applications processed within period agreed with applicant	85%	93.8%	
Percentage of planning applications determined within 8 weeks for minor applications (see appendix 2)	80%	73.2%	
Percentage of planning applications determined within 8 weeks for other applications	80%	90.4%	


## 2 PERFORMANCE DASHBOARD - ENVIRONMENTAL HEALTH

Progress against CDP milestones			Progress against CDP Performance Indicators		
8  Green	0  Amber	0  Red	0  Green	0  Red	


Budgeted Cost to provide service	£390,750	Total FTE's	13.79	Complaints received	0
Forecasted cost to provide service	£353,070	Total days lost to sickness	9.62*	Compliments received	0

\*cumulative number of FTE days lost

- 8 taxi vehicle spot checks have been carried out, 4 of the 8 checked were without defect and 4 vehicles had minor defects which were subsequently corrected.
- A survey has been carried out to identify the number of food businesses currently displaying a hygiene rating in a prominent position. 15 of the 23 (65%) businesses were found to be displaying their rating.






Service Performance Indicators	Q1 Target	Q1 Actual	Status
Proportion of businesses that described their relationship with Environmental Health as being 'good'	N/A	Annual target	N/A
Proportion of businesses that said the regulatory officer had an understanding of the challenges faced by running a business	N/A	Annual target	N/A
Proportion of businesses that said they felt confident that they could rely on the advice received from the regulatory officer	N/A	Annual target	N/A
Number of the 15 targeted food establishments remaining non compliant with food hygiene law	15	15	

### 3 COUNCIL DELIVERY PLAN - BUSINESS & JOBS PRIORITY

Progress against milestones			Progress against Performance Indicators		
3  Green	0  Amber	0  Red	0  Green	0  Red	

No applicable performance indicators for Q1 (reported annually)

### 4 PROGRESS AGAINST REMAINING CDP PRIORITIES

Progress against milestones			Progress against Performance Indicators		
4  Green	2  Amber	0  Red	0  Green	0  Red	

No Performance Indicators Applicable for this priority

## 5 FINANCE UPDATE

This section sets out the projected financial position of the Council for the year ending 31 March 2017. The Council set its Revenue Budget at £12,002,000 on 23 February 2016.

General Fund – Summary of Net Expenditure	ORIGINAL BUDGET NET £ 000	FORECAST OUTTURN NET £ 000	FORECAST VARIANCE NET £ 000
<b>AMOUNT TO BE MET FROM GOVERNMENT GRANT AND COUNCIL TAX (Budget Requirement).</b>	12,002	12,002	0

Special Expenses – Summary of Net Expenditure	ORIGINAL BUDGET NET £ 000	FORECAST OUTTURN NET £ 000	FORECAST VARIANCE NET £ 000
<b>AMOUNT TO BE MET FROM GOVERNMENT GRANT AND COUNCIL TAX (Budget Requirement).</b>	488	499	11

HRA SUMMARY	ORIGINAL BUDGET NET £ 000	FORECAST OUTTURN NET £ 000	FORECAST VARIANCE NET £ 000
<b>Net cost of service (Total rent income less total expenditure)</b>	(2,395)	(2,476)	(81)

Capital Expenditure	General Fund £ 000	Special Expenses £	HRA £ 000	Total
Approved Budget for the Year	2,799	0	8,165	10,963
C/F from 2014/15	515	79	1,075	1,669
Approved projects in year	19	0	0	19
Slippage Identified in Year	0	0	0	0
<b>Total budget for 2015/16</b>	<b>3,333</b>	<b>79</b>	<b>9,240</b>	<b>12,651</b>
<b>Likely outturn for 2015/16 (provisional)</b>	<b>3,333</b>	<b>79</b>	<b>9,240</b>	<b>12,651</b>

### Comments on General Fund Variances

- Recycling Income is forecast to be £95k over budget
- Investment Income is forecast to be £23k over budget
- Public Protection salaries/agency £61k over spend

### Comments on Special Expenses Variances

- Burial Fee Income is forecast to be £11k less than Budget

### Comments on HRA Variances

- Increased forecast rent income of £116k mainly due to decreased void levels.
- Reduced forecast Service charge £14k.

### Comments on Capital Budget

As it's early in the year both the General Fund and HRA Capital Budget are showing no variances. This will change as we report bit later in the year with slippages as some capital projects straddle across two financial years.

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## **6 MANAGEMENT OF ABSENCE**

Quarter 1	Chief Exec & HR	Community Services	Finance	Housing Services	Legal & Sup Services	Reg & Planning	All Directorates
Sickness days lost	41 days long 1 day short	215.90 days long 140.19 days short	0 days long 28.54 days short	158.00 days long 78.28 days short	32.52 days long 45.75 days short	20.40 days long 9.77 days short	467.81 long 303.52 short
Total days lost in qtr	42 days	356.09 days	28.54 days	236.28 days	78.27 days	30.17 days	771.35 days
Number of FTE's	21.01	193.28	53.01	92.72	58.82	27.56	446.40
Average Cumulative no of days lost per FTE	2 days	1.84 days	0.54 days	2.55 days	1.33 days	1.09 days	1.73 days



## 7 RISK MANAGEMENT

Corporate Risk Register							
Risk Area	Inherent Risk			Control Measures	Residual Risk		
	Impact	Likelihood	Rating		Impact	Likelihood	Rating
Finance & Budget	4	4	16	Monthly management reviews are performed of actual against budgets and forecast to the end of the year. Monthly reporting and challenging at CLT, and reported to Cabinet quarterly Sound policies and procedures are in place. Financial planning processes have been documented and are reviewed regularly. Internal and External audit of systems and accounts. This risk may also need to be reviewed further once the outcome of the Governments spending review is known particularly in the light of the impact it could have on major projects being developed by the Council such as the Coalville project.	4	1	4
Resource Capacity & Capability	4	4	16	Advance planning will mitigate this risk; however should it occur diverting resources from other services, bringing in additional resources from other sources (e.g. Agencies, Consultants, Voluntary/Community sector etc.) would be activated. Market conditions are tested through recruitment processes. The Council offers a package of additional benefits to enhance the recruitment offer. Linked to the above, the Council has developed innovative partnering relationships with other sectors including the private sector to make posts uniquely attractive. Best Employee Experience is a programme to attract and develop the right skills. It is a programme developing the talent within the staff resource through secondments and tailored development programmes.	3	2	6
Contract Management & Procurement	4	4	16	Corporate procurement staff and legal team to support where necessary on contract management. Policies and procedures are in place. A Senior Procurement Officer oversees a procurement planning process. Training programme in place for staff. Given the progress that has been made to date the likelihood of this risk materialising could potentially be reduced although this needs to be balanced against future key staffing changes.	3	2	6

Information Governance & Data Protection	4	4	16	Policies and procedures are in place although not yet rolled out and fully embedded. Corporate Governance training is undertaken annually and includes information governance as appropriate to reflect changes in legislation. The Council has a dedicated SIRO. Corporate Governance Groups are in place to scrutinise impacts/issues arising.	4	3	12
Emergency Planning & Business Continuity arrangements	4	4	16	Business continuity plans have been documented, policies and procedures are in place. Currently however the Council does not have access to alternative arrangements in the event of an incident affecting the Council offices. CLT will consider a report into this matter A Business Continuity exercise showed the Council had a good understanding of business continuity.	4	1	4
Effective IT Systems & Procedures	4	4	16	Fully resilient environment in place with no single points of failure for core systems, other critical systems use cold standby equipment. New business services are being run in remote fully resilient data centres and existing systems are being progressively migrated to these cloud computing centres. Data is backed up to a second disk unit offsite at Hermitage Leisure Centre. Improved business recovery arrangements have been implemented to minimise recovery time.	3	2	6
Project & Programme Management	4	4	16	Progress is shared regularly with CLT, experienced PRINCE 2 staff are used on projects. Use of external resources is also being used to support the Coalville project.	4	3	12
Governance, Policies & Procedures	4	4	16	Policies & procedures in place, governance processes are documented and in operation, ongoing assessments and reviews are performed.	4	1	4

Assessing the likelihood of a risk:

<b>1 Low</b>	Likely to occur once in every ten years or more
<b>2 Medium</b>	Likely to occur once in every two to three years
<b>3 High</b>	Likely to occur once a year
<b>4 Very high</b>	Likely to occur at least twice in a year

Assessing the impact of a risk:

<p><b>1 Low</b></p>	<p>Loss of a service for up to one day, Objectives of individuals are not met No injuries Financial loss below £10,000 No media attention No breaches in council working practices No complaints/litigation</p>
<p><b>2 Medium</b></p>	<p>Loss of a service for up to one week Service objectives of a service unit are not met Injury to an employee or member of the public requiring medical treatment Financial loss over £10,000 Adverse regional or local media attention – televised or news paper report High potential for a complaint litigation possible Breaches of regulations/standards</p>
<p><b>3 High</b></p>	<p>Loss of a service for one week or more Service objectives of the directorate are not met Non- statutory duties are not achieved Permanent injury to an employee or member of the public Financial loss over £100,000 Adverse national or regional media attention – national news paper report Litigation to be expected Breaches of law punishable by fine</p>
<p><b>4 Very high</b></p>	<p>An incident so severe in its effects that a service or project will be unavailable permanently Strategic priorities are not met Statutory duties are not achieved Death of an employee or member of the public Financial loss over £1m. Adverse national media attention – national televised news report Litigation almost certain and difficult to defend Breaches of law punishable by imprisonment</p>

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 20 SEPTEMBER 2016

Title of report	<b>FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE-OFFS</b>
Key Decision	a) Financial No b) Community No
Contacts	Councillor Nick Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a>  Interim Director of Resources 01530 454833 <a href="mailto:andrew.hunkin@nwleicestershire.gov.uk">andrew.hunkin@nwleicestershire.gov.uk</a>  Financial Planning Manager and Deputy Section 151 Officer 01530 454707 <a href="mailto:priresh.padaniya@nwleicestershire.gov.uk">priresh.padaniya@nwleicestershire.gov.uk</a>
Purpose of report	To agree write-offs over £10,000 and receive details of debts written off under delegated powers.
Reason for Decision	To comply with proper accounting practices.
Council Priorities	Value for Money
Implications:	
Financial/Staff	There is no additional financial effect as all the debts are met from the Authority's bad debt provision.
Link to relevant CAT	None
Risk Management	Regular reviews of debts for write off mitigates the risk that the Council's accounts do not reflect the true level of recoverable income. It is also part of an effective arrears management strategy.
Equalities Impact Screening	Not applicable.
Human Rights	None discernible.
Transformational Government	Not applicable.

Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	None.
Background papers	All papers used in compiling the report contain exempt information under paragraph 3 of Part 1 to Schedule 12A Local Government Act 1972
Recommendations	<p><b>1. THAT CABINET APPROVES THE WRITE OFFS OVER £10,000 DETAILED IN THIS REPORT.</b></p> <p><b>2. THAT CABINET NOTES THE AMOUNTS WRITTEN OFF UNDER DELEGATED POWERS.</b></p>

## 1.0 DOUBTFUL DEBT PROVISIONS

1.1 Provision is made in the accounts as follows:

	As at 1 April 2016	Write offs to date (under delegated powers)	Amounts written off over £10,000 approved by Members	Balance Available
Council Tax	£1,932,901.22	£57,655.42	£0.00	£1,875,245.80
Non Domestic Rates	£317,369.40	£34,978.95	£144,481.64	£137,908.81
Housing Rents	£125,000.00	£2,349.46	£0.00	£122,650.54
Sundry Debtors/Housing Benefit Overpayments	£1,163,090.44	£7,456.36	£0.00	£1,155,634.08

## 2.0 FORMER TENANT RENT ARREARS

2.1 There are no former tenancy arrears write-offs over £10,000 for which we seek approval.

2.2 There were no former tenancy amounts written off under delegated powers.

## 3.0 CURRENT TENANT RENT ARREARS

3.1 There are currently no current tenant rent arrears for which we seek approval for write-off. There were no current rent arrears written off under delegated powers.

## 4.0 COUNCIL TAX

- 4.1 There are currently no council tax debts over £10,000 for which Cabinet's approval for write off is sought.
- 4.2 The amounts written off under delegated powers, in accordance with the thresholds outlined in the write off policy, are as follows: 7 cases under £100 which amount to £281.84. Of these, five cases have absconded (£262.52), one case is deceased with no assets (£13.98) and one case is uneconomical to collect (£5.34). There are 44 cases between £100 and £1,000, which amount to £17,254.63. Of these, 30 have absconded (£10,451.56), nine are insolvent (£4,935.44), one is deceased with no assets (£226.45), three are uneconomical to collect (£944.17), and one case is due to severe hardship (£697.01). There are 11 cases between £1,000 and £10,000 which amount to £16,889.08. Of these, eight have absconded (£12,320.61), one is deceased with no assets (£1,356.09) and two are Insolvent (£3,212.38).
- 4.3 The full list of reasons for writing off debt includes:
- Bankruptcy or a Debt Relief Order is in place
  - Deceased – No assets in the estate.
  - Debtor Absconded / No Trace
  - Company in liquidation/dissolved or ceased trading with no assets
  - Severe Hardship and/or Serious health Issues
  - Statute barred i.e. we cannot legally pursue the debt as there has been six years since the debt fell due and no action has been taken to collect the debt.
  - Uneconomical to collect i.e. it is not financially viable to take further action for e.g. due to the low level of the debt, they have gone abroad etc.
- 4.4 Writing off debts is only considered where all appropriate recovery and enforcement measures have been taken, or, where the council are legally prohibited from pursuing the debt.
- 4.5 Each year the council produces a recovery timetable which details the dates on which the statutory Reminders, Final Notices and Summonses are to be despatched. The letters issued are designed to maximise collection by prompting tax payers to pay their missed instalments in a timely manner, thereby avoiding further enforcement action taking place. Information is provided on the website to explain what happens next should payment not be made.
- 4.6 For all outstanding debt, the council takes the recovery action outlined in the bullet points below:
- If payment is not received by the instalment due date shown on the bill, a reminder notice is issued.
  - If payment is received within seven days the tax payer may continue with their original instalment plan. If they default again within the year, then one further reminder notice is issued. If they do not pay, the following steps are taken.
  - If payment is not received by the date on the reminder notice, a court Summons is issued. The Summons advises them of the date and time that the Council will attend a Magistrates Court hearing to apply for the award of a Liability Order against them.
  - Once a Liability Order is obtained, the Council has a number of enforcement options open to them in order to secure payment of the debt.

#### 4.7 Liability Order Action

Once a Liability Order has been obtained each debt is looked at and a decision is made as to the most appropriate course of action to take from the list of available options below. It is only after all of these have been considered and/or pursued that the debt is put forward for write off.

1. Apply to the debtor's employer for an Attachment of Earnings.
2. Apply to the DWP for a deduction from the debtor's benefits
3. Instruct an external enforcement company (bailiffs) to collect the debt on the council's behalf.
4. If the enforcement company are unsuccessful, the Council could commence committal proceedings against the debtor.
5. If the debtor owns their own home a Charging Order could be made against the property.
6. If the debt is over £5,000, bankruptcy proceedings could be commenced against the debtor.

When considering the final three options on the above list, the Council must always be mindful of the individual circumstances of the debtor and the financial impact on the Council of pursuing each option. Additional costs will be incurred when utilising any of these options.

#### 5.0 NON DOMESTIC RATES (NNDR)

- 5.1 There are currently two Non Domestic Rate debts over £10,000 which amount to £36,118.72 for which Cabinet's approval for write off is sought. There is one case where the company has gone into liquidation (£12,746.83) and legally we can take no further recovery action against these debts. The other case has absconded and all available searches have produced no trace (£23,371.89).
- 5.2 The amounts written off under delegated powers in accordance with the policy thresholds are as follows: There are four cases between £1,000 and £10,000 which amount to £14,407.03. Of these, one case is uneconomical to collect (£1,206.99) and three cases that are insolvent (£13,200.04). There are six cases between £100 and £1,000 which amount to £1,982.15. Of these, four cases are insolvent (£1,270.72) and two cases have absconded (£711.43).
- 5.3 As with the recovery of Council Tax, for Business Rates, writing off debt is only ever considered as a last resort. Often companies, sole traders or partnerships become insolvent and the Council is prohibited from taking any further action as all of their outstanding debts are included within the Administration, Liquidation or personal bankruptcy.
- 5.4 The Council follows the same recovery process for Business Rates as for Council Tax. However, once the Council has obtained a Liability Order there are only a limited number of enforcement actions that can legally be pursued. In most cases, where a payment arrangement or contact cannot be made, the Council refers the case to external Enforcement Agents. If they are unsuccessful, the Council then has three further options to consider before putting the debt for write off. These options are:



- Committal (For sole traders and partnerships only)
- Security for Unpaid Rate (this is the equivalent of a Charging Order on a property but this can only be done with the ratepayers agreement)
- Insolvency Proceedings

## **6.0 SUNDRY DEBTORS (INCLUDES NON CURRENT HOUSING BENEFIT OVERPAYMENTS PRE 2011)**

- 6.1 There are currently no sundry debtor cases over £10,000 for which Cabinet's approval for write off is sought
- 6.2 There were no cases that have been written off under the Deputy S151 Officer delegated powers.
- 6.3 The recovery process varies dependant on the type of debt. Generally the debtor will receive a minimum of two reminder letters the final stating that recovery through the county court will take place in the event of non payment. Once judgement is obtained the normal recovery methods are available such as attachment of earnings/ benefit etc.

## **7.0 CURRENT HOUSING BENEFIT OVERPAYMENTS**

- 7.1 There are currently no sundry debtor cases over £10,000 for which Cabinet's approval for write off is sought.
- 7.2 The amounts written off under delegated powers, in accordance with the thresholds outlined in the write off policy, are as follows: There is one case under £100 which is deceased with no assets (£88.55). There are two cases between £100 and £1,000 which amount to £799.55. Of these, one case has absconded (£498.70) and one case is uneconomical to collect (£300.85). There are no cases between £1,000 and £10,000 written off under delegated powers.
- 7.3 For all outstanding benefit overpayment debt, the council takes the recovery action outlined in the bullet points below:
- An invoice is issued giving 14 days to make payment, or to contact the council.
  - If payment is not received a first Reminder is issued, followed by a second reminder two to three weeks later.
  - If payment is not received a 'CIS' (DWP database) check is carried out to assess if an attachment of benefit is appropriate. If benefit cannot be attached the account is sent to an external bailiffs collection team with no cost to the Council. However, they have no powers to enforce the debt at this stage only to collect it.
  - If the cases are returned, each case is checked and a decision is made as to whether it is appropriate to start legal proceedings in the County Court.
  - If judgement is obtained in the County Court, the following enforcement options are available to consider:-
    1. Attachments of Earnings (deduction of customer's wages, at source by employer)
    2. Warrants Control (the use of County Court Bailiff, or High Court Sheriff)
    3. Third Party Debt Orders (Utilises the customer's bank account to extract payment)
    4. Charging Order (the debt is secured on the customer's house)
    5. Insolvency (petition for bankruptcy)

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – 20 SEPTEMBER 2016**

Title of report	<b>EXTENDING AND EXPANDING THE COALVILLE SHOP FRONT IMPROVEMENT GRANT SCHEME LOCAL DEVELOPMENT ORDER</b>
Key Decision	a) Financial No b) Community No
Contacts	<p>Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a></p> <p>Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a></p> <p>Head of Planning and Regeneration 01530 454782 <a href="mailto:jim.newton@nwleicestershire.gov.uk">jim.newton@nwleicestershire.gov.uk</a></p>
Purpose of report	To extend and expand the Local Development Order that is supporting the current and next phase of the Coalville shop front improvement scheme
Reason for Decision	<p>To support the Building Confidence in Coalville programme, by making it easier for property owners to undertake specified improvements</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides for the local planning authority to formally adopt the Local Development Order</p>
Council Priorities	Building Confidence in Coalville Business and Jobs
Implications:  Financial/Staff  Link to relevant CAT	<p>The Order will grant planning permission for specific work to specified buildings.</p> <p>None</p>

Risk Management	The Order removes a risk that permission may be refused for specified works, and therefore encourages property owners to participate in the shopfronts improvement scheme.
Equalities Impact Screening	Not applicable
Human Rights	Not applicable
Transformational Government	The removal of red tape to encourage regeneration
Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	<a href="#">Building Confidence in Coalville report to Cabinet on 26 July 2016</a> <a href="#">Hotel Street / High Street Local Development Order report to Cabinet 21 July 2015</a>
Recommendations	<p><b>THAT CABINET:</b></p> <ol style="list-style-type: none"> <li><b>1. APPROVES THE EXTENSION AND EXPANSION OF THE LOCAL DEVELOPMENT ORDER (LDO) AT APPENDIX 1 TO THIS REPORT, THAT IS SUPPORTING THE COALVILLE SHOP FRONT IMPROVEMENT GRANT SCHEME;</b></li> <li><b>2. RESOLVES THAT THE REVISED LDO BE SUBJECT TO A SIX WEEK PUBLIC CONSULTATION FOLLOWING THE END OF THE CALL-IN PERIOD; AND</b></li> <li><b>3. DELEGATES AUTHORITY TO THE DIRECTOR OF SERVICES, IN CONSULTATION WITH THE REGENERATION AND PLANNING PORTFOLIO HOLDER, TO ADOPT THE LDO WITH OR WITHOUT MODIFICATIONS AT THE END OF THE CONSULTATION PERIOD</b></li> </ol>

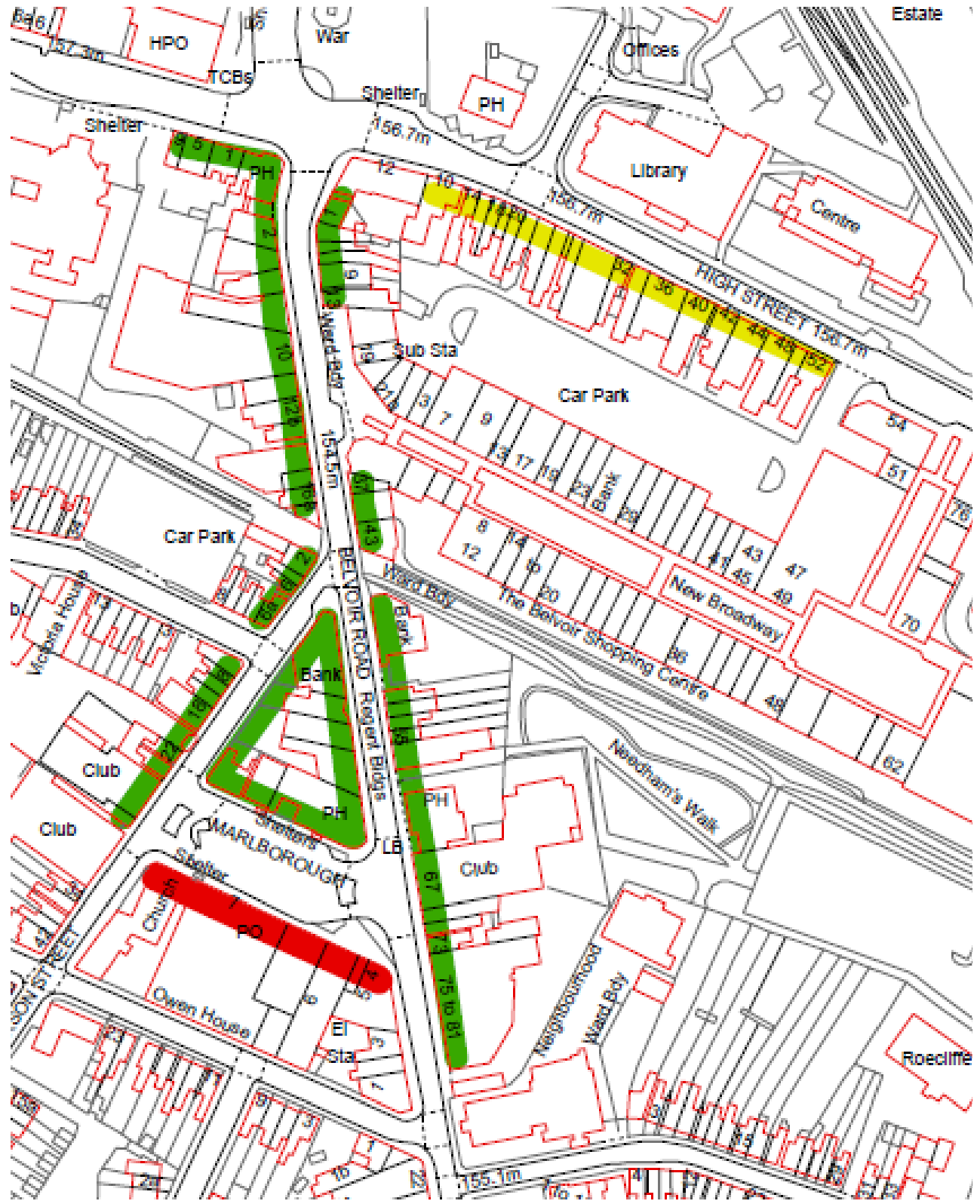
## **1. BACKGROUND**

- 1.1 The Hotel Street and High Street Local Development Order was adopted on 21 July 2015, and runs for an 18 month period. It was instigated to assist the delivery of the Shopfronts Improvement programme, which is currently spending £225,000 to support the re-instatement and improvement of shopfronts.
- 1.2 The LDO grants planning permission for the works that the improvement programme promotes, making it easier for property owners to improve their shopfronts. The LDO also, by granting planning permission, enables those properties that are covered by the Order, but whose owners may not wish to participate in the grant scheme, to make the improvements that it grants planning permission for. There is no compulsion on any building owner to implement works that are set out in the LDO.
- 1.3 Cabinet approved an additional sum of £300,000 on 26 July 2016, in order that the Shopfront Improvement programme could be extended into Belvoir Road and Marlborough Square. The 26 July 2016 report set out the benefits of extending the scheme and this report is the legal planning process to enable that extension. The map at Appendix 1 shows the proposed extended scope of the LDO in green and red.
- 1.4 The proposed extension of the LDO has been carefully considered by Business Focus, the Head of Economic Development and the Head of Planning And Regeneration.
- 1.5 It is intended that the revised LDO will be subject to a statutory consultation period following the end of the call-in period, after which it will be formally adopted and come into force

## **2. RESOURCE REQUIREMENTS**

- 2.1 The Order itself, Statement of Reasons, Press Notice, web site text, and notification letters will all need to be updated. In addition, the amendment to the Order will require some administrative tasks, such as posting site notices, addressing consultation responses and reporting to Cabinet. This will be absorbed into normal working patterns.
- 2.2 The Press Notice carries a cost of up to £1,000. That cost will be borne by the Coalville Project.

1. Appendix 1  
 Proposed boundary of Coalville frontages grants scheme



Likely to contain exempt information under paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 13.

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Part 1 of Schedule 12A of the Local Government Act 1972.

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