



TO COUNCILLOR:

E R Barr
L A Bentley
G A Boulter
J W Boyce
Mrs L M Broadley

F S Broadley
M L Darr
B Dave
R F Eaton
D A Gamble (Vice-Chair)

J Kaufman
Mrs L Kaufman
Dr T K Khong
Mrs S B Morris (Chair)
R E R Morris

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **POLICY, FINANCE AND DEVELOPMENT COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 18 SEPTEMBER 2018** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston

10 September 2018

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
2.	Appointment of Substitutes To appoint substitute Members in accordance with Rule 4 of Part 4 of the Constitution.	
3.	Declarations of Interest Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	Minutes of the Previous Meeting held on 17 July 2018 To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	1 - 5
5.	Action List Arising from the Meeting held on 17 July 2018 To read, confirm and note the Action List arising from the previous meeting.	6 - 10
6.	Petitions and Deputations To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part	



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4 of the Constitution.

7. Internal Audit Progress Report (Q1 2018/19)	11 - 20
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10. Financial Outturn Report (Q1 2018/19)	To Follow
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11. Collection and Write-Off of Miscellaneous Debtors (Q1 2018/19)	38 - 41
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For more information, please contact:

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MINUTES OF THE MEETING OF THE POLICY, FINANCE AND DEVELOPMENT COMMITTEE
HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 17 JULY
2018 COMMENCING AT 7.00 PM

PRESENT

Councillor Mrs S B Morris (Chair)
Councillor D A Gamble (Vice Chair)

COUNCILLORS

L A Bentley
G A Boulter
J W Boyce
Mrs L M Broadley
F S Broadley
M L Darr
B Dave
J Kaufman
Mrs L Kaufman
Dr T K Khong
R E R Morris

OFFICERS IN ATTENDANCE

S Hinds (Director of Finance & Transformation / Section 151 Officer)
C Raymakers (Head of Finance, Revenues and Benefits)
S Tucker (Democratic and Electoral Services Manager)

OTHERS IN ATTENDANCE

S Gill (Manager, KPMG)
A Persaud (Audit Manager, CW Audit Services)

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors E R Barr and R F Eaton.

2. APPOINTMENT OF SUBSTITUTES

None.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 01 MAY 2018

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting of the Committee held on 01 May 2018 be taken as read, confirmed and signed.

5. ACTION LIST ARISING FROM THE MEETING HELD ON 01 MAY 2018

The Committee noted min. ref. 67, which advised that the sliding wall partition between the Council Chamber and the Committee Room provided a secondary emergency exit point.

Members expressed a concern that during most meetings the partition remains obstructed by a row of chairs positioned for members of the public in attendance to use. Also it was requested that the opening instructions currently attached to the partition be checked for accuracy and updated/replaced as appropriate.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List be noted by Members.

6. PETITIONS AND DEPUTATIONS

None.

7. MEDIUM TERM FINANCIAL STRATEGY UPDATE

The Committee received the report as set out on pages 10-15 of the agenda, which asked it to note the contents of the update regarding the Council's financial position during the final year of the multi-year local government settlement ending in March 2020.

The Director of Finance and Transformation/151 Officer introduced the report and advised the Committee that the authority expects, at this moment in time, to produce a balanced budget via identification of various schemes that can be implemented and fully operational by April 2019. A summary of the risks that the authority may encounter in a post-2020 environment was also provided.

Members welcomed the proactive approach being taken by the Council to the monitoring and management of the various financial risks it faces.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted by Members.

8. ANNUAL INTERNAL AUDIT REPORT (2017/18)

The Committee received the report as set out on pages 16-30 of the agenda, which asked it to note the contents of the Internal Audit Annual Report (attached at Appendix 1) and to support the conclusion therein that the Council has a sound system of internal control.

The Director of Finance and Transformation/151 Officer and Mr Anand Persaud, Audit Manager at CW Audit Services, jointly summarised the report. The Committee were advised that the overall audit opinion given was that of significant assurance and that there generally was a sound system of internal controls in place designed to meet the Council's objectives and that these controls had generally been applied consistently.

It was reported that there were no significant internal control issues to inform Members of, however weaknesses had been identified in relation to the administration of Section 106 agreements and creditor payments.

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY RESOLVED THAT:

- (i) The report included on the audit opinion and the adequacy and effectiveness of the Council's arrangements for governance, risk management and internal control be noted by Members; and**
- (ii) The conclusion that the Council has an effective internal audit service be supported by Members.**

9. STATEMENT OF ACCOUNTS AND ANNUAL EXTERNAL AUDIT ISA 260 GOVERNANCE REPORT (2017/18)

The Committee received the report as set out on pages 31-33 of the agenda and pages 1-165 of the agenda update, which asked it to review and approve the Statement of Accounts and Annual Governance Statement for the year ended 31 March 2018.

The report was jointly delivered and summarised by the Director of Finance and Transformation/151 Officer and a representative from the external auditors, KPMG.

The Committee were informed that KPMG proposed to issue an unqualified audit opinion for the Council's Statement of Accounts. The Committee were also advised that it had been concluded that the Council had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources, and that KPMG anticipated issuing an unqualified Value for Money conclusion by 31 July 2018. The auditor thanked Officers for their cooperation during the audit and stated that they had done an excellent job in submitting the accounts on time and to the required standard.

In response to a query from a Member of the Committee, the Head of Finance, Revenues and Benefits confirmed that in respect of the three key issues and recommendations detailed on pages 151-152 of the agenda update, two of the recommendations had successfully been implemented and work to implement the third recommendation remained ongoing.

The Chair requested that the appreciation of the Committee be passed on to all of the Officers involved in the submission.

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY RESOLVED THAT:

- i) The Statement of Accounts for the year ended 31 March 2018 be approved and published by 31 July 2018;**
- ii) The Annual Governance Statement for the year ended 31 March 2018 be approved; and**
- iii) Authority be delegated to the Director of Finance and Transformation/151 Officer, in liaison with the Chair of the Policy, Finance and Development Committee, to make any changes to the accounts that may be agreed with KPMG.**

10. PROVISIONAL COUNCIL OUTTURN (2017/18)

The Committee received the report as set out on pages 34-39 of the agenda and pages 166-172 of the agenda update, which asked it to note the overall provisional outturn positions for the General Fund and Housing Revenue Account and to approve the Budget

carried forward requests.

A Member of the Committee expressed concern regarding the compensation payment of £42,000 made in respect of a planning claim related to a tree preservation order. The Member recalled that legal advice was received when the item was originally debated at the Development Control Committee which stated that a decision to refuse the application represented low risk to the authority.

The Director of Finance and Transformation explained that the legal advice provided at the time was based on case-law which was felt to support the Council's position, however a subsequent change in national policy appeared to contradict this advice and is currently the subject of an appeal. Should the appeal result in the policy change being reversed, the authority remained hopeful of being able to recover compensation money paid out in relation to this claim.

The Committee requested that a report be submitted to a future meeting of the Development Control Committee clarifying the current legal position, to advise Members of the correct approach and to reduce the risk to the authority of similar compensation claims being lodged in the future.

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY RESOLVED THAT:

- i) The report and overall provisional outturn positions for both the General Fund and Housing Revenue Account be noted; and**
- ii) The Budget carried forward requests be approved.**

11. PROVISIONAL COMMITTEE OUTTURN (2017/18)

The Committee received the report as set out on pages 40-43 of the agenda and the appendices, which asked it to note the Committee's provisional outturn position for capital and revenue in 2017/18.

It was moved by the Chair, seconded by the Vice-Chair and

UNANIMOUSLY RESOLVED THAT:

The contents of the report and appendices be noted by Members.

12. COLLECTION AND WRITE-OFF OF MISCELLANEOUS DEBTORS (Q4 2017/18)

The Committee received the report as set out on pages 44-47 of the agenda, which asked it to note the levels of outstanding debt owed to the Council from the fourth quarter of 2017/18.

It was moved by the Chair, seconded by the Vice Chair and

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted by Members.

THE MEETING CLOSED AT 7.55 PM



Chair

Tuesday, 18 September 2018

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Agenda Item 5

POLICY, FINANCE AND DEVELOPMENT COMMITTEE

ACTION LIST

Arising from the Meeting held on Tuesday, 17 July 2018

No.	Minute Reference / Item of Business	*Details of Action <i>Action Due Date</i>	Responsible Officer(s)' Initials	Status / Update
1.	5. Action List Arising from the Meeting held on 01 May 2018	Check that signage on partition between Council Chamber and Committee Room is appropriate and advise accordingly regarding positioning of seating for members of the public. <i>Due by Sep-17</i>	PE	On Target to Complete (See Below)
		The Property Team have ordered the appropriate signage for the partition between the Council Chamber and the Committee Room. It will be installed as soon as possible. After installation, guidance will be issued to Chairs of Meetings that are held in both of the above rooms on 'Housekeeping Rules for Meetings'. A copy of this guidance will be kept in the Chair's Portfolio.		
2.	10. Provisional Council Outturn (2017/18)	With regard to the £42,000 compensation payment made by the Council concerning a tree preservation order, produce a report for the Development Control Committee advising Members on the current legal position and best practice regarding cases of this nature. <i>Due by Aug-18</i>	AT DG MB	Complete (See Below)
		A briefing note was circulated to Members of the Development Control Committee (DC) on 13 August 2018. A copy of the briefing note is attached at Annex A for information. A verbal update was provided to the DC meeting on 30 August 2018.		

* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

From: David Gill – Head of Law and Governance / Monitoring Officer

To: All Members of Development Control Committee

BRIEFING NOTE – Tree Preservation Orders and Compensation

At the meeting of Policy Development and Finance Committee on 17 July a request was made for an update on the current position in respect of the payment of compensation under the provision of the Town and Country Planning Act 1990 (and associated regulations) where an application for works to a protected tree is refused and damage is subsequently caused.

Legislation

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 introduced a single set of procedures for all trees covered by tree preservation orders. Consequently:

- Orders made before 6 April 2012 continue to protect the trees or woodlands they cover
- the legal provisions listed in Orders made before 6 April 2012 have been automatically cancelled and replaced by the provisions in the new regulations.
- Only the information necessary to identify these Orders and identify the trees or woodlands they protect is retained

NB: Many of the pre-2012 orders contained a restriction on the ability to claim damages or compensation which is now longer of any effect.

Taking decisions on applications for consent under a Tree Preservation Order.

- In considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions. Appeals against an authority's decision to refuse consent can be made to the Secretary of State.
- In certain circumstances, compensation may be payable by the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions. However, there are strict criteria and limitations on what compensation may be payable.

When considering an application the authority is advised to:

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species;
- consider other material considerations, including development plan policies where relevant; and
- ensure that appropriate expertise informs its decision.

However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.

What can the local planning authority decide?

When determining applications for consent under an Order, the authority may:

- grant consent unconditionally;
- grant consent subject to such conditions as it thinks fit;
- refuse consent.

The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for.

What about granting consent subject to conditions?

A condition may:

- relate to the planting of replacement trees;
- require further approvals to be obtained from the person giving the consent;
- regulate the standard of the authorised work;
- allow repeated operations to be carried out (works may be carried out only once unless a condition specifies otherwise); and/or
- impose a time limit on the duration of consent other than the default 2 year period.

A condition should:

- relate to the authorised work;
- be fair and reasonable in the circumstances of each case;
- be imposed only where there is a definite need for it; and
- be worded precisely, so the applicant is left in no doubt about its interpretation and the authority is satisfied it can be enforced.

The authority is responsible for enforcing all conditions in a consent, so its decision notice should clearly state the reasons for its conditions. This is particularly important where repeated operations have been applied for. In such cases the authority should make the scope, timing and limit of the work clear.

What information should be provided by an authority if it refuses consent or imposes conditions?

When an authority decides to refuse consent or grant consent subject to conditions its decision notice should clearly state what the decision is and the reasons for that decision. These should specifically address each of the applicant's reasons for making the application. In addition, the authority should:

- give its reasons for each condition imposed;
- explain the applicant's right of appeal to the Secretary of State against the decision and give the contact details of the Planning Inspectorate; and

- explain the applicant's right to compensation for loss or damage as a result of the authority's decision, and how a claim should be made.

In what circumstances may a local planning authority be liable to pay compensation?

An authority is only liable to pay compensation in certain circumstances and there are strict criteria and limitations. Subject to provisions relating to forestry operations in protected woodland, an authority may be liable to pay compensation for loss or damage caused or incurred in consequence of it:

- refusing any consent under an Order;
- granting a consent subject to conditions; or
- refusing any consent, agreement or approval required under a condition

What are the limits for making claims for compensation?

No claim can be made for loss or damage incurred before an application for consent to undertake work on a protected tree was made.

Legislation sets out circumstances in which a claim cannot be made. Subject to provisions relating to forestry operations in protected woodland, a claim for compensation must be for not less than £500 and made to the authority either:

- within 12 months of the date of the authority's decision; or
- within 12 months of the date of the Secretary of State's decision (if an appeal has been made).

What limits the local authority's liability to pay compensation?

Legislation limits the authority's liability by setting out circumstances in which a claim cannot be made and circumstances in which compensation is not payable.

Subject to specific provisions relating to forestry operations in protected woodland, any claimant who can establish that they have suffered loss or damage as a result of an authority either refusing consent or imposing conditions in respect of protected trees is entitled to claim compensation. However the authority's liability is limited.

In such cases, compensation is not payable for any:

(1) loss or damage which was:

- reasonably foreseeable by that person; and
- attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent;

(2) loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

- loss of development value or other diminution in the value of land; and/or
- costs incurred in making an appeal to the Secretary of State against the refusal of any consent or the grant of consent subject to conditions.

Discussion

In so far as (1) above is concerned particular concern was generated by the case of *Burge & Anor v South Gloucestershire Council* a case in the Upper Tribunal (Lands Chamber) reported in August 2016.

The case concerned South Gloucestershire's refusal to allow the felling of an oak tree covered by a tree preservation order, despite its roots having been found to have damaged the foundations of a resident's conservatory.

South Gloucestershire argued that the conservatory had been so badly built that it would have failed anyway.

It also contended that the claimants' loss was not reasonably foreseeable when felling consent was withheld in 2010.

The tribunal said it was already known by then that the oak was causing significant damage to the conservatory's foundations and "we do not consider that the council comes anywhere near satisfying us that further loss or damage to the claimants was not reasonably foreseeable at that date".

South Gloucestershire argued that, were it to lose: "Anyone would be entitled to erect an inadequate building near a protected tree contrary to all industry guidance and when damage is caused by that tree and the local authority refuses to grant consent to fell the tree they are liable to pay damages in any and all events".

The reverse argument was put by the claimant (and accepted by the Tribunal) that where a claimant had instructed a reasonably competent builder to build a construction in accordance with the industry guidance of the time that was sufficient to discharge the duty to take reasonable steps to avert the loss or damage or mitigate its extent and therefore compensation should follow.

The case was appealed to the High Court in September 2017 where the court held that the Upper Tribunal had misdirected itself in law, although it did not say that the decision was in fact wrong and remitted the case back to the Tribunal to be re-determined.

As regards point (2) where it is reasonably foreseeable to an authority from the documentation and particulars submitted with an application that damage is likely to occur then an authority will not be protected from a compensation claim. Government guidance is that appropriate expertise (in the form of expert arboricultural and ecological advice, and/or technical evidence from a relevant engineer, building/drainage surveyor or other appropriate expert) should inform the final decision.

Dated: 13 August 2018



Policy, Finance and Development Committee	Tuesday, 18 September 2018	Matter for Information
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Report Title: **Internal Audit Progress Report (Q1 2018/19)**

Report Author(s): **Stephen Hinds (Director of Finance & Transformation)**

Purpose of Report:	The purpose of the report is to update the Committee on progress made in delivering the 2018/19 Audit Plan and to provide an update in relation to management's implementation of internal audit recommendations.
Report Summary:	The Internal Auditors are satisfied that delivery to date of the 2018/19 Audit Plan is in accordance with the delivery profile agreed with management. For this quarter, five reviews have been completed and final reports have been agreed with management.
Recommendation(s):	That the content of the report and appendix be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk Mark Watkins (Head of Internal Audit, CW Audit Services) (0121) 612 3871 mark.watkins@cwaudit.org.uk
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	"A Strong Borough Together" (Vision)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from the report.
Corporate Risk Management:	Reputation Damage (CR4) Effective Utilisation of Assets/Buildings (CR5) Regulatory Governance (CR6) Organisational/Transformational Change (CR8) Other Corporate Risk(s).
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	As the author, the report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Internal Audit Progress Report (September 2018)

1. Introduction

- 1.1 This report summarises the work of the Internal Audit for the period covering quarter one for 2018/19. A copy of the Internal Audit Progress Report is attached at **Appendix 1**.
- 1.2 The purpose of the report is to update the Committee on progress made in delivering the 2018/19 Audit Plan and to provide an update in relation to management's implementation of internal audit recommendations.

2. Information

- 2.1 The Internal Audit Plan for 2018/19 has been agreed with Section 5 of the attached appendix giving details of planned audits over the coming months.
- 2.2 The purpose of the report is to show progress against the Audit Plan and to summarise key findings and conclusions arising from the work performed during the period.
- 2.3 The report shows that two audits gave limited assurance, namely:
 - 2.3.1 With respect to the Capital Programme, a comprehensive response has been received to the recommendations raised in this report and we are pleased to confirm that action has either already been taken, or is in the process of being implemented, that should enable significant improvements to the manner in which the capital programme is delivered in the future.
 - 2.3.2 With respect to Licensing, responses received from management indicate that all of the above issues have been addressed.

Oadby & Wigston Borough Council

Internal Audit Progress Report

September 2018



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1. Introduction

This report summarises the work of Internal Audit for the period to the end of August 2018. The purpose of the report is to update the Committee on progress made in delivering the 2018/19 audit plan and to update in relation to management's implementation of internal audit recommendations.

2. Progress summary

This is the first progress report for 2018/19. We are satisfied that delivery to date is in accordance with the delivery profile agreed with management.

3. Reviews completed

The following reviews have been completed and final reports agreed with management:

Review	Level of assurance
Capital Programme	Limited
Cleaning Contract	Moderate
Taxi & Hackney Carriage Licensing	Limited
GDPR – Follow Up	Significant
Homelessness	Significant

At the request of the Committee at its February 2014 meeting, and as subsequently agreed with the Chair of this Committee, to ensure members are provided with further detail only on issues which may warrant their concern, we only report specific findings, recommendations and agreed actions arising from our finalised audits where these relate to matters we deemed to be high risk/priority.

Capital Programme

Detailed audit testing undertaken on a sample of 10 capital programme schemes, with a combined budget of approximately £4m, highlighted a number of control weaknesses in the systems and processes applied for approving, managing and delivering such schemes. A summary of the key areas where one or more of the schemes tested indicated the need for control improvements is as follows:

- Consistent application of project management methodology to ensure that only fully developed projects that can be delivered are added to the capital programme; and that projects are delivered according to appropriate timescales and disciplines.
- Consistent documentation and retention of project appraisal documents for schemes that include detailed costings and clear linkages to corporate objectives.
- Compilation of a comprehensive contracts register.
- Consistent application of contract procedures with regard to tendering and the requirement for formal waivers where there are compelling reasons why contract procedures cannot be followed.
- Agreement of contracts prior to work starting and payments only made after work has been completed, supported by detailed schedules of work completed and independent Quantity Surveyor certification.
- Retentions should be held for major works.

A comprehensive response has been received to the recommendations raised in this report and we are pleased to confirm that action has either already been taken, or is in the process of being implemented, that should enable significant improvements to the manner in which the capital programme is delivered in the future.

Cleaning Contract

Our review found that the **Council has put in place an appropriate system from monitoring delivery of the cleaning contract**, but that service delivery by the contractor has not been of an acceptable standard since the cleaning contract was let in September 2017. A significant amount of management time has been spent in protracted discussions with the contractor in an attempt to raise cleaning standards to an acceptable level. At the time the audit was completed, there were some early signs of service delivery improvement, but it remains to be seen whether this reaches a satisfactory level that is sustained for the duration of the contract. Our report identifies a number of areas where improvements are required to the performance information being provided by the contractor. It also highlights areas where the Council can strengthen its monitoring processes; mainly in respect of ensuring that there is a sufficient management trail in place to demonstrate the contractor's failure to deliver an acceptable service should the Council need to take formal dispute action.

Taxi and Hackney Carriage Licensing

This audit highlighted the following weaknesses that we have assessed as being high risk:

- Sample testing of 20 driver files, 12 vehicle files and 5 operator licence files found that 2 driver files and 1 operator file could not be located. In these cases it was not possible to ensure that the licence had been granted appropriately.
- Sample testing on vehicle inspections, which should be completed every six months, highlighted 4/12 cases where there was no record of an inspection having been carried out within the last six months.
- The Licensing department has a complaints system, however at the time of review the system had not been kept up-to-date, with only one complaint relating to 2017 recorded and nothing on the system for 2018.

Responses received from management indicate that all of the above issues have been addressed.

4. Recommendation tracking

We provide a system for tracking the actioning of agreed Internal Audit recommendations, as a management assurance tool for the Council and specifically this Committee. Managers are responsible for updating actions taken and other key information directly on the system. The first table below represents the status of agreed actions due to be implemented by 31/08/18, the second table outlines the age of the outstanding recommendations (based on the original date due for implementation). The status shown is as advised by the relevant manager/Head of Service and does not imply that Internal Audit has verified the status.

Summary	1 Critical	2 High	3 Medium	4 Low	Total
Due by 31/08/18	-	80	307	86	472
Implemented	-	74	294	84	452
Closed (e.g. superseded or system changed)	-	3	10	2	15
Still to be completed	-	3	2	-	5

Time overdue for actions o/s or not complete	1 Critical	2 High	3 Medium	4 Low	Total
Less than 3 months	-	1	1		2
3 – 6 months	-		1		1
Greater than 6 months	-	2	-		2
Total	-	3	2		5

As previously requested we provide below details of all outstanding 'high risk' issues, and 'medium risk' issues outstanding for more than 6 months. (NB where these issues have been reported on previous occasions we have not restated the original recommendation or previous updates).

'High Risk' outstanding issues

Review	Recommendation	Risk Rating	Current status per Management
16/17 Housing Repairs & Maintenance	Introduce formal programme of post inspections.	2	Risk based system of post inspections, reducing numbers by targeting where there are most likely to be issues, has been introduced. Due to no Responsive Repairs Officer in post January to June / July 18 (once recruited) this will not be fully implemented / tested until there are sufficient resources available. Rescheduled date of 31/08/18 has passed.
16/17 Housing Repairs & Maintenance	Market test contractors where aggregate spend over an extended period exceeds tendering limit.	2	Corporate response required to address aggregate spend with contractors – to be dealt with through development of corporate procurement strategy. Rescheduled to 31/03/19.
17/18 Benefits / Council Tax Support	Review of procedures for recovering, monitoring and reporting on unrecovered overpayments.	2	Procedures are being reviewed as part of the debt management team restructure and in the light of Universal Credit. However the effect of UC has yet to be determined. Rescheduled to 30/09/18.

Medium (level 3) risks outstanding for over 6 months

There are currently no medium level risks that have been outstanding for longer than six months.

5. 2018/19 Internal audit plan

Review	Scheduled Start*	Status	Level of assurance
Performance Management	Oct 2018	Scoping	
Risk Management	Nov 2018		
Project/Programme Management/Project Assurance	Oct – Nov 18	Scoping	
Capital Programme	April 2018	Final Report	Limited
Cleaning Contract	June 2018	Final Report	Moderate
Procurement	Jan – March 2019		
Budgetary Control/MTFS	Oct – Nov 2018		
Financial systems (ledger, creditors, debtors, treasury management, income management & cash receipting-key controls	Nov 2018 –Dec 2018		
Cybersecurity	Sept – Oct 2018	Fieldwork ongoing	

Review	Scheduled Start*	Status	Level of assurance
IT Disaster Recovery	Sept – Oct 2018	Scope agreed	
Payroll & Expenses	Jan – Feb 2019		
Taxi and Hackney Carriage Licensing	April 2018	Final Report	Limited
GDPR – follow up	June 2018	Final Report	Significant
Legal Compliance	July 2018	Fieldwork ongoing	
Council Tax	Oct – Dec 2018		
Business Rates	Oct – Dec 2018		
Benefits/Council Tax Support	Oct – Dec 2018		
Housing Rents	Jan – Mar 2019		
Housing Strategy	Mar 2019		
Homelessness	June 2018	Final report	Significant
Repairs & Voids key controls/follow-up	July 2018	Fieldwork ongoing	
Environmental Health - Food Safety	July 2018	Fieldwork ongoing	

*Timings either agreed with management where relevant or proposed by us.



Policy, Finance and Development Committee	Tuesday, 18 September 2018	Matter for Information and Decision
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Report Title: **Prospective Participation in 75% Business Rate Retention Scheme**

Report Author(s): **Stephen Hinds (Director of Finance & Transformation)**

Purpose of Report:	To seek Members' approval of the Leicester/shire -wide application to be part of the 75% Business Rate Retention Scheme for 2019/20.
Report Summary:	This report asks that the Committee agrees the principles of the pilot scheme devised by the member local authorities and requests that delegated authority to be given to the Director of Finance & Transformation (as Section 151 Officer) to agree the application on behalf of the Council, and to carry out any of the required administrative arrangements to this end where necessary.
Recommendation(s):	<p>A. That the Council's application to participate in a pilot scheme allowing for 75% Business Rate Retention in 2019/20 in accordance with the principles set out in this report as part of the Leicester/shire -wide proposal be approved; and</p> <p>B. That delegated authority be given to the Director of Finance & Transformation, in consultation with the Chair of Policy, Finance and Development Committee and the Leader of the Council to agree on behalf of the Council, and the other authorities within Leicester and Leicestershire, the detail contained within the application to participate in the 75% Business Rate Retention pilot scheme.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk
Corporate Priorities:	Balanced Economic Development (CP3)
Vision and Values:	"A Strong Borough Together" (Vision) Innovation (V4)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	The pilot scheme is anticipated to be financially beneficial, or with the minimum expectation that there will be no detriment. However, there is an incredibly small risk that should collections fall below minimum expected levels, there is a possibility that the Council could be worse off. However, this is considered extremely unlikely.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Economy/Regeneration (CR9)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	As the author, the report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Report entitled 'Prospective Participation in 100% Business Rates Retention Scheme' to the Policy, Finance and Development Committee, 10 October 2017
Appendices:	None.

1. Introduction

- 1.1 This report sets out the approach for Oadby and Wigston Borough Council's participation in a business rates pilot scheme in which monies that would normally be passported to Central Government would be retained. This pilot scheme would operate on a Leicester/shire -wide basis, including all authorities within the Leicester and Leicestershire Economic Partnership.
- 1.2 This report asks that the Committee agrees the principles of the pilot scheme devised by the member local authorities and requests that delegated authority to be given to the Director of Finance & Transformation (as Section 151 Officer) to agree the application on behalf of the Council, and to carry out any of the required administrative arrangements to this end where necessary.

2. Background

- 2.1 The Department for Communities and Local Government (DCLG) issued an invitation to Local Authorities in England to 'Pilot 100% Business Rate Retention in 2018/19 and to pioneer new pooling and tier-split models.' The innovation was issued in September 2017 and Leicester/shire authorities applied, but were unsuccessful in this bid.
- 2.2 In July 2018, the Ministry for Housing, Communities and Local Government (MHCLG) issued a new invitation to Local Authorities in England to 'Pilot 75% Business Rate Retention in 2019/20'.
- 2.3 Once again, it is from the 2018/19 100% Pilot, and the 2019/20 75% Pilot, that the government anticipates learning that will aid the design and implementation of a national scheme, which has been earmarked for 2020/21. Whilst this is a "pilot" scheme for the 2020/21 roll-out of 75% Business rate retention, the MHCLG stated at a briefing on Monday 3 September, that the details of the 2020/21 scheme are due to be announced in March 2019 – before the 2019/20 pilot begins.

3. Existing Arrangements

- 3.1 The current scheme for local government calculations is somewhat complex in practice being based on a system of baselines, top-ups, tariffs, levies and safety nets. In Oadby and Wigston, the outcome of these calculations has been that whilst the Council collects around £12m of business rates annually, it can retain only about £1.45m (i.e. 12% of the total collected) for its own funding.
- 3.2 Additionally, the change in regime now means that the Council bears an element of business rate collection risk, stemming from both bad debts (where occupants refuse or are unable to settle their bills) and changes to the business rate 'listing' (the rateable values assigned to properties). The latter risk is particularly significant as the Council bears the risk of valuation appeals which may be substantial in value and backdated for several years.
- 3.3 The current Business Rate regime allowed for local authorities working together and creating a business rate pool. The local authorities in Leicester/shire formed such a pool which, although creating a slight increase in financial risk, offers the ability to retain levy payments within Leicester/shire that would otherwise have been payable over to central government. Latest forecasts suggest £6-7m will be retained in Leicester/shire as a result of these pooling arrangements, and this figure is expected to increase to possibly £9m in 2019/20.

4. 75% Business Rate Retention - Pilot Scheme Prospectus

- 4.1 Applications to pilot 75% business rate retention are required by Tuesday 25 September 2018. Key features of the application prospectus issued by the MHCLG are:
- The overall objective to focus on the learning necessary for transition into the proposed new scheme in 2020/21 (see paragraph 2.3);
 - As with the 2018/19, 100% Business Rate Retention Pilot participating authorities would agree to forego Revenue Support Grant (RSG) and Rural Services Grant, plus other grants that authorities may volunteer to forego as part of their pilot application;
 - Again, as with the 2018/19 pilots, authorities would still be expected to operate as part of the business rate pool;
 - MHCLG expects applicants to set out how the benefits of additional business rates growth would be shared; this should cover 'financial stability and sustainability' (possibly a reference to social care funding) and investment in future economic growth;
 - Pilot participants are expected to show how they would manage risk; therefore, in contrast to the first wave of pilots where authorities were offered a 'no detriment' assurance, the possibility of financial loss should be inherent within the application; and
 - Pilot participants from "two-tier" authorities need to show a tier split as part of the application process. This differs from the 2018/19 bidding process as this was only open to two-tier authorities; this process is open to all authorities.
- 4.2 With Leicestershire being a two-tier area with a pre-existing business rates pool linked to the Leicester and Leicestershire Enterprise Partnership (LLEP), there appears to be a good basis for a successful application from Leicester/shire local authorities.
- 4.3 The proposal around the allocation of the potential surplus is built upon the same principles and allocation methods from the 2018/19 pilot bid that Council approved in 2017. Based upon feedback at a LGA/MHCLG event on 03 September 2018, the bid submitted by Kent authorities was held up as an exemplar bid, and the primary function of this bid was sustainability. In light of this guidance from MHCLG, the Leicester/shire bid will promote financial sustainability to the top of our priority listing, followed by Transport and Infrastructure Growth, Public Realm Works and "Spend to Save" initiatives.
- 4.4 An implication of this re-prioritising of aims is that financial sustainability will have first call on additional funding should the expected surplus be lower than anticipated (in 2018/19,

this was the bottom priority).

4.5 Given the short timescales involved, it is unlikely that the full detail of the breakdown of schemes and financial contributions will be available by the date of this meeting. The decision as to whether to participate will be taken on the principles detailed above.

4.6 It should be noted that this pilot bid has the full and unequivocal support of each of the Leicester/shire's Borough and Districts' Chief Executives and Section 151 Officers.

5. Financial Implications

5.1 The basis of the scheme is that it is envisaged that it would prove to be financially beneficial to the Council, or at the very least will not result in any detriment to the Council's finances.

5.2 Financial modelling carried out by Leicester/shire Treasurers indicates that any financial risks of entering the pilot scheme are low based upon the comparisons between expected business rate collection baselines and latest forecasts of actual rates of collections.

5.3 The pilot scheme (as with the current pooling arrangements) includes a safety net function that would ensure that participating local authorities would receive at least 95% of their collective baseline funding. This risk is mitigated by unallocated surpluses built up by the current Leicester/shire Business Rates Pool, thereby significantly reducing the exposure of this risk to local authorities.

5.4 The main benefit of participation in the pilot scheme is that significant additional funding would remain in Leicester/shire , with latest estimates ascertaining this to be in the region of £13.8m (as at the beginning of September) - funding that would normally be passed back to central Government.



Policy, Finance and Development Committee	Tuesday, 18 September 2018	Matter for Information
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Report Title: **Treasury Management Annual Report (2017/18)**

Report Author(s): **Chris Raymakers (Head of Finance Revenues and Benefits)**

Purpose of Report:	This report details the actual performance and activities of the Authority's treasury management function for the financial year 2017/18.
Report Summary:	During the financial year 2017/18, the treasury management function at the Council was operated efficiently with no breaches in in the boundaries set at the start of the year.
Recommendation(s):	That the contents of the report and appendices be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	Accountability (V1) Teamwork (V3) Innovation (V4)
Report Implications:-	
Legal:	There are no implications directly arising from the report.
Financial:	Strong, prudent treasury management is vital to the governance and financing of the Council. Other financial implications are as set out in the report.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Regulatory Governance (CR6) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Treasury Management Policy and Strategies 2018/19
Appendices:	<ol style="list-style-type: none"> 1. Total Investments Placed during Period 2017/18 2. Schedule of PWLB Loans (HRA and General Fund) 3. Investment Strategy 2017/18 - 2018/19 4. External Investment of Funds - Approved Institutions

1. Introduction

- 1.1 Treasury management is defined in the Code of Practice as "the management of the organisation's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks".
- 1.2 Two annual reports on treasury management are produced. Firstly, a Treasury Management Strategy and Statement is approved by Council prior to the commencement of the financial year and then this report provides Members with a summary of actual activity for the year 2017/18. The report is required in order to comply with the "Code of Practice on Treasury Management in Local Government" and the Council's own Treasury Management Policy Statement.
- 1.3 The Code requires the Section 151 Officer to operate the treasury management function in accordance with treasury management practices adopted by Council. There are no issues of non-compliance with these practices that need be brought to Members' attention.
- 1.4 Under the Prudential Code for Capital Finance, the Council is required to prepare a number of prudential indicators against which treasury management performance is measured. Details of all borrowing and investment transactions for 2017/18 together with the performance against prudential indicators are given below.

2. Borrowing

- 2.1 Long Term - The Authority is able to borrow on a long term basis from the Public Works Loans Board (PWLB). At the beginning of the year the value of the outstanding loans was £24.114m, comprising £18.114m relating to the HRA, and £6m relating to the general fund. There was no additional long-term borrowing or repayment of loans during 2017-18, leaving the outstanding balance at the end of the year unchanged at £24.114m. A list of these loans appears at **Appendix 2**
- 2.2 Short Term (Less than 365 days in duration) - There was £8m of short-term borrowing undertaken during 2017/18 (2016/17 £4.5m), in lieu of long-term borrowing.
- 2.3 Cost of Borrowing in term of the interest on the outstanding loans was paid as follows:

(Continued overleaf)

Loan	Maturity Date	Interest Rate	Interest
£'000		%	£'000
500	29/03/2052	4.10	21
500	29/09/2018	3.50	17
5,000	30/06/2055	2.66	131
18,114	Various	2.98*	539
3,000	13/02/2019	0.78	3
5,000	20/08/2018	0.62	3

* Average Interest rate for loans

3. Investments

3.1 During 2017/18, the Council was in a position where it often had cash surpluses to invest. When considering investments the Council must consider the following factors:

- **Security** – the Authority has a counterparty list, based on credit ratings, within its Investment Strategy that is approved prior to the commencement of the financial year. The current list and basis of approval is attached at **Appendix 4**.
- **Liquidity** – because of cash flows there is always a need to have a mix of investments that are realisable when required.
- **Yield** – probably the least important consideration as often higher yields mean greater risks.

3.2 In the current economic climate and due to the volatility and uncertainty being prevalent in financial markets, security has to be the most important factor of the three listed above.

3.3 For 2017/18 surplus cash was invested in the following ways.

- **Special Interest Bearing Account** – This account is held with National Westminster Bank plc. It can be used for deposits up to £5 million and pays interest at 0.15%
- **Business Direct Reserve Account** – Again, this is a National Westminster Bank account which allows deposits up to £1 million and also pays interest at 0.15%.
- **Money Market Deposits** – Used for larger amounts up to £1.5 million. The list of institutions approved for investment was agreed at Council on 25 April 2017 and is included again for reference in **Appendix 4**.

3.4 The investments fall into two categories:

- **Money on Call** – These investments run for a minimum of 7 days after which they can be recalled at any time. Interest rates are variable and can fluctuate during the life of the investment.
- **Fixed Deposits** – Investments which mature at a pre-arranged date. The interest rate is fixed for the life of the investment.

3.5 The total interest received for the year to 31 March 2018 on temporary investments amounted to £11,098 (2016/17 £10,349). A summary of the total amount invested in 2017/18 is given at **Appendix 1**.

4. Prudential Indicators

- 4.1 The Local Government Act 2003 requires Councils to comply with the Prudential Code for Capital Finance in Local Authorities when carrying out their budgeting and treasury management activities. Fundamental to this is the calculation of a number of prudential indicators which provide the basis for management and monitoring of borrowing and investments. These indicators were agreed by Council on 25 April 2017.
- 4.2 **The Capital Financing Requirement (CFR)** – This represents the Council's underlying need to borrow for capital purpose based on the cumulative value of capital expenditure not fully paid for. The CFR will change year on year in accordance with the value of capital spending.
- 4.3 The first key control over activities is to ensure that over the medium term, net borrowing will only be for capital purposes. The Authority must ensure that net external borrowing does not, except for short periods, exceed the total of the CFR. A comparison of the estimate against the actuals is shown in the table below.

	2017/18 Original Estimate £000's	2017/18 Revised Estimate £000's	2017/18 Actuals £000's
Gross Borrowing	31,114	30,114	32,114
Investments	-	-	2,000
Net Borrowing 31 March	31,114	30,114	30,114
Total CFR 31 March	35,248	35,985	34,300

- 4.4 The Section 151 Officer reports that the Council complied with the requirement to keep borrowing below the relevant CFR in 2017/18 and no difficulties are foreseen for the current or future years.
- 4.5 **Borrowing Levels** – The following two indicators control the overall level of borrowing.
- **The Authorised Limit** – This represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3(1) of the Local Government Act 2003.
 - **The Operational Boundary** – This indicator is based on the probable external debt during the course of the year. It is not a limit and actual borrowing could vary around the boundary for short times during the year. It should act as a barometer to ensure the authorised limit is not breached.
- 4.6 The actual borrowing compared to the Authorised and Operational limits agreed by Council are as follows:

	2017/18 Original Limit £000's	2017/18 Revised Limit £000's	2017/18 Actual (Max) £000's
Authorised Limit	40,000	40,000	32,114
Operational Boundary	35,000	35,000	32,114

- 4.7 **Ratio of Financing Costs to Net Revenue Stream** – This indicator compares net financing costs (borrowing costs less investment income) to net revenue income from revenue support grant, business rates, housing revenue account subsidy, Council tax and rent income. The purpose of the indicator is to show how the proportion of net income used to pay for financing costs is changing over time.

	2017/18 Original Estimate %	2017/18 Revised Estimate %	2017/18 Actual %
General Fund	12.1	10.2	11.0
HRA	10.8	11.2	11.0

- 4.8 The above indicator shows that within the General Fund, financing costs are equivalent to 11.0% of the net revenue income. In the case of the HRA there is net interest payable which is equivalent to 11.0% of the net revenue income.

- 4.9 **Limits on Activity** – The following indicators contain the activity of the treasury function within certain limits thereby reducing the risk of an adverse movement in interest rates impacting negatively on the Council's overall financial position.

- **Upper Limits on Variable Rate Exposure** – This indicator identifies a maximum limit for variable interest rates.
- **Upper Limits on Fixed Rate Exposure** – Similar to the previous indicator this covers a maximum limit on fixed interest rates.
- **Maturity Structures of Borrowing** – These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing.
- **Total Principal Funds Invested** – This limit is set to reduce the need for early sale of investments and is based on the availability of investments after each year-end.

Maturity Structure of Borrowings	2017/18 Original Indicators		2017/18 Revised Indicators		2017/18 Actual Maturity Structure	
	%		%		%	
Fixed Interest Rates Limit	100		100		100	
Variable Interest Rates Limit	25		25		0	
Maturity Structure of Borrowings	Lower	Upper	Lower	Upper	Lower	Upper
Under 12 months	0	30	0	30	0	26
12 months to 2 years	0	35	0	35	0	3
2 years to 5 years	0	50	0	50	0	9
5 years to 10 years	0	75	0	75	0	16
10 years and above	0	100	0	100	0	46

- 4.10 The Prudential Code requires indicators to be set for the maturity structure of fixed borrowings only.

TOTAL INVESTMENTS PLACED DURING THE PERIOD
1 APRIL 2017 TO 31 MARCH 2018

	Cumulative No. Of Investments In Year		Total Value Invested in Year £ 000's
British Clearing Banks			
National Westminster Bank plc	143		54,544
Local Authorities			
Thurrock Borough Council	4		5,750
Blackpool Borough Council	1		1,000
Stirling Council	1		1,000
Salford City Council	1		1,000
	150		63,294

SCHEDULE OF PWLB LOANS (HRA SELF-FINANCING SETTLEMENT)

Principal (£)	Rate of Interest (%)	Date of Maturity
1,006,333	1.99	20/03/2020
1,006,333	2.21	20/03/2021
1,006,333	2.40	20/03/2022
1,006,333	2.56	20/03/2023
1,006,333	2.70	20/03/2024
1,006,333	2.82	20/03/2025
1,006,333	2.92	20/03/2026
1,006,333	3.01	20/03/2027
1,006,333	3.08	20/03/2028
1,006,333	3.15	20/03/2029
1,006,333	3.21	20/03/2030
1,006,333	3.26	20/03/2031
1,006,333	3.30	20/03/2032
1,006,333	3.34	20/03/2033
1,006,333	3.37	20/03/2034
1,006,333	3.40	20/03/2035
1,006,333	3.42	20/03/2036
1,006,333	3.44	20/03/2037
18,113,994	Total	

SCHEDULE OF PWLB LOANS (GENERAL FUND)

Principal (£)	Rate of Interest (%)	Date of Maturity
500,000	4.10	29/03/2052
500,000	3.50	20/09/2018
5,000,000	2.66	29/06/2055
6,000,000	Total	

INVESTMENTS STRATEGY 2017/18 – 2018/19

1.0 Introduction

This strategy is written in accordance with guidance issued under section 15 (1) (a) of the Local Government Act 2003, the Department of Communities and Local Government (DCLG) Guidance on Local Authority Investments issued in April 2010, any revisions of that guidance, the Audit Commission's report on Icelandic investments and the revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes (2011).

The objectives of this strategy are to:

- facilitate investment decisions which ensure that the Council's investment sums remain secure
- ensure the liquidity of investments so that the Council has sufficient cash resources available to carry out its functions at all times
- achieve the maximum return on investments after taking into account security and liquidity

2.0 Current Investments

At present the Council has no fixed investments.

Surplus funds arising from day to day operations are invested based on the most up to date forecasts of interest rates and in accordance with the Council's cash flow requirements in order to gain maximum benefit from the Council's cash position throughout the year. In the current financial climate only specified investments will be considered as set out below.

3.0 Investments

In accordance with relevant guidance, all investments will be placed for a maximum of 364 days and amounts will only be invested with counterparties included on the Council's approved list. Institutions with which specified investments will be made include:

- UK government institutions and other local authorities
- institutions which have been awarded a high credit rating by a credit rating agency

The Council's Treasury Management Practice note 1 (3) states that 'The Section 151 Officer will be responsible for preparing for the Council a list of institutions in which the Council's funds may be invested. This list will be supported by details of the criteria employed to assess the various credit standings of counterparties'. The following credit ratings will be considered:

- Long-term ratings – these range from the highest rating of AAA to the lowest rating of D. As the title suggests, this indicator reflects the long-term stability of the institution.
- Short-term ratings - These have a time horizon of less than 12 months and therefore place greater emphasis on the liquidity necessary to meet financial commitments in a timely manner. As all of the Council's investments are expected to be for less than 364 days, this is of particular importance. The ratings are F1 (highest credit quality), F2 (good credit quality), F3 (fair credit quality) and B to D (representing various levels of potential default).
- Individual ratings – These range from the highest of A to the lowest of F. This rating is only assigned to banks and attempts to assess how it would be viewed if it were entirely independent and could not rely upon external support.
- Support ratings – These range from 1 to 5 with 1 being the highest. It is a judgement on whether a bank would receive support should this become necessary. It is assumed that any such support would come from the sovereign state or institutional owners.

The Council's counterparty list needs to provide security for the amounts invested whilst containing a sufficient number of institutions with which to place funds. For the purpose of this strategy in respect of Categories 1 and 2 below, only counterparties that meet all of the following criteria will be considered for investment.

- UK banks
- Building societies with asset bases in excess of £6 billion.
- By reference to all three major credit rating agencies (Fitch, Standard and Poor's, Moody's) only those that reach the minimum standard for the lowest agency rating set out.

Category 1

The minimum ratings that will be considered for all agencies are set out below:

	Credit Agency		
Term	Fitch	Moody's	S & P
Short	F1	P1	A1
Long	AA-	AA3	AA-
Individual	C	D	
Support	3		

For any organisation that meets the above criteria, up to £1.5m may be invested at any one time for a maximum duration of 364 days.

Any building society that meets the above criteria must also have an asset base in excess of £6 billion.

Category 2

The minimum ratings that will be considered for all agencies are set out below:

	Credit Agency		
Term	Fitch	Moody's	S & P
Short	F1	P1	A1
Long	A	A2	A1
Individual	C	D	
Support	3		

For any organisation that meets the above criteria, up to £1m may be invested at any one time for a maximum duration of 6 months.

Any building society that meets the above criteria must also have an asset base in excess of £6 billion.

Other counterparties that can be used and any restrictions applicable are set out below.

Debt Management Office

Investments of a maximum duration of 6 months can be made with this Government department.

Public Authorities in England, Scotland and Wales

Investments of up to £5m at any one time with a maximum duration of 364 days can be made with these bodies. These include local government, fire and police authorities.

Money Market Funds

Investments of up to £1.5m per fund at one time can be made provided they are AAA rated.

Credit ratings are monitored on a daily basis using Sector's credit rating service by the Section 151 Officer who will determine the amendments to be made to the counterparty list when credit ratings change.

The proposed counterparty list for investments is given at Annex 3.1.

4.0 Liquidity of Investments

The period for which investments are placed will be based on the Council's cash flow forecasts and estimates of movements in interest rates. The Council does not expect to place investments for longer than 364 days although this situation will be kept under review by the Section 151 Officer. Long-term investments will only be made where it is clear that surplus cash resources are not required for the day to day financing of the Council's activities. The maximum period for

any long-term investments will be the three-year planning cycle covered by this strategy.

The maximum amount which may be held in investments lasting more than 364 days will be 25% of the average annual investments.

5.0 Policy on the Use of External Service Providers

External investment managers will not be used, except to the extent that a Money Market Fund can be considered an external manager.

The Authority uses Sector as an external treasury advisor but still recognise that responsibility for treasury management decisions remains with the Council at all times. Whilst it is recognised that undue reliance should not be placed on external advisors, it is valuable to be able to access specialist skills and resources.

6.0 Scheme of Delegation

Policy, Finance and Development Committee

- Approval of annual strategy
- Approval of annual treasury outturn report
- Approval of mid year treasury management updates
- Mid year treasury management updates
- Review of treasury management policy and procedures, including making recommendations to responsible body
- Scrutiny of Treasury Management Strategy and Plan, Investment Strategy and Annual Outturn Report

Chief Financial Officer (Section 151 Officer)

- Day to day management of treasury management, within agreed policy
- Appointment of external advisors, within existing Council procurement procedures and standing orders.

7.0 Role of Section 151 Officer

The Section 151 Officer has day to day responsibility for running the treasury management function.

8.0 Ethical Investment Strategy

The Council aims to be aware of ethical issues within its investment strategy. Where any member of the Council becomes concerned about such issues, these matters should be reported to the Section 151 Officer. Where necessary, the Section 151 Officer will then present a response to the concerns raised to the next meeting of the Policy, Finance and Development Committee.

EXTERNAL INVESTMENT OF FUNDS - APPROVED INSTITUTIONS**Category 1**

Restrictions	
Max Amount £m	1.5
Duration	364 days
Asset Base (Building Societies Only)	£6 bn

	Long-term Rating	Short-term Rating
HSBC Bank plc	AA-	F1+

Category 2

Restrictions	
Max Amount £m	1
Duration	6 months
Asset Base (Building Societies Only)	£6 bn

	Long-term Rating	Short-term Rating
Bank of Scotland plc	A	F1
Barclays Bank plc	A	F!
Lloyds Bank plc	A	F1
Nationwide Building Society	A	F1
Royal Bank of Scotland plc	A	F1

Santander UK plc	A	F1
Standard Chartered Bank	AA-	F1+

Debt Management Office

Restrictions	
Max Amount £m	N/A
Duration	6 months

Operated by a National Government Department

Public Authorities in England, Scotland and Wales

Restrictions	
Max Amount £m	5
Duration	364 days

All public authorities (including local government, fire and police authorities) in England, Wales and Scotland

Money Market Funds

Restrictions	
Max Amount £m	1.5
Duration	N/A

Funds must be AAA-rated and operated by a company regulated by the Financial Services Authority. The Section 151 Officer, under delegated powers, will choose the appropriate fund(s).

Agenda Item 11



**Policy, Finance and
Development
Committee**

**Tuesday, 18
September 2018**

**Matter for
Information**

Report Title:

**Collection and Write-Off of Miscellaneous
Debtors (Q1 2018/19)**

Report Author(s):

Chris Raymakers (Head of Finance, Revenues and Benefits)

Purpose of Report:	The purpose of this report is to inform Members of the levels of outstanding debt owed to the Council from the first quarter of 2018/19 and for Members to approve any write-off of uncollectable debts as per the Council's Financial Regulations.
Report Summary:	Council Tax, Benefit overpayments and sundry debts have all fallen again this quarter. Business Rates and Housing Rents have seen arrears rise, however remedial action is being taken to bring this back under control.
Recommendation(s):	That the contents of the report be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2) Wellbeing for All (CP5)
Vision and Values:	Accountability (V1) Teamwork (V3) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from the report.
Financial:	The implications are as set out in the report.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. Introduction

1.1 As part of the income collection function, the Council operates a comprehensive debt collection process which covers all service areas of the Authority.

1.2 The Council uses three principal methods for collecting these debts:

- (i) Direct contact with the debtor by letter or telephone;
- (ii) Referring the debt to a collection agent; and
- (iii) Legal action through the courts.

2. Council Tax and Non-Domestic (Business) Rates

2.1 Council Tax and Non-Domestic (Business) Rates (NDR) make up the largest debits within the income collection area. These income streams have a combined annual debit to collect of around £40 million.

2.2 At 30 June 2018, the arrears in this area were:

Service	Council Tax	NDR
Previous Years Arrears	£	£
Arrears at 1 April 2018	1,509,967	747,800
Arrears at 30 June 2018	1,365,461	758,521

2.3 Council Tax has seen a reduction in arrears of around 10% in the first quarter of the year. However NDR arrears have risen from year end by £11,000. However this is solely due to new liabilities being raised on the previous year's accounts which totalled £32,000.

2.4 As in previous years, the collection rates for 2018/19 are good. In the first quarter, 29.84% of the Council Tax debit and 30.37% of the Business Rates debit had been collected.

3. Overpayments of Housing Benefit

3.1 Recouping the overpayment of housing benefit has become an increasing problem for Councils across the country over the last few years. Oadby and Wigston have, since 2015, brought this under control. The majority of cases have been collected from ongoing benefit; however, where the claimant is no longer receiving or is entitled to housing benefit, the debt is passed over to a debt collection team.

3.2 Historically, the Council has raised almost 12,500 overpayment invoices totalling over £3.8million of debt, successfully collecting £3.1million.

3.3 The total still outstanding is listed below by age:

	Days Overdue				
	0-90	90-182	182-365	Over 365	Total
1 April 2018	56,493	57,130	53,655	497,440	664,718
30 June 2018	46,174	42,524	81,647	478,455	648,800

3.4 The Universal Credit (UC) system will have an impact on the recovery of these debts. As debtors migrate from Housing Benefit to UC the Council will no longer be able to collect overpayments from on-going benefit so alternative methods of collection will have to be used. This will put pressure on collection resources as more cases are dealt with directly with the debtor.

4. Housing Rents

4.1 The Council runs a housing stock of approximately 1,200 dwellings with a total collectable debit of £4,780,000 of which £2,600,000 is paid for by Housing Benefit.

4.2 Rent arrears are split between current and former tenant. Arrears have risen since year end, however this would be expected because of the collection profile with the four non-collected (free weeks) toward the end of the year.

	Current Tenants	Former Tenants	Total
31 March 2018	98,733	104,402	203,135
30 June 2018	153,008	113,987	266,995

4.3 From 13 June 2018, the Council moved to UC 'full service' which will see the gradual migration of working age tenants from Housing Benefit to the new UC system. It is anticipated that that this will put pressure on this particular collection area as tenants may no longer get their rent paid automatically. In order to combat the expected increase in debt pressure, further resources are being engaged.

5. Miscellaneous Sundry Debts

5.1 In the first quarter of 2018/19, 274 debtors were raised totalling £317,000.

5.2 The current position relating to collection of outstanding invoices is summarised.

	Days Overdue					
	0-90	90-182	182-365	365-730	Over 730	Total
1 April 2018	174,007	20,056	12,677	9,504	102,261	318,505
30 June 2018	91,809	10,884	28,514	35,734	124,482	291,423

5.3 During the first quarter of 2018/19, miscellaneous debt fell by £27,000. Of the total debt of £291,000, approximately £97,000 (110 accounts) is actively managed through instalments.

5.4 In this quarter:

- The Council has referred six cases to the collection agent;
- No write-offs have been made;
- One account has completed their arrangements to pay; and
- A Key Performance Indicator (KPI) of the Council is the proportion of debt over 90 days old as a percentage of the total estimated annual debit. At 30 June 2018, this

percentage is 14.5% (the target for 2018/19 being under 15%).

6. Write-off of Bad Debt

6.1 There are no write-offs to be considered by Members at this Committee.

Agenda Item 12



**Policy, Finance and
Development
Committee**

**Tuesday, 18
September 2018**

**Matter for
Information and
Decision**

Report Title: **Third Sector and Community Support Funding
Requests (Q1 2018/19)**

Report Author(s): **Chris Raymakers (Head of Finance, Revenues and Benefits)**

Purpose of Report:	The purpose of this report is to receive approval for grants requested and give an update on expenditure in the voluntary sector.
Report Summary:	A number of requests from the Resident Forums require approval from this Committee.
Recommendation(s):	A. That the contents of the report and appendix be noted. B. That the Forums' expenditure requests (as outlined at section 2 of the report) be approved.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk
Corporate Priorities:	An Inclusive and Engaged Borough (CP1) Green & Safe Places (CP4) Wellbeing for All (CP5)
Vision and Values:	"A Strong Borough Together" (Vision) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	The implications are as set out in the report.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	Minutes of the Oadby Residents' Forum, 13 June 2018 Minutes of the Wigston Residents' Forum, 27 June 2018 Minutes of the South Wigston Residents' Forum - 11 July 2018 Minutes of the Oadby Resident's Forum - 5 September 2018 Report 'Third Sector and Community Support Funding' to Full Council - 5 December 2017
Appendices:	1. Residents' Forums Expenditure (Q1 2018/19)

1. Introduction

- 1.1 At Full Council on 05 December 2017, Members approved the setting up of a formal structure for dealing with 'Third Sector and Community Funding'.
- 1.2 This area includes the following funding streams to the community:
- Contractual Funding
 - Core Support Funding
 - Neighbourhood Residents Forums
 - Borough Wide Community Initiatives
 - Community and Youth Grant Schemes
- 1.3 The funds included under this umbrella are all discretionary funds except for the Health And Wellbeing funding which is a ring-fenced fund given by the Public Health Commissioner to the Council to deliver their objectives.
- 1.4 Approval and monitoring of this funding is shared between this Committee and the Community Engagement Forum. All requests should be underpinned by at least one of the Council's Priorities, which are;
- An Inclusive and Engaged Borough (IEB)
 - Effective Service Provision (ESP)
 - Balanced Economic Development (BED)
 - Green and Safe Places (GSP)
 - Wellbeing for All (WFA)

2. Residents' Forums

- 2.1 The table shows the actual spend at the end of August 2018 for schemes approved by the Forums. Once a scheme is complete, any underspend on that scheme is placed back into the spending pot for future allocation. Members should take note of the current position.

Forum	Original Allocation	Budgets Allocated	Unused Balances for Reallocation	Total Unallocated Funds	Spend to 31 August 2018
	£	£	£	£	£
Wigston	259,200	220,132	10,517	49,585	200,291
South Wigston	129,600	118,370	7,626	18,856	100,302
Oadby	259,200	227,589	11,911	43,522	204,595
	648,000	566,091	30,054	111,963	505,188

2.1 The following requests have been received from the Forums which have sat in June and July 2018:

2.1.1 Oadby Residents Forum (13 June 2018)

- a. A written proposal to purchase a salt grit bin was accepted at the Residents Forum meeting; £500 was proposed to cover the cost of purchase. The funding proposal was brought to the Forum by the Blackthornwatch Community Group. The grit bin will serve residents of Dogwood Court, Hawthorn Grove, Eglantine Close, Wych Elm Road and Holly Court. (IEB, WFA)
- b. A written proposal for a commemorative art installation project was received from Oadby Remembers 1914 to 1918 Project and Oadby Stakeholders. The art project will act as a commemoration of the centenary of the Armistice. Eighty one decorated silhouettes of WW1 soldiers, contributed by individual families, schools, community organisations, faith centres will be displayed at venues around Oadby and brought together on Remembrance Sunday. This is to be a temporary installation and will cost £373 (IEB).

2.1.2 Wigston Residents Forum (27 June 2018)

- a. A proposal was submitted by Little Hill Residents Association for the purchase of a Grass Strimmer. The sum requested is £150. The strimmer comes with wheels which will make it more flexible to move. (IEB, GSP)
- b. Wigston Civic Society brought a costed proposal to the Forum to request the sum of £283.62. The proposal covers the cost of an information board about the London Houses (Moat Street) and the new Totem Pole. This will enable the community to learn about the area before the new houses at Peacock Place were constructed. (IEB, GSP)

2.1.3 South Wigston Residents Forum (11 July 2018)

There are no grant applications from this forum to be approved at this Committee.

2.1.4 Oadby Residents Forum (5 September 2018)

- a. A request has been approved to award £100 towards the production cost of stickers in support of the 'Sam Says Stop' Campaign. The campaign is aimed to educate taxi drivers and passengers about the dangers of 'car-dooring' (IEB, WFA).

N.B. - The campaign was endorsed by the Licensing and Regulatory Committee at its meeting on 12 July, whereby it was agreed that safety stickers were to be displayed in Council vehicles and taxi drivers were also to be encouraged to display the same in their vehicles. Identical requests of £100 are to be made at the Wigston Residents' Forum on 19 September and the South Wigston Residents' Forum on 03 October.

3. Contractual Funding

- 3.1 The Council currently has a contract with both The Helping Hands Trust and The Citizens Advice Bureau to provide an advice service to residents. The current contracts end on 31 May 2019 and are budgeted at a total of £55,000.

4. Core Support Funding

- 4.1 The Council currently supports a number of groups within the Borough. These are currently:

- Age UK
- Oadby and Wigston Senior Citizens Group
- SSAFA
- Pride of the Borough

4.2 The current budget for Core Support Funding is £24,300. The Senior Citizens Group, who did not require or claim their grant in 2017/18 have waived their grant again in 2018/19. All the above agreements require review during 2018/19.

5. Borough Wide Community and Grant Schemes

5.1 These are subject to approval by the Community Engagement Forum but as yet no such initiatives have been approved for 2018/19.

OADB RESIDENT FORUM	Approved amount	Actual amount spent at 31/08/18	Completed projects - balance available for reallocation	Progress Report
	£	£	£	
Original Allocation	230,000			
Allocation PFD committee 28 March 2017	29,200			
Total allocated budget	259,200	259,200		
Spend at 1 April 2018	224,414	203,995	(11,911)	
Refurbishment of bench on Florence Wragg Way (PFD 1 May 18)	600	600		About to be installed.
Oadby Response Group - Emergency Plan Leaflet (PFD 1 May 18)	1,575	1,575		
Sandhurst School Stones Setting (PFD 1 May)	1,000	0		Not commenced yet.
Schemes currently requiring completion	3,175	600	0	
Total committed	227,589	204,595	(11,911)	
Completed projects - unused balance available for reallocation	11,911			
Funds Remaining	43,522			

WIGSTON RESIDENT FORUM	Approved amount	Actual amount spent at 31/08/18	Completed projects - balance available for reallocation	Progress Report
	£	£	£	
Original Allocation	230,000			
Allocation PFD committee 28 March 2017	29,200			
Total allocated to Wigston Forum	259,200	259,200		
Schemes Complete at 1 April 2018	213,382	198,612	(10,446)	
Refurbishment of Marrome Square (PFD July 16)	5,000	0		Work to commence after consultation with residents.
Litter bin at Barford Close (PFD 1 May 18)	450	450		
Contribution to a defibrillator to be installed at Bell Street (PFD 1 May 18)	1,300	1,229	(71)	
Schemes currently requiring completion	6,750	1,679	(71)	
Total committed	220,132	200,291	(10,517)	
Completed projects - unused balance available for reallocation	10,517			
Funds remaining	49,585			

SOUTH WIGSTON RESIDENT FORUM	Approved amount	Actual amount spent at 31/08/18	Completed projects - balance available for reallocation	Progress Report
	£	£		
Original Allocation	115,000			
Allocation PFD committee 28 March 2017	14,600			
Total allocated budget	129,600	129,600		
Schemes Complete at 1 April 2018	113,920	96,294	(7,626)	
Schemes currently requiring completion				
Litterbins to be placed on Saffron Road (delegated auth)	450	568	0	
Bus Shelter nr Gloucester Crescent/Cornwell Road (PFD May 18)	4,000	3,440	0	Bus Sheltered Ordered.
Subtotal	4,450	4,008	0	
Total committed	118,370	100,302	(7,626)	
Completed projects - balance available for reallocation	7,626			
Funds remaining	18,856			



Policy, Finance and Development Committee	Tuesday, 18 September 2018	Matter for Information and Decision
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Report Title: **People & Performance Update (September 2018)**

Report Author(s): **Karen Pollard (Head of People & Performance)**

Purpose of Report:	This report sets out the current agenda for the People and Performance Section and seeks endorsement of the proposal to close the Council Offices in between Christmas and New Year.
Report Summary:	The People and Performance Section introduce policies for employees that provide a positive working environment that promotes best practice. This report sets out the key projects and gives details about new areas of work.
Recommendation(s):	A. That the work programme of the People and Performance Section be noted. B. The proposal for closing the Council Offices over Christmas and New Year (as set out at paragraph 3 of the report) be endorsed.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Anne Court (Chief Executive) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk Karen Pollard (Head of People & Performance) (0116) 257 2727 karen.pollard@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2) Wellbeing for All (CP5)
Vision and Values:	Accountability (V1)
Report Implications:-	
Legal:	There are no implications arising from the report.
Financial:	Any impact on the pay bill relating to the introduction of the new pay spines will be included in the budget at the appropriate time.
Corporate Risk Management:	No corporate risk(s) identified.
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	All eligible employees have been consulted about the closure of the Council Offices between Christmas and New Year. There was an 85% response rate to the survey: 102 employees supported the change whilst 4 voted to remain with the current arrangements.
Background Papers:	None.
Appendices:	1. List Human Resources Policies and Renewal Dates

1. Introduction

- 1.1. The People and Performance Section covers work such as Human Resources, Communications, Public Relations and Health and Safety.
- 1.2. This report sets out some of the main initiatives in the work programme this year.

2. The Work Programme

2.1 Apprenticeship Scheme

This Council has been taking on apprentices for a number of years under the scheme and has a good success rate of retention and development. In April 2017, the Government introduced into the scheme a mandatory apprentice levy. Any employer with a pay bill of over £3 million is required to pay the apprenticeship levy. The amount to be paid is calculated at 0.5% of difference between the pay bill over £3million and the total pay bill. Last year the Council's levy payment was £6,700.

This fund can then be accessed by employers to fund training and development opportunities for its apprentices, but cannot be used to pay salaries. The apprenticeships so far have concentrated on Business Administration roles. During 2018/19 there will be a focus on recruiting apprenticeships into roles that will lead to qualifying into a profession where there are skills gaps.

2.2 New Pay Spines

In December 2017, the National Employers for Local Government Services confirmed the final pay offering agreed with trade unions for the period of 1 April 2018 to 31 March 2020. Part of these negotiations was to introduce new pay spines for lower level bands to give a minimum hourly rate of £9 per hour from 1 April 2019. It has been announced that the pay award is 2% for each of the next two years. With the higher pay settlement for this Council's bands one to five, the total pay bill from 1 April is likely to be more than 2%.

The Council is currently working through the options so the full impact of these changes is still not clear. As the Council has paid the Real Living Wage since 2013, which is currently £8.75 per hour, this will reduce the impact of the increase. The introduction of the new pay spines and the agreed pay increase of 2% will assist the Council in rewarding staff appropriately and help us to compete for the best candidates within the labour market. The proposals are supported by the unions.

2.3 Learning and Development

All appraisals have been completed for this year. The Team will produce a Learning and Development Plan to meet the needs that have been identified by staff. The cost of this has to be from within existing budgets. The Council invested in an e-learning package called Learning Pool in August last year. There are now 20 courses available on Learning Pool and more are being developed. This is a preferred method of learning for staff and the completion of mandatory courses is one of the Team's key performance indicators. Training needs are also met by offering a range of learning such as shadowing, face to face training and short distance learning courses. Coaching is also available for employee development.

2.4 **New Staff Wellbeing Group**

This new Group was launched at the end of June 2018. The Group is made up of a representative from each service area. The aim of the group is to canvass ideas and wishes from the wider Council and to make suggestions to improve the working environment for the staff. Through the group, staff have asked if the Council could close completely between Christmas and New Year. At present the Council Offices are closed on the statutory Bank Holidays of Christmas Day, Boxing Day and New Year's Day with a floating day during that period which is allocated depending how Christmas and New Year falls.

3. **Christmas Closing**

- 3.1 Throughout the summer, the viability of this has been explored with the senior management. A staff survey was circulated to confirm this as preferred route and if so, how this could be implemented. The survey generated a high response rate of 85% in favour of Christmas closing (106 responses with only 4 voting to remain as is). The overwhelming response was that staff are prepared to work an extra 30 minutes per week throughout the year, so that overall there is no loss of working hours to the Council.
- 3.2 Other councils in Leicestershire have been closing over Christmas for some time, under various arrangements which include remaining on a 37 hour and no reduction to the annual leave scheme. The Depot staff have agreed they will continue to provide all waste and grounds maintenance services during the closure and there will be access to the homelessness team during this period. A comprehensive out of hours call service will also be in place for emergencies and on call senior managers will be available.
- 3.3 There are many reasons why this is considered to be beneficial, a few of these being:
- **Healthy staff** - By having a fixed period of closure will give a much needed health boost and ensure staff take a break during the festive season with their families.
 - **Improved productivity** - The break will lead to improved productivity as it gives staff time to take their mind off work instead of sitting at their desk wishing they were at home with family and friends, with no need to arrange cover over the Christmas period. This is good for staff morale and entering the New Year in a positive frame of mind.
 - **Customers and suppliers** - From past experience, even last year, with the inclement weather between Christmas and New Year there is very little contact with the Council over this period with our customers and suppliers both at the front office of our customer service centre and with the back offices.
 - **Savings** - There will be some savings associated with closing the buildings for a number of days in a row, such as energy costs, and in the current financial climate, all savings help.
- 3.4 The proposed additional closure days for 2018/19 will be Thursday 27, Friday 28 and

Monday 31 December. This year will act as a trial period.

4. Updates and New Areas of Work

4.1 Increasing Involvement of Staff through Consultation

Survey Monkey has been used this year to consult with staff on other initiatives to improve their health and well-being whilst at work and thereby our service provision, for example, uses of the mezzanine floor area at the main Council Offices for improved rest and break out facilities and an informal meeting area.

This method of consultation does generate a good response and it will be used in the future for satisfaction surveys. The People and Performance Section will use it to measure satisfaction levels of their services. This will be carried out in September 2018. Other staff surveys which are imminent is the external Investors in People survey as part of the 3 year package to measure trends in overall staff satisfaction.

4.2 Policies

There are a number of policies that set out the culture and practices of the organisation. Following an audit of the Council's policies, there are a number of Human Resources policies that need to be reviewed. Where minor amendments or redundant policies are made a summary of those amendments and to which policy will be reported to this Committee. Where fundamental amendments and new policies are required, a copy of these policies will be brought to this Committee. These have been scheduled in for future meetings of this committee and will be reviewed by the end of this financial year. A copy of all Human Resources policies is attached at **Appendix 1**.

4.3 Health and Safety

The Health and Safety Officer has to submit an annual report summarising the previous year's work. This was presented at May's Policy, Finance and Development Committee. The purpose of the role is to ensure that the Council meets its obligation under the legislation and puts practices and policies in place to keep staff and users of Council premises and facilities, safe. This year's focus is on accident prevention, lone working arrangements, risk assessment training and developing health and safety training courses on Learning Pool.

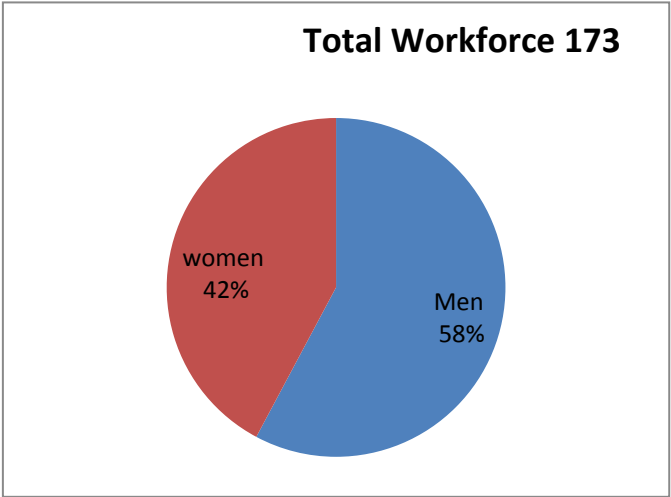
4.4 Communications and Public Relations

The role is to work with staff and members to promote the profile of the Council through media channels. A new social media policy is being developed and will set out the how staff can use social media at home and at work. The Council's aims to increase the amount of positive news stories. The target is to double the daily output of our social media. There will be a training workshop which will be delivered by the in house team for staff to improve their skills in using social media and writing press releases.

4.5 Gender Pay Gap

From 2017, any organisation that employs 250 or more people must publish and report specific data about their gender pay gap. The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings. Oadby and Wigston have decided to calculate the gender gap and it is 5.12% for the mean (average) compared to 17.4% for the whole economy. The median (middle) gender pay gap is 11.12% compared to 18.4% against the whole economy. The figure is low for this Council because we have an in house waste service and those workers are predominately male.

The Council employs 100 men and 73 women.



Mean (average) hourly rate
Men £12.37
Female £11.74

**The percentage gender pay gap is
5.12%**

Median (middle) hourly rate
Men £11.62
Female £10.33

**The percentage gender gap is
11.12%**

People & Performance				APPENDIX 1
Policy Name	Expected date of review & update	Actual date of review & update	Policy to Committee?	Expected Committee
			Yes/No	
Annual Health and Safety Policy	Mar-18	Mar-19	Yes	PFD (May 19)
Lone Working Policy	2022		Yes	PFD (May 17)
Social Media Policy	Nov-18		Yes	PFD (Nov 18)
Corporate Training and Development Strategy Draft (not needed)				
Recruitment and Selection Policy and Procedure	Mar-19		Yes	PFD (Mar 19)
Recruitment of Ex-Offenders Policy	Feb-19		Yes	PFD (Feb 19)
Redeployment Policy and Procedure	Nov-18		Yes	PFD (Nov 18)
Restructuring & Redundancy Policy & Procedure	Nov-18		Yes	PFD (Nov 18)
Stress Management Policy	Nov-18		Yes	PFD (Nov 18)
Maternity Leave	2022		Yes	PFD (May 17)
Workforce Strategy to 2021	Feb-19		Yes	PFD (Feb 19)
Relocation Policy	Feb-19		Yes	PFD (Feb 19)
Honorarium Policy (merged with secondment policy)	Mar-19		Yes	PFD (Mar 19)
Secondment Policy (merged with honorium policy)	Mar-19		Yes	PFD (Mar 19)
Disciplinary Policy	Nov-18		Yes	PFD (Nov 18)
Sickness Absence Policy	2022		Yes	PFD (May 17)
Employee Performance Management Policy (no longer required)				
Grievance Policy	2022		Yes	PFD (May 17)
Capability Policy	Feb-19		Yes	PFD (Feb 19)
Post Entry Training Policy	Nov-18		Yes	PFD (Nov 18)
Merged with annual leave and time off.	Nov-18		Yes	PFD (Nov 18)
Flexi-Time Policy	Nov-18		Yes	PFD (Nov 18)
Dignity at Work Policy/Bullying and harassment	Nov-18		Yes	PFD (Nov 18)
Job Evaluation Policy	Feb-19		Yes	PFD (Feb 19)
Probation Policy	Nov-18		Yes	PFD (Nov 18)
Retirement policy (no longer required)				
Parental leave Policy	Feb-19		Yes	PFD (Feb 19)
Communication Policy Guide and Strategy	2019		Yes	2017
Safeguarding and Disclosure an Barring Service Policy	Feb-19		Yes	PFD (Feb 19)
Apprenticeship Scheme	Nov-18		Yes	PFD (Nov 18)
Whistleblowing Policy	Mar-19		Yes	PFD (Mar 19)
Financial Hardship Policy	Nov-18		Yes	PFD (Nov 18)
Volunteer Policy	Feb-19		Yes	PFD (Feb 19)
Homeworking Policy	Feb-19		Yes	PFD (Feb 19)



Policy, Finance and Development Committee	Tuesday, 18 September 2018	Matter for Information and Decision
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Report Title: **Proposed Anti-Social Behaviour Policy**

Report Author(s): **Mark Smith (Community Safety & Youth Coordinator)**

Purpose of Report:	To seek Member's approval for the Council to adopt the proposed Anti-Social Behaviour Policy.
Report Summary:	<p>Local Authorities have duties to investigate Anti-Social Behaviour (ASB) that affects their community, and have powers to take action against people if their behaviour is unacceptable.</p> <p>The proposed Anti-Social Behaviour Policy sets out how Oadby & Wigston Borough Council will categorise, approach, and work to rectify anti-social behaviour within the Borough. The policy is proposed following the successful recruitment of the Council's new Anti-Social Behaviour Officer, and the subsequent review of the Council's existing policies relating to anti-social behaviour.</p>
Recommendation(s):	<p>A. That the proposed Anti-Social Behaviour Policy (at Appendix 1) is adopted; and</p> <p>B. That under the proposed Policy, and as a Social Landlord, the Council becomes a signatory to the 'Respect: ASB Charter for Housing' (at Appendix 2) as developed by the Chartered Institute of Housing.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>David Gill (Head of Law & Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Mark Smith (Community Safety & Youth Coordinator) (0116) 257 2675 mark.smith@oadby-wigston.gov.uk</p> <p>Thomas Maccabe (Anti-Social Behaviour Officer) (0116) 257 2611 thomas.maccabe@oadby-wigston.gov.uk</p>
Corporate Priorities:	<p>Effective Service Provision (CP2)</p> <p>Green & Safe Places (CP4)</p> <p>Wellbeing for All (CP5)</p>
Vision and Values:	<p>"A Strong Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p> <p>Teamwork (V3)</p> <p>Innovation (V4)</p> <p>Customer Focus (V5)</p>
Report Implications:-	

Legal:	The proposed Policy meets the Council's statutory obligations under the Anti-Social Behaviour, Crime and Policing Act 2014 and other related legislation as referred to therein.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Thomas Maccabe (Anti-Social Behaviour Officer, OWBC)
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Proposed Anti-Social Behaviour Policy (September 2018) 2. Chartered Institute of Housing (CIH) Respect Charter 3. Initial EA Screening (September 2018)

1. Adoption of Proposed Anti-Social Behaviour Policy

- 1.1 In accordance with the Council's statutory obligations under the Anti-Social Behaviour, Crime and Policing Act 2014, and related legislation stated within the proposed Policy document, the Council is required to publish a framework stating how anti-social behaviour can be reported to it, and any reported incidents of anti-social behaviour will be addressed by its relevant officers.
- 1.2 Having conducted a review of the Council's current offer of response to anti-social behaviour, and following the successful recruitment of a lead officer to coordinate the Council's response, the proposed policy document was drafted at **Appendix 1**, incorporating all changes and additions to relevant legislation up to August 2018.
- 1.3 The adoption of the proposed policy document will enable greater public and organisational clarity on what constitutes anti-social behaviour, and how the Council should and will seek to respond to it within the Borough.
- 1.4 Enhanced clarity is likely to result in an increase in the number of reported incidents of anti-social behaviour received by the Council to which its dedicated officer will respond accordingly. This in turn will reduce the demand on Police resources within the Borough for lower-level incidents of anti-social behaviour, and help foster a sense of belonging to a safer community for our residents.

2. Chartered Institute of Housing (CIH) Respect Charter

- 2.1 Under the proposed Policy, and as a Social Landlord, it is also proposed that the Council becomes a signatory to 'Respect: ASB Charter for Housing' which aims to be outcome-focused to improve the quality of people's lives who suffer from anti-social behaviour. A copy of the Charter is attached at **Appendix 2**.
- 2.2 The Charter consists of seven core commitments:
- Demonstrating leadership and strategic commitment;
 - Providing an accessible and accountable service;
 - Taking swift action to protect communities;
 - Adopting a supportive approach to working with victims and witnesses;
 - Encouraging individual and community responsibility;
 - Having a clear focus on prevention and early intervention; and
 - Ensuring that a value for money approach is embedded in our service.
- 2.3 There are no financial implications or other commitments included in signing up to the Charter, but doing so demonstrates a commitment on the Council's behalf to be a responsible social landlord.
- 2.4 Oadby and Wigston Borough Council is the only District or Borough Council in Leicestershire that retains a housing stock but is not currently a signatory to the Charter.

Oadby & Wigston Borough Council

Anti-Social Behaviour Policy (September 2018)

Committee Approval	
Policy Owner	
Review Date	



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1. Statement of Purpose and Definition

Oadby and Wigston Borough Council ("The Council") recognises the importance that residents place on the ability to live peacefully in their homes. Anti-Social Behaviour ("ASB") and Neighbour Nuisance include a broad range of disruptive behaviours. We recognise that ASB has a detrimental effect on the quality of life enjoyed by our residents. We do not believe our residents should have to live with ASB.

Unless otherwise stated within the policy, the Council use the definition of ASB as described within the *Anti-Social Behaviour, Crime and Policing Act* (2014) as;

- a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) Conduct capable of causing housing-related nuisance or annoyance to any person.

This policy is being published in plain language and made available to residents upon request. It is designed to be a framework as to how ASB can be reported to, and dealt with by, the Council.

This policy makes reference to the Oadby and Wigston Community Safety Partnership ("CSP") and Joint Action Group ("JAG") throughout. The CSP brings together a number of agencies with a shared commitment to reducing ASB, crime and disorder in the Borough. The CSP is made up of a number of organisations including;

- Oadby & Wigston Borough Council
- Leicestershire County Council
- Office of the Police and Crime Commissioner for Leicestershire
- Leicestershire Police
- Leicestershire Fire and Rescue Service
- East Leicestershire and Rutland Clinical Commissioning Group (CCG)
- National Probation Service, and
- Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company.

These organisations recognise that by combining resources, experience, and knowledge the CSP can offer an enhanced approach to tackling issues and concerns with the Borough, and offer a greater level of value for money within the work it undertakes or commissions.

At a Borough level ASB is managed through a multi-agency JAG. All high risk cases are monitored carefully, and emerging trends are identified within the group to ensure appropriate action is taken when and where required.

In addition to the *Anti-Social Behaviour, Crime and Policing Act* (2014) the Council also has statutory obligations to consider under the following legislation;

- *Housing Act* (1996)
- *Crime and Disorder Act* (1998)
- *Human Rights Act* (1998)
- *Anti-Social Behaviour Act* (2003)
- *Children Act* (2004)
- *Police and Justice Act* (2006)
- *Equality Act* (2010)
- *Children and Families Act* (2014)
- *Care Act* (2014)
- *Data Protection Act* (2018), and
- *General Data Protection Regulation* (2018).

2. Introduction

The Council is committed to improving the quality of life for everyone living and working within our communities, and in providing a safe and secure environment to enable communities to live together, free from the negative impact of ASB.

The policy has been developed in line with all relevant legislation to ensure that ASB is dealt with consistently, robustly, and that justified action will be taken where appropriate.

Reports of ASB will be investigated with relevant outside agencies, and the action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged. Intervention action will be selected based on what is most likely to produce an effective solution. Where the Council deems it appropriate, and if the nature of the ASB is serious or where it causes immediate risk of harm, rapid enforcement action will be considered.

Where ASB occurs, and it is criminal in nature, we will refer the complainant to report this to the Police. The Police will then manage the case, working in conjunction with Council staff, to jointly decide on whether civil proceedings will be brought against the perpetrator(s).

The Council will work, and share information, with partners (in accordance with our policies, procedures, and data sharing agreements) to reach the best solution, and to learn from each other. This includes internal departments as well as those that sit within the CSP, and those that attend the JAG.

The Council is also committed to the [‘Respect: ASB Charter for Housing’](#) which aims to be outcome-focused to improve the quality of people’s lives who suffer from ASB. The Charter consists of seven core commitments;

- Demonstrating leadership and strategic commitment,
- Providing an accessible and accountable service,
- Taking swift action to protect communities,
- Adopting a supportive approach to working with victims and witnesses,
- Encouraging individual and community responsibility,
- Having a clear focus on prevention and early intervention, and
- Ensuring that a value for money approach is embedded in our service.

3. ASB Classification and Service Standards

Initial reports of ASB will be recorded under one of the categories listed in *Appendix A*.

Not every allegation reported to the Council will be categorised as ASB; some types are considered to be everyday living noises or lifestyle differences rather than ASB, and therefore they may not be investigated under the terms of this policy. The complainant will be notified at the earliest opportunity available that an investigation will be opened, and they should be directed to the Council’s website where a copy of this policy will be published.

Although people can expect to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance.

The Council will not commit to strategies which raise expectations but are not enforceable, i.e. “No Ball Game” signs, but will actively seek from the complainant what outcome they are seeking.

4. Reporting ASB

The Council will make available a wide range of methods of contact for reporting ASB. Complainants will have one nominated lead case worker for their case who will keep them updated regarding progress with the Council’s investigations.

In cases of ASB in social housing, the relevant Housing Association will investigate complaints and can pursue a course of action that can result in injunctions, committal proceedings and eviction. The Council and the Police work closely with housing providers to help with enforcement action and support for victims.

Elected Members

Elected members have a key role in the response to ASB; as community leaders and advocates they can often be the first point of complaint by residents. Members should not commence any form of investigation but, ideally, provide initial support and guidance to victims, i.e. to contact the Council or 101.

It is fundamental that ASB is recorded, and the response coordinated, by the most appropriate agency or department.

5. The Council's commitment to managing ASB complaints

All reports of ASB will be logged on the Council's system and passed to the most appropriate department for investigation. Complainants will be notified at their initial contact, or at the earliest possible time (normally within 3 working days), whether the matter will be investigated in line with this policy.

ASB complaints will be processed via a case management system which can be accessed by relevant Council Officers as well as the Police.

Council staff will adhere to the timeframes stated within the classifications found in *Appendix A*. Should the timeframe for investigation and/or enforcement be extended, the reasons and indicative timeframe will be given to the complainant.

6. Supporting Vulnerability

The Council recognises the importance of supporting vulnerable members of our communities who may be more at risk of becoming involved in ASB, either as a victim or a perpetrator.

A person may be considered vulnerable for many reasons, including but not limited to age, alcohol and drug dependencies, disability, as defined by the *Equality Act* (2010), or mental health issues. As part of its duties under the *Equality Act* the Council, as a Local Authority, has a duty to pay 'due regard' to:

- Eliminate unlawful discrimination, harassment, and victimisation, and other conduct prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not.

When a complaint of ASB is received, the Council will make an assessment of vulnerability on every case which will be included as part of the Risk Assessment Matrix ("RAM"). RAMs are shared with partnering agencies, where required, to determine the most appropriate course of action and/or protection.

When a complainant, witness, or perpetrator of ASB is identified as being vulnerable, a referral may be made to relevant support services. We will work collaboratively with the identified carers or support agencies.

Where a complaint is made against someone who the Council knows, or suspects, is vulnerable, every effort will be made to assist them in engaging with support services. However it will be made clear that failure to engage with such services, and the continuation of the ASB, may lead to formal action being taken against them.

The Council will not accept vulnerability as a reason for a perpetrator being allowed to continue to behave badly.

7. Safeguarding

Safeguarding is everyone's business and we all have a part to play in protecting the most vulnerable members of our community.

The Council actively participates in multi-agency arrangements to safeguard children, young people, and adults.

The law requires the Council to ensure that its functions are discharged with regard to the need to safeguard and promote the welfare of children. Provisions within the *Care Act* (2014) mean that adult safeguarding has also been placed on a statutory footing.

The Council recognises that when dealing with ASB it may come into contact with children and adults for who there are safeguarding concerns. All employees receive safeguarding training and have access to information to enable them to respond appropriately.

It is not for the investigating Officer to make a decision as to whether there are safeguarding concerns, but it is their duty to report anything which they believe is a cause of concern via the relevant safeguarding pathway. These are outlined in the Council's own safeguarding policies.

8. Action the Council can take

The majority of complaints of ASB do not require legal action as a means of resolution. The Council will, in the first instance, assess the type of ASB, the risk of harm to the victim, and any vulnerability to identify how it will deal with the complaint. Early intervention through informal approaches will be considered in the first instance before exploring the more formal enforcement tools.

Early and Informal Interventions

As a Borough and County each Local Authority is committed to the tiered, incremental approach when dealing with ASB. Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods should be considered and exhausted first to attempt to stop behaviour before it escalates.

Verbal and Written Warnings

Warnings are issued when there is evidence of ASB occurring or likely to occur. They make it clear to the perpetrator, parent or guardian what behaviour is causing the issue, the effect this is having on the victim or the community, and the consequence of not adhering to the warning.

Community Resolution

This is where a resolution is found for a less serious issue of ASB where an informal agreement is reached between the parties involved, as opposed to progression through legal action.

Mediation

Mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns. Council Officers are able to offer mediation on a confidential, impartial basis that can solve many incidences of misunderstanding or unintentional ASB. An example of when mediation would be used is when two neighbours fall out over a difference, such as the position of a boundary fence.

Restorative Justice

Restorative justice gives a victim of ASB an opportunity to communicate with the perpetrator in a controlled environment, to tell them how their behaviour is impacting on them, giving them a voice. It holds the perpetrator to account for what they have done.

Acceptable Behaviour Contracts (ABC) / Parenting Agreement (PA)

These are voluntary written agreements between an individual and the Council. The ABC is entered into in conjunction with other agencies including the Police and the Youth Offending Service. They contain pledges to behave in a certain manner or to stop doing certain things. An ABC or PA is not legally enforceable but if they are broken, they can be used to form part of the evidence required to proceed to another level of action, such as Court.

Support and Counselling

In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can drive ASB. We will refer, where possible, to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned in the ASB, including referrals to Supporting Leicestershire Families and the Council's Housing Services.

Surveillance

As part of the Council's response to dealing with ASB, it reserves the right to work with partner agencies to carry out both covert and overt surveillance. Surveillance may be visual or audio. Any surveillance will be appropriately authorised, proportionate, and justified. This will include, where necessary, the monitoring of CCTV. At times we will be required to disclose our CCTV images to a third party, such as the Police, where there is a need for the prevention and detection of crime, and for the apprehension of offenders.

In addition, any surveillance undertaken with regards to the investigation will be dealt with in accordance with all relevant legislation.

Please refer to the *Oadby & Wigston Borough Council – Closed Circuit Television Policy* (2018) for further information on surveillance via CCTV.

9. Legal Action

If perpetrators are unwilling to change their behaviour following attempts along the informal intervention route, then there are some formal tools that can be used by the Council;

Civil Injunction

A Civil Injunction is an order made by the court to stop or prevent individuals engaging in ASB. It can resolve any issues before they escalate and can help the perpetrator to address the underlying cause of the ASB. An injunction can be obtained for people causing ASB from the age of 10 years. If the terms of an injunction are not adhered to, it can result in a fine or imprisonment for up to two years for anyone over the age of 18. For anyone under the age of 18 it could result in a supervision order, or detention for up to three months. In addition to this, the breach of an injunction could mean that a tenant faces a mandatory possession order being granted by the court.

Criminal Behaviour Order (CBO)

A CBO can be issued in a criminal court against a person from the age of 10 years upwards. It is used to tackle the most persistent anti-social individuals who are engaged in criminal activity, and have been convicted of an offence. Breaching a CBO is a criminal offence and for anyone over the age of 18 can result in up to five years imprisonment, a fine, or both. Anyone under the age of 18 could face a two year detention order, with part of that detention served in custody.

Closure Orders

This can be used to close a property when it is being used, or likely to be used, to commit serious nuisance or disorder. The initial Closure Notice is valid for either a 24 or 48 hour period followed by the application to the court for a Closure Order. This is a fast and flexible power that can be used to protect victims and communities by quickly closing premises where ASB is prevalent.

Community Protection Notices (CPN)

A CPN is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life, such as graffiti, rubbish, or noise by targeting those responsible.

Public Space Protection Orders

These orders impose conditions which may include multiple restrictions and requirements in an area such as parks, alleyways, or communal areas, where ASB is being detrimental to the local community. They are designed to ensure that the majority of people can enjoy public spaces and feel safe, and the conditions could be around alcohol, dogs, or noise for example.

Demotion Orders

Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants, and can be a precursor to taking possession of the property. These orders remove a number of rights including the right to buy and the right to exchange. Demoted tenancies last for a year and may be extended if notice to seek possession of the property is served during this period. The orders are a serious warning to tenants that if the negative behaviour continues swift action can be taken to seek possession of their home.

Possession Proceedings

This is court action that can lead to Council tenants being evicted from their homes. Before this stage is reached the tenants involved will have had several warnings to stop their behaviour. Evicting someone, who may have a family and children, from their home, is a very serious consequence. The Council would have to prove to the court that on the 'balance of probabilities' the tenants have indeed broken the terms of their tenancy agreement, and that it is responsible for the court to evict the tenant.

The *Anti-Social Behaviour, Crime and Policing Act* (2014) has introduced a new absolute ground for possession for secure tenancies where ASB or criminality has already been proven by another court. This means that the Council will no longer need to prove that it is reasonable to grant possession, and the court must grant possession providing set procedures have been followed.

10. Protection of Staff and Contractors

The Council will not, under any circumstance, tolerate abusive, threatening, or violent behaviour towards our staff or contractors, and will always take swift and robust action to protect our staff. All acts of aggression, harassment, or intimidation towards staff members will not be tolerated, and will be referred to the Police if appropriate.

The Council will ensure a prompt and robust response takes place. Where there is a direct threat of harm or violence towards the complainant the Council may commence legal action.

A Corporate Warning List is kept centrally by the Council and all reports of the above natures will be recorded. The Council have a responsibility to ensure it places sufficient warning markers on its systems to ensure staff safety, and any recommended measures are put in place.

11. Performance Monitoring

The Council will closely monitor the quality of the ASB service by;

- Setting challenging performance target for its staff to achieve,
- Completing customer satisfaction surveys, and
- Ensuring managers carry out audits and reviews on a sample of cases.

The Council will regularly report statistical information about ASB both internally and externally, including benchmarking to link with other similar organisations. This gives the Council comparison for best practice, identifying trends, and to inform service delivery.

Information will also be made available upon request to our partnering agencies.

12. Closing Cases

The Council will normally only close cases when the situation has been resolved and/or the complainant is happy for it to do so. However, in some circumstances it may be necessary to close the case without the consent of the complainant.

This might happen when the Council is satisfied that it has done everything it can that is reasonable and proportionate to resolve the complaint, or the complainant has failed to respond to requests for contact. The Council may also close the case if it is considered that the allegations made are false or malicious, or if the complainant refuses to work with the investigating Officer to resolve the alleged ASB.

The Council will not assume that a situation has improved if it has not heard from the complainant, and will try to make contact with them before closing their case. If there is no response, the Council will close the case and record it as resolved.

To avoid cases being open indefinitely, the Council has a robust process of review with the lead Officer dealing with each case on its own merit. Where the case has been open for 12 weeks it will be reviewed by the relevant manager. All high risk cases will be referred to the JAG who will review all actions in these cases, and task the investigating Officer if further recommendations are required.

13. Community Trigger

The Community Trigger introduces a right for victims, or victim's representatives, to ask local agencies to review how they have responded to previous ASB complaints, and consider what further action might have been taken where the behaviour persists.

A Community Trigger is not a first port of call, and should not be used to report an incident of ASB for the first time.

A request to activate a Community Trigger can be made if, within the last six months;

- An individual has complained to the Council, Police or a Registered Housing Provider (Social Landlord) about three separate incidents of ASB within their area,
- Three individuals in a local community have complained separately to the Council, Police or Registered Housing Provider (Social Landlord) about the same incident of ASB, or
- An individual has been a victim of a Hate Incident.

It should also be noted that in order for a Community Trigger to be considered, the individual must have made their initial complaint of ASB within one calendar month of the incident occurring.

Community Trigger applications can and will be rejected if they are identified as prejudicial, discriminatory, malicious, unreasonable, vexatious, or frivolous. In such a case details of this decision will be provided including any appeal options.

The Community Trigger does not replace the standard complaints procedure. Individuals still have the right to complain to the Ombudsman or Independent Office of Police Conduct if they are unhappy about the service they have received.

14. Publicising the Council's approach to ASB

The Council's approach to ASB will be publicised to residents, potential residents, and staff in a number of ways, including;

- Leaflets and/or guidance documents,
- The Council's website,
- Policy Briefing and Training,
- At all Council tenancy sign ups,
- Tenant's Handbook, and
- The Tenancy Agreement.

15. Development and Responsibility

The Council's ASB Policy has been developed through consultation with the public, staff, and other stakeholders, and has been approved by elected members.

Staff will be trained to deliver this policy, and are responsible for adhering to its terms and suggesting improvements with its administration.

This document will be reviewed every two years; however it will be updated at any time if there is a material change in a process or legislation.

APPENDIX A – ASB CLASSIFICATION AND SERVICE STANDARDS

All action taken by an Officer must be reasonable and proportionate to the behaviour reported and experienced by the victim of the ASB. There will be occasions where the ASB reported will be classified within multiple groups. In this instance the action will be determined on the highest grouping.

	Type of ASB	Interventions Available ¹	Service Standards
1	<ul style="list-style-type: none"> Domestic Noise Vandalism and Damage to Property Misuse of Communal Areas / Public Space Loitering 	<ul style="list-style-type: none"> Offer advice and support, signposting where appropriate Work together with partner agencies as appropriate Warning Letter Acceptable Behaviour Contract Parental Agreement Community Resolution Restorative Justice / Mediation Civil Injunction Community Protection Notice Public Space Protection Order Fixed Penalty Notice Recharge Noise Abatement Notice / Prosecution 	First Contact with the investigating Officer or advocate within 3 working days, and agree an action plan. Action within 10 working days.
2	<ul style="list-style-type: none"> Verbal Abuse / Harassment / Intimidation Drug Smells / Substance Misuse Alcohol Related ASB Prostitution / Sexual Acts Criminal Behaviour / Crime Noise including Other General ASB Domestic Noise Bullying / Cyber Bullying 	<ul style="list-style-type: none"> Offer advice and support, signposting where appropriate Work together with partner agencies as appropriate Warning Letter Acceptable Behaviour Contract Parental Agreement Community Resolution Restorative Justice / Mediation Civil Injunction Criminal Behaviour Order Closure Order Notice of Seeking Possession* Possession* Demotion of Tenancy* Community Protection Notice Public Space Protection Order Noise Abatement Notice / Prosecution Fixed Penalty Notice Injunction Local Resolution Mediation 	First Contact with the investigating Officer or advocate within 3 working days, and agree an action plan within 5 working days of this contact.
3	<ul style="list-style-type: none"> Hate related incidents (based upon the Protected Characteristics identified in the <i>Equality Act</i> (2010).) Domestic Abuse Physical Violence (other than Domestic Abuse) Drug Production / Supply Threatening Behaviour 	<ul style="list-style-type: none"> Offer advice and supporting, signposting where appropriate Work together with partner agencies including Police, Environmental Health, Social Services, Youth Offending Service, Probation Services, Education Welfare, NHS, and Mental Health Teams Warning Letter Acceptable Behaviour Contract Parental Agreement Restorative Justice / Mediation Civil Injunction Criminal Behaviour Order Closure Order Notice of Seeking Possession* Possession* Demotion of Tenancy* Domestic Violence Protection Order 	First Contact with the investigating Officer or advocate within 3 working days, and agree an action plan within 24 hours of this contact.

Outside of ASB Policy	<ul style="list-style-type: none"> ▪ Animal Nuisance ▪ Graffiti (non-offensive / non-directed / non-abusive) ▪ Car Repair / Vehicle Nuisance ▪ Litter / Rubbish / Fly Tipping ▪ Garden Nuisance 	<p>The matters listed in this section will be dealt with outside of this Policy and logged as an Estate Complaint.</p> <p>If the alleged perpetrator is a Council tenant, the Housing Department will discuss the terms of the tenancy with the alleged perpetrator.</p> <p>Should the matters escalate or change in nature, we will look to re-categorise the behaviour as anti-social.</p>	<p>First contact with the investigating Officer or advocate within 3 working days. Action plan to remedy behaviour within 10 working days.</p>
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¹ Interventions marked with an asterisk (*) are only available to the Housing Department.



Respect:

ASB charter for housing

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Respect: ASB charter for housing

The **Respect: ASB charter for housing** is a flexible framework that helps you identify the outcomes a good quality ASB service should deliver. It is not intended to be a regulatory tool but can be used as a basis for internal challenge - through tenant scrutiny, peer or independent review for example. It has been developed in partnership between CIH, SLCNG and HouseMark.

The charter includes a set of commitments which are underpinned by a range of outcomes - together, the commitments and outcomes provide a framework against which organisations can assess where they are now and where they aspire to be.

Page 71 By signing up to this charter, you are making a public commitment to deliver high quality ASB services which are clearly focused on outcomes for tenants. There are six core principles underpinning the ASB charter for housing:

1. Sign up is voluntary and based on self assessment
2. It has been developed using sector expertise
3. It is flexible and can be tailored to suit the outcomes that matter to you and your tenants
4. It is focused on outcomes, not on processes
5. It drives sector-led improvement
6. It complements existing frameworks or initiatives

Signing up to the charter

Because the housing sector is diverse, priorities will vary and organisations need room to innovate, be creative and respond to individual and local needs. The ASB charter is intended to be a framework which can be adapted to local circumstances and priorities and built on as required.

Once you have signed up to the charter you can:

- Share practice and learn from others: CIH will support a free, open-access website and participating organisations will be invited to upload practice examples that align to the charter principles. This reflects the principles of transparency and sector-wide shared learning that underpin the charter.
- Join our ASB network: organisations that sign up to the ASB charter can join our free online network, where charter signatories can share ideas, expertise and knowledge to drive improvements in delivering ASB services across the housing sector.

Sign up at www.cih.org/respectcharter

What are we signing up to?

	Core commitment	We can demonstrate that
1	We demonstrate leadership and strategic commitment	<ul style="list-style-type: none"> • Our values, aims and objectives are reinforced by our approach to ASB and this approach is subject to ongoing ratification, assessment and review by both us and our tenants • Tackling ASB is a core strategic and operational business activity and we will ensure that we commit sufficient capacity and resources to tackle ASB effectively • We provide relevant training, capacity-building and support across all levels of the organisation (including staff, tenants, the governing body and relevant partners) that supports the delivery of a targeted action/service improvement plan for ASB • We clearly communicate to all tenants that ASB will not be tolerated. Our staff and contractors are supported to identify and report incidents where they have been subject to or have observed ASB • We proactively engage with relevant partners to support a joined-up approach to tackling the root causes of ASB and promoting positive behaviours • We have performance management frameworks in place to report, monitor and review ASB performance. These include challenging performance targets and are also reflected in service plans at a team and individual level. Our ASB targets are subject to regular review and demonstrate year-on-year improvement • Information on our performance against ASB targets is readily available and shared across the organisation to drive continuous improvement. It is regularly reported to our senior management, our governing body, partner agencies and our tenants
2	We provide an accessible and accountable service	<ul style="list-style-type: none"> • All of our tenants can easily access our ASB services • We collect information that helps us to understand local demographics and the overall profile of our tenants. We use this information to tailor how the service is delivered to individuals and to demonstrate equality in service provision • We provide clear information that sets out what the service is, how it is delivered and how it can be tailored to meet local needs. All information about our services can be made available in a variety of formats, and translated into relevant community languages on request

What are we signing up to?

	Core commitment	We can demonstrate that
2	We provide an accessible and accountable service <i>(continued)</i>	<ul style="list-style-type: none"> • There is a range of ways for our tenants, including marginalised groups, to be involved in shaping the service. We do this routinely and systematically to support continued service improvements • We publicise what we and our partners have done to tackle ASB in our communities - both our enforcement activity and the activities we do to prevent ASB occurring. Our approach balances the need to protect communities and build confidence that ASB will not be tolerated • We take all complaints about the services we provide seriously. This is demonstrated in our overall approach to handling complaints which are regularly monitored against targets and contribute to the process of continual learning • We regularly assess satisfaction with the ASB services and gather feedback on what we could do to improve them • We publicise survey results and customer feedback to our tenants • We have mechanisms in place to allow our tenants to assess how we are performing. We provide our tenants with regular, robust and appropriate information in a format which has been agreed with them. Tenants are encouraged and empowered to hold us to account about the delivery and performance of our ASB services
3	We take swift action to protect communities	<ul style="list-style-type: none"> • Our staff are fully aware of the range of tools and powers available to them and our partner organisations, and know how to use them appropriately in accordance with our published policies and procedures • We apply consistent and robust processes for managing ASB cases • The actions that we take to tackle ASB are carefully considered and are proportionate to the effects of the behaviour on individuals, communities and the environment • We have a proactive approach to gathering evidence and utilise a variety of available sources (multi-agency, non-housing management staff and contractors) to support action to tackle ASB

What are we signing up to?

	Core commitment	We can demonstrate that
3	We take swift action to protect communities <i>(continued)</i>	<ul style="list-style-type: none"> • We have strong working relationships locally and strategic links with partners (including local authority, police, and court services); we use these to investigate and tackle ASB • We act swiftly when a perpetrator fails to engage with support provision and their behaviour does not improve • We close cases appropriately, in a timely manner and, where possible, in consultation with the complainant
4	We adopt a supportive approach to working with victims and witnesses <i>(continued)</i>	<ul style="list-style-type: none"> • Our management of ASB cases demonstrates a clear focus on protecting people from harm and on supporting victims and witnesses • We have appropriate measures in place to identify and respond to both the risk to and vulnerability of victims and witnesses, including repeat victimisation • Our staff are aware of and know how to access the support that is available to assess the needs of victims and witnesses on a case-by-case basis, particularly where victims and witnesses are vulnerable • We agree action plans with complainants, update them regularly on the progress of their case and inform them directly of all key developments • We ensure that individuals attending court are supported and we liaise with the courts where necessary to minimise any distress and any associated risks
5	We encourage individual and community responsibility	<ul style="list-style-type: none"> • We can provide evidence of our work with tenants, tenant groups and leaders, and partner organisations to promote tolerance, balancing individuals' liberties with their impact on others and the community (e.g. good neighbourhood agreements, tenants engaging in mediation, and restorative justice schemes) • We encourage and facilitate community involvement among tenants, including how individuals can support other members of their community to help us and our partners tackle ASB issues • We take steps to find out about and effectively meet our tenants' expectations of our ASB service

What are we signing up to?

	Core commitment	We can demonstrate that
5	We encourage individual and community responsibility (continued)	<ul style="list-style-type: none"> Where appropriate and safe, we encourage 'self-help' options to resolve more minor nuisance issues (e.g. encouraging complainants to talk to perpetrators, seeking to resolve the issue amicably and without recourse to the landlord)
6	We have a clear focus on prevention and early intervention	<ul style="list-style-type: none"> Our policies for allocations and lettings contribute to preventing ASB and nuisance, and promoting neighbourhood sustainability Our tenancy agreements set out clearly what we mean by ASB, the standards of behaviour we expect of all tenants and the sanctions that we may apply to those who behave in an anti-social manner. We reinforce these key messages at tenancy sign-up and set them out in publicity that is available to our tenants We proactively engage with partners to address the causes of ASB and to reduce the opportunities for it (eg. through the appropriate provision of services such as warden patrols, CCTV and/or other measures) We work with our tenants and with partner agencies to identify ASB 'hotspots' and use the information to target resources We use a range of early intervention techniques to prevent ASB from escalating We proactively engage with our tenants and with partner agencies to provide diversionary activities (eg. facilities for young people) and to evaluate their impact Our staff are able to access services to provide support to vulnerable individuals
7	We ensure that a value for money approach is embedded in our service	<ul style="list-style-type: none"> Value for money is understood and embedded in our work; it is part of our performance management framework, determines resource allocation and is widely communicated to staff who are encouraged to identify value for money opportunities. Resources are used effectively and efficiently We understand the cost of the ASB service, including elements such as staffing costs, responding to ASB incidents (e.g. criminal damage, graffiti, fly-tipping) and of making use of various ASB tools

What are we signing up to?

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	Core commitment	We can demonstrate that
7	We ensure that a value for money approach is embedded in our service <i>(continued)</i>	<ul style="list-style-type: none"> • We know how we are performing in delivering our ASB service, and how satisfied service users are. Costs, performance and satisfaction are benchmarked against comparative providers and demonstrate value for money • There is an evidence-based approach to budget-setting and this is linked to the annual service improvement plan • We know whether we are getting value for money for procured services (e.g. mediation, support services, professional witness services) and we have, where appropriate, undertaken joint procurement and considered shared services • Through tenant scrutiny arrangements, tenants are provided with appropriate information on comparative service costs, performance and satisfaction, enabling evidence-based value for money judgements to be made. Consultation on changes to the service includes a cost-benefit analysis, so tenants can make informed value for money choices



Contact us:

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Sign up to the charter at www.cih.org/respectcharter



Oadby & Wigston
BOROUGH COUNCIL

EQUALITY ASSESSMENT

PART 1 - INITIAL SCREENING

Name of Policy/Function: Proposed Anti-Social Behaviour Policy (September 2018)	<input type="checkbox"/>	This is new
	<input type="checkbox"/>	This is a change to an existing policy
	<input checked="" type="checkbox"/>	This is an existing policy, function etc. not previously assessed.
	<input type="checkbox"/>	This is an existing policy/function for review

Date of screening	10 September 2018
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1. Briefly describe its aims & objectives

The proposed Anti-Social Behaviour ("ASB") Policy is intended to underpin the Council's response, both investigatory and actionable, to ASB reported to it within the Borough. It clearly outlines the Council's legal responsibilities to dealing with ASB, and the options and powers available to the Council in order to meet those responsibilities.

2. Are there external considerations?

e.g. legislation/government directive etc.

The main legislation that underpins this policy is the Anti-Social Behaviour, Crime and Policing Act (2014). Due regard has been given to other related legislation that is clearly stated within the body of the proposed policy document.

3. Who are the stakeholders and what are their interests?

Oadby & Wigston Borough Council is the main stakeholder in the proposed policy document as it outlines the duties of the organisation when responding to an allegation of ASB. Leicestershire Police will, at a local level, also have a degree of interest in the policy due to it placing an onus on the Council to investigate and take action over 'lower level' ASB that may occur in the Borough.

4. What outcomes do we want to achieve and for whom?

A clear understanding of the Council's duties and options regarding the resolution of ASB in the Borough.

5. Has any consultation/research been carried out?

Consultation has taken place with the public, via the findings of the annual Community Safety Partnership survey, as well as other members of Council staff and partner agencies, such as the Police.

6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.

N/A

7. Could a particular group be affected differently in either a negative or positive way?

Positive – *It could benefit*

Negative – *It could disadvantage*

Neutral – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Neutral
Race (including Gypsy & Traveller)	Neutral
Age	Neutral
Gender Reassignment	Neutral
Sex	Neutral
Sexual Orientation	Neutral
Religion/Belief	Neutral
Marriage and Civil Partnership	Neutral
Pregnancy and Maternity	Neutral

8. Could other socio-economic groups be affected?

e.g. carers, ex-offenders, low incomes, homeless?

No.

9. Are there any human rights implications?

No.

10. Is there an opportunity to promote equality and/or good community relations?

The promotion of the Council's responsibility and approaches to dealing with ASB, as well as the successful recruitment of a dedicated ASB Officer for the Council, would raise the profile of the Council's commitments to partnership working and the fostering of community safety within the Borough.

11. If you have indicated a negative impact for any group is that impact legal?

i.e. not discriminatory under anti-discrimination legislation

N/A

12. Is any part of this policy/service to be carried out wholly or partly by contractors?

No. The Council's ASB response may be coordinated with partner agencies, or handed over to the Police for more serious incidents of ASB, but the core areas of this policy will not be contracted out.

13. Is a Part 2 full Equality Assessment required?

No.

14. Date by which a Part 2 full Equality Assessment is to be completed with actions.

N/A.

Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required**.

Completed by **Mark Smith**
(Policy/Function/Report Written)



Date **10/09/2018**

Countersigned by **Avril Lennox**
(Head of Service)



Date: **10/09/2018**

Please forward an electronic copy to: veronika.quintyne@oadby-wigston.gov.uk
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.
has been undertaken.