

A meeting of the **CABINET** will be held in the **CIVIC SUITE, ROOM 1A, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 11 DECEMBER 2014** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

**Contact
(01480)**

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 20th November 2014.

**Christine Deller
388007**

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda Item.

3. ZERO-BASED BUDGETING - TREASURY MANAGEMENT: SIX MONTHLY REVIEW (Pages 5 - 16)

To consider a report by the Head of Resources on progress of the zero based budgeting process.

**Clive Mason
388157**

4. COUNCIL TAX SUPPORT SCHEME 2015/2016 (Pages 17 - 30)

To consider a proposed change to the Council Tax Support Scheme for 2015/2016.

**Amanda Burns
388122**

5. ENERGY MANAGEMENT UPDATE (Pages 31 - 38)

To recognise the outcomes of the Carbon Management Plan 2009/2014 and note the intention to access the RE: FIT programme.

**Chris Jablonski
388368**

Report by the Environment Team Leader.

6. ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (Pages 39 - 56)

To consider a report by the Head of Community on the delegations necessary to give effect to the new Anti-Social Behaviour, Crime and Policing Act.

**Chris Stopford
388280**

Dated this 3rd day of December 2014



Head of Paid Service

Notes

1. **Disclosable Pecuniary Interests**

- (1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*
- (2) *A Member has a disclosable pecuniary interest if it -*
 - (a) relates to you, or*
 - (b) is an interest of -*
 - (i) your spouse or civil partner; or*
 - (ii) a person with whom you are living as husband and wife; or*
 - (iii) a person with whom you are living as if you were civil partners*

and you are aware that the other person has the interest.
- (3) *Disclosable pecuniary interests includes -*
 - (a) any employment or profession carried out for profit or gain;*
 - (b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);*
 - (c) any current contracts with the Council;*
 - (d) any beneficial interest in land/property within the Council's area;*
 - (e) any licence for a month or longer to occupy land in the Council's area;*
 - (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or*
 - (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.*

Non-Statutory Disclosable Interests

- (4) *If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.*
- (5) *A Member has a non-statutory disclosable interest where -*
 - (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or*
 - (b) it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or*
 - (c) it relates to or is likely to affect any body –*
 - (i) exercising functions of a public nature; or*
 - (ii) directed to charitable purposes; or*
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.*

and that interest is not a disclosable pecuniary interest.

2. **Filming, Photography and Recording at Council Meetings**

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact the Democratic Services Team, Tel No. 01480 388007/e-mail Christine.Deller@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Cabinet.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CABINET held in the Civic Suite, Room 1A, Pathfinder House, St. Mary's Street, Huntingdon, PE29 3TN on Thursday, 20 November 2014.

PRESENT: Councillor J D Ablewhite – Chairman.

Councillors D B Dew, J A Gray,
T D Sanderson and D M Tysoe.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors B S Chapman and R B Howe.

50. MINUTES

The Minutes of the meeting of the Cabinet held on 23rd October 2014 were approved as a correct record and signed by the Chairman.

51. MEMBERS' INTERESTS

No declarations were received from the Members present.

52. TREASURY MANAGEMENT: SIX MONTHLY REVIEW

By way of a report by the Head of Resources (a copy of which is appended in the Minute Book) the Cabinet was updated on the extent of treasury management activity, including investment, borrowing and performance over the period April to September 2014.

Although operating in difficult market conditions, the Executive Councillor was pleased to report that the Council had achieved a 0.43% return on short term investment against a national performance benchmark of 0.23%.

In noting the remainder of the information contained in the report and the support for its conclusions by the Overview & Scrutiny Panel (Economic Well Being) and having received an explanation of the way in which governance arrangements might vary to enable property and investment activity to be managed in the future, the Cabinet

RESOLVED

that the Council be recommended to note the treasury management activity over the period April to September 2014.

53. CORPORATE PLAN - PERFORMANCE MONITORING/QUARTER 2

Consideration was given to a report by the Policy and Performance Manager (a copy of which is appended in the Minute Book) regarding progress achieved against key activities in the Council's Corporate Plan over the period 1st July to 30th September 2014.

In introducing the report, the Executive Leader acknowledged that the performance management framework would continue to evolve over

time and that indicators might vary to reflect changes to corporate priorities and to achieve value for money objectives. In terms of specific comments, the Cabinet noted that an updated customer engagement/services strategy would be submitted to a future meeting, that in view of the increase in staff sickness, managers would be further trained and supported to ensure consistent implementation of the sickness absence policy and that Officers were looking at ways under new and existing legislation to respond to fly tipping and litter nuisance.

Having carefully considered the comments of the Overview & Scrutiny Panels on the performance data relevant to the remits of the respective Panels and where necessary the response of the Executive Councillor to the points raised, the Cabinet

RESOLVED

that progress made against key activities and the performance data contained in the Corporate Plan for the period July to September 2014 be noted.

54. SHARED SERVICE - BUILDING CONTROL

Further to Minute No 34 of the meeting held on 17th July 2014, a report by the Head of Development was submitted (a copy of which is appended in the Minute Book) regarding progress achieved towards an agreement with South Cambridgeshire District Council on the implementation of a shared service arrangement for the Building Control function. Members also considered the potential to extend the shared service arrangement to Cambridge City Council.

In presenting the case for Option 1, the proposal for a shared service between Huntingdonshire and South Cambridgeshire District Councils, the Executive Councillor highlighted the estimated saving of £100,000 which could result by bringing the two services together and the opportunity that existed, by strengthening the quality and resilience of the service, to generate additional income of approximately £60,000 per annum. It was accepted, however, that the full business case for the proposal and that involving Cambridge City Council needed to be further developed with detailed budgetary implications for presentation to the Cabinet in March 2015.

Having commended the views of the Overview & Scrutiny Panel (Environmental Well Being) and noted their support for the proposal, the Cabinet

RESOLVED

- (a) that the formation of a shared Building Control Service between South Cambridgeshire and Huntingdonshire District Councils with South Cambridgeshire acting as Lead Authority for this phase of the implementation be agreed;
- (b) that the Corporate Director (Delivery) be authorised, after consultation with the Executive Councillor for Planning & Housing Strategy, to implement a Building

Control Shared Service between South Cambridgeshire and Huntingdonshire District Councils;

- (c) that the intention to use the Transformation Challenge Award to fund the short term costs necessary to implement the shared Building Control Service as determined by the Shared Service Board be noted;
- (d) that the approach described in Option 1 of Appendix A to the report now submitted - to underpin the further development of a Building Control Shared Service between South Cambridgeshire and Huntingdonshire District Councils be agreed;
- (e) that appropriate action be taken to progress a business case with Cambridge City Council and an eventual shared Building Control Service involving all three partners with a view to reporting to all Councils in Spring 2015; and
- (f) that South Cambridgeshire District Council be authorised to act as lead authority and to attend the Shadow Regional Board for Building Control on behalf of Huntingdonshire District and Cambridge City Councils in order to explore the potential for a regional partnership on the understanding that any such future organisational arrangements be mutually agreed by both South Cambridgeshire and Huntingdonshire District Councils (and also Cambridge City Council if they are involved in the Shared Service).

Chairman

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Zero Based Budgeting

Meeting/Date: Overview & Scrutiny Panel (Economic Well-Being)
4th December 2014

Cabinet
11th December 2014

Executive Portfolio: Resources: Councillor J A Gray

Report by: Head of Resources

Ward(s) affected: All Wards

Executive Summary:

For a number of years the Council has been consistently underspending its General Fund revenue budget and following the completion of the 2012/13 Annual Financial Report this was recognised by the external auditors who recommended that the Council should undertake a budget rebasing exercise following the principles of Zero Based Budgeting (ZBB). Cabinet gave its approval to this exercise in July 2014.

ZBB is an outcome lead, bottom-up process that will allow the Council to review, understand and reconstruct its services so it can deliver them to an agreed standard, rather than accepting current delivery as the norm and incrementally increasing budgets year-on-year.

Considering that the government is not expected to announce its 2015/16 local government funding proposals until mid-December, it was discussed at the previous Panel that this month's meeting would receive a report that gave an:

- update on the ZBB process to date; including any findings,
- outline on how the ZBB process would go forward,
- give the Panel the opportunity to scrutinise the Cabinet on their considerations in respect of the governance arrangements and political oversight of the ZBB process.

Recommendation(s):

It is recommended that Overview and Scrutiny provides comments to Cabinet in respect of the:

- ZBB process for the setting of the 2015/16 Budget and the Medium Term Financial Strategy and the "process" findings and "savings" to date, and
- The revised timetable for the completion of all other Council services by November 2015 in preparation for the setting of the 2016/17 Budget and the Medium Term Financial Strategy.

1. PURPOSE

- 1.1 To update members in respect of actions to date in respect of the Zero Based Budgeting (ZBB) process in preparation for the setting of the 2015/16 Budget and the Medium Term Financial Strategy. In addition, to provide political oversight of the governance of the process and to inform members of the revised ZBB timetable.

2. ZERO BASED BUDGETING

Time line of actions to date

- 2.1 A detailed commentary on the actions to date in respect of ZBB is shown in **Appendix 1** and a summary is shown below:

- **September 2013**
 - The Council's external auditors recommend that a ZBB process is undertaken.
- **July 2014**
 - Cabinet approved the application of ZBB as the primary tool in the setting of the Council's budget.
- **August 2014**
 - Appointment of external resource to lead and support the ZBB process.
- **September 2014**
 - General ledger restructured to reflect the new management structure.
 - ZBB process determined, including the identification of the five ZBB heavy reviews and the ZBB light process.
- **October 2014**
 - Services commence their ZBB heavy reviews and a cross-cutting review commenced (i.e. cost of employees across all services).
- **November 2014**
 - Internal scrutiny of service ZBB submissions, including a Professional Officer Review (peer challenge) and a Cabinet led Star Chamber review.

ZBB Proposal and Evaluation

- 2.2 As noted in paragraph 2.1, the five services who were selected to undertake ZBB heavy reviews submitted their budget proposals by the end of October and these are shown in Table 1 below. In summary, on a direct service basis there is an anticipated net saving of £0.916m (-25.9%) when the 2014/15 Updated Budget is compared to the proposed 2015/16 draft budget. However this reduces to a net saving of £0.196m (-2.45%) when corporate costs are taken into account.

Table 1		ZBB Service reviews – Initial proposals from services			
Service Review Area		2014/15	2015/16	Variance	
		Updated budget £000	Draft Budget £000	£000	% (-saving/+cost)
Operations	Car Parks	(1,153)	(1,222)	(69)	-6.0
Operations	Green Spaces	1,280	1,272	(8)	-0.6
Community	Environment Health	1,867	1,728	(139)	-7.4
One Leisure	Leisure Centres	(34)	(375)	(341)	-1,002.9
Resources	Direct Services	1,580	1,221	(359)	-22.7
Total for Direct Services		3,540	2,624	(916)	-25.9
Resources	Corporate Costs	4,612	5,332	720	+15.6
TOTAL		8,152	7,956	(196)	-2.4%

- 2.3 The Corporate Costs represent, in the main, uncontrollable items of expenditure. The main items that have contributed to the increase in Corporate Costs include:

	£000
• Pension Contribution	356
• Minimum Revenue Provision	369
• Insurance Costs	61
• Audit Fees	-27

- 2.4 On the 19th November, there was a Peer Challenge of each of the ZBB Heavy service budget proposals noted in para 2.2. Relevant Heads of Service were “cross-examined” by the Head of Resources, the Accountancy Manager and representatives from Pixel Financial Management (Pixel FM have been appointed to provide external financial scrutiny). Following the Peer Challenge, further increases in savings of £70,000 have been achieved [Operations (Green Spaces) and One Leisure of £47,000 and £23,000 respectively]. This has increased the overall net saving from 2.4% to 3.3%, a service-by-service summary is shown in Table 2 below.

Table 2		ZBB Service reviews – Post “Professional Officer Review” (Peer Challenge)			
Service Review Area		2014/15	2015/16	Variance	
		Updated budget £000	Draft Budget £000	£000	% (-saving/+cost)
Operations	Car Parks	(1,153)	(1,222)	(69)	-6.0
Operations	Green Spaces	1,280	1,225	(55)	-4.3
Community	Environment Health	1,867	1,728	(139)	-7.4
One Leisure	Leisure Centres	(34)	(398)	(364)	-1,070.6
Resources	Direct Services	1,580	1,221	(359)	-22.7
Total for Direct Services		3,540	2,554	(986)	-27.9
Resources	Corporate Costs	4,612	5,332	720	+15.6
TOTAL		8,152	7,886	(266)	-3.3

Consequential By-Products of ZBB

Establishment/Staff Cost Budgets

2.5 Through the ZBB process, it has been identified that there has not been, in recent years, any reconciliation between the “FTE” Establishment List maintained by Human Resources and the Salaries Budget. The Council’s establishment is effectively owned by each Head of Service but should be monitored by both Human Resources and the Accountancy Team to ensure that the:

- Total FTE and related salary costs are “in sync”.
- Number of employed staff does not exceed that approved by the Council.

2.6 The review of the FTE Establishment List and the Salaries Budget has identified that there is a difference of only £26,090; however of the total salaries budget £0.725m (4.0%) is included for posts that are vacant, this is shown below

FTE held by Human Resources:	709
	£
Equated cost of FTE held by Human Resources	18,027,194
Equated cost of Establishment included in the 2014/15 Original budget:	18,053,285
Variance between “establishments”:	26,090

Of the FTE Establishment held by Human Resources, vacant posts that are excess to service requirements equate to £724,852.

It should be noted that, this:

- excludes One Leisure, IMD & Sports & Lifestyles.

- represents base salaries only, it ignores the impact of employers pension and national insurance.
- saving may be included within the ZBB heavy and light reviews, so careful consideration will be given to avoid any double-counting.

2.7 Considering the lack of reconciliation and the use of “vacancy” budgets, the following is recommended:

- That an ongoing reconciliation process is developed between the Corporate Office and Resources to ensure that both the Human Resource and Salaries Budget are “in balance”.
- That actual expenditure is compared to the budgeted “cost of employment” and reported to the Employment Panel on a quarterly basis.
- That if a service wishes to use an employee saving to fund the use of Interim or Consultancy services, then this is approved by the relevant Corporate Director.
- That the Code of Financial Management is enhanced to prohibit the use of “employee budgets” to finance “non-employee” related expenditure.

Revised Budget Timetable for 2015/16

2.8 Due to central government’s 2015/16 funding proposals not being announced until Christmas 2014, a revised budget preparation timetable is being followed for the setting of the 2015/16 budget. The key dates and actions are noted in Table 3 below.

Table 3	2015/16 Budget and Medium Term Financial Strategy – Budget Timetable
November 25 2014	Cabinet “Star Chamber” – review of the ZBB Heavy services.
December 19 2014	Provisional “Local Government” Finance Announcement.
December 23 2014	DRAFT 2015/16 Budget & MTFS Complete.
December 24 2014	Executive Leadership (Leader, Deputy Leader and Portfolio Holder for Resources) - Issue of DRAFT 2015/16 Budget & MTFS.
January 08 2015	O&S Panel (Economic Well-Being) – Consider DRAFT 2015/16 Budget & MTFS.
January 22 2015	Cabinet - Consider DRAFT 2015/16 Budget & MTFS
February 05 2015	O&S Panel (Economic Well-Being) – Consider FINAL 2015/16 Budget & MTFS.
February 12 2015	Cabinet - Consider FINAL 2015/16 Budget & MTFS.
February 25 2015	Full Council – Consider Final 2015/16 Budget & MTFS.

3. ZERO BASE BUDGETING – NEXT STEPS

- 3.1 Originally the proposal was that all Council services would be reviewed over a 3-year budget setting cycle. However, Cabinet has expressed a concern in that they would like a faster process so the Council can get to a new base budget as quickly as possible.
- 3.2 Members will know that they have started to receive quarterly performance information. A true ZBB process should “rebase” using “outcome/output” indicators as the means to determine the level of service – thereby allowing resources to be allocated accordingly. Unfortunately the Council does not have such indicators for all services to a consistent standard. Therefore, the first step in developing a performance based ZBB process is that by the end of March 2015 services will have produced a “basket of outcome/output” indicators as part of their service plans for 2015/16.
- 3.3 Thereafter, between April and November 2015 all those services that have not been subject to the ZBB heavy process as part of the 2015/16 budget setting process will be reviewed in time for the budget setting process for the 2016/17 Budget and Medium Term Financial Strategy.
- 3.4 By speeding up the process, this will have direct resource implications on the:
- Resources Team, in that Accountancy will be involved in preparing the statutory Annual Financial Report between March and September 2015.
 - All services, in that they will be continuing with “business as usual” but also directly delivering their ZBB reviews.
- 3.5 It is therefore expected that external resources will be required to support both Accountancy and the Councils wider services so their respective service objectives and those of ZBB will be achieved within the timescales required. At this time the resources required have not been evaluated but they will be financed from the Councils Special Reserve and reported to the Panel and Cabinet in a future report.

4 LEGAL IMPLICATIONS

There are no direct legal implications arising from this report.

5 RESOURCE IMPLICATIONS

ZBB is a new approach to setting the Council’s budget. It is too early in the budget cycle to give a fair estimate of what the Council’s budget will be for 2015/16, this will be better known in January 2015, but when the ZBB review of all services is complete in November 2015, it is anticipated that this will go a good way to meeting the Council’s financial objectives.

6 REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 It is recommended that Overview and Scrutiny notes the report and recommends the report to Cabinet.

7. LIST OF APPENDICES INCLUDED

Appendix 1 – Timescale of Zero Based Budgeting – Actions to Date
Appendix 2 – Key Dates for the Setting of the 2015/16 Budget & MTFS

BACKGROUND PAPERS

Working papers in Financial Services

CONTACT OFFICER

Clive Mason, Head of Resources

(01480 388157

David Ablett, Interim Accountancy Manager

(01480 388026

Timeline of Zero Based Budgeting - Actions to Date

2013		2014		
September	July	August	September	
The Councils external auditors, PricewaterhouseCoopers recommended that the Council should undertake a ZBB review of its budget because it had, for a number of years, continued to underachieve its approved budget.	Following the appointment of the new management team, Cabinet approved the application of ZBB to its budget setting process. In this way, the Councils services could be “rebased” so the cost of service delivery could be determined.	An Interim Consultant was appointed to lead on the ZBB process, along with a specialist Financial Management consultancy that has expertise in strategic service review and local government strategic finance	The general ledger was restructured so it accurately reflected the new management structure and provide a foundation for the ZBB modelling that would be required.	The ZBB process to be employed at the Council was determined so there could be effective mapping of service costs and income. A ZBB “flyer” was circulated to all members and services; the aim being to give a “heads-up” of the ZBB process, including a timetable for the entire ZBB “rebased” process. The flyer also included the disclosure of the five ZBB “Heavy” services; namely: • Operations: - o Car Parks; - o Open Spaces • Community: - o Environment (and Community Engagement) • One Leisure: - o Whole service • Resources: - o Whole service

Timeline of Zero Based Budgeting - Actions to Date			
2014			
October	November		
The five ZBB “Heavy” services (Green Spaces, Car Parks, Environmental Health, One Leisure and Resources) commenced their review; this involved complete remodelling of the 2014/15 forecast outturn and the new base for the 2015/16 budget. In addition: • the ZBB “Light” process commenced, which entails a table-top review to identify easy to remove budget excess. • Cross-cutting review to identify “all service” budget excess e.g. Vacant posts within the approved Establishment	Review and internal scrutiny of ZBB "Heavy" reviews	"Professional Officer Review" of the ZBB Heavy services	Star Chamber reviews of ZBB Heavy services.

Key Dates for the Setting of the 2015/16 Budget & MTFS

Date	Task
November 19 2014	Peer Review
November 26 2014	Cabinet "Star Chamber"
December 03 2014	Autumn Statement 2014
December 10 2014	Exec Leaders & Portfolio Holder for Resources receive Outline Report on Results of ZZB Heavy & Lights
December 15 2014	Issue of DRAFT Budget (based on Autumn Statement) to Exec Leadership
December 19 2014	Provisional "Local Government" Finance Announcement
December 23 2014	DRAFT 2015/16 Budget & MTFS Complete
December 24 2014	Executive Leadership (Leader, Deputy Leader and Portfolio Holder for Resources) - Issue of DRAFT 2015/16 Budget & MTFS
December 30 2014	O&S Panel (Economic Well-Being) - Issue of DRAFT 2015/16 Budget & MTFS
January 08 2015	O&S Panel (Economic Well-Being) – Consider DRAFT 2015/16 Budget & MTFS
January 14 2015	Cabinet - Issue of DRAFT 2015/16 Budget & MTFS
January 22 2015	Cabinet - Consider DRAFT 2015/16 Budget & MTFS
January 31 2015	O&S Panel (Economic Well-Being) - Issue of FINAL 2015/16 Budget & MTFS
February 04 2015	Cabinet - Issue of FINAL 2015/16 Budget & MTFS
February 05 2015	O&S Panel (Economic Well-Being) – Consider DRAFT 2015/16 Budget & MTFS
February 12 2015	Cabinet - Consider FINAL 2015/16 Budget & MTFS
February 19 2015	Full Council – Issue of Final 2015/16 Budget & MTFS
February 25 2015	Full Council – Consider Final 2015/16 Budget & MTFS

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Council Tax Support Scheme 2015/16

Meeting/Date: CMT – 17 November 2014
Overview & Scrutiny Panel(Social Well-Being) - 2 December 2014
Cabinet - 11 December 2014
Council – 17 December 2014

Executive Portfolio: Councillor Barry Chapman

Report by: Benefits Manager

Ward(s) affected: All

Executive Summary:

The purpose of this report is to provide Members with details of a proposed change to the Council Tax Support scheme for 2015/16. The Council Tax Support scheme is means tested and gives financial assistance to people on low incomes in paying their Council Tax liability.

Within the current Council Tax Support scheme the first £10 of any child maintenance received is disregarded in the calculation. The remainder of child maintenance received is counted as income. The more income a person is treated as having will result in a lower entitlement to Council Tax Support.

Having carried out a review of the scheme, it is proposed to disregard all child maintenance in the calculation which will result in greater levels of Council Tax Support entitlement to those customers in receipt of this type of income.

This has a small budgetary impact to the Council (estimated to be c.£2K), but will make a difference to customers who receive child maintenance payments (estimated to be c.350). Council Tax Support is funded through the Revenue Support Grant. It is treated in the same way as Council Tax discounts and exemptions for the purposes of the Council Tax Base calculation. A more generous Council Tax Support scheme leads to a lower Council Tax base which means in turn less Council Tax income is raised.

Under the Local Government Finance Act, any changes to the scheme have to be approved at Council before 31 January in the year in which the changes are to take effect.

Recommendation(s):

The Cabinet is requested to recommend to Council to approve this change for the local Council Tax Support scheme with effect from 1 April 2015.

1. WHAT IS THIS REPORT ABOUT?

- 1.1 In April 2013, the national Council Tax Benefit scheme was abolished and was replaced by a requirement for each local authority to devise a localised Council Tax Support (CTS) scheme. Within certain parameters (including reduced government funding) each authority had to devise their own scheme based on local priorities for working age customers and protect pensioners from any changes.
- 1.2 The Huntingdonshire District Council (HDC) scheme is based on the following principles:
- Everyone of working age should pay something towards their Council Tax (except for the most vulnerable)
 - The scheme should provide some protection for the most vulnerable in society
 - The scheme should incentivise and support people moving into work and help those in low paid work
- 1.3 The basic provisions of the scheme remained the same for 2014/15, but a review of the scheme was undertaken this year to ensure that it continued to meet the criteria set by the Department for Communities and Local Government (DCLG) and also the priorities for HDC in both what is important to the local community and in terms of expenditure.
- 1.4 This report sets out the results of that review.
- 1.5 The Local Government Finance Act states that any revisions to a localised Council Tax Support scheme must be made no later than 31 January in the financial year preceding that for which the revision is to have effect.

2. BACKGROUND

- 2.1 The basis of the current HDC CTS scheme (Appendix A) is as follows:

For working age customers, the current scheme is broken down into three areas:

- Vulnerable: where the customer or partner qualify for the severe disability premium, or disabled child premium, CTS is assessed on 100% of their Council Tax liability
- Children under 5: where the customer has any dependants under the age of 5, CTS is assessed on 85% of their Council Tax liability
- Other: all other working age customers have their CTS assessed on 80% of their Council Tax liability

Once a customer is allocated to one of these three schemes, entitlement to CTS is means tested.

- 2.2 In addition to the above, the following factors are HDC specific and apply to all working age schemes:
- Child Benefit for the eldest child only is disregarded, i.e. it is not counted as income in the assessment (all Child Benefit is fully disregarded for pensioners)
 - The first £10 per week of any child maintenance received is disregarded (fully disregarded for pensioners)

- Some earnings are disregarded in assessing a person's liability, these amounts are small (typically £5-20).
- Deductions taken from CTS entitlement for any other adult living in the property at the rate of £7 per week if they work and £5 per week if they don't work (with modified rules for pensioners)

2.3 In carrying out the review of the scheme, regard was given to:

- Representation from Gingerbread who contacted HDC in October 2013 outlining their concerns that HDC was one of only 22 local authorities to include child maintenance in their CTS calculation (Appendix B)
- DCLG guidance published in February 2014 -'Localising Support for Council Tax, Vulnerable people – key local authority duties'. This document set out the legislation that local authorities must take account of when designing a localised CTS scheme. Reference is made to the Child Poverty Act and a local authority's duty to reduce and mitigate the effects of child poverty. It goes on to say that the payment of child maintenance helps to improve children's life chances and that authorities may wish to use their CTS schemes to help encourage separated parents to make child maintenance arrangements and maximise the money reaching children. They could do this by fully disregarding child maintenance when assessing eligibility for their schemes.
- Cambridgeshire Children's Trust Child Poverty Strategy 'Breaking the Cycle 2011 – 2014'

2.4 On the whole the scheme works well, and little change is warranted. However following consultation with the Executive Councillor for Customer Services, and the points made in 2.3, it was felt appropriate to examine the case for making a small change to the CTS scheme. The proposal was to disregard all child maintenance in the calculation

3. ANALYSIS

- 3.1 HDC receives funding for the CTS scheme as part of the Revenue Support Grant (RSG). This funding is assessed prior to the start of the financial year and does not change when the amount of CTS changes, i.e. the funding is fixed and not demand led. Therefore, if more CTS than expected is awarded there is a cost to all precepting authorities and if less is awarded, there is a saving.
- 3.2 CTS is treated in the same way as Council Tax discounts and exemptions for the purposes of the Council Tax Base calculation. A more generous CTS scheme leads to a lower Council Tax Base which in turn means less Council Tax income is raised.
- 3.3 CTS feeds into the collection fund. HDC is one of the precepting authorities and our proportion of the total Council Tax charge is around 8% so HDC would be responsible for 8% of the cost of a more generous scheme.

4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

- 4.1 The Overview and Scrutiny Panel (Social Well-Being) has recommended the Cabinet to approve the change to the local Council Tax Support scheme with effect from 1st April 2015.

5. KEY IMPACTS

- 5.1 Based on current caseload, this change will see around 350 customers (out of a total caseload of 8300) receive an increase in the amount of financial assistance they get towards paying their Council Tax liability.

6. TIMETABLE FOR IMPLEMENTATION

- 6.1 The proposed change will take effect from 1 April 2015.

7. LINK TO THE LEADERSHIP DIRECTION

- 7.1 This service supports 'Ensuring we are a customer focussed and service led council'.

8. CONSULTATION

- 8.1 Prior to revising a scheme, the Local Government Finance Act requires the authority to carry out a consultation exercise as follows:
- a) consult major precepting authorities
 - b) publish a draft scheme in such manner as it sees fit
 - c) consult such other persons as it considers are likely to have an interest in the operation of a scheme.
- 8.2 There were no responses from the major preceptors. The consultation exercise went ahead based on the original proposed change.
- 8.3 The consultation took place between 26 August and 31 October 2014 by way of an on-line survey on the Council website and through Shape Your Place. 120 local organisations and Town and Parish Councils were also contacted directly.
- 8.4 There was a limited response with only 66 responses being received. A report showing the analysis of the consultation and the comments can be found at Appendix C.

9. LEGAL IMPLICATIONS

- 9.1 The change enables the Council to meet its legal requirements to minimise child poverty by ignoring child maintenance contributions and recognising that is an important protective element for children at a time when single parent families are among the groups hardest hit by a stream of government changes to welfare benefits and tax credits.

10. RESOURCE IMPLICATIONS

- 10.1 The estimated total cost of disregarding all child maintenance payments in the calculation of CTS would be approximately £28,000 apportioned across all of the major preceptors via the Collection Fund. The net impact to the Council is estimated to be £2,200.

11. OTHER IMPLICATIONS

- 11.1 The proposed amendment to the existing CTS scheme takes account of a finding from the Equality Impact Assessment completed when the existing CTS scheme was developed, i.e. the proposal to take some Child Benefit and child maintenance into account in calculating the amount of CTS due would have a

detrimental effect on those in receipt of these payments, many of whom are female.

- 11.2 The proposed amendment takes account of feedback from local residents, voluntary and community groups during recent consultation. The amendment also takes account of feedback provided by Gingerbread (charity for single parents) which sets out clearly why the council should reconsider taking child maintenance into consideration when calculating CTS.

12. REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 In making this minor change to the Council Tax Support scheme, HDC will have taken account of the representation from Gingerbread, the guidance from DCLG and also continue to meet its legal requirements to help mitigate child poverty.

- 12.2 It is recommended that Council:

Approve the amendment to the Council Tax Support scheme

13. LIST OF APPENDICES INCLUDED

Appendix A - Summary of current HDC CTS scheme
Appendix B - Gingerbread briefing to local authorities
Appendix C - Consultation analysis

BACKGROUND PAPERS

- Local Government Finance Act 2012
- DCLG document: Localising Support for Council Tax, Vulnerable people – key local authority duties'
- Cambridgeshire Children's Trust Child Poverty Strategy 'Breaking the Cycle 2011 – 2014'

CONTACT OFFICER

Amanda Burns - Benefits Manager
01480 388122

This page is intentionally left blank

Council Tax Support Scheme Rules (April 2014)

Use this flowchart to establish which rules a customer's entitlement to Council Tax Support will be assessed

Start
Here

Is the customer or partner a pensioner?

Definition: One or both are of qualifying age for pension credit and they (or any partner), do not receive IS, JSA(IB) or ESA(IR)

Yes

Customer assessed under the Pensioner Rules

Brief Overview of Rules:

This is exactly the same as the rules under Council Tax Benefit

No

Does the customer or their partner qualify for the severe disability premium or the disabled child premium?
(See reverse for qualification rules)

Yes

Customer assessed under the Vulnerable Rules

Brief Overview of Rules:

Awards based on **100%** Ctax liability
Child Ben for eldest child only disregarded
Child Maintenance disregard of £10
Earnings disregard of £20 couple, £10 single
Additional earnings disregard of £10 if working 16hrs per week, 30hrs if childless couple
Non Dep deductions of £7 if working 16 hrs or more, £5 if not working or working less than 16 hrs
No Second Adult rebate

No

Does the customer have any dependants under the age of 5 living with them?

Yes

Customer assessed under the Vulnerable Dependant(s) Rules

Brief Overview of Rules:

Awards based on **85%** Ctax liability
Other details as per vulnerable criteria

No

Is the customer or their partner working?

Yes

Customer assessed under the Working Age Employed Rules

Brief Overview of Rules:

Awards based on **80%** Ctax liability
Other details as per vulnerable criteria

No

Customer assessed under the Working Age Other Rules

Qualifying Rules for Severe Disability & Disabled Child Premium

Qualifying Rules for Disabled Child Premium

The disabled child premium is added to a customer's applicable amount where a disabled child in the household is:

- registered blind, or
- receiving Disability Living Allowance

Qualifying Rules for Severe Disability Premium

In the case of a single customer or lone parent the severe disability premium may be included in the applicable amount where:

- they receive the care component of Disability Living Allowance at the highest or middle rate, Attendance Allowance or Constant Attendance Allowance, and
- they live alone (see below), and
- no-one receives Carer's Allowance for looking after them

In the case of a couple the severe disability premium may be included in the applicable amount where the claimant and partner both:

- receive the care component of Disability Living Allowance at the highest or middle rate, Attendance Allowance or Constant Attendance Allowance, or
- the partner is blind and the claimant receives the care component of Disability Living Allowance at the highest or middle rate, Attendance Allowance or Constant Attendance Allowance, and
- no-one else lives with them (see below), and
- no-one receives Carer's Allowance for looking after either one or both of them

Other people living in the household

For the purposes of the severe disability premium, customers are still classed as living on their own if other people in the household are:

- children
- aged 16-17
- a person who is registered blind
- a person receiving the care component of Disability Living Allowance at the highest or middle rate, or Attendance Allowance
- a carer who is employed by a charity that makes a charge for this service
- co-owners or co-tenants

Why child maintenance should not count for Council Tax Support

Introduction

In Scotland, Wales and across 93% of English councils, maintenance paid for children living in single parent households does not affect council tax.

But in a small minority of councils – 22 out of 326 across England – single parents face higher council tax payments if their ex-partner makes child maintenance payments. The 22 councils in question are listed at the end of this briefing.

Against a background where - in the face of cuts in funding from central government - all councils have had to review the support given with council tax bills for low income groups, Gingerbread says that the large majority of councils got it right, in deciding not to target money meant for children in single parent households.

As all councils consider their Council Tax Support schemes for 2014/15, Gingerbread outlines the reasons why child maintenance should not count for Council Tax Support.

Facts and figures about council tax and child maintenance among low-income single parent families

- **Nearly half of single parents rely on help with their council tax bills.** In 2011/12, 47% of single parents across the UK were getting help with council tax bills through council tax benefit.¹
- **The amounts of child maintenance they receive are modest.** For those receiving council tax support in 2011/12, the average (mean) amount of child maintenance received was £19 per week. The median amount was £12 per week.²
- **Those with lower incomes are already less likely to get child maintenance.** Among the poorest fifth of single parents divided by income (before housing costs) 32% are receiving child maintenance compared to 44% among the richest fifth.³

¹ Family Resource Survey 2011/12, DWP (2013)

² Ibid

³ Skinner C. and Main G., 'The contribution of child maintenance payments to the income packages of lone mothers' in *Journal of Poverty and Social Justice*, Vol 21, No 1, Feb 2013. Analysis based on the UK Families and Children Study (2008-09)

Why child maintenance matters to low income families

- **It helps reduce child poverty.** Poverty scars children's futures. Children living in single parent households are almost twice as likely to be at risk of poverty compared to children in couple families. Child maintenance lowers that risk. Among single parents on benefit, a fifth of families receiving child maintenance would be living below the poverty line without it.⁴
- **It improves children's lives.** All the evidence shows that children living in separated families are more likely to thrive if they continue to have the support of both parents, emotionally, practically - and financially.⁵ Maintenance is part of a non-resident parent's engagement with a child. Even modest amounts can give a child a better quality of life, for example by allowing new shoes for growing feet or ensuring a child is well-fed. This is a contribution which can mean a lot to children beyond the actual financial value.⁶
- **Single parents' incomes are already being hard hit.** Child maintenance is an important protective element for children at a time when single parent families are among the groups hardest hit by a stream of government changes to welfare benefits and tax credits. These include cuts to help with childcare costs within tax credit; reduced help with housing costs due to the benefit cap, reforms to local housing allowance and new under-occupancy rules; a lowering in the real value of benefits and tax credits compared to inflation; and forthcoming universal credit reform where – unless there are changes – two-fifths of low income single parents will be worse off than they are under the current welfare system.

Why the government ignores child maintenance in calculating benefits and tax credit⁷

Since 2010, central government has applied a full income disregard to child maintenance in the calculation of all benefits and tax credits, meaning that child maintenance is ignored as income when assessing financial support for single parent families. This decision was taken for the following reasons:

To ensure more low income children in separated families get parental support

- Successive governments have agreed that, when parents split up, both parents should continue to take responsibility for their children, including contributing to the costs of raising them. Yet for poorer parents, because benefits used to be reduced if maintenance was paid, there was a disincentive to actively pursue it. The decision to ignore child maintenance within benefits and tax credits was therefore taken partly to improve the numbers of low income families where maintenance was paid, thus engaging more 'non-resident' parents in meeting their responsibilities towards their children.

⁴ Bryson C., Skipp A, et al, *Kids Aren't Free*, Gingerbread (2013).

⁵ Mooney A., Oliver C., and Smith M., *Impact of Family Breakdown on Children's Well-Being*, DCSF Research Report No RR113 (2009)

⁶ Fortin, J., Hunt, J. and Scanlan, I. (2012) Taking a longer view of contact: The perspectives of young adults who experienced parental separation in their youth, University of Sussex Law School.

⁷ Child maintenance has been ignored in tax credits since 1999, from Housing and Council Tax benefit from 2008; and from out-of-work benefits since 2010. Ministers have confirmed that child maintenance will continue to be ignored as income within Universal Credit.

To make benefits and tax credits simpler and cheaper to administer

- Child maintenance income is frequently subject to change, due to partial or non-payment by some non-resident parents and alterations due to changes in the paying parent's income, work or family situation. Given the modest amounts of maintenance received on average by low income single parents, the revenue saved by taking maintenance into account was being substantially off-set by the administrative costs of having to make repeated adjustments and recalculations, and to pursue debts.

Why counting child maintenance is a retrograde step

Gingerbread believes that the decision taken by a minority of councils to count child maintenance as income in calculating council tax support is the wrong one, for the following reasons:

- **It risks fewer single parents seeking maintenance** because, if they do, their council tax bills will go up. Where council tax support is calculated on the assumption that child maintenance is being paid, it means families can be plunged into instant financial hardship and debt if maintenance does not arrive. The fear of this can lead to single parents to decide to forgo child maintenance altogether and settle for a lower, but stable, income. Children then lose out and parental responsibilities are not met.
- **It will increase the risk of child poverty among single parents.** Including child maintenance as income in assessments of council tax support is of particular concern in the light of councils' obligations under the Child Poverty Act 2010 to have a strategy in place aimed at reducing and mitigating the effects of child poverty in their area. Counting child maintenance for CTS directly targets single parent families who already face a higher risk of poverty compared to couple families.
- **The potential revenue savings may be eroded by increased administrative costs**, due to repeated adjustments of CTS to deal with fluctuations in maintenance or periods of non/partial payment – when the sums involved are likely to be modest in any case.
- **It will mean a double 'tax' on child maintenance for single parents.** In 2014, central government plans to start charging single parents 4% of any child maintenance collected via the new Child Maintenance Service. This means that in the local authorities concerned, single parents using the collection service will, in effect, face two deductions from the maintenance for their child: one 'take' by central government and another from the council.
- **It is a penalty on relationship breakdown**, where the same income risks being counted twice by a local authority for council tax support purposes: once as the income of the paying parent and then again as the income of the receiving parent. This is unfair to both separated parents and their children.

For all these reasons, Gingerbread urges councils to reconsider the inclusion of child maintenance within their council tax support schemes.

Councils counting child maintenance for Council Tax Support⁸

Council	Full CM counted or partial
Bath and North East Somerset	Full
Bolton Metropolitan Borough	Full - with transitional protection for those who would have received full amount of CTB
Brentwood Borough	£15 disregard
Cannock Chase	Full
Chelmsford City	£10 disregard
Colchester Borough	Full
Crawley Borough	Full – with transitional protection for those who would have received full amount of CTB
Doncaster Metropolitan	Full – with transitional protection for those who would have received full amount of CTB
Epping Forest District	£15 disregard
Huntingdonshire District	£10 disregard
Maldon District	Full
Mendip District	Full
Rochford District	Full
Rushmoor Borough	Full
Slough Borough	Full
South Somerset District	Full
Stafford Borough	Full
Tamworth Borough	Full
Taunton Deane Borough	Full
Tendring District	Full
Waverley Borough	Full
West Somerset	Full

About Gingerbread

Gingerbread is the national charity working for and with single parent families. We provide expert information and advice, along with membership and training opportunities. We campaign against poverty, disadvantage and stigma to promote fair and equal treatment and opportunity for single parents and their families. We support the development of a child maintenance system where children living in separated families receive the support of both parents throughout their childhood.

For further information please contact Janet Allbeson, Senior Policy Adviser at Gingerbread janet.allbeson@gingerbread.org.uk

⁸ One more council, Sedgemoor, allows a disregard of £65.62 per child. In practice, no low-income families are affected as this disregard is set at a much higher level than average child maintenance amounts.

Summary of responses for Council Tax Support consultation

The consultation consisted of one question with the ability to add comments:

Question:

Do you agree that no Child Maintenance should be counted as income in the Council Tax Support calculation?

Yes/No

Comments:

The main consultation ran from 26 August to 31 October 2014.

We received 66 responses:

38 respondents (58%) agreed with the proposal

28 respondents (42%) disagreed with the proposal

The responses were broken down into the following categories:

- Resident affected by the change
- Resident not affected by the change
- Voluntary group
- Other
- Blank

Category of respondent	Number of responses	% in agreement with the proposal	% not in agreement with the proposal
Resident affected	3	33%	67%
Resident not affected	46	42%	48%
Voluntary	5	80%	20%
Other	5	60%	40%
Blank	7	86%	14%
Total	66	58%	42%

Category	Comment
Don't support	all income should be counted!
Don't support	Because not all parents receive child maintenance, so the parents that don't get any help from the ex-partner will be disadvantaged.
Don't support	Child Maintenance is paid for the living costs of a child, one of which is paying rent and being able to live in a house, of which one of the costs is council tax. This should be counted towards income.
Don't support	Child maintenance payments can be very large and could end being subsidised by people who receive no maintenance for their children!
Don't support	In deciding whether someone is in poverty, I don't think the source of the money is important. What matters is their total income. If child poverty is felt to be a particular problem in the district, I feel the money should be targeted at all poor families with children. You could for example discount a certain amount of income, regardless of source, from anyone who is looking after a child.
Don't support	The question is very ambiguous. The use of a double negative is misleading and suggests an underlying intention to manipulate the outcome of the consultation, Should there be any doubt as to my view, I stress all income regardless of source should be treated as income when calculating council tax support.
Don't support	With the reduction in income from central government HDC needs to be looking to get more money in - especially with a high population of older residents who are 'protected' and the lack of CT increase v the cut back across services - without giving more concessions. The single parent families are already well accommodated financially in other benefits. (Hence why many married couples live as single persons already.)
Other	I am a resident NOT affected by this proposal but have been unable to register this in the place below!!!
Other	I do not agree to this proposal as there are many households who do not qualify for support in respect of Benefits and struggle to live day to day on a low wage.
Other	it isn't just the kids, disabled and pensioners are struggling too, Income Support, PIP or DLA and state pensions should not be calculated either.
Other	You want to reduce child poverty over haul your WHOLE system. From how information is put into the system to how LONG it takes to sort out any changes needed, The other problem to solve is get people BACK INTO WORK without this you will never stop child poverty. I may not be affected by this particular problem but it is one which everyone should ensure is heard by ALL COUNCILS but you lot never listen and do as you want anyway.
Support	I agree with the proposal but feel I like other people, in that while not directly affected. This proposal will reduce the overall amount that is available to the council for other matters.
Support	I think HDC should do this as it will be a relatively small increase in CTS spend but will be of benefit to some families with children. HDC's reputation could be affected if we continue with the current scheme while nearly all other LAs have chosen not to count any Child Maintenance in their CTS calculations.
Support	I think this is a great idea to help parents on low incomes
Support	The money for child maintenance is designed to ensure the child(ren) are sufficiently well cared for and provided for. To deduct this and essentially make this used to pay CTAX seems backward and counterintuitive.
Support	This is an excellent proposal and if accepted would show that HDC Council Tax Support really does support families in financial difficulty.
Support	This measure will assist low income single parent families, whose children are twice as likely to be living in poverty compared to children in couple families - a situation partly caused by the fact that many single parent families have only one income to rely on. Receipt of even modest amounts of child maintenance can make a real difference to children in working age single parent families, who are among those hardest hit by reduced help with childcare costs through tax credits; reduced help with housing costs as a result of reforms to the local housing allowance and the 'bedroom tax', and the lowering in the real value of benefits and tax credits compared to inflation. It is a measure which would assist the council to fulfil its obligations under the Child Poverty Act 2010. At a time of financial hardship for single parents struggling to make ends meet, choosing to treat child maintenance as income to be ignored for council tax support purposes will assist single parents to keep up with their council tax bills, and thus reduce the costs of the council in seeking enforcement of unpaid council tax. The change would also be acknowledgement by the council that parental responsibility for children living apart is something to be encouraged and supported.
Support	without doubt we should do everything possible to support families and their entitlement to Council Tax support.

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: ENERGY MANAGEMENT UPDATE

Meeting/Date: CMT – 3rd November 2014

O&S – Environmental Wellbeing 9th December 2014

Executive Portfolio: ENVIRONMENT

Report by: ENVIRONMENT TEAM LEADER

Ward(s) affected: All

Executive Summary:

Improving energy efficiency is a key strategic objective for the Council. Making the buildings within our estate as efficient as possible and considering opportunities to generate income through the use of energy saving technologies, can play an important role in the Councils overall cost reduction strategy.

This report gives details of the energy and cost savings that have been made through the Council's Carbon Management Plan in 2009/14. The Plan has facilitated the adoption of a rigorous approach to energy management by the Council and in 2013/14 alone projects to the value of £183,000 were implemented, saving the council an estimated £55,000 per annum.

Whilst a number of significant projects have been implemented there is considerable scope to undertake further work and the challenge is to build upon the success to date and introduce a framework that will deliver further energy and cost reductions.

This report presents plans to streamline and enhance our approach to energy management and to access the RE:FIT procurement framework to assist with the identification and procurement of future projects.

Recommendation(s):

- That the contribution of the Carbon Management Plan 2009/14 is recognised in assisting the Council to reduce its energy use and carbon emissions from its buildings and fleet.
- That Members note plans to enter into a partnership with the County Council, Greater London Authority and Local Partnerships to access the RE:FIT programme, allowing the Council to;
 - Commission free desk top energy assessments of the Council's 9 main sites.
 - Explore commissioning Investment Grade Proposals, where a business

case for energy reduction is identified by the desk top assessment.

This page is intentionally left blank

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report summarises the success of the Council's Carbon Management Plan 2009/14 in improving the energy efficiency of the Council's buildings and fleet and gives details of the benefits to the council of accessing the RE:FIT energy efficiency framework to assist with the identification and implementation of further energy saving measures.
- 1.2 The report outlines plans for the Council to access the RE:FIT framework to scope possible projects, identify business cases and where appropriate, implement energy efficiency improvements at its 9 main operational sites as listed below:

Eastfield House	One Leisure St Ives (Indoor)
Pathfinder House	One Leisure St Ives (Outdoor)
One Leisure Huntingdon (Dry side)	One Leisure Ramsey
One Leisure Huntingdon (Wet side)	One Leisure Sawtry
One Leisure St Neots	

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Progress in delivering energy efficiency and cost savings through the Councils Carbon Management Plan (2009/14) has been significant. Analysis of the Council's energy use from billing data shows, that during the lifespan of the plan the Council reduced its carbon emissions by 17.4% and its' overall energy consumption by 10%.
- 2.2 In 2013/14 alone, projects to the value of £183,000 were implemented delivering an estimated £55,000 of savings per annum. All projects undertaken are assessed using the Salix Energy Efficiency compliance tool, which requires a project payback of less than five years.
- 2.3 Despite the work already undertaken, in 2013/14 HDC spent over £670,000 on electricity and gas at its 9 main sites. The Council's Environment Team has been tasked with assessing all viable opportunities to further increase the energy efficiency of the Council's Estate and make additional costs savings.
- 2.4 Projects to install LED lighting, improve air handling, to utilise combined heat and power (CHP) and solar photovoltaic panels have all been shown to have considerable potential (with payback of between 3 – 5 years in many cases). However, the work that is necessary to take individual projects forward, from initial scoping, specification and the preparation of tender documentation, is time consuming and slows down the implementation and realisation of potential savings.
- 2.5 The Council is a partner in the Mobilising Local Energy Investment (MLEI) initiative. The main objectives of the MLEI project are to:
- Set up a financial mechanism or fund that allows the alignment of private and public sector investment into low carbon energy infrastructure.
 - Set up appropriate delivery mechanism(s) to deliver low carbon infrastructure projects
 - Bring forward energy infrastructure projects on public sector assets to the value of at least £15 million by August 2015

- 2.6 As part of the MLEI scheme Cambridgeshire County Council (CCC) has recently procured a framework contract which public sector bodies in Cambridgeshire can access, to identify opportunities for installing energy efficient plant and equipment into their buildings, manage the installation process and provide a guaranteed return on investment through an Energy Performance Contract (EPC).

3. THE RE:FIT ENERGY EFFICIENCY FRAMEWORK

- 3.1 The RE:FIT programme was originally developed by the Greater London Authority (GLA). It now operates nationwide and in August 2014, Cambridgeshire County Council undertook a competitive mini-competition exercise and appointed an Energy Service Company (ESCO), Bouygues, to operate a framework contract for public sector organisations in Cambridgeshire to undertake:

- Free of charge desk top assessments to assess energy efficiency potential
- Site by site Investment Grade Proposals (IGPs) – (See Section 4 below)
- Full site retrofit – with energy savings guaranteed

- 3.2 The RE:FIT framework is available to the Council with the clear benefit of working co-operatively with a major infrastructure provider, with all public sector procurement requirements already satisfied. Huntingdonshire District Council is a named party in the tender and the Council's Procurement Officer has confirmed the Council is free to enter into an access agreement to use the framework.

- 3.3 A whole site approach is taken both to the assessment of energy saving technologies through to final installation. As a result the timescale for installation is considerably shorter than if the Council were to identify suitable measures and install them on a project by project basis.

- 3.4 In addition to resource savings from decreasing the lead time to assess potential projects, tender the work and implement projects, the RE:FIT framework guarantees a return on investment with typical savings in energy usage of over 20% per annum. These savings are contractually guaranteed by the Energy Service Company and measured in accordance with the 'International Performance Management and Verification Protocol', which requires agreed baselines and the preparation of a transparent plan for evaluating the performance of all measures installed.

- 3.5 At a meeting on 3rd November 2014 Chief Officer Management Team (CMT) approved a proposal to access the RE:FIT Framework and to undertake free desk top assessments at the Council's 9 main sites. Since this meeting work has been ongoing to put in place the necessary arrangements to take advantage of the framework.

- 3.6 Access agreements with the County Council, GLA and Local Partnerships are currently being considered by HDC's legal section and the Council is in preliminary discussions with Bouygues who manage the framework within Cambridgeshire to schedule desk top assessments and ensure that initial business cases are prepared in early 2015.

4. RESOURCE IMPLICATIONS

- 4.1 A diagram illustrating how the RE:FIT programme works can be found at Appendix A.
- 4.2 As a partner in the scheme, the first stage is for a desk top assessment of the potential energy saving measures to be carried out. This will take into account work already undertaken at a particular site and make an assessment of energy saving potential still to be realised.
- 4.3 If the desk top assessment identifies potential for the installation of further energy saving measures, the next stage is for the provider partner to prepare a detailed Investment Grade Proposal outlining the cost of all potential projects and the guaranteed savings that will result.
- 4.4 There is no fee for the preparation of the initial desk top energy assessments and if the Council chooses to walk away at this stage it can do so without liability.
- 4.5 There is fee of circa £1,000 - £4,000 per site (depending on size) for the preparation of a full Investment Grade Proposal with guaranteed savings. This is only payable if the council decides not to take a proposal forward. There is currently revenue allocation of £15,000 for energy improvement works and it is anticipated that any fees would be paid from this existing budget.
- 4.6 If the council wishes to progress to installation then upfront capital investment is required. There is a capital allocation of £95,000 for the current financial year and a further £55,000 per annum in the council's medium term plan until 2017/18 to fund energy efficiency improvements at the council's main sites. This allocation may not be sufficient to fund all future proposed works, but any projects identified will stand in their own right as invest to save opportunities, which can be financed through direct capital investment or through a Salix zero interest energy efficiency loan.

5. REASONS FOR THE RECOMMENDED DECISIONS

- 5.1 There are significant advantages to the council from becoming a partner in the RE:FIT programme.
- It is an opportunity to make further substantial energy savings at council buildings – typical savings of over 20% per annum in energy usage.
 - A guaranteed return on investment – the savings are contractually guaranteed by the Energy Services Company
 - Projects identified have low payback periods – typically 3 – 7 years
 - A mini-tender exercise has been undertaken by Cambridgeshire County Council to select a delivery partner. As a partner in the MLEI scheme, Huntingdonshire District Council was named in the tender and the Council's Procurement Officer has confirmed the Council is free to enter into an access agreement for the contract and that all public sector tendering requirements have been satisfied.
 - Using the framework will streamline the procurement of energy saving projects considerably. A simplified commissioning role will free resources and allow additional resilience to be built into the structure of Operations Division, to undertake projects identified in Facing the Future, without compromising service delivery.

BACKGROUND PAPERS

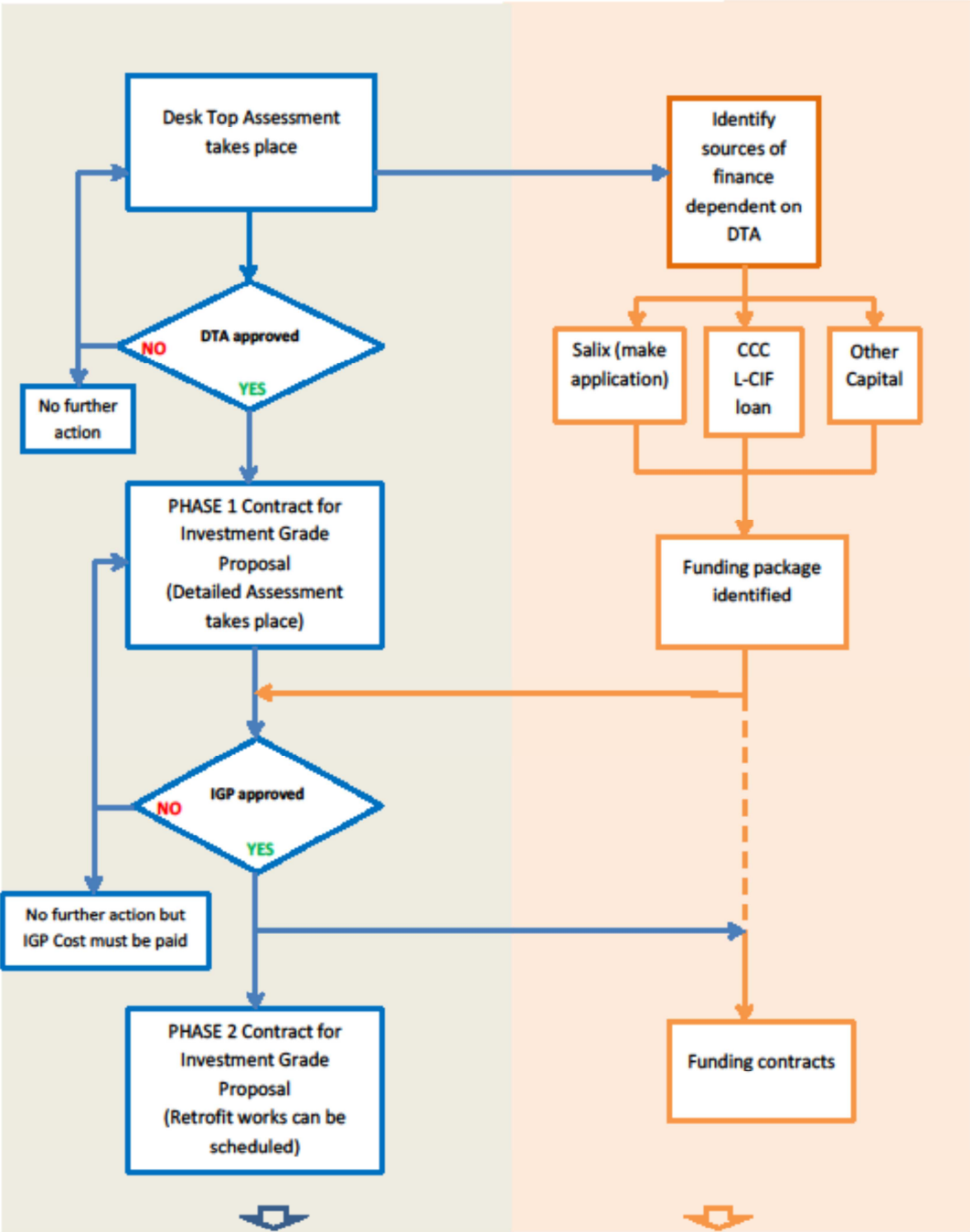
Cambridgeshire Energy Performance Contracting Project – Invitation to Tender
A Guide to Using the RE:FIT Framework – Starter Pack

CONTACT OFFICER

Chris Jablonski, Environment Team Leader, Ext. 8368

**DECISION MAKING PROCESS CHART:
FOR ALL SITES PROCEEDING WITH ENPC**

July 2014



PROCEED WITH RETROFIT WORKS

This page is intentionally left blank

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Anti-Social Behaviour, Crime and Policing Act 2014 Changes to Anti-Social Behaviour Legislation previously available under the Anti-Social Behaviour Act 2003
Meeting/Date:	COMT – 17 November 2014 Overview & Scrutiny Panel Social Wellbeing – 2 December 2014 Cabinet – 11 December 2014 (report updated following Overview & Scrutiny Panel Social Wellbeing)
Executive Portfolio:	Cllr T Sanderson, Executive Councillor for Strategic Economic Development and Legal Cllr D Tysoe, Executive Councillor for Operations and Environment
Report by:	Chris Stopford, Head of Community
Ward(s) affected:	All

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13th March 2014. Some of the powers have already come into effect but the main body of the Act commenced on 20th October 2014. This Act radically changes not only current procedures, orders and practices but if correctly applied, it provides for significantly improved results, real and effective partnership working, efficiency and potential cost savings for the organisations that have a responsibility to respond to anti-social behaviour.

The changes to the legislation have come about as a result of the recognition that there is a need to put victims at the heart of the response to anti-social behaviour and that professional's need flexibility to deal with any given situation effectively. Due to Anti-Social Behaviour being such a broad term, it covers a wide range of behaviours meaning that the responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, Councils and Social landlords.

There are 14 parts to the legislation; it is parts 1 – 7 that are most relevant to the Local Authority. The Act can be read in full at <https://www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill>

Parts 1 to 4 of the Act – Injunctions, Criminal Behaviour Orders, Dispersal Powers, Community Protection Notices, Public Spaces Protection Orders and Closure Notices/ Orders – replace 19 previous powers to deal with anti-social behaviour. One obvious loss of this process has been the abolition of Anti-Social Behaviour Orders (ASBOs).

Recommendation(s):

- 1. Members indicate their support for the proposals set out in Section 6.1 of this report that set out who the delegated officers shall be for dealing with the new powers set out in the 2014 Anti-Social Behaviour, Crime and Policing Act, Executive Councillor Consultees, and Enforcing Officers**
- 2. Members indicate their support for the proposals set out in Section 6.1 of this report that set out who the delegated officers shall be for dealing with the creation and maintenance of policies and procedures relating to the new powers set out in the 2014 Anti-Social Behaviour, Crime and Policing Act**

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 replaces 19 powers that were previously available under the Anti-Social Behaviour Act 2003, with 6 new powers. The most significant of those being replaced are the Anti-Social Behaviour Order (ASBO) and Designated Public Places Orders (DPPOs).
- 1.2 This paper details the powers that have been repealed and what is now available under the new Act. This information is being presented to Members as they are asked to give consideration to the legislation, and the tools and powers that are now available for use if adopted by Huntingdonshire District Council.
- 1.2 The purpose of this report is to provide a brief in relation to each part of the Act and to request that Members delegate the powers available to identified officers.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Act requires that Huntingdonshire District Council formally adopt provisions of the Act, and to implement changes to its Scheme of Delegation to ensure that Officers have access to the tools necessary to implement this victim centred response to the management of anti-social behaviour.
- 2.2 A number of the provisions that were available under the Anti-Social behaviour Act 2003 and the Criminal Justice and Police Act 2001 have been repealed by the 2014 Act; therefore consideration needs to be given to the adoption of the new powers.
- 2.3 If adopted, the new powers will allow the Local Authority to deal with problems quickly. The powers are designed to be flexible, allowing professionals to adapt them to protect victims in a wide range of situations. Historically, the powers available to address perpetrators of anti-social behaviour have been difficult to obtain. This has resulted in agencies shying away from using them or where used, the prohibitions have been flawed enabling the offending to continue and in turn leading to victims feeling helpless and unsupported.
- 2.4 There will be the flexibility under some parts of the Act for the Local Authority to designate powers to Social Landlords, therefore increasing tools and powers available to partner agencies.
- 2.5 Across Cambridgeshire, Police Community Support Officers (PCSOs) have been designated by the Chief Constable to use all powers offered to them under the Act excluding Closure Powers.

3. ANALYSIS

- 3.1 In light of the new legislation, the Panel are requested to consider:
 - each part of the new Act and agree whether or not to recommend formal adoption of the new provisions;
 - How Huntingdonshire District Council should update its Scheme of Delegation to allow for the implementation and use of powers available under Parts 1 – 6 of the Act.

- 3.2 The Act replaces 19 existing powers and combines them into 6 new, more flexible powers. The new powers should not be seen simply as a replacement of the existing powers and should be used more widely than the previous powers allowed.

Current Powers	New Powers
ASBO on Application	Criminal Behaviour Order Or Civil Injunction
ASBO on Conviction	
Drinking Banning Order on Application	
Drinking Banning Order on Conviction	
Anti-Social Behaviour Injunction	
Individual Support Order	
Intervention Order	
Litter Clearing Notice	Community Protection Notice
Street Litter Clearing Notice	
Graffiti / Defacement Removal Notice	
Designated Public Place Order	Public Space Protection Order
Gating Order	
Dog Control Order	
ASB Premises Closure Order	Closure Power
Crack House Closure Order	
Noisy Premises Closure Order	
Section 161 Closure Order	
Section 30 Dispersal Order	Police Dispersal Power
Section 27 Dispersal Order	

3.3 Part 1 – The Civil Injunction

The injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators.

- 3.3.1 There are two tests for an injunction under Part 1 of the 2014 Act these being Non-housing related and Housing related.
- 3.3.2 Agencies must make proportionate and reasonable judgements before applying for the injunction. Injunctions should not be used to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, anti-social behaviour to victims or communities. Failure to make such reasonable and proportionate judgements will increase the likelihood that an application will not be successful.

- 3.3.3 In certain cases a judge can attach a power of arrest. Prohibitions or requirements in the injunction can be for a fixed or indefinite period for adult perpetrators. In the case of under 18s the prohibitions or requirements must have a specified time limit, and the maximum term is 12 months.
- 3.3.4 The breach of the injunction is not a criminal offence. However, due to the potential severity of the penalties which the court can impose on respondents, the criminal standard of proof – ‘beyond reasonable doubt’ – is applied in breach proceedings.

3.4 Part 2 – Criminal Behaviour Orders (CBOs)

The Criminal Behaviour Order will be available following a conviction for any criminal offence and can address the underlying causes of the behaviour through new, positive requirements. A breach of the Order will be a criminal offence with a maximum penalty of up to five years in prison for adults.

- 3.4.1 The CBO will replace Anti-Social Behaviour Orders (ASBOs) which were available under the ASB Act 2003. The recommendation is that the CBO is considered every time an anti-social behaviour offender is brought to a criminal court.
- 3.4.2 An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the anti-social behaviour for it to be issued by the court.
- 3.4.3 The terms of the CBO must include the duration of the order. For adults this is a minimum of two years up to an indefinite period and for under 18s, the order must be between one and three years.
- 3.4.4 The decision to publicise a CBO will be taken by the Police or District Council unless the court has made a section 39 order (Children and Young Persons Act 1933) prohibiting publication. When deciding whether to publicise a CBO, public authorities (including the courts) must consider that it is necessary and proportionate to interfere with the young person’s right to privacy and the likely impact on a young person’s behaviour. This will need to be balanced against the need to provide re-assurance to the victims and the wider community as well as providing them with information so that they can report any breaches. Each case should be decided carefully on its own facts.
- 3.4.5 Where the CBO is made against someone under 18 years of age, there is a requirement to conduct annual reviews. Under the legislation, the Police have overall responsibility for carrying out such a review with a requirement to act in co-operation with the Council. The Police may invite any other person or body to participate in the review.

3.5 Part 4, Chapter 1 – Community Protection Notices (CPNs)

The Community Protection Notice (CPN) is intended to deal with particular ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible.

- 3.5.1 In Huntingdonshire, the Local Authority already work in partnership and in some cases take the lead in dealing with these types of issues and under the legislation they will be able to issue CPNs. There is a formal role for social landlords and the Local Authority will have the option to where appropriate, designate social landlords with the power to issue CPNs.
- 3.5.2 Issuing a CPN does not discharge the Local Authority from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990. While a CPN can be issued for behaviour that may constitute a statutory nuisance, the interaction between the two powers should be considered. It remains a principal of law that a specific power should be used in preference to a general one.
- 3.5.3 Failure to comply with a CPN is an offence. Where an individual, business or organisation fails to comply with the terms of the CPN, a number of options are available for the issuing authority.

3.6 Part 4, Chapter 2 – Public Spaces Protection Orders (PSPOs)

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Local Authority will be responsible for making new Public Spaces Protection Orders after consulting with other identified organisations.

- 3.6.1 A request to delegate powers available under the ASB, Crime and Policing Act 2014 in relation to PSPOs has already been considered by the Licencing and Protection Panel held on 6th November 2014 and the outcome was the agreement of the report and the inclusion of Public Spaces Protection Orders within the Council's Scheme of Delegation.

3.7 Part 4, Chapter 3 – Closure Powers

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

- 3.7.1 The Closure Powers can be used for any premise including licensed premises but cannot exclude people from their home. Any closure notice or closure order in respect of a licensed premise will automatically trigger a review of the premises and these provisions will replace sections 161 to 165 of the Licensing Act 2003.

3.8 Part 5 – New Absolute Ground for Possession

The purpose of the new absolute ground for possession is to speed up the possession process in cases where anti-social behaviour or criminality has already been proven by another court.

- 3.8.1 This power will be available for use by social landlords and private sector landlords. As Huntingdonshire District Council no longer owns housing stock then they will not have the ability to use this power but it is important that relevant services of the authority work closely with relevant agencies to ensure that the landlord is always aware when one or more of the triggers for the new absolute ground has occurred.

3.9 Part 6 – Community Trigger

The Community Trigger gives victims the ability to demand action starting with a review of their case where the locally defined threshold is met. For the purposes of the Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member or members of the public. Across Cambridgeshire and Peterborough, excluding Cambridge City, the locally defined threshold has been agreed as follows:

- The investigation into the ASB has been completed;
- The first report of anti-social behaviour was made within one month of the alleged behaviour taking place;
- The initial report was made after April 2014;
- There have been 3 or more reports of anti-social behaviour in the last 6 months; and
- The alleged incidents have all been reported to an agency e.g. Police, Huntingdonshire District Council, Luminus Homes

- 3.9.1 If someone wishes to activate the Community Trigger then they can do so by completing an online application form that is available on the Huntingdonshire District Council web pages, along with the identified point of contact for the area and guidance on completing the form. Information is also available on the trigger process and procedure.

- 3.9.2 The Community Trigger process for each complaint will be recorded and auditable on the ECINs Case Management System which is accessed by identified organisations across Cambridgeshire and is currently funded by the P&CC.

- 3.9.3 The legislation states that relevant bodies must publish information covering:
- The number of applications for Community triggers received;
 - The number of times the threshold for review was not met;
 - The number of anti-social behaviour case reviews carried out; and
 - The number of anti-social behaviour case reviews that resulted in recommendations being made.

- 3.9.4 This data must be published at least annually and can represent a whole area, it does not need to be broken down by each body.

4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

- 4.1 Overview and Scrutiny Social Wellbeing considered the report on the 2nd December 2014, and agreed the recommendation of the report and for its escalation to Cabinet on the 11th December 2014. They considered the enforcement of the new statute and its scheme of delegation, sought examples as to how the powers can be used, and examples have now been included within Appendix 1 of this report. The Panel considered the resources necessary to ensure the effective enforcement of the new powers, and based on the advice from the Head of Community, were satisfied that no additional resources were being sought in this report, and the enforcement of the powers would be through a risk based, intelligence lead enforcement approach.

5. KEY IMPACTS/RISKS

- 5.1 The major risk is that if the authority chose not to adopt the available powers, the result will be a continued fragmented approach to responding to ongoing issues.

6. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 6.1 The Council has been working with relevant partners including other District Councils across Cambridgeshire to develop policies and procedures to allow for the day to day operation of the new legislation, these policies and procedures will need finalising and agreement. It is recommended that the delegation of powers, in respect of the new ASB legislation is approved with immediate effect following Cabinets adoption of the new powers as set out in the tables below:

Amendments to the Council's Scheme of Delegation

Power	Delegated Officer	Consultees	Enforcing Officers
Civil Injunction	Head of Community (For approval on application)	Executive Councillor for Strategic Economic Development & Legal	Police Officers PCSOs
Criminal Behaviour Order	Head of Community (For approval on application)		Police Officers PCSOs
Community Protection Notices	Head of Community with the authority to delegate to identified officers Head of Operations with the authority to		Police Officers PCSOs Designated Council Officers Designated Social landlords

	delegate to identified officers		
Public Spaces Protection Order	Head of Community with the authority to delegate to identified officers	Executive Councillor for Strategic Economic Development & Legal Executive Councillor for Operations & Environment	Police Officers PCSOs Designated Council Officers
Community Trigger, responsibility to convene a multi-agency working group to review the issue	Head of Community	Executive Councillor for Strategic Economic Development & Legal	
Closure Power	Head of Paid Services, with regard to a closure notice under s77(2) – 48 hours Head of Community, with regards to closure notice under s77(1) – 24 hours	Executive Councillor for Strategic Economic Development & Legal Executive Councillor for Operations & Environment	Police Officers Designated Council Officers

Responsibility for the creation and maintenance of policy and procedures in connection with the powers of the Anti-Social Behaviour, Crime and Policing Act

Power	Delegated Officer	Cabinet Lead
Civil Injunction	Head of Community	Executive Councillor for Strategic Economic Development & Legal
Criminal Behaviour Order	Head of Community	Executive Councillor for Strategic Economic Development & Legal
Community Protection Notices	Head of Community	Executive Councillor for Strategic Economic Development & Legal

	Head of Operations	Executive Councillor for Operations & Environment
Public Spaces Protection Order	Head of Community	Executive Councillor for Strategic Economic Development & Legal
	Head of Operations	Executive Councillor for Operations & Environment
Community Trigger	Head of Community	Executive Councillor for Strategic Economic Development & Legal
Closure Power	Head of Community	Executive Councillor for Strategic Economic Development & Legal

- 6.2 This recommendation will need to be referred to Cabinet with a target of the meeting on the 11th December 2014. This will be for formal adoption of the identified powers and implementation of amendments to the Scheme of Delegation contained within the Council Constitution 2014.

7. LINK TO THE LEADERSHIP DIRECTION

- 7.1 The Council Corporate Priorities contained within the Corporate Plan 2014 – 16 clearly indicate the Local Authority's intent to create safer, stronger and more resilient communities. If adopted, these powers will work alongside this priority and ensure that in 'putting the victim first'; we can positively address issues of crime, disorder and anti-social behaviour.

8. CONSULTATION

- 8.1 Under the new legislation it is only the creation of a Public Spaces Protection Order where consultation will be required and this will be with Cambridgeshire Constabulary, the Police and Crime Commissioner and with identified relevant bodies.
- 8.2 With regard to the other powers, partnership working to obtain them is recommended throughout the guidance but is not a requirement.

9. LEGAL IMPLICATIONS

- 9.1 The use of each power requires the consideration of the evidential test as defined in the legislation. Appeals or challenges to the use of a power in each case can be made as detailed in point 3.0 of this report.

10. RESOURCE IMPLICATIONS

- 10.1 The ASB, Crime and Policing Act 2014 replaces existing provisions of the Criminal Justice and Police Act 2001 and the ASB Act 2003 for which existing delegations and resources exist.
- 10.2 A breach of a Community Protection Notice (CPN) or a Public Spaces Protection Notice (PSPO) can be dealt with by means of a Fixed Penalty Notice (FPN) up to £100. Income achieved via the use of FPNs is payable to the Local Authority regardless of who issues them (Police Officers, PCSOs, Council Officers, designated Social landlords)..

11 REASONS FOR THE RECOMMENDED DECISIONS

- 11.1 The legislation represents an opportunity to put the victim of anti-social behaviour first and complements Huntingdonshire District Council's Corporate Priorities of creating safer, stronger and more resilient communities. Without the adoption of these new powers and with previously available powers having been revoked, over time we will be left with a limited form of redress to respond to and deal with perpetrators of anti-social behaviour.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Summary of the main provisions of the Anti-Social Behaviour, Crime and Policing Act 2014

BACKGROUND PAPERS

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals, July 2014
- Huntingdonshire District Council Constitution 2014, Table 2 – Responsibility for Council Functions
- Huntingdonshire District Council Corporate Plan 2014 - 16

CONTACT OFFICER

Chris Stopford
Head of Community
01480 388280
chris.stopford@huntingdonshire.gov.uk

Appendix 1 – Summary of the main provisions of the Anti-Social Behaviour, Crime and Policing Act 2014

The Civil Injunction

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	• Local councils; • Social landlords; • Police (including British Transport Police); • Transport for London; • Environment Agency and Natural Resources Wales; and • NHS Protect and NHS Protect (Wales)
Test	• On the balance of probabilities; • Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or • Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and • Just and convenient to grant the injunction to prevent anti-social behaviour.
Details	• Issued by the county court and High Court for over 18s and the youth court for under 18s. • Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour. • Agencies must consult youth offending teams in applications against under 18s.
Penalty on Breach	• Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt. • Over 18s: civil contempt of court with unlimited fine or up to two years in prison. • Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.
Appeals	• Over 18s to the High Court; and • Under 18s to the Crown Court.
Important changes/differences	• Available to a wider range of agencies than Anti-Social Behaviour Injunctions. • Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs). • No need to prove “necessity” unlike ASBOs. • Breach is not a criminal offence. • Scope for positive requirements to focus on long-term solutions.

Criminal Behaviour Order

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.
Test	- If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and - The court considers that making the order will help prevent the offender from engaging in such behaviour.
Details	- Issued by any criminal court for any criminal offence. - The anti-social behaviour does not need to be part of the criminal offence. - Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour. - Agencies must
Penalty on Breach	- Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. - For over 18s on summary conviction: up to six months imprisonment or a fine or both. - For over 18s on conviction on indictment: up to five years imprisonment or a fine or both. - For under 18s: the sentencing powers in the youth court apply.
Appeals	- Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court. - Appeals against orders made in the Crown Court lie to the Court of Appeal.
Important Changes/ Differences	- Consultation requirement with YOTs for under 18s. - No need to prove "necessity" unlike Anti-Social Behaviour Orders. - Scope for positive requirements to focus on long-term solutions.

Community Protection Notice

Purpose	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	• Council officers; • Police officers; • Police community support officers (PCSOs) if designated; and • Social landlords (if designated by the council).
Test	Behaviour has to: • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • be unreasonable.
Details	• Written warning issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. • Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour. • Can allow council to carry out works in default on behalf of a perpetrator.
Penalty on breach	• Breach is a criminal offence. • A fixed penalty notice can be issued of up to £100 if appropriate. • A fine of up to level 4 (for individuals), or £20,000 for businesses.
Appeals	• Terms of a CPN can be appealed by the perpetrator within 21 days of issue. • The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.
Important changes/differences	• The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance and litter on private land not open to the air. • The CPN can be used against a wider range of perpetrators. • The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.

Public Space protection Order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Who can make a PSPO	Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	Behaviour being restricted has to: • be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • be persistent or continuing nature; and • be unreasonable.
Details	• Restrictions and requirements set by the council. • These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. • Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. • Can be enforced by a police officer, police community support officers and council officers.
Penalty on breach	• Breach is a criminal offence. • Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. • A fine of up to level 3 on prosecution.
Appeals	• Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. • Further appeal is available each time the PSPO is varied by the council.
Important changes/ Differences	More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.

Closure Power

Purpose	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	- Local council. - Police.
Test	The following has occurred, or will occur, if the closure power is not used: Closure notice (up to 48 hours): - Nuisance to the public; or - Disorder near those premises. Closure order (up to six months): - Disorderly, offensive or criminal behaviour; - Serious nuisance to the public; or - Disorder near the premises.
Details	- A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts. - Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises. - Order: can close premises for up to six months and can restrict all access. - Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.
Penalty on Breach	Breach is a criminal offence. - Notice: Up to three months in prison; - Order: Up to six months in prison; - Both: Up to an unlimited fine for residential and non-residential premises.
Who can appeal	- Any person who the closure notice was served on; - Any person who had not been served the closure notice but has an interest in the premises; - The council (where closure order was not made and they issued the notice); - The police (where closure order was not made and they issued the notice).
Important Changes/ Differences	A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court.

Community Trigger

Purpose	Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.
Relevant bodies and responsible authorities	• Councils; • Police; • Clinical Commissioning Groups in England and Local Health Boards in Wales; • Registered providers of social housing who are co-opted into this group.
Threshold	To be defined by the local agencies but not more than: • three complaints in the previous six month period. May also take account of: • the persistence of the anti-social behaviour; • the harm or potential harm caused by the anti-social behaviour; • the adequacy of response to the anti-social behaviour.
Details	• When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim; • If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken; • The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour; • The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.
Who can use the Community Trigger?	• A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor. • The victim can be an individual, a business or a community group.

This page is intentionally left blank