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11 July 2018

To: All Councillors

As a Member or Substitute of the **Governance and Resources Committee**, please treat this as your summons to attend a meeting on **Thursday 19 July 2018 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

14 June 2018

3. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15.

To answer questions from Members who have given the appropriate notice.

Page No.

6. INTERNAL AUDIT REPORTS CONCLUDED UNDER THE 2018/2019 OPERATIONAL AUDIT PLAN

4 - 8

To note the findings and conclusions of the internal audit reports produced in respect of 2018/2019 Internal Audit Plan.

7. INTERNAL AUDIT CHARTER

9 - 17

To note the outcome of a review of the Internal Audit Charter and consider approval of the updated Internal Audit Charter which will be reviewed in two years' time or sooner in the event of any significant changes being made to the Public Sector Internal Audit Standards.

8. EMPTY HOMES PREMIUM

18 - 23

To consider approval of a proposal to consult on the impending introduction of new powers for local authorities to increase the Council Tax on long term empty homes.

9. CCTV STAFFING PROVISION 2018-2020

24 - 26

To receive an update on the actions of the CCTV Manager over the last six months and consider approval to continue the post for an additional two years until 30th September 2020.

10. INDUCTION PLAN FOR NEW COUNCIL OF 2019

27 - 34

To consider approval of the Member Development Working Group's interim recommendations for the format of an Induction Plan for the new council of 2019.

11. WRITE OFFS

35 - 37

To consider approval to write off Housing Benefit Overpayment Arrears totalling £2,467.50. Also, to consider the recommendations to change the frequency that the Committee considers write offs and changes to the scheme of officer delegation in respect of write offs.

12. FORMER PUBLIC CONVENIENCES & LAND TRANSFER – MONSAL HEAD

38 - 42

To consider approval of the recommendation to transfer the freehold of an area of land and the public conveniences at Monsal Head to the neighbouring landowner for use as a car park and public conveniences. Also, to note the transfer comprises an undervalue transaction as permitted by the General Disposal Consent 2003.

Members of the Committee - Councillors Deborah Botham, Albert Catt, Tom Donnelly, Steve Flitter, Chris Furness (Vice Chairman), Alyson Hill, Neil Horton, Angus Jenkins, Jean Monks, Garry Purdy, Mike Ratcliffe, Lewis Rose, Mark Salt, Jacquie Stevens (Chairman), Colin Swindell, John Tibenham, Joanne Wild.

Substitutes – Councillors Jason Atkin, Jennifer Bower, Richard Bright, Sue Bull, Sue Burfoot, David Chapman, Ann Elliott, Richard FitzHerbert, Helen Froggatt, Susan Hobson, Vicky Massey-Bloodworth, Tony Millward BEM, Dermot Murphy, Joyce Pawley, Irene Ratcliffe, Philippa Tilbrook.

GOVERNANCE AND RESOURCES COMMITTEE
19 JULY 2018

Report of the Head of Resources

INTERNAL AUDIT REPORTS CONCLUDED UNDER THE 2018/2019 OPERATIONAL AUDIT PLAN

PURPOSE OF REPORT

This report asks the Committee to consider the internal audit reports produced in respect of the 2018/2019 Internal Audit Plan.

RECOMMENDATION

That the findings and conclusions of the internal audit reviews that have taken place during this period are noted.

WARDS AFFECTED

None

STRATEGIC LINK

Internal Audit's service aims and objectives are the provision of an independent service, which objectively examines, evaluates and reports to the Council and its management on the adequacy of the control environment. This contributes to the Council's core values of being open and transparent when making decisions and using public resources ethically and responsibly.

1 SUMMARY

- 1.1 The 2018/2019 Internal Audit Operational Audit Plan was approved by the Chair and Vice Chair of the Governance and Resources Committee on 14th March 2018 as an urgent decision following the cancellation of the committee meeting (that was to be held on 1st March 2018) due to snow. The Operational Audit Plan provides a framework by which service functions are reviewed to test and report on the adequacy and effectiveness of risk management systems and the internal control environment within the Council. This report details the results of the internal audit reviews undertaken during the year.
- 1.2 The Committee's terms of reference require that it "considers the reports produced in accordance with the Audit Plan and responses to the recommendations made therein".

2 REPORT

- 2.1 Attached, as Appendix 1, is a summary of reports issued so far under the 2018/2019 Internal Audit Operational Plan. The report also includes the last report from the 2017/2018 plan (Information Security), which was completed in 2018/2019.
- 2.2 Reports are issued as Drafts with five working days being allowed for the submission of any factual changes, after which time the report is designated as a Final Report. Fifteen working days are allowed for the return of the Implementation Plan.
- 2.3 The Appendix shows for each report a summary of the level of assurance that can be given in respect of the audit area examined and the number of recommendations made / agreed where a full response has been received.
- 2.4 The assurance provided column in Appendix 1 gives an overall assessment of the assurance that can be given in terms of the controls in place and the system's ability to meet its objectives and manage risk in accordance with the following classifications:

Assurance Level	Definition
Substantial Assurance	There is a sound system of controls in place, designed to achieve the system objectives. Controls are being consistently applied and risks well managed.
Reasonable Assurance	The majority of controls are in place and operating effectively, although some control improvements are required. The system should achieve its objectives. Risks are generally well managed.
Limited Assurance	Certain important controls are either not in place or not operating effectively. There is a risk that the system may not achieve its objectives. Some key risks were not well managed.
Inadequate Assurance	There are fundamental control weaknesses, leaving the system/service open to material errors or abuse and exposes the Council to significant risk. There is little assurance of achieving the desired objectives.

- 2.5 Five reports have been issued, 4 with a conclusion of "Substantial Assurance" and 1 with a conclusion of "Reasonable Assurance". Four medium and 2 low priority recommendations have been made and accepted.

3 RISK ASSESSMENT

- 3.1 Legal

There are no legal considerations arising from the report

3.2 Financial

There are no financial considerations arising from the report.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1: Summary of Internal Audit Reports Issued 1st April 2018 – 15th June 2018.

DERBYSHIRE DALES DISTRICT COUNCIL

Internal Audit Consortium - Report to Governance and Resources Committee

Summary of Internal Audit Reports Issued 1st April 2018 – 15th June 2018

Report Ref	Report Title	Scope and Objectives	Overall Opinion	Date		Number of Recommendations	
				Report Issued	Response Due	Made	Accepted
D001	Cemeteries	To ensure that records are accurate and that fees and charges are raised promptly and accurately	Substantial	12/4/2018	3/5/2018	1M	1
D002	Car Parks	To ensure that all income is collected and banked	Substantial	27/4/2018	18/5/2018	1M	1
D003	Risk Management	To ensure that the principles of risk management are embedded and that registers are kept up to date.	Reasonable	18/5/2018	11/6/2018	2 (1M 1L)	2
D004	Insurance	To ensure that insurance cover is adequate and that claims are dealt with promptly	Substantial	7/6/2018	28/6/2018	0	0

Report Ref	Report Title	Scope and Objectives	Overall Opinion	Date		Number of Recommendations	
				Report Issued	Response Due	Made	Accepted
D005	Information Security	For a sample of systems to review access, administrator rights, password protocols etc.	Substantial	7/6/2018	28/6/2018	2 (1M 1L)	2

BACK TO AGENDA

GOVERNANCE AND RESOURCES COMMITTEE
19 JULY 2018

Report of the Head of Resources

INTERNAL AUDIT CHARTER

PURPOSE OF REPORT

This report informs the Committee of the results of a review of the Internal Audit Charter and seeks approval for the updated Charter.

RECOMMENDATIONS

1. That the outcome of the review of the Internal Audit Charter is noted.
2. That the updated Internal Audit Charter be agreed.
3. That the Internal Audit Charter be reviewed in 2 years' time or sooner in the event of any significant changes being made to the Public Sector Internal Audit Standards.

WARDS AFFECTED

All

STRATEGIC LINK

Internal Audit's service aims and objectives are the provision of an independent service, which objectively examines, evaluates and reports to the Council and its management on the adequacy of the control environment. This contributes to the Council's core values of being open and transparent when making decisions and using public resources ethically and responsibly.

1 BACKGROUND

- 1.1 The Public Sector Internal Audit Standards (PSIAS) require that the purpose, authority and responsibility of internal audit must be formally defined in an Internal Audit Charter (Appendix 1).
- 1.2 The Internal Audit Charter was last formally approved by this Committee in June 2016. It was agreed that the Charter would be reviewed every 2 years to ensure that it is kept up to date.

2 REPORT

THE INTERNAL AUDIT CHARTER

- 2.1 The PSIAS were updated in April 2017 with some minor wording changes. There were no changes recommended in respect of the content of Internal Audit Charters. The current Internal Audit Charter has been reviewed and it is felt that it is still fit for purpose and that no updates are required.
- 2.2 The Internal Audit Charter is attached as Appendix 1.

3 RISK ASSESSMENT

3.1 Legal

There are no legal considerations arising from the report

3.2 Financial

There are no financial considerations arising from the report.

3.3 Corporate Risk

The re-adoption of the Internal Audit Charter will help to ensure that the Internal Audit Consortium continues to provide a quality service in line with the PSIAS.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Public Sector Internal Audit Standards April 2017

7 ATTACHMENTS

Appendix 1 – Internal Audit Charter

DERBYSHIRE DALES DISTRICT COUNCIL

INTERNAL AUDIT CHARTER

INTRODUCTION

1. The Public Sector Internal Audit Standards (PSIAS) which took effect from 1 April 2013 require the adoption of an Internal Audit Charter. This Charter describes the purpose, authority and principal responsibilities of the Internal Audit Section that have been established to provide the internal audit service to Derbyshire Dales District Council.

PSIAS/REGULATORY BASIS OF OPERATION

2. The adoption of the PSIAS is mandatory and includes a:
 - Definition of Internal Auditing
 - Code of ethics
 - International Standards for the Professional Practice of Internal Auditing
3. The Mission of Internal Audit is:-
To enhance and protect organisational value by providing risk-based and objective assurance, advice and insight.
4. The Internal Audit Section adopts the PSIAS and the purpose and definition of Internal Audit as specified by the PSIAS:-

Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes

5. The Internal Audit Section also adopts the Core Principles for the Professional Practice of Internal Auditing. These are that the Section:-
 - Demonstrates integrity.
 - Demonstrates competence and due professional care
 - Is objective and free from undue influence (independent)
 - Aligns with the strategies, objectives, and risks of the organisation,
 - Is appropriately positioned and adequately resourced
 - Demonstrates quality and continuous improvement
 - Communicates effectively
 - Provides risk-based assurance.
 - Is insightful, proactive, and future-focused.
 - Promotes organisational improvement.

6. The requirement for an internal audit function in local government is specified within the Accounts and Audit (England) Regulations 2015, which state:

A relevant body must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking in to account public sector internal auditing standards or guidance.
7. Internal Audit is governed by policies, procedures, rules and regulations established by the Council. These include Financial Regulations, Conditions of Service, Codes of Conduct and Anti-Fraud, Bribery and Corruption strategies.
8. Where key services are to be provided to the Council by other contractors or through a partnership, in order for internal audit to form an opinion on the controls operating, a right of access to relevant information and documents should be included in contracts or agreements concerned.

DEFINITIONS

9. The PSIAS require that the Charter must define the terms “Board” and “Senior Management” for the purposes of internal audit activity.
10. The PSIAS glossary defines the board as:

The highest level of governing body charged with the responsibility to direct and/or oversee the activities and management of the organisation. Typically this includes an independent group of directors (e.g. a board of directors, a supervisory board or a board of governors or trustees). If such a group does not exist, the “board” may refer to the head of the organisation, “Board” may refer to an audit committee to which the governing body has delegated certain functions.
11. At Derbyshire Dales District Council the “Board” will be the Governance and Resources Committee.
12. “Senior Management” – those responsible for the leadership and direction of the Council. This will be the Council’s Corporate Leadership Team.
13. The PSIAS adopt the term “Chief Audit Executive”, this role is met by the Internal Audit Consortium Manager for Chesterfield Borough, North East Derbyshire and Bolsover District Councils. Derbyshire Dales District Council employs the services of this Officer to ensure that the requirements of the PSIAS are met.

SCOPE AND OBJECTIVES OF INTERNAL AUDIT

14. The scope of the Internal Audit Section encompasses the examination and evaluation of the adequacy and effectiveness of the organisation’s governance, risk management and internal control processes in relation to the Council’s defined goals and objectives.

15. The Audit Section's remit covers all functions and services for which the Council is responsible and this extends to the entire control environment of the organisation and not just financial controls.
16. The Internal Audit Section will objectively examine, evaluate and report on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.
17. The internal audit service will be delivered on the basis of a risk assessment of auditable areas. A predominantly systems based approach to most audits will be adopted.
18. The internal control system comprises the whole network of systems to provide reasonable assurance that corporate objectives will be achieved, with particular reference to:
 - Consistency of operations with established objectives and goals,
 - The reliability and integrity of financial and operational information;
 - The effectiveness and efficiency of operations and programmes,
 - Safeguarding of assets and interests from losses of all kinds, including those arising from fraud, irregularity and corruption;
 - Compliance with laws, regulations, policies, procedures and contracts;
 - The economic and efficient use of resources (value for money), effective monitoring systems and optimum use of performance management information.
19. With the introduction of the PSIAS, internal audit may also provide "consultancy" services. This work could take any form, provided that the independence of the service is not compromised, but will typically include special reviews or assignments where requested by management, which fall outside the approved plan and for which a contingency is included in the audit plan. There will be no significant consultancy work undertaken without the approval of the Governance and Resources Committee.

RESPONSIBILITIES AND REPORTING

20. The PSIAS requires that the Internal Audit Charter should establish the responsibilities and reporting arrangements of internal audit.
21. The Internal Audit Consortium Manager reports directly to the Council's Governance and Resources Committee and to the Head of Resources. The Internal Audit Consortium Manager also has direct access to the Council's Chief Executive, Monitoring Officer and where necessary elected Members
22. The Internal Audit Consortium Manager will manage the provision of the Internal Audit service by: -
 - Preparing each year in advance a risk based audit plan for discussion and agreement by the council's Client Officer and approval by the Governance and Resources Committee. Any in-year significant changes to the audit plan shall be agreed by the Client Officers and the Governance and Resources Committee.
 - Presenting an annual report to the Governance and Resources Committee that meets the requirements of the PSIAS and includes:-

- An overall opinion on the adequacy and effectiveness of the Council's control environment (including any qualifications to that opinion),
 - Presents a summary of the audit work from which the opinion is derived, including reliance placed on the work by other assurance bodies,
 - Draws attention to any issues the Internal Audit Consortium Manager judges particularly relevant to the preparation of the Annual Governance Statement,
 - Compares work actually undertaken with work that was planned and to report relevant performance measures and targets.
- Presenting periodic reports to the Governance and Resources Committee summarising all internal audit reports issued and if considered necessary providing copies of the reports,
 - Formally report the findings and recommendations of audit work to senior management and the Governance and Resources Committee throughout the year. Audit reports will:-
 - Include an audit opinion on the reliability of the internal controls in the system or area audited,
 - Identify inadequately addressed risks and non-effective control processes,
 - Detail management's response and timescale for corrective action,
 - Identify issues of good practice.
 - Ensuring audit work is supervised, reviewed, recorded and reported,
 - Implementing a follow up process for ensuring the effective implementation of audit recommendations or ensuring senior management are aware of the consequences of not implementing a recommendation and are prepared to accept the risk,
 - Liaising as needed with the External Auditor and with other regulators,
 - Maintaining and managing a risk assessment in relation to the functions of the Council,
 - Ensuring that there is an up to date Audit Manual in place setting out expected standards for the service, and monitoring compliance with these standards, including in relation to the planning, conduct, quality assurance and reporting of audit assignments.

23. Senior managers should assist audit to discharge their duties by:

- The prompt provision of information and explanations,
- Providing input to the audit plan to ensure attention is focused on areas of greatest risk,
- Informing the Audit Section of any plans for change, including new systems,
- Responding to the draft internal audit report, including provision of management responses to recommendations, within the timescale requested by the audit section,
- Implementing agreed management actions in accordance with agreed timescales,

24. The Governance and Resources Committee must:

- Approve the Internal Audit Charter,
- Approve the risk based internal audit plan,
- Receive progress reports and an annual report from the Internal Audit Consortium Manager in respect of the audit plan,
- Approve any large variances or consulting services not already included in the audit plan.

AUDIT RESOURCES

25. The Head of Resources will ensure that the Audit Section has the necessary resource to enable the Internal Audit Consortium Manager to be able to give an annual evidence-based opinion.
26. The staffing and budget of the Internal Audit Consortium will be kept under review by the Head of Resources, bearing in mind the resource requirements identified in the audit plan process. Where resources available do not match the resource requirements identified by the annual audit plans, the Head of Resources will report to the Governance and Resources Committee.
27. The Internal Audit Consortium Manager providing a management service to the Council will be professionally qualified (CMIIA, CCAB or equivalent) and have wide internal audit and management experience. The Internal Audit Consortium Manager/Head of Resources will ensure that the internal audit service is appropriately skilled in terms of qualifications, knowledge and experience.

QUALITY AND ASSURANCE PROGRAMME

28. The PSIAS state that a quality assurance and improvement programme must include both internal and external assessments. Internal assessments should be ongoing and periodical and external assessments must be undertaken at least once every 5 years.
29. All internal audits are subject to a management quality review. Policies and procedures to guide staff in performing their duties have been established within the audit manual.
30. The internal periodic self-assessment of internal audit will be undertaken by completing the checklist for assessing conformance with the PSIAS included within the PSIAS Application Note.
31. External assessment can be satisfied by either arranging a full external assessment or by undertaking a self-assessment with independent validation. External assessments must be by a qualified, independent assessor from outside the organisation. The Internal Audit Consortium Manager/Head of Resources must discuss the format of the external assessments and the qualifications and independence of the assessor with the Governance and Resources Committee.
32. An external assessment of the internal audit function will take place at least once every 5 years and the results reported back to the Governance and Resources Committee.
33. The results of the quality and assurance programme and progress against any improvement plans must be reported in the annual report.

INDEPENDENCE , AUTHORITY AND ETHICS

34. In order to achieve its objectives effectively, Internal Audit must be seen to be independent. Internal auditors must maintain an unbiased attitude that allows them to perform their engagements in such a manner that no quality compromises are made.

35. The scope of internal audit allows for unrestricted access to all records, personnel, premises and assets deemed necessary to obtain information and explanations as it considers necessary to fulfil its responsibilities in the course of the audit. Such access shall be granted on demand and not subject to prior notice.
36. This right of access is included in the Council's Financial Regulations. In addition, where necessary, the Internal Audit Consortium Manager and the Senior Auditor will have unrestricted access to:
- The Chief Executive
 - The Head of Resources
 - Members
 - The Monitoring Officer
 - The Chair and Members of the Governance and Resources Committee
 - Individual Directors / Senior Managers
 - All Other Employees
 - The External Auditor
37. The Internal Audit Consortium Manager will confirm to the Governance and Resources Committees at least annually, the organisational independence of the internal audit activity.
38. Independence is further achieved by:
- Reporting to the Governance and Resources Committee and senior management,
 - Not being part of system and procedures being audited,
 - Rotating responsibility for audit assignments within the audit section,
 - Completing declaration of interest forms on an annual basis,
 - Internal Audit staff not undertaking an audit in an area where they have had operational roles for at least two years.
39. If any member of the Internal Audit Section considers there is or could be a conflict of interest, this must be declared to the Internal Audit Consortium Manager who will direct alternative and independent resources to the audit.
40. Where internal audit staff are required to undertake non-audit duties, the Internal Audit Manager will make it clear that those audit staff are not fulfilling those duties as internal auditors. The Internal Audit Consortium Manager will ensure that within the service there remains sufficient impartiality to enable the actions and activities of those internal audit staff to be subject to audit by those independent from the activity.
41. Internal auditors must conform to the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Ethics in addition to those of other professional bodies of which they hold membership.
42. The Code of Ethics promotes an ethical, professional culture to ensure fairness, objectivity and freedom from conflicts of interest. The key principles are;
- Integrity – to establish trust thus providing reliance on their judgement;
 - Objectivity – in gathering, evaluating and communicating information about the activity or process being examined in order to make a balanced assessment of all relevant circumstances without influence;

- Confidentiality – to respect the value and ownership of information received which should not be disclosed without appropriate authority or a legal or professional obligation to do so, nor be used for personal gain; and
- Competence – to apply knowledge, skills and experience appropriately.

FRAUD AND CORRUPTION

43. Managing the risk of fraud and corruption is the responsibility of management. The Council has an Anti-Fraud and Corruption strategy and a zero tolerance towards fraud.
44. The Internal Audit Consortium Manager/Senior Auditor should be notified of all suspected or detected fraud, corruption or impropriety in accordance with each Council's Financial Regulations and Anti-Fraud and Corruption strategies, in order to inform their opinion of the internal control environment.
45. Subject to availability of resources with the internal audit plan, internal audit may assist management in the investigation of suspected fraud and corruption.
46. The Internal Audit Consortium Manager will report any instances of fraud detected as a result of audits undertaken to the Governance and Resources Committee.

REVIEW OF THE INTERNAL AUDIT CHARTER

47. The Internal Audit Charter will be reviewed every 2 years by the Internal Audit Consortium Manger and will be reported to the Council's Governance and Resources Committee for approval.

BACK TO AGENDA

GOVERNANCE AND RESOURCES COMMITTEE
19 JULY 2018

Report of the Head of Housing

EMPTY HOMES PREMIUM

PURPOSE OF REPORT

The report sets out a proposal to consult on the impending introduction of new powers for local authorities to increase the Council Tax on long term empty homes.

RECOMMENDATION

1. That the proposed consultation outlined in the report is approved
2. That a future report on the outcome of the consultation is presented to the Committee in due course.

WARDS AFFECTED

All

STRATEGIC LINK

Long Term empty homes represent a wasted resource within the housing stock of the District. Bringing empty homes back in to use will increase the supply of homes available for local people, and therefore supports the District Council's priorities as set out in the Corporate Plan.

1 BACKGROUND

- 1.1 The issue of empty homes is a long standing one for many councils struggling to find resources to intervene in the housing market. Often the reason for a property becoming vacant is complex, resulting from death of the home owner, a misguided ambition to see property values grow or numerous other reasons which mean the owner intentionally keeps the property empty.
- 1.2 The Derbyshire Dales is one of the least affordable areas in the Midlands, with residents on lower incomes struggling to access housing to rent or buy. There is also pressure to build new homes on greenfield land. The neighbours of empty homes often experience nuisance and property issues relating to the empty homes. Allowing long term empty homes to remain unoccupied is seen as a waste of resources.
- 1.3 The Derbyshire Dales has more than its fair share of long term empty homes, recently appearing in the top 10 worst councils in England for the number of empty homes per 10,000 population. In 2016/17, of all the Derbyshire

councils, the Derbyshire Dales had the 2nd highest overall number of long term empty homes at 643, and the highest % of long term empty homes at 1.9% of the total housing stock. Long term empty homes are those defined as being empty for more than 2 years.

- 1.4 In 2013 the Government gave councils the power to charge a 50% premium on long term empty homes, i.e. the whole Council Tax is charged, plus half again. Currently going through Parliament is a new piece of legislation that will give councils the power to charge a 100% premium, i.e. the whole Council Tax, plus the same again. It is expected that this power will become law during 2018/19, allowing Councils to charge the premium from April 2019.
- 1.5 Derbyshire Dales District Council is the Billing Authority and has the power to increase council tax on long term empty homes. This is known as the 'empty homes premium'. It is for the District Council to decide whether to levy an empty homes premium.
- 1.6 The District Council has established an Empty Homes Hub with the aim of developing a corporate approach to the issue of long term empty homes. The Hub comprises officers from across the council and is focusing on:
 - data quality, ensuring the different IT systems can communicate with each other
 - incentives for owners to encourage them to bring empty homes back in to use and
 - appropriate enforcement options where owners continue to leave their properties vacant.

2 GOVERNMENT POLICY ON LONG TERM EMPTY HOMES

- 2.1 There is pressure from Government to tackle the 200,000 empty homes in England. One policy from the government designed to reduce the number of empty homes is to allow councils to introduce the 100% premium. This was first outlined in the Government's 2017 white paper, Fixing our Broken Housing Market. (<https://www.gov.uk/government/publications/fixing-our-broken-housing-market>)
- 2.2 The proposal in the White Paper is being taken forward through the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill. This Bill is progressing through the Lords without any difficulty and would appear to be on track to become law in 2018/19. Any uplift in Council Tax premium on long term empty homes will generate new resources for the district and borough councils, Derbyshire County Council and the Police and Fire Authorities.

3 UTILISING THE EXTRA COUNCIL TAX INCOME

- 3.1 At this stage it is difficult to predict the exact amount of additional income that could be derived from a 100% increase in Council Tax on long term empty homes, given the range of council tax bands and the change in the overall

number if the premium was introduced. However any potential increase in Council Tax is not simply about trying to raise more revenue funding. The Council has the option to use some or all of its share of the additional revenue to support initiatives that assist owners of long term empty homes to bring them back in to use. The Empty Homes Hub is currently working through the available incentives and enforcement options. Some of these will need new resources to finance them.

- 3.2 Subject to approval by Members and the consultation process, the premium would be introduced from April 2019.

4 CONSULTING ON THE PROPOSAL TO INTRODUCE THE PREMIUM

- 4.1 Research of the issue suggests it is good practice to consult on an increase in Council Tax on long term empty homes. Attached at Appendix 1 is a draft questionnaire, developed following a review of similar consultation events undertaken by other councils when the 2013 50% premium was introduced by government.
- 4.2 The questionnaire would be available on the Council's website using the survey monkey format. Some direct mailing would also take place to ensure a broad range of views, including those of owners and neighbours of empty homes are taken into account.

5 RISK ASSESSMENT

- 5.1 Legal

The consultation as proposed, accords with the statutory provisions. The legal risk is currently low and will be reassessed as the project moves forward.

- 5.2 Financial

The cost of officer time spent on empty homes and the empty homes premium can be met from existing budgets. There are no financial risks associated with the recommendations of this report.

6 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7 CONTACT INFORMATION

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8 BACKGROUND PAPERS

None

9 ATTACHMENTS

Appendix 1

APPENDIX 1

1	<p>Do you own a long term empty home in the Derbyshire Dales i.e. a property which has been unoccupied and substantially unfurnished for over 2 years? Yes / no</p> <p>a. If yes, how many? Please state</p>
2.	<p>If you own a long term empty home, why is it empty? (choose all that apply)</p> <p>a. Unable to sell</p> <p>b. Being renovated/repaired</p> <p>c. Needs renovating – works not started</p> <p>d. You are actively looking for tenants</p> <p>e. Tenants/relatives or yourself are due to move in shortly</p> <p>f. It's a 2nd home</p> <p>g. Inherited the property</p> <p>h. Owner is currently living in a residential/ care home</p> <p>i. Lacking the capacity to sell</p> <p>j. Bereaved/ divorced and unable to sell the property</p> <p>k. Other</p>
3.	<p>Do you agree with the council's proposal to charge a 100% premium in addition to the full council tax liability for properties that have been vacant for more than 2 years? Yes / No</p>
4.	<p>Do you agree with the Council's proposal to exempt new owners from the 100% premium for 2 years when they purchase an empty property with the intention of bringing it back in to use? Yes / No</p>
5.	<p>How strongly do you agree or disagree that the proposals will encourage owners to bring empty homes back in to use?</p> <p>a. Strongly agree</p> <p>b. Agree</p> <p>c. Neither</p> <p>d. Disagree</p> <p>e. Strongly disagree</p>

6.	<p><i>If the proposals were adopted, how can the council support you through the changes</i></p> <ul style="list-style-type: none"> a. <i>Offer loans to fund improvements</i> b. <i>Offer grants to fund improvements</i> c. <i>Phase the increase in charges over time</i> d. <i>Buy the empty property or assist with finding a buyer</i> e. <i>Lease the property from the owner</i> f. <i>Other</i>
7.	<p><i>Are you a:-</i></p> <ul style="list-style-type: none"> a. <i>Owner of an empty property</i> b. <i>Neighbour of an empty property</i> c. <i>Resident</i> d. <i>Private landlord</i> e. <i>Tenant of a private landlord</i> f. <i>Tenant of a housing association</i> g. <i>A letting agent</i> h. <i>Representative of a housing association</i> i. <i>Builder/developer</i> j. <i>Town or parish council</i> k. <i>Other public body</i> l. <i>Charity</i>
8.	<p><i>Is there anything else you would like to say about these proposals?</i></p>

BACK TO AGENDA

GOVERNANCE & RESOURCES COMMITTEE

19 JULY 2018

Report of the Head of Community & Environmental Services

CCTV STAFFING PROVISION 2018-2020

PURPOSE OF REPORT

This report provides an update on the actions of the CCTV Manager over the last 6 months and seeks approval for the additional hours of the CCTV Manager to continue for an additional 2 years until 30th September 2020.

RECOMMENDATION

1. That the work and actions of the CCTV Manager be noted with the increased benefit of the additional hours since October 2017.
2. That Council be recommended to approve expenditure of £9,450 p.a. from the General Reserve to enable the additional hours of the CCTV Manager to be extended beyond 30th September 2018 for a further 2 years

WARDS AFFECTED

All

STRATEGIC LINK

Contributing to the District Council's aims for a clean, safe and thriving environment, District and community by keeping public places safe, tackling crime & anti-social behaviour.

1 BACKGROUND AND INTRODUCTION

- 1.1 Over the last year significant investment and changes to the CCTV system have been made, as well as the introduction of General Data Protection Regulation (GDPR)
- 1.2 To assist the CCTV Manager with the implementation of the changes, it was agreed that from October 2017 the hours of the CCTV Manager would be increased by 2 days per week, to make a total of 3 days per week, for a 12 month period.
- 1.3 During this time, the CCTV Manager has developed the system and service within the town centres. In addition to this, the post holder has been able to provide support across departments (offering a financial saving), generated revenue and saved both time and money for partner agencies.

- 1.4 That period ends on 30th September 2018. It is now requested that those increased hours remain in place until 30th September 2020.

2. Report

2.1 The CCTV Manager has written, reviewed and ensured that the protocol and paperwork for the CCTV is in place, fit for purpose and meets all of the requirements around Data Protection. As well as ensuring that there are protocols and processes in place for information sharing and disclosures of footage.

2.2 Between 1st September 2017 and 1st April 2018, 63 requests for footage have been made and these can be broken down as follows

- 10 from officers at DDDC
- 1 from a member of the public
- 49 from the Police
- 3 from others (e.g.: insurance companies)

Of the 63 requests made above, these have been reviewed and 21 disclosures have been made which can be broken down as follows:

- 5 officers at DDDC
- 1 to members of the public
- 15 to the police
- 0 to others

Of the disclosures made to date, 7 will be used as part of legal action and many others are still ongoing. 2 of the 7 are being used to claim approximately £7,600 for damages to District Council property.

(10 requests for footage have been made between 1st April – 1st June when the report was originally written)

- 2.3 The knowledge and experience the CCTV Manager has provided to date has resulted in less reliance on external contractors and associated costs, as well as ensuring that the system is being used to its full potential.
- 2.4 Other cost savings include claiming back costs for damages, such as a removed bollard in Wirksworth (£1000+ reclaimed) and damage to a Big Belly Bin in Ashbourne (£6500 claim going through at present). This money would have previously not have been claimed back by the Council.
- 2.5 The CCTV Manager will also take on half yearly cleaning and maintenance visits to the CCTV Cameras, saving approximately £1000 per year.
- 2.6 There is potential for the maintenance of CCTV in other areas of the Council (Depot, ABC and Matlock Town Hall) to be supported by the CCTV Manager. This should result in either a reduction in money spent, or the opportunity to improve the current systems.

2.7 The current post holder has worked with partners and community groups in, Ashbourne, Bakewell, Baslow, Calver, Hognaston, Hathersage, and Tideswell to look at CCTV possible solutions and has helped to obtain funding towards delivering these projects.

2.8 The cost of increased hours will be £9,450 per year.

3 RISK ASSESSMENT

3.1 Legal

There are no legal considerations arising directly from the report.

3.2 Financial

The budget for 2018/19 includes the costs of the additional hours of the CCTV Manager up to 30th September 2018. The cost of the increased hours will be £9,450 per year. As explained in the report, it is expected that some of the additional costs will be offset by a reduction in the cost of repairs and by income received in respect of work the CCTV Manager will carry out for partners and community groups. However, at this stage it is difficult to quantify those amounts. Therefore, it will be necessary to seek Council approval for the cost of the additional hours to be funded from the General Reserve. The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None.

7 ATTACHMENTS

None.

BACK TO AGENDA

GOVERNANCE AND RESOURCES COMMITTEE
19 JULY 2018

Report of the Head of Corporate Services

INDUCTION PLAN FOR NEW COUNCIL OF 2019

PURPOSE OF REPORT

The report sets out the Member Development Working Group's interim recommendations for the format of an Induction Plan for the new council of 2019.

RECOMMENDATION

1. That the outline Induction Programme and supporting initiatives set out in paragraph 2 is approved for development and procurement of any external expertise required.
2. That the future of the Members Portal is discussed as outlined in paragraph 2.10
3. That the Committee considers whether it wishes to inform the Group's work on any further initiatives for the Induction programme.

WARDS AFFECTED

All

STRATEGIC LINK

An effective Member Training and Development Plan aims to support individuals in their role as Community Leaders and in doing so, supports all of the Council's aims and objectives.

1 BACKGROUND

1.1 All Councillors will formally retire in 2019 and a new council will be elected on 2 May 2019. In readiness, the Member Development Working Group has been working on an improved induction plan for 2019. Members of the Group were all elected for the first time in 2015. The members are:

- Councillor Alyson Hill (lead Member Representative)
- Councillors Sue Bull (newly appointed second Member Representative), Deborah Botham, Martin Burfoot, Sue Hobson, Dermot Murphy (recently joined the Group) and John Tibenham

1.2 An Induction Programme is essential as it assists Councillors to understand the structure and procedures of the Council. The Working Group was particularly keen that the induction should not just be seen as an event but a process which incorporates initiatives that –

- alert 'would be' councillors to the demands and opportunities of becoming a Councillor before standing for office;

- provide a friendly and safe environment for Councillors to ask questions and get to know Officers and the key issues facing the District Council;
- provide an opportunity for fellow councillors to identify potential mentors or buddies who could assist each other at particular times during their term in office;
- provide training on subjects of the highest importance during the initial 6 month period following election and by means which have the most impact to reinforce learning;
- help new Councillors to find their feet and voices soon after arrival so that they could take part in meetings and represent their community well;
- have a lasting impact beyond the induction itself.

1.3 This report summarises the Group's progress so far. Approval is required in order to develop the programme fully and to allow officers to commit to procuring external expertise where required.

1.4 The Group began its work with a critique of the style and content of their own induction in 2015 and with Councillor Murphy's recent appointment to the Group, an opportunity will follow to examine the induction progress for by-election candidates. A survey of all Members was also conducted to give a more rounded view of the success or otherwise of recent training opportunities and to highlight any areas of demand.

2. INDUCTION PROGRAMME 2019

2.1 The content of the recommended programme has several themes which are discussed below. Definite dates have yet to be agreed but will be committed as soon as practicable following approval of the outline Programme.

2.2 Pre-Election

The Returning Officer produces a nomination pack and holds briefings well before the actual nomination process. In 2019 this is likely to be in February. The pack and briefing enables prospective councillors to learn more about the District Council. Apart from the election material, the pack contains electoral statistics, ward boundary map and a Councillor Role Profile.

The Group felt that an estimate of time commitment, allowances, and the decision making structure would help inform prospective candidates in factual terms. The Group also felt that the date of the Induction Day would be a useful alert at this stage in the process. The Returning Officer is happy to expand the pack and include quotes from Councillors providing that they are factual, non-political and not attributable to anyone standing at election.

2.3 Welcome Pack

Once elected the successful candidates are presented with a 'Survival Guide' and training programme of dates for the first 6 months of life as a newly elected or returning Councillor. By this time all dates for the mandatory training will have been agreed. The Survival Guide includes information on what to expect and is often retained as an ongoing reference material. The Guide includes information on departmental roles, and division of responsibility at County and parish levels.

The Group has begun its review of the Survival Guide and recommendations will form the basis of a future report to the Committee.

2.4 Induction Day – Provisionally 9 May 2019

The Working Group is keen that all Councillors both newly elected and returning have the opportunity to meet in an informal setting to get to know one another and to meet the Chief Executive and his Corporate Leadership Team (CLT) before business proper commences. The format of this initial meeting is recommended to take the form of a 'speed date'. Councillors would sit in informal groups at tables and a light hearted ice breaker would enable them to put names to faces. A member of CLT would join each table for 10 minutes or so to give a summary of her/his work area and answer questions before moving onto the next table.

The second stage of the Induction Day would involve a presentation of the Role Profiles at all levels, so that new Councillors can appreciate the role of those with responsibility, for example Committee Chairman and Leader of the Council. The session would also include examples for the Ward Member of good practice and how to manage expectations, for example attending parish council meetings.

The final stage of the induction day will be the key elements of the Code of Conduct to enable all Councillors to sign their Declarations of Acceptance of Office. This will be done without the formality of previous induction days.

The session will end with a buffet style tea.

2.5 Tour of the District – Provisionally 10 May 2019

The tour has been part of the Induction for some time now and is always highly rated. The Group recommends that the tour continues to cover sites linked to key issues at the time of election.

2.6 Mandatory Training During May – September 2019

The Group does not wish to change the subjects agreed as mandatory training but has recommendations on the delivery mechanism as follows:

Subject	Frequency	Delivery mechanism
Planning	Annual	External provider as part of Induction. Internal delivery tailored to key issues for years 2 – 4. All Members of the Planning Committee will be required to undertake the training prior to their first meeting.
Ethics	Annual	Included in induction day for year 1 then combined with Planning for years 2 to 4 to minimise number of sessions Councillors will be obliged to attend
Equalities and Diversity	At Induction and thereafter following significant legislative change	Seminar for Induction period with refresher via Lola on line learning portal.
Data Protection	Following Induction	Via on line learning portal

Subject	Frequency	Delivery mechanism
Appeals Committee	Annual	Presentation in year 1 and potential for online learning resource for years 2 and 4. Additional training requirement on employment appeals immediately before a hearing and generally where there has been a substantial change in legislation.

2.7 Participation in Meetings

The Group felt that learning to participate in a meeting was one of the most difficult following an election, yet was one of the most important contributions a Councillor could make. The Group has a new initiative to encourage Councillors to find their voice with confidence - a 'Maiden Speech'. This would take the form of a 3 minute speech at a Council meeting on a subject of local interest or concern. No decision would be required on the subject matter other than is already permitted in the Constitution. The Constitution would require amendment to enable this as a regular item of business. The number of speeches would be staggered over the meeting calendar so as not to overload agendas.

Chairing skills and understanding the rules of debate was also seen as essential. Whilst this is covered in the standard induction programme, the Group felt that a more interactive session would be more beneficial with a mock meeting to demonstrate some of the challenges of public meetings and how to use the rules of debate to enable Councillors to make their point with confidence. The Group has ambitiously set a goal to choreograph a mock meeting with volunteer participants and to video the event as a tool for future training. The Group has also reviewed and updated an online module on meetings which can be used to reinforce knowledge.

2.8 Other training

The Induction programme will also include other training as summarised below:

- IT and use of the iPad. The Group felt that small groups and scope for 1:1 worked best to tailor knowledge to the participant
- Presentation skills and handling the media
- Social media and managing a personal web page
- Understanding the Council's finances – linked to budget setting time
- Commercialism – understanding the art of the possible

2.9 Feedback

The Group has 3 new initiatives to recommend to capture Councillor's thoughts and feelings on the training they receive and to identify any gaps in learning.

The first is an online feedback form which is to be trialled for this year's planning and ethics training to capture participant's thoughts and comments following a training session. The Group felt that the 'happy sheet' circulated immediately after

a session could be rushed and that Members thoughts may be more useful after a period of reflection.

The second element is aimed at continual support tailored to individual needs. The Group recommends the introduction of a personal development style meeting with members of the Group. Councillors would be invited to take part in a guided conversation with one or more members of the Working Group. The aim of the conversation would be to gather feedback on the quality of the training and development provided and to highlight any areas of concern to the individual which the Group may seek to address. At the end of the process, the Group will hopefully have information to shape the future years training and development programme.

And lastly, the Group recommends an exit interview process for those Councillors not seeking re-election. This may be after many years' service to the Council and it is vital that knowledge is passed on for the benefit of others. The interview would be in paper format and completely voluntary. Questions would be based around what improvements could be made for the benefit of others.

2.10 Communication Platform

The last issue on the list for this interim report is to decide whether the Council's intranet, SIDD, can or should replace the Members Portal as a depository for documents and information generally. Access to SIDD has been enabled for all Councillors. There are advantages and disadvantages of moving to SIDD as the single communications platform.

The main advantage from an administrative view point is the duplication of effort in uploading documents to two sites and the ICT support required to develop two platforms. SIDD offers more information to the end user including staff directory with photographs, and a more dynamic platform for news and what's on. The disadvantage would be in loading exempt reports. The committee data is linked to the Council's website to remove another layer of duplication. Rarely does a Committee consider reports that are exempt from publication, but if SIDD were adopted as the single platform, such reports would need to be sent direct to members involved in their discussion. Members of the Working Group are happy to support the move to SIDD and asked for a dedicated button on the home page to refer to committee documents for ease of access. As is the case now, Councillors would need to download agendas to their iPad whilst in Wi-Fi range.

The Group therefore recommends the decommissioning of the Members Portal ahead of the new Council, The Committee, in determining this matter, is asked to agree an appropriate date for complete transfer to SIDD, should it be minded to adopt that course of action.

3. **WHAT NEXT?**

3.1 The final stages in the review of the Induction programme will involve:

- Final recommendations for inclusion in the Survival Guide
- Outline induction for by-election candidates
- Review of training modules available on line to offer on a choice basis for Councillors
- Any other matters the Committee may wish to direct.

4 RISK ASSESSMENT

4.1 Legal

There are no legal considerations with service reviews at this stage. The risk is therefore low.

4.2 Financial

The Member training budget will be increased to £10,000 (subject to Council's approval) in 2019 to accommodate the training. The risk is assessed as low.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services, Tel. 01629 761281 or email sandra.lamb@derbyshiredals.gov.uk

Councillor Alyson Hill, Member Representative, email Alyson.hill@derbyshiredales.gov.uk

Councillor Sue Bull, Member Representative, email sue.bull@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

None

8 ATTACHMENTS

Indicative training programme

BACK TO AGENDA

Members' Training and Development Programme

Please see inside for the Member Training and Development Programme up to September 2019. The programme aims to equip all Members with the appropriate skills and knowledge to effectively carry out the role of an elected member.

The venue for all sessions, unless specifically mentioned, is the Town Hall at Matlock.

To book a place on any of the sessions, please use the enclosed Booking Form.

If you would like further details on any of the sessions, please contact the Committee Team, committee@derbyshiredales.gov.uk



Town Hall
Matlock
Derbyshire DE4 3NN

www.derbyshiredales.gov.uk

MEMBERS' TRAINING AND DEVELOPMENT PROGRAMME

May to September 2019

This information is available in electronic, audio, Braille and large print versions, and in other languages on request. For assistance in understanding or reading this document, please call 01629 761301

Induction & Signing Ceremony

9 May 2019 Council Chamber & Committee Room

Presented by: Corporate Leadership Team

Aimed at: All Councillors

- 2pm Photos
- 3pm Interactive session with members of the Corporate Leadership Team
Introduction to the Council and its Officers
- Basics of the Code of Conduct—mandatory for all Councillors
 - Departmental challenges and key issues
- 5pm Basics of the Code of Conduct prior to Signing Declarations of Acceptance of Office. Mandatory for all Councillors.
- 6pm Buffet and Close

Tour of the District

Date: 10 May 2019

Depart from Town Hall, Matlock at 10am prompt returning at 4.30pm. Full programme to follow.
Lunch provided in a stop-over.

A tour of the district of Derbyshire Dales taking in sites of significant interest and major projects.

Planning

3 dates tbd

Presented by: External trainer

Aimed at: This is mandatory training for all Councillors.

Content: An introduction to planning including:

- Role of the development plan
- Use of planning conditions
- Material planning considerations
- Planning Code of Good Practice

Information Technology—

Dates: 4 dates TBD

Presented by: Internal IT Team

Aimed at: All Councillors—mandatory in relation to IT and data security

Content: IT Security, basics of iPad use, emails, Outlook calendars, Members Portal, device management, IT security, data protection introduction.

Current Issues

25 June 4 – 5 pm Council Chamber

Presented by: Members of the Corporate Leadership Team

Aimed at: All Councillors

Content: A workshop on current issues including service review update, and financial position

Effective Meetings/Decision Making

Dates: 2 dates Council Chamber

Presented by: Head of Corporate Services

Aimed at: All Councillors

Content: Overview of how decisions are made by Committee, Council and Officers; how to participate in meetings and basic chairing skills. Including mock meeting presentation.

Licensing & Appeals Committees

2 dates TBD

Presented by: Members of the Licensing & Legal Teams

Aimed at: Mandatory for all Members of the Committee

Content: Principles of decision making, legal context, sound reasoning.

Equalities and Diversity—

Core Training

3 dates TBD Council Chamber

Presented by: Members of Regeneration & Policy Team

Aimed at: Mandatory for All Councillors

Content: An introduction to the Council's Equalities and Diversity Policy and how the issues of equality impact on the workplace and service delivery

Finance

TBD Council Chamber

Presented by: Head of Resources

Aimed at: All Councillors

Content: An introduction to the Council's sources of income, revenue and capital spending plans, budget setting and effective scrutiny.

Handling the Media —

An Introduction

Dates: 2 dates TBD Council Chamber

Presented by: **Communications & Marketing Officer**

Aimed at: All Councillors

Content: You get a phone call from a journalist requesting an interview. So what do you do next?

Ethics and how to avoid a

complaint

Dates: 2 TBD
Council Chamber

Presented by: External

Aimed at: Mandatory for All Councillors

Content: This training will help Members to find out about their obligations under the Data Protection Act, including protecting personal information.

GOVERNANCE AND RESOURCES COMMITTEE
19 JULY 2018

Report of the Head of Resources

WRITE OFFS

PURPOSE OF REPORT

This report seeks approval for:

- the write off Housing Benefit Overpayment Arrears totalling £2,467.50;
- changes to the frequency that the committee considers write offs, and
- changes to the scheme of officer delegation in respect of write offs.

RECOMMENDATION

1. That approval is given to write off the debts of £144.60 and £2,322.90 as described in the report;
2. That requests for approval of write offs be considered by this Committee twice a year;
3. That delegated authority is given to the Head of Resources to write off debts caused by officer error.

WARDS AFFECTED

None

STRATEGIC LINK

None

1 BACKGROUND

- 1.1 Under regulation B7(a) of the Council's Financial Regulations authority is delegated to the Head of Resources to write-off arrears up to £1,500. This report describes a request for write off where debts exceed £1,500 for which authorisation to write-off is required from this Committee under regulation B7(b) of the Council's Financial Regulations.
- 1.2 Requests for write off of amounts over £1,500 are usually reported annually in March. The circumstances of the debts in this report require an earlier decision.

1.3 Accounts submitted for write-off usually fall into one of the following categories:

- Amounts remitted by the Magistrates Court (or where the Court has refused to grant a Liability Order)
- Amounts for which the debtor has served a prison sentence
- Amounts where the debtor is bankrupt or insolvent
- Amounts where the debtor has died and there are insufficient funds in their estate
- Amounts where the debtor has absconded or gone abroad and cannot be traced
- Amounts where it has become uneconomic to pursue the debt.

1.4 CIPFA guidelines recommend that bad debts should be identified and written off from the accounts as soon as possible.

2 REPORT

2.1 The Council has received a request from Derbyshire Districts Citizens Advice (CAB), who have been helping a client through their Money Advice Service. They ask if the Council would be able to write off the client's outstanding balances of £144.60 and £2,322.90 on two Housing Benefit Overpayment invoices, as these debts were missed off a Debt Relief Order (DRO) that was approved in 2013. If the DRO application had been submitted correctly and these debts included in 2013, the Committee would have been asked to approve the write off of the debt in March 2014. For this reason, the CAB request that the debt be written off. The client has mental health problems and the CAB has asked for this issue to be resolved as quickly as possible. The total debt is above the limit for it to be considered under delegated authority. This is the reason why the request has been referred to this committee meeting, rather than under delegated authority and the usual practice of waiting to the end of the financial year to approve requests for write offs.

2.2 Officer comments:

Neither of the two invoices is resultant from fraud.

From a financial position the claimant has had a DRO which confirms financial hardship and inability to pay debt back.

The CAB state that the client has mental health issues; the Benefits Manager has spoken to the client and confirmed this.

So, in terms of financial and health vulnerability, it is recommended that the request for write off be approved.

2.3 In considering this application it has become apparent that it would be beneficial to consider requests for write off more frequently than once a year, especially where there are personal debts where customers might have health issues. Furthermore, CIPFA guidelines recommend that bad debts should be identified and written off from the accounts as soon as possible. The Head of Resources considers write offs of debts under £1500 on a quarterly basis. It is, therefore, recommended that reports seeking write off of debts of £1500 or more be considered by this committee twice a year.

- 2.4 The usual categories for write offs are set out in paragraph 1.3 of this report. The request from the CAB related to an officer error and didn't fall within the usual categories. The processes and controls that the Council has in place means that cases of officers' error are rare. However, in cases of such error, it is only right that natural justice takes place, the client is not penalised and the impact of the error is mitigated as soon as possible. Therefore, it is recommended that delegated authority is given to the Head of Resources to write off any debts that result from officer error. The value of any such write offs will be shown in the next committee report on arrears for write off.

3 RISK ASSESSMENT

3.1 Legal

The proposed action in the report seeks to remedy an error in a timely manner. The ability to delegate such a remedy in the future is contained in Section 101 of the Local Government Act 1972. The legal risk is therefore low.

3.2 Financial

The Council has made provision in the budget for doubtful debt provision; the amount relating to housing benefit overpayments for 2018/19 is £140,000. The financial risk arising from this report is low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Karen Henriksen, Head of Resources
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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

None

BACK TO AGENDA

GOVERNANCE AND RESOURCES COMMITTEE
19 JULY 2018

Report of Estates & Facilities Manager

FORMER PUBLIC CONVENIENCES & LAND TRANSFER – MONSAL HEAD

PURPOSE OF REPORT

Following the recent closure of the Monsal Head Public Conveniences discussions have taken place with the neighbouring landowner (Penelope Thornton Hotels) and this report recommends terms for the freehold transfer of the former public conveniences building together with some adjacent leased land to enable future provision of public convenience facilities at this site at no cost to the District Council.

RECOMMENDATION

1. That the terms outlined in paragraph 3.1 of this report for transferring the freehold of an area of land and the public conveniences at Monsal Head as shown on the plan at Appendix 1 to Penelope Thornton Hotels for use as car park and public conveniences are agreed.
2. That the Committee notes that transfer described in paragraph 1. above comprises an undervalue transaction as permitted by the General Disposal Consent 2003.

WARDS AFFECTED

Litton and Longstone

STRATEGIC LINK

The transfer of the site for use as public conveniences supports the District Council's corporate aim to promote quality of life and also makes a significant contribution to the safety and health of the community of Derbyshire Dales.

The proposal accords with the District Council's priorities whilst also seeking to ensure that we deliver value for money and work effectively with community partners.

1 BACKGROUND

- 1.1 Members will recall that the public conveniences at Monsal Head were one of a number of sites approved for closure as part of the Review of Public Conveniences considered by Council on 30th April 2018. At this meeting it was resolved that the Monsal Head public conveniences be closed on 14th May 2018 and that the Estates and Facilities Manager be given delegated authority to negotiate, agree and implement a transfer of the facility to the interested party (Penelope Thornton Hotels) for a use which retains a public toilet facility on the most economically advantageous terms in line with The General Disposal Consent 2003 within 6 months of the date of

this decision and should this not be achieved, the asset be placed on the open market for freehold sale by public auction.

- 1.2 The site requested by Penelope Thornton Hotels (PTH) is shown outlined in red on the plan at Appendix 1 includes the former public conveniences and an area of land which they currently lease for hotel car parking and a pedestrian access to the rear of the Monsal Head Hotel.
- 1.3 PTH occupy the car parking land which contains approximately 12 spaces under the terms of a lease from 2006 under which they have been holding over since 2012 at a current rental of £2,850pa. This lease has not been renewed pending the outcome of discussions with PTH which have been ongoing since 2012. The current rental value as at 2018 is in the vicinity of £4,000pa but maintenance to the surface of adjoining areas is required to achieve this which would require capital investment by the District Council of around £20,000
- 1.4 The public conveniences building is in poor condition and would require significant capital investment to address building defects and bring up to modern standards. The area of leased car park land is partly maintained by PTH under their lease with the remainder (which is in poor condition) being the responsibility of the District Council.

2 CURRENT SITUATION

- 2.1 Discussions have taken place with Penelope Thornton Hotels (PTH) and terms have been proposed which will ensure the continued opening of the public conveniences.
- 2.2 It is envisaged that the arrangement with PTH will enable future provision of public convenience facilities at this site at no cost to the District Council. There will be some loss of rental income by selling the (currently leased) parking spaces but this is more than offset by the savings in running costs of the public conveniences and the capital expenditure required to repair the bitumen areas not covered under the car park lease to PTH.

3 PROPOSED RECOMMENDATIONS

- 3.1 It is proposed that the freehold of the public conveniences and land shown edged red on the plan at Appendix 1 be offered to PTH on the following terms:-
 - Peppercorn transfer of £1 consideration
 - subject to existing condition and title covenants
 - Public conveniences to have minor works undertaken to allow opening later this year with a full refurbishment of the facility and surrounding land by PTH commencing in late 2019.
 - During the major refurbishment in late 2019, alternative provision will be made within the Hotel whilst the facility is closed.
 - The building will be maintained by PTH and will be made available as public conveniences throughout the year except in the case of extreme weather

- Appropriate legal restrictions (via restrictive covenants/clawback/pre-emption clauses) will be in place to ensure that the former public conveniences building can only be used for this purpose and cannot be further developed or sold without further recourse to the District Council.

4 VALUATION

- 4.1 The proposed terms for the transfer of public conveniences and land at Monsal Head comprise an undervalue transaction as permitted under the General Disposal Consent 2003.
- 4.2 The proposal in this report is to transfer the freehold of the site but with restrictions limiting the use of the land and restricting redevelopment or sale for other uses. It is considered by the Council's Valuer that the value of this restricted sale is in the region of £70,000. If none of these restrictions were in place, the value of the assets forming part of this transaction would be in excess of £100,000.
- 4.3 Under the General Disposal Consent 2003, Local Authorities are permitted to dispose of any interest in land held under the Local Government Act 1972 which they consider to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the area at less than best consideration subject to various conditions.
- 4.4 It is considered that the proposed terms for the transfer of the public conveniences and land at Monsal Head to PTH on the terms stated would comply with this legislation.

5 CONSULTATION

- 5.1 The relevant Ward Member and Local Council have been consulted on the proposed transfer and any comments received will be reported verbally at the meeting.

6 OTHER EXPRESSIONS OF INTEREST

- 6.1 None received.

7 RISK ASSESSMENT

- 7.1 Legal

The Council has a statutory duty under s.123 of the Local Government Act 1972 not to dispose of land for a consideration less than the best that can reasonably be obtained. Under the Local Government Act 1972 General Disposal Consent (England) 2003 general consent is given to local authorities to dispose of land where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

- i) The promotion or improvement of economic well-being;*
- ii) The promotion or improvement of social well-being;*
- iii) The promotion or improvement of environmental well-being; and*

The legal risk is therefore low.

7.2 Financial

Although the sale is an undervalue transaction, the transfer of the public conveniences and land at Monsal Head as proposed will remove a future maintenance liability for the Council and continue the provision of a community service. Therefore the financial risk is assessed as low.

8 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

9 CONTACT INFORMATION

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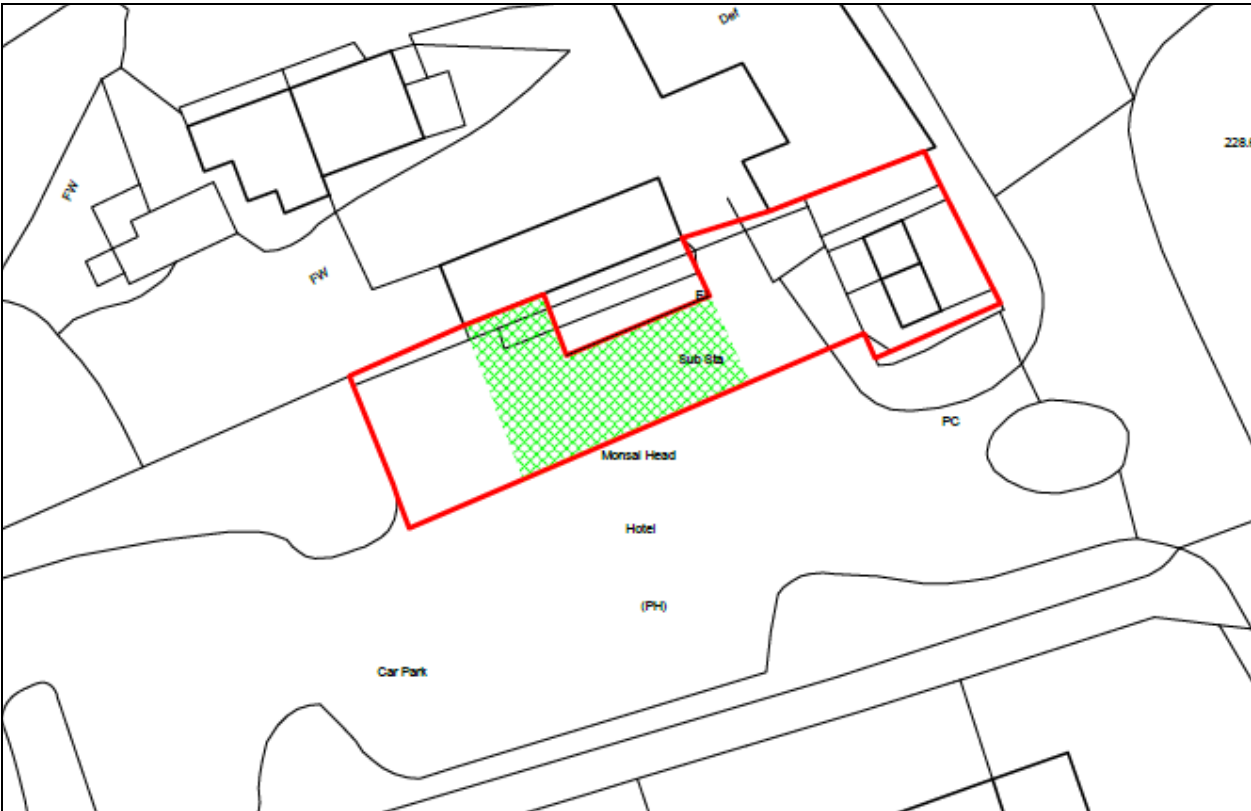
10 BACKGROUND PAPERS

None

11 ATTACHMENTS

Appendix 1 – Site Plan

APPENDIX 1



Land outlined in red to be transferred, land crosshatched and highlighted green subject to lease and used for hotel car parking

BACK TO AGENDA