

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Wednesday 19 February 2014 at 4.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meetings of Council held on 12 November 2013 and 22 January 2014 to be approved and signed as correct records – **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. Chairman's Announcements

6. Fees and Charges 2014/15

To consider Report No. WSC 31/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to propose levels of fees and charges for the period 1 April 2014 to 31 March 2015 (in some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).

7. 2015/16 Council Tax Rebate Scheme Consultation

To consider Report No. WSC 5/14, to be presented by Councillor D J Westcott, Lead Member for Community and Customer – **SEE ATTACHED.**

The purpose of the report is to inform Council of the options modelled to incentivise work and encourage people to remain in employment, and seek

their decision with regards to which should be used as a basis of consultation with the public.

8. Revision of Discretionary Housing Payments and Additional Council Tax Rebate Policies

To consider Report No. WSC 26/14, 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 revise the policy for awards of Discretionary Housing Payments and Additional Council Tax Rebate.

9. West Somerset Council Employee Code of Conduct

To consider Report No. WSC 22/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is to enable the Council to endorse proposed enhancements to the existing Employee's Code of Conduct for West Somerset Council staff.

10. Review of the Policy and Procedure for Confidential Reporting of Concerns ("Whistleblowing")

To consider Report No. WSC 21/14, to be presented by Councillor K V Kravis, Lead Member for Resources and Central Support – **SEE ATTACHED.**

The purpose of the report is for Council to approve the changes to the Whistleblowing Policy.

11. Appointment of Deputy Monitoring Officers

In accordance with Section 5 of the Local Government and Housing Act 1989 the authority is required to appoint a Deputy Monitoring Officer(s)

At its meeting held on 15th November 2011 Ian Timms, Group Manager for Housing and Community was appointed to this role. Given the new joint management arrangements it is recommended that Roy Pinney, the Legal Services Manager, and Richard Bryant, the Democratic Services Manager be appointed as Deputy Monitoring Officers with immediate effect. For clarity, the Deputy Monitoring Officer role is outside the supply of legal advice which is currently provided by Mendip District Council.

12. Dulverton Car Parks – Management Arrangements

To consider Report No. WSC 20/14, to be presented by Councillor K M Mills, Lead Member for Regeneration and Economic Growth - **SEE ATTACHED.**

The purpose of the report is to seek Member approval of the proposed arrangements that would enable Dulverton Town Council to manage and to operate three car parks in Dulverton owned by West Somerset Council

13. **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 Watchet, Williton and Quantocks Area Panel held on 3 December 2013
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Watchet,-Williton-and-Quantock-Area-Panel/Watchet,-Williton---Quantocks-Area-Panel---10-Dece.aspx>
- Draft notes of the Minehead Area Panel held on 11 December 2013
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Minehead-Area-Panel/Minehead-Area-Panel---11-December-2013.aspx>
- Draft notes of the Exmoor Area Panel held on 23 January 2014
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Exmoor-Area-Panel/Exmoor-Area-Panel---23-January-2014.aspx>
- Draft notes of the Dunster Area Panel held on 27 January 2014
<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Dunster-Area-Panel/Dunster-Area-Panel---27-January-2014.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

Likelihood	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
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
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 Special Meeting held on 12 November 2013 at 2.00 pm****in the Council Chamber, Williton****Present:**

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

Councillor A M Chick	Councillor M J Chilcott
Councillor H J W Davies	Councillor M O A Dewdney
Councillor J Freeman	Councillor S Y Goss
Councillor P N Grierson	Councillor A P Hadley
Councillor B Heywood	Councillor K V Kravis
Councillor R P Lillis	Councillor E May
Councillor I R Melhuish	Councillor K M Mills
Councillor C Morgan	Councillor P H Murphy
Councillor S J Pugsley	Councillor D D Ross
Councillor K J Ross	Councillor D J Sanders
Councillor L W Smith	Councillor M A Smith
Councillor T Taylor	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor D J Westcott

Officers in Attendance:

Chief Executive (P James)
Interim Executive Director (A Dyer)
Monitoring Officer (B Lang)
Deputy Monitoring Officer (I Timms)
Section 151 Officer (S Campbell)
Performance and Efficiencies Manager (K Batchelor)
HR Consultant (M Griffin)
Unison, Branch Chair (K Penfold)
Unison, Joint Branch Secretary (L Sully)
Unison, Joint Branch Secretary (J Mote)
Administrative Support (H Dobson)

Also in Attendance:

Andrew Coleman, Local Partnerships
Councillor J Williams, Leader for Taunton Deane Borough Council
Shirlene Adam, Project Manager, Taunton Deane Borough Council
Debbie Rundle, Communications Officer, Taunton Deane Borough Council
Stephen Edmonds, Finance Co-ordinator, Somerset County Council

Prior to the start of the meeting and at the invitation of the Chairman, Councillor R P Lillis informed that West Somerset had been awarded an important trophy for Best Community Policing for the whole of West Somerset. The reduction in crime rate had risen from 19% to 95%. He requested that the Council acknowledge the award.

In response the Chairman replied that the Council was pleased to be informed of the valiant efforts made to achieve such a distinction.

C75 Apologies for Absence

No apologies for absence were received.

C76 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:

Name	Minute No.	Member of	Action Taken
Cllr H J W Davies	All	County	Spoke and voted
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 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:

Name	Minute No.	Description of Interest	Personal or Prejudicial	Action Taken
Cllr K Ross	C78	Colleague Director of Local Partnerships	Personal	Spoke and voted

C77 Public Participation

No members of the public had requested to speak on any item on the agenda.

C78 Joint Management & Shared Services Business Case

(Joint Management and Shared Services Business Case, circulated with the Agenda).

The purpose of the report was to present the Business Case for Joint Management and Shared Services for West Somerset Council and Taunton Deane Borough Council.

The Leader presented the report in which considerable thought and effort had been invested. In his opinion, the Business Case set out the best way forward for the residents of West Somerset in providing services and greater resilience and capacity. West Somerset Council (WSC) was supportive of other partners and sharing with other councils in order to generate further savings. The Business Case 'stacks up' a view shared by the Local Partnerships Assurance Review team. The Council's Medium Term Financial Plan predicts clearly that in 2014/15 and 2015/16, £600,000 of savings will need to be made. Therefore, it was important that the Council take action. Without the savings generated by working with Taunton Deane Borough Council WSC would not be viable and would have to make major cuts and it would be doubtful as to whether those cuts could be implemented. He believed the Council had no alternative and that it would be positive to implement the Business Case with Taunton Deane Borough Council.

The Project Manager advised that the decision before Members was so important she believed it necessary again to present the main points of the Business Case. She advised that feedback and comments from staff had been included. Mendip District Council had gained Cabinet approval to engage with West Somerset and Taunton Deane Borough Councils to look at sharing services. Also, in response to a recent expression of interest, the Leaders had requested of Sedgemoor District Council to also obtain a mandate to fully explore joint management and sharing of services with West Somerset and Taunton Deane, but to date that had not yet been received.

The Local Partnerships representative advised that the review team had first-hand direct experience of shared services. The team spent a lot of time looking at the financial underpinnings and they 'stack up' and were achievable and should be regarded as a minimum. The cost/savings sharing formulae had been discussed in great detail were felt to be fair to both parties. Regarding the qualitative aspects and how to ensure shared management arrangements work would require a mutual understanding at leader level and officer level and importantly member involvement. It might be possible to achieve the savings quicker and he believed they could be greater.

Further, he advised that the only three-way shared arrangement in the country was in London and operated under two Chief Executives. It was a much more complex arrangement to put in place. He believed that if members should approve the Business Case, the Council will then be in a stronger position to go forward.

The Leader proposed the recommendations of the report which were duly seconded by Councillor E May.

During the course of the debate Members expressed a great deal of support for the Business Case and made the following comments:

- This was an historic decision and must be made with great care

- Much concern regarding the loss of jobs
- The Council will have greater resilience and critical mass
- The community of West Somerset would benefit
- Support for the officers as the Business Case was progressed
- Appreciation of the member drop-in sessions
- That the process was undertaken slowly and carefully
- Concern that West Somerset Council would not see major financial savings and that the savings had been based on assumptions
- Concern regarding redundancy terms and conditions, costs to TUPE staff and job evaluation
- Concern that the scope of the project did not consider alternative working such as outsourcing, commissioning etc. or allow the council to debate such alternatives.

In response to a question the Unison Branch Chair confirmed that they were in agreement with the procedure undertaken so far.

In response to concerns that sufficient savings may not have been made by the pay-back period the Project Manager and Section 151 Officer confirmed that on consideration of the information before them they were satisfied that the costs were as good an estimate as can be given at this time.

Further, the Project Manager confirmed that all staff would be in place within the shared service structure by 31 March 2015 and some services would have already started to transform by then when demands on staff and commissioning of services will be considered.

RESOLVED (1) that on the basis of the potential savings contained within the Business Case, the two Councils support the implementation, of the Joint Management and Shared Services arrangements delivering a single officer structure providing a shared workforce to support the two councils of Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC);

RESOLVED (2) that Officers be authorised to implement the proposals in accordance with the financial targets and timeline as set out within the Business Case, with the financial targets to be included in the Council's budgets for 2014/15 and Medium Term Financial Plans for later years;

RESOLVED (3) that consideration be given to establish new governance arrangements to safely manage the implementation phase of the Business Case; such arrangements to include a framework to support the proposed Service Transformation Phase (see separate report from Monitoring Officers on this agenda – Inter Authority Agreement);

RESOLVED (4) that the shared workforce arrangements are progressed under the host employer model, with TDBC as the host employer, with the detailed planning being overseen by the proposed new governance

arrangements referred to in 3 above together with appropriate consultation undertaken with staff and UNISON;

RESOLVED (5) that a common set of employment terms and conditions are developed for approval by both Councils in consultation and negotiation with UNISON;

RESOLVED (6) that the Transition (one-off) costs of £714,000 payable by WSC are funded by :-

- A transfer of £358k from the Sustainability Earmarked Reserve; plus
- By using unallocated Capital Receipts of £356k.

At the invitation of the Chairman the Leader for Taunton Deane Borough Council informed that he was impressed with the quality of debate and the contributions made. The Business case was sound, viable and sustainable for both Councils going forward.

The Chairman congratulated those members of staff who had been involved in producing the Business Case.

C79 Proposed Governance Arrangements – Inter Authority Agreement

(Taunton Deane Borough Council and West Somerset Council Proposed Governance Arrangements – Inter Authority Agreement, circulated with the Agenda).

The purpose of the report was to outline the proposed inter authority agreement setting out the governance arrangements to be put in place in the event of the Taunton Deane Borough and West Somerset Councils agreeing to approve the Business Case for Joint Management and Shared Services.

The Monitoring Officer presented the report and advised that both councils would retain their democratic structures and processes. In recognition of the vital role that the Joint Members Advisory Panel (JMAP) has provided to date it was proposed that a Joint Partnership Advisory Group (JPAG) be established comprising the two leaders of the councils who would be key in taking the process forward together with four other members from each council. It was not necessary for the JPAG to be politically proportional. Further, that there would be opportunity to set up member working groups who could be drawn from any of the other members from across the two councils.

The Leader proposed the recommendations of the report which were duly seconded by Councillor K Kravis.

RESOLVED (1) that subject to both Councils agreeing to approve the Business Case for Joint Management and Shared Services, the Inter Authority Agreement - attached as Appendix A to this report - be adopted by both authorities to provide the governance framework for implementing the joint arrangements between the Taunton Deane Borough and West Somerset Councils;

RESOLVED (2) that it be delegated to the Monitoring Officer, in consultation with the Leaders of the two political Groups to agree the four nominations to represent West Somerset Council, along with the Leader, to serve on the Joint Partnership Advisory Group.

C80 **Creating a Shared Workforce**

(Creating a Shared Workforce and Transition Redundancy Policy, circulated with the Agenda).

The purpose of the report was to outline the proposals for the creation of a shared workforce for the West Somerset Council and Taunton Deane Borough Council.

The Leader introduced the report and the HR Consultant set out the proposals which had been developed following comments from the Assurance Review and in consultation with the Unison Branches in West Somerset and Taunton Deane. He thanked the Unison representatives and Regional Officer who had experience with joined shared services, for all their work.

The Leader thanked the HR Consultant for his work undertaken for both councils and proposed the recommendations of the report which were duly seconded by Councillor D Ross.

RESOLVED (1) that Council note the negotiated overarching Collective Agreement with UNISON which is set out as Appendix A to the report and attached to the Agenda;

RESOLVED (2) that Council approve the Redundancy and Redeployment (transition) Policy as set out in Appendix 3 of the Collective Agreement;

RESOLVED (3) that Council approve the process and methodology for the creation of the shared workforce and in particular;

- approve that Taunton Deane BC will be the host employer;
- approve that the Taunton Deane BC Job Evaluation Scheme will be used to assess grades of any revised or new posts;
- approve that Grade A and the first three points of Grade B of the current Taunton Deane pay structure will be deleted and that the fourth point of Grade B will be increased to £14,420 per annum to provide for the 'Living Wage'.

C81 Joint Management Structure Proposal

(Joint Management Structure Proposal for West Somerset Council and Taunton Deane Borough Council, circulated with the Agenda).

The purpose of the report was to propose the creation of a joint management team that will serve both West Somerset Council and Taunton Deane Borough Council.

The Monitoring Officer, Deputy Monitoring Officer, Project Manager and Performance and Efficiencies Manager left the Chamber for this item.

The Leader presented the report and the Chief Executive advised that as a result of feedback from the Scrutiny Committee, UNISON and individual members of staff amendments to the original report were proposed. There was an additional post of a New Nuclear Programme Manager who would report direct to the Chief Executive and on a day to day basis work with the Director of Growth and Development. She accepted that opportunity should be given to appropriate staff at both councils to express an interest in the posts originally recommended for external advertisement. She confirmed that 'slot ins' had been reviewed to make sure that they were in line with HR policies and employment law.

The Leader proposed the recommendations of the report which were seconded by Councillor A Trollope-Bellew.

Members were pleased to see the additional post of New Nuclear Programme Manager included in the Joint Management Structure and noted that once the post was appointed other skills would be observed/utilised in order to give greater flexibility of working.

RESOLVED (1) that the original Joint Management Team proposal – as amended in paragraph G.1 of the report attached to the agenda be approved;

RESOLVED (2) that the Chief Executive be authorised to implement the proposals;

RESOLVED (3) that Group Leaders nominate representatives to attend the South West Councils Recruitment and Selection training to allow them to then be available for the Member Appointments Panels;

RESOLVED (4) that the Pay Policy Statement of each Council be amended to reflect the recommendations of South West Council as set out in the report attached to the agenda;

The meeting closed at 4.35 pm.

WEST SOMERSET COUNCIL**Minutes of the Meeting held on 22 January 2014 at 4.30 pm****in the Council Chamber, Williton****Present:**

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

Councillor M J Chilcott	Councillor H J W Davies
Councillor M O A Dewdney	Councillor S Y Goss
Councillor P N Grierson	Councillor A P Hadley
Councillor B Heywood	Councillor K V Kravis
Councillor R P Lillis	Councillor E May
Councillor I R Melhuish	Councillor K M Mills
Councillor C Morgan	Councillor P H Murphy
Councillor S J Pugsley	Councillor D D Ross
Councillor K J Ross	Councillor D J Sanders
Councillor L W Smith	Councillor M A Smith
Councillor T Taylor	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor D J Westcott

Officers in Attendance:

Chief Executive (P James)
Director of Operations (S Adam)
Assistant Chief Executive (B Lang)
Section 151 Officer (S Campbell)
Assistant Director Business Development (I Timms) – Items 6 and 7
Planning Manager (A Goodchild) – Item 11
Major Projects Manager (J Holbrook) – Item 11
Community Safety Officer (P Hughes) – Item 10
Parking and Civil Contingencies Manager (J Lewis) – Item 9
Meeting Administrator (K Kowalewska)

Also in Attendance:

Steve Read, Managing Director Somerset Waste Partnership
Colin Mercer, Somerset Waste Partnership

Statement by the Leader of Council

The Leader of Council reported that two representatives from the Department for Communities and Local Government (DCLG) had visited West Somerset Council and Taunton Deane Borough Council on 15 January 2014 to get an update on progress to date concerning the new joint working arrangements for shared services and management between the two councils and to provide feedback regarding the unsuccessful Transformation Challenge Award bid. DCLG confirmed that the bid

had ticked all the boxes with regards to their expectations but acknowledged they did find the final selection process very difficult due to the overwhelming amount of bids that had been submitted. DCLG were impressed with the project's progress, despite their initial concerns that it lacked pace, and stated that the approach taken and progress made by the two councils was exemplary and agreed it was the right decision to move forward despite not receiving any funding. The Leader went on to say their visit was worthwhile and positive and was pleased to inform that the good relationship with the DCLG would continue. The Local Government Association had also offered their support.

The Leader concluded by offering his sincere thanks to the officers of West Somerset Council and Taunton Deane Borough Council for all the hard work undertaken with regards to the Joint Management and Shared Services project; and he also thanked and congratulated Members for their involvement and proactive approach as a great deal had been achieved to resolve the Council's problems for the benefit of people in West Somerset.

The Chairman of Council responded by thanking and congratulating the Leader for his significant contribution to the partnership project.

C101 Apologies for Absence

An apology for absence was received from Councillor J Freeman.

C102 Minutes

RESOLVED that, subject to amending the word "that" to "than" in the fifth line of the fifth paragraph of Minute No. C90, the Minutes of the Meeting of Council held on 20 November 2013 be approved.

C103 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:

Name	Minute No.	Member of	Action Taken
Cllr H J W Davies	All	SCC	Spoke and voted
Cllr S Y Goss	All	Stogursey	Spoke and voted
Cllr P N Grierson	All	Minehead	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 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:

Name	Minute No.	Description of Interest	Personal or Prejudicial	Action Taken
Cllr G S Dowding	C107	Landlord	Personal	Spoke and voted
Cllr P N Grierson	C107	Landlord	Personal	Spoke and voted
Cllr K V Kravis	C107	Landlord	Personal	Spoke and voted
Cllr D D Ross	C107	Landlord	Personal	Spoke and voted
Cllr T Taylor	C107	Landlord	Personal	Spoke and voted
Cllr A H Trollope-Bellew	C107	Landlord	Personal	Spoke and voted
Cllr K H Turner	C107	Landlord	Personal	Spoke and voted
Cllr D J Westcott	C107	Landlord	Personal	Spoke and voted
Cllr P H Murphy	C112	Involved in the Watchet Library Asset of Community Value bid	Personal	Spoke and voted

Upon a signed request, the Members present at the Meeting were granted a dispensation relating to a disclosable pecuniary interest in Item 13 – Arrangements for Independent Remuneration Panel and Review of West Somerset Council Members' Allowance Scheme – due to all being in receipt of allowances.

C104 Public Participation

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

C105 Chairman's Announcements

6 January 2014	Attended the opening of the new lift at the Regal Theatre, Minehead followed by the pantomime performance of Mother Goose
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Following the announcements in the Queen's New Year Honours List, congratulations were expressed to the Lord Lieutenant of Somerset, Lady Gass, who was given the Royal Victorian Order, and to Denise Sage, manager of the Porlock Visitor Centre who was awarded the British Empire Medal.

C106 Low Cost Home Ownership Scheme

(Report No. WSC 15/14, circulated with the Agenda.)

The purpose of the report was to outline to Members the proposed amendment to the Council's Low Cost Home Ownership Policy, in particular how it relates to the sale of properties at Clanville Grange in Minehead and the circumstances that have led to these proposals being made.

The Lead Member for Housing, Health and Wellbeing presented the report and advised that the reasoning behind changing the conditions attached to the properties at Clanville Grange was due to difficulties experienced by purchasers in obtaining a mortgage. Following the work carried out by the Housing Enabler and the legal advice obtained, it was realised that conditions to the Policy could be amended by swapping the Deed of Pre-emption for a Covenant and Legal Charge without obtaining consent from the Secretary of State, and this would bring the properties at Clanville into line with all other Low Cost Home Ownership schemes in the district.

The Lead Member further explained that following discussion of this item at the Cabinet meeting held on 8 January 2014 consideration was given to the sale of the properties on the open market, and he highlighted the reasons why this option was not considered financially or legally viable.

The Lead Member proposed the recommendation in the report which was seconded by Councillor E May.

In response to concerns relating to imposing a Legal Charge on the properties, the Assistant Director Business Development confirmed that the affordable housing covenant would appear on any land charge search which would mean that the properties could not be sold on the open market and permission would need to be sought from the Council.

RESOLVED that the proposed changes to the Low Cost Home Ownership Scheme as detailed in Section 5 of the report be accepted.

C107 **Somerset Strategic Housing Framework and West Somerset Action Plan**

(Report No. WSC 16/14, circulated with the Agenda.)

The purpose of the report was to outline to Members the proposed Somerset Strategic Housing Framework 2013-2016.

The Lead Member for Housing, Health and Wellbeing presented the report and went on to propose the recommendations in the report which were duly seconded by Councillor C Morgan.

RESOLVED (1) that the Somerset Strategic Housing Framework be adopted.

RESOLVED (2) that Cabinet's endorsement of the principles of the West Somerset Action Plan, which supports the Somerset Strategic Housing Framework, and which will be submitted to a future Council meeting following further consideration, be noted.

C108 Honorary Aldermen

(Report No. WSC 9/14, circulated with the Agenda.)

The purpose of the report was to provide Council with the opportunity to review the current policy for conferring the title of Honorary Aldermen on former Members, which has been in place since May 2000.

The Lead Member for Executive Support and Democracy presented the report advising that the matter had been discussed at a Corporate Policy Advisory Group where Members were mindful to revive the current practice of awarding the Honorary Aldermen title to former long serving West Somerset Council members as an acknowledgement for their service given to the authority. He reported that the title had been conferred to only four individuals in the past, the last award being made in 2002, and that it still remained Council policy.

In view of the amount of time that had elapsed formal confirmation from full Council was sought and the Lead Member proposed to continue with the existing policy, which was duly seconded by Councillor M O A Dewdney.

During the discussion of this item, the following points were raised:

- The policy was past its sell by date and unnecessary and it was inappropriate for the Council to spend money in this regard.
- The selection process for considering and nominating candidates needed to be discreet and in closed session and it was suggested that this could be debated and agreed at a meeting of the Corporate PAG where a representative group of Members was present.
- The Lead Member confirmed that the cost could be kept to a minimum.

RESOLVED that the current policy for conferring the title of Honorary Aldermen of former Members which has been in place since 17 May 2000 be continued.

C109 Somerset Waste Partnership Business Plan

(Report No. 19/14, circulated prior to the Meeting.)

The purpose of the report was to seek approval for the Draft Somerset Waste Partnership's (SWP) Business Plan (2014-19), including the draft budget.

The Lead Member for Environment – General introduced and welcomed to the meeting John Lewis, the Parking and Civil Contingencies Manager whose new responsibilities included waste, and Steve Read and Colin Mercer from the Somerset Waste Partnership, who were in attendance to provide an update on the draft Business Plan.

The Lead Member then gave a brief summary of the report highlighting the following issues:

- The Dulverton Community Recycling Centre would remain open.
- The cost to WSC of being a member of SWP was very good value for money and SWP was aware of the need for savings.
- The increase in the Council's projected budget was due to a drop in the amount of household recycling and Councillors were urged to encourage West Somerset residents to use their recycling boxes correctly and not to dispose of recyclable material in the household (black bin) refuse.
- Fly tipping had dropped by 30% since 2007/08.

The Lead Member proposed the recommendation in the report which was duly seconded by Councillor R P Lillis.

Steve Read and Colin Mercer from SWP provided Members with a general overview of what was proposed within the Business Plan, and drew attention to the following:

- A great deal of stability within the Partnership had been achieved.
- Resources would be freed up to encourage people to realise the value of recycling and trials were planned in Taunton Deane to vary the way material was collected and to enhance kerbside collection by including additional material, e.g. mixed plastic.
- Increased promotion of the food waste service would be undertaken and there would be a West Somerset focussed proposal to engage local residents to drive recycling rates, and the new anaerobic digester plant at Walpole, Bridgwater was now in full operation.
- It was hoped that, in response to public demand, the opening hours at the Minehead Recycling Centre would be increased.
- Confirmation of recent updated financial information had been received which meant that the impact on WSC's budget would be slightly more favourable than the figure reported (an increase in the projected budget of £42,000 instead of £54,000).

During the course of the discussion the main points raised included:

- Investigations should be undertaken as to what other authorities had done to obtain good recycling levels.
- The hard work of the local drivers and operatives who collected the recycling/refuse was greatly appreciated.
- National trends indicated that there was an overall reduction in recycling and it was not just confined to Somerset.
- Need to look at ways of getting the message across to the community about the importance of recycling and this could be done via parish newsletters and in schools.

- Steve Reid and his team were thanked for the useful and informative report.
- Regarding concerns about the collection of oversized cardboard, it was confirmed that this was due to the aperture and limitations of the collection vehicle and the issue was under investigation.

RESOLVED that the Somerset Waste Partnership Draft Business Plan 2014-19, including the Draft Budget at Appendix 3 to the Business Plan, be approved.

C110 Proposal to Extend Public Place Designation Orders in Minehead

(Report No. WSC 17/14, circulated with the Agenda.)

The purpose of the report was to seek approval from Council to commence the process to designate certain geographic areas in Minehead as Public Place Designation Zones in accordance with the Police and Criminal Justice Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The Lead Member for Community and Customer presented the report and proposed the recommendation in the report, with an amendment to include 'and Alcombe' (after Minehead), which was seconded by Councillor D J Sanders.

In response to a question as to why an area was being designated that had not been requested by the police, the Community Safety Officer advised that by implementing the orders in the areas requested by the police there was an anticipated danger that anti-social behaviour could disperse onto the beach area.

Members expressed support for implementing and extending the public place designation orders. It was reported that the orders had been very successful in the locations where they were currently enforced and the police were very quick to respond and disperse the situation.

RESOLVED that the commencement of the statutory processes to extend the areas in Minehead and Alcombe where public place designations apply be approved.

C111 Consultation Response to the NDA/Magnox on the Preferred Option for Storage and Treatment of ILW Waste at Hinkley Point A

(Report No. WSC 13/14, circulated with the Agenda.)

The report set out the Council's proposed response to the Nuclear Decommissioning Authority's (NDA's) current 'Stage B' consultation on their Preferred Options for Intermediate Level Waste (ILW) storage and Fuel Element Debris (FED) Treatment Facilities. The deadline for responses is 31 January 2014.

The report was comprehensively presented by the Lead Member for Environment – Hinkley who stated that the proposal to which this consultation related would add further distress to the residents of West Somerset, in particular to the parish of Stogursey and surrounding area, and because of this urged Members to fully support the recommendations of the report.

He proposed the recommendation in the report which was seconded by Councillor S Y Goss.

Concerns were raised regarding the inadequate and improper public consultation on this process; and in response to further clarification on the decision to postpone the recent SNEG meeting at what was seen to be a very crucial time, the Planning Manager reported he had received confirmation from Alan Jones at Somerset County Council that he would attempt to reconvene a meeting and a letter would be written to Councillors Morgan and Goss in this regard.

Members felt that it was very important to inform the NDA of the fact that the proposition they were putting forward was in West Somerset and that they should be made aware of how seriously it would affect the community.

RESOLVED that it be agreed, following discussion at the Council's Corporate PAG and CMT meetings, to provide a response to the consultation focussing specifically on the following issues:

- Public consultation – WSC has previously raised considerable concerns with the NDA/Magnox about the amount of time and limited scope of the consultations that have taken place within the District. Objections to the previous consultation in June 2013 and several offers for the Council to provide additional input have not been taken up or prompted substantive improvements in the engagement/consultation process.
- That WSC, in accordance with its planning guidance and given the potential effects on the tourism economy, objects to the principle of FED from Oldbury being treated and potentially stored at Hinkley Point A for an indeterminate period when there remains uncertainty regarding the role of a Geological Disposal Facility (GDF) storing ILW from the UK. It is currently unclear how the secondary products of treatment of FED from Oldbury would be considered under the proposed preferred options.
- That WSC reiterates its previous request (made in June 2013) that WSC are involved in all discussions and consulted at all stages of the development of the NDA's strategy for ILW storage options for England and Wales and proposals relating to treating FED at Magnox sites.

- WSC shares SCC concerns about the cumulative impacts of development associated with Hinkley Point, especially when factoring in the delay in development of HPC. Magnox state that (p19 of the Preferred Option paper) the additional vehicle movements at HPA would occur several years after the expected peak (around 2016) in HPC construction traffic. However, given that HPC construction has not yet begun, it can be assumed that these timeframes will change and so the adverse cumulative impacts need to be carefully assessed and mitigated to acceptable levels. In particular this will relate to detailed consideration of plans for the proposed construction of the FED treatment facility and proposed movement of FED from Oldbury.
- WSC understands the need for ILW storage at Hinkley Point, until such time as alternative treatment or disposal options become available, noting that permission has been granted by Somerset County Council for ILW storage at HPA (SCC Application Reference: 3/32/04/009). WSC supports the conclusion that this on-site storage facility should not store any waste imported from other sites, aligning with a condition placed on previous planning decision by SCC (linked with extant permission 3/32/04/009), which states that: "*There shall be no radioactive waste imported from outside Hinkley 'A' site; and only the waste (currently classed as Intermediate Level radioactive waste) that is in situ within the Hinkley 'A' site shall be stored on site*". In 2012 agreement was reached between the applicant and SCC to vary conditions of the extant permission at HPA (SCC Application Reference: 3/32/12/030) linked with the design of the building. The condition relating to the importation of ILW waste remained unchanged. As the ILW store project moves forward, it is important to ensure clarity in communication on the relationship between the store and the evolving GDF process, not least to ensure the host community of the ILW store is aware that the local storage of ILW does not in effect become permanent.

The NDA/Magnox consultation would close on 31 January 2014 and a response would be submitted online.

C112 Localism Act 2011 – Review of Community Right to Challenge and Assets of Community Value

(Report No. WSC 1/14, circulated with the Agenda.)

The purpose of the report was to enable the Council to review the processes set up in relation to the Community Right to Challenge and Bid relating to Assets of Community Value that were bought into force arising out of the Localism Act 2011.

The Lead Member for Community and Customer presented the report and gave details on the background information relating to the two different processes. He proposed the recommendations in the report, and that an amendment to the second recommendation be made to include "and taking into account the new joint management structure", which were duly seconded by Councillor M O A Dewdney.

It was noted that the Council element was working well, and officers and Members were thanked for their involvement and support in helping to aid a greater understanding and appreciation of processes.

A comment was made that local groups should be encouraged to apply to list community assets onto the register as it offered a measure of protection to those assets that could be seen as potentially at risk.

RESOLVED (1) that the progress and experience to date in relation to community right to challenge and bids relating to assets of community value be noted.

RESOLVED (2) that the continuation of the processes currently in place be supported with officers being authorised to implement any further refinements in the light of experience and taking into account the new joint management structure .

C113 Arrangements for Independent Remuneration Panel and Review of West Somerset Council Members' Allowance Scheme

(Report No. WSC 7/14, circulated with the Agenda.)

The purpose of the report was to enable the Council to agree an approach in regard to reviewing the current West Somerset Council Members' Allowance Scheme and to agree to extend the appointment of the existing West Somerset Council member on the Joint Independent Remuneration Panel.

The Leader of Council presented the item and was of the opinion that it would be irresponsible and inappropriate to raise Members' allowances in the current climate of economic hardship. The Leader proposed to include an additional recommendation and explained that following a recent meeting of the Monitoring Officers it was agreed to ask Somerset County Council and WSC whether they would agree in principle to invite the other Somerset district councils to join the Joint Independent Remuneration Panel.

He proposed the recommendations in the report, subject to the inclusion of a further recommendation to read "that Council agree in principle the further expansion of the Panel to include other Somerset district councils and to invite statements of intent to join from the district councils by the end of March 2014". These were duly seconded by Councillor K J Ross.

The point was made that although mindful of the current economic circumstances the Independent Panel should take into consideration, when reviewing the allowances after the next election, the under-represented groups and whether they would be disenfranchised by a low allowance.

In response to a question as to what would be the benefits of every local authority joining the Panel to discuss allowances, the Assistant Chief Executive explained that this would help to streamline the process over the six councils. He further explained that currently the panels looked at very similar issues and by operating with just the one there would be less recruitment of independent members for the panels and less officer capacity needed, a more focussed level of expertise, and would achieve more consistent outcomes. He confirmed that the Panel would remain independent from any one council and would report back to each council separately.

RESOLVED (1) that in the light of the views received from the Independent Remuneration Panel for Somerset County Council and West Somerset Council:

- (a) the West Somerset Council Members' Allowance Scheme be frozen for the 2014/15 financial year and until the Panel meets after the 2015 election and brings recommendations to full Council;
- (b) the current arrangements in respect of allowances paid to the Chairman and Vice-Chairman of Council should also continue to be frozen in line with the time frame in (a) above;
- (c) a fundamental review of the existing Members' Allowance Scheme is undertaken by the Panel in late 2014/early 2015 to re-establish key principles using benchmarking information to enable a principles report coming to full Council in early 2015 before the May election; such scheme to include the payment of any additional allowances as considered appropriate to the posts of Chairman and Vice-Chairman of Council; and
- (d) the West Somerset Council Members' Allowance Scheme is then reviewed in June 2015 to take account of the district council election outcomes for consideration and adoption at full Council in July 2015 being backdated as necessary.

RESOLVED (2) that Robert Govier the existing West Somerset representative on the Joint Independent Remuneration Panel for Somerset County Council and West Somerset Council be reappointed for a further period of three years with effect from 13 December 2013.

RESOLVED (3) that the further expansion of the Panel to include other Somerset district councils be agreed in principle and to invite statements of intent to join from the district councils by the end of March 2014.

C114 Review of Financial Regulations

(Report No. WSC 14/14, circulated with the Agenda.)

The purpose of the report was for Council to approve the changes to the Financial Regulations.

The Lead Member for Resources and Central Support presented the item and proposed the recommendation in the report which was duly seconded by Councillor E May.

A request was made that urgent consideration be given to reviewing the project management training given to Councillors involved in the management of projects.

RESOLVED that the changes to the Financial Regulations, attached at Appendix A to the report, be approved.

C115 Treasury Management Update – 30 September 2013

(Report No. WSC 18/14, circulated with the Agenda.)

The Lead Member for Resources and Central Support presented the report and drew Members' attention to the Section 151 comments which reported that performance to date was more favourable than anticipated.

The Lead Member then proposed the recommendation in the report which was seconded by Councillor D D Ross.

During the discussion it was pointed out that the Treasury Management update report was a useful concise document and provided a good overview of the Council's position.

RESOLVED that the Treasury Management position as at 30 September 2013 be noted.

C116 Minutes and Notes for Information

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

RESOLVED that the draft notes of the Exmoor Area Panel held on 7 November 2013 be noted.

The meeting closed at 7.10 pm.

Report Number: WSC 31/14
Presented by: Cllr Kate Kravis
Author of the Report: Sharon Campbell
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Report to a Meeting of: Council
To be Held on: 19th February 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 18/1/2013

FEES & CHARGES 2014/15

1. PURPOSE OF REPORT

- 1.1 To propose levels of fees and charges for the period 1 April 2014 to 31 March 2015 (in some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Whilst there is no direct contribution to the delivery of corporate priorities the recommendations in the report are aimed at ensuring full costs of service delivery are recovered where allowed.

3. RECOMMENDATIONS

- 3.1 The following fees are unchanged:

- Hackney Carriage/Private Hire Licences
- Private Water Supplies
- Acupuncture/Tattooing/Skin Piercing/Semi-Permanent Skin-Colouring Licences
- Land Search Fees
- Animal welfare Licences
- Street Trading Licences
- Environmental Health Charges
- Housing Inspections for Immigration Purposes
- Gambling Licences
- Car Park Fees
- Court Summons and Liability Orders for Council Tax and NNDR
- Building Control Charges

- 3.2 The following changes are made:

- New charges implemented for Scrap Metal Dealers Licencing
- Harbour Mooring Fees increase in line with inflation

- Green Waste Charges increase from £45 per year to £46.50 per year
- Pre-Planning Advice, VAT to be added to the fees

3.3 A full review of the Fees and Charges Policy is completed by the end of October 2014

4. **RISK ASSESSMENT (IF APPLICABLE)**

Risk Matrix

Description	Likelihood	Impact	Overall
Fees as set are open to challenge as the basis of charge is not defined <i>Fees are set in accordance with the Council approved policy</i>	2 Possible	3 Major	6 High
The council fails to deliver the Medium-Term Financial Plan <i>Fees are set in accordance with the Council approved policy</i>	2 Possible	3 Major	6 High

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**

Council (24th July 2010) approved a Fees and Charges Policy, which governs the setting of all fees and charges by the council for a 3 year period. Fee-setting requires a framework (as identified in the policy) to ensure that reasonable information is taken into consideration when agreeing the level of charges, concessions and acceptability of charges to service users. The policy will be reviewed in 2014 by the new shared management team.

Attached at **Appendix A** is a summary of the sources of fee income generated by the council. In accordance with the policy, this summary shows the considerations applied to each type of fee, notably if it is –

- a statutory fee that the council cannot control
- a discretionary fee that is levied to influence behaviour or recover service costs, or
- a reasonable charge designed to help discharge a council's responsibility.

Appendix A also considers other aspects of the fees policy –

- concessions for some service users
- ability to generate surpluses to fund service maintenance or growth, and
- the need to consult with service users over price amendments.

Attached at **Appendix B** is a summary of all fees, current levels and proposed increases.

The following is a summary of the proposals for fee **changes** in 2014/15. **Other fees are not being amended in this report but may be amended later (subject to approval).**

Charging Area	2013/14 Arrangements	2014/15 Proposals
Harbour Fees	Various	Increased by 2.7% RPI and rounded to the nearest 50p
Scrap Metal Dealers Licence	New requirement	As at appendix B
Pre-planning advice	Various but published fees did not say they excluded VAT	Fees to explicitly state that they do not include VAT
Green waste – annual	£45	£46.50

5.1 NOTES ON PARTICULAR FEES

Harbour Fees

To be increased in line with RPI – 2.7% and rounded to the nearest 50p. These charges include VAT as it would be difficult to change these in year if VAT changed (the charges have to be displayed at the Harbours).

Scrap Metal Dealers Licence

This is a new requirement, the fees have been calculated in conjunction with Taunton Deane Borough Council to ensure that they cover the cost of the service.

The SMDA came into force on 1 October 2013 and local authorities are required to set their own fee as part of the legislation. The legislation covers both site and mobile operators collectors working in the district. The fee of £755.00 has been informally agreed by the chair of licensing committee, the portfolio holder for licensing and Ian Timms, Group Manager, Housing Welfare and Economy. The fee for renewal of licence is calculated as £744 and a variation of licence at £50.

Pre-planning Advice

The fees for pre-application charging in relation to planning applications have been amended following a formal review by both Scrutiny Committee and Cabinet. The charging scheme has been simplified for smaller scale applications and now includes an automatic site visit for all proposals. VAT will be added to the fees at the current rate. Some other minor changes to the scheme have been included following recommendations from Scrutiny which were agreed by Cabinet.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1. Fees and charges that the council generates contribute to the overall costs of running the organisation, and help to maintain low tax rises.

7. SECTION 151 OFFICER COMMENTS

- 7.1. The fees are set according to the policy approved by Council in July 2010. That policy is designed to last a number of years to assist officers and members in approving future fee changes. The framework identified by the policy ensures that decisions are made in the light of all information available, to ensure that councillors can be satisfied and stand by their decisions. The policy will be reviewed in 2014 by the new shared management team.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 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. Work with Minehead harbour users is ongoing with the intention of making services cost neutral by April 2015.

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. Building Control fees and Water Sampling charges are set in accordance with relevant guidance.

West Somerset Council Fees and Charges Strategy

Appendix A (1)

The Council is committed to moving towards a sustainable medium-term financial plan, whilst not making services unaffordable to households on limited incomes. In order to ensure fees and charges are being used effectively, the council will ensure its overall charging policy links with its corporate aims and objectives.

This document sets out an overall policy framework to support and guide a practical approach to fees and charges that is consistent with the council's corporate plan.

Use of powers to charge

It is vital that the council looks at all opportunities for reducing costs and increasing income. The Medium Term Financial Plan shows that based on current estimates, savings are required in the medium term.

Councils do not always make the most effective use of their charging powers. In its 2008 study 'Positively Charged', the Audit Commission identified that: -

- Only one in five councils believed they were using charging to its full potential
- Powers introduced in 2003 to charge for discretionary have remained largely unused by councils
- Nearly half of all councils have no agreed policy to guide their decisions on the use of charges
- Decisions on levels of charging are most often driven by corporate income targets, historic charges and by levels in neighbouring councils rather than knowledge of the likely impact on use of services

They recommended that: -

- Councils need to understand better the likely impact of charges on users, and on patterns of service use, and
- they need to communicate better about the purpose of charging, and be accountable for their charging decisions

Ability to Charge

Charges do more than just raise income. They have a role to play in the achievement of council objectives; controlling access; funding investment; responding to competition; and influencing public behaviour.

Charges should be reviewed annually as part of the setting of the revenue budget, but considered in the context of this strategy.

The basis of the powers that councils have to raise income from charging for services is historic, varied and complex. Broadly they fall into three headings;

Statutory Fees

This includes services such as planning fees, liquor and entertainment licences, where the maximum permissible fee is prescribed in legislation. In many cases there is scope to provide discretionary services over and above

the statutory service with the introduction of a supplementary charge, for example: -

- pre-application planning advice
- pre-application building control advice

Reasonable charges

Services that the council has a duty to provide and can make a 'reasonable' charge (for example commercial waste collection and disposal)

Discretionary Fees

Powers conferred by the Local Government Act 2003 allow best value authorities (i.e. Counties, Districts, Town and Parish Councils) to charge for discretionary services. There is a duty to ensure that, taking one year with another, the charges do not exceed the costs of provision.

The budgeted fees to be raised in 2010/11 are shown in **Appendix 1**.

Proposed framework for charging

The policy framework would apply to any service that the council has a power and discretion to provide to the community, or has a statutory duty to provide, and has discretion to set a charge.

Key principles of the framework

Recovery of cost

- Where possible, the cost of providing a discretionary service should be fully recovered through charges except where the council makes a positive decision to the contrary.
- The council could aim to maximise the potential to generate income, for example, through differential charging to tap into the value placed on the service by different users.
- Where a service is 'demand-led' and/or competes with others based on quality and cost the charge should be determined by the maximum that users are prepared to pay and take account of competitor pricing.

Concessions for certain service users

- Decisions to exempt a particular service from the full cost recovery requirement may be taken by the Council -
 - To support a particular group or group of users in support of achieving its corporate objectives
 - Where it would be impractical (e.g. public access to parks)
 - Where charging would not be cost effective
- Concessionary charges may be available in the following circumstances:
 - To users on low incomes. This will normally be defined as those in receipt of housing or council tax benefit, pension credit or working tax credit
 - Where a business case is made to support a short-term reduction in charges aimed at increasing take-up and the overall income yield for the service in the long-term.

- Where a service is subsidised as a result of a positive decision by the council, the level of subsidy will be made explicit and the decision will be subject to regular review.

Information relevant to charging

- In order to support the decision-making process behind the level of fees and charges and any service concessions, better information is needed. **Appendix 2** contains suggested areas of consideration that could help to make better decisions about the level of charges that should be set.

New charges

- As part of the process of setting new or reviewing existing charges, targets will be established, both qualitative and quantitative.
- Where considered appropriate, after consultation with the Equality Officer, an Equality Impact Assessment should be carried out in order to consider the likelihood of any disproportionate adverse impact on vulnerable groups
- When introducing new charges or making changes to existing charges, the council will have regard to the views of users and other stakeholders. There is a checklist to complete for new charges in **Appendix 3**.

Contribution to corporate priorities

- There may be circumstances where income generation is not the key driver for the way in which prices are set, for example, where the council wishes to manage demand, deter or incentivise certain behaviour, such as encouraging recycling or reducing car use. In this context, the principles of pricing should apply and in particular that any charged activities, enforcement etc. must at least recover cost.

Annual review of charges

- There will be an annual review of fees and charges by officers and elected members as part of the budget setting process. For each service, charging information will be set out in a format that demonstrates that the income stream has been developed in accordance with the principles and approach in this document. There is a checklist to complete in **Appendix 3**.

Definition of total cost

- The council defines total cost as all costs attributable to the service, including allocated overheads and costs of administration and collection.

Sources of information for this policy

- Oxford City Council Fees and Charges Strategy
- Shepway District Council Fees and Charges Strategy
- “Positively charged” – Audit Commission January 2008
- “Is there something I should know?” – Audit Commission July 2009

Appendix 1 - Sources of Fees

Income from fees and charges is a vital resource for local authorities. West Somerset Council's 2010/11 Budget includes the following income from fees and charges: -

Income Source	(Income)	Net service (surplus) / cost
Statutory Fees		
Development Control	(£170,000)	£91,274
Licensing	(£102,800)	(£47,910)
Environmental Health	(£17,450)	£153,810
Reasonable Charges		
Council Tax court costs	(£40,000)	£205,937
NDR court costs	(£4,500)	(£16,990)
Credit Card Charges	(£1,500)	NIL
Public Conveniences	(£42,800)	£195,706
Harbours	(£8,500)	£46,252
Open Spaces	(£15,750)	£380,305
Discretionary Fees		
Building Control	(£124,000)	£139,452
Land Charges	(£79,000)	(£20,686)
Estates & West Somerset House	(£29,270)	(£16,700)
Enterprise Centre	(£90,000)	(£78,200)
Visitors' centre	(£35,600)	£43,846
Economic Development	(£31,500)	£29,554
Parking	(£633,675)	(£339,355)
Sub-total	(£1,426,345)	£766,295
Reasonable Charges		
Waste & Recycling	(£25,000)	£1,030,174
Grand Total	(£1,451,345)	£1,796,469

In comparison, for 2010/11 budgeted Council Tax revenue is £1.951m and Government Grant is £3.300m.

Appendix 2 - Information that will help to set charges

Clarity on the objectives		
Why is this an issue?	<ul style="list-style-type: none"> • A problem within the service area that charging could influence? • A corporate target that charging could help achieve? • A desire to increase take-up or discourage use? • A need to generate income in order to maintain service levels within the service or elsewhere? 	
What are we hoping to achieve?	<ul style="list-style-type: none"> • Reduction in problems in certain service areas? • Generate economic growth? • Encourage access to services by under-represented groups? • Meet costs and raise money for related objectives? 	
What are the constraints	<ul style="list-style-type: none"> • Wider council strategic issues • Service plans • Agreed charging policy framework 	
The impact of different charging options		
Factors to consider	The data that will help	The analysis that is needed
Who is using the service and when?	Data on service use, as applicable: <ul style="list-style-type: none"> • By location • By time of day • By day of the week • Seasonal information 	<ul style="list-style-type: none"> • Use compared to target • Analysis of customers by age, gender, race, disability, socio-economic group, reasons for service use
The impact of changes to service on service use and other objectives	<ul style="list-style-type: none"> • Historical data on the impact on service use when the council made changes to other local charging levels • Impact and evaluation data from similar councils who have implemented changes 	<ul style="list-style-type: none"> • Forecasts of the likely impact of the charging options on user type and location • Analysis of the impact of changed car park charges in previous years • Forecasts of impact of changes on wider objectives

Understanding costs and income		
Factors to consider	The data that will help	The analysis that is needed
What are your current costs and income?	<ul style="list-style-type: none"> • Total costs and total income generated • Income data from similar councils 	<ul style="list-style-type: none"> • Analysis of income data to show cost and income by location / type / service level • Analysis of cost and income over time, and by location
The impact of changed charges on income	<ul style="list-style-type: none"> • Income data from similar councils who have made changes to charging levels 	<ul style="list-style-type: none"> • Forecast of the likely impact of the options on income, using forecasts for changes in car park use
Does the level of income generation / subsidy reflect local priorities?	<ul style="list-style-type: none"> • The current level of subsidies • Comparison of subsidies with similar councils, with similar community profiles 	<ul style="list-style-type: none"> • Analysis of whether income is making desired contribution to the overall income of the council • Analysis of whether any subsidies can be linked to other council priorities (for example reduced charges to promote economic growth)
Will further cost pressures be faced in the future?	<ul style="list-style-type: none"> • Data on the efficiencies that the council has planned to make 	<ul style="list-style-type: none"> • Forecast of potential future cost pressures, including changes in service, the impact of regeneration • Analysis of impact of future pressures on income
What do the public think?		
Factors to consider	The data that will help	The analysis that is needed
How acceptable are the proposals to the public?	<ul style="list-style-type: none"> • A breakdown of public views by customer group, geographical area and type of service user • Historical data on how the public reacted to other changes to charging made in previous years 	<ul style="list-style-type: none"> • Analysis of complaints, enquiries from focus groups to understand the concerns locally • Analysis of what happened after previous changes to charging levels
What impact will the proposals have on the public?	<ul style="list-style-type: none"> • Comparisons of satisfaction levels in similar councils, with similar community profiles, who made similar changes to charging levels 	<ul style="list-style-type: none"> • Analysis and forecast of the impact that each option may have on public satisfaction levels. • Analysis of the views and the potential impact on other, for example local retailers

Appendix 3 – Charging Checklist

Revisions to fees and charges or introduction of new fees – toolkit

Background Information										
1.	Charge to be considered:									
2.	Is this a new charge or an amendment to existing?									
3.	Is the charge set by Statute?									
4.	Is the level of charge set by Statute?									
5.	Is the level of charge based on full cost recovery?									
6.	Present level of charges: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Service Level A</td> <td style="width: 33%;">Service Level B</td> <td style="width: 33%;">Service Level C</td> </tr> <tr> <td>Service Level D</td> <td>Service Level E</td> <td>Service Level F</td> </tr> <tr> <td>Service Level G</td> <td>Service Level H</td> <td>Service Level I</td> </tr> </table>	Service Level A	Service Level B	Service Level C	Service Level D	Service Level E	Service Level F	Service Level G	Service Level H	Service Level I
Service Level A	Service Level B	Service Level C								
Service Level D	Service Level E	Service Level F								
Service Level G	Service Level H	Service Level I								
The impact of different options										
7.	Who is using the service and when? (breakdown by customer group)									
8.	What impact will changed charges have on service use?									
9.	Is there evidence that there will be a disproportionate impact on some customer groups? If yes a full equality impact assessment will need to be carried out									
10.	What are the projected impacts on other council objectives?									
Costs and Income										
11.	What are the current levels of income generated?									
12.	What impact will changed charges have on income?									
13.	Does the level of income generation reflect local priorities?									
14.	Will further cost pressures be faced by the public?									
Understanding public opinion										
15.	What consultation and involvement has been carried out?									
16.	How acceptable are the proposals to the public?									
17.	What impact will the options have on the public?									

Hackney Carriage / Private Hire – NO CHANGES PROPOSED

APPENDIX B

DRIVERS		
LICENCE	CURRENT	PROPOSED
3 year	£170.00	£170.00
1 year	£ 80.00	£ 80.00
Replacement Badge	£ 15.00	£ 15.00
VEHICLES		
LICENCE	CURRENT	PROPOSED
1 year	£168.50	£168.50
Change of Vehicle	£50.00	£50.00
Transfer of Interest (Vehicle & plate)	£40.00	£40.00
Temporary Plate (£25 deposit)	No charge	No charge
Plate for Trailer	£15.00	£15.00
Replacement Plate	£15.00	£15.00
PRIVATE HIRE OPERATOR		
LICENCE	CURRENT	PROPOSED
3 year	£150.00	£150.00
1 year	£70.00	£70.00

West Somerset Council PWS Charges – NO CHANGES PROPOSED

Activity	Max Charge	WSC Charge	Notes
Risk Assessment	£500	Hourly rate x time plus mileage Typically £117	Based on time to carry out the risk assessment and sampling combined. It includes time to report, including advice, maintenance of records and time for the preparation of plans & drawings. Time for a simple risk assessment and sampling combined is min. 3.2 hours plus mileage costs (charge £117). Cost for analysis is additional (see below)
Sampling	£100	Hourly rate x time plus mileage. Typically £54	Based on time taken to carryout the sampling visit. It includes time on site, preparation and reporting time & advice and maintenance of data. For a simple compliance visit time is 1.4 hour plus mileage (charge £54). This charge also applies to any requests for sampling. Cost for analysis is additional (see below)
Investigation	£100	Hourly rate x time plus mileage	Local authority investigation under regulation 15 in the event of a contravention, however if improvements can be secured without the need for an investigation no charge made
Authorisation	£100	Hourly rate x time	Following an application preferably in writing seeking an authorisation (under regulation 17). Costs are related to drafting legal notices and consulting with health authority and other relevant persons (where relevant)
Analysis (currently using Somerset Scientific Services)			
Under Reg. 10	£25	£25	Where supply provides <10m3 per day or, 50 people and is used for domestic purposes. Cost shown is for Conductivity, Enterococci, E.coli, pH and turbidity. Additional parameters added depending on risk.
Check Monitoring	£100	£43	Check monitoring is carried out to ensure that water compiles with minimum standards according to Schedule 2. Cost shown is for Coliforms, E.coli, Colony Counts, pH, Conductivity, Turbidity, Ammonium, Colour, Taste & Odour and any residual disinfectants. Other parameters (at cost) added depending on site visit and meeting any relevant conditions in Schedule 2
Audit Monitoring	£500	Typical price is an additional £16 (arsenic & enterococci)	This includes any additional parameters (based on risk) in addition to check monitoring (above) listed in Schedule 1. Parameters can be excluded depending on risk.

**Acupuncture/Tattooing/Electrolysis/Skin Piercing/Semi-Permanent Skin-Colouring –
NO CHANGES PROPOSED**

Registration	Current	Proposed
Initial application for premises & 1 person	£76.00	£76.00
To register for additional treatment(s) at premises already registered or on initial application	£76.00	£76.00
To register person at premises already registered (each treatment)	£76.00	£76.00

Scrap Metal Dealers Licencing – NEW CHARGES

Application Type	Charge
SMD Licence – Grant (3 year duration)	£755.00
SMD Licence – Renew (3 year duration)	£744.00
SMD Licence – Variation	£50.00

Land Search Fees – NO CHANGES PROPOSED

LOCAL LAND CHARGES	Current	Proposed
POSTAL / OVER THE COUNTER		
Whole Search	£99.00	£99.00
LLC1	£22.00	£22.00
LLC1 (Additional parcel of land)	£1.00	£1.00
CON 29R	£90.00	£90.00
Additional parcel of land	£10.00	£10.00
CON290 Printed Questions	£7.50	£7.50
Additional Enquiries	£10.00	£10.00
Enquiry on closed search	£20.00	£20.00
Speed Search	£175.00	£175.00
Personal Search	No Charge	No Charge
NLIS SEARCHES		
Whole Search	£95.00	£95.00
LLC1	£22.00	£22.00
CON 29R	£85.00	£85.00
Additional parcel of land	£10.00	£10.00

CON290 Printed Questions	£7.50	£7.50
Additional Enquiries	£10.00	£10.00
Enquiry on closed search	£20.00	£20.00
Speed Search	£170.00	£170.00

Animal Welfare – NO CHANGES PROPOSED

ANIMAL WELFARE	Current	Proposed
Pet Shop	£113.50	No changes proposed
Animal Boarding	£113.50	
Dog Breeding	£113.50	
Dangerous Wild Animals	£173.00	
Riding Establishments		
Up to 10 horses	£106.00	
11 - 25 horses	£132.00	
26 + horses	£165.00	
Zoos (Grant and Renewal)	£408.00	
Zoos - Transfer	£141.50	

Street Trading - NO CHANGES PROPOSED

STREET TRADING CONSENTS	Current	Proposed
A' Roads - Annual	£884.00	No changes proposed
A' Roads - 6 months	£458.00	
A' Roads - 3 months (minimum)	£230.00	
Other Areas - Annual 0800 - 2000 hours	£455.00	
Other Areas - Annual 0800 - 2330 hours	£911.00	
Other Areas - 6 months 0800 - 2000 hours	£247.50	
Other Areas - 6 months 0800 - 2330 hours	£495.00	
Other Areas - 3 months (minimum) 0800 - 2000 hours	£124.00	
Other Areas - 3 months (minimum) 08:00 - 2330 hours	£247.50	

(N.B. Separate consents must be obtained for Minehead or Dunster Areas)

DAILY RATES FOR ONE-OFF EVENTS (ALL AREAS) - Stalls 0900 - 2000	Current	Proposed
Up to 5m2 (50% reduction for charitable organisations)	£16.50	No changes proposed
Up to 7.5m2 (50% reduction for charitable organisations)	£22.50	
Replacement/Additional Assistant Badge Fee	£10.00	

Environmental Health - NO CHANGES PROPOSED

FOOD PREMISES - SPECIAL VISIT	Current	Proposed
First 30 minutes	£24.00	No changes proposed
Each additional 15 minutes or part thereof	£10.00	
GENERAL CHARGES		
Written response to enquiries (solicitors, radon, contaminated land etc)	£68.50	First 10 minutes free then hourly charge @ £32 per hour
Copy approvals/certificates/licences /documents/lists (where not set by statute)	£16.00	No changes proposed
H & S - documentation/response relating to accidents	£102.00	First 10 minutes free then hourly charge @ £32 per hour

Private Sector Housing - NO CHANGES PROPOSED

HOUSING INSPECTIONS		
Housing Inspections for Immigration Purposes	£63.00	No changes proposed

Gambling Licenses – NO CHANGES PROPOSED

Gambling Premises Licence - Bingo	Current	Proposed
New	£3,049.00	No changes proposed
Transfer	£1,045.50	
Variation	£1,537.50	
Re-Instatement	£1,045.50	
Annual Fee	£871.50	
Provisional Statement	£3,049.00	
New, with Provisional Statement	£523.00	

Gambling Premises Licence - Betting (Not on Course)	Current	Proposed
New	£2,614.00	No changes proposed
Transfer	£1,045.50	
Variation	£1,307.00	
Re-Instatement	£1,045.50	
Annual Fee	£523.00	
Provisional Statement	£2,614.00	
New, with Provisional Statement	£523.00	

Gambling Premises Licence - Track Betting (On Course)	Current	Proposed
New	£2,178.00	No changes proposed
Transfer	£840.00	
Variation	£1,127.50	
Re-Instatement	£820.00	
Annual Fee	£871.00	
Provisional Statement	£2,178.00	
New, With Provisional Statement	£410.00	

Gambling Premises Licence - Adult Gaming Centre (AGC)	Current	Proposed
New	£1,742.50	No changes proposed
Transfer	£1,045.50	
Variation	£871.00	
Re-Instatement	£1,045.50	
Annual Fee	£871.00	
Provisional Statement	£1,742.50	
New, With Provisional Statement	£523.00	

Gambling Premises Licence - Family Entertainment Centre (FEC)	Current	Proposed
New	£1,742.50	No changes proposed
Transfer	£820.00	
Variation	£871.00	
Re-Instatement	£820.00	
Annual Fee	£666.50	
Provisional Statement	£1,742.50	
New, With Provisional Statement	£410.00	

Temporary Use Notice (TUN)	£435.50	No changes proposed
Occasional Use Notice (OUN)	No Fee	

Additional Fees - Set by Statute	Current	Proposed
Copy Licence	£25.00	No changes proposed
Change of Circumstances	£50.00	
Copy TUNs Permit	£25.00	

Harbour Moorings and Pleasure Boats – CHANGES PROPOSED (all charges include VAT)

Mooring Fees at Watchet Harbour (per metre or part of metre - incl VAT)	Current	Proposed
Annual (Permanent Moorings only)	N/A	No changes proposed
Weekly	N/A	

Daily	N/A
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Slipway Fees at Watchet Harbour	Current	Proposed
Annual	£71.75	£73.50
Weekly	£25.50	26.00
Daily	£11.50	£12.00

Mooring Fees at Minehead Harbour (per metre or part of metre - incl VAT)	Current	Proposed
Annual (Permanent Moorings only)	£34.50	£35.50
Weekly	£7.50	£7.50
Daily	£1.80	£1.80

Slipway Fees at Minehead Harbour	Current	Proposed
Annual	£71.75	£73.50
Weekly	£25.50	£26.00
Daily	£11.50	£12.00

Visit by Pleasure Steamers at Minehead and Watchet Harbours	Current	Proposed
Per visiting day - maximum of two visits (including VAT)	£101.00 per trip	£104.00 per trip

Transfer between moorings and/or new vessel and where a Sailing Club Mooring is transferred to WSC mooring, and the annual fee has already been paid to the Sailing Club	£39.05	£39.05
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No change

Car Park Fees - NO CHANGES PROPOSED

Car Park Charges	Current				Proposed				
	up to 1 hr	1 to 2 hrs	2 to 4 hrs	4 + hrs	up to 1 hr	1 to 2 hrs	2 to 4 hrs	4 + hrs	
Dunster Park St	£0.80	£1.50	£2.50	£4.70	No Changes Proposed				
Dunster Dunster Steep	£1.50	£1.50	£2.50	£4.70					
Williton Williton	£0.80	£1.50	£2.50	£4.70					
Porlock Porlock	£0.80	£1.50	£2.50	£4.70					
Porlock Parson St	£0.80	£1.50							
Porlock Doverhay	£0.80	£1.50							
Kilve Kilve	£1.50	£1.50	£2.50	£2.50					

Watchet Swain	£0.80	£1.50	£2.50	£4.70
Watchet Market St	£0.80	£1.50	£2.50	£4.70
Watchet Anchor St	£0.80	£1.50	£2.50	£4.70
Watchet Harbour Road	£0.80	£1.50	£2.50	£4.70
Minehead Warren	£1.50	£2.60	£4.20	£5.70
Minehead Quay W	£1.50	£2.60	£4.20	£5.70
Minehead North Rd	£1.40	£2.00	£2.80	£4.70
Minehead Sea Front	£1.50	£2.60	£4.20	£5.70
Minehead Summerland	£1.00	£1.00		
Minehead Station Alexandra	£1.50	£2.60	£4.20	£5.70
Minehead Road	£0.80	£1.50	£2.50	£4.70
Minehead Clanville	£1.60	£1.60	£4.20	£4.20

	Current				Proposed			
Dulverton	1 Hr	2 Hrs	4 Hrs	10 Hrs	1 Hr	2 Hrs	4 Hrs	10 Hrs
All Car Parks	£0.70	£1.20	£2.20	£4.50	No changes proposed			
Excess Charges	£50.00 (£30.00 if paid within 7 days)				No changes proposed			

Car Park Permits		Current Charges	Proposed Charges	
Business District	12 Month	£285.00	No Changes Proposed	
Business District	6 Month	£160.00		
District	12 Month	£210.00		
District	6 Month	£120.00		
Named Permits	12 Month	£110.00		
Named Permits	6 Month	£70.00		
Weekly visitor's permit	7 days	£25.00		
1-hour residents' permit	6 Month	£25.00		
2 hour temporary	12 months	£30.00		New permit

Car Park Permits		Current Charge	Proposed Charges
Dulverton	Weekly	£15.00	No Changes Proposed
	12 Month	£75.00	
	6 Month	£40.00	
	Exchange	£3.00	

**Court Summons and Liability Orders for Council Tax and Business Rates
- NO CHANGES PROPOSED**

	Current Charges		Proposed Charges	
	Summons	Liability Order	Summons	Liability Order
Council Tax	£61.00	£14.00	£61.00	£14.00
Business Rates	£61.00	£14.00	£61.00	£14.00

Elections

Election Costs	Recharged to parishes on equitable basis
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Somerset Waste Partnership charges – CHANGES PROPOSED

		Current	Proposed
Green Waste		£45	£46.50
Bulky Waste	Up to 3 items	£38.15	£38.15
	Per item	£8.35	£8.35
	Maximum items	5	5

Building Control Charges – NO CHANGES PROPOSED

Table A – New Dwellings		
No.	Current Charge (excl VAT)	Proposed Charge (excl VAT)
1	£670.22	£670.22
2	£982.98	£982.98
3	£1,251.06	£1,251.06
4	£1,429.79	£1,429.79
5	£1,608.51	£1,608.51
6	£1,787.24	£1,787.24
7	£1,921.28	£1,921.28
8	£2,055.32	£2,055.32
9	£2,189.37	£2,189.37
10	£2,323.41	£2,323.41
11	£2,457.45	£2,457.45
12	£2,591.49	£2,591.49
13	£2,725.53	£2,725.53
14	£2,859.57	£2,859.57
15	£2,993.61	£2,993.61
16	£3,127.66	£3,127.66
17	£3,261.70	£3,261.70
18	£3,395.74	£3,395.74
19	£3,529.79	£3,529.79

Notes for Table A

1. For 20 or more dwellings or if the floor area of any dwelling exceeds 300m² the charge is individually determined

2. The Building Notice Charge is the sum of the plan charge and inspection charge + 25%

3. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.

Schedule B – Domestic Works		
Type of Work	Current Charge (Excluding Vat)	Proposed Charge (Excluding Vat)
Single storey Extension <10m ² (*)	£312.76	£312.76
Single storey Extension 10m ² - 40m ² (*)	£428.94	£428.94
Single storey Extension 40m ² - 80m ² (*)	£464.68	£464.68
Multi storey Extension <40m ² (*)	£491.49	£491.49
Multi storey Extension 40m ² - 120m ² (*)	£571.91	£571.91
Multi storey Extension 120m ² - 200m ² (*)	£607.66	£607.66
Loft Conversion >40m ² (*)	£402.13	£402.13
Loft Conversion 40m ² - 100m ² (*)	£428.94	£428.94
Garage/carport <100m ²	£268.09	£268.09
Garage conversion	£245.74	£245.74
Partial glazing (up to 6 windows)	£67.02	£67.02
Total glazing (up to 20 windows)	£134.04	£134.04
Electrical installation	£160.85	£160.85
Renovation of thermal elements, such as wall, floor or roof for work up to £20,000	£160.85	£160.85

(*) The Building Notice Charge is the sum of the plan charge and inspection charge + 10%

Notes for Table B:

1. Where part of an extension is single storey and part is two-storey the charge for a two-storey extension will be applied.
2. Where a first floor extension is constructed over an existing single storey structure the charge applied is that for a single storey extension of the same floor area.
3. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.
4. For domestic work up to £75,000 (but not covered in Table B) refer to Table C

Table C – Domestic work not fall within the above categories		
Estimated Cost £	Current Charge (excluding VAT)	Proposed Charge (excluding VAT)
Up to 2,000	£134.04	£134.04
2,001 – 5,000	£178.72	£178.72
5,001 – 10,000 (*)	£268.09	£268.09
10,001 – 15,000 (*)	£335.11	£335.11
15,001 – 20,000 (*)	£402.13	£402.13
20,001 – 25,000 (*)	£469.15	£469.15
25,001 – 30,000 (*)	£513.83	£513.83
30,001 – 35,000 (*)	£558.51	£558.51
35,001 – 40,000 (*)	£603.19	£603.19
40,001 – 45,000 (*)	£647.87	£647.87
45,001 – 50,000 (*)	£692.55	£692.55
50,001 – 55,000 (*)	£737.24	£737.24
55,001 – 60,000 (*)	£781.91	£781.91
60,001 – 65,000 (*)	£826.59	£826.59
65,001 – 70,000 (*)	£848.94	£848.94
70,001 – 75,000 (*)	£871.28	£871.28

(*) The Building Notice Charge is the sum of the plan charge and inspection charge + 10%

Notes for Table C:

1. Charges are individually determined for the larger and /or more complex schemes where the estimated cost exceeds £75,000

2. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.

Table D – Other Works		
Estimated Cost £	Current Charge (Excluding VAT)	Proposed Charge (Excluding VAT)
Up to 2,000	£134.04	£134.04
2,001 – 5,000	£223.41	£223.41
5,001 – 10,000	£245.74	£245.74
10,001 – 15,000	£312.76	£312.76
15,001 – 20,000	£402.13	£402.13
20,001 – 25,000	£469.15	£469.15
25,001 – 30,000	£536.17	£536.17
30,001 – 35,000	£580.85	£580.85
35,001 – 40,000	£625.53	£625.53
40,001 – 45,000	£670.22	£670.22

45,001 – 50,000	£714.89	£714.89
50,001 – 55,000	£759.57	£759.57
55,001 – 60,000	£804.26	£804.26
60,001 – 65,000	£848.94	£848.94
65,001 – 70,000	£893.61	£893.61
70,001 – 75,000	£938.30	£938.30

Notes for Table D

1. Charges are individually determined for the larger and /or more complex schemes where the estimated cost exceeds £75,000
2. The Regularisation charge is the sum of the plan charge and inspection charge + 50%. Regularisation charges are not subject to VAT.
3. Building Notice applications are not appropriate for non-domestic work.

Pre-Planning Advice – NEW CHARGES PROPOSED

Nature of Proposal	Written Response	Further Correspondence or meetings / charge per hour	Further meetings involving management team / charge per hour
Type 1 Other Development: Householder Developments	£50	£30 per hour	£50 per hour
Type 2 Other Developments: Changes of Use / Advertisements / Listed Building Works / Conservation Area Consents / Lawful Development Certificates	£100	£30 per hour	£50 per hour
Type 1 Minor Developments: 1-4 Dwellings / up to 499m ² of commercial use / sites up to 0.1Ha	£225	£40 per hour	£80 per hour
Type 2 Minor Developments: 5-9 Dwellings / 500-999m ² of commercial use / isolated homes in the countryside or rural workers dwellings / sites more than 0.1Ha but less than 2.5Ha	£400	£40 per hour	£80 per hour
Type 1 Major Developments: 10-24 Dwellings / 1000-1999m ² of commercial use / sites more than 2.5Ha but less than 5Ha	£1200	£50 per hour	£100 per hour
Type 2 Major Developments: 25-199 Dwellings / more than 2000m ² of commercial use / sites more than 5Ha but less than 10Ha	£2000	£50 per hour	£100 per hour
Type 3 Major Developments: 200 Dwellings plus / EIA Development / sites more than 10Ha	Planning Performance Agreement	Planning Performance Agreement	Planning Performance Agreement

Please Note:

- *****All prices are exclusive of VAT which will need to be added to the above charges at the current rate**
- A site visit will be carried out in advance of all pre-application advice being provided which will be in writing
- Town or Parish Councils are entitled to a 50% reduction in the respective fee
- Works to provide facilities for a disabled person are exempt from paying a pre-application advice fee
- If different elements of works on one site fall into two of the categories above only the larger of the two fees will be charged

Report Number: WSC 5/14
Presented by: Cllr Dave Westcott – Lead Member For Community
Author of the Report: Paul Lamb – Principal Benefits Officer
Contact Details:
 Tel. No. Direct Line 01984 635224
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Report to a Meeting of: Full Council
To be Held on: Wednesday 19th February 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: 10 December 2013

2015/16 COUNCIL TAX REBATE SCHEME CONSULTATION

1. PURPOSE OF REPORT

To inform Council of the options modelled to incentivise work and encourage people to remain in employment, and seek their decision with regards to which should be used as a basis of consultation with the public.

2. CONTRIBUTION TO CORPORATE PRIORITIES

2.1 There are no direct links for this report.

3. RECOMMENDATIONS

3.1 Approval to consult for the period 24th February 2014 to 23rd May 2014 on possible change to the 2015/16 Council Tax Rebate scheme.

3.2 Council advises which option(s) should be consulted with the residents of West Somerset

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Council incurs an unacceptably high-level of debt from claims in work because of people's inability to make the extra payments from the proposed scheme	5	3	15
<i>Consider options to amend the 2015/16 scheme. Agree an adopt a new scheme following consultation to reduce the risk</i>	4	3	12

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 At the meeting of Council on the 20th November, 2013, members expressed concern that debt levels for the current Council Tax Rebate (CTR) claimants who were in work were significantly higher than all other profiles.
- 5.2 There are many contributory factors to this higher level of debt. These include seasonal work, low pay levels, high travel costs etc.
- 5.3 Members requested that *“further work would be undertaken in the coming year to see if any adjustments would need to be made to the Scheme for 2015/16”*.
- 5.4 If any changes were to be made then these could be consulted on with residents when the council tax bills are issued for 2014 / 15.
- 5.5 Members agree that it would be important to ensure that the scheme aims to incentivise work and encourage people to remain in employment. It was suggested that this should be used as one of the principles in carrying out the review.
- 5.6 There are two elements the Authority can change to help working claims. They are earnings disregards, and tapers. These are explained in paragraphs 5.7 to 5.13 below
- 5.7 Earnings disregards

This is an amount of money that is deducted from the claimant or partner's earnings when we calculate entitlement to Council Tax Rebate.

Our scheme currently allows the following earnings disregards:

- Single Person £10 per week
- Couple £20 per week
- Lone parent £37.50 per week
- Disabled or long-term sick £30 per week

The highest disregard that applies is deducted once only from the total earnings of the claimant and partner. So if the claimant has more than one job, or if the claimant and partner both work, the disregard is made to the combined earnings.

5.8 - Example of single claimant in work:

Weekly Gross pay	£130.00
Income tax	-£12.50
National Insurance	-£7.50
Net pay	£110.00
Earnings disregard	-£10.00
Earnings used to calculate CTR	<u>£100.00</u>

5.9 Increasing earnings disregards will reduce the amount of the claimant's income that we take into consideration and therefore increase entitlement.

5.10 Tapers

Entitlement to Council Tax Rebate is assessed by comparing a claimant's actual income to the money they are allowed to cover their living expenses (called their "applicable amount"). These figures are set by the Department for Work and Pensions

If their income is less than their applicable amount they qualify for maximum eligible rebate. For working age claims this is 85% of their council tax liability less any non dependant deductions. For pension age claims it is 100% of their council tax liability less any non dependant deductions.

If the claimant's income is more than their applicable amount, the difference is called "excess income". The claimant qualifies for maximum eligible rebate (detailed above) less a percentage of their excess income. The percentage is called the taper. It is currently set at 20% for all claims.

5.11 If we follow on from the previous example, a taper would work as follows:

Weekly Council tax liability		£20.00
Single person discount		<u>£5.00</u>
Net weekly council tax liability		£15.00
Total weekly assessable income	£100.00	
Applicable amount	£71.70	
Excess income	£28.30	
Taper (20% of £28.30)		£5.66
Weekly CTR entitlement		<u>£9.34</u>

5.12 **Reducing the taper will lessen the rate at which benefit is reduced if their actual income exceeds their applicable amount (the amount allocated for the basic living needs for the claimant and their family).**

5.13 If we were to use a 10% taper, entitlement would increase to £ 12.17 per week

Weekly Council tax liability		£20.00
Single person discount		<u>£5.00</u>
Net weekly council tax liability		£15.00
Total weekly assessable income	£100.00	
Applicable amount	£71.70	
Excess income	£28.30	
Taper (10% of £28.30)		£2.83
Weekly CTR entitlement		<u>£12.17</u>

5.14 On 5th February 2014 Cabinet Committee met and resolved:

- (1) that it be recommended to Council that the Authority consult for the period 24 February 2014 to Friday 23 May 2014 on possible change to the 2015/16 Council Tax Rebate Scheme.
- (2) that it be recommended to Council to consult on Option 5 as an alternative to the existing scheme

Members are asked to consider the following six options and to select one to form the basis of any consultation bearing in mind the information outlined above

Option 1 - £50 disregard for all, tapers unchanged

This option will increase the earnings disregard to £50 for all claims.
It will affect our working age caseload entitlement as follows:

			Pension Age - Passported	Pension Age - Non passported	Working Age Employed	Working Age Other	Totals
13/14 Annual Awards	£2,873,654.39	Number of claims	1,220	712	368	1,117	3,417
Estimated 14/15 awards	£2,921,221.24	Total weekly awards	£23,075.13	£9,992.26	£5,424.05	£16,619.74	£55,111.18
Budget	£2,941,702.00						
Estimated 14/15 remaining	£20,480.76	Total annual CTS Awards	£1,203,203.21	£521,024.99	£282,825.46	£866,600.73	£2,873,654.39
Estimated 14/15 average award	£854.91	Estimated Inflation	£10,828.83	£18,756.90	£10,181.72	£7,799.41	£47,566.85
Claims from overspend	24	Estimated 14/15 awards	£1,214,032.04	£539,781.89	£293,007.18	£874,400.14	£2,921,221.24
	Number increased	Average weekly increase	Number with no change				
Single	54	£3.66	545				
Lone parent	110	£2.23	306				
Children	110	£4.66	215				
Couple only	23	£3.84	120				
Disabled	21	£3.48	433				
Employed	259	£3.43	141				
Self employed	38	£4.13	104				

Option 2 - £40 disregard for single, £50 couple, £60 Lone parent and disabled, tapers unchanged

This will affect our working age caseload entitlement as follows:

			Pension Age - Passported	Pension Age - Non passported	Working Age Employed	Working Age Other	Totals
13/14 Annual Awards	£2,897,643.75	Number of claims	1,220	712	368	1,117	3,417
Estimated 14/15 awards	£2,945,632.18	Total weekly awards	£23,075.13	£9,992.26	£5,570.14	£16,933.72	£55,571.25
Budget	£2,941,702.00						
Estimated 14/15 remaining	-£3,930.18	Total annual CTS Awards	£1,203,203.21	£521,024.99	£290,443.01	£882,972.54	£2,897,643.75
Estimated 14/15 average award	£862.05	Estimated Inflation	£10,828.83	£18,756.90	£10,455.95	£7,946.75	£47,988.43
Claims from overspend	-5	Estimated 14/15 awards	£1,214,032.04	£539,781.89	£300,898.96	£890,919.30	£2,945,632.18
	Number increased	Average weekly increase	Number with no change				
Single	53	£3.38	546				
Lone parent	113	£3.52	303				
Children	110	£4.81	215				
Couple only	23	£4.28	120				
Disabled	21	£4.77	433				
Employed	261	£4.02	139				
Self employed	38	£4.10	104				

Option 3 - 10% taper and £50 disregard for all

This will affect our working age caseload entitlement as follows

			Pension Age - Passported	Pension Age - Non passported	Working Age Employed	Working Age Other	Totals
13/14 Annual Awards	£2,904,153.79	Number of claims	1,220	712	368	1,117	3,417
Estimated 14/15 awards	£2,952,818.62	Total weekly awards	£23,075.13	£9,992.26	£6,008.97	£16,619.74	£55,696.10
Budget	£2,941,702.00						
Estimated 14/15 remaining	£-11,116.62	Total annual CTS Awards	£1,203,203.21	£521,024.99	£313,324.86	£866,600.73	£2,904,153.79
Estimated 14/15 average award	£864.16	Estimated Inflation	£10,828.83	£18,756.90	£11,279.70	£7,799.41	£48,664.83
Claims from overspend	-13	Estimated 14/15 awards	£1,214,032.04	£539,781.89	£324,604.56	£874,400.14	£2,952,818.62
	Number increased	Average weekly increase	Number with no change				
Single	55	£4.15	544				
Lone parent	119	£4.91	297				
Children	112	£6.30	213				
Couple only	23	£4.83	120				
Disabled	21	£5.07	433				
Employed	267	£5.32	133				
Self employed	42	£4.99	100				

Option 4 - Increase earnings disregard to £40 for single people, £50 for couples and £60 for lone parents and disabled claims and reduce the taper from 20% to 10%

This will affect our working age caseload entitlement as follows

			Pension Age - Passported	Pension Age - Non passported	Working Age Employed	Working Age Other	Totals
13/14 Annual Awards	£2,923,277.70	Number of claims	1,220	712	368	1,117	3,417
Estimated 14/15 awards	£2,972,188.94	Total weekly awards	£23,075.13	£9,992.26	£6,061.74	£16,933.73	£56,062.86
Budget	£2,941,702.00						0
Estimated 14/15 remaining	-£30,486.94	Total annual CTS Awards	£1,203,203.21	£521,024.99	£316,076.44	£882,973.06	£2,923,277.70
Estimated 14/15 average award	£869.82	Estimated Inflation	£10,828.83	£18,756.90	£11,378.75	£7,946.76	£48,911.24
Claims from overspend	-35	Estimated 14/15 awards	£1,214,032.04	£539,781.89	£327,455.19	£890,919.82	£2,972,188.94
	Number increased	Average weekly increase	Number with no change				
Single	55	£3.99	544				
Lone parent	119	£5.40	297				
Children	112	£6.38	213				
Couple no children	23	£5.22	120				
Disabled	21	£5.92	433				
Employed	267	£5.57	133				
Self employed	42	£5.00	100				

Option 5 - 7.5% taper and £50 disregard for all

This will affect our working age caseload entitlement as follows

			Pension Age - Passported	Pension Age - Non passported	Working Age Employed	Working Age Other	Totals
13/14 Annual Awards	£2,926,641.96	Number of claims	1,220	712	368	1,117	3,417
Estimated 14/15 awards	£2,975,694.00	Total weekly awards	£23,075.13	£9,992.26	£6,140.25	£16,919.74	£56,127.38
Budget	£2,941,702.00						0
Estimated 14/15 remaining	-£33,992.00	Total annual CTS Awards	£1,203,203.21	£521,024.99	£320,170.18	£882,243.59	£2,926,641.96
Estimated 14/15 average award	£870.85	Estimated Inflation	£10,828.83	£18,756.90	£11,526.13	£7,940.19	£49,052.05
Claims from overspend	-39	Estimated 14/15 awards	£1,214,032.04	£539,781.89	£331,696.31	£890,183.78	£2,975,694.00
	Number increased	Average weekly increase	Number with no change				
Single	55	£4.21	544				
Lone parent	119	£5.53	297				
Children	112	£6.74	213				
Couples only	23	£5.03	120				
Disabled	21	£5.72	433				
Employed	267	£5.78	133				
Self employed	42	£5.20	100				

Option 6 - Increase earnings disregard to £40 for single people, £50 for couples and £60 for lone parents and disabled claims and reduce the taper from 20% to 7.5%

This will affect our working age caseload entitlement as follows.

			Pension Age - Passported	Pension Age - Non passported	Working Age Employed	Working Age Other	Totals
13/14 Annual Awards	£2,929,006.11	Number of claims	1,220	712	368	1,117	3,417
Estimated 14/15 awards	£2,978,123.58	Total weekly awards	£23,075.13	£9,992.26	£6,171.60	£16,933.73	£56,172.72
Budget	£2,941,702.00						0
Estimated 14/15 remaining	-£36,421.58	Total annual CTS Awards	£1,203,203.21	£521,024.99	£321,804.86	£882,973.06	£2,929,006.11
Estimated 14/15 average award	£871.56	Estimated Inflation	£10,828.83	£18,756.90	£11,584.97	£7,946.76	£49,117.46
Claims from overspend	-42	Estimated 14/15 awards	£1,214,032.04	£539,781.89	£333,389.83	£890,919.82	£2,978,123.58
	Number increased	Average weekly increase	Number with no change				
Single	55	£4.13	544				
Lone parent	119	£5.82	297				
Couples with children	112	£6.80	213				
Couples only	23	£5.41	120				
Disabled	21	£6.10	433				
Employed	267	£5.95	133				
Self employed	42	£5.21	100				

6. FINANCIAL/RESOURCE IMPLICATIONS

6.1 The financial implications for each proposal are as follows:

Caseload analysis						
	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Estimated 14/15 awards	£2,921,221.24	£2,945,632.18	£2,952,818.62	£2,972,188.94	£2,975,694.00	£2,978,123.58
Budget	£2,941,702.00	£2,941,702.00	£2,941,702.00	£2,941,702.00	£2,941,702.00	£2,941,702.00
Estimated 14/15 remaining	£20,480.76	-£3,930.18	-£11,116.62	-£30,486.94	-£33,992.00	-£36,421.58
Estimated 14/15 average award	£854.91	£862.05	£864.16	£869.82	£870.85	£871.56
Estimated 14/15 claims from overspend	24	-5	-13	-35	-39	-42

This shows the cost of the scheme increases with each option. Option one results in an estimated underspend of £20,480.76, which means the scheme could have an additional 24 claims at the average entitlement and still be cost neutral. At the other end of the scale, option six would result in an estimated overspend of £36,421.58, meaning the scheme would have to lose 42 claims of average entitlement in order to be cost neutral. Council should be aware that the above figures are a snap shot, and will vary slightly from day to day as changes of circumstance are processed

- 6.2 In January 2013, Council agreed to amend the discounts and exemptions awarded to raise a significant amount of additional council tax income and to use this money to fund the council tax localised support scheme to a more acceptable level of 85%. (Recommendation C93). The 2013/14 scheme is likely to be under budget so will not need the income generated by the council tax technical reform.
- 6.3 Options two to six are likely to be slightly over budget, and would therefore need a small part of the technical income generated by recommendation C93

Estimated Income Generated By Council Tax Technical Reform (Rec C/93)			
Discounts Awarded	Discounts Granted		Additional Income Raised
	2012 (before reforms)	2013 (after reforms)	
Empty & Unfurnished	£268,640	£44,991	£223,649
Second Homes	£142,987	£466	£142,521
Long term empty premium			£36,183
Total Additional Income			£402,353

- 6.5 A significant amount of officer time will be required to collate responses to the consultation and analyse the data. This may be an issue that requires addressing as a result of end of temporary contract, maternity leave and annual billing.
- 6.6 The cost of printing and issuing the consultation documents will be £2,010 This cost will be funded from Government grants provided

7 SECTION 151 OFFICER COMMENTS

- 7.1 I agree the scheme can be changed providing the overspend is less than the income generated by Council Tax Technical Reform.
- 7.2 The most expensive of the options, option six may produce a shortfall of £36,421.58. The estimated technical reform income for 2013/14 is £402,352.76, which will currently fund the expected shortfall.

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

- 8.1.1 Following a mid year review of the 2013/14 Council Tax Rebate Scheme and following the profiling of the level of council tax arrears, it became apparent that the level of debt for those claiming Council Tax Support was highest amongst the in-work claimants. This suggested that the design of the scheme was impacting most on this customer group.
- 8.1.2 The options presented in this paper go some way to help mitigate against this consequence and also to support the aim of encouraging people to remain in

employment and to incentivise work. A full review of the 2013/14 scheme will be undertaken at the year end and a consultation exercise will be undertaken with customers and stakeholders once a preferred model for the 2015/16 scheme has been worked up. A full impact assessment will be undertaken prior to the approval of a final scheme for 2015/16.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 Regular liaison between the police and this authority is maintained through our Community Safety Officer. At this time, no attributable impacts upon local rates of crime and disorder have been identified.

10. CONSULTATION IMPLICATIONS

- 10.1 The option(s) recommended by council will be subject to consultation with residents of West Somerset. The purpose of this report is to seek approval for consultation on possible changes to the 2015 /16 Council Tax Scheme.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 None Associated with this report

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 None Associated with this report

13. LEGAL IMPLICATIONS

- 13.1 The 2015 / 16 Council Tax Rebate Scheme must be approved by Council by 31 January 2015 or it will be forced to adopt the Government's default scheme. The default scheme is essentially old Council Tax Benefit scheme allowing a maximum 100% of liability as oppose to the 85% West Somerset scheme. The clear implication being the creation of a significant additional budget deficit

Appendix A – Summary of the impact of proposals

Impact on scheme - Employed cases only												
	Option 1		Option 2		Option 3		Option 4		Option 5		Option 6	
	Number of people with increased entitlements	Average weekly increase	Number of people with increased entitlements	Average weekly increase	Number of people with increased entitlements	Average weekly increase	Number of people with increased entitlements	Average weekly increase	Number of people with increased entitlements	Average weekly increase	Number of people with increased entitlements	Average weekly increase
Single	55	£3.66	54	£3.38	54	£4.15	56	£3.99	56	£4.21	56	£4.13
Lone parent	110	£2.23	113	£3.52	113	£4.91	119	£5.40	119	£5.53	119	£5.82
Children	110	£4.66	110	£4.81	110	£6.30	112	£6.38	112	£6.74	112	£6.80
Couple only	23	£3.84	23	£4.28	23	£4.83	23	£5.22	23	£5.03	23	£5.41
Total	298	£3.52	300	£4.03	300	£5.28	310	£5.49	310	£5.69	310	£5.84
Of which:												
Employed	260	£3.43	262	£4.02	262	£5.32	268	£5.57	268	£5.78	268	£5.95
Self employed	38	£4.13	38	£4.10	38	£4.99	42	£5.00	42	£5.20	42	£5.21
Total	298	£3.52	300	£4.03	300	£5.28	310	£5.49	310	£5.69	310	£5.84
Disabled	21	£3.48	21	£4.77	21	5.07	21	£5.92	21	5.72	21	£6.10

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Report Number: WSC 26/14
Presented by: Cllr D Westcott – Lead Member for Customer and Community
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Report to a Meeting of: Full Council
To be Held on: 19th February 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not Applicable

REVISION OF DISCRETIONARY HOUSING PAYMENTS AND ADDITIONAL COUNCIL TAX REBATE POLICIES

PURPOSE OF REPORT

- 1.1 To obtain Council's agreement to revise the policy for awards of Discretionary Housing Payments and Additional Council Tax Rebate

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 will assist in ensuring the council can help local residents and in doing so deliver our vision

RECOMMENDATIONS

- 3.1 Council agree to revise the Discretionary Housing Payments policy agreed in recommendation C123, and Additional Council Tax Rebate agreed in recommendation C122.
- 3.2 Council agree that the revision is effective from 1st April 2013
- 3.3 Council authorise officers to reassess previous applications to check for increased entitlement

4. **RISK ASSESSMENT (IF APPLICABLE)**

Risk Matrix

Description	Likelihood	Impact	Overall
West Somerset Council does not spend the full Government allocation for Discretionary Housing Payment	5	3	15
<i>Revise policies for of Discretionary Housing Payments and Additional Council Tax Rebate</i>	4	3	12

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 On 27th March 2013, Full Council agreed to implement policies for assessment of Discretionary Housing Payments and Additional Council Tax Rebate (recommendations C122 and C123). These policies enabled the Authority to assist people who require further financial assistance to meet their housing costs.
- 5.2 The Government provides a grant to West Somerset Council for awards of Discretionary Housing Payment. The Authority has the option to ‘top up’ this grant from its own funds but decided against doing so because of financial restrictions.
- 5.3 Any unspent Government contribution must be returned at the end of the financial year.
- 5.4 In January 2013 the Department for Work and Pensions issued circular S1/2013. This circular advised that West Somerset Council had been allocated a Government contribution of £68,453 for 2013/14 financial year.
- 5.5 A Discretionary Housing Payment scheme was designed within the allotted budget of the Government contribution. An equivalent policy, “Additional Council Tax Rebate” was also created to assist people with paying their council tax liability.
- 5.6 On 31st July 2013 the Council received an additional £81,850, giving a revised total of available funding of £150,303. The Authority subsequently created a sub scheme for this additional money to try and help those affected by the Single Room Subsidy Restriction. This was approved by Full Council on 18th September 2013 (C54).
- 5.7 Take up has not been as high as anticipated. Investigation has shown that people have taken measures to cover the reduction of income caused by welfare reform. This means that a DHP cannot be awarded as there is no shortfall in their income.
- 5.8 Some of the examples we have encountered include:
- People not having heating on at all. This may be detrimental to the health of the household, especially if there are children or sick people in the household.
 - People selling assets, including cars etc. In a rural area such as West Somerset, this can isolate people, and without a car (as some bus routes are only a couple of times a week), dramatically reduces people’s work opportunities.
 - People not paying utility bills or making loan / debt repayments. This does prevent an income shortfall and therefore mean DHP’s cannot be awarded, but clearly this is unsustainable as the debt will catch up with them.

- People borrowing money to cover the income shortfall. As with the example above, this is not sustainable and will catch up with people.

- 5.9 Current expenditure indicates our Discretionary Housing Payments for 2013/14 to be approximately £86,000. The Authority is keen to ensure that as much of this money as possible is provided to our community to help alleviate hardship where identified, and not returned to the Department for Work and Pensions.
- 5.10 To help alleviate hardship, Council is asked to approve revised policies for both Discretionary Housing Payments and Additional Council Tax Rebate. The proposed revised policies will keep the same principles of the originals, but make the following changes:
- officers may exceed permitted levels of allowable customer expenditure if it will help to reduce or alleviate hardship.
 - confirm that all income except Disability Living Allowance Mobility Component is taken into consideration.
 - flexibility on backdating awards.
 - clarification of lump sum awards.
- 5.11 It is proposed that any revision to these policies is backdated to 1st April 2013, enabling officers to retrospectively amend any applications already made and recalculate entitlement to Discretionary Housing Payments and / or Additional Council Tax Rebate.
- 5.12 These proposals are supported by West Somerset Advice Bureau, Magna Housing Association and Falcon Housing Association

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 A temporary welfare reform post is in place until 31st March 2014. This post will undertake the recalculation of previous applications and promote take up.
- 6.2 Any unspent Discretionary Housing Payment Government contribution must be returned

7. SECTION 151 OFFICER COMMENTS

- 7.1 The total funding available in 2013/14 is £150,300, and based on the current demand and current local policy there is a strong possibility that this amount will not be fully spent. It is important from the Council's own financial perspective that the total cost of additional flexibilities in the revised policy, if approved, is closely monitored and controlled to ensure the total costs do not exceed the available funding. The Government contribution for DHP in 2014/15 has been confirmed at £173,291, providing the opportunity to continue the proposed revised policy into next year.

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 Equalities Impact Assessment is contained in Appendix C

9. CRIME AND DISORDER IMPLICATIONS

9.1 None associated with this report.

10. CONSULTATION IMPLICATIONS

10.1 None associated with this report.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 None associated with this report.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 None associated with this report.

13. LEGAL IMPLICATIONS

13.1 None associated with this report.

APPENDIX A . DRAFT REVISED DISCRETIONARY HOUSING PAYMENTS POLICY

APPENDIX B . DRAFT REVISED ADDITIONAL COUNCIL TAX REBATE POLICY

APPENDIX C – EQUALITIES IMPACT ASSESSMENT

DISCRETIONARY HOUSING PAYMENTS POLICY – FEBRUARY 2014

Introduction

Discretionary Housing Payments (DHPs) are to be used to alleviate hardship to allow customers time to find alternative solutions to housing issues and/or shortfalls in income.

The availability of DHPs will be promoted by the Benefits Service and the Authority will do everything possible to make it easy for potential beneficiaries of DHPs to apply and will assist claimants during the process.

Background

On 2nd July 2001 the DHP scheme was introduced. It granted all local authorities power to make a discretionary award to top up the Housing Benefits and Universal Credit (HB/UC) statutory schemes. The legislation governing DHPs can be found in the Discretionary Financial Assistance Regulations 2001 (SI2001/1167) and the subsequent amendment regulations.

DHPs can cover shortfalls between eligible rental liability and payment of Housing Benefit/Universal Credit and help towards housing costs.

Housing costs can be interpreted more widely to include rent in advance, deposits or other lump sum costs associated with a housing need such as removal costs.

Consideration should also be given to the welfare changes introduced with effect from April 2013 and the subsequent increase in DHP funding.

The main features of the scheme are:

- The scheme is purely discretionary and a claimant does not have a statutory right to a payment
- Every year the Government may allocate an amount that can be paid out by each local authority in any financial year
- The administration of the scheme is for the local authority to determine
- DHP is not a payment of HB/UC, however the minimum amount of HB/UC must be in payment in the benefit week for which a DHP is awarded
- DHP should be seen as an emergency fund; it is not and should not be considered as a way around any current or future entitlement restrictions set out under HB/UC legislation
- It cannot be used to offset overpayment recovery or to cover ineligible service charges

- Any unspent Government contribution must be returned

Purpose

The purpose of this policy is to specify how West Somerset Council will operate the scheme from 1 April 2013; to indicate some of the factors that will be considered when deciding if a DHP can be made; and to provide guidance on periods of awards and repeat claims.

Each case will be treated strictly on its merits and all customers will be treated fairly and equally.

West Somerset Council is committed to working with the local voluntary sector, social landlords and other interested parties in the district to maximise entitlement to all available state benefits and this will be reflected in the administration of the DHP scheme.

Claiming a DHP

A claim for DHP must be made in writing. Anyone enquiring about a DHP (either by phone, in person or correspondence) will be asked to complete a DHP form and their case referred to a Benefits Officer.

This form will incorporate a standard income and expenditure sheet based on the common financial statement that has been designed to ensure consistency of information and evidence gathering on financial matters. The Council reserves the right to request any supporting evidence it deems to be relevant to the application. If the customer is unable or does not supply the required evidence, the Benefits Service will still consider the application and will take into account any other available factors. If the customer has no valid reason for failing to supply the required evidence, the DHP will be refused.

Conditions that must be met

This section is based on the Council's understanding of the legislative requirements as detailed in the Discretionary Financial Assistance Payments 2001 regulations.

- 1) The claimant is entitled to benefit
- 2) The payment is in respect of costs which are potentially eligible for benefit
- 3) The sum of a DHP and the benefit does not exceed the overall liability (except for lump sum awards)
- 4) A DHP is not used to plug an income gap caused by sanction or suspension to Social Security Benefits

Matters for consideration

In considering whether to make a DHP award, the customer's financial situation will be assessed.

All income, including benefits and non-dependent deduction contributions, will be taken into consideration with the exception of Disability Living Allowance Mobility Component as this income is specifically excluded from being taken into account in any financial assessment in accordance with The Social Security Contributions and Benefits Act 1992.

The income of the customer and their partner is then compared to their allowable expenditure

Where their expenses exceed the trigger points in this Policy, more information may be sought.

Some other factors that may be taken into account are:

- Is the reason for the shortfall due to welfare reform?
- The extent of the shortfall, including whether the customer has capital or disregarded income which can be used to meet it, or whether anyone else is able and willing to help meet the shortfall?
- Is there a real risk of eviction because of the shortfall, or will the landlord accept a reduced payment?
- If the customer has recently taken up the tenancy, did they make enquiries with the local authority or any other service providers about how much benefit they could be expected to get prior to signing up? Could the recently signed tenancy agreement be considered as affordable in relation to the applicant's income? Was it reasonable for the claimant to take on this liability?
- What steps has the customer taken to try to reduce their rental liability?
- What steps has the customer taken to alleviate the problem?
- Does the customer, or anyone in the household, suffer from a health problem, illness or disability, which means that their choice of housing is restricted?
- Does the customer have other debts to pay, which make meeting the shortfall more difficult?
- DHPs are not to be provided to pay off other debts. The dates the debts were incurred are relevant, particularly where arrangements were entered into when rent is being restricted. Customers are ultimately responsible for their level of debt, and the amount they can afford to pay from their income;
- If the customer has debts, have they taken advice on how to manage them effectively?

- Does the customer or anyone in the household have any unusual or unusually large expenses, which make it harder than normal for them to meet the shortfall?
- Has there been a change of circumstances, which makes it more difficult to meet the shortfall?
- Could the customer reduce other outgoings so that they can meet the shortfall?
- Is this a repeat request for a DHP? If it is, what steps has the customer taken to try to alleviate the problem since the last application?
- Is the situation short term? It is not and should not be considered as a long term way around any current or future entitlement restrictions set out under legislation.
- If the DHP application is successful, what steps does the customer plan to take during the payment period to alleviate their position in preparation for when the payment ends?

Period of award

The Benefits Service will decide the length of time for which a DHP will be awarded on the basis of the known facts and evidence supplied. The award will be reviewed at regular intervals to ensure that it is still required.

The start date of a DHP award will usually be:

- The Monday following receipt of the DHP claim, or
- The date on which entitlement to HB/UC commenced (providing the claim is received within one month of the HB/UC decision), or
- The Monday after a relevant change in circumstances giving rise to the need for the DHP

A DHP shall not be awarded for any period for which the customer has no entitlement to HB/UC.

The Benefits Service may need to revise or revoke a DHP award where the customer's circumstances have materially changed. It is the customer's responsibility to notify the Authority as soon as any change occurs. Any amendment to the claim will be effective from the date of change.

In exceptional circumstances the Benefits Service will consider a request for backdating a DHP application.

Allowable Expenditure and Trigger points

The Authority will allow expenditure for:

- Fuel and power
- Food & Non-alcoholic drinks
- Clothing and Footwear
- Household goods & services
- Health
- Transport
- Communication
- A sum for miscellaneous expenditure

The Authority will also allow the following expenditure in full, subject to appropriate evidence being provided:

- Maintenance made in respect of a child or former partner
- Rent
- Council Tax
- Water Rates
- Verified debt repayments

The Authority will base acceptable levels of expenditure on “**Office of National Statistics’ Table 3.2E Household expenditure by gross equivalised income decile group (OECD-modified scale).**” The level will be set at the 10% decile. This will be known as the “trigger point”.

The trigger point level will then be multiplied by the household factor provided by Office of National Statistics. These are:

Type of Household Member	Equivalence value
First adult	1.0
Additional adult	0.5
Child aged: 14 and over	0.5
Child aged: 0–13	0.3

For example, if the base figure is £10 per week, and the household is made up of a lone parent with a child aged six, the trigger point will be £13 (£10 x household factor of 1.3 (1 for first adult and 0.3 for child aged under 14))

These figures will be increased each year using an RPI [calculator](#). The rate used will be the September of the preceding financial year. This is in keeping with Government policy for uprating business rates, pensions, state benefits etc.

Any expenditure at or below the “trigger point” for allowable expenditure detailed in this Policy will be permitted. Any expenditure in excess of the trigger point or other areas of expenditure will not automatically be considered. The applicant will be

required to prove to the decision maker that the level or type of expenditure is essential and reasonable. The applicant will be expected to provide any evidence requested to verify this. This may include receipts, medical evidence and further explanations.

In the current financial climate people may be depriving themselves of basic essentials, such as heating and food in order to meet challenging budget requirements. Under these circumstances, once identified, a Benefits Officer has the discretion to exceed either the trigger point or actual expenditure to a level that they believe reasonable to provide basic human needs.

Rent deposits and rent in advance

The Authority may award DHPs for a rent deposit or rent in advance for a property that the claimant is yet to move into if they are already entitled to Housing Benefit or Universal Credit at their present home.

In order for an award to be considered the Benefits Officer must be satisfied that:

- the claimant is not entitled to assistance under the Authority's "Prevention of Homelessness" scheme, and
- the claimant is not due to have a deposit or rent in advance in respect of their existing tenancy returned to them

When considering the request the Benefits Officer must also be satisfied that:

- the property is affordable for the tenant; and
- the tenant has a valid reason to move; and
- the deposit or rent in advance is reasonable.

In exceptional circumstances an award for removal costs will be considered. Priority being given if a tenant is moving to appropriately sized accommodation and / or alleviating overcrowding.

The Decision

The Benefits Service aims to deal with all applications for DHP within 14 days of the claim form and all accompanying information being received.

Customers will be notified in writing of the outcome and the letter will state the reasons for the decision.

Where the application is successful the notification will advise:

- The weekly amount of the DHP award
- The period of the award
- How, when and to whom the DHP will be paid

- The requirement to report any relevant change

All notifications of decisions on DHP claims will offer the opportunity for the customer to seek a review.

The right to seek a review

DHPs are not payments of Housing Benefit or Universal Credit and are therefore not subject to the statutory appeals mechanism.

The Benefits Service will operate the following policy for dealing with appeals against any decision on a claim for DHP:

- A customer, or person nominated to act on their behalf, who disagrees with a DHP decision may challenge the decision in writing, within one month of the notification letter
- A second Officer will review all of the evidence held and make a decision within 14 days with assistance from the Principal Benefits Officer if appropriate
- Their decision will be deemed as final with no further right of appeal for the claimant.

Method of payment

The decision maker will decide the most appropriate person to pay, based upon the circumstances of each case. This could include paying:

- The customer
- Their partner
- An appointee
- Their landlord or agent
- Any third party to whom it might be most appropriate to make payment

DHP will be paid by BACS transfer to the relevant party.

Payment frequency will normally be made in line with the HB award.

Overpayments

The Benefits Service will seek to recover any DHP found to be overpaid. Normally this involves issuing an invoice to the customer or the person to whom the award was paid.

Recovery will be by invoice only and may not be made from any on-going benefit entitlement. The overpayment notification letter will also set out the right of review.

Monitoring

All DHPs will be recorded on the Benefits Service software system (Northgate). Total DHP expenditure will be monitored on a monthly basis by the Principal Benefits Officer who will ensure expenditure is within budget and correctly profiled throughout the year.

All claims for DHP will be treated equally and fairly in accordance with West Somerset Council's policies on race, diversity and equality. West Somerset Council will endeavour to ensure that no-one who applies for DHP receives less favourable treatment on the grounds of any irrelevant consideration including age, disability, gender, religious beliefs, marital status, nationality, race or sexual orientation.

Fraud

West Somerset Council's Benefits Service is committed to preventing any fraud and error, and to investigating and detecting any fraud within the system.

A customer who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where West Somerset Council's Benefits Service suspect that a fraud may have occurred, the matter will be investigated, and this may lead to criminal proceedings being instigated.

Review

This policy will be reviewed from time to time and revised to take into account any changes in legislation and to improve effectiveness. The effectiveness of this policy will be regularly monitored and results reported to senior officers and Members.

West Somerset Council reserves the right to adjust the way this policy operates from time to time, in all aspects, in the light of experience, prevailing economic climate and national benefit changes.

February 2014

ADDITIONAL COUNCIL TAX REBATE POLICY – FEBRUARY 2014

Introduction

Additional Council Tax Rebate (ACTR) is to be used to alleviate exceptional hardship to allow customers time to find alternative solutions to shortfalls in income. ACTR will be promoted by the Benefits Service and the Authority will do everything possible to help claimants during the process. Potential claimants must be entitled to Council Tax Rebate.

Background

A public consultation in 2013 found that 84.71% of respondents agreed a 'hardship' fund should be provided for those worst hit by the Council Tax Benefit Reforms.

West Somerset Council is committed to providing a scheme to help alleviate extreme hardship as a result of the Council Tax Benefit Reforms.

On 19th January 2013, the Council agreed to include a discretionary fund in the West Somerset Council Tax Rebate scheme.

ACTR can cover shortfalls between eligible Council Tax liability and payment of Council Tax Rebate.

The main features of the scheme are:

- The scheme is purely discretionary and a claimant does not have a statutory right to a payment.
- The administration of the scheme is for the West Somerset Council to determine.
- ACTR should be seen as an emergency fund - it is not and should not be considered as a way around any current or future entitlement restrictions set out under current or future legislation.

Purpose

The purpose of this policy is to specify how West Somerset Council will operate the scheme from 1 April 2013; to indicate some of the factors that will be considered when deciding if an ACTR can be made; and to provide guidance on periods of awards and repeat claims. Each case will be treated strictly on its merits and all customers will be treated fairly and equally. West Somerset Council is committed to working with the local voluntary sector, social landlords and other interested parties in the district to maximise entitlement to all available state benefits and this will be reflected in the administration of the ACTR scheme.

Claiming ACTR – Ongoing Awards

A claim for ACTR must be made using the ACTR application form. Anyone enquiring about ACTR (either by phone, in person or correspondence) will be asked to complete an ACTR form and their case referred to a Benefits Officer.

This form will incorporate a standard income and expenditure sheet based on the common financial statement that has been designed to ensure consistency of information and evidence gathering on financial matters. The Council reserves the right to request any supporting evidence it deems to be relevant to the application. If the customer is unable or does not supply the required evidence, the Benefits Service will still consider the application and will take into account any other available factors. If the customer has no valid reason for failing to supply the required evidence, the ACTR will be refused.

In exceptional circumstances the Benefits Service will consider a request for backdating an ACTR application.

Conditions that must be met

- 1) The claimant is entitled to CTR
- 2) The payment is in respect of costs which are potentially eligible for benefit
- 3) The sum of ACTR and CTR does not exceed the claimant's overall Council Tax liability
- 4) ACTR is not used to plug an income gap caused by sanction or suspension to Social Security Benefits

Matters for consideration

In considering whether to make an ACTR award, the customer's financial situation will be assessed.

All income, including benefits and non-dependent deduction contributions, will be taken into consideration with the exception of Disability Living Allowance Mobility Component as this income is specifically excluded from being taken into account in any financial assessment in accordance with The Social Security Contributions and Benefits Act 1992.

The income of the customer and their partner is then compared to their allowable expenditure.

Where the claimant's expenses exceed the trigger points in this Policy, more information may be sought.

Some other factors that may be taken into account are:

- Is the reason for the shortfall due to welfare reform?
- The extent of the shortfall, including whether the customer has capital or disregarded income which can be used to meet it, or whether anyone else is able and willing to help meet the shortfall?

- What steps has the customer taken to try to reduce their liabilities?
- What steps has the customer taken to alleviate the problem?
- Does the customer, or anyone in the household, suffer from a health problem, illness or disability, which means that their choice of housing is restricted?
- Does the customer have other debts to pay, which make meeting the shortfall more difficult?
- ACTRs are not to be provided to pay off other debts. The dates the debts were incurred are relevant. Customers are ultimately responsible for their level of debt, and the amount they can afford to pay from their income
- If the customer has non priority debts, have they taken/or intend to take advice on how to manage them effectively? Does the customer or anyone in the household have any unusual or unusually large expenses that make it harder than normal for them to meet the shortfall?
- Has there been a change of circumstances, which makes it more difficult to meet the shortfall?
- Could the customer reduce other outgoings so that they can meet the shortfall?
- Is this a repeat request for ACTR? If it is, what steps has the customer taken to try to alleviate the problem since the last application?
- Is the situation short term? ACTR is not and should not be considered as a long term way around any current or future entitlement restrictions set out under legislation.
- If the ACTR application is successful, what steps does the customer plan to take during the payment period to alleviate their position in preparation for when the payment ends?

Allowable Expenditure and Trigger points

The Authority will allow expenditure for:

- Fuel and power
- Food & Non-alcoholic drinks
- Clothing and Footwear
- Household goods & services
- Health
- Transport
- Communication
- A sum for miscellaneous expenditure

The Authority will also allow the following expenditure in full, subject to appropriate evidence being provided:

- Maintenance made in respect of a child or former partner
- Rent
- Council Tax
- Water Rates
- Verified debt repayments

The Authority will base acceptable levels of expenditure on Office of National Statistics' Table 3.2E Household expenditure by "gross equivalised income decile group (OECD-modified scale)". The level will be set at the 10% decile. This will be known as the "trigger point".

The trigger point level will then be multiplied by the household factor provided by Office of National Statistics. These are:

Type of Household Member	Equivalence value
First adult	1.0
Additional adult	0.5
Child aged: 14 and over	0.5
Child aged: 0–13	0.3

For example, if the base figure is £10 per week, and the household is made up of a lone parent with a child aged six, the trigger point will be £13 (£10 x household factor of 1.3 (1 for first adult and 0.3 for child aged under 14))

These figures will be increased each year using an RPI [calculator](#). The rate used will be the September of the preceding financial year. This is in keeping with Government policy for uprating business rates, pensions, state benefits etc.

Any expenditure at or below the "trigger point" for allowable expenditure detailed in this Policy will be permitted. Any expenditure in excess of the trigger point or other areas of expenditure will not automatically be considered. The applicant will be required to prove to the decision maker that the level or type of expenditure is essential and reasonable. The applicant will be expected to provide any evidence requested to verify this. This may include receipts, medical evidence and further explanations.

In the current financial climate people may be depriving themselves of basic essentials, such as heating and food in order to meet challenging budget requirements. Under these circumstances, once identified, a Benefits Officer has the discretion to exceed either the trigger point or actual expenditure to a level that they believe reasonable to provide basic human needs.

Claiming ACTR – One Off Awards

A claim for ACTR must be made using the ACTR application form. Anyone enquiring about ACTR (either by phone, in person or correspondence) will be asked to complete a ACTR form and their case referred to a Benefits Officer.

An ACTR one off award may also be used to offset recovery costs where, in the opinion of the Benefits Officer, the claimant is making reasonable efforts to pay their Council Tax liability.

The Decision

The Benefits Service will decide the amount of ACTR that will be awarded on the basis of the known facts and evidence supplied.

The decision maker will then consider the applicant's income, capital, expenditure, and any relevant circumstances when making their decision

Any agreed award will be credited to the customer's Council Tax account. No other method of payment will be considered.

The Benefits Service may need to revise a ACTR award where the customer's circumstances have materially changed. It is the customer's responsibility to notify the Council as soon as any change occurs. Any amendment to the claim will be effective from the date of change.

The Benefits Service aims to deal with all applications for ACTR within 14 days of the claim form and all accompanying information being received.

Customers will be notified in writing of the outcome and the letter will state the reasons for the decision.

Where the application is successful the notification will advise:

- The amount of the ACTR award
- The requirement to report any relevant change

All notifications of decisions on ACTR claims will offer the opportunity for the customer to seek review.

All successful awards will be reviewed on a regular basis to establish any changes that may impact the award and the steps the claimant is taking to improve their financial situation.

The right to seek a review

ACTR are not payments of Housing Benefit or Universal Credit and are therefore not subject to the statutory appeals mechanism.

The Benefits Service will operate the following policy for dealing with appeals against any decision on a claim for ACTR:

- A customer, or person nominated to act on their behalf, who disagrees with an ACTR decision may dispute the decision in writing, within one month of the notification letter
- A second Officer will consider the dispute. They will review all of the evidence held and make a decision within 14 days with assistance from the Principal Benefits Officer if appropriate
- Their decision will be deemed as final

Method of payment

An award of ACTR will only be paid directly into the Council Tax Account, thus reducing the annual liability. All future payments will be adjusted to ensure that the account is fully paid up by the end of the Council Tax Year.

In exceptional circumstances, these payments can be made weekly and spread over the 12 month liability period.

Overpayments

The Benefits Service will seek to recover any ACTR found to be overpaid.

The overpayment will be debited to the customer's Council Tax account, and recovered in accordance with the Authority's recovery procedure

Monitoring

All ACTRs will be recorded on the Benefits Service software system (Northgate). Total ACTR expenditure will be monitored on a monthly basis by the Principal Benefits Officer who will ensure expenditure is within budget and correctly profiled throughout the year.

All claims for ACTR will be treated equally and fairly in accordance with West Somerset Council's policies on race, diversity and equality. West Somerset Council will endeavour to ensure that no-one who applies for ACTR receives less favourable treatment on the grounds of any irrelevant consideration including age, disability, gender, religious beliefs, marital status, nationality, race or sexual orientation.

Fraud

West Somerset Council's Benefits Service is committed to prevent any fraud and error, and to investigate and detect any fraud within the system.

A customer who tries to fraudulently claim an ACTR by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where West Somerset Council's Benefits Service suspect that a fraud may have occurred, the matter will be investigated, and this may lead to criminal proceedings being instigated.

Review

This policy will be reviewed from time to time and revised to take into account any changes in legislation and to improve effectiveness. The effectiveness of this policy will be regularly monitored and results reported to senior officers and Members.

West Somerset Council reserves the right to adjust the way this policy operates from time to time, in all aspects, in the light of experience, prevailing economic climate and national benefit changes.

February 2014

West Somerset Council

Equality Impact Analysis Record Form 2014

When reviewing, planning or providing services West Somerset Council needs to assess the impacts on people.

We must show we have given due regard to the General Equality Duties in relation to our decision making processes, policies, strategies, services and functions as set out in Section 149 of the Equality Act 2010:

The three aims we **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

Service Area: Revenues and Benefits	
Title of policy/ practice/ service of function	Revision of Discretionary Housing Payments and Additional Council Tax Rebate Policies

Section 1 Why are you completing the Impact Assessment (please \checkmark as appropriate)

Proposed new policy or service	Change to policy or service	Budget/Financial Decision	
	\checkmark		

Section 2 : About the Service/Policy Decision

The document being assessed is a revision to the existing Discretionary Housing Payments and Additional Council Tax Rebate Policies (DHP/ACTR) The policies set out the eligibility criteria for Discretionary Housing Payments and Additional Council Tax Rebate.

Discretionary Housing Payments can cover shortfalls between eligible rental liability and payment of Housing Benefit/Universal Credit and help towards housing costs. It can also be given to cover other types of housing costs including rent in advance and tenancy deposits. Additional Council Tax Rebate can cover shortfalls between eligible Council Tax liability and payment of Council Tax Rebate.

The aim of both policies is to alleviate exceptional hardship to allow customers time to find alternative solutions to shortfalls in income

Discretionary Housing Payments are funded from Central Government and allocated by the Department of Work and Pensions. The Authority has the option to 'top up' the fund from its own funds. The Additional Council Tax Rebate budget forms part of the Authority's Council Tax Rebate

scheme.

In January 2013, West Somerset Council was awarded £68,453 for the 2013/14 Discretionary Housing Payment/Additional Council Tax Rebate fund. On 30 July, 2013 Central Government announced that a further additional £81,850 would be allocated to West Somerset, giving a revised total of available funding of £150,303.

The additional funding was 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.

In considering whether to make an award, the customer's financial position will be assessed. The customer must demonstrate that a shortfall exists between their income and their eligible rental liability/council tax. The policy uses a criteria of the level of expenditure considered to be acceptable and reasonable, as based on data from The Office of National Statistics. Expenditure is broadly grouped under the following headings:

- Fuel and Power
- Food and non-alcoholic drink
- Clothing and footwear
- Household goods and services
- Health
- Transport
- Communication
- Maintenance (for child or former partner)
- Rent and Council Tax
- Utilities

Any unspent Government contribution must be returned at the end of the financial year. See section 4 detailing previous and current levels of Government grant allocations.

Section 3 Information about the change to the service (explain the proposal and reason for the change)

Take up of the DHP/ACTR schemes has been lower than anticipated. People have taken measures to cover the reduction in their benefit entitlements by adjusting other areas of their household and personal expenses. The result is that a DHP cannot be awarded where there is not a shortfall in the applicants income. Following our discussions with partners there is a real possibility that applicants have provided unrealistically low expenditure figures for such areas heating and utilities.

The Benefits team meet quarterly with stakeholders and partners to discuss and monitor impacts of the welfare reform . Through our regular discussions it has become apparent that there are increasing numbers of people making cut backs in essentials such as heating. Other examples include not paying utility bills or making loan/debt repayments, borrowing money to cover income shortfalls, disposing of assets such as cars.

Changes to Policy	
Policy Change	Expected Outcome
Exceed permitted levels of allowable customer expenditure if it will help to reduce or alleviate hardship.	People are able to maintain and sustain a standard of living which allows individuals and families to properly eat, heat their homes and service bills.
Disregard Disability Living Allowance (mobility element) in the income assessment	This will align the DHP/ACTR schemes with the current main schemes.
Flexibility on backdating awards	Awards are currently only backdated for 13 weeks. This provides more flexibility where it is considered there is a genuine reason for backdating and hardship will be prevented.
Clarification of lump sum awards	Awards will be considered for housing costs such as rent deposits and rent in advance, thus assisting people in securing tenancies and preventing homelessness.

Section 4: What evidence has been used in the assessment?

(List the consultation/engagement undertaken and data or intelligence you have gathered.)

Consultation and discussions with partners – Magna West Somerset, Falcon Housing Association, West Somerset Advice Bureau.

Discretionary Housing Payment Government Grant Allocations (since 2011)

2011/12 - £15,510
 2012/13 - £33,078
 2013/14 - £150,303

Position end of January 2014

Awards	Spend	Budget Remaining
210	£69,840	£80,462

Additional Council Tax Rebate Budget

2013/14 - £22,500

Position end of January 2014

Awards	Spend	Budget Remaining
50	£4,499	£18,001

5.1. Effect on protected characteristic

With reference to the analysis above, for each of the 'protected characteristics' in the table below please record your conclusions with evidence around equality impact in relation to the savings proposal/service change.

Protected Group	Findings – Highlight potential negative impact or missed opportunities for promoting equality
Age (includes all age groups)	<p>All potential awards are neutral in that they are available equally to applicants irrespective of age.</p> <p>The existing data we hold will provide clarification of different age groups.</p> <p>In assessing levels of demand for DHPs/ACTR and to ensure that no groups are penalised, improved monitoring and analysis of applications will be carried out to better understand the background of applicants; including age</p>
Disability (includes mental health, physical & sensory)	<p>It is acknowledged that disabled people will be impacted by changes to the Welfare Reform agenda and therefore we would expect a higher level of applicants from this client group.</p> <p>In applying the policies, consideration is given to those with disabilities and health problems as potentially having restricted housing options and may require a larger house to meet adaptation requirements</p> <p>The existing data we hold on applicants for DHPs/ACTR can provide clarification on disability therefore we propose to undertake monitoring and analysis of applications to better understand the background of applicants and to target take up and promotion where there is the greatest need.</p>
Gender (Sex)	<p>All potential awards are neutral in that they are available equally to applicants irrespective of gender.</p> <p>The existing data we hold on applicants for DHPs/ACTR can provide clarification on gender and therefore we propose to undertake monitoring and analysis of applications to better understand the background of applicants and to target take up and promotion where there is the greatest need.</p>
Gender reassignment	<p>All potential awards are neutral in that they are available equally to applicants irrespective of gender reassignment</p> <p>The existing data we hold on applicants for DHPs/ACTR does not provide clarification on gender reassignment..</p>
Marriage and civil partnership (discrimination only)	<p>All potential awards are neutral in that they are available equally to applicants irrespective of marriage status.</p>
Pregnancy and maternity	<p>All potential awards are neutral in that they are available equally to applicants irrespective of whether pregnant or on maternity leave.</p> <p>The existing data we hold on applicants for DHPs/ACTR does not</p>

	provide clarification on pregnant women or those on maternity leave..
Race (includes ethnic origins, colour and nationality)	All potential awards are neutral in that they are available equally to applicants irrespective of race.
Religion and belief including non-belief	All potential awards are neutral in that they are available equally to applicants irrespective of religion and/or belief.
Sexual orientation (includes heterosexual, gay, bisexual)	All potential awards are neutral in that they are available equally to applicants irrespective of sexual orientation..

Non-statutory

Socio-economic (low income individuals & families)	The eligibility criteria for DHPs/ACTR is positive in relation to those who are socio-economically disadvantaged, in looking to give short term relief to those who may face challenges which prevent them from being able to move immediately or to help them move into more appropriate accommodation.
Rural Isolation (West Somerset is a rural district with poor transport networks which can affect the way we deliver services)	We are very aware that the extreme rural nature of West Somerset restricts peoples choose of housing. The policy is positive for those needing short term relief in this situation.
Other (Are there other groups other than those already considered e.g. carers, staff)	We recognise that there may be specific issues regarding the need for additional bedrooms to provide for carers within households. The eligibility criteria will provide short term relief for those facing this situation.
Armed Forces Communities	All potential awards are neutral in that they are available equally to applicants from the armed forces communities.

Section 6: ACTION PLAN

This table must be completed where all negative impacts have been identified, and the steps that could be taken to mitigate this impact or to promote improved equality of opportunity or good relations.

Action	Outcome	Lead Officer	Timescale
Develop procedures for monitoring and analysis of applicant groups (incl. details of successful and unsuccessful)	Improved reporting and analysis of applications by client group. Continue to develop equality impact assessment based on improved applicant data.	Paul Lamb	Quarter 2
Maintain consultation with key external stakeholders to gather intelligence regarding the on-going impacts of welfare reform.	Continue to develop and inform the equality impact assessment so that we build up a picture of the impacts our customers are facing and design our policies in response to this.	Paul Lamb	On-going
Raise awareness of DHPs/ACTRs through targeted take up initiatives.	Available funding is fully allocated during 2014/15.	Paul Lamb	Quarter 2
Continue to provide regular reports to Scrutiny Committee summarising awards month by month and year to date	Members are kept aware of the award of DHPs/ACTR and that this is within budget and available	Paul Lamb	On-going
Recalculate all applications received during 13/14(successful and unsuccessful) to assess entitlement under the revised eligibility criteria.	Available funding is fully allocated during 2013/14.	Paul Lamb	Quarter 4 (13/14)

Section 7. Monitoring and review/ mainstreaming into service plans

Please indicate whether any of your actions have been added to service or work plans and your arrangements for monitoring and reviewing progress/ future impact?

Actions will be added to service or workplans and monitored through performance reporting mechanisms

Section 8: Publishing the completed assessment

How will the assessment, consultation & outcomes be published and communicated.

All information will be published on WSDC web site.

Section 9: Sign Off

Completed by:	Paul Lamb
Date:	10 th February, 2014
Reviewed by:	Sam Rawle
Date:	10 th February, 2014

Decision-making processes

Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures

Attached to report (title): Revision of DHPs and ACTR policies

Date of report: 19th February, 2014

Author of report: Paul Lamb

Audience for report e.g. Council

Outcome from report being considered

Report Number: WSC 22/14
Presented by: Councillor K Kravis, Lead Member for Resources and Central Support
Author of the Report: Bruce Lang, Monitoring Officer
Contact Details:
 Tel. No. Direct Line 01984 635200
 Email: bdlang@westsomerset.gov.uk

Report to a Meeting of: Full Council
To be Held on: 19 February 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: N/A

WEST SOMERSET COUNCIL EMPLOYEE CODE OF CONDUCT

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to enable the Council to endorse proposed enhancements to the existing Employee's Code of Conduct for West Somerset Council staff.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 There are no direct links to the Council's existing Corporate Priorities.

3. RECOMMENDATIONS

- 3.1 That the Council be recommended to endorse the proposed enhancements to the existing Code of Conduct for Employees of West Somerset Council staff as set in Appendices A, B, C and D to this report.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
There is a lack of clarity as to what is expected of members of the staff in terms of behaviours	Possible (3)	Major (4)	Medium (12)
<i>To review and refresh the Employee Code of Conduct as appropriate</i>	Unlikely (2)	Major (4)	Medium (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 Following the introduction of a Code of Conduct for elected members it was widely expected that HM Government would issue guidance for a similar Code of Conduct for council employees.
- 5.2 Such guidance was not forthcoming so this Council adopted a model Code of Conduct for West Somerset District Council employees which forms part of the Council's current Constitution and is set out as Appendix A, to this report.
- 5.3 It will be noted that the Code is quite general in its content and this has been acknowledged in the findings of some of the South West Audit Partnerships reports.
- 5.4 The purpose of this report is to provide the Council with the opportunity to formally endorse a series of supporting documents which will strengthen and underpin the requirements set out in the Employees Code of Conduct.
- 5.5 Clause 5 relating to Personal Interests states that employees must not allow their personal interest to conflict with the authority's requirements and it is suggested that this particular clause be amended by the addition of the following words to item 5a) as follows:-

"and comply with the requirements of the authority in regard to other employment and conflict of interest guidance".

The appropriate guidance is set out in Appendix B, to this report.

- 5.6 Clause 6 relating to Registration of Interests states that an employee must comply with any requirements of the authority to register or declare interests or to declare hospitality benefits or gifts received as a consequence of their employment and as such it is proposed that the requirements are as set out in Appendix C, to this report. A further specific requirement emanating from an Audit report was a recommendation to adopt a Driver's Handbook for Council vehicles to provide clarity and ensure that actions are undertaken that could prejudice the Council's insurance cover and this document is set out in Appendix D, to this report.
- 5.7 The proposals as set out in Appendices B, C and D comply with recognised best practice elsewhere and would help clarify the position for members of staff as well as provide assurance to councillors and the community at large that the proper processes are in place to protect the integrity of how the Council and its employees operate.
- 5.8 Council is duly invited to adopt the recommendations set out in section 3 of this report.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 There are no direct financial implications for the Council in regard to the proposals set out in this report.

7. SECTION 151 OFFICER COMMENTS

- 7.1 The adoption of the proposals would clarify some of the general principles set out in the Employees Code of Conduct and further underpin good governance of the organisation.

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

9. CRIME AND DISORDER IMPLICATIONS

9.1 None in respect of this report.

10. CONSULTATION IMPLICATIONS

10.1 Local branch of UNISON has been consulted with regard to the key elements of the proposals set out and their concerns were addressed.

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.

*Model Code of Conduct for West Somerset District Council Employees***THE EMPLOYEES' CODE OF CONDUCT****Honesty, Integrity, Impartiality and Objectivity**

1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.

Accountability

2. An employee must be accountable to the authority for their actions.

Respect for Others

3. An employee must –
 - a) treat others with respect;
 - b) not discriminate unlawfully against any person; and
 - c) treat members and co-opted members of the authority professionally.

Stewardship

4. An employee must –
 - a) use any public funds entrusted to or handled by them in a responsible and lawful manner; and
 - b) not make personal use of property or facilities of the authority unless properly authorised to do so.

Personal Interests

5. An employee must not in their official or personal capacity –
 - a) allow their personal interests to conflict with the authority's requirements and comply with the requirements of the authority with regard to other employment and conflict of interest; or
 - b) use their position improperly to confer an advantage or disadvantage on any person.

Registration of Interests

6. An employee must comply with any requirements of the authority –
 - a) to register or declare interests; and

- b) to declare hospitality, benefits or gifts received as a consequence of his employment.

Reporting procedures

- 7. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

Openness

- 8. An employee must –
 - a) not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; and
 - b) not prevent another person from gaining access to information to which that person is entitled by law.

Appointment of staff

- 9. (1) An employee must not be involved in the appointment of any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.
- (2) In this paragraph –
 - a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

Duty of trust

- 10. An employee must at all times act in accordance with the trust that the public is entitled to place in them.

Other Employment

The Council will not normally preclude employees from undertaking additional employment, but any such employment must not, in the view of the Council conflict with or react detrimentally to the Council interests. You must not, therefore, engage in any other business or take up any other additional appointment without the consent of the appropriate manager.

Employees who are grade WS 9, SCP 37 and above are required to devote their whole-time service to the work of the Council and must not engage in any other business or take up any other additional appointment, business, consultancies, advisory roles, whether paid or unpaid, without the written consent of the appropriate manager.

In the first instance, applications for consent should be made through the Human Resources. The decision will be confirmed in writing and a copy will be kept on the Employee's Personal file.

Any secondary employment must not be carried out during your contracted council working hours, nor whilst on standby or official call out purposes unless such employment can be undertaken from your home.

It is your responsibility to monitor the number of hours you work to ensure that you are rested and refreshed and able to carry out your role. On average you should not work more than 48 hours in total each week unless you have opted out of the working time regulations.

Conflict of Interest

An employee must not in his or her personal capacity allow his or her personal interest to conflict with the Council's business and/or use his or her position improperly to confer an advantage or disadvantage on themselves or any person.

Conflicts of interest may occur if a decision of the council could affect you, or close friends and relatives, either positively or negatively. An employee must not be involved in any matter where they have a personal interest (or where their partner, spouse or close relative has a personal interest) which is so significant that it may influence their judgement or give the appearance that their judgement is likely to be influenced.

If a conflict occurs between your private interests and public duties you must resolve the conflict in favour of your public duties. You must advise your manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions.

If you are in any doubt you should refer to the appropriate manager. You should comply with any reasonable request from the appropriate manager to provide information relating to your personal interests or the interests of a dependent or spouse.

Examples of conflicts (or perceived conflicts) between personal interests and public duties that should be declared and in some cases avoided include:

- Employees in positions that could influence or be perceived to influence, funding allocations, accepting appointments to executive or management positions in organisations that receive or seek to receive funding from the Council.
- Staff who have access to computer databases of customers updating their own personal records or those of the partner, relative or personal friend
- Liaising with a supplier who employs your partner or relative or personal friend
- Employees being contracted to provide services to the Council outside of their paid employment.
- Generating work which involves travel to provide an opportunity to visit friends.
- A supervisor who is in a position to approve higher duties or provide other benefits to a subordinate where a close personal relationship exists
- Involvement with an interview panel when a relationship exists with one of the applicants.

Officers dealing with planning and or building control matters.

Should an Officer of the Council (or any close relative or associate) submit their own development proposal, they should take no part in its processing. Furthermore the Officer shall inform in writing the Council's Monitoring Officer of all such proposals as soon as they are submitted.

Serving Officers should never act as agents for individuals (including a company, group or body) pursuing a planning or building control matter within the area of the District Council.

Notwithstanding the general requirements regarding declarations of interests if an Officer of the Council, (or any close relative, or associate) submits their own development proposal to the Council, they should take no part in its processing.

Furthermore the relevant Officer shall inform in writing the Monitoring Officer of all such proposals as soon as they are submitted. In deciding whether any such application should be dealt with as a Committee report or under the Scheme of Delegation the Monitoring Officer will have regard to the overriding issue of avoiding any suspicion of impropriety.



Staff Declaration of Interest Form

Name:

Job Title:

I wish to register the following personal interest(s) in a matter which is being handled by the Authority as part of its business and where there could be a perception of conflict between my personal interest and public duties:

A. My interests

Nature of interest (1)	Relating to (2)

(1) Please state if a financial interest (i.e. you stand to gain or lose financially) or a non financial interest (i.e. you stand to gain or lose some non financial advantage or benefit)

(2) Please state what your interest relates to (e.g. a planning application, a grant application, a contract for supplies, a tender for a contract, a legal agreement) and give enough detail so that it is clear

B. Interests of my partner, a member of my family and close friends (these have to be declared to ensure there is no perception that you could use your influence or knowledge to the benefit of your family or close friends)

Name and relationship to you (3)	Nature of interest (4)	Relating to (5)

(3) Please state the relationship of the person to you e.g. partner, brother, sister in law, son, friend

(4) Please state if a financial interest or a non financial interest

(5) Please state what the interest relates to (e.g. a planning application, a grant application, a contract for supplies, a tender for a contract, an employment application, a legal agreement) and give enough detail so that it is clear

I confirm that I will not be involved in the processing of the matter nor in any way attempt to advise or influence the decision made by the Authority or its staff other than by use of my rights as an ordinary member of the public (and in this respect I will ensure that my behaviour and actions can be clearly seen by others as no more than a customer of the Authority).

I understand that this completed form will be copied to the relevant service for the case file, if appropriate, and kept in a register of staff interests by Committee Services staff on behalf of the Monitoring Officer. I am aware that this register will be open to inspection by persons who need access e.g. the auditors and the Ombudsman and that non personal information from it could also be used to respond to any public enquiries/complaints.

I understand that the Monitoring officer will review the register of interests each year along with other checks as detailed in the guidance to staff on monitoring.

I have informed my line manager(s) namedof the above.

Signed: **Date:**

Office Use:

Copied by Committee Services to: Date:

Reviewed and categorised by Monitoring Officer Date:

Guidance:

It is your responsibility to decide whether you have a personal interest in a matter being handled by the Authority. In making this judgement you should also think about what a reasonable member of the public might think. The following guidance is provided to help you.

The requirement for you to declare an interest is governed by legislation, the employee code of conduct and the Authority's Anti Fraud and Corruption Policy. The key messages from these are:

1. You are required to declare any financial interest in any business conducted by the Authority.
2. You are required to declare any non financial interest in any business conducted by the Authority.
3. You are required to declare both your interests and those of your partner, a member of your family and close friends (where known).
4. This includes for example interests relating to a planning application, a grant application, a contract for supplies, a tender for a contract, a legal agreement, an employment application of a relative/friend. It also includes interests in connection with a business where you have already obtained (through your line managers and registered with HR and Performance) authority to engage in another business or additional employment.
5. Orders and contracts, grants and planning decisions must be decided on merit and no special favour may be shown to businesses run by, for example, friends, partners or relatives. This also applies to current or recent former employees or their partners, closer relatives or associates in awarding of contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
6. In declaring an interest you are expected to ensure you are not involved in processing a matter and in no way attempt to influence or advise on the issue/decision made by the Authority.
7. This includes any decisions made on recruitment, discipline, promotion or pay adjustments for any potential or existing employee who is a relative, partner or friend.

These arrangements are important because:

- a) They protect staff. If there is something in your life away from work that may be thought relevant to your employment with the Authority, it is important to be able to demonstrate that this has been dealt with appropriately. This will protect you from any accusations that you have a "hidden agenda", or are seeking to use your official position for the advantage of yourself, your family or your friends.
- b) They protect the reputation of the Authority. We need to be able to show that, in any situations where there may be a conflict between personal interests and public duties, decisions have been taken purely in the public interest. Perceptions are almost as important as reality in this area. It is important not only that we do act properly, but that we can demonstrate that we have done so.

Please do not hesitate to contact Bruce Lang, the Monitoring Officer or Richard Bryant or Roy Pinney as Deputy Monitoring Officer if you have any queries on whether to declare an interest or not.



DRAFT DRIVER'S HANDBOOK COUNCIL VEHICLES

OCTOBER
2013



Useful numbers in the event of an Accident/Theft. Please contact:

Open Spaces Manager

Adrian Turner

01984 635315

Outside of working hours, the following service options are available to you:

Breakdown contact: 07834655139

Tyres Contact Neil Arnold: 01643 707788

In the event of an Accident/Theft out of hours, please call Adrian Turner on 07834655139

Driving and Vehicle Usage

This handbook sets out the policies and procedures that you are required to know. Should you have any doubt whatsoever about any aspect of driving and/or the use of your vehicle or you are unsure of any legislation, regulations or procedures, it is your duty to seek advice from your Line Manager. **REMEMBER** - it is YOUR driving licence at risk.

The policies and procedures contained within this handbook are an integral part of the terms and conditions of employment that apply to employees who are designated as drivers of Company vehicles, leased vehicles or own vehicles as appropriate. Any breaches of policy, procedures or legislation may result in disciplinary action being taken.

As an organisation it is important that we operate completely within the laws and rules applicable to transport. Although only the large vehicles are covered by our operator's licence, it is important that our good reputation is maintained for the whole fleet.

All the vehicles are our assets and, therefore, must be driven safely, maintained correctly to both manufacturer and legal specifications and kept to a high standard of appearance.

West Somerset Council reserves the right to withdraw the provision of company vehicles for travel to and from home at any time.

Accidents involving vehicles have the potential for West Somerset Council Employees and members of the public to be killed or seriously injured. In addition, repair costs and downtime are a large burden upon West Somerset Council that can be avoided.

West Somerset Council Management is committed to reducing blameworthy vehicular accidents to zero and expects all Supervisors and Employees to co-operate in reaching this target.

Management Responsibilities

- Ensure a suitable and sufficient risk assessment is carried out for Council related driving activities and record the significant findings.
- Provision of vehicles, machinery and plant suitable for the task to be performed.
- Ensure a safe system within which to operate the vehicle.
- Prompt attention to repairs, servicing etc. required as a result of vehicle checks.
- To provide driver information and/or training commensurate with the risks likely to be encountered whilst driving on behalf of the Council.
- To make drivers aware of changes to legislation.
- To ensure all vehicles owned, hired or leased to the Council are declared to the Insurance Section in accordance with the 5th EU Motor Directive.
- Ensure that every driver driving a Council vehicle is issued with a copy of the Driver's Handbook.
- Only permit employees to drive after receipt of a completed and signed "Driver's Declaration" form and undertaking an inspection of the driver's licence. Driving licences are to be inspected at least annually thereafter.
- Ensure that the driver's declaration form and other information are held confidentially on the individual's personnel file.
- Ensure drivers are fulfilling their responsibilities.

Driver's Responsibilities

It is the legal responsibility of all persons driving on behalf of the Council to ensure the health and safety of themselves and others and to comply with the Council's health and safety policies. In order to meet this duty, the drivers must:

- Hold a valid full driving licence for the class of vehicle being driven; where a photo card is held the photo card must be in date.
- Where appropriate, receive training in driving/operating the vehicle under conditions in which they are likely to be driven/operated.
- Comply with the law (including the Highway Code) at all times.
- Make sure they are fit to drive.

- Show courtesy and respect to other users of the road.
- Ensure the vehicle is maintained in a roadworthy condition.
- Report accidents and damage, as specified in this Handbook.
- Report any driving convictions whether obtained on private or Council business.
- Notify their supervisor if they are unable to drive for medical reasons.
- Comply with Council policies at all times.
- Adhere to the relevant safe systems of work and risk assessment.
- Fully complete, sign and return to their supervisor the Driver Declaration mandate form found at the back of this Handbook.
- Hold adequate insurance, including business use, when driving private vehicles on behalf of the Council.
- Declare secondary employment whether temporary or permanent.
- Where required undertake medicals in a timely manner to ensure continuity of licence entitlement.

GENERAL INFORMATION

General information applicable to ALL drivers.

Authorised Drivers

Only authorised personnel are permitted to drive Council vehicles. Authorisation to drive Council vehicles is given by your supervisor. Prior to authorisation being granted you will be required to produce your driving licence for inspection and give the Council permission for your DVLA driving record to be checked. Driving licences will be checked at least annually thereafter. A driver declaration mandate will be issued to you for signature to enable the Council to check your driving licence for a period of three years from the date of your signature (provided you are still in the employment of the Council).

You are not authorised to drive any vehicle that requires specialist knowledge or skills unless you are properly trained and authorised to drive that vehicle.

Whilst a Council vehicle is in your charge, you are not to allow any other person to drive the vehicle, unless that person has received appropriate formal authorisation to drive that type of vehicle.

Only other Council employees and authorised persons may be carried as passengers and then only if the vehicle is suitably equipped for carrying passengers.

Provisional licence holders are permitted to drive Council vehicles if done in accordance with the law and West Somerset Council policy.

New Employees

All potential new Employees who are required to hold a driver's licence shall be questioned about their responses to the driving record questions on their application forms and have that licence examined during their interview.

Discretion shall be used when considering the appointment of new staff with current driving convictions.

Apprentices will be expected to obtain a driving licence during their indenture period.

Return of Company Vehicles during periods of Annual Leave and Sickness Absence

The Council requires its vehicles to be available for use when staff are absent from work during periods of annual leave or sickness. To meet this requirement staff must return Council vehicles to the Depot immediately before all periods of substantive annual leave so they remain available to others during the leave period.

In circumstances of absence due to sickness, the Council will arrange for the collection of vehicles if necessary.

Staff will be responsible for making arrangements to travel to and from work as appropriate when Council vehicles are not available to them during these periods.

Driving Licences

You are responsible for ensuring you only drive vehicles that you are licensed to drive. All persons driving on behalf of the Council must hold the appropriate driving licences for the vehicles they drive. Please make yourself aware of your entitlement and seek clarification on any item that is unclear, especially concerning your eligibility to tow trailers.

Driving licence entitlements changed on 1 January 1997. More detailed information can be obtained from the DVLA. (www.dvla.gov.uk)

Any subsequent changes, endorsements etc, since employment or routine inspection must be notified to your line manager within 5 working days of the motoring offence in order that West Somerset Council's records are up to date. Apart from your obligations to notify any changes, endorsements etc, routine inspection of all licences will be undertaken.

Driving Licence Photocard Validity Date

Where an employee is found to have an invalid photocard, the employee will be removed from driving until a replacement is provided. The Police are entitled to fine £1,000 for an out of date photocard and it is viewed as an expired licence potentially rendering insurance void. Failure to obtain a replacement photocard within a reasonable time will be a matter considered for disciplinary action.

Driving Restrictions

Employees under the age of 18 or with less than one year's driving experience may drive light vans only [Ford Fiesta or an equivalent size].

Current DVLA Driving Licence Category Requirements

Medium sized vehicles with or without trailers		
Category	Description	Minimum age
C1	Vehicles weighing between 3,500 kg and 7,500 kg, with or without a trailer - weighing no more than 750 kg	18*
C1+E	As category C1 but with a trailer weighing more than 750 kg. The total weight of the vehicle and the trailer together can't weigh more than 12,000 kg. The weight of the trailer, when fully loaded, can't weigh more than the unladen weight of	21*

the vehicle

* For exceptions please go to www.dvla.gov.uk

Large vehicles, with or without trailers

Category	Description	Minimum age
C	Vehicles over 3,500 kg, with a trailer up to 750 kg	21*
C+E	As category C but with a trailer over 750 kg	21*

* For exceptions please go to www.dvla.gov.uk

Other categories

Category	Description	Minimum age
F	Agricultural tractors	17*
G	Road rollers	21*
H	Tracked vehicles	21*
K	Mowing machine or vehicle controlled by a pedestrian	16

* For exceptions please go to www.dvla.gov.uk

Specialist vehicles (e.g.: excavators, bobcats or similar skid/steer vehicles and tractors) may be driven only by persons having received the appropriate training and certification (e.g.: Construction Plant Operator's Certificate), unless under the personal and direct supervision of a competent person who has received such training.

Trailers

Drivers must have the correct class of driving licence to allow him/her to tow a trailer. Changes to the law relating to trailers were introduced in 1997.

Drivers towing trailers must ensure that the trailer board or electrics are securely attached with all lights working correctly. When coupling/uncoupling trailers it is important to ensure that is done on an even surface with the trailer brake applied and the hitch support leg/wheel in position prior to removing the pin. Only remove the pin when there is no weight on it. A 'breakaway' cable must always be fitted between the trailer and towing vehicle. Jockey wheels must be securely stowed when driving.

Drivers towing trailers are responsible for the safety and security of the load.

REMEMBER: Drivers who passed a car test on or after 1 January 1997 are required to pass an additional driving test in order to gain entitlement to category B+E and all larger vehicles.

Highway Code

You are expected to be fully aware of the Highway Code and abide by it at all times. The Highway Code can be viewed on line at www.direct.gov.uk/en/TravelAndTransport/Highwaycode/Signsandmarkings/index.htm. You must also familiarise yourself with any updates as they occur.

Traffic Offences

Traffic offences are the responsibility of the person driving the vehicle and that person will meet any fines and suffer the penalties of any convictions. As previously stated, any convictions or pending convictions must be notified to your line manager immediately.

Loss of Licence

For Employees required to drive as a condition of employment the loss of their driving licence (as a result of motoring offence[s], whether committed during the course of their employment or otherwise) will normally result in the termination of employment. Loss of a licence for medical or disability reasons will be considered on a case by case basis.

Parking/Toll Costs

Parking fees and toll charges are the responsibility of the driver. All such fees and charges are fully reimbursable when sustained as part of official business. Any parking fines are to be paid by the driver and are non refundable.

Council vehicles displaying the full Council livery (e.g. vans, lorries, sweepers etc.) may park in the Council's pay and display car parks free of charge as long as that vehicle and operative are on official duty at that time.

Seat Belts

Seat belts where fitted must be worn (unless a valid exemption is held). The number of passengers carried must never exceed that which the vehicle is permitted to carry by law. All drivers and passengers of all vehicles **MUST** wear seat belts at ALL times unless a valid exemption is held. Should any vehicles have defective belts please report this as a defect.

Failure to comply may result in a police fine and will result in disciplinary action as you will have broken the Health and Safety rules by not *'doing all possible to safeguard your own safety'*.

Eyesight

You must be able to read a new style number plate from a distance of 20 metres. If you need to wear glasses or contact lenses to do this, then they must always be worn when driving.

The safety of any driver is affected by eyesight defects and all drivers have a legal duty to satisfy the eyesight requirements of the Highway Code. Drivers should ensure that they have periodic eyesight tests to ensure that they do not require corrective lenses for driving purposes or where corrective lenses are worn that the prescription remains valid.

Medical Conditions

If for medical reasons your driving licence is suspended or surrendered by the medical branch of the DVLA (even temporarily) it is your duty to notify your line manager, immediately. In such circumstances you must not drive any vehicle. Drivers are also responsible for notifying the DVLA and their supervisor if they are deemed medically unfit to drive due to illness etc.

No member of staff should drive at work under any circumstances that they know may affect their ability to drive safely. It is the duty of any member of staff who is required to drive for business purposes to inform their supervisor if they are suffering from any illness or health condition which impairs their ability to drive, or if they are required to take medicine that might affect their judgment.

Alcohol and Drugs

Drivers of West Somerset Council vehicles must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs. Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice e.g. when they are on-call. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work. Breaches of the above conditions of employment constitute gross misconduct that may result in dismissal.

Drivers of West Somerset Council vehicles must not drive while unfit through the use of any medicine or drug. If you are prescribed drugs by a doctor you MUST ask whether the drugs will impair your driving ability. You MUST inform you Supervisor if the doctor advises you not to drive while taking the drug. Breach of this condition constitutes gross misconduct that may result in dismissal.

Mobile Phones

All staff are reminded that it is an offence for a driver to use a hand held mobile phone in the vehicle at any time when the engine is running. This includes when stationary at traffic lights or when parked on or adjacent to roads when the engine is running.

No West Somerset Council employee should use a mobile phone whilst in the driving seat of a vehicle and the engine is running. There are two exceptions to this rule:

- if your life is in danger and you need to contact emergency services on 999 and to stop would exacerbate the situation
- if the mobile phone system can be activated entirely 'hands free'. Any such calls must be kept to an absolute minimum and the driver must stop the vehicle in an appropriate and safe place before calling back under any circumstances.

Remember, no telephone call is so urgent that it can be allowed to jeopardise personal or road safety.

The Road Safety Act can penalise drivers who cause death by careless driving whilst carrying out an avoidable activity (texting/calling/drinking/eating) with up to five years in prison as well as a £5,000 fine.

Smoking in Vehicles

Smoking in West Somerset Council owned or managed vehicles is not permitted and fleet vehicles should display a No Smoking sign. Drivers must also ensure that they and any passengers do not smoke in a private vehicle being used for business purposes when other employees are present. For safety reasons smoking is also NOT permitted in or around any vehicle carrying canned fuel or other flammable liquids or when refuelling a vehicle or within 16 meters of any re-fuelling point. *Disciplinary action will be taken should this instruction be ignored.*

Refreshments

Drivers must not eat or drink whilst driving, but may eat or drink in the vehicle when the vehicle is parked legally with the engine turned off.

New and Expectant Mothers

The Council must perform a risk assessment to identify hazards in the workplace that could pose a health and safety risk to new and expectant mothers and take appropriate action. Individual restrictions may be placed upon the driving duties of an expectant mother.

Familiarisation with Vehicle

The driver must acquaint themselves with the controls, safety features and other relevant details before moving off and must be allowed time for doing so. Where the vehicle is unfamiliar to the driver, extra care must be exercised until the driver is fully confident in its use. It is acceptable for cascade training or familiarisation to be given.

Fuel

All vehicles will have a designated fuel card to be kept in the vehicle at all times. The fuel receipt must be returned to the office.

Fuel and Oil Dispensing

It is the driver's responsibility to correctly carry out fuelling and oil dispensing. Due regard should be paid to ensuring the correct type of fuel is used as serious damage can otherwise occur. In the event that you do misfuel a vehicle, do not attempt to start the vehicle as extensive damage can result.

Cleaning and Vehicle Care

Efficient washing and cleaning equipment is situated at Brunel Way Depot and we insist that the vehicle is kept clean and tidy both inside and out, since a clean fleet of vehicles can only improve the image of West Somerset Council.

Unsecured objects can cause serious injury. Always adequately secure or remove objects, including rubbish, from inside the vehicle as they may pose a safety or health hazard to drivers or passengers.

Accidents can be caused as a result of mud, grease etc, on the sole of footwear. Not only can this result in a road accident, but drivers can slip on entering or leaving the vehicle. You should ensure that the soles of your footwear, vehicle steps, are clean.

Under no circumstances can any accessory item be installed in West Somerset Council vehicles that require drilling into or cutting away the fabric of the vehicle. Anyone showing disregard to these instructions could be subject to disciplinary action.

Environmental Awareness

- Always check the vehicle for leaks and report them immediately if found.
- Always report any vehicle deterioration that results in increased noise levels.
- Report any accidental spillage of fuel or oil immediately to your Line Manager.
- Always report any vehicle deterioration that causes increased exhaust emissions.
- Always clean the vehicle in the designated cleaning area.
- Always report any problems with other West Somerset Council vehicles when noticed. The other driver may be unaware of the problem.
- Always consider the environmental effect of actions taken on the locality, employees and the general public.
- Always switch off the vehicle's engine whilst parked and whenever possible.

Illegal Vehicles – Warning

Under no circumstances may an illegal vehicle be used on the highway. If in doubt contact your supervisor. You must never drive an illegal vehicle on the highway. If you are asked to do so by your Line Manager or anyone else then you should refuse and contact the Corporate Manager – Environment, Customer & Community.

VOSA Roadside Checks

Any driver asked to stop at a VOSA (Vehicle and Operator Services Agency) Roadside Check must comply with any such request and subsequent instructions made by inspectors and/or the police. If you are driving a Council vehicle, any incident or resultant paperwork is to be brought to the immediate attention of your

supervisor or the Corporate Manager – Environment, Customer & Community as appropriate.

Safety Inspections and Servicing

A system of regular safety inspections and servicing is carried out on the vehicle you drive, and you must be aware of the day and time any vehicle you may be driving is due for its maintenance checks and ensure these appointments are kept.

Vehicle Licensing

Whilst it is the Council's responsibility to ensure that all vehicles owned by the Council are correctly licensed, a brief explanation of the licensing requirements is set out below as it may affect drivers:

- Vehicles not exceeding 3.5 tonnes gross vehicle weight are exempt from operator's licence and are not therefore required to display an Operator's Licence Disc.

The correct annual road fund licence disc must be displayed on the windscreen of vehicles at all times; failure can result in a fine and points on your licence. Missing discs should be reported immediately to the Corporate Manager – Environment, Customer & Community

Vehicle Height Restrictions

A cab notice indicating the overall height of the vehicle is fitted to all vehicles over 3 metres high. You are to ensure that you do not attempt to pass under any bridges or overhead obstructions that are lower than the overall height of your vehicle, and that any moveable ancillary equipment is locked in the stowed position before driving the vehicle.

If it is necessary to transport loads that would increase the overall height of the vehicle by more than that indicated on the cab notice or by more than 3 metres for vehicles not fitted with cab notices, then prior consent must be obtained from the Parks and Open Spaces Manager.

Reversing/Reversing Assistants

If you are on your own, check around the vehicle first. It is the driver's responsibility to make sure it is safe before starting to reverse. Passengers should be requested to remain silent during such operations to ensure no misunderstanding between the driver and any person directing the operation.

Always take great care when reversing a vehicle. Never use excessive speed. If you do use a reversing assistant make sure they are trained to carry out their duties safely. There must be a safe system of work that ensure the reversing assistant and driver are using hand signals that are easily understood and that the driver knows to stop immediately if the reversing assistant disappears from view.

Reversing assistants are defined as trained employees who play an active part in reversing manoeuvres by giving pre-arranged hand signals to the driver. Their role is to:

- Signal the driver to stop when necessary to prevent the vehicle colliding with pedestrians and other road users etc.
- Warn approaching vehicles or pedestrians and assist trained and competent drivers to safely manoeuvre the vehicle. They do not take responsibility for the manoeuvre.

Adverse Driving Conditions

Driving in adverse weather conditions will if possible be avoided, however West Somerset Council is sometimes required to operate in adverse weather conditions. When this occurs the conditions and reasons for operating will be continuously assessed by individual drivers and managers. Such conditions include where there is reduced visibility, where there are very high winds or road surfaces become hazardous due to ice and snow or flooding, or where there is a danger of drivers becoming stranded in remote locations. Drivers also need to consider the suitability of the vehicle for the terrain being covered. If for safety reasons a particular type of vehicle may be required e.g. a 4x4, the employee must notify their supervisor to enable an assessment of the risk to be undertaken.

Driving in poor winter conditions should be avoided where possible, however it can be made safer by ensuring you and the vehicle are properly prepared. Take the following points into consideration:-

Speed:

- Don't drive as quickly as you normally do.
- Don't be hurried into faster driving by others.
- Conditions mean that more time and distance is needed to pull up safely or steer around a potential accident.
- Look out for ice and be aware of the signs of slipping, which is usually indicated by a light feeling to the steering.

Gears:

- When driving on snow stay in the highest gear possible, for the best traction.
- Keep the car moving on hills, maintaining momentum is important.
- Try to keep your speed constant but to avoid 'wheelspin' - do not accelerate too much.
- When going down hills select a lower gear and keep your speed down.
- If possible do not use the accelerator or brakes.
- If you do need to brake, do so before your speed picks up.

Skidding:

Skidding is caused by excessive speed; misjudgment in steering; over acceleration; or sudden braking. It is best to avoid skidding in the first instance by ensuring gentle inputs. Anti lock brakes (ABS) increase stopping distances and you should never place excessive reliance on ABS or any driving technique as opposed to driving slowly and carefully in a manner appropriate to the road conditions.

There are three types of skid, each requiring different methods of control.

- Front wheel skid – understeer - often caused by excessive speed at a corner. The car continues in a straight line instead of following the direction of the front wheels. This can be corrected by removing pressure from the accelerator and at the same time straightening the front wheels.
- Rear wheel skid – oversteer - often caused by excessive speed, misjudgment in steering or over-acceleration. Correct by removing pressure on the accelerator and at the same time turn the front wheels into the skid i.e. if the back of the car swings to the right, steer the car to the right (or vice versa), but do not prolong the action longer than is required to correct the skid or you may develop another skid in the opposite direction.
- Four wheel skidding is usually caused by sudden braking. To get you out of trouble lightly pump the brake pedal, off and on, as quickly as you can – this is called cadence braking. This will keep the wheels moving so you can steer out of trouble. If your car has anti lock brakes, it will carry out this action for you.

Breakdowns

In the event of a breakdown you should ensure your own safety and that of any colleagues, passengers or the public is not at risk prior to calling for assistance. For assistance call 07834655139 or 07739958439.

DRIVER'S HOURS

There are a great many rules that apply, both European and British, but as far as West Somerset Council is concerned, with a few exceptions, we fall outside of these by virtue of the fact that:

Actual driving [at the wheel] time is less than four hours per day

We stay within 50km of base [Brunell Way Depot]

The vehicles are being used to carry materials for the driver's use.

Drivers must not drive if they feel too tired. Drivers should familiarise themselves with the permitted driver's hours regulations and the working time directive policy. Further information regarding journey planning and driver's hours can be found on the ROSPA and the HSE websites.

In light of the above, it is vital that any member of staff who has a second job that involves driving notifies their line manager of this.

Drivers who think that any journey they make will fall outside the above criteria must notify their manager prior to commencing the journey.

SPEED LIMITS

This is a VERY important matter and limits MUST be adhered to at ALL TIMES, as an accumulation of speeding fines can give the impression that West Somerset Council drivers are not concerned about the law.

Apart from obvious limits within built-up areas that should be clearly marked, and if the streetlights are less than 183 metres apart, other limits may exist.

Speed Limits at Road Works:

On most occasions these are legal and exceeding the stated limit can result in prosecution.

General Speed Limits:

Roads	Motorways	Dual Carriageways	Others
Cars and car derived vans	70	70	60
Cars and car derived vans towing trailers	60	60	50
Rigid goods vehicles up to 7.5 tonnes GVW	70	60	50
Goods vehicles drawing a trailer where the total GTW does NOT exceed 7.5 tonnes	60	60	50
*Goods vehicles OVER 7.5 tonnes GVW	60	50	40
*Goods vehicles towing a trailer GTW OVER 7.5 tonnes	60	50	40

* *Vehicles registered after 1 January 1988 are fitted with speed limiters
Vehicles over 12,000kgs will be limited to 56mph top speed*

GVW Gross Vehicle Weight

GTW Gross Train Weight [including trailer]

New vehicles will be fitted with speed limiters to prevent driving in excess of 60 mph. Drivers must not tamper with speed limiters and any breach of this condition constitutes gross misconduct and may result in dismissal.

VEHICLE CHECKS

Each day the following checks should be made and drivers must fill in the relevant section of their Weekly Vehicle Check Sheet:

- ✓ All mirrors – internal and external including ensuring they are properly adjusted
- ✓ Fuel level
- ✓ Any damage to and the condition of the interior/exterior of the vehicle with particular attention to the bodywork
- ✓ That all loose items within the vehicle are stored securely so as not to cause injury if the vehicle stops suddenly or is involved in an incident
- ✓ All lights and indicators are functioning correctly
- ✓ That you possess all necessary documentation
- ✓ That head restraints are correctly adjusted to reduce the risk of neck injuries
- ✓ The horn and windscreen wipers are functioning correctly
- ✓ A First Aid Kit is in the vehicle
- ✓ Number plates are clean
- ✓ After starting the vehicle, carry out a moving brake test

Each week the following checks should be made:

- ✓ Tyre tread. Tread should be more than 1.6 mm for vehicles up to 3.5 tonnes and 1mm for vehicles over 3.5 tonnes.
- ✓ Fluid levels – oil, coolant, screenwash

Note: If you switch vehicles during any week, all the above checks should be made and the details of the change in vehicle noted on the weekly vehicle check sheet on the back of your timesheet.

Failure to routinely check a vehicle's oil and coolant levels may result in long-term damage to the engine! If you are uncertain as to how to perform these checks please ask for assistance.

Each month the following check should be made:

- Tyre pressure – recommended tyre pressures can be found in the manufacturer's handbook stored in the vehicle.

Where vehicles and trailers are used, the above checks should be carried out for both with the following additional checks being made:

- ✓ All couplings, air and lighting connections are functioning correctly
- ✓ All number plates are the same registration number
- ✓ The trailer parking brake is functioning correctly
- ✓ Where applicable - the air-operated dead man's lever in the driver's cab operates correctly

Drivers are required to complete a Driver Vehicle Check and Defect Report daily for all vehicles over 3.5 tonnes and hand this to their supervisor.

For vehicles under 3.5, if any defect is found during the above inspection, or at any other time, the defect should be reported to your supervisor.

It is illegal to drive a vehicle that is not roadworthy. It is in your own interest to check the safety and legality of a vehicle. Whilst the vehicle is in your charge you are fully responsible for its condition. Do not rely on previous drivers to ensure a vehicle is safe and roadworthy. Any defect affecting a vehicle's roadworthiness must be reported appropriately. The driver of a vehicle is responsible for the vehicle's condition and may be prosecuted if it fails to meet minimum legal standards.

LOADING

All vehicles have weight limits - these **MUST** be adhered to.

Gross Vehicle Weight:

This is the total weight of the vehicle including load, tools, driver and passengers. You **MUST NOT** exceed this weight.

The gross vehicle weight is shown on a metal plate mounted within the cab. If no plate exists or you are not certain - make enquiries.

For exceeding the particular vehicle's gross vehicle weight both you, as the driver and West Somerset Council can be very heavily fined and also damage our reputation. More importantly, too many repeat offences could result in the loss of the West Somerset Council Operator's licence and will be considered for disciplinary action on a case by case basis.

Axle Load

By the distribution of a load in the wrong fashion, the vehicle could be under the GVW but one of the axles could be overloaded. Therefore, spread loads evenly [e.g.: not all on the rear or at the front, putting extra load on the respective axles].

As before, the axle loadings are given on the plate within the cab.

If you have any doubts about a total load or axle weight, it is advised that you weigh on the weighbridge, even if this means a special journey back to the Depot.

If a vehicles' gross or axle weight limits are exceeded when weighed by either VOSA, the police or trading standards officers, the company and/or driver risk prosecution. In addition to this, an overloading conviction is one of the factors that could lead to a Traffic Commissioner taking disciplinary action against the operator's licence.

Loading

Regulation 100 (2) of the Road Vehicles (Construction and Use) Regulations 1986 (as amended), requires all vehicles to not be used or loaded in such a way that they endanger either those using the vehicle or other road users.

Security of Loads

Always ensure the load is properly secured at the start and whenever possible check during breaks in a journey.

- In the case of open load carriers, sheets or nets may need to be used to secure loose items such as refuse, grass cuttings, building rubble etc. Loads that create a dust hazard such as sand, hardcore etc. may need to be sheeted down. Larger items are to be securely strapped or tied down.

Overhanging or Wide Load

The law demands that any part of the load that overhangs from the vehicle must be clearly marked. If the load protrudes by more than 1 metre, then advice must be sought from the Parks and Open Spaces Manager before transporting the load.

Should you need to carry a large object that will project beyond your vehicle the following limits **must be** observed:

Projection at the Front	No more than 2m [6' 8"]
Projection at the Rear	No more than 2m [6' 8"] and the projection must be clearly visible [e.g.: some type of marker]
Projection at the Side	No projection must exceed 305mm [12"]

Transportation of Waste

Like all other loads any waste that is being carried must be secure, it may be necessary to sheet over waste on open back vehicles and it will be for the driver to identify if this is required.

It is an offence for any load to leave the vehicle during transit and the driver can be prosecuted should this occur.

Loading and Off Loading Vehicles

You are responsible for the loading and off loading of the vehicle you drive. You must ensure that the vehicle is correctly loaded and within its legal capacity. Drivers must ensure they follow safe manual handling techniques when unloading/loading vehicles safely using lifting and moving aids where necessary.

Parking

It is the driver's responsibility to ensure that the parked vehicle is not causing an avoidable hazard to other road users, pedestrians or members of the public. You should consider the parking of the vehicle and any local features and the needs of the disabled public who may wish to pass through the area. Pay particular attention to the maintenance of 'sight lines' for other road users.

If it is necessary to park in streets covered by parking restrictions please comply with the regulations in force.

Waiting Restrictions (Yellow Lines)

All yellow lines relate to the length of time and when you can or cannot wait. The actual times are shown on plates situated on lamp columns or special poles.

Dotted Yellow	Limited Waiting
Solid Yellow	No Waiting for the Normal Working Day
Double Yellow Lines	No Waiting for more than the Normal Working Day

Loading limits are shown by yellow marks on the kerbs and also on the associated information plates.

Single Line on Kerb	Less than the Working Day
Double Lines on Kerb	During the Working Day
Treble Lines on Kerb	More than the Working Day

If there is a rear access or other place you can park, avoid parking on the yellow lines unless it is really necessary, as West Somerset Council is **not** exempt from receiving parking fines and these will be the responsibility of the driver.

INSURANCE AND ACCIDENTS

West Somerset Council's motor insurance only provides cover whilst Council vehicles are being driven by Employees carrying out official duties and on journeys to and from their homes providing permission has been granted and the necessary 'Contribution for Vehicle Use' form has been signed.

Drivers of own vehicles for business purposes must hold adequate comprehensive insurance, which specifies that they are covered to drive on company business.

Use of Council Vehicles

Private use of a Council owned vehicle is strictly forbidden. No unauthorised passengers or pets may be carried.

Any persons who are not employees of West Somerset Council will **not** be covered by this insurance unless authorised passengers in connection with West Somerset Council business.

Any **private use** of the vehicles will render the insurance **invalid**. Driving without insurance is a criminal offence and will be subject to disciplinary action.

Theft of Items from Vehicles

Personal belongings and work equipment are not covered under the Council's insurance policies and wherever possible should be removed from the vehicle. The responsibility for the security of the vehicle and its contents rests with the driver when the vehicle is in his or her charge. The security of a vehicle's contents/load is also the responsibility of the driver during transit.

Theft of Council Vehicles

The theft of a Council vehicle must be notified to the Police and your supervisor immediately.

Vehicle Security – Council Vehicles

- If it is necessary to leave your vehicle unattended, you must ensure that all windows are closed and that all doors are locked and the vehicle is alarmed (where an alarm is fitted).
- Keys are not to be left in an unattended vehicle.
- Wherever possible park in designated areas or when away from the secure depot, park in well lit areas.

Keys are the responsibility of the driver and must be kept safe at all times. Leaving keys in the vehicle is not acceptable and may invalidate our insurance. Security of both the vehicle and its contents are of paramount importance; avoidable exposure to risk of Council vehicles or its contents may constitute a disciplinary offence.

Reporting Damage/Abuse of Council Vehicles

Deliberate abuse of Council vehicles will be considered a disciplinary offence. "Vehicle abuse" includes damage to vehicles caused by improper driving/use and/or failure to carry out adequate vehicle checks. Genuine accidents where the driver has acted reasonable and has observed council policy will not be the subject of disciplinary action.

The driver is responsible for defect reporting. Any item you note appears in need of attention should immediately be reported to your supervisor.

Vehicle Accidents

At all times utmost care should be taken to avoid accidents. Regard for other road users and speed limits are essential in safe driving procedures.

The procedure to be followed and the information required in the event of an accident involving another vehicle or person or damage to property is printed on a laminated card kept in each vehicle.

Should you be involved in an accident, take the following action:

1. Check if anyone is injured, if so, help to deal with this [e.g.: call the emergency services etc.].
2. Give the other driver or owner of the property damaged by your vehicle the following:
 - ❖ Your name and address
 - ❖ Your Employer's name and address
 - ❖ The type and registration number of the vehicle or the details of the other property damaged if you are driving a Company vehicle.
3. Obtain from the other driver or the owner of the property damaged the following:
 - ❖ Their name and address
 - ❖ Their Employer's/owner's name and address
 - ❖ Details of their Insurance Company
 - ❖ The type of vehicle and registration number
 - ❖ Details of other property damaged
4. Obtain the names and addresses of any witnesses.
5. Obtain the number of the Police Constable, if in attendance.
6. Take details of the position of the vehicles, the width of the road, the signs and traffic island, the road junctions etc.
7. **Under no circumstances should any admission of fault or liability be made either in writing or verbally. This applies to your driving and the condition of the vehicle.**

8. If your vehicle is immobile, telephone 07834655139 or 07739958439 for assistance.

If you have more than three accidents in a year - irrespective of blame or a pattern in accidents, offences or complaints is identified, you may be required to take special driving training.

ALL damage to West Somerset Council vehicles, no matter how minor, **MUST** be reported to your Supervisor as soon as possible and a Vehicle Accident Report form completed. Failure to report damage is a disciplinary offence.

ALL accidents, however minor and irrespective of whether any West Somerset Council Employee or any other person is hurt or any vehicle is damaged, must also be reported to your Supervisor as soon as possible and a Vehicle Accident Report completed. Failure to report accidents is a disciplinary offence.

The Employee's Supervisor will investigate all Vehicle Accident Reports and take appropriate action before submitting completed reports to the Parks and Open Spaces Manager

It is the driver's legal responsibility to stop and exchange details in the event of an accident involving persons, vehicles or property.

In the case of an accident it is important to contain the immediate consequences of the event, ensure prompt intervention of the emergency services if necessary; and to ensure that help and assistance are quickly available.

If you are involved in an accident at work you must inform your line manager. The driver of any council vehicle (owned by, hired or leased to the Council) involved in a vehicle accident must also inform James Howells, the Capital Accounting Specialist.

Serious accidents which result in a fatality or serious injury must be reported immediately to the Corporate Manager – Environment, Customer & Community. In addition, all accidents/incidents including road traffic accidents must be entered in to the Accident Book. Line Managers must investigate the accident and complete the Council "Accident Report Form".

If the accident is 'damage-only' and no one is injured, the driver must ensure the vehicle is roadworthy before continuing the journey. If the accident involves any council vehicle or council property the accident must be reported to your supervisor.

NB: The accident must be reported to the Police if anyone has sustained injury or if there is damage to property and the owner cannot be traced to exchange details such as the name and address of the driver and registration of the vehicle. These accidents must be reported to the Police as soon as reasonably practical, in any case within 24 hours. This does not mean that you are entitled to wait the full 24 hours before reporting the accident, the principal obligation is to report the accident as soon as reasonably practicable.

Unnecessary delay can lead to prosecution, even if reported within the 24 hours.

DRIVER DECLARATION

You are required to sign and return the Driver Declaration, by doing so you are acknowledging that you have received read and understood the contents of the Drivers' Handbook.

If you have any concerns or difficulties in reading or understanding the content of the declaration or handbook, make a confidential approach to your line manager for assistance.

I, the undersigned have received, read and understood the procedures and responsibilities laid out in the Driver's Handbook and agree to comply with the Policies and Regulations contained therein.

DECLARATION

Full Name of Driver:

.....

Job Title:

.....

Signature of Driver

.....

Date:

IMPORTANT

Please complete and detach this page from the handbook and return it to Alex Groves – HR Officer. You must also produce your current driving licence (original) so that the following information can be recorded:

TO BE COMPLETED BY ALEX GROVES	
Date driving licence checked:	
Check performed by:	
Driving Licence Number:	
Full Name (including any middle name):	
Date of Birth:	
Current Address:	
Address (if different from above)	
Date next check due:	

Your driving licence will then be returned to you. Driving licences must be checked at least annually thereafter. (If you hold the new style driving licence, you must produce the card and paper counterpart)

**DRIVER'S DAILY CHECK SHEET
(Non-O'Licenced Vehicles)**

Driver's Name

Week Beginning

Drivers must carry out daily checks as listed below before driving the vehicle. Please tick the boxes to indicate that you have checked the item and sign daily.

FLEET NUMBER (please complete)							
Details of Check	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
DAILY							
Vehicle exterior – general condition							
Vehicle interior – general condition							
Operation of all lights, indicators, horn, wipers etc.							
Tyres and Wheels – Wear, damage, tread							
Fuel							
Operation of Brakes and Steering							
Cleanliness and tidiness of cab							
Is dash clear of obstructions and loose items?							
PPE bag contents and in secure location.							
First aid kit – available, functional, secure							
Towbars, side racks, internal racking secure							
Roof racks safe and secure							
Load carried appropriately and secure							
Numberplate clean							
Mirrors adjusted							
WEEKLY							
Fluid levels – Oil, Coolant, Screenwash							
MONTHLY (First Monday of Month)							
Tyre Pressure							
Checks completed by (signature)							

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Report Number: WSC 21/14
Presented by: Cllr K V Kravis, Lead Member for Resources
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Report to a Meeting of: Council
To be Held on: 19th February 2014
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REVIEW OF THE POLICY AND PROCEDURE FOR CONFIDENTIAL REPORTING OF CONCERNS (“WHISTLEBLOWING”)

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is for Council to approve the changes to The Whistleblowing Policy as at appendix A

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 None, this is a statutory obligation.

3. RECOMMENDATIONS

- 3.1 That Council approves the changes to the Whistleblowing Policy as attached at Appendix A

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Risk – Employees and members of the public do not feel able to raise concerns about the council	Unlikely (2)	Major (4)	Medium (8)
<i>Mitigation – An up to date policy is published and shared</i>	Low (1)	Negligible (2)	Low (2)

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 Policy and Procedures for confidential reporting of concerns (“Whistleblowing”) were last updated in May 2010 and were due to be reviewed in 2012.
- 5.2. Following new legislation (The Enterprise and Regulatory Reform Act 2013) the policy needed to be revised to ensure it complied,
- 5.3. It is important that an up to date policy is maintained so that employees and members of the public know how to report any concerns and what protection they have. The main change from the previous policy is in the protection offered to a whistleblower. The previous legislation and policy stated that a person who raises a concern in **good faith** would be protected even if they were mistaken. This has changed so that any person raising a concern **where they reasonably believe that the disclosure they are making is in the public interest** even if they are mistaken will be protected.

6. **FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 None

7. **SECTION 151 OFFICER COMMENTS**

- 7.1 The Whistleblowing policy is an important part of the authority’s governance arrangements and thus need to be regularly reviewed to ensure they comply with all current legislation.

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

9. **CRIME AND DISORDER IMPLICATIONS**

- 9.1 None directly in this report.

10. **CONSULTATION IMPLICATIONS**

- 10.1 None directly in this report.

11. **ASSET MANAGEMENT IMPLICATIONS**

- 11.1 None directly in this report.

12. **ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 None directly in the report.

13. **LEGAL IMPLICATIONS**

- 13.1 The legal framework for Whistleblowing is contained within the Public Interest Disclosure Act 1998 as revised by the Enterprise and Regulatory Reform Act 2013.



Policy and Procedure for confidential reporting of concerns ("Whistleblowing")

**Don't turn a blind eye
Stay calm
Know you are protected
Remember and note key details
Do not investigate the issue yourself
Follow the Council's Whistleblowing policy**

Working in Partnership with



Update: Nov 2013

Review Date: Nov 2015

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- 1. Introduction to raising a concern with the Council**
- 2. Safeguards**
- 3. How to raise a concern**
- 4. How the Council will respond**
- 5. How the Concern can be taken further**
- 6. The Role of the Monitoring Officer**
- 7. Review of policy**
- 8. Appendix A - 'How to raise your concern'**
- 9. Appendix B – 'How the Council will respond'**

1. Introduction to raising a concern with the Council

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.**

Whether you are an employee or a member of the public, you might be the first to realise that there may be something seriously wrong within the Council.

This policy is intended to encourage and enable employees and members of the public to raise concerns within the Council rather than overlooking a problem.

This policy also explains how you can raise a concern without fear of victimisation, subsequent discrimination or disadvantage.

Who can use this policy?

- All members of the public
- All Employees (including Contractors, Agency and Temporary staff)
- External Contractors
- Suppliers
- Service providers

What is included in the policy?

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of the grievance procedure. Thus any serious concern that a member of staff or a member of the public has about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can and should be reported under this policy.

This concern may be about something that is:

- unlawful
- against the Council's Standing Orders, Financial Procedure Rules and policies
- against established standards of practice
- improper conduct
- amounts to malpractice
- posing a danger to the health and safety of individuals
- likely to cause damage to the environment
- other conduct that gives you cause for concern

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

2. Safeguards

Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the Council as a whole. The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in order to protect a person who raises a concern ~~in good faith~~ where they reasonably believe that the disclosure they are making is in the public interest, even if they were mistaken. In addition employees have statutory protection against reprisals under the Public Interest Disclosure Act 1998 as revised by the Enterprise and Regulatory Reform Act 2013 and can refer their case to an Industrial Tribunal.

Confidentiality

As far as possible, the Council will protect the identity of any employee or member of the public who raises a concern and does not want his/her name to be disclosed but this confidentiality cannot be guaranteed. It must be appreciated that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence. Where an employee or member of the public has requested that their identity not be revealed, the Council will discuss the matter with them before embarking on any course of action whereby their identity will need to be disclosed.

Anonymity

Concerns expressed anonymously will be considered at the discretion of the Council although it must be appreciated that it is inherently difficult to investigate concerns expressed this way. It is hoped that the guarantees contained in this policy will provide sufficient reassurance to staff to enable them to raise concerns in person. However in exercising the discretion, the factors to be taken into account would include:

- The likelihood of obtaining the necessary information;
- The seriousness of the issues raised;
- The specific nature of the complaint;
- The duty to the public.

False and Malicious Allegations

The Council will not tolerate the making of malicious or vexatious allegations. Acts of this nature will be treated as serious disciplinary offences. Disciplinary action, including summary dismissal for serious offences, will be taken against any employee found to have made malicious or vexatious claims.

Examples of vexatious allegations are persistently complaining about a variety or number of different issues; persistently making the same complaint but not accepting the findings of any properly conducted investigation and/or seeking an unrealistic outcome.

In addition, a concern, which is genuinely believed, may prove to be unfounded on investigation – in which case no action will be taken against the person who raised the concern.

The Council will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.

3. How to raise a concern

If you are a member of the Public

You can raise your concern(s) with any of the following officers;

- Section 151 Officer
- Human Resources Manager, Martin Griffin
(MGriffin@westsomerset.gov.uk)
- Monitoring Officer, Bruce Lang (bdlang@westsomerset.gov.uk)
- Group Audit Manager, Ian Baker
(ian.baker@southwestaudit.co.uk)

The Council has set up an arrangement for a confidential answer phone service with the **South West Audit Partnership** (01935 462381).

You can also email them at; confidential@southwestaudit.co.uk

If you are an employee of the Council

You should normally raise your concern(s) with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you prefer (for whatever reason) or if you believe that management is involved, you can contact one of the individuals listed above.

The Council has set up an arrangement for a confidential answer phone service with the **South West Audit Partnership** (01935 462381).

You can also email them at; confidential@southwestaudit.co.uk

Alternatively you can get confidential advice from your trade union or professional association. There is an independent charity called **Public Concern at Work (020 7404 6609) www.pcaw.co.uk** who have lawyers who can give independent advice at any stage about how to raise a concern about serious malpractice at work.

You can also invite your **trade union or professional association** to raise a matter on your behalf.

Members of the Public and Employees

Concerns can either be raised orally or in writing. Normally it is preferable to put your concern in writing.

What you need to include

It would be helpful to us if you could provide the following information

- **background**
- **the history**
- **reason for your concern**
- **names**
- **dates**
- **places**

See **Appendix A** Flowchart on 'How to Raise a Concern'

4. How the Council will respond

The action taken by the Council will depend on the nature of the concern. Where appropriate, the concern(s) raised will be;

- investigated by senior management, internal audit (SWAP) or through the disciplinary process;
- referred to the police;
- form the subject of an independent inquiry.

In order to protect the individual and the Council, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. This investigation will be carried out by the most appropriate officer. Concerns or allegations which fall within

the scope of specific procedures (for example fraud, theft and corruption) will normally be referred for consideration under those procedures.

It should be noted that some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this would be taken before any investigation is completed.

Within ten working days of a concern being raised, the Group Audit Manager will write to you;

- acknowledging that the concern has been received,
- indicating how he/she proposes to deal with the matter; and
- giving an estimate of how long it will take to provide a final response.

If it is impossible for initial inquiries to be completed within ten working days, the situation will be explained in the letter of acknowledgement. Where a decision is made that no investigation will take place, the reasons for this will be provided.

The amount of contact between the officers considering the issues and you raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.

Where any meeting is arranged, you have the right, if they so wish, to be accompanied by a union or professional association representative, relative or a friend who is not involved in the area of work to which the concern relates.

The Council will take appropriate steps to minimise any difficulties, which you may experience as a result of raising a concern. For example, if as an employee you are required to give evidence in criminal or disciplinary proceedings, the Council will need to inform them and consider what steps are required to provide support.

The Council accepts that by raising a concern, you will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive as much information as possible about the outcomes of any investigation.

See **Appendix B** for flowchart on 'How the Council will respond'

5. How the Concern can be taken further

This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential allegation you can write to the Chief Executive and ask for

the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside the Council, you may wish to take advice from your trade union, your local Citizens Advice Bureau, any of the external agencies listed in Appendix A, or your legal advisor on the options that are available to you.

Another option is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Council who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the Monitoring Officer.

If you do take the matter outside the Council, you need to ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Council (e.g. service users) or where you would commit an offence by making such disclosures. This is something that you would need to check with one of the officers mentioned in Section 3.

6. The Role of the Monitoring Officer

The Monitoring Officer is responsible for ensuring that the Council adheres to this Policy and the officer's contact details are documented in this policy should you have any concerns with it. The Monitoring Officer is also responsible for reporting to the Council on any findings of improper or unlawful conduct following an investigation.

7. Review of policy

This Policy will be regularly reviewed in line with future changes and developments and at least every two years. Next Review date planned: 1st December 2015.

How to raise your concern

You can raise your concern on paper or contact anyone listed on this page by telephone or e-mail

Contact one of the following external contacts for support and advice:

Public Concern at Work
(www.pcaw.co.uk tel 020 7404 6609)

The Audit Commission (www.audit-commission.gov.uk)

The Health & Safety Executive
(www.hse.gov.uk)

Environment Agency
(www.environment-agency.gov.uk)

Relevant professional bodies or regulatory organisations

A solicitor or legal advisor

The Police

The Local Government Ombudsman

A trade Union

If you are an employee you can raise your concern with your immediate manager, or your manager's manager

You can arrange to have an informal conversation or raise your concern with the following contacts if you prefer:

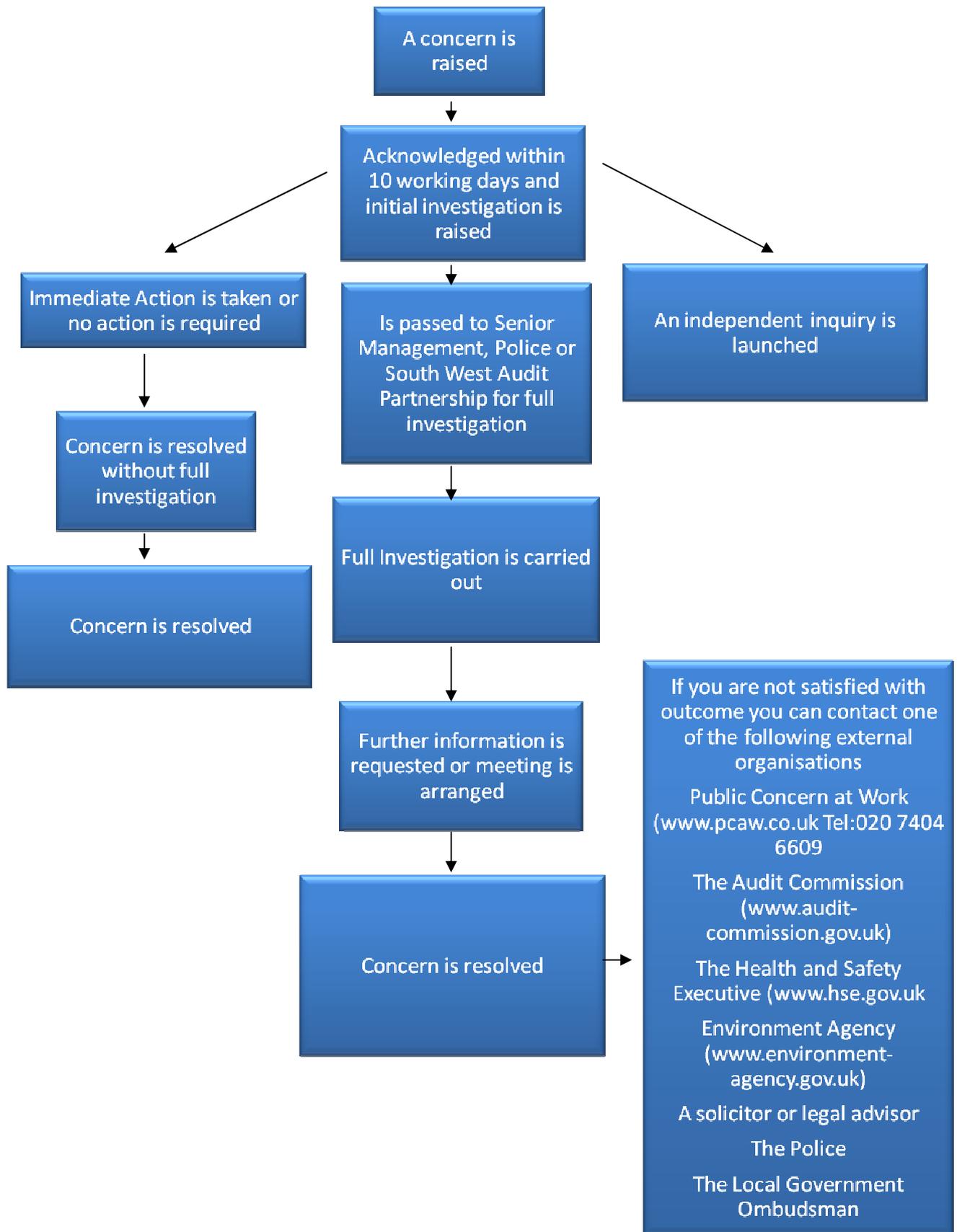
The Section 151 Officer

HR Manager – Martin Griffin

Monitoring Officer – Bruce Lang

Group Audit Manager – Ian Baker

APPENDIX B



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Report Number: WSC 20/14
Presented by: Cllr. Karen Mills
Author of the Report: Adrian Dyer, Interim Executive Director
Contact Details:

Tel. No. Direct Line 01984 635212
Email: adyer@westsomerset.gov.uk

Report to a Meeting of: Council
To be Held on: 19 February 2014
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not Applicable

DULVERTON CAR PARKS – MANAGEMENT ARRANGEMENTS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek member approval of the proposed arrangements that would enable Dulverton Town Council to manage and to operate three car parks in Dulverton owned by West Somerset Council.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Implementation of the recommendations in this report will not directly contribute to the delivery of the Councils Corporate Priorities.

3. RECOMMENDATIONS

- 3.1 That the revised management arrangements as detailed in paragraph 5.4 are approved and implemented from 1st April 2014
- 3.2 That the new car parking charges as detailed in paragraph 5.5.2 are approved and implemented on 1st April 2014

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Risk – Failure to agree the arrangements necessary for Dulverton Town Council to continue managing car parks in Dulverton could lead to localised criticism and result in reputational damage	Unlikely (2)	Minor (2)	Low (4)
<i>Mitigation – Ensure that there is a clear and concise message given as to why arrangements could not be agreed if that is the case</i>	Unlikely (2)	Minor (2)	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 Dulverton Town Council has, under an annually renewable local agreement, managed the operation of the three car parks in Dulverton for a considerable number of years. The Town Council recommends the charging structure for approval by West Somerset Council and subsequently retains all income from charges, fines and permit sales. In return it pays West Somerset Council a license fee and a contribution towards the cost of maintaining the parking meter machines. The non-domestic rates are paid by the Town Council direct to the billing authority. Finally, based on audited accounts any net profit (as defined in the agreement) is shared on a 50 / 50 basis between the Town Council and West Somerset Council. Details of the current arrangement are provided in paragraph 5.2 below.

5.2 **Current Management Agreement**

- i. Duration – 1st March 2013 to 31st March 2014
- ii. Notice required to terminate – two calendar months unless automatic termination occurs on 31st March 2014
- iii. Dulverton Town Council will pay:
 - License fee - £30,000 p.a. (paid quarterly in arrears)
 - Ticket Machine Maintenance - £1,550 p.a.
 - £5.00 per excess fine ticket issued where administration is required
 - Non-Domestic rates – Paid direct to WSC as the billing authority
- iv. Definition of net profit:
 - Income is to include all income relating to car parking, but excluding VAT paid to HM Revenues and Customs
 - Expenditure to include all payments to West Somerset Council under the terms of the agreement, salary paid to relevant staff of the Town Council and administration costs.
- v. West Somerset is granted access to inspect the relevant Town Council accounts upon request.

5.3 At the request of the Town Council talks have been taking place recently concerning the annual license being converted into a longer term lease that would provide the surety necessary to enable the Town Council to consider a longer term strategy for the future management of traffic in Dulverton. These talks also focused on sharing the risk of there being a significant drop in car parking income (foot and mouth outbreak) whilst incentivising the Town Council to maximise income. The proposed new arrangements are listed below in paragraph 5.4.

5.4 **Terms & Conditions of Proposed Arrangement** (*Changes to the current arrangement have been underlined*)

- i. Duration – Five year lease beginning 1st April 2014 and ending 31st March 2019
- ii. Notice Required to Terminate – Notice is required to terminate on 31st March but should be no longer than 12 months and no less than 6 months

- iii. Dulverton Town Council to pay:
- Rent £30,000 p.a. (payable quarterly in arrears)
 - Ticket Machine Maintenance - £1,550 p.a.
 - £6.50 for each excess fine ticket issued to cover administration costs.
 - Non-Domestic Rates are payable direct to the billing authority.
- iv. Definition of Net Profit – As described in paragraph 5.2 iv above.
- v. Profit payments are calculated on a 50 /50 shared basis but the payment to West Somerset Council is limited to a maximum £4,000. This provides an incentive for the Town Council to achieve a net profit in excess of £8,000 as it retains 100% of the excess amount.
- vi. If the amount of car parking income collected in any financial year is less than £30,000 then the rent figure shall be reduced to this figure, subject to the minimum payment being £25,000
- vii. The following charges will be reviewed on 1st April 2016:
- £30,000 Rent
 - £1,550 Ticket Machine Maintenance
 - £4,000 Maximum Profit Share
 - £25,000 Minimum Rent
- viii. The £6.50 charge for each excess fine ticket issued will be reviewed on 1st April 2016 or as and when the amount charged to the Council under any external contractual arrangements changes.

5.5 In terms of charges for parking Dulverton Town Council at their meeting on 9th December 2013 approved a revised charging structure for recommendation to West Somerset Council. The recommended structure reflect a change in strategy to encourage shorter stays in the Guildhall and Exmoor House car parks whilst imposing shorter stays in the Lion Yard car park. Details of the current charging structure and that being proposed are provided below.

5.5.1 Current Car Parking Charges

Guildhall, Exmoor House and Lion Yard car parks

1 hour	£0.70
2 hours	£1.20
4 hours	£2.20
10 hours / all day	£4.50
Weekly	£20.00
Annual Permit	£75.00
Six Month Permit	£40.00
Permit Exchange	£3.00

5.5.2 Proposed New Car Parking Charges

Lion Yard

1 hour	£0.50
2 hours	£1.00
3 hours	£1.50

Guildhall & Exmoor House

2 hours	£1.00
3 hours	£1.50
10 hours / all day	£4.50
Weekly	£20.00
Annual Permit	£80.00
Six Month Permit	£45.00
Permit Exchange	£3.00

Note:

Parking using a permit would not be allowed in the Lion Yard Car Park.

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 The main financial consideration concerns the principle of introducing a cap on the amount of profit share and the sharing of the risk should car parking income fall below the rent figure of £30,000.
- 6.2 It is suggested that the profit share cap is set at £4,000. This compares with a figure last year (12/13) of £4,112
- 6.3 The likelihood of car parking income decreasing significantly is rare but nevertheless is a possibility. For example this almost certainly would have been the case during the past foot and mouth outbreak.

7. SECTION 151 OFFICER COMMENTS

- 7.1 The 2014/15 income budget has been adjusted to reflect the cap mentioned.

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 direct implications associated with the recommendations in this report

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no direct implications associated with the recommendations in this report

10. CONSULTATION IMPLICATIONS

- 10.1 At a meeting on 14th January 2014 with representatives from Dulverton Town Council the basic principles surrounding the recommendations in this report were discussed and agreed. Dulverton Town Council's Car Parking Committee has subsequently met on 23rd January and approved them.
- 10.2 There is a legal requirement to consult on the proposed change to the car parking charges.

11. ASSET MANAGEMENT IMPLICATIONS

- 11.1 The recommendations in the report reflect a continuation of asset management arrangements that have been in place for a number of years.

12. ENVIRONMENTAL IMPACT IMPLICATIONS

- 12.1 There are no direct implications associated with the recommendations in this report

13. LEGAL IMPLICATIONS

- 13.1 As the new arrangement involves the drafting of a lease to replace the existing license legal advice will be required.
- 13.2 The revised car parking charges, if approved, will legally require consulting on and implementing no sooner than 28 days from the beginning of the consultation process.