

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.