



**TO COUNCILLOR:**

N Alam  
L A Bentley  
G A Boulter  
J W Boyce  
Mrs L M Broadley  
F S Broadley

M H Charlesworth (Chair)  
Mrs H E Darling JP  
D A Gamble  
Mrs S Z Haq  
Miss P V Joshi  
J Kaufman

Mrs L Kaufman  
K J Loydall  
D W Loydall  
Mrs S B Morris  
Dr I K Ridley (Vice-Chair)

I summon you to attend the following meeting for the transaction of the business in the agenda below.

**Meeting:** Policy, Finance and Development Committee  
**Date and Time:** Tuesday, 28 June 2022, 7.00 pm  
**Venue:** Council Offices, Bushloe House, Station Road, Wigston, Leicestershire, LE18 2DR  
**Contact:** Democratic Services  
**t:** (0116) 257 2775  
**e:** democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices  
Wigston  
20 June 2022

**Mrs Anne E Court**  
Chief Executive



**Meeting ID:** 2235



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**ITEM NO.**

**AGENDA**

**PAGE NO'S**

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**Press & Public Access:**

**YouTube Live Stream**

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**1. Apologies for Absence**

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

**2. Appointment of Substitutes**

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

**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**

**3 - 6**

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

**5. Action List Arising from the Previous Meeting**

There was no Action List arising from the previous meeting.

**6. Petitions and Deputations**

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

**7. Waste Storage & Collection - Guide for Developers (June 2022)**

**7 - 18**

Report of the Senior Strategic Development Manager

**8. Ethical Standards and Indicators (Q4 2021/22)**

**19 - 29**

Report of the Head of Law & Democracy / Monitoring Officer

**9. Volunteering Policy (June 2022)**

**30 - 42**

Report of the Community Safety & Youth Officer

**10. Maximising the Council's Income (June 2022)**

**43 - 47**

Report of the Strategic Director / Section 151 Officer

**11. Review and Approval of Housing Policies (June 2022)**

**48 - 97**

Report of the Housing Manager

**12. Budget Monitoring (Q4 2021/22)**

Report of the Head of Finance / Deputy Section 151 Officer

**13. COVID-19 Additional Relief Fund (CARF) Policy**

**98 - 100**

Report of the Revenues & Benefits Manager

**14. Special Severance Payments by Local Authorities**

**101 - 117**

## 15. Exclusion of the Press and Public

The press and public are likely to be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item(s) below on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighs the public interest in disclosing the information.

## 16. Lease of Community Facilities to External Organisations [Exempt] 118 - 124

Report of the Corporate Assets Manager

## 17. Revised 2022/23 Capital Programmes [Exempt] 125 - 134

Report of the Head of Finance / Deputy Section 151 Officer

## 18. Application to Exercise a Pension Discretion [Exempt] 135 - 142

Report of the Head of Law & Democracy / Monitoring Officer

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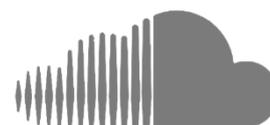
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# Agenda Item 4

**MINUTES OF THE MEETING OF THE POLICY, FINANCE AND DEVELOPMENT COMMITTEE  
HELD AT THE COUNCIL OFFICES, BUSHLOE HOUSE, STATION ROAD, WIGSTON ON  
TUESDAY, 22 MARCH 2022 COMMENCING AT 7.00 PM**

## **PRESENT**

Dr I K Ridley Vice-Chair, in the Chair  
N Alam Vice-Chair, Acting



## **COUNCILLORS**

L A Bentley  
G A Boulter  
Mrs L M Broadley  
F S Broadley  
Mrs H E Darling JP  
Mrs S Z Haq  
J Kaufman  
Mrs L Kaufman  
K J Loydall  
D W Loydall

## **OFFICERS IN ATTENDANCE**

Ms T Bingham Strategic Director / Section 151 Officer  
C Campbell Head of Finance / Deputy Section 151 Officer  
Mrs P Fisher Head of Customer Service & Transformation  
D M Gill Head of Law & Democracy / Monitoring Officer  
R Helliwell Communications and Marketing Manager  
J Owst Revenues & Benefits Manager  
S Tucker Democratic & Electoral Services Manager / Deputy Monitoring Officer

## **OTHERS IN ATTENDANCE**

J W Boyce  
Miss P V Joshi

## **88. APOLOGIES FOR ABSENCE**

An apology for absence was received from the Chair, Councillor D A Gamble.

Councillors J W Boyce and Miss P V Joshi attended the meeting remotely.

It was moved by Councillor J Kaufman, seconded by K J Loydall JP and

### **UNANIMOUSLY RESOLVED THAT:**

**Councillor N Alam be appointed Vice-Chair for the duration of the meeting.**

## **89. APPOINTMENT OF SUBSTITUTES**

None.

## **90. DECLARATIONS OF INTEREST**

None.

**91. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on Tuesday, 1 February 2022 be taken as read, confirmed and signed.**

**92. ACTION LIST ARISING FROM THE PREVIOUS MEETING**

There was no Action List arising from the previous meeting held on Tuesday, 1 February 2022.

**93. PETITIONS AND DEPUTATIONS**

None.

**94. SUPPORT FOR ENERGY BILLS - THE COUNCIL TAX REBATE 2022-23: DISCRETIONARY FUND**

Councillor J Kaufman left the Chamber at 7.29pm, and returned to the Chamber at 7.31pm. Advice was provided by the Monitoring Officer and accepted by the Chair that Councillor Kaufman should not participate in the vote, having not been present for the entirety of the debate.

The Committee gave consideration to the report as set out on pages 8 – 11 of the agenda, which asked it to note the update on energy support payments and offer feedback to Officers on the design of the Council's Discretionary Scheme.

The Committee received a presentation from the Revenues & Benefits Manager, outlining the scale of the Scheme, banding figures, approaches to payment and indicative policy options.

An amendment to the published recommendations was moved by Councillor Mrs L M Broadley and seconded by Councillor K J Loydall JP, proposing that the delegated authority set out at recommendation C be extended to include the Vice-Chair in addition to the Chair. The amendment was put to the vote and carried.

The recommendations, as amended, were put to the vote and it was

**UNANIMOUSLY RESOLVED THAT:**

- (i) The content of the report be noted;**
- (ii) Member feedback on the design of the Discretionary Scheme for OWBC be noted by Officers; and**
- (iii) Authority be delegated to the Strategic Director/S151 Officer in consultation with the Policy, Finance and Development Committee Chair and Vice-Chair to approve a final Discretionary Fund scheme policy.**

**95. PROGRESS OF RECOMMENDATIONS ARISING FROM THE 2021 LGA FINANCIAL HEALTH CHECK**

The Committee gave consideration to the report as set out on pages 12-19 of the agenda, which asked it to note the progress made in implementing the recommendations of the 2021 Local Government Association (LGA) Financial Health Check and the timetable for the development of a new Medium Term Financial Strategy.

The Committee welcomed the report, but requested that an update be provided to the next meeting on progress achieved to date in scoping the range of income generation schemes previously approved by Members to close to budget gap.

It was moved by Mrs L M Broadley, seconded by the Chair and

**UNANIMOUSLY RESOLVED THAT:**

**The content of the report be noted.**

**96. COMMUNICATIONS STRATEGY - MEMBER CONSULTATION (MARCH 2022)**

The Committee gave consideration to the report as set out on pages 20-23 of the agenda, which asked it to approve the approach and timeline for delivery of a Communication Strategy for 2022-25.

A motion to amend the published recommendations was moved by Councillor G A Boulter and seconded by Councillor J Kaufman, proposing that at recommendation A, the word 'approve' be substituted with 'note', and that the Communications Strategy is to include a commitment to delivery of two paper copies per year of a Council communication to every household in the Borough, along with provision for face to face customer appointments in each of the Borough's town centres.

The recommendations, as amended, were put to the vote and it was

**RESOLVED THAT:**

- (i) The approach to the Communications Strategy be noted, incorporating delivery of two paper copies per year of a Council communication to every household in the Borough and provision for face to face customer appointments in the Borough's town centres; and**
- (ii) The timeline for delivery of the Communications Strategy be approved.**

**Votes For: 10**  
**Votes Against: 1**  
**Abstentions: 1**

**97. BOUNDARY COMMISSION FOR ENGLAND - PROPOSED BLABY, OADBY AND WIGSTON COUNTY CONSTITUENCY (2023 REVIEW)**

The Committee gave consideration to the report as set out on pages 24-33 of the agenda, which asked it to determine whether to submit a formal response to the Boundary Commission for England consultation on proposed Parliamentary boundaries.

A motion was moved by the Chair and seconded by Councillor Mrs L M Broadley, proposing that:

The Committee note:

- a) The recommendations of the Boundary Commission for England for a new

- Parliamentary Constituency of Blaby, Oadby & Wigston; and  
b) The secondary consultation on these recommendations closes on 4 April 2022.

And:

The Committee Chair and Vice-Chair will work with the Chief Executive to write to the Boundary Commission for England, expressing the support of Oadby and Wigston Borough Council for the Commissions' proposed new parliamentary constituency of Blaby, Oadby & Wigston and noting:

- (i) The importance for community cohesion and identity of the Oadby and Wigston Borough Council area not being split between two or more Parliamentary representatives;
- (ii) That Oadby, Wigston and Blaby face similar challenges and opportunities from being towns neighbouring the city of Leicester;
- (iii) That the Oadby and Wigston Borough Council area has been represented by one single MP since its creation 1974 and that Oadby has not been split between different constituencies in living memory (since at least the 1832 Reform Act).

The motion was put to the vote and carried.

**Votes For: 11**  
**Votes Against: 1**  
**Abstentions: 0**

**THE MEETING CLOSED AT 9.05 PM**



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**Chair**

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**Tuesday, 28 June 2022**

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# Agenda Item 7



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Waste Storage & Collection - Guide for  
Developers (June 2022)**

**Report Author(s):** **Jon Wells (Senior Strategic Development Manager)**

<b>Purpose of Report:</b>	To adopt a new planning guidance document to establish clear and concise guidance for future waste management provision for all new development.
<b>Report Summary:</b>	<p>The guidance document at Appendix 1 is a design tool for architects and developers, and will be used by Planning Officers in conjunction with the Council's Refuse and Recycling Team in assessing planning applications to ensure that waste management priorities are addressed.</p> <p>By following this guidance, developers can play an active part in helping the Council achieve more sustainable waste management, thus reducing landfill and maximising re-use and recycling potential. They can also support the Council's environment and sustainability policies and waste collection regimes.</p> <p>This guidance is appropriate to all types of development, from small householder extensions to large scale residential development, commercial and mixed use proposals. The guide recognises that high quality design should be the aim of all those involved in the development process.</p>
<b>Recommendation(s):</b>	<b>That the document (as set out at Appendix 1 to this report) as a planning guidance document for all future planning development be approved.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>David Gill (Head of Law &amp; Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Jon Wells (Senior Strategic Development Manager) (0116) 257 2692 <a href="mailto:jon.wells@oadby-wigston.gov.uk">jon.wells@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	<p>Providing Excellent Services (CO3) Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2)</p>
<b>Vision and Values:</b>	<p>"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Customer Focus (V5) Customer Focus (V5)</p>

<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Decreasing Financial Resources / Increasing Financial Pressures (CR1) Organisational / Transformational Change (CR8) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	Leicestershire County Council, Highways and all Local Authorities in Leicestershire, Planning Department
<b>Background Papers:</b>	None.
<b>Appendices:</b>	1. Waste Storage & Collection - Guide for Developers (June 2022)

## 1. Introduction

- 1.1 Historically waste management input to the design and layout of new developments from the outset has been limited, mainly driven by compliance with the Building Regulations. As a result, some newer development in the area has been designed and laid out with inadequate waste storage facilities and in a way that can cause access issues.
- 1.2 The Council has an ongoing commitment to deliver sustainable development and increase recycling, while limiting landfill. This commitment involves focusing on how we manage waste and ensuring waste management in new developments does not adversely affect the quality of life for residents and other users.

## 2. Guidance Document

- 2.1 The guidance document attached at Appendix 1 offers guidance to developers on how to ensure space for waste management is integrated into the design of all developments and that vehicular access is suitable for the Council's fleet, thereby enabling services to be delivered safely, efficiently and in compliance with regulations.
- 2.2 The proposal is that all new development will have to include a waste strategy submission to show how they can achieve the standards laid down thereby enabling the council to demonstrate that it is actively putting control measures in place to mitigate the risks of

operating at new developments, in order to meet its statutory duty to protect the health and safety of employees and members of the public.

2.3 The guidance document provides specific advice on the following:

- Internal storage of waste and segregation
- Housing developments, bin areas, storage areas and access
- Apartment developments
- Advice on bulky waste storage and collection facilities
- Mixed use developments
- Access requirements
- Communal and shared bin storage areas

2.4 The intention longer term is for this to become a formal supplementary planning guidance document along with section 106 developer contributions for external waste containers. For this to happen it will need to go through a statutory production and consultation process which normally takes between 6-12 months. In the meantime adoption of the guidance now would provide some control on new developments in our area.



# Oadby & Wigston

## BOROUGH COUNCIL

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### Refuse and Recycling Department

## Waste Storage and Collection Guidance for new Developments

June 2022



## 1. Introduction

As part of our ongoing commitment to sustainable development, one of Oadby and Wigston Borough Council's (OWBC) key priorities is to increase recycling and divert waste away from landfill. This commitment involves focussing on how we manage our waste. Closely aligned to this commitment is the principle that waste management in new developments should not adversely affect the quality of life for residents and other users of the space, which supports the council's vision of creating resilient communities.

Adopting the principles of this guidance at the earliest stage of the design process will help avoid circumstances which our Refuse and Recycling Team sometimes encounter where a development is constructed with inadequate waste storage solutions, unsuitable collection points, insufficient access to vehicles or a combination of the three. In these circumstances the quality of life for residents suffers, the cost to the council of delivering waste services increases and it is far more difficult to encourage participation in established recycling schemes.

This guidance document is therefore designed to assist those involved in the design and management of buildings and new developments so they can ensure adequate storage of waste and maximise recycling opportunities.

Although it currently has no statutory planning standing, it is considered that the guidance and advice set out within this document could amount to a material planning consideration during the planning process.

The guidance further serves to ensure all development has adequate storage capacity and access in line with the domestic refuse, composting and recycling services offered by the Council.

The guidance will assist in complying with Part H of the Building Regulations 2002 and applies to all new build and any developments to existing properties where storage and collection of refuse, composting and recycling is an appropriate consideration.

## 2. Planning Applications

It is encouraged that all new developments include a Waste Strategy as part of the submission which will include all areas covered by this guidance.

It is important that this guidance be used from the earliest stages of building design as adequate bin storage areas and access for collection crews are difficult to apply retrospectively.

The recommendations made within this document are integral to the design of buildings and developments. Compliance with these guidelines will help deliver development schemes that do not cause future concerns in relation to refuse and recycling.

## 3. Internal storage of waste and segregation

To encourage occupiers to recycle, internal storage areas should ideally be designed into each new home. This makes segregation possible so that recycling can be stored temporarily before being transferred to any external bins. For the avoidance of doubt, the Council only provide external bins.

## 4. Housing Developments

a) Containers provided for external storage of waste are as follows:

Refuse – wheeled bin, 140/240 litre

Recycling – wheeled bin, 140/240 litre

Garden waste – wheeled bin, 140/240 litre

Other containers may be provided in the future if our requirements, for example, to collect food waste are introduced. It is unlikely that these will exceed a 240l wheeled bin. Appendix A details container dimensions.

b) Storage areas for containers

- i. All properties should be capable of storing the containers specified in 4a.
- ii. Storage areas should be located and designed to ensure they do not aesthetically impact on the area.

- iii. Storage areas should bear relation to the property size.
- iv. Capacity must be sufficient to allow for the storage of additional materials that OWBC may collect in future for example food waste.
- v. Storage areas should be located conveniently to ensure the householder can present them to the kerbside and ensure if any assistance is required then the collection crews can safely access the storage areas.

#### c) Container collection

The collection vehicles used by OWBC are detailed in Appendix B. All new developments and their access roads should be designed to accommodate these vehicles and constructed to an adoptable standard as set out by the highway authority, Leicestershire County Council.

OWBC will not support the deferment of its duty to collect household waste to a separate management company or contractor.

### 5. Apartment Developments

Please see Appendix C for detail of the number and types of bins required for communal bins in apartment developments.

Developers will be encouraged to obtain communal bins for residential waste from the Council's Refuse and Recycling Team.

OWBC currently operates a weekly refuse collection service and weekly service for recycling. This may change in the future. Storage areas shall be designed to accommodate the containers for all these services – see Appendix D.

Communal bin storage areas will typically act as the bin collection point and as such shall be positioned as close to the public highway as possible with suitable security and capacity to accommodate both refuse and recycling bins from each property that the area serves.

Mixed use developments requirements are provided in Appendix D.

## 6. Miscellaneous

- a) Waste compaction – this is not an option for residential developments as it poses problems for collection
- b) Bulky waste – the Council operates a bulky waste collection service for items that are too large to fit into bins such as furniture, mattresses, carpets, IT equipment, televisions etc. from residential properties. An area of at least 10 square metres should be provided for residents to place such items so the Council can collect them. This area does not have to be designated solely for this purpose, it can for example be a hatched area on a car park.
- c) Chutes – chutes should not be included within apartments as they can create problems for segregating and storing waste.
- d) Schedule 2 properties (non-domestic properties where a charge may be levied for the collection of waste such as student accommodation, schools, and residential care homes) – the number of refuse containers should be maximised in order to reduce the number of collections (Appendix D). In addition, recycling provision must be based on details given in Appendix C.

## Appendix A – Container Dimensions

Container	Dimensions (mm)		Floor space	
<b>1100 litre communal bin</b>	Width	1360	1560 x 1420	
	Depth	1070		
	Height	1465		
	Height with lid open	2400		
<b>240 litre wheeled bin</b>	Width	580	780 x 930	
	Depth	730		
	Height	1080		
	Height with lid open	1700		
<b>140 litre wheeled bin</b>	Width	480	680 x 760	
	Depth	560		
	Height	1080		
	Height with lid open	1500		

## Appendix B – Collection vehicle dimensions and requirements

### Vehicles used by the Council

Length	10,042mm
Width	2,250mm
Height	3,512mm
Front overhang	1,685mm
Rear overhang	3,107mm
Cab roof height	3,157mm
Turning circle between kerbs	18m
Turning circle between walls	19.4m
Full laden weight	32 tonnes

### Requirements

- 1) Inspection chambers and other service covers in the roadway and road surfaces where waste collection is required should all be constructed to withstand the weight and size of the vehicles
- 2) Overhead cables, pipes, archways and other potential height obstacles should be at least 7m from ground level
- 3) All roads intended to require a domestic waste collection should be adopted or designed to an adoptable standard as set out by the highway authority, Leicestershire County Council. If OWBC are unable to verify the suitability of a proposal then detailed drawings will be required to illustrate the collection vehicle routes. These will need to be submitted for approval. For clarity this means that adequate collection facilities abutting the public highway are provided where dwellings are accessed from private roads.
- 4) Collection vehicles load containers at the rear and have rear steering
- 5) Collection vehicles must not have to reverse into a development from a major road or be required to exit a development onto a major road. The Leicestershire Highway Design Guide provides more clarity.

## **Appendix C – Communal Bins**

To ensure fairness in the allocation of waste container capacity the Council applies a calculation based on the maximum occupancy of the dwellings served by a communal bin storage area.

The calculation is based on each occupant producing 70 litres of refuse each week and 100 litres of recycling waste type every week.

To ensure the correct bin capacity for any given development requiring a communal store the following calculation should be followed:

- a) Appropriate refuse bin capacity = max occupancy x 70 litre
- b) Appropriate recycling capacity = max occupancy x 100 litre

A larger capacity 1100 litre bin can be provided where a large overall capacity is required based on maximum capacity.

## **Appendix D – Container collection for shared/communal bin storage areas (apartment developments)**

Containers should have designated external storage areas which are sensitively located and designed.

They should be labelled clearly and be positioned adjacent to the public highway to enable efficient and practical waste collection, remain convenient and easily accessible for occupants as detailed in Part H of the Building Regulations.

In order to prevent use by non-residents the bin stores should be locked with a combination key and covered but not entirely contained.

The design of the storage areas should allow for easy removal of the containers, over smooth continuous surfaces to the collection vehicle. Doorways and pathways should be a minimum of 1.3m wide. A walkway within the store of 1.3m width is required to allow access to each individual container and ensures each individual container can be removed from the store without the need to move any others.

Containers should be located away from windows and ventilators.

### Mixed use developments

In the event of mixed use developments separate stores for refuse and recycling containers should be provided for the commercial and residential users. No mixing of commercial and residential waste is permitted.

# Agenda Item 8



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Information</b>
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**Report Title:** Standards & Ethical Indicators (Q4 2021/22)

**Report Author(s):** David Gill (Head of Law & Democracy / Monitoring Officer)

<b>Purpose of Report:</b>	To receive the figures for local determination of complaints and ethical indicators for Q4 2021-22.
<b>Report Summary:</b>	The report provides information in relation to Member Complaints, Corporate and Ombudsman Complaints, Freedom of Information Requests and Anti-Social Behaviour Reports and Resolutions.
<b>Recommendation(s):</b>	<b>That the content of the report and appendix be noted.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Philippa Fisher (Strategic Director)                      (0116) 257 2677  <a href="mailto:philippa.fisher@oadby-wigston.gov.uk">philippa.fisher@oadby-wigston.gov.uk</a></p> <p>David Gill (Head of Law &amp; Democracy / Monitoring Officer)                      (0116) 257 2626  <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Providing Excellent Services (CO3)
<b>Vision and Values:</b>	Accountability (V1) Respect (V2) Customer Focus (V5) "A Stronger Borough Together" (Vision)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Regulatory Governance (CR6)
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.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	Standards & Ethical Indicators (Q4 2021/22)

## 1. Information

- 1.1 Regular reporting about the Council's activities under the Regulation of Investigatory Powers Act 2000 is a statutory requirement under the oversight regime of the Investigatory Powers Commissioner.
- 1.2 This report to Members covers the fourth quarter (Q4) of 2021/22.
- 1.3 The report also contains other matters which Officers considered would be of interest to Members, including the number and disposal of Member Complaints, the number of Corporate and Ombudsman complaints, the number of Freedom of Information requests and the number of anti-social behaviour reports and resolutions.
- 1.4 For Members information the Monitoring Officer can confirm that the Council was subject to a remotely conducted inspection by the Investigatory Powers Commissioner Office in February regarding the Council's use of RIPA and its policies and training in relation to the same. At the conclusion of the inspection the IPCO was satisfied that there were suitably strong governance processes in place to ensure compliance with the legislation and Codes of Practice.
- 1.5 The quarter four report for 2021/22 is attached at **Appendix 1** for Members' information.



**OADBY AND WIGSTON BOROUGH COUNCIL**

**STANDARDS AND ETHICAL INDICATORS**

**QUARTER 4 REPORT**

**2021/2022**

## 1. Introduction

This is the quarterly report to the Policy Finance and Development Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2021/2022.

For clarification purposes the months covered by the quarters are as follows:

Quarter 1 – 1 April to 30 June  
Quarter 2 – 1 July to 30 September  
Quarter 3 – 1 October to 31 December  
Quarter 4 – 1 January to 31 March

The report is split into two parts for ease of reference; Part 1 refers to the local determination of complaints, part 2 is the table showing the ethical indicators figures.

The report will enable the Policy Finance and Development Committee to build up a picture over time of how many complaints are received and where these are coming from. The parts of the Code of Conduct which have been breached will also be recorded to enable training to be targeted effectively.

## 2. Part 1 – Local Determination of Complaints

The Monitoring Officer received 0 complaints in Quarter 4 of 2021/2022.

### 2.1 Source of Complaint

Not applicable

### 2.2 Assessment Sub-committee Decisions

There have been No Assessment Sub-committee meetings in this quarter.

### 2.3 Timeliness of Decision

The Standards for England Guidance stated that the Assessment Sub-committee should complete its initial assessment of an allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Council has taken this standard and adapted it under the new rules to aim to hold an Assessment Sub-committee within 20 working days of notifying the parties that informal resolution is not possible.

### 2.4 Review Requests

There have been no review requests in this quarter. Review requests can only be made following a decision of ‘No further Action’ by the Assessment Sub-committee where there is submission of new evidence or information by the complainant.

## **2.5 Subsequent Referrals**

None

## **2.6 Outcome of Investigations**

There were no formal investigations concluded in this period.

## **2.7 Parts of the Code Breached**

This section is intended to show where there are patterns forming to enable the Policy Finance and Development Committee to determine where there needs to be further training for Councillors. Targeting training in this way makes it more sustainable and, hopefully, more effective.

So far this year, the following areas of the code were found to have been breached:

Not applicable

Ref	Performance Indicator Description	Officer responsible for providing information	Q1		Q2		Q3		Q4	
			2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022
LG1	Objections to the Council's Accounts	Head of Finance	0	0	0	0	0	0	0	0
LG2	Follow up Action relating to reaches of the Member/Officer Protocol (Members)	Head of Law & Democracy	0	0	0	0	0	0	0	0
LG3	Disciplinary Action relating to breaches of the Member / Officer Protocol (Staff)	HR Manager	0	0	0	0	0	0	0	0
LG4	Number of Whistle Blowing Incidents Reported	Head of Law & Democracy	0	0	0	0	0	0	0	0
LG5	No. of Recommendations made to improve Governance Procedures/Policies		0	0	0	0	0	0	0	0
LG6	No. of Recommendations Implemented		0	0	0	0	0	0	0	0

## Corporate Complaints

Ref	Performance Indicator Description	Officer responsible for providing information	Q1		Q2		Q3		Q4	
			2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022
LG7	No. Corporate Complaints received	Data Protection Officer	19	37	15	35	29	20	43	47
	No. Corporate Complaints escalated to L2		3	7	1	1	4	5	2	12
	No. Corporate Complaints escalated to Ombudsman		1	1*	0	0	0	0	0	1
LG7a	No. Corporate Complaints Resolved at L1		19	30	14	34	29	15	41	35
	No. Corporate Complaints Resolved at L2		3	36	1	1	4	5	2	12
LG7b	No. Corporate Complaints where compensation paid		0	0	0	0	0	1	2	2
	Service Area		-	-	-	-	-	Housing	-	Housing
LG8	No. Ombudsman complaints received		0	1*	1	0	1	0	0	1
	Service Area		-	Housing	Comms	-	Housing	-	-	Revenues
LG8a	No. Ombudsman complaints resolved		1	0	1	0	1	0	0	1
LG8b	No. Ombudsman complaints not yet determined by the Ombudsman		1	1	0	0	0	0	0	0
LG8c	No. Ombudsman complaints where compensation paid		1	0	0	0	0	0	0	0

\* Escalated to the Housing Ombudsman

**Freedom of Information Act Indicators**

Ref	Performance Indicator Description	Officer responsible for providing information	Q1		Q2		Q3		Q4	
			2020/2021	2021/2022	2019/2020	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022
LG9a	No. of FOI Requests Compliant	Data Protection Officer	88	113	127	109	135	139	163	163
LG9b	No. of Non-compliant FOI Requests		32	19	27	39	27	16	24	21
LG9c	No. of FOI Requests still open and within the 20 working days		0	0	0	1	5	1	0	0
LG9d	No. of FOI Requests withheld due to exemptions/fees applied		4	7	3	4	2	0	2	2

**Regulation of Investigatory Powers Act Indicators**

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022
LG10	No. of Directed Surveillance Authorisations granted during the quarter	Head of Law & Democracy	0	0	0	0	0	0	0	0
LG10a	No. in force at the end of the quarter		0	0	0	0	0	0	0	0
LG10b	No. of CHIS recruited during the quarter		0	0	0	0	0	0	0	0
LG10c	No. ceased to be used during the quarter		0	0	0	0	0	0	0	0
LG10d	No. active at the end of the quarter		0	0	0	0	0	0	0	0
LG10e	No. of breaches (particularly unauthorised surveillance)		0	0	0	0	0	0	0	0
LG10f	No. of applications submitted to obtain communications data which were rejected		0	0	0	0	0	0	0	0
LG10g	No. of Notices requiring disclosure of communications data		0	0	0	0	0	0	0	0
LG10h	No. of authorisations for conduct to acquire communications data		0	0	0	0	0	0	0	0
LG10i	No. of recordable errors		0	0	0	0	0	0	0	0

## Anti-Social Behaviour Indicators

Ref.	Performance Indicator Description	Officer responsible for providing information	Q1		Q2		Q3		Q4	
			2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022
	No. of Complaints Registered	Head of Law & Democracy	31	31	31	27	11	17	35	17
	No. of Disposals		13	10	13	16	3	9	1	8**
	No. of Complaints still Open		4	0	4	2	0	3	0	0
	No Further Action (where suspect identified)		3	2	3	3	1	5	3*	1
	No Further Action (no suspect identified)		11	19	11	18	7	9	32	9

\* One reported incident resulted in 2 suspects being identified

\*\* Two disposals given to 1 suspect

## Food Safety Inspections

Ref.	Performance Indicator Description	Officer responsible for providing information	Q1		Q2		Q3		Q4	
			2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022	2020/2021	2021/2022
BPE31	No. of Programmed Inspections	Head of Law & Democracy	46	56	43	1 15 17	24	4 27 62	101	4 60 95
	No. of Programmed Inspections Completed		4	14 2*	4	1 3 0 (2) 96	4	2 0 0 *(2)31		4 0 32
	No. of Programmed Inspections Outstanding		42	13*	*81	0 12 17	*101	2 27 62 *(2)65	94	0 60 17

The last quarter we have completed all high risk inspections and also be able to carry out inspections of new businesses. This is why the 32 low risk figure is so high as many of the new businesses are classed as low risk when inspected. A lot of new businesses who had registered have some been found to have closed, which reduced the number a lot.

(1) Following The Food Standard Agency's latest guidance on routine food inspections, we have prioritised inspections according to risk (High/Medium and low) All businesses are risk rating into A-E (A and B are high risk, C/D medium risk and E low risk).

In October 2021 we moved on to Phase 2 of the recovery plan all High Risk must be inspected. Phase 2 runs to 2023.

- Phase 2. All A's to be completed by March 2022.
- All B's to be completed by June 2022.
- From Sept 2022 the recovery of C's will start.
- Phase 2 will complete by end of March 2023 with all outstanding inspections from A-C completed.
- Low risk can be deferred.

(2) We are continuing to Triage new businesses and share data with Trading Standards of new food registrations. We continue to use the help of two local EHO's to undertake some inspections as extra resources as a short term solution due to staff shortages.

# Agenda Item 9



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Volunteering Policy (June 2022)**

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

<b>Purpose of Report:</b>	The purpose of this report is to seek this Committee’s approval to adopt the revised Volunteering Policy 2022-25.
<b>Report Summary:</b>	This revised Volunteering Policy builds upon the policy developed in 2019 and sets out how the Council’s new Volunteering Programme, devised following the recommendations of an Internal Audit, will be administered and managed.
<b>Recommendation(s):</b>	<b>That the Volunteering Policy 2022-25 (as set out at Appendix 1 to this report) is approved.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>David Gill (Head of Law &amp; Democracy / Monitoring Officer)                      (0116) 257 2626  <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Andrew Dingley (Community &amp; Wellbeing Manager)                      07884 475 369  <a href="mailto:andrew.dingley@oadby-wigston.gov.uk">andrew.dingley@oadby-wigston.gov.uk</a></p> <p>Mark Smith (Community Safety &amp; Youth Officer)                      (0116) 257 2675  <a href="mailto:mark.smith@oadby-wigston.gov.uk">mark.smith@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	“A Stronger Borough Together” (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Increased Fraud (CR10) Cyber Threat / Security (CR11) Other Corporate Risk(s)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable.

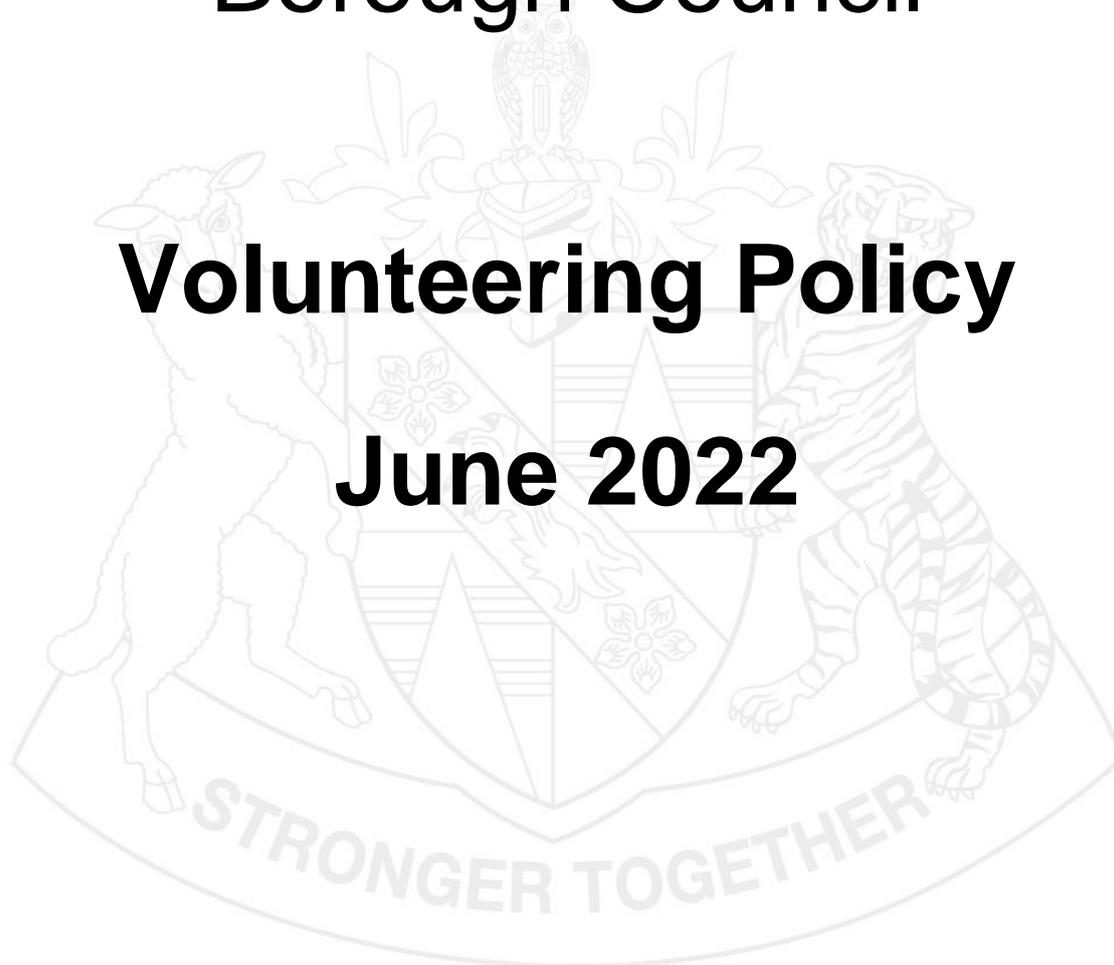
Human Rights:	There are no implications arising from this report.
Health and Safety:	The implications are as set out in the policy.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Volunteering Policy (June 2022)

## **1. Information**

- 1.1 The Volunteering Policy 2022-25 is attached at **Appendix 1**.
- 1.2 The draft document has been considered by the Senior Leadership Team of the Council and has subsequently been referred to this Committee for formal approval.
- 1.3 The Council already provides varied opportunities for volunteers in the Borough, and works with volunteering groups. The Council recognises the benefits of volunteering for individuals, organisations, and communities.
- 1.4 The Volunteering Policy has been amended from the previously adopted version to incorporate guidance on the development of the Council's Volunteering Programme, highlighting where volunteers can add value to the Council's services and workstreams, and how volunteers can be supported in personal development through training and upskilling.
- 1.5 The Volunteering Policy also seeks to continue the development of enhanced community cohesion and positive public spirit born through the Coronavirus (Covid-19) pandemic, as evidenced by the response to a request for volunteers to support the Council's Community Hub, by signposting volunteers to new activities and opportunities.
- 1.6 The Volunteering Policy also makes recommendations for how Council Officers can be afforded volunteering opportunities within the Borough, to the benefit of our communities.

# Oadby & Wigston Borough Council

## Volunteering Policy June 2022



<b>Committee Approval</b>	Policy, Finance and Development
<b>Policy Owner</b>	Mark Smith
<b>Last Review Date</b>	June 2022
<b>Next Review Date</b>	June 2023



# 1. EXECUTIVE SUMMARY

Oadby & Wigston Borough Council's ("The Council") Volunteering Policy provides a focus for the Council in how it makes use of volunteers in providing services to the community, as well as how it can usefully encourage volunteering opportunities and the take up of those opportunities across the Borough.

This Policy is three-fold;

## 1.1 **Volunteers Registered with the Council for Working in the Community**

As part of the Council, the Community and Wellbeing Team will link up with partners and stakeholders in the community to identify local priorities, activities, and opportunities for volunteers registered with the Council to work on.

## 1.2 **Encouraging Council Staff to Volunteer in the Community**

The Council will support its employees who undertake voluntary roles, and is exploring ways in which its existing staff population can contribute to the community through volunteering.

## 1.3 **Volunteers Working in the Council to Support Services**

The Council seeks to encourage and facilitate volunteering to support the delivery of Local and Strategic Priorities identified within the Council's Corporate Plan 2019-24, and within its services provided to the community.

The Council recognises the benefits of volunteering for individuals, organisations, and communities. These include the individual benefits of pride and an enhanced sense of belonging in the community.

In addition, there are wider community benefits including retaining or providing services that would otherwise be financially unviable. Other Council partners are supportive of the use of volunteers and this Policy.

Volunteering can be via short term, one-off events, or attached to a more permanent scheme or services.

The Council's Corporate Plan sets out a vision of 'A Stronger Borough Together, Improving the Lives of Our Communities', as well as making specific reference to working with 'voluntary sector partners', and providing specific Council services with the support of volunteers. Volunteering has a key role to play in this.

This Policy is to encourage more people to get involved in volunteering, and give the Council a lead role in removing or reducing barriers to volunteering. The Policy recognises the challenges of the Council's ability to impact individual decisions, and therefore its focus is on making the best use of volunteers and volunteering opportunities to maximise the personal, organisational, and community benefits from volunteering.

## **2. Vision and Aims**

The Council is committed to;

- 2.1** Overseeing, obtaining, and increasing the number of people who volunteer in the Borough, and the number of volunteering opportunities available to those people.
- 2.2** Promoting opportunities for organisations that rely on volunteers to collaborate and share best practice.
- 2.3** Making the best possible use of the time, energy, and skills that volunteers provide across the Council's services, out in the community, and with partners.
- 2.4** Keeping volunteers, those they support, and those that commission them safe.
- 2.5** Recognising the value of volunteers.

By making these commitments the Council will achieve the following;

- 2.6** Deliver more and improved services and support through volunteering to more people across the Borough than is otherwise currently possible; and demonstrate the impact of this through monitoring and evaluation.
- 2.7** Provide individuals with more skills and experience in order to improve their employability.
- 2.8** Provide more individuals with a sense of purpose, involvement, and passion for their community in order to help improve self-confidence, opportunities, health, and wellbeing; using monitoring and evaluation to demonstrate this.
- 2.9** Support the building of community cohesion by linking individuals and groups through volunteering.

### 3. OBJECTIVES

The Council will improve and grow volunteering within the Borough. Volunteers can be involved in supporting one-off activities, often related to one-off events or campaigns, or be involved in longer term opportunities.

The Council, as part of this Policy, will have a continuous review process concerning the use of volunteers within the Council, and policies and procedures will be updated accordingly. This will include;

- Recruitment of volunteers (including a dedicated registration form).
- Appropriate vetting of volunteers, including DBS requirements for volunteers working with the public in roles where this is a requirement, e.g. working with children or vulnerable adults.
- A suitable induction for volunteers pertinent to the role and / or service.
- The provision of relevant training, as necessary, such as safeguarding or manual handling.
- Review meetings and ongoing support and training.
- Recognising and celebrating the contributions and successes of volunteering.

A process has been developed to promote and support the use of volunteers registered with the Council working in the community, Council staff working in the community, and volunteers working in the Council. Officers and Managers will act as internal volunteering experts, and as a source of knowledge and experience to be called on for support if and when required.

Increasing the number of opportunities to volunteer will require a Council wide response as more volunteers will need to be managed within existing resources.

The Council will develop a central register of volunteers for information management and statistic purposes electronically to ensure proper volunteer management, and a safeguarding overview. This will comply with the UK General Data Protection Regulations and the Data Protection Act 2018.

All volunteering opportunities will be advertised on a single page on the Council's external facing website with links to further, or additional, details where appropriate.

In addition, promotion of specific opportunities will be undertaken as appropriate for that opportunity.

Volunteers will be accepted in accordance with the principles of fairness, consistency, and openness in accordance with the Council's Equal Opportunities Policy, and should aim to reflect the diversity of the Borough.

## 4. VOLUNTEERING OPPORTUNITIES AND OVERSIGHT

The Council currently makes use of community volunteers in the following areas;

- Local Area Boards supported by the Community & Wellbeing Team, such as;
  - Resident's Forums
  - Youth Council
  - Health and Wellbeing Board
- Physical and mental wellbeing programmes under the 'Active Oadby & Wigston' banner, such as;
  - Care to Walk
  - Let's Grow Project
  - Get Moving Together sessions
  - Waterways Wellbeing
  - Walking Groups
  - Beginners Running Groups
- Community safety initiatives under the 'Community Safety Partnership' banner, such as;
  - Community Speedwatch
  - Neighbourhood Watch
- Greening the Borough initiatives running out of Brocks Hill Country Park.
- One-off or annual events such as;
  - The Big Lunch
  - Queen's Jubilee
  - Supersonic Boom
  - Estate Clean-Up Days

Many of the above opportunities have directly benefited from the level of volunteering, community cohesion, and public spirit fostered through now discontinued initiatives necessitated throughout the Coronavirus (Covid-19) pandemic, such as the Council's Community Hub and numerous 'mutual aid' groups set up independently within the community.

This Policy seeks to continue the development of enhanced community cohesion and a positive public spirit born through the pandemic by signposting volunteers to existing opportunities, as well as creating additional opportunities that the pandemic previously prevented. To that end the development of additional volunteering opportunities, supplementing the current offer, will be explored in the following areas;

- Housing
  - 'New Neighbour' checks
  - Estate Inspections
  - Mediation
- Community and Wellbeing
  - Further physical and mental wellbeing programmes
  - Further community safety programmes

- Youth Provision
  - Community Champions
- Communications
  - Newsletter Distribution
  - Event Development and Delivery
- The Depot
  - Further Greening the Borough programmes
  - Low-effort grounds maintenance
  - Low-effort street cleansing
- Council-wide
  - Administration Support

This list is not exhaustive, and Managers will be encouraged to look at where volunteers can add value, and support, their service areas in ways which are mutually beneficial to both the Council and the volunteer, i.e. upskilling an individual.

This Policy highlights that volunteers are a finite resource which should be deployed strategically; failure to do so may appear to be exploitative of an individual's goodwill and availability. As such care should be taken in all areas to prevent the duplication of volunteering opportunities within the Borough offered by external agencies, which may be detrimental to established services or organisations and those they support, and to ensure that volunteers are not inadvertently relied upon for the delivery of key or statutory services within the Council.

To mitigate this risk, oversight of the volunteering programme in place at the Council will be undertaken by the Community and Wellbeing Team who will maintain the following;

- The Council's Database of Registered Volunteers showing;
  - Volunteer's Details (Application Form – *Appendix A*)
  - Training Record
  - Current Assignment
  - DBS Status
- A Database of External Community Volunteering Opportunities and Organisations

Volunteers will be expected to undertake a review at the end of each volunteering 'assignment' assessing the benefit of the opportunity to the individual, where additional training opportunities may be desired, and how the opportunity may be further developed. This review will also serve to generate case studies to aid in the monitoring of Council projects, including the overall volunteering programme. Additionally, programmes that volunteers have supported in may have their own monitoring and evaluation components which can allow Oadby and Wigston Borough Council to gain feedback on:

- The volunteers experience- allowing Oadby and Wigston Borough Council to improve its service to volunteers

- Programme participants' experience- thus allowing Oadby and Wigston Borough Council to give feedback to the volunteer

The Community and Wellbeing Team will act as the receiver for queries, questions, or concerns relating to the volunteering programme or any volunteering opportunities the Council is either responsible for, or signposting individuals to.

The Community and Wellbeing Team will also be responsible for ensuring the Council's external facing website is kept up to date with current volunteering opportunities, assisted by the Communications Team, as well as maintaining an external volunteering newsletter developed for registered volunteers.

The volunteering programme as outlined above will be defined as the following for clarity;

- A Council managed umbrella programme where registered volunteers are matched to opportunities of mutual community benefit complimentary to existing skills, or the development of new skills, with the overarching goal of improving community cohesion, engagement, and the health and wellbeing of all residents.

The Community and Wellbeing Team, despite maintaining overall responsibility for the Council's volunteering programme, are recognised through this policy as being the facilitators of volunteer matching, and not the direct deliverer of the opportunities which will fall to named individuals, or Council staff, within the community setting. E.g. Greening the Borough linked volunteering projects will be overseen and delivered by staff from the Depot or Brocks Hill Country Park, with volunteers signposted to them by the Community and Wellbeing Team.

Whilst the Community and Wellbeing Team will signpost registered volunteers to suitable opportunities, the lead officer or individual for that opportunity will have the final say as to whether the volunteer is suitable for the role or not.

Volunteering opportunities for Council staff should be managed in a similar fashion by the Community and Wellbeing Team, but coordinated with the People Team and the relevant service manager for the staff member.

This Policy recommends that Council staff are eligible to claim one paid working day off for established, and agreed, community volunteering opportunities in the Borough outside of their usual duties as an extension of the Council's Workplace Wellbeing scheme. This is to be with the express agreement of their direct line manager, and matched to an opportunity overseen by, or signposted to by, the Community and Wellbeing Team.

## 5. VOLUNTEER DEVELOPMENT

Upon the completion of the Volunteer Role Application Form, and acceptance on to the Council's volunteering database, but before being signposted to an opportunity, volunteers will be expected to complete the following mandatory training within two months of being registered;

- Safeguarding
- GDPR / Confidentiality
- Health and Safety

With the above three areas being complimentary to one another, a volunteer training package will be developed by the relevant Lead Officers within the Council for the above areas. This training should be designed in such a way as to be able to be delivered both in person or virtually, depending on current restrictions at the time of delivery.

Where volunteers may require specialist training to undertake a particular volunteering opportunity, such as direction in the use of certain tools, or in a particular method of working, the responsibility for ensuring this training is provided and implemented to a suitable standard will fall to the individual responsible for the delivery of the relevant activity.

Periodically offers of additional training may be made to all registered volunteers as part of an ongoing upskilling remit, and as a longer term goal to create sustainable activities and projects within the Borough. These training offers may, for example, cover subjects and skills such as;

- First Aid
- Sign Language
- Activity Leadership

Additionally, some volunteering opportunities may be reliant on the volunteer undertaking a DBS check. In these instances the application will be support by the Council's People Team, and the volunteer will be unable to participate in volunteering opportunities requiring a DBS check until an acceptable certificate is received.

# APPENDIX A – VOLUNTEER ROLE APPLICATION FORM



**Oadby & Wigston**  
BOROUGH COUNCIL



**Volunteering**  
in Oadby and Wigston

## Volunteer Role Application Form

### Volunteer Role

Which role are you applying for:	
----------------------------------	--

### Personal Details

Full Name:	
Title: (Mr, Mrs, Miss, Ms, etc.)	
Address:	
Home Telephone Number:	
Mobile Telephone Number:	
Email Address:	
Date of Birth:	
Please indicate your Ethnic Origin:	
Do you have any specific needs that need to be taken into account:	
Do you have access to your own vehicle for use in your voluntary work:	

### Current Occupation - Current occupation (paid or unpaid) and all previous occupations over the 5 years

Occupation	Dates

### Additional Information

Why are you interested in Volunteering with Oadby and Wigston Borough Council?
--

Why are you interested in this particular role? What do you want to gain from the experience?
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State how you think your skills and experience would be of help to you as a volunteer in this role?

### Criminal Convictions

Note: A criminal conviction will not automatically disqualify you. Please give details of any criminal convictions, or cautions/ reprimands/ warnings/ fixed penalty notice which, you have had and any appearance pending (this is an excepted question under the Rehabilitation of Offenders Act 1974 and you therefore must give details of all convictions whether spent or unspent under that Act).

Offence	Penalty or order of court	Court	Date of conviction

### Referees

Give details of two people who may be asked about your ability to act as a volunteer. Your referees must not be relatives, you must have known them for at least two years; and one must be a current/previous employer or other professional.

#### Reference 1

Title:	
Name:	
Address:	
Telephone Number:	
Position Held:	
Context in which known to you:	

#### Reference 2

Title:	
Name:	
Address:	
Telephone Number:	
Position Held:	
Context in which known to you:	

I have obtained consent from the above named individual to supply their contact details for the purpose of providing a reference to support my application to volunteer  (Please tick) I understand that OWBC will contact the above named referees in accordance with Safer Volunteer Recruitment best practice and the relevant legislation  (Please tick).

### Emergency Contact Details

Contact Name:	
Contact Number:	
Relationship to you:	

I have obtained consent from the above named individual to supply their contact details and that in the event of an accident or emergency during my volunteering they may be contacted  (Please tick)

**Medical Information**

Please supply any further information you feel might be helpful in the event of an emergency e.g. Regular medication taken, allergies, injuries, health conditions etc.

**Declaration**

“I certify that the information given is true and complete to the best of my knowledge and belief.”

I agree to Oadby and Wigston Borough Council processing my personal data, as well as my sensitive personal data for the purpose of processing my application; for equal opportunities monitoring; for purposes of my volunteering; for administrative purposes and for the purpose of complying with applicable laws, regulations and procedures. This will include holding this data electronically on the Volunteering Database.

We will contact you periodically to confirm that you still wish your data to be held and to check for any changes. You can ask to be removed from the database at any time by contacting the Council’s Customer Service Centre on Leicester (0116) 288 8961 or email: [csc@oadby-wigston.gov.uk](mailto:csc@oadby-wigston.gov.uk)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete and return this form to the address/email address below as soon as possible:

Ross Levy/Jennifer Mackenzie  
Oadby and Wigston Borough Council  
Council Offices  
Bushloe House  
Station Road  
Wigston  
LE18 2DR

Email: [volunteering@oadby-wigston.gov.uk](mailto:volunteering@oadby-wigston.gov.uk)

# Agenda Item 10



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Maximising the Council's Income (June 2022)**

**Report Author(s):** **Tracy Bingham (Strategic Director / Section 151 Officer)**

<b>Purpose of Report:</b>	To consult members on proposed principles for adoption as part of a new Corporate Charging Policy for the Council and provide members with an update in respect of progress against new areas of income generation that were previously presented to the Committee in November 2021.
<b>Report Summary:</b>	<p>The Council collects £1.5m in local sales, fees and charges. As identified by the Local Government Association, the level of locally generated income is lower when compared to peers. In addition, the Council does not have a policy to guide the setting of levels of sales, fees and charges, or indeed the charging strategy which should determine the basis of such levels.</p> <p>This report seeks to consult members on a proposed new approach to determining the levels of sales, fees and charges levied for services (where the Council is able to act autonomously) that will form part of a new policy.</p> <p>In addition, this report also updates members in respect of the progress made against assessing new areas of income generation and sets out the next steps to be taken in bringing these forward.</p>
<b>Recommendation(s):</b>	<p><b>A. That the content of the report be noted; and</b></p> <p><b>B. That feedback on the proposed principles for the new Corporate Charging Policy is provided.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Tracy Bingham (Strategic Director / Section 151 Officer) (0116) 257 2690 <a href="mailto:tracy.bingham@oadby-wigston.gov.uk">tracy.bingham@oadby-wigston.gov.uk</a></p> <p>Comie Campbell (Head of Finance / Deputy Section 151 Officer) (0116) 257 2713 <a href="mailto:comie.campbell@oadby-wigston.gov.uk">comie.campbell@oadby-wigston.gov.uk</a></p> <p>Rashpal Sohal (Finance Team Manager) (0116) 2572 705 <a href="mailto:rashpal.sohal@oadby-wigston.gov.uk">rashpal.sohal@oadby-wigston.gov.uk</a></p> <p>Jon Wells (Senior Strategic Development Manager) (0116) 257 2692 <a href="mailto:jon.wells@oadby-wigston.gov.uk">jon.wells@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Providing Excellent Services (CO3)
<b>Vision and Values:</b>	Accountability (V1) Respect (V2)

	Teamwork (V3) Innovation (V4) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out at paragraph 5 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1)
Equalities and Equalities Assessment (EA):	There are no implications directly 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.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	As the author, the report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">Exempt report entitled 'Draft Budget Initiatives 2022/23' to the Policy, Finance and Development Committee on 16 November 2021</a>
<b>Appendices:</b>	None.

## 1. Background

- 1.1. At its meeting in March 2022, members of the Committee requested the Strategic Director and Section 151 Officer present an update report on the progress of the new income generating opportunities that officers have been pursuing since they were presented to it in November 2021. As part of this, the Strategic Director and Section 151 Officer committed to also consult members on a proposed new Corporate Charging Policy which would define a new approach to the setting of fees and charges and look to enhance locally generated income levels.

## 2. Local Income Generation – The Current Situation

- 2.1 Currently, the Council generates over £1.5m (2020/21) in local income in return for providing a wide range of services to local residents, businesses and visitors. Local income generation, when done in the right way, presents the Council with an opportunity to maximise its financial position and, in the case of the General Fund, an opportunity to reduce its reliance on government grant. In addition, charging for services can also present opportunities to achieve the Council's corporate priorities, for example by encouraging or discouraging the use of a service or to alter the behaviour patterns of residents or businesses.

- 2.2 The current Fees and Charges to Service Expenditure ratio (a widely used ratio in the sector that measures locally generated income against council spending) for the Council is 13.47% (2020/21). This is at the lower end when compared to peers.
- 2.3 Currently, there is no member-approved policy for the setting of fees and charges and the onus to set appropriate charges is with service areas. As such, this leaves the Council at risk of placing reliance on annual inflationary increases. Whilst this approach steadily increases charges alongside the level of national inflation, it could be perceived as restrictive because it has the potential to discourage service areas from analysing the net financial position of income streams. This in turn, could mean that there is a risk that costs are not recovered in full if the costs of providing a service have increased over time above the annual percentage announced.
- 2.4 One of the main fundamental objectives in determining a new policy for the Council is to determine that service areas are better placed to recommend annual charges in line with the nature of their service, the impact to customers and the fulfilment of corporate priorities against the preferred charging strategy of the council. Clearly, it is vital that work to review and indeed vary any fees and charges is done in partnership with the Finance team who will provide ongoing data and analytical support to service areas. This will include, in time, the development of a new approach that will accurately determine the net financial position of an income stream.

### **3. New Corporate Charging Policy – Principles For Consultation**

- 3.1 Income should be raised through charges where there is a power or duty to do so. It is proposed that the Council's preferred charging strategy is to generate a surplus where it can do so, or where this is not possible, seek to recover costs. In each case, it is critical that the impact to customers is fully assessed and considered. Clearly for a public sector organisation, there are always circumstances where it is appropriate to subsidise charges. The Council will need to always work within and balance priorities around legislation, regulation, a political framework and having regard to the circumstances of customers.
- 3.2 The following four fundamental principles are proposed and feedback from Members is sought as to the suitability of these for inclusion in a policy for consideration:
- a) **Consistency** - Services should raise income wherever there is a power or duty to do so and are best placed to determine the charge level based on the impact to customers and the fulfilment of corporate priorities;
  - b) **Defined Charging Strategy** – For any area that charges for services, the strategy for determining the level of fees or charges should be set out. For the Council to maximise its income position, charges should be set in order to generate a surplus for reinvestment in Council services, assuming it is possible to balance this position with the impact to customers and it is lawful to do so within the appropriate trading structure. If this is not possible or when it is not appropriate for profits to be generated it is proposed that charges are set to sustain a full cost recovery position. Subsidising of charges should be considered where the customer impact means it is necessary or where service take-up meets a council objective and is in line with the council's public sector ethos. Any departures from the policy (once approved by Members) must be justified in a transparent manner with reference to the relevant charging strategy and how the charge promotes financial sustainability, manages the impact on customers and/or meets the Council's priorities;
  - c) **Impact to Customers** - The impact to customers in determining charges must be fully considered and an Equality Impact Assessment (EIA) (or other impact assessment for corporate or public sector bodies as necessary) must be completed; and

- d) **Cyclical review** - Charges should be reviewed annually with members to ensure effective scrutiny and accountability of charging strategies and decisions.

#### 4. New Income Generating Opportunities

- 4.1 At the meeting of the PFD Committee on 16 November 2021, concepts to generate new income streams for the Council were shared with members. Subsequently, these were assigned to the Corporate Management Team and 11 were prioritised for closer examination. A summary of progress so far is provided below. Of these 11 areas, 1 has been implemented, 1 agreed but not yet implemented, 1 is in the process of being implemented and 5 are being worked up to full business case. The remaining 3 will be revisited in 2023.
- 4.2 Of the five concepts currently being worked up to full business case, those which are considered viable by the Senior Leadership Team following review will be presented to members for decision later in the year (anticipated September 2022). As a reminder, the Council retains Capital Programme provision for the purpose of funding potential start-up costs associated with any of these proposals (subject to presentation of a sound business case), in two areas:
- Capital Programme 2022/23 "Invest to Save" budget, which can cover capital costs; and
  - Capital Programme 2022/23 "Transformation" budget, which can be utilised to cover capital or revenue costs on the proviso that the project meets transformation criteria as set out in the Council's Flexible Use of Capital Receipts Strategy.

**Table 1 – Current Status of New Income Stream Concepts**

Concept	Position	Status
MOT testing at the Depot	A business case has been drafted which concludes the net indicative income is likely to be in the region of £21,000 per year. A business case is being worked up for consideration by the Council's Senior Leadership Team. Assuming officers consider the business case viable, this will be presented to members as part	Full business case under development
Small asset disposals	Selling redundant equipment work is underway. Items identified where there could be a resale value. Draft policy developed and currently being tested to determine final internal policy and procedure.	Implementation underway
Bulky waste	Changes with service delivery – in principle changes agreed by PFD Committee on 16 November 2021 (Refuse and Recycling Review report) but not yet implemented.	Agreed but not yet implemented
Community Lottery	Presentation given to the Senior Leadership team. Business case under development.	Full business case under development
Cemeteries	Purchase in advance proposal – now in place.	Implemented
Re-purpose toilets	Work has started with an officer working group to look at ideas to form part of the business plan which is anticipated by September 2022.	Full business case under development

Events management and asset review	Project team established, to look at revenue opportunities from our assets, land, buildings and community facilities. Full business case anticipated January 2023 due to resource commitments. In the meantime looking at small scale selling for minimal initial input.	Full business case under development
Green and clean management and maintenance service	Limited capacity to explore further at this time. Business case anticipated January 2023.	Timetabled for development in 2023
Energy generation	Ideas and business plan scheduled for October 2022.	Full business case under development
Joint service offer for community and wellbeing team	Discussions have commenced about establishing a partnership with other authorities to maximise the impact of future public health funding. Work on this will continue throughout the year.	Timetabled for development in 2023
Talent pool	To be explored and the work will be linked with clarity of future apprenticeships by human resources.	Timetabled for development in 2023

## 5. Financial Implications and Next Steps

- 5.1 At this stage, it is not possible to quantify the potential additional income that could be generated from the commercialisation of existing income streams, since this will require service areas and finance to work together to determine the net position of chargeable services and propose new charges if income is deemed out of sync with the appropriate charging strategy. However, this new approach will enable services to understand whether the income generated from providing a service cover the costs incurred and given the current position of income generation compared to peers (see 2.2 above) there is scope to better the position of existing income streams as well as new potential areas.
- 5.2 Subject to Council approval, it is intended that a revised policy will take effect at the outset of the 2023/24 budget setting process.
- 5.3 In order to balance the resource implications associated with this new approach and the need to raise locally generated income it is proposed that a small number of the Council's higher value income generating areas are reviewed as part of the 2023/24 budget setting process, with a wider review of other income generating areas taking place in 2023 and future years. The intention is for these specific service areas to present proposed charges from April 2023 as part of the draft budget, along with information around the specific reason for the proposed variation in line with the charging strategy for that income stream.
- 5.4 Income in respect of new income generating concepts similarly is not quantified at this stage but will be set out as proposals are brought forward for approval – anticipated September 2022.



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Decision</b>
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**Report Title:** **Review and Approval of Housing Policies (June 2022)**

**Report Author(s):** **Chris Eyre (Housing Manager)**

<b>Purpose of Report:</b>	The purpose of this report is to inform Council of updated housing policies in respect of Income Management, Council Tenant Recharge and Aids and Adaptations (Council Tenants).
<b>Report Summary:</b>	Attached to the report as appendices are the Income Management, Recharge, and Aids and Adaptations Policies
<b>Recommendation(s):</b>	<p><b>A. That the Income Management Policy (as set out in Appendix 1) be approved;</b></p> <p><b>B. That the Recharge Policy (as set out in Appendix 2) be approved; and</b></p> <p><b>C. That the Aids and Adaptations Policy (as set out in Appendix 3) be approved;</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Tracy Bingham (Strategic Director / Section 151 Officer) (0116) 257 2690 <a href="mailto:tracy.bingham@oadby-wigston.gov.uk">tracy.bingham@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Chris Eyre (Housing Manager) (0116) 257 2726 <a href="mailto:chris.eyre@oadby-wigston.gov.uk">chris.eyre@oadby-wigston.gov.uk</a></p> <p>Sunny Basran (Strategy and Performance Officer) (0116) 257 2726 <a href="mailto:sunny.basran@oadby-wigston.gov.uk">sunny.basran@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Providing Excellent Services (CO3)
<b>Vision and Values:</b>	Accountability (V1) Customer Focus (V5) "A Stronger Borough Together" (Vision)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	The implications are as set out at paragraph(es) 4 of this report. Each policy contains an Equalities Assessment at the end of each

	policy document.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Income Management Policy (June 2022)</li> <li>2. Recharge Policy (June 2022)</li> <li>3. Aids and Adaptations Policy (June 2022)</li> <li>4. Consultation Feedback (May 2022)</li> </ol>

## 1. Background

- 1.1 Oadby and Wigston Borough Council (the Council) is committed to providing a cost effective, efficient service whilst meeting all any legal and contractual obligations. The Housing Service has commenced a programme of work to review existing housing policies to ensure that housing services are being delivered in line with guidance and legislation, to respond to internal audit actions and to provide the service with a firm foundation to deliver effective landlord services.

## 2. Summary of Polices

- 2.1 The Income Management Policy (**Appendix 1**) sets out the Council's approach to maximising our income through the collection of customer rents and service charges.
- 2.2 The aim is to deliver an efficient and effective income management service working within an operational framework that supports customers and former customers to understand, take responsibility for and to meet their responsibilities, whilst providing help and advice for those requiring additional support.
- 2.3 This Recharge Policy (**Appendix 2**) sets out the items that existing and former tenants, leaseholders and those who have received housing services may be charged for, how they will be identified and how they will be managed by the housing team.
- 2.4 The Council recognises that the vast majority of Tenants/Leaseholders have high standards and will look after their homes. However, there are a small number of residents who do not value their homes or take responsibility for ensuring they comply with the terms and conditions of their tenancy or lease relating to property standards.
- 2.5 This Recharge Policy provides guidance to tenants/leaseholders and to the Council and each case will be dealt with on its merits. In line with this policy the Council has the tools to be able to re-charge the residents who do not comply.

2.6 The Aids and Adaptations Policy (**Appendix 3**) sets out guidance in relation to the Council’s approach to the provision of property adaptations to Council homes. The aim being to support our tenants with the management of long term health issues or disability and to remain in their home.

### 3. Consultation

3.1. A consultation exercise on all three policies has been completed this has involved:

<b>1</b>	Consultation through the Council’s website
<b>2</b>	Through social media
<b>3</b>	Members consultation via the Members’ Bulletin
<b>4</b>	Notice on the consultation within the Community Centre located on Boulter Crescent
<b>5</b>	Notice on the consultation within our Sheltered Schemes (William Peardon Court, Marriott House, Chartwell House)
<b>6</b>	Consultation exercise with: <ul style="list-style-type: none"> <li>• Senior Leadership Team</li> <li>• Housing Teams</li> <li>• Local MP</li> <li>• Helping Hands</li> <li>• Local GP’s, Occupational Therapists and Lightbulb (Aids &amp; Adaptations)</li> <li>• Finance Manager, Legal Corporate Assets Manager (Recharge and Income Management)</li> </ul>

3.2 The four week period ended on the 30<sup>th</sup> May 2022. Attached as **Appendix 4** is a summary of the consultation feedback.



**Oadby & Wigston**  
BOROUGH COUNCIL

# **Income Management Policy**

## **2022**

<b>Date approved by Housing Service Manager</b>	
<b>Committee</b>	
<b>Committee Approval Date</b>	
<b>Implementation Date</b>	
<b>Review Date</b>	
<b>Version</b>	1

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## **1. Introduction**

- 1.1 This policy applies to all tenants who have a Secure Tenancy or Non Secure Tenancy with Oadby & Wigston Borough Council (“the Council”).
- 1.2 This policy applies to both current tenants arrears and former tenant arrears.
- 1.3 This policy does not apply to leaseholders (including equity share properties).

## **2. Policy Statement**

- 2.1 The aim of this policy is to set out the council’s approach to recovering tenant arrears in order to be as effective as we can be in minimising tenant debt. This policy will be applied in a firm but fair way, underpinned with early contact and support in order to prevent arrears from accruing and to ensure that a tenant can receive the right advice at the earliest opportunity.
- 2.2 Rent payments are due in advance in accordance with the council tenancy agreement. We aim to ensure value for money by adopting a robust procedure to maximise our income to enable the council to meet its financial obligations.
- 2.3 The specific objectives of the Income Management Policy are to:
  - Effectively collect rent due and maximise income
  - Effectively recover former tenant arrears
  - Offer comprehensive support to tenants to sustain their tenancies at all stages of the recover process
  - When appropriate, take legal action swiftly to minimise arrears increasing ensuring action is proportionate and adheres to all legislative requirements, i.e. Pre-Action Protocol.

## **3. Equalities Statement**

- 3.1 The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.
- 3.2 Oadby & Wigston Borough Council’s allocation scheme promotes equal opportunities in the services it provides. Our aim is to implement and maintain services which ensures that no potential or current home seeker is treated less favourable on the grounds of gender, marital status, race, nationality, ethnic or national origin, colour, disability, age or sexual orientation nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified by law.
- 3.3 Our allocations scheme operates in accordance with the council’s equal opportunities policy. A copy of the policy is available from the Council Officers, Station Road, Wigston, Leicestershire, LE18 2DR.

## **4. Data Protection**

- 4.1 Any information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. The Council's corporate statement on data protection is available on the Council's website at [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk).

## **5. Our Approach**

- 5.1 Rent is a priority debt and must be paid without exception. It is one of the most important bills a tenant has to pay.
- 5.2 It is the tenant's responsibility to pay the rent in full, in advance and on time. This is clearly set out in the tenancy agreement.
- 5.3 The council expects tenants rent accounts to be in advance at all times during their payment cycle, e.g. if a tenant pays their rent monthly, they should be one month in advance, so that the rent account is never in debt. Where a rent account is in arrears only because payment patterns do not match the council's weekly accounting periods, the council will work with the tenants to enable them to make extra payments to bring their account into advanced payment. This includes tenants in receipt of housing benefit or Universal Credit.
- 5.4 We will provide full information on how and when to pay rent when the tenancy agreement is signed. We also explain the consequences of not paying rent and what debt support services are offered locally. Where support issues are identified at a new tenancy sign-up, we will refer tenants for local support to either specialist council officers or Citizens Advice.
- 5.5 The council's preferred method of payment is Direct Debit, but we will offer multiple payment methods for tenants to pay their rent. If rent is not paid, it becomes arrears. This is a debt that tenants owe to us as their landlord.
- 5.6 We take arrears very seriously, even when it is just a small amount. Arrears can put a tenant's home at risk. Arrears also mean that we have less to spend on important services to tenants' homes.
- 5.7 Rent statements will be provided/accessible to all tenants on a regular basis and at every stage of the recovery process.
- 5.8 We encourage tenants to speak to the Income Team at an early stage if they are experiencing difficulties with paying rent.

## **6. Taking Court Action**

- 6.1 We will take tenants to court to ensure that they pay us arrears that are owed after reasonable attempts have been made to engage with the tenant to settle the debt. This is a serious step and will result in the tenant having to pay for court costs. If bailiffs are involved, their costs will have to be paid by the tenant as well.
- 6.2 We will follow the steps laid out by the Civil Justice Commission's Pre -Action Protocol when court action is being taken.

## **7. How We Can Help**

7.1 We understand that times can sometimes be difficult. This makes it more important that payment of rent is prioritised by tenants. Once rent arrears start to build they can become difficult to repay.

7.2 We are will to help tenants who are in arrears. It is essential that we contact the tenant as early as possible and that the tenants speak to us as soon as they are in difficulties.

7.3 We can signpost tenants to Citizen's Advice Bureau. This is very important when tenants are trying to pay multiple debts.

7.4 We expect arrears to be paid in full, but we will on a case by case basis come to an arrangement with tenants to repay arrears.

7.5 We will offer multiple options for tenants to pay their rent such as:

- Direct Debit
- Online payments
- Internet banking payments
- Telephone payments
- Standing order
- Pay Point (used when making payments in newsagents, garages etc)
- Council employees can pay through salary
- Cheque

7.6 Direct Debit is the council's preferred method of payment.

## **8. Early Contact**

8.1 We will contact tenants as soon as their rent account falls into arrears. We expect that tenants will work with us to sort out the debt. We expect that tenants will put things right at this early stage.

## **9. Low Level or Static Debt**

9.1 We take even small arrears seriously.

9.2 We will take firm action on low level debt. This is to protect the tenant falling into further arrears and financial difficulties.

9.3 This may also apply to small debts which may have been sitting on the rent account for a long time (static debt), even when they are not increasing.

9.4 We may serve notice and take legal action to recover money we are owed, where it is cost effective to do so.

## **10. Benefits**

10.1 We know that benefit payment problems can lead to arrears. It is important that tenants talk to us straight away if this is the case.

- 10.2 We may not start court proceedings where arrears are because of an outstanding benefit claim. This is only where a tenant can evidence that they have a genuine chance of getting benefits and has provided all the information.
- 10.3 We expect tenants to be paying any rent due which is not covered by Housing Benefit.
- 10.4 Tenants in receipt of Universal Credit are expected to make payments to cover the full weekly rental charge where they receive the benefit payments direct to themselves.
- 10.5 All tenants receiving benefits with the exception of Universal Credit (as this payment is made in arrears), are expected to be in advance with their rent payments, in the same ways as tenants do not receive any benefits.

## **11. Vulnerable tenants**

- 11.1 There is no standard definition of what is meant by the term 'vulnerable'. We will try to identify potential vulnerabilities as early as possible to enable us to offer the right support. Examples may include tenants with disability, drug or alcohol dependencies, mental health or elderly.
- 11.2 We will work in partnership with tenants, voluntary organisations and other support providers to offer extra support and guidance. We can signpost to agencies that offer support that is tailored to tenants' circumstances.
- 11.3 Equality Impact Assessments will be carried out to identify support needs through the arrears recovery process and services tailored to meet the needs of individuals where appropriate.
- 11.4 While we accept that vulnerable tenants may need additional support, we still expect rent to be paid on time and arrears repaid quickly.

## **12. Joint tenants**

- 12.1 Both tenants are 'jointly and severally' responsible for paying the full rent and for any rent arrears. This means that if one joint tenant does not pay, the other is fully liable.
- 12.2 This will be the case where universal credit is only paid to one tenant, or where one joint tenant has left the property.

## **13. Staff**

- 13.1 The council will train its staff in procedures to recover rent arrears. Continuous training will be available on legal updates, housing law, welfare benefit/reform updates, equality and diversity, safeguarding and any other relevant topic which will impact on collecting rental income.
- 13.2 Staff will provide tenants with welfare and housing benefits advice. They will also offer basic debt advice in order to support tenants to sustain their tenancy.

## **14. Taking Legal Action: Service a Notice of Seeking Possession (NOSP)**

- 14.1 Notices will be served for arrears where tenant(s) are 28 calendar days / 4 weeks or more in rent arrears.
- 14.2 We will normally serve the notice by post, but where appropriate we will serve by hand at the tenants' home address.
- 14.3 We can serve a notice after a shorter time and reserve the right to do this in exceptional circumstances, e.g. where a tenant fails to make payments towards static or low level arrears less than 4 weeks rent.
- 14.4 We still serve a notice even if an arrangement has been made if the arrears remain more than 4 weeks. This is to protect the council's interest in the debt owed.
- 14.5 We may still serve a notice where benefit eligibility has been established, but a tenant is not making payment towards any rent arrears owed.
- 14.6 We may delay serving a notice where the vulnerability of the tenant means that there are significant support issues.
- 14.7 We will seek possession under Ground(s) 1 of Schedule 2 to the Housing Act 1985 – 'Any rent lawfully due from the tenant has not been paid or the obligation of the tenancy has been broken or not performed'.
- 14.8 The notice is valid for 12 months from the date it becomes 'live', unless the tenant clears the arrears before it became live. A notice will be re-issued after 12 months lapse if the arrears remain and no court action has been taken.
- 14.9 We will serve a Notice to Quit where a licensee has up to 28 days or more in arrears and has not responded to our efforts to make contact, or has broken their agreement to repay arrears. We will ensure its use is proportionate.

## **15. Court Action**

- 15.1 We will apply to court for a possession order where:
- The tenant has refused to get in contact with us
  - The tenant has not come to an agreement with us
  - The tenant has come to an agreement with us, but has not kept to it
  - Arrears are not reducing
- 15.2 We will apply to court for a possession order once the notice has expired and will notify the tenant before applying to court. We will take into account the personal circumstances of the tenant before applying to court.

## **16. Adjournments**

- 16.1 We may adjourn a case on terms if we can make an arrangement with the tenant before any court hearing and the agreement is made and maintained prior to the court hearing.
- 16.2 Under the Housing Act 1985 there is a duty on the court to impose some form of payment on the tenant on making an adjournment, except where it would be unreasonable. We will always ask for repayment terms when agreeing to any adjournment.

## **17. Court orders**

- 17.1 We will consider the tenant's circumstances when deciding to seek a possession order, including:
- Ability to repay the debt
  - Their benefit situation
  - Their payment history
- 17.2 We will usually seek either a Suspended Possession Order (SPO) or an Outright Possession Order (OPO) from the court.
- 17.3 A money judgement will always be sought with any possession order, in addition to an order for costs incurred.

## **18. Alternative Payment Orders**

- 18.1 Alternative ways of seeking payments may be used. However, we will not use distraint or seizure of goods.

## **19. Attachment of Earnings**

- 19.1 The tenant's employer may be empowered to make regular deductions from the tenant's earnings and pay them directly into their rent account.

## **20. Insolvency Arrangements – Bankruptcy, Individual Voluntary Arrangements (IVA) and Debt Relief Orders (DRO)**

- 20.1 Where a tenant has an insolvency arrangement they remain liable to pay current rent as usual.
- 20.2 We do not have to write off rent arrears where bankruptcy has occurred. We may deal with repayments of rent arrears in line with this policy, and follow standard procedures for recover action where arrangements are not kept to.
- 20.3 The main feature of a DRO is a ban (called moratorium) which prevents creditors pursuing debts for a period of 12 months. Tenants with a DRO are still liable to pay current rent, and any rent arrears incurred after the DRO has been made are not

covered by the moratorium. We will deal with repayment of these arrears in line with this policy.

## **21. Eviction**

- 21.1 The council will only seek to evict as a last resort.
- 21.2 No eviction can take place without both the Housing Manager and Head of Service approval. This is something we take very seriously. We will only carry out an eviction where a county court bailiff is present and we will work with the bailiff to ensure that it is done as sensitively as possible.
- 21.3 We will send written notification of the date of the eviction to both the tenant and the council's housing management service.
- 21.4 We will advise all tenants to seek independent legal advice following our approval for officers to apply for an eviction.

## **22. Joint working**

- 22.1 We will work closely with internal and external partners to ensure that cases are being dealt with in a prompt and efficient manner, so that the rent account is maintained and payments are being made in a timely manner.
- 22.2 Partnership arrangements will be adopted where possible to ensure a comprehensive support service is in place for tenants in arrears or experiencing financial difficulties.

## **23. Loss of Rights for Tenants in Arrears**

- 23.1 Tenants in arrears will not usually be allowed to move home via the transfer list. (See the council's Allocations Policy).
- 23.2 Tenants in arrears may not be able to carry out tenancy changes such as mutual exchanges and creating joint or sole tenancies, etc, until the arrears are cleared.
- 23.3 If a tenant is in arrears, any compensation or redress payments will be offset against their arrears with any remaining money due payable to the tenant.

## **24. Former Tenants**

- 24.1 Former tenant arrears refers to rent arrears left by a tenant whose tenancy has ended and they no longer live in their home. It applies to all former tenant accounts including rent arrears, court cost, garage rent arrears, non-secure arrears, rechargeable arrears and occupation charges.
- 24.2 Collection of former tenant arrears is important to the council. Any debts owed to the council greatly reduce the level of service we can provide to our tenants. We will be proactive in collecting former tenant arrears using a range of methods in a flexible, but fair and consistent way. We will use the methods which are considered to be the most effective on a case by case basis and that deliver value for money.

## Prevention of Former Tenant Arrears

- 24.3 The council is focused on preventing former tenant arrears. While the tenant is living in the home we will work with them to try and prevent them falling into arrears wherever possible. This will include providing debt, benefit or general money advice where possible. We will also signpost to relevant agencies that can advise the tenant if we are unable to do so.

## Contacting Former Tenants and Tracing

- 24.4 The Income Team are responsible for collecting former tenant arrears.
- 24.5 We understand the importance of acting promptly to increase collection of former tenant arrears. The relevant officer will identify former tenant arrears at an early stage and contact the former tenant. We will contact former tenants using a variety of methods.
- 24.6 Where we have no up to date contact details on the former tenant or we need more information we will use tracing to try and locate the former tenant. Tracing is the method of finding a person's contact details.

## 25. Former Tenant Debt Collection

- 25.1 The council understands that each case of former tenant arrears is different and the same collection methods will not be suitable for all cases. The officer will consider on a case by case basis what collection method(s) would be the most effective and the best value for money.
- 25.2 We have a flexible approach to collection and the officer should regularly review the case to see if using different collection methods may be more successful.

### Debt Collection Agency (DCA)

- 25.3 The council will use a DCA when we have been unsuccessful in collection or tracing the former tenant. The DCA will return the case after 3 months if no arrangement has been made.
- 25.4 If the case is returned by the DCA due to unsuccessful trace we will continue to do in-house tracing for the next year. If unsuccessful debt to be written off.
- 25.5 If returned by the DCA due to being unsuccessful in collecting the debt a write off will be completed.
- 25.6 Where appropriate and more cost effective, we will use in-house tracing process using a compliant third party service.

### Court Action

- 25.7 We will begin court action where we have taken reasonable action to collect the debt, but this has been unsuccessful and we feel court action will be effective. We will always inform the former tenant of our intention before beginning court action.

25.8 We do not condone or employ the use of seizure of goods / distraint as a tool for collecting former tenant arrears, either directly, or via any employed agent.

## **26. Repayment Arrangements**

26.1 We understand that sometimes it is not possible for the former tenant to pay the full former tenant arrears immediately. In such cases we will agree to a repayment plan. The aim is for the former tenant to pay the arrears as quickly as they can, but the officer should ensure any repayment plan is affordable for the former tenant.

26.2 When agreeing the repayment plan with the former tenant, the officer will consider the former tenant's financial circumstances and what they can afford to pay. An income and expenditure sheet (affordability assessment) will be completed with the former tenant for all repayment arrangements.

26.3 If a tenant with arrears is transferred to another council property on management grounds, for example serious anti-social behaviour or domestic violence, terms to clear the former tenant debt should be agreed and confirmed before the move takes place and included in the new property tenancy agreement.

### **Missed Payments**

26.4 Where a repayment plan is in place but a payment is missed, we will contact the former tenant within seven days to ask them to immediately make the missed payment. If they are unable to do so then any repayment plan and / or discount may be removed and collection may immediately begin for the full amount.

### **Discounts**

26.5 The officer may offer a discount of up to 25% to help the former tenant clear their debt quickly and as one lump sum. A discount is only offered for debts over £200 and once an affordability assessment has been completed.

26.6 The amount of discount and the number of instalments offered must be authorised by an officer's line manager and where appropriate the Housing Manager.

26.7 In exceptional circumstances, discounts of more than 25% may be offered where the decision has been authorised by the Head of Built Environment.

26.8 Total discounted debt is to be cleared within three months of the confirmed written agreed discount.

26.9 The total amount of discounted debt which remains outstanding after the agreed debt amount has been cleared will be written off following the write-off approval process in section 14.

## **27. When to Write-Off Debts**

27.1 Every effort will be made to recover debts. Action to trace the former tenant and recover the debt will be taken before giving consideration to be recommended for write-off.

## Debts under £50

27.2 When the debt is under £50 the former tenant arrears will be approved for write-off by the officer's line manager as it is deemed as uneconomical to pursue / collect.

## Debts over £50

27.3 Authorisation limits for the writing off a debt will be as follows, with write-offs over £10,000 requested on the advice of the Section 151 officer.

Value	Authorised by
Amounts under £5,000	Individual officers and limits determined, where specific procedures are in place for categories of debt, which have been approved by the section 151 officer
Amounts under £10,000	Section 151 Officer and the Chair of the Policy Finance and Development Committee
Amounts £10,000 or more	Policy Finance and Development Committee

Circumstances of debt	Debt £50 - £199	Debt £200 and above
Tenant dies with no successor or, Tenant moved into residential care	Write off if there has been no response from executor / debtor within 28 days of sending a letter, or if there are insufficient funds to pay	Write off if there has been no response from executor / debtor to two letters within 56 days, or there are insufficient funds

Circumstances of debt	Debt £50 - £199	Debt £200 and above
<p>Tenant has left property for any other reason</p>	<p>Contact former tenant and / or Next of Kin if we have their details. If not then carry out in-house tracing. If tracing is unsuccessful case will be forwarded to DCA for Trace and collect. If DCA unable to contact for 3 months debt to be returned and written off</p>	<p>Where in-house tracing has been unsuccessful, refer to DCA</p> <p>The contractor in all cases where no arrangement has been made within 3 months from date of receipt of the case from the Council shall return the case to the Council</p> <p>If returned due to no forwarding address found then we will carry out in-house tracing every 13 weeks</p> <p>Where there has been no success after one year, former tenant arrears will be written off</p>

#### Extra information for evicted tenants

We are aware that if the former tenant has been evicted and has not for evicted tenants already re-paid the former tenant arrears after receiving a Court Order then it may be difficult to recover the former tenant arrears. However, often former tenants' circumstances change and they may become in a position to repay their former tenant arrears when previously they were not. The officer will carry out in-house tracing to check the former tenant's circumstances and then begin collection action as appropriate.

#### Statute Barred

- 27.4 The debt is over six years old, no legal action has been taken and there has been no contact with the debtor within a six year period.
- 27.5 If a former tenant approaches us for re-housing at any time we will reinstate any former tenant arrears previously written off, unless the debt has been written off as statute barred.

### 28. Disputes

- 28.1 The council will seek to resolve any disputes about the amount of former tenant arrears in a prompt and fair manner.
- 28.2 When disputing the amount of former tenant arrears owed, it is the former tenant's responsibility to provide evidence to support their claim, such as receipts proving the rent they have paid.

## **29. Former Tenant Credits**

- 29.1 For up to six years after a tenant leaves their property with any size of credit on their account we will make regular attempts to try and return this to the former tenant or Next of Kin. After six years we will not proactively attempt to return this, but if a former tenant or Next of Kin contacts us and requests repayment of this amount, we will re-pay this amount in full (minus any other money owed to us e.g. for rechargeable repairs).
- 29.2 If despite our attempts the former tenant credit is unclaimed after 6 years, the time for suing the council for this sum will have expired and the council will 'write-on' these amounts back into our budgets.

## **30. Debt Respite Scheme (Breathing Space)**

- 30.1 The Government's new 'Breathing Space' period will freeze interest, fees, and enforcement for people in problem debt, with further protections for those in mental health crisis treatment.
- 30.2 A 60-day breathing space period will see enforcement action from creditors halted and interest frozen for people with problem debt. During this period, individuals will receive professional debt advice to find a long-term solution to their financial difficulties.
- 30.3 Those receiving mental health crisis treatment will receive the same protections until their treatment is complete, in acknowledgement of the clear impact problem debt can have on wellbeing.
- 30.4 All requests for Breathing Space will be requested through The Insolvency Service.
- 30.5 When requests are made we will following the government guidance.

## **31. Contacting the Income Team**

- 31.1 Tenants can contact use in a number of ways, including by phone, email, online, in person or by letter.
- 31.2 The council's service standards set out the time frame of when customers will receive a response.

## **32. Review of Decision and Complaints**

- 32.1 Any tenant who is not satisfied with the manner in which the council or its contractor(s) has dealt with the service they have received regarding the Income Team Service has the right to have their case investigated. The tenant must submit their request for a review of the decision in writing which will be dealt with by an appropriate manager who was not involved in making the original decision. The request should be addressed to:

The Housing Manager  
Oadby & Wigston Borough Council  
Council Offices  
Station Road  
Wigston

Leicestershire  
LE18 2DR

32.2 If a tenant remains unsatisfied with the decision or the way in which their case has been handled, then a complaint should be made through the Council's Compliment, Comment and Complaints procedure. Tenants can make a complaint in the following ways:

- Online - [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)
- Telephone - 0116 288 8961
- Email - [csc@oadby-wigston.gov.uk](mailto:csc@oadby-wigston.gov.uk)
- Letter – Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR

### **33. Monitoring**

33.1 Oadby & Wigston Borough Council are committed to operating a successful rent collection service.

33.2 The Income Team will monitor arrears cases every week, identify the source of arrears and take action as appropriate and in accordance with the Rent Arrears Recovery Procedure.

33.3 The Senior Income Officer will monitor performance weekly, reviewing targets and actions regularly to ensure compliance with policy and procedures and that there is a consistent approach to arrears recovery.

33.4 We will regularly review our policy, procedures and correspondence.



**Oadby & Wigston**  
BOROUGH COUNCIL

# Recharge Policy

# 2022

<b>Date approved by Housing Service Manager</b>	
<b>Committee</b>	
<b>Committee Approval Date</b>	
<b>Implementation Date</b>	
<b>Review Date</b>	
<b>Version</b>	1

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## **1. Introduction**

- 1.1 This policy outlines Oadby & Wigston Borough Council's approach to recharging tenants for any repairs or services that have been carried out to a Council property, garage or communal area due to damage caused wilfully, through negligence or accidentally by a tenant, a member of their household or a visitor to their home. In addition, it covers the cost of clearing redundant possessions when a property is vacated and any work carried out by the Council to repair or maintain the property that is the tenant's responsibility. The cost of the repairs or services would be regarded as a 'Recharge'.
- 1.2 The Council will recover a Recharge for works and/or services carried out due to a tenant's non-compliance with the terms of their tenancy agreement during the tenancy or when the property has been vacated.
- 1.3 The policy will set out the housing services work that current or former tenants may be charged for.

## **2. Purpose**

- 2.1 The purpose of this policy is to ensure that the Council adopts a consistent, fair and transparent approach to recharging tenants for repairs or maintenance works that are not normally the responsibility of the Council.
- 2.2 The aims of this Policy are:
- To ensure that recharges are dealt with transparently and efficiently
  - To recover the cost of recharges from current and former tenants
  - To ensure that associated costs are pursued from those tenants who cause damage to their property wilfully, through negligence or accidentally
  - To maximise income by the recovery of debts in relation to rechargeable items
- 2.3 Reasonable wear and tear within properties is expected, this will not be regarded as a Recharge.

## **3. Council Responsibilities**

- 3.1 As a landlord, Oadby & Wigston Borough Council have certain responsibilities to maintain and repair our properties. These responsibilities are set out in the various Housing Acts, Landlord & Tenant Act 1985 and the Human Rights Act 1998, and are detailed in a the Tenancy Agreement and Tenant Handbook.
- 3.2 The Council is responsible for repairing the structure, the communal areas and the outside of the property and for making sure fixtures and fittings for electricity, gas, sanitation, and water are safe and in working order. The tenant will only be charged if the cause of these works was due to tenant damage or neglect.

## **4. Tenant Responsibilities**

- 4.1 The Tenancy Agreement sets out which repairs tenants are responsible for. This makes it clear that if the tenant fails to carry out his/her responsibilities covered in their tenancy

agreement, any costs incurred by the Council to undertake repairs or maintenance work to the property will be recharged to the tenant.

4.2 The tenant's responsibilities for looking after their home are outlined in the Tenancy Agreement, specifically within the following sections:

- Section 6 – Repairs and Maintenance
- Section 10 – Gardens
- Section 11 – Boundaries, Paths and Driveways
- Section 13 – Use of Communal Areas

## **5. Rechargeable Items**

### **5.1 Identifying a Rechargeable Item**

5.1.1 A Rechargeable Item is defined as any work that Oadby & Wigston Borough Council has to carry out in order to ensure a property is safe and/or suitable for re-letting for which the tenant is responsible for. A Rechargeable Item may be identified in a number of ways:

- the tenant reports a repair and a Rechargeable Item is identified
- the repairs & voids officer identifies a Rechargeable Item during an inspection
- the contractor identifies a Rechargeable Item during a visit or inspection
- any Oadby & Wigston Borough Council Officer identifies a Rechargeable Item at a tenancy visit

### **5.2 Examples of a Recharge**

5.2.1 A Recharge can arise in many situations. The following are examples and do not form an exhaustive list:

- Repairing any damage to the property, garden or communal area
- Repair and/or replacement of damaged fixtures and fittings
- Cost incurred by us as a result of a breach by you of conditions in relation to the tenancy agreement
- Costs incurred as a result of maintaining your garden
- Repairs undertaken in an emergency on behalf of the tenant e.g. lock replacement due to lost or misplaced keys
- Repairs for which the tenant is responsible, that the Council agrees to carry out. This will apply in circumstances such as where there are health and safety concerns and to prevent further damage e.g. to carry out corrective work
- Rectifying any alterations a tenant has made without the Council's permission, or which were not completed to an acceptable standard
- Recharging for items that are missing once a tenancy has ended

- Cost of cleaning and clearing the property, garden, sheds or outbuildings if left in an unsatisfactory condition at the end of the tenancy
- Repairs and/or improvements requested by the tenant that are not normally the responsibility of the landlord
- Emergency repairs e.g. making safe glazing, water leaks, hot water, heating, fire, flood, problems with gas and securing a door if required following forced entry

### 5.3 Forced entry/Fear for welfare

- 5.3.1 On any occasion where the police are in possession of a warrant to gain lawful entry to a property, the police have no liability for the damage which may be caused in securing the entry. The tenant will still have to pay for any repairs even if no one was arrested or any items found.
- 5.3.2 On any occasion where forced entry is gained due to a fear for welfare or to prevent damage or further damage for example to cap a water leak or gas leak, these cases will be looked at on a case by case basis taking into consideration the full circumstances. A decision will be made by the Housing Service Manager as to whether the tenant will be recharged for any repairs.

### 5.4 Alterations/Repairs made by tenants

- 5.4.1 Alterations and home improvements are effectively damage to the property if they have:
- been carried out without the Council's permission, **see Section 6.18** of the tenancy agreement
  - not been carried out to the required standard, or
  - not been maintained or are unsafe

## 6. Tenant option to repair damage

- 6.1 Whenever possible tenants should be given the option to repair any damage themselves at which point they will be advised by the Council of the acceptable standards required. If they take up the option a reasonable timescale should be agreed, in writing, by which time the work should be completed.
- 6.2 Where a tenant has opted to repair damage themselves rather than the council carrying out this work, an inspection of the work will be carried out by the Repairs & Voids inspector post repair. This is to ensure that works are completed to the required standards and if not, the Council will bring the repairs up to the required standard and the tenant will be charged for this.
- 6.3 It may **not** be possible to give a tenant the opportunity to do the work if it is a threat to the health and safety of the tenant and/or other people.

## 7. Expected property standards

- 7.1 When a tenancy is coming to an end, the following standards are expected to avoid a Recharge being incurred:

- re-instate any unauthorised alterations to the property or any authorised alterations that are subject to the condition that they are reinstated at the end of your tenancy agreement
- remove all of your furniture, personal belongings and rubbish from the property
- ensure the property (including the garden, outbuildings and loft space) is left in a clean and tidy condition
- clear and dispose of all your personal belongings, furniture, rubbish and personal effects
- make good any damage to the property
- any alterations or additions that have been carried out without written permission must also be returned to their original state

7.2 Any permitted alterations that have been made to the property by the tenant may remain in the property, providing these are deemed acceptable there will be no recharge incurred to the tenant.

7.3 Where Oadby & Wigston Borough Council incurs costs to collect, store or dispose of any furniture, goods or personal items that a tenant has failed to remove from the property a Recharge would apply.

7.4 In some circumstances the Council may exercise discretion and allow a tenant to leave certain items in the property if the council is satisfied with the cleanliness and the standard of the items.

## **8. Former tenants**

8.1 Rechargeable work may be identified when a property is inspected before the vacating tenant moves out. The tenant needs to be given the opportunity to put the works back to re-let standard prior to them moving out. However, most rechargeable work will be discovered when furniture and fittings have been removed and the property is vacant. Photographic evidence will be taken at this stage.

8.2 In all cases where the address of the former tenant is known, an invoice will be raised at the earliest opportunity for any completed chargeable repairs or services utilised to bring the property back to re-let standard.

**N.B.** We cannot give a former tenant the opportunity to do the work after they have moved out.

## **9. Exceptional Circumstances**

9.1 In exceptional circumstances where the Officer or Contractor feels that the tenant should not be charged for a repair or service, evidence should be submitted to the Senior Officer / Manager who will decide on a case by case basis whether a Recharge will be applied.

9.2 Waiving of a Recharge will be at the considered if a Senior Officer / Manager or other delegated officer finds that it would not be beneficial to pursue a recharge based on individual circumstances.

## 10. Repayment

10.1 When a Recharge is identified, the tenant will be notified at the earliest opportunity and advised of the approximate cost. An invoice will be sent to the tenant following the repairs or services being carried out. This invoice will show the total cost of works, the outstanding balance due and any VAT applied as appropriate.

10.2 If the tenant is unable to clear the outstanding balance, an affordable realistic agreement can be made with the tenant based on their household's financial income. This also needs to take into account frequency and method of payment to ensure this debt is cleared in a reasonable time frame, ideally within 12 months of the works being carried out.

## 11. Subsequent Rechargeable Items

11.1 If the tenant has outstanding debt for a previous repair/works that have been carried out, subsequent non-essential repairs will **not** be carried out unless:

- The tenant has reduced the current recharge debt by 50%, or
- The tenant has been adhering to a repayment plan for a period of at least 3 months, or
- The tenant makes a payment to reduce the current rechargeable debt by 50%

**Important note:** The identification of a rechargeable item will trigger an investigation by the Housing Officer (each time) to assess if there is a need to take enforcement or supportive action.

11.2 In exceptional circumstances and whereby the above criteria cannot be met, the Housing Officer will carry out a financial assessment to establish the tenants ability to pay. A decision as to whether the repair or service should go ahead will be reached by a Senior Officer or Manager providing a contribution payment is made towards the existing debt.

## 12. Appeals

12.1 Where a tenant disagrees with or disputes the amount of a Recharge, an appeal can be made to review the decision. The tenant must submit their appeal in writing which will be dealt with by an appropriate manager who was not involved in making the original decision. The appeal should be addressed to:

The Housing Manager  
Oadby & Wigston Borough Council  
Council Offices  
Station Road  
Wigston  
Leicestershire  
LE18 2DR



# EQUALITY ASSESSMENT

## PART 1 - INITIAL SCREENING

<b>Name of Policy/Function:</b>  Recharge Policy	X	This is <b>new</b>
		This is a <b>change</b> to an existing policy
		This is an <b>existing</b> policy, Function, not previously assessed
		This is an existing policy/function for <b>review</b>

<b>Date of screening</b>	7 <sup>th</sup> June 2022
--------------------------	---------------------------

### 1. Briefly describe its aims & objectives

<p>The Recharge Policy outlines Oadby &amp; Wigston Borough Council's approach to recharging tenants for any repairs or services that have been carried out to a Council property due to damage caused wilfully, through negligence or accidentally by a tenant, a member of their household or a visitor to their home.</p> <p>The Recharge Policy aims are to:</p> <ul style="list-style-type: none"> <li>• Ensure that rechargeable repairs are dealt with transparently and efficiently</li> <li>• Recover the cost of rechargeable repairs from current and former tenants</li> <li>• Ensure that associated costs are pursued from those tenants who cause damage to their property wilfully, through negligence or accidentally</li> <li>• Maximise income by the recovery of debts in relation to rechargeable costs</li> </ul>
---

### 2. Are there external considerations?

*e.g. Legislation/government directive etc*

<p>Landlord and Tenant Act 1985</p> <p>Housing Act 1985</p>
---

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

The Council;

- To recover rechargeable repairs costs from tenants who have caused damages wilfully, negligently or accidentally
- To ensure that rechargeable repairs are dealt with transparently and efficiently
- To maximise income through the recovery of rechargeable repairs
- To ensure tenants are treated fairly and transparently

Tenants;

- To have an awareness of this policy to avoid incurring rechargeable repairs costs
- To understand the what repairs are being recharged and the reasons why
- To understand how to repay a rechargeable cost

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

The Council will want:

- to avoid liability for discrimination against tenants in identifying rechargeable repairs
- to notify tenants of a rechargeable repair at the earliest opportunity
- to take into consideration the tenants financial circumstances and ensure that tenants are able to repay costs in instalments where appropriate and necessary
- to ensure that repairs that pose a health & safety risk are completed irrespective of a tenants outstanding debts in relation to rechargeable repairs

### 5. Has any consultation/research been carried out?

Yes

- research into Recharge Policies adopted by other local authorities has been completed
- a consultation exercise has been completed

### 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.*

No

**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?**

*Yes/No (If yes, please explain)*

No

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

*Yes/No (If yes, how will this be done?)*

Yes

- the consultation exercise the Council will ensure tenants, local residents, members and relevant agencies are aware of the Recharge Policy

- through creating an awareness of the introduction of a Recharge Policy the Council anticipates it will naturally promote equality and good community relations

**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

**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\*** (please delete as appropriate).

Completed by: Sunny Basran                      Date: 7<sup>th</sup> June 2022  
(Policy/Function/Report written)

Countersigned by: ..... Date:.....  
(Head of Service)

Screened by:..... Date:.....

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



**Oadby & Wigston**  
BOROUGH COUNCIL

# Aids and Adaptations Policy

## 2022

<b>Date approved by Housing Service Manager</b>	
<b>Committee</b>	
<b>Committee Approval Date</b>	
<b>Implementation Date</b>	
<b>Review Date</b>	
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## **1. Introduction**

- 1.1 Oadby & Wigston Borough Council recognises that housing adaptations can often play an important role in enabling a disabled person to remain in the comfort and safety in their own homes, by restoring or promoting independent living or to use their home more effectively.
- 1.2 The link between housing and wellbeing is increasingly acknowledged. A suitable, well adapted home can improve quality of life, wellbeing, enable safe access and increase independence to prevent, reduce or delay care needs. Appropriate, accessible housing is vital in addressing people's needs and enabling them to meet their chosen outcomes efficiently and cost effectively.
- 1.3 There is greater focus on supporting people with disabilities to consider how their housing needs can be met in the longer term. The council will look at the best use of resources by looking to keep tenants in their own home where possible, or through options to relocate to a more suitable property.

## **2. Purpose**

- 2.1 The purpose of this policy is to provide guidance and understanding of Oadby & Wigston Borough Council's approach to the provision of adaptations to support their tenants with the management of long term health issues or disability to remain living in their home. It is to set out the criteria by which the council will assess requests for adaptations to their properties.
- 2.2 This policy applies to residents living in social housing properties owned by the council, both adults and children who require adaptations in their homes. Private Sector housing adaptations are provided through a Disabled Facilities Grant.
- 2.3 This policy refers to and only applies to disabled and older people. Under the terms of this policy, we have used the definition of disability from the Equalities Act 2010, which states a person is disabled 'if they have a physical, mental or sensory impairment that has a substantial and long-term (i.e. more than 12 months) adverse effect on your ability to do normal daily activities.'

## **3. Principles of the policy**

- 3.1 The main principles of this policy is:
  - To ensure that all residents have access to accommodation that enables independent living, privacy, dignity and promotes the wellbeing for the individual and their families. This may include offers of alternative accommodation, Supported Living or modifying the existing property
  - To provide a service that seeks to best meet the needs experienced and identified by the disabled person, with regards to the persons own views, wishes and feelings
  - To ensure that constraints on independent living are not imposed on disabled people by virtue of the construction, layout or design of their homes

- The process utilises the skills and experience of a wide range of disciplines and includes consultation and choice for the disabled person.
- The appropriateness and acceptability of the adaptation is measured by the extent to which it meets the needs of the individual.

## **4. Legal and regulatory framework**

4.1 This document makes reference to the legal requirements and policies that must be adhered to. We have had regard to legislation including (but not limited to) the following:

### **The Care Act 2014**

Applicable to adults – Section 1 of the Care Act states that local authorities have a general duty to promote the wellbeing and independence of the disabled person. This includes the physical, mental and emotional wellbeing. Therefore home adaptations are highly relevant to the individual's wellbeing and regard should be given to their own views, wishes and feelings.

Section 2 places duties on local authorities to identify, provide and arrange services that help people prevent developing needs for care and support or delay people deteriorating such that they would need on-going care and support.

However, eligibility criteria from the Care Act or any legislation should not apply to adaptations, however the principles of wellbeing should be considered.

### **The Chronically Sick and Disabled Person Act (1970 Section 2)**

Continues to apply to children, it gives local authorities a duty to assess and assist chronically sick or disabled children that may be necessary and appropriate with assistance in arranging adaptations or the provision of additional facilities to promote safety, comfort and convenience.

### **The Equality Act 2010**

Legally protects people from discrimination. Section 29 states that the council, in providing a service to the public, must not discriminate against a persons with a protected characteristic.

### **The Housing Act 1996**

In determining this policy, regard has been given to Oadby & Wigston Borough Council's Housing Allocations Policy, which complies with the above Act.

### **Housing Grants, Construction and Regeneration Act 1996**

Local Authorities have a statutory duty to provide grant aid to disabled people for a range of adaptations to their home. This will be explored in more detail in the policy.

## **5. Equalities statement**

5.1 Oadby & Wigston Borough Council promotes equal opportunities and ensures there is equality and diversity in all services that we provide. In line with the provisions of the Equality Act 2010, Oadby & Wigston Borough Council will:

- Have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different groups
- Our aim is to continue to maintain equality and ensure that we adapt our homes in a non-discriminatory way based on meeting housing need. We also anticipate that the transparency of this will not let any individuals be treated less favourably on the grounds of gender, marital status, pregnancy and maternity, race, disability, sexual orientation, age, faith or gender reassignment. Oadby & Wigston Borough Council Housing Service will treat all applications for adaptations in a sensitive and supportive manner.

5.2 This document can be made available in other languages and in large print or audio transcript if required.

## **6. Policy detail – funding for major adaptations**

6.1 For major adaptations within council homes, funding is provided within the Housing Revenue Account, rather than using Disabled Facilities Grants, which are available to people living in privately owned, rented or Housing Association properties. However the council follows the rules applied to Disabled Facilities Grant (DFG) adaptation policy whereby a maximum limit of £30,000 is available to fund a major adaptation. In circumstances where the proposed works are above this limit, the council will discuss with the Head of Built Environment the options on a case by case basis. This will include options for re-housing to a more suitable property, or increasing the maximum limit.

6.2 Currently, council tenants are not subject to means testing, because funding comes directly from the Housing Revenue Account and adaptations can provide long term benefits for the property as well as the tenant. However, this is subject to review should budgetary pressures require the council to reflect a more equitable distribution of funds to its services.

6.3 In order to manage this annual budget, applications for adaptations will be prioritised as demand often exceeds the funding available.

## **7. Eligibility requirements for making an application for an adaptation**

7.1 Oadby & Wigston Borough Council will normally only consider a request for major and minor adaptations if the person:

- Is registered as an Oadby & Wigston Borough tenant, or the tenant's partner or a member of the immediate family who have been noted as living permanently with the tenant

- Has an impairment or disability which has significant effects on their ability to carry out normal day-to-day activities and requires safe access to essential facilities within their home
- Adaptations for children will be ordinarily within their principal main home, unless there is a case by case reason which will be assessed by an Occupational Therapist
- Major Adaptations will not be carried out at a property which as an active Right to Buy application. In these circumstances the tenant will be advised about the DFG which can be applied for once they have purchased their own home
- Major Adaptations will not be carried out at a property where the tenant has an active Housing Application or is actively seeking home-swappers via a mutual exchange

7.2 If the person is under occupying, for example, if one person was living in a three bedroom house, and there are alternatives to consider we will look to support them to a move to a more suitable property, and liaise with the Lettings Officer. These requests will be considered on a case by case basis.

## **8. Making an application for major adaptations**

8.1 Tenants can contact their Housing Officer, Housing Support Worker or Social Care Service to request an assessment of need to assess whether adaptations are necessary and appropriate. They will then decide whether a referral to an Occupational Therapist at the Leicestershire County Council Occupational Therapy Service is necessary.

8.2 The Council will only consider adaptations if an Occupational Therapist has assessed the household situation and recommended that the works are both necessary and appropriate, given the nature of the disability.

8.3 In all cases, the Council and the Occupation Therapist (O/T) will work together to ensure that:

- Cases are assessed fairly and equally
- Exceptional individual needs are taken into account
- Public money is used responsibly
- Alternative options to meet the applicant's needs are considered
- The OT works closely and arranging joint visits where necessary with the Adaptations Officer, especially with complex cases to discuss all available options for the tenant
- Regular meetings are held between the Adaptations Officer and the OT to discuss the progress of individual cases and current working practices

8.4 The Council has the final decision on whether to accept an OT's recommendations and ultimately, adapt its properties.

8.5 Under the Regulatory Reform (Housing Assistance) Order 2002 the Council has wide discretionary powers to provide financial assistance for repairs, improvements and adaptations to living accommodation. This includes help with the cost of moving and adapting or improving another property where it is deemed to be a more cost effective

option. It is therefore the policy of the Council to examine all the options available to the individual before immediately embarking on plans to adapt the current property where major adaptations are required.

## 9. Types of adaptations available

9.1 Adaptations are split into two categories – minor adaptations and major adaptations.

Minor adaptations feature prominently amongst the preventative services to maximise independence. There is a £1,000 limit applicable to each minor adaptation, and minor works can include but are not limited to:

- Grab rails
- Mop-stick banister or newel rails
- Galvanised rails
- Lever taps
- Over-bath showers
- Door entry systems
- Half steps
- Removal of thresholds
- Installation of specialist lighting
- Installation of flashing door bells or smoke alarms
- Window opening technology
- Key safes

9.2 The Council aims to have all minor adaptations installed within 21 days of the request being made.

## 10. Types of major adaptations available

10.1 This is works that cost over £1,000 and although not exhaustive, can include the following:

- Stair-lifts
- Level Access Showers
- Ramps to access the property at the front or back
- Widening doorways
- Accessible kitchens
- Through floor lifts
- Widening pathways for wheelchair access
- Hard standing – **See Appendix 1**

10.2 It is Oadby & Wigston Borough Council's intention to match the same provision for those living in the private sector, who are eligible for a DFG. Therefore this policy reflects the provisions set out within the Housing Grants, Construction and Regeneration Act 1996, as follows:

- Facilitating access by the disabled occupant to and from the dwelling, the building in which the dwelling or, as the case may be, flat is situated

- Making the dwelling safe for the disabled occupant and other persons residing with him/her
- Facilitating access by the disabled occupant to a room used or usable as the principal family room
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or useable for sleeping
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility
- Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility
- Facilitating access by the disabled occupant, or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility
- Facilitating the preparation and cooking of food by the disabled occupant
- Improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating systems there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs
- Facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source by providing additional means of control
- Facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident there and is in need of such care
- Such other purposes as may be specified by order of the Secretary of State

10.3 The Council will process applications for major adaptations within the financial year it is received. However, in some cases there are circumstances where this will not always be possible. Where major adaptations are not likely to be completed within the financial year of its request the Council will ensure that this is communicated with the individual at the earliest opportunity.

## **11. If they do the work privately**

11.1 Council tenants may organise their own adaptations privately and at their own expense, subject to agreement from the council. In all cases, tenants must obtain written agreement from the Council before carrying out any alterations or adaptations to their property. The Council have a right to refuse permission if the work would interfere with

any maintenance on the property, may cause a potential health and safety risk or would breach any regulatory requirements, or affect other tenants.

11.2 The written request will need to state what works and adaptations will need to be carried out and who will be undertaking the works. Tenants must not start any works without first gaining written permission from the Council. The Council may inspect the completed works to ensure that they have been carried out satisfactorily. Tenants will be responsible for the repair and maintenance of the adaptations that they have arranged for the duration of the tenancy.

11.3 The Council will not be liable for any damage or injury caused by adaptations not installed by the Council.

## **12. Circumstances in which work will not be carried out**

12.1 This section of the policy only relates to adaptations exceeding £1,000.

12.2 If the Council deems that it is not reasonable and practicable to adapt the property, applicants will be requested to consider transferring to a more suitable property, for example:

- Installing a level access shower to a flat above ground floor which cannot be accessed by an existing lift
- Where an adaptation would adversely affect the council's ability to make best use of the stock and re-let the property in the future
- Where an adaptation would place others at risk e.g. a stair-lift installed in a communal stairway which could impede access for other residents

12.3 This lists the adaptations that will not usually be funded under the adaptations process, and is not exhaustive.

- Adaptations for the storage of mobility scooters – unless the person has been assessed for a powered outdoor wheelchair
- Appliances such as ovens, hobs, fridges unless there is a specific need for a piece of equipment to meet their requirements on a case by case basis

## **13. Alternative options/making best use of current stock**

13.1 Other options will be considered where extensive adaptations have been requested. These include:

- Adapted council properties, which become available, will be offered in the first instance to those most in need of this type of property before consulting the general needs housing and transfer list
- Sheltered or Extra Care Homes

- 13.2 It is the Council's policy to discuss at an early stage other options available to meet the tenant's needs. This will include offering to transfer to appropriate alternative accommodation.
- 13.3 If alternative accommodation is considered it would need to meet the following suitability conditions:
- Consideration should be given to allowing the tenant to remain in or nearby to the area they currently live if this is where their support needs are fulfilled and cannot be delivered elsewhere
  - The new property must be suitable, or capable of being made so to meet the tenant's needs within the grant limit
  - Consideration should be given that this accommodation would become available within 18 months of assessment for major adaptations
- 13.4 If the tenant refuses the option of more suitable alternative accommodation, landlord permission for major adaptations to adapt their property would only be given in exceptional circumstances where a move is not considered advisable by a medical practitioner. For all major adaptations, the council will discuss with the tenant the option of a transfer to alternative accommodation that better meets the needs of the disabled person.

## **14. Prioritisation of approved major adaptations**

- 14.1 Demand for major adaptations is high, and therefore have to be prioritised which determines their position for the works to be carried out in conjunction with the date of assessment.

## **15. Conditions of providing major adaptations**

- 15.1 Where a major adaptation above £1,000 has been completed at a property, the expectation is that the disabled tenant remains living at that property for a minimum of five years. However, there may be circumstances where this is not possible e.g. due to a change in need from deterioration or new medical condition the property is no longer suitable and cannot be adapted further.
- 15.2 Where extensive adaptations have been carried out at a property and the disabled tenant dies, or is unable to remain at the property, the remaining household members may be encouraged to consider alternative accommodation to allow the adapted property to be let to a disabled person.

## **16. Right to Buy**

- 16.1 The Right to Buy was introduced in 1980. It means that secure tenants can buy their home at a discount to the full market value.
- 16.2 The Housing Act 1985, Schedule 5 details the exceptions to the Right to Buy scheme. This includes certain dwelling-houses for the disabled. The Housing Act 1985 states;

'The Right to Buy does not arise if the dwelling-house has features which are substantially different from those of ordinary dwelling-houses and are designed to make it suitable for occupation by physically disabled persons'

16.3 Properties where the Council has made specialist adaptations are therefore exempt from the Right to Buy scheme.

## **17. Appeals and complaints**

17.1 The council is committed to supporting people in providing suitable housing for its tenants. The council welcomes feedback that enables it to improve services. The council has established a corporate Compliment, Comment and Complaints procedure for dealing with complaints.

17.2 A complaint should be linked to the council's systems and procedures and may be about delay, lack of response, discourtesy or any item that leaves cause for dissatisfaction with the council's conduct.

17.3 If any applicant is dissatisfied with a decision made concerning their request for aids or adaptations, they may appeal via the Councils Compliment, Comment or Complaint procedure. Applicants can make a complaint in the following ways:

- Online - [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)
- Telephone - 0116 288 8961
- Email - [csc@oadby-wigston.gov.uk](mailto:csc@oadby-wigston.gov.uk)
- Letter – Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR

## Appendix 1 – Provision of hard standing and dropped kerbs

The one will not be considered without the other unless one of the above already exists.

Description: Hard standing is a level parking area which provides safe access from the car to the property. A dropped kerb is when the existing kerb to the pavement is lowered to allow vehicular access.

Criteria:

- The service user (driver or passenger) is unable to reach their car parked on the road safely
- Parking in close proximity to the address cannot be found for a major portion of the day, for most days
- The existing drive is too narrow to carry out a safe transfer for a wheelchair user without risk to the service user and/or the carer
- The service user is an adult or child who has a physical disability, or learning or behavioural difficulties and cannot safely transfer in/out of the car on the road e.g. narrow road, dangerous bend or challenging behaviour
- The service user's prognosis does not indicate the likelihood of significant improvement in their mobility
- The driver is a Blue Badge holder who is only able to walk or propel a wheelchair for short distances outside the home and has a permanent disability
- The passenger is a Blue Badge holder and the driver is unable to park in the road to allow the disabled person out, or cannot push a wheelchair from the nearest parking area which is an unreasonable distance away
- Passengers will not normally qualify as it is not unreasonable to expect that an able-bodied driver should "double park" if necessary to set down the disabled passenger and remove the vehicle afterwards. Although this may entail short-term obstruction of the highway, as it is not either "unnecessary" or "wilful", it is unlikely to be considered to constitute as an offence
- Exceptions may be made where the passenger requires constant attendance, or where the driver is of advanced age or frailty and has to lift equipment such as a wheelchair into the car, or use a hoist to transfer the passenger into and out of the car
- Hard standing will not be provided to prevent car vandalism alone
- Hard standing will not be provided solely for wheelchair and scooter access. The service user needs to have a car
- Work can only be considered within the boundary of the property i.e. we are unable to provide further hard standing or access across public/communal land such as wide grass verge

Factors to be considered:

- Permission to drop the kerb needs to be granted by the Highways Authority. If this is not granted the adaptation cannot proceed
- Would a marked disabled bay meet the need? If so, the resident applies directly to the Highways Authority without involvement of Social Care. NB – if granted the disabled bay can be used by any Blue Badge holder
- Hard standing should only be laid in a semi permeable material

- The maximum area for hard standing is 3.6 metres wide and 6.00m long. (The size of a standard disabled parking bay). More space can sometimes be achieved by abutting the hard standing to the existing front garden path
- It is not the purpose of the adaptation to provide hard standing to the whole of the front garden in order to make the front garden low maintenance for the resident
- Is a dropped kerb needed for wheelchair access only? This cannot proceed without permission of the Highways Authority. There are occasions when they will allow a half width dropped kerb which will only allow the wheelchair or pedestrian use but the request must be justified by Day Care attendance or frequent hospital visits on a regular basis. The Highways Authority would expect there to be a dropped kerb opposite so that the user can cross the road
- Although a service user/carer may meet the criteria, it may not be possible for the provision to be made due to local planning or traffic considerations

Note: The Council has the final decision on whether to accept an OT's recommendations and ultimately, adapt its properties

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# EQUALITY ASSESSMENT

## PART 1 - INITIAL SCREENING

<b>Name of Policy/Function:</b>  Aids and Adaptations Policy	X	This is <b>new</b>
		This is a <b>change</b> to an existing policy
		This is an <b>existing</b> policy, Function, not previously assessed
		This is an existing policy/function for <b>review</b>

<b>Date of screening</b>	7 <sup>th</sup> June 2022
--------------------------	---------------------------

### 1. Briefly describe its aims & objectives

The Aids and Adaptations Policy sets out guidance in relation Oadby & Wigston Borough Council's approach to the provision of adaptations to support our tenants with the management of long term health issues or disability to remain living in their home. It sets out the criteria by which the Council will assess requests for adaptations to properties.

The Aids and Adaptations Policy aims & objectives are to:

- Ensure that all residents have access to accommodations that enables independent living, privacy, dignity and promotes wellbeing
- provide a service that seeks to best meet the needs experienced and identified by the disabled person, with regard to the persons own views, wishes and feelings
- ensure that constraints on independent living are not imposed on disabled people by virtue of the construction, layout or design of their homes
- utilise the skills and experience of a wide range of disciplines and include consultation and choice for the disabled person
- ensure the appropriateness and acceptability of the adaptation is measured by the extent to which it meets the needs of the individual

### 2. Are there external considerations?

*e.g. Legislation/government directive etc*

The Care Act 2014

The Chronically Sick and Disabled Person Act (1970 Section 2)

The Equality Act 2010

The Housing Act 1996

Housing Grants, Construction and Regeneration Act 1996

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

The Council;

- to ensure that all Legal and Regulatory Framework is adhered to when assessing requests for aids and adaptations
- to ensure tenants have access to accommodation that enables independence and promotes wellbeing
- to ensure that tenants are treated fairly and transparently
- to ensure that requests for aids and adaptations are prioritised based on need and date of requests
- to ensure the Housing Revenue Account is utilised efficiently

Tenants;

- to have access to accommodation that enables their independence and promotes wellbeing for the individual and their family
- to have clarity on the process the Council had adopted to process requests for aids and adaptations
- to ensure that their requests for aids and adaptations are considered and assessed fairly without any discrimination
- to be informed regularly on the progress on requests for aids and adaptations

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

The Council will want:

- to avoid liability for discrimination against tenants in the assessment of and provision of aids and adaptations
- to ensure that any major adaptations are measured, necessary and in line with the tenants needs
- to ensure requests for aids and adaptations are assessed in a timely manner
- to ensure that regular contact is maintained with the individual and/or relevant agency i.e. Occupational Therapy
- to make best use of existing adapted stock

**5. Has any consultation/research been carried out?**

Yes

- research into Aids and Adaptations Policies adopted by other local authorities has been completed
- a consultation exercise has been completed

**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.*

No

**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	Positive
Race (including Gypsy & Traveller)	Neutral
Age	Postive
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?**

*Yes/No (If yes, please explain)*

No

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

*Yes/No (If yes, how will this be done?)*

Yes

- the consultation exercise the Council will ensure tenants, local residents, members and relevant agencies are aware of the Aids and Adaptations Policy
- through creating an awareness of the introduction of an Aids and Adaptations Policy the Council anticipates it will naturally promote equality and good community relations

**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

**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\*** (please delete as appropriate).

Completed by: Sunny Basran      Date: 7<sup>th</sup> June 2022  
(Policy/Function/Report written)

Countersigned by: ..... Date:.....  
(Head of Service)

Screened by:..... Date:.....

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

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# Appendix 4

## Consultation Feedback Summary

**Policies:** Recharge, Income Management, Aids & Adaptations

**Date:** 6<sup>th</sup> June 2022



A total of 6 online surveys were completed anonymously for our consultation exercise in respect of our new Recharge, Income Management and Aids & Adaptations policies. These were completed by:

- 4 Oadby & Wigston Borough Tenants (OWBC Tenant A-D)
- 1 Oadby & Wigston Borough Resident
- 1 Organisation

### Recharge Policy Response

Q3	Do you agree with the Council's approach to recharging tenants for damage caused wilfully, through negligence or accidentally?	<ul style="list-style-type: none"><li>• 5 – Yes (83%)</li><li>• 1 - No (OWBC Tenant C)</li></ul>
Q4	Do you agree with the examples of a situation where a Rechargeable Cost would apply	<ul style="list-style-type: none"><li>• 5 – Yes (83%)</li><li>• 1 – No (OBWC Tenant C)</li></ul>
Q5	If you are an Oadby & Wigston Borough Council tenant, do you feel that this policy meets your needs?	<ul style="list-style-type: none"><li>• 2 – Yes (50%)</li><li>• 2 – No (OBWC Tenant C, D)</li></ul>

#### **Additional Comments:**

##### OWBC Tenant A

If a problem has been caused by a tenant then I think the tenant should be responsible for the cost from the damages. If it's general wear and tear then I don't think the tenant should be responsible

##### OWBC Resident

The policy seems fair and should be rigorously pursued

##### OWBC Tenant C

As a tenant with a refurbished property, the properties were signed off before snagging and up to standards, this has resulted in reoccurring faults due to corners cut and I will not be held responsible for standards not met by the council to begin with.

## **Income Management Policy Response**

Q7	Do you agree with the Council's approach to recovering tenant arrears?	<ul style="list-style-type: none"> <li>• 5 – Yes (83%)</li> <li>• 1 – No (OWBC Tenant C)</li> </ul>
Q8	If you are an Oadby & Wigston Borough Council tenant, do you feel that this policy meets your needs?	<ul style="list-style-type: none"> <li>• 2 – Yes (50%)</li> <li>• 2 – No (OWBC Tenant C, D)</li> </ul>

### **Additional Comments:**

#### OWBC Tenant A

If the tenant is in rent arrears then they should have to pay them back

#### OWBC Resident

Rent arrears should be considered a serious failure and should be rigorously pursued

## **Aids & Adaptations Policy Response**

Q10	Do you agree with the Council's eligibility requirements for making an application for an adaptation?	<ul style="list-style-type: none"> <li>• 5 – Yes (83%)</li> <li>• 1 - No (OWBC Tenant C)</li> </ul>
Q11	Do you agree with the circumstances in which work will not be carried out?	<ul style="list-style-type: none"> <li>• Yes – 5 (83%)</li> <li>• No – 1 (OWBC Tenant C)</li> </ul>
Q12	If you are an Oadby & Wigston Borough Council tenant, do you feel that this policy meets your needs?	<ul style="list-style-type: none"> <li>• Yes – 3 (75%)</li> <li>• No – 1 (OWBC Tenant C)</li> </ul>

### **Additional Comments:**

#### OWBC Tenant C

As a tenant that also works to support the community I have witnessed these changes and adaptations. They do not support the local community and actually deter those who have disabilities by moving there only way of mobility hundreds of yards away from them making going outside inaccessible due to health reasons, you are isolating the most vulnerable of our community.

## Equalities Information

<b>Gender</b>	<ul style="list-style-type: none"><li>• 5 - Female</li><li>• 1 - Male</li></ul>
<b>Sexual Orientation</b>	<ul style="list-style-type: none"><li>• 5 - Heterosexual/Straight</li><li>• 1 - Bisexual</li></ul>
<b>Age</b>	<ul style="list-style-type: none"><li>• 2 – 25 to 35</li><li>• 1 – 35 to 44</li><li>• 3 – 55 to 64</li></ul>
<b>Health/Disability</b>	<ul style="list-style-type: none"><li>• 1 – Yes</li><li>• 3 – No</li><li>• 2 – Prefer not to say</li></ul>
<b>Ethnicity</b>	<ul style="list-style-type: none"><li>• 6 - White British</li></ul>
<b>Religion</b>	<ul style="list-style-type: none"><li>• 3 – No Religion</li><li>• 3 - Christian</li></ul>



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **COVID-19 Additional Relief Fund (CARF) Policy**

**Report Author(s):** **Jon Owst (Revenues and Benefits Manager)**

<b>Purpose of Report:</b>	To provide Members with a brief of the Covid-19 Additional Relief Fund and to also consult members on the design and seek delegated approval for the Council's Policy.
<b>Report Summary:</b>	The report sets out the background of the scheme and how we plan to deliver the fund.
<b>Recommendation(s):</b>	<p><b>a) That the contents of the report be noted;</b>  <b>b) That Officers be provided with feedback on the key principles for the delivery of the fund;</b>  <b>c) That authority be delegated to the Strategic Director / Section 151 Officer to approve a final policy.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Tracy Bingham (Director - Section 151 Officer)            (0116) 257 2690  <a href="mailto:tracy.bingham@oadby-wigston.gov.uk">tracy.bingham@oadby-wigston.gov.uk</a></p> <p>Comie Campbell (Deputy Section 151 Officer)            (0116) 257 2713  <a href="mailto:comie.campbell@oadby-wigston.gov.uk">comie.campbell@oadby-wigston.gov.uk</a></p> <p>Jon Owst (Revenues &amp; Benefits Manager)            (0116) 288 2603  <a href="mailto:jon.owst@oadby-wigston.gov.uk">jon.owst@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Growing the Borough Economically (CO2)
<b>Vision and Values:</b>	Accountability (V1)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	The council will receive £985,000 funding for the Covid-19 Additional Relief Fund. New Burdens funding will be paid to the Council to cover the cost of administering the fund however the level of funding is yet to be confirmed.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.

<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">Guidance published by the Department of Levelling Up, Housing and Communities (DLUHC)</a>
<b>Appendices:</b>	None.

## **1. Background**

- 1.1 On 25 March 2022 a £1.5 billion fund was announced to support businesses affected by the pandemic that are ineligible for existing support linked to business rates.
- 1.2 Local Authorities are responsible for the delivery of this fund to eligible businesses including the design of their own local scheme.
- 1.3 The Department for Levelling Up, Housing and Communities have confirmed that OWBC will receive £985,810 for this scheme, based on the rateable value of businesses in the borough.

## **2. Who Will Qualify**

- 2.1 OWBC are responsible for the design of our scheme but must:
  - 2.1.1 Not award to ratepayers that were eligible for Extended Retail Discount or the Nursery Discount;
  - 2.1.2 Not award for unoccupied periods; and
  - 2.1.3 Direct support towards ratepayers adversely affected by the pandemic that have been unable to adequately adapt to that impact.

## **3. Delivery Method**

- 3.1 The business rates caseload will be analysed to remove the following businesses:
  - 3.1.1 Businesses that have already received support in 2021-22;
  - 3.1.2 Businesses where OWBC or the County Council are the liable party; and
  - 3.1.3 Banks, petrol stations, energy companies and other areas where inclusion would be politically sensitive. Input is welcomed on types of business that should be excluded.
- 3.2 Eligible businesses will be contacted by letter and email and invited to opt-in to a payment from the scheme by declaring they have been unable to adequately adapt to the adverse financial impact of the pandemic, and that award of the relief will not take them over subsidy limits.
- 3.3 At the end of a 4-week application window the level of relief to be awarded will be decided

based on the number of applications received.

- 3.4 Awards will consist of a reduction in business rates for 2021-22, with any credit from that year being transferred to the current year.

#### **4. Financial Implications**

- 4.1 Councils will have to have made all payments to eligible businesses by 30 September 2022.
- 4.2 The delivery method proposed ensures funding of £985,810 will not be exceeded. Any unallocated funding must be returned to government following reconciliation later in the year.
- 4.3 Finally, the government has committed to providing Councils with New Burdens funding to compensate for the additional burdens in implementing the overall policy. The level of this funding is yet to be confirmed, however it is expected that the costs of delivering the scheme will be absorbed within existing budgetary provision within the 2021/22 and 2022/23 financial years, with the exception of software charges which are expected to be contained within the new burdens envelope.

# Agenda Item 14



<b>Policy, Finance and Development Committee</b>	<b>Tuesday, 28 June 2022</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Special Severance Payments by Local Authorities**

**Report Author(s):** **David Gill (Head of Law & Democracy / Monitoring Officer)**

<b>Purpose of Report:</b>	To inform members of the publication and contents of the Statutory Guidance issued by the Department for Levelling Up, Housing and Communities in relation to the making and publication of Special Severance Payments by Local Authorities.
<b>Report Summary:</b>	The report sets out the statutory guidance all local authorities are required to have regard to in making Special Severance Payments, the types of payments that fall within the purview of the guidance, the processes to be followed and the amendments to delegations required to the Constitution in order to facilitate compliance with the guidance.
<b>Recommendation(s):</b>	<b>That the content of the report be noted and that this Committee recommends to Council amendments to the constitution as set out in paragraphs 5.7, 5.8 and 5.9 of the report.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Philippa Fisher (Strategic Director) (0116) 257 2677 <a href="mailto:philippa.fisher@oadby-wigston.gov.uk">philippa.fisher@oadby-wigston.gov.uk</a></p> <p>David Gill (Head of Law &amp; Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Not applicable
<b>Vision and Values:</b>	Accountability (V1)
<b>Report Implications:-</b>	
Legal:	The Council is required to comply with the Statutory Guidance to ensure that any Special Severance Payments are lawful.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Statutory Guidance on Special Severance Payments</li> <li>2. Special Severance Payment</li> </ol>

## 1. Background

1.1 This report introduces to Members the content of the Best Value Statutory Guidance regarding the making and publication Special Severance Payments by Local Authorities issued by the Department for Levelling Up, Housing and Communities on 12 May 2022. The Guidance replaces the revoked Restrictions on Public Sector Exit Payment Regulations.

## 2. What are Special Severance Payments?

2.1 The guidance explains that Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. It also explains that employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract.

4.1 The following do not constitute Special Severance Payments:

- Statutory redundancy payments;
- Contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- Redundancy payments made in line with the requirements of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006;
- Payment for untaken annual leave;
- Payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation;
- Payments made to compensate for ill-health, injury or death of the worker.

2.3 The following types of payments are likely to constitute Special Severance Payments:

- Any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault;
- The value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date;
- Write-offs of any outstanding loans;
- Any paid special leave, such as gardening leave;
- Any honorarium payments or gifts;
- Any hardship payments;
- Any payments to employees for retraining related to their termination of employment.

2.4 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- Pay or compensation in lieu of notice (depending on the contractual basis for its payment);
- Pension strain payments arising from employer discretions to enhance standard pension benefits.

### **3. When should Special Severance Payments be paid?**

3.1 The guidance recognises that there may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office.

3.2 The guidance also states that councils may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

### **4. What should the process be for authorising Special Severance Payments?**

4.1 Local authorities must comply with the duty of Best Value. In considering whether it is appropriate to make a Special Severance Payment, local authorities therefore need to consider whether such a payment would be a proper use of public money. The draft guidance explains that councils should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers money appropriately;
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others);
- Evidence for additionality, i.e. that those offered Special Severance Payments would not have, under any circumstances, been willing to leave with their statutory and contractual benefits alone.

4.2 The guidance also states that councils should seek legal advice on the prospects of successfully defending an employment tribunal claim, if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payments.

4.3 The Council should also:

- ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment;

- consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money; and
- manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether cases should be settled from public funds.

4.4 The guidance explains that those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because winning such cases will discourage future frivolous or vexatious claims and demonstrate that the council does not reward such claims.

## **5 Who should approve any Special Severance Payment and what should the process at Oadby and Wigston Borough Council be?**

- 5.1 The guidance states that any Special Severance payments over £100,000 will require the approval of Full Council and that any Special Severance Payment between £20,000 and £100,000 should be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment. Special Severance Payments below £20,000 may be approved by any other authorised officer and it is proposed that both Strategic Directors are given appropriate delegation.
- 5.2 The guidance also says that as part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance. Clearly, however, if any of the senior officers mentioned here are to be the recipient of the payment, they should not play any part in the decision-making process.
- 5.3 In order to adopt the approach referenced in the guidance and provide the appropriate written evidence, legal and HR advice to support any decision on a Special Severance Payment it is proposed that a pro forma report be completed with HR and legal input. The proposed pro forma is at **Appendix 2** and adopts the format of the pro forma for HM Treasury Approval for Special Severance Payments.
- 5.4 The only exception to the completion of a pro forma report in advance of an agreement being reached that is proposed is that for an urgent case such as agreeing a settlement payment during an employment tribunal case or settling on the court steps where the ability to agree the best possible resolution for the Council can be time dependent. In these cases it is proposed that the Head of Law and Democracy continues to have the delegated authority to settle proceedings in the best interests of the Council and that the pro forma report be prepared as soon as reasonably practicable after the event and be provided to the Head of Paid Service and Leader with an explanation as to why urgent agreement was required.
- 5.5 In so far as a limit on these officer's authority then the Localism Act 2011 requires the Council to prepare a pay policy statement for each financial year. Section 40 of the Act includes provision for the Secretary of State to issue guidance on the content and

application of senior pay statements. The Council must have regard to this guidance in the exercise of its functions under the pay accountability provisions.

- 5.6 The guidance makes clear that full council should be given the opportunity to vote before large salary packages are offered in respect of a new appointment and that the Secretary of State considers that £100,000 is the right level for that threshold to be set. The guidance also provides that full council should have the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the organisation. As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set.
- 5.7 It is therefore proposed that the constitution be amended to include delegation to the Head of Paid Service with the approval of the Leader and in consultation with the Section 151 Officer/ Deputy Section 151 Officer, Monitoring / Deputy Monitoring Officer and a Senior HR officer to approve any Special Severance Payment above £20,000 and below £100,000 upon receipt of the completed report.
- 5.8 Likewise it is also proposed that the constitution be amended to include delegation to the Strategic Directors in consultation with the Section 151 Officer/Deputy Section 151 Officer, Monitoring/Deputy Officer and a Senior HR Officer to approve any Special Severance Payment below £20,000.
- 5.9 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest the guidance expects that the payment should be approved by a panel including at least two independent persons. It is therefore proposed to extend the delegation of the Appointments Committee (supplemented by at least 2 members of the Independent Remuneration Panel) to consider such matters and make recommendations to Full Council as necessary.

## **6 Annual Reporting**

- 6.1 In accordance with schedule 1 of the Accounts & Audit Regulations 2015 the Council discloses in its annual accounts the remuneration of senior employees including details of any severance payments.
- 6.2 It is proposed that at the same time that the annual accounts are presented that the Audit Committee be provided with the information as to any Special Severance Payment made during the financial year regardless of the seniority of employee. All reporting should be anonymised and comply with data protection law.

1. Home (<https://www.gov.uk/>)
  2. Regional and local government (<https://www.gov.uk/regional-and-local-government>)
  3. Local government (<https://www.gov.uk/regional-and-local-government/local-government>)
  4. Special Severance Payments (<https://www.gov.uk/government/publications/special-severance-payments>)
- Department for Levelling Up, Housing & Communities (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>)

Statutory guidance

# Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England

Published 12 May 2022

## Contents

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  5. Accountability and disclosure
- List of bodies this guidance applies to



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This publication is available at <https://www.gov.uk/government/publications/special-severance-payments/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england>

## 1. Introduction

1.1 Most public sector workers enjoy statutory and contractual redundancy or severance terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy or severance payments made in the private sector. The government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

1.2 This guidance forms part of the best value regime for local authorities in England. The best value duty, as set out in [section 3 of the Local Government Act 1999](#) (<https://www.legislation.gov.uk/ukpga/1999/27/section/3>) (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

1.3 Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. [A list of these bodies can be found at the end of this guidance.](#)

1.4 This guidance also sets out the government’s position on the use of Special Severance Payments made by local authorities.

1.5 This guidance is issued under section 26 of the 1999 Act, the purpose of which is to:

- set out the government’s view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate
- clarify the disclosure and reporting requirements for Special Severance Payments

1.6 Severance payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

1.7 In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of individual employers to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

## 2. What is a special severance payment?

2.1 In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a

payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.

2.2 It is established case-law<sup>[footnote 1]</sup> that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

2.3 The following types of payments are likely to constitute Special Severance Payments:

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
- c) write-offs of any outstanding loans
- d) any honorarium payments
- e) any hardship payments
- f) any payments to employees for retraining related to their termination of employment

2.4 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract
- b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

2.5 The following do not constitute Special Severance Payments:

- a) statutory redundancy payments
- b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)
- e) payment for untaken annual leave
- f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation

g) payments made as part of the ACAS Early Conciliation process

h) payments made to compensate for injury or death of the worker

i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

### **3. Considerations for local authorities on potential Special Severance Payments**

3.1 This chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

3.2 Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the government expects local authorities to consider whether such a payment would be a proper use of public money. Local authorities should also monitor and review their policies on the award of special severance payments to ensure that they are also consistent with their Public Sector Equality Duty under the Equality Act 2010.

#### **Economy**

3.3 Local authorities should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered
- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others)
- Evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone

#### **Efficiency and effectiveness**

3.4 In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an Employment Tribunal claim (or claim to any other court or tribunal with jurisdiction), if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payment
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment

- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether those complaints should be settled by making an award to the complainant from public funds

## 4. Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments

4.1 There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

4.2 Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas). Authorities may also consider that a Special Severance Payment is appropriate in circumstances where, to help recruitment and retention, it has resolved to recognise for severance payment calculation purposes past service with another non-Modification Order employer (such as service with the NHS prior to the transfer of public health functions to local government)<sup>[footnote 2]</sup>.

4.3 Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

4.4 Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims.

## 5. Accountability and disclosure

### Accountability

5.1 The government expects that any Special Severance payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment

- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

5.2 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. A system of legal duties also requires elected members to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers (the section 151 officer or Chief Finance Officer) has responsibility for the administration of those affairs". The section 151 officer has an important role in holding local authorities to account and has duties to alert elected members and the auditor in the case of unlawful expenditure.

5.3 This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a Monitoring Officer, who must report to the local authority when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

5.4 As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

## Disclosure

5.5 Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information<sup>[footnote 3]</sup>. This sets a requirement for local authorities to publish, under the Account and Audit Regulations 2015:

- the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000
- details of remuneration and job title of certain senior employees whose salary is at least £50,000, and
- employees whose salaries are £150,000 or more must also be identified by name

In addition to this requirement, local authorities must publish, for all employees whose salary exceeds £50,000, a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and benefits-in-kind.

5.6 DLUHC has initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

5.7 Section 38 of the Localism Act 2011 requires the local authority to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further guidance on the requirements of the Localism Act 2011, has been issued<sup>[footnote 4]</sup>.

5.8 In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of additional pension), Regulation 30(6) (flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulation 31 (award of additional pension).

5.9 Regulation 10 of the Accounts and Audit Regulations 2015 require authorities to publish an annual statement of accounts, governance statement and narrative statement. As well as following existing guidance<sup>[footnote 5]</sup> on reporting exit payments, local authorities should also disclose in their annual accounts all severance payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). Apart from where otherwise required by law, reporting may be anonymised to comply with data protection requirements.

## List of bodies this guidance applies to

- An English local authority, including:
  - a county council in England, a district council or a London borough council
  - the Council of the Isles of Scilly
  - the Common Council of the City of London in its capacity as a local authority
  - the Greater London Authority so far as it exercises its functions through the Mayor
- A National Park authority for a National Park in England
- The Broads Authority
- The Common Council of the City of London in its capacity as a police authority
- A fire and rescue authority constituted by a scheme under [section 2 of the Fire and Rescue Services Act 2004](https://www.legislation.gov.uk/ukpga/2004/21/section/2) (<https://www.legislation.gov.uk/ukpga/2004/21/section/2>) or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority in England
- The London Fire Commissioner
- An authority established under [section 10 of the Local Government Act 1985](https://www.legislation.gov.uk/ukpga/1985/51/section/10) (waste disposal authorities) (<https://www.legislation.gov.uk/ukpga/1985/51/section/10>)
- An Integrated Transport Authority for an integrated transport area in England
- An economic prosperity board established under [section 88 of the Local Democracy, Economic Development and Construction Act 2009](https://www.legislation.gov.uk/ukpga/2009/20/section/88) (<https://www.legislation.gov.uk/ukpga/2009/20/section/88>)
- A combined authority established under [section 103 of that Act](https://www.legislation.gov.uk/ukpga/2009/20/section/103) (<https://www.legislation.gov.uk/ukpga/2009/20/section/103>)
- A sub-national transport body established under [section 102E of the Local Transport Act 2008](https://www.legislation.gov.uk/ukpga/2008/26/section/102E) (<https://www.legislation.gov.uk/ukpga/2008/26/section/102E>)
- Transport for London

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1. In *Re Hurlle-Hobbs's Decision* (1944) 1 All E.R. 249.
  2. Under the Employment Rights Act 1996 employees need two years service with their current or an "associated employer" to qualify for a redundancy payment. The purpose of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, as amended, is to provide a statutory list of 'associated employers' for the purposes of redundancy payments. The list set out in the Order includes all local authorities as well as various other, but not all, other local public service providers.

3. [Local government transparency code 2015 \(https://www.gov.uk/government/publications/local-government-transparency-code-2015\)](https://www.gov.uk/government/publications/local-government-transparency-code-2015).
  4. [Openness and accountability in local pay: guidance under section 40 of the Localism Act 2011 \(https://www.gov.uk/government/publications/openness-and-accountability-in-local-pay-supplementary-guidance\)](https://www.gov.uk/government/publications/openness-and-accountability-in-local-pay-supplementary-guidance).
  5. CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21.
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## Strictly Private and Confidential

### Special Severance Payment

This template is to be used for all special severance cases submitted for approval.

<b>Special Severance Business Case</b>	
Name of Requesting Department	
Date case is submitted	
Date decision is needed and why	
<b>Circumstances of the Case</b>	
Overview of the Case	
Terms of employment	
Breakdown of proposed exit payment	
Proposed ways of proceeding	
<b>Financial Considerations</b>	
The value for money consideration underlying the proposed payment	
[Include here consideration of:	

- whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- how the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers money appropriately;
- what alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- the setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others);
- evidence for additionality, i.e. that those offered Special Severance Payments would not have, under any circumstances, been willing to leave with their statutory and contractual benefits alone.]

**Non- Financial Considerations**

Performance management

Management procedures

**Repercussive risk**

Lessons learnt from this case

Wider impact and potential precedents

Any other useful information

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# Agenda Item 17

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

(Document is Restricted)

(Document is Restricted)

# Agenda Item 18

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

(Document is Restricted)

(Document is Restricted)