

Meeting	POLICY DEVELOPMENT GROUP
Time/Day/Date	6.30 pm on Wednesday, 6 February 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
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.	
3. PUBLIC QUESTION AND ANSWER SESSION	
To receive questions from members of the public under rule no.10 of the Council Procedure Rules. The procedure rule provides that members of the public may ask any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.	
4. MINUTES	
To approve and sign the minutes of the meeting held on 9 January 2019.	3 - 12
5. USE OF BAILIFFS REVIEW	
Report of the Head of Customer Services	13 - 44
6. HOMELESSNESS PREVENTION AND ROUGH SLEEPING STRATEGY 2018 - 2022	
Report of the Head of Housing and Property Services	45 - 76
7. EQUALITY AND DIVERSITY POLICY	
Report of the Head of Human Resources and Organisation Development	77 - 98

8. REVIEW OF THE COUNCIL'S CONSTITUTION

Report of the Head of Legal and Commercial Services

99 - 158

9. ITEMS FOR INCLUSION IN THE FUTURE WORK PROGRAMME

To consider any items to be included in the work programme. The plan of forthcoming Cabinet decisions and the current work programme are attached for information.

159 - 166

10. EXCLUSION OF PRESS AND PUBLIC

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. Members are reminded that they must have regard to the public interest test and must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.

11. UPDATE ON PROPOSALS FOR NWLDC SITE IN COALVILLE

Report of the Strategic Director of Housing and Customer Services

167 - 192

Circulation:

Councillor R Ashman
Councillor N Clarke
Councillor T Eynon
Councillor G Houl
Councillor P Purver
Councillor V Richichi
Councillor A C Saffell
Councillor S Sheahan
Councillor N Smith (Deputy Chairman)
Councillor M Specht (Chairman)

MINUTES of a meeting of the POLICY DEVELOPMENT GROUP held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 9 JANUARY 2019

Present: Councillor M Specht (Chairman)

Councillors R Ashman, T Eynon, J Geary (Substitute for Councillor N Clarke), G Hoult, P Purver, V Richichi, A C Saffell, S Sheahan and N Smith

In Attendance: Councillors R Adams, J Clarke, R Johnson and J Legrys

Portfolio Holders: Councillors R Blunt and N J Rushton

Officers: Mr J Arnold, Mrs T Bingham, Mr M Fiander, Mr G Jones, Mrs B Smith, Mrs R Wallace and Miss A Wright

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor N Clarke.

33. DECLARATION OF INTERESTS

Councillor S Sheahan declared a non-pecuniary interest in item 12 – Marlborough Square Update as a Councillor for Leicestershire County Council. He also declared a pecuniary interest in item 8 – Draft 2019/20 General Fund and Special Expenses Revenue Budgets, as there was reference in the report to HS2. He advised that he would leave the room during any discussion on HS2.

Councillor T Eynon declared a non-pecuniary interest in item 12 – Marlborough Square update as a Councillor for Leicestershire County Council.

34. PUBLIC QUESTION AND ANSWER SESSION

None.

35. MINUTES

Consideration was given to the minutes of the meeting held on 5 November 2018.

Councillor S Sheahan asked for the following amendment to minute number 25 – Declarations of Interests:

‘Councillor S Sheahan declared a non-pecuniary interest in item 7 – Quarter 2 Performance Management Report, due to the reference in the report to HS2.’

It was moved by Councillor M Specht, seconded by Councillor S Sheahan and

RESOLVED THAT:

The minutes of the meeting held on 5 November 2018 be approved subject to the above amendment and signed by the Chairman as a correct record.

At the request of the Chairman, it was agreed to move item 12 – Marlborough Square Update up the agenda to be considered first.

36. MARLBOROUGH SQUARE UPDATE

The Chief Executive addressed the committee providing an overview of the project progress to date and highlighting the correspondence from Leicestershire County Council detailed in the additional papers, which referred to the termination of the current joint arrangements.

The Strategic Director of Place gave a presentation to Members, which detailed a review on the work already carried out on the project, the current position and an outline of the proposed way forward.

The Leader of the Council addressed the Committee. He expressed the importance of continuing with the project and creating a first class scheme for Coalville. As the land at Marlborough Square was owned by Leicestershire County Council it was a sensible choice at the time to create the arrangement with them for the contracting of the work required. The Leader of the Council stated that the agreement was entered into in good faith, and in hindsight, he would not have done things any differently. However, he understood that the whole process was a learning curve and it was now essential to move forward.

The Chairman reminded Members that as the meeting and the report were open to the public, any discussions regarding the confidential additional papers of the tender price would require a motion to exclude the press and public during the item.

In response to a number of questions from Councillor S Sheahan, the following was stated:

- The Head of Economic Regeneration was the NWLDC representative on the Leicestershire County Council Project Board.
- The Leader of the Council did not believe that it was a mistake to form the agreement with Leicestershire County Council, as it was a logical decision. Unfortunately, the fit was not right and as soon as the problems occurred, the project was stopped immediately.
- The Leader of the Council did not believe the project was carried out 'on the hoof'. There was a series of conversations held between all parties prior to work being undertaken, which was good practice. Unfortunately, this led to a mismatch of information along the communication lines.
- The Leader of the Council did not think that the changes requested from NWLDC during the process were to blame for the breakdown of the agreement. Due to the required standard of the scheme, it was important to have many discussions on the options available to ensure the aesthetic quality was right.

In response to a number of questions from Councillor T Eynon, the following was stated:

- The Head of Economic Regeneration stated that officers were aware that the granite paving would take the costs over budget and that the July 2018 completion date would be missed in approximately April 2018.
- The Head of Economic Regeneration reported that there were three different project managers involved during the contract but he did not feel that this had an impact, as they were from the same company and there was always a smooth handover.
- The Head of Economic Regeneration stated that there was acknowledgement that contractors would set up on site before final costs were known but there were

contingencies in place to cover most circumstances with money in the budget to cover risks and authority delegated to the Strategic Director to make changes to the scheme.

- The Head of Economic Regeneration stated that it had been hoped that the work could be done in time to enable trees to be planted in the square by the end of the planting season, which was November to March.
- The Leader of the Council stated that officers would now progress with the tender process and would be able to talk directly to contractors rather than going through Leicestershire County Council. He assured Members that work would not go ahead until there was a fixed price in place.

Councillor T Eynon stated that it was difficult to have confidence in the Council to run big projects when it cannot manage smaller projects such as this one. The Leader of the Council stated that Council officers were very competent and he had no concerns. He added that the whole process had been a learning curve but he believed that Coalville would get a good scheme for an affordable price. The Chief Executive felt that all officers on both sides had worked very hard on the project and the methodology behind it had been right. She added that after seeing all of the information available, she still had every confidence in her officers.

Councillor V Richichi asked if going forward there would be a ceiling on the cost of the development and if penalty clauses would be included in contracts. The Strategic Director of Place reported that going forward the scheme would go through a competitive tender process using work already undertaken and a set price would be sought. The contracts would have contingencies built in to cover any changes including timescales and costs but penalties were not being considered at this time, however legal advice would be sought and this matter incorporated into any future contract.

Councillor R Ashman stated that there was an indication that nothing had been done but that was obviously not the case. He was pleased that officers were being open and honest about everything. He asked if Leicestershire County Council had made it clear that there were cost issues prior to the start of work. The Head of Economic Regeneration confirmed that they had not. The Leader of the Council reported that contractors were not aware if there were any problems that were underground until work had started but we had allowed the closing of the square in good faith. He felt it was a tough decision to stop the project and make the issues public.

In response to a question from Councillor N Smith, the Leader of the Council confirmed that the Princes Trust were still involved in discussions. The focus for Coalville was still the four squares and therefore the Princes Foundation was at the heart of all that we do.

In response to a further question from Councillor N Smith, the Head of Economic Regeneration stated that work totalling approximately £8,000 was not budgeted for when Cabinet approved the initial budget for the project.

Councillor J Geary stated that he had always been supportive of the suggested schemes for Coalville but he had found it very embarrassing when receiving questions and comments from residents about Marlborough Square. He was disappointed with the report as it did not really state what went wrong with the project and why. However, he was pleased to receive the additional papers which gave an indication as to where the blame lied, although it was one sided. He was disappointed that there was not a representative from Leicestershire County Council in attendance. Councillor J Geary questioned if the Council were liable for any costs post October 2018 as Leicestershire County Council acknowledge their awareness of problems from that date within the additional papers. The Leader of the Council felt that there was limited purpose in arguing a case on this when the two parties have different perspectives on the same issues. The

reality was that there was a miscommunication between two councils and an external framework contractor.

Councillor S Sheahan asked if he was able to refer to the County Council's letter in the public meeting as Councillor J Geary had done due to the confidential nature of the information. Members were advised that they could as long as any financial information was omitted.

In response to a number of questions from Councillor S Sheahan, the following was stated:

- The Leader of the Council explained that he had not agreed a specific role on the project with officers, as he would not usually get involved if it was going smoothly. As the Leader of the Council, it was essential to get involved when required to.
- The Strategic Director of Place explained that protocols were followed and in his opinion, it was the same scope as it was a year ago. He also felt that the process undertaken was how a project should be run.
- Regarding the comments from Leicestershire County Council in relation to NWLDC breaking communication protocol, the Strategic Director of Place reminded Members that this was the County Council's perception and he did not believe that was the case. He was confident that officers acted correctly, as the problems raised were issues that needed to be rectified to make the scheme right for Coalville. The frustration was that there was very few drawings available to allow details to be dealt with.
- Regarding the claims from Leicestershire County Council that the increase in costs were entirely due to intervention from NWLDC colleagues, the Chief Executive reported that the costs of any additional elements were very small and the County Council admitted that they had underestimated costs.

At this point, the Chairman stopped debate as the report had been discussed at some length. He felt that officers had learnt lessons from the process and as the committee were being asked to note the current position he moved the recommendation. It was seconded by Councillor G Hoult.

Councillor S Sheahan did not agree that the debate should be curtailed as he still had questions that he wanted answering. He requested the ability to submit a minority report to Cabinet when considering the report on 15 January. The Chairman stated that legal advice on the process for submitting minority reports would be provided to Councillor S Sheehan outside of the meeting.

RESOLVED THAT:

The report be noted.

37. 2019/20 CAPITAL STRATEGY

The Head of Finance presented the report to Members.

In response to a question regarding the ownership of the Leisure Centres from Councillor T Eynon, the Head of Finance reported that the service provider would be responsible for the lifecycle costs of the facilities. If the service provider wanted to extend the buildings or make any large-scale changes to the facilities, they would need the Council's permission, and may involve the Council making a financial contribution as they remain Council owned assets.

Councillor J Geary raised concerns that once the land at Cropston Drive had been sold to fund the leisure project there would be no remaining council owned land to fall back on if funds were required elsewhere in the future. He was also disappointed that the land was not being used for much needed council housing. The Portfolio Holder believed it was better to maximise the value of the land by selling it and funding capital projects. He added that there could be options to buy more land in the future as well as other ways to invest money to raise funds. Regarding the development of the Cropston Drive site, the Portfolio Holder stated that the development of the site would include social housing, plans of which would be seen by Planning Committee in due course. He added that other council sites such as disused garages were being utilised for development for social housing.

It was moved by Councillor N Smith, seconded by Councillor R Ashman and

RESOLVED THAT:

Comments made by the Policy Development Group be provided to Cabinet when it meets on 5 February to consider the Capital Strategy 2019/20.

38. TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20 AND PRUDENTIAL INDICATORS 2019/20 TO 2021/22

The Head of Finance presented the report to Members.

In response to a question from Councillor S Sheahan, the Portfolio Holder explained that the additional steps implemented for investments and Local Authority lending was introduced to avoid any reputational embarrassment. The Head of Finance stated that she had previously given assurances to Members regarding inter local authority borrowing and that any such investments were safe. However, the issue was around the timing of claiming money back in the event that an invested local authority encountered financial difficulties and it was important to safeguard our finances.

Councillor T Eynon raised concerns regarding the decision to not automatically set aside the budgeted HRA surpluses for the repayment of loans due in 2037. She asked for assurance that this would not leave the future generation in a difficult financial situation. The Portfolio Holder assured Members that the Council was prudent and it was the intent to pay off the loans due in 2022. However, having more flexibility post 2022 would allow the Council to consider investing in new supply and/or stock improvement to improve and widen the asset base and realise future income streams. Councillor T Eynon asked what strategies were in place to deal with any required improvements to the housing stock at the time the loan repayments were due from 2037. The Portfolio Holder explained that money from rent payments were put aside into planned programmes for any maintenance work required to the housing stock. The Strategic Director of Housing and Customer Services confirmed the arrangements, stating that annuity loans would continue to be repaid, that of the £77m self financing loans taken out in 2012, a considerable chunk (£33m) would be paid off by 2032 and the option to refinance would always be available. He very much doubted that most local authorities would be in such a good financial position.

It was moved by Councillor V Richichi, seconded by Councillor R Ashman and

RESOLVED THAT:

Comments made by the Policy Development Group meeting be provided to Council when considering the Treasury Management Strategy Statement 2019/20, Treasury Management Indicators – Revised 2018/19 and 2019/20 to 2021/22, and the Annual Minimum Revenue Provision Statement.

39. DRAFT INVESTMENT STRATEGY - SERVICE AND COMMERCIAL 2019/20

The Head of Finance presented the report to Members.

Councillor G Hoult thanked the finance team for a very comprehensive report.

It was moved by Councillor M Specht, seconded by Councillor G Hoult and

RESOLVED THAT:

The report be noted.

40. DRAFT 2019/20 GENERAL FUND AND SPECIAL EXPENSES REVENUE BUDGETS

The Head of Finance presented the report to Members.

Councillor N Smith congratulated the Portfolio Holder and the Finance Team for another strong budget with no increase in council tax, as well as the planned investment in recycling.

The Chairman thanked the Portfolio Holder and the Leader of the Council for attending the meeting.

In response to a question from Councillor S Sheahan, the Head of Finance stated that the additional £5,000 contribution for Citizens Advice was put forward by the Team Manager following discussions with the Citizens Advice Bureaux. It was agreed for the Finance Team Manager to provide further information to Councillor S Sheahan outside of the meeting. The Strategic Director of Housing and Customer Services commented that the HRA Budget Proposals contained an additional investment to fund a support worker to work with residents experiencing financial hardship.

Regarding the budget proposal for no increase in council tax, Councillor S Sheahan commented that there was no indication as to the amount of money that could be received if there was an increase. The Head of Finance explained that in line with legislation, the most the Council tax could be increased by (without a local referendum) is 2.99 percent and referred to paragraph 4.5 of the report where the impact of not increasing council tax is outlined.

Councillor A C Saffell asked why there had been an increase in staff numbers when the issue regarding the use of agency staff and the rising staffing costs had been raised in the last financial year. The Head of Finance explained that the figures detailed in the report were all committed costs for yearly progression through salary bands, pensions and cost of living increases. It was agreed for the Finance Team Manager to provide Councillor A C Saffell with further details regarding the committed staffing costs and an update on permanent / agency staff numbers. The Strategic Director of Housing and Customer Services commented that staff numbers may increase in areas such as Housing Repairs where planned maintenance programmes have been taken back in-house.

Councillor T Eynon raised concerns that there had been no expenditure against the self-sufficiency fund since it was set up. The Portfolio Holder explained that as there was so much financial risk, it was prudent to save the funds for when it was needed. The Head of Finance added that a future deficit had been predicted and therefore she was reluctant to utilise the fund until that time. The Strategic Director of Housing and Customer Services commented that the Commercial Strategy had been approved by Cabinet in October 2018, and income generating proposals may come forward in the coming months which could be financed from this fund.

Councillor T Eynon expressed surprise that the Council was required to make a management fee payment to the leisure service provider in the early years of the project and was concerned about whether the predicted £100,000 saving with the project could be made. The Head of Finance explained that the saving was in relation to the corporate overheads and the management fee payments were something that had become known during the bidding process.

Councillor S Sheahan asked that the points raised by Councillor T Eynon regarding the leisure project be addressed and made clear to Members at the upcoming leisure project briefing. The Strategic Director of Place agreed.

Councillor R Ashman felt it was a good clear report and was pleased alternative ways were being sought to generate income.

It was moved by Councillor R Ashman, seconded by Councillor G Hout and

RESOLVED THAT:

Comments made by the Policy Development Group be provided to Cabinet when it meets on 5 February to consider the Draft 2019/20 General Fund and Special Expenses Revenue Budgets.

41. 2019/20 HOUSING REVENUE ACCOUNT (HRA) BUDGET PROPOSALS

The Head of Finance presented the report to Members.

In response to a question from Councillor J Geary, the Strategic Director of Housing Customer Services explained that the laundry room service charges had been increased, as they had been very low for some time and previously did not recover the costs being incurred. He added that new equipment had been installed and a consultation carried out with the users indicated that they were willing to pay the increase in charges for improved facilities. Councillor T Eynon believed that there was an acceptance from residents in sheltered schemes as they were happy to pay more for better facilities.

Councillor J Geary did not agree with the increase in shop leases at a time when the Council should be encouraging small businesses to remain open. The Portfolio Holder stated that the increase was to gradually bring the charges in line with the market rate. The Strategic Director of Housing and Customer Services added that the leases had been frozen at the previous rate for decades and was not near the market rate. There had been no objection from the business owners to the increases which have been phased in since 2015.

Councillor S Sheahan was disappointed with the decision to increase the shop leases. He understood that the Council was a business but felt that these small shops should be supported as much as possible, especially as some of these businesses were the only local shops available to residents in some areas.

It was moved by Councillor P Purver, seconded by Council G Hout and

RESOLVED THAT:

Comments made by the Policy Development Group be provided to Cabinet when it meets on 5 February to consider the 2019/20 Housing Revenue Account (HRA) Budget Proposals.

42. 2019/20 - 2023/24 DRAFT CAPITAL PROGRAMMES

The Head of Finance presented the report to Members. Further to the report, she informed Members that due to the recent failure in the door security system of the Council Offices, Cabinet made the decision at its December meeting to replace the system in this financial year rather than the next financial year as originally budgeted for. The changes would be included in the final budget report.

Councillor S Sheahan expressed interest in the compartmentalisation recycling bin pilot, as any improvements to the current provision would be beneficial. He asked how quickly it would be rolled out across the district and when financial benefits would be seen. The Strategic Director of Place stated it was difficult to say what improvements to recycling rates or financial benefits would be at this stage.

Councillor A C Saffell referred to the recent announcements that the Government were looking at standardising the method of collecting waste across the country and asked if this would be considered when conducting the pilot. The Strategic Director of Place confirmed that this would be included in the Waste Strategy.

In response to a question from Councillor J Geary, the Head of Finance agreed to provide further information regarding the cost of Owen Street football floodlights and how it was to be funded.

It was moved by Councillor M Specht, seconded by Councillor J Geary and

RESOLVED THAT:

Comments made by the Policy Development Group be provided to Cabinet when it meets on 5 February to consider the 2019/20 - 2023/24 Draft Capital Programmes.

43. 2019 - 2024 MEDIUM TERM FINANCIAL STRATEGY

The Head of Finance presented the report to Members.

At the request of Councillor T Eynon, the Head of Finance explained the four key work streams identified as part of the self-sufficiency programme, as detailed at paragraph 4.4 of appendix 1.

The Strategic Director of Housing and Customer Services explained that there was a flexible approach to the use of the self-sufficiency funds. If the opportunity arose, it could be invested or we could continue to add to the reserve until it was required.

It was moved by Councillor A C Saffell, seconded by Councillor P Purver and

RESOLVED THAT:

The report be noted.

44. ITEMS FOR INCLUSION IN THE FUTURE WORK PROGRAMME

A discussion took place regarding the 'Gas Supply in Rural Areas' item which had previously been on the work programme for some time but was no longer scheduled for a meeting. It was agreed for the Strategic Director of Housing and Customer Services to make the necessary arrangements for the item to be considered at a future meeting, possibly in June 2019.

Councillor T Eynon stated that it was a year since Universal Credit had been introduced and it had implications on those that received council tax credits. She also felt that customer service staff were sometimes unsure of what advice to give due to the complex nature of the scheme. She would like someone from universal credit and customer services to undertake a review, especially on the impact it has had on claimants and their access to council tax and other support.

In response to a question from Councillor A C Saffell, the Strategic Director of Housing and Customer Services explained that the 'Workforce and Agency Costs – Annual Update' report was scheduled for 12 June 2019 as it was the first meeting after the end of the financial year.

RESOLVED THAT:

- a) The 'Gas Supply in Rural Areas' item be scheduled for a future meeting.
- b) A report regarding a review of the impact of universal credit on claimants and their access to support be considered at a future meeting.

45. 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.

46. VALUE FOR MONEY REVIEW OF NEW AFFORDABLE HOUSING

The Strategic Director of Housing and Customer Services presented the report to Members.

In response to a question from Councillor S Sheahan, the Strategic Director of Housing and Customer Services stated that the cost of land was an issue and that was the reason why council owned land was currently being developed, unless opportunities arose such as with the police station site in Coalville. Councillor S Sheahan asked if there was anything that could be done via Planning to overcome the land costs. The Strategic Director for Housing and Customer Services was not sure if he could influence land prices but that feeding into the Local Plan, which allocates land for different purposes, including residential was perhaps one route to take. He agreed to look into the matter further of how affordable housing could be developed where high land prices existed.

In response to a question from Councillor V Richichi, the Strategic Director of Housing and Customer Services stated that the Council did benefit from providing financial assistance to registered providers as people on our waiting lists could receive a home and more quickly, albeit not a council owned house.

It was moved by Councillor M Specht, seconded by Councillor R Ashman and

RESOLVED THAT:

The report be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 9.15 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP – WEDNESDAY, 6 FEBRUARY 2019

Report Title	USE OF BAILIFFS REVIEW
Contacts	<p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Strategic Director of Housing and Customer Services 01530 454819 glyn.jones@nwleicestershire.gov.uk</p> <p>Head of Customer Services 01530 454753 tom.shardlow@nwleicestershire.gov.uk</p>
Purpose of report	To provide members with information around the use of enforcement agents in North West Leicestershire for the recovery of Council Tax debt.
Council priorities	Spend Money Wisely
Implications:	
Financial/Staff	Enforcement agents are used for debt recovery.
Link to relevant CAT	N/A
Risk Management	N/A
Equalities Impact Screening	Report speaks of vulnerability and how these customers are treated differently based on their circumstances.
Human Rights	N/A
Transformational Government	N/A
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	Report has been drafted in conjunction with the Management Team of the Leicestershire Revenues and Benefits Partnership.

Background papers	'Stop the Knock' Paper of the Money Advice Service
Recommendations	<p>THAT THE POLICY DEVELOPMENT GROUP:</p> <ol style="list-style-type: none"> 1. NOTE THE REVENUES & BENEFITS PARTNERSHIP'S RESPONSE TO THE RECOMMENDATIONS MADE BY THE MONEY ADVICE SERVICE IN RESPECT OF THE USE OF ENFORCEMENT AGENT SERVICES IN RESPECT OF THE NON-PAYMENT OF COUNCIL TAX AND BUSINESS RATES. 2. NOTE THE ASSURANCE FROM THE HEAD OF CUSTOMER SERVICES THAT THE COUNCIL'S USE OF ENFORCEMENT AGENTS IS PROPORTIONATE AND REASONABLE.

1 BACKGROUND

- 1.1 At the Council Meeting of 27 February 2018, Cllr Enyon raised a concern and asked for further information as to why it was that Chesterfield Borough Council pursued only 2 Council Tax cases via enforcement agents compared to NWLDC's 3,000 during 2016/17. Consequently, the Chief Executive Officer asked for further information and officers have now reviewed the position which informs this report.
- 1.2 The source of the information which was referred to by Cllr Enyon is a report by the Money Advice Trust called "Stop the Knock" (Appendix 1). This report looks at the use of enforcements agents for recovering local government debts.
- 1.3 If viewed in isolation the headlines of "£2.3m worth of debts passed to bailiffs in 2016/17 and the use of bailiffs has increased by 14% in two years" appears quite alarming but has to be viewed in context and more importantly the reference to Chesterfield BC's use of enforcement agents was incorrect.
- 1.4 Enquiries were made with Chesterfield BC and revealed that the reference in the report was incorrect. They had not been aware of the report and confirmed that they had referred 2,221 cases to enforcement agents to recover outstanding Council Tax debt during 2016/17. The reference to two referrals was actually in relation to commercial rent.
- 1.5 Whilst the report might have contained inaccuracies, it is worth PDG noting the R & B Partnership's response at section 1.4 to the recommendations made in the Money Advice report.

2 NATIONAL CONTEXT

- 2.1 Reform and regulation of the bailiff industry and the replacement of common law distress (known as removal and sale of goods) by a bailiff had been in the pipeline for over 10 years. In April 2014, new procedures and a fee scale relating to the enforcement of debts including non-payment of Council Tax and Business Rates were introduced. These debts are enforced by enforcement agents, formerly referred to as bailiffs.
- 2.2 Private sector enforcement agents who are recovering debt owed to the public sector perform the vast majority of enforcement work and in order to improve the public's perception of the profession, enforcement agents and those who employ them or use their services must maintain high standards of business ethics and practice.

3 FEE STRUCTURE

- 3.1 Before a Council Tax debt reaches the Enforcement Agent stage, Council Tax payers are encouraged to contact us as soon as they fall into financial difficulty.
- 3.2 In advance of any Enforcement Agent action they will have received:
- A demand notice
 - Reminder (minimum of one)
 - Summons
 - Notification of Liability Order
- 3.3 Each document encourages the debtor to make contact and to arrange with us a mutually acceptable payment arrangement. The Council will always attempt to put in place an attachment of earnings or attachment to benefits order before instructing enforcement agents. The consequences of failing to pay are always clearly spelt out.
- 3.4 When a Council Tax debt is passed to enforcement agents, an account is set up by the enforcement company tasked with enforcing the debt. A fee of £75 will be added to the account by the enforcement agency. Debtors are then sent a Notice of Enforcement which outlines the details of the outstanding debt; this is referred to as the compliance stage, which typically lasts for a minimum of two weeks. During this stage, debtors do not get a visit from an enforcement agent and therefore can avoid a visit by arranging a payment schedule and adhering to a payment agreement. If contact is not made with the enforcement agent during the compliance stage, the matter is then moved to the enforcement stage which entails a visit, or a series of visits from an enforcement agent and a further fee of £235. At this stage, debtors risk having their possessions seized by the enforcement agent and subsequently removed and sold, if full payment is not made. If goods are seized and removed there is an additional sale stage fee of £110. These fees are set by the Taking Control of Goods (Fees) Regulations 2014.

4 MONEY ADVICE TRUST'S REPORT

- 4.1 When the report was published the Money Advice Trust wrote to Council Leaders and Chief Executives asking them to consider some specific recommendations on how they believed collection practices could be improved. For ease of reference the recommendations and the Partnership's responses to them are detailed below:

- 4.2 Put in place a formal policy covering residents in vulnerable circumstances

It should be noted that there is a safeguarding policy which is included as part of our contract with enforcement agents and what steps to follow when vulnerability is identified.

This is summarised below:

Vulnerability Criteria

The Council recognises that some customers will, due to their individual personal and financial circumstances have extreme difficulty in paying their council debts. In some cases where recovery action is being considered, it may not be appropriate to progress to an enforcement stage, where circumstances suggest that the customer or other household members may be vulnerable in some way. The Council ensures processes are in place to ensure that due regard is given to this group of customers.

A person may be considered vulnerable in the following circumstances. The list is not exhaustive and each case will be decided on its own merits:

- The person is elderly
- The person is seriously ill, suffers from mental ill health or has physical disabilities
- The person has communication or learning difficulties
- The person has young children and where there is severe deprivation
- The person has recently experienced a long term relationship, marital or civil partnership break up
- The person has recently been bereaved or made unemployed
- The person has difficulty in understanding written or spoken English.

Falling into one of these categories does not automatically mean that recovery action is not appropriate. The Council will make individual decisions based upon the individual circumstances of the customer to identify if recovery action is appropriate and, if so, what action to take.

Different recovery proceedings cannot be applied simultaneously to one customer but can be applied subsequently if a debt remains outstanding. The choice of recovery action is made at the discretion of the Council's Enforcement Officers and they will consider the customer's circumstances on a case by case basis and the guidance within this Policy.

The Revenues Service may become aware of vulnerable customers following contact from the customer, their representative or once recovery action is instigated. Alternatively, this information may become available from other internal systems used by the Council, from other departments or from other support agencies.

Where the Enforcement Agent on visiting the customer has identified vulnerability concerns, he/she is required to return the case to the Council in order for the Council to decide upon the most appropriate recovery action.

Enforcement agents also have a vulnerability statement in their procedures regarding the way they deal with potentially vulnerable people, which is agreed with their clients. When vulnerability is identified, the situation is dealt with sensitively.

4.3 Exempt Council Tax Support recipients from bailiff action altogether

At the heart of this sits the replacement of 100% Council Tax Benefit and the move to a locally defined scheme, with a Government intention that those of working age should contribute something and take financial responsibility. If the ability to recover a debt is removed, this will effectively pass the debt onto others and inadvertently encourage those recipients to treat Council Tax as a non-priority debt. At present the maximum award in North West Leicestershire for Local Taxation Reduction is 85% of the liable amount for working age claimants, leaving the remaining 15% to be paid. This was effective from 2014/15, rising from the previous amount of 8.5% in 2013/14.

A hardship fund is also currently available for Council Tax Support claimants, though this fund will be diminished by the precepting authorities withdrawing their financial support to the Discretionary Discount Fund from April 2019.

4.4 Sign the Council Tax Protocol and examine the Money Advice Service's creditor toolkit

The Partnership management have reviewed the protocol and will present to the Revenues and Benefits Joint Committee on 24 January 2019, the work that is currently being undertaken by the Partnership in response to this.

It should be noted that whilst we want to support our community, NWLDC does have a statutory duty under the Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992 to collect all local authority debts. Our preceptors also have a significant vested interest in this and are keen that collection authorities do everything possible to maximise the collection of Council Tax.

4.5 Adopt the Standard Financial Statement (SFS) to objectively assess affordability

The SFS would appear to be aimed at supporting people to manage their whole financial position without consideration of the relative priority of some matters. There is a provision which encourages saving by the tax payer. This is a laudable aim, however, bearing in mind our statutory responsibility as a collection authority, this cannot be to the detriment of paying priority debts and cannot be something we would support as Council Tax is a priority debt. As a collection authority, we do not have the same options as those organisations that provide other services (e.g. we cannot stop our services), and our new bills will be issued annually regardless of propensity to pay, credit rating etc.

The Standard Financial Statement (SFS) is an online tool for an internal debt advisor to use when liaising with a customer in person or over the phone. The advisor asks questions and completes the assessment. For Council Tax we issue an income and expenditure document for the customer to complete themselves. The SFS would need to be adapted into a form to make it fit for purpose.

4.6 Make a clear public commitment to reduce the council's use of bailiffs

We agree that all remedies should be used prior to referral to enforcement agents and make a firm commitment to this. Whilst it cannot be guaranteed that the number of referred cases will reduce (due to the increase in properties etc.), we always attempt to recover the debt before it is referred to enforcement agents, as mentioned in section 1.3.

The caveat to the above is that the resource requirements will need to be considered / balanced. The number of debts being dealt with is high and the Partnership aims to make all processes as automated and efficient as possible. On this basis cases are reviewed manually where there is a reason to suspect vulnerability, before progressing to the Enforcement Agent stage.

5 THE COUNCIL'S CURRENT APPROACH

5.1 In considering the use of bailiffs, the PDG may find it helpful to understand the broader context of the R & B Partnership. In April 2015 the Partnership restructured and the Revenues team moved to generic working, this involved a significant amount of training and as a consequence during 2015/16 referrals to enforcement agents were artificially reduced, as officers were taken away from core duties. This explains the increase in referrals since then, as business as usual activity resumed.

5.2 Additionally, since 2011 the number of properties has increased by 9.2% so it can be expected that there would be a commensurate increase in the number of referrals simply because the number of accounts we need to recover from has increased.

5.3 The recovery policies are agreed for the Partnership, any changes would need to be considered by all partners, as they have an impact both financially and in terms of performance. If desirable, this could be considered by all partners at the operational meeting of the Management Board.

- 5.4 It is difficult to make direct comparisons with other authorities as they may have a higher/lower number of staff, number of properties, lower levels of deprivation etc. However, a piece of work is ongoing by the District Treasurers to identify any areas where alignment/change may be appropriate, which will be reviewed once completed.
- 5.5 We also have to be mindful of the importance that the County Council places on increasing collection rates, and if we commit to reduce the use of enforcement agents we may see collection rates reduce significantly.
- 5.6 The Partnership is currently in the process of letting the contract for the provision of enforcement Agents. Within the new requirements there is a very strong emphasis on vulnerability and it should be noted that as previously detailed we only ever refer cases to enforcement Agents as a last resort and when all other attempts to recover the debt have failed.

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Mapping local authority debt collection practices in England and Wales

About Money Advice Trust

The Money Advice Trust is a charity founded in 1991 to help people across the UK tackle their debts and manage their money with confidence. The Trust's main activities are giving advice, supporting advisers and improving the UK's money and debt environment.

In 2016, our [National Debtline](#) and [Business Debtline](#) advisers provided help to 158,980 people by phone and 37,790 through our webchat services. In addition, we received 1,236,760 visits to our websites.

Our Wiseradviser programme provided 8,600 training places to 860 free-to-client organisations across the UK. We delivered training and consultancy to more than 2,300 staff in 53 organisations in 2016. Our Innovation Grants funded four advice projects to support hard-to-reach people and improve the quality and range of money and debt advice across the UK.

We use the intelligence and insight gained from these activities to improve the UK's money and debt environment by contributing to policy developments and public debate around these issues.



Foreword

Two years ago we published *Stop The Knock 2015: local authorities and enforcement action* – a report on the use of enforcement agents, more commonly known as bailiffs, by local authorities in England and Wales.

The report showed that councils passed 2.1 million debts to bailiffs in the 2014/15 financial year, and attracted significant attention in local government, as well as substantial public interest. As a result, 28 of the 356 authorities that took part in our research committed to improve their collection practices in some way – a modest, but positive start.

To explore this issue further, we have repeated our Freedom of Information research – this time expanded into a more comprehensive mapping of debt collection practices. We find that in 2016/17, **more than 2.3 million debts were passed to bailiffs** by the 352 local authorities that responded to our request, with wide variations in practice across the country.

This report, however, is published in a very different context to its predecessor in 2015. We and others in the advice sector are, fortunately, beginning to see real engagement from many stakeholders in local government to improve. This year in particular has brought several promising developments, including the well-received launch of the revised Council Tax Protocol by Citizens Advice and the Local Government Association, and a series of best practice workshops led by the Money Advice Service, ourselves and other advice agencies.

One factor that has not changed, of course, is the huge financial pressure that local authority budgets are under – and nor has the recognition, shared by all concerned, that collecting debts owed to local government is essential in funding the services that we all rely on. The question is how this can be achieved fairly and effectively.

The uncomfortable truth remains that while almost four in 10 local authorities have actually reduced their use of bailiffs in the last two years, total bailiff referrals in local government has **increased by 14%** between 2014/15 and 2016/17. Clearly, much more needs to be done.

In that spirit, we hope that the findings presented in this new report will aid local government as it seeks to improve its debt collection practices – and support the advice sector as we seek to bring about the changes that people in financial difficulty need to see.

I look forward to discussing our findings with local government representatives in the months ahead – and to finding ways we can make meaningful progress on this crucial issue.

Joanna Elson, OBE CDir
Chief Executive, Money Advice Trust

Contents

Foreword	1
Executive summary	3
Introduction	5
Developments since 2015	6
Research aims and methodology	9
Research findings	10
Use of bailiffs in 2016/17	10
Change in bailiff use over time	12
Mapping of debt collection practices	14
Six steps for local authorities	17
Appendix A: Bailiff use by debt type	19
Appendix B: Further reading	21

Executive summary

Since the publication of our first *Stop The Knock* report¹ two years ago, the advice sector has seen an increased level of engagement from many local authorities in improving debt collection practices and reducing the use of bailiffs, now known officially as enforcement agents. There have also been several new developments and publications² in this area.

Nevertheless, our new research³ finds that local government debts were passed to bailiffs on **more than 2.3 million occasions** in the 2016/17 financial year – and that bailiff use by lower-tier⁴ local authorities has **increased by 14%** since 2014/15.

Council tax arrears were passed to bailiffs on 1.38 million occasions in 2016/17, with around 810,000 referrals for parking fines and around 50,000 for Housing Benefit overpayments. There were around 86,000 referrals to bailiffs for unpaid business rates, around 2,200 for commercial rents and more than 22,000 for sundry/other debts.

As in our previous research, we find that local authorities' approaches to enforcement are diverging significantly. Our findings show that more than six in 10 lower-tier authorities (62%) increased their bailiff use in the two years between 2014/15 and 2016/17, while 38% actually used bailiffs on fewer occasions.

This year we expanded the scope of our research to more comprehensively map the debt collection practices of lower-tier local authorities. This was based on five different areas of practice – signposting to free debt advice, assessment of affordability, the existence of vulnerability policies and (for England only) approaches to Council Tax Support recipients and adoption of the Citizens Advice/Local Government Association Council Tax Protocol.

The results show that the vast majority of local authorities (97%) **signpost** residents in financial difficulty to free debt advice – but nevertheless, 10 councils told us that they did not take this basic step. Around nine in 10 councils signpost to Citizens Advice (88%), while around four in 10 signpost to the phone and online services offered by National Debtline (40%) and StepChange Debt Charity (42%).

A total of 61 councils told us that they had adopted the Standard Financial Statement (SFS), or its predecessor the Common Financial Statement (CFS), as a tool for assessing **affordability** as part of their debt collection process, representing 19% of councils responding. Over half (56%) have a formal **vulnerability** policy in place, while 44% do not.

¹ Money Advice Trust (2015), *Stop The Knock 2015: Local authorities and enforcement action*, [link](#)

² See *Developments since 2015*

³ See *Methodology*

⁴ Lower-tier authorities are local authorities that charge council tax i.e. District, Metropolitan Borough, London Borough and Unitary councils

23 councils in England (8%) told us that they had a policy of exempting **Council Tax Support recipients** from bailiff action altogether. 50 authorities in England⁵ (16%) reported that they had adopted the Citizens Advice/Local Government Association **Council Tax Protocol**, and a further 38 authorities (13%) told us they are currently considering this.

The results of this mapping exercise, available in full at www.stoptheknock.org, show wide variations in practice, as well as significant room for improvement across local government.

Six steps for local authorities

In our 2015 report, we made several recommendations for local authorities (including early intervention, affordable and sustainable repayment arrangements, and demonstrating alternatives to enforcement action) and central government (including making current guidance statutory, statutory reporting, and reviewing local Council Tax Support schemes). We continue to make the case for these changes.

Based on the results of the research presented in this new report, we have laid out **six steps** that we believe local authorities should take to improve their practice, where they have not done so already. They are;

1. Make a clear **public commitment** to reduce bailiff use over time.
2. Review **signposting** to free debt advice, including phone/online channels.
3. Adopt the **Standard Financial Statement** to objectively assess affordability.
4. Put in place a formal policy covering residents in **vulnerable circumstances**.
5. Exempt **Council Tax Support recipients** from bailiff action (England only⁶).
6. Sign up to the Citizens Advice/Local Government Association **Council Tax Protocol** & examine the Money Advice Service **Working with Debt Advice Agencies** toolkit.

Further guidance on how to implement these six steps is available at www.stoptheknock.org. In the coming months will be making tailored recommendations, based on the results of the mapping exercise presented in this report, to individual local authorities on how to improve.

⁵ A version of the Council Tax Protocol covering authorities in Wales is currently being developed

⁶ Local authorities in Wales operate a Council Tax Support scheme still based on 100% support, funded by the Welsh Government

Introduction

In our *Stop The Knock 2015* report we presented evidence on trends in local government debts from National Debtline, the free advice service run by the Money Advice Trust, along with a summary of the policy context within which local government collects its debts,⁷ the findings of our Freedom of Information research on bailiff use by councils in the 2014/15 financial year, and our recommendations for local and central government.

In this report, we present a review of developments in this area since 2015, including trends experienced by debt advisers, new research on local government debt collection and a summary of developments in engagement between local authorities and the advice sector.

The findings of our research on bailiff use in the 2016/17 financial year are presented, along with our new mapping of local authority debt collection practices across England and Wales, which can also be found at www.stoptheknock.org. We conclude with six steps that we recommend local authorities take in order to improve their debt collection practices.

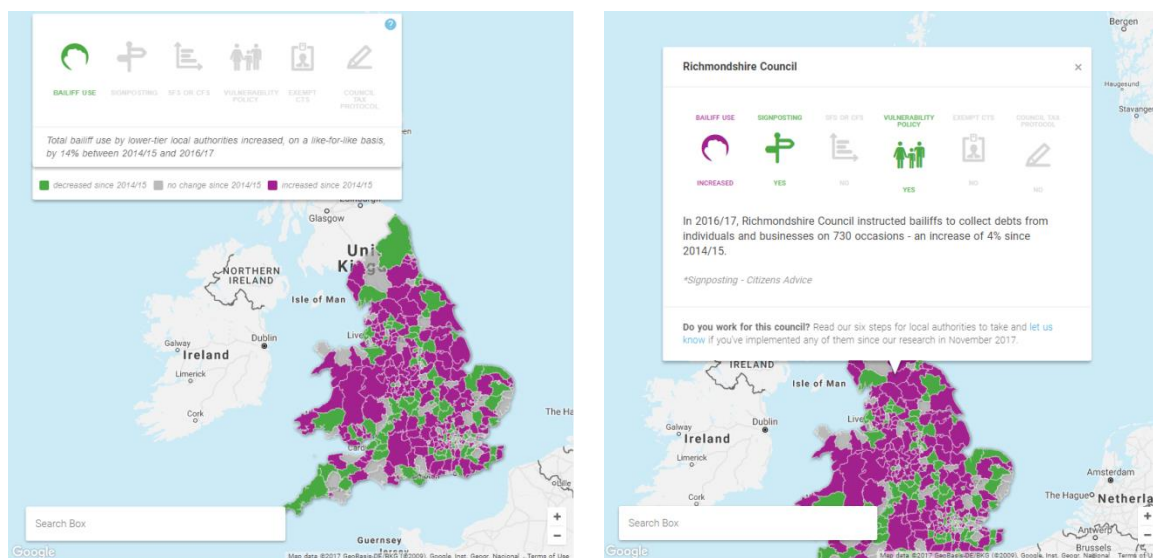


Figure 1: The full results presented in this report are available to explore at www.stoptheknock.org

⁷ For a summary of how local authorities can use bailiffs for different debt types, see *Appendix A*

Developments since 2015

Since the publication of our 2015 report, local government debts have continued to feature prominently in both the work of frontline advice agencies, and in public debate over the growing problem of household debt in the UK.

Local government debt problems rising

Calls to National Debtline relating to council tax arrears have continued to increase steadily in recent years, from 24% in 2014 to 26% in the first three quarters of 2017 – a significant rise from the 14% seen in 2007. Calls relating to benefit overpayments, which include overpayments of Housing Benefit, have also continued to rise, from 10% in 2014 to 16% in the first three quarters of 2017.

At the same time, the level of debt owed to local authorities has increased. The total amount of council tax arrears outstanding⁸ (from all years) amounted to £2.8 billion as at 31st March 2017 – an increase of £179 million on 31st March 2015. The effects of the replacement of Council Tax Benefit with local Council Tax Support schemes continue to be felt,⁹ with research¹⁰ by the **New Policy Institute** finding that the number of local authorities either retaining Council Tax Benefit or not setting a minimum payment had declined from 75 in 2015/16 to 67 in 2016/17 – meaning that more residents on low incomes are now paying council tax for the first time.

Scrutiny of debt collection practices

Scrutiny of local government debt collection has also continued. In a July 2016 report¹¹, more clients of **StepChange Debt Charity** said they felt they were “treated unfairly” by local authorities (42%) than any other kind of creditor organisation, with only bailiffs themselves cited by a greater proportion of clients (50%). **Citizens Advice** research, published in January 2016, reported that large proportions of its advisers had experienced problems dealing with local authorities on behalf of clients, such as councils being slow to respond when contacted, debt problems being caused by or made worse by processing delays, and debts being passed to bailiffs when alternative methods of recovery were available.¹²

⁸ Department for Communities and Local Government (2017), *Collection rates and receipts of council tax and non-domestic rates in England 2016-17*, [link](#)

⁹ Child Poverty Action Group and Z2K (2016), *Still too poor to pay: Three years of localised council tax support in London, September 2016*, [link](#)

¹⁰ New Policy Institute (2017), *Are cuts to Council Tax Support in England a false economy for councils?*, August 2017, [link](#)

¹¹ StepChange Debt Charity (2016), *Creditor and debt collector conduct: what's making debt problems worse?*, July 2016, [link](#)

¹² Citizens Advice (2016), *The state of debt collection – the case for fairness in government debt collection practice*, January 2016, [link](#)

In 2016 the **Work and Pensions Select Committee** highlighted our *Stop The Knock* research in its report¹³ on local welfare safety nets, recommending that the independent **Ollerenshaw Review** of Council Tax Support schemes “investigate, and if necessary recommend actions to eradicate, local authorities issuing court summonses, and instructing bailiffs, as a method of raising revenue”. While the Review did not go that far, it did highlight the exemption of Council Tax Support recipients from bailiff action as “good practice”.¹⁴

Further evidence has also been published on the harm that bailiff action can have on people in financial difficulty. A survey cited in a March 2017 report to launch the sector’s new **Taking Control campaign** for fundamental bailiff reform¹⁵ found that 93% of StepChange Debt Charity clients who had been visited by a bailiff reported it had increased levels of stress or anxiety, and 63% said it had put their family under strain. Research by the **Money and Mental Health Policy Institute** found that the action of creditors, including bailiffs, was “a significant part of the causal pathway” from financial difficulty to mental health problems.¹⁶

Meanwhile, campaigning work to influence local authority practice has continued. **The Children’s Society**, building on its 2015 *Wolf at The Door* report,¹⁷ has been successful in securing council tax exemptions for care-leavers up to the age of 25 – with more than 40 authorities having introduced the policy as of October 2017¹⁸. In May 2017, the **Institute of Money Advisers and PayPlan** launched a joint campaign against imprisonment for the non-payment of council tax, supported by forthcoming research into this practice.¹⁹

Increasing engagement from local government

Encouragingly, the last two years have also seen an increased level of engagement from local authorities in improving their debt collection practices. Following the launch of our *Stop The Knock* campaign in September 2015, 28 councils committed to take action to improve their debt collection practices in some way – ranging from improving signposting, to conducting full-scale reviews. In November 2016, the **All Party Parliamentary Group on Debt and Personal Finance** and Money Advice Trust co-hosted a well-supported seminar on ‘fairness in council tax collection’,²⁰ with several local authorities attending to demonstrate their approaches.

¹³ Work and Pensions Select Committee (2016), *The local welfare safety net*, January 2016, [link](#)

¹⁴ Ollerenshaw, E. (2016), *Three years on: an independent review of local Council Tax Support schemes*, April 2016, [link](#)

¹⁵ StepChange Debt Charity client survey cited in AdviceUK, Christians Against Poverty, Citizens Advice, Money Advice Trust, StepChange Debt Charity, The Children’s Society, Z2K (2017), *Taking Control: The need for fundamental bailiff reform, March 2017*, [link](#). See also page 10.

¹⁶ Money and Mental Health Policy Institute (2017), *Policy note: Fear and foul play - The case for bailiff reform to limit psychological harm*, April 2017, [link](#)

¹⁷ The Children’s Society (2017), *The Wolf at the Door: How council tax debt collection is harming children*, March 2015, [link](#)

¹⁸ The Children’s Society (2017), *Briefing: Council Tax exemption for care leavers*, October 2017, [link](#)

¹⁹ Institute of Money Advisers and PayPlan (2017), *IMA and PayPlan Council Tax Imprisonment Campaign* [link](#)

²⁰ APPG on Debt and Personal Finance (2016), *A fairer approach to Council Tax debt collection*, [link](#)

A spotlight on bailiff reform



TAKING CONTROL

The campaign for bailiff reform

In addition to the practices of local authorities, this year has seen renewed focus on the regulation of bailiffs themselves. In March 2017, a group of charities published *Taking Control: The need for fundamental bailiff reform*²¹ – a major report presenting evidence on the experiences of people who have faced bailiff action since the 2014 bailiff reforms in England and Wales. Recommendations include independent regulation of bailiffs, a single complaints mechanism and a review of bailiff fees to incentivise good practice. For more details see www.bailiffreform.org.

Significantly, in June 2017 **Citizens Advice and the Local Government Association** launched their revised Council Tax Protocol.²² The Protocol provides local authorities with practical steps aimed at preventing people from getting into arrears in the first place, and ensuring that enforcement agents, when they are used by councils, act within the law and best practice guidelines. As of November 2017, Citizens Advice has estimated that the revised Protocol already covers 663,900 people in England (with 1.5 million people covered by the various versions of the Protocol in use).²³

In addition, the **Money Advice Service**, in conjunction with Citizens Advice, the Money Advice Trust and StepChange Debt Charity, has led a series of best practice workshops for council revenues professionals as part of its on-going objective to influence more consistent creditor support for the over-indebted. The events follow the publication of a Money Advice Service toolkit for creditors which captures best practice for collaborating with debt advice agencies.²⁴ This includes encouraging creditors to use of the new Standard Financial Statement (SFS)²⁵ for objectively assessing affordability in collections.

It is in response to these positive developments that our new *Stop The Knock* research, presented in the next section, has been expanded into a more comprehensive mapping of local government debt collection practices, in order to aid the advice sector and local authorities as they continue to engage on these issues.

²¹ AdviceUK, Christians Against Poverty, Citizens Advice, Money Advice Trust, StepChange Debt Charity, The Children's Society, Z2K (2017), *Taking Control: The need for fundamental bailiff reform, March 2017*, [link](#). As at November 2017 the Taking Control campaign partner charities now also include the Institute of Money Advisers, Community Money Advice and Money and Mental Health Policy Institute.

²² Citizens Advice and Local Government Association (2017), *Revised Collection of Council Tax Arrears Good Practice Protocol*, [link](#)

²³ Citizens Advice Council Tax Protocol Sign-up Tracker Map, [link](#), accessed 5th November 2017

²⁴ Money Advice Service (2017), *Working collaboratively with debt advice agencies: A strategic toolkit for creditors, July 2017*, [link](#)

²⁵ Money Advice Service (2017), *Standard Financial Statement launches, 1st March 2017*, [link](#)

Research aims and methodology

Research aims

The aims of our *Stop The Knock 2017* research were to:

- establish the **extent of bailiff use** by local authorities in England and Wales in the 2016/17 financial year, examining debts relating to council tax, parking, Housing Benefit overpayments, business rates, commercial rents and other debt types.
- establish **trends in bailiff use** by lower-tier local authorities since 2014/2015.
- map current **debt collection practices** employed by local authorities in the areas of signposting, affordability and vulnerability, and (for authorities in England only), approaches to Council Tax Support recipients and the Council Tax Protocol.

Methodology

As in our previous *Stop The Knock* research a Freedom of Information request was issued to all 375 local authorities in England and Wales, in September 2017.

In total 352 authorities (94%) responded to the request, with 21 authorities not responding within the research period, which in all cases was longer than the statutory timeframe of 20 working days laid down in the Freedom of Information Act. 14 of the authorities that responded did not provide bailiff use figures for all of the debt types requested. Two authorities²⁶ declined to respond on the grounds of cost, citing section 12 of the Act.

326 of the councils that responded to the request were lower-tier authorities (District, Metropolitan Borough, London Borough and Unitary councils which are responsible for council tax collection), while 26 were upper-tier authorities (County Councils in England) that primarily collect parking-related debts.

288 individual like-for-like comparisons were possible between lower-tier authorities who responded, in full, to our (identical) request for information on bailiff use in both 2015 (which related to the 2014/15 financial year) and 2017 (which related to the 2016/17 financial year). Trend results presented in this report, for example the total increase in bailiff use between 2014/15 and 2016/17, are based on these 288 lower-tier authorities for which like-for-like comparisons were possible between the two datasets, only.

All data used in this research has been provided by local authorities themselves via our Freedom of Information request, and so the accuracy of our results is dependent on the accuracy of information provided to us.

The data is presented via an interactive map of local authorities at www.stoptheknock.org, where the full data-set is also available for download.

²⁶ *Thurrock Council (declined in full) and North Tyneside Council (declined in part)*

Research findings

In this section we present our findings on the extent of bailiff use in 2016/17, bailiff use for different types of debt,²⁷ trends in bailiff use between 2014/15 and 2016/17, and the results of our mapping of debt collection practices of lower-tier local authorities.



The extent of bailiff use in 2016/17

The total number of bailiff referrals in 2016/17 from the 352 local authorities that responded to our Freedom of Information request stood at 2.3 million.

Council tax arrears were passed to bailiffs on 1.38 million occasions, with 809,520 referrals for parking fines and 49,969 for Housing Benefit overpayments. There were 85,808 referrals to bailiffs for unpaid business rates, 2,188 for commercial rents and 22,132 for other/sundry debts owed by individuals and businesses.

Debt type	Total bailiff referrals	% of total
Council tax	1,376,862	59%
Parking	809,520	34%
Housing Benefit overpayments	49,969	2%
Business rates	85,808	4%
Commercial rents	2,188	0%
Other/sundry debts	22,132	1%
All debt types	2,346,479	

Table 1: Bailiff use in 2016/17

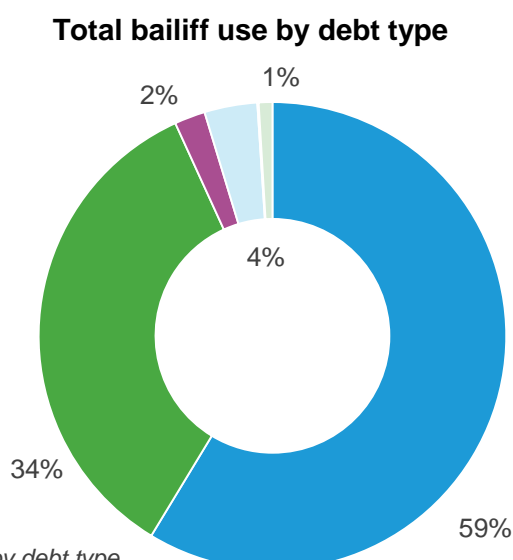


Figure 2: Total bailiff use by debt type

Bailiff use by region

Unsurprisingly, given population considerations, local authorities in London, the North West and South East referred the highest number of debts in a regional breakdown of bailiff use in 2016/17, with local authorities in the North East and Wales referring the least.

More than a quarter of the total number of debts passed to bailiffs related to London Borough councils (27%), with the 30 (out of 32 London Boroughs) that responded to our request, and the City of London Corporation, passing 638,177 debts to bailiffs in 2016/17 between them. It should be noted that the volume of penalty charge notices issued in the capital is a key driver of this high figure (parking accounts for 401,109 or nearly two thirds of

²⁷ For a breakdown of how local authorities use bailiffs for different debt types, see *Appendix A*

the 638,177 bailiff referrals reported to us by local authorities in London). This effect is also evident, to a much lesser extent, in other large urban centres.

Region	Response rate to FOI	Bailiff referrals	% of total
Greater London	91%	638,177	27%
North West	93%	319,475	14%
South East	96%	277,418	12%
West Midlands	100%	275,084	12%
Yorkshire and the Humber	100%	235,575	10%
East Midlands	96%	178,498	8%
East	89%	169,885	7%
South West	88%	117,719	5%
Wales	95%	74,658	3%
North East	90%	59,990	3%

Table 2: Bailiff use by region

Councils use of bailiffs for different debt types

All but one²⁸ lower-tier local authority that responded used bailiffs to collect some kind of debt in 2016/17. All but two²⁹ local authorities used bailiffs to collect council tax debts, while three councils did not use bailiffs to collect business rates. 217 lower-tier authorities used bailiff³⁰s to collect parking debts (70%), while 145 used bailiffs to collect Housing Benefit overpayments (46%). 85 authorities instructed bailiffs for commercial rents (27%), with 90 passing other/sundry debts to bailiffs (29%).

Proportion of authorities that use bailiffs for each debt type

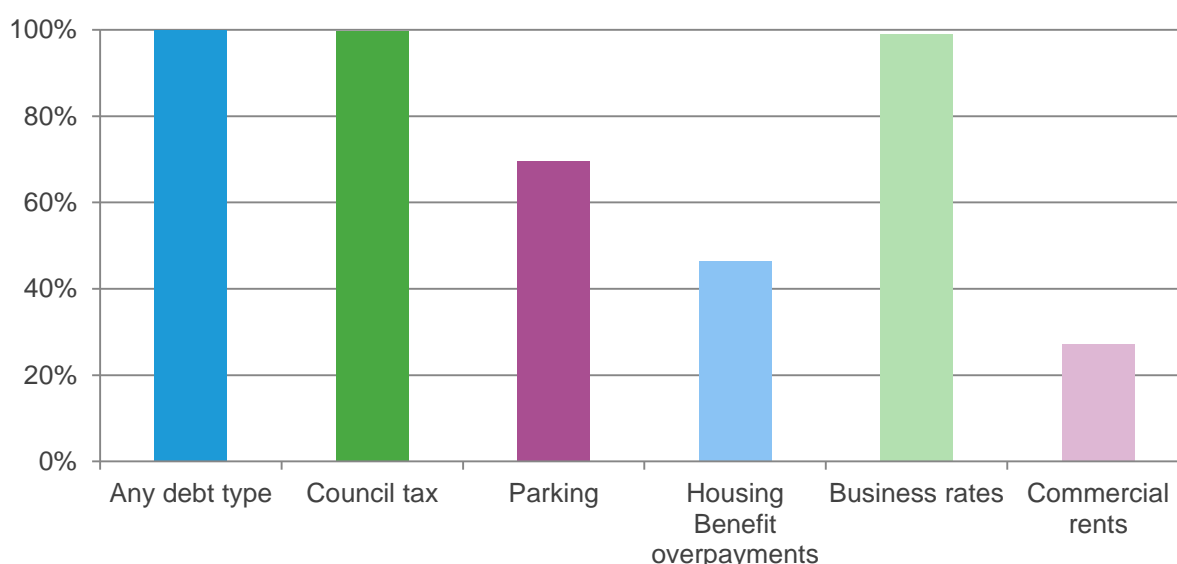


Figure 3: Proportion of authorities that use bailiffs for each debt type

²⁸ Isles of Scilly Council was the only local authority that told us they did not use bailiffs at all in 2016/17

²⁹ Chesterfield Borough Council and Isles of Scilly did not use bailiffs for council tax in 2016/17

³⁰ South Lakeland District Council, Chesterfield Borough Council and Isles of Scilly Council did not use bailiffs for business rates in 2016/17



Change in bailiff use between 2014/15 and 2016/17

Our findings³¹ show an increase of 14% in total use of bailiffs by lower-tier authorities in the two years between 2014/15 and 2016/17. Bailiff use for all major debt types increased, with increases of 10% for Council Tax, 4% for business rates, 27% for parking and 20% for Housing Benefit overpayments.

Debt type	2014/15*	2016/17*	Change
Council tax	1,134,503	1,249,378	10%
Parking	549,673	698,373	27%
Housing Benefit overpayments	37,703	45,199	20%
Business rates	72,658	75,900	4%
Commercial rents	2,499	2,081	-17%
Other/sundry debts	30,396	20,145	-34%
All debt types	1,827,432	2,091,076	14%

Table 3: Change in bailiff use by debt type for authorities where comparison available*

Change in use of bailiffs by debt type

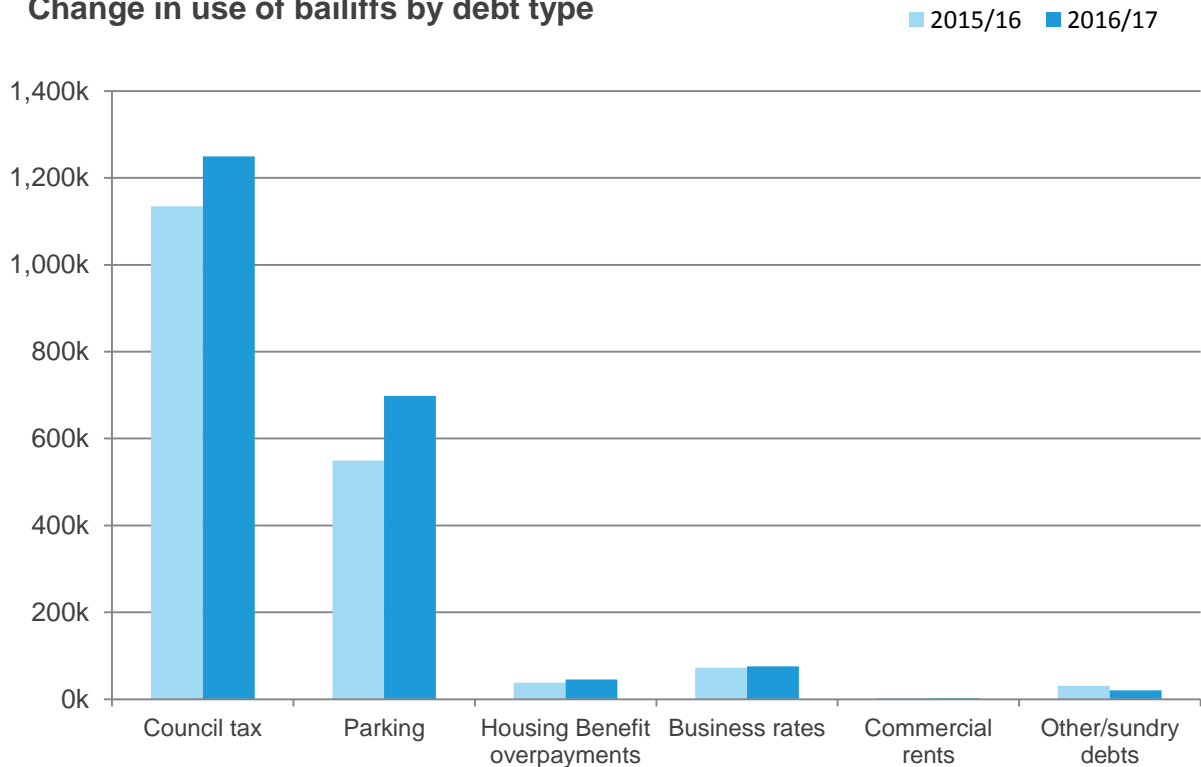


Figure 4: Change in use of bailiffs by debt type for authorities where comparison available

The findings also show a continued divergence in local government's approach to enforcement. Of the 288 lower-tier authorities where comparisons can be made, more than six in 10 authorities (62%) increased their bailiff use between 2014/15 and 2016/17, while 38% actually used bailiffs on fewer occasions.

³¹ Note that all trend results presented in this section are based on the 288 lower-tier local authorities for which like-for-like comparisons were available between our 2014/15 and 2016/17 datasets. See *Methodology*.

* Totals for debt types shown in Table 3 are for these 288 councils only, so do not match overall totals in Table 1.

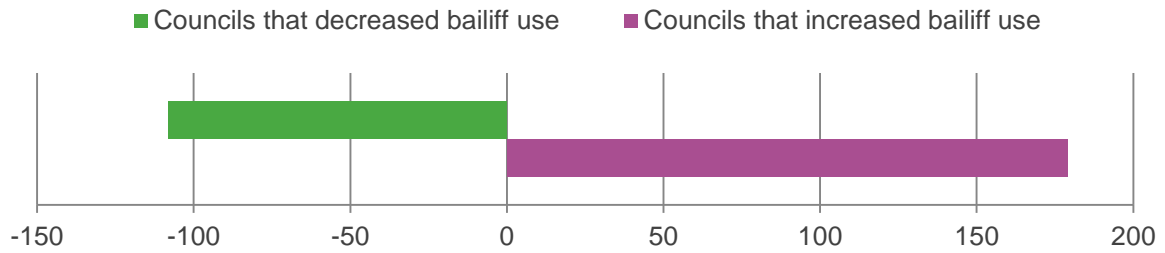


Figure 5: Councils that increased/decreased bailiff use

For those authorities that increased their bailiff use in that time, the total increase in bailiff referrals was 46% while for those authorities that used fewer bailiffs, the total decrease in referrals was 19%.

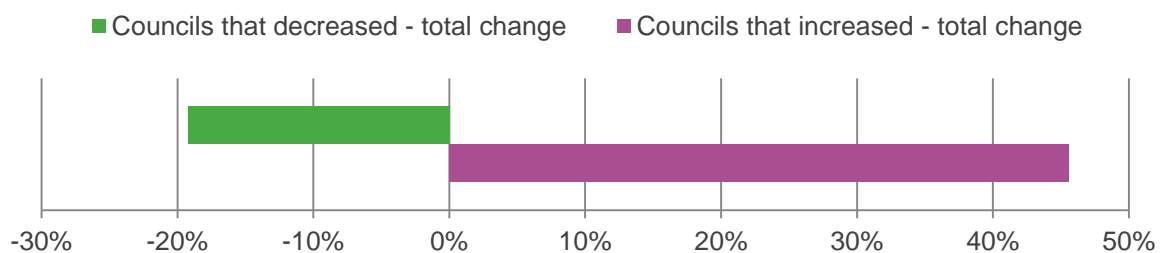


Figure 6: Total change in bailiff use by councils that increased/decreased bailiff use

Bailiff use by local authorities in Wales

Local authorities in Wales account for only a small fraction of bailiff use in England and Wales (a total of 62,546 referrals to bailiffs from the 21 out of 22 authorities in Wales who responded, or just 3% of the total). The policy context also differs in Wales in one key aspect in particular – the decision of the Welsh Government to continue to fund a 100% Council Tax Support scheme³² – and so these results are worth considering separately.

Of the 18 local authorities in Wales where comparisons can be made between bailiff use in 2014/15 and 2016/17, 13 councils (72%) increased their use of bailiffs, while five councils (26%) decreased their bailiff use in that time. One of these five authorities to decrease their use of bailiffs, however, was the largest authority in Wales, Cardiff City Council, which made 53% fewer referrals in 2016/17 than in 2014/15.

As a result of this, overall bailiff use in Wales therefore actually fell between 2014/15 and 2016/17 by 13% based on the 18 local authorities where comparisons are available.

³² Welsh Government (2016), *Council Tax Reduction Scheme Regulations*, [link](#)



Mapping of debt collection practices

This year our research was expanded to provide a more comprehensive mapping of debt collection practices – beyond the single metric of bailiff use – addressing the key areas of signposting, affordability and vulnerability, and (for local authorities in England only) councils’ approaches to Council Tax Support recipients, and the Council Tax Protocol. The findings in this section relate to lower-tier authorities only.

Summary of local authority debt collection practices

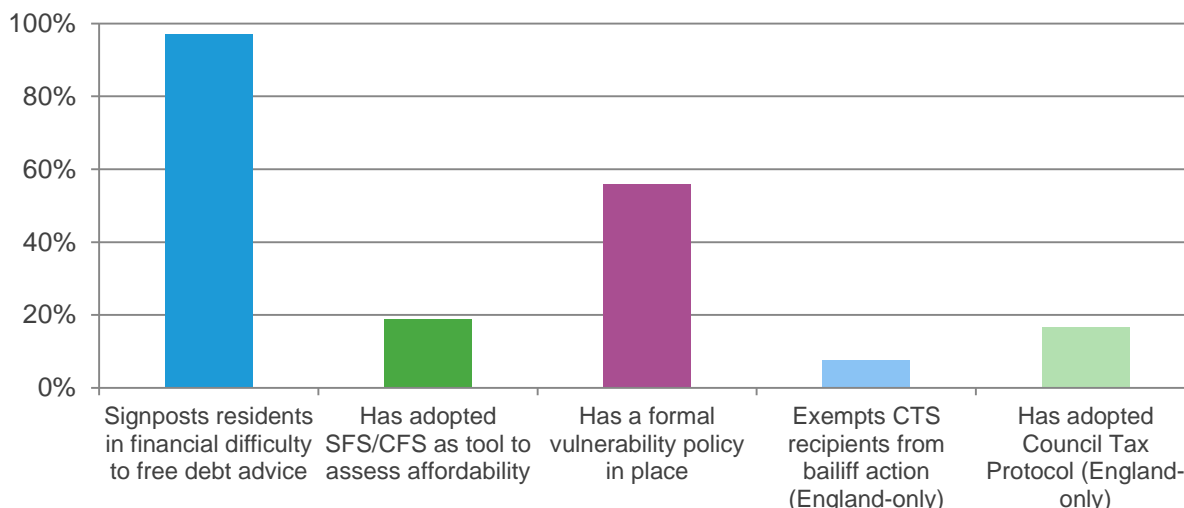


Figure 7: Summary of local authority debt collection practices

An interactive map of local authorities based on these results, with tools to display authorities by each collection practice, can be found at www.stoptheknock.org

Signposting



The vast majority of local authorities (97%) **signpost** residents in financial difficulty to free debt advice. Despite this high figure, 10 authorities (3%) told us that they did not take this basic step. The vast majority (88%) signpost to Citizens Advice, while around four in 10 signpost to the phone and online advice services provided by National Debtline (40%) and StepChange Debt Charity (42%).

Signposting destination	No of councils	% of councils
Citizens Advice	286	88%
StepChange Debt Charity	137	42%
National Debtline	131	40%
Money Advice Service	90	28%
Christians Against Poverty	45	14%
AdviceUK	37	11%
Gov.uk	27	8%
PayPlan	20	6%
Business Debtline	19	6%

Table 4: Signposting destinations

Affordability



61 councils told us that they had adopted either the Standard Financial Statement (SFS) or its predecessor the Common Financial Statement (CFS) as an objective tool for assessing **affordability** as part of their debt collection process. This represents 19% of authorities surveyed.

Several other councils volunteered that they do use a formal income and expenditure tool, but based on their own figures, and a small number stated that they believed their tool was similar to the long-established Common Financial Statement.

Vulnerability



Just over half of authorities (56%) have a formal policy in place for dealing with residents in **vulnerable circumstances**, while the remainder (44%) do not. Formal policies were in place both in the form of separate documents, and as specific vulnerability sections in wider debt collection policies.

Of those councils who do not have a vulnerability policy in place, a significant number volunteered that they instead ‘treat every resident individually’, or instead relied on bailiff firms to follow their own vulnerability policies and pass debts back to the council in the case of residents in vulnerable circumstances. A small number of councils volunteered that their staff had received training on vulnerability.

Council Tax Support recipients



23 local authorities in England told us that they had a policy of exempting recipients of **Council Tax Support** from bailiff action – representing 8% of authorities. Several councils volunteered that while they did not have a policy of exempting Council Tax Support recipients, Attachment of Benefit Orders³³ were used in preference in these cases.

A small number told us they refer Council Tax Support cases to bailiffs for the compliance stage³⁴ only, while a small number of other councils said they have a policy of only using in-house enforcement agents for these residents.

Several other councils employ other criteria that in effect approach a full exemption, for example one council which does not refer the vast majority of Council Tax Support cases, but does refer what it identifies as “high balance, non-vulnerable” cases.

³³ See *Appendix A*

³⁴ Compliance stage is where a bailiff writes to you about your debt, and involves a £75 fee being charged

Council Tax Protocol



50 authorities in England³⁵ (16% of councils that responded) reported that they had adopted the Citizens Advice/Local Government Association **Council Tax Protocol**, with the remaining 84% yet to do so. However, a further 38 councils told us they are currently considering adopting this (13%), or are currently in discussions with their local Citizens Advice following the launch of the revised protocol in June 2017.

The findings also show a correlation between adoption of the Council Tax Protocol and better debt collection practices. Every local authority which had adopted the Protocol told us they signpost to free debt advice (100%), while these councils were marginally more likely to have adopted the SFS or CFS (24% for Protocol councils, compared to 19% for non-Protocol) and were significantly more likely to have a vulnerability policy (78% compared to 53%) and exempt Council Tax Support recipients from bailiff action (16% compared to 6%).

Debt collection practices of Protocol / non-Protocol authorities (England only)

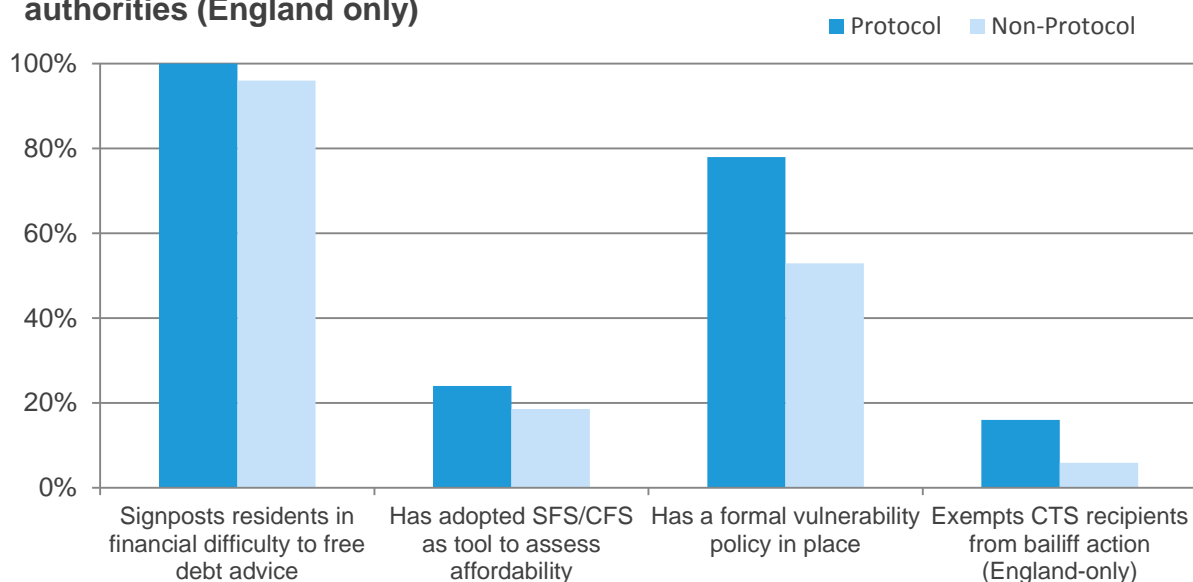


Figure 8: Summary of local authority debt collection practices

Collection practices in Wales

All 21 local authorities in Wales that responded to our research signposted residents in financial difficulty to free debt advice. Only two of these 21 told us they had adopted the Standard Financial Statement or Common Financial Statement,³⁶ although one³⁷ is currently considering this. Eight out of the 21 authorities in Wales that responded told us they have a formal policy in place covering residents in vulnerable circumstances (38%), with one other council currently drafting a vulnerability policy.³⁸

³⁵ A version of the Council Tax Protocol covering authorities in Wales is currently being developed

³⁶ Cardiff City Council and Torfaen County Borough Council

³⁷ Monmouthshire County Council

³⁸ Isle of Anglesey Council

Six steps for local authorities

In our 2015 report we made a series of recommendations for local government (including early intervention, affordable and sustainable repayment arrangements and demonstrating alternatives to enforcement action) and central government (including putting existing guidance on a statutory footing, statutory reporting and reviewing Council Tax Support schemes). We continue to make the case for these changes.

Based on the results of our mapping exercise, in this section we lay out **six steps** that we believe all local authorities should take to improve their debt collection practices where they have not already done so.

1 **Make a clear public commitment to reduce the use of bailiffs over time**

We recommend that council leaders make a clear public commitment to reduce the use of bailiffs over time, to provide clarity to officers at an operational level. This commitment could take the form of a public statement, a formal decision or statement of administration policy, or a motion of Full Council. We recommend that council leaders consider making this commitment in time for the beginning of the 2018/19 financial year.

2 **Review signposting to free debt advice, including phone/online channels**

For the small number of councils who do not currently signpost residents in financial difficulty to free debt advice, this should be introduced as a matter of urgency. We recommend that all councils regularly review their signposting, and in particular, ensure that all opportunities to signpost to debt advice – at all stages of the process – are maximised.

For those councils who currently signpost only to local face-to-face advice agencies such as Citizens Advice and AdviceUK agencies, we recommend giving consideration to offering the additional option of referring to the telephone and online advice services operated by National Debtline and StepChange Debt Charity, so that residents have the choice of accessing advice via the channel most appropriate to their circumstances.

3 **Adopt the Standard Financial Statement to objectively assess affordability**

We recommend that councils adopt the Standard Financial Statement (SFS), which provides a consistent, fair and industry-recognised method of working out affordable repayments for residents in financial difficulty. Councils should be proactive in establishing each resident's circumstances and ability to pay before sending accounts for enforcement.

Local authorities should accept SFS-compliant financial statements as a true reflection of income and expenditure, from both residents themselves and advisers on their behalf. Councils should also align all internal forms of 'income and expenditure' or 'means enquiries' to the SFS to ensure that a prescribed and consistent framework is used for assessing affordability.

4 Put in place a formal policy covering residents in vulnerable circumstances

We recommend that all local authorities should introduce a formal vulnerability policy – either as a standalone policy or in the form of specific and detailed provisions in a broader debt collection policy document – and make this policy public.

This policy should include identifying vulnerable households and amending the collections process appropriately. This includes not passing anyone on for enforcement who has been assessed as in vulnerable circumstances. There should be a clear and efficient mechanism to refer cases back to the local authority where enforcement action is not appropriate. We also recommend that local authorities should consider training for revenues and other relevant officers on working with residents in vulnerable circumstances.

5 Exempt Council Tax Support recipients from bailiff action (England only)

For authorities in England,³⁹ we recommend the exempting recipients of Council Tax Support, who have already been identified as requiring additional support through locally-determined criteria, from bailiff action altogether. This recommendation would see local authorities follow the lead of the small number of councils who have adopted this approach, which has been shown to deliver significant results for both residents and the taxpayer.

The London Borough of Lambeth introduced an exemption from bailiff action for Council Tax Support recipients as part of its new 'Income and Debt Policy' implemented in 2015/16, which involved a partnership with Advising London, dedicated council tax clinics. A 2016 report⁴⁰ from the Child Poverty Action Group and Z2K found that Lambeth's collection rate for Council Tax Support claimants actually increased from approximately 80% in 2014/15 to 93% in 2015/16, taking Lambeth from one of the lowest collection rates to one of the highest.

6 Sign the Council Tax Protocol and examine the Money Advice Service toolkit for working with debt advice agencies

Finally, we recommend that all local authorities should sign up to the revised Citizens Advice/Local Government Association Council Tax Protocol,⁴¹ agreed in June 2017. Many of the principles in the Protocol can be operationalised using the Money Advice Service's creditor toolkit, *Working collaboratively with debt advice agencies*,⁴² which provides guidance for revenues and other officers and also covers all debt types.

Further guidance on how to implement these six recommended steps is available in our briefing for local authorities at www.stoptheknock.org.

³⁹ Local authorities in Wales operate a Council Tax Support scheme still based on 100% support, funded by the Welsh Government.

⁴⁰ Child Poverty Action Group and Z2K (2016), *Still too poor to pay: Three years of localised council tax support in London*, September 2016, [link](#)

⁴¹ Citizens Advice and Local Government Association (2017), *Revised Collection of Council Tax Arrears Good Practice Protocol*, [link](#). A version of the Protocol for local authorities in Wales is currently in development between Citizens Advice and the Welsh Local Government Association.

⁴² Money Advice Service (2017), *Working collaboratively with debt advice agencies*, July 2017, [link](#) The Money Advice Service is currently in the process of producing a local government version of this toolkit.

Appendix A: Bailiff use by debt type

The following table⁴³ shows when and how local authorities use bailiffs to recover different types of debt.

Council tax arrears	Parking penalties
<p>If someone falls behind with council tax payments, the local authority may apply to the magistrates' court to make a '<i>liability order</i>'. This is a court order that states that they owe council tax but have not paid it. The local authority will also add on any court costs they have had to pay.</p> <p>If the person owing the debt does not pay the amount stated on the order, the local authority can take enforcement action, which could include:</p> <ul style="list-style-type: none"> • using bailiffs to try and take goods; • making deductions from earnings; • making deductions from benefits; • charging orders (where the debt is secured on a property owned by the person in debt); • bankruptcy; and • imprisonment. <p>More than one type of enforcement action can be used at the same time by the council. Most local authorities prefer to use bailiffs or deductions from earnings to try and recover unpaid council tax. The person owing the debt can make an offer of payment to the council at any time before they use enforcement action. This could stop the action from happening.</p> <p>If the local authority uses bailiffs and the person owing the debt still hasn't paid their council tax in full, the local authority may apply to the magistrates' court for an order for them to be sent to prison.</p>	<p>Local authorities typically have their own traffic wardens (called civil enforcement officers) who issue penalty charge notices, for example, for parking on double yellow lines, in a permit only zone, on zigzag lines or in parking meter zones.</p> <p>Most local authorities have the power to enforce these parking penalties under the Traffic Management Act 2004. These parking penalties are not treated as criminal offences. They are often known as a 'parking penalty charge' or a 'penalty charge notice' (PCN). A PCN is enforced through the county court and private bailiffs.</p> <p>The local authority applies for a court order through the Traffic Enforcement Centre at Northampton County Court. This order authorises the local authority to instruct private bailiffs to collect the charge. 21 days after the court order is issued, the local authority can issue a warrant to the bailiffs, which allows the bailiffs to act.</p> <p>Unlike the usual county court process it is not possible to ask the court to suspend the warrant or to make an order to allow the charge to be paid in affordable installments. It is not easy to negotiate directly with the local authority to avoid bailiffs being instructed.</p> <p>The enforcement of PCNs relies heavily on the use of private bailiffs. There is no power to send anyone to prison for not paying a parking penalty.</p>

⁴³ Reproduced from Money Advice Trust (2015), *Stop The Knock 2015: Local authorities and enforcement action*, September 2015, [link](#)

Housing Benefit overpayments

Housing Benefit overpayments are recoverable by a variety of methods such as deductions from future payments of Housing Benefit, deductions from other benefits, via an adjustment to the tenant's rent account or by way of a direct earnings attachment.

Where none of these recovery methods are practical it is possible for a local authority to obtain a court order in the County Court which allows them to take enforcement action. This can include applying for a warrant of control to authorize private bailiffs to act. If the debt is more than £600, the debt may be transferred to the High Court for enforcement by High Court Enforcement Officers, although this rarely happens in practice.

If a business misses a business rate payment, the local authority will send them a reminder notice. This will give them seven days to pay their late payment. If they do not do this, or if they fail to pay after a second reminder, they will lose your right to pay in installments. They will then be asked to pay your bill for the remainder of the business rates year. If they still do not pay, the council may take further action.

Business rates

If a business falls behind with business rate payments, the local authority may apply to the magistrates' court to make a '*liability order*'. This is a court order which confirms that the business owes business rates and has not paid them. The liability order will be for the total amount owed plus any court costs the local authority has to pay.

Once the magistrates' court grants a liability order, the council may use bailiffs to try and recover the debt. They can attend a business premises or a home. Bailiffs can only call between the hours of 6am and 9pm except where the businesses normal trading hours are outside this period (eg pubs and restaurants), and must provide the business with full written details of the liability.

If the local authority uses bailiffs and the business still hasn't paid their council tax in full, the local authority may apply to the magistrates' court for an order for them to be sent to prison. They should only do this as a last resort. To send a business owner to prison the court would have to be satisfied that they are guilty of:

- willful refusal (they have deliberately refused to pay); or
- culpable neglect (they could afford to pay but did not).

Appendix B: Further reading

This report builds on the Money Advice Trust's previous report, *Stop The Knock 2015: Local authorities and enforcement action*, listed below, along with a range of other relevant research, reports and guidance published in the last two years.⁴⁴

Local government debt collection

Money Advice Trust (2015), *Stop The Knock 2015: Local authorities and enforcement action*, September 2015, http://www.stoptheknock.org/stop_the_knock_2015_report.pdf

Citizens Advice (2016), *The state of debt collection – the case for fairness in government debt collection practice*, January 2016, <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Debt%20and%20Money%20Publications/Thestateofdebtcollection.pdf>

Work and Pensions Select Committee (2016), *The local welfare safety net: Fifth Report of Session 2015-16*, January 2016, <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmworpen/373/373.pdf>

Ollerenshaw, E. (2016), *Three years on: an independent review of local Council Tax Support schemes*, April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514767/Local_Council_Tax_support_schemes_-_review_report.pdf

StepChange Debt Charity (2016), *Creditor and debt collector conduct: what's making debt problems worse?*, July 2016, <https://www.stepchange.org/Portals/0/documents/Reports/stepchange-creditor-and-debt-collector-conduct-july2016.pdf>

Child Poverty Action Group and Z2K (2016), *Still too poor to pay: Three years of localised council tax support in London*, September 2016, http://www.cpaq.org.uk/sites/default/files/StillTooPoor_web_update5Oct16_0.pdf

APPG on Debt and Personal Finance (2016), *Seminar on 'A fairer approach to Council Tax debt collection'*, November 2016, <http://www.appgdebt.org/seminar-fairer-approach-council-tax-debt-collection/>

Citizens Advice and Local Government Association (2017), *Revised Collection of Council Tax Arrears Good Practice Protocol*, June 2017, <https://www.citizensadvice.org.uk/Global/CitizensAdvice/campaigns/Council%20Tax/Citizens%20Advice%20Council%20Tax%20Protocol%202017.pdf>

Money Advice Service (2017), *Working collaboratively with debt advice agencies: A strategic toolkit for creditors*, July 2017, https://masassets.blob.core.windows.net/cms/files/000/000/780/original/MAS0003_Collaborative_working_Final_W.pdf

⁴⁴ For a list of relevant reports published before September 2015 see *Stop The Knock 2015* pp. 33-34 ([link](#))

New Policy Institute (2017), *Are cuts to Council Tax Support in England a false economy for councils?*, August 2017, http://www.npi.org.uk/files/9415/0237/0966/Council_tax_arrears_1617.pdf

The Children's Society (2017), *Briefing: Council Tax exemption for care leavers*, October 2017, <https://www.childrenssociety.org.uk/what-you-can-do/campaign-for-change/a-fairer-start-for-care-leavers>

Forthcoming – Institute of Money Advisers and PayPlan, *The case for ending imprisonment for council tax debt in England and Wales*, publication in November 2017, <https://www.i-m-a.org.uk/other-services/social-policy/ima-payplan-council-tax-imprisonment-campaign/>

Bailiff reform

AdviceUK, Christians Against Poverty, Citizens Advice, Money Advice Trust, StepChange Debt Charity, The Children's Society, Z2K (2017), *Taking Control: The need for fundamental bailiff reform*, March 2017, <https://www.bailiffreform.org/storage/app/media/Taking%20Control%20report%20March%202017.pdf>

Money and Mental Health Policy Institute (2017), *Policy note: Fear and foul play - The case for bailiff reform to limit psychological harm*, April 2017, <http://www.moneyandmentalhealth.org/wp-content/uploads/2017/04/Bailiff-reform-policy-note-1.pdf>



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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP - WEDNESDAY 6 FEBRUARY 2019

Report Title	HOMELESS PREVENTION AND ROUGH SLEEPING STRATEGY 2018 - 2022
Contacts	<p>Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk</p> <p>Strategic Director of Housing and Customer Services Tel: 01530 454819 glyn.jones@nwleicestershire.gov.uk</p> <p>Head of Housing and Property Services Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk</p>
Purpose of report	To introduce PDG to the draft Homeless Prevention and Rough Sleeping Strategy and allow comment prior to consideration by Cabinet.
Council priorities	The Strategy addresses a number of elements of the Homes and Communities priority
Implications:	
Financial/Staff	This strategy sets out the priorities for the Homelessness Service and any additional resource requirements will be sought at the appropriate time
Link to relevant CAT	None
Risk Management	Having an approved up to date Homeless Prevention and Rough Sleeping Strategy will ensure we are discharging our statutory duties in a comprehensive manner, and minimise the risk of customers not receiving the services they need.
Equalities Impact Screening	The final strategy will undergo an Equalities Impact Screening Assessment.
Human Rights	None
Transformational Government	None
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.

Comments of Monitoring Officer	The report is satisfactory.
Consultees	Partner Organisations Stakeholders Members General Public
Background papers	Rough Sleeper Strategy Delivery Plan
Recommendations	POLICY DEVELOPMENT GROUP MAKE COMMENTS ON THE DRAFT HOMELESS PREVENTION AND ROUGH SLEEPING STRATEGY FOR CONSIDERATION BY CABINET ON 6 MARCH 2019.

1.0 BACKGROUND

1.1 The Homelessness Act 2002 places a legal obligation on all Local Housing Authorities to carry out a review of homelessness in their areas in consultation with local partners and stakeholders, and to develop a strategy for tackling and preventing homelessness. The last strategy was approved by Cabinet in December 2013 covering the period 2013-18 and set out a central priority of “Better integration of services”. This was then supported by six sub-priorities intended to demonstrate delivery of the Governments Gold Standard for Homelessness (which was subsequently withdrawn by Government).

1.2 These were:

- Preventing youth Homelessness
- Developing the Role of the Private Rented Sector
- Up-skilling homeless households
- Alternative temporary accommodation
- Support for those with Complex Issues
- Support for Domestic Abuse victims.

1.3 Since the adoption of the strategy there have been some significant changes nationally that have impacted upon homelessness and rough sleeping which have required us to reappraise our approach to services. These include but are not limited to,

- The introduction of the Homelessness Reduction Act in April 2018
- Further roll out of welfare reform including Universal Credit locally
- The 1% rent reduction for Council house rents
- Changes to funding for affordable rented homes impacting on the deliverability of affordable housing
- A review of revenue funding for supported accommodation.

1.4 As we have now reached the end of the third quarter of working with the new legislation, badged by some as the biggest change in homelessness legislation for 40 years, it is a timely opportunity to review our existing services and identify our priorities for the future.

1.5 Furthermore on 10th December 2018 the Government released their Rough Sleeper Strategy Delivery Plan (see background papers). This included the requirement that by

winter 2019 “all local authorities (will) update their strategies and rebadge them as homelessness and rough sleeping strategies.” This strategy therefore responds to this requirement by providing additional focus on rough sleeping.

- 1.6 The draft Homeless Prevention and Rough Sleeping Strategy is attached as Appendix 1 to this report.

2.0 CONSULTATION

- 2.1 The strategy development process provided an opportunity for us to seek the views of a wide range of partners and stakeholders with an interest in services within North West Leicestershire.
- 2.2 In the development of this strategy we held a consultation event attended by 20 key partners where, through a range of activities we developed the proposed strategy priorities and identified emerging areas to focus our resources.
- 2.3 We enhanced this information with three surveys, a call for evidence from partners, a text survey to service users and a wider community consultation that was promoted across a range of platforms including the members bulletin.
- 2.4 We received 23 responses and these confirmed the priorities as identified at the workshop and reiterated the need for services for people with complex needs and the benefits of working together.
- 2.5 The feedback across these activities has been captured and has directly influenced the contents of the strategy and informed the development of the associated action plan.

3.0 DELIVERY SINCE THE LAST STRATEGY

- 3.1 Since the last strategy was approved in 2011, there have been a number of achievements in relation to homelessness. These included being the only Council in Leicestershire to achieve the Bronze standard in homelessness services, and over the summer we introduced a new CBL allocations policy, and software system.
- 3.2 Since the last strategy a number of partnership projects have come on line including
- A Countywide Rough Sleeper Outreach Service
 - Homelessness Trailblazer Coaching Service
 - An advice mobile phone “app” across City and County
 - Cold Weather Service across five districts in conjunction with Action Homeless Leicester.
- 3.3 Whilst there have been a number of service improvement over the lifetime of the strategy the landscape around Homelessness remains challenging and further service development is still required to ensure we are meeting needs in the most effective manner. These changes are incorporated into the proposed new strategy.

4.0 SUMMARY OF REVIEW PROCESS AND OUTCOMES

- 4.1 The Homelessness Review allows us to understand the nature and scale of Homelessness within the District before agreeing priorities for the coming years.
- 4.2 The Council’s three biggest causes of homelessness in the District continue to be

- End of Assured Shorthold Tenancy
- Relationship Breakdown
- Family and Friends asking people to leave

This reflects the national position.

4.3 We complete an annual rough sleeping estimate on one night, as a national statistical return, and we returned an estimate of 1 rough sleeper in the district and over the last year we have continued to investigate reports of rough sleeping on as soon as they are received. Whilst rough sleeping remains isolated in the district, the seriously negative impact sleeping rough can have on those concerned ensures that an appropriate response remains a priority for the service.

4.4 In the first nine months of the Homelessness Reduction Act we have assisted 78 households who were threatened with homelessness through the prevention duty and 71 households who were homeless through the relief duty. We have had successful outcomes in 79% of cases and only 6 cases have gone through to the full homeless duty.

5.0 STRATEGIC PRIORITIES

5.1 The Homelessness and Rough Sleeping Strategy has identified five strategic priorities

- Putting the customer at the heart of everything we do
- Collaborative working
- Accessing the right support
- Increasing housing options
- Tackling rough sleeping and its causes/impacts

5.2 This closely align with the 3 priorities of the current housing strategy, Supply, Standards and Support. It also recognises that homelessness is often more complex than a singular housing issue and so collaborative working across disciplines/organisations and taking a person centred approach is crucial to successful outcomes.

6.0 INDICATIVE ACTION PLAN

6.1 In line with best practice the Homeless Prevention and Rough Sleeping strategy action plan will be an annually updated document, established in conjunction with partner organisations and with delivery monitored through the local Homelessness Prevention Forum.

6.2 An indicative year one action plan is included at Appendix 2 which will be subject to further discussion with partners prior to sign off.

North West Leicestershire District Council

Homeless Prevention and Rough Sleeping Strategy 2019 - 2024



Contents

Foreword	2
Introduction	4
What is homelessness	4
What is Rough Sleeping	4
Successes 2013-2018	6
Revised Housing Allocations Policy	6
Homelessness Gold Standard	6
Engaging young People	6
Fast Tracked Money Advice	6
Dedicated Temporary Accommodation	6
Leicestershire Wide “No Second Night Out” Service	6
Cold Weather Provision	6
Homelessness Trailblazer Funding	7
Tenant Support Service	7
Context	9
The Homeless Reduction Act 2017	9
Key Challenges	10
Welfare Reform	10
Maintain positive outcomes despite increased pressures on services	11
Meeting the needs of younger people who are at risk of homelessness	11
Provision of Temporary Accommodation	11
Private renting	11
Meeting the needs of individuals with complex / multiple support needs	12
Repeat homelessness	12
Ensure social rented pipeline remains healthy	12
Economic pressures	13
Reduction in capacity of local support services	13
Rough Sleeping	13
Rough Sleeping amongst the ex-armed forces	14
Rough Sleeping and Community Safety	14
How we will monitor success	16
North West Leicestershire Homeless Prevention Forum	16
Indicators of Success	16
Appendix A: North West Leicestershire Preventing Homelessness Strategy Action Plan	17
Appendix B: Housing Choices Key Indicators	25

Foreword

by Councillor Bayliss, Housing portfolio holder

Homelessness has a serious negative impact on families and individuals, and as a District Council we take our responsibilities in this very seriously. This Homelessness and Rough Sleeping Strategy 2019-2024 is our 4th document in a series, and sets out how we intend to address the challenges of homelessness in North West Leicestershire in the coming years.

Homelessness and rough sleeping have risen up the national agenda recently and as a local authority committed to tackling these issues we are in a prime position to coordinate the response, working with our partners, neighbouring Councils and local communities.

We have developed this strategy with a range of partners and other stakeholders and it identifies our priorities for the coming years, whilst creating a framework to ensure that all involved work together to improve services and experiences for customers through 5 new key aims –

- *FOCUS ON PREVENTION*
- *PUT CUSTOMERS AT THE HEART OF WHAT WE DO*
- *MAINTAIN AND WIDEN OUR HOUSING OPTIONS*
- *WORK TOGETHER AND WORK SMARTER*
- *TACKLING ROUGH SLEEPING AND ITS CAUSES/IMPACTS?*

We will never solve the problem of homelessness alone, but by working together with others, using documents like this strategy to focus our efforts, we can minimise the impact on those affected, and ensure they receive the support they need when they need it most. Working together is critical to improving outcomes and that is why the Homelessness Prevention Forum will be responsible for overseeing delivery of the strategy and setting the annual action plan.

Roger Bayliss

Housing Portfolio Holder

Introduction

The Homeless Act 2002 requires that all housing authorities must have in place a homelessness strategy based on a review of homelessness in their district. The strategy must set out the authority's plans for the prevention of homelessness and for securing that sufficient accommodation and support are or will be available for people who become homeless or who are at risk of becoming so.

Furthermore, the Ministry for Housing Communities and Local Government (MHCLG) in August 2018 identified the need to ensure that Local Authority homelessness strategies were now homelessness *and* rough sleeping strategies, and this requirement has been incorporated into this document.

What is homelessness

There are a variety of circumstances that can lead to someone becoming homeless; for example:

- They have nowhere to live
- They only have a temporary place to live such as sleeping on a friends sofa or having a short-term bed in a hostel
- They have no legal right to stay where they are
- They are at risk of violence or abuse in their current home
- They have nowhere suitable to live. For example a home which is in poor condition and affecting their health

What is Rough Sleeping

The official definition for the purposes of rough sleeper counts is - People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments). People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or "bashes" which are makeshift shelters, often comprised of boxes).

Evaluating the Extent of Rough Sleeping, Department for Communities and Local Government, 2010

This Strategy has been informed by a homeless review which was carried out in Quarter 3 of 2018. The review included collecting data and evidence and consulting with organisations and individuals involved with delivering local services, as well as consultation with service users and local people.

This is North West Leicestershire's fourth five-year Homeless Prevention Strategy. Significant achievements have been made over this time to build partnerships, and coordinate the services and working practices necessary to successfully address homelessness in the District.

North West Leicestershire has adopted an early intervention approach to homelessness and is committed to providing a comprehensive housing advice service, which is available and accessible to all and focused on prevention.

Each year the Council invests over £275,000 in services which support those who are homeless, threatened with homelessness and early intervention work.

This Strategy will build on previous successes and also position us to adapt our approach to deal with the changing national and local context, and address the future challenges that we have identified with our partners.

Successes 2013-2018

Over the lifetime of the strategy there have been a number of successful projects and service improvements. Some of these have been a direct response to priorities identified in the last strategy whilst others have responded to emerging issues or opportunities. Our successes include:

Revised Housing Allocations Policy

In the summer of 2018 we introduced the first major review of our allocations policy since the introduction of Choice Based Lettings. The end of the Sub Regional Choice Based Lettings Scheme allowed us greater flexibility to adapt our policy to meet local needs. Changes were made so that the policy could support us to work effectively with those owed duties under the new homeless legislation with revised housing need bandings, greater discretion for mitigating circumstances and greater recognition of vulnerable groups such as ex-servicemen.

Homelessness Gold Standard

In the 2013 Strategy the Council committed to working towards the Homelessness Gold Standard. In April 2017 the Council undertook its peer review and at the National Practitioners Support Service (NPSS) conference in July 2017 was awarded the Bronze Standard for homelessness for successfully achieving the Corporate Commitment challenge.

Engaging young People

In 2017 the Housing Choices team began working with Zest Theatre group and local schools to raise awareness amongst year 10 and 11 pupils about the implications of homelessness. Zest performed their hard hitting but entertaining performance and follow up workshop, "Until It's Gone," in schools in Ashby, Ibstock, Coalville and Castle Donington.

Fast Tracked Money Advice

Recognising the impact that debt can have on people's housing circumstances the Housing Choices Team in partnership with Citizen's Advice have introduced a fast track route to money advice for those at risk of homelessness.

Dedicated Temporary Accommodation

The Council has allocated a bungalow from its stock to be used as temporary accommodation. The bungalow is fully equipped so that those who are likely to require longer-term temporary accommodation can live in high quality affordable accommodation with access to necessities such as cooking and laundry facilities.

Leicestershire Wide "No Second Night Out" Service

In December 2016 the Leicestershire sub-regional authorities secured funding from Dept. for Communities and Local Government (DCLG) to extend the "No Second Night Out" provision in Leicester and Leicestershire. Alongside emergency hostel beds the extended service included the first dedicated rough sleeping outreach service in the County.

Cold Weather Provision

In 2018 we worked with Action Homeless and 4 other Leicestershire Authorities to secure funding for a Cold Weather Service over the winter months. The service provided additional accommodation options

between December and March for those at risk of rough sleeping as well as additional support and access to move on options building on our previous Severe Weather Emergency Protocol (SWEPE).

Homelessness Trailblazer Funding

A successful funding bid to the Department for Communities and Local Government in 2017 resulted in a partnership project to develop a housing advice “app” for smart devices alongside an innovative coaching based support service to support those faced with or at risk of homelessness in Leicester, Leicestershire and Rutland.

Tenant Support Service

Since October 2015 the Council has been supporting tenants in receipt of Universal Credit with personal budgeting via a funding agreement with the Department for Work and Pensions. The service has been very successful in securing rent payments and releasing backdated benefit or grant entitlement.

Over this time 100% of customers rated the service as good or very good and only 19% of cases were closed due to customers not engaging or wanting to cease accessing the service.

Context

This Strategy takes into account the local picture with regard to households approaching services for support with housing issues, and also the national context for homeless prevention and support, in particular the introduction of the Homeless Reduction Act in 2017 which introduced new duties for Local Housing Authorities and new obligations for other key public organisations.

Infographics – to be inserted

Infographics are being prepared to provide a visual representation of our local homeless statistics over the previous strategy period and from the last six months Apr – Dec 2018. A comparison with national, regional and Leicestershire authorities will be given where most appropriate.

The Homeless Reduction Act 2017

The Homeless Reduction Act came into force on the 3rd April 2018 and introduced significant changes to national homeless legislation, including new homeless duties for housing authorities.

The new provisions include:

Requiring Local Authorities to provide an enhanced advice and information service including the need to design advice to meet the needs of specific vulnerable groups such as care leavers and those suffering from mental health conditions.

Extending the period where someone is determined to be “threatened” with homelessness from 28 to 56 days

Introducing new statutory duties to provide assistance to prevent and relieve homelessness for all eligible people regardless of priority need, intentionally or local connection.

Specifically the Act introduces two new duties. The Prevention Duty for households threatened with homelessness within 56 days and The Relief Duty for households who are already homeless. These duties include the introduction of a requirement to produce personalised housing plans based on the specific needs of the household.

The Act also extends the duty to provide interim accommodation to all those who are homeless and in priority need regardless of intentionality for at least 56 days from the point that they present as homeless.

North West Leicestershire District Council has prepared for the introduction of the Homeless Reduction Act by training and informing Housing Choices staff and key partners and by introducing new systems of work including procuring a new recording and monitoring system and putting in place a triage system. Further work will be required over the life of this Strategy to monitor and respond to the implications of the new legislation.

Key Challenges

In order to continue to be effective in preventing homelessness we must prepare our services so they are in a positive position to respond to the challenges we will face over the next five years as well as maintaining flexibility to adapt to new challenges as they emerge.

With our partners we have identified the following key challenges

Welfare Reform

The challenge of adapting to welfare reform is key and impacts on a number of the other challenges identified below. In order to be effective in achieving our homeless prevention aims we will need to ensure that we work together to understand and adjust to the new environment that we are operating within.

A number of changes to benefit entitlement have been implemented over the last 5 years following the Welfare Act 2013 and the Welfare Reform and Work Act 2016. Changes such as the lowering of the benefit cap mean that a significant number of households will have experienced a reduction in the income they receive from benefits potentially reducing their ability to pay their housing costs. In order to prevent households becoming at risk of homelessness we will need to ensure that support continues to be available in order to provide money advice, affordable housing options and routes into employment.

A key element of the government's Welfare Reform package includes the move over to Universal Credit for the payment of benefits. Universal Credit replaces the six existing benefits with a single monthly payment for people who are out of work or on a low income. Universal Credit full service was introduced into the Coalville Job Centre in February 2018 as part of the national roll-out. All new claimants now automatically receive Universal Credit with existing benefit claimants to be migrated over to Universal Credit by 2023.

Universal Credit represents a significant change in how housing benefit is paid, transferring the responsibility for paying housing costs to the household and providing payments on a monthly basis. Some households will require support to budget appropriately and cope with the digital nature of the new system. The early identification and resolution of issues will be key to ensuring that the move to universal credit does not increase the number of people at risk of losing their home through rent arrears.

We are already seeing the effects of the introduction of Universal Credit on the already limited private rental market. Housing payments are no longer paid directly to landlords and this combined with poor understanding of the new system means that landlords are increasingly unwilling to accept households on benefits. Landlords will need to be positively engaged and innovative solutions found to keep private sector options open.

Maintain positive outcomes despite increased pressures on services

A strong emphasis on prevention work over the term of the last Strategy alongside a healthy housing register has meant that we have been successful in assisting those in need before they reached crisis point. This has meant that the trend in the number of people approaching as statutory homeless in the District has fallen since 2013 despite some fluctuations in certain years. We are however not in a position to be complacent as homelessness is growing nationally and the new homelessness duties mean our support will need to stretch further than ever before. In order to maintain our current low levels of homelessness we will put in place new ways of working and we will seek out opportunities to work in partnership with both neighbouring Local Authorities and with our local partners.

Meeting the needs of younger people who are at risk of homelessness

Young people aged 16-25 now make up a third of all approaches to the service, reflected in a shift in the most frequent reason for approach towards “friends and family no longer willing to accommodate”. We also see a higher instance of multiple or complex support needs being recorded in the 16-25 age group making it more difficult to address their housing issues. In order to deal with the rise in approaches amongst this group we will strengthen our specialist accommodation and support offer, particularly with regard to complex needs, and also review our family mediation provision.

Provision of Temporary Accommodation

The Homeless Reduction Act extends the duty to provide temporary accommodation to a wider number of households. We have limited dedicated temporary accommodation options available to us. At present we have a single bedsit bungalow from within the Council’s housing stock which is used for cases where a longer than normal stay is expected. Outside this provision the Council uses a range of local Bed & Breakfast accommodation to meet temporary accommodation needs. We are already exploring options that will extend our provision through working with accommodation providers and neighbouring local authorities.

Private renting

The average monthly rent for a 2 bed privately rented house in the District is £504 with the Local Housing Allowance Rate available to cover this rent £437 (Leicester Housing Area). Additionally North West Leicestershire has less housing in private rent than the national average and low levels of shared-type accommodation. This means that finding affordable private rented accommodation, particularly for certain groups such as single people, is problematic.

The changes brought about by the introduction of Universal Credit and the increasing tightening of landlord insurance policies to exclude people on benefits mean that options in the private rental market are limited and insecure. This trend is seen in the approaches to the housing service where the ending of private rented fixed term tenancies continues year on year to be one of the top three reasons people approach the service for help.

The Council has a long standing rent deposit and rent bond scheme and a good relationship with many landlords and letting agents. However, with the increasing difficulty in accessing this sector and with private sector evictions still high we will seek new and innovative strategies in order to keep this option open to our clients and we will continue to work proactively with landlords.

Meeting the needs of individuals with complex / multiple support needs

Many homeless households have complex needs which can only be resolved through the co-operation of multiple agencies. Over 40% of service users who were owed a homeless duty in the first 6 months of 2018-19 had some form of support need with a fifth having more than one support need. Successful working relationships already exist between many of the key agencies and the Housing Advice service, however our consultation revealed a strong need to consolidate this partnership working and connect together services even better, particularly with regard to tackling underlying support needs such as mental health, substance misuse and domestic abuse.

The review also highlighted opportunities to better pool and share information in order that trends and gaps can be more clearly understood and that a shared understanding of local services can be developed. This work will be important in defining and maximising the use of existing services to help find long term housing solutions for people with complex needs. A priority moving forward therefore will be to formalise our relationships with amongst others; Adult Social Care; Turning Point;

United Against Violence and Abuse; Supporting Leicestershire Families; Youth Offending; Probation; and the Community Rehabilitation Company.

Repeat homelessness

Repeat approaches to the homeless service are not uncommon and are most often amongst singles and couples, particularly those who have support needs. In order to break this cycle we need to ensure we are able to intervene early and to engage suitable support services and access the right supported accommodation options. We also need to look at strengthening and developing our move on arrangements and our tenancy support provision to ensure that long term positive outcomes are sustained. The recent launch of a Leicestershire Coaching Services will help us to explore new ways of providing support and helping to build self-reliance.

Ensure social rented pipeline remains healthy

Around 60% of our positive outcomes are found via an offer of socially rented accommodation by means of the Council's Housing Register. We are in a fortuitous position in North West Leicestershire having a supply of affordable social rented housing which in most cases is able to meet demand. The Council revised the Allocation Policy in 2017 with consideration to new duties under the Homeless Reduction Act. This is helping to ensure that homeless and at risk households have the correct preference within the Choice Based Lettings scheme and are able to find suitable housing in a timely manner.

As social housing is such an important channel for homelessness, we will

continue to ensure that the pipeline of available social housing is maintained through strong partnership working with Registered Providers and the Councils Landlord Services. We will also seek to use the information and influence we have to ensure that the right housing is available to meet the identified needs of those on the register.

Economic pressures

Whilst North West Leicestershire performs strongly both in terms of economic activity and levels of employment of working age adults compared to sub-regional, regional and national average, debt and arrears remain a significant factor affecting homelessness with Citizen's Advice approaches showing an increase in the amount of housing related debts above and beyond personal debt.

A significant buffer against the impact of welfare reform has been the availability of Discretionary Housing Payments (DHPs). In recent years DHPs have increasingly been used in cases involving the bedroom occupancy rules and benefit cap. Increases to demand coupled with changes to the budget allocation mean that there was a noticeable shortfall in available funds in 2018-19 and this is likely to add pressure to our Housing Choices service as people are forced to seek alternative accommodation.

Since October 2015 the Council has been supporting tenants in receipt of Universal Credit with personal budget support, in part funded by DWP. From April 2018 this service will be provided nationally via Citizen's Advice. In light of the positive impact of the Council's local support service we will consider how a District focussed service can be

maintained to complement the new national service.

In order to continue to maximise the income of households in the District to combat economic pressures we will continue to work pro-actively to support people to access the money they are entitled to and to increase their employment opportunities.

Reduction in capacity of local support services

There continues to be year on year budget cuts amongst local authority and health services leading to impacts in service provision and increased pressure on remaining services. For example In April 2019 there will be a merger of four of the County Council's key family and young people's services into one family wellbeing service. This will include the closure of 4 Children's Centres in the District. To combat reduced budgets and more streamlined services it will be necessary to maximise partnership working opportunities, fully engage with the voluntary sector and target services where they are most needed.

Rough Sleeping

Traditionally North West Leicestershire has low numbers of isolated instances of rough sleeping, with the Housing Advise Service recording 15 incidents over the last 2 years. In recent years this has focused around migrant workers or individuals who have chosen not to engage with services. Most often rough sleeping takes the form of camping out in woodlands or disused buildings or people sleeping in vehicles. This makes identification of instances and engagement of those rough sleeping problematic.

There are limited district-level services that are dedicated to rough sleepers

however the Council has been successful in co-commissioning services with neighbouring local authorities such as the current Rough Sleeping Project, which reaches the end of its funding in April 2019 and the government funded Cold Weather Provision launched in winter 2018. Additionally the sub-region is implementing a rough sleeper database which allows the sharing of intelligence across local authority boundaries and will increase the quality of data held locally about rough sleepers.

Access to these wider services has been key in keeping rough sleeping numbers low and addressing the specific needs of these individuals. We will continue to work in partnership to unlock funding for specialist accommodation, outreach and support. The government recently announced the requirement for all Local Authorities to produce rough sleeping strategies by winter 2019, which set out how they plan to provide specialist support and accommodation for vulnerable people on the street. We will work with our partners and neighbouring Local Authorities to put in place the appropriate services for our District.

[Rough Sleeping amongst the ex-armed forces](#)

Nationally it has been estimated that between 3 and 10% of rough sleepers are ex-armed forced. Whilst locally there is currently no up to date data, it is recognised that those leaving the armed forces have traditionally faced barriers to securing housing and so were particularly vulnerable to homelessness. As part of our response to the Homelessness Reduction Act a countywide pathway for those leaving the armed forces is being developed and within North West Leicestershire we have tailored our allocations policy to support former members of the armed forces seeking housing. We will continue to recognise and support the specific needs of veterans.

[Rough Sleeping and Community Safety](#)

The focus of this strategy is to support those who are homeless or at risk of homelessness. There will however be occasions where rough sleeping may cause actual or perceived community safety issues. To ensure successful long term outcomes for rough sleepers the Housing Choices team will take a customer focussed approach, however where appropriate we will work closely with enforcement colleagues in community safety to ensure a co-ordinated response that does not undermine either teams work.

Our Strategic Aims

In analysing the key challenges facing us the following aims have been identified and will form the foundation of our work over the next 5 years.

Over the next 5 years we will:

- **FOCUS ON PREVENTION**
Develop our early identification and intervention work to reduce the number of people approaching at the point of crisis
- **PUT CUSTOMERS AT THE HEART OF WHAT WE DO**
Ensure anyone who is homeless or at risk of homelessness has easy access to the support and advice they need to resolve their housing issues.
- **MAINTAIN AND WIDEN OUR HOUSING OPTIONS**
Provide a range of accommodation and support options that meet the needs of those seeking our help
- **WORK TOGETHER AND WORK SMARTER**
Seek out new opportunities for collaborative working that deliver innovative solutions to the needs that we jointly identify with our partners
- **TACKLING ROUGH SLEEPING AND ITS CAUSES/IMPACTS**
Ensure we have the right services in place to ensure a rapid and robust response when anyone is at risk of rough sleeping



How we will monitor success

In order to achieve these aims we will agree an annual action plan with our partners which will be monitored quarterly via the Homeless Prevention Forum. The initial action plan is attached as Appendix A to this Strategy.

North West Leicestershire Homeless Prevention Forum

North West Leicestershire District Council's Homeless Prevention Forum brings together a wide range of public services representatives, health professionals, accommodation providers, support services and community and voluntary sector representatives in order to share information and identify and deliver activity to address homelessness in the District. The Forum is managed by the District Council's Strategic Housing Team and normally meets on a quarterly basis.

Indicators of Success

In addition to monitoring progress against agreed actions we will also monitor and provide feedback on the key performance indicators of homelessness in Appendix B. This information will be shared with the Homeless Prevention Forum, with the Council's Senior Management Team and with the Portfolio Holder for Housing on a quarterly basis to support a shared understanding of the Districts' homeless situation and to identify trends.

Appendix A: North West Leicestershire Preventing Homelessness Strategy Action Plan



April 2019 – March 2020

These actions will help us achieve our strategic aims for homeless prevention which are:

1. EARLY INTERVENTION

Reduce the number of people approaching at the point of crisis and reduce repeat homelessness

2. EASY ACCESS TO SERVICES

Provide easy access to support and advice for anyone homeless or at risk of homelessness and ensure referral pathways are used to provide the best outcomes for people accessing our services

3. THE RIGHT MIX OF HOUSING OPTIONS

Provide a range of accommodation and support options that meet the needs of those seeking our help

4. COLLABORATIVE WORKING

Seek out new opportunities for collaborative working that deliver innovative solutions to the needs that we jointly identify with our partners

5. TACKLING ROUGH SLEEPING

Ensure we have the right services in place to ensure a rapid and robust response when anyone is at risk of sleeping rough

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
1.	Priority One – Early Intervention						
1.1	Deliver schools education programme to KS4 students at minimum 4 schools	Number young people reached Evaluation report		Initial approach to schools	Delivery of workshop sessions	Delivery of workshop sessions	NWLDC Community Safety Partnership Schools
1.2	Put in place Adult Learning offer to build skills, confidence and resilience	Number of people accessing offer Learning outcomes	3 people complete Adult Learning Courses	3 people complete Adult Learning Courses	3 people complete Adult Learning Courses	3 people complete Adult Learning Courses	NWLDC Adult Learning
1.3	Secure funding for extension of tenancy support services for private tenants	Service in place Quarterly data on number of households supported	Service in place 12 people supported	12 people supported	12 people supported	12 people supported	NWLDC Homeless Delivery Group
1.4	Develop mediation offer for individuals asked to leave by friends and family	Mediation offer in place Number of households supported to stay through mediation	Mediation offer in place 9 people receive mediation support	9 people receive mediation support	9 people receive mediation support	9 people receive mediation support	NWLDC

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
2.	Priority two – Easy Access to Services						
2.1	Promote Housing Advice referral pathway and MyHome App to customers and key organisations	Quarterly data (number users and number referrals)	Promotion of referral pathway 10 new users 4 referrals	Go-live of customer online form 10 new users 2 referrals	10 new users 12 referrals	10 new users 12 referrals	NWLDC Homeless Delivery Group
2.2	Attend GP forum to raise awareness of Housing Advice services and improve access to healthcare for homeless households (in particular rough sleepers)	Meeting held and actions agreed	Initial meeting	Follow up and put in place any agreed actions	Follow up and put in place any agreed actions	Follow up and put in place any agreed actions	NWLDC Health Improvement Partnership Other key health partners as needed
3.	Priority three – The Right Mix of Housing Options						
3.1	Put in place Domestic Violence Link Worker to provide specialist advice	Number DV cases supported by link worker	5 cases 80% positive outcomes	5 cases 80% positive outcomes	5 cases 80% positive outcomes	5 cases 80% positive outcomes	NWLDC Women's Aid Leicestershire

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
	and support for DV cases	Positive outcomes for DV cases					
3.2	Review options for complex needs clients and commission additional services if necessary	Number of clients supported Positive move on outcomes	Review and recommendations	6 people supported 60% positive outcomes	6 people supported 60% positive outcomes	6 people supported 60% positive outcomes	NWLDC Chosen Provider
3.3	Develop a stronger private Rented Sector Offer	Offer in place and tested with private sector landlords Number households with a positive private sector housing outcome (6mths +)	Private Sector Passport in place 6 households supported into private rented accommodation	6 households supported into private rent	6 households supported into private rent	6 households supported into private rent	NWLDC CAB Clockwise
3.4	Review existing TA provision and investigate alternative options. if necessary expand temporary	Review completed Additional temporary accommodation made available	Review complete and recommendations made	New TA available (if necessary) Number people accommodated	Cost savings	Review of new TA	NWLDC Homeless Prevention Forum

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
	accommodation options in line with demand and household type	Number of people accommodated in TA and cost savings against B&B		Cost savings			
4.	Priority four – Collaborative working						
4.1	Hold quarterly Homeless Prevention Forum inviting a range of partners and a programme of guest speakers	Forums held	Q1 Forum	Q2 Forum	Q3 Forum	Q4 Forum	NWLDC Homeless Prevention Forum
4.2	Review Move-on agreements and pathways with supported housing providers	Number successful referrals into supported accommodation Percentage of individuals successfully moving on from supported housing into long term accommodation	Meetings held with all supported housing providers Move on agreements revised and agreed				NWLDC EMH Care and Support Adullum Falcon Centre Exaireo NACRO

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
4.3	Put in place regular meetings with social services colleagues to initiate closer working relationships	Review success after 12 months through feedback and case studies	Meeting held	Meeting held	Meeting held	Meeting held Review success and determine structure of meetings for 2020-21	NWLDC LCC
4.4	Set up Housing Advice hubs in outreach location to offer signposting and identification of “at-risk” households	Number of households accessing advice via the hub	Identify and agree location partner 10 people access advice	15 people access advice Review success	15 people access advice	15 people access advice Review success	P3 Homeless Prevention Partnership NWLDC
5.	Priority five – Tackling Rough Sleeping						
5.1	Implement EMTHINK rough sleeper database	Database in place and officers trained Number rough sleepers recorded	Review number recorded	Review number recorded	Review number recorded		NWLDC Action Homeless Homeless Delivery Group

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
5.2	Review SWEP procedure and contact list	Revised information and contact list Number activations and number people accommodated		Review procedure and contact list	Information to key partners ahead of SWEP cold weather period	Review effectiveness of SWEP	NWLDC Homeless Prevention Partnership Community Safety Partnership
5.3	Undertake mapping exercise of rough sleeping services	Exercise complete and distributed to key partners		Mapping complete and gaps identified			NWLDC The Bridge Local Area Coordinators
5.4	Seek funding or alternative delivery routes to maintain Countywide rough sleeper outreach and No Second Night Out service	Continuation of service Number of people "at risk" of rough sleeping supported	Service in place 5 people supported	5 people supported	5 people supported	5 people supported	NWLDC Homeless Delivery Group The Bridge
5.5	Undertake annual rough sleepers estimate	Participation from all key partners			Conduct estimate and		

Ref No	Action	Performance monitoring	Quarterly Milestones				who
			Q1	Q2	Q3	Q4	
					review findings with partners		

Appendix B: Housing Choices Key Indicators

1. Approaches		Frequency
1.1	Total number of approaches	Monthly
1.2	Number found to be not eligible	Quarterly
1.3	Number found to be <u>not</u> homeless or threatened with homelessness in 56 days	Quarterly
1.4	Number owed a prevention duty	Monthly
1.5	Number owed a relief duty	Monthly
1.6	Number repeat approaches (regardless of duty owed)	Annual
1.7	Top 3 reasons for approach	Annual
1.8	Top 3 support needs	Annual

2. Prevention Duty		Frequency
2.1	Number prevention duty outcomes	Quarterly
2.2	Number and % positive	Quarterly
2.3	Number and % unsuccessful outcomes where applicant has become homeless	Quarterly
2.4	Top outcome and % where applicant has remained in home	Annual
2.5	Top outcome and % where applicant has found alternative accommodation	Annual
2.6	Most frequent reason for unsuccessful outcome	Annual

3. Relief Duty		Frequency
3.1	Number relief duty outcomes	Quarterly
3.2	Number and % positive	Quarterly
3.3	Number and % where 56 days reached and duty ended	Quarterly
3.4	Number and % where 56 days reached and main duty owed	Quarterly
3.5	Most frequent reason for unsuccessful outcome	Annual
3.6	Number Main Duty decisions (intentional/not in priority need/full duty)	Annual

4. Rough Sleeping		Frequency
4.1	Number new rough sleeping cases recorded (all sources; broken down by reason)	Quarterly
4.2	Annual verified rough sleeping estimate	Annual

5. Temporary Accommodation		Frequency
5.1	Number TA placements (breakdown to indicate where Out of Hours/Out of area)	Monthly
5.2	Average length of time in TA for those leaving TA in quarter	Quarterly
5.3	Total number households in TA (end of quarter snapshot)	Quarterly
5.4	Number families in B&B (end of quarter snapshot) and any over 6 weeks	Quarterly

6. Referrals		Frequency
6.1	Number Local Connection referrals and location	Annual
6.2	Number of incoming referrals via Duty to Refer	Annual

7. Efficiency of Service		Frequency
7.1	Average number of working days from application to initial decision	Monthly
7.2	Average number of working days from application to Personalised Housing Plan	Monthly

8. Housing Indicators		Frequency
8.1	Average house price (2 bed)	Annual
8.2	Average private rent (2 bed)	Annual
8.3	Average social rent (2 bed)	Annual
8.4	Average Affordable rent (2 bed)	Annual
8.5	No. repossessions (mortgage)	Annual
8.6	No. repossessions (landlord)	Annual
8.7	Average household earnings	Annual
8.8	Benefit Claimant Count	Annual

9. Housing Register		Frequency
9.1	Number on housing register (break down by band, age, bed need, homeless cases)	Monthly
9.2	Average wait time by banding and bedroom need	Monthly

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP - WEDNESDAY, 6 FEBRUARY 2019

Report Title	EQUALITY AND DIVERSITY POLICY
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 bev.smith@nwleicestershire.gov.uk</p> <p>Head of Human Resources and Organisation Development 01530 454518 mike.murphy@nwleicestershire.gov.uk</p>
Purpose of report	The report provides members of Policy and Development Group with information on the proposed Equality and Diversity Policy for the Council, with an associated action plan.
Council priorities	The report impacts on performance across the Council's priorities and service areas.
Implications:	
Financial/Staff	The report contains proposals for manager and staff development and training. There is no additional financial impact as provision is already in place within existing budgets.
Link to relevant CAT	The proposed policy and action plan has been reviewed by the Council's Equality and Access member Group.
Risk Management	No direct implications
Equalities Impact Screening	Considered within the report
Human Rights	No direct implications
Transformational Government	No direct implications
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	The report and action plan have been widely circulated to external interest groups and the Councils recognised trade unions.

Background papers	<ul style="list-style-type: none"> • Equality Act 2010, Human Rights Act 1998, Public Sector Equality Duty. • Equality Framework for Local Government
Recommendations	THAT THE POLICY AND DEVELOPMENT GROUP NOTES THE PROPOSED POLICY AND ACTION PLAN AND PROVIDES COMMENTS TO CABINET.

1.0 INTRODUCTION

- 1.1 The Council has a responsibility under the Equality Act 2010, and in its role as a community leader, service provider, leading employer and purchaser of goods and services to set out its approach to Equality and Diversity. The Equality and Diversity Policy and Action plan attached at Appendix 1 sets out the Council's proposed approach.
- 1.2 Summary of key features of the proposed policy.

The Policy and Action plan sets out the following relevant considerations:-

- The setting out of an Equality statement
- Defining our roles as leaders
- Explaining the communication methods we will use to prevent exclusion
- Our approach to Equality monitoring.
- The legal context around "protected characteristics" covering discrimination against people on grounds of their age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, or sexual orientation.
- An explanation of the Public Sector Equality Duty and the Equality Framework
- Outlines the relationship between Equality and Diversity considerations and Social Community Inclusion.
- How we will manage equality and diversity in our own workplaces and our in-house workforce, including employment monitoring, having relevant policies and training arrangements.
- Equality and Diversity considerations around the Council's procurement processes and purchasing decisions.
- Our approach to engagement and consultation with our communities and our involvement with other equality groups.

2.0 CONSULTATION

- 2.1 The Policy and action plan has been considered and approved by the Equality and Access group and a wide consultation process took place with interested groups and individuals in late November / December 2018. The responses from those that replied were supportive of the proposed policy and action plan.

3.0 ANNUAL GOVERNANCE REVIEW

- 3.1 The review of the Equality and Diversity policy was identified as being an important action in the Council's 2016/17 annual governance review to meet the requirement for Local Authorities to 'Behave with integrity, demonstrate strong commitment to ethical values and respect the rule of law' under the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' 2016. The action was repeated in the 2017/18 statement and adopting the proposed Equality and Diversity policy will complete the outstanding action.



Equality and Diversity Policy

February 2019

1. INTRODUCTION

- 1.1 North West Leicestershire District Council (the Council) prides itself in its proactive approach to equality and diversity which stems from the Social Model of Disability.

The Social Model of Disability takes the focus away from the individual and gives it to the environment (this could be a person, policy or place). With the belief that it is environmental barriers that cause a person to become disabled, the Council has the opportunity to remove such barriers and promote barrier free design by automatically incorporating aids and adaptations to promote inclusion. Although this model is specific to disability, the general principals can be employed to prevent the discrimination of those with other protected characteristics.

With the belief that discrimination has no place within the Council this Policy provides a clear and strong direction, so our staff, partners and stakeholders know what to expect from us and recognise the importance of ensuring the principals of equality and diversity inform key decision-making at every level within the council.

- 1.2 This Equality and Diversity Policy is a public statement of our objectives and approach. This document, which we refer to as the Policy, has been developed to ensure we meet the requirements of the Equality Act 2010. The Policy however, goes much further and contributes to our commitment to equality and diversity with specific focus on:-

- Reinforcing the council's responsibility under the Equality Act 2010, and our role as community leaders, service provider, employer and purchaser of goods and services.
- Developing an action plan to help us ensure equality of opportunity across all sections of the community, and our workforce. To ensure our services to all residents are provided fairly and without discrimination.
- Promoting equality and diversity across our staff and among our residents, to ensure the removal of unfair discrimination and disadvantage, harassment, and to foster good relations, in the workplace and between different community groups.
- Educating all staff at all levels to approach their work with an open mind and to offer support and assistance to others without relying on preconceptions.

2. DEFINITIONS AND EQUALITY TERMS

2.1 WHAT IS EQUALITY

Equality means everyone is treated fairly, with respect and are given fair chances. We realise, individual's needs are sometimes best met in different ways but people must not be unfairly discriminated against. To assist us with this the Government have listed nine protected characteristics in the Equalities Act 2010 and we must all contribute to creating a positive environment where discriminatory practices and unfair discrimination does not happen.

Equality of opportunity, in terms of access to fair and equitable services, is equal treatment and outcomes that meet the needs of the individual.

2.2 WHAT IS DIVERSITY

This refers to the differences which exist between each of us and the need to consider our own unique needs when helping others.

This means understanding how people's differences and likenesses can be used for the benefit of the individual, the organisation and our communities.

People with diverse backgrounds and attitudes may bring a variety of ideas and perceptions and a diverse organisation can draw upon the widest range of experiences so it can listen to and meet the needs of its employees, customers and the community it serves.

2.3 DISCRIMINATION

This refers to when a person is treated less fairly due to a perceived difference they may have. For example, Fred, a senior manager turns down June's application for promotion as a supervisor. June, who is a lesbian, learns this is because Fred believes the team she applied to manage are homophobic. Fred thought June's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against June.

2.3 INDIRECT DISCRIMINATION

This occurs when, for example, a rule is applied fairly to all but in fact, the ability of one group to respond to that rule, is much greater than the ability of another. An example of this might be a rule that everyone should apply for something via the internet. This could exclude the older generation who may not have internet access or computer skills.

2.4 POSITIVE ACTION

This refers to any action taken to attempt to put right an imbalance in the makeup of a workforce or deal with existing stereotypes/problems. For example, an organisation may wish to employ more individuals with a disability or those who align themselves as from Black and Minority Ethnic communities, in order to have a more diverse workforce and therefore, encourage people from these protected groups to apply for vacancies, e.g., disabled people are guaranteed an interview if they meet all the essential criteria.

2.5 EQUALITY OF OUTCOME

Refers to an effort to ensure, whatever the level of opportunity, the outcome is roughly the same. For example, this means that some people will need a language translator when speaking to us and others will not. It wouldn't be fair to just provide Spanish translators just because it is the language most people speak. A Spanish translator would not allow a Polish speaker the same access to opportunities. Actions taken to treat someone equally is dependent on their need(s).

2.6 DISCRIMINATION BY ASSOCIATION

This is the form of discrimination which occurs when one person has a protected characteristic, but another person is treated negatively from knowing them. For example, you could be discriminated against because you have a family member or a friend who has a disability. For example, May works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against May because of her association with a disabled person.

2.7 DISCRIMINATION BY PERCEPTION

This refers to discrimination because you believe a person has a protected characteristic. It applies even if the person does not actually have that characteristic. For example, Tom is 45 but looks much younger. Many people assume he is in his mid-20s. He is not allowed to represent his company at an international meeting because the managing director thinks he is too young. Tom has been discriminated against on the perception of a protected characteristic.

2.8 HUMAN RIGHTS

Every person in the world has basic human rights and freedoms. Human rights are based on core principles such as dignity, fairness, equality, respect and independence. They are relevant to day-to-day life and protect people's freedom to control their own lives, effectively take part in decisions made by public authorities which impact upon their rights and get fair and equal services from public authorities.

2.9 COMMUNITY COHESION

A cohesive community can be described as one in which strong and positive relationships are being developed between people from different backgrounds and circumstances and one where different groups of people get on well together. Effective and lasting community cohesion involves appreciating, respecting and positively valuing the diversity of people's backgrounds and circumstances.

2.10 STEREOTYPE

A simplified idea of what people with certain characteristics are like such as, all French people wear berets and striped T-shirts. Stereotypes can be positive or negative.

3. APPROACH

Research shows that no one is completely free from prejudice. Prejudices manifest themselves during the early years and are influenced by family, the community and the media. We understand this and as such all our staff will undertake bespoke equality training to help them recognise their prejudices and overcome them, as we are aware that prejudice can lead to discrimination.

Although the Equality Act 2010 details nine protected characteristics, the Council understands that our employees and residents do not have to disclose that they hold a specific characteristic. The Council also understand that people who share the same characteristic often have very different needs, and as such our training also covers asking open questions and offering support if required, without assuming the type of support that may be needed.

The Council is also aware that prejudice can lead to acts of hate. Hate incidents and crimes have no place within our district and as such we include Social Inclusion and Community Cohesion within this policy to ensure our approach to equality and diversity is echoed throughout the district.

3.1 EQUALITY STATEMENT

The Equality Statement has been revised to help us promote and advance equality, diversity and community cohesion as part of everything we do. Over the next 4 years, the Council will:

Carry out an equality analysis in relation to: access to services, the effect of services, proposed policies and changes to existing policies, in respect of the nine protected characteristics. To enable us to fully understand our service users and ensure we have paid 'due regard' to those with protected characteristics. The Council will also ensure all members of staff receive face to face equality training which will also form part of staff induction.

The Council will also work towards ensuring:

1. Council services are fair, reasonable and accessible to all our customers, especially those with protected characteristics.
2. Equality and diversity is at the heart of service planning, management and service delivery.
3. Information about our services is offered in suitable formats on request.
4. The council's commissioning, purchasing and grants provisions, policies and procedures are fair and treat all customers equitably.
5. The council understands our employees so we can take actions that ensure fairness and equality of opportunity for all.
6. Elected members are trained through induction, specific training sessions and opportunities to ensure they are aware of this Policy and their own responsibilities and are able to apply it to their own area of work.
7. Information is regularly published on the council website regarding the work the Council is doing to embed and promote equality and diversity in the workplace and for our communities.

3.1 OUR ROLES AS LEADERS

This Policy assists the Corporate Leadership Team, Team (CLT) Managers and Team Leaders, to fully meet the aims set out in the Equality Statement (see 3.1) and to fully realise the equality objectives of the council. All supporting documents, codes of practice, legislative information, monitoring and training will be aimed at helping all employees, to implement the policy effectively, in terms of service delivery and employment practice. These responsibilities are:-

- To provide leadership through CLT who will work with the political leadership in creating an equality and diversity culture within the council.
- For all employees to embrace the principles of equality of opportunity and apply these to their everyday activities.
- Not to harass, abuse or bully any other employee or customer, on the grounds of a protected characteristics.
- For the Equality and Diversity Lead to provide guidance to staff on equality and diversity law, and be pro-active in promoting equality and diversity. The Equalities Coordinator will advise staff on training, monitoring, service and policy reviews, engaging with the community as needed.

3.2 ACCESSIBLE COMMUNICATIONS

We want to encourage communication with people from different communities and make sure we do this in a way that prevents exclusion.

The council will:-

- Talk to people and listen to people in the way they find the easiest and best. We will also help others to do the same.

- Look at ways to raise the profile of equality and diversity through targeted positive communications, equality and diversity events, either as a council, or working in partnership with other organisations and government bodies. Invitations and publicity for events will clearly state the appropriate booking systems to request any facilities or services required.
- Continue to provide information upon request in a number of different formats or community languages and offer to go through a document personally with someone to help them understand it. Alternative formats which may include large print, Braille and audio will be available on request. We will produce a version of this document in Easy Read by the end of March 2019.
- Continue to ensure, where possible that public meetings and events are accessible. This includes providing, upon request, alternative formats for written documents, help with using the hearing system, level access, accessible toilets, where possible assist with the provision with transport to and from the venue, and adequate emergency exit procedures.
- All equality and diversity documents are being reviewed and updated, and will be available on our website by the end of July 2019.

3.3.1 TRANSLATION AND INTERPRETATION SERVICE

Translation and Interpretation guidance is available to assist officers and our customers in delivering our services. The Council Translation and Interpretation Guidance can be found [online](#).

Interpreters (including sign language interpreters) can be provided where we receive prior notification that they are required. Information about our services can be provided in different formats/languages with advanced notice.

3.3.2 COMMENTS AND COMPLAINTS

Comments and complaints are encouraged from our customers in any form of communication – by email, telephone, in writing or face-to-face.

The Council has formal processes for the management of complaints to ensure customers receive informed and considered responses in circumstances where they are unhappy with our services. The Council recognises that information from complaints can help us to improve services in the future.

The councils' mission is to put customers at the heart of what is done and how it is done, regardless of how they chose to contact us. We will respond positively to customers' views and actively seek to promote opportunities for customers to tell us what they think and for them to influence future service development and delivery.

4. EQUALITY MONITORING

Equality monitoring is looking at the information that is collected about different services and groups of people. This will tell us how well equality and diversity is embedded in the work we do. It is something we think is very important for understanding our customers. Information about the people who work for us is collected and monitored for the same reason.

The Council's Equality Monitoring Policy tells staff how they can collect information for the protected characteristics. This information will be used to:-

- Understand how many people from different protected characteristics are employed by the council
- Understand how many people from different protected characteristics use our services, or are not using those services.
- Help understand what different groups think about our services and about what can be improved to meet their needs.
- Support service provision, monitor inequalities and demonstrate compliance with legislation.

We have produced a generic equality monitoring form in order to collect equality and diversity information of service users, residents and partners, etc. The equality monitoring form and Policy will be available on our intranet for staff and externally on The Councils website.

5. EMBEDDING EQUALITY AND DIVERSITY IN ALL WE DO

5.1 EQUAL OPPORTUNITIES AND WHAT THE LAW SAYS

As a Council we need to show how we meet relevant legislation by publishing specified data on a public facing platform. This law is called the Equality Act 2010, and can be found [online](#).

5.2 THE EQUALITY ACT 2010

The Equality Act 2010 and connected Public Sector Equality Duty are the main equalities legislation, which sets out unlawful ways to treat someone. The law protects people from unfair discrimination on the grounds of nine protected characteristics:-

- 1 Age: relates to a person belonging to a particular age group (e.g. 32 year olds) or a range of ages (e.g. 18 – 30 year olds).
- 2 Disability: defined as having a physical or mental impairment that has a 'substantial' and 'long term' negative impact on your ability to do normal daily activities.
- 3 Gender: covers the 'characteristic' of being a man or of being a woman.
- 4 Gender Reassignment: the process of changing from one gender to another. This characteristic covers a person who is intending to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning their gender by changing physiological or other traits of gender.
- 5 Marriage and Civil Partnership: currently, marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. Legislation on marriage changed from 13th March 2014 and same-sex marriages started taking place on 29th March 2014.
- 6 Pregnancy and Maternity: pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this includes treating a woman unfavourably because she is breastfeeding.
- 7 Race: refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.
- 8 Religion or Belief: religion refers to any religion or lack of religion and belief includes religious and philosophical beliefs including lack of belief (e.g., Atheism).

Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

- 9 Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

It is against the law to discriminate against anyone because of any of these nine 'protected characteristics'.

5.3 PUBLIC SECTOR EQUALITY DUTY [PSED]

The [Public Sector Equality Duty](#) consists of a general duty which is supported by specific duties. The general duty requires public sector organisations to have due regard to the need to:-

1. **Eliminate discrimination, harassment and victimisation.**
This means the Council must stop people from being treated unfairly or differently because of one of the 'protected characteristics', listed in the Equality Act 2010. The council also has a duty under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, to also publish our Gender Pay Gap report annually.
2. **Advance equality of opportunity between people who share a protected characteristic and those who do not.**
This means the Council must do its best to meet the needs of people with protected characteristics and stop any unfair treatment suffered by people because of their protected characteristic(s).
3. **Foster good relations between people who share a protected characteristic and those who do not.**
This means the Council must help people who share a protected characteristic and those who do not share it, to get on together.

Having 'due regard' means consciously thinking about the aim of the equality duty as part of decision-making processes. This means consideration of equality issues must influence the decisions reached by public bodies, such as, how they act as employers; how they form, evaluate and review policy; how they design, deliver and evaluate services; and how they appoint and procure or obtain goods and services from others.

5.4 SOCIAL COMMUNITY INCLUSION

This Policy includes community cohesion as it is crucial to fostering good relations, which creates a fairer and more equal society and thus tackles Hate. All communities are linked in different ways. No individual community is so different from the rest of society that its particular needs cannot be understood and it is simply about how well everyone gets on and achieves benefits which are desirable for both the communities and within the district and the Council. An emphasis on shared futures rather than different histories will help bring communities together.

To bring about social inclusion and community cohesion we need to improve how services respond to communities and how we engage with people. By working to meet the different needs of those with protected characteristics, we can tackle prejudice and promote understanding between people from different backgrounds. To achieve this, our aim will be to:-

- Ensure access to services for isolated rural communities and for people from priority neighbourhoods and groups at risk of social exclusion.

- Increase the number of people from priority neighbourhoods and priority groups who have the confidence, knowledge and skills to take part in community activity, particularly where taking part by such people is disproportionately low.
- Increase resident participation by enhancing the role of community groups, and to strengthen and develop local leadership.
- Reduce or prevent the impact of harassment (or Hate) suffered by those with protected characteristics, within the wider community or within the workplace.

5.5 EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT (EFLG)

The Council is committed to using the Equality Framework for Local Government (EFLG) as a tool to support us in meeting our legal obligations and to measure the progress we are making towards embedding equality and diversity practice across our organisation. The framework has 3 stages of improvement:-



The Council will ensure the equality principles and legal requirements are embedded within the organisation, progressing the work around equality and diversity, ensuring equity and respect is promoted in all that we do.

Details of the Equality Framework can be found [online](#).

5.6 ASSESSING EQUALITY IMPACT

The Public Sector Equality Duty states there is a duty to analyse our services, policies and procedures to assess how appropriate and accessible they are for people with a protected characteristic and that they do not, without knowing or by mistake, disadvantage or discriminate against any protected group.

5.7 WHAT WE WILL DO

- Use the new Equality Impact Matrix form to do a risk-based equality analysis, to assess services, functions and policies, for their likely or actual effect on people in respect of the protected characteristics. The Equality Impact Matrix form and guidance for completing them will be available upon request on the intranet and website.
- Ensure the equality impact process is robust and supported with a guidance document, which meets the legal requirements and ensure staff and members are trained on how to complete the new Equality Impact Matrix form.
- Equality Impact Assessments that have already been completed for key services, will be made available in summary format via the Council's web site, and made available for formal inspection as required.
- Actions arising from equality analysis and assessments will be reflected in Service Team Plans.

5.8 EQUALITY IN THE WORKPLACE

The Council is committed to all aspects of equal opportunities in employment, including fair employment and equal pay policy.

The Council:

- Promotes opportunities to ensure its workforce is diverse and representative of the local community.

- Ensures council jobs are accessible to people from all sections of the community.
- Ensures all applicants for posts are aware of our equalities policies and of their right to be treated with dignity and respect.
- Ensures employees are treated equitably in all areas of employment, including career development, pay, training and promotion.
- Addresses harassment and bullying in the workplace.
- Will seek to improve consultation with staff from the protected groups.
- Continually reviews human resource policies to assess their impact on the protected groups covered by the policy.
- Monitors recruitment, promotion, training, grievances, disciplinary procedures and exit interviews from employment.
- Works with our Trade Union partners in addressing the Council's goals in equalities.

5.9 EMPLOYMENT MONITORING

Information is collected and published on the Council website about the people who work for us: covering age, disability, gender, race, religion or belief and sexual orientation.

This includes information about levels of pay, information on applications for jobs and how successful different groups of people have been, staff who started and left the organisation and staff complaints and training.

The information is used to check if any group sharing a protected characteristic is being disadvantaged by any of the council's employment policies or procedures. If this is the case, we try and do things to reduce or prevent this disadvantage.

5.10 EQUALITIES LINKED TO EMPLOYMENT POLICIES

There are a wide range of policies to support people who work for us and future employees. These policies let staff know what is expected from them as employees and what they can expect from the Council as an employer. Equality monitoring starts at the point of application and continues through to minimise any unconscious bias and to help us achieve a workforce that is representative of the district.

The Council staff are active in promoting and supporting diversity in the workforce. This includes:

- Making sure we are fair in what we pay people, through having a non-discriminatory job evaluation scheme;
- Making sure bullying and harassment doesn't happen in the workplace;
- Supporting employees in making sure they have a good balance of work life and home life (work-life balance).

The Council understands the law in respect of reasonable adjustments and our duty as an employer to take such steps as are reasonable to prevent any practice, policy, physical feature of the workplace or any other arrangements being made, which places a disabled employee or applicant at a disadvantage compared to a non-disabled employee or applicant.

5.11 TRAINING

The Council will ensure Elected Members and staff, undertake regular training (e.g. every 3 years, mandatory as part of the induction process) on equality and diversity so they understand what their responsibilities are and how best to prevent discrimination.

5.12 EQUALITY AND DIVERSITY IN PROCUREMENT

The Council's procurement processes include promotion of social benefits and equality of opportunity for service users, businesses and council staff alike. For each procurement process the procurement team will endeavour to understand the equality impact of the proposed purchase or contract, so that the process being used ensures that the supplier understands and is capable of delivering their duties in respect of equality.

Exactly what is undertaken will be specific to the activity but may include evaluation of supplier policy, understanding of how that policy is implemented and communicated, and how a supplier measures its demographics against the communities it serves.

The Equality and Human Rights Commission provides further information on our procurement role and meeting our equality duty requirements under the Equality Act and PSED.

5.13 ENGAGING AND CONSULTING WITH COMMUNITIES

The Equality Act 2010 requires local authorities to be transparent in their engagement processes and be able to demonstrate this through publishing information about the consultation it has undertaken.

It is important to talk to people/residents in our communities to understand what they need from our services. In order to provide the right services, which better meet the needs of the people using them, the council will:-

- Help people who may be disadvantaged due to a protected characteristic or social exclusion, to take part in activities in their community, and to have their say in consultations about the decisions the council makes about its services and how they are affected. This could be through: surveys, questionnaires, focus groups or open meetings.
- Represent communities at meetings to make sure the views of the community are heard.
- Listen to the opinions and complaints of individuals, local forums, community groups and partners to ensure feedback is taken into account in service provision and policy development.
- Working with other public sector organisations and keeping abreast of new developments in assistive technology that could help us achieve our aims.
- Feedback the results of engagement and consultation to all involved.

The Council's Engagement Strategy is another key document for promoting equality and diversity. It outlines how we will work together to inform, consult and involve local people and our stakeholders in decision making and improving public services in North West Leicestershire.

5.14 EQUALITY GROUPS TO PROMOTE EQUALITY AND DIVERSITY

A number of groups have been set up within Leicestershire which work on equality issues across organisations and communities, and help embed equality and diversity in everything we do.

LeicesterShire Equalities Forum (LSEF): This is a group with representatives from across Leicestershire, Leicester and Rutland, made up of: Local Authorities, Police, De

Montfort University, Fire Service, NHS, equality groups who are interested in equality and diversity, and staff who are responsible for equality and diversity as part of their job. These meetings focus on issues relating to equality, diversity, community cohesion and human rights and good practice is shared. This group reports to the Leicestershire County Council, Corporate Equalities Board. Our Equality and Diversity Lead attends and works with this group.

Staff Workers Groups: These groups play an important role in shaping policies and employment initiatives, whilst supporting and responding to issues raised by their group.

- The Councils Equalities and Access Group: This group commenced in July 2017 and includes members and staff who discuss and monitor all aspects of Equality and Diversity, ensuring the Council support those with any of the protected characteristics as listed in the Equalities Act 2010.
- The Council Staff Support Forum: This group is due to be set up in 2019 and is an online informal group of The Council staff who work together to report equality and diversity issues or potential issues. Moderated by the Equalities Lead this enables all staff to have a voice and share best practice.

6. CONCLUSION

6.1 POLICY SUMMARY

The Policy recognises the constant diversity changes happening within our community and our organisation, and as such the Council is committed to continually reviewing and improving existing structures and practices. There is a firm commitment to provide equality of opportunity, tackling discrimination, harassment, hate and disadvantage and to fostering good relations. We are also committed to achieving the highest equality standards in service delivery, decision-making and employment practice.

The focus of all aspects of Equalities is the ability to achieve our Equality Statement by 2021.

6.2 PUBLISHING THE RESULTS

We recognise the importance of not only communicating our clear commitment to equality, diversity and social inclusion but also the importance of keeping local people regularly informed of the progress being made and the outcomes being achieved. This includes opportunities for local people to take part in this work and help contribute to the improvements the council is seeking. To help keep local people informed we will:-

- Share results with selected consultation groups.
- Report to the Policy Development Group annually on progress with the action of this Policy.
- We will publish information on our intranet.
- Produce a yearly report of our progress against the Equality themes which are contained within the Equality and Diversity Action Plan and make this available on the council website and in council owned buildings.
- Publish information on the Council website about the Council's work to progress its overall equalities agenda.
- Ensure our reception centres are able to provide leaflets, documents on Council services and information on new initiatives in community languages upon request.

6.3 EQUALITY AND DIVERSITY ACTION PLAN

An Action Plan will be developed from the actions and commitments detailed in this Policy with a view to achieving our Equality Statement.

The purpose of the plan is to:-

- Ensure the Council maintains and improves its standards in delivering fair and equitable services to its customers.
- Ensure the Council maintains its focus on our general duty to give 'due regard' to:-
 - Eliminate discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

END OF POLICY DOCUMENT

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

2019 – 2022 Equality and Diversity Action Plan

Recommendation	Action required	Responsible officer	Date
1. To promote and advance equality, diversity and community cohesion as part of everything we do.			
1.1 Ensure we know our communities.	1) Gather and publish information and data on the profile of our communities and the extent of inequality and disadvantage by developing systems to review soft and hard data/intelligence about communities, their needs and aspirations.	Head of Community Services	May 2019
	2) Have plans in place to collect, share and use equality information with partners.	Equality Lead	June 2019
	3) Have systems to collect, analyse and measure data on how all sections of the community are able to access services.	Head of Customer Services	May 2019
	4) Have appropriate mechanisms in place to ensure that Human Rights considerations are identified when planning services and that customers and residents are treated with dignity and respect.	Equality Lead Extended Leadership Team	May 2019
1.2 Ensure a united approach to Equality and Diversity across the organisation.	1) The Equality & Diversity Lead to provide guidance to staff on equality and diversity law, and be pro-active in promoting equality and diversity through the creation of Equality Champions within each team. The Equality and Diversity Lead will support Equality Champions with training, monitoring, service and policy reviews, engaging with the community and the use of Equality Impact Assessments.	Equality Lead	April 2019
1.3 Ensure committed leadership, partnerships and show good organisational commitment.	1) The political and executive leadership have publicly committed to reducing inequality, fostering good relations and challenging discrimination.	Corporate Leadership Team	February 2019
	2) The Corporate leadership team to provide leadership in creating an equality and diversity culture within the council.	Corporate Leadership Team	February 2019
	3) Decision makers understand what 'equality' means and why it matters locally. Partnership working arrangements are being reviewed with the voluntary and community sector	Chief Executive Extended Leadership Team	April 2019

Recommendation	Action required	Responsible officer	Date
	<p>and the wider community to ensure local priorities are addressed.</p> <p>4) Equality objectives for the organisation have been set and published in accordance with the requirements of the specific duties to support the public sector Equality Duty.</p> <p>5) Appropriate structures are in place to ensure delivery and review of equality objectives.</p>	<p>Equality Lead</p> <p>Head of Human Resources and Organisational Development</p>	<p>February 2019</p> <p>February 2019</p>
1.4 Responsive services and customer care.	<p>1) Have an agreed approach to conducting equality analysis/impact assessment of policy and service decisions.</p> <p>2) Structures are in place to ensure equality outcomes are integrated into business objectives.</p>	<p>Equalities Lead</p> <p>Extended Leadership Team</p>	<p>May 2019</p> <p>June 2019</p>
1.5.Ensure council services are fair, reasonable and accessible, to all our customers, especially those with protected characteristics.	<p>1) Establish links to hard to reach communities and residents/groups with a protected characteristic.</p> <p>2) Work with Communications Team and Team Managers to promote the work and value of those service areas in the harder to reach communities.</p> <p>3) Review access to engagement events and monitor throughout the period of this action plan.</p>	<p>Head of Community Services</p> <p>All Teams</p> <p>Head of Community Services</p>	<p>December 2019</p> <p>On Going</p> <p>On Going</p>
<p>1.6.Ensure equality and diversity is part of service planning and policies, management and service delivery.</p> <p>All supporting documents, codes of practice, legislative information, monitoring and training should be aimed at helping all employees, to implement the policy effectively, in terms of service delivery and employment practice.</p>	<p>1) All employees to embrace the principles of equality of opportunity and apply these to their daily work.</p> <p>2) Not to harass, abuse or bully any other employee or customer, on the grounds of a protected characteristics.</p> <p>3) Refer to the Equality Framework for local government which will support us in meeting our legal obligations and measure the progress we are making towards embedding equality and diversity practice.</p> <p>4) Respond positively to customers views, and actively seek to promote opportunities for customers to tell us what they think, and for them to influence future service development and delivery. Publish the results of such contact.</p>	<p>Head of Human Resources and Organisational Development</p> <p>Head of Human Resources and Organisational Development</p> <p>Equality Lead</p> <p>Head of Customer Services</p>	<p>May 2019</p> <p>On Going</p> <p>On Going</p> <p>On Going</p>
1.7.Ensure information about our services is	1) Upon request, provide interpreters (includes sign language interpreters)	Head of Customer Services	On Going

Recommendation	Action required	Responsible officer	Date
available in suitable formats and languages.	<p>where we receive prior notice that they are required.</p> <p>2) Offer information in different formats and languages on request, including easy read and large print.</p> <p>3) Monitor and report yearly (on our website) on the costs of our translation and interpretation service.</p>	<p>Head of Customer Services</p> <p>Head of Customer Services</p>	<p>On Going</p> <p>Annually</p>
1.8 Ensure the council's commissioning, purchasing and grants provisions, policies and procedures are fair, and treats everyone equitably.	<p>1) Embed greater awareness of equality & diversity issues and embed equality & diversity policies and procedures across all council's functions, e.g., through training (to ensure positive impacts).</p> <p>2) Ensure the procurement processes and system incorporates equality and diversity factors and responsibilities, for how projects are developed and delivered; and creates an 'equal playing field' for smaller, local businesses, and covers the 'Buy it Local' scheme.</p> <p>3) The organisation ensures that procurement and commissioning processes and practice take account of the diverse needs of clients and that providers understand the requirements of the Public Sector Equality Duty.</p> <p>4) Monitor the work of contractors (via procurement).</p>	<p>All Teams via Equality Champions</p> <p>Head of Finance</p> <p>Head of Finance</p> <p>Head of Finance</p>	<p>May 2019</p> <p>June 2019</p> <p>June 2019</p> <p>June 2019</p>
1.9 Develop a skilled committed workforce	<p>1) Understand our local labour market, the barriers faced by those from vulnerable or marginalized individuals and groups and the impact these have on achieving a diverse workforce.</p> <p>2) Design a workforce strategy to include priority equality considerations and objectives. Specific and measurable employment targets will be set to improve workforce diversity.</p> <p>3) Put systems in place to collect and analyse employment data across a range of practices (recruitment, training, leavers, grievance and disciplinaries etc.)</p> <p>4) Ensure all employment policies and procedures comply with equality legislation and employment codes of</p>	<p>Head of Economic Regeneration</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and</p>	<p>September 2019</p> <p>July 2019</p> <p>July 2019</p> <p>August 2019</p>

Recommendation	Action required	Responsible officer	Date
	<p>practice and assess new/changing policies for impact on people with protected characteristics.</p> <p>5) Review and publish employee data in compliance with our public sector equality duty, e.g., levels of pay, jobs applications information for different groups of people and how successful they have been.</p> <p>6) Ensure applicants for posts are aware of our equalities policies, and when requested make applications packs accessible in suitable formats, to encourage applicants from underrepresented communities.</p> <p>7) Ensure a range of inclusive structures are in place to engage and involve more staff.</p> <p>8) Assess all aspects of the working environment to ensure that the needs of all its employees are met.</p> <p>9) Maintain equal pay implementation.</p> <p>10) Ensure policies and systems are in place to identify, prevent and deal effectively with bullying and harassment at work.</p> <p>11) Ensure equality consideration for individuals are integrated into appraisal systems.</p> <p>12) Carry out a regular assessment of training and learning and development needs required to ensure our members and officers are equipped to understand their equality duties and take action to deliver equality outcomes.</p>	<p>Operational Development</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Economic Regeneration</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and Operational Development</p> <p>Head of Human Resources and Operational Development</p>	<p>September 2019</p> <p>August 2019</p> <p>June 2019</p> <p>August 2019</p> <p>September 2019</p> <p>July 2019</p> <p>August 2019</p> <p>July 2019</p>
<p>1.10 Train all staff through induction, specific training sessions and opportunities to ensure they are aware of this policy and their own responsibilities, and are able to apply it to their own area of work.</p>	<p>1) All staff to initially receive face to face training using a top down approach, allowing the Councils equalities ethos to be imparted and a thorough understanding of individual's responsibilities.</p> <p>2) Deliver face to face equalities training as part of new staff induction.</p> <p>3) Team managers to ensure their staff have corporate training, and equality</p>	<p>Head of Human Resources and Operational Development</p> <p>Equalities Lead</p> <p>Extended Leadership Team</p>	<p>May 2019</p> <p>May 2019</p> <p>May 2019</p>

Recommendation	Action required	Responsible officer	Date
	and diversity training needs are discussed at yearly appraisals.		
1.11 Train Elected Members through induction, specific training sessions and opportunities to ensure they are aware of this policy and their own responsibilities	1) Train all members at the start of their term of office in the Councils approach to Equality and Diversity and their responsibilities as Elected Members.	Equalities Lead	May 2019
1.12 Regularly publish information on the council website showing the councils progress in embedding and promoting equality and diversity in the workplace and for our communities.	1) Raise the profile of equality and diversity through targeted positive communications and events, as a council, working in partnership with other agencies, e.g., annual Equality and Diversity week (November). 2) Share results with selected consultation groups. 3) Report to the Policy and Performance Committee every six months on progress on this Action Plan. 4) Produce a yearly report of our progress against the Equality themes which are contained within the Equality and Diversity Action Plan and make this available on the council website and in council owned buildings. 5) Ensure other equality and diversity documents, are still relevant to current Equality Act legislation, etc. The Disability Equality Scheme and Race Equality Scheme need to be updated when necessary and put on our website. Complete the consultation process and seek approval from Corporate Leadership Team for implementation.	Equalities Lead Communications Team Equalities Lead Equalities Lead Equalities Lead Head of Human Resources and Organisational Development	March 2019 July 2019 On Going Annually September 2019
2. Community Engagement and the Public Sector Equality Duty (PSED)			
2.1 Enhance community engagement to: tackle discrimination, prejudice, meet the needs between people who share a protected characteristic and those who do not, foster good relations, and promote understanding between people from different backgrounds.	1) The organisation has a clear understanding of the level of participation in public life by different communities/protected characteristics. 2) Establish and reduce potential barriers to engagement. 3) Ensure structures are in place within the organisation and across partnerships to understand community relationships and map community tensions.	Head of Community Services Head of Community Services Extended Leadership Team	May 2019 August 2019 September 2019 August 2019

Recommendation	Action required	Responsible officer	Date
	<p>4) Help people who may be disadvantaged to have their say in consultations about the decisions the council makes about its services and how they are affected. Use surveys, questionnaires, focus groups or open meetings.</p> <p>5) Consult on policies, services, needs, etc., with existing equality groups, e.g., LeicesterShire Equality Forum (County Hall), NWL Equality and Access Group; LCC groups: Disabled Workers Group, BME group and Mind. Ensuring we share engagement structures/mechanisms with our partners so as to avoid 'consultation overload'.</p> <p>6) Seek to implement a transport provision as and when required to ensure participation in meetings and consultation events by residents with protected characteristics.</p> <p>7) Represent communities at meetings to make sure the views of the community are heard. Listen to the opinions and complaints of individuals, local forums, community groups and partners to ensure feedback is taken into account in service and policy development.</p> <p>8) Feedback the results of engagement and consultation to all involved.</p> <p>9) Ensure communications promote a clear commitment to advancing equality and fostering good relations across all local communities.</p> <p>10) Raise awareness of those with protected characteristics as a valuable part of the workforce to businesses in our District.</p>	<p>Extended Leadership Team</p> <p>Strategic Director of Place Strategic Director of Housing and Customer Services</p> <p>Extended Leadership Team</p> <p>Extended Leadership Team</p> <p>Extended Leadership Team</p> <p>Extended Leadership Team</p> <p>Equalities Lead Business Focus Team Communications Team</p>	<p>August 2019</p> <p>May 2019</p> <p>June 2019</p> <p>October 2019</p> <p>On Going</p> <p>On Going</p>
<p>2.2 Encourage communication with people from different communities in a way that helps them to take part in consultations, give confidence, knowledge and skills to take part in community activities.</p>	<p>1) Talk to people and listen to people in the way they find the easiest and best.</p> <p>2) Help staff to produce literature and documents in accessible formats, e.g., easy read, plain English.</p> <p>3) Continue to ensure public meetings and events are accessible. This includes providing, upon request, alternative formats for written</p>	<p>Extended Leadership Team</p> <p>Equalities Lead</p> <p>Extended Leadership Team</p>	<p>March 2019</p> <p>March 2019</p>

Recommendation	Action required	Responsible officer	Date
	<p>documents, and personally going through a document to help them understand it, using the induction hearing loop system, level access, accessible toilets, where possible, transport to and from the venue, and adequate emergency exit procedures.</p> <p>4) Encourage comments, complaints and compliments from customers and residents, as this will help us collect and monitor opinions about our services and staff, as well as help us understand the diversity of our residents.</p>	Extended Leadership Team	<p>April 2019</p> <p>September 2019</p>
3. Achieve the Local Government Association Equality Framework at the developing level.	<p>1) Completion of the above action plan and mock peer review for LGA Framework.</p> <p>2) Submission for LGA peer review.</p>	<p>Equalities Lead</p> <p>Equalities Lead</p>	<p>December 2019</p> <p>February 2020</p>

End

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP - WEDNESDAY, 6 FEBRUARY 2019

Report Title	REVIEW OF THE COUNCIL'S CONSTITUTION
Contacts	<p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 bev.smith@nwleicestershire.gov.uk</p> <p>Head of Legal and Commercial Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To seek PDG's input and comments on proposals to amend and improve the Council's constitution prior to Council considering these amendments on 26 February 2019
Council priorities	Appropriate corporate governance feeds into all Council priorities
Implications:	
Financial/Staff	None
Link to relevant CAT	N/A
Risk Management	A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives.
Equalities Impact Screening	N/A
Human Rights	N/A
Transformational Government	Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	Strategy Group

	Audit and Governance Committee Corporate Leadership Team Internal Auditors
Background papers	Audit and Governance Committee Report – 5 December 2018
Recommendations	THAT THE AMENDMENTS TO THE COUNCIL'S CONSTITUTION SET OUT IN THIS REPORT BE RECOMMENDED TO COUNCIL FOR ADOPTION

1 UPDATE TO THE AUDIT AND GOVERNANCE COMMITTEE'S TERMS OF REFERENCE

- 1.1 Following the publication of the Chartered Institute of Public Finance & Accountancy's (CIPFA) revised and updated edition of the document *Audit Committees: Practical Guidance for Local Authorities and Police*, the Audit and Governance Committee has undertaken self-assessment process. Details of this process are set out in the Audit and Governance Committee's report of 5 December 2018.
- 1.2 One of the outcomes of this self-assessment was a revised set of Terms of Reference which the Audit and Governance Committee approved at the December 2018 meeting. These new Terms of Reference are attached at Appendix A. Members will note one change (underlined at paragraph 13 of the Terms of Reference) to the draft terms approved by the Audit and Governance Committee. This minor change is recommended by the Audit Manager, recently returned from maternity leave, who has identified that this should have been carried over from the current Terms of Reference.
- 1.3 It is proposed that the revised Terms of Reference attached at Appendix A are recommended to Council for adoption.

2 CHANGES TO THE POLICY DEVELOPMENT GROUP

- 2.1 The Local Government Act 2000 introduced a new political management system for local councils in England and Wales, requiring them to have a separate 'executive' in the form of a leader, or elected mayor, and cabinet. To provide a counterweight for this, the Act also introduced the concept of 'overview and scrutiny', whereby every council with an executive management structure is required to have an overview and scrutiny committee. This enables the rest of the council to scrutinise the executive by investigating its decisions and policies, and publish reports and recommendations where any issues are identified. As members of this committee are aware, this Council's overview and scrutiny committee is the Policy Development Group (PDG).
- 2.2 PDG is becoming increasingly engaged and proactive in the review of policy and major projects in the development stage, as opposed to scrutiny following Cabinet decisions. This is due to an increased level of member interest and the desire by officers to take more items to PDG prior to Cabinet or Council. Recent meetings have comprised very long agendas which needed to be carefully managed in terms of content and time.
- 2.3 The Constitution currently allows for six meetings of the Policy Development Group in a civic year. At its meeting on 10 December 2018, Strategy Group considered that this number of meetings would be insufficient to provide proper scrutiny given the increasing workload of PDG. The solution proposed is to establish two scrutiny committees which would have equal standing and functions but each focus on certain policy areas as follows:

- **Corporate Scrutiny Committee** (supported by the Strategic Director of Housing and Customer Services)
- **Community Scrutiny Committee** (supported by the Strategic Director of Place)

- 2.4 These Committees would each meet five (5) times per year. Officers recommend this frequency so that quarterly reports and reports that need to be presented at specific times of the year (e.g. draft budget papers) can be accommodated in sync with relevant Council or Cabinet meetings. As is the case now, meetings could be cancelled by the Chief Executive in consultation with the relevant Chair if there is insufficient business.
- 2.5 The Chair of each Scrutiny Committee will be decided at annual Council when nominations are put forward for the seats on each committee based on proportionality rules. The directors will work with the Chairs of each committee to establish the operational arrangements for the new scrutiny structure. This will include looking at the forward plan, the annual report for scrutiny and liaison with members.
- 2.6 The equal standing and functions of each committee mean that urgent business or called-in Cabinet decisions could be referred to the most expedient scrutiny committee. However, unless such urgent situations occurred it is proposed that the functions be split as set out in the following, non-exhaustive, lists:

Corporate Scrutiny Committee	Community Scrutiny Committee
Asset Management	Business/Economy
Estates and property	Planning and Building Control
Audit	Tourism
Communications	Partnerships
Customer Services	Community Safety
Finance	Leisure
Human Resources	Health and Wellbeing
ICT	Stronger Safer Communities
Legal Services	Environmental Health
Revenue and Benefits	Licensing
Shared Services	Environmental Protection
Review of Constitution	Statutory crime and disorder committee
	Strategic Housing – Housing Strategy
	Housing Management
	Economic Development
	Regeneration
	Waste Services

Terms of Reference

- 2.7 The proposed Terms of Reference for this new scrutiny structure are attached at Appendix B. These Terms of Reference include appropriate checks and balances so that where a scrutiny function (such as “call-in”) is exercised by one of the new scrutiny committees on a particular matter, it cannot be exercised by the other scrutiny committee on the same matter.
- 2.8 It is proposed that the new twin scrutiny committee system takes effect in the new Civic Year, commencing in May 2019, with each new committee made up of 10 members.

Cost and resource implications

- 2.9 Training will be provided to the members and chair(s) of the new committees, focusing on how scrutiny adds value. This is available from the Centre for Public Scrutiny (CfPS) and

will be included as part of the Member induction programme at a cost of approximately £1,900. There will be two half-day or evening sessions, each lasting 3-4 hours to cover essential skills training and development. This will need to be reflected in the budget for 2019/20.

- 2.10 The additional scrutiny committee will attract a Special Responsibility Allowance for the Chairman. This will need to be reflected in the budget for 2019/20.
- 2.11 Officers have considered the resources of the Democratic Services Team in relation to arranging these meetings and taking minutes of them. Officers' view is that 10 well managed and scheduled meetings will be easier to manage than the current system which has some scheduled and some ad hoc meetings (sometimes called or brought forward at the last minute). Reducing the unwieldy agendas mentioned above will also reduce staffing concerns.

Next Steps

- 2.12 Subject to this committee's agreement to recommend this new scrutiny structure to Council, the following actions will be undertaken:

- (1) A report will be prepared by the Monitoring Officer for agreement by Council on 26 February 2019 which seeks to amend the Constitution with regard to the changes to the Terms of Reference of the Scrutiny Committees from May 2019. This will include an update to the Scrutiny Procedure Rules to reflect the new Scrutiny Committee Structure (see Appendix C). If approved, the Monitoring Officer will also amend references to "Policy Development Group" throughout the Constitution to refer to the new structure.
- (2) The annual timetable of meetings will be drafted by the Democratic Services Team to include the two Scrutiny Committees (this will be done in consultation with the Policy and Performance Team to enable the timetabling of the quarterly performance reports). This will be agreed at Annual Council in May 2019.
- (3) The political proportionality will be calculated by the Democratic Services Team Manager immediately after the election taking into account the two Scrutiny Committees and the number of seats thereon.
- (4) The annual report on appointments to Committees will be prepared by the Democratic Services Team which will seek nominations to the seats on both the Scrutiny Committees at the Annual Council in May 2019.

3 PERIODIC REVIEW OF THE CONSTITUTION

- 3.1 The Monitoring Officer, with support from Legal Services, undertakes a periodic review of the constitution to ensure it remains in line with current legislation and reflects the working practices of the Council. The changes proposed following a recent review are listed below and attached at Appendix D.

- 3.1.1 Minor amendments to the following sections of the Constitution to ensure they accurately reflect the split of functions between the Executive (Cabinet) and Full Council in accordance with the *Local Authorities (Functions and Responsibilities) (England) Regulations 2000*:

- a) Section 2 – Council Functions
- b) Section 3 – Local Choice Functions
- c) Section 4 – Executive Functions
- d) Section 7 – Scheme of Delegation to Staff

- 3.1.2 Amendments to the Contract Procedure Rules to:
- a) Cater for the award of contracts to Council-owned companies where the public procurement regime gives an exemption.
 - b) Make the table of financial authorisations more user-friendly
 - c) Clarify authority to enter into contracts where the Council is not going to incur costs such as grant documents where the Council is receiving the grant, information sharing agreements and contracts where the Council is providing goods or services in exchange for a revenue payment.

3.1.3 Alignment of the Cabinet power in relation to purchasing property with the Council's acquisitions policy and alignment of the Cabinet power in relation to disposals of property with existing delegations in the Scheme of Delegation.

- 3.1.4 Amendments to the Scheme of Delegation to:
- a) Insert an express power in the Scheme of Delegation for the Strategic Director of Housing and Customer Services to sign Closure Notices issued under the Anti-Social Behaviour Crime and Policing Act 2014.
 - b) Insert the new Strategic Finance Manager as a financial signatory in the Financial Procedure Rules.

3.2 Work is under way to review the Council's Financial Procedure Rules and consider the need for a specific set of delegations to the Head of Finance. These will be presented to PDG and Council in the new civic year starting in May 2019.

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AUDIT AND GOVERNANCE COMMITTEE – TERMS OF REFERENCE

MEMBERSHIP: TEN COUNCILLORS

QUORUM: THREE DISTRICT COUNCILLORS

Statement of purpose

1. The Audit & Governance Committee is a key component of North West Leicestershire District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit & Governance Committee is to provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment. It provides independent review of North West Leicestershire District Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit arrangements, helping to ensure efficient and effective assurance mechanisms are in place.

Governance, risk and control

3. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
7. To monitor and provide scrutiny over the effective development and operation of risk management in the council.
8. To monitor progress in addressing risk-related issues reported to the committee such as the Corporate Risk Register.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
11. To monitor the Anti-Fraud and Corruption strategy, actions and resources.

Internal audit

12. To approve the internal audit charter.
13. To approve (but not direct) the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
15. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
17. To consider progress reports from the head of internal audit on internal audit's performance during the year
18. To consider the head of internal audit's annual report, including the statement of the level of conformance with the Public Sector Internal Audit Standards and the results of the Quality Assurance and Improvement Programme that supports the statement. Fundamental to the annual report is the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion. These will assist the committee in reviewing the Annual Governance Statement.
19. To consider summaries of specific internal audit reports in accordance with agreed protocols.
20. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
21. To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
22. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External audit

23. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised.
24. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

25. To consider specific reports as agreed with the external auditor.
26. To comment on the scope and depth of external audit work and to ensure it gives value for money.

Financial reporting

27. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
28. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
29. To seek assurances that the Council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.

Accountability arrangements

30. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
31. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
32. To publish an annual report on the work of the committee.

Functions	Matters reserved for a Decision
The Council has determined under the powers conferred on it by Section 28(6) of the Localism Act 2011 to appoint an Audit and Governance Committee and it has the following roles and functions:	To determine any issues referred to the Committee (except for any matter reserved to the Council).
Promoting and maintaining high standards of conduct by councillors and co-optees.	
Assisting the councillors and co-optees to observe the Members' Code of Conduct	
Advising the Council on the adoption or revision of the Members' Code of Conduct	
Monitoring the operation of the Members' Code of Conduct	
Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct	

<p>Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set out in the Members Code of Conduct as appropriate</p> <p>Dealing with any report from the Monitoring Officer on any matter concerning Governance.</p> <p>To establish Sub-Committees for the Assessment of Determination of matters concerning allegations of Members Conduct</p> <p>And in addition the Audit and Governance Committee also oversees the ethical framework of the Council including oversight of :</p> <ul style="list-style-type: none"> • the Whistle Blowing Policy • complaints handling • Ombudsman investigations 	
<p>To exercise the above functions for the parish councils wholly or mainly in its area and the members of those parish councils.</p>	

SECTION 5 - BODIES EXERCISING COUNCIL FUNCTIONS

2. SCRUTINY

2.1 SCRUTINY COMMITTEES

2.1.1 There shall be two Scrutiny Committees as follows:

The Corporate Scrutiny Committee

The Community Scrutiny Committee

2.1.2 ***Each*** Scrutiny Committee shall be constituted as follows:

Membership: Ten councillors

Quorum: Three members

2.1.3 Number of Meetings

(a) Each Scrutiny Committee shall meet five times per year.

(b) In addition, meetings of either Scrutiny Committee may be convened from time to time to consider matters called in, but only if timescales do not permit the called in matter to be considered at the next scheduled meeting of either Scrutiny Committee.

2.2 SCRUTINY COMMITTEES – TERMS OF REFERENCE

2.2.1 The two Scrutiny Committees shall have equal status and equal functions as set out in these Terms of Reference

2.2.2 Either Scrutiny Committee may receive reports and comment on any matter of policy or item of business where necessary for the urgent review of the same. Where urgent review is not necessary, each Scrutiny Committee shall be responsible for the following themed areas:

Corporate Scrutiny Committee	Community Scrutiny Committee
Asset Management	Business/Economy
Estates and property	Planning and Building Control
Audit	Tourism
Communications	Partnerships
Customer Services	Community Safety
Finance	Leisure
Human Resources	Health and Wellbeing

ICT	Stronger Safer Communities
Legal Services	Environmental Health
Revenue and Benefits	Licensing
Shared Services	Environmental Protection
Review of Constitution	Statutory crime and disorder committee
	Strategic Housing – Housing Strategy
	Housing Management
	Economic Development
	Regeneration
	Waste Services

2.2.3 The table set out in paragraph 2.2.2 is a non-exhaustive list and each committee may receive reports and comment on matters of policy or items of business of a reasonably similar nature to those it is stated as responsible for in the table.

Attributes and Functions of Both Scrutiny Committees

2.2.4 The Scrutiny Committees will undertake or request reviews of policy.

2.2.5 The Scrutiny Committees are not able to take decisions but make recommendations to either the Cabinet or the full Council.

2.2.6 Each Scrutiny Committee shall comprise 10 Members of the Council and shall be subject to political proportionality.

2.2.7 Any Member who is not a Cabinet Member may serve on either or both of the Scrutiny Committees.

2.2.8 There are two elements to the work of the Scrutiny Committees:

- Both Scrutiny Committees are able to "call-in" executive decisions taken but not implemented by the Cabinet or portfolio holders, in line with the call-in procedure set out in the Scrutiny Procedure Rules.
- Both Scrutiny Committees are able to undertake detailed reviews of issues either within or outside the council.

2.3 GENERAL ROLE OF THE SCRUTINY COMMITTEES

2.3.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision making process. The Scrutiny Committees have a key function in holding the Cabinet to account.

2.3.2 Where a particular issue could fall within the functions of both Scrutiny Committees the Chairs of the relevant Scrutiny Committees, following consultation with the Chief Executive, will agree which Scrutiny Committee will

consider the matter. Without prejudice to the generality of paragraph 2.2.2 above, whenever a function of a Scrutiny Committee is exercised by one of the Scrutiny Committees in relation to a matter of policy or item of business, that function may not be exercised by the other Scrutiny Committee.

2.3.3 Within their themed areas and subject to paragraph 2.3.2, the Scrutiny Committees will discharge the overview and scrutiny functions conferred by Section 9F of the Local Government Act 2000 as amended by the Localism Act 2011 and will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions (both executive and non-executive) other than development control and other quasi-judicial matters;
- make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- consider any matter affecting the district or its inhabitants;
- review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- question members of the Cabinet and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions (other than decisions exercising development control functions and other quasi-judicial matters)
- exercise the right to call-in, for reconsideration, executive decisions made but not yet implemented by the Cabinet or portfolio holders;
- take an overview of policy development in line with the priorities of the Council;
- report annually to a meeting of full Council on the scrutiny function and their work; and
- exercise powers relating to the Councillor Call for Action.

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4.6: SCRUTINY PROCEDURE RULES

Rule	Subject
1:	The <u>Scrutiny Committees</u> Policy Development Group
2:	Who May Sit on the <u>Scrutiny Committees</u> Policy Development Group ?
3:	Co-optees
4:	Meetings of the <u>Scrutiny Committees</u> Policy Development Group
5:	Quorum
6:	Who Chairs the <u>Scrutiny Committees</u> Policy Development Group Meetings?
7:	Policy Review and Development
8:	Reports From the <u>Scrutiny Committees</u> Policy Development Group
9:	Making Sure that the <u>Scrutiny Committees'</u> Policy Development Group Reports are Considered by the Cabinet
10:	Rights of <u>Scrutiny Committees</u> Policy Development Group Members to Documents
11:	Members and Officers Giving Account
12:	Attendance by Others
13:	Call-In
14:	The Party Whip

**15: Procedure at the Scrutiny Committees ~~Policy~~
Development Group Meetings**

1. THE SCRUTINY COMMITTEES~~POLICY DEVELOPMENT GROUP~~

The Council will have the Scrutiny Committees~~Policy Development Group~~ set out in Article 6 and will appoint to ~~them~~ as it considers appropriate, subject to political proportionality.

2. WHO MAY SIT ON THE SCRUTINY COMMITTEES~~POLICY DEVELOPMENT GROUP?~~

All councillors, except members of the Cabinet may be members of the Scrutiny Committees~~Policy Development Group~~. However, no member may be involved in considering a decision in which he/she has been directly involved.

3. CO-OPTES

The Scrutiny Committees~~Policy Development Group~~ shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. MEETINGS OF THE SCRUTINY COMMITTEES~~POLICY DEVELOPMENT GROUP~~

There shall be no more than ~~five~~six meetings of ~~each Scrutiny Committee~~the Policy Development Group per municipal year. In addition, meetings may be called from time to time to consider matters called in.

5. QUORUM

The quorum for the Scrutiny Committees~~Policy Development Group~~ shall be as set out for boards and groups in the Council Procedure Rules in Part 4 of this Constitution.

6. WHO CHAIRS THE SCRUTINY COMMITTEES~~POLICY DEVELOPMENT GROUP MEETINGS?~~

The Chairman of the Scrutiny Committees~~Policy Development Group~~ will be drawn from among the councillors sitting on the Scrutiny Committees~~Policy Development Group~~, and may be elected at the Statutory Annual Council or at the first meeting of the relevant Committee~~Group~~ each year.

7. POLICY REVIEW AND DEVELOPMENT

- (a) The role of the Scrutiny Committees~~Policy Development Group~~ in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework, the Scrutiny Committees~~Policy~~

~~Development Group~~ may make proposals to the Cabinet for developments in so far as they relate to matters within ~~their~~ terms of reference.

- (c) The ~~Scrutiny Committees~~~~Policy Development Group~~ may, in relation to matters within ~~their~~ terms of reference, hold enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. ~~They~~ may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that ~~they~~ reasonably considers necessary to inform ~~their~~ deliberations. ~~Each Committee~~ may ask witnesses to attend to address it on any matter under consideration and may pay to any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

8. REPORTS FROM THE ~~SCRUTINY COMMITTEES~~~~POLICY DEVELOPMENT GROUP~~

- (a) Once it has formed recommendations on proposals for development, ~~a Scrutiny Committee~~~~the Policy Development Group~~ will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet if the proposals are consistent with the existing budgetary and policy framework, or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the ~~Scrutiny Committees~~~~Policy Development Group~~ cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or the Cabinet shall consider the report of the ~~Scrutiny Committees~~~~Policy Development Group~~ after being submitted to the Proper Officer.
- (d) The Chairman or other appropriate member of the ~~relevant Scrutiny Committee~~~~Policy Development Group~~ shall attend the meeting of the Cabinet to present the ~~Committee's~~~~Group's~~ report.

9. MAKING SURE THAT THE ~~SCRUTINY COMMITTEES~~~~POLICY DEVELOPMENT GROUP~~ REPORTS ARE CONSIDERED BY THE CABINET

- (a) Once ~~a Scrutiny Committee's~~~~the Policy Development Group~~ report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet.
- (b) The ~~Scrutiny Committees~~~~Policy Development Group~~ will in any event have access to the Cabinet's Executive Decision Notice and timetable for decisions.

10. RIGHTS OF ~~SCRUTINY COMMITTEES~~~~POLICY DEVELOPMENT GROUP~~ MEMBERS TO DOCUMENTS

- (a) In addition to their rights as councillors, members of the ~~Scrutiny Committees~~~~Policy Development Group~~ have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the ~~Scrutiny Committees~~~~Policy Development Group~~ as appropriate depending on the particular matter under consideration.

11. MEMBERS AND OFFICERS GIVING ACCOUNT

11.1 At the request of the ~~Scrutiny Committees~~~~Policy Development Group~~

- (a) The ~~Scrutiny Committees~~~~Policy Development Group~~ may monitor and review decisions made or actions taken in connection with the discharge of any Council functions, insofar as they relate to matters within ~~their~~~~its~~ terms of reference. As well as reviewing documentation, in fulfilling the monitoring role, ~~they~~~~it~~ may require any member of the Cabinet, the Head of Paid Service and/or any officer of principal level or above to attend before ~~them~~~~it~~ to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.

And it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend the ~~Scrutiny Committees~~~~Policy Development Group~~ under this provision, the Chairman of the ~~relevant Scrutiny Committee~~~~Policy Development Group~~ will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 7 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the body. Where the account to be given to the body will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the ~~relevant Scrutiny Committee~~~~Policy Development Group~~ shall in consultation with the member or officer arrange an alternative date for attendance to take place at the next available meeting of ~~that Scrutiny Committee~~~~the Policy Development Group~~.

- (d) The ~~Scrutiny Committees~~~~Policy Development Group~~ may require the Director, Head of Service or Team Manager to interview any member of staff and to record such interview and provide a copy of the statement to the ~~Committee~~~~Group~~. A member of the ~~relevant Scrutiny Committee~~~~Policy Development Group~~ shall be present at any interview but only in an observer capacity.

- 11.2 Under the Council's petition scheme the Chief Executive and Directors may be called to account at the ~~Scrutiny Committees~~~~Policy Development Group~~ by a public petition received in accordance with the Council's adopted petition scheme.

12. ATTENDANCE BY OTHERS

~~Each Scrutiny Committee~~~~The Policy Development Group~~ may invite people other than those people referred to in paragraph 11 above to address it, discuss issues of local concern and/or answer questions. ~~It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.~~

13. CALL-IN

Call-in should only be used in exceptional circumstances. These are where members of the ~~Scrutiny Committees~~~~Policy Development Group~~ have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) When a decision is made by the Cabinet or a group of the Cabinet or a key decision is made by an officer with delegated authority, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 7 days of being made. The Chairman of ~~each Scrutiny Committee~~~~the Policy Development Group~~ will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any two members (or more) objects to it and require in writing that the decision be called in.
- (c) During that period, the Head of Legal and Commercial Services shall call-in a decision for scrutiny by ~~a Scrutiny Committee~~~~the Policy Development Group~~ if so requested by any two members (or more) ~~of that Committee,~~ and shall then notify the decision taker of the call-in. A meeting of the ~~relevant Scrutiny Committee~~~~Policy Development Group~~ shall be convened to consider the call-in or it could be considered at the next appropriate scheduled meeting of ~~either Scrutiny Committee~~~~the Policy Development Group~~, if time scales permit. The Head of Legal and Commercial Services, in consultation with the Head of Paid

Service and Section 151 Officer, may reject a request for call-in if, in their opinion, it is repetitious, vexatious or fails to set out any grounds which might reasonably cause Cabinet to change their decision.

- (d) If, having considered the decision, the [relevant Scrutiny Committee](#)~~Policy Development Group~~ is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to the Council. If referred to the decision maker they shall then reconsider, amending the decision or not, before adopting a final decision.
- (e) If the matter was referred to the Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet the matter will be referred to the next scheduled meeting. Where the decision was made by an individual, the individual will reconsider the decision within 10 working days of the Council request.
- (f) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

Exceptions

- (g) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) that the [Scrutiny Committees may, in total,](#)~~Policy Development Group~~ [may](#) only call-in 4 decisions per year;
 - (ii) once a member has signed a request for call-in under paragraph 13 (call-in) above, he/she may not do so again until a period of 3 months has expired.

Call-In Urgency

- (i) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and

notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman the Deputy Chairman's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be recorded in the minutes and be reported to the next available meeting of the Council, together with the reasons for urgency.

- (ii) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

14. THE PARTY WHIP

When considering any matter in respect of which a member of the [Scrutiny CommitteesPolicy Development Group](#) is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the [Committee'sGroup's](#) deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

15. PROCEDURE AT THE [SCRUTINY COMMITTEES'POLICY DEVELOPMENT GROUP MEETINGS](#)

- (a) The [Scrutiny CommitteesPolicy Development Group](#) shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the [CommitteeGroup](#) for consideration in relation to call-in of a decision;
 - (iv) responses of the Cabinet to reports of the [relevant Scrutiny Committee;Policy Development Group;](#)
 - (v) the business otherwise set out on the agenda for the meeting; and
 - (vi) dealing with any petitions to hold an officer to account received under the Council's adopted petition scheme.
- (b) Where [a Scrutiny Committeethe Policy Development Group](#) conducts investigations (e.g. with a view to policy development), the [CommitteeGroup](#)

may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the [CommitteeGroup](#) by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the [relevant CommitteeGroup](#) shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

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SECTION 2 - COUNCIL FUNCTIONS

1. These are local authority functions which cannot be the responsibility of the Executive. References to the Regulations are to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. The functions in Column 1 are reserved or delegated to the body or officer specified in Column 2. Matters reserved to a specific group or committee or sub-committee are specified in Section 5 of this part of the Constitution. The extent of delegation to the Chief Executive and Directors is shown at Section 78 of this part of the Constitution in the Scheme of Delegation to Officers.

Function Column 1	Reservation or Delegation of Function Column 2
All those functions for which the Council is responsible relating to town and country planning and development control set out in Regulation 2 and Schedule 1 of the Regulations	Planning Committee/Strategic Director of Place
All those functions for which the Council is responsible relating to the protection and treatment of hedgerows and the preservation of trees set out in Regulation 2 and Schedule 1 of the Regulations	Planning Committee/Strategic Director of Place
All those functions for which the Council is responsible relating to public rights of way set out in Regulation 2 and Schedule 1 of the Regulations	Planning Committee/Strategic Director of Place
All those functions for which the Council is responsible relating to licensing and registration and the grant of consents and refusals set out in Regulation 2 and Schedule 1 of the Regulations	Licensing Committee/ Strategic Director of Place
All those functions for which the Council is responsible governing health and safety at work (other than in the Authority's capacity as an employer) set out in Regulation 2 and Schedule 1 of the Regulations	Strategic Director of Place

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

Function Column 1	Reservation or Delegation of Function Column 2
All those functions relating to elections set out in Regulation 2 and Schedule 1 of the Regulations	Council/Chief Executive
Functions relating to the name and status of areas and individuals set out in Regulation 2 and Schedule 1 of the Regulations	Council
Power to make, amend, revoke, re-enact or enforce byelaws set out in Regulation 2 and Schedule 1 of the Regulations	Council
Power to promote or oppose local or personal bills set out in Regulation 2 and Schedule 1 of the Regulations	Council
Power to make and amend procedure rules	Council
Power to make contract standing orders	Council
Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council/Chief Executive and Directors
Duty to make arrangements for the proper administration of financial affairs	Council
Power to appoint officers for particular purposes (appointment of Proper Officers)	Council/Monitoring Officer
Duty to designate an officer as the Head of the Authority's Paid service	Council
Duty to designate an officer as the Monitoring Officer and to provide staff	Council

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

Function Column 1	Reservation or Delegation of Function Column 2
Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts	Audit and Governance Committee
Power to make a closing order on a takeaway food shop	Chief Executive and Strategic Director of Place
Powers relating to scrutiny	Council

SECTION 3 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

1. The Council has the discretion to choose which part of the structure should be responsible for certain functions (known as “Local Choice Functions”). These are set out in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Regulations). The Council has determined that these functions will be the responsibility of the bodies set out in Column 2. In turn, the decision making body [delegates](#) ~~may delegate~~ to the person or body specified in Column 3.

1. Function	2. Decision Making Body	3. Delegation of Function
Functions under local Acts (other than a function specified in Regulation 2 and Schedule 1 of the Regulations)	Cabinet	Heads of Service
The conduct of best value reviews under Local Government Act 1999	Cabinet	Chief Executive
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	Strategic Director of Place
Any function relating to contaminated land	Cabinet	Strategic Director of Place
The service of an abatement notice for a statutory nuisance	Cabinet	Strategic Director of Place
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply	Cabinet	
Inspections for statutory nuisance	Cabinet	Strategic Director of Place

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

1. Function	2. Decision Making Body	3. Delegation of Function
Investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Strategic Director of Place
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	Cabinet	Strategic Director of Place
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Heads of Service
The appointment or revocation of appointment of any individual to any office/body other than the Council	Council	Chief Executive
The making of agreements with other local authorities and external agencies for the placing of staff and joint working arrangements	Council	Chief Executive
All those functions for which the Council is responsible relating to Community Governance Reviews as set out in Part 4 of Chapter 3 of the Local Government and Public Involvement in Health Act 2007	Council	Chief Executive

SECTION 4 - RESPONSIBILITY FOR EXECUTIVE ARRANGEMENTS

1. EXECUTIVE ARRANGEMENTS

“Executive arrangements” are arrangements by the Authority for the creation and operation of an executive of the Authority under which certain functions of the Authority are the responsibility of the executive. The law vests all Executive responsibilities in the Leader of the Council who may choose to delegate them in any manner allowed by law. The Leader can decide that decisions of the Executive may be taken by:

the Executive (known as the Cabinet)

a member of the Cabinet (subject to the provisions set out in paragraph 4 below)

a committee of the Cabinet (subject to the provisions set out in paragraph 4 below)

an officer

by another authority

by joint arrangements, such as a joint committee

At each annual Council meeting the Leader will inform Council of how he/she intends Executive powers to be exercised over the ensuing municipal year. He/she may alter these at any time during his/her period of office. Such changes may be reported to Council by the Leader.

2. CABINET

Membership: The Leader together with five members appointed by the Leader.

Quorum: Three councillors

Functions:

1. To be responsible for strategic and policy co-ordination.
2. To recommend major new policies (and amendments or revisions of existing policies) to the Council for approval as a part of the Authority’s Budget and Policy Framework (Article 4 of this Constitution).
3. To prepare and agree other policies and strategies ([including the Medium Term Financial Strategy](#)) for implementation and to respond to consultation documents.

4. To recommend to the Council the annual budget, including the Capital and Revenue Budgets and the level of Council Tax and The Council Tax base.
5. To consider, at least annually, the level of reserves, provisions, and balances held by the Authority and recommend any changes to the Council.
6. To ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time. This will include recommending to Council any changes to policy that will materially reduce or increase the services of the Authority or create significant financial commitments in future years.
7. To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the full Council.
8. To exercise the Authority's duty in Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder.
9. To oversee the implementation of Best Value.
10. To consider and respond to recommendations and reports from the [Scrutiny Committees](#)~~Policy Development Group~~ and other Council Committees and Bodies.
11. To monitor expenditure on the capital programme.
12. To approve those major service developments or reductions which also constitute Key Decisions.
13. To receive and consider reports from the External Auditor (including the Management Letter) and agree any appropriate action.
14. To consider the reports of external review bodies on key aspects of overall service delivery.
15. To ensure that the promotion of the rights, welfare and interests among all groups in society is given equal and primary consideration in all aspects of the Council's work and services.
16. To carry out the Authority's responsibilities for improving the economic, social and environmental well-being of the District and increasing the availability and equality of access to employment.
17. To review and monitor the Authority's strategy and overall implementation on e-Government, telecommunications, information systems and information technology, making recommendations to the Council as required.

18. To oversee the provision of all the Council's services other than those functions reserved to the Council.
19. To manage and maintain the Authority's housing stock.
20. To manage and maintain the Authority's other property portfolio.
21. To collect the Council Tax, National Non-Domestic Rates, periodic income and sundry debts.
22. To provide, manage and keep under review the concessionary bus fares scheme.
23. To exercise the Authority's powers for planning and responding to civil emergencies.
24. To exercise the Authority's functions as Local Planning Authority (except to the extent that those functions are by law the responsibility of the Council), including supplementary planning guidance, and designating conservation areas.
25. To oversee the Authority's overall policy on the voluntary and community sector.
26. To approve:
 - [26.1](#) the purchase, ~~sale~~ or appropriation of land and buildings where the market value of the transaction exceeds £~~10030~~,000 and to approve leasing (or otherwise) property where throughout the term the annual rental will exceed £~~2040~~,000; and
 - [26.2](#) the disposal of land and buildings where the market value of the transaction exceeds £30,000 and to approve the grant and renewal of leases of land and buildings where the annual rental exceeds £40,000.
27. To authorise the making of compulsory purchase and control orders.
28. To write off debts of more than £10,000.
29. To write off stocks, stores and other assets and to write off any losses of money or stores or to settle claims.
30. To write off as non-refundable credits on accounts of more than £10,000.
31. To accept tenders and award contracts, including those which exceed budgetary provision and are within the Council's agreed budget (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework).

32. To receive reports on contract overspends in accordance with limits set out in the Financial Procedure Rules and agree the action to be taken.
33. To give grants or loans to charitable, voluntary bodies or other bodies where permitted by law.
34. To promote and develop international exchanges and links with towns and cities in other countries.
35. To exercise the powers and duties of the Authority under Sections 13 and 14 of the Public Order Act 1986.
36. To be the focus for forming partnerships with other local, public, private, voluntary and community sector organisations to address local needs.
37. To confer with other local authorities, government departments, statutory bodies, voluntary bodies, the police or other external agencies in order to discharge the responsibilities vested in the Cabinet.
38. To resolve any matters in dispute between Cabinet members.
39. To determine and deal with all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by the Cabinet.
40. To make decisions where no other tier of government has responsibility or where a policy or strategy does not exist.
41. To approve any waiver of Contract Procedure Rules, in accordance with a written report which has been approved by the Monitoring Officer and a report for information to the next convenient meeting of Cabinet.
42. Dealing with any petitions referred to Cabinet in accordance with the Council's adopted petition scheme.
43. To oversee the Authority's Food Law and Enforcement Service Plan.

SECTION 7 - SCHEME OF DELEGATION TO STAFF - COUNCIL AND EXECUTIVE FUNCTIONS

1. SCOPE OF THE SCHEME

This scheme sets out the extent to which the powers and duties of the Authority are delegated to officers.

2. EXERCISE OF DELEGATED POWERS

- 2.1 Functions, tasks and responsibilities listed in this scheme of delegation may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks, or responsibilities.
- 2.2 Where an officer has been given delegated authority by this scheme he or she may authorise any member of his or her staff to act on his or her behalf except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.3 An officer may always refer a delegated matter to the Cabinet or the Council or to one of its Boards or Committees for consultation or decision rather than take the decision him/herself.
- 2.4 When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- 2.5 Before taking a decision under delegated powers, an officer shall notify the relevant portfolio holder of any action which is likely to be contentious or politically sensitive.
- 2.6 The Chief Executive, Strategic Director of Housing & Customer Services and Strategic Director of Place shall keep portfolio holders informed of the work of their service area.
- 2.7 When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- 2.8 When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- 2.9 The Chief Executive may authorise one officer to exercise the delegated powers of another officer in the absence of the latter except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.10 This scheme does not delegate to an officer any matter which:

- 2.10.1 has been reserved to the full Council
- 2.10.2 has been reserved to any board or committee
- 2.10.3 has been reserved to the Cabinet
- 2.10.4 may not by law be delegated to an officer.

3. GENERAL FUNCTIONS TO BE DISCHARGED BY THE CHIEF EXECUTIVE AND DIRECTORS

- 3.1 To take such action as may in his or her opinion be necessary or appropriate in connection with:
 - 3.1.1 all operational management matters for these functions and service areas for which he or she has responsibility under this Constitution and the enforcement of all legislation relating to his/her functions and service areas;
 - 3.1.2 persons and/or property for which he or she and his or her service has responsibility;
 - 3.1.3 the implementation of decisions properly authorised by the Council or a board or committee of the Council, the Cabinet or an individual member of the Cabinet or by an officer acting under delegated powers;
 - 3.1.4 the performance of any action for which he or she is specified as responsible in any policy, procedure or other document approved or adopted by the Council or a board or committee of the Council, the Cabinet or an individual member of the Cabinet or by an officer acting under delegated powers.
 - 3.1.5 The response to consultation documents following consultation with the relevant portfolio holder(s).
- 3.2 To serve a requisition for information about an interest in land using powers relevant to the operation of the service area.
- 3.3 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources and the accessing of communications data in accordance with the Regulation of Investigatory Powers Act 2000. (Such authorisation to be presented to the Magistrates Court for approval). The use of juveniles and vulnerable individuals as covert human intelligence sources shall only be authorised by the Chief Executive.
- 3.4 To award contracts within budget up to the value set out in the table in paragraph 5.10 of the Contract Procedure Rules (and such authority is delegated to subordinate officers based on their level of financial authorisation)

as set out in paragraph 5.9 of the Contract Procedure Rules) unless the contract is in respect of a matter that has been previously approved by Cabinet in which case the Directors may award contracts of a higher value than set out in the table in paragraph 5.10 of the Contract Procedure Rules subject to it being within the approved budget for that scheme (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework).

- 3.5** To sign contracts of a value below £25,000 or some other officer authorised by him or her to do so.
- 3.6** To approve jointly with the Section 151 Officer acquisitions of land in respect of their service area up to a capital value of £~~100~~30,000 per site in consultation with the relevant Portfolio Holder.
- 3.7** To approve jointly with the Section 151 Officer disposals of land in respect of their service area up to a capital value of £30,000 per site in consultation with the relevant Portfolio Holder.

4. CHIEF EXECUTIVE

4.1 Head of Paid Service

4.1.1 To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role:

- a) to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
- b) to give professional advice to all parties in the decision making process (the Cabinet, Scrutiny Bodies, the Council, Boards and Committees);
- c) to ensure that the Authority has a system of record keeping for all key and executive decisions (a key decision is defined at page 26);
- d) to ensure that the Authority achieves and delivers its objectives; and
- e) to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).

4.1.2 To co-ordinate, direct and monitor the Authority's initiatives to achieve Best Value in the delivery of its functions.

4.1.3 To be responsible for performance review issues.

- 4.1.4** After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.
- 4.1.5** To suspend the Strategic Director of Place, Strategic Director of Housing & Customer Services and Heads of Service where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct; the members of the Cabinet to be notified as soon as possible after the action is taken in accordance with the Employment Procedure Rules contained in the Constitution.
- 4.1.6** To make interim appointments to fill vacancies, and to make interim designations as Chief Finance Officer and Monitoring Officer where a vacancy arises in such position, the term of each such appointment or designation not to extend beyond 18 months without the confirmation of the Appointments Panel.
- 4.1.7** All activities in connection with the Council's Human Resources function including:
- (a) To determine all staffing matters in accordance with the Officer Employment Procedure Rules. This includes determining matters relating to structure (additions, reductions and other changes to the establishment) as she considers appropriate following consultation with the Leader and Deputy Leader.
 - (b) The appointment, dismissal or discipline of staff, except in relation to those posts listed in paragraph 1.2 of the said Rules.
 - (c) Where the decision of the Head of Paid Service taken under (a) above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Cabinet, provided that the remit of the Cabinet shall be limited to decisions on financial matters only.
 - (d) The Head of Paid Service may delegate the discharge of this function to another officer.
- 4.1.8** To make agreements with other local authorities and external agencies in compliance with the Council's CPRs for the placing of staff and joint working arrangements (including committing expenditure within authorised budgets).
- 4.1.9** To authorise the use of juveniles and vulnerable adults as covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

4.2 Elections

4.2.1 To act as Returning Officer, Local, Acting or Deputy Returning Officer in:

- a) Local Elections
- b) Parliamentary Elections
- c) European Elections
- d) Police and Crime Commissioners' Elections
- e) Referenda

4.2.2 To undertake the duties of Electoral Registration Officer.

4.3 Corporate Leadership

4.3.1 To lead the Corporate Leadership Team.

4.3.2 After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.

4.3.3 To consider and co-ordinate any investigation by the Local Government Ombudsman.

4.3.4 To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken.

4.3.5 To take urgent action necessary to protect the interests of the Authority, some or all of the Authority's area or some or all of the inhabitants of the Authority's area.

4.4 Civic Functions

4.4.1 All activities in connection with the Council's civic/ceremonial function.

4.5 Service Functions

4.5.1 Key strategic partnerships including LLEP

4.5.2 Performance management

4.5.3 Project management

4.5.4 Local strategic partnerships/LEPs.

4.5.5 Health and safety (internal).

4.5.6 Risk management.

4.5.7 Communications and consultations.

- 4.5.8 Media management, public relations and marketing.
- 4.5.9 Corporate overview on diversity issues.
- 4.5.10 Information management including Data Protection and Freedom of Information.
- 4.5.11 Elections and electoral registration.
- 4.5.12 National Land and Property Gazetteer.
- 4.5.13 Legal services (without prejudice to the statutory role and function of the Monitoring Officer)
- 4.5.14 Members' services and members' development (xv) Strategic asset management including land sales.
- 4.5.15 Administration of meetings of the Council, Boards, Committees a Sub-committees and typing and clerical services.
- 4.5.16 Internal Audit.
- 4.5.27 Human Resources.
- 4.5.18 Emergency Planning.
- 4.5.19 Street naming and numbering and replacement of street nameplates.
- 4.5.20 Corporate complaints procedure.

5. STRATEGIC DIRECTOR OF PLACE

- 5.1 The officer is authorised by the Council to discharge the following functions and determine directly or in consultation with the Chief Executive all matters except those reserved by or referred to Council, the Cabinet or Committees.
- 5.2 **Service Functions**
 - 5.2.1 All activities in relation to the discharge of the Council's function as Local Planning Authority, including planning policy, development control, land reclamation and drainage.
 - 5.2.2 All activities in relation to the discharge of the Council's functions as the Local Building Regulation Authority and "Building Control Body" (excluding street naming and numbering and replacement of street nameplates).
 - 5.2.3 All functions in relation to waste, recycling and street cleansing and street scene.

- 5.2.4 Economic development and regeneration.
- 5.2.5 Engineering design.
- 5.2.6 Enforcement of byelaws and orders of the Council including car parking.
- 5.2.7 Cemeteries, burials and closed church yards.
- 5.2.8 Public conveniences.
- 5.2.9 Town centre management including markets/fairs (including farmers' markets).
- 5.2.10 Fleet management.
- 5.2.11 Green space including allotments.
- 5.2.12 Sanitation including cesspools, septic tanks, etc.
- 5.2.13 Land charges.
- 5.2.14 Awarding schedule of rates contracts.
- 5.2.15 Social inclusion.
- 5.2.16 Community safety and CCTV.
- 5.2.17 Community health, development and social regeneration.
- 5.2.18 Leisure facilities - management and operation including sports and recreation facilities.
- 5.2.19 Cultural services.
- 5.2.20 Arts, entertainment, heritage and tourism and tourist information.
- 5.2.21 Sports and leisure development.
- 5.2.22 Gypsies and travellers.
- 5.2.23 Community enterprise.
- 5.2.24 External resources, grants and bids support.
- 5.2.25 Private sector housing (including affordable housing).

SPECIFIC FUNCTIONS

5.3 Council Functions

5.3.1 Subject to those matters reserved for decision by the Planning Committee, to exercise all those functions for which the Council is responsible concerning town and country planning and development control set out in Regulation 2 and Schedule 1 of the Regulations and in particular:

- (a) to agree non-material variations to conditions of permissions and consents where no objections have been received and no demonstrable harm would be caused to an interest of acknowledged importance;
- (b) to decide details submitted in compliance with conditions on planning permissions;
- (c) to negotiate obligations under Section 106 of the Town and Country Planning Act 1990, including any obligations that may be required in connection with any appeal proceedings;
- (d) to serve building preservation notices or listed building notices in an emergency.

5.3.2 Subject to those matters reserved for decision by the Planning Committee, to exercise all those functions for which the Council is responsible concerning the protection and treatment of hedgerows and the preservation of trees set out in Regulation 2 and Schedule 1 of the Regulations and in particular:

- (a) to give permission to cut down or lop trees protected by a tree preservation order or by virtue of their location in a conservation area;
- (b) to determine complaints received under the provisions of the High Hedges Regulations 2005 and specify remedial action to resolve the complaint in accordance with the national guidance and initiate enforcement action as necessary.

5.3.3 Subject to those matters reserved for decision by the Planning Committee, to exercise all those functions for which the Council is responsible concerning public rights of way set out in Regulation 2 and Schedule 1 of the Regulations.

5.3.4 To exercise all those functions for which the Council is responsible concerning health and safety at work (other than in the Authority's capacity as an employer) set out in Regulation 2 and Schedule 1 of the Regulations.

5.4 Executive Functions

- 5.4.1** To make or revoke a direction under Article 4 of the General Development Order 1995.
- 5.4.2** To recommend to Cabinet the designation or extension of an area as a conservation area.
- 5.4.3** To exercise any function related to contaminated land.
- 5.4.4** To inspect for a statutory nuisance and to investigate any complaint about the existence of a statutory nuisance.
- 5.4.5** To serve an abatement notice for a statutory nuisance.
- 5.4.6** To administer the Building Regulations.
- 5.4.7** All activities relating to the discharge of the function as a Licensing Authority under all relevant legislation.
- 5.4.8** Subject to those matters reserved for decision by the Licensing Committee, the Licensing Sub-committee and the Taxi and Private Hire Sub-committee, to exercise all those functions for which the Council is responsible concerning licensing and registration and the grant of consents and refusals set out in Regulation 2 and Schedule 1 of the Regulations including the determination of applications for licences, permits and registrations.
- 5.4.9** All activities in relation to the discharge of the environmental health function of the Council, including environmental protection/enforcement, occupational health and safety, food safety, animal welfare, environmental strategy, pest control and the appointment of Port Medical Officer(s) and/or Consultants for Communicable Disease Control.
- 5.4.10** To issue a closing order on a takeaway food shop.

6. STRATEGIC DIRECTOR OF HOUSING & CUSTOMER SERVICES

6.1 Housing

The officer is authorised by the Council to discharge all activities in relation to the discharge of the Council's function as Local Housing Authority either directly or in consultation with the Chief Executive all matters except those reserved by or referred to Council, the Cabinet or Committees.

- 6.1.1** To operate the housing allocations scheme, allocate properties and make nominations to registered social landlords or other approved providers.
- 6.1.2** To determine whether people are homeless and whether they are in priority need.
- 6.1.3** To allocate temporary accommodation.
- 6.1.4** To collect rent, arrears of rent, charges and sundry debts.
- 6.1.5** In addition to the Head of Legal and Commercial Services, to institute, defend or participate in any legal proceedings in the county court insofar as they relate to:
 - (a) former tenant rent arrears, and
 - (b) rent possession hearings,
 - (c) and in conjunction with this to designate nominated officers to carry out this function on his or her behalf, including the signing of any related document necessary to any legal procedure or proceedings.
- 6.1.6** To represent the Authority and appear as an advocate on the Authority's behalf in any related legal proceedings.
- 6.1.7** To serve notice of seeking possession, notice to quit and applying for possession orders.
- 6.1.8** To determine applications by tenants to alter their homes.
- 6.1.9** To reimburse tenants for tenants' improvements.
- 6.1.10** To transfer tenancies into joint names and vice-versa.
- 6.1.11** To agree mutual exchange.
- 6.1.12** To take immediate action to secure the removal of trespassers from housing land and property.
- 6.1.13** To determine the eligibility of applicants to right to buy.
- 6.1.14** To determine the future use of properties, including the redesignation, disposal or demolition of properties and to take such properties out of debit, after consulting with tenants and Ward Members, and in consultation with the Portfolio Holder.
- 6.1.15** [To sign a Closure Notice issued under the Anti-Social Behaviour Crime and Policing Act 2014.](#)

6.2 Property Services

The officer is authorised by the Council to discharge all activities in relation to the management and maintenance of all of the Council's non-housing property, assets and facilities including:

- 6.2.1** To administer all aspects of housing benefit and Council Tax benefit.
- 6.2.2** To discharge the Authority's responsibilities for billing, collection and enforcement of Council Tax, non-domestic rates and all valuation matters.
- 6.2.3** To deal with demands and notices, liabilities, reliefs and exemptions, and for non-domestic rates to recommend to the Cabinet guidelines for the granting of discretionary rate relief, partially occupied properties and hardship relief and administer the scheme in accordance with the approved guidelines.
- 6.2.4** In addition to the Head of Legal and Commercial Services to represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings involving the executive functions referred to paragraph 5.4.1 and 5.4.2 above.
- 6.2.5** To grant and determine temporary lettings and licences of Council owned land and buildings.
- 6.2.6** To enter into deeds of dedication on such terms as the [Director/Chief Executive](#) sees fit.
- 6.2.7** To agree perpetual and fixed term easements and wayleaves on such terms as the [Director/Chief Executive](#) sees fit.
- 6.2.8** To determine rent reviews and to instigate and participate in arbitrations.
- 6.2.9** To agree terms for the surrender of leases.
- 6.2.10** To authorise action to determine a lease in the event of rent arrears or other breach of covenant.
- 6.2.11** To agree terms for waiving covenants, whether freehold or leasehold.
- 6.2.12** To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 6.2.13** To make and settle claims for dilapidation.
- 6.2.14** To appropriate land belonging to the Authority at proper value.

6.2.15 To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £40,000.

6.2.16 To dispose of freehold land where the market value does not exceed £30,000.

6.2.17 Following consultation with Asset Management Group, to approve the Asset Management Policy.

6.2.18 Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the appropriate Cabinet member and the Policy Development Group).

6.2.19 To determine applications for discretionary non-domestic rural rate relief following consultation with the ward member(s) for the settlement concerned and the portfolio holder.

6.3 Customer Services

The officer is authorised by the Council to discharge all activities in relation effectively acknowledging and responding to enquiries made by citizens, including:

6.3.1 Development and maintenance of the Council's ICT infrastructure.

6.3.2 the Council's customer services structure.

6.4 Finance

6.4.1 Accountancy services.

6.4.2 Finance, financial planning and procurement.

6.4.3 Revenues and benefits.

7. AND ARISING FROM HIS/HER RESPECTIVE FUNCTIONS THE CHIEF EXECUTIVE AND DIRECTORS ARE AUTHORISED:

7.1 To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.

- 7.2 To co-ordinate and monitor work through approved plans and policies, ensuring compliance with targets and performance to the relevant Board or committee.
- 7.3 To determine the level of charges for Council services in order to maximise income and in accordance with agreed charging policies.
- 7.4 To ensure compliance with and discharge of all relevant legislation, Acts of Parliament orders, regulations and directives and the Council's policies and procedures (including all enforcement matters).
- 7.5 To provide and submit a bid for resources in accordance with the approved budget process.
- 7.6 To support members in their monitoring and community governance roles.
- 7.7 To recommend to the Head of Legal and Commercial Services the prosecution or instigation of any legal proceedings on behalf of the Council.
- 7.8 To issue licences and registrations relating to any of the approved functions.
- 7.9 To support the Cabinet in the development of the Council's policy framework.
- 7.10 In the absence of the Chief Executive and in accordance with the agreed rota, to undertake on his/her behalf such actions as are required to enable the Council to fulfil its functions.

8. HEAD OF LEGAL AND COMMERCIAL SERVICES

8.1 Monitoring Officer

8.1.1 To exercise the functions of the Authority's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

8.1.2 Whilst changes to the ~~"executive arrangements" within the~~ Constitution may only be ~~made~~changed by resolution of the full Council after consideration of the proposal by the Monitoring Officer (unless they are changes to "executive arrangements" which may be made at the discretion of the Leader),⁷ the Monitoring Officer is given delegated authority to make changes to the Constitution to reflect changes of fact and law, and to implement decisions of the Council and of the Cabinet.

8.2 Legal Proceedings

8.2.1 Acting on the recommendations of the Chief Executive or the Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, to institute, prosecute, defend,

conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.

8.2.2 To negotiate and settle claims and disputes without recourse to court proceeding including the use of alternative dispute resolution.

8.2.3 To represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings.

8.2.4 To apply for an anti-social behaviour order.

8.3 Urgent Action

8.3.1 In any circumstances where urgent action is required, acting on the recommendation of the Chief Executive or the Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, or where otherwise duly authorised, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council and to take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the Authority to do so.

8.4 Authority to Sign Documents in Legal Proceedings

8.4.1 To sign the following on behalf of the Council:

- (a) Any document necessary in legal proceedings on behalf of the Council and
- (b) Informations and complaints, and lay them on behalf of the Council for the purpose of Magistrates Court proceedings unless Statute provides otherwise.

8.5 Authority to Sign Contracts and Other Documents

8.5.1 To sign any contract and other documents whether under seal or not.

8.6 Arbitration

8.6.1 Acting on the recommendation of the Chief Executive or the Directors, to refer contractual disputes to arbitration and to give agreement as to the appointment of such arbitrator.

8.7 Compensation

8.7.1 After consultation with the Chairman of the Audit and Governance Committee, to make compensation payments of up to £500 to victims of maladministration.

8.8 Counsel

8.8.1 To instruct Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Authority.

8.9 Proper Officers

8.9.1 To designate “Proper Officers” for the purpose of particular statutory functions and to make any changes needed to the table at Section 8 in Part 3 of the Constitution.

9. SPECIFIC DELEGATION TO OFFICERS IN CONSULTATION WITH OTHERS

9.1 Chief Executive

9.1.1 Consideration of pastoral measures and to respond after consultation with ward members.

9.1.2 In consultation with the Strategic Director of Place, to negotiate and conclude agreements under Section 106 of the Town and Country Planning Act 1990 along lines previously approved by Planning Committee.

9.1.3 Subject to consultation with the Highway Authority and the police and ward members, to make orders under Section 21 of the Town Police Clauses Act 1847 relating to the temporary closures of streets and temporary direction of traffic.

9.1.4 Subject to consultation with ward members and the Strategic Director of Place, to make public path orders under the Town and County Planning Act 1990 and to confirm unopposed orders.

9.1.5 Subject to consultation with ward members and the Strategic Director of Place, to make public path orders under the Highways Act 1980 and to confirm unopposed orders.

9.1.6 In consultation with the Chairman of the Cabinet, ward members, the Strategic Director of Place, Ashby Town Council and the Highways Authority, to agree the grant of a licence, its terms and conditions for the operation of the annual Statutes Fair at Ashby de la Zouch.

- 9.1.7 Subject to consultation with ward members and the Strategic Director of Place, to respond to consultations made by Leicestershire County Council with regard to proposed public footpath orders where the orders are unopposed.
- 9.1.8 To determine applications for bonfires on Council land subject to consultation with ward members, the Strategic Director of Place as appropriate and Fire Officer.
- 9.1.9 Subject to consultation with the relevant Director, relevant Heads of Service and ward members, to approve and issue licences for the temporary use of Council owned land.
- 9.1.10 Following consultation with the relevant Director, to reject applications to purchase Council owned land.
- 9.1.11 The approval of lease cars to employees.

9.2 Strategic Director of Place

- 9.2.1 To lodge objections with traffic commissioners against applications for haulage licences subject to consultation with ward members and to report to next Planning Committee (in connection with those objections lodged by the Local Planning Authority).
- 9.2.2 In consultation with ward members, to make responses to Leicestershire County Council and the Highways Agency on traffic proposals.

10. DESIGNATED AUTHORISED OFFICERS

10.1 Signatories to Financial Documents

Chief Executive
Head of Finance
Head of Legal and Commercial Services
Finance Team Manager
[Strategic Finance Manager](#)
Exchequer Services Team Leader

11. JOINT ARRANGEMENTS

- 11.1 The Council has entered a joint arrangement with neighbouring District Councils and the County Council for the enforcement of decriminalised parking.

- 11.2** The Council has entered a joint arrangement with neighbouring Councils for the administration of Revenues and Benefits.
- 11.3** The Council has entered a joint arrangement with the local authorities in Leicester, Leicestershire and Rutland for the establishment of a Police and Crime Panel.
- 11.4** [The Council has entered a joint arrangement with neighbouring District Councils under which Blaby District Council discharges the Council's functions in relation to Disabled Facilities Grants](#)

4.7: CONTRACT PROCEDURE RULES

1. INTRODUCTION

Purpose of these Standing Orders

- 1.1 These Standing Orders are made pursuant to s135 of the Local Government Act 1972. These Standing Orders have been prepared in accordance with the Public Contracts Regulations 2015, the Authority's policies and to facilitate small and medium enterprises in the local area the opportunity to enter the Authority's supply chain.
- 1.2 These Standing Orders set out how the Authority will invite tenders, obtain quotations and award contracts for supplies, services or works. Their role is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with the Authority's policies and the law. It is important that they are viewed as an aid to good management and compliance and not as a hindrance.

Contracts outside the scope of these Standing Orders

- 1.3 Where the Authority is disposing of goods, officers shall seek advice from the Head of Finance and have regard to the provisions of the Financial Procedure Rules.
- 1.4 These rules do not apply to:
- (a) ~~contracts withbetween other local authorities for the joint delivery of services or discharge of functions, save the obligation to secure value for money for the Authority; These rules do not apply to transactions for the sale, purchase or lease of land or property.~~
 - (b) transactions for the sale, purchase or lease of land or property;
 - (c) contracts which benefit from any exemption to the Public Contracts Regulations 2015 contained in Regulation 12 of those regulations.

Probity and Compliance

- 1.5 Responsibility for compliance with these Standing Orders remains at all time with officers. It shall be the responsibility of the Directors to ensure that staff within his or her directorate comply with these Standing Orders.
- 1.6 No contract shall be entered into unless adequate budgetary provision has been made for the award of that contract.
- 1.7 Any officer, whether a direct employee of the Authority or engaged through an external organisation or supplier who is engaged to work on behalf of the Authority shall, if they become aware of any relationship (current or past), whether pecuniary or not, with any supplier or potential supplier, make a

Declaration of Interest to the relevant Head of Service at the earliest opportunity. Where the relevant officer is the Head of Service, a Director or the Chief Executive, the declaration shall be made to another Director or the Chief Executive.

- 1.8** An officer with an interest in a contract shall take no part in advising on the Authority's dealing with that contract without the authorisation of the Head of Service, Director or Chief Executive (as the case may be). Unless such authorisation is obtained, if.—If the officer is present at a meeting when the contract is discussed, he or she shall forthwith declare that interest and withdraw from the meeting while it is under discussion, ~~unless the chair of the meeting invites him or her to remain.~~
- 1.9** The Chief Executive shall record in a book, to be kept for the purposes of recording any notice given by an officer of the Authority, under 1.7 above and/or Section 117 of the Local Government Act 1972 and the book shall be open during office hours to the inspection of any member of the Council.

2. VALUE FOR MONEY

Value of the Contract Opportunity and Aggregation

- 2.1** The Authority is under a duty to ensure that funds are spent in a way that achieves “value for money” for the Authority. Officers involved in procuring supplies, services or works should be mindful of this duty.
- 2.2** When an officer has identified the need to procure supplies, services or works, the relevant Head of Service or their nominated officer shall assess the value of the proposed arrangement. The value is the total amount that the Authority expects to pay for the contract over a rolling period, either in a single sum or periodically over time. Unless the exact duration of a contract is known, officers should use a 4 year period as the nominal duration of a contract when considering aggregating spend.
- 2.3** Purchases should be aggregated to make the best use of the Authority's purchasing power. Where a recurring pattern of purchases can be identified for similar supplies, services or works across the Authority, consideration shall be given to whether one contract would represent better value in terms of price, service, invoicing or other administrative costs. It is the Head of Services' responsibility to have due regard to the aggregation of contract values.
- 2.4** The principles of aggregation in EU procurement law are designed to ensure that authorities do not deliberately split contracts which have similar characteristics into separate contracts so that they fall below the relevant thresholds (unlawful disaggregation).

- 2.5 Notwithstanding this, procuring officers shall consider the sub-division of procuring supplies, services or works into lots, facilitating access for small and medium enterprises. Where the decision is taken not to sub-divide a procurement into lots, the reasons shall be recorded.

The Procurement Hierarchy

- 2.6 When an officer has identified a need to procure new supplies, services or works, they shall first consider these options in turn (the Procurement Hierarchy):
- 2.6.1 any current arrangements in existence in-house;
 - 2.6.2 any existing contracts entered into by the Authority; and
 - 2.6.3 any provision available through other third party contracts or framework agreements, including those provided by public sector buying consortia, where they can be shown to offer value for money for the Authority.
- 2.7 Where the officer determines that no provision is available from the sources in the Procurement Hierarchy or that in the circumstances they do not represent value for money, they shall have regard to these Standing Orders in determining which procurement option is the appropriate one to follow.
- 2.8 The Head of Finance is responsible for maintaining a schedule of the Authority's planned procurements. [HeadsHead](#) of [ServiceServices](#) shall be responsible for ensuring that all contracts proposed to be entered into by the Authority in the coming financial year are notified to the Procurement Team for inclusion in the procurement plan.

3. SPECIAL CIRCUMSTANCES (EXEMPTION AND WAIVER)

Exemption

- 3.1 Notwithstanding the provisions of these Standing Orders and subject only to the requirements of law:
- 3.1.1 exemption from any of the provisions of these Standing Orders may be granted by the Council acting through the Chief Executive (or where appropriate, Acting or Deputy Chief Executive), in consultation with the Chief Finance Officer and the Monitoring Officer, upon it being shown to their satisfaction that there are **special circumstances** justifying such exemption. Such special circumstances shall fall under at least one of the following two categories:
 - (a) only one supplier is available for technical or artistic reasons and no reasonable alternative or substitute exists and the

absence of competition is not the result of an artificial narrowing of the parameters of the procurement;

- (b) extreme urgency exists for unforeseen reasons which are not attributable to the Authority and the various time limits cannot be met. Inadequate forward planning would not constitute special circumstances and an exemption shall not be permitted in such circumstances,

3.1.2 any request under 3.1.1 above shall be made in writing on the approved form which shall be certified by the officers specified in 3.1.1 above; and

3.1.3 the Cabinet shall be informed of the exercise of any authority pursuant to this Standing Order by the Directors or Chief Executive and any such report will include confirmation that the officers specified in 3.1.1 have been consulted and such exemption granted

Waiver

- 3.2 If, in exceptional circumstances, authority is sought from Cabinet to waive these Standing Orders, the report to Cabinet must give adequate reasons and specify precisely the procedures to be waived and must first be approved by the Monitoring Officer.
- 3.3 Where specific legislation requires the Authority to let a contract differently from as set out in these Standing Orders, these Standing Orders shall be deemed waived without recourse to Cabinet, Council or the Statutory Officers.

4. FRAMEWORK AGREEMENTS

- 4.1 Where it is determined to use a framework agreement to meet the identified need of the Authority, the officer shall seek the advice of the Procurement Team and Legal Services in relation to the use of such framework and the contractual arrangements.
- 4.2 When calling-off supplies, services or works under a framework agreement, the selection procedure, including award criteria, from within the framework agreement shall be used. Officers must comply with all rules and regulations set out within a framework agreement in relation to direct call-off of contracts (direct award) and re-opening of competition between providers appointed on to that framework (mini-competition).

5. SELECTING A PROCUREMENT ROUTE

Initial Considerations

- 5.1 In relation to any contract for the supply of supplies, services or works to the Authority the functions described in Section 17(4) of the Local Government [Finance](#) Act 1988 shall be exercised without any reference to any of those matters set out in Section 17(5) of that Act. (Section 17(4) describes the functions to which this legislation applies and Section 17.5 details what is regarded as non commercial issues that must be ignored when entering into a contract for the supply of supplies, services or works). This shall at all times be subject to the provisions of 5.2 below.

- 5.2 In relation to any contract for the supply of services not through an existing framework or existing arrangement, the officer shall have regard to the considerations set out in the Public Services (Social Value) Act 2012. Specifically, the officer must consider how the services might (in addition to the service requirement) improve the economic, social and environmental well-being of the district and how the procurement itself might be conducted to secure that improvement.

- 5.3 All procurement documents (including business questionnaires, specifications and contracts) shall be completed prior to advertising the contract opportunity.

Procedures for Determining Which Procurement Option to Follow

- 5.4 Where an officer has reasonably determined not to use any available options in the Procurement Hierarchy, the following provisions shall apply.

- 5.5 When the officer has assessed the value of the proposed arrangement (see above), the appropriate procurement route shall be determined in accordance with the Threshold Table (below).

- 5.6 Notwithstanding the provisions in the Threshold Table, lower value procurements can be conducted using a more sophisticated process as long as it remains objectively reasonable and proportionate to do so and secures open, transparent and fair competition.

Threshold Table

Contract Value		Process	Award Procedure based on	Advertise Contract Opportunity	Documentation
From	To				
Minor Purchases					
£0	£999	No prescribed process	Officer's discretion	N/A	Purchase Order
Band A					

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

£999	£25,000	Quotation	Seeking a minimum of three written quotations	N/A	Budget holder to record details when authorising order
Band B					
£25K	EU	Formal Tender	Full Tender Process	Source-Leics NWL Web site Contracts Finder	ITT documentation using NWL E-tendering Portal
NOTE: the EU threshold is a figure set out by the EU and varies from time to time. Please seek advice from the Procurement Team.					
Band C					
EU	Above	Formal Tender	Full Tender Process	OJEU Source-Leics NWL Web site Contracts Finder	ITT documentation using NWL E-tendering portal

Authority to award contracts

- 5.7** Officers may only enter into a contract if they have sufficient authority to do so. Legal advice in respect of authority to award contracts can only be given to the extent that such authority is set out in the Constitution. Officers are responsible for knowing the extent of any delegated authority they may have and ensuring they do not exceed that.
- 5.8** The Authority's Constitution contains the Scheme of Delegation, which sets out what decisions can be made by which body, individual or group of individuals. For the purposes of awarding contracts, the following Authorisation Table provides an initial indication of where those decisions sit. However, officers should take advice from Legal Services as to the appropriate source of authority to award where they are unsure.

Authorisation Table and Signatories

- 5.9** It is for individual Officers to ascertain the limits of their authority to award contracts and orders. Some Officers have unlimited authorisation levels, please see Paragraph 11 – Designated Authorised Officers of Section 7 – Scheme of Delegation to Staff, Council and Executive Functions. An officer may award a contract provided that the value of that contract does not exceed their level of financial authorisation (see paragraph D.5 of the Financial Procedure Rules). The below table provides a guide for Officers in salary bands A-I, who should check with their line managers and/or the finance department as to what they are and are not authorised to commit the Council to.

- 5.10** The authority to award a contract (i.e. decide that the contract should be given to a particular supplier) is separate from authority to sign the contract. Contracts [under which the Council will be liable for sums valued](#) up to £25,000 may be signed by any officer (or awarded by issuing a purchase order) provided that the contract value does not exceed their financial authorisation. All contracts above £25,000 must be signed by the Head of Legal and Commercial Services or their appointed nominee.

Authorisation Table

	Approval	Reference in Constitution
Contracts that are: - <u>more than £250,000 in total;</u> - <u>more than £100,000 and above (unless term is less than 5 years and contract does not exceed £100k in any one year; OR</u> - <u>more than 5 years long in which case threshold is £250k)</u>	Cabinet (Financial Key Decision)	Section 4 (2)(31)
Contracts that are: - <u>less than Up to £250,000 in total;</u> - <u>Less than £100,000 in any one year; AND</u> - <u>(where term is less than 5 years long and contract does not exceed £100k in any one year)</u>	Chief Executive or Relevant Director	Scheme of Delegation paragraph 3.4(iv)
Up to £99,999	Chief Executive or Relevant Director	Scheme of Delegation paragraph 3.4(iv)
Up to £49,999	Heads of Service	As set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £24,999	Team Managers	As set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £9,999	Officers in salary bands G, H and I, at the request of their Director or Head of Service	Dependent on individual post and as set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £4,999	Officers in salary bands D, E and F, at the request of	Dependent on post and as set by the Statutory Officers

	their Director or Head of Service	(paragraph D.5 of the Financial Procedure Rules)
Up to £2,000	Officers in salary bands A, B & C, at the request of their Director or Head of Service	Dependent on post and as set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)

5.11 Contracts under which the Council will not incur any costs (such as Information Sharing Agreements or grant documents where the Council is receiving the grant) and contracts for the provision of goods or services in return for a revenue payment may be signed by any Team Manager, Head of Service, Director or the Chief Executive.

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POLICY DEVELOPMENT GROUP – WORK PROGRAMME (as at 28/01/19)

Date of Meeting	Item	Lead Officer	Witnesses	Agenda Item Duration
6 March 2019				
6 March 2019	Tenancy Agreement Changes To review, amend and agree the revised Tenancy Agreement for all Housing tenants, effective February 2019	Chris Lambert, Head of Housing and Asset Management		15 minutes
6 March 2019	Asset Disposal Policy	Chris Lambert, Head of Housing and Asset Management		20 minutes
6 March 2019	Council Delivery Plan 2019/20	Mike Murphy, Head of Human Resources and Organisational Development		25 Minutes
6 March 2019	2018/19 Quarter 3 Performance Report	Mike Murphy, Head of Human Resources and Organisational Development		35 minutes
6 March 2019	S106 Agreement Contributions to Health - Annual Update	James Arnold, Strategic Director of Place		15 minutes
6 March 2019	The Impact of Universal Credit on the Administration of Council Tax Support	Glyn Jones, Strategic Director of Housing and Customer Services		10 minutes
6 March 2019	North West Leicestershire Economic Growth Plan 19-21 & North West Leicestershire Tourism Strategy 19-21	Mark Fiander, Head of Economic Regeneration		30 minutes
12 June 2019				
12 June 2019	Community Focus Grants - Annual Report	Paul Sanders, Head of Community Services		15 minutes

Date of Meeting	Item	Lead Officer	Witnesses	Agenda Item Duration
12 June 2019	Workforce and Agency Costs - Annual Update	Mike Murphy, Head of Human Resources and Organisational Development		20 minutes
12 June 2019	2018/19 Quarter 4 Performance Report	Mike Murphy, Head of Human Resources and Organisational Development		35 minutes
12 June 2019	Gas Supply in Rural Areas (Discussion item to question invited guests)	Glyn Jones, Strategic Director of Housing and Customer Services	Representatives from the most appropriate agency	

Notice of Executive Key Decisions

The attached notice lists the matters which are likely to be the subject of a key decision by the Council's executive and executive decision making bodies. This notice is produced in accordance with the Constitution adopted by North West Leicestershire District Council and will be published a minimum of 28 days before the date on which a key decision is to be made on behalf of the Council.

The date of publication of this notice is Friday, 1 February 2019. The Deadline for making any representations as to why items marked as private should be considered in public by **Cabinet on 5 March 2019 is 5pm Friday, 22 February 2019.**

Key Decisions

A key decision means a decision taken by the Cabinet, a committee of the Cabinet, an area or joint committee or an individual in connection with the discharge of a function which is the responsibility of the executive and which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council;
- (c) for the purposes of (a) and (b) above £100,000 shall be regarded as significant in terms of expenditure or savings, and any issue which, in the opinion of the Leader is likely to have an impact on people, shall be regarded as significant in terms of impact on communities.

The Council's Executive

101 The Council's executive committee is the Cabinet. The Cabinet comprises:

Councillor R Blunt	-	Leader	Councillor T J Pendleton	-	Regeneration and Planning
Councillor A V Smith MBE	-	Deputy Leader and Community Services	Councillor N J Rushton	-	Corporate
Councillor T Gillard	-	Business	Councillor R D Bayliss	-	Housing

Confidential Items and Private Meetings of the Executive

Whilst the majority of the Cabinet's business at the meetings listed in this notice will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. This is a formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of the Cabinet meetings listed in this Forward Plan may be held in private because the agenda and reports for the meeting contain exempt information under Part 1 Schedule 12A to the Local Government Act (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. Those Items where it is considered that they should be considered in private are identified on the Notice.

Access to Agenda and Related Documents

Documents relating to the matters listed in this notice are available at least 5 clear working days prior to the date of decision as indicated below. Other documents relevant to the matters listed in this notice may be submitted to the decision maker.

If you wish to request or submit a document, or make representation in relation to any issue contained within this notice, please contact Democratic and Support Services on telephone number 01530 454512 or by emailing memberservices@nwleicestershire.gov.uk

Executive Decisions

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
March 2019						
Proposed Council Delivery Plan	Cabinet	Key	Public	5 March 2019	<p>Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Head of Human Resources and Organisational Development Tel: 01530 454518 mike.murphy@nwleicestershire.gov.uk</p>	Report Proposed Council Delivery Plan
Equality and Diversity Policy	Cabinet	Key	Public	5 March 2019	<p>Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Head of Human Resources and Organisational Development Tel: 01530 454518 mike.murphy@nwleicestershire.gov.uk</p>	Equality and Diversity Policy
North West Leicestershire Economic Growth Plan 19-21 & North West Leicestershire Tourism Strategy 19-21	Cabinet	Key	Public	5 March 2019	<p>Councillor Tony Gillard Tel: 01530 452930 tony.gillard@nwleicestershire.gov.uk</p> <p>Head of Economic Regeneration Tel: 01530 454752 mark.fiander@nwleicestershire.gov.uk</p>	NWL Economic Growth Plan 19-21 & Tourism Strategy 19-21

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
Homelessness Strategy	Cabinet	Key	Public	5 March 2019	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Housing and Asset Management Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk	Homelessness Strategy
Lightbulb delegation extension	Cabinet	Key	Public	5 March 2019	Councillor Alison Smith MBE Tel: 01530 835668 alison.smith@nwleicestershire.gov.uk Head of Community Services Tel: 01530 454832 paul.sanders@nwleicestershire.gov.uk	None Lightbulb delegation extension
Discretionary Housing Payment	Cabinet	Key	Public	5 March 2019	Corporate Portfolio Holder Head of Customer Services Tel: 01530 454753 tom.shardlow@nwleicestershire.gov.uk	Discretionary Housing Payment
Tenant Scrutiny Panel Report on Estate Management Services	Cabinet	Non-Key	Public	5 March 2019	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Strategic Director of Housing and Customer Services Tel: 01530 454819 glyn.jones@nwleicestershire.gov.uk	Tenant Scrutiny Panel Report on Estate Management Services

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
Coalville Frontage Improvement Scheme	Cabinet	Non-Key	Public	5 March 2019	Councillor Tony Gillard Tel: 01530 452930 tony.gillard@nwleicestershire.gov.uk Head of Economic Regeneration Tel: 01530 454752 mark.fiander@nwleicestershire.gov.uk	Coalville Frontage Improvement Scheme
Former Tenant Rent Arrears, Current Tenant Rent Arrears, Council Tax, Non Domestic Rates and Sundry Debtor Write Offs	Cabinet	Key	Part Private Information relating to the financial or business affairs of any particular person (including the authority holding that information) Background papers contain confidential information	5 March 2019	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	Report Former Tenant Rent Arrears, Current Tenant Rent Arrears, Council Tax, Non Domestic Rates and Sundry Debtor Write Offs
April 2019						
Recycle More for North West Leicestershire	Cabinet	Key	Public	9 April 2019	Councillor Alison Smith MBE Tel: 01530 835668 alison.smith@nwleicestershire.gov.uk Head of Community Services Tel: 01530 454832 paul.sanders@nwleicestershire.gov.uk	Recycle More Plan Recycle More for North West Leicestershire

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
2018/19 Quarter 3 Performance Report	Cabinet	Non-Key	Public	9 April 2019	Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk Head of Human Resources and Organisational Development Tel: 01530 454518 mike.murphy@nwleicestershire.gov.uk	Report 2018/19 Quarter 3 Performance Report
Tenancy Agreement Changes	Cabinet	Key	Public	9 April 2019	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Housing and Asset Management Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk	Report Tenancy Agreement Changes
Building Control Shared Service Proposal	Cabinet	Key	Private Information relating to the financial or business affairs of any particular person (including the authority holding that information) Confidential Information	9 April 2019	Councillor Trevor Pendleton Tel: 01509 569746 trevor.pendleton@nwleicestershire.gov.uk Strategic Director of Place Tel: 01530 454555 james.arnold@nwleicestershire.gov.uk	Report Building Control Shared Service Proposal

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