

**The Council's Vision:**

To enable people to live, work and prosper in West Somerset

**WEST SOMERSET DISTRICT COUNCIL**

**Meeting to be held on Wednesday 18 September 2013 at 4.30 pm**

**Council Chamber, Williton**

**AGENDA**

**1. Apologies for Absence**

**2. Minutes**

Minutes of the Meeting of Council held on 14 August 2013 to be approved and signed as a correct record – **SEE ATTACHED.**

**3. Declarations of Interest**

To receive and record any declarations of interest in respect of any matters included on the agenda for consideration at this meeting.

**4. Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

**5. Creative Somerset**

To receive a presentation from Ray Tew, Acting Chairperson, and Zoe Truong on the West Somerset activities of Creative Somerset.

**6. Chairman's Announcements**

**7. Request for Allocation of Section 106 Funding – Fit to Work – Hinkley Point C**

To consider Report No. WSC 116/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to outline proposals to use the fit to work funding contribution provided as an element of the Skills and Training part of the Hinkley Point C site preparation works section 106 agreement; and in line with the requirements of the section 106 agreement to seek the approval of West Somerset Council for its allocation.

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### **8. Discretionary Housing Payments Use of Additional Funding**

To consider Report No. WSC 114/13, to be presented by Councillor D Westcott, Lead Member for Community and Customer - **SEE ATTACHED.**

The purpose of the report is to advise Council of the receipt of additional funding from Central Government provided to mitigate the disproportionate impact on those affected by the removal of the spare room subsidy in remote and isolated communities.

### **9. Annual Treasury Management Review 2012-13**

To consider Report No. WSC 109/13 to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to review the treasury management activity and the performance against the Prudential Indicators for the 2012/13 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Management Strategy and Annual Investment Policy.

### **10. Business Case to Contribute Funding for Watchet Closed-Circuit Television (CCTV)**

To consider Report No. WSC 124/13 to be presented by Councillor D J Westcott, Lead Member for Community and Customer – **SEE ATTACHED.**

The purpose of the report is to obtain Council's agreement to the Cabinet recommendation to approve a supplementary estimate to match fund capital already secured from the Police and Crime Commissioner and other sources towards meeting the capital costs of installing public space CCTV in Watchet subject to Watchet Town Council's financial support and agreement to the proposal.

### **11. Constitutional Issues Relating to Joint Chief Executive Implementation**

To consider Report No. WSC 111/13, to be presented by Councillor S Pugsley, Lead Member for Executive Support and Democracy – **TO FOLLOW.**

The purpose of the report is to ensure that the West Somerset Council Constitution is up to date and fit for purpose to enable the new Joint Chief Executive post to operate effectively from the implementation date of 24 October 2013.

### **12. Empty Homes Enforcement Policy**

To consider Report No. WSC 112/13, to be presented by Councillor K H Turner, Lead Member for Housing, Health and Wellbeing - **SEE ATTACHED.**

The purpose of the report is to consider the Somerset West Private Sector Housing Partnership (partnership) Empty Homes Enforcement Policy.

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Council agree the approach to provide funding for high level enforcement action on empty properties should this become a necessity.

### **13. Unlawful Evictions Policy**

To consider Report No. WSC 113/13, to be presented by Ian Timms, Corporate Manager, Housing, Welfare and Economy - **SEE ATTACHED.**

The purpose of the report is to advise Council of the Somerset West Private Sector Housing Partnership (partnership) Unlawful Eviction Policy and the current issues around unlawful evictions. To request that Council adopt this policy.

### **14. Safeguarding Policy**

To consider Report No. WSC 115/13, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to advise Members of the proposed safeguarding policy; to advise of the Council's duties under safeguarding legislation; and to request that Council adopt the policy for use by West Somerset Council to create a framework in discharging its legal duties.

### **15. Standards Advisory Committee**

To adopt the minutes of the Standards Advisory Committee held on 18 June 2013 – **SEE ATTACHED.**

### **16. Minutes and Notes for Information**

Notes and minutes relating to this item can be found on the Council's website using the following links:

- Draft notes of the Dunster Panel held on 29 July 2013  
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---29-July-2013.aspx>

## **COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**

### **The Council's Corporate Priorities:**

- Local Democracy:  
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point  
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

### **The Council's Core Values:**

- Integrity
- Respect
- Fairness
- Trust

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

**Risk Scoring Matrix**

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact</b>							

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

**WEST SOMERSET COUNCIL****Minutes of the Meeting held on 14 August 2013 at 4.30 pm****in the Council Chamber, Williton****Present:**

Councillor G S Dowding ..... Chairman  
Councillor A F Knight..... Vice-Chairman

Councillor A M Chick  
Councillor H J W Davies  
Councillor J Freeman  
Councillor P N Grierson  
Councillor B Heywood  
Councillor E May  
Councillor K M Mills  
Councillor P H Murphy  
Councillor D D Ross  
Councillor D J Sanders  
Councillor M A Smith  
Councillor A H Trollope-Bellew  
Councillor D J Westcott

Councillor M J Chilcott  
Councillor M O A Dewdney  
Councillor S Y Goss  
Councillor A P Hadley  
Councillor K V Kravis  
Councillor I R Melhuish  
Councillor C Morgan  
Councillor S J Pugsley  
Councillor K J Ross  
Councillor L W Smith  
Councillor T Taylor  
Councillor K H Turner

**Officers in Attendance:**

Chief Executive (A Dyer)  
Corporate Director (B Lang)  
Corporate Manager, Housing, Welfare & Economy (I Timms)  
Planning Manager (A Goodchild)  
Economic Regeneration and Tourism Manager (C Matthews)  
IT Manager (K Penfold)  
Meeting Administrator (H Dobson)

**Also in Attendance:**

Dr Bob Rivett, Steam Coast Trail Group  
Judy Mapledorum, Steam Coast Trail Group  
Steve Crossman, Steam Coast Trail Group  
Paul Butcher, Steam Coast Trail Group  
Martin Hodgson, Director of the Young Men's Christian Association (YMCA)  
Stephen Hooper, Vision Manager, Minehead Development Trust  
Daniel Cross, Assistant, Minehead Development Trust

**C34      Apologies for Absence**

An apology for absence was received from Councillor R P Lillis.

**C35      Minutes**

**RESOLVED** that the Minutes of the Meetings of Council held on 26 June 2013 and 22 July 2013 be approved.

**C36**      **Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

<b>Name</b>	<b>Minute No.</b>	<b>Member of</b>	<b>Action Taken</b>
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P N Grierson	All	Minehead	Spoke and voted
Cllr C Morgan	All	Stogursey	Spoke and voted
Cllr P H Murphy	All	Watchet	Spoke and voted
Cllr K J Ross	All	Dulverton	Spoke and voted
Cllr L W Smith	All	Minehead	Spoke and voted
Cllr H J W Davies	All	Somerset County	Spoke and voted
Cllr K H Turner	All	Brendon Hills	Spoke and voted
Cllr D J Westcott	All	Watchet	Spoke and voted

In addition, the following interests were declared:

<b>Name</b>	<b>Minute No.</b>	<b>Description of interest</b>	<b>Personal or Prejudicial or Disclosable Pecuniary</b>	<b>Action Taken</b>
Cllr M A Smith	C40	Is a member of the Steering Committee	Personal	Spoke and voted
Cllr D J Sanders	C43	Owens a house in the vicinity of the Beach Hotel	Disclosable Pecuniary	Left the chamber
Cllr A F Knight	C33	Financial interest in a restaurant close by	Disclosable Pecuniary	Left the chamber

**C37**      **Public Participation**

No members of the public spoke at the meeting on any of the items on the agenda.

**C38**      **Chairman's Announcements**

26 June 2013	Attended the Lord Lieutenant's Garden Party
27 June 2013	Attended a presentation evening at the West Somerset Community College
4 July 2013	Attended presentation of the introduction of the new Somerset County flag
6 & 7 July 2013	Joined a small group to fly out to HMS Somerset to present the Captain of HMS Somerset with the county flag to be flown when the ship comes into port

10 July 2013

Attended Homestart AGM

The Chairman presented staff who had recently and successfully completed a training course with Level 5 certificates in Leadership and Management. He was delighted that they had taken the opportunity to further their learning which could also benefit the Council. The staff had put in an enormous amount of work to achieve the certificate and he congratulated Angela Lamplough, Paul Lamb, Erica Lake, Corinne Matthews, Heather Crockford, Kim Batchelor, Andrew Goodchild, Esther Legg, Karen Penfold, Jayne Hall, James Holbrook and Steve Plenty.

**C39**      **Notice on Motion**

In accordance with Procedure Rule 11 the following motion was received from Councillor P H Murphy:

“This Council expresses concern at the cuts to the 28 bus service by First Bus. The removal of the later services making the last departure from Minehead at 6.40pm and the last departure from Taunton to Minehead at 8pm mean that people cannot get home on public transport from Minehead and Taunton after working in the evening. The Council calls upon First Bus to reconsider these cuts which threaten to isolate Minehead from the rest of the district for those people without cars or who cannot afford to hire taxis to get home.”

Councillor PH Murphy proposed the motion and it was seconded by Councillor M A Smith.

Members recognised the difficulties that the cuts could have on the community of West Somerset and supported the motion but were also aware of the problems in subsidising journeys that were not used to capacity. It was suggested that perhaps First Bus might consider reducing a journey that runs at the same/similar time as another operator and move it to an evening journey.

**RESOLVED** that this Council expresses concern at the cuts to the 28 bus service by First Bus. The removal of the later services making the last departure from Minehead at 6.40pm and the last departure from Taunton to Minehead at 8pm mean that people cannot get home on public transport from Minehead and Taunton after working in the evening. The Council calls upon First Bus to reconsider these cuts which threaten to isolate Minehead from the rest of the district for those people without cars or who cannot afford to hire taxis to get home.

**C40**      **Request for Support of the Steam Coast Trail**

(Report No. WSC 104/13, circulated with the Agenda).

The purpose of the report was to seek Council's support, in principle, of the Steam Coast Trail project.

Councillor D J Westcott welcomed the representatives of the Steam Coast Trail Group to the Council meeting and invited them to make their presentation.

Dr Bob Rivett, Steam Coast Trail Group, advised that Forum 21 had instigated the idea of a trail with the support of Sustrans and proceeded with the presentation setting out the work achieved so far and the current challenges in providing a suitable route along part of Blue Anchor.

Councillor D J Westcott thanked the group for the presentation and proposed the recommendations of the report which were seconded by Councillor M O A Dewdney.

Members expressed their wholehearted support for the scheme recognising the many benefits to all ages of the community of West Somerset and suggested that it could also benefit tourism and link in with the Coleridge Way.

Councillor K M Mills, Lead Member for Regeneration and Economic Growth advised that the Economic Development Team were available to assist the group should they be requested to.

Councillor K V Kravis recognised that to her knowledge there was currently no overall strategic policy in place that could facilitate financial support, through Section 106 monies, to assist a project that had a geographic coverage across a number of parishes.

**RESOLVED** that Council supports, in principle, the delivery of the Steam Coast Trail project in West Somerset.

**C41**     **Joint Independent Remuneration Panel for Somerset County Council West Somerset – Confirmation of Appointments**

(Report No. WSC 83/13, circulated with the Agenda.)

The purpose of the report was to advise the Council of the outcomes of the recruitment process to fill three vacancies on the Joint Independent Remuneration Panel and to seek the Council's approval of the three nominations.

Councillor S J Pugsley proposed the recommendations in the report which were duly seconded by Councillor E May.

**RESOLVED** that the appointments of Mr Adrian Cox, Mr Ian Partington, Mr Paul Fellingham to serve on the Joint Independent Remuneration Panel for Somerset County Council and West Somerset Council for a three year period commencing 1 October 2013, be approved.



**C42 East Wharf Watchet – Future Development Options**

(Report No. WSC 106/13, circulated with the Agenda.)

The purpose of the report was to update Members about the progress being made to date to achieve the resolutions agreed by Council on 23 April 2013 (Minute No. C134, and detailed in paragraph 5.1 of this report).

At the start of the meeting photographs of Watchet Harbour Marina at low tide were distributed to all Members.

The Leader presented the report in detail and believed that it was important to work with the Watchet Marina Operator to reach an agreement and with whom he would be meeting at the end of the month. He recognised that the recent delay in progressing work in order to resolve issues relating to the harbour and development was neither the fault of the Marina Operator nor Urban Splash.

The Leader proposed the recommendations of the report which were duly seconded by Councillor D J Westcott.

During the course of the debate the points raised included:

- Car parking for Marina staff should be included in the 35 spaces already allocated to the Marina Operator.
- Concern that the Marina Operator was not ensuring that the marina was cleared of silt as required and therefore was being under-utilised.
- Concern that the Marina Operator may not reinvest in the upkeep of the marina using the additional revenue created by his proposals, as set out in paragraph 5.7 of the report.
- Support of the Onion Collective and their desires to be involved in the retail element of the development of the East Wharf.
- Concern that any homes built would be holiday homes and would not contribute to the economy of Watchet.
- Recognition that it was essential to provide more time in order to ensure the important issues were addressed correctly.

**RESOLVED (1)** that having considered Resolution (3) in paragraph 5.1 and for reasons explained in paragraph 5.9 of the report attached to the agenda, the break clause within the Conditional Development Agreement that the Council has with Urban Splash be not invoked at the current time.

**RESOLVED (2)** that for the reasons explained in paragraph 5.9 the timescale referred to in Resolution (2) contained in paragraph 5.1 of the report attached to the agenda, be extended to 31 October 2013.

**RESOLVED (3)** that with regard to Resolution (5) in paragraph 5.1 of the report attached to the agenda, a report on the conclusion of negotiations be presented to a meeting of Council to be held on 20 November 2013.

**C43 Request for Allocation of 106 Funds – Affordable Housing**

(Report No. WSC 106/13, circulated with the Agenda.)

The purpose of the report was to advise council of the proposal to use capital monies secured through planning obligations to assist in the provision of affordable housing at the Beach Hotel, Minehead.

Councillors A F Knight and D J Sanders left the chamber for this item.

The Lead Member for Housing, Health and Wellbeing provided a warm welcome to Martin Hodgson, Director of YMCA, and invited him to speak.

The Director of the YMCA reported on the potential benefits the Beach Hotel project could provide to young people in West Somerset. Essentially it would deliver a path to independence for young people (16 – 24 year olds) who were homeless, for a variety of reasons, as currently there was not sufficient provision in the area. The project would facilitate the provision of 36 affordable residential units and appropriate training and enterprise facilities would be available in Minehead relieving some of the transport issues.

The Lead Member for Housing, Health and Wellbeing advised that, following negotiations, this section 106 money could only be spent on affordable housing in Minehead. The Beach Hotel would be a big project hence the amount being requested and would provide very good value for money. This section 106 money was time limited and due to how the relevant organisations work and plan their projects this money would not be available for the next phase of projects.

The Lead Member proposed the recommendation contained in the report with the addition of the words, “subject to a successful planning application being obtained,” which was seconded by Councillor E May.

Members expressed support for the project that could assist those young people of West Somerset who were in need of such a facility. They noted that the project would lever in over £1M of external funding.

In response to concern that there had been no consultation with the Town Council and that currently the associated crime issues were unknown, the Corporate Manager advised that the ideal opportunity to express views and concerns about the project would be during the planning process.

**RESOLVED** that, subject to a successful planning application being obtained, the allocation by virement of a commuted sum of £323,000 to secure affordable housing at the Beach Hotel, Minehead, be approved.

**C44 Minehead Vision Manager Business Plan – Request for Seaside Strategy Funding**

(Report No. WSC 105/13, circulated with the Agenda.)

The purpose of the report was to update members about the work of the Minehead Vision Manager and to endorse the recommendation of Cabinet that £35,585 is released from the remaining Sea Side Strategy Funding to resource elements of the Business Plan.

An information sheet was distributed to everyone present titled, 'Vision Action Plan – Maritime Thread – Engagement, Economic and Strategic Outcomes'.

The Lead Member for Regeneration and Economic Growth welcomed and introduced Stephen Hooper, Vision Manager and Daniel Cross, Assistant, who had been employed to deliver the targets of the Minehead Vision Group action plan and who articulated the increased economic activity due to the Harbour Festival and the benefits of the tall ship 'Irene' docking in Minehead Harbour.

The Lead Member thanked Minehead Town Council for their responses to the consultation and proposed the recommendations which were duly seconded by Councillor A H Trollope-Bellew.

Members appreciated the work undertaken so far and the Lead Member confirmed that full consultation of the Cultural Quarter project would be undertaken before funding was released.

**RESOLVED (1)** that the content of the Vision Manager's business plan and its contribution to the wider delivery of the Minehead Vision Group's action plan, be noted;

**RESOLVED (2)** that the allocation of £35,585 of the seaside strategy fund for the projects described in Appendix A and B of the report, attached to the agenda, be approved.

**C45      Business Case to Support Funding for ICT System Upgrade**

(Report No. WSC 107/13, circulated with the Agenda.)

The purpose of the report was to obtain Council approval for a supplementary estimate to fund a capital bid to support the upgrade of the Building Control, Environmental Health and Gazatteer systems which was withdrawn from this year's programme.

The Lead Member for Resources and Central Support presented the report and confirmed that it would not be possible to deliver the necessary upgrade via joint working with Taunton Deane Borough Council. She proposed the recommendations which were duly seconded by Councillor P N Grierson.

**RESOLVED** that a supplementary estimate of £11,000 to provide funding for the upgrade of the systems database, be approved.

**NOTE:** Having regard to the special circumstances pertaining in relation to this item - namely the need for the Council to consider the proposal of a much needed upgrade to the Building Control, Environmental Health and Gazetteer systems without delay– the Chairman was of the opinion that, despite its non inclusion on the agenda, this item should be considered at this meeting as a matter of urgency.

**C46**      **Minutes and Notes for Information**

(Notes and minutes relating to this item, circulated via the Council's website.)

**RESOLVED (1)** that the draft notes of the Exmoor Area Panel held on 20 June 2013, be noted.

The meeting closed at 7.04 pm.

*Report Number:* WSC 116/13  
*Presented by:* Cllr Kate Kravis  
*Author of the Report:* Ian Timms, Corporate Manager Housing Welfare and Economy  
*Contact Details:*  
*Tel. No. Direct Line* 01984 635271  
*Email:* itimms@westsomerset.gov.uk  
  
*Report to a Meeting of:* Council  
*To be Held on:* 18<sup>th</sup> September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* Not Applicable

## REQUEST FOR ALLOCATION OF SECTION 106 FUNDING- FIT TO WORK – HINKLEY POINT C

### 1. PURPOSE OF REPORT

- 1.1 To outline proposals to use the fit to work funding contribution provided as an element of the Skills and Training part of the Hinkley Point C site preparation works section 106 agreement.
- 1.2 In line with the requirements of the section 106 agreement to seek the approval of West Somerset Council for this allocation.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 This proposal has clear links to the councils corporate priority relating to New Nuclear Development at Hinkley point: Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.
- 2.2 It specifically contributes to objective 4 which relates to economic activity, business support, skills, training and development.

### 3. RECOMMENDATIONS

- 3.1 Council agree the proposed use of the £30,000 Fit to work funding described in appendix A of this report recognising that a proposal and report relating to the remaining £30,000 to be spent by Sedgemoor District Council will follow in October.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Failure to allocate monies correctly in line with legal agreements causing requirements to repay	4	4	16
<i>The Proposals within the report are matched to the legal agreement and monies available for Fit to Work</i>	2	4	8

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 The authority has established arrangements to allocate monies secured through planning obligations. These match schemes to the authority's priorities. This well established mechanism, the Planning Obligations Group, is also responsible for making recommendations on a number of specified funds within the Hinkley Point C Section 106 agreements.
- 5.2 The Fit to Work funding, which amounts in total to £60,000 is to be spent by West Somerset Council and Sedgemoor District Council. The split of the £60,000 has been subject to extensive negotiation with consideration of a range of factors to ensure that from both Councils perspective the money can have the biggest impact within the effected communities and maximise opportunities for local people. After detailed discussion, where both Councils demonstrated the need to spend the contribution it has been decided to split the contribution 50/50 as, in reality, both Councils have a wide range of laudable measures that they would like to fund.
- 5.3 The proposal was considered by the internal planning obligations group against the planning agreements and appropriate strategies in both councils. As the proposals meet the legal requirements and are above the limit of £25,000 they require approval by full Council.
- 5.4 The proposal for use of the funds has been derived from positive working between officers at WSC and SDC. When council or cabinet considers such joint proposals the legal agreements make provision for councillors from Sedgemoor District Council to attend and advise on the Sedgemoor specific elements. This enables positive democratic engagement for both sets of members. Whilst ideally the proposal would have been a joint proposal for the entire £60,000 timescales and opportunities to access match funding have resulted in the West Somerset element coming forward now with the Sedgemoor element to follow next month.
- 5.5 The proposal for West Somerset focuses on four key themes and has 6 project areas. These reflect the work done to establish what the focus of work should be and where additional assistance is required for local residents.
- 5.6 The Sedgemoor proposal intends also to develop a similar package of measures to be reported and considered in October. These proposals will be reported back through the standard quarterly report when appropriate.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The funding is provided through the site preparation works Section 106 planning agreements so there are no impacts on general council funds.
- 6.2 The proposal for West Somerset includes match funding of circa £20,000 which will be secured through use of the monies in this way. The planning agreements do encourage match funding but we do of course always seek to ensure funding has the biggest value for money effect for local residents as is possible.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 The proposals meet the requirements of the section 106 agreement and have been consulted upon with EDFE.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 There is no detailed analysis attached to this report. However in producing these proposals individuals that are unable to access skills and employment have been taken into account. The proposals aim to address some access issues around specified courses. In building this programme work has also been undertaken around transport which is still in progress this links to Rurality. We will use this work once completed to inform future decision making and attempt to create new solutions for problems identified.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 The projects provide access to a range of positive activities that will build skills and enable individuals to make more positive contributions to their community.
- 9.2 It is generally accepted that this kind of activity helps minimise any community safety impacts or potential for them to occur.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 There has been consultation with partner agencies and between both councils at officer level on how best to use the money.
- 10.2 The proposals have also been developed in conjunction with EDFE to ensure that wherever possible the projects have clear mitigating effects for the development

## **11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 There are no known implications for council assets.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 There are no apparent impacts from this report.

## **13. LEGAL IMPLICATIONS**

- 13.1 The proposed allocations are in line with the requirements of the legal agreement.





## Report to the Hinkley Point C Section<sup>13</sup> 106 Planning Obligations Group September 2013

### Fit to Work Budget Proposals

#### Background

##### (a) Hinkley Point C (HPC) S106 Allocation

The Fit to Work programme is a programme of activity that was identified in the HPC Site Preparation Section 106 aligned to the work of the Community Outreach Workers employed by West Somerset Council and Sedgemoor District Council. The identified contribution towards this consisted of a sum of £30,000 that has been paid to West Somerset Council on the Implementation of Phase 1, with a further sum of £30,000 being paid to West Somerset Council on the first anniversary of the Implementation of Phase 1 (as outlined in the table below).

Negotiations have taken place at Officer level, where it has been agreed in principle that each will receive an equal share of this allocation namely £30,000 per Council. A number of factors have been taken into account when making this decision, these have included, levels of deprivation, worklessness figures, existing employment and skills provision, rurality issues and the variations in costs associated with delivering services in each of the areas. It has been recognised that whilst Sedgemoor has greater numbers to cater for, the cost of providing services in a rural area is higher, thus an equal split is considered fair.

HPC S106 Phasing	Total amount (Agreed to be split 50:50 between SDC and WSC)	WSC Allocation	SDC Allocation	Year
Site Prep Works				
Phase One	£30,000	£15,000	£15,000	2012
Anniversary of Phase One	£30,000	£15,000	£15,000	2013
<b>Totals</b>	<b>£60,000</b>	<b>£30,000</b>	<b>£30,000</b>	

##### (b) West Somerset Council

The projects detailed below proposed by West Somerset Council are directly linked to the aims and objectives outlined in the Pre-Employment and Skills Action Plan which is closely related to the Council's Economic Strategy 2011 (Responding to Change). The projects reflect the Council's core vision "To enable people to live, work and prosper in West Somerset" and link to the Council's corporate priority "New Nuclear Development at Hinkley Point – Maximising opportunities for West Somerset Communities and Businesses to benefit from the development whilst protecting local communities and the environment". This relates to objective 4 maximising opportunities for West Somerset's working age community to benefit from the New Nuclear Development at Hinkley Point C.

The Pre-employment and Skills Action Plan has been developed through liaison with key partner agencies, including local training providers, Job Centre Plus and a number of community and voluntary organisations. The plan identifies actions required to address gaps in training and barriers to accessing employment which are seen to add value to existing provision. The projects detailed below aim to address these gaps and have also been confirmed as appropriate areas of spend by the Senior Community Regeneration Manager at EDF Energy.

#### Proposed activity is primarily focused on:

- Addressing identified skills gaps and shortages and raising attainment levels to ensure that individuals are suitably prepared and skilled for work.
- Raising aspirations and improving motivation, including developing knowledge of local employment and training opportunities and associated progressions routes.
- Overcoming identified barriers which are restricting individual's access to employment and training opportunities. This includes lack of basic skills and IT skills, (mental) health issues, criminal activity / anti-social behaviour and homelessness.

- Expanding and enhancing the provision of appropriate training opportunities enabling increased access to jobs for local residents at HPC and associated developments.

The table below outlines the proposed projects along with the suggested allocation of funding. To identify the effectiveness of projects 3, 4 and 5 initial pilots will take place in the first instance. Additional commitment of further funding for these projects will be determined by the success of the pilots. A degree of flexibility in funding requested for the projects may be necessary where one project proves to be more successful than another project.

This funding will effectively pump-prime innovative projects, and is also expected to lever in additional funding which is estimated to be in the region of almost £20,000.

No	Project	Fit to Work	Estimated Match	Total Cost	Notes on Overall Match Funds
1	<b>Pathways to Employment Events</b> Two events focused on supporting pathways to employment and addressing associated barriers	£1,000	£1,000	£2,000	50% match funding through in-kind time from Job Centre Plus
2	<b>Community Learning / Taster Session Events</b> A series of activities to encourage engagement in further skills training / more vocationally orientated learning as well as supporting pathways to employment	£5,250	£4,620	£9,870	Training Provider and / or Partner Agency will be expected to provide 47% match either through alternative funding or in-kind support
3	<b>Intensive Supported Training Programme</b> A short intensive skilled based training programme leading to a vocational accredited qualification in an employment area related to HPC and / or associated developments  <b>Note: Initial pilot to take place first</b>	£16,750	£10,500	£27,250	Training Provider and / or Partner Agency will be expected to provide 39% match through alternative funding on in-kind support
4	<b>Digital Skills Project</b> Two activities which will focus on developing the digital skills of individuals within West Somerset, including facilitating links to further skills training and back to work job clubs  <b>Note: Initial pilot to take place first</b>	£2,000	£2,000	£4,000	Training Provider and / or Partner Agency will be expected to provide 50% match through alternative funding on in-kind support
5	<b>Up-skilling Flexible Funding Pot</b> A pot of money that can be accessed to provide assistance to individuals to help cover the costs associated with part funded training in order to support upskilling within the area  <b>Note: Initial pilot to take place first</b>	£3,000	N/A	£3,000	N/A
6	<b>Business Start - Up Workshops</b> A series of Business Start-Up Workshops to facilitate self-employment. Content to include, how to generate ideas, tools needed to start a business, business enterprise awareness, marketing and sales, finance, accounts and record keeping	£2,000	£2,000	£4,000	£2,000 TBC Two funding bids currently submitted which could provide match
<b>Totals</b>		<b>30,000</b>	<b>20,120</b>	<b>50,120</b>	

### (c) Rationale for West Somerset Council's Allocation and Proposed Activity

- We know (from our Pre-employment and Skills Action Planning) that there is a gap between the current skills of local residents and the skills required to work on the HPC project and associated developments. This has been highlighted numerous times and was mentioned in the Inspectors Report in relation to the HPC Development Consent Order. It is therefore important that appropriate funding is used to ensure that

relevant projects are put in place that seek to bridge<sup>15</sup> this gap through providing the opportunity for the re-training and up-skilling of local residents helping to ensure that they are suitably prepared for the world of work and able to make the most of the potential new job opportunities as and when they arise. **Relates to Projects 2, 3, 4 and 5**

- It is essential that appropriate activities are provided within West Somerset which allow for individuals to address barriers to training and employment that are associated with lack of motivation, low self-esteem, low aspirations and poor mental and physical health and also which seek to break cycles of worklessness within identified deprived communities. Community Learning and / or Taster Sessions are often used as a way in which to bring individuals together to pursue an interest, address a need or acquire a new skill and can be seen to improve motivation, increase confidence and raise aspirations. This kind of learning is an important part of the wider learning continuum and seeks to act as a step towards encouraging individuals to engage in other, more vocationally-orientated learning / training. **Relates to Projects 2 and 4**
- Issues associated with transport within West Somerset are a particular barrier to individuals accessing employment and skills training. Limited access to public transport and associated travel costs result in the need to ensure that relevant skills provision is delivered locally within West Somerset. However suitable skills provision is often limited due to restricted access to skills funding. Additional funding to help cover the cost of delivering vocational training within the area will help to expand current provision thereby widening accessibility and producing added value through real benefits of scale. Evidence shows that individuals who have engaged in vocational training can be rewarded through, improved employment prospects, higher wages and increased ability to retain current / future employment. Other positive effects of vocational training have shown to lead to reductions in crime and better health. These are important factors for West Somerset where overall weekly wages are lower than the national average and residents are amongst the least qualified in Somerset. **Relates to Project 3**
- A basic level of IT skills is now essential for the majority of working environments and is increasingly becoming an important part of everyday life. Evidence shows that 90% of new jobs require basic internet and IT skills and that individuals with IT skills earn between 3% and 10% more than those without such skills. Currently seven of West Somerset's Wards fall into the top 15 most digitally and socially excluded within Somerset. Furthermore It has been identified that within West Somerset restricted access to appropriate IT training is a barrier to employment and that appropriate provision needs to be put in place which will allow for individuals to develop the necessary skills. **Relates to Project 4**
- Enterprise and entrepreneurship are valuable commodities for successful economies, especially West Somerset. Not only do new businesses create employment for their founders, they also create jobs for others. It is therefore important that support is available to unemployed individuals within the district to be able to start their own businesses through providing opportunities for them to develop and acquire essential entrepreneurial skills. **Relates to Project 6**
- Successful back to work interventions are characterised by active engagement of local employers in order to ensure activity is demand led and appropriate skills and competencies are developed. Where possible the projects outlined in this paper seek to secure employer engagement and /or input. They are designed to provide those who may have been out of work with the vital skills they need to apply for and secure a job successfully in the growth sectors in West Somerset. Where possible interventions have been / will be linked to regeneration / new development, helping to assure the presence of real jobs and positive outcomes. **Relates to all Projects**
- The best way to support individuals and to meet their needs is through organisations working together. Many of the projects outlined in this paper involve a holistic and joined up partnership approach to supporting local residents to overcome entrenched barriers to employment and training, overall helping to ensure a more integrated service for individuals and a clear progression route into employment and / or training. **Relates to all Projects**

<b>West Somerset Project 1</b> Pathways to Employment Events	16	<b>Total Cost of Project</b> <b>£2,000</b>
<p><b>Proposal and Project Outline:</b></p> <p>Following the success of the Job Fair that took place in April 2013 it is proposed to hold another Job Fair in March 2014. The timing of the event will allow for local employers to use the opportunity to recruit individuals for the start of the summer season.</p> <p>The objectives of the Job Fair will be to raise aspirations and improve motivation, increase awareness of employment and skills opportunities and to support pathways to employment and training. In addition the event will provide individuals with the opportunity to engage in 'short job taster' through taking part in interactive role plays and practical demonstrations, allowing for individuals to make informed career choices.</p> <p>The event will be for all individuals of all ages, including those of school age and at college.</p> <p>The event will involve working closely with Job Centre Plus (JCP) and local training providers, employers and support agencies. The JCP will play an important role in securing local employer engagement and encouraging their customers to attend and to actively participate. Input from local training providers and support services will be essential in raising awareness of local training opportunities, progression routes and supporting individuals in addressing barriers to engagement.</p> <p>This event will be run in partnership with Job Centre Plus.</p> <p><b>A further appropriate event will be identified and planned as and when required.</b></p>		
<p><b>Fit to Work Funding:</b> £1,000</p> <p><b>Match Funding:</b> £1,000</p>	<p><b>Anticipated Outcomes:</b></p> <ol style="list-style-type: none"> <li>1. 100 attendees</li> <li>2. 10% of the attendees to receive an Information, Advice and Guidance intervention on the day</li> <li>3. 100% of the overall attendees supported to access employment or training opportunities</li> <li>4. 10% of the overall attendees to progress to further training / employment related activity</li> </ol>	<p><b>Anticipated progression route into one of the following options:</b></p> <ol style="list-style-type: none"> <li>1. Employment</li> <li>2. Training and Skills Development</li> <li>3. Business Start Up Workshops</li> <li>4. Work Trial</li> <li>5. Voluntary Placement</li> <li>6. Community Learning / Taster Sessions</li> </ol>

<b>West Somerset Project 2</b> Community Learning and Taster Session Events	17	<b>Total Cost of Project</b> £9,870
<p><b>Proposal and Project Outline:</b>          This project will involve both community based and outreach learning opportunities and will seek to facilitate / enhance pathways to employment and training by bringing together local individuals to pursue an interest, address a need, acquire a new skill and / or to become healthier through three different activities.</p> <p>The activities seek to engage local individuals, including those who are most disadvantaged and who are furthest from learning and least likely to participate in mainstream learning and / or employment related activity. They aim to improve individual's confidence, self-esteem and willingness to engage in (further) learning and will allow for the acquisition of new skills in preparing people for training, employment and self-employment. The activities will also seek to enhance current provision and will look to improve the mental and physical health of and social well-being of individuals. Where possible the opportunity to gain an accredited qualification will be provided.</p> <p><b>Activity 1</b>          The first activity will involve a series of interactive pop up skills road shows, which will take place across West Somerset and link to further skills and training opportunities. These will be presented as short interactive taster sessions. They will seek to build self-esteem, raise aspiration and motivation and will help to create a long-term change in the culture of the individual and patterns of learning allowing for the progression of further skills development.</p>		
<b>Fit to Work Funding</b> <b>Activity 1</b> £250  <b>Match Funding:</b> <b>Activity 1</b> £250	<b>Anticipated Outcomes:</b> <b>Activity 1</b> 1. 3 Pop Up Road Shows across West Somerset 2. 60 attendees across the 3 Road Shows 3. 100% of the overall attendees supported to access further training / employment related activity 4. 10% of the overall attendees to progress to further training / employment related activity	<b>Anticipated progression route into one of the following options:</b> 1. Employment 2. Training and Skills Development 3. Business Start Up Workshops 4. Work Trial 5. Voluntary Placement 6. Pathways to Employment Event
<p><b>Activity 2 – This activity will have two focuses each on facilitating activities at the local Children's Centre</b></p> <p><b>Focus 1</b> will involve supporting individuals to actively participate in their "Getting into Work Programme" by covering associated childcare costs which are often a huge barrier to active engagement.</p> <p><b>Focus 2</b> will look to continue to fund a 10 week healthy living workshop currently run at the Children Centre. This workshop has in the past proven to be very successful in supporting pathways to employment and / or further training and has allowed for those attending the course to develop essential interpersonal skills as well as helped to build confidence and raise aspirations.</p> <p>Both activities will form part of a wider intervention strategy facilitating pathways to employment through linking activity to further training and employment related activity. Where possible activities will seek to link to the current Troubled Family Project providing the opportunity for those families most in need to learn together in a safe and fun environment.</p>		
<b>Fit to Work Funding</b> <b>Activity 2</b> £2000  <b>Match Funding:</b> <b>Activity 2</b> £1120	<b>Anticipated Outcomes:</b> <b>Activity 2 Focus 1</b> 1. 5 individuals supported to access the training course 2. 80% of the 5 individuals to complete 3. 80% of the 5 individuals to achieve an Entry L3 Award in Employability and Personal Development 4. 100% of the 5 individuals	<b>Anticipated progression route into one of the following options:</b> 1. Employment 2. Training and Skills Development 3. Business Start Up Workshops 4. Work Trial 5. Voluntary Placement 6. Pathways to Employment Event

	<p>supported to access further training / employment related activity</p> <p>5. 80% of the 5 individuals to progress to further training / employment related activity</p> <p><b>Activity 2 Focus 2</b></p> <p>1. 10 individuals supported to access the learning activity</p> <p>2. 100% of the 10 individuals supported to access further training / employment related activity</p> <p>3. 80% of the 10 individuals to progress to further training / employment related activity</p>	
<p><b>Activity 3</b></p> <p>The third activity will involve working alongside Devon and Somerset Fire and Rescue Service and Jobcentre Plus and will provide the opportunity for young adults to learn together through engaging in a bespoke training programme to support routeways into employment.</p> <p>The training programme will seek to raise motivation, self-esteem and self-confidence through providing challenges that will enhance communication skills, raise achievement levels and encourage team work and self-discipline. There will also be the opportunity for those individuals on the programme to achieve up to three accredited qualifications; namely Food Hygiene and Safety Level 2, First Aid and three ASDAN credits. The course will take place over seven days.</p> <p>The final day will consist of a "Passing Out" Parade. This will take place in front of family, friends and local employers. The final day will also involve a "Speed Dating Exercise" where participants will have the opportunity to engage in mock interviews with local employers and talk to them about potential job prospects in the area linking to current employment opportunities. Local training providers will also be there on the day to provide information of further training opportunities.</p>		
<p><b>Fit to Work Funding</b></p> <p><b>Activity 3</b></p> <p>£3000</p> <p><b>Match Funding:</b></p> <p><b>Activity 3</b></p> <p>£3250</p>	<p><b>Anticipated Outcomes:</b></p> <p><b>Activity 3</b></p> <p>1. 12 individuals supported to access the training activity</p> <p>2. 80% of the individuals to complete</p> <p>3. 80% of the individuals to achieve one accredited qualification</p> <p>4. 60% of the individuals to achieving 2 qualifications</p> <p>5. 100% of the individuals supported to access further training / employment related activity</p> <p>6. 80% of participants registered on Universal Jobmatch</p> <p>7. 50% of the individuals registered with the EDF Energy Employment Brokerage</p>	<p><b>Anticipated progression route into one of the following options:</b></p> <p>1. Employment</p> <p>2. Training and Skills Development</p> <p>3. Business Start Up Workshops</p> <p>4. Work Trial</p> <p>5. Voluntary Placement</p> <p>6. Pathways to Employment Event</p>

<b>West Somerset Project 3</b> Intensive Supported Training Programme	<b>Total Cost of Project</b> £27,250	
<p><b>Proposal and Project Outline:</b></p> <p>This project will aim to ensure individuals are suitably prepared and skilled for the world of work, paying particular focus on ensuring that local residents develop the skills and / or qualifications required for current and upcoming employment opportunities arising from Hinkley Point C and associated developments helping to bridge the skills gaps.</p> <p>The programme will provide individuals with the opportunity to achieve up to four accredited qualifications and will encompass next steps employability workshops and will have direct links to basic skills training, such as, IT, literacy and numeracy and local employment opportunities. Individuals will be required to complete / update a CV and register with the EDFE Employment Brokerage as well as Universal Jobmatch.</p> <p>Areas of vocational study to be confirmed, but could include: Cleaning and Support Services, Hospitality and Catering, Landscaping and Construction. Qualifications gained by individuals could include a Level 1 Award in Employability and Personal Development, a Level 2 Award in Safe Moving and Handling, a Level 1 Award in Health and Safety, a Level 2 Award in Food Safety, First Aid at Work Certificate and a CSCS Card.</p> <p>An end of course workshop will take place which will allow for individuals to find out more about training and employment opportunities and possible progression routes.</p>		
<b>Fit to Work Funding</b> £16,750  <b>Match Funding:</b> £10,500	<b>Anticipated Outcomes:</b> <ol style="list-style-type: none"> <li>1. 30 individuals supported to access the training activity</li> <li>2. 100% of the individuals to complete</li> <li>3. 100% of the individuals to achieve one accredited qualification</li> <li>4. 100% of the individuals to achieve two accredited qualification</li> <li>5. 75% of the individuals to achieve 3-4 qualifications</li> <li>6. 80% of the individuals registered on Universal Jobmatch</li> <li>7. 80% of the individuals registered with the EDF Energy Employment Brokerage</li> <li>8. 100% of the individuals supported to access further training / employment related activity</li> <li>9. 100% of the individuals to be provided with the opportunity to attend a next step interview workshop where relevant</li> </ol>	<b>Anticipated progression route into one of the following options:</b> <ol style="list-style-type: none"> <li>1. Employment</li> <li>2. Further Training and Skills Development</li> <li>3. Business Start Up Workshops</li> <li>4. Work Trial</li> <li>5. Voluntary Placement</li> <li>6. Pathways to Employment Event</li> </ol>

<b>West Somerset Project 4</b> Digital Skills Project	20	<b>Total Cost of Project</b> £4,000
<p>This project will take two forms of activities.</p> <p><b>Activity 1</b>          The first form will involve providing additional funding for IT courses, where there is an associated cost to the individual. It will enable individuals to build upon their IT skills in word processing, excel and outlook, as well as providing them with the opportunity to develop their knowledge on using the internet, in particular in relation to searching and applying for work.</p> <p>The project will be aimed at individuals who feel they need to improve their IT skills to compete in today's job market. Those on the course will be expected to complete or update their CV alongside their course which must then be added to Universal Jobmatch. Where relevant individuals will also be encouraged to register on the EDF Energy Employment Brokerage.</p> <p>On completion of the course individuals will be given the opportunity to progress on to further courses and will have the opportunity to receive a 1-1 Information Advice and Guidance (IAG) interview with a qualified careers advisor in order to identify possible progression routes.</p> <p>Initially this project will initially look to fund 10 people on a five week course at an approximate total cost of £300. If this project proves effective then an additional 23 people will be funded at an extra cost of £690.</p>		
<b>Fit to Work Funding:</b> <b>Activity 1</b> £990  <b>Anticipated Match Funding:</b> <b>Activity 1</b> £990	<b>Anticipated Outcomes:</b> <b>Activity 1</b> <ol style="list-style-type: none"> <li>1. Initially 10 individuals supported to access IT training</li> <li>2. 80% of the individuals to complete</li> <li>3. 100% of the individuals to be provided with the opportunity to access a 1-1 IAG session / supported to access further training / employment related activity</li> <li>4. 100% of the individuals to be provided with the opportunity to update their CV and to add this to Universal Jobmatch</li> </ol>	<b>Anticipated progression route into one of the following options:</b> <ol style="list-style-type: none"> <li>1. Employment</li> <li>2. Further Training and Skills Development</li> <li>3. Business Start Up Workshops</li> <li>4. Work Trial</li> <li>5. Voluntary Placement</li> <li>6. Pathways to Employment Event</li> </ol>
<p><b>Activity 2</b>          The second project will focus on replicating a project which is currently taking place across South Somerset and will involve working alongside Somerset County Council, local training providers and partner agencies. It will involve providing local residents with recycled IT equipment and free internet access, alongside which Somerset Skills and Learning will deliver IT courses and provide opportunities for individuals to engage in back to work job clubs facilitating pathways to employment.</p>		
<b>Fit to Work Funding:</b> <b>Activity 2</b> £1010  <b>Anticipated Match Funding:</b> <b>Activity 2</b> £1010	<b>Anticipated Outcomes:</b> <b>Activity 2</b> TBC	<b>Anticipated progression route into one of the following options:</b> <ol style="list-style-type: none"> <li>1. Employment</li> <li>2. Further Training and Skills Development</li> <li>3. Business Start Up Workshops</li> <li>4. Work Trial</li> <li>5. Voluntary Placement</li> <li>6. Pathways to Employment Event</li> </ol>



<b>West Somerset Project 5</b> Up-Skilling Flexible Funding Pot	<b>Total Cost of Project</b> £3,000
<p><b>Proposal and Project Outline:</b></p> <p>This project looks to develop a Flexible Funding Pot which will expand current access to employment opportunities coming forward at Hinkley Point C and associated developments through providing financial assistance to individuals to access relevant training / upskilling opportunities.</p> <p>This pot of funding will look to cover qualifications that are currently not funded or which are part funded, yet required for the world of work. Some of which include CSCS cards, Award in COSHH Risk Assessment, Certificate in Basic Food Hygiene, Disclosure and Barring etc.</p> <p>Those eligible will include individuals currently unemployed and those individuals who are on low income.</p> <p>Individuals accessing the fund will be required to seek further assistance in gaining employment. Depending on the individual this may be advice on further training, assistance with CV writing, help with accessing Universal Job-Match and support with registering their details on EDF Energy Employment Brokerage in order to enhance their chances of successfully gaining employment.</p>	
<p><b>Fit to Work Funding:</b>  £3,000</p> <p><b>Anticipated Match Funding:</b></p>	<p><b>Anticipated Outcomes:</b></p> <ol style="list-style-type: none"> <li>1. 30 individuals to have gained an accredited qualification</li> <li>2. 100% of the individuals to be provided with the opportunity to access a 1-1 IAG session / offered supported to access further training / employment related activity</li> <li>3. 100% of the individuals to be provided with the opportunity to update their CV and to add this to Universal Jobmatch</li> </ol> <p><b>Anticipated progression route into one of the following options:</b></p> <ol style="list-style-type: none"> <li>1. Employment</li> <li>2. Further Training and Skills Development</li> <li>3. Business Start Up Workshops</li> <li>4. Work Trial</li> <li>5. Voluntary Placement</li> <li>6. Pathways to Employment Event</li> </ol>

<b>West Somerset Project 6</b> Business Start Up Workshops	22	<b>Total Cost of Project</b> £4,000
<p><b>Proposal and Project Outline:</b></p> <p>Starting up in business creates employment for the business owner and, in time, can create jobs for others. Business ownership and self-employment can be a means of providing an alternative route into employment for those with entrepreneurial ideas, for those who have other life commitments to work around at certain times of the day and for those who lack formal qualifications.</p> <p>The workshops will help those considering starting up in business to formalise their ideas and make more informed decisions about how they take their business plans forward, thereby limiting the risk of business failure.</p> <p>Business start-up workshops will focus on supporting unemployed individuals within the District to be able to start their own business through providing opportunities for them to develop and acquire essential entrepreneurial skills.</p> <p>It should also be noted that making an informed decision not to proceed with a business idea can be as important to the individual as proceeding. The right decision can avoid the risk of business failure, potential debt issues and also allow the individual to focus on other ways of getting into employment.</p> <p>The courses will be open to anyone who wishes to start up in business of any type.</p>		
<p><b>Fit to Work Funding:</b> £2,000</p> <p><b>Anticipated Match Funding:</b> £2,000 TBC – Two funding bids currently submitted (ENP and Magnox)</p>	<p><b>Anticipated Outcomes:</b></p> <ol style="list-style-type: none"> <li>1. 30 individuals assisted with business start-up plans</li> </ol>	<p><b>Anticipated progression route into one of the following options:</b></p> <ol style="list-style-type: none"> <li>1. Self Employment</li> <li>2. Employment</li> <li>3. Further Training and Skills Development</li> <li>4. Business Mentoring</li> <li>5. Work Trial</li> <li>6. Voluntary Placement</li> <li>7. Pathways to Employment Event</li> </ol>

*Report Number:* WSC 114/13  
*Presented by:* Cllr D Westcott – Lead Member for Customer and Community  
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*Report to a Meeting of:* Council  
*To be Held on:* 18th September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 1<sup>st</sup> August 2013

## DISCRETIONARY HOUSING PAYMENTS USE OF ADDITIONAL FUNDING

### 1. PURPOSE OF REPORT

- 1.1 To advise council of the receipt of additional funding from Central Government provided to mitigate the disproportionate impact on those affected by the removal of the spare room subsidy in remote and isolated communities
- 1.2 To propose a scheme for positive use of those funds for local residents

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The report links to Corporate Objective 2 “Maximise the funding opportunities from Central Government”. The report aims to make best use of the additional sums received.
- 2.2 This additional sum will assist in ensuring the council can help local residents and in doing so deliver our vision

### 3. RECOMMENDATIONS

- 3.1 Council agree the proposed approach recommended by cabinet to the use of these additional funds.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
The council cannot spend the additional funds due to a lack of clarity on how to do that	4	4	16
<i>Agree an approach through council to spend the sums allocated</i>	2	3	6
The council has inadequate capacity to ensure the spend is delivered	3	4	12

<i>Focus existing resources on delivery of the funding Ensure that residents are aware of its availability through publicity</i>	3	3	9
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The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 Lord Freud, the Minister for Welfare Reform, wrote to local authority Chief Executives on 30 July 2013 to announce that an extra £5 million will be added to the Discretionary Housing Payment (DHP) fund. This is specifically aimed at helping the 21 least densely populated areas in Great Britain. This funding is aimed at avoiding a disproportionate impact on those affected by the removal of the spare room subsidy in remote and isolated communities where the geography means that the potential remedies are less readily available; work, alternative accommodation, people looking for lodging etc.
- 5.2 On the same day the Department for Work and Pensions issued circular S6/2013. The circular confirmed that West Somerset Council had been allocated an additional £81,850 from the £5 million fund.
- 5.3 WSC90/13 updated Scrutiny committee on the current DHP scheme adopted by full Council which appears to be working well. It is fair, transparent and ensures that the additional support goes to those with genuine need. This additional funding provides an opportunity to provide further transitional assistance to residents and evolve that scheme.
- 5.4 It is proposed to use this one off payment to evolve the scheme. The proposal is that the additional £81,850 and £23,000 of the main DHP fund (detailed in circular S1/2013) are paid to all claims affected by the removal of the spare room subsidy in West Somerset. This would be backdated to 1st April 2013. This will be on the basis of a ranking system described in the following paragraphs.
- 5.5 To deliver the scheme WSC must ensure that it complies with the circular S6/2013. This advises that the funding “is to avoid a disproportionate impact on those affected by the removal of the spare room subsidy in remote and isolated communities where the geography means that the potential remedies are less readily available; work, alternative accommodation, people looking for lodging etc.”
- 5.6 To achieve this we have reviewed data relating to each parish and scored them according to its population density provided by the 2011 census. The parishes have then been ranked and placed into quartiles based on their scores for population density. Each quartile has a different rate of award ranging from 80% for the least densely populated areas to 50 % for the most densely populated.
- 5.7 The amount awarded will therefore be a set percentage of the reduction, and will in effect be used as a form of transitional protection for the removal of the spare room subsidy in West Somerset during 2013/14.
- 5.8 Details of the impact on each parish are contained in Appendix A of this report.
- 5.9 Our general policy requires completion of a set form with added information. It is our intention for this payment to put that approach to one side. There will be no requirement for a written claim on our form, and we will accept telephone, email and verbal applications. This applies only to this one off payment.

- 5.10 All other applications outside of this will still need to be made on our approved application form. In effect this may well apply if individuals are still in extreme difficulty even with the application of this additional discount.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The money for this will come from the Government's contribution to the Authority's Discretionary Housing Payment fund
- 6.2 Any unspent Discretionary Housing Payment grant must be returned to Government It is therefore vital that the Authority maximises the award of Discretionary Housing payments.
- 6.3 This will minimise the impact of welfare reform, and maximise income for some of the most vulnerable people in our community. This is currently a one off and applies in 13/14 only.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 This proposal utilises the Government contribution to the Authority's Discretionary Housing Payment fund. The money cannot be used for any other purpose, and any unspent money returned. The money must be spent by 31<sup>st</sup> March 2014.
- 7.2 There is no net financial cost to the Authority from this proposal.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 Members should refer to the original impact assessment within WSC 30/13.
- 8.2 This report aims to address needs of vulnerable individuals particularly those in rural localities. This characteristic is recognised by WSC as a significant local issue.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 There are none associated with this report that can be identified.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 The Community Policy Advisory Group considered the proposed use of the funds at their meeting on August 20<sup>th</sup>. They supported the proposal to use the money through ranking all parishes into groups and applying a set rate to each of those 4 groups. This is in line with the content of this report.
- 10.2 There has been no consultation with the wider community as the timing of the announcement means that WSC needs to adopt an approach to spending the funding with relative speed. This is due to it being time limited to 31<sup>st</sup> March 2014. However we have attempted to address known concerns raised through the adoption of the original scheme and anecdotal evidence of the effects on individuals through work with partner agencies.

**11. ASSET MANAGEMENT IMPLICATIONS**

11.1 There are no direct implications for this report to the council`s assets.

**12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 There are no known implications associated with this report.

**13. LEGAL IMPLICATIONS**

13.1 Discretionary Housing Payments must be administered in accordance with The Discretionary Financial Assistance Regulations 2001 (SI2001/1167) and the subsequent amendment regulations

## Appendix A

Parish name	No Claims	Population		Ranking	Quartile	Discount	Restriction	Total annual DHP "buffer" awarded
		Density						
Bicknoller	1	0.5	6	3	60%	£677.85	£406.71	
Brompton Ralph	0	0.2	3	2	70%	£0.00	£0.00	
Brompton Regis	2	0.1	2	1	80%	£1,455.89	£1,164.71	
Brushford	3	0.5	6	3	60%	£2,488.15	£1,492.89	
Carhampton	16	0.8	9	3	60%	£13,925.73	£8,355.44	
Carhampton (Blue Anchor)	0	0.8	9	3	60%	£0.00	£0.00	
Clatworthy	1	No Data	1	1	80%	£641.16	£512.92	
Crowcombe	3	0.4	5	3	60%	£1,984.08	£1,190.45	
Cutcombe (Wheddon Cross)	2	0.1	2	1	80%	£1,424.96	£1,139.97	
Dulverton	14	0.4	5	3	60%	£9,949.72	£5,969.83	
Dunster	7	0.9	10	3	60%	£5,633.44	£3,380.06	
East Quantoxhead	0	0.1	2	1	80%	£0.00	£0.00	
Elworthy	0	No Data	0	1	80%	£0.00	£0.00	
Exford	4	0.2	3	2	70%	£3,301.10	£2,310.77	
Exmoor (Simonsbath)	0	0.02	1	1	80%	£0.00	£0.00	
Exton	0	0.1	2	1	80%	£0.00	£0.00	
Holford	1	0.2	3	2	70%	£665.82	£466.07	
Huish Champflower	0	0.1	2	1	80%	£0.00	£0.00	
Kilve	0	0.9	10	3	60%	£0.00	£0.00	
Luccombe	0	0.1	2	1	80%	£0.00	£0.00	
Luxborough	2	0.1	2	1	80%	£2,719.88	£2,175.90	
Minehead	59	10.6	12	4	50%	£45,591.01	£22,795.51	

Parish name	No Claims	Population Density	Ranking	Quartile	Discount	Total annual restriction	DHP "buffer" awarded
Minehead Without (Bratton)	0		0	1	80%	£0.00	£0.00
Monksilver	1	0.4	5	3	60%	£648.95	£389.37
Nettlecombe	0	0.1	2	1	80%	£0.00	£0.00
Oare	0	No Data	0	1	80%	£0.00	£0.00
Old Cleeve (Old Cleeve)	0	0.8	9	3	60%	£0.00	£0.00
Old Cleeve (Roadwater)	4	0.8	9	3	60%	£3,321.47	£1,992.88
Old Cleeve (Washford)	12	0.8	9	3	60%	£9,735.94	£5,841.56
Porlock	6	0.3	4	2	70%	£5,256.86	£3,679.80
Sampford Brett	0	0.7	8	3	60%	£0.00	£0.00
Selworthy & Minehead Without	4	0.2	3	2	70%	£2,969.90	£2,078.93
Skilgate	1	No data	0	1	80%	£0.00	£0.00
Stogumber	6	0.3	4	2	70%	£5,134.35	£3,594.05
Stogursey	5	0.6	7	3	60%	£4,315.53	£2,589.32
Stringston	0	No data	0	1	80%	£0.00	£0.00
Timberscombe	4	0.4	5	3	60%	£3,899.98	£2,339.99
Treborough	0	No data	0	1	80%	£0.00	£0.00
Upton	0	0.1	2	1	80%	£0.00	£0.00
Watchet	35	11.1	13	4	50%	£25,812.66	£12,906.33
West Quantoxhead	0	0.6	7	3	60%	£0.00	£0.00
Williton	40	2.2	11	4	50%	£33,040.85	£16,520.43
Winsford	1	0.1	2	1	80%	£1,147.90	£918.32
Withycombe	2	0.2	3	2	70%	£1,266.53	£886.57
Withypool & Hawkridge	2	0.1	2	1	80%	£0.00	£0.00
Wootton Courtenay	0	0.2	3	2	70%	£0.00	£0.00
<b>Total</b>						<b>£187,009.71</b>	<b>£105,098.79</b>



<b>Quartile Criteria</b>	<b>Quartile</b>	<b>% award</b>
Population density 0.1 or less	1	80%
Population density between 0.2 - 0.3	2	70%
Population density between 0.4 - 0.9	3	60%
Population density 1 or greater	4	50%

### **Funding method**

Circular S6/2013	£81,850.00
Circular S1/2013 (Part)	£23,000.00
<b>Total</b>	<b>£104,850.00</b>

### **Allocation of Circular S1/2013 to date**

Net paid to date	£13,075.10
Committed	£13,356.28
Proposed for this report	£23,000.00
<b>Remaining balance</b>	<b>£19,021.62</b>



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<b>Remaining balance</b>	<b>£19,021.62</b>



*Report Number:* WSC 109/13  
*Presented by:* Councillor K Kravis, Lead Member for Resources and Central Support  
*Author of the Report:* Steve Plenty  
*Contact Details:*  
*Tel. No. Direct Line* 01984 635217  
*Email:* sjplenty@westsomerset.gov.uk  
  
*Report to a Meeting of:* Full Council  
*To be Held on:* 18<sup>th</sup> September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* N/A

## ANNUAL TREASURY MANAGEMENT REVIEW 2012/13

### 1. PURPOSE OF REPORT

- 1.1 To review the treasury management activity and the performance against the Prudential Indicators for the 2012/13 financial year as prescribed by the revised CIPFA Code of Practice and in accordance with the Council's Treasury Management Strategy and Annual Investment Policy.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 None directly in relation to this report.

### 3. RECOMMENDATIONS

- 3.1 To note the Treasury Management activity for the 2012/13 financial year (Appendix A).  
 3.2 To note the mid-year report for 2012/13 (Appendix B).

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
The Council fails to maintain an adequate system of internal control	Unlikely (1)	Major (3)	Medium (1)
<i>The Council has in place suitable arrangements</i>			

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annual Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year.
- 5.2 The scrutiny of treasury management policy, strategy and activity is delegated to the Audit Committee.
- 5.3 Although the 2012/13 mid-year report was scrutinised and noted by the Audit Committee at its meeting on 28<sup>th</sup> November 2012, it wasn't formally noted by Full Council in line with the Code of Practice. Therefore the report can be found in Appendix B to this report.
- 5.3 Treasury management in this context is defined as:

"The management of the local authority's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks".

- 5.4 Overall responsibility for treasury management remains with the Council. No treasury management activity is without risk; the effective identification and management of risk are integral to the Council's treasury management objectives.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 As set out in the report.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 Contained within the main body of the report.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 None in respect of this report.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 None in respect of this report.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 None in respect of this report.



**11. ASSET MANAGEMENT IMPLICATIONS**

11.1 None in respect of this report.

**12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 None in respect of this report.

**13. LEGAL IMPLICATIONS**

13.1 None in respect of this report.



# **Annual Treasury Management Review 2012/13**

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# Annual Treasury Management Review 2012/13

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## 1. Introduction

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2012/13. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2012/13 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 21/03/2012)
- a mid-year (minimum) treasury update report (appended to this report)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

## 2. The Economy and Interest Rates

The financial year 2012/13 continued the challenging investment environment of previous years, namely low investment returns and continuing heightened levels of counterparty risk. The original expectation for 2012/13 was that Bank Rate would start gently rising from quarter 4 2014. However, economic growth in the UK was disappointing during the year due to the UK austerity programme, weak consumer confidence and spending, a lack of rebalancing of the UK economy to exporting and weak growth in our biggest export market - the European Union (EU). The UK coalition Government maintained its tight fiscal policy stance against a background of warnings from two credit rating agencies that the UK could lose its AAA credit rating. Moody's followed up this warning by actually downgrading the rating to AA+ in February 2013 and Fitch then placed their rating on negative watch, after the Budget statement in March. Key to retaining the AAA rating from Fitch and S&P will be a return to strong economic growth in order to reduce the national debt burden to a sustainable level, within a reasonable timeframe. Weak UK growth resulted in the Monetary Policy Committee increasing quantitative easing by £50bn in July to a total of £375bn. Bank Rate therefore ended the year unchanged at 0.5% while CPI inflation fell from 3% at the start of the year to end at 2.8% in March, with a fall back to below 2% pushed back to quarter 1 2016. The EU sovereign debt crisis was an ongoing saga during the year with first Greece and then Cyprus experiencing crises which were met with bailouts after difficult and fraught negotiations.

Gilt yields oscillated during the year as events in the ongoing Eurozone debt crisis ebbed and flowed, causing corresponding fluctuations in safe haven flows into / out of UK gilts. This, together with a further £50bn of QE in July and widely expected further QE still to come, combined to keep PWLB rates depressed for much of the year at historically very low levels.

Deposit rates. The deposit rates which are available to the Authority were impacted by the Funding for Lending Scheme, announced in July. This resulted in a flood of cheap credit being made available to banks and led to a sharp fall in the money market investment rates in the second half of the year. As the Authority had relatively low cash balances, we utilised call accounts to manage our surplus cash and these provided returns aligned closely to the UK Bank rate. In the latter part of the financial year, perceptions of counterparty risk improved as the European Central Bank indicated it would do “whatever it takes” to support struggling Eurozone countries. This has resulted in some return of confidence to move away from only very short term investing.

### 3. Overall Treasury Position as at 31 March 2013

At the beginning and the end of 2012/13 the Council's treasury position was as follows:

TABLE 1	31 March 2012 Principal	Rate/ Return	Average Life yrs	31 March 2013 Principal	Rate/ Return	Average Life yrs
Borrowing	£3.500m	1.51%	1.89	£3.500m	1.51%	0.89
CFR (Debt)	£7.660m			£7.659m		
Over / (under) borrowing	(£4.160)m			(£4.159)m		
Total investments	£1.860m			£0.931m		
Net debt	£1.640m			£2.569m		

### 4. The Strategy for 2012/13

The expectation for interest rates within the strategy for 2012/13 anticipated low but rising Bank Rate (starting in quarter 4 of 2014) with similar gradual rises in medium and longer term fixed borrowing rates over 2012/13. Variable or short-term rates were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.

The actual movement in gilt yields meant that PWLB rates fell during the first quarter of the year to historically low levels. This was caused by a flight to quality into UK gilts from EU sovereign debt, and from shares, as investors became concerned about the potential for a Lehman's type crisis of financial markets if the Greek debt

crisis were to develop into a precipitous default and exit from the Euro. During the second and third quarters, rates rose gradually and agreement of a second bail out for Greece in December saw the flight to quality into gilts reverse somewhat, as confidence rose that the Eurozone crisis was finally subsiding. However, gilt yields then fell back again during February and March as Eurozone concerns returned, with the focus now shifting to Cyprus, and flight to quality flows into gilts resumed. This was a volatile year for PWLB rates, driven by events in the Eurozone which oscillated between crises and remedies.

## 5. The Borrowing Requirement and Debt

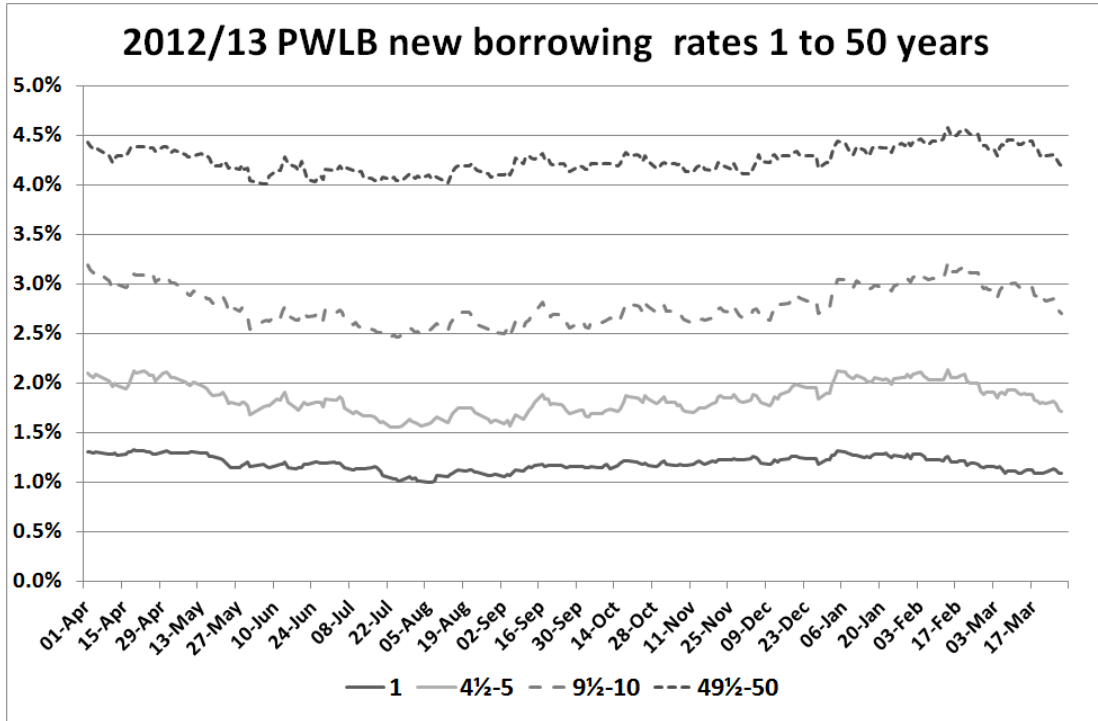
The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

	31 March 2012 Actual	31 March 2013 Budget	31 March 2013 Actual
CFR General Fund (£m)	7.660	2.468	7.659
<b>Total CFR (£m)</b>	<b>7.660</b>	<b>2.468</b>	<b>7.659</b>

When the 2012/13 Budget was approved, it was anticipated that the Authority would generate monies from the sale of surplus assets and these would be set aside to repay the Capital Financing Requirement. As the planned sales did not materialise, the Capital Financing Requirement remained broadly unchanged year on year.

## 6. Borrowing Rates in 2012/13

**PWLB borrowing rates** - the graph below shows how PWLB rates remained close to historically very low levels during the year.



## 7. Borrowing Outturn for 2012/13

**Borrowing** – No new borrowing was undertaken during 2012/13. Below are details of the PWLB loan that West Somerset currently has.

Lender	Principal	Type	Interest Rate	Maturity
PWLB	£3.500m	Fixed interest rate	1.51%	0.89 years

Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.

### Rescheduling

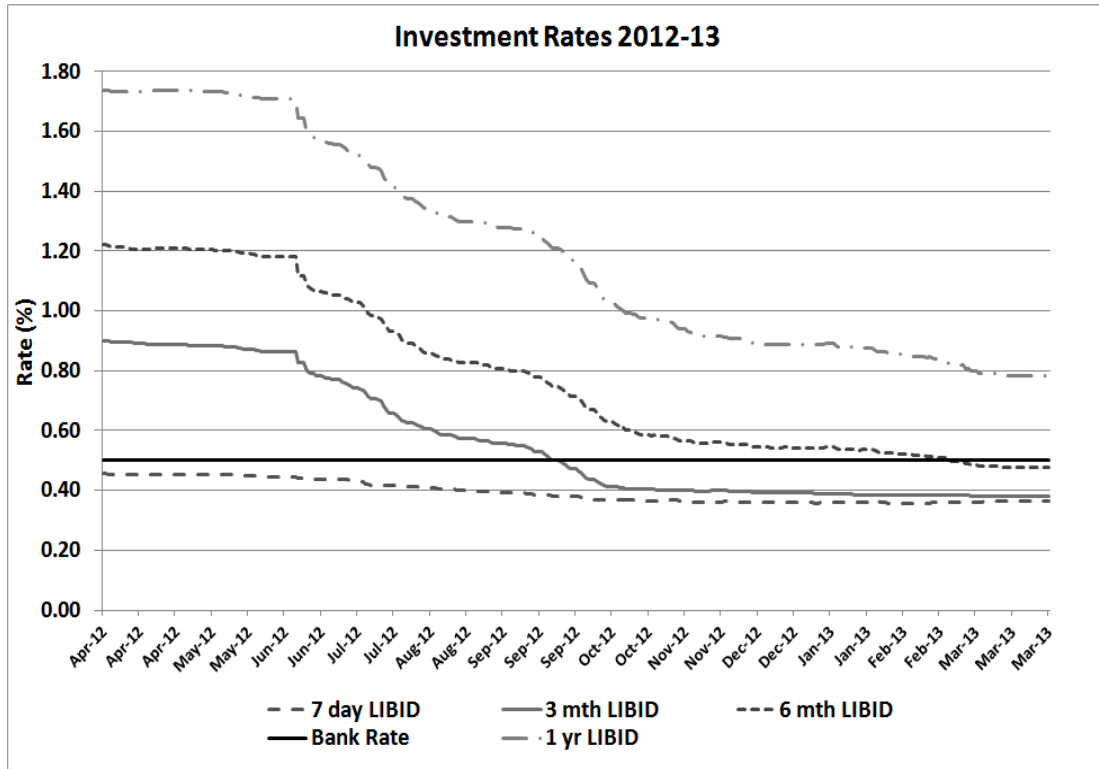
No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

### Repayments

No repayments took place during 2012/13.

## 8. Investment Rates in 2012/13

Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for four years. Market expectations of the start of monetary tightening were pushed back during the year to early 2015 at the earliest. The Funding for Lending Scheme resulted in a sharp fall in deposit rates in the second half of the year.





## 9. Investment Outturn for 2012/13

**Investment Policy** – the Council's investment policy is governed by CLG guidance, which was been implemented in the annual investment strategy approved by the Council on 21 March 2012. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

**Investments held by the Council** - the Council maintained an average balance of £2.985m of internally managed funds. The internally managed funds earned an average rate of return of 0.7048%. The comparable performance indicator is the average 7-day LIBID, which was 0.3940%.

## 10. Other Issues

Hinkley Point - The large planning obligation settlement will significantly increase the level of cash balances managed by this Authority in-house. A further report will be brought to Members, which will set out a revised Investment Strategy to deal with this arrangement as and when it takes place.

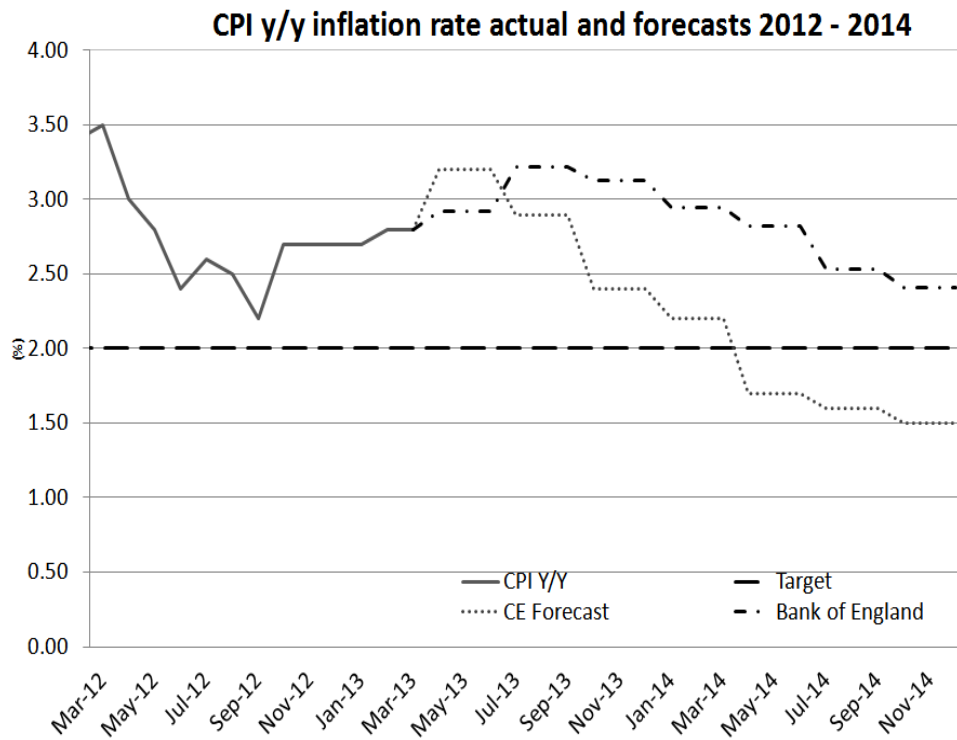
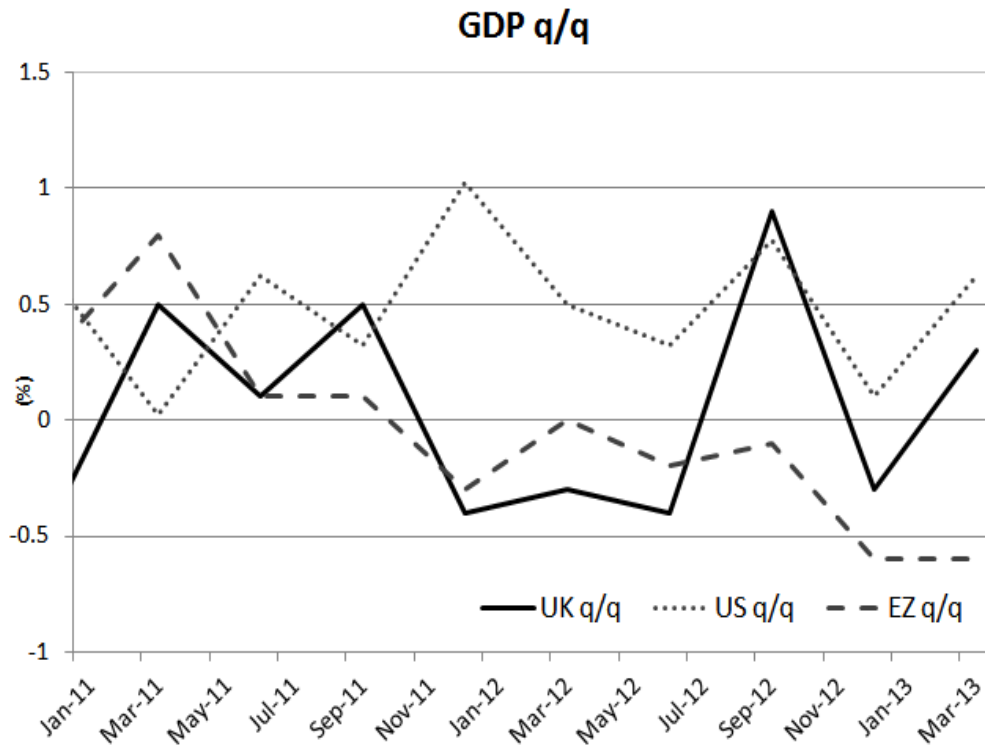
## Appendix 1: Prudential and treasury indicators

<b>PRUDENTIAL INDICATORS</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2012/13</b>
Extract From Budget Setting Report	<b>Actual</b>	<b>Estimate</b>	<b>Actual</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Capital Expenditure</b>			
Non - HRA	1,123	594	715
<b>TOTAL</b>	<b>1,123</b>	<b>594</b>	<b>715</b>
<b>Ratio of financing costs to net revenue stream</b>			
Non - HRA	0.64%	0.48%	0.54%
Net borrowing requirement			
Brought Forward 1 April	3,500	3,500	3,500
Carried Forward 31 March	3,500	3,500	3,500
In Year Borrowing Requirement			
<b>Capital Financing Requirement as at 31 March</b>			
Non - HRA	7,660	2,468	7,659
<b>TOTAL</b>	<b>7,660</b>	<b>2,468</b>	<b>7,659</b>
<b>Annual Change In Capital Financing Requirement</b>			
Non - HRA	292	-5,192	-1
<b>TOTAL</b>	<b>292</b>	<b>-5,192</b>	<b>-1</b>
<b>Incremental impact of capital investment decisions</b>	<b>£ p</b>	<b>£ p</b>	<b>£ p</b>
Increase in council tax (band D) per annum	0.00	0.00	0.00

<b>TREASURY MANAGEMENT INDICATORS</b>	<b>2011/12 Actual</b>	<b>2012/13 Estimate</b>	<b>2012/13 Actual</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Authorised Limit for external debt</b>			
Borrowing	15,000	10,000	10,000
Other Long Term Liabilities			
<b>TOTAL</b>	<b>15,000</b>	<b>10,000</b>	<b>10,000</b>
<b>Operational Boundary for external debt</b>			
Borrowing	10,500	7,500	7,500
Other Long Term Liabilities			
<b>TOTAL</b>	<b>10,500</b>	<b>7,500</b>	<b>7,500</b>
<b>Actual external debt</b>			
<b>Upper limit for fixed interest rate exposure</b>			
Net principal re fixed rate borrowing / investments	100%	100%	100%
<b>Upper limit for variable interest rate exposure</b>			
Net principal re variable rate borrowing / investments	100%	100%	100%
<b>Upper limit for total principal sums invested for over 364 days (per maturity date)</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>

<b>Maturity Structure of fixed rate borrowing during 2011/12</b>	<b>Upper Limit</b>	<b>Lower Limit</b>
	Under 12 months	100%
12 months and within 24 months	100%	0%
24 months and within 3 years	100%	0%
3 years and within 4 years	80%	0%
4 years and within 5 years	70%	0%
5 years and within 10 years	50%	0%
10 years and above	50%	0%

## Appendix 2: Graphs



# Treasury Management Update

**Half-Year Ended 30th September 2012**

# Treasury Management Update

## Half-Year Ended 30th September 2012

The CIPFA (the Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that Members be updated on treasury management activities regularly (TMSS, annual and mid year reports). This report therefore ensures this council is implementing best practice in accordance with the Code.

### 1. Economic background:

- During the quarter ended 30 September:
  - Indicators suggested that economic growth returned after three quarters of recession;
  - Retail sales held up well and spending off the high street strengthened;
  - Employment continued to rise at a strong pace;
  - Inflation failed to make further downward progress;
  - The Monetary Policy Committee (MPC) announced more asset purchases;
  - UK equity and government bond prices rose;
  - The US economy continued to recover, but at a disappointingly slow pace.
- GDP growth in quarter ended September looks set to be positive for the first quarter in a year. Although the CIPS/Markit business surveys weakened in July, they recovered in August to a level consistent on past form with quarterly GDP growth of about 0.2%.
- In addition, the surveys seem to have been unaffected by the impact of the lost working day for the Queen's Jubilee, which will have shifted some production from June to July. Indeed, the official data improved significantly at the start of Q3. Following its 2.4% monthly drop in June, industrial production rose by 2.9% in July. The overall trade deficit shrank from £4.3bn in June to £1.5bn in July.
- Furthermore, the CIPS surveys exclude the retail sector and high street spending has held up relatively well. The official measure of retail sales volumes grew by 0.3% in July. And while sales volumes fell by 0.2% in August – suggesting that the Olympics Games did not provide much of a boost to retail spending – retail sales should still support overall GDP growth in Q3. Even if sales volumes just hold steady in September, then sales will be 0.9% higher than in the second quarter.
- Spending off the high street has also shown signs of recovering. In particular, private new car registrations were 26% and 12% higher than a year ago in July and August respectively. Moreover, Olympics ticket sales that occurred in previous quarters will be counted as household spending in the third quarter.
- As a result, GDP growth could show a healthy quarterly rise to +0.6% in Q3. However, given that the level of GDP is likely to have been boosted by both the Queen's Jubilee and the Olympics, a renewed fall in output in Q4 seems likely.

- Meanwhile, the labour market has continued to recover. The Labour Force Survey measure of employment rose by 236,000 in the three months to July and the claimant count measure of unemployment fell by 15,000 in August – the biggest fall since June 2010. That said, most of the rise in employment was driven by growing self and part-time employment, rather than full-time,. Moreover, 91,000 of the new jobs that were created were in London – around 40% of the total – despite the fact that the capital accounts for only 15% or so of overall employment. The Olympics would therefore seem to have provided a temporary boost to the national employment figures.
- Pay growth has remained modest. Annual growth of overall average earnings ticked up from 1.3% in June to 1.4% in July. Given the rate of inflation over this period, real pay continued to fall on an annual basis.
- The underlying trend in house prices still seems to be broadly down. The Halifax measure of house prices fell by 0.7% in July and a further 0.4% in August. The Nationwide's measure fared better – although it fell by 0.8% in July, it then rose by 1.3% in August. Mortgage approvals for new house purchases have also remained weak. The total of 47,300 in July was below the average of 50,700 seen in the first half of 2012.
- Banks' funding costs continued to ease over the quarter. This reflects the Bank of England's continued provision of low cost liquidity to banks in tranches of up to £5bn a month, the start of the Funding for Lending Scheme and the easing of tensions in Eurozone debt markets to which UK banks are exposed. But so far, quoted borrowing rates on most types of new mortgages have held broadly steady.
- Meanwhile, the trend in public borrowing has continued to deteriorate. A continuation of the pattern seen in the first five months of the fiscal year (since April) would mean that borrowing in 2012/13 as a whole would come in at around £145bn, compared to the Office for Budget Responsibility's March forecast of £120bn. And while the Government announced some new measures to get credit flowing around the economy – including a £10bn guarantee to help housing associations and private developers raise funds to build new homes, and plans for a “business bank” – this largely amounted to tinkering at the edges of the fiscal austerity plans.
- Inflation struggled to make further downward progress in Q3. Indeed, CPI inflation rose from 2.4% in June to 2.6% in July, before falling back to 2.5% in August. While inflation should drop to around 2% in September on the anniversary of last year's chunky rises in utility prices, further falls in inflation over the next few months look unlikely as a result of the recent increase in commodity prices. Oil prices rose from \$97 per barrel at the end of June to around \$113 per barrel at the end of September, while global agricultural prices have risen by around 25%.
- The MPC voted in July to undertake £50bn additional asset purchases over the following four months. Although interest rate markets are pricing in a decent chance of a cut in official interest rates within the next few months, Mervyn King is opposed to this.
- Asset prices in the UK and overseas largely continued to rise over the course of the third quarter. 10-year gilt yields fell from about 1.85% to 1.70% (although prices were volatile during this period), while the FTSE 100 recovered from 5,570 to 5,760. The pound also strengthened against both the euro and the dollar, from €1.23 to €1.25 and from \$1.56 to \$1.62 respectively.
- The US economy's recovery has remained fairly weak. A weighted average of the manufacturing and non-manufacturing ISM indices points to annualised GDP growth of no more than 2.0% in the third quarter. Increases in total non-farm payroll employment were disappointing, up only 97,000 in July and 120,000 in August, compared to an average increase of 142,000 in the second quarter.

- In the Eurozone, market sentiment improved following the ECB's pledge to buy "unlimited" quantities of peripheral government's sovereign debt in early September, provided that those countries have formally requested a bail out. However, peripheral Eurozone bond yields began to rise again at the end of the quarter due to Greece increasingly looking as if it will now have to ask for a third bail out and Spain continued prevaricating over making a formal request for a bail out when all the evidence indicates that this will be unavoidable. As for GDP growth, the composite Eurozone PMI points to a quarterly drop in GDP of about 0.4% in Q3.

## 2. Interest rate forecast

The Council's treasury advisor, Sector, provides the following forecast:

	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15
Bank rate	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%
5yr PWLB rate	1.50%	1.50%	1.50%	1.60%	1.70%	1.80%	1.90%	2.00%	2.10%	2.30%
10yr PWLB rate	2.50%	2.50%	2.50%	2.60%	2.70%	2.80%	2.90%	3.00%	3.20%	3.30%
25yr PWLB rate	3.70%	3.70%	3.70%	3.80%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%
50yr PWLB rate	3.90%	3.90%	3.90%	4.00%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%

Sector undertook a review of its interest rate forecasts following the issue of the Bank of England Inflation Report for August 2012. Consequently, it pushed back the first rise in Bank Rate from Q1 2014 to Q4 2014, as well as lowering the pace of rises in gilt yields.

The Bank of England forecasts of the speed and strength of recovery and rate of reduction of CPI inflation over the last four years had been attracting increasing criticism for being consistently over optimistic. In this latest Inflation Report, the Bank changed its position significantly in as much as it markedly downgraded its forecasts for the strength and speed of recovery in GDP growth. Whereas previously it had consistently been forecasting a strong recovery to over 3% p.a., it was now only forecasting growth to recover to around 2% during the period from early 2013 to the end of 2015.

### SUMMARY ECONOMIC OUTLOOK

#### Eurozone

- A new storm is brewing as Greece, yet again, is failing to meet the demands of the austerity programme in cutting government expenditure, increasing tax revenue and selling off public sector assets. German patience with this situation must be close to breaking point and without German support Greece will run out of cash within the next couple of months. Markets are currently predicting an end game where Greece is eventually forced to exit (dubbed "Grexit") the Eurozone and return to the drachma.
- More worryingly, sovereign bond yields for both Spain and Italy rose sharply to levels previously deemed unsustainable. Spain is now actively looking at what might be acceptable terms for receiving a bailout and surrendering national sovereignty to external oversight by the IMF and Eurozone paymasters.



- One possible, but very unlikely, solution to the Eurozone debt crisis would be the issue of Eurobonds. These would collectivise all debt in the Eurozone and reduce the Greek element in total Eurozone debt to an almost insignificant percentage.
- Austerity programmes in various countries are reducing GDP growth rates.

## **US**

- GDP is weakening alongside the recovery in jobs growth.
- The Federal Reserve predicts that current ultra-low interest rates may be warranted until at least mid-2015.
- There is political gridlock ahead of the November 2012 Presidential elections, for major fiscal action.
- The new President is unlikely to make a significant fiscal impact on the US economy in 2013 as the unsustainably high budget deficit will need to be urgently addressed.
- The housing market is at last beginning to show tentative signs of picking up.
- Confidence figures among US consumers rose to a seven-month high in September as the Conference Board's index of optimism rose from 61.3 to 70.3.

## **China**

- There are increasing concerns that efforts to stimulate the economy could fail to avoid a hard landing. There are now many parts of the economy flashing distress signals.
- A fresh round of support is widely expected. This could coincide with the change in the party hierarchy which is due to take place at the 18th Party Congress which begins in early November.

## **UK**

- The UK has suffered its worst and slowest recovery from recession of any of the five recessions since 1930.
- The Bank of England August 2012 Inflation Report again pushed back the timing of a return to trend growth and the rate at which inflation will fall back towards the target rate of 2%.
- 40% of UK GDP is dependent on overseas trade; high correlation of UK growth to US and EU GDP growth means that the UK economy is likely to register weak growth in the next two years.
- Consumers are likely to remain focused on paying down debt; weak consumer sentiment and job fears will all act to keep consumer expenditure suppressed.
- It is likely to take a lot longer to eliminate the structural budget deficit than in the current plans of the Coalition government. These plans will need to be updated to incorporate the impact of weak growth in the Eurozone and US depressing UK GDP growth, and thus lower expectations for increases in tax revenues.

- The Coalition Government and the Bank of England have put in place a programme of action to improve the availability of credit in the economy. However, it will take time for this to feed through into a significant positive impact on GDP growth in the economy.
- There is little sign of a coordinated strategy for the private sector to finance a major expansion of infrastructure investment to boost UK growth.
- Eurozone concerns and the potential for further QE to stimulate GDP growth are likely to keep gilt yields depressed during the next twelve months.
- UK gilts are likely to retain safe haven status from Eurozone worries for some time. Eurozone politicians struggle to reach agreement on how to replace impressive sounding words with actually implementing an effective platform of measures to conclusively subdue the debt crisis
- However, there are improvements in the prospects for the UK economy, though there is still a long way to go.
  - UK banks have made huge progress since 2008 in correcting their over-extended balance sheets, though credit availability still remains weak.
  - Consumers have also made progress in correcting their personal over-borrowed balance sheets so that personal debt relative to incomes is now down to the lowest level since 2004. However, at 146%, it still remains the highest of any G7 nation.
  - The car industry is well on track to increase production. This is expected to see an increase from about 1m cars per annum in 2009 to 2.25m by 2016, much of which will be exported. In addition, car component firms are moving production to the UK in order to cost effectively meet the consequent increase in demand for their products. The car industry has also made steady progress in reducing its labour costs to be below those of Germany, France, Italy and even Spain.
  - The fall in price inflation relative to increases in pay inflation meant that household disposable income was less affected in quarter ended June, the biggest improvement in three years.
  - Recent increases in employment also strengthen consumer expenditure, tax receipts and reduce Government expenditure on benefits.
  - The UK is less encumbered to hindrances to new investment and new employment than countries in the Eurozone and has a competitive currency.
  - The UK has a more effective approach to stimulating growth than in the Eurozone in the areas of monetary policy and direct action to improve the supply of liquidity to the real economy

### **Sector's forward view**

Economic forecasting remains difficult with so many external influences weighing on the UK. Key areas of uncertainty include:

- The impact of the Eurozone crisis on financial markets and the banking sector;
- The impact of the UK Government's austerity plan on confidence and growth;

- Monetary policy action failing to stimulate growth in western economies;
- The potential for weak growth or recession in the UK's main trading partners - the EU and US;

The overall balance of risks remains weighted to the downside. Sector believes that the longer run trend is for gilt yields and PWLB rates to rise due to the high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries. However, near-term, QE is likely to depress yields and further QE thereafter may lead to a reassessment of Sector's central forecast

Given the weak outlook for economic growth, Sector sees the prospects for any interest rate changes before early 2014 as very limited indeed. There is potential for the start of Bank Rate increases to be even further delayed if growth disappoints.

### 3. Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2012/13, which includes the Annual Investment Strategy, was approved by the Council on 21 March 2012. It sets out the Council's investment priorities as being:

- Security of capital;
- Liquidity; and
- Yield

The Council will also aim to achieve the optimum return (yield) on investments commensurate with proper levels of security and liquidity. In the current economic climate and the heightened credit concerns it is considered appropriate to keep investments short term with a maximum duration of 3 months.

This limit will apply to all entities on the suggested Sector Credit List with the following exceptions:

1. UK Government and related entities such as Local Authorities. Their suggested duration limit will remain at 5yrs.
2. UK semi-nationalised institutions (Lloyds / RBS). We continue to view the current significant UK ownership of these entities as providing significant comfort to investors.
3. Money Market Funds.

Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the quarter ended 30th September 2012.

Investment rates available in the market have continued at historically low levels. The average level of funds available for investment purposes during the quarter was £2.581m. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the Capital Programme. The Council holds no core cash balances for investment purposes (i.e. funds available for more than one year).The

internally managed funds earned an average rate of return of 0.75%. The comparable performance indicator is the average 7-day LIBID rate, which was 0.40%.

As illustrated, the Council outperformed the benchmark by 0.35 bps. The Council's budgeted investment return for 2012/13 is £0.035m, and performance for the year to date is £0.009m below budget.

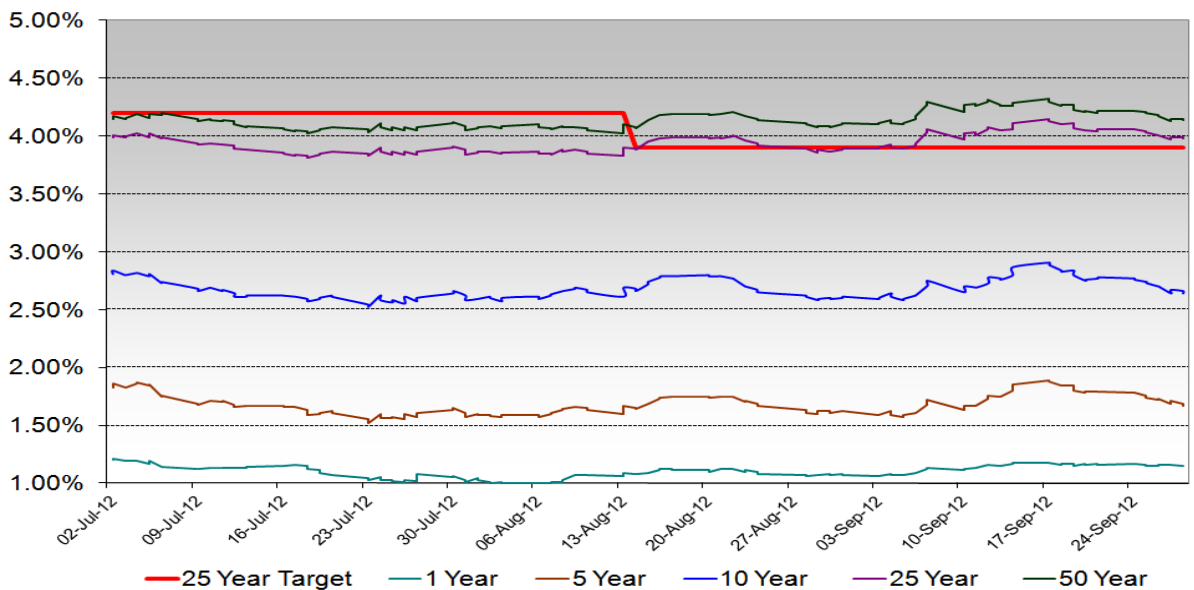
## 4. New borrowing:

No borrowing was undertaken during the first six months of the 2012-2013 financial year..

As shown below, interest rates across the interest rate yield curve generally fell during the quarter. The low points during the quarter were generally seen during June.

**PWLB rates quarter ended 30.9.2012**

	1 Year	5 Year	10 Year	25 Year	50 Year
<b>Low</b>	1.00%	1.52%	2.52%	3.81%	4.02%
<b>Date</b>	02/08/12	23/07/12	23/07/12	18/07/12	18/07/12
<b>High</b>	1.21%	1.89%	2.91%	4.15%	4.32%
<b>Date</b>	02/07/12	17/09/12	17/09/12	17/09/12	17/09/12
<b>Average</b>	1.10%	1.68%	2.68%	3.94%	4.14%



### **Borrowing in advance of need.**

This Council has not borrowed in advance of need during the quarter ended 30th September 2012 and has no intention to borrow in advance in 2012/13.

## **5. Debt Rescheduling**

No debt rescheduling was undertaken during the quarter.

## **6. Compliance with Treasury and Prudential Limits**

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved Treasury Management Strategy Statement.

During the financial year to date the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices. The prudential and treasury Indicators are shown in Appendix 1.

## **7. Other Issues**

Hinkley Point - The large planning obligation settlement will significantly increase the level of cash balances managed by this Authority in-house. A further report will be brought to Members, which will set out a revised Investment Strategy to deal with this arrangement as and when it takes place.

## APPENDIX 1: Prudential and Treasury Indicators as at 30th September 2012

Treasury Indicators	2012/13 Budget £'000	Quarter 2 Actual £'000
Authorised limit for external debt	10,000	10,000
Operational boundary for external debt	7,500	7,500
Gross external debt	3,500	3,500
Investments	5,590	1,904
Net borrowing	(2,090)	1,596
<b>Maturity structure of fixed rate borrowing - upper and lower limits</b>		
12 months to 2 years	3,500	3,500
<b>Upper limit of fixed interest rates based on net debt</b>		
Upper limit of fixed interest rates based on net debt	100%	100%
<b>Upper limit of variable interest rates based on net debt</b>		
Upper limit of variable interest rates based on net debt	100%	100%
<b>Upper limit for principal sums invested for over 364 days</b>		
Upper limit for principal sums invested for over 364 days	Nil	Nil

<b>Prudential Indicators</b>	<b>2012/13 Budget £'000</b>	<b>Quarter 2 Actual £'000</b>
<b>Capital expenditure</b>	760	342
<b>Capital Financing Requirement (CFR)</b>	2,468	7,658
<b>Annual change in CFR</b>	(3,062)	340
<b>In year borrowing requirement</b>	Nil	Nil
<b>Incremental impact of capital investment decisions:-</b>		
<b>a) Increase in council tax (band change) per annum.</b>	Nil	Nil

## **APPENDIX 2: Investment portfolio**

Investments held by West Somerset as at 30 September 2012 amounted to £1,903,945.55. All of this was held within the Authority's Special Interest Bearing Account (SIBA) held with its main bankers, the National Westminster Bank.





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*Report to a Meeting of:* Full Council  
*To be Held on:* 18<sup>th</sup> September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 2/5/13

## BUSINESS CASE TO CONTRIBUTE FUNDING FOR WATCHET CLOSED-CIRCUIT TELEVISION (CCTV)

### 1. PURPOSE OF REPORT

- 1.1 To obtain Council's agreement to the Cabinet recommendation to approve a supplementary estimate to match fund capital already secured from the Police and Crime Commissioner and other sources towards meeting the capital costs of installing public space CCTV in Watchet subject to Watchet Town Council's financial support and agreement to the proposal.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Whilst not contributing directly to either of the Council's two current corporate priorities, the provision of CCTV in Watchet will improve the quality of life for residents and visitors to Watchet and contribute to the economic vibrancy of the town. This will also provide reassurance to any future inward migrants drawn to the area by the Hinkley Point development.

### 3. RECOMMENDATIONS

- 3.1 That Council approves a supplementary estimate of £10,000 as the Council's contribution to the capital funding package for the provision of a public space CCTV system in Watchet which recognises Watchet Town Council's financial support to a maximum of £3000 per annum to meet maintenance and oncosts.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Insufficient capital funds are realised and the project is unable to proceed.	4	3	12
<i>The Council finances the funding gap</i>	2	3	6

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 In past years a number of projects have been considered to achieve the installation of a public space CCTV system in Watchet.
- 5.2 The previous projects have not proceeded due to various factors which have included an inability to secure the requisite capital funding and a lack of support for the scheme within the town. Nevertheless, recorded levels of crime and anti-social behaviour and the public perception thereof indicate that such a system is warranted and justified.
- 5.3 At the suggestion of a working group established by the Town Council a public consultation exercise was carried out in Watchet. This resulted in 90% of respondents supporting the installation of the CCTV system and 89% supporting the proposal for the Town Council to meet the on-going revenue costs.
- 5.4 At their meeting on 9th September Watchet Town Council resolved to enter into a partnership with West Somerset Council and the Police to deliver this particular project whereby the Town Council will meet the on-going maintenance and running costs of the system (to a maximum of £3,000 p.a.) when it becomes operational.
- 5.5 Feasibility studies have been carried out by professional CCTV companies and it is envisaged that up to 5 camera installations will be required to cover the main "hot spots" for crime and anti-social behaviour and that the telemetry between the cameras and the CCTV control room in Minehead can be achieved utilising either wireless or broadband technology. Further work is currently being carried out to confirm the specific technical details required to deliver the project and the costs associated with each element.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 At the start of this year, the newly elected Police and Crime Commissioner (PCC) made available funds to support Community Safety projects across the County. A proposal for CCTV in Watchet has secured funding of £44,000 from the PCC towards the costs of a scheme in Watchet that will be monitored from the CCTV control room in Minehead. This funding is subject to a caveat that the scheme should also be supported by match funding.
- 6.2 Currently negotiations are on-going with the company that were responsible for the installation of the CCTV enhancement in Minehead and it is intended that a sum equivalent to the time expended by the CCTV coordinator and the Community Safety Officer will be secured and can be made available to contribute to this Watchet project. It is anticipated that this sum will total approximately £11,600.
- 6.3 Quotations have been obtained from three reputable CCTV companies and, whilst these are subject to revision following final feasibility studies, the anticipated costs of the preferred system (which will include the cameras, wireless telemetry equipment and the installation of appropriate mounting poles as required) will be approximately £65,000 including a provision for contingencies. Hence the request for a supplementary estimate of £10,000 to meet the requisite funding.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 This request for a supplementary estimate is one of a capital expenditure nature, therefore would be normally funded by useable capital receipts or grants / contributions. However, bearing in mind the inevitable pressure on the future use of capital receipts and a predicted

underspend in the General Fund for 2012/13, I would, in this instance, recommend that the Council's contribution of £10,000 is funded from General Fund Reserves.

7.2 It is noted and emphasised that there is no on-going annual financial liability on this Council.

7.3 In accordance with Financial Regulation 3 (4) all requests for supplementary estimates must be made to Cabinet for recommendation to Council

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

8.1 There are no Equality or Diversity Implications.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 The provision of a public space surveillance system in Watchet will directly contribute to the reduction in crime and disorder and anti-social behaviour in the town and to the detection of offenders. It will also bring additional re-assurance to the local community and to visitors to the town. This supports the authorities statutory obligations under Section 17 of the Crime and Disorder Act 1988.

## **10. CONSULTATION IMPLICATIONS**

10.1 As part of the considerations into the support for the system amongst residents, a public survey was sent to every household in the town. The respondents have indicated 90% are in support of the installation of the CCTV system.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 The camera and ancillary equipment will, it is envisaged, be under the nominal ownership of the authority (on behalf of the CCTV partnership) and will be added to our asset database. However, the Watchet Town Council have resolved to meet the on-going revenue costs to a maximum of £3,000 per annum which is considered a realistic sum for these costs.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 There are no Environmental Impact Implications.

## **13. LEGAL IMPLICATIONS**

13.1 The scheme will support the statutory duty under Section 17 of the Crime and Disorder Act 1988. In addition, any public space CCTV system must be operated within the law and in compliance with the Regulation of Investigatory Powers Act, the Data Protection Act and the Surveillance Commissioners codes of practice.

13.2 It is proposed that this system will be operated from the Control room in Minehead and that system has consistently been operated strictly in accordance with these statutory requirements.



*Report Number:* WSC 111/13  
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*Report to a Meeting of:* Full Council  
*To be Held on:* 18 September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* N/A

## CONSTITUTIONAL ISSUES RELATING TO JOINT CHIEF EXECUTIVE IMPLEMENTATION

### 1. PURPOSE OF REPORT

- 1.1 To ensure that the West Somerset Council Constitution is up to date and fit for purpose to enable the new Joint Chief Executive post to operate effectively from the implementation date of 24 October 2013.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The agreement to share a Chief Executive with Taunton Deane Borough Council forms a part of the joint management and shared services project which supports the Council's local democracy corporate priority of securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.

### 3. RECOMMENDATIONS

- 3.1 That Council approve the proposed amendments to the West Somerset Council Constitution as set out in section 5.5 and notes the key points set out in Section 5.6.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
The Council's constitution is not up to date and fit for purpose which hinders the ability of the new Chief Executive to deliver the transformation process	Possible (3)	Major (4)	Medium (12)
<i>Appropriate amendments made to the constitution</i>	Rare (1)	Major (4)	Low (4)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 By virtue of decisions taken by the West Somerset Council and the Taunton Deane Borough Council on 22 July and 23 July 2013, respectively, it has been agreed that the current Chief Executive of Taunton Deane Borough Council will become a Joint Chief Executive of the two Councils under a Section 113 agreement under the Local Government Act 1972, with effect from 24 October 2013.
- 5.2 The role of Joint Chief Executive will include being the Head of Paid Service for both Councils. This is a statutory role and places the officer in question in charge of the staff/employees of the two Councils. It is therefore essential that the Constitutions of both Councils are checked to ensure that the smooth operation of the two authorities will not be affected/hindered by the agreement to have a Joint Chief Executive.
- 5.3 Particularly in the event of the two Councils approving a business case for joint management and sharing of services, the management of staff will be a vital component in securing the smooth transformation towards the sharing of management and services.
- 5.4 To ensure that matters are not unduly delayed appropriate terms of delegation will need to be applied for the Head of Paid Service and it would be preferable if such powers of delegation were similar at both Taunton Deane and West Somerset to ensure consistency and an even pace of delivery. In this regard the Monitoring Officers of the two Councils have been working closely together to try and ensure that this happens.
- 5.5 In terms of the West Somerset Council Constitution, the Head of paid Service already has significant delegated powers to deal with staffing issues and it is therefore only proposed to introduce some simple amendments to make the position transparent and clear. The proposed amendments are as follows:-

a) Under Article 12 Officer to add the following words to 12.02(a) “ and will be responsible for the day to day management and operation of all staff in accordance with the policies and procedures laid down by the Council, including incurring expenditure within the approved budgetary provision.”

b) To reinforce the above principle it is proposed to add the following to the delegated powers of the Head of Paid Service under the Resources and Central Support section of the Scheme of Delegations as follows:-

To appoint/dismiss officers below CMT level within the approved establishment, including incurring expenditure within the approved budgetary provision.

To be responsible for the day to day management and operation of all staff in accordance with the policies and procedures laid down by the Council, including incurring expenditure within the approved budgetary provision.

- 5.6 It is important to note that under the proposed delegated powers there is the proviso that such action must be “within the approved budgetary provision” and/or ‘within the approved establishment’ which has previously been sanctioned by members.. When this is not the case a report will need to be made to Members to approve or otherwise any required additional expenditure and/or changes to the establishment.

The Constitution makes additional special provision for the appropriate involvement of Members in the appointment or dismissal of a member of the Corporate Management Team.

5.7 In the event of the business case for shared services and management being approved then further more detailed amendments to the Constitution and Scheme of Delegation may be required which will need to be the subject of a separate report to Council.

5.8 Council is requested to agree to the proposed changes to the Constitution as set above.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

6.1 None in respect of this report. As explained above, the proposed changes/clarification do not in effect change the current delegated powers available to the current Chief Executive/Head of Paid Service.

## **7. SECTION 151 OFFICER COMMENTS**

7.1 It is important that the new post holder has the appropriate delegated powers to enable her to undertake the role of Head of Paid Service efficiently and effectively and I believe that the proposals set out in this report address this issue; I note that the proposed delegated powers are subject to any action incurring expenditure being within the approved budgetary provision to ensure good governance.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

8.1 There are no particular issues impacted upon in respect of this report.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 There are no crime and disorder implications associated with this report.

## **10. CONSULTATION IMPLICATIONS**

10.1 The Monitoring Officer of Taunton Deane Borough Council has been consulted upon in regard to the contents of this report in the interest of consistency and transparency across the two local authorities.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 There are no asset management implications associated with this report.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 There are no environment impact implications associated with this report.

## **13. LEGAL IMPLICATIONS**

13.1 There are no specific legal issues associated with this report.





*Report Number:* WSC 112/13  
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*Report to a Meeting of:* Council  
*To be Held on:* 18th September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 3/6/13

## EMPTY HOMES ENFORCEMENT POLICY

### 1. PURPOSE OF REPORT

Council consider the attached Somerset West Private Sector Housing Partnership (partnership) Empty Homes Enforcement Policy. Council agree the approach to provide funding for high level enforcement action on empty properties should this become a necessity.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 This report will contribute to Corporate Objective 2 which is to " Maximise the funding opportunities from Central Government" and the associated target to increase New Homes Bonus

### 3. RECOMMENDATIONS

- 3.1 Council accept the recommendation from cabinet to approve the Somerset West Private Sector Housing Partnership Empty Homes Enforcement Policy attached as appendix A of this report.
- 3.2 To agree the approach to funding this policy outlined in section 6 of this report; should appropriate action need to be taken.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
<i>There is no formal adopted policy framework to take action against owners who do not want to bring their property back into use. The properties will continue to deteriorate.</i>	4	3	12
<i>Adopt the policy to give clear guidance on when to use powers</i>	3	2	6

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 The Somerset West Private Sector Housing Partnership (SWPSHP) is a partnership between Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council to deliver private sector housing services. The local authorities work closely together to ensure consistency across the three Districts and to deliver financial and other benefits to those who live and/or work in the Somerset West area.
- 5.2 As part of the commitment to work together the three Councils have fashioned a product called SWeLT (Somerset West Landlords and Tenants services). SWeLT is a collaboration of the Housing Options teams in the three Districts, the SWPSHP staff, Taunton Association for the Homeless (TAH) and Bridgwater YMCA. SWeLT is responsible for overseeing the Empty Homes - Enforcement Policy and the resources required to support it.
- 5.3 One of the key areas in which the three partner authorities and SWeLT are seeking to work collaboratively and consistently is in the approach to empty properties. Central Government has for a number of years encouraged local authorities to take action to bring empty properties back into use and has strengthened the powers available to Local Authorities to assist with this through the Housing Act 2004.
- 5.4 For the purposes of this report, a property which has been empty for in excess of six months is considered to be an 'empty property'
- 5.5 As of the 30<sup>th</sup> June 2013, there were 1,217 empty properties across the Somerset West of which 266 were located in West Somerset. These are scattered across all parts of the district.
- 5.6 There are a number of reasons why a property may be left empty;
- The property may be in need of major repairs or refurbishment and the owner may not have the necessary resources to make the property habitable
  - There may be problems accessing the property or planning restrictions which restrict occupancy of the property
  - The owner may be trying to sell the property and may be prepared to leave the property empty whilst they wait for the right price
  - There may be a complicated ownership situation involving family inheritance
  - The owner may be having difficulty in finding a new tenant/owner or may have been unable to obtain a mortgage or/freeholder consent to let the property.

There are numerous other reasons which are listed in the Policy.

- 5.7 What happens to empty properties is not only of concern to those who own them but also to owners of neighbouring properties and the community. This is particularly true of properties which are not maintained and are in poor neglect. In this council area with need for properties high every empty property is a wasted resource.
- 5.8 Bringing empty properties back into use can:
- Save officer time for a number of agencies currently dealing with calls and complaints; enabling those resources to be more effectively used in other areas
  - Reduce the need to build more much needed new homes
  - Attract additional funding for Local Authorities in the form of the New Homes Bonus.
  - Ensure as much housing stock as possible is available to local people
- 5.9 The Policy sets out the partner Council's intent to take all reasonable steps to identify those properties that are empty. The Housing Act 2004 (S237) allows Local Authorities access to

Council Tax records on properties that are registered as empty in order that it can take steps to bring them back into use.

- 5.10 In the first instance, the partnership will attempt to encourage the owner to bring the property back into use by offering advice and support. This may include advice and support on letting and managing a property, signposting to lettings and management organisations, using the voluntary Landlord Accreditation scheme or details on empty property loans through Wessex Home Improvement Loans.
- 5.11 If the owner, having been offered the advice and information above, still does not want to bring the property back into use the partnership will consider using the Council's appropriate enforcement powers to bring the property back into use.
- 5.12 Examples of these enforcement powers include:
- Empty Dwelling Management Orders (EDMO) – enables a Local Authority to take control of and manage a property that has been empty for some time (Housing Act 2004 s132)
  - Prohibition Order – Enables a Local Authority to prohibit the use of a property or part of a property. This would normally only be taken where repairs are too expensive or the property cannot be satisfactorily repaired (Housing Act 2004 s20 and 21)
  - Local Government (Miscellaneous Provisions) Act 1982 s29 – enables a Local Authority to secure a property that is open to access from the public.
- 5.13 The partnership would be adhering to the principles of transparency, accountability, proportionality and consistency. The partnership will not pursue enforcement action where to do so would be disproportionate. This will be considered alongside the benefits to the wider community that will arise from ensuring properties do not remain empty in circumstances that are unjustified.
- 5.14 Tackling empty properties will not come without cost implications. This will be both in officer's time and to undertake works in default or to manage/purchase the property. Funding would need to be found from existing budgets or through supplementary estimates to finance such schemes; the average cost for works in default which includes remedial repairs or boarding up a premises range from £1,000 to £45,000. To purchase a property could be in the region of £150,000 to £250,000.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 There is currently no specific budget allocated for the powers identified in section 5.12 above. As the authority would hope to use these powers as a last resort it seems appropriate that supplementary estimates are sought on case by case basis.
- 6.2 This approach will publicise the property through a report to council or cabinet and ensure that members endorse and are aware of the powers being utilised.
- 6.3 In producing the 14/15 budget consideration will be given to inclusion of funds within the budget for the higher cost actions. This will be dependent on member's views as to how they wish the policy to be applied. However due to the council's financial situation this may of course not be viable.
- 6.4 Lower cost options such as boarding up and garden clearance to deal with pest infestations will be actioned through the use of existing revenue budgets.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 Authorities are encouraged to get empty homes back into occupation through the payment of New Homes Bonus.
- 7.2 As mentioned above funds for this are not included within the current budget and would require a supplementary estimate. This should be done on a case by case basis, assessing whether the expenditure is justified in light of any income likely to be generated (eg rental or New Homes Bonus).

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 The Equality Impact Assessment is attached as appendix B of this report. The broad thrust of this assessment is that the decision made in line with the policy are not able to be categorised as effecting one specific protected characteristic.
- 8.2 As stated in this report where significant action is proposed funding will be needed. It is suggested that at that time a detailed assessment should be made of individual circumstance and enhanced assessments attached.
- 8.3 It should also be noted that in applying this type of policy the nature of the property owner is taken into account. All decisions will therefore include consideration against protected characteristics.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 An empty property left unoccupied and not maintained will, over time, impact on its surroundings including neighbouring properties whose condition and value might be adversely affected. Empty properties are at risk from being broken into or attract squatters and, in some cases, might become a target of arson.
- 9.2 Empty properties are generally recognised as potentially causing of calls or complaints to local authorities, Police and Fire services. The policy will attempt to target these properties and bring them back into use minimising the risk.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 The policy has been discussed with the Housing Policy Advisory Group at it`s meeting in July 2013. As part of the debate members noted that the current approach to bringing empty properties into use was broadly through persuasion or provision of loans. Whilst this caused some success longer term empties were causing frustration and so it was felt appropriate that this policy be considered by cabinet and council.
- 10.2 The policy approach has been consulted upon with partner organisations.

**11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 The main implication would be if properties were acquired through use of these proposed powers. If that occurred the council would need to have a clear plan to manage the asset. This could include for example immediate onward sale of a property that had been acquired through a compulsory purchase process.

**12. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 As stated in sections above properties affect villages and localities where they become dilapidated.

**13. LEGAL IMPLICATIONS**

- 13.1 The council is not required statutorily to have a specific policy on these issues. However when attempting to use these powers it is seen as good practice to adopt a policy and this report outlines that process.
- 13.2 Adoption of this policy would provide a transparent approach to tackling empty properties. The enforcement powers would be applied proportionately to the properties that have been empty for the longest period.



## **Empty Property – Enforcement Policy**

### **1.0 Introduction**

- 1.1 The Somerset West Private Sector Housing Partnership (SWPSHP) is a partnership between Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council to deliver private sector Housing Services. The Local Authorities work closely together to ensure consistency across the three Districts and to deliver financial and other benefits to those who live and /or work in the Somerset West area.
- 1.2 As part of the commitment to work together the three Councils have fashioned a product called SWeLT (Somerset West Landlords and Tenants services). SWeLT is a collaboration of the Housing Options teams in the three Districts, the SWPSHP staff, and Taunton Association for the Homeless (TAH). SWeLT is responsible for overseeing the Empty Property – Enforcement Policy and the resources required to support it.
- 1.3 One of the key areas in which the three partner authorities and SWeLT are seeking to work collaboratively and consistently is in the approach to empty properties. Central Government has for a number of years encouraged Local Authorities to take action to bring empty properties back into use and has strengthened the powers available to Local Authorities to assist with this through the Housing Act 2004.
- 1.4 For the purposes of this Policy a property which has been empty for in excess of 6 months is considered to be an 'empty property'.
- 1.5 There are sometimes good reasons for properties being left empty but there are considerably more empty properties than is justified by the workings of the housing market and properties are often left empty for longer than may be considered reasonable.
- 1.6 There are a number of reasons why a property may be left empty including:
- The property may be in need of major repairs or refurbishment and the owner may not have the necessary resources to make the property habitable
  - There may be problems with accessing the property; or planning restrictions which restrict the occupancy of the property
  - The owner may be having difficulty in finding a new tenant/owner or may have been unable to obtain a mortgage or/freeholder consent to let the property
  - The owner may be trying to sell the property and may be prepared to leave the property empty whilst they wait for the right price
  - The owner may be unwilling to consider leasing or letting the property
  - The owner may be temporarily away and intending to live in the property in the future
  - There may be a complicated ownership scenario involving family inheritance or the owner may not be aware of the property's existence, for example where property records are not kept
  - The owner may not appreciate the business case for bringing the empty property back into use
  - The property may have been acquired solely for speculative investment purposes and the owner is not concerned that the property is empty

- The property may be owned by a development company with redevelopment plans
- The property may be joined to a business and the business owner does not want to let it

1.7 What happens to empty properties is not only of concern to those who own them. A property left unoccupied and not maintained will, over time, impact on its surroundings including neighbouring properties whose condition and value might be adversely affected. Empty properties are at risk from being broken into or attract squatters and, in some cases, might become a target of arson. They are frequently the cause of calls or complaints to local authorities, police and fire services.

1.8 Bringing empty properties back into use can:

- Save officer time for a number of agencies currently dealing with calls and complaints; enabling those resources to be more effectively used in other areas
- Reduce the need to build more much needed new homes
- By reusing existing building fabric, be more environmentally sustainable than building new homes
- Improve the local area by preventing housing from becoming unkempt and unsightly
- Act as a catalyst for wider regeneration by building confidence in the property market and the local area generally
- Contribute towards more effective use of existing resources
- Attract additional funding for Local Authorities in the form of the New Homes Bonus

1.9 The only truly effective way to reduce the negative impact of an empty property and to gain the benefits above is to ensure it is occupied. In the view of the partnership, it is in the public interest that empty properties are brought back into use.

## **2.0 The Current Picture**

2.1 As of the 28<sup>th</sup> June 2013 there were 1,240 empty homes across Sedgemoor, Taunton Deane and West Somerset. Of these, 478 were in Sedgemoor, 496 in Taunton Deane and 266 in West Somerset. The map provides a pictorial snap shot of the current position. The properties are plotted from the Empty Property database.

2.2 As of the 8<sup>th</sup> July 2013, there were 4,821 residents applying for social housing on Homefinder Somerset, 3,655 in Taunton Deane and 1,218 in West Somerset. Empty properties can provide a valuable resource to house local people as there is not the available land to rehouse the volume of people looking for decent affordable homes.

## **3.0 Identification and Approach**

3.1 The partnership, and each local authority within it, will take all reasonable steps to identify those properties that are empty.

3.2 The Housing Act 2004 (s237) allows Local Authorities to use information provided for the purpose of Council Tax to identify properties that are registered as empty in order that it can take steps to bring them back into use.



- 3.3 In addition, local authority officers and other interested parties will be encouraged to report empty properties to the partnership's Empty Homes Officer including:
- Housing/Neighbourhood Officers
  - Building Control surveyors
  - Conservation Officers
  - Environmental Health Officers
  - Other Local Authority staff
  - District, Town and Parish Councillors
  - The Fire Service and The Police Authority
  - Those employed by partner agencies and local voluntary organisations
  - The general public (through the use of both telephone and online reporting options)
- 3.4 Where a property is identified as potentially empty, the partnership will enter the property onto the Empty Property database. The partnership will seek to contact the owner to explain the circumstances. The timescale for making contact is dependent upon a number of factors including the risk that the property poses to the community. (Timescales are in place due to the volume of empty properties in relation to the staff resources available.) If appropriate, the owner will be offered advice and support to enable them to bring the property back into use. This may include:
- Advice and support on letting and managing a property
  - Signposting to lettings and management organisations
  - Access to Rent Deposit schemes operated by the partnership or local voluntary organisations
  - Details of Rent in Advance options
  - Details on the Landlord Accreditation Scheme
  - Empty Homes low cost recyclable Loans
- 3.5 The partnership will outline the financial benefits to the owner of bringing the property back into use by consideration of potential income, savings on maintaining and securing an empty property, increased value that will result from the occupancy of a property and, conversely, the depreciation in value if the property is not maintained and occupied.
- 3.6 If the owner, having been offered the advice and information still does not want to bring the property back into use the partnership will consider using its enforcement powers.
- 4.0 Enforcement Action**
- 4.1 The partnership has agreed the following principles in relation to enforcement activity:
- Transparency
  - Accountability
  - Proportionality
  - Consistency

- 4.2 The partnership will not pursue enforcement action where to do so would be disproportionate. This will be considered alongside the benefits to the wider community that will arise from ensuring homes do not remain empty in circumstances that are unjustified.
- 4.3 The partnership will not use enforcement powers until all other avenues to encourage the owner to bring the property back into use have been exhausted. The partnership will, however, want to see that the owner is taking proactive steps to bring the property back into use and that progress is being made in this respect.
- 4.4 Enforcement action will be considered where the owner is not engaging in finding a solution to bring the property back into use.
- 4.5 The partnership will use the most appropriate enforcement action to provide the desired result which ultimately is to bring the property back into use and occupied. It is acknowledged that taking enforcement action is not without cost and therefore a cost benefit analysis will be undertaken and a business case made before taking enforcement action. With limited budgets, the partnership will generally take enforcement action in those cases which will deliver the greatest impact. This is likely to include those properties which are:
- dangerous and pose a risk to the public
  - most in need by those unable to access the housing market
  - having the biggest impact on surrounding neighbours
- 4.6 The partnership will communicate its intentions clearly taking account of the needs of the owner, making them aware of the advice and support that can be provided to help them to bring the property back into use, the enforcement powers that are available and the action the Partnership may take including timescales and processes.
- 4.7 Once the owner of the property has been advised of the intention to take enforcement action there will be a period during which the owner can consider their options and appeal against the proposed action being taken. Details of the complaints and appeals processes will be provided at the outset. Equally, any enforcement action will be open to review in the light of changed circumstances at any stage of the enforcement process.
- 4.8 The partnership will undertake enforcement action as promptly and efficiently as possible in order to minimise delays. All action taken will be proportional to the circumstances of the individual case and the extent and impact of empty homes at the time.
- 4.9 Any properties considered for enforcement action will firstly be considered by the SWeLT Board (Somerset West landlords and Tenants services) prior to any action being taken. An exception to this will be where urgent action needs to be taken to protect the health, safety and welfare of the community. For example securing the building where it is in a prominent location and there is a risk of arson or injury which may occur should someone enter.
- 4.10 The partnership through the SWeLT Board will seek to ensure cases are dealt with in a consistent manner. Regular reviews will be undertaken by the SWeLT Board to ensure the effectiveness of enforcement activity. All Officers undertaking enforcement action will be suitably trained, qualified and authorised so as to ensure that they are fully competent to undertake their enforcement duties.

## 5.0 **Enforcement Powers**

5.1 The Housing Act 2004 and associated Acts gives local authorities powers to make sure properties are safe and suitable to live in. The following powers can be applied to empty properties:

- Powers of entry – allows an authorised officer to enter a property, after giving 24 hours' notice. If an officer is refused entry or obstructed they can apply to the Magistrates Court for a warrant to enter allowing them to force entry if necessary (Housing Act 2004 s239)
- Power to require information – allows the service of a notice asking for certain information (e.g. the name of the owner). This allows a Local Authority to act to improve an empty property using other powers described (Housing Act 2004 s235)
- Hazard Awareness Notice – enables a Local Authority to inform an owner that a hazard exists and identifies the need to carry out repairs or alterations (Housing Act 2004 s28)
- Improvement Notices – enables a Local Authority to require remedial works to improve conditions within the accommodation (Housing Act 2004 s11 and 12)
- Emergency Remedial Action – enables an authorised officer to enter a property to carry out remedial works. If an owner fails to carry out works to the standard specified in a notice, the Local Authority may carry out remedial works and place a charge on the property (Housing Act 2004 s40)
- Empty Dwelling Management Order (EDMO) – enables a Local Authority to take control of and manage a property that has been empty for some time (Housing Act 2004 s132)
- Prohibition Order – enables a Local Authority to prohibit the use of a property or part of a property. This would normally only be taken where repairs are too expensive or the property cannot be satisfactorily repaired (Housing Act 2004 s20 and 21)

5.2 Other legislation to be considered when dealing with empty properties includes:

- Local Government (Miscellaneous Provisions) Act 1982 s29 – enables a Local Authority to secure a property that is open to access
- Buildings Act 1984 s77 and 78 – enables a Local Authority to require an owner to make a property safe or allow emergency action to be taken to make it safe
- Environmental Protection Act 1990 – enables premises in such a state as to be prejudicial to health or a nuisance to be made secure from access by trespassers or hazardous material to be removed.
- Town and Country Planning Act 1990 s215 – enables a Local Authority to take action to address unsightly external appearance
- Housing Act 1985 s265 – enables a Local Authority to demolish a property that cannot be satisfactorily repaired (derelict properties)

## 6.0 **Improvement Notices**

- 6.1 When a dilapidated empty property is identified the Local Authority can serve Improvement Notices on an owner ordering remedial work to be done. The notice will vary depending upon the work necessary and the Local Authority can enforce repair works (Housing Act s11 & 12). Where an owner remains unwilling to undertake works, the Local Authority can do so and reclaim the costs from the owner.
- 6.2 If there is an imminent risk of harm to persons and to others' residential premises the Local Authority can take Emergency Remedial Action (Housing Act 2004 s40).

## **7.0 Enforced Sale Procedure**

- 7.1 The Enforced Sale Procedure enables sale to be forced at auction to enable recovery of costs incurred in dealing with an empty property. The procedure is:
- Request to owner to carry out remedial work (Improvement Notice, Housing Act 2004 s11 and 12)
  - Works in default carried out by the Local Authority following non-compliance
  - Legal charge attached to the title of the property
  - Application to HM Registry to enforce sale (Law of Property Act 1925)

## **8.0 Compulsory Purchase Orders (CPO)**

- 8.1 The Housing Act 2004 gives Local Authorities the power to apply to compulsory purchase empty properties to bring them into use where there is a proven housing need. This option may be pursued where owners are reluctant to take action to bring a property back into use, where they cannot be traced or where a property has been empty for a long time and is causing a nuisance or danger to the public. A CPO is only sought as a last resort where other actions have failed.
- 8.2 The CPO procedure can be very lengthy especially if objections are received. It is advisable to take photographic evidence of the condition of the property and damage being caused to neighbouring properties and the surrounding area in order to demonstrate negative impact. In addition it will be necessary to prove attempts were made to work with the owner on a voluntary basis and that the human rights of the owner are not being contravened.

## **9.0 Back to Back Sale**

- 9.1 This is a transaction that immediately follows a CPO and involves selling the property as quickly as possible to another buyer in order to recover the costs. In many cases, the buyer will be a social housing provider enabling the property to be offered to someone in housing need. Alternatively, sealed bids can be invited from private buyers. Attempts would be made to secure a purchaser before taking action to CPO a property, thereby reducing the risk to the Local Authority and enabling it to recoup the money spent in taking the action and in purchasing the property.

## **10.0 Empty Dwelling Management Orders (EDMOs)**

- 10.1 The 2004 Housing Act enables Local Authorities to secure occupation of long term empty properties by applying for an EDMO. There are two types of order – Interim EDMO and Final EDMO. They allow the Local Authority to secure occupation and

proper management of privately owned houses and flats where the following conditions apply:

- The dwelling has been unoccupied for at least six months
  - There is no reasonable prospect the dwelling will be occupied in the near future
  - There is a reasonable prospect the dwelling will be occupied if an EDMO is made
  - The Local Authority has complied with its duties in seeking to make an EDMO including any matters that may be prescribed in regulation
- 10.2 An Interim EDMO must be approved by a Residential Property Tribunal before it can have effect. Once approved it usually lasts for a maximum 12 month period but can be extended. With an Interim EDMO the local authority cannot arrange occupation of the dwelling without seeking the owner's consent. This means the owner has a final opportunity to reach an agreed solution. If an agreement cannot be reached, an Interim EDMO can be revoked and replaced with a Final EDMO.
- 10.3 The making of a final EDMO does not require approval of the Tribunal. Once in force an EDMO lasts for a fixed period of no more than 7 years. The Local Authority does not require the owner's consent to grant occupation rights under a Final EDMO.
- 10.4 Properties will revert to owners on an agreed date or sooner if the owner so requires as long as due notice is given and arrangements to repay any reasonable costs incurred by the Local Authority are settled. The Local Authority has the right to possession of the property whilst the EDMO is in force (enabling it to undertake the management of the property) but does not acquire a legal interest or estate.
- 10.5 The Local Authority must notify the property owner of its intention to apply for an EDMO and ascertain the intentions of the owner in respect of the future use of the property. If an EDMO is the most appropriate course of action, the Local Authority must seek the authorisation of the Residential Property Tribunal which must be satisfied there is no reasonable prospect of the property being occupied in the near future and there is a reasonable prospect of securing the properties occupation.
- 10.6 An EDMO will not be approved if:
- the property has been empty for less than 6 months
  - the property is the principal home of an absent owner or is a second home or holiday home
  - the property is undergoing repair or renovation or is awaiting planning or building regulation approval
  - the property is being marketed for sale
  - the owner has died within a specified time period
- 10.7 To obtain a Final EDMO the proposed order must be served on the owner and representations invited. A Management Scheme is required which must set out how the dwelling will be managed with details of any work the local authority proposes to carry out with expenditure estimates, open market rent and proposed rent (where different) and how and when any surplus income will be passed on to the owner.
- 10.8 All income and expenditure must be accounted for and facilities for inspecting accounts must be made available. The rent collected must be used to offset the expenditure incurred by the Local Authority and any surpluses must be paid to the owner on expiry of the order. The Local Authority cannot recover any deficit from the owner unless this

forms part of any agreement reached with the owner in respect of the early revocation of the order or if the deficit relates to a service charge.

- 10.9 Owners may seek revocation at any time. A Local Authority may seek revocation if;
- it fails to secure occupation of the property
  - the dwelling will be occupied following revocation
  - the dwelling is to be sold
  - the Final EDMO is replacing an Interim EDMO
  - the EDMO interferes with the rights of a third party
  - there are other circumstances the Local Authority considers appropriate
- 10.11 If there are tenants in occupation the consent of the owner would be required before revocation and the Local Authority may refuse revocation if the property is likely to remain unoccupied.
- 10.12 A person affected may appeal to a Residential Property Tribunal against;
- The decision of the Local Authority to make a Final EDMO
  - The terms of the Final EDMO (including the terms of the management scheme) or terms of the Interim EDMO (relating to payment of rent/compensation)
  - The decision of the Local Authority to vary/revoke or refuse to vary/revoke an EDMO
  - The decision of the Local Authority not to pay compensation or the level of compensation
- 10.13 The Local Authority may work in partnership with a social housing provider or other agency to manage properties for which it has taken responsibility through the EDMO process.

## **11 Resources**

- 11.1 Both the financial and staffing resources required by the various agencies involved in the enforcement of empty properties will be overseen by the SWeLT Board. The SWeLT Board will make the various recommendations to the Local Authority concerned in whose area the property is situated in order to ensure that the proper departments are involved such as the Legal team and elected Members.
- 11.2 The Local Authority will seek to recover all of its costs where possible in bringing empty properties back into use.
- 11.3 Funding will be made available for empty homes loans with the level dependent on the financial position of a Local Authority. This funding can be used to finance costs of capital related enforcement activity. If more funding is required for empty homes loans or enforcement activity, this will be considered alongside other housing priorities. The extent of enforcement activity will be determined by the resource available to fund revenue and capital related elements of the activity.
- 11.4 Officers will work closely with Finance and Legal Teams prior to taking enforcement action to ensure that the Local Authority is not subjected to unnecessary risk and, where responsibility for taking enforcement action falls within the remit of another department (e.g. dangerous structures) - Environmental Health Officers will liaise with these departments as appropriate.

Impact Assessment undertaken on:	Somerset West Private Sector Housing Partnership – Empty Homes Enforcement Policy	Date undertaken: 2 <sup>nd</sup> August 2013
<p>Scope: identification of</p> <p>1. Protected groups /employees affected</p> <p>2. Summary of evidence and data used</p>	<p>Age; Disability; Pregnancy and Maternity; Race; Sex (Gender); Orientation</p> <p>Full consultation has taken place through direct contact with stakeholders and partner agencies and stakeholder workshops.</p> <p>The initial draft was drawn up following consultation with officers responsible for;</p> <ul style="list-style-type: none"> <li>• Private Sector Housing</li> <li>• Housing Options from all three partner authorities</li> <li>• Council Solicitors from all three partner authorities</li> <li>• Elected Members</li> <li>• Taunton Association for the Homeless</li> <li>• Private Sector Landlords</li> <li>• Empty Homes Agency</li> <li>• Homes and Community Agency</li> </ul> <p>Sources of information used in this analysis included:</p> <ul style="list-style-type: none"> <li>• Housing Act 2004</li> <li>• Council Tax data</li> <li>• Somerset West Private Sector Housing Partnership Empty Homes database.</li> <li>• Complaint trends through recorded records</li> <li>• Housing market assessment</li> <li>• Estate Agents</li> </ul>	
Key findings	<p>Many owners of empty properties could come from a range of the protected groups. The policy is designed to take action against any owner who has a long term empty and after informal advice, chooses not to bring an empty property back into use.</p> <p>There is no evidence to suggest that the policy would discriminate as any action is based on probability and sets out quite clearly how action would be taken and in what form.</p>	
Mitigation - what will be done to reduce the impacts identified	<p>The policy puts in place a transparent approach to tackling empty homes. The policy applies to all protected groups affected.</p> <p>The policy complies with the Enforcement Concordat and to the principles of transparency, accountability, proportionality, and consistency.</p> <p>The criteria for selecting empty homes enforcement action is set out in the policy and is also governed by the Housing Act 2004.</p>	

	The partner Councils have a written and published complaints procedure should someone feel that they have not been fairly treated with regard to their complaint.
Will be reviewed on	2 <sup>nd</sup> August 2014
Signed off by	Officer: Strategic Housing Manager Management Team



*Report Number:* WSC 113/13  
*Presented by:* Ian Timms  
*Author of the Report:* Ian Timms, Corporate Manager Housing, Welfare and Economy  
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*Report to a Meeting of:* Council  
*To be Held on:* 18th September  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* 3<sup>rd</sup> June 2013

## UNLAWFUL EVICTIONS POLICY

### 1. PURPOSE OF REPORT

- 1.1 To advise Council of the Somerset West Private Sector Housing Partnership (partnership) Unlawful Evictions Policy and the current issues around unlawful evictions. To request that council adopt this policy.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 No direct links associated with this report.

### 3. RECOMMENDATIONS

- 3.1 Council adopt the Somerset West Private Sector Housing Partnership Unlawful Evictions Policy attached as Appendix A of this report.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
The lack of a clear policy will hamper the authority when dealing with unlawful evictions.	3	3	9
<i>Adopt and apply the policy proportionately</i>	1	3	3
The Policy is not adopted by all of the partner Councils increasing the risk of a mixed message to landlords across the partnership area	3	3	9
<i>Ensure each council is aware of the risks</i> <i>Adopt the policy to mitigate the issue</i>	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measurers have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 The Somerset West Private Sector Housing Partnership (SWPSHP) is a partnership between Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council to deliver private sector housing services. The local authorities work closely together to ensure consistency across the three Districts and to deliver financial and other benefits to those who live and/or work in the Somerset West area.
- 5.2 As part of the commitment to work together, the three Councils have fashioned a product called SWeLT (Somerset West Landlords and Tenants services). SWeLT is a collaboration of the Housing Options teams in the three Districts, the SWPSHP staff, Taunton Association for the Homeless (TAH) and Bridgwater YMCA. SWeLT is responsible for overseeing the Unlawful Evictions Policy and the resources required to support it.
- 5.3 One of the key areas in which the three partner authorities and SWeLT are seeking to work collaboratively and consistently is in the approach to unlawful evictions. Central Government and Shelter has for a number of years been encouraging local authorities to take action on what they term 'Rogue Landlords.'
- 5.4 There are currently a number of factors such as decreases in housing benefit allowance, a perceived improvement in the housing market, anticipation of EDFE related work force are resulting in increased rents and a number of landlords evicting tenants without following due procedure. In some instances unlawfully evicting the tenants has been through naivety, in other instances, short circuiting the process because it is cumbersome, expensive and time consuming.
- 5.5 Evidence is showing a steady increase from a 2010 baseline of 1 or 2 per year. The partnership has evidence of one a month over the last twelve month. The current trend is for tenants to inform the housing advice service that they have been unlawfully evicted once they are established in a new tenancy.
- 5.6 The staff in Legal Services, Housing Options and Private Sector Housing are authorised to act upon unlawful evictions but there is no transparent Policy which sets out how the local authority will coordinate such action. The lack of a Policy can create a reluctance to take action. A clear policy will ensure that where action is necessary appropriate steps through an adopted process can be taken.

### **Current position**

- 5.7 There is no cohesive Policy across the three Councils to take a consistent approach in tackling unlawful evictions. Many landlords have multiple portfolios across a number of Districts and if the landlord commits an offence in one of the Districts it is important to establish the facts and ensure he/she does not commit the same offence in another partner District. This has the benefit of cost effectiveness by reducing additional staff input in tackling the property with the same landlord elsewhere. Successful intervention whether it is tackled informally or through prosecution can be publicised to assist or to warn landlords.
- 5.8 There are several pieces of legislation that the local authority can use:

- Protection from Eviction Act 1977 – The law makes it an offence to:
  - Do acts likely to interfere with the peace or comfort of a tenant or anyone living with him or her; or
  - Persistently withdraw or withhold services for which the tenant has a reasonable need to live in the premise as a home.
- Protection from Harassment Act 1977 – Generally prohibits harassment.
- Criminal Law Act 1977 - This act provides that if someone enters a person's home using or threatening to use violence they are committing a criminal offence.

- 5.9 Harassment can be defined as any act by a landlord, the landlords' agent, or any other person acting on behalf of the owner, which deliberately unsettles a person's home life. This will include; persistent withdrawal of services, withholding keys, failure to carry out repairs and threats and/or physical violence.
- 5.10 Unlawful eviction is where the landlord has unlawfully deprived a tenant of all or part of the home or where any other person forces or attempts to force a tenant to leave the accommodation without following the correct legal procedure and serving the proper notice.
- 5.11 In all cases of alleged harassment or unlawful eviction the partnership will actively consider a formal caution or prosecution on behalf of the customer. In considering the options, the partnership will have regard to the seriousness of the alleged incident of unlawful eviction or harassment, and where a formal caution is refused; prosecution will usually commence having regard to the strength of evidence obtained and the severity of the offence and circumstances of the case.
- 5.12 The Council's will adhere to the 'Statement of Enforcement Policy' and seek to do so in a firm but fair, open, consistent and helpful way following the principles of the Enforcement Concordat.
- 5.13 There will be a staged approach to enforcement wherever possible to ensure solutions are sought through education, co-operation and agreement. Mediation and negotiation, formal cautions and prosecution will also be available.
- 5.14 The Policy sets out the roles and responsibilities of various departments and agencies in investigating unlawful eviction and harassment. It is important that all concerned are fully familiar with their roles as any breakdown in communication could lead to a prosecution being unsuccessful.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The implications of applying this policy will be largely associated with use of existing staff resources. There may also be occasions where legal assistance is required and this will be sought through the council's partnership with Mendip.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 The Section 151 Officer has reviewed this report and has no comment to make.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

8.1 An equality Impact Assessment is attached as Appendix B of this report. This finds that vulnerable individuals may emanate from many of the groups with protected characteristics. The essence of the policy is to address harassment, discrimination and victimisation of these groups. Members should note this in considering the policy for adoption.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 The provision of a clear Policy for unlawful eviction and/or harassment will reduce the risk of antisocial behaviour which could arise from for example the tenant being unlawfully prevented from entering their dwelling due to the landlord changing the locks. Harassment can lead to antisocial behaviour as there is the potential risk of aggravation and physical violence. The Policy makes it clear that this is not acceptable and the steps to be taken for a successful prosecution.

## **10. CONSULTATION IMPLICATIONS**

10.1 Consultation took place with Taunton Deane Borough Council and West Somerset Council, including the relevant Council Solicitors and staff such as the Housing Options services. Members of the SWeLT Board were involved including Taunton Association for the Homeless.

10.2 The Housing Policy Advisory Group considered the policy at it`s meeting in July and agreed that it be put forwards for consideration by cabinet and council.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 None associated with the council`s assets

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 None noted associated to this report.

## **13. LEGAL IMPLICATIONS**

13.1 The council currently has powers to deal with unlawful evictions but does not have a bespoke policy.

13.2 This report provides a specific policy which will assist the council in discharging it`s duties in a transparent and consistent manner



## **Somerset West Landlord & Tenant Services Unlawful Eviction Policy**

**2013**

**NB**

**17.2 needs contact number and email address**

**The reporting form needs a Council name prior to giving to respondent**



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## 1.0 Summary

- 1.1 The Policy will comply with the enforcement concordat of the partnership; described below.
- 1.2 The Somerset West Private Sector Housing Partnership is a partnership between Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council to deliver Private Sector Housing Services. The Partnership Manager is also the Private Sector Housing Manager at Sedgemoor.
- 1.3 There are a small number of private landlords or their agents with properties in the Somerset West Area who do not conduct themselves within the requirements of the legislation relating to private rented accommodation. These landlords sometimes resort to using unlawful practices of eviction and/or harassment.
- 1.4 Unlawful eviction is normally prevented through mediation with the landlord; however, there are occasions when the landlord continues to harass the tenant even after issuing a valid notice to quit.
- 1.5 The voluntary Landlord Accreditation Scheme promotes responsible behaviour and does include a condition/clause to cover harassment but this is only effective for dealing with landlords registered with the scheme and is unlikely to have much impact on those landlords most prone to this type of behaviour as they are the least likely to be members of the scheme.
- 1.6 Considering the fact that these practices exist within the Somerset West Area, the Councils, through the partnership, have agreed to be proactive and take a stance against unlawful eviction and/or harassment and offer support, advice and assistance to customers in this situation. The Councils will prosecute any landlord or their agent where it is deemed appropriate to do so.
- 1.7 The purpose of the policy is to identify and ensure a fast, clear and co-ordinated response in cases of harassment and unlawful eviction. The Councils will work in partnership with its customers, landlords and partner agencies to ensure that the practice of unlawful eviction and harassment is eradicated within the Somerset West Area.

## 2.0 Policy Statement

- 2.1 Somerset West Area Councils will encourage best practice within the rented sector by working closely with responsible individual landlords, landlord groups



and letting agents and by providing information and support. The Councils will also take a proactive approach to supporting the rights of residents and tenants in relation to unlawful eviction and/or harassment. This will include the possible prosecution of any person, organisation or agency who are acting unlawfully.

- 2.2 The Councils will, however, also recognise the rights as well as the responsibility of landlords and will actively encourage all tenants to observe their legal obligations as tenants.
- 2.3 In all cases the Councils will adhere to its 'Service Criteria' in cases of unlawful eviction and/or harassment (see Appendix 1)

### **3.0 Strategic context**

- 3.1 This policy and its key components have been developed to reflect local, sub-regional and national housing strategies and policies. The future priorities for the Somerset West Area form part of each district's Corporate Priority Plans, Housing Strategies, Crime and Disorder Strategies, Private Sector Housing Policy and the Somerset West Private Sector Housing Renewal Policy.
- 3.2 The policy is integral to the priorities, aims and objectives set out in the Somerset West Landlord & Tenant scheme by providing a consistent approach in tackling unlawful eviction and ensuring tenants within the private rented sector are safer from unlawful harassment. The policy will also deliver priorities contained within the County-wide Homelessness Strategy ensuring that vulnerable tenants have access to a range of good quality housing that is professionally managed and maintained.

### **4.0 Introduction to the policy**

- 4.1 The law protects people living in residential properties against unlawful eviction and/or harassment. It does this in two ways: by making unlawful eviction and/or harassment a criminal offence, and by enabling someone who is being unlawfully evicted and/or harassed to claim damages through the civil courts.
- 4.2 Local Authorities have the power to take legal proceedings for offences of unlawful eviction and/or harassment. If the evidence justifies it, they can carry out investigations and prosecute if they believe an offence has been committed. In extreme cases of harassment, and where the property is in poor condition, a local authority also has powers under the Housing Health & Safety Rating System (HHSRS) to take enforcement action to secure improvements to the condition of the property.
- 4.3 The law also allows the tenant to seek redress for damages and injunctive relief privately, which may get the tenant back into the property.





## 5.0 The problem locally

- 5.1 There are some private landlords (or their agents) with properties in the Somerset West Area who do not conduct themselves within the requirements of the legislation relating to private rented accommodation, most notably the 'Protection from Eviction Act, 1977'.
- 5.2 These landlords may issue a 'notice to quit' that is not legally valid and/or encourage their tenants to leave through a variety of means (persistent calling at the property, threat to change the locks and in the extreme case physically removing a tenant from a property by force).
- 5.2 Some tenants are not aware of their rights and may end up leaving the property without any support or advice.
- 5.4 It is therefore difficult to assess the frequency of tenant harassment and unlawful eviction and it is likely that many cases go unreported or are resolved prior to the need to take prosecution action against a landlord (either by the tenant themselves or with support from other agencies). It is envisaged that most people experiencing this sort of problem would present at either the one of the Councils Housing Option teams or to other advice agencies such as the Citizens Advice Bureau.
- 5.5 In 2009/10 Housing Advice services received 40 cases across the partnership of people needing advice regarding unlawful eviction and/or landlord harassment. In the last twelve months, the same teams estimate that they have been aware of approximately 50 cases which usually follow as a result of a tenant reporting issues of disrepair at the property.
- 5.6 Among some landlords there appears to be an attitude to react this way in order to avoid the legal process which means expense. It is not known how many cases other agencies receive as no figures are centrally collated and recorded. However, the local Citizens Advice Bureau has confirmed that they often represent clients in relation to these issues.

## 6.0 Relevant legislation

6.1 Legislation that deals with activities involved in unlawful eviction and harassment are:-

- **The Protection from Eviction Act 1977.** The law makes it an offence to:
  - do acts likely to interfere with the peace or comfort of a tenant or anyone living with him or her; or
  - persistently withdraw or withhold services for which the tenant has a reasonable need to live in the premises as a home.



6.2 It is an offence to do the things described above intending, knowing, or having reasonable cause to believe, that they would cause the tenant to leave their home, or stop using part of it, or stop doing the things a tenant should normally expect to be able to do. It is also an offence to take someone's home away from them unlawfully.

- **Criminal Law Act 1977.** This act provides that if someone enters a person's home using or threatening to use violence they are committing a criminal offence.
- **Protection from Harassment Act 1977** generally prohibits harassment.

## 7.0 Definitions

### 7.1 *What is Harassment?*

7.2 Harassment can include any act by a landlord, the landlord's agent, or any other person acting on behalf of the owner, which deliberately unsettles a person's home life. This will include:

- Persistent withdrawal of services
- Withholding keys
- Antisocial behaviour by the landlords agent
- Demand for excessive repairs
- Failure to carry out repairs
- Repairs which are not completed
- Threats and physical violence

### 8.0 *What is Unlawful Eviction?*

8.1 A landlord's right to get his or her property back from a residential tenant is only enforced through the courts. Unlawful eviction is when the landlord, the landlords agent or someone acting on their behalf, unlawfully deprives a tenant of all or part of the home or where any other person forces or attempts to force a tenant to leave the accommodation without following the correct legal procedure and serving the proper notice.

## 9.0 Scope of the Policy

9.1 The Councils in the partnership are charged with the delegated power to investigate and prosecute under the provisions of the Protection from Eviction Act 1977. The power to prosecute is a matter delegated to the legal officer of the relevant council.



- 9.2 In terms of the requirements and needs of the tenant, consideration will need to be made to the ability of the tenant to obtain damages and/or injunctive relief (this is important as this will get the tenant back in the property where a criminal prosecution will not do this).
- 9.3 Local authorities can only take criminal proceedings (to distinguish from civil proceedings which the tenant brings himself with or without assistance) (i.e. contracted advocate).
- 9.4 The local authority will advise tenants to obtain independent legal advice in the case of civil prosecutions.
- 9.5 Prosecutions will be brought on behalf of the Councils in the name of the Councils solicitor, on the instructions of the delegated officer and line manager of the relevant Council. The action taken will be guided by and relevant to the financial constraints of the relevant Council or by powers delegated from the Chief Executive. The Councils solicitor is obliged to consider and review the decision to prosecute in accordance with the criteria set down in the Code of Conduct for Crown Prosecutors. The Solicitors Regulation Authority requires observance of this code by all prosecutors.
- 9.6 Referrals may be made in certain circumstances to the local Police who will review the circumstances when taking a prosecution for other related factors that might include theft of residential occupier's belongings, criminal damage, assault or protection from harassment.

## 10.0 Specific Principles

- 10.1 In all cases of unlawful eviction and/or harassment of a residential occupier the partnership will actively consider recommending a formal caution or prosecution following consultation with the Council's solicitor. In coming to this decision between the two options, the partnership and legal representative will have regard to the seriousness of the alleged incident of unlawful eviction or harassment, and where a formal caution is refused; prosecution will usually commence having regard to the issues outlined in the following section.

## 11.0 Issues to be taken into account

- 11.1 In deciding whether a case is suitable for the application of a caution or prosecution the Authority will take a number of issues into account, and these are outlined below;-
- Strength of evidence obtained
  - The severity of the offence and the circumstances of the case
  - Voluntary disclosure
  - Social factors



- Vulnerable persons

11.2 A case will not be deemed unsuitable for a prosecution or caution simply because the landlord or their agent has allowed or is about to allow a displaced residential occupier back into a property.

## 12.0 Enforcement

12.1 The Councils will adhere to the 'Corporate Enforcement Policy' and seek to do so in a firm but fair, open, consistent and helpful way. Any enforcement action will be compliant with relevant legislation and guidelines in line with the principles of good enforcement outlined in the Enforcement Concordat. All investigations into alleged reports of unlawful eviction and/or harassment will follow best professional practice and the requirements of:

- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Police and Criminal Evidence Act 1984 (PACE)
- The Criminal Procedures and Investigations Act
- The Code for Crown Prosecution

12.2 The partnership will investigate non-compliance with statutory requirements and the Councils will take firm action, including prosecution where appropriate, against those who breach or fail to fulfil their legal obligations.

## 13.0 Enforcement options

13.1 The partnership regards enforcement from a holistic view whilst encompassing all actions that can be taken to achieve compliance with a statutory requirement. They have a staged approach to enforcement wherever possible to ensure solutions are initially sought through education, co-operation and agreement. Where this is not successful, formal action may be necessary, which may ultimately lead to prosecution or other summary action. The following options will be available:

- Mediation & negotiation
- Formal Cautions
- Prosecution

## 14.0 Information to consider for prosecution

14.1 When considering which cases to prosecute consideration will be given to:

- The merits of each case



- The code of practise for Crown Prosecutors
- The Criminal Procedure and Investigations Act 1996

14.2 Any case will need to meet both the **Evidential Test** and also the **Public Interest Test** (see Appendix 2) in that if there is sufficient **evidence** of a suitable quality to give a realistic prospect of conviction, consideration will also be given as to whether a prosecution will serve the **public interest**. A prosecution may take place unless public interest criteria are against it.

## 15.0 Roles & Responsibilities

- 15.1 The Councils are ultimately responsible for ensuring that any case of unlawful eviction and/or harassment will be investigated and where appropriate, will take any necessary action which may also involve prosecution. The partnership is responsible for preparing the case for prosecution to the relevant officer/line manager of the Council in whose area the alleged offence took place.
- 15.2 All staff in the partnership and partner Councils are responsible for adhering to the policy and for reporting any matters where they suspect unlawful eviction and/or harassment may be taking place.
- 15.3 Partner agencies have a responsibility to advise and assist customers and to refer relevant cases to the partnership (Appendix 3 – Referral Form). Landlords and their agents have a duty to comply with relevant legislation and to operate in a responsible and professional manner.

## 16.0 Complaints

- 16.1 All complaints of harassment/ unlawful eviction will receive the highest level response from officers in accordance with the policy

## 17.0 Review

- 17.1 This policy will be reviewed annually to ensure it meets its aims and objectives and compliments the priorities contained within the supporting policies and strategies.
- 17.2 A copy of the policy and procedures can be obtained upon request from the address below or by visiting the Councils website at: [www.swpshp.org](http://www.swpshp.org)  
If you require further copies of this policy or a copy in large print, in Braille, on tape or in a language other than English, please call **Insert**

## Appendix 1 – Service Criteria

### Service criteria in dealing with cases of unlawful eviction and/or harassment

- Aims to mediate and negotiate in cases of serious landlord and tenant disputes in the rented housing sector
- Where mediation fails or is inappropriate the Councils may decide to pursue an investigation which may lead to a criminal prosecution under the **Protection from Eviction Act 1977**

#### The Councils will deal with cases of: -

1. Unlawful eviction of tenants by private and registered social landlords or people acting on their behalf
2. Serious cases of harassment of tenants by their landlord or people acting on their behalf. Serious could be violence, threats of violence, abusive, discriminatory, aggressive or intimidatory behaviour
3. Disconnection of essential services (water, gas, electricity) by the landlord or person acting on their behalf
4. Cases of harassment where the tenant(s) involved may be vulnerable e.g. elderly tenants, tenants with mental or physical health problems
5. In cases of racial, sexual or other discriminatory issue relating to point 2 and 3 above referral will be made to the Police. The Police will always be made aware of violence associated as per point 2 and the reason for local authority involvement.

Any enquiries over general terms and conditions of tenancy, bonds, contracts, rent increases or other civil matters will be dealt with through the relevant local authorities Housing Advice Service who are responsible for providing this service on behalf of the Councils.

## Appendix 2 – Public Interest Test

<u>PUBLIC INTEREST PRO PROSECUTION</u>	<u>ANTI PROSECUTION</u>
<ul style="list-style-type: none"> <li>• Violence, actual or threatened, including threatening behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Offence committed due to genuine mistake/misunderstanding</li> </ul>
<ul style="list-style-type: none"> <li>• Premeditated offence/on-going harassment, i.e. where landlord has previously received warnings.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor loss or harm due to a single incident, especially if caused by misjudgement.</li> </ul>
<ul style="list-style-type: none"> <li>• Victim vulnerable/put in considerable fear/suffered personal attack.</li> </ul>	<ul style="list-style-type: none"> <li>• Long delays between commission and trial unless:               <ul style="list-style-type: none"> <li>- serious delay is partly due to defendants complex offence</li> <li>- due to prosecuting authority</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Discriminatory motivation – racial, sexual or disability</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable defendant               <ul style="list-style-type: none"> <li>- unless serious offence /possibility of repetition</li> <li>- Risk to witness</li> <li>- Defendant has put right the loss or harm caused.</li> <li>- Possible motives of complainant including delay in making complaint</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Relevant previous convictions</li> </ul>	
<ul style="list-style-type: none"> <li>• Grounds for believing offence likely to be repeated, i.e. previous complaints received</li> </ul>	
<ul style="list-style-type: none"> <li>• Widespread offence in the area and prosecution likely to act as a disincentive.</li> </ul>	
<ul style="list-style-type: none"> <li>• Help ensure person can remain in their home</li> </ul>	





### Appendix 3 - Report of Unlawful Eviction and/or Harassment

Please complete this form to report any possible cases of unlawful eviction and/or harassment for investigation and possible prosecution by the Councils Legal Department.

<b>Details of referring agency</b>	
<b>Details of aggrieved person(s)</b>	
<b>Details of Landlord</b>	
<b>Details of Tenancy</b>	
<b>Other relevant information</b>	
Contact Name	
Address (incl postcode)	
Telephone	
Tenancy Address (incl postcode)	
Current address (if different than above)	
Telephone	
Is Landlord/Lady a company? If yes, company name	
Type of tenancy	
Tenancy start date	
Type of Notice issued? Eviction date	
Any shared facilities with Landlord/Lady? Any rent arrears?	
Reason for harassment, if known	
Are there any witnesses?	
Is any person's safety at risk? If yes, please give name(s) and reason	
Have the Police been informed? If yes, please state any involvement	
<b>Events to date</b>	
<b>Customer's authority for disclosure of information</b>	
Signed (Referring Officer).....	
Dated submitted to (Insert LA NAME) .....	
Thank you for bringing this matter to our attention. Please submit the completed form to the <b>Councils</b> Solicitor (Legal & Democratic Services) at the address given below.	



Impact Assessment undertaken on:	Somerset West Private Sector Housing Partnership – Unlawful Evictions Policy	Date undertaken: 2 <sup>nd</sup> August 2013
<p>Scope: identification of</p> <p>1. Protected groups /employees affected</p> <p>2. Summary of evidence and data used</p>	<p>Age; Disability; Pregnancy and Maternity; Race; Sex (Gender); Orientation</p> <p>Full consultation has taken place through direct contact with stakeholders and partner agencies and stakeholder workshops.</p> <p>The initial draft was drawn up following consultation with officers responsible for;</p> <ul style="list-style-type: none"> <li>• Private Sector Housing</li> <li>• Housing Options from all three partner authorities</li> <li>• Council Solicitors from all three partner authorities</li> <li>• Elected Members</li> <li>• Taunton Association for the Homeless</li> <li>• Private Sector Landlords</li> </ul> <p>Sources of information used in this analysis included:</p> <ul style="list-style-type: none"> <li>• Protection from Eviction Act 1977</li> <li>• Protection from Harassment Act 1977</li> <li>• Criminal Law Act 1977</li> <li>• Complaint trends through recorded records</li> <li>• Housing market</li> </ul>	
Key findings	<p>Collectively there is evidence beyond doubt that alleged unlawful evictions and harassment have taken place. Tenants have presented themselves to the partner Council's claiming they have been either unlawfully evicted or harassed. Many of the tenants have been considered vulnerable as they are the group which Housing Options have a duty for.</p> <p>There is anecdotal evidence to show increasing rents in the partnership area. This is leading to rent arrears. Landlords not familiar with the housing legislation have been serving incorrect notices and for those who are aware of the laws, are instead taking things into their own hands.</p> <p>Tenants regardless of age etc. are sometimes afraid to disclose that they have been unlawfully evicted for reasons of repercussions by the landlord.</p>	
Mitigation - what will be done to reduce the impacts identified	<p>The policy puts in place a transparent approach to tackling alleged unlawful evictions. The policy applies to all protected groups affected.</p> <p>The policy complies with the Enforcement Concordat and to the principles of transparency, accountability, proportionality, and consistency.</p> <p>All complaints will be thoroughly investigated and a decision made to prosecute. The decision is made by the Council's Solicitor based upon all of</p>	

	<p>the evidence supplied and if it is in the public interest. The 'Public Interest Test' is used as a fair balance to the validity of the need for a prosecution and is published in the Policy.</p> <p>The partner Councils have a written and published complaints procedure should someone feel that they have not been fairly treated with regard to their complaint.</p>
Will be reviewed on	2 <sup>nd</sup> August 2014
Signed off by	Officer: Strategic Housing Manager Management Team

*Report Number:* WSC 115/13  
*Presented by:* Cllr K Kravis  
*Author of the Report:* Ian Timms, Corporate Manager Housing, Welfare and Economy  
*Contact Details:*  
     *Tel. No. Direct Line* 01984 635271  
     *Email:* itimms@westsomerset.gov.uk  
  
*Report to a Meeting of:* Council  
*To be Held on:* 18<sup>th</sup> September 2013  
*Date Entered on Executive Forward Plan Or Agreement for Urgency Granted:* Not Applicable

## SAFEGUARDING POLICY

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the proposed safeguarding policy and advise them of the council's duties under safeguarding legislation. To request that council adopt the policy for use by West Somerset Council to create a framework in discharging its legal duties.

### 2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 There is no clear link to the stated priorities.

### 3. RECOMMENDATIONS

- 3.1 Council agree the adoption of the safeguarding policy, with or without amendments, attached as Appendix A of this report.

### 4. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Council does not have an appropriate policy relating to safeguarding in place	5	4	20
<i>Adopt appropriate policy and ensure it is delivered</i>	1	1	1
The council does not have a safeguarding lead in place	5	4	20
<i>Designated lead is identified in the policy</i>	1	2	2
The council does not have focus on delivery of the policy	3	4	12
<i>Identify appropriate staff training programme &amp; deliver it Ensure staff have clarity on requirements of policy &amp; it is embedded in the organisation</i>	2	3	6

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

## **5. BACKGROUND INFORMATION**

- 5.1 West Somerset Council (WSC) has a duty of care to safeguard all children and vulnerable adults involved in activities, services and facilities under the direct remit and control of the Council. The council has to date discharged that duty through the application of child protection guidelines.
- 5.2 Following an audit of All District Councils by the Somerset Local Safeguarding Children's Board carried out in 2011 concerns were raised that District Councils did not have a thorough understanding of their responsibilities under Safeguarding Legislation and adequate practices in place to support those responsibilities.
- 5.3 As an element of this response all district councils in Somerset have been working together to improve our overall approach. This has included Taunton Deane Borough Council (TDBC) taking part in a pilot which involved the authority completing a self-audit tool, identifying where we as districts were not meeting our Safeguarding responsibilities and taking action to address these issues. This learning is being shared with all district authorities.
- 5.4 In response to the issues raised WSC has reviewed its approach and has put in place additional measures such as training for specified staff and the designation of a safeguarding lead. WSC has also developed an enhanced policy in conjunction with the other districts in Somerset which is of course the purpose of this report.
- 5.5 The policy is attached as appendix A of the report. Its objectives are:
- To ensure children and vulnerable adults are protected within the facilities, services and activities under the direct remit and control of West Somerset Council.
  - To ensure that West Somerset Council has the training and mechanisms to support employees and volunteers etc. when faced with child protection issues, or issues relating to vulnerable adults.
  - To become an advocate and example of good practice for child protection for other organisations in West Somerset.
  - To ensure that organisations delivering projects involving young people grant aided by West Somerset Council have appropriate policies and procedures to safeguard children.
- 5.6 The policy describes in detail to the delivery of these objectives and how this will be delivered in practice.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 The policy will be delivered within the existing resources of the council. Any training required will be delivered through the training budget or through partners..

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 The council has a duty to ensure it meets it's legal requirements. I am satisfied with the content of this report.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

8.1 The Policy aims to address issues relating to the protection of Children and vulnerable adults. As such it is aimed at ensuring we can meet our duties under the Safeguarding provisions.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 These are explained fully in the policy particularly how the council relates to any issues of criminal behaviour that may occur in delivery of the policy objectives.

## **10. CONSULTATION IMPLICATIONS**

10.1 The policy was considered by the Corporate Policy Advisory Group on 17<sup>th</sup> July 2013. Members of the group were broadly supportive of the policy. A concern was raised about how in practice contractors would be monitored by the council. This will be the subject of further consideration and addressed as an element of the policy implementation.

## **11. ASSET MANAGEMENT IMPLICATIONS**

11.1 The policy will apply to those using council buildings and council staff delivering services through them or any other asset.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

12.1 None associated with this report.

## **13. LEGAL IMPLICATIONS**

13.1 The adoption of this policy will ensure that the council has a clear approach to discharge of its duties in this area of work.





# **Children and Vulnerable Adults Safeguarding Policy**

July 2013



## WEST SOMERSET COUNCIL

### Children and Vulnerable Adults Safeguarding Policy

#### **Introduction**

Children and vulnerable adults may be abused regardless of their age, ethnic origin, social class, gender, culture, religious belief, disability or sexual identity.

West Somerset Council (WSC) has a duty of care to safeguard all children and vulnerable adults involved in activities, services and facilities under the direct remit and control of the Council. The Council will, so far as is reasonably practicable, ensure that vulnerable people are protected through appropriate procedures and safe working practices that are based on recognised good practice.

This document builds upon the existing good practice operating across our services and sets out our corporate safeguarding policies and procedures.

**It is important to note that it is not the responsibility of West Somerset Council to decide whether or not abuse has taken place. However, it is the responsibility of all individuals within West Somerset Council to take action by reporting their concerns in accordance with these procedures to the appropriate agencies.**

#### **Definitions of Children and Vulnerable Adults**

- **Children and Young People** are in law, defined as up to and including the age of 17, once an individual passes their 18<sup>th</sup> birthday, they are an adult in this legal context. An extension of this age exists in terms of some service provision for children who are disabled and for those in local authority care settings.
- A **Vulnerable Adult** is someone who is not able to care for or protect him or herself for any reason. It might be because of age, mental or physical incapacity, sensory loss, or physical or learning disabilities. It might be someone who is usually able to manage but is unable to do so because of an accident or illness.

#### **Scope of policy**

The policy applies to:

- all employees (including permanent full and part time staff; short term or temporary appointments; casual staff and agency staff)
- contractors and consultants whose service provisions or undertakings generate child or vulnerable adults safeguarding risks
- volunteers, and
- any other person working for West Somerset Council on Council premises or on Council business and who a member of the public may reasonably assume was a member of staff.

The policy applies to all activities and services as well as facilities for children or vulnerable adults that come under the direct remit or control of West Somerset Council.



### **Who is responsible for enforcing this policy?**

- All corporate managers are responsible for ensuring that this policy forms part of the normal operating procedures and practices of the services for which they are responsible;
- All line managers must ensure that they and the staff they supervise, understand and follow the safeguards for ensuring the welfare and protection of children and vulnerable adults;
- The Councils designated 'Safeguarding Lead', Ian Timms is responsible for co-ordinating all cases of actual and suspected child abuse reporting directly to the Chief Executive.

### **Policy Statement**

West Somerset Council will create and maintain the safest possible environment for children, young people and vulnerable adults in all the services we provide. This will include those, which we contract out or provide in partnership with other agencies and/or community voluntary sector organisations. All organisations working in Partnership, or receiving funds from West Somerset Council will be expected to follow safeguarding principles.

### **Policy Objectives**

- To ensure children and vulnerable adults are protected within the facilities, services and activities under the direct remit and control of West Somerset Council.
- To ensure that West Somerset Council has the training and mechanisms to support employees and volunteers etc when faced with child protection issues, or issues relating to vulnerable adults.
- To become an advocate and example of good practice for child protection for other organisations in West Somerset.
- To ensure that organisations delivering projects involving young people grant aided by West Somerset Council have appropriate policies and procedures to safeguard children.

### **General principles**

The key West Somerset Council principles on child protection and the safeguarding of vulnerable adults are as follows:

- The child's or vulnerable adult's welfare is paramount.
- All children and vulnerable adults whatever their age, culture, disability, gender, language, ethnic origin, religious belief and/or sexual identity, have the right to protection from abuse.
- All suspicions and allegations or incidents of inappropriate behaviour will be taken seriously and responded to swiftly and appropriately.

- West Somerset Council will maintain the strictest confidentiality when dealing with child protection or safeguarding vulnerable adults' issues or concerns, within the limits of what is practicable and within the law.
- West Somerset Council recognises that it is not their responsibility to investigate or deal with adult or child protection issues but to consult with and refer to Adult/Children's Social Care or the Police.

Staff who have responsibilities for child protection or safeguarding vulnerable adults issues will receive the necessary training and have access to a designated Safeguarding Lead to assist them to deliver their responsibilities.

## **The Children and Vulnerable Adult Policy**

### **Recruitment**

All staff working with children and vulnerable adults, and those that have 'access' to children on a regular basis must:

- Be vetted through the Criminal Records Bureau (CRB) and obtain a Disclosure Certificate at the relevant level. (Those staff working in close physical proximity with children or on a 1:1 basis must have an Enhanced Disclosure)
- Not be permitted to start employment unless they are CRB cleared. The only exceptions to this are where they have submitted their CRB forms and are shadowing a CRB cleared member of staff and/or are working in non-public areas. A specific written Risk Assessment, signed and agreed by a senior manager, must be produced for employing staff in such circumstances.
- Individuals requesting a license as a taxi or private hire vehicle driver must provide an enhanced CRB return that is no more than one month old and will be required to provide a new one at least every three years.

### **Training**

All staff working with children and vulnerable adults, and those who have access to children and vulnerable adults on a regular basis must attend a Child and Vulnerable Adults Protection Training course. The line manager will identify the level and nature of the required training.

The Safeguarding lead will receive comprehensive training with a refresh every three years.

### **Creating a Safe Environment**

- Staff and volunteers working with children and vulnerable adults should be appropriately trained, qualified and supervised to ensure the safe provision of services, coaching/teaching and use of equipment and should work to standards and supervision ratios provided by their professional or national governing bodies.
- In the absence of any professional or national governing body guidelines, there should be a minimum of two staff present at all times when working with children under eight years old;

- Staff and volunteers working with children and vulnerable adults should carefully plan activity sessions with the safety of children and vulnerable adults as their primary concern;
- Staff and volunteers must avoid being left alone with a child, including offering lifts or taking children to their own home;
- Staff and volunteers should only train children in a non-intrusive manner and should encourage children to be responsible for getting themselves changed before and after activities.

### **Employment of young people**

- Young people are not to be exposed to work which exposes them to any toxic substances; radiation; involves extreme heat, noise or vibration;
- They should be assigned a 'supervisor' or mentor and must only be given tasks, which have been Risk Assessed;
- The supervisor or mentor must ensure that the young person has received and understood the training required to undertake the work.

### **Photography and use of images in publications**

Generally, formal written permission should be obtained for the use of any images, whether of a child, young person or adult as these are classed as personal information and, as such, are governed by the provisions of the Data Protection Act. For a child or young person, written permission must be obtained from a holder of parental responsibility for the individual.

In the case of young people, specific written parental consent must be obtained for the reproduction of images in any publication or media format.

For more information please refer to the 'Digital Images of children' guidance on the Somerset Local Safeguarding Children Board website:

[http://www.somersetsafeguardingchildrenboard.org.uk/view\\_folder.asp?folderid=5795&deph=2&rootid=5741&level2id=&level1=5741&level2=5795](http://www.somersetsafeguardingchildrenboard.org.uk/view_folder.asp?folderid=5795&deph=2&rootid=5741&level2id=&level1=5741&level2=5795)

### **General rules of behaviour with children**

This guidance is vital, as it will protect staff and volunteers from allegations of abuse.

#### **You should never:**

- Spend excessive amounts of time alone with children away from others.
- Engage in rough physical activities including horseplay – apart from structured activities.
- Allow or engage in inappropriate touching of any form.
- Allow children to use inappropriate language unchallenged.
- Reduce a child to tears as a form of control.
- Contact children using a personal mobile phone

- Call children names
- Make sexually suggestive comments about or to a child even in fun.
- Let an allegation a child makes during a group session go unchallenged or unrecorded.
- Do things of a personal nature for children that they can do themselves. If you do have to do things of a personal nature for children (take to toilet, support,) particularly if they are very young or children with disabilities, then you should obtain the full written consent of their parents. In an emergency situation, which requires this type of help, parents should be fully informed as soon as is practicable.
- Take children alone in a car or on a journey, however short. Where such a need arises and is unavoidable, you should contact the parent/carer and your supervisor and let them know of your plans.
- Invite or allow children to stay with you at your home or arrange meetings away from your place of work.

### **Contractors, clubs, organisations and volunteers**

- Generally, contractors working on our premises will have a secure area to work from or will have the whole facility to themselves without public access. Where occasions arise where there is concurrent use with the public, then the manager of the premises/facility must take appropriate steps to ensure that contact with children is limited, in the form of a written and agreed risk assessment, and any contact with children in particular is carefully controlled. Contractors must carry ID and be signed into and off the premises.
- Clubs and organisations using Council facilities to provide activities or events for young people should be asked for evidence of their child safeguarding policy and evidence that their key coaches/instructors/leaders have been CRB cleared.
- All volunteers working on behalf of the Council with young people and vulnerable adults must be CRB cleared.

### **Dealing with and reporting suspected abuse**

West Somerset Council has established reporting procedures to ensure users of services know what to do if abuse is suspected / alleged to have occurred. Figure 1 shows the agreed procedure for reporting suspected abuse within the Council.

**It is not the responsibility of West Somerset Council to decide whether or not abuse has taken place. However it is the responsibility of all individuals to take action by reporting their concerns in accordance with this procedure to the appropriate agencies.**

## Recognising if a child or vulnerable adult is being abused

It is not always easy to spot when children have been abused even for the most experienced carers. However, some of the more typical signs and indicators that could trigger suspicions would include:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries.
- Sexually explicit language or actions.
- A sudden change in behaviour (e.g. becoming very quiet, withdrawn or displaying sudden outbursts of temper).
- The child describes what appears to be an abusive act involving him/her.
- A change observed over a long period of time (e.g. the child losing weight or becoming increasingly dirty or unkempt).
- A general distrust and avoidance of adults/people, especially with whom a close relationship would be expected.
- An unreasonable reaction to normal physical contact.
- Difficulty in making friends or abnormal restrictions on socialising with others.
- Unexplained loss of money (vulnerable adults)

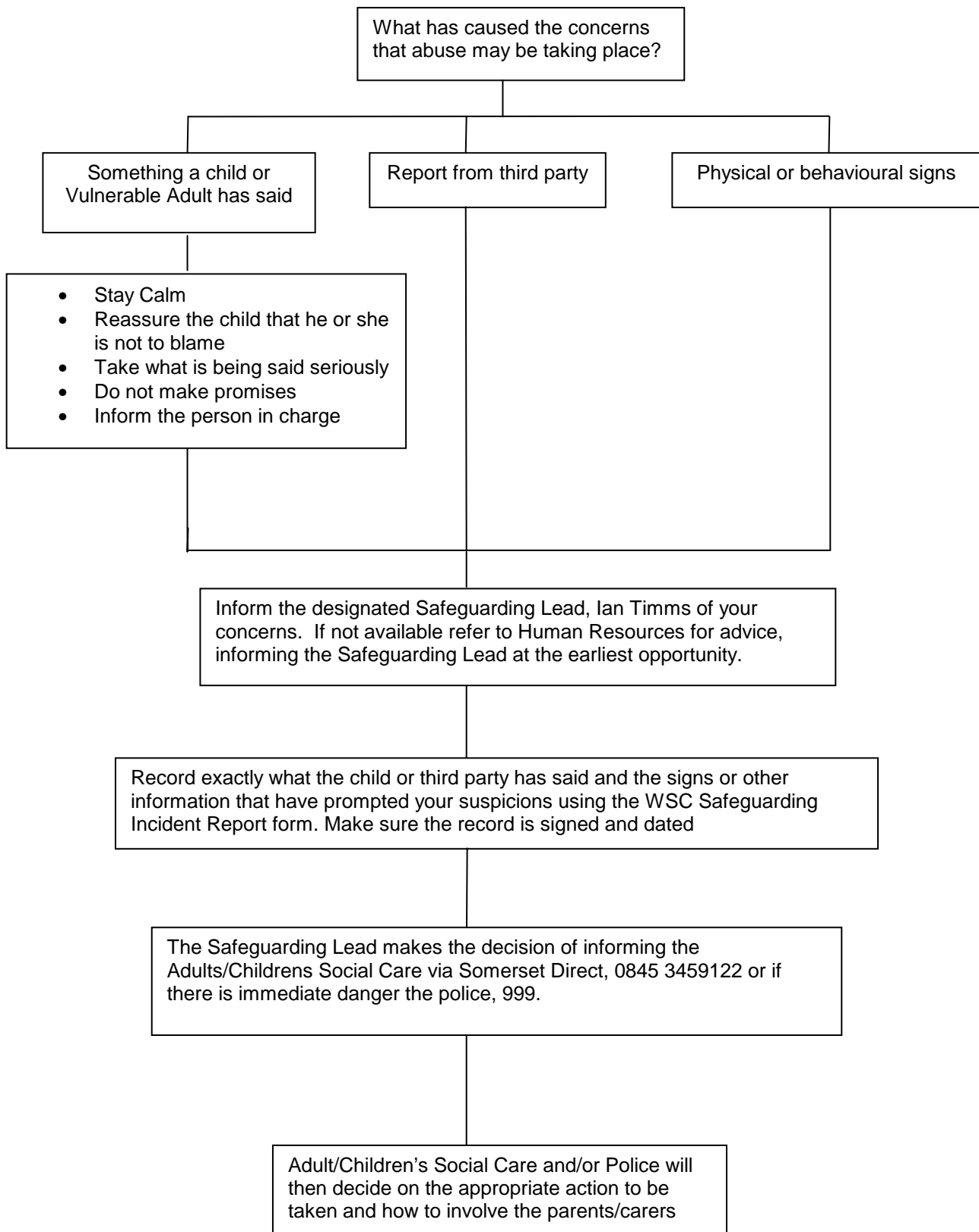
It is important to note that a child, or vulnerable adult could be displaying some or all of these signs, or behaving in a way, which is worrying - this does not necessarily mean the child is being abused. Similarly, there may not be any signs and individuals may just feel something is wrong.

## Dealing with and reporting suspected abuse

If a child reveals that they are being abused, staff and volunteers should reassure them, tell them that they are right to tell you – **do not promise to keep it a secret as it is your responsibility to inform others.**

There are various forms of abuse. A description of the different forms of abuse and what to look for is attached in Appendix 1. The following Guidance is designed to inform the most appropriate action when concerned with abuse to a child or vulnerable person.

**Figure 1 Procedure for Dealing with and Reporting Suspected Abuse**



## Dealing with allegations of abuse by a member of staff

In spite of the precautions, measures, procedures and training, children can be subjected to abuse by staff working or coming in to contact with them. Any allegation of abuse must be taken seriously.

In the event of an allegation, one or more of three possible courses of actions will be taken:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by Children's Social Care about whether a child is in need of protection or in need of services;
- Consideration by the Council of disciplinary action in respect of the individual involved.

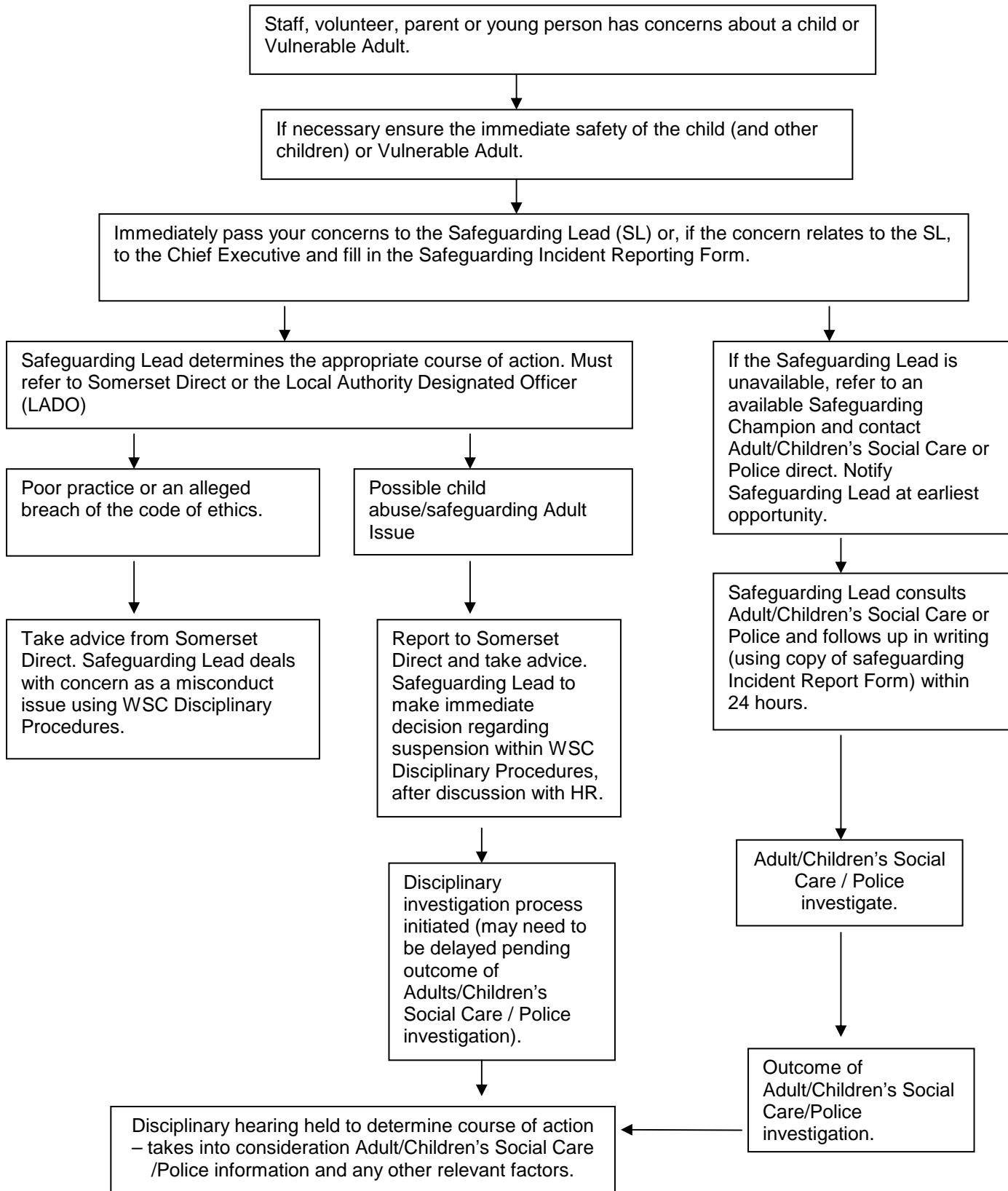
Guidelines for dealing with allegations against a member of staff are detailed in Figure 2. The guidelines must be followed to conclusion even if the person involved tenders his or her resignation. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it.

The Council will not agree to any 'compromise agreements' – whereby the person agrees to resign, and disciplinary action is dropped, and both parties agree a form of words to be used in any future reference. Such agreements are illegal and such an agreement will not prevent a thorough police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Independent Safeguarding Authority (ISA).

Human Resources will keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken and decisions reached. These should be kept in a person's confidential personnel file and a copy should be given to the individual. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

Suspension will be considered, as a neutral act, in any case where there is cause to suspect a child or vulnerable adult may be at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. This guide is designed to inform the most appropriate action in relation to concerns about members of staff, volunteers or councillor.

**Figure 2 Process for Dealing with allegations of abuse by a member of staff**





## Whistleblowing Policy

West Somerset Council is committed to the highest possible standards of openness and accountability. In line with that commitment **we expect both employees and members of the public, who have serious concerns about any aspect of the Council's work to come forward and voice their concerns.**

Policy and Procedure for confidential reporting of concerns (“Whistleblowing”) are available through the West Somerset Council Website [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)

## Complaints Procedure

West Somerset Council will maintain an open culture where employees, elected members, volunteers, children, parents and carers feel able to express concerns both about child protection and vulnerable adults issues and issues around poor practice when dealing with children and vulnerable. A complaints procedure for members of the public, volunteers, parents and young people is available through West Somerset Council Website [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)

## Employee assistance

Due to the emotional nature of safeguarding issues counselling will be made available to those employees who have been involved in a case(s) and require support. If you feel that this would be helpful to you speak to your manager, Human Resources or use the free confidential support service from Care First on 0800 174 319.

## Useful Contacts

Child Protection Officers:

- For WSC staff: Safeguarding Lead – Ian Timms or Human Resources in his absence

Somerset Direct, Children, Young People and learning.

Telephone: 0845 3459122

Web: [www.somerset.gov.uk](http://www.somerset.gov.uk)

Email: [childrens@somerset.gov.uk](mailto:childrens@somerset.gov.uk)

Avon and Somerset Constabulary Safeguarding Coordination Unit – 01823 363666

[Somerset Local Safeguarding Children Board](#)

### **Safeguarding Co-ordinator**

Matthew Turner - [MZTurner@somerset.gov.uk](mailto:MZTurner@somerset.gov.uk)

01823 357868

Local Authority Designated Officer for allegations (LADO), Claire Winter – 01823 357823

## **Appendix 1: Types of abuse and signs of abuse**

### **What is abuse and neglect?**

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger for example, via the Internet. An adult or adults, or another child or children may abuse them.

### **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers); or
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional Needs

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Adult males do not solely perpetrate sexual abuse. Women can also commit acts of sexual abuse, as can other children.

### **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

### **Emotional Abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how

they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill treatment of another. It may involve serious bullying (including cyber-bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**Appendix 2 - WSC Safeguarding incident reporting form**

Name of Child	
Age and date of birth	Ethnicity
Religion	First Language
Disability	Any special factors
Parent's/carer's name(s) Mobile numbers?	
Home address (and phone number)	
Are you reporting your own concerns or passing on those of somebody else? Give details	
Brief description of what has prompted the concerns: include dates, times etc. of any specific incidents	
Are there any visible signs?  Please describe: - Physical signs - Behavioural signs - Indirect signs	

<p>Have you spoken to the child/vulnerable adult? If so, what was said and what did the child/vulnerable adult say?</p>	
<p>Have you spoken to the parent(s)/carers? If so, what was said?</p>	
<p>Has anybody been alleged to be the abuser? If so give details</p>	
<p>Have you consulted anybody else? Give details</p>	
<p>To whom reported and date of reporting and action agreed</p>	
<p>Signature  Name  Position  Contact details</p>	

**Completed form to be passed to Safeguarding Lead in a confidential and secure manner.**



**Minutes of the Meeting of the Standards Advisory Committee  
held on 18 June 2013 in the Council Chamber, Williton**

**Present:**

Mr T Evans ..... Chairman

Councillor J Davis

Councillor J Fulwell

Councillor P Grierson

Councillor P Murphy

Councillor S O de Renzy-Martin

Mr J Gamlin

Mr I Gunn

Councillor D J Westcott

**Officers in Attendance:**

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

**SA1 Apologies for Absence**

An apology for absence was received from Mrs L Somerville Williams.

**SA2 Welcome and Introductions**

The Chairman welcomed everyone to the meeting, especially the new District Council Member, Councillor Peter Murphy.

**SA3 Appointment of Chairman**

**RECOMMENDED** that the Committee elect Mr Tim Evans as Chairman of the Committee.

**SA4 Appointment of Vice-Chairman**

**RECOMMENDED** that the Committee elect Mr Ivan Gunn as Vice-Chairman of the Committee.

**SA5 Minutes**

Minutes of the last meeting of the Standards Advisory Committee held 5 March 2013 – circulated with the agenda.

**RECOMMENDED** that the Minutes of the meeting held on 5 March 2013 be confirmed as a correct record.

**SA6 Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

<b>Name</b>	<b>Minute No</b>	<b>Description of Interest</b>	<b>Personal or Prejudicial</b>	<b>Action Taken</b>
Cllr P Grierson	All items	Minehead	Personal	Spoke and voted
Cllr P Murphy	All items	Watchet	Personal	Spoke and voted
Cllr D J Westcott	All items	Watchet	Personal	Spoke and voted

### **SA7 Public Participation**

The Chairman confirmed that no member of the public had requested to speak on any agenda items.

### **SA8 The Localism Act, 2011 – Register of Interest Forms and Adoption of the Code of Conduct**

The Monitoring Officer confirmed that all District Councillors had completed their Register of Interest forms and these were now available on the Council's website.

The Monitoring Officer advised that all Town and Parish Councils in West Somerset had adopted a Code of Conduct and, although the majority of Register of Interest forms had been received, there were still forms outstanding from Brushford, Clatworthy, Exmoor, Kilve, Luccombe, Minehead, Withycombe and Withypool & Hawkridge. He also advised that the Register of Interests forms were currently being added to the website and any outstanding matters would continue to be followed up.

Members enquired if it would be possible to find out the number of 'hits' on the page of the website where the Register of Interest forms were held and the Monitoring Officer confirmed that he would forward any relevant information on to committee members.

**RECOMMENDED** that the update be noted.

### **SA9 Update on Dealing with Complaints**

#### (a) Report on Completed Cases

The Monitoring Officer advised the Committee that the new system had been in place for nearly a year and up until March no complaints had been received.

He advised that, in accordance with the Council's Complaint Procedure, a summary of the outcome of completed cases must be reported to a normal meeting of the Standards Advisory Committee and this had been sent out with the agenda. The Monitoring Officer invited the Committee to comment on the amount of detail in the summary, taking into consideration that the summary would be a public document.



Members suggested that the summary report should not name the subject Member and that sufficient information should be provided to give a clear indication of the process that was followed, including the involvement of the Standards Advisory Committee, to demonstrate that all complaints are taken seriously. It would also be ideal, where possible, to give an indication of the key issues and rationale that led to the decision taken.

The Committee acknowledged that, if it was found that there was a case to answer, the complaint could go to a hearing which would be held in public and be likely to be reported in the media.

(b) General Update

The Monitoring Officer reported on the latest position in regard to dealing with complaints under the procedures implemented as a result of the Localism Act 2011.

He advised that, as of May 2013, the number of complaints received in the five Districts in Somerset were as follows:

Sedgemoor District	-	0
Taunton Deane Borough Council	-	1 (no investigation)
West Somerset Council	-	6 (no investigations)
South Somerset District Council	-	10 (no investigations)
Mendip District Council	-	27 (no investigations)

The Monitoring Officer reminded the Committee that at its next meeting to be held in September 2013, a review of the operation of the new Code of Conduct and Complaints process would be undertaken with a view to making any recommendations to the Council.

**RECOMMENDED** that that future public summaries of completed complaint cases should be prepared having regard to the views expressed by the committee and the progress report be noted.

**SA10 Probity in Planning Guide**

The Committee considered endorsing the Probity in Planning Guide produced by the Local Government Association.

The Monitoring Officer confirmed that the Council's Planning Manager had been consulted and confirmed that, broadly speaking, the authority's current processes for dealing with planning applications complied with undertake the guidance.

The Committee felt that the document was very good as it was clear and made sense.

**RECOMMENDED** that the Probity in Planning Guide be endorsed and that the Council be encouraged to use this guidance material when providing training for its Planning Committee members.

**SA11 Monitoring Officer's Update**

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting. He confirmed that he was still receiving requests for advice on a regular basis and that dealing with formal complaints did generate more work.

**RECOMMENDED** that the report be noted.

**SA12 Dates of Future Meetings**

It was confirmed that future meetings of the Committee had been scheduled for Tuesday 24 September 2013, Tuesday 10 December 2013 and Tuesday 4 March 2014 all commencing at 4.30pm.

The meeting closed at 5.50pm