

A meeting of the **OVERVIEW AND SCRUTINY PANEL (ECONOMIC WELL-BEING)** will be held in **MEETING ROOMS 0.1A AND B, GROUND FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 8 NOVEMBER 2012** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

PLEASE NOTE CHANGE OF NORMAL VENUE

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 4th October 2012.

**Mrs C Bulman
388234**

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary, non-disclosable pecuniary or non pecuniary interests in relation to any Agenda item. See Notes below.

3. LOCAL GOVERNMENT ACT 2000 - FORWARD PLAN (Pages 9 - 14)

A copy of the current Forward Plan is attached. Members are invited to note the Plan and to comment as appropriate on any items contained therein.

**Mrs H Taylor
388008**

4. CHARGING FOR A SECOND GREEN BIN (Pages 15 - 26)

To consider a report by the Head of Operations setting out the case for reducing the cost of the refuse and recycling service by introducing a charge for second green bins.

**E Kendall
388635**

This item has been referred to the Panel from the Cabinet and a copy of a report on the matter by the Overview and Scrutiny Panel (Environmental Well-Being) is attached.

Members of the Overview & Scrutiny (Environmental Well-Being Panel) have been invited to attend to partake in the discussions on this Agenda Item.

5. ASSETS OF COMMUNITY VALUE (Pages 27 - 34)

To consider a report by the Head of Legal and Democratic Services outlining proposed arrangements for the Council to deal with applications for listing community assets.

**C Meadowcroft
388021**

6. HUNTINGDONSHIRE ECONOMIC ASSESSMENT - KEY FINDINGS

To receive a presentation by the District Council's Economic Development Manager.

**Mrs S Bedlow
387096**

7. CORPORATE BUSINESS CONTINUITY PLANNING (2012 ANNUAL REPORT) (Pages 35 - 42)

To receive a report from the Head of Information Management providing an update on progress made in planning for Corporate Business Continuity.

**C Hall
388116**

8. APPOINTMENT OF NEW INDEPENDENT MEMBER

To consider the outcome of the Selection Panel held on Wednesday 7th November 2012.

9. WORKPLAN STUDIES (Pages 43 - 48)

To consider with the aid of a report by the Head of Legal and Democratic Services, the programme of studies.

**Mrs C Bulman
388234**

10. OVERVIEW & SCRUTINY PANEL (ECONOMIC WELL-BEING) - PROGRESS (Pages 49 - 54)

To consider a report by the Head of Legal and Democratic Services.

**Mrs C Bulman
388234**

11. SCRUTINY (Pages 55 - 62)

To scrutinise decisions taken since the last meeting as set out in the Decision Digest and to raise any other matters for scrutiny that fall within the remit of the Panel.

Dated this 31 day of October 2012



Head of Paid Service

Notes

A. 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.*

B. Other Interests

(4) *If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.*

(5) *A Member has a non-disclosable pecuniary interest or a non-pecuniary 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 any of the descriptions referred to above, 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*

and that interest is not a disclosable pecuniary interest.

Please contact Mrs Claire Bulman, Democratic Services Officer, Tel 01480 388234 / email: Claire.Bulman@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 Panel.

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.

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the OVERVIEW AND SCRUTINY PANEL (ECONOMIC WELL-BEING) held in CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Thursday, 4 October 2012.

PRESENT: Councillor T V Rogers – Chairman.
Councillors G J Bull, S Greenall, R B Howe, Roberts, M F Shellens and A H Williams.

Mrs H Roberts.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor P G Mitchell and Mr R Hall.

37. MINUTES

The Minutes of the meeting held on 6th September 2012 were approved as a correct record and signed by the Chairman.

38. MEMBERS' INTERESTS

Councillor M F Shellens declared a non pecuniary interest in Minute No. 46 as a Member of Brampton Parish Council.

39. LOCALISATION OF BUSINESS RATES

Members were advised that this item had been included on the Agenda to comply with Section 16 of the Council's Access to Information Rules contained within the Council's Constitution. In this respect, it was reported that the Chairman of the Council had agreed to the inclusion of an urgent item of business on the Cabinet Agenda for 13th September 2012 relating to the localisation of Business Rates. An update on this matter had been given to the Panel at its last meeting.

40. LOCAL GOVERNMENT ACT 2000 - FORWARD PLAN

The Panel considered and noted the current Forward Plan of Key Decisions (a copy of which is appended in the Minute Book). Members noted that a report on the proposals to charge residents for the use of a Second Green Bin would be considered by the Overview and Scrutiny Panel (Environmental Well-Being) at its meeting on 9th October 2012. The Chairman indicated that he would attend.

41. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the press and public be excluded from the meeting because the business to be transacted contains exempt information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

42. HOUSING BENEFIT - INTRODUCTION OF RISK BASED VERIFICATION

(Councillor B S Chapman, Executive Councillor for Customer Services, was in attendance for this item).

With the assistance of a report by the Head of Customer Services (a copy of which is appended in the annex to the Minute Book) the Panel considered a proposal to introduce Risk Based Verification of new Housing and Council Tax Benefit claims that were submitted using the online claim facility. By way of introduction, Councillor B S Chapman explained that Risk Based Verification was a more efficient mechanism for the verification of new Housing and Council Benefit claims which were submitted online. Members then received an explanation of the way in which the Risk Based Verification process would operate and noted that the Executive Councillor expected to see a reduction in fraud against the Council as a consequence of its implementation. The Head of Customer Services explained that it was the intention to implement Risk Based Verification for Council Tax Support in due course and a further report would be submitted to the Cabinet for this purpose when the new Local Government Finance Act had received Royal Assent.

Following a question about the cost-benefits of the proposal, Members were informed that a Business Case had been prepared, which showed that the system was not expensive and would produce new savings in terms of the Officer time spent on the processing of claims. Members were also informed that the proposal had been incorporated within the Medium Term Plan as part of the E-Forms project, which was intended to save the cost of two Full Time Equivalents from 2013. With this in mind, Members suggested that it would have been helpful for the Business Case to have been appended to the report to give Members a better indication of the financial implications of the change. The Head of Customer Services agreed to circulate a copy and incorporate a summary of it into the report which would be considered by the Cabinet at its meeting on 18th October.

In response to a question about the process through which claimants advised the Council of changes in their circumstances, the Panel was advised that it was intended to introduce Risk Based Verification in this area in due course. Whereupon, it was

RESOLVED

that the Cabinet be recommended to adopt the Benefits Risk

Based Verification Policy as set out in Appendix A of the report now submitted.

43. RE-ADMITTANCE OF THE PUBLIC

RESOLVED

that the press and public be re-admitted to the meeting.

44. THE CORPORATE OFFICE

The Panel received a presentation by the Corporate Team Manager on the role and functions of the Council's Corporate Office and the work which was being undertaken by the Team to support people back into employment within the District. A copy of the presentation is appended in the Minute Book.

The Panel was informed that the Corporate Office undertook a number of core functions and also provides the lead on, or offers support for, a number of Council projects, details of which were provided. The Corporate Team Manager explained that the projects tended to be those which did not fit within a specific area of the Council's activities.

Members' attention was drawn to the work which was being supported by the Team to help the unemployed back into work. Reference was made to the establishment of the Huntingdon and St Neots Work Clubs, the work which was undertaken with voluntary organisations, the Business Support programme and the Council's involvement in the Cambridgeshire Redundancy Network. Members indicated their support for these types of initiatives, which provided clear examples of the successes which could be achieved from working in partnership with other organisations.

In considering the function of the Corporate Office, Members raised a number of questions about the staffing of the team and its overall workload. In response, the Corporate Team Manager explained that the team reported directly to the Managing Directors and that there were work balance fluctuations depending on the number and nature of the projects that were live at any one time.

In response to a question about the Team's communications function, the Corporate Team Manager stated that activity was concentrated in two areas, namely internal and external communications. One of the priorities for the Corporate Office was to improve internal communications following the significant organisational change which had been recently undertaken. Councillor Howe, reflecting on his recent discussions at the Employment Panel, drew attention to the relationship between the availability of information and the impact on employee welfare and morale. He suggested that there appeared to be a mismatch between the corporate information that was provided and that which was actually required. In response, the Corporate Team Manager expressed the view that there was a need for a cultural shift in communications across the organisation and that there was further work to be done. As a result she was invited to attend a

future meeting to discuss the communications matters in detail.

45. COMMUNITY RIGHT TO CHALLENGE

With the assistance of a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) the Panel considered the Council's proposed arrangements for the operation of the new Community Right to Challenge. The Right to Challenge had been created by the Localism Act and introduced a right for defined organisations and persons to submit an Expression of Interest in taking over the provision of a service on behalf of the Council.

In considering the contents of the report, Members raised a number of questions about the proposed process for dealing with an Expression of Interest. With regard to the question of whether there was a test for reasonableness which could be applied to an Expression of Interest they were informed that there was no such prescription within the legislation. Members also noted that in the case of an internal application being submitted in competition with an Expression of Interest from elsewhere, it would be judged independently against the criteria which had been defined as part of the procurement process.

In response to a question about the national situation and whether other Authorities had received a significant number of Expressions of Interests, Members were informed that this did not appear to be the case.

In considering the grounds upon which the Council might reject a valid Expression of Interest, Members queried whether the Council should specify the terms on which any interest would be considered vexatious or trivial. The Head of Legal and Democratic Services advised that the wording within the Council's procedure reflected that of the Statutory Instrument and that there had been no Government Guidance published to-date. It would be a matter for the Council to interpret at the appropriate time.

In view of the additional costs which might be incurred by the Council, Members questioned whether any funding was currently included within the Medium Term Plan for dealing with the Community Right to Challenge. It was confirmed that there was currently no provision for this purpose. Comment was made that this was a further example of Central Government passing down responsibilities to Council's without providing them with the necessary additional funding.

In considering the recommendation within the report, Members requested that the matters which were to be delegated and the process leading to a decision should be clarified for the Cabinet meeting. Having noted that the procurement exercise had the potential to be a time consuming and costly exercise for the Council, it was

RESOLVED

that subject to the necessary consultation, the Cabinet be recommended to authorise the Managing Directors to respond to Expressions of Interest on behalf of the Council.

46. PROPOSED CIL GOVERNANCE PRINCIPLES

The Panel considered a report by the Head of Planning Services (a copy of which is appended in the Minute Book) which contained an update on the progress being made with the implementation of the Community Infrastructure Levy (CIL) for Huntingdonshire and seeking comments on a draft framework for the governance of CIL receipts and its related spending. The Head of Planning and Housing Strategy reminded the Panel that the CIL for Huntingdonshire has been in place since 1st May 2012 and that in view of the limited expenditure which was expected in the forthcoming year, the Cabinet had agreed that any monies received during 2012/13 would be banked. Members were informed that the Government was still to provide guidance with regard to the distribution of CIL funding and that the report which had been produced was a step in the process of identifying appropriate governance arrangements.

Councillor M F Shellens, with reference to the re-development of RAF Brampton, commented on the need for the Government to determine a figure for the 'meaningful amount' of receipts which would be allocated to the area in which the development lay. Members were informed that this had been the subject of a Government consultation and it was estimated that there would be a dedicated pot in the region of 5% to be spent on infrastructure to support growth. This would be in addition to any monies from CIL or Section 106 funding for a particular development.

Members questioned what provision there might be for adjacent areas, which were affected by a particular development. In response, the Head of Planning Services reported that the legislation stated that a meaningful proportion of CIL receipts were to be allocated to a particular community. It was, however, recognised that some developments would have broader implications. Members were reminded that with the exception of the meaningful proportion, CIL in general could be spent anywhere and, therefore, it was important to develop a business plan for the needs of the District.

In terms of the proposed governance arrangements set out within the report, Members commented on the need to provide an opportunity for Parish Councils to exert some influence on the process. Although Members were informed that work had been ongoing with local communities to consider the needs in a group of parishes, Members were of the opinion that there should be representation from parishes and the rural areas on the Growth and Infrastructure Thematic Group.

Reference having been made to the existing Section 106 Working Group and the audit trails which were already in place to monitor spending of Section 106 monies, Members enquired about the processes that would be adopted for the CIL. They were reminded that the District Council was responsible for making decisions on the allocation of funding and advised that Service Level Agreements might be used. Expenditure on particular projects would be monitored. In this respect, attention was drawn to recommendation c within the report which further attempted to address this issue and the legal requirement for there to be a robust monitoring and reporting mechanism to account for all CIL funding on an annual basis. Whereupon, it was

RESOLVED

that the Cabinet be recommended to

- (a) approve the proposed CIL governance structure;
- (b) authorise that work progresses with partners through the HSP to further develop the framework and draft business plan to take forward the next stages required in the governance process;
- (c) Request the Head of Planning and Housing Strategy to liaise with the Head of Finance and the Head of Legal to agree draft procedural and management protocols; and
- (d) authorise a further report to come forward to Cabinet in due course

47. THE RATIONALE FOR RESERVES

With the assistance of a report by the Reserves Working Group (a copy of which is appended in the Minute Book) the Panel received an update on the outcome of the Working Group's deliberations on the Council's approach to the setting of its reserves. In introducing the report, Councillor M F Shellens explained that the Working Group had undertaken an exercise to identify the principles which were considered when the level of general reserves was set and the parameters of the Council's approach. He drew attention to the key issues which had been identified as part of the deliberations and indicated that the Group were reasonably happy with the current approach. He did however wish to disassociate himself from the statement within the report that the current figure of £4.5M established for revenue reserves was reasonable.

Councillor Gray, Executive Councillor for Resources, thanked the Working Group for their work and ongoing interest in the subject of reserves. He reminded the Panel that the presentation given to the full Council had highlighted that the Council's reserves were expected to be at £5.4M in 2016/17 and reiterated his view that the Council should be taking appropriate risks and decisions without being overly cautious in seeking to set its general reserves. In terms of the comments made by the Working Group on the potential impact of the future changes to the New Homes Bonus, the Panel were informed that the Cabinet had recently requested an update on housing forecasts and developments on a quarterly basis.

RESOLVED

that the Working Group's recommendations be endorsed.

48. 2011/12 OVERVIEW AND SCRUTINY ANNUAL REPORT

The Panel approved for publication the Overview and Scrutiny Annual Report for 2010/11 (a copy of which is appended in the Minute Book).

49. WORKPLAN STUDIES

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) containing details of studies that were being undertaken by the Overview and Scrutiny Panels for Social and Environmental Well-Being.

At the invitation of the Chairman, Councillor S Greenall updated Members on the current status of the Working Group which had been established to investigate the business model for the One Leisure Service. They were advised that the study had come to a standstill as Cabinet Members did not appear to support work being undertaken on the service's business model. Having discussed the options for a possible way forward, the consensus of the meeting was that the study should proceed. However before doing this it was agreed that the Chairman should speak to the Executive Leader about this, about prioritising the Council's services and more generally about the role of scrutiny.

With regard to the review of the Council's Neighbourhood Forums, Councillor R B Howe expressed his concerns at the absence of any formal mechanism for community engagement in other areas of the District following the recent establishment of the North West Huntingdonshire Local Joint Committee.

50. OVERVIEW & SCRUTINY (ECONOMIC WELL-BEING) - PROGRESS

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) reviewing progress on matters that had been previously discussed. In considering the contents of the report, the Chairman reported that it was his intention to convene a meeting of the Support Services Working Group shortly to draw together the conclusions of their review of the Council's Document Centre. Members were also informed that the Corporate Governance Panel had established a working group to investigate the fraud risks faced by the Council and the resources that the Fraud Team would require in the future. A copy of their report would be considered by the Panel in due course.

Having noted that this would be the last meeting attended by Mrs H Roberts, the Chairman thanked Mrs Roberts for her contribution to the work of the Panel and conveyed his best wishes to her for the future. Members were informed that following an advertisement for the vacant position, two applications had been received and arrangements would now be made to convene a Selection Panel to appoint a new Independent Member. In this regard, it was

RESOLVED

that Councillors G J Bull, S Greenall and A H Williams be

appointed to the Selection Panel to make a recommendation on the appointment of a Co-opted Member.

51. SCRUTINY

The Panel considered and noted the latest edition of the Council's Decision Digest (a copy of which is appended in the Minute Book).

Chairman

NOTICE OF EXECUTIVE DECISIONS INCLUDING THOSE TO BE CONSIDERED IN PRIVATE

Prepared by Councillor J D Ablewhite
Date of Publication: 19 October 2012
For Period: 1 November 2012 to 28 February 2013

Membership of the Cabinet is as follows:-

Councillor J D Ablewhite	- Leader of the Council, with responsibility for Strategic Economic Development	3 Pettis Road St. Ives Huntingdon PE27 6SR Tel: 01480 466941 E-mail: Jason.Ablewhite@huntingdonshire.gov.uk
Councillor N J Guyatt	- Deputy Leader of the Council with responsibility for Strategic Planning and Housing	6 Church Lane Stibbington Cambs PE8 6LP Tel: 01780 782827 E-mail: Nick.Guyatt@huntingdonshire.gov.uk
Councillor B S Chapman	- Executive Councillor for Customer Services	6 Kipling Place St. Neots Huntingdon PE19 7RG Tel: 01480 212540 E-mail: Barry.Chapman@huntingdonshire.gov.uk
Councillor J A Gray	- Executive Councillor for Resources	Shufflewick Cottage Station Row Tilbrook PE28 OJY Tel: 01480 861941 E-mail: Jonathan.Gray@huntingdonshire.gov.uk
Councillor D M Tysoe	- Executive Councillor for Environment	Grove Cottage Maltings Lane Ellington Huntingdon PE28 0AA Tel: 01480 388310 E-mail: Darren.Tysoe@huntingdonshire.gov.uk
Councillor T D Sanderson	- Executive Councillor for Healthy and Active Communities	29 Burmoor Close Stukeley Meadows Huntingdon PE29 6GE Tel: (01480) 412135 E-mail: Tom.Sanderson@huntingdonshire.gov.uk

Notice is hereby given of:

- Key decisions that will be taken by the Cabinet (or other decision maker)
- Confidential or exempt executive decisions that will be taken in a meeting from which the public will be excluded (for whole or part).

A notice/agenda together with reports and supporting documents for each meeting will be published at least five working days before the date of the meeting. In order to enquire about the availability of documents and subject to any restrictions on their disclosure, copies may be requested by contacting Mrs Helen Taylor, Senior Democratic Services Officer on 01480 388008 or E-mail Helen.Taylor@huntingdonshire.gov.uk.

Agendas may be accessed electronically at www.huntingdonshire.gov.uk.

Formal notice is hereby given under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that, where indicated part of the meetings listed in this notice will be held in private because the agenda and reports for the meeting will contain confidential or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. See the relevant paragraphs below.

Any person who wishes to make representations to the decision maker about a decision which is to be made or wishes to object to an item being considered in private may do so by emailing Legal&DemServDemocratic@huntingdonshire.gov.uk or by writing to the Senior Democratic Services Officer. If representations are received at least eight working days before the date of the meeting, they will be published with the agenda together with a statement of the District Council's response. Any representations received after this time will be verbally reported and considered at the meeting.

Paragraphs of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) (Reason for the report to be considered in private)

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the Financial and Business Affairs of any particular person (including the Authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations that are arising between the Authority or a Minister of the Crown and employees of or office holders under the Authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the Authority proposes:-
 - (a) To give under any announcement a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an Order or Direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Colin Meadowcroft
Head of Legal and Democratic Services

Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN.

Notes:- (i) Additions changes from the previous Forward Plan are annotated ***
(ii) Part II confidential items which will be considered in private are annotated ##

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Reasons for the report to be considered in private	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Assets of Community Value***	Cabinet	22 Nov 2012	None.	Colin Meadowcroft, Head of Legal and Democratic Services Tel No. 01480 388021 or email Colin.Meadowcroft@huntingdonshire.gov.uk		J D Ablewhite	Economic Well-Being
Controlled Waste Regulations***	Cabinet	22 Nov 2012	None.	Eric Kendall, Head of Operations Tel No. 01480 388635 or email Eric.Kendall@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being
Waste Collection - Round Optimisation***	Cabinet	22 Nov 2012	None	Eric Kendall, Head of Operations Tel No. 01480 388635 or e-mail Eric.Kendall@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being
Charging for Second Green Bin	Cabinet	22 Nov 2012	None	Eric Kendall, Head of Operations Tel No. 01480 388635 or email Eric.Kendall@huntingdonshire.gov.uk	None	D M Tysoe	Environmental Well-Being
Town and Parish Council Charter	Cabinet	22 Nov 2012	None.	Dan Smith, Community Health Manager Tel No. 01480 388377 or email Dan.Smith@huntingdonshire.gov.uk		N J Guyatt	Social Well-Being
Gambling Act - Revised Statement of Principles	Cabinet	22 Nov 2012	None	Christine Allison, Licensing Manager Tel No 01480 388010 or email Christine.Allison@huntingdonshire.gov.uk	None	T D Sanderson	Social Well-Being
Houghton & Wyton Conservation Area Boundary Review	Cabinet	22 Nov 2012	Consultation Outcomes	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Reasons for the report to be considered in private	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Review of Lettings Policy	Cabinet	22 Nov 2012	Overview and Scrutiny Report - 4th September 2012	Julia Barber, Head of Customer Services Tel No 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		B S Chapman	Social Well-Being
Council Tax Support***	Cabinet	13 Dec 2012	None.	Julia Barber, Head of Customer Services Tel No. 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		B S Chapman	Economic and Social Well-Being
Local Government Finance Act 2012 NNDRI Approval***	Cabinet	13 Dec 2012	None.	Julia Barber, Head of Customer Services Tel No. 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		J A Gray	Economic Well-Being
Ratification of Technical Reforms of Council Tax***	Cabinet	13 Dec 2012	None.	Julia Barber, Head of Customer Services Tel No. 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		B S Chapman	Economic Well-Being
Carbon Management***	Cabinet	13 Dec 2012	None.	Chris Jablonski, Environment Team Leader Tel No. 01480 388368 or e-mail Chris.Jablonski@huntingdonshire.gov.uk		D M Tysoe	Environmental Well-Being
Draft MTP***	Cabinet	13 Dec 2012	None	Steve Couper, Head of Financial Services Tel No. 01480 388103 or e-mail Steve.Couper@huntingdonshire.gov.uk		J A Gray	Economic Well-Being
Business Plan One Leisure - Quarterly Performance Reports##	Cabinet	13 Dec 2012	None	Simon Bell, General Manager, One Leisure Tel No. 01480 388049 or email Simon.Bell@huntingdonshire.gov.uk	Exempt under paragraph 4.	T D Sanderson	Economic Well-Being

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Reasons for the report to be considered in private	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Bearcroft Farm Urban Design Framework	Cabinet	13 Dec 2012	None.	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
Planning for Sustainable Drainage Systems (SuDs)	Cabinet	13 Dec 2012	Consultation Outcomes	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
A14	Cabinet	24 Jan 2013	None.	Steve Ingram, Head of Planning Services 01480 388400 or email Steve.Ingram@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
Budget and MTP***	Cabinet	14 Feb 2013	Draft MTP - previous year's budget report - various annexes	Steve Couper, Head of Financial Services Tel No. 01480 388103 or e-mail Steve.Couper@huntingdonshire.gov.uk		Jonathan Gray	Overview and Scrutiny (Economic Well-Being)
Treasury Management Strategy and Prudential Indicators***	Cabinet	14 Feb 2013	Previous year's Strategy	Steve Couper, Head of Financial Services Tel No. 01480 388103 or e-mail Steve.Couper@huntingdonshire.gov.uk		Jonathan Gray	Overview and Scrutiny (Economic Well-Being)

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**OVERVIEW & SCRUTINY
(ENVIRONMENT WELL BEING)**

9th October 2012

CABINET

18th October 2012

**Charging for 2nd Green Bins
(Report by the Head of Operations)**

1. PURPOSE

- 1.1 To set out the case for reducing the cost of the refuse and recycling service by introducing a charge for second green bins.
- 1.2 The report identifies the potential net income and seeks Cabinet approval to introduce a charge for new and existing customers from June 2013.

2. BACKGROUND

- 2.1 The Council introduced an alternate weekly wheeled bin collection system in July 2004 in response to the EU Landfill Directive which required that a high proportion, by weight, of waste collected should be recycled or composted. As a result the service introduced sought to address that by having an alternate weekly collection system, whereby one week the residual bin was collected and the next week a garden waste bin was collected.
- 2.2 The policy in regard of bin provision allows for residents on request to be provided with a second green bin and currently 7,865 properties are benefitting from that policy. The green waste collection now accounts for 31% of the total waste collected by the Council which is a significant cost to this Council in collecting that waste and to the County Council who pay the treatment costs.
- 2.3 The charging for green waste collection is allowed under the Controlled Waste Regulations 1992 (as amended) and a growing number of councils have taken opportunity to charge for green waste collection. However, as far as I have been able to ascertain only one other council is seeking to charge for the second green bin only.
- 2.4 Following the introduction of the in vessel composters in 2010 food waste was allowed to be put in with the garden waste. As a consequence the Council was able to provide a weekly collection of food waste in that it can be placed in the residual bin one week and the green waste bin the next. The residual waste is treated by the Microbiological Treatment plant (MBT) at Waterbeach and therefore food waste is treated whichever way it is disposed of.

- 2.5 The charges levied by other councils vary considerably but the mean is around £40 per annum.

3. PROPOSAL

- 3.1 The proposal is that the first green bin collection will continue to be collected free of charge but for the 2nd green bin an annual charge of £40 is applied.
- 3.2 The introduction of this charge will present difficulties in a number of different areas such as identification of the charge for bins, shared bins at multiple properties, the payment and debt collection systems, and users such as churchyards and village halls. The intention will be to monitor this and if necessary revisit the issue of bin identification.
- 3.3 The issues for the crews will be they will not have time to check bins for stickers to see if they are chargeable and this is why changing the bins or the lids was considered as the best way to second bins to prevent fraud. If the fraud is small, and problems with identification at communal collection points are minimal, then it is argued that the extra expense from introducing the measures above will not be cost effective. Unfortunately there are a number of HDC green bins which residents may have “acquired” which we have no record of and consequently, as there is no identification we will continue to collect these from the communal collection points. In theory as we will be recovering any second green bins from residents who decline the new service the number of “additional” bins not recorded will be small. As a result that should only leave the first free bins and the chargeable second bins. Any excess bins at other properties will be reported by the crews. It is inevitable that we will receive complaints from aggrieved residents that their neighbours are continuing to get the extra service without paying the charge which will then need to be investigated. Therefore it is proposed to run with this option and see if there is a problem. All the recovered bins from residents not taking up the service will be serviced, cleaned and then reissued either for new properties or as replacement bins.
- 3.4 Due to the delay in this report being decided it is going to be very difficult to implement the scheme as was originally proposed but it is intended to try and do so for 1st June 2013 for all customers, new and existing. If the scheme is approved the existing customers will be notified early 2013 so we can get early notification of those bins which require to be recovered.
- 3.5 The payment system needs to tie in with the current system provided by Capita, and as a consequence there will be a one off charge of approximately £15k (this has yet to be agreed with Capita) to set up the new payment mechanism. In addition there will need to be a link to the

new CRM system and the Operations division and currently this is being investigated by IMD. In addition there would be a continuing revenue charge of £5k per annum for the continued use & support of these systems.

- 3.6 The other side of charging is what we will do if someone signs up for the service but does not pay when invoiced. In normal circumstances we would seek to recover the debt but as this is an upfront payment it is proposed that a more simpler system is used where we remove the bin instead. This would require Operational Services to send out a first reminder letter and then failure to pay will result in a second letter informing the resident that the bin will be removed if the charge isn't paid.
- 3.7 The payment could be made in a number of different ways but it is considered that an annual payment running from June to June, with new and existing customers paying a pro rata charge for 14 months would be the best way of collecting the charge. The reason for suggesting June is to stagger the work in collecting charges which is very heavy in April. Currently it would not be possible to provide Direct Debit facilities as the payments could not be reconciled with who made the payment. However, the charge could be paid by credit card with the charge for using the credit being passed onto the customer, which is currently 1.6% dependant on the card used. The latter may be subject to change as it has been indicated that retailers may not be able to recover that charge from the customer. To reduce handling costs it is proposed to incentivise on-line payments.
- 3.8 The other aspect of charging for the second green bin is how it will apply to certain premises such as churchyards, village halls and schools. If exemptions are to be applied it is worth noting that there has been a recent change to the Control of Waste Regulations 1992 which means the classification of some of these premises has changed, from being household to commercial. Consequently they are now charged for the collection and disposal of their waste. The exception to this are schools who are collected by local councils where they will be exempt still from the disposal charge. Those schools who switched to a private company will not be exempt. There is an argument that as part of our drive to educate the children we should continue to provide a free green waste service to schools where we have already provided bins for their garden waste and it is proposed therefore that schools are exempted from the charge where this is the case..
- 3.9 There would be an increased administrative burden associated with this proposal as in addition to the management of the system there will be the extra cost of invoicing, collecting the payments, dealing with the enquiries via the Call Centre, issuing new bins and chasing of payments or organising the removal of the bin. It is estimated that this will require the equivalent of 1 full time post across the various services but in particular the Call Centre and the Operational Administrative

team. This has been assessed by comparing with the trade waste service and the time required administering that. The administrative work associated with this should not be underestimated because the experience of other authorities is that when you start to charge residents expect a good standard of service to be provided and for their enquiries to be dealt with quickly and efficiently.

4. RISKS

- 4.1 Introducing a charge for the second bin does present a risk that the composting performance could be affected due to residents with 2nd bins not wanting to participate. However, this drop in performance would be approximately 3.4%, even if no residents with 2nd bins took up the scheme.
- 4.2 A more realistic assumption would be that a proportion would not pay the charge but this is mitigated by introducing the charge in April when there is demand for the service. The alternatives available to residents are either to start home composting or to transport the green waste themselves. The growth in fuel costs will make the latter an expensive option and therefore it is considered that a significant proportion of the residents with a need for 2 or more bins will eventually subscribe to the scheme. The evidence from other areas is that there is a significant drift back in the following year when residents have had time to trial alternatives. However, there is no doubt there will initially be resistance and so a conservative estimate based on others experience is that on average there may be a 40% drop out rate.
- 4.3 There is a political risk in introducing this charge but this is mitigated to some extent by the fact that the majority of households do only have one or no green bins. These residents may actually support the introduction of the charge as they perceive it to be a fairer way of paying for green waste collection. The spread of location of second green bins is quite concentrated in that 8 wards have 71% of the bins. A map is attached at Appendix A showing the breakdown. It can be expected therefore that the main opposition will come from those wards where there is a high percentage of 2nd green bins such as the Hemingfords.
- 4.4 The environmental risk is that more residents could start using their cars to take their green waste to the household waste recycling centres which would result in a lot more carbon being released to the atmosphere. It has been calculated that if none of the residents with the extra bins chose to take up the new service 120 tonnes of CO₂ would be produced in people travelling to the household waste recycling centres to dispose of their green waste. If the number of second green bins reduced there would be very little saving because the vehicle would still have to go the same route and the number of tips would in the main be the same. The round reorganisation will balance the rounds to ensure the rounds were being collected efficiently but if

residents subsequently decide they want the service it will require further round reorganisation in respect of the green if there are a large number returning.

- 4.5 The costs in relation to the implications for IMD are only estimated at this time and it maybe that these could be higher once all the investigation and modelling has been completed.
- 4.6 This scheme does not cause any risk to the food waste collection as it can be placed either in the residual waste bin or the primary green waste bin, which will remain free of charge.
- 4.7 The introduction of this charge in June 2013 may impact on other Projects currently being managed by the Council, due to be introduced around the same time such as the new CRM system for the Call Centre; Round Optimisation and two new payment schemes for other services. This will mean additional resources will be required to deal with the increased number of customer enquiries relating to the new charge.
- 4.8 There is a risk that residents may put extra green waste in their residual waste bins which could affect the recycling performance and diversion targets but any extra will be limited by the bin size and an enforcement of the non removal of side waste. Other authorities who have implemented charged for green waste have not had any problems with fly tipping or additional green waste in the residual bin but they have had an increase in garden waste disposal at their Household Waste Recycling Centres.
- 4.9 The investigation of missed bins, especially as there is no identification of the second bins, will inevitably cause problems initially and consequently this will lead to an increased workload for supervisors and team leaders. Once the system has settled down is it envisaged that this pressure will not be as great.

5. EQUALITY

- 5.1 A full Equalities Impact Analysis is to be carried out to assess the effect on various groups but a great deal of analysis has been done which has revealed that 8.8% of residents who have a second green bin are on benefits. In urban wards the percentage of second green bins is much lower than the rural wards. Only Huntingdon East (11%) having a high number of second bins but an issue here is the high number of customers (14%) who are on benefits. This could be an extra burden on those people who are already facing benefit payment reductions next year and consequently an exemption could be considered for those on Council Tax and Housing Benefits. Other groups, such as the old and disabled, could also be affected as it is more difficult for them to lift and transport the green waste themselves. If we were to allow exemptions the complexities of the administering the system would be

significant and lead to an increase in the administrative costs, whilst at the same time losing the income. Therefore it is proposed that there are no exemptions for these groups.

5.2 In respect of the rural wards the distance away from a household waste recycling centre can mean a greater distance to travel if they decide to dispose of their own green waste from the 2nd bin, but conversely a number of the properties have quite large gardens which could accommodate a compost bin(s). It is proposed that a campaign in respect of home composting be carried out to encourage residents to get their own composting bins. The Council do operate a scheme for the purchase of discounted compost bins.

5.3 A further argument is that a lot of rural properties have a high council tax banding and that the second green bin is some compensation for that.

6. FINANCIAL IMPLICATIONS

6.1 The refuse collection service, which includes residual, recycling and green waste collection, has a cost of £3,074k per annum and the collection of green waste accounts for 42.5% of that budget, i.e. £1,306k per annum.

6.2 If a charge of £40 per annum was introduced for the 2nd green bin and there was a 40% drop off in residents subscribing to the new service the Council would still receive an income of £190,000 but this would be offset by the setup costs and the extra revenue costs including 1 full time equivalent post across Operational Services and the Call Centre.

Provision of Different Coloured Bin Lids/Bins

Capital (based on retaining 60% of customers)	2013/14	2014/15	2015/16	2016/17	2017/18
IMD costs –payments, CRM development	20	28			
Total	20	28	0	0	0

Revenue	2013/14	2014/15	2015/16	2016/17	2017/18
Income from charges					
Based on 40% returns	-158	-190	-190	-190	-190

Set up costs					
Admin costs –postage etc	6	4	4	4	4
Collection of returns	16				
Admin staff 1FTE (<i>plus 6 months additional in 2014 for implementation</i>)	35	23	23	23	23
IMD costs – support		5	5	5	5
Net saving/cost Based on 40% returns	-101	-158	-158	-158	-158
Sensitivity					
20% returns	-157	-221	-221	-221	-221
60% returns	-45	-94	-94	-94	-94

Note: Income for 2013/14 based on 10 months charge for existing customers.

The Council does not receive any recycling credit from the County Council for green or for food waste collected in the green or residual waste streams. Therefore there would be no detrimental effect on recycling credits if a reduced tonnage of green waste were collected.

- 6.3 The set up costs are all associated with the increased administration and dealing with customer enquiries but the sensitivity analysis shows that even if 60% of the current customers declined the service, the scheme will, realise net savings in the first year. Therefore as an income generating scheme for the council this is a low risk scheme.
- 6.4 The costs provided by IMD are only estimates and when it is clearer exactly what is required they may increase.

7. CONCLUSION


- 7.1 It is opportune to consider this charge now before the round optimisation is completed so this variable can be included in the analysis.
- 7.2 The imposition of a charge for a 2nd green bin on a small proportion of residents is a fairer system in that the majority of residents do not benefit from this extra bin.
- 7.3 The concentration of the majority of second green bins in a small number of wards is a concern and from a political point of view could be a significant risk.

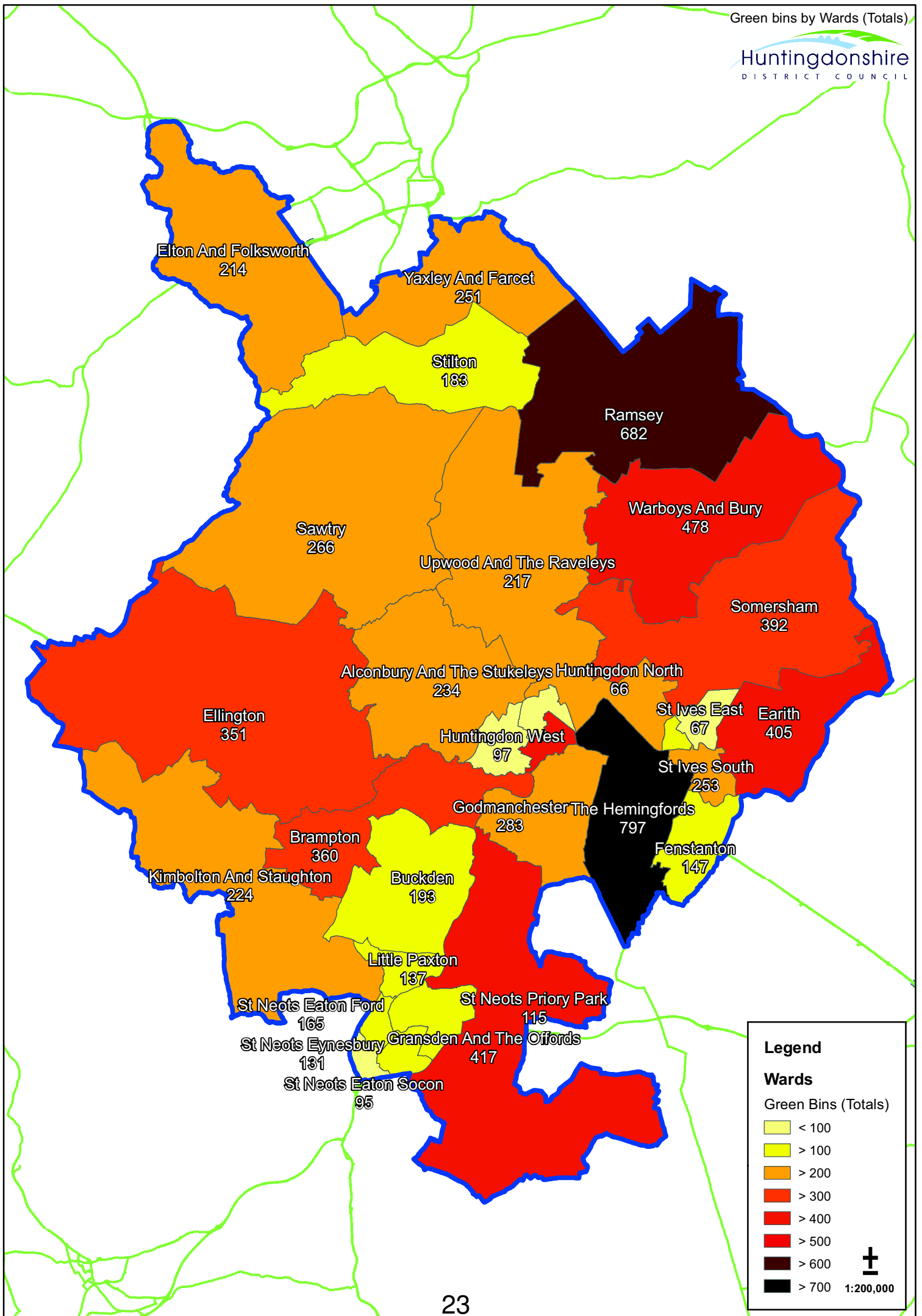
7.4 The presence of a large number of these bins 9% being in households where benefits are paid could have an impact as with impending changes to benefits they will have less income.

8. RECOMMENDATION

8.1 Members are invited to recommend whether or not to introduce a charge for a second green bin.

Contact Officer: Eric Kendall, Head of Operations

 01480 388635



Legend

Wards

Green Bins (Totals)

< 100

> 100

> 200

> 300

> 400

> 500

> 600

> 700



1:200,000

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**CHARGING FOR A SECOND GREEN BIN
(Report by the Overview and Scrutiny Panel (Environmental Well-Being))**

1. INTRODUCTION

- 1.1 At its meeting held on 9th October 2012, the Overview and Scrutiny Panel (Environmental Well-Being) considered the report by the Head of Operations on Charging for a Second Green Bin. The following paragraphs contain a summary of the Panel's discussions on the report.

2. THE PANEL'S DISCUSSIONS

- 2.1 Councillor D M Tysoe has informed the Panel that the Council is looking at ways of increasing its income. This proposal has this purpose. It should be seen in the context of some London Councils that charge for all green waste collection. This Council is proposing to provide free collection of the first green bin for all its residents but the collection of the second green bin should be regarded as a premium service and, therefore, should attract a charge. This will be fairer to all residents and will provide a significant return for the Council.
- 2.2 Councillor P L E Bucknell has addressed the Panel on this matter. He has expressed the view that residents will not pay for the second bin and will instead put green waste in grey bins; this will have an adverse effect on the waste service budget. In addition, the change could lead to an increase in fly tipping. The charge itself is a significant amount compared to the District Council's portion of the Council Tax. He has suggested that VAT will apply because the charge is for a service. Finally, he has reported on his discussions with a representative of a London council, which has introduced such a charge, who has expressed the view that it was a mistake to do so.
- 2.3 Members of the Panel have raised further concerns about this proposal. They have stressed that the waste collection service is the most highly valued service provided by the Council. They have also drawn attention to the fact that it is a universal service and is one of the best performing in the Country. There is concern that this performance will worsen if this proposal is adopted. It will also damage public perception of the Council. It is argued that the Council should instead be promoting recycling. In this respect, the Council might take steps to encourage composting of green waste. Furthermore, it is suggested that the Council should focus on non-statutory services when looking to make savings rather than on services such as waste collection, which are a statutory requirement.
- 2.4 Councillor Tysoe has responded by pointing out that the change will not affect the majority of residents and that if every second green bin is returned there will be a reduction of 3.4% of waste collected. At the same time the Council has extended the range of materials it collects, which will increase recycling. He has further indicated that fly-tipping is a criminal offence and the Council will undertake enforcement. Advice has been received that VAT would not apply.

- 2.5 During discussion on fly tipping it has been established that the additional cost of enforcement has not been factored into the business case presented in the report. Experience at other authorities suggests that there will be an initial increase in fly tipping but this will decline over time. If it continues to be a problem there will be a need for additional resources. For this reason and to provide more relevant information on how the scheme might work in Huntingdonshire, the Panel would have preferred to have had information on how similar schemes have operated in other rural areas.
- 2.6 On being put to the vote the Panel unanimously agreed that the Council should not introduce a charge for second green bins. The main reasons for this decision are its adverse effect on recycling rates, the likely damage to the public's opinion of the Council, the potential for there to be an increase in fly tipping and the level of the charge compared with the District Council portion of the Council Tax. Representatives of the Panel will attend the Cabinet meeting when this item is considered.

3. CONCLUSION

- 3.1 The Cabinet is requested to take into consideration the views of the Overview and Scrutiny Panel (Environmental Well-Being) as set out above when considering this item.

Contact Officer: A Roberts, Scrutiny and Review Manager 01480 388015

Background Documents - Reports and Minutes of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 9th October 2012.

**OVERVIEW & SCRUTINY PANEL
(ECONOMIC WELL-BEING)**

8 NOVEMBER 2012

CABINET

22 NOVEMBER 2012

ASSETS OF COMMUNITY VALUE (Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

- 1.1 The Assets of Community Value (England) Regulations 2012 came into force on 21 September 2012. The main principles of the Right to Bid as set out in the Localism Act 2011 remain unchanged, but the regulations bring in important detail about the processes and steps which Councils need to have in place and provide some details about the compensation arrangements. This report recommends the arrangements which the Council should put in place in order to deal with applications for listing community assets.
- 1.2 The attached flow-chart at Appendix A, outlines the applicable stages of the application and assessment process.

2. COMMUNITY RIGHT TO BID

- 2.1 This legislation was introduced as part of the Government's policy to assist local community groups in preserving those buildings or lands which they consider to be important to their community's social well-being. It aims to give those in the local community early warning of the intention to sell such assets and to enable them to delay sales by six months to provide time for them to put together a bid to buy the asset. The proposals do not require the landowner to dispose of the asset to a community group, nor force any sale, but are intended to facilitate the transfer into community ownership of property assets felt to have local social value.
- 2.2 A building or land can be considered an asset of community value if:-
 - The current use (which must be the main use and not ancillary), or use in the recent past, furthers the social wellbeing or social interests of the local community ; and
 - It is realistic to think there will continue to be, or will within the next 5 years be, a viable main use that will further, (whether or not in the same way), the social wellbeing or interests of the local community.

"Social interests" are defined as cultural, recreational or sporting interests.
- 2.3 The rights apply to public and privately owned land, unless the land is exempt from listing. The regulations now define exempted land which are very limited, with only residential land (including "land connected with that residence"),

caravan sites and operational land of statutory undertakers, being exempt. All other land is capable of being listed, provided it falls within the definitions set out in the Act.

2.4 The following bodies may make nominations:-

- Parish councils;
- Group of at least 21 local people on electoral roll
- Neighbourhood Forums;
- Community Interest Groups with a local connection (must be charitable/non profit making or similar).

3. NOMINATING AN ASSET

3.1 Briefly, only the above bodies may make a "community nomination" to a local authority, by which they nominate land in that local authority's area for inclusion in the authority's list of assets of community value.

3.2 Community nominations have to comply with certain requirements. They must describe the land, provide ownership/occupier details the nominator has and reasons explaining why the land is of community value, as well as evidence that the nominator is eligible to make a community nomination.

3.3 The Council must take all reasonable steps to notify the parish council, the owner of the land and any occupier that it has received an application. It then has 8 weeks from receiving an application to decide whether or not the land nominated is land of community value with the meaning of s.88 of the Act. The Council has to give reasons for its decision and so will have to consider what the evidence is to justify (or not) putting the land on the register.

3.4 If a decision is made to include the land on the list of community assets, it must also be put on the Local Land Charges register and a restriction put on at HM Land Registry. Councils are required to remove an asset from the list as soon as practicable:-

- after a relevant disposal (other than an exempt disposal)
- if an appeal against listing is successful;
- if they form the opinion that the land/building is no longer of community value;
- after 5 years from the date of entry on the list.

3.5 Applicable Ward Members will be consulted in all instances.

4. LISTING REVIEW

- 4.1 If the local authority decides to list the land, the owner has 8 weeks from being notified of their decision to request a review. The Regulations require an officer (“of appropriate seniority”) who did not take part in making the original listing decision to carry out that review. The Council must complete its review within 8 weeks, unless a longer period is agreed.
- 4.2 The owner may appoint a representative to act on their behalf. The owner may insist on an oral hearing, thus opening up the possibility of a lengthy hearing. If this is not requested representations may be made orally or in writing. The owner and the Council each bear their own costs.
- 4.3 If the owner is not satisfied by the review, they can also appeal to the First Tier Tribunal against the local authority’s decision on a listing review. As listing can also lead to a claim against the council for compensation records must be kept of the decisions at each stage and the reasoning behind them.
- 4.4 If the decision is not to list the land, then this is recorded and the Council must place it on a list of assets nominated, but not listed. The community group can challenge that decision through judicial review.

5. EFFECT OF LISTING - MORATORIUM

- 5.1 The impact of land being listed is felt when the owner wishes to dispose of the land (by either a sale of the freehold or a lease of over 25 years), when they must inform the local authority of their intention to do so. They are then not able to dispose of the land until the interim six week moratorium period has ended without any community interest group making a written request to be treated as a potential bidder in relation to the land. If a community interest group makes such a request within the six week period, the owner is prohibited from disposing of the land (save in certain specific circumstances, e.g. to the local community interest group) for a further six months. Any disposal by an owner during this period (apart from a few exceptions listed in s.95 (5)) is ineffective.
- 5.2 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell).
- 5.3 The local authority is under no legal duty to participate in any discussion between the community and the landowners, or to facilitate attempts by the community group or parish council to obtain the land.

6. DISPOSALS EXEMPT FROM MORATORIUM ARRANGEMENTS

6.1 Not all disposals are “relevant disposals” for the purposes of the legislation. The following are examples that are not subject to a moratorium:-

- a disposal to a local community group;
- a disposal resulting from a separation agreement or ordered by the court;
- disposals made within families or connected with the administration of an estate;
- a disposal within company groups;
- a disposal of a school or land used for health service provision;
- a disposal where only part of the land is listed, but all of the land is owned by a single owner and all the land can be reached from every other part without having to cross land not owned by that owner.

7. COMPENSATION

7.1 The wording of the regulations relating to compensation payable is extremely wide, and no limit is set upon the amount of compensation that could be requested, provided the owner can show that they have incurred the loss from delay directly due to the listing.

7.2 The Regulations provide that an owner or former owner of listed land or previously listed land is entitled to compensation from the local authority, "of such amount as the authority may determine" in the circumstances where the person making the claim has "incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed".

7.3 The regulations go on to say that for the avoidance of doubt and without prejudice to other types of claim, the following claims may be made:

- arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by relevant disposals of the land being prohibited during the interim moratorium or full moratorium periods; and
- for reasonable legal expenses incurred in a successful appeal to the first tier tribunal against the council's decisions to list the land, to refuse to pay compensations or with regard to the amount of compensation offered or paid.

7.4 Claims for compensation must be made to the council within 13 weeks of the loss or expense being incurred. They must state the amount of compensation claimed with supporting evidence. The Council must determine the claim and is required to give the claimant written reasons for its decisions.

- 7.5 The process for dealing with compensation claims mirrors the requirements for the listing of such assets. Authorities must identify an appropriate officer to decide whether or not compensation should be payable and if so at what amount. Just as with the listing process, a claimant may ask for a review by the local authority of the compensation decision both in respect of whether the compensation should be paid and if so, the amount payable and, once again, an officer of appropriate seniority who did not take any part in making the decision to be reviewed must carry out the review. The same provisions apply regarding representatives and oral hearings. The person who requested the review may also appeal to the First Tier Tribunal against the review decision.

8. FINANCIAL AND OTHER IMPLICATIONS

- 8.1 In practice, the number of nominations for listing and claims for review and compensation the council will face may turn out to be relatively small, although anecdotal evidence nationally has indicated that there is a considerable amount of interest from community groups already and the funding available from the Government (£16m) tends to support this view.
- 8.2 The Government has indicated that it has included the estimated costs of compensation within the new burdens funding, based on an estimated 40 successful claims across all Councils over a year. In addition the government has committed to meet costs of compensation exceeding £20k in one financial year.
- 8.3 Clearly these additional process requirements will have to be met from within existing resources, thereby impacting upon current capacity.

9. RECOMMENDATIONS

- 9.1 To delegate responsibility for receiving and processing applications to the Corporate Team Manager;
- 9.2 To delegate responsibility for determining whether an asset should be listed on the register of community assets or not, to a panel of 3 appropriate Council Officers (who may be drawn from Planning and Housing Strategy, Environmental & Community Services and Legal & Democratic Services, supported by the Corporate Team) to be designated by COMT.
- 9.3 To delegate responsibility for determining reviews against listing of assets by the owners to the Head of Planning & Housing Strategy after consultation with the Head of Legal & Democratic Services (or their nominees);
- 9.4 To delegate responsibility for putting in place appropriate arrangements for determining requests for compensation and any review requests to the Corporate Team Manager.
- 9.5 That the Corporate Team Manager puts in place arrangements for publishing how applicable groups can go about making a nomination.

BACKGROUND PAPERS

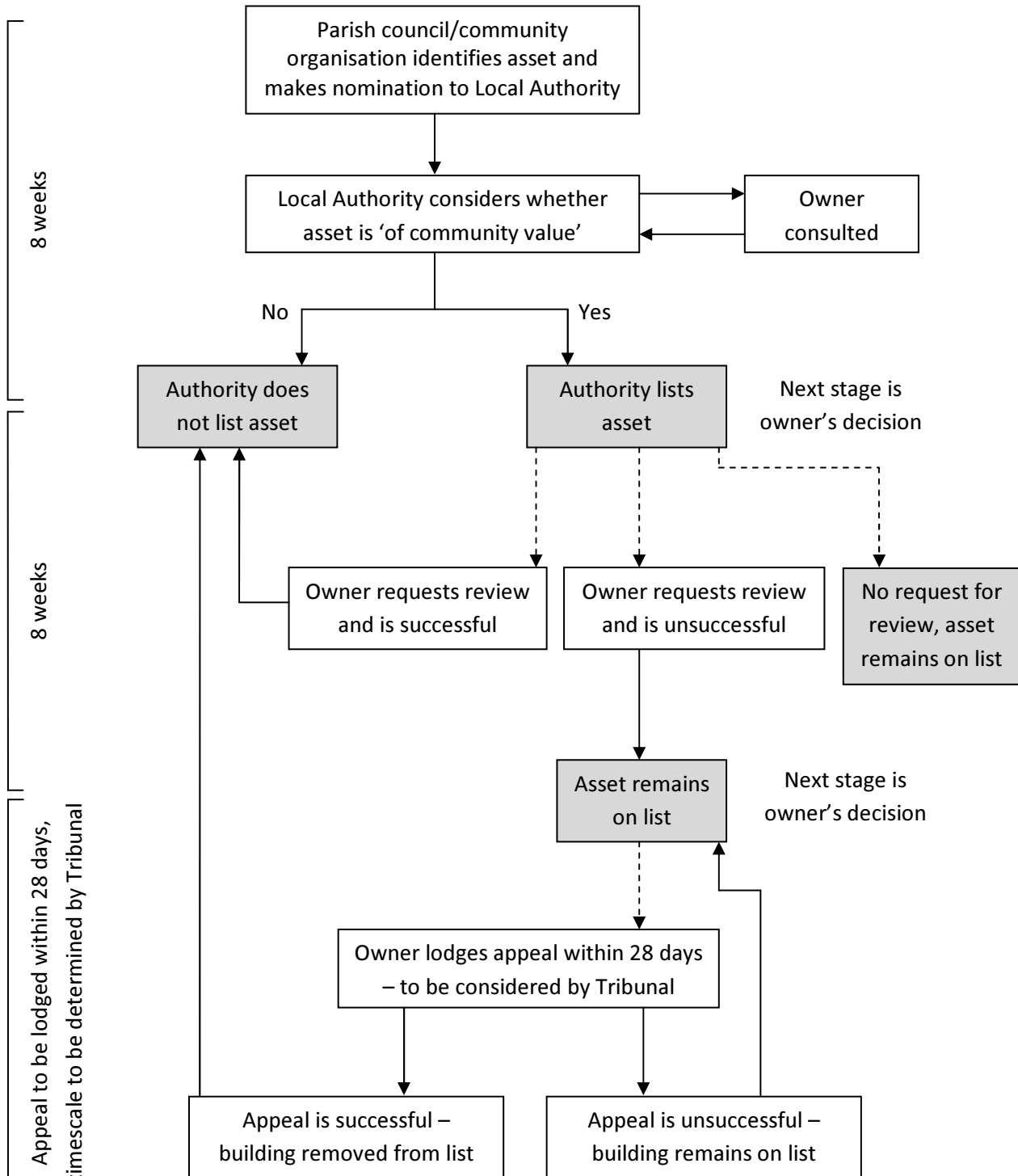
Sections 87- 108 Localism Act 2011

The Assets of Community Value (England) Regulations 2012

Contact Officer: Colin Meadowcroft

Head of Legal & Democratic Services: 01480 388021

Process for nominating and assessing 'assets of community value'



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OVERVIEW & SCRUTINY PANEL
(ECONOMIC WELL-BEING)
CORPORATE GOVERNANCE PANEL

8TH NOVEMBER 2012

12TH DECEMBER 2012

CORPORATE BUSINESS CONTINUITY PLANNING (2012 ANNUAL REPORT) (Report by the Head of Information Management)

1. PURPOSE

The purpose of this paper is to:

- a) Inform Overview & Scrutiny Panel (Economic Well-Being) of the progress that has been made in planning for Corporate Business Continuity; and
- b) Report on BCP incidents since September 2011.

This paper describes the processes around the development and proposed maintenance of the Business Continuity Plan but does not include the detail of the Plan itself.

2. BACKGROUND

- 2.1 The Council's **Service Recovery Plan** and associated responsibilities were audited in 2010/11. The final report can be found here:

<http://teams.huntsdc.gov.uk/finserv/audit/actions/Audit%20Reports/Business%20Continuity%2011.12.pdf>

- 2.2 Two high risks were identified:

- a) "Overall responsibility for BC Management has not been re-assigned or communicated since the retirement of the Manager responsible in March [2011]. Whilst there is a Corporate Service Resumption Team comprised of representatives from across the Council, there is no evidence that the terms of reference for the Team and formal roles and responsibilities have been documented and agreed. There is an increased risk of a lack of formal accountability for Business Continuity."
- a) "Although the Council has a "Corporate Service Resumption Plan", which contains much of the detail that would normally be expected with a BC Management plan, there are some key exceptions e.g. it was only available as a single hard copy in the office and required review as there has been no significant update of the plan since June 2008. There is a risk that the plan will not support the Council's priority objectives during an invocation."

2.3 In addressing these and other issues the following actions were taken:

- a) The Managing Director (Communities, Partnerships & Projects), as Head of Paid Service, assumed responsibility for Corporate Business Continuity;
- b) The Executive Leader has become the Executive Member with responsibility for Business Continuity;
- c) The Head of Information Management (HoIM) was tasked to:
 - (i) Lead the project to review & update the **Service Recovery Plan** (now the **Business Continuity Plan (BCP)** and develop a **BC Management System (BCMS)**;
 - (ii) Re-establish a team of Officers who would be responsible, on behalf of SMG, for developing service-specific BC plans - within an overall corporate BC plan framework;
 - (iii) Establish mechanisms to support the on-going sustainable maintenance & development of the Plan;
 - (iv) Exercise the Plan at regular intervals; and,
 - (v) Take the corporate lead, on behalf of SMG, should the Plan need to be implemented.

NB In the absence of the HoIM, the Head of Environmental Management would take on this role (v). In the absence of both these HoS then the remaining Heads of Service would agree who should take on this role. The role should **not** fall to a Team Manager in IMD as they are likely to be engaged in implementing the ICT-specific BCP.

3. DEVELOPING THE BC MANAGEMENT SYSTEM (BCMS) & BC PLAN (BCP)

- 3.1 Research was undertaken into how other authorities address BC; in particular, Cambridgeshire County, Fenland and South Cambridgeshire were consulted. It was decided that the South Cambridgeshire approach offered a clear and comprehensive model and this has been adopted for the HDC BC Plan. Several adaptations & improvements have been made to the original SCDC model during the project.
- 3.2 The development team has made good use of available technologies to help both the development of the plan and to provide an encompassing BCMS. For example,
 - a) Separate SharePoint sites¹ have been established for the project and “business as usual”; these help communicate information and understanding about the BC process as well as the Plan itself; they also provide a means to record and learn lessons from previous incidents and hence provide opportunities to develop and improve the BC Plan;
 - b) Encrypted USB sticks will contain both the BC Plan and supporting documents required by individual services.
- 3.3 The team has worked on a one-to-one basis with BC Co-ordinators as well as holding monthly joint meetings. This has helped understanding of the BC process for the co-ordinators and been insightful – in terms of understanding how services work and their priorities - for the development team as well.

¹ SharePoint is an information system which allows teams to share information in a controlled manner

- 3.4 It is recognised that the “perfect” plan, which would be applicable in all scenarios, would never be achievable; there would always be something extra which could be developed. Therefore, it was decided that the plan needed to be flexible and to focus on identifying what **outcomes** were most important to services within certain timeframes ie within 24 hours, 7 days and 30 days of a significant incident.
- 3.5 Having identified the priority outcomes the Plan seeks to identify what resources & processes would be required to deliver these outcomes for services.
- 3.6 A further development – included with the BCP’s Improvement Plan - is to rationalise the service priorities and, hence, define a “definitive” priority list across the Council. However, at different times of the month and at different times of the year, services have different priorities. For example, “year-end” is important for a number of services whereas, at other times, the preparation for, and the running of elections is particularly important to Electoral Services. A “time-line” is being prepared to capture these calendar-dependent priorities.
- 3.7 Most of the services which the Council provides depend heavily on the availability of information provided through computer-based systems. However, in developing the service-specific plans BC Coordinators were challenged to consider the scenario where their usual reliance on computer-based systems was compromised. This proved a useful approach in that it focussed attention on what was most important and how alternative sources of information - and other necessary resources - could be provided.
- 3.8 As each service developed their individual plans various issues were identified and logged. For example, inter-dependencies between services became evident – in particular between certain services and customer services. Some of these issues were service-specific and others more generic. All these issues have been recorded and - together with an independent review of the Plan (see 3.9) and with feedback from colleagues - form an Improvement Plan for the BCP. The **draft** Improvement Plan can be found in Appendix 9 of the BCP; this will need to be re-assessed in light of available resources.
- 3.9 BGG Associates, who specialise in the areas of Emergency Planning and Business Continuity, have worked with the Council’s Emergency Planning team for a number of years. BGG was recently commissioned to review the draft BCP against the British Standard for Business Continuity BS25999 (much of which has recently been incorporated into ISO22301). BGG subsequently produced a 21 page report of their findings. The executive summary is reproduced in Annex 1.

The overall view was that the draft BCP was a “good start” and that “many of the fundamental building blocks have now been developed”.

4. **INSTIGATION OF THE BC PLAN IN THE LAST 12 MONTHS**

- 4.1 There were 6 “significant” incidents (or anticipated incidents) over the last 12 months which “triggered” action by the BC Team (or parts thereof); namely:

November 2011:	strike action
February 2012:	adverse weather (snow - 2 instances)

March 2012: fuel shortage (potential for)
March/April 2012: Call Centre: Speke House/Pathfinder telephony issues
April 2012: EDM failure

- 4.2 Although the new corporate BCP was not fully in place elements of this were used successfully and the BC Team met and/or contributed towards the resolution of the incidents. Post-incident review sessions were (generally) held to learn any lessons. The documentation relating to these incidents is held on the “business as usual” BCP site:

<http://initiatives.huntsdc.gov.uk/BusinessContinuity/default.aspx>

- 4.3 In addition there were a number of ICT-specific incidents which were addressed by IMD and the affected service(s). These were addressed using the IMD HESP (Help Desk Emergency Situation Procedure) process which has been in place since 2004. HESP follows the same basic corporate BCP process of “analyse-document-communicate-recover-review & learn”. However, due to the Council’s heavy reliance on operational ICT, a review of the HESP process will be included within the BCP Improvement Plan.
- 4.4 In all 25 HESP incidents were logged during the period September 2011 to August 2012.

5. ISSUES

- 5.1 As issues were identified during the development project they have been logged and incorporated within the Improvement Plan (Appendix 9 of the BCP).
- 5.2 The Council’s Emergency Plan (EP) and Business Continuity Plan need to be “synchronised”. During the development of BCP there was close working with the EP team. Further work needs to be done to ensure the 2 plans are complementary. It was noted that some other authorities combine the roles of BC & EP coordination - this needs further consideration.
- 5.3 The identification of alternative sites to accommodate Council services in the event of a significant incident is a priority objective. The Council’s participation in both the Making Assets Count (MAC) project and Cambridgeshire Public Services Network (CPSN) should facilitate achieving this objective.

6. RISKS

- 6.1 The BCP may be insufficient or over-engineered. Mitigation: a) an independent review of the Plan (by BGG) has reduced this risk; b) a continuous improvement programme will be instigated including reviews of current best practice; c) practical exercises, facilitated by external experts, will be held annually d) regular “engagement” with both Senior Management Group and the BC Team, together with a formal annual report to COMT and the Governance Panel will make sure the BCP is regularly reviewed.
- 6.2 Insufficient time may be devoted to the ICT/IMD BCP due to the need to develop and execute the corporate BCP. Mitigation: the Head of Information Management

has delegated responsibility for the ICT/IMD BCP to the IMD Operations Manager and the IMD Development Manager.

- 6.3 Outsourced services may have inadequate BCPs (eg LGSS HR/ODW/Payroll/Recruitment, HIA) and accountability for their development and upkeep may be unclear. Mitigation: the BCP Improvement Plan schedules further work in this area.

7. RESOURCE REQUIREMENTS

- 7.1 Each Head of Service has nominated a BC Coordinator and Deputy to develop and maintain a service-based BCP which “feeds” into the Corporate BCP maintained by IMD.

- 7.2 During the development phase of this new version of the BCP an estimated 0.7 FTE effort has been expended:

- (i) 0.25 FTE (services)
- (ii) 0.2 FTE (IMD Support Team Leader)
- (iii) 0.2 FTE (HoIM)
- (iv) 0.05 FTE (IMD Support Team)

- 7.3 It is expected that the effort required during the next 12 months will be of a similar level as there are a significant number of elements which need to be developed further.

- 7.4 During September 2011 an MTP bid was submitted to fund external consultancy / training / supplies although it was unclear, at the time, what level of funding was required. This allowed for £10k in each of the years 2011-12 & 2012-13. The £10k was unspent in 2011-2012. A revised MTP bid was submitted in September 2012 giving the following spend profile:

2012-13	2013-14	2014-15	2015-16	2016-17
£6k	£4k	£4k	£4k	£4k

Internally-funded staff resources are not included within this bid but are estimated to be 0.7 FTE in 2012-13 reducing to 0.5 FTE thereafter.

8. NEXT STEPS

- 8.1 Encrypted USB sticks will be issued/re-issued with the BCP. The Council remains “at risk” until this has been done as the Service Recovery Plan is substantially out of date. The mechanism for “self-service” updating of the USB sticks will also be introduced at the same time.

- 8.2 Hard copies of the Plan will be issued in line with Appendix A10 of the Plan.

- 8.3 The Improvement Plan will be reviewed and priority actions will be scheduled for the period to August 2013.

- 8.4 This paper will be submitted to the December 2012 meeting of the Governance Panel.

8.5 In addition to carrying out the updates set out in the Improvement Plan the following annual cycle (to help achieve continual improvement) is anticipated:

- (i) Quarterly meetings of the BC Team have been diarised;
- (ii) The first annual BC exercise is scheduled for January / February 2013;
- (iii) The BCP will be reviewed annually in June/July 2013 and submitted, for approval, to COMT in August 2013; and,
- (iv) Reviewed by Governance Panel in December 2013.

9. CONCLUSION

9.1 Good progress has been made with replacing the former Service Recovery Plan with the Business Continuity Plan. A new group of BC Coordinators and Deputies has been established and there has been excellent input from this group in developing their service-specific BCPs.

9.2 Intranet sites have been set-up for both the development project and BC “business as usual”. These help in the communication and management of the BCP.

9.3 A comprehensive draft Improvement Plan has been developed.

9.4 The BC Team has successfully addressed a number of BCP incidents in the last 12 months.

Background documents:

1. **Corporate Business Continuity Plan** (Version 1.0 3rd September 2012)
2. **Review of Huntingdonshire District Council’s Business Continuity Plan** (BGG 9th October 2012)

Contact Officers:	Kate Adams, IMD Support Officer, 01480 388173 Chris Hall, Head of Information Management, 01480 388116
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This summary is from BGG's Review of Huntingdonshire District Council's Business Continuity Plan – references are to the BC Plan which has not been submitted to this Panel.

Executive Summary

Without a Business Continuity Plan being in place the Council is very vulnerable to disruptive incidents, it is therefore important to issue a plan at the earliest opportunity and then work towards a programme of continual improvement.

A significant start has been made in developing a Business Continuity Management System for the Council and the Improvement Plan (Appendix A9) has already identified a number of areas where further improvement can be made over time.

We have reviewed the current draft Plans against the industry best practice standard of BS25999 and, not surprisingly given the early stage in the plan development, have identified areas for further development (See Section 2).

We have also identified a number of areas where we believe the content of the Corporate Business Continuity Plan (CBCP) could be further developed (See Section 3).

We have taken an overview of the Service Plans detailed in Appendices B-O and identified a number of areas for further improvement (See Appendix 1).

At Section 4 we have detailed a suggested Action Plan which should be read together with the Council's own BCP Improvement Plan.

We consider that the high priorities for the Council should be to:

1. Produce a Council prioritised list of services identifying 'key services'.
2. Undertake a detailed business impact assessment to determine the impact of any disruption of the activities that support the Council's key products, services should then be assessed and prioritised.
3. Clarify the roles and membership of the EBCT and the CBCT.
4. Clarify and test the arrangements for producing and holding contact details.

The Council has made a good start on the Business Continuity journey and many of the fundamental building blocks have now been developed, the next stage is to refine and test the draft plan to ensure that the blocks fit together and the plan works in practice.

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OVERVIEW AND SCRUTINY PANELS
(SOCIAL WELL-BEING)
(ECONOMIC WELL-BEING)
(ENVIRONMENTAL WELL-BEING)

6TH NOVEMBER 2012
8TH NOVEMBER 2012
13TH NOVEMBER 2012

WORK PLAN STUDIES
(Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

1.1 The purpose of this report is to inform Members of studies being undertaken by the other Overview and Scrutiny Panels.

2. STUDIES

2.1 The Council has a duty to improve the social, environmental and economic well-being of the District. This gives the Overview and Scrutiny Panels a wide remit to examine any issues that affect the District by conducting in-depth studies.

2.2 Studies are allocated according to the Overview and Scrutiny remits. Details of ongoing studies being undertaken by the two other Panels are set out in the attached Appendix.

2.3 Members are reminded that if they have a specific interest in any study area which is not being considered by their Panel there are opportunities for involvement in all the studies being undertaken.

3. RECOMMENDATION

3.1 The Panel is requested to note the progress of the studies selected.

BACKGROUND DOCUMENTS

Minutes and Reports from previous meetings of the Overview and Scrutiny Panels.

Contact Officers: Miss H Ali, Democratic Services Officer
01480 388006

Mrs J Walker, Democratic Services Assistant
01480 387049

Mrs C Bulman, Democratic Services Officer
01480 388234

ONGOING STUDIES

STUDY	OBJECTIVES	PANEL	STATUS	TYPE
Leisure Centre Financial Performance and Employment Structure	To consider the future business model for “One Leisure” and the development of a methodology for the quantification of Social Value.	Economic Well-Being and Social Well-Being	<p>Working Group met on 28th February 2012. Agreed to split into two sub groups to investigate each area.</p> <p>Sub-Group looking at the ‘Social Methodology’ met in August 2012. Research being undertaken by Officers. Pending its completion, a meeting of the Working Group will be arranged.</p> <p>The whole Working Group will receive the Business Plan prior to its submission to the Panel and the Cabinet in December.</p> <p>Having noted that the review of the Business Model has come to a standstill, the Economic Well-Being Panel has asked their Chairman to speak to the Executive Leader about this, about prioritising the Council’s services and more generally about the role of scrutiny.</p>	Joint Working Group

CCTV Provision within the District	To review the impact of the Council's proposal to cease the CCTV service with effect from April 2012.	Social Well-Being	A report on changes to the CCTV service in 2012/13 will be submitted to the Panel in February 2013.	Whole Panel Study.
Consultation Processes	To assist the Corporate Team with its review of the Council's Consultation and Engagement Strategy.	Social Well-Being	Strategy and Guidance being updated by the Corporate Office to incorporate comments suggested by the Working Group. First draft expected to be made available to the Working Group end of November/early December.	Working Group.
Tree Strategy	To form a strategy in conjunction with the Tree Officers for the retention and planting of trees.	Environmental Well-Being	The draft tree strategy is being prepared - it should be ready for consultation by the end of 2012.	Working Group.
Land Use for Agricultural Purposes in the Context of Planning Policies and its Contribution to the Local Economy.	To review the lack of promotion and protection of land for this purpose.	Environmental Well-Being	Working Group has met with Planning Officers to discuss the content of the final report. Report to be considered by Panel at its November meeting.	Working Group.
Rural Transport	To review the provision of transportation in rural areas.	Environmental Well-Being	Transport for Cambridgeshire report received in July 2011. Comments conveyed to Cabinet. Final report expected in due course.	To be determined.

<p>Review of Neighbourhood Forums in Huntingdonshire</p>	<p>To undertake a review of the Neighbourhood Forums in Huntingdonshire.</p>	<p>Social Well-Being</p>	<p>Cabinet agreed to hold a pilot in the Norman Cross County Division. Panel requested to undertake a review of the pilot during its 12 months of operation. Pilot meeting arranged for 7th November 2012 – however, this meeting will not be open to the public.</p>	<p>Working Group</p>
<p>Maintenance of Water Courses</p>	<p>To receive a presentation on the maintenance arrangements in place for Water Courses within the District.</p>	<p>Environmental Well-Being</p>	<p>Following consideration of the St Neots Surface Water Management Plan and discussions on widespread drainage problems within the District, a working group was convened to engage with Anglian Water in order to establish their general powers, responsibilities and the limitations on its ability to prevent flooding.</p> <p>Meetings have been held with representatives from Anglian Water and the Environment Agency. The Working Group has produced a report on its findings but is awaiting the outcome of negotiations between Anglian Water and the County Council on drainage in Yaxley.</p>	<p>Working Group</p>

Design Principles for Future Developments	To examine issues that have arisen at Loves Farm, St Neots and to make recommendations to inform future developments.	Environmental Well-Being	The Working Group has produced a report detailing its findings to date. The Working Group will now focus on detailed aspects of the design guide with the Council's Urban Design, Trees and Landscape Team Leader.	Working Group.
Equality Framework for Local Government	To review the action plan arising from the Equality Framework for Local Government peer assessment.	Social Well-Being	Working Group met on 29th August 2012 to review the Action Plan. Councillor Mrs P A Jordan to attend the Equality Framework Steering Group. Action Plan revised since the Working Group last met. Further meeting of the Working Group to be arranged in the future.	Working Group
Corporate Plan	To assist the Corporate Office with the development of a new Corporate Plan.	All O&S Panels	Meeting of the Working Group arranged for 12th November 2012 to further refine the Council Delivery Plan and consider future monitoring arrangements.	Working Group
Huntingdonshire Citizens Advice Bureau (CAB)	To consider the social implications of the announcement made by the Huntingdonshire CAB to go into voluntary liquidisation.	Social Well-Being	Executive Leader provided an update to the Panel in October. Further update on recent developments will be provided in November. Mr M Mealing, Chairman of the	Whole Panel Study.

			CAB will also be present at the meeting.	
Waste Collection	To identify options for improving the Council's waste collection and recycling arrangements and for enhancing public satisfaction with the service.	Environmental Well-Being	<p>The Working Group has decided to focus on how best to engage with residents as to what should be placed in which bin. The Group may go on to study waste collection procedures in more detail, this is dependent on the work of RECAP.</p> <p>Panel expressed its support for the use of wheelie bin stickers to convey messages with community benefits, such as speed restrictions. This matter will further be discussed at the Panel's November meeting.</p>	Working Group

Progress Report

13/05/09	<p><u>Customer Services</u></p> <p>Quarterly performance reports to be circulated informally to the Panel twice per year and formally twice per year.</p>	Latest report considered in July 2012.	Next report due January 2013.	04/01/13
16/05/12	<p><u>Corporate Plan</u></p> <p>Councillors T V Rogers and G J Bull have been appointed to the Corporate Plan Working Group.</p>		A meeting of the Corporate Plan Working Group has been arranged for 12 th November to refine the Council's Service Plan and determine the next steps.	TBC
02/11/11	<p><u>Scrutiny of Partnerships</u></p> <p>Following a review of the Strategic Partnership, the Overview & Scrutiny Chairmen and Vice Chairman agreed that responsibilities should be divided as follows:-</p> <p>Social Well Being</p> <ul style="list-style-type: none"> ❖ Community Safety ❖ Children & Young People ❖ Health & Well-Being <p>Environmental Well Being</p> <ul style="list-style-type: none"> ❖ Growth & Infrastructure <p>Economic Well Being</p> <ul style="list-style-type: none"> ❖ Local Enterprise Partnership 		<p>The Panel has already received two presentations on the Local Enterprise Partnership. A presentation on the Local Enterprise Zone was given to the Panel's November meeting.</p> <p>Work is ongoing to develop a LEP wide approach to scrutiny.</p>	

<p>05/01/12</p>	<p><u>Leisure Centres</u> Working Group's report approved for submission to the Cabinet meeting on 19th January 2012.</p>	<p>Endorsed by the Cabinet at their meeting on 19th January 2012. Working Group to continue its investigations into the future business model and a methodology for the quantification of social value.</p>	<p>Working Group met on 28th February 2012. Agreed to divide their work between two sub-groups. Members of the Overview & Scrutiny Panel (Social Well Being) are investigating the development of a methodology for the quantification of social value.</p> <p>The Working Group investigating the development of a methodology for the quantification of social value met on 2nd August. Research Work is ongoing and a further meeting will be arranged shortly.</p> <p>The whole Working Group will receive the Business Plan prior to its submission to the Panel and the Cabinet in December.</p> <p>The Panel has noted that the review of the Business Model has come to a standstill. The Chairman has been asked to speak with the Executive Leader about this, about prioritising the Council's services and the role of scrutiny more generally.</p>	
<p>07/07/11</p>	<p><u>District Council Support Services</u> Agreed to establish a Working Group to review the Document Centre and its costs to form a view on its efficiency and cost effectiveness.</p> <p>Councillors Bull, Greenall, Howe, Mackender-Lawrence, Rogers and Williams volunteered for the Group.</p>		<p>Working Group has formed two sub groups to consider:-</p> <ul style="list-style-type: none"> a) the financial cost of the service; and b) the operation of the service. <p>Working Group will meet again on 14th November 2012 to draw together their conclusions.</p>	

Progress Report

<p>07/07/11</p> <p>02/02/11</p>	<p><u>A14 Improvements</u> Agreed that a representative of the Highways Agency should be invited to a future meeting to discuss their plans in the event of an interruption to traffic flow.</p> <p>Agreed to receive further updates on progress by email.</p> <p>In view of the difficulties in obtaining a representative from the Highways Agency to attend a future meeting, agreed that a presentation on A14 developments should be given to the whole Council, when this is appropriate.</p>	<p>Invitation sent to Highways Agency.</p>	<p>The Secretary of State for Transport has recently announced plans to improve the A14 between Milton and Huntingdon as part of a major drive on infrastructure investment</p> <p>Matter has been raised with Head of Planning Services and Transportation Team Leader and a presentation will be arranged at an appropriate time.</p>	
<p>06/10/11</p>	<p><u>Cambridgeshire Public Sector Asset Management Strategy</u> Requested a report outlining the progress made on the Huntingdonshire projects in six months time.</p>	<p>Progress report submitted to June 2012 meeting.</p>	<p>Managing Director (CPP) to report back at a future meeting on the development of the business case methodology.</p>	
<p>14/06/12</p>	<p><u>Economic Development</u> Agreed that the update of the Council's Economic Strategy should be submitted to a future meeting</p>		<p>The new Local Economy Strategy is scheduled for completion at the end of the year. Work is currently taking place to develop a robust evidence base for the new Strategy. As part of this process, all Members will be given the opportunity to participate in the consultation and a seminar was held on 18th October 2012.</p> <p>A presentation on the findings from the economic assessment is included on the Agenda.</p>	<p>08/11/12</p>

Progress Report

<u>Community Infrastructure Levy</u>				
03/11/11	Informal Discussion held at the conclusion of the meeting. Agreed that Managing Director (CPP) would report back when it was appropriate.		Report on future governance and spending arrangements to be submitted to a future meeting. Members of the Social and Environmental Well-Being Panels will be invited to attend.	04/10/12
08/03/12	Councillor M F Shellens suggested that the Panel should discuss		Added to the Work Programme for the forthcoming year. Managing Director (Communities, Partnerships & Projects) to discuss the issue with Councillor M F Shellens directly.	
05/04/12	<ul style="list-style-type: none"> ❖ the priorities for CIL funding at a future meeting. ❖ the implications of planning social housing requirements on Community Infrastructure Levy Income and the housing waiting list. 			
<u>Housing Benefit Changes</u>				
05/01/12	Agreed to receive a further report drawing together the wider housing policy implications for the Council arising from the Government's Welfare Reform Bill be submitted to a future meeting of the Panel.		Report considered by the Overview & Scrutiny Panel (Social Well-Being) at their meeting on 12 th June 2012. Further reports to be submitted on a quarterly basis and Members of the Panel will be invited to attend.	04/12/12
12/07/12	Requested that a report on rental rates and rent costs be submitted to the Panel on a quarterly basis.	First quarterly report submitted to July meeting.	Agreed that future reports should be presented every six months.	08/01/13

Progress Report

14/06/12	<p><u>Fraud Prevention</u></p> <p>Agreed that this should be added to the work programme for the forthcoming year.</p>	<p>Corporate Governance Panel have agreed to establish a working group to consider fraud risks, current and future approach and single fraud issues. Councillors Mitchell, Butler and Churchill have been appointed to this group</p>	<p>The report of the Working Group is expected to be available for the Panel's January meeting.</p>	10/01/13
12/07/12	<p><u>Use of Consultants</u></p> <p>Received a report outlining the progress which had been made on agreeing, modifying and implementing the Panel's previous recommendations.</p>	<p>Agreed that further reports detailing expenditure on consultants, hired and temporary staff should be submitted to the Panel on an annual basis. This report should include a breakdown of revenue and capital.</p>	<p>Next report due July 2013.</p>	07/13
06/09/12	<p><u>Borrowing</u></p> <p>In considering the Financial Forecast, agreed to establish a Working Group to develop an understanding of the District Council's approach to borrowing and to identify the terms of a Panel debate.</p>	<p>Working Group to comprise Councillors L Duffy, P G Mitchell, M F Shellens and A H Williams.</p>	<p>Working Group met on 17th October 2012. The Group discussed various aspects of general approaches to borrowing and have asked for a report on a number of matters relating to the Council's borrowing.</p>	

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Decision Digest

Edition 128

Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 24th September to 31st October 2012.

ANNUAL REPORT OF THE FREEDOM OF INFORMATION ACT, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION ACT

Details of the number of requests received by the Council under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act were noted by the Corporate Governance Panel. Future reports will include the previous year's statistics for comparative purposes.

AUDITORS REPORT – FINAL ACCOUNTS 2010/11

The Corporate Governance Panel has received a report by the external auditors outlining the findings of their audit of the Council's 2010/11 accounts.

INTERNAL AUDIT SERVICE: ANNUAL REPORT FOR THE YEAR ENDING 31ST AUGUST 2012

The Corporate Governance Panel has noted the conclusions of the Audit and Risk Manager on the Council's internal control and governance processes. It is his view that the Council does have in place adequate controls to manage risks identified by the Council. However, the Panel expressed concern over the implementation of agreed audit actions and the target set for their achievement. The Executive Councillor for Resources will be advised of the Panel's concerns.

REVIEW OF THE EFFECTIVENESS OF THE INTERNAL AUDIT SERVICE

The Corporate Governance Panel has considered the outcome of a review of the effectiveness of the Internal Audit Service as required under the provisions of the Accounts and Audit Regulations 2011. The Panel has noted that the service was generally effective and that an action plan had been developed to address the areas for improvement identified as a result of the review.

REVIEW OF THE EFFECTIVENESS OF THE CORPORATE GOVERNANCE PANEL

The Corporate Governance Panel has received a report detailing the outcome of a review undertaken by the Chairman on the effectiveness of the Panel. The Panel will begin to receive a series of information briefings via email to enable them to become more proactively aware of relevant legal and regulatory issues and best practice developments. In addition, reports on the governance of the pay review, business continuity and the Local Plan will be submitted to future Panel meetings.

RISK REGISTER

Changes made to the Risk Register between the period 14th March to 31st August 2012 have been noted by the Corporate Governance Panel.

COMPLAINTS

Lessons learnt by the Council on the cases referred to the Local Government Ombudsman have been noted by the Corporate Governance Panel. Only two complaints had been received in 2011/12, both relating to the same matter.

GOVERNANCE STATEMENT

Subject to some minor amendment, the Corporate Governance Panel has authorised its Chairman to sign the Governance Statement on behalf of the Council. The changes required relate to the deletion of reference to the Local Area Agreement and to the date scheduled for the review of the effectiveness of the Overview and Scrutiny Panels.

APPROVAL FOR PUBLICATION OF THE 2011/12 ACCOUNTS

The Corporate Governance Panel has noted the process required to be undertaken prior to the publication of the 2011/12 final accounts. This includes receiving both the auditor's report on the audit of the 2011/12 accounts and their Letter of Representation and the draft Statement of Accounts for the year ended 31st March 2012. The Panel has authorised the Managing Director (Resources) to sign the Letter of Representation on behalf of the Council and, following consultation with the Chairman of the Panel to make any final non-material changes to the 2011/12 accounts. The Panel has also authorised the Chairman of the Panel to sign the accounts on behalf of the Council.

TRAINING OF PANEL MEMBERS

Suggestions for training for Members of the Corporate Governance Panel based on the anticipated work programme over the ensuing year were noted.

HOUSING BENEFIT – INTRODUCTION OF RISK BASED VERIFICATION

A proposal to introduce risk based verification on new Housing and Council Tax Benefit claims submitted through the Council's online claim facility was considered by the Cabinet, the Corporate Governance Panel and the Overview and Scrutiny Panel (Economic Well-Being). The proposal emerged following a pilot undertaken by a number of local authorities across the country enabling the Council to categorise applications into one of the three risk groups of high, medium or low.

The aim of RBV is to reduce fraud and error by concentrating resources on the type of claim where the risk of the claimant providing incorrect information or evidence was deemed to be high. The Panel has discussed the cost benefits which were presented by the proposals and has noted that it was also the intention to introduce Risk Based Verification for Council Tax Support once the Local Government Finance Act has received Royal Assent.

Having been advised of the Panel's views, the Cabinet has endorsed the content of the Policy.

CODE OF PROCUREMENT: TENDER AND QUOTATION REVIEW

Disappointment was expressed by the Corporate Governance Panel over the lack of compliance with the Council's Code of Procurement. At the request of the Panel, an education and training programme is to be developed to assist with compliance with the Code. Matters discussed will include the appointment of sub-contractors, the publicity undertaken by the Council to attract potential contractors, the role of the Internal Audit Team in opening tenders

and the importance of communication. Assurances were given that the Code is being adhered to in the case of large contracts.

LESSONS LEARNT – 2010/11 ACCOUNTS

The Corporate Governance Panel endorsed a series of recommendations, which have been accepted by the Managing Director (Resources) to improve the Council's processes to finalise the Council's financial accounts in future years. Members remain uneasy over the delay with the publication of the 2010/11 accounts.

HOUSING STRATEGY 2012-15

The Overview and Scrutiny Panel (Social Well-Being) has considered the adoption of a new Housing Strategy 2012-15 for Huntingdonshire. Matters discussed include the impact of infrastructure planning upon an individual's quality of life, private sector rental rates and how they compared with the public sector, homelessness levels within the District and the role and importance of community planning within Parishes.

Having emphasised the Council's commitment to enabling housing which meets local needs the Cabinet has approved the contents of the 2012-15 Housing Strategy.

DRAFT TENANCY STRATEGY

The terms of a new Tenancy Strategy for Huntingdonshire has been considered by the Overview and Scrutiny Panel (Social Well-Being). This has arisen under the requirements of the Localism Act 2011. The most significant change within the Strategy is the introduction of 5 year fixed term tenancies which could be offered by social landlords to their tenants. The Panel has discussed the impact of the

Strategy upon tenants with existing assured tenancies, the review process leading up to the end of the fixed term period, the level of publicity undertaken on the proposals and the impact of the welfare reforms. The Strategy intends to encourage more effective utilisation of social housing and to reduce the pressures placed upon the Housing Register.

Subsequently, the Cabinet has approved the content of the Strategy.

HUNTINGDONSHIRE CITIZENS ADVICE BUREAU (CAB)

The Executive Leader has addressed the Overview and Scrutiny Panel (Social Well-Being) on the social aspects of the recent announcement made by Huntingdonshire CAB to enter into voluntary liquidisation. The service will cease in December 2012 and interim arrangements are currently being planned for the final quarter of the financial year, with consideration also being given to a long term solution for Huntingdonshire in the future. A further update will be provided to the Panel in November 2012.

THE CORPORATE OFFICE

The Overview and Scrutiny Panel (Economic Well-Being) has received a presentation by the Corporate Team Manager on the role and function of the Corporate Office and the work which is being undertaken by the Team in partnership with other agencies to help people back into employment within the District.

With regard to the latter, Members have welcomed these joint initiatives as an indication of the successes which can be achieved from partnership working.

In considering the functions of the Corporate Office, Members have discussed the communications function

which was concentrated into two areas – internal and external. Having noted that one of the priorities for the Corporate Office had been to improve internal communications and been advised of the recent discussions at the Employment Panel, the Panel has asked the Corporate Team Manager to attend a future meeting to discuss the issues associated with communications more specifically.

COMMUNITY RIGHT TO CHALLENGE

In conjunction with the Cabinet, the Overview and Scrutiny Panel (Economic Well-Being) has been acquainted with proposed arrangements which the Council should adopt in order to operate the new Community Right to Challenge. The Right to Challenge was created by the Localism Act and introduces a right for defined organisations and persons to submit an Expression of Interest in taking over the provision of a service on behalf of the Council.

A number of specific questions have been asked about the proposed process and it was noted that currently there is no funding within the Medium Term Plan to cover the additional costs which may be incurred by the Council in dealing with these requirements.

Subject to clarification of the matters that are to be delegated to the Managing Directors and the process leading to a decision, the Panel has endorsed the Council's proposals for submission to the Cabinet.

Subsequently, the Cabinet has authorised the Managing Directors, after consultation with the appropriate Heads of Service and relevant Executive Councillors, to accept or reject an expression of interest on behalf of the Council.

PROPOSED CIL GOVERNANCE PRINCIPLES

The Overview and Scrutiny Panel (Economic Well-Being) has received an update on the progress being made with the implementation of the Community Infrastructure Levy for Huntingdonshire and the details of a proposed governance structure for CIL receipts and related spending.

The Panel has discussed a range of issues, including:-

- ❖ the 'meaningful amount' of CIL funding which will be allocated to the area in which the development lies;
- ❖ the processes which will be in place to monitor CIL expenditure; and
- ❖ the need for representation from the parishes and the rural areas within the Growth & Infrastructure Thematic Group.

In considering the Council's approach and the Panel's views, the Cabinet has approved the proposed CIL Governance Structure. At the same time, Executive Councillors have supported the development of the framework and business plan through the Huntingdonshire Strategic Partnership and requested the Head of Planning and Housing Strategy to liaise with the Heads of Finance and of Legal and Democratic Services to agree draft procedural and management protocols. The Cabinet will receive a further report as and when the procedural and management protocols become clearer.

OVERVIEW AND SCRUTINY ANNUAL REPORT

The Overview and Scrutiny Panels have endorsed the contents of the

2011/12 Overview and Scrutiny Annual Report for publication.

THE RATIONALE FOR RESERVES

The Overview & Scrutiny (Economic Well-Being) has considered the outcome of the deliberations of its Working Group which had been established to consider the Council's approach to the setting of its reserves.

The Panel has endorsed the view that the current figure established for revenue reserves was reasonable and has also agreed that there should be further information in the Council's Budget reports to help Members understand the risks and related costs that support the recommended level of reserves.

DEVELOPMENT APPLICATIONS

Amongst the ten applications determined by the Development Management Panel in October was a proposal to replace two existing gaia turbines with two new wind turbines at Hamerton Zoo Park, north east of Hamerton Village. The turbines are intended to generate electricity for consumption by the Zoo with any surplus fed back to the National Grid. The Panel agreed to approve the application having considered representations from the Ward Councillor, the Chairman of the Parish meeting and the applicant. Five other applications were approved and four refused at the same meeting.

APPEAL DECISIONS

In their regular review of the outcome of appeal cases and decisions made by the Planning Inspectorate, the Development Management Panel has been reminded how important it is to justify each term used in every reason given for refusal of an application given the likelihood of challenge by the

Inspector and the award of costs should the Council not be able to adequately substantiate a reason for refusal.

CHARGING FOR A SECOND GREEN BIN

For the purposes of increasing the Council's income, the Overview and Scrutiny Panel (Environmental Well-Being) has discussed a proposal to charge Huntingdonshire residents for the collection of a second green bin. The first green bin will continue to be collected free of charge.

Councillor P L E Bucknell has addressed the Panel on this matter. He has expressed the view that residents will not pay for the second bin and will instead put green waste in grey bins which will have an adverse effect on the waste service budget. In addition, the change could lead to an increase in fly tipping. He has also reported on his discussions with a representative of a London Council, which has introduced such a charge, who has expressed the view that it was a mistake to do so.

In the light of further concerns about this proposal, the Panel unanimously agreed that the Council should not introduce a charge for second green bins. The main reasons for this decision were the likelihood of an adverse effect on recycling rates, the potential for damage to the public's opinion of the Council and an increase in fly tipping and the level of the charge compared with the District Council's portion of the Council Tax.

Having been advised of the Panel's views and in considering a request from the Chairman of the Overview and Scrutiny Panel (Economic Well-Being) that the Panel be given an opportunity to consider details of the proposal, the Cabinet has agreed to defer the matter to enable this to happen.

CORPORATE TRAVEL PLAN UPDATE

Both the Cabinet and the Overview and Scrutiny Panel (Environmental Well-Being) have considered the updated Corporate Travel Plan 2012/13 to 2017/18. Minor modifications have been made to the Plan, most notably relating to the incentives able to be offered to owners of low carbon vehicles enabling them to purchase car parking permits at a reduced rate.

Matters also discussed included the effectiveness of car sharing as a means of meeting the Plan's objectives and the percentage of employees cycling to work in 2006 compared to 2010. The Panel has requested an analysis of the use of cycling routes.

The Panel has also questioned whether the targets to 'reduce local traffic and road congestion' are sufficiently challenging to cover a five year period and it has been suggested that these should be revised.

The Panel has also suggested that the Council should place more emphasis on home working on the grounds that rather than using more efficient means of transport, it was preferable not to undertake a journey.

Having been advised of the Panel's views, the Cabinet has endorsed the contents of the updated Travel Plan and requested Officers to regularly scrutinise its targets as part of the annual review of the Council's Environment Strategy. At the same time, Executive Councillors have requested that in the future the data contained in the plan be consolidated into a smaller document.

LEADERSHIP DIRECTION

The Cabinet has endorsed the Council's Leadership Direction for

recommendation to the Council. The Plan promotes the following themes:

- Strong local economy
- Enable sustainable growth
- Improve the quality of life in Huntingdonshire; and
- Working with our communities.

These themes have been identified as the Council's main drivers towards improving the quality of life in Huntingdonshire by working with communities and partners to achieve sustainable economic growth and provide excellent value for money services that meet local needs within a balanced budget.

FINANCIAL MONITORING

The Head of Financial Services has drawn the Cabinet's attention to spending variations in the revenue budget for the current year and modifications to the approved capital programme. It was noted that the expected outturn of revenue expenditure was now £22m which represented a slight increase in that previously forecasted due to reductions in a number of income streams including estate properties, planning fees, car parks, markets and search fees.

JAPANESE KNOTWEED

The Overview & Scrutiny Panel (Environmental Well-Being) has considered a report by the Head of Legal and Democratic Services on Japanese Knotweed. Given that there was a very limited occurrence of Japanese Knotweed in Huntingdonshire and given that, where the Council was responsible, action had been taken to deal with it, the Panel has decided not to pursue a study on this matter.

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

The Licensing Committee has recommended the Council to approve a revised Gambling Act 2005 - Statement of Principles. The Statement, which in accordance with the Act must be reviewed every three years, has been amended to take into account guidance from the Gambling Commission and responses received as a result of a twelve week public consultation exercise.

Following submission to Cabinet in November the Statement will be recommended to the Council at its December meeting in order for it to come into effect on 31st January 2012.

LICENSING ACT 2003 – RESPONSIBLE AUTHORITY DELEGATIONS

Certain provisions of the Police, Reform and Social Responsibility Act 2011 which came into effect on 25 April 2012 have resulted in amendments to the Licensing Act 2003, one of which was the inclusion of the Licensing Authority as a Responsible Authority. This will allow the Licensing Authority, in addition to Environmental Health and Planning, to make representations and initiate reviews of premises licences.

To satisfy the requirement for a clear distinction between the officer acting as the Responsible Authority and the officer preparing and presenting the report to the Licensing Sub-Committee the Licensing Committee has authorised the Head of Legal and Democratic Services to act on behalf of the Licensing Authority as a Responsible Officer.

LICENSING ACT 2003 – DELEGATION OF FUNCTIONS

The Licensing Committee has approved a schedule of delegations under the Licensing Act 2003. The delegations will allow the Committee to delegate

additional duties imposed on the Licensing Authority resulting from the Police Reform and Social Responsibility Act 2011 to its Sub-Committee or appropriate Officers.

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