



## **AGENDA**

### **Page No**

1. MINUTES

To confirm the decisions of the meeting held on 10 June 2014 (CA.7 - CA.17), previously circulated.

2. APOLOGIES FOR ABSENCE

Resources Management

3. 2013/14 OUTTURN REVENUE & RESERVES REPORT

1 - 6

This report presents the revenue outturn position for the year ending 31 March 2014, which includes the position on reserves. The Statement of Accounts, which is the consolidated financial position of the Council for 2013/14, is the responsibility of the Audit and Governance Committee which will meet on 24 September 2014 to approve the Annual Financial Report – Statement of Accounts.

In accepting the recommendation, Cabinet will approve and recommend to Council that the underspend detailed in Annex A of the report of £510,599 on the 2013/14 revenue budget be transferred to the One-Off Fund reserve and the adjustments on the reserves position detailed in Annex B of the report.

**Relevant Ward(s): All Wards**

4. 2013/14 OUTTURN CAPITAL/TREASURY MANAGEMENT REPORT

7 - 20

This report presents the capital outturn position for the year ending 31 March 2014 and also provides an update on the annual treasury management position. Capital expenditure is intrinsically linked with treasury management as the way that the Capital Programme is funded, directly effects the treasury management arrangements of the Council.

In accepting the recommendation, Cabinet will approve and will recommend to Council the 2013/14 capital outturn position of £2,158,305; the requests for re-profiling the capital programme totalling £513,247 from the 2013/14 programme to 2014/15; an underspend of £122,317 and an overspend of £10,339 as detailed in the report; two additional capital schemes in 2014/15, Hambleton Leisure Centre Playing Field Fence and Leeming Bar Business Park resurfacing entrance works; the treasury management outturn position 2013/14 and the Prudential Indicators attached at Annex B of the report.

**Relevant Ward(s): All Wards**

Policy and Strategy

5. EASINGWOLD NEIGHBOURHOOD AREA DESIGNATION

21 - 24

The Localism Act 2011 provided a new statutory regime for Neighbourhood Planning. Regulations came into force on 6 April 2012 making legal provisions in relation to that regime and a first step in the process is the designation of a Neighbourhood Area. This report seeks consideration of the designation of a Neighbourhood Area for Easingwold.

In accepting the recommendations Cabinet will agree the designation of a Neighbourhood Area for Easingwold parish and publicise the necessary information; and agree Government grant funding to be passed on to Easingwold Town Council to cover their submitted costs of plan preparation up to £3,000.

**Relevant Ward(s): Easingwold**

Policy Implementation

6. BUSINESS RATE RE-OCCUPATION RELIEF POLICY 25 - 30

This report seeks approval of the new Business Rates Re-occupation Relief Policy to encourage re-occupation of shops that have been empty for a long period of time and reward businesses that take up occupation of empty premises.

In approving the recommendation, Cabinet will approve and recommend to Council the Business Rates Re-occupation Relief Policy as set out in the appendix to the report.

**Relevant Ward(s): All Wards**

7. HOUSING STANDARDS ENFORCEMENT POLICY - VERSION 1.7 31 - 46

The Environmental Health Service has an overall Enforcement Policy in relation to all its activities. This sets out how we will meet the requirements of the Regulators' Code, Priority Regulatory Outcomes, Crown Prosecution Service requirements, Better Regulation Delivery Office requirements and others. This is phrased in general terms. Individual policies in relation to specific functions are required in order that interested parties can see more clearly how enforcement would work in relation to their organisation and activity. This report seeks approval of an amended Housing Standards Enforcement Policy v1.7.

In accepting the recommendation the amended Housing Standards Enforcement Policy v1.7 will be approved.

**Relevant Ward(s): All Wards**

8. PROPOSED STRUCTURE FOR COMMUNITY SAFETY DELIVERY 47 - 52

This report provides details on the proposed changes to the delivery of the community safety function across North Yorkshire and the consequential impact on the local delivery in Hambleton. The report details the new funding arrangements for community safety services put in place by the Police and Crime Commissioner.

In accepting the recommendation, the proposal will be accepted from the Police and Crime Commissioner to form one single North Yorkshire CSP and approves the establishment of a Local Delivery Team based on Hambleton's boundary using the draft Terms of Reference set out in Annex A, and that partners be consulted on this.

**Relevant Ward(s): All Wards**

9. PUBLIC OPEN SPACE, SPORT AND RECREATION PLANS 53 - 56

This report seeks endorsement of the Public Open Space, Sport and Recreation Action Plan for Brompton.

In accepting the recommendation, the Public Open Space, Sport and Recreation Action Plans in Annex B of the report will be endorsed.

**Relevant Ward(s): Brompton**

10. EXCLUSION OF THE PUBLIC AND PRESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

11. LAND AT HIGH STREET GREAT AYTON 57 - 58

This report relates to land owned by the District Council in the High Street, Great Ayton.

**Relevant Ward(s): Great Ayton**

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
15 July 2014

**Subject:** 2013/14 REVENUE OUTTURN AND POSITION ON RESERVES

All Wards  
Portfolio Holder for Support Services: Councillor N Knapton

---

### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The purpose of this report is to present to Members the revenue outturn position for the year ending 31 March 2014, which includes the position on reserves. The Statement of Accounts, which is the consolidated financial position of the Council for 2013/14, is the responsibility of the Audit and Governance Committee which will meet on 24 September 2014 to approve the Annual Financial Report – Statement of Accounts.
- 1.2 The capital outturn and annual treasury management position is contained in a separate report on this Cabinet agenda.
- 1.3 The report focuses on three key outcomes:-
  - (a) The overall position at the end of the financial year;
  - (b) Major variances between budget and outturn;
  - (c) Suggested action in the light of the outturn position.
- 1.4 This report presents the revenue outturn position in the format of management accounts, which Members have become accustomed to from their Scrutiny Area and also includes reserve fund expenditure.

### **2.0 REVENUE OUTTURN AND POSITION ON RESERVES:**

- 2.1 The original budget plans for 2013/14 were for a net spend of £7,691,460. The expenditure was budgeted to be funded by Council Tax, Government Revenue Support Grant, Business Rates and a transfer from the Council's reserves. During the financial year, under the Council's budgetary control arrangements, Cabinet received quarterly monitoring reports, all of which adjusted the budget in the light of the latest information available at the time. At Quarter 3, the net expenditure budget was revised to £7,619,630.
- 2.2 The revenue outturn position for 2013/14 was £7,595,625, which shows an overall underspend of £24,005 when compared to the latest approved budget at Quarter 3 monitoring, presented to Cabinet in February 2014. However additional Business Rate income, generated by the new retained business rate funding system for Local Government, increased this underspend to £510,599.
- 2.3 It should be noted that there is an underspend on the budget of £510,599, however there is a variation on the overall revised budget of £709,225 because in the original and revised budget it was forecast that a contribution would be required from the Council Tax payers reserve. At outturn this was not required.

2.4 The table below shows an analysis of the original budget, Quarter 3 budget and outturn position, as well as the way the budget was funded. The funding position is of key importance in 2013/14 in understanding the overall budget underspend as increased funding was received from Business Rates which significantly contributes to the underspend position of £510,599 in the year.

	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Outturn</b>	<b>Variance</b>
<b>Net Revenue Budget</b>	7,691,460	7,619,630	7,595,625	-24,005
<b>LESS Funding:</b>				0
<b>Council Tax</b>	2,992,379	2,992,379	2,855,531	-136,848
<b>Revenue Support Grant</b>	2,741,517	2,741,517	2,741,302	-215
<b>Business Rates</b>	1,687,068	1,687,068	2,509,351	822,283
<b>Contribution (to)/From Reserves</b>	270,496	198,666		
<b>Outturn under spend</b>			<b>(510,559)</b>	<b>(709,225)</b>
<b>Balanced Position</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2.4 It should be noted that in 2013/14 the Business Rates funding scheme changed from previous years and for the first time a proportion of the increased collection of Business Rates over the Council's 'retained business rates target' could be kept within the Council. In previous years all Business Rates were collected and sent to central Government who then distributed them back out to Councils. There was no impact from increased collection of Business Rates in previous years.

2.5 Attached at Annex A is the variance analysis of the original net expenditure budget, the revised budget at Quarter 3, the outturn position, (which shows an underspend of £24,004) and also the variance on the funding position. This results in the overall underspend of £510,599 and analyses major variances over £10,000 including explanations relating to them.

2.6 The position on reserves held by the Council as at 31 March 2014 is compared to the position at 31 March 2013 and is shown in the table below. It should be noted that the position assumes that the recommendations included in this report are approved.

	12/13 £	13/14 £
<u>Revenue Reserves</u>		
Council Taxpayers	8,446,927	3,773,475
Community Safety	71,499	74,327
Hambleton Strategic Partnership	8,000	0
Strategic Forum Reserve	11,973	14,399
New Homes Bonus	743,884	0
Capital Fund	3,865,178	0
Grants Fund	412,575	520,508
Arts Grant Reserve	0	5,949
Repairs & Renewal Fund	0	6,082,986
Computer Fund	0	3,698,000
One Off Fund	2,258,240	2,092,420
Sub Total	15,818,277	16,262,064
General Fund Balance	2,000,000	2,000,000

<b><u>Total Revenue Reserves</u></b>	<b>17,818,277</b>	<b>18,262,064</b>
<u>Capital Reserves</u>		
Capital Grants Unapplied	76,586	100,020
General Capital Receipts	4,567,306	3,392,784
<b><u>Total Capital Reserves</u></b>	<b>4,643,892</b>	<b>3,492,804</b>
<b><u>Total (ALL) Reserves</u></b>	<b>22,462,169</b>	<b>21,754,868</b>

- 2.7 The revenue reserves in the table above show the movement between the reserves in 2013/14 which are in line with the Financial Strategy reported to Cabinet in November 2013. The Council Tax Payers reserve has been decreased with the Capital Fund and New Homes Bonus reserve being reduced to zero to form the Repairs and Renewals fund and the Computer fund. These key movements have occurred to enable an efficient approach to the use and allocation of reserves going forwards in an ever changing environment.
- 2.8 In addition, the Hambleton Strategic Partnership reserve has been transferred to the Strategic Forum reserve as described in the Quarter 3 revenue monitoring reported at Cabinet in February 2014. The other movements in the reserves have occurred from grants being received or funds being transferred out to support expenditure during the year.
- 2.9 Attached at Annex B is the detail of the adjustments for the movement in the reserves.

### **3.0 USE OF THE UNDERSPEND:**

- 3.1 The 2013/14 underspend of £510,599 represents 6.72% of the net expenditure budget. The following options as to how to allocate the underspend are provided to Members to consider.

#### Options

- 3.1.1 Option 1 – to transfer the surplus into general balances, specifically the Council Taxpayers Reserve. This would enable the Council to maintain lower Council Tax levels for a longer period. However, the benefit would not be felt for a number of years.
- 3.1.2 Option 2 – to transfer the surplus into general balances and increase the operational budget over the period of the 10 year financial strategy. This would increase the annual revenue budget by approximately £51,060 per annum (£510,599 divided by 10). Whilst this is an option the current focus is ongoing savings rather than increasing expenditure
- 3.1.3 Option 3 – to put the surplus into the One-Off Fund. A transfer of £510,599 would give greater flexibility and choice over possible future use of this resource.

#### Conclusion on Options

- 3.2 Given the on-going priorities of the Council to provide high standards of services, whilst at the same time ensuring a robust financial position in an environment where funding resources are reducing, it is suggested that the underspend of £510,599 is transferred to

the One-Off Fund - Option 3. This option would give the greatest flexibility over how to use the under spend.

#### **4.0 LINK TO COUNCIL PRIORITIES:**

4.1 The monitoring of the financial budget throughout the year and reporting the financial year end position assists in ensuring the Council's service requirements are met and contributes to the achievement of the priorities set out in the Council Plan.

#### **5.0 RISK ASSESSMENT:**

5.1 There are no major risks associated with this report

#### **6.0 IMPLICATIONS:**

6.1 Financial - the financial implications are dealt with in the body of the report.

6.2 Legal – it is a legal requirement under s25 of the Local Government Act 2003 to set a balanced budget and monitor the financial position throughout the year.

6.3 Equalities - there are no specific equality implications to this report, however equalities issues are accounted for at all stages of the financial planning and reporting process.

#### **7.0 RECOMMENDATIONS:**

7.1 It is recommended that Cabinet approves and recommends to Council that:

- (1) the underspend, in Annex A, of £510,599 on the 2013/14 revenue budget be transferred to the One-Off Fund reserve; and
- (2) the adjustments on the reserves position, detailed at Annex B, be approved.

JUSTIN IVES

**Background papers:** Annual Financial Report – Statement of Accounts 2013/14  
Outturn Position 13/14 Finance Ledger

**Author ref:** LBW

**Contact:** Louise Branford-White  
Head of Resources  
Direct Line No: 01609 767024

150714 Revenue Outturn Position 1314



**2013/14 REVENUE OUTTURN - MAJOR VARIANCES > £10,000**

		Overspends	Underspends	Total	Explanation Of Variances
		£	£	£	
<b>Revised Budget Approved at Quarter 3 Cabinet</b>				<b>7,619,630</b>	
<b><u>Customer Services &amp; Asset Management</u></b>					
Off Street Parking	Other Grants/Contributions	14,741			Reduction in income as the scheme to move off street parking to Scarborough Borough Council only ran for 10 months in the year and not 12
Community Development (HDC)	Supplies & Services		15,000		Second homes funding transfer to the strategic forum not required
		<u>14,741</u>	<u>15,000</u>	(259)	
<b><u>Housing Planning and Waste Management</u></b>					
Building Control	Supplies & Services		12,228		Decreased expenditure as additional contribution to Partnership not required
Street Cleansing	Transport		17,265		Underspend on transport between Waste, Street Scene and Recycling as operated with one less Sweeper
Recycling	Transport		10,255		Reduced lease payments on extension of contract
	Customer & Client Receipts	23,325			Decreased income on Kerbside Recycling income down due to reduced tonnage
Development Management	Customer Client Receipts		75,652		Increased planning application income in March for 2 unexpected sites.
Housing Strategy	Other Grants/Contributions		24,169		Additional Income
Homelessness	Premises / Transfer Payments	37,735			Increased Housing Benefits payment adjustment from 2012/13
		<u>61,060</u>	<u>139,569</u>	(78,509)	
<b><u>Leisure &amp; Health</u></b>					
Hambleton Leisure Centre	Sales	17,821			Reduced income due to fall in memberships
Stokesley Leisure Centre	Supplies & Services		10,717		Reduction in vending machine income due to reduced purchases
	Customer Client Receipts	27,008			Reduced income due to a decrease in swimming & swimming lessons
Pest Control	Customer & Client Receipts	25,187			Reduced income as mild winter so reduced requirement for eradication of rats/mice
		<u>70,016</u>	<u>10,717</u>	59,299	
<b><u>Support Services &amp; Economic Development</u></b>					
Personnel & Payroll	Employees		17,945		Underspend on Corporate Training budget
	Supplies & Services	17,813			Overspend on IT - costs increased for development of HR system
Workspace Management	Supplies & Services		25,568		Increase in bad debt provision of £12,942 and numerous minor variances
	Fees & Charges		22,480		Increase in refreshment sales and room hire
Business Support	Supplies & Services	34,465			Increase in the provision for bad debts recharged out based on invoice numbers
Corporate Management & Support	Transport		10,168		Less car allowances agreed than expected
	Supplies & Services		75,740		Underspend on Improvement of Services budget as projects continue to develop
Reprographics	Supplies & Services		15,960		Saving on paper
ICT	Supplies & Services		39,800		Underspend on ICT direct and indirect costs
Housing Benefits	Supplies & Services	79,132			Increase in provision for bad debt relating to Rent Allowances
	Transfer Payments / Other Grants Contributions	101,862			The overspend is a combination of changes to housing subsidy, rent allowance payments, Overpaid Rent Allowances and adjustments from 2012/13
Local Tax Collection	Transfer Payments / Other Grants Contributions	60,636			Changes in the Local Taxation discount scheme and impact of previous year
Revs & Bens Shared Service	Employees	61,557			Redundancy costs part of the ongoing restructure process
	Supplies & Services		15,680		Underspend on ICT direct costs for computer applications
		<u>355,465</u>	<u>223,341</u>	132,123	
<b>Total</b>		<u><u>501,283</u></u>	<u><u>388,627</u></u>	<u><u>112,655</u></u>	
<b>Net - Overspend on Variances over £10k</b>			112,655		
<b>Net - Underspend on Variances under £10k</b>			<u>136,660</u>		
<b>Less NET UNDER SPEND AT OUTTURN</b>				<b>24,005</b>	
<b>Outturn 2013/14</b>				<u><u>7,595,625</u></u>	
<b>LESS: Funding:</b>					
Council tax income			(2,855,531)		
Revenue Support Grant			(2,741,302)		
Business Rates			(2,509,351)		
<b>Under/(Over) spend</b>				<u><u>(510,558)</u></u>	

	31/3/13 £	Transfer out £	Transfer in £	31/3/14 £	<u>Movement on Reserves</u>
<u>Revenue Reserves</u>					
Council Taxpayers	8,446,927	6,180,447	1,506,995	3,773,475	to support revenue spending on community projects and enhancing service delivery on an ongoing basis
Community Safety	71,499	0	2,828	74,327	to receive
Hambleton Strategic Partnership	8,000	8,000	0	0	to promote partnership working within the community
Strategic Forum Reserve	11,974	145	2,570	14,399	to promote partnership working within the community
New Homes Bonus	743,884	1,534,311	790,427	0	transferred to repairs & renewal fund for future community benefit
Capital Fund	3,865,178	3,865,178	0	0	transferred to the repairs & renewal fund and computer fund for future community benefit and capital expenditure scheduled in the Capital 10 year plan
Grants Fund	412,575	79,492	187,425	520,508	to deliver grants to organisations for community use in future years
Repairs & Renewal Fund	0	77,214	6,160,200	6,082,986	to fund capital expenditure in line with the 10 year capital programme and also repairs & renewals revenue works
Arts Grants Reserve	0	0	5,949	5,949	to fund art development projects
Computer Fund	0	0	3,698,000	3,698,000	to fund ICT works to ensure an efficient and effective organisation
One Off Fund	2,258,240	942,624	776,804	2,092,420	to enable an efficient approach to the use and allocation of reserves in an ever changing environment when improved and increased provision of services is key
Sub Total	15,818,277	12,687,411	13,131,198	16,262,064	
General Fund Balance	2,000,000	443,786	443,786	2,000,000	this balance is maintained as the Council's general fund working balance, which equates to approximately 4% of the gross annual budget.
<b><u>Total Revenue Reserves</u></b>	<b>17,818,277</b>	<b>13,131,197</b>	<b>13,574,984</b>	<b>18,262,064</b>	
<u>Capital Reserves</u>					
Capital Grants Unapplied	76,586	0	23,434	100,020	grants to be applied for specific capital projects in accordance with the prevailing conditions
General Capital Receipts	4,567,306	1,781,076	606,554	3,392,784	capital receipts were used to fund the capital programme as approved in the Capital Strategy prior to the beginning of the financial year
<b><u>Total Capital Reserves</u></b>	<b>4,643,892</b>	<b>1,781,076</b>	<b>629,988</b>	<b>3,492,804</b>	
<b><u>Total (ALL) Reserves</u></b>	<b>22,462,169</b>	<b>14,912,273</b>	<b>14,204,972</b>	<b>21,754,868</b>	

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
15 July 2014

**Subject:** 2013/14 CAPITAL OUTFURN AND ANNUAL TREASURY MANAGEMENT REVIEW

All Wards  
Portfolio Holder for Support Services: Councillor N Knapton

---

### **1.0 PURPOSE AND BACKGROUND:**

1.1 The purpose of this report is to present to Members the capital outturn position for the year ending 31 March 2014 and also update on the annual treasury management position. Capital expenditure is intrinsically linked with treasury management as the way that the Capital Programme is funded, directly effects the treasury management arrangements of the Council.

1.2 This Council currently does not borrow for a capital purpose; instead capital expenditure is funded by revenue contributions, capital grant and capital receipts. The use of revenue contributions, capital grants, capital receipts received in the year and the use of the capital receipts reserve to support capital expenditure affects the treasury management daily cash flow position.

1.3 The report is split into three distinct areas:

(a) Capital:-

- Update Members on the Councils Capital Programme final outturn position for 2013/14;
- Inform Cabinet of any capital under or over spends and seek approval for any resulting changes to the programme;
- Inform the Cabinet of any capital slippage on schemes and seek approval for the associated funding to be slipped to or from the financial years to reflect this.
- Inform Members of the funding position of the Capital Programme.
- Inform Cabinet of urgent capital schemes in 2014/15 that need to be approved and will be included in quarter 1 monitoring

(b) Treasury Management:-

- Update Members on the treasury management legislative requirements
- Inform Cabinet of the treasury management position at 31 March 2014
- Reflect on current economic interest rate environment and the treasury management strategy set prior to the beginning of the 2013/14 financial year
- Inform Cabinet of the Borrowing and Investment Position for 2013/14

(c) Prudential Indicators – Capital & Treasury Management

- Review the capital and treasury management indicators for 2013/14 outturn

### **2.0 CAPITAL OUTFURN 13/14, UNDER / OVER SPENDS AND RE-PROFILING OF CAPITAL SCHEMES:**

2.1 The 2013/14 Capital Programme was approved by Council on 19 March 2013 at £1,985,500. During the financial year, further grants, contributions and reserve approvals revised the Capital budget at Quarter 3 to £2,480,600. In the last quarter of the financial

year, it was recognised that further capital expenditure would be required where approval would be gained from Cabinet at the first opportunity, in this outturn report. All the additional schemes already had external funding sources and totalled £58,585, these schemes are:

- (a) Thirsk & Sowerby Sports Village £21,828, funded from S106
- (b) CCTV Camera Replacement £9,563, funded from revenue contribution
- (c) Bedale Craft Yard Window £7,800, funded from revenue contribution
- (d) Community Grant Leader Scheme £19,394, funded from revenue contribution

2.2 In addition to the externally funded schemes, it was recognised earlier in the year prior to Quarter 3 that some schemes would need to be carried forward into 2014/15 and therefore these schemes were removed from the Capital Programme at £244,354. In order to get a transparent position at outturn, these schemes are now included in the revised Capital Programme position and include:

- (a) Disabled Facilities Grant £44,354
- (b) Waste & Street Scene clocking system £9,000
- (c) CCTV Control room upgrade – wireless Network £71,000
- (d) Bedale Leisure Centre Improvement scheme All Weather Pitch - £120,000

2.3 Therefore, the Capital Programme has been revised to £2,783,539. The 2013/14 capital outturn was actually £2,158,305 which represents a variance of £625,235. This variation is comprised of 3 components:

- (a) The first is a revision to the existing capital schemes budget where there is a request for increased funding to finalise the schemes. This totals £10,339 and is detailed in the paragraphs below.
- (b) The second component of the variation is a request for re-profiling that represents schemes budgets that are currently approved in the Capital Programme but require moving to or from future years in line with a changing timetable of delivery for specific schemes. This totals £513,247.
- (c) The third component is an under spend where the scheme has completed for less than the original budget or it is forecast funding is no longer required. This stands at £122,327.

2.4 Table 1 below shows the revised budget compared to outturn, including the variance. The format of the table reflects the portfolios of the Council during 2013/14. The variance is then shown as detailed in paragraph 2.3 above.

<b>Council Portfolio's during 2013/14</b>	<b>Revised Budget at Outturn</b>	<b>Total Expenditure</b>	<b>Variance</b>	<b>Budget re-profiled to 2014/15</b>	<b>Over Spend - Request for additional funding</b>	<b>Under Spend - Funding no longer required</b>
Housing, Planning & Waste Management	464,555	360,948	(103,607)	(107,380)	5,238	(1,465)
Leisure & Health	1,009,447	723,694	(285,753)	(242,636)	2,445	(45,562)

Customer Services & Asset Management	607,925	471,524	(136,401)	(139,057)	2,656	0
Support Services & Economic Development	686,612	599,000	(87,612)	(12,312)	0	(75,300)
Corporate	15,000	3,139	(11,862)	(11,862)	0	0
<b>Total</b>	<b>2,783,539</b>	<b>2,158,305</b>	<b>(625,235)</b>	<b>(513,247)</b>	<b>10,339</b>	<b>(122,327)</b>

Table 1: Capital programme outturn 2013/14

- 2.5 The Capital Programme has been closely monitored during 2013/14 at the monthly Capital Programme monitoring group. This has raised the profile of the Capital Programme across the Council and the Capital Programme expenditure for 2013/14 compared to the Capital Programme during the year was 78%. This expenditure rate is good considering 9% of schemes were recognised in the year to be carried forward.
- 2.6 The supporting information setting out the variances and the requirements for re-profiling are detailed in Annex A.
- 2.7 Six schemes overspent in 2013/14 totalling £10,339 – 0.48% of the total expenditure - and required additional funding from the capital receipts reserve. Approval is sought by Members in this report and the schemes are detailed below.
- 2.8 The first three schemes overspent by minimal amounts, less than 1% and a total for the 3 schemes of £226. Further information can be found in Annex A. With regards to the further 3 schemes, overspend was as follows:
- (a) Vehicle workshop adaptations £5,178 – 34.52% - due to additional electrical, power supply and lighting works to meet requirements of contractors and current regulations.
  - (b) Hambleton Leisure Centre dehumidifier £2,329 – 25.87% - due to the works required being of an urgent nature.
  - (c) Ellerbeck Court, Stokesley Adoption Works - £2,546 – 3.5% - due to additional works identified by North Yorkshire County Council.
- 2.9 Capital schemes are monitored on a monthly basis and reported to Cabinet quarterly, ensuring that the majority of schemes are held within budget or reported to Council at the earliest opportunity.
- 2.10 The underspend on the Capital Programme in 2013/14 is £122,328; these funds are no longer required and are returned to the capital receipts reserve. The schemes to be carried forward and will be included in the 2014/15 Capital Programme total £513,246.
- 2.11 In 2014/15, there are two schemes where capital works need to commence prior to the Quarter 1 Capital Programme report being presented to Members. Therefore, this outturn is the earliest opportunity where urgent schemes can be approved by Cabinet and they are detailed below:

- (a) Hambleton Leisure Centre Playing Field Fence - £10,000. Recently travellers have accessed the playing fields and remained in situ for a number of weeks. This does not allow for public access across the playing fields at all times. Therefore Cabinet is asked to approve the erection of a fence that will prevent vehicles from entering the field but will allow pedestrians and bikes access.
- (b) Leeming Bar Business Park resurfacing entrance works - £8,000. Resurfacing works are urgently required at the entrance to Leeming bar Business Park and Cabinet is asked for approval that these works can commence as soon as possible.

2.12 At Quarter 1 2014/15, the schemes to be carried forward from 2013/14, the 2 schemes listed above in paragraph 2.11 and the Capital Programme 2014/15 approved at Cabinet on 18 March 2014 will be combined to commence the consolidated Capital programme for monitoring

### **3.0 FUNDING THE CAPITAL PROGRAMME:**

- 3.1 The 2013/14 Capital Programme of £2,158,304 has been funded from £266,260 grants and contributions, £77,214 reserve and £33,775 revenue reserves, £606,554 capital receipts received in year and £1,174,551 capital receipts reserve accumulated from previous years.
- 3.2 The overall funding position continues to be closely monitored to ensure the overall Capital Programme remains affordable and sustainable over the 10 year approved capital plan.

### **4.0 TREASURY MANAGEMENT POSITION 2013/14 AND THE LEGISLATIVE REQUIREMENT:**

- 4.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2013/14. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 4.2 During 2013/14 the minimum reporting requirements were that the full Council should receive the following reports:
  - an annual treasury strategy in advance of the year (Cabinet 19 March 2013)
  - a mid-year (minimum) treasury update report (Council 3 December 2013)
  - an annual review following the end of the year describing the activity compared to the strategy (this report)In addition, this Council has received quarterly treasury management update reports on 3 September 2014 and 11 February 2014 which were received by Cabinet.
- 4.3 The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 4.4 This Council also confirms that it has complied with the requirement under the Code to give scrutiny to all of the above treasury management reports before they were reported to the full Council. This scrutiny role was carried out by Cabinet. Member training on treasury management issues is also key to Members to support their scrutiny role and further training is being prepared for 2014/15.

- 4.5 At the beginning and the end of 2013/14 the Council's treasury position (excluding finance leases) was to continue to be debt free. No borrowing has been taken prior to or during 2013/14. With regards to finance leases, the position at the beginning of the finance year was £23,199, with the end of year standing at zero. This remaining vehicles on finance leases ended on July 2013 as did the reprographics equipment.
- 4.6 The capital financing requirement, which is the amount of borrowing required to support the capital expenditure programme, is zero for this Council. The following table shows the treasury management position as at 31 March 2014:-

<b>Table 1: Borrowing and Investment position at 31 March 2014</b>	<b>31-Mar-14</b>	<b>Rate</b>	<b>31-Mar-13</b>	<b>Rate</b>
	<b>£m</b>	<b>%</b>	<b>£m</b>	<b>%</b>
<b>Capital Financing Requirement</b>	0		0	
<b>Borrowing</b>	0		0	
<b>Investments</b>	22.97	1.025	22.0	1.452

Table 2: Borrowing and Investment position at 31 March 2014

## **5.0 THE ECONOMY AND INTEREST RATES:**

- 5.1 The financial year 2013/14 continued the challenging investment environment of previous years, namely low investment returns, although levels of counterparty risk had subsided somewhat. The original expectation for 2013/14 was that Bank Rate would not rise during the year and for it only to start gently rising from quarter 1 2015. This forecast rise has now been pushed back to a start in quarter 3 2015. Economic growth (Gross Domestic Product - GDP) in the UK was virtually flat during 2012/13 but surged strongly during the year. Consequently there was no additional quantitative easing during 2013/14 and Bank Rate ended the year unchanged at 0.5% for the fifth successive year. While Consumer prices Index (CPI) inflation had remained stubbornly high and substantially above the 2% target during 2012, by January 2014 it had, at last, fallen below the target rate to 1.9% and then fell further to 1.7% in February. It is also expected to remain slightly below the target rate for most of the two years ahead.
- 5.2 Gilt yields were on a sharply rising trend during 2013 but volatility returned in the first quarter of 2014 as various fears sparked a flight to quality (see paragraph 4.) The Funding for Lending Scheme, announced in July 2012, resulted in a flood of cheap credit being made available to banks which then resulted in money market investment rates falling drastically in the second half of that year and continuing into 2013/14. That part of the Scheme which supported the provision of credit for mortgages was terminated in the first quarter of 2014 as concerns rose over resurging house prices.
- 5.3 The UK coalition Government maintained its tight fiscal policy stance but recent strong economic growth has led to a cumulative, (in the Autumn Statement 2013 and the March 2014 Budget), reduction in the forecasts for total borrowing, of £97bn over the next five years, culminating in a £5bn surplus in 2018-19.
- 5.4 The EU sovereign debt crisis subsided during the year and confidence in the ability of the Eurozone to remain intact increased substantially. Perceptions of counterparty risk improved after the European Central Bank (ECB) statement in July 2012 that it would do "whatever it takes" to support struggling Eurozone countries; this led to a return of confidence in its banking system which has continued into 2013/14 and led to a move away from only very short term investing. However, this is not to say that the problems of the Eurozone, or its banks, have ended as the zone faces the likelihood of weak growth over

the next few years at a time when the total size of government debt for some nations is likely to continue rising. Upcoming stress tests of Eurozone banks could also reveal some areas of concern.

## **6.0 THE STRATEGY FOR 2013/14**

- 6.1 The expectation for interest rates within the strategy for 2013/14 anticipated low but rising Bank Rate (starting in quarter 1 of 2015), and gradual rises in medium and longer term fixed borrowing rates during 2013/14. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.
- 6.3 In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.
- 6.4 The actual movement in gilt yields meant that Public Works Loan Board rates were on a sharply rising trend during 2013 as markets anticipated the start of tapering of asset purchases by the Federal Reserve. This duly started in December 2013 and the US Federal Reserve adopted a future course of monthly reductions of \$10bn (from a starting position of \$85bn), meaning that asset purchases were likely to stop by the end of 2014. However, volatility set in during the first quarter of 2014 as fears around emerging markets, various vulnerabilities in the Chinese economy, the increasing danger for the Eurozone to drop into a deflationary spiral, and the situation in the Ukraine, caused rates to dip down, reflecting a flight to quality into UK gilts.
- 6.5 Change in strategy during the year – the strategy adopted in the original Treasury Management Strategy Report for 2013/14 approved by the Council on 19 March 2013 was subject to revision during the year due to the difficulties in placing the Council's surplus funds for investments within the Counterparty limits set. The individual and group counterparty limits were amended along with the introduction of enhanced money market funds to assist with the diversification of the investment portfolio.
- 6.6 The Individual Limit for Government backed institutions was changed to 50% of total investments or £12m per counterparty whichever is the higher.
- 6.7 The Group limits for Government backed institutions were changed to 80% of the fund value.

## **7.0 BORROWING RATES IN 2013/14**

- 7.1 The Council remained debt free in 2013/14. For completeness of the report and to ensure Members are kept up to date with regards to borrowing rates, the graph below shows borrowing rates from the Public Works Loan Board.



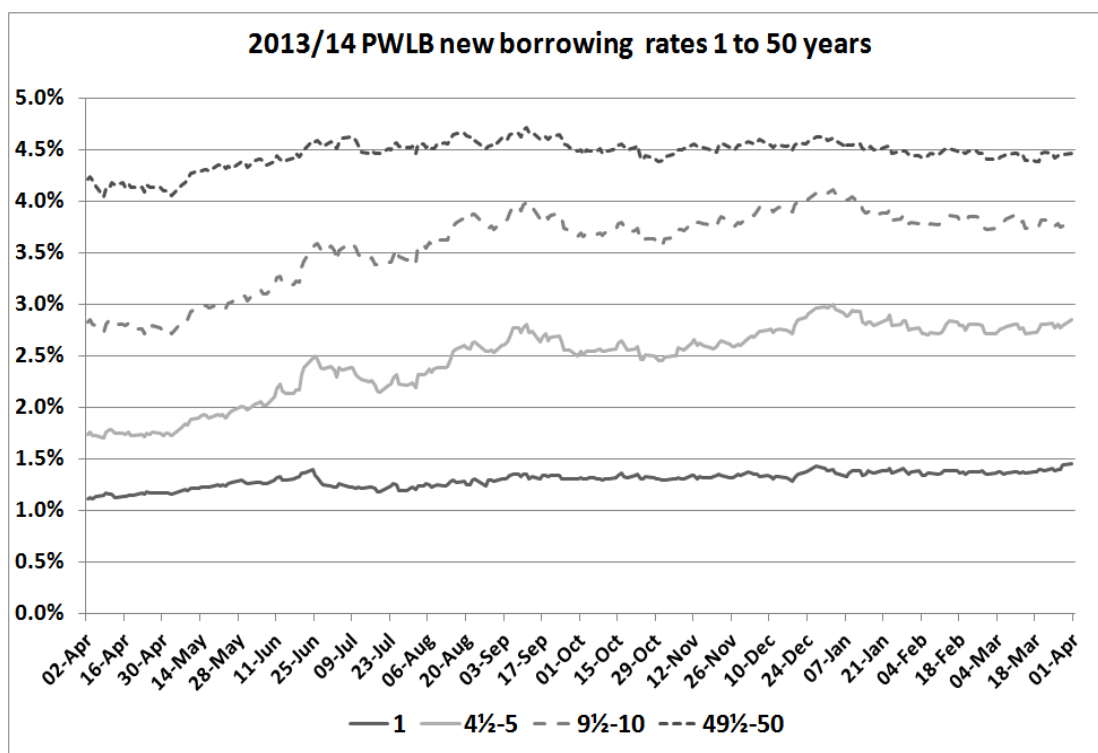


Figure 1: Borrowing Rates 2013/14

- 7.2 **Treasury Borrowing** – the Council remains debt free and undertook no external borrowing for cash flow purposes or capital financing purposes during 2013/14.
- 7.3 **Rescheduling of Borrowing** – the Council has no debt and therefore undertook no rescheduling of debt during 2012/13.
- 7.4 **Repayment of borrowing** – the Council has no external loans and therefore no repayments were necessary.

## 8.0 **INVESTMENT RATES IN 2013/14**

- 8.1 Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for five years. Market expectations as to the timing of the start of monetary tightening ended up unchanged at early 2015. The Funding for Lending Scheme resulted in deposit rates remaining depressed during the whole of the year, although the part of the scheme supporting provision of credit for mortgages came to an end in the first quarter of 2014.

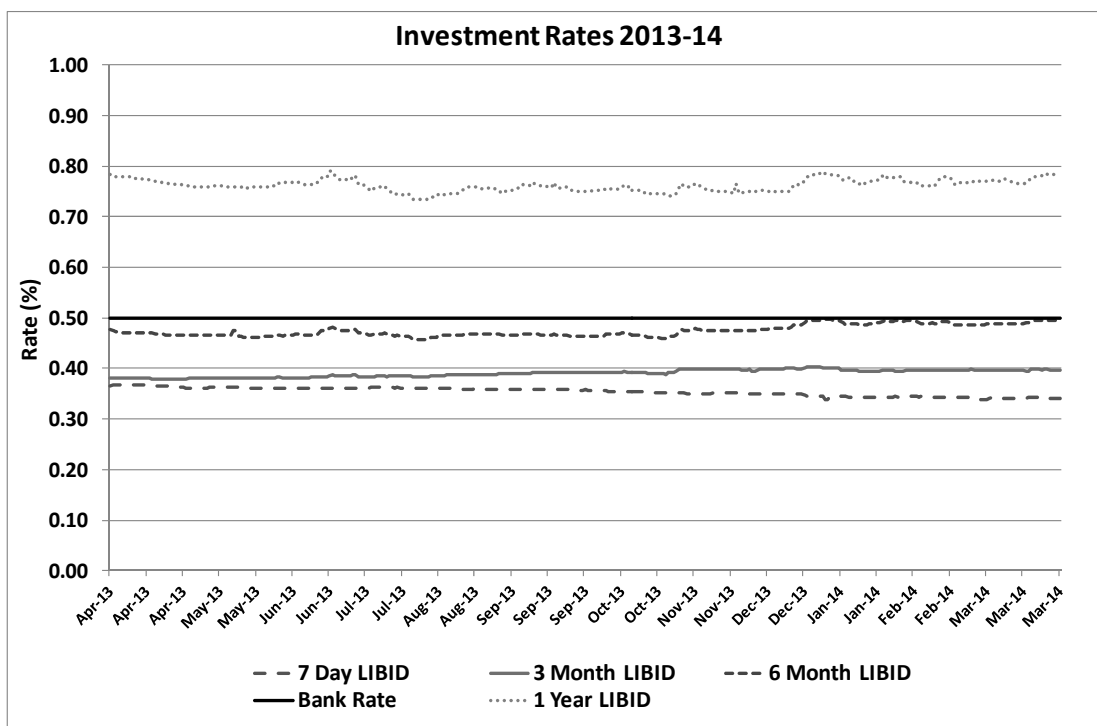


Figure 2: Investment Interest Rates 2013/14

## 9.0 INVESTMENT OUTTURN FOR 2013/14

9.1 **Investment Policy** – the Council’s investment policy is governed by CLG guidance, which was been implemented in the annual investment strategy approved by the Council on 19 March 2013. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

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

9.2 **Investments held by the Council** - the Council maintained an average balance of £29,961,808 of internally managed funds. The internally managed funds earned an average rate of return of 1.025%. The comparable performance indicator is the average 7-day LIBID rate, which was 0.354%. This performance, not only exceeded the benchmark but, also exceeded the target of 0.854% (benchmark plus 0.5%).

<b>Annualised Returns 2013/14</b>			
	Actual %	Excess over Benchmark %	Excess over Target %
Core Cash	1.06		
Cash Flow	0.78		
<b>TOTAL</b>	<b>1.025</b>	<b>0.671</b>	<b>0.171</b>
Benchmark	0.354		
Target	0.854		

Table 3: Rate of Return on Investments compared to Benchmark & Target 2013/14

- 9.3 Hambleton District Council has become part of a Capita Asset Management Benchmarking group and has performed very well compared to the other members. The Quarter 4 report showed Hambleton District Council had a weighted average rate of return of 0.91%. This compared to 85 other Non-Met Districts which had an average of 0.73%.
- 9.4 The Investment position can also be split between core investments and cash flow investments. Average balance on core investments was £25,820,932 which earned an average interest rate of 1.06% and interest of £274,905. Cash flow investments had an average investment balance of £4,140,877 which earned an average investment balance of 0.78% and interest of £32,222. Both these rates exceeded the 7 Day LIBID (London Inter Bank Bid) Rate at 0.354%.
- 9.5 In cash terms the actual returns in 2013/14 compared to the budget and benchmark are shown:-

<u>Budget</u> £	<u>Actual</u> £	<u>Benchmark</u> Return £	<u>Excess Over</u> <u>Benchmark</u> £
300,000	307,127	106,065	201,062

Table 4: Actual Return on Investments compared to Benchmark & Target 2013/14

- 9.6 The income provided in the revenue budget for 2013/14 for interest earned on investment balances compared to the budget has resulted in a surplus of £7,127.

#### **10.0 PRUDENTIAL INDICATORS:**

- 10.1 The Prudential Indicators which control the borrowing and treasury management position of the Council are attached at Annex B. None of the indicators were breached during 2013/14.

#### **11.0 LINK TO COUNCIL PRIORITIES**

- 11.1 All schemes approved as part of the capital programme have been evaluated against key corporate priorities. Schemes are only undertaken and approved by cabinet in accordance with the Council Plan.

#### **12.0 RISK ASSESSMENT:**

- 12.1 The capital programme is regularly monitored as part of the corporate monitoring process on a quarterly basis. In addition to this the Capital Monitoring Group meets regularly to plan, monitor and review major capital schemes to ensure that all capital risks to the Council are minimised.

#### **13.0 IMPLICATIONS:**

- 13.1 Financial - the financial implications are dealt with in the body of the report.
- 13.2 Legal – Treasury Management activities conform to the Local Government Act 2003 and the Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice

13.3 Equalities - the Capital Programme seeks to address key equality issues that affect the Council and the public. The main scheme that specifically addressed equalities in 2013/14 was the disabled facilities grant scheme.

**14.0 RECOMMENDATIONS:**

14.1 It is recommended that Cabinet approves and recommends to Council to:

- (1) note the 2013/14 capital outturn position of £2,158,305;
- (2) approve the requests for re-profiling the capital programme totalling £513,247 from 2013/14 programme to 2014/15;
- (3) Approve the under spend of £122,317 and over spend of £10,339 as detailed in the body of the report;
- (4) approve the two additional capital schemes in 2014/15 detailed in paragraph 2.11:
  - (i) Hambleton Leisure Centre Playing Field Fence - £10,000
  - (ii) Leeming Bar Business Park resurfacing entrance works - £8,000;
- (5) note the treasury management outturn position 2013/14; and
- (6) note the Prudential Indicators attached at Annex B.

JUSTIN IVES

**Background papers:** Annual Financial Report 2013/14  
Outturn Position 13/14 Finance Ledger  
Capital Monitoring Reports in 2013/14  
Treasury Management Reports in 2013/14

**Author ref:** LBW  
**Contact:** **Louise Branford-White**  
Head of Service - Resources  
Direct Line No: 01609 767024

150714 Capital Treasury Management Outturn Report 1314

Responsibility Officer	Scheme	Approved Budget Q3	Approval at OUTTURN	Revised Budget	Total Expenditure	Carried Forward to 2014/15	Overspend - Taken from reserve	Underspend - (returned) to the reserve	Explanation
		£	£	£	£	£	£	£	
MJ	<b>Housing, Planning and Waste Management</b>								
MJ	Domestic Violence Refuge	120,928	120,928	120,928	120,928				Completed.
MJ	Purchase of bins and boxes for refuse and recycling	36,000	36,000	36,000	35,999	(80,379)			Completed.
MJ	Disabled Facilities Grants	198,273	44,354	242,627	162,248	(18,000)			Final position of first / from reserve estimated to be £80,379. Delay in work due to staffing issues with the Home Improvement Agency.
MJ	Depot wash bay	18,000		18,000	0				Delay - Roll Forward to 2014/15
MJ	Central depot external lighting improvements	8,000		8,000	8,061				Complete - slight overspend
MJ	Central depot door improvements	15,000		15,000	13,535			61	Completed - under spend
MJ	Vehicle workshop adaptations	15,000		15,000	20,178			5,178	Scheme Expenditure £15k, supported by Capital Reserve of £15k. Further £10k expenditure incurred directly to the third party. Scheme Complete - £5,177 overspend due to additional electrical, power supply and lighting works to meet requirements of contractors and current regulations.
MJ	Waste and Street Scene Clocking System		9,000	9,000	0	(9,000)			Project approved at Q1 and currently ongoing. Specification and different systems being reviewed. Project to roll forward into 2014/15.
MJ	<b>Total Scheme Value Housing, Planning and Waste Management</b>	<b>411,201</b>	<b>53,354</b>	<b>464,555</b>	<b>360,948</b>	<b>(107,379)</b>	<b>5,238</b>	<b>(1,465)</b>	
DG	<b>Leisure and Health</b>								
DG	Pool Filters BLC and SLC	90,271		90,271	54,630				Work completed in December has come under budget by £19,000. (At Q2 Cabinet approved an under spend of £15,279 in accordance with tender documents). Therefore at Q3, £15,000 is to be used to fund overspend on Bedale Leisure Centre improvement scheme and £4,000 on Stokesley Leisure Centre.
DG	Pool Tank Tiles BLC	47,039		47,039	38,230				Complete
DG	HLC Plant Controls & Air Handling	26,807		26,807	26,808				Complete, underspend already returned to the reserve at Q3 to be returned to the reserve at Q3
DG	Combined Heat & Power Unit - SLC, BLC and TSP	69,773		69,773	69,773				Work to be completed in March 2014
DG	Gym equipment refresh - all leisure centres	24,000		24,000	24,031			31	Scheme to be completed in 2013/14 - Work completed
DG	Hambleton leisure centre dehumidifier	9,000		9,000	11,329			2,329	Budget moved to SLC improvement scheme - will be approved at Outturn
DG	Hambleton and Stokesley leisure centres - changing room tiles	0		0	0				Work completed December 2013, awaiting invoices. Grant income of £155,734 received on 7 May 2014, therefore funding swap
DG	Thirsk and Sowerby leisure centre improvement scheme	250,000		250,000	213,773	(36,227)			Work to be carried out in February 2014. Works forecast to be overspent by £15,000, due to issues discovered when removing the floor. This is suggested to be covered by the underspend from the Bedale Leisure Centre Pool Filters.
DG	Bedale leisure centre improvement scheme	135,000	120,000	255,000	51,703	(203,297)			At Q2, Works to Flood lit, pitch of £120,000 were approved to be rolled forward into 2014/15 as matched funding of £80,000 to be received next year.
DG	Stokesley leisure centre improvement scheme	187,729		187,729	186,617			(1,112)	Work carried out in December. Overspend of £4,000 due to unforeseen works to be carried out to the floor, to be funded from underspend on Pool Filtration Scheme. At Q2, overspend of £15,729 reported and also funded from Pool Filtration Scheme under spend.
DG	Hambleton leisure centre PA system	8,000		8,000	8,086			86	Work completed, small overspend
DG	Hambleton LC Improvement Scheme	20,000		20,000	4,677	(15,323)			Preliminary work on development of Hambleton Leisure Centre, partial scheme in 2014/15 to be rolled into 2013/14 at quarter 1. Any unspent funds will be rolled forward to 2014/15.
DG	Thirsk and Sowerby Sports Village		21,828	21,828	21,828				Scheme approved December 2013 - funded by S106 monies. Scheme continues in 2014/15.
DG	North Northallerton Development			0	0				Money will not be spent in 2013-14 to roll forward to 2014-15, approved 18/03/14
DG	Web Development Project			0	0				Funding b/fwd to 2013/14 - approved in Capital Programme 2014/15, approval at Outturn (earliest opportunity) to bring fwd into 2013/14
DG	<b>Total Scheme Value Leisure and Health Services</b>	<b>867,619</b>	<b>141,828</b>	<b>1,009,447</b>	<b>723,694</b>	<b>(242,636)</b>	<b>2,445</b>	<b>(45,563)</b>	
MR	<b>Customer Services and Asset Management</b>								
MR	Car Parks - Thirsk Cobbles	82,805		82,805	80,187	(2,618)			Complete - In addition £2,700 in relation to retention to be paid in 2014/15 requires approval at Q3 to be taken from the capital reserve
MR	Car Parks - Thirsk Cobbles	25,000		25,000	13,300	(11,700)			Works Commenced 17/03/14, Roll forward £11,700 to 2014/15
MR	Car Parks - Reinstatement Civic Centre and Applegarth	51,000		51,000	51,000				Complete
MR	Car Parking Charges - Directional Signs	6,475		6,475	6,475			(0)	Work Completed
MR	Adoptions - Northallerton Thurston Rd	129,490		129,490	129,490			0	Work Completed - no retention - adoption completed by NYCC
MR	Ellerbeek Court, Stokesley Adoption Works	73,645		73,645	76,191			2,546	Work on-site complete, adoption completed by NYCC - slight overspend due additional works identified by NYCC
MR	Car Park tariff changes	14,639		14,639	14,749			110	Work complete, underspend returned to the capital reserve
MR	Public lighting replacement	36,000		36,000	17,194	(18,816)			Roll Forward £18,959 to 2014/15 to Northern Power underground works still outstanding
MR	Public lighting energy reductions	100,000		100,000	68,912	(31,088)			Roll Forward £31,087,68 forward to 2014/15 as part of Hambleton not completed
MR	CCTV Control Room Upgrade	8,308		8,308	4,473	(3,835)			Works complete retention estimated at £3,835 to be paid July 14, roll forward £3,835 into 14/15. Scheme shows an underspend at Q3 to be returned to the reserve of £1,761
DG	CCTV Camera Replacement	0	9,563	9,563	9,563			0	Scheme complete - revenue funding



## Prudential and Treasury Management Indicators

## Annex B

During 2013/14, the Council complied with the legislative requirements for Treasury Management detailed in the Local Government Act 2003. The Regulations in the CIPFA (Chartered Institute of Public Finance and Accounts) Prudential Code and Treasury management code were also followed.

The Prudential Indicators assist in the monitoring of the Capital Programme and ensure that from a financial perspective all schemes approve by Council are affordable, sustainable and prudent.

The main purpose of the indicators is to control how much a Council needs to borrow and as this Council is debt free, the majority of the indicators are nil.

<b>1. PRUDENTIAL INDICATORS</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2013/14</b>
<b>Extract from budget and rent setting report</b>	<b>Actual</b>	<b>Original</b>	<b>Actual</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Capital Expenditure</b>	1,128	1,907	2,158
<b>Ratio of financing costs to net revenue stream</b>	N/A	N/A	N/A
<b>Net borrowing requirement General Fund</b>			
brought forward 1 April	Nil	Nil	Nil
carried forward 31 March	Nil	Nil	Nil
in year borrowing requirement	Nil	Nil	Nil
<b>Capital Financing Requirement 31 March 2103</b>	Nil	Nil	Nil
<b>Annual change in Cap. Financing Requirement</b>	Nil	Nil	Nil
<b>Incremental impact of capital investment decisions</b>	£ p	£ p	£ p
Increase in council tax (band D) per annum	£0.45	£5.28	£5.28

<b>2. TREASURY MANAGEMENT INDICATORS</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2013/14</b>
	<b>Actual</b>	<b>Original</b>	<b>Actual</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Authorised Limit for external debt -</b>			
borrowing	£5,000	£5,000	£5,000
other long term liabilities	£1,000	£1,000	£1,000
TOTAL	£6,000	£6,000	£6,000
<b>Operational Boundary for external debt -</b>			
borrowing	£4,000	£4,000	£4,000
other long term liabilities	£600	£600	£600
TOTAL	£4,600	£4,600	£4,600
<b>Actual external debt</b>	£0	£0	£0

<b>Upper limit for fixed interest rate exposure</b>			
Net principal re fixed rate borrowing / investments	£5,000	£5,000	£5,000
<b>Upper limit for variable rate exposure</b>			
Net principal re variable rate borrowing / investments OR:-	Nil	Nil	Nil
<b>Upper limit for total principal sums invested for over 364 days (per maturity date)</b>	£12,500	£11,500	£11,500

<b>Maturity structure of fixed rate borrowing during 2013/14</b>	Upper limit	Lower limit
under 12 months	0%	0%
12 months and within 24 months	0%	0%
24 months and within 5 years	0%	0%
5 years and within 10 years	0%	0%
10 years and above	0%	0%



## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
15 July 2014

**Subject:** **EASINGWOLD NEIGHBOURHOOD AREA DESIGNATION**

**Easingwold Ward**  
**Portfolio Holder for Environmental and Planning Services: Councillor B Phillips**

---

### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Localism Act 2011 provided a new statutory regime for Neighbourhood Planning. Regulations came into force on 6 April 2012 making legal provisions in relation to that regime and a first step in the process is the designation of a Neighbourhood Area.
- 1.2 On 25 March 2014 an application was submitted to this Council by Easingwold Town Council for designation of their parish as a Neighbourhood Area to enable them to proceed with formal Neighbourhood Plan preparation (See letter and map at Annex A).
- 1.3 We are under a general duty to support Neighbourhood Plan preparation and several meetings have been held with the Town Council, involving the Ward Members.
- 1.4 The application for Neighbourhood Area designation was publicised on 18 April 2014 and now the Council must consider any representations submitted by 30 May 2014 before making a decision on designation of the area.
- 1.5 The application was publicised on Hambleton's website and a public notice advert was placed in the Easingwold Advertiser newspaper. In addition the Town Council put a notice with a copy of the application and map on their website.
- 1.6 The Council should support the application as it is validly made, the area provides for a logical Plan making boundary and there have been no representations submitted objecting to its designation. If Council decides not to support the application it must give reasons.

### **2.0 LINK TO COUNCIL PRIORITIES:**

- 2.1 The Council Plan 2011-15 aims 'to encourage our residents to become more involved in making decisions which impact on local communities'. Although Neighbourhood Planning is not mentioned as a priority action, this Neighbourhood Area designation would undoubtedly allow the Easingwold residents and businesses to decide on future development plan making.

### **3.0 RISK ASSESSMENT:**

- 3.1 There are no risks associated with this report.

### **4.0 FINANCIAL IMPLICATIONS:**

- 4.1 There is no cost associated with Neighbourhood Area designation other than a small cost for advertising the decision in a local newspaper - and for the not insignificant officer time involved. However, the Council will incur much larger costs with the subsequent preparation of the Neighbourhood Plan (e.g. for the examination and referendum) but this is expected to be covered by the Department of Communities and Local Government grants to the Council, which currently total £30,000 for each Neighbourhood Plan, made in 3 payment stages. Following designation of a Neighbourhood Area, £5,000 will be received

by the District Council, which recognises the officer time supporting and advising the community in taking forward a Neighbourhood Plan. The second payment (of £5,000) is not until this Council publicises the Neighbourhood Plan prior to examination. The third payment of £20,000 is made on successful completion of the Examination.

4.2 As previously agreed (Cabinet November 2012 - CA46) for Huby and Appleton Wiske's Plans some of this grant should be used to fund the Neighbourhood Plan Group's submitted expenses (e.g. for consultation materials and events) up to £3,000.

4.3 When the Neighbourhood Plan is adopted there will also be an impact on this Council's Community Infrastructure Levy (CIL) receipts as 25% (rather than 15%) of payments for eligible developments in the Easingwold parish will go to the Town Council to spend on their infrastructure projects. However, the CIL income expected to be lost by this Council from Local Development Framework developments in the Easingwold parish is currently considered to be negligible as the main residential developments and the new superstore will have had planning permission granted before the Neighbourhood Plan's expected adoption towards the end of 2015.

## **5.0 LEGAL IMPLICATIONS:**

5.1 The legal requirements under Part 2 of The Neighbourhood Planning (General) Regulations 2012 have been complied with. The next step requires the Council to publish details (area name, map and applicant) of the Neighbourhood Area designation decision on our website and in such other manner we consider likely to bring it to the attention of local residents, workers and businesses.

## **6.0 EQUALITY AND DIVERSITY ISSUES:**

6.1 There are no Equality and Diversity issues associated with this report.

## **7.0 HEALTH AND SAFETY ISSUES:**

7.1 There are no Health and Safety issues associated with this report.

## **8.0 RECOMMENDATIONS:**

8.1 It is recommended that Cabinet agrees:

- (1) the designation of a Neighbourhood Area for Easingwold parish and publicises the necessary information; and
- (2) Government grant funding be passed on to Easingwold Town Council to cover their submitted costs of plan preparation up to £3,000.

MICK JEWITT

**Background papers:** The Neighbourhood Planning (General) Regulations 2012.  
Public Notice advert in Easingwold Advertiser and HDC website notice.  
Supporting Communities in Neighbourhood Planning 2013-15, DCLG, March 2013.

**Author ref:** GB  
**Contact:** Graham Banks  
Author – Planning Policy Manager  
Direct Line No – 01609 767097

**Application for Neighbourhood Area designation from Easingwold Town Council**

# Easingwold Town Council

Easingwold Library, Market Place,  
Easingwold, York YO61 3AN

Telephone: 01347 822422  
Email: [clerk@easingwold.gov.uk](mailto:clerk@easingwold.gov.uk)  
Website: [www.easingwold.gov.uk](http://www.easingwold.gov.uk)



Clerk: Mrs C Armitage

---

25 March 2014

*Sent by email*

Hambleton District Council  
Civic Centre  
Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU  
FAO: Mr G Banks

Dear Mr Banks

**Subject: Neighbourhood Plan Designated Area for Easingwold**

At the Easingwold Town Council meeting held on 21<sup>st</sup> January 2014 **it was Resolved** to create a Neighbourhood Plan Steering Group for Easingwold and representative members of both the Council and Members of the Public were appointed.

The Council wishes to make a formal application to have the Easingwold Parish area designated as a "Neighbourhood Area". A map is enclosed of the relevant area.

The Town Council is a parish council responsible for the area within the Easingwold parish boundary.

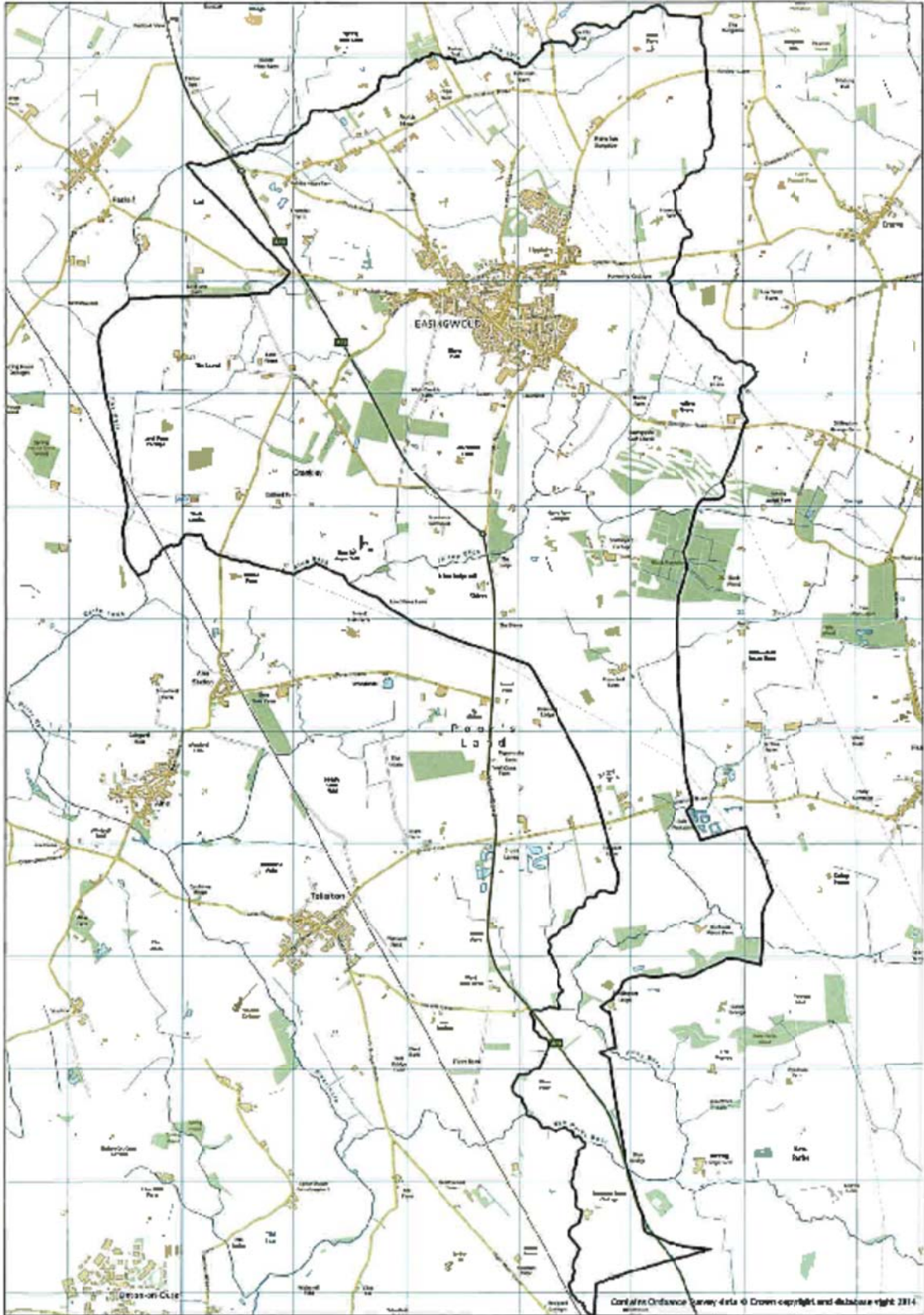
The proposed Designated Neighbourhood Area is an appropriate area for the Neighbourhood Plan as it is the whole of the administrative area of Easingwold Parish Council, served by the current Parish Councillors. It is a long established, well recognised and clearly defined area which includes both the Town centre and its surrounding rural countryside.

The Town Council currently has responsibility to comment upon planning applications within this proposed area.

We kindly request that you process this application of Easingwold Town Council's Designated Neighbourhood Plan Area. Please contact me if further information is needed.

Yours sincerely

Claire Armitage  
Town Clerk



## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
15 July 2014

**Subject:** BUSINESS RATE RE-OCCUPATION RELIEF POLICY

**All Wards**  
**Portfolio Holder for Support Services: Councillor N Knapton**

---

### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 Central Government wants to encourage thriving and diverse town centres and see the number of vacant shops decrease. The introduction of a new Business Rates Re-occupation Relief Scheme is intended to encourage re-occupation of shops that have been empty for a long period of time and reward businesses that take up occupation of empty premises.
- 1.2 The Government announced in the Autumn Statement that it would provide a 50% Business Rates discount for 18 months for businesses moving into previously empty retail premises between 1 April 2014 and 31 March 2016. This reduction in Business Rates is permissible under State Aid regulations and further information is included in the attached policy.

### **2.0 LINK TO CORPORATE PRIORITIES:**

- 2.1 The intention of the policy is to encourage empty property back into use which supports the Council's aim to encourage local economic growth through improving business occupancy levels across the district.

### **3.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

- 3.1 There are no financial implications of introducing this policy because Central Government will fully reimburse Local Authorities for the local share of the discretionary relief which they discount to businesses. Government will do this using a grant under section 31 of the Local Government Act 2003. The Business Rates Re-occupation Relief policy will ensure consistency of award for rate relief across the district.

### **4.0 LEGAL IMPLICATIONS:**

- 4.1 The Localism Act (under section 47 of the Local Government Finance Act 1988, as amended), has been amended to introduce this change under the discretionary powers which means each Local Authority needs to develop a policy which provides details of the operation and delivery of the relief. The policy attached at Annex 'A' provides those details.
- 4.2 The policy will ensure that the consideration and decision-making processes which will be applied to all applications are transparent and fair.

### **5.0 EQUALITY AND DIVERSITY**

- 5.1 There are no equality and diversity issues.

**6.0 RECOMMENDATIONS:**

6.1 That Cabinet approves and recommends to Council:-

- (1) approval of the attached policy; and
- (2) delegated authority be given to the Director of Support Services and Deputy Chief Executive to administer the Business Rates Re-occupation Relief Policy.

JUSTIN IVES

**Background papers:** None

**Author ref:** JI

**Contact:** Justin Ives  
Director of Support Services and Deputy Chief Executive  
Direct Line No: (01609) 767022

**BUSINESS RATES RE-OCCUPATION RELIEF POLICY****1.0 INTRODUCTION:**

1.1 The Government announced in the Autumn Statement on 5 December 2013 that it would provide a 50% business rates discount for 18 months for businesses moving into previously empty retail premises between 1 April 2014 and 31 March 2016, up to State Aid De Minimis limits.

**2.0 WHICH PROPERTIES WILL BENEFIT FROM THE RELIEF?**

2.1 Properties that will benefit from the relief will be occupied properties that:

- When previously in use, were wholly or mainly used for retail as set out in the explanation below.
- Were empty for 12 months or more immediately before their reoccupation
- Become re-occupied between 1 April 2014 and 31 March 2016
- Are being used for any use (i.e. not just retail use) except use as betting shops, pay day loan shops, and pawn brokers.

2.2 There is no rateable value limit for the property in respect of either the previous or re-occupied use. However, State Aid De Minimis limits may limit the amount of relief given.

**3.0 WHAT IS RETAIL USE FOR THE PURPOSE OF THIS POLICY?**

3.1 Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, etc)

Charity shops

Opticians

Post Offices

Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)

Car/ caravan showrooms

Second hand car lots

Markets

Petrol stations

Garden centres

Art galleries (where art is for sale/hire)

3.2 Properties that were being used for the provision of the following services principally to visiting members of the public:

Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)

Shoe repairs/ key cutting

Travel agents

Ticket offices e.g. for theatre

Dry cleaners

Launderettes

PC/ TV/ domestic appliance repair

Funeral Directors

Photo processing

DVD/ video rentals

Tool hire

Car hire

- 3.3 Properties that were being used for the provision of the following services principally to visiting members of the public:

Financial services (e.g. banks, building societies, bureaux de change, payday loan shops, betting shops, pawn brokers)

Other services (e.g. estate agents, letting agents, employment agencies)

- 3.4 Properties that were being used for the sale of food and/ or drink to visiting members of the public:

Restaurants

Takeaways

Sandwich shops

Coffee shops

Pubs

Bars

- 3.5 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. It is intended to be a guide as to the types of uses that Government considers for this purpose to be retail. Hambleton District Council will determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them to be retail.

#### **4.0 HOW MUCH RELIEF WILL BE AVAILABLE?**

- 4.1 Relief will be available for 18 months from the first day the property becomes occupied as long as the first day falls between 1 April 2014 and 31 March 2016, subject to the property remaining continuously occupied.

- 4.2 The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis

- 4.3 Under this scheme the relief available for each property is 50% of the business rates liability after any mandatory or other discretionary reliefs (other than retail relief) have been applied, up to State Aid De Minimis limits.

#### **5.0 STATE AID:**

- 5.1 State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However Re-occupation Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)<sup>2</sup>.

- 5.2 The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three year period (consisting of the current financial year and the two previous financial years). Businesses will be alerted to the implications of State Aid regulations and will be expected to inform the Authority if the limit is exceeded.

#### **6.0 SPLITS, MERGERS AND CHANGES TO EXISTING HEREDITAMENTS**

- 6.1 Where a new hereditament has been created by a split or merger of hereditament(s), the new hereditament will be eligible for the Re-occupation Relief where at least half of the floor area of the new hereditament is made up of retail hereditaments that have been empty for 12 months or more (subject to the conditions above).



- 6.2 Where a hereditament in receipt of Re-occupation Relief splits or merges to form new hereditaments, the new hereditaments will not be eligible for the remaining term of Re-occupation Relief.
- 6.3 Where a hereditament in receipt of Re-occupation Relief becomes unoccupied for any period of time less than 12 months it will not be eligible for any further Re-occupation Relief on occupation. However, if a hereditament that has previously received Re-occupation Relief becomes empty for 12 months or more it will be eligible for an additional 18 months Re-occupation Relief if the criteria are met.

**7.0 CHANGE OF RATEPAYER:**

- 7.1 The relief will run with the property rather than the ratepayer. So if a property is in receipt of Re-occupation Relief and a new ratepayer becomes liable for the property they will benefit from the remaining term of the relief, subject to the new ratepayer's State Aid de minimis limits.

**8.0 APPLYING FOR RELIEF**

- 8.1 Applications will only be considered where an application form provided by Hambleton District Council is received from the ratepayer or, where the ratepayer is an organisation, a person properly authorised to make an application on behalf of the organisation. Each application will be considered on its individual merits. The Council shall request such supporting evidence as it considers necessary to enable the Council to make a decision.

**9.0 REVIEW PROCESS**

- 9.1 There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council will review a decision were the ratepayer is dissatisfied with the outcome and makes a formal written request and provides
- a) Additional supporting evidence that is relevant to the application that was not available at the time the decision was made.
  - b) There are good grounds to believe the application or supporting information was not interpreted correctly at the time the decision was taken.

A request for review must be made within one calendar month of the date of notification of the original decision. Reviews will be considered by an officer independent of the original decision maker.

This page is intentionally left blank

## HAMBLETON DISTRICT COUNCIL

**Report To:** Cabinet  
15 July 2014

**Subject:** HOUSING STANDARDS ENFORCEMENT POLICY – VERSION 1.7

All Wards

Portfolio Holder for Environmental and Planning Services: Councillor Brian Phillips

---

### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The Environmental Health Service has an overall Enforcement Policy in relation to all its activities. This sets out how we will meet the requirements of the Regulators' Code, Priority Regulatory Outcomes, Crown Prosecution Service requirements, Better Regulation Delivery Office requirements and others. This is phrased in general terms. Individual policies in relation to specific functions are required in order that interested parties can see more clearly how enforcement would work in relation to their organisation and activity.
- 1.2 The current Housing Standards Enforcement Policy has been recognised as insufficient to deal with situations where the property of owner occupiers poses either a risk to themselves or to neighbours. The opportunity has also been taken to simplify the Policy and clarify the policy to be adopted in relation to dealing with hazards. The following paragraphs identify in brief the changes proposed to the existing Policy and further simplification has been undertaken throughout.
- 1.3 The Overview now contains the commitment to providing advisory services to owner occupiers and includes reference to houses in multiple occupation.
- 1.4 The description of the Housing Health and Safety Rating System (HHSRS) has been simplified and clarified to illustrate that the Council will take action in relation to category A-D hazards and may take action in relation to Category E-J Hazards. This enables the Environmental Health Service to prioritise action in relation to the most serious issues.
- 1.5 Section 2 clarifies the enforcement objectives and confirms that, although enforcement activity is mainly aimed at supporting tenants, action may also be needed in relation to owner-occupiers in specific situations described in section 2.2 for example where their property poses a significant risk to others, where a hazard prevents the occupier receiving suitable care in the home or where they have requested assistance in specific cases.
- 1.6 Section 3 and 4.2 have been amended to clarify how the EH Service will provide assistance to landlords and tenants as well as owner-occupiers.
- 1.7 Section 4.3 has been amended to remove the prescriptive action and allow flexibility in the use of enforcement tools.
- 1.8 If the Policy is adopted the following actions will be taken:-
  - placing the Policy on the Council's website linked to pages relating to housing standards;
  - a press release to publicise the existence of the Policy;
  - the Policy is also produced in the form of a leaflet; and

- the Policy is promoted at the Landlords Forum and with mailshots to landlords, letting agents, estate agents and private landlords' representative organisations.

**2.0 LINK TO COUNCIL PRIORITIES:**

- 2.1 This links to the Council's Housing priority in that it will drive up standards and improve the quality of the housing stock and make decent housing available for all sections of the local community.

**3.0 RISK ASSESSMENT:**

- 3.1 There are no significant risks associated with this report.

**4.0 FINANCIAL IMPLICATIONS:**

- 4.1 There are no financial implications associated with the adoption of this Policy.

**5.0 LEGAL IMPLICATIONS:**

- 5.1 By adopting this Policy, the Council will comply with new codes to be introduced in 2014.

**6.0 RECOMMENDATIONS:**

- 6.1 That Cabinet approves the amended Housing Standards Enforcement Policy v1.7.

MICK JEWITT

**Background papers:** Environmental Health Service Enforcement Strategy and Policy

**Author ref:** JS

**Contact:** Joy Swithenbank  
Lead Environmental Health Officer (Residential)  
Direct Line No 767088

150714 HousingStandardsEnforcementPolicy HDC revision



**HAMBLETON DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH SERVICE**

**HOUSING STANDARDS  
ENFORCEMENT POLICY**

**Date of Issue:**

Document Version control

Version	Date	Author
1.0	11/06/12	Matthew Saxon
1.1	16/07/12	Matthew Saxon
1.2	07/08/12	Matthew Saxon
1.3	2/11/12	Matthew Saxon
1.4	17/1/13	Joy Swithenbank
1.5	8/5/13	Philip Mepham
1.6	17/5/13	Matthew Saxon
1.7	06/03/14	Joy Swithenbank

## **FOREWORD**

The Residential Team (herein referred to as 'the service') sets out to maintain and improve the housing conditions within the district. Housing is a key social determinant of health and we recognise the impact of housing and its conditions on health and wellbeing outcomes. Through the provision of this service we aim to address inequality in housing conditions attributable to health.

The service takes a proactive approach to give informal advice, assistance and information to landlords, tenants and owner occupiers, to improve standards overall within the sector that does not rely on complaints. However for individual cases where this approach fails the service will take enforcement action if necessary in order to protect the health, safety and welfare of persons.

## **Contents**

	<b>Page</b>
1. Overview of the policy and service	4
2. Enforcement	5
2.1 What is enforcement?	5
2.2 Enforcement objectives	6
3. Providing assistance, information and education	6
4. Implementation	7
4.1 Verbal advice and recommendations	7
4.2 Informal enforcement	8
4.3 Formal enforcement	8
4.4 Work in default	9
4.5 Simple caution	10
4.6 Prosecution	10
5. Charging for enforcement action	11
6. Recovery of debts and Council incurred costs	11
7. Powers of entry	11
8. Powers to require documents	12
9. Mandatory house in multiple occupation (HMO) licensing	12
10. Service delivery times	13
11. Officer training, competency and authorisation	13
12. Policy review	13
13. Complaints	14

## **1. OVERVIEW OF THE POLICY AND SERVICE**

This policy is in accordance with the Environmental Health Service Enforcement Strategy and Policy. The Aims of the policy are to:

- set out the legal responsibilities, policies, principles and priorities that the service will follow when enforcing legislation
- help provide safer and healthier housing and improve the health and wellbeing of occupants.
- improve property and management standards to increase public confidence in the quality of accommodation leading to a vibrant private rented sector.
- raise the profile and increase transparency and consistency of enforcement in the private rented sector.
- support a range of corporate objectives including improving neighbourhoods and increasing energy efficiency.

This policy sets out the ways in which the service will:

- Use its enforcement powers to raise the profile of and publicise the service and increase public confidence;
- Undertake enforcement with a transparent approach so that people understand how they will be dealt with by the Council in these circumstances;
- Provide enforcement officers with the necessary training, guidance and procedures to be followed;
- Prioritise our responsibilities to meet Council priorities and service plan objectives through targeted resources;
- Encourage joint working across services;
- Provide a range of advisory services to owner occupiers, landlords and tenants.
- Provide training on a range of topics chosen by landlords
- Record data on housing statistics and outcomes.

The service is responsible for enforcing a range of statutory provisions relating to housing standards. The principle legislation used is the Housing Act 2004. Other legislation such as the management of Housing in Multiple Occupation Regulations 2006, Environmental Protection Act 1990 or drainage legislation will also be utilised depending on the circumstances. Officers will use professional judgement to determine the most appropriate piece of legislation to use; in some cases a range of enforcement tools may be appropriate.

### **The Housing Act 2004 and the Housing Health and Safety Rating System**

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS) as a prescribed method of assessment. The HHSRS is a risk-based



evaluation tool used to identify potential risks and hazards to health and safety from deficiencies identified in dwellings and is applicable to all housing tenures.

There are 29 hazard profiles that deficiencies can come under. When a potential hazard is identified all the deficiencies under that hazard are recorded and used to determine a hazard score. This is a numerical representation of the overall risk from a hazard and is based on the evaluation of the likelihood of an occurrence and the probable spread of harms that could result.

The hazard score is put into a range of bands to categorise the seriousness, the bands going from J – the least serious up to A the most serious. A hazard score rating band A - C, is called a category 1 hazard and the authority has a duty to take action to reduce the hazard. A hazard score rating of D – J is called a category 2 hazard and the authority has a power to take action. The council will take enforcement action in regards to hazards listed A – D. The Council will use its discretion in taking enforcement action in regards to hazards E – J depending on circumstances of the case to reduce the hazard to an acceptable level.

Guidance on the HHSRS aimed at non-specialists, in particular private landlords, is available to view and download from the Council's website. This guidance will help property owners understand what local authority officers are inspecting for and how they assess the dwellings. This should help landlords to identify those areas where they need to do necessary work before the local authority carries out an inspection and requires remedial works.

## **2. ENFORCEMENT**

### **2.1 WHAT IS ENFORCEMENT?**

Enforcement means 'an action carried out in exercise of, or against the background of statutory enforcement powers'. This is not limited to formal enforcement action such as prosecution or service of legal notices. It includes inspections or investigations related to property, land or any relevant person for the purpose of checking compliance with legislation and giving advice or education to people to help them comply with the law.

Our policy recognises that most people want to comply with the law. Our aim is to deliver regulatory and enforcement functions in a proactive, enabling and supportive style; helping landlords, tenants and other groups meet their legal duty without unnecessary expense.

However, we will take firm and decisive action including prosecution and works in default where appropriate and, will prioritise enforcement action to remedy the worst situations that have the greatest impact.

We also aim to support individuals to enable them raise issues of concern and to assist them through the investigation process. The views of the occupying tenant will be taken into account in deciding on appropriate action.

## **2.2 ENFORCEMENT OBJECTIVES**

The enforcement objective of the service primarily covers privately rented property. Tenants are not in control of improving their housing conditions and enforcement powers are needed to bring about improvements through action against the landlord. However enforcement action may be taken against owner occupiers if there is a significant risk to others or where the hazard prevents the occupier receiving suitable care in the home or where they have requested assistance in specific cases.

We aim to react to problems raised in line with the seriousness of the issue rather than having a one size fits all approach. Officers are trained to make good judgements and offer advice over the phone rather than automatically inspecting every time. In normal circumstances enforcement action will be carried out with the objective of ensuring that:

- Tenants live in homes free of significant risks to their health and safety;
- Shared houses (known as houses in multiple-occupation (HMOs)) are identified and comply with HMO regulations where necessary, including licensing and compliance with licence conditions;
- Privately owned land or property does not present a statutory nuisance to other land owners or occupiers; does not directly or indirectly present an unacceptable risk to public health, safety or the environment; or does not directly present an unacceptable risk to the health & safety of the occupants.

## **3. PROVIDING ASSISTANCE, INFORMATION AND EDUCATION**

We will work with landlords and tenants to promote our service as one where advice and assistance can be freely obtained. This promotes a proactive approach to encourage engagement to address problems rather than having to take enforcement action. This ranges from advice and information by officers on site, over the telephone, in writing or through the range of advisory leaflets we provide.

We also aim to provide assistance to help landlords & tenants by:-

- ⤴ Communicating with landlords via mail shots through email or post to relay important safety information, changes to regulations or notifying them of opportunities e.g. free thermal insulation offers.
- ⤴ Provide guidance and sign-posting to other organisations on specific tenancy related issues such as illegal eviction, gas safety, energy efficiency etc.
- ⤴ Empower the tenants to make informed decisions when thinking about renting property i.e. what to ask and look out for, copies of gas and energy performance certificates.
- ⤴ Maintain pages on the Council's website giving a range of housing advice.

## **4. IMPLEMENTATION**

The purpose of the enforcement policy is to ensure that decisions are consistent, balanced, fair, transparent, proportional and relate to the common aims of the service. We will:

- Comply with the Environmental Health Service Enforcement Strategy and Policy document.
- Ensure staff apply a consistent approach to enforcing legislation through documented procedures and guidance.
- Provide officers with guidance and appropriate training to enable them to make consistent decisions, ensure they are fully acquainted with the requirements of this policy and monitor their compliance.
- Learn from activity and best practice to continually improve the effectiveness of our enforcement and service.
- Provide support to those requesting our services as necessary.

The policy must be followed in most cases. However we recognise that some requests are unique and must be considered on their own merits. Departures from the policy will only be made in exceptional circumstances with the agreement of the Team Leader.

Before proceeding with any action, officers shall consider if there is a shared or complementary enforcement role with other Services or agencies, e.g. North Yorkshire Fire and Rescue Authority (NYFRA) and liaise with them to achieve a quicker or sustainable resolution.

At each stage of the enforcement process, it is hoped that through the various forms of intervention, the complaint or enquiry can be resolved. While formal enforcement action is a necessary and important part of the enforcement process, it is generally viewed as a last resort; though in certain cases such as where deficiencies pose an unacceptably high level of risk, it may be necessary to use formal action as a first resort, including the use of emergency powers. Officers will seek compliance with legislation using a staged approach using one or more of the following:

- a) Verbal advice and recommendations
- b) Informal enforcement
- c) Formal enforcement
- d) Carry out work in default
- e) Simple caution.
- f) Prosecute

### **4.1 VERBAL ADVICE AND RECOMMENDATIONS**

In order to assist individuals, existing & prospective landlords and other organisations to comply with their legal obligations we will provide both information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems. Advice given will be communicated in a way which is open, clear, unbiased, and presented in plain English to help them understand their rights, obligations, options and to support them through any investigation process where necessary.

For individuals classed within a vulnerable group, direct officer intervention will be offered. A vulnerable person will be someone who the officer believes is unable to correctly interpret or understand the written or verbal advice, its implications or that it is likely to cause an unreasonable amount of stress or anxiety upon that individual.

In the case of complaints about the condition of a rented property, in the first instance complainants are advised to inform their Landlord, where possible, in writing of any defects and ask for these to be rectified within a reasonable period.

Should the landlord fail to respond in an appropriate way further intervention by the enforcement officer may be required depending on the nature of the repairs.

Where the Officer considers that there is an imminent risk of harm to the health and safety of the occupiers, then more immediate action will be taken.

## **4.2 INFORMAL ENFORCEMENT**

There is a presumption that in the first instance officers will seek the desired improvements by working informally with those involved. In deciding on any course of action there will be discussion with the owners, tenants and other interested parties so that the most appropriate course of action can be taken. The officer will also have regard to the landlord's apparent willingness to resolve a situation and any previous records of compliance. In most cases informal enforcement will follow the following steps:

- a) An inspection of the property will be arranged with the tenant. The owner / landlord will be given 24 hours notice of the Council's intention to inspect the property.
- b) With the exception of issues requiring urgent attention, inspection findings will be presented to the owner / landlord and tenant in writing within 10 working days. The letter will clearly identify those issues which are legally required to be addressed and those which are recommendations for improvement.
- c) An offer will be made to meet the owner / landlord onsite to go through the findings and/or discuss them verbally with the investigating officer.
- d) The landlord will be provided with an opportunity to make a representation on the findings and how they intend to address them.
- e) An agreed way forward and time scale will be agreed between all parties.
- f) As the complaint progresses the officer will keep both parties updated on developments as necessary

## **4.3 FORMAL ENFORCEMENT**

A formal approach describes circumstances where an officer considers it necessary to use their legislative powers such as serving a legal notice to ensure that

necessary improvements are undertaken. This could be due to a variety of factors as listed:

- There is a serious risk to health and safety. For example no heating in cold weather or exposed live electrical wiring with which people are likely to make contact
- An agreement cannot be obtained, from the landlord to carry out the necessary works requested
- The landlord fails to make satisfactory progress to complete works in a timely manner;
- There is a recent history of failure to meet requests or a record of criminal convictions; to carry out works or requested or to manage a property in line with legal requirements;
- It is necessary to safeguard and protect health and safety of future tenants for example when the existing tenant does not wish for works to proceed or when the existing tenant is being evicted

Depending on the enforcement action the landlord has between 21 and 28 days to appeal either to the Residential Property Tribunal or Magistrates' court. If no appeal is received it becomes a criminal offence not to comply with the terms within the time frame specified.

#### **4.4 WORK IN DEFAULT**

Where the requirements of the legal notice are not met, the Council is empowered to carry out the required works and recover the costs. The Council will generally carry out works in default when:

- a) The Council regards work in default as being a more appropriate or effective remedy than prosecution;
- b) The person served with a statutory notice starts work but then does not make satisfactory progress in accordance with stipulated timescales;
- c) The Council may agree to carry out work in default on behalf of the person responsible where a written request and an undertaking to pay has been received;
- d) Inspection by the Council has deemed that the works carried out are not suitable to ensure compliance with the notice.

In deciding whether to carry out work in default, the Council will consider:

- a) The ongoing risk to health posed by the hazard in respect of which work is required to remove;
- a) Where known - the wishes of the person responsible;

- b) Where the evidence available indicates a realistic prospect of recovering its reasonable costs;
- c) Where statute allows the Council to recover the cost of the works by placing a charge on the property

The Council has a policy which sets out how works, goods, and services will be procured. These will be followed when arranging for works in default to be carried out.

Costs recharged may cover activities in carrying out the works in default such as officer time, travel costs, invoices and administration. Recovery of outstanding money will be undertaken through the Council's debt recovery procedures.

#### **4.5 SIMPLE CAUTION**

Non-compliance with enforcement legislation can make people liable to be convicted of criminal offences. Officers may use Simple Cautions as part of the enforcement process.

Before deciding whether formal legal proceedings should be instituted for non compliance, the officer will consider whether other action, such as issuing a simple caution in accordance with Home Office Circular 016/2008, would be more appropriate or effective. The purpose of the simple caution is:-

- a) To deal quickly and simply with less serious offences where the offender has admitted the offence;
- b) To divert offenders, where appropriate, from appearing in the criminal courts;
- c) To record an individual's criminal conduct for possible reference in future criminal proceedings or relevant security checks; and
- d) To reduce the chances of them re-offending.

The significance of a simple caution is that a formal record will be kept and may be cited in court if the offender is subsequently found guilty of an offence. A previous simple caution may influence the decision to prosecute in a future case and this will be explained to the suspected offender. The rules covering simple cautions are provided on the Home Office web site in Home Office Circular 016-2008.

#### **4.6 PROSECUTION**

Prosecution will only be instigated following review of the matter by the Team Leader and in agreement with Legal Services. The Council will generally initiate legal proceedings where:

- i. a person served with a legal notice fails to comply with the requirements of a notice and has not appealed against the terms of the notice or their appeal has not been upheld and the Council regards prosecution as likely to be a more appropriate and effective remedy than works in default alone

- ii. a simple caution is not appropriate or a person accused has refused to accept the simple caution
- iii. where a person has obstructed an officer in the course of their duty.

In deciding whether to prosecute, the Council will consider:

- a) The seriousness of the alleged offence;
- b) Where the approach of the offender warrants it, e.g. repeated breaches, persistent poor standards; provision of false information; or obstruction of an officer in the course of their duty;
- c) The likelihood of a reasonable defence
- d) The presence and availability of important witnesses;
- e) The probable public benefit of a prosecution and the importance of the case;
- f) Whether other action, such as issuing a simple caution would be more appropriate or effective;

## **5. CHARGING FOR NOTICES**

There will be a charge for Notices according to fees and charges policy.

There will be discretion to waive the charge when it is not reasonable to expect a person to pay for charges for the enforcement action taken i.e. where a landlord is not at fault e.g. we believe that the tenant has caused damage or that the reason for serving the notice was outside of the control of the landlord.

## **6. RECOVERY OF DEBTS AND COUNCIL INCURRED COSTS.**

Charges for enforcement action will be recovered by serving a demand for payment on the person(s) on whom the notice or order is served. Where charges for enforcement action are levied they will also be registered as a Local Land Charge on the property until the debt is recovered. Notice fees will not be charged against owner occupiers.

The Council will vigorously pursue all debts owed to it as a result of enforcement charges or charges for carrying out works in default (as well as any other charges).

## **7. POWERS OF ENTRY**

In certain circumstances, Powers of Entry into a property are provided to authorised officers in accordance with the legislation under which we operate. In general the powers will allow an officer at any reasonable time to:

- enter a property to carry out an inspection and gather evidence
- take someone with them
- take equipment or materials with them
- take measurements, photographs or make recordings
- leave recording equipment for later collection
- take samples of articles or substances
- And in some cases to carry out works

In most cases prior notice must be given to owners and to the occupiers. The notice given depends on the legislation being enforced and can range from 24 hours to 7 days. Notice that powers of entry need to be carried out will normally be in writing or by email but can in some circumstances be given verbally, depending on the relevant statutory provision.

Powers of Entry can be enforced in the first instance where it is necessary to:

- protect the health and safety of any person
- investigate an offence
- prevent the obstruction of officers
- carry out a statutory duty or power

The powers of entry can be enforced with a warrant. The Police will accompany officers where it is appropriate to do so. It is an offence to obstruct an officer in the course of their duty.

Officers exercising their Power of entry will carry identification and details of their authorisation to carry out their action.

## **8. POWERS TO REQUIRE DOCUMENTS**

Currently authorised officers have the power to require:

- documents to be provided to enable them to carry out their powers and duties under the Housing Act 2004.
- electrical and gas safety certificates to be provided in relation to Houses in Multiple Occupation.
- any person with an interest in a property to provide details about its ownership or occupation.
- To obtain information from persons and authorities.

It is an offence not to produce the required information. Where information is not provided as requested formal action will be considered .

## **9. MANDATORY HOUSE IN MULTIPLE OCCUPATION (HMO) LICENSING**

A licence is required for HMOs of 3 or more storeys with 5 or more persons in 2 or more households sharing the facilities.

It is an offence not to licence this type of HMO and the Council will undertake systematic surveys using all relevant information held by the Council to find unlicensed HMOs.

If a landlord has approached the Council for a licence an informal approach will be adopted so long as the application is subsequently duly made within 14 days.

There may also be exceptional circumstances that have resulted in an application not being made which will be considered.

Where landlords have been prosecuted for operating an unlicensed HMO the Council will consider using the Rent Repayment Orders to claim back any Housing Benefit paid whilst the HMO was unlicensed.



Where a license is issued, the council at the same time will also inspect the property to ensure it complies with the HHSRS.

#### **10. SERVICE DELIVERY TIMES.**

- Where a serious risk to health is considered to exist we will aim to initiate an investigation into the complaint within 48 hours.
- Prior to undertaking any inspection of a residential property under HHSRS it is a requirement of the Housing Act 2004 for a minimum of 24 hours notice to be given to the landlord. This will be through a notification of intention to inspect notice and/or telephone call.
- An initial response from an officer to a service request will be made within 3 working days
- Advisory letters will be sent within 10 working days
- Any written correspondence the council receives will be responded to within 5 working days or, if further time is needed to deal with the enquiry, a holding response will be sent.
- For cases which have not obtained a conclusion within 6 months, a case conference will be convened with the Lead Officer to determine an outcome.

#### **11. OFFICER TRAINING, COMPETENCY AND AUTHORISATION**

Only officers who are competent by virtue of their training, qualifications and/or experience will be authorised to take enforcement action. The Environmental Health Manager will maintain a list of current authorisations.

Authorised officers will also have sufficient training and understanding of the departmental policies and procedures to ensure a consistent approach to service delivery.

Officers who undertake criminal investigations will be conversant with the provisions of the following legislation:

- Police and Criminal Evidence Act 1984;
- The Criminal Procedure and Investigations Act 1996;
- The Regulation of Investigatory Powers Act 2000;
- The Data Protection Act 1998;
- Freedom of Information Act 2000.

#### **12. POLICY REVIEW**

The implications and effectiveness of this Policy will be regularly monitored.

This Policy will be reviewed annually by the Residential Team Leader and Environmental Health Manager to reflect changes shown to be necessary from internal monitoring, by legislation or by guidance from the Central Government Agencies. Views on the policy and its implementation will be sought to ensure it continues to meet the principles of good enforcement.

This Policy was recommended for adoption at the Cabinet meeting on xx 2014 (minute x ) and adopted by Hambleton District Council on xx 2014 (minute x).

### **13. COMPLAINTS**

Where a person is not satisfied with the service that has been delivered, the Council's formal complaints procedure should be followed.

## HAMBLETON DISTRICT COUNCIL

**Report To:** Cabinet  
15 July 2014

**Subject:** **PROPOSED STRUCTURE FOR COMMUNITY SAFETY DELIVERY IN NORTH YORKSHIRE**

**All Ward(s)**  
**Portfolio Holder for Community Safety: Councillor B Fortune**

### 1.0 PURPOSE AND BACKGROUND:

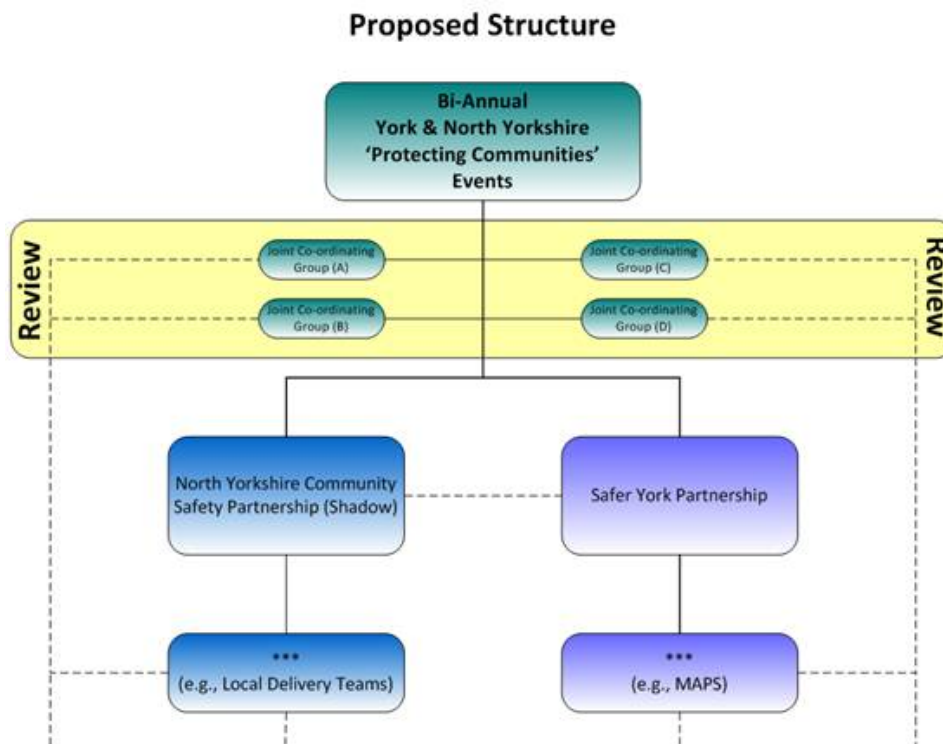
1.1 The purpose of this report is twofold:-

- a) To brief Members on the proposed changes to the delivery of the community safety function across North Yorkshire and the consequential impact on the local delivery in Hambleton.
- b) To advise Members of the new funding arrangements for community safety services put in place by the Police and Crime Commissioner.

1.2 The Police and Crime Commissioner has set out proposals for changing the Community Safety structure from the existing local Community Safety Partnerships into a single North Yorkshire county wide partnership. York will be part of a separate Community Safety Partnership.

1.3 This is accompanied by the proposal for Local Delivery Teams to undertake work in local areas to continue to reduce crime and disorder.

1.4 The proposed model is described in the following diagram:-



- 1.5 The Crime and Disorder Act 1998 (as amended) requires the police, local authorities, fire and rescue, probation and clinical commissioning groups (known as the responsible authorities) to work together and with others in partnership to:
- a) Protect their local communities from crime and help people feel safer;
  - b) Deal with local issues like antisocial behaviour, drug or alcohol misuse and re-offending; and
  - c) Assess local crime priorities and consult partners and the local community about how to deal with them.

No one responsible authority has ownership of the Partnership, rather the work is a collaboration of effort and resource to carry out the functions as detailed in the Crime and Disorder Act 1998.

- 1.6 Finance was previously provided to support the work of CSPs in England by the Home Office. Since 2010 the amount of Home Office funding for community safety has reduced considerably; in North Yorkshire this has dropped from over £700k per year to around £250k per year. In April 2013 the Home Office transferred the funding to Police and Crime Commissioners, as an integral part of their main grant from the Home Office rather than ring-fenced or separately identified for CSPs.
- 1.7 In the light of this, to maximise efficiency the Police and Crime Commissioner has strongly argued for the principle of one CSP for North Yorkshire, supported by district based “Local Delivery Teams”, alongside one CSP for York. Legislation allows for responsible authorities to collectively propose a combination of CSPs in the interests of efficiency and economy. The power to approve a combination now rests with the Police and Crime Commissioner, but the request can only come from the responsible authorities. The Home Secretary would only be only involved if a proposed CSP would cover all or parts of more than one police force area.
- 1.8 **All responsible authorities will need to agree to the proposal.**  
There are currently 17 responsible authorities (police force, eight local authorities, fire and rescue authority, probation trust and six clinical commissioning groups), although the number will shortly increase to 18 when a national reorganisation of the probation service create a national probation service and regional community rehabilitation companies. If any responsible authority does not agree to the proposal, the combination cannot go ahead in respect of the districts served by that responsible authority. However, the combination can still go ahead in respect of the districts not served by that responsible authority.
- 1.9 All responsible authorities are being requested to consider and agree to the proposal by the end of July 2014, with the combination taking effect no later than 30 September 2014, subject to the agreement of the Police and Crime Commissioner.
- 1.10 The existing Hambleton & Richmondshire Community Safety Partnership Executive considered the proposal at its meeting on 15 May 2014 at which all responsible authorities were represented. Whilst it was not required to make a formal decision, as the agreement must come independently from the responsible authorities, the proposal was acknowledged and the continuation of the Local Delivery Team on the same basis as the current model of the CSP was endorsed.
- 1.11 Richmondshire District Council considered the proposal on 11 June 2014. Richmondshire District Council agreed to the proposal to create one North Yorkshire Community Safety Partnership, supported by a Local Delivery Team. It also endorsed the principle of continuing that Local Delivery Team on the basis of a multi-agency partnership across both Hambleton and Richmondshire.

- 1.12 Recent discussions with North Yorkshire Police have confirmed that through their Operational Policing Model review, the structures for Hambleton and Richmondshire are likely to remain. The management above the level at which the Local Delivery Team will work will alter but there will be no change to the day to day service that is provided across the area and they will continue to look at the area as a collective. North Yorkshire Fire and Rescue Service equally have no plans to alter their boundaries and will again continue to service the area as a collective community and would look to work with partners on that basis.

### **Local Delivery Team**

- 1.13 Should all of the responsible authorities agree to a combination agreement in respect of introducing one Community Safety Partnership for North Yorkshire, the existing Community Safety Partnership would effectively become a Local Delivery Team.
- 1.14 However, it is felt that a return to a Hambleton-only model, similar to those in Harrogate, Selby, Craven, Ryedale and Scarborough, would provide a greater focus on the key issues for Hambleton. It would require new Terms of Reference and other administrative functions will need to be undertaken such as name change – proposed to be **Safer Hambleton** in keeping with the original focus of local delivery.

If the Council wishes to have a Local Delivery Team based solely on its own boundaries then the views of the other partners need to be sought, and whilst there is no specific date for Local Delivery Teams to Go Live, it is suggested that the views of other partners be sought as soon as possible.

- 1.15 It has been proposed through the shadow North Yorkshire Community Safety Partnership that draft Terms of Reference for the Local Delivery Team be set out – see Annex A attached.

## **2.0 FUNDING**

- 2.1 The current and future funding arrangements are set out in Annex B.

## **3.0 LINK TO COUNCIL PRIORITIES:**

- 3.1 The delivery of community safety links into both the Health & Economic priorities of the Council benefitting communities within the Hambleton area.

## **4.0 RISK ASSESSMENT:**

- 4.1 The Council will not be exposed to any risk by agreeing to this proposal as a legal combination agreement will be in place.

## **5.0 FINANCIAL IMPLICATIONS:**

- 5.1 There are no financial implications associated with this report.

## **6.0 LEGAL IMPLICATIONS:**

- 6.1 Once all statutory bodies have agreed to the creation of the North Yorkshire Community Safety Partnership, a combination agreement will be drafted for signature by the Police and Crime Commissioner. This is in accordance with the requirements of the Police Reform and Social Responsibility Act.

## **7.0 EQUALITY/DIVERSITY ISSUES**

7.1 Agreeing to the proposal will ensure that all communities will continue to receive a community safety service equally. There are no equalities implications.

## **8.0 RECOMMENDATIONS:**

8.1 It is recommended that Cabinet -

- (a) endorses the proposal from the Police and Crime Commissioner to form one single North Yorkshire CSP; and
- (b) approves the establishment of a Local Delivery Team based on Hambleton's boundary using the draft Terms of Reference set out in Annex A, and that partners be consulted on this.

DAVID GOODWIN

**Background papers:** None

**Author ref:** DRG

**Contact:** **David Goodwin**  
Director of Customer & Leisure Services  
01609 767147

## DRAFT TERMS OF REFERENCE

A Local Delivery Team (LDT) will exist for each of the districts in North Yorkshire. One LDT may work across more than one district by mutual agreement between the responsible authorities in those districts.

The purpose of the LDT is to bring together the operational managers of the responsible authorities, supported by other relevant organisations, to coordinate and ensure the delivery of the North Yorkshire Community Safety Partnership Plan in the district, in particular to:

- i. Protect their local communities from crime and disorder, and help people feel safer;
- ii. Deal with local issues like antisocial behaviour, drug or alcohol misuse, re-offending and crime prevention; and
- iii. Assess local crime and disorder priorities and consult partners and the local community about how to deal with them.

As a minimum the LDT will:

- i. Input into the development of the Joint Strategic Intelligence Assessment (JSIA) and the North Yorkshire Community Safety Partnership Plan.
- ii. Coordinate the activity of responsible authorities and other relevant organisations to ensure the delivery of the North Yorkshire Community Safety Partnership Plan in the district.
- iii. Share relevant local information and knowledge, including that supplied by the Office of the Police and Crime Commissioner and the Police.
- iv. Adopt a problem solving approach; working in partnership to identify and mitigate the impact of crime and disorder issues on the locality or victim and to promote crime prevention activities.
- v. Provide regular updates to and receiving regular updates from the North Yorkshire Community Safety Partnership.
- vi. Advise the North Yorkshire Community Safety Partnership on key matters relating to local community safety to support the development of strategic themes and priorities.
- vii. Monitor emerging trends and issues that require a quick delivery response.
- viii. Support partners and the community to deliver community safety solutions and projects in a timely and expedient manner.
- ix. Work collaboratively with North Yorkshire Community Safety Partnership, delivery partners commissioned by the Office of the Police and Crime Commissioner, and other LDTs to ensure enhanced, effective and efficient joined up delivery at district level.

Membership:

- i. Core (voting) membership will comprise operational managers from the responsible authorities.
- ii. Representatives (operational managers) of other relevant organisations (for example the voluntary and community sector) may be co-opted, as agreed by the core membership.

Each LDT will agree its own arrangements with regard to:

- i. Appointment of Chair and Deputy Chair
- ii. Administrative support
- iii. Frequency of meetings
- iv. Quorum
- v. Decision making
- vi. Content of agenda
- vii. Circulation of papers / action logs
- viii. Resolution of disputes and differences
- ix. Declaration of interests
- x. Task and finish groups

## CURRENT AND FUTURE FUNDING ARRANGEMENTS

It has been confirmed by the Office of Police and Crime Commissioner (OPCC) that the Hambleton and Richmondshire Community Safety Partnership will receive funding from 1 April to 30 September pro-rata to that received last year – this equates to a total of £27,587 of which £17,099 is allocated for the Hambleton area of the partnership.

From October 2014 to March 2016 the OPCC is committed to investing community safety funding at 2013/14 levels through Safer York and the proposed North Yorkshire Community Safety Partnership (CSP). However, no assumption should be made in relation to community safety funding arrangements for the period October 2014 to March 2016 being extended to 2016/17. It is intended that community safety funding from March 2016 will be openly commissioned. The total financial commitment will continue at 2013/14 levels which equates, over the 18 month period, to £572,991k across North Yorkshire and the City of York. For North Yorkshire specifically, the total amount from which the North Yorkshire Community Safety Partnership can bid from is £324,768 after 20% reduction for the reactive pot and payment by results pot (10% each).

In relation to community safety services commissioning from October 2014 to March 2016 the OPCC is particularly interested in supporting the Multi Agency Problem Solving (MAPS) process in local areas and targeted approaches to addressing Anti-social Behaviour (ASB) issues; being mindful of aligning proposals to other existing initiatives e.g. York ASB Hub and new provision in the Anti-Social Behaviour, Crime & Policing Act.

The OPCC is proposing to retain 10% of the 18 month funding pot to award to each CSP if they are successful in achieving defined outcome improvements over the period. This will mean retaining £57,299k, £17,204 from Safer York and £40,095 from North Yorkshire CSP, and awarding it at the end of the 18 month period only if the CSP has achieved what they documented in relation to outcomes during the Funding Application process. CSPs are asked to outline what they would spend this PBR funding on, if they are successful, within the Funding Application section of this document. If a CSP is unsuccessful the funding will be retained and rolled over into the 2016/17 financial year funding pot for community safety services.

In response to partner feedback the OPCC is content for 10% of the Remaining Funding Pot to be retained as a reactive pot of funding by CSPs so that they can respond to emerging needs within communities. CSPs (ie York and North Yorkshire) have been asked to outline what might make up their reactive spending within the Funding Application so that it can be agreed what constitutes appropriate reactive spending during the application process.

Both the shadow North Yorkshire and the Safer York CSP have provided feedback on the proposals and the OPCC have amended the bidding process and information requirements accordingly. Alongside this proposal; organisations, working as part of the shadow North Yorkshire CSP, have come together to determine the services they will be bidding for from the Police and Crime Commissioner- it is anticipated that bids will be based on themes rather than specific services.

There will **not** be an opportunity for local areas through the Local Delivery Teams to bid into the money directly from the Police and Crime Commissioner; all bids must have been gathered and one be submitted through the North Yorkshire CSP by 30 June.



## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
15 July 2014

**Subject:** PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLANS

**Brompton Ward**  
**Portfolio Holder for Leisure and Customer Services: Councillor Mrs B S Fortune**

---

### **1.0 PURPOSE AND BACKGROUND:**

1.1 The Council's policy is to endorse Public Open Space, Sport and Recreation Sub Area Action Plans to provide a more strategic and efficient process for allocating future Section 106 monies (see Annex A) either from Local Development Framework allocations or windfall sites.

1.2 The purpose of this report is to endorse the refreshed Public Open Space, Sport and Recreation Action Plan for Brompton.

1.3 The Council's policy states that each Action Plan must comply with the following:

- Ascertain what is already provided
- Consider public open space, sport and recreation projects that are included in the local Community or Parish Plan to identify existing need
- Includes consultation with community groups that manage public open space, sport or recreation facilities to identify future need
- Includes consultation with the District Council Elected Member(s) and the local Area Partnership
- Meet the obligations of Public Open Space, Sport and Recreation Supplementary Planning Document
- Is signed off by a Council Director

The Action Plan detailed in 1.2 meet this criterion.

1.4 Copies of the Action Plans detailed in 1.2 are available at Annex B.

### **2.0 LINK TO COUNCIL PRIORITIES:**

2.1 This links primarily to the Health priority of the Council.

### **3.0 RISK ASSESSMENT**

3.1 Risk has been considered as part of this report and there are no risks identified as a result.

### **4.0 FINANCIAL IMPLICATIONS:**

4.1 The main method of delivery of Section 106 allocations is to passport external funding from developers to community groups. Funds will not be committed or released to organisations until the Council has received the monies from the developer.

4.2 Action Plans will be subject to 12 monthly reviews to determine progress to ensure that the projects are still relevant and viable.

**5.0 LEGAL IMPLICATIONS:**

5.1 There is a legal responsibility upon the Council to ensure this funding is used in a way consistent with the individual Section 106 Agreements.

**6.0 SECTION 17 CRIME AND DISORDER ACT 1998:**

6.1 Some of these projects have the potential to reduce crime and disorder through providing diversionary activity for young people.

**7.0 EQUALITY/DIVERSITY ISSUES:**

7.1 All projects in receipt of this funding should have equal access and be available for the general public to use.

**8.0 RECOMMENDATIONS:**

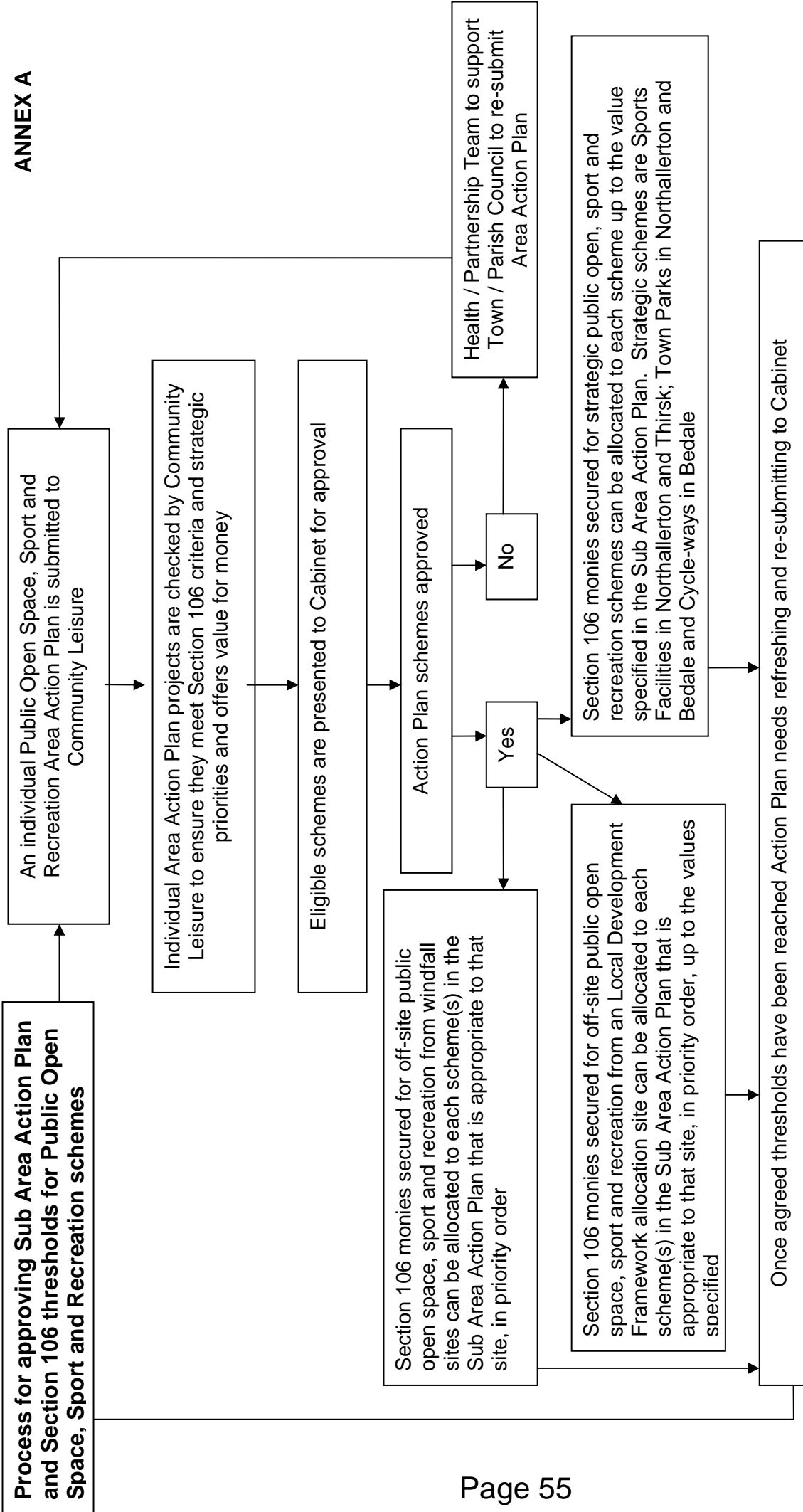
8.1 It is recommended that the Public Open Space, Sport and Recreation Action Plan in Annex B be endorsed.

DAVE GOODWIN

**Background papers:** Hambleton Local Development Framework – Open Space, Sport and Recreation Supplementary Planning Document

**Author ref:** DRG

**Contact:** Dave Goodwin  
Director – Customer and Leisure Services  
01609 767147



**PUBLIC OPEN SPACE, SPORT AND RECREATION ACTION PLAN – BROMPTON**

What POS / Sport / Recreation facilities do you have already?	Managing organisation	Future actions	How do you know there is a need for this project?	Estimated cost (£)	Community Priority (1 = highest priority)
Brompton Allotments	Brompton Allotments Group	To install a composting toilet and bee hives	There are no toilet facilities on site as the site is off the main water supply sewer networks. Both the allotment holders and town council have been consulted and are supportive of introducing bee hives to the site. Bees are necessary for good pollination of crops.	£2,000.00	1
Village greens – Water End	Brompton Parish Council	Partial fencing to the northern end of the Greens to prevent car parking on the Greens (the Council has already acquired land nearby to provide a car park for residents – currently applying for planning). Relaying parts of the greens that become extremely water logged in inclement weather – including field drains, levelling and reseeded. Purchasing additional dog waste and litter bins and new information signing	Public consultations held with all households in January 2012	£12,100.00	2

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

Document is Restricted

This page is intentionally left blank