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Date: 1 December 2015

Dear Councillor,

Overview and Scrutiny Committee

A Meeting of the **Overview and Scrutiny Committee** will be held in the **Council Chamber**, on **Wednesday, 09 December 2015** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**
Councillor Mrs. Farrington (Chairman), Councillor Swann (Vice-Chairman)
and Councillors Atkin, Mrs. Coe and Mrs. Patten

Labour Group
Councillors Bambrick, Mrs. Stuart and Pearson.



AGENDA

Open to Public and Press

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any open questions by members of the public pursuant to Council Procedure Rule No.10.
- 4** To receive any open questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** ELECTORAL SERVICES **4 - 11**
- 6** COMMUNITY AND PARTNERSHIP SCHEME **12 - 40**
- 7** REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – **41 - 42**
QUARTERLY REPORT ON USAGE
- 8** SECTION 106 HEALTH BASED PLANNING CONTRIBUTIONS -
Verbal Update
- 9** A REVIEW OF COUNCIL TAX ARREARS **43 - 53**
- 10** WORK PROGRAMME 2015-16 **54 - 55**

Exclusion of the Public and Press:

- 11** The Chairman may therefore move:-
That in accordance with Section 100 (A) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the

paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 12** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

Details



REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	9TH DECEMBER 2015	CATEGORY: DELEGATED
REPORT FROM	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	FRANK MCARDLE 595702 Frank.McArdle@south-derbys.gov.uk	DOC:
SUBJECT:	ELECTORAL SERVICES	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: 6.03

1.0 Recommendations

1.1 To note the changes in structure to the Electoral Services section.

2.0 Purpose of Report

2.1 To note the revised structure of the Electoral Services section ensuring that the Council can continue to effectively administer the electoral service.

3.0 Detail

3.1 In recent years the Electoral Services Section has been through many changes. There has been a need to deliver a more modern service, increase voter turnout and utilise technology to its maximum efficiency.

3.2 South Derbyshire is a fast growing area and this will lead to an increase in the electorate and in turn an increased demand on the service. With the move to Individual Electoral Registration (IER) the service will require continued resilience. The section has always responded well to change and provides a high quality service, as was evidenced in the recent Parliamentary District and Parish Elections.

3.3 The Finance and Management Committee on 18th June 2015 approved the review of the Electoral Services Section. The review was undertaken by the Chief Executive, along with further research completed on the arrangements used in neighbouring authorities of a similar size. It was considered necessary to put in a place a structure that would meet the challenges of the services whilst also building resilience and providing opportunities to develop knowledge and skills.

3.4 A number of changes were made to the structure of the section which included the section being moved into the Legal and Democratic Services unit directly reporting to the Legal and Democratic Services Manager, and the regrading of the roles of Electoral Services Officer and Electoral Services Assistant.

3.5 The job descriptions of both posts were revised to provide a more updated and resilient approach to the service. Both job descriptions are attached at Appendix 1 of the report.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Corporate Implications

5.1 The changes to the Electoral Services section have built resilience within the team and built upon knowledge and expertise. By moving the section additional management support has been provided enabling the service to forward and meet future challenges.

6.0 Community Implications

6.1 The implemented review will directly benefit the community of South Derbyshire by ensuring the continued high quality work and performance from the Electoral Services section.

7.0 Conclusions

7.1 The work of the Electoral Services section comes under increased scrutiny and profile during Elections. The Council has an impressive track record of meeting expectations during these periods whilst also exercising high standards of governance and stewardship during the process. In addition, other parts of the service, such as the annual canvass and changes to modernise the approach taken are kept constantly under review. These changes to the service will ensure high standards of service are continued into the future.

SOUTH DERBYSHIRE DISTRICT COUNCIL

JOB DESCRIPTION

DIRECTORATE:	Chief Executives
SERVICE UNIT:	Electoral Services
POST:	Electoral Services Assistant
GRADE:	Scale 5/6 (progression through the grade is dependent on the achievement of qualifications and/or an assessment of performance in the role)
RESPONSIBLE TO:	Electoral Services Officer

JOB SUMMARY:

To support the delivery of an effective, timely and cost effective electoral registration service including the annual register of electors and completion of all parliamentary and local government elections, referenda and/or other polls.

MAIN DUTIES AND RESPONSIBILITIES:

To provide support for the organisation and conduct of all parliamentary and local government elections, referenda and/or other polls.

To assist in the preparation, publication and maintenance of the Register of Electors through Individual Electoral Registration (IER).

To assist in the development and implementation of measures to increase registration levels and voter turnout at elections.

To provide an administrative service for the Section.

To ensure adherence to the Council's Health & Safety Policy.

To support, promote and comply with the Council's Equal Opportunities and Fairness Scheme when undertaking the duties of the post.

To comply with the Council's Employee Code of Conduct

Undertake such other duties commensurate with the experience of the postholder and the grading of the post as may be reasonably delegated from time to time.

SPECIFIC RESPONSIBILITIES:

To assist with the Individual Electoral Registration (IER) process and annual canvass to ensure full registration of all eligible electors by the statutory date.

To assist with data matching against other council held records to support the implementation of IER

To issue forms in relation to IER and sort/scan registration forms

To notify other authorities of changes and movement of electors

To assist with the planning, organisation and management of all elections and referenda.

To assist with the recruitment, management, training, administration and payment of all canvassers and election staff.

To process all rolling registration applications on a daily basis ensuring that they are in accordance with current legislation.

To provide data to statutory bodies, including political parties, councillors and credit reference agencies.

To undertake the issue and processing of all new postal/proxy vote application forms and continually update and maintain the statutory list.

To assist with the issue and processing of application forms for special category electors and their annual renewal.

To assist with the supply of printed Register of Electors and Electoral data files to statutory bodies including Councillors and Credit Reference Agencies.

To assist with the sale of printed Register of Electors and Electoral Register data files to the public and organisations; processing all income in accordance with Financial Regulations.

To process Street Numbering Orders and ensure that all new properties are placed in the correct polling district and that all are correctly identified.

To assist with the Review of Polling Places and Polling Districts and the Periodic Electoral Review of Ward Boundaries.

To maintain information in relation to the electoral registration service on the Council's website and intranet as required.

To assist with the updating and maintenance of the IT systems used by the electoral registration service.

To produce statistical information, returns and documentation to statutory bodies, including Electoral Commission, Ministry of Justice, Political parties etc.

Date issued: June 2015 Issued by: Chief Executive

SOUTH DERBYSHIRE DISTRICT COUNCIL

JOB DESCRIPTION

DIRECTORATE:	Chief Executives
SERVICE UNIT:	Electoral Services
POST:	Electoral Services Officer
GRADE:	PO1/2
RESPONSIBLE TO:	Legal and Democratic Services Manager

JOB SUMMARY:

To manage the delivery of an efficient, timely and cost effective electoral service, which complies with electoral legislation and regulations and one which meets performance standards set by the Electoral Commission in relation to electoral registration and elections.

This includes all matters relating to electoral registration, elections, referendums, and/or other polls.

MAIN DUTIES AND RESPONSIBILITIES:

To manage the organisation, co-ordination and conduct of all activities leading up to, during, and after elections, referendums and/or other polls.

To manage and organise the annual publication of the Register of Electors.

To develop and take responsibility for initiatives aimed at increasing registration and encourage public engagement in the electoral process.

Hold overall responsibility for developing, implementing and reviewing the legal responsibility to investigate and minimise electoral fraud, including acting as the Councils' representative in any investigations.

To ensure adherence to the Council's Health & Safety Policy.

To support, promote and comply with the Council's Equal Opportunities and Fairness Scheme when undertaking the duties of the post.

To comply with the Council's Employee Code of Conduct

Undertake such other duties commensurate with the experience of the postholder and the grading of the post as may be reasonably delegated from time to time.

SPECIFIC RESPONSIBILITIES:

Under the direct supervision of the Returning Officer to be responsible for the planning, organisation and management of the election, electoral registration, referendums and related processes to ensure they are developed to and maintained to the highest standard.

Manage arrangements for the annual canvass and publication of the Electoral Register including annually reviewing options available, negotiating contracts with suppliers and developing codes of practice for temporary canvassers and support staff.

To maintain the Register of electors in accordance with relevant legislation and statutory deadlines (rolling registration?)

To provide advice and deal effectively with general queries, to both internal and external customers.

To be responsible for the recruitment, management and payment of all canvassers, election staff and other persons engaged for the efficient delivery of the elections service.

Manage the transition to and maintenance of the system for Individual Electoral Registration (IER) in line with legislation and guidance.

Develop and take responsibility for programming initiatives aimed at increasing registration and encourage public engagement in the electoral process.

To be fully conversant with, and develop and promote the use of the I.T based electoral registration and election management systems and support and train the Electoral Services Assistant and other temporary support staff (as appropriate) in their use.

To undertake reviews of polling districts and polling locations in the District and to support periodic electoral reviews by statutory bodies or other related reviews as required.

To prepare accounts for elections to meet standards set by the Election Claims Unit, submitting claims to budget and on time.

To provide information and evidence on behalf of the Council, including attending as a witness, in prosecutions or related matters arising from the electoral registration and voting process.

To manage the process for the annual renewal of postal vote identifiers.

To participate in the recruitment, selection, deployment, discipline, appraisal and welfare of staff attached to the section.

Ensuring the service meets/exceeds all performance standards set by the Electoral Commission.

Keep up to date with new legislation, contribute to business planning and developments concerning electoral reform and the modernising of electoral processes, evaluating and making representations on improvements, and managing the implementation of change.

Maintain contact with external organisations such as the Cabinet Office, Electoral Commission, Department for Communities and Local Government, Association of Electoral Administrators and other local authorities, and to represent the Council as appropriate on matters relating to electoral administration.

To manage the supply and sale of printed Register of Electors and Electoral data to appropriate bodies and in line with the Councils Financial Regulations.

To produce statistical information, returns and documentation to statutory bodies, including Electoral Commission, Political parties etc.

To manage and keep up to date the Electoral Services section of the Council's website.

Any other duties, commensurate with the grade of the post.

Date issued: June 2015 Issued by: Chief Executive

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	9TH DECEMBER 2015	CATEGORY:
REPORT FROM:	DIRECTOR OF COMMUNITY & PLANNING SERVICES	DELEGATED OPEN
MEMBERS' CONTACT POINT:	IAN HEY(Ext 8741) COMMUNITY & PARTNERSHIP OFFICER	DOC:
SUBJECT:	COMMUNITY AND PARTNERSHIP SCHEME	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: 6.03

1.0 Recommendations

- 1.1 That members recognise that the Community Partnership Scheme continues to address aims and objectives of the Council through both inward investment and support of non-profit organisations in the District. Further to this that members support a review of the grant application process and associated paperwork, to be undertaken in conjunction with South Derbyshire CVS. The review to make recommendations about how the process can be made more accessible for non-profit groups working to support residents of South Derbyshire.

2.0 Purpose of Report

- 2.1 To provide members with information about the Community Partnership Scheme and identify the potential to review the grant application process in conjunction with South Derbyshire CVS, recognising that SD CVS are a voluntary sector infrastructure body that work to support the sector within the District.

3.0 Executive Summary

- 3.1 The Community Partnerships Scheme operates according to processes and procedures as previously agreed by the Housing and Community Services Committee.
- 3.2 The scheme has been targeted at supporting the aims and objectives of the Council by:
- 3.2.1 Supporting non-profit organisations that are looking to develop larger capital projects. (For the purposes of the scheme larger has been identified as projects with a value greater than £4,000.)
 - 3.2.2 To attract inward investment into South Derbyshire in the form of grant funding to match the Council's investment.
- 3.3 Additionally the Community Partnership Scheme offers support for smaller and revenue based projects through grant research, mentoring and skills development via the Community Partnership Officer.

- 3.4 It is recommended that the application process is reviewed in conjunction with the South Derbyshire CVS to ensure that it is robust enough to secure sufficient information to make a grant decision while being as accessible as possible.

4.0 Detail

- 4.1 The Community Partnership Scheme was established to deliver two separate and distinct objectives to support the work of the Council.
- 4.1.1 To provide funding advice and support for non-profit organisations developing projects that benefit residents of South Derbyshire.
- 4.1.2 To attract inward investment to support larger capital projects. This has been achieved by providing grants that act as matched funding.
- 4.2 A review of funding still offered by other Local Authorities makes it clear that a key criterion for each of them is the achievement of the Authority's own core objectives. This continues to be a principle aim of the Community Partnership Scheme.
- 4.3 For the purposes of the scheme "larger project" has been identified as a project with a value greater than £4,000. This figure has been identified as there are a number of smaller grant funders that have the capacity to support projects within South Derbyshire. Examples of this would include the range of grants offered via Foundation Derbyshire and the East Midlands Airport Community Fund. The Lottery small grants programme, Awards for All, has also been an active supporter of smaller revenue and capital projects within the District.
- 4.4 The Community Partnership Scheme offers capital grants of up to £25,000 to projects brought forward from the voluntary and community sector. Larger capital projects often find it difficult to secure initial funding to help attract other funders. This has been a key role for this scheme, especially as the Big Lottery now makes very few capital grants in support of larger projects and their criteria exclude most of the District.
- 4.5 The actual overall value of the scheme has varied. £300,000 was allocated to the scheme to enable grants to be made in support of applications received during 2014/15 and 2015/16. During this period a total of 35 grants have been awarded against projects with a value of £900,000. Once all of these projects are delivered it will achieve an inward investment ration of 2:1.
- 4.6 A process map at annex a identifies how support is offered via the Community Partnership Scheme.
- 4.7 Eligible groups are invited to apply for capital funding assistance. This is undertaken via an application form (annex b), supported by guidance notes (annex c). Organisations are also actively encouraged to access time from the Community Partnership Officer who will support the whole application process.
- 4.8 Organisations that are developing smaller or revenue based projects are supported by the Community Partnership Scheme through the intervention of the Community Partnership Officer who is able to provide advice and support through grant research, mentoring and skills development.
- 4.9 Applications for funding are assessed by a panel comprising five Councillors, with advice from the Community Partnership Officer. The assessment is undertaken

using a scoring framework (annex d). This framework is also made available to applying groups via the Council web site or from the Community Partnership Officer so that they can gain a more informed understanding of how the application will be assessed.

4.10 The specific criteria for the capital grant scheme have been developed taking into account:

- The need to address Council aims and objectives.
- Availability of alternative sources of funding. Specifically the focus on revenue funding by the Big Lottery and the availability of a number of grant programmes that target smaller projects such as Foundation Derbyshire grant streams, the East Midlands Airport Community Fund and the lottery Awards for All programme.
- The difficulty for non-profit organisations to secure initial grant monies to act as matched funding to attract additional grants for larger capital projects.
- The requirement to secure sufficient information for the panel to make an informed decision.

4.11 When the Community Partnership Grant scheme was initiated it provided a maximum of 25% of the total project value. This ensured minimum inward investment of 75% of the project value. Recognising the changing funding environment the scheme rules were amended in 2014/15 to allow applications for up to 50% of project value.

4.12 The value of projects undertaken within the Voluntary Sector was identified within the Funded Voluntary Organisations review (Overview & Scrutiny Committee 2012-13).

4.13 Following the grant round in 2014-15 Cllr Peter Smith undertook a review of the grant process with recipient groups in the Repton Ward. "Most felt that the help, support and advice which was available in both the completing of the application process and the follow-up following the submission extremely helpful." It was recognised that one group found the process difficult. The full report can be found at annex e.

4.14 Overall feedback about the scheme and support available is positive, however, there is now an opportunity to review the assessment process to ensure that it continues to be as accessible as possible. It is proposed that a review of the process and associated literature is undertaken with the support of South Derbyshire CVS. South Derbyshire CVS exists to support the development of the Voluntary Sector and has been a principle partner of the Council to support consultation with the sector and hard to reach groups.

5.0 Financial Implications

5.1.1 Funding already identified and allocated will be distributed to the Voluntary Sector.

6.0 Corporate Implications

6.1 Grants will support corporate priorities.

7.0 Community Implications

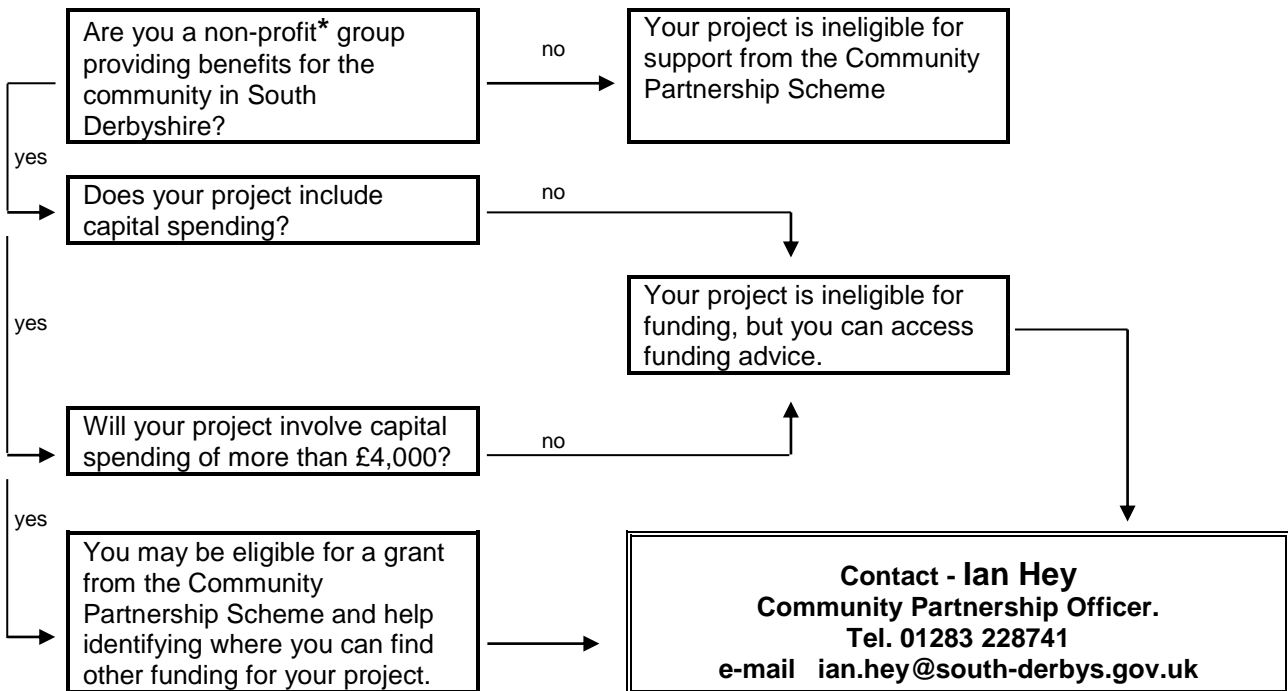
7.1 Grants will support corporate priorities.

9.0 Background Papers

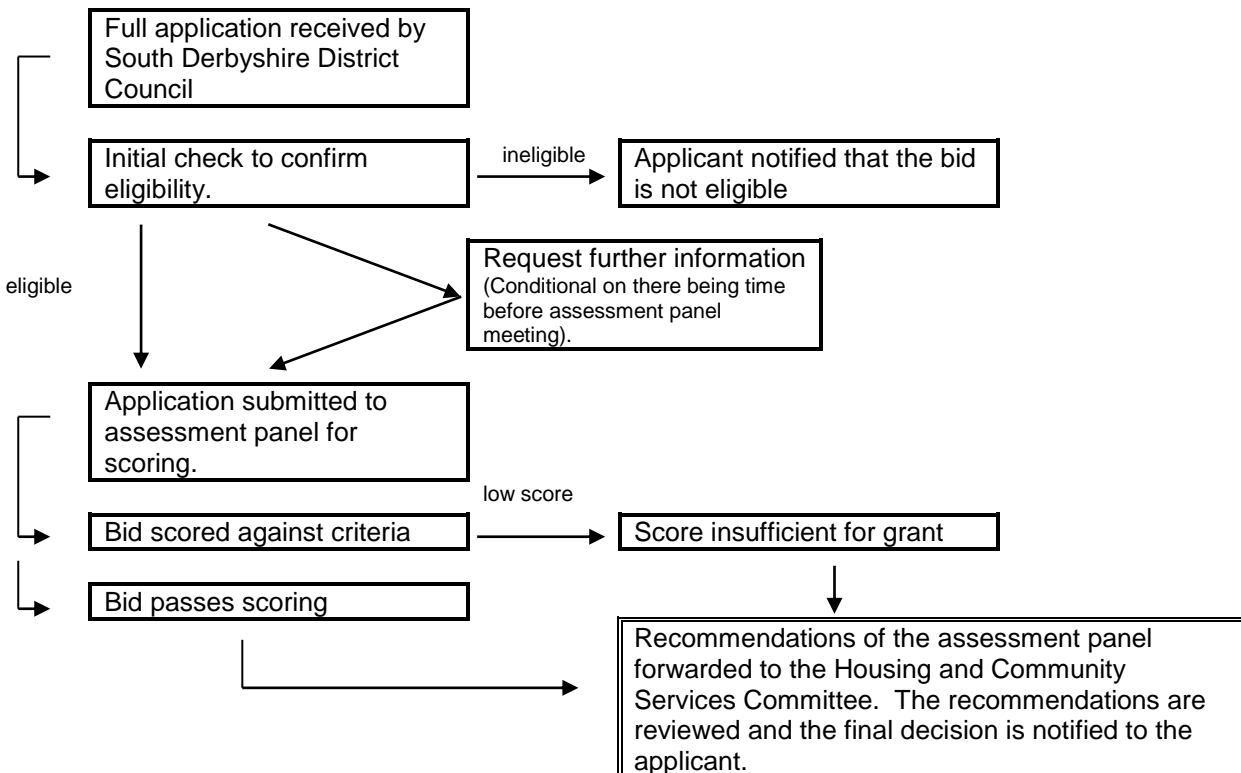
- 9.1 Annex a - Community Partnership process map
- 9.2 Annex b - Community Partnership Grant - Application Form
- 9.3 Annex c - Community Partnership Grant - Guidance Notes
- 9.4 Annex d - CPS Assessment Criteria
- 9.5 Annex e – Feedback on grant application process.

Annexe a

South Derbyshire District Council Community Partnership Scheme



Appraisal Process



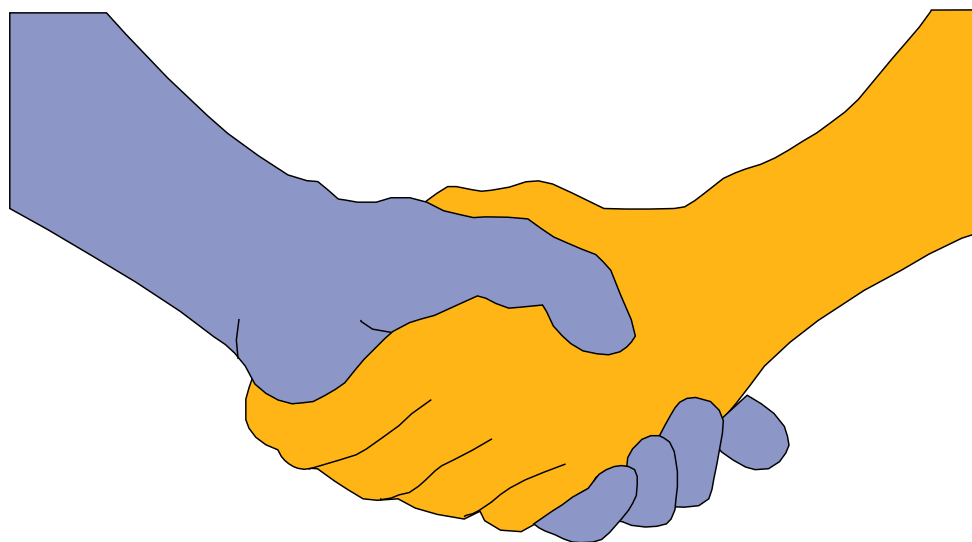
*Non-profit in the context of the Community Partnership Scheme refers to charities, constituted community groups (you have a set of agreed rules and procedures) and clubs. In the context of this scheme Parish Councils are

Annexe a

also deemed to be non-profit groups able to apply for projects that are outside of the statutory duties placed upon them.



**South
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Community Partnership Scheme

APPLICATION FORM

Before you complete this form please make sure you read and understand the Guidance Notes. When completing the form please read each question carefully, provide the relevant information where required and tick the appropriate boxes. You may also provide additional information sheets if necessary. Please note the form is also available in an electronic format, which can be found on our web site www.south-derbys.gov.uk or requested from ian.hey@south-derbys.gov.uk

Once completed please make a copy for your own records and return to:

Ian Hey
Community Partnership Officer
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire DE11 0AH

1. APPLICATION DETAILS

1.1 Name of the applicant organisation (and the title of the applicant's bank account, if different)	
1.2 Bank account reference	
1.3 Name of contact for correspondence about the application	
1.4 Address for all correspondence (Including payments)	
Post Code:	
Email Address:	
Telephone (Daytime):	
Evening/Weekend:	
Fax No:	
1.5 What type of organisation best describes the applicant (e.g. charity, trust, voluntary group, club, association etc.)	

1.6 Please describe the activities of the organisation, the management structure and the profile of its membership.

1.7 How long has the organisation been in existence (no of yrs)?

Tick if newly formed

1.8 Are you a registered charity?
(please place a cross in the relevant box)

Y		N	
----------	--	----------	--

Charity No.

1.9 Are you registered for VAT

Y		N	
----------	--	----------	--

VAT No.

2. DETAILS OF YOUR PROPOSED PROJECT

2.1 Name of the project

2.2 Location
(within South Derbyshire)

2.3 Describe clearly and concisely the aims, objectives and targets for the proposed project. State what you hope to achieve, how you intend doing this and how you will measure the progress?

2.4 How does the project relate to the Council's aims and objectives? (Please see the summary for the 2014/15 Corporate Action Plan together with an introduction to the South Derbyshire 2009-29 Sustainable Community Strategy for South Derbyshire.)

2.5 Why is the project needed?
How do you know?
What groups does the project specifically target?
Who else will benefit from it?

2.6 What facilities does the organisation use?

2.7 Are the facilities:

Owned by the organisation

Leased

Hired / Rented

(Please provide details)

Y		N	
Y		N	
Y		N	

Remaining period left on lease YRS

3. PROJECT COSTS AND FUNDING ARRANGEMENTS

3.1 What is the anticipated total project cost

3.2 Please breakdown this cost, identifying separately both capital and revenue costs by completing the following table. Please also comment on any critical dates that you require funding to be in place. You can attach a separate sheet if necessary. ***You must also include copies of at least 2 quotes/estimates***

EXPENDITURE TYPE	CAPITAL	REVENUE	TOTAL
Please type in expenditure type here			
(adding in more lines where necessary,			
Remembering to total each column once			
Completed)			
TOTAL EXPENDITURE	£		£

3.3 What potential funds do you have currently available (excluding grants) now and in the future?

SOURCE	FUNDING IN PLACE		REVENUE	CAPITAL	TOTAL
	Yes	No			
TOTAL			£		£

3.4 What other grants have you applied for, intend to apply for or have obtained?

SOURCE	REVENUE	CAPITAL	Applied For			Confirmed		
			Y		N	Y		N
			Y		N	Y		N
			Y		N	Y		N
			Y		N	Y		N
TOTAL								

3.5 Please detail any unsuccessful applications and the reasons given for the lack of success.

3.6 Are there any conditions attached to any of your funding?

3.7 What financial support is the organisation requesting from SDDC? Please specify an amount and check the Guidance Notes re eligibility

3.8 Have you received a grant from the Community Partnerships Scheme before? If so, when, for what and for how much?

3.9 Please supply details of any self help / non-cash contributions being made by the applicant

3.10 What is the current level of your organisation's reserves? E.g. cash at bank, investments etc. Are parts of your reserves earmarked for specific projects? If yes please give specific details.

3.11 What options are available if not all funding is secured?

--

4. IMPLEMENTATION ARRANGEMENTS

4.1 Indicate what other organisations are involved and their commitments to the project

Organisation	Nature of Commitment

4.2 Have you sought professional advice for the project?
(If yes, please provide details)

Y		N	
---	--	---	--

--

4.2a Are there any approvals required? For example building regulations or planning permission. If so please state whether required or obtained and timescales.

--

4.3 If applicable, please outline any on going revenue / running cost implications for the project

4.4 Describe / provide details of community support and involvement in the project.

4.5 What impact will your project have on the environment?

4.6 What risks are involved in the project (e.g. financial, managerial, health & safety etc.) and what contingency plans are in place?

5. ADDITIONAL INFORMATION

Please provide the following details in support of your application :
(please tick each item if included)

- A** Constitution / Rules
- B** Insurance (either in place or proposed in relation to project)
- C** Organisational policies (Equal opportunities, health and safety, complaints etc)
- D** Lease details (if applicable)
- E** Letters of confirmation of project support
- F** Letters of confirmation of financial support
- G** Latest certified annual accounts/Business Plan
- H** I have also attached the following in support of this application:
(e.g copies of estimates, survey information, development plan etc)

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6. DECLARATION AND SIGNATURE

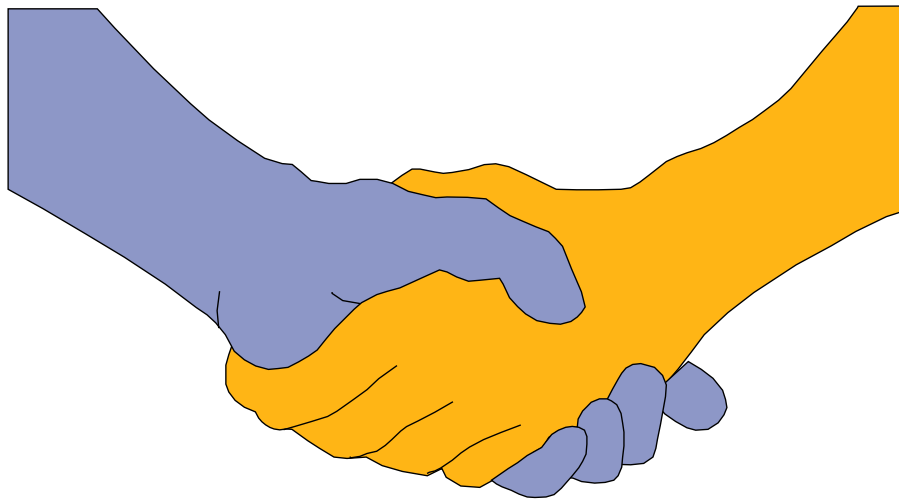
A senior representative must sign the following declaration on behalf of your organisation.

I confirm on behalf of _____ (name of organisation) that I am authorised to sign this declaration. As far as I am aware, all the information on this form is true and complete. The application is made on the understanding that if successful, the organisation will only use the grant for the purposes specified. We also confirm that the organisation will comply with the conditions attached to any financial assistance imposed by South Derbyshire District Council.

Signed :	
Position in organisation:	
Date:	



**South
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Community Partnership Scheme

GUIDANCE NOTES

Community Partnerships Scheme

Guidance Notes

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COMMUNITY PARTNERSHIPS SCHEME

GUIDANCE NOTES

Introduction

There continues to be a desire to support non-profit organisations within South Derbyshire with grants when possible, as well as professional support to identify and apply for additional funding from other sources. In line with this £300,000 of funding targeted at the Voluntary Sector has been identified that will allow the Council to support a number of projects during 2014/15 & 2015/16.

The purpose of these guidance notes is to assist organisations to understand the grant criteria as applied by the District Council and to help them complete the application form.

1.0 What is the Community Partnership Scheme?

- Community Partnerships has been developed to provide support, advice and grant funding to community projects in South Derbyshire
- It encourages self-help, joint working relationships and the fulfilment of community aspiration
- It is designed to assist community groups to attract external funds into South Derbyshire

2.0 What do we offer?

- We offer an initial meeting to discuss your project
- We also provide further advice with our partners on how best to develop your project, where to get other funding, what you need to do and how you can do it.
- We offer cash grants, as a contribution, to support the capital costs related to the delivery of your project. The scheme does not offer help towards day to day running (revenue) costs, which are ineligible.
- **Grants will normally be between 5% and 50% of total project cost, with a minimum of £1,000 and a maximum of £25,000.** The actual support offered will depend upon a number of factors and these are outlined later in Section 4.0 of these guidance notes.

Organisations will normally only be allowed to receive one grant in any financial year.

Note – the conditions above are those that will normally apply. The District Council reserves the right to amend the amount of grant aid in any particular case in exceptional circumstances. It must also be noted that all grants are subject to funds being available.

Grants are also available for assistance towards an agreed value of professional fees associated with, for example, the development of feasibility studies, detailed designs, contract management and building and planning regulation approval related to construction projects.

3.0 What type of projects do we support?

- We will support a wide variety of **capital** projects providing that they benefit communities within South Derbyshire.

Typical examples include:

- sports, arts, heritage, environmental and other community projects,
- the provision of new community buildings or refurbishment / improvement of existing community buildings,
- the purchase of major items of equipment, such as musical instruments, minibuses etc., **N.B. individual items must cost a minimum of £4,000 to be eligible**
- purchase of land, N.B. With an application for grant towards the cost of the acquisition of land or buildings, the authority may take advice as to the value of the property and grant will not be given on expenditure in excess of the price recommended by an approved Valuer.
- access improvements to buildings, particularly for people with disabilities.

N.B. Works to religious buildings are excluded except those that fulfil a substantially wider community role beyond the confines of the religious requirements and subject to the community facilities having separate financial and management arrangements.

If you have a project in mind, why not ask if we will support it!

4.0 What you need to show and how your application will be judged

You will need to show that:

- The project relates to the corporate priorities of the District Council. **N.B.** The summary for the 2014/15 Corporate Action Plan is enclosed together with an introduction to the South Derbyshire 2009-29 Sustainable Community Strategy for South Derbyshire. These outline objectives and targets that the District is committed to achieving.

- Your project meets the needs and priorities of the community.
- The community itself is committed to and is involved in the project.
- There is a significant element of self-help and that the project can attract other grants.
- You need to demonstrate that you can support the running of the project.
- The project is realistic.
- The project provides value for money.

Additionally, the criteria used in assessing your application will include:

- The management and finance of the organisation.
- Project planning and staffing.
- An analysis of need and impact.
- Commitment to equal opportunities within the project.
- Monitoring and evaluation proposals.
- The value of the applicant's contributions and that of other funding partners, including non-cash contributions, self help, business sponsorship, gifts in kind etc.
- A Business Plan for large projects.
- The available balance of the organisation.
- Risk analysis
- The extent to which an organisation serves an area outside the District and the extent to which, if any, the organisation receives grants from other sources.

N.B. Each application for funding shall be considered on its merits and judged on the information provided. The mechanism for assessing projects is attached to these Guidance Notes as Appendix 2.

5.0 Who Can Apply?

Any community organisation or partnership based or operating in South Derbyshire, providing they are operating on a not for profit basis and have:

- A constitution or set of rules defining its aims, objectives and operational procedures.
- A bank or building society account with at least two joint signatures.
- Recently approved and signed accounts or for newly formed organisations, a Business Plan incorporating at least a twelve month financial forecast.

N.B. Individual applications and applications from commercial organisations are not accepted. Similarly the scheme will not fund political or religious activities, equipment already purchased or work already started.

6.0 How to Apply?

- Simply phone Ian Hey on 01283 228741 for a preliminary discussion. Following this, an application pack will be sent to you within a few days.
- Alternatively electronic versions of forms can be found on the South Derbyshire District Council website at www.south-derbys.gov.uk/community_and_living/grants/community_partnership_scheme/default.asp

7.0 When to Apply

- Applications can be made at any time and will be considered at intervals that tie in with the Councils committee cycle. Please check with the Community Partnership Officer for precise details of deadlines and timetables, as it is likely that the cut-off will be one month before the panel.
- Unsuccessful applicants may be eligible to resubmit updated applications to future rounds of the scheme.

8.0 What Happens Next?

- Once your application has been submitted you will receive written acknowledgement and a projected date for when a decision will be made. The length of time taken to process an application will depend upon at what point in that the grant giving cycle the application is received. During this time you can progress your application with other grant funding organisations.
- Upon receipt of your application form an initial assessment will be undertaken of the projects eligibility for funding. This will be based upon the criteria outlined in Sections 2.0, 3.0 and 4.0.
- Following this initial assessment, a formal assessment will be undertaken by a panel consisting of Community Partnership Officer and five Councillors. This panel will score all the applications received by this point against the set criteria for this scheme. The panel will then make recommendations for support based on a number of factors, first and

foremost the scores attained through the assessment process but also judgements about the level of funds available, anticipated future demand and whether projects are time critical.

- The recommendations then form the basis of a report, which goes before Councillors at the Housing and Community Services Committee. This committee then makes the final decision about awards from the scheme.
- Following this letters are sent to all applicants. If successful the letter will contain details about any conditions attached to the grant. If unsuccessful the letter will offer a brief explanation of the reason for rejection and an opportunity to discuss the decision further.

9.0 Conditions of the Grant

The District Council will provide a grant under the following conditions:

1. The grant will be valid for a period of 12 months from the date of award. After this period applicants will need to re-apply unless otherwise agreed.
2. Grant approvals shall be based upon the submitted project and the commitment of the other partners. Any subsequent changes in the details of the project and its finances will lead to a review of the assistance offered by the District Council.
3. Cash grant payments will be released upon receipt of invoices or independently certified completion reports, with the flexibility of staged or lump sum payments.
4. Payments will be made by cheque in the name of the organisation's bank or specific project account.
5. An agreed review and monitoring process will be put in place to ensure that the aims and objectives of the project are met. Some projects may also have additional conditions applied to them, the extent of which will be agreed at an early stage.
6. Acknowledgement: the support of South Derbyshire District Council should be acknowledged on any literature specific to the project, in press articles or at the premises. The District Council can provide copies of logos. If desired the District Council' Public Relations Officer will be able to offer assistance with publicity.
7. A grant will only be approved in advance of the scheme being carried out.
8. Your organisation must agree to allow the District Council's officers to inspect your records at any time, including your book of accounts.

9. It is a condition of any grant towards the purchase (or development) of recreational facilities, Village Halls, Community Centres etc that in the event of the land or buildings purchased (or developed) for such purpose ceasing to be so used, or sold, or appropriated for another purpose then the District Council would reserve the right to claim a share of the proceeds or value as appropriate, based on the proportion of the District Council grant to the value of the land or building, subject to the overriding supervision of the Charity Commission where applicable.
10. If the application is made by an organisation registered for VAT purposes, grant will be paid only on amounts after deduction of VAT, and net amounts should therefore be shown on applications and claims.

10.0 How you can help

To enable us to process your application as quickly as possible we need your co-operation and it would be helpful if you could bear the following in mind. Please complete the application form fully providing all relevant information. This will prevent any unnecessary delay in assessing your grant request. Don't forget to provide us with a daytime telephone number, this will help us to resolve any queries as speedily as possible. Please keep in touch with us. If there are any changes in circumstances that may affect your application it is essential that you let us know as soon as possible.

10.0 Further Information

If you wish to discuss any aspect of the information contained in these guidelines, or a potential project, then please contact Ian Hey on 01283 228741 or email ian.hey@south-derbys.gov.uk

PRIORITISING PROJECTS WITHIN THE COMMUNITY PARTNERSHIP SCHEME: ASSESSMENT CRITERIA

Project appraisals will be undertaken for all applications submitted. The assessment will be as follows: -

Step One The project must meet one or more of the Council's aims or objectives. Meeting this minimum threshold allows each project to progress to the full assessment and prioritisation stage.

COUNCIL AIMS & OBJECTIVES (*Weighting 15%*)

1 ***What are the main aims and objectives, which the project will contribute towards?***

3	Essential contribution to agreed Council aim/objective
2	Key contribution to agreed Council aim/objective or agreed strategy
1	Contribution to Council aim/objective or outline strategy
0	Minor or no contribution

Step Two Further assessments against the following questions will be made to score and prioritise each project

EXTERNAL FUNDING (*20% Weighting*)

2 ***Is the project likely to secure external funding?***
> *What conditions apply to the external funding?*

3	All external funding secured or likely to be secured
2	Some funding secured, other bids submitted and likely to be successful
1	Bids submitted for funding, outcome unclear
0	No other bids made, other funding unlikely

SUSTAINABILITY (*Weighting 25%*)

3 ***How have the capital costs been assessed?***
> *What action could be taken if the final capital costs exceeded the budget?*
> *Would other partners increase their contributions if capital costs rose?*

3	Estimates over the last 12 months with professional input
2	Estimates produced over 12 months ago but up rated for inflation
1	Some attempt to estimate costs based on similar schemes
0	No detailed estimated

4 ***What assumptions have been made in assessing running costs?***

3	Detailed assessment based on experience of similar projects
2	Indication of costs of similar projects elsewhere
1	Some attempt to look at experience elsewhere
0	Lack of detail and little basis on previous projects

5 ***What evidence of need is there for the project?***

3	Extensive research and consultation
2	Some research and consultation
1	Little research and consultation
0	No research or consultation

6 ***Is there a clear forward strategy in place?***

Annexe d

3	Forward strategy documented and in place
2	Some consideration given to a forward strategy
1	Little consideration given to a forward strategy
0	No forward strategy

7 ***Is the organisation able to support running of the project?***

- > Are there appropriate structures and mechanisms for management and finance?
- > Are the management responsibilities clearly defined?
- > Are there any procedures in place for monitoring?

3	Organisation fully equipped to manage project
2	Organisation capable of managing project
1	Management capabilities of organisation weak
0	Organisation unable to manage project

COMMUNITY INVOLVEMENT (*Weighting 20%*)

8 ***Are volunteers and the community involved in the project?***

3	Large scale volunteer and community involvement in the project
2	Some volunteer and community involvement in the project
1	Little volunteer and community involvement in the project
0	No volunteer and community involvement in the project

9 ***What impact will the project have on the community?***

3	Large scale impact on the local community
2	Significant impact on the local community
1	Limited impact on the local community
0	Minor impact on the local community

VALUE FOR MONEY (*Weighting 10%*)

10 ***Does the project offer value for money?***

- > Does the project add value to any other Council activity, strategy, spending programme?
- > Would the project be able to go ahead without Council support?

3	Project offers excellent value for money
2	Project offers value for money
1	Project offers some value or money
0	Project offers little or no value for money

RISK (*Weighting 5%*)

Annexe d

11 **Are risks clearly identified?**

- > Are their contingency plans for dealing with them?
- > Is the project deliverable in the time scale envisaged?
- > How dependent is the project on factors outside the control of the lead partner?
- > Are substantial risks justified by potentially high outcomes?

3	Risks identified and contingency plans in place
2	Some risk analysis and management
1	Little risk analysis and management
0	No risk analysis

EQUAL OPPORTUNITIES (*Weighting 5%*)

12 **Is there any evidence of commitment to equal opportunity principles?**

3	Project underpinned by equality of opportunity
2	Some reference to equality of opportunity
1	Little reference to equality of opportunity
0	No reference to equality of opportunity

The initial appraisal will be carried out by the Community Partnerships Officer and/or the Culture & Community Manager together with a panel of five Councillors who will make recommendations to the Council's Housing and Community Services Committee. The Housing and Community Services Committee will then make the final decision on which projects to support.

Community Partnership Scheme

Feedback on Grant Application Process

Please find below feedback obtained from Parish Councils and Groups within the Repton Ward.

Generally the feedback was all very positive on the application process, with lots of helpful information provided around:

- who can apply
- the types of projects supported
- how to apply
- what needs to be done by when, how, etc.

Most felt that the help, support and advice which was available in both the completing of the application process and the follow-up following the submission extremely helpful.

They liked the fact that they had a key contact in Ian Hey, who was happy to assist and guide in what some thought was quite a daunting process as they wanted to get it right. Also, applicant's felt he was very approachable when they had questions and queries.

For those Parish Councils and Groups that are IT friendly the information provided on line via the SDDC Website was again extremely informative and useful.

The only one piece of negative feedback I received was from a group who, in my opinion, had the wrong person completing the application. He felt that all the paperwork was complicated, there was far too much of it and it was difficult to understand.

Kind Regards

Cllr Peter Smith
Ward Member for Repton

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	9TH DECEMBER 2015	CATEGORY: DELEGATED
REPORT FROM	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR – 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.

2.0 Purpose of Report

- 2.1 To note the report on the Council's use of the Regulation of Investigatory Powers Act 2000 since 1st September 2015.

3.0 Detail

- 3.1 Full Council on 2nd March 2015 approved the Council's amended RIPA Policy and Guidance document. The Overview and Scrutiny Committee is authorised to review the Council's use of RIPA, set the Council's general surveillance policy, and consider quarterly reports on the use of RIPA to ensure that it is being used as per the Council's policy.
- 3.2 RIPA is intended to regulate the use of investigatory powers and ensure they are used in accordance with human rights. This is achieved by requiring certain investigations involving covert surveillance to be authorised by an appropriate Authorising Officer and then a JP before they are carried out.
- 3.3 Directed surveillance is often conducted by local authorities to investigate benefit fraud or to collect evidence of anti-social behaviour. It may involve covertly following people, covertly taking photographs of them or using hidden cameras to record their movements.
- 3.4 RIPA stipulates that the person (Authorising Officer) granting an authorisation for directed surveillance must believe that the activities to be authorised are necessary on one or more statutory grounds. The members of the Corporate Management Team, identified in the Council's Policy and Procedure, consider all applications for authorisation. The Authorising Officer must ensure that there is satisfactory reason for carrying out the surveillance, the covert nature of the investigation is necessary,

proper consideration has been given to collateral intrusion, and the proposed length and extent of the surveillance is proportionate to the information being sought. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation against the need for the activity in investigative and operational terms. Following legislative changes, in addition to the aforementioned, the Council is required to obtain judicial approval prior to using covert techniques and the Councils use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a six month or more custodial sentence.

- 3.5 The usage of RIPA during the period September 2015 to November 2015 has been nil. No authorisations have been requested or granted.

4.0 Financial Implications

- 4.1 None arising directly from this report.

5.0 Corporate Implications

- 5.1 The Council must act in accordance with recent legislative changes regarding the authorisation process and the surveillance crime threshold.

6.0 Community Implications

- 6.1 Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. The Council carries out directed surveillance which is covert, not intrusive, is not carried out in an immediate response to events, and is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual.
- 6.2 Section 8 of the application form asks the applicant to supply details of any potential collateral intrusion and to detail why the intrusion is unavoidable. The idea behind collateral intrusion is to identify who else, apart from the subject of the surveillance, can be affected by the nature of the surveillance. Any application for authorisation should include an assessment of the risk of the collateral intrusion and this should be taken into account by the Authorising Officer when considering proportionality. The Authorising Officer needs to know by those carrying out the surveillance if the investigation or operation would unexpectedly interfere with the privacy of individuals not covered by the authorisation. An Authorising Officer must be made aware of any particular sensitivities in the local community.

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	9th DECEMBER 2015	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF FINANCE and CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (Ext.5811) Kevin.stackhouse@south-derbys.gov.uk	DOC: u/ks/revenues and benefits/council tax arrears/OS Dec 15
SUBJECT:	A REVIEW OF COUNCIL TAX ARREARS	REF
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: 6.03 (b)

1.0 Recommendation

1.1 That the situation regarding Council Tax arrears is noted and that consideration is given to any further review.

2.0 Purpose of Report

2.1 To review the performance in collecting Council Tax arrears. This is contained within the Committee's work programme for 2015/16 and is part of the Committee's work on scrutinising the Council's budget position for 2016/17.

3.0 Detail

Background

3.1 As the statutory Billing Authority for South Derbyshire, the Council is responsible for the collection of Council Tax for all preceptors in its area. The preceptors are:

- Derbyshire County Council
- Police and Crime Commissioner for Derbyshire
- Derbyshire Fire and Rescue Service
- South Derbyshire District Council
- 31 Parish Councils who levy a Precept in the District

3.2 The biggest preceptor is the County Council who account for over 75% of the Council Tax charge in the area; the District Council's proportion is 11%.

3.3 The cost of collecting Council Tax falls wholly on the District Council. This includes billing, collection, administering accounts, dealing with queries and the collection of arrears. The associated costs cannot be passed onto the other preceptors, although the Council is able to offset any income it

receives, such as court costs, to cover expenditure. The overall cost of collection is shown in Section 4 later in the report.

- 3.4 The overall cost of collection is a charge on the General Fund and not the Collection Fund. However, the cost of any debts not collected, i.e. where they are written off, is shared amongst the preceptors (excluding parishes) in proportion to their part of the Council Tax bill. Therefore, this is 75% to the County and 11% to the District Council.

Council Tax Arrears

- 3.5 Very few (if any) councils collect all Council Tax in anyone year. This is due to non-payment which can occur for several reasons.
- 3.6 Most households do pay their Council Tax on time. The Council's in-year collection rate is currently over 98% which is above average for a shire district. Over time, the Council eventually collects well over 99% of Council Tax due for a particular year, although this can take many years in some cases.
- 3.7 As the full amount of Council Tax is not collected in any one year, arrears build up for which the Council has to pursue. The processes the Council applies are detailed later in the report.
- 3.8 Based on a collection rate of 98%, there is only 2% of Council Tax uncollected in any one year. However, the monetary amounts involved are significant. The current Council Tax collectable in South Derbyshire for 2015/16 is approximately £47.5m, of which 2% is over £900,000.
- 3.9 The Council continues to collect Council Tax from previous years. Therefore, although it is reducing its arrears, it is also adding to them each year. The cumulative effect can fluctuate from year to year depending on overall collection performance.
- 3.10 As at 31st March 2015, Council Tax arrears for South Derbyshire stood at £4.4m. The figure nationally across all billing authorities was £2.6 billion as at 31st March 2015.
- 3.11 If and when arrears are collected, they will not provide extra resources to spend as the Tax has already been levied and used to finance the budgets of preceptors in that year. However, if it is not collected, it becomes an additional cost as it has to be written off and provided for through a Bad Debts provision. This is detailed later in the report.
- 3.12 Although this cost is effectively shared across all preceptors, for the Council, as the billing authority, it has to manage the cash flow implications. It will have paid the preceptors their levies but has not collected the full Council Tax due to pay for it, including for its own services.

Analysis of Arrears Outstanding

3.13 A breakdown of Council Tax arrears as at 31st March 2015, by year, is shown in the following table.

	Arrears Outstanding £	Amount Collectable £	Overall Collection Rate
2014/15	1,029,488	47,496,240	97.83%
2013/14	749,496	45,728,210	98.36%
2012/13	498,771	44,150,720	98.87%
2011/12	419,575	43,013,281	99.02%
2010/11	367,585	42,215,255	99.13%
2009/10	363,759	41,899,684	99.13%
2005 to 2009	980,245	186,232,542	99.47%
	4,408,920	450,735,932	

Collection Targets

3.14 The responsibility for the collection of Council Tax ultimately lies with the Council. Operational performance is included in the Corporate Services Contract with Northgate Public Services. Northgate are responsible for all aspects of revenue collection on a day-to-day basis.

3.15 As part of the Contract, they are incentivised to maintain and indeed increase collection rates as they can benefit from additional income generated. As regards Council Tax collection, the performance of Northgate in recent years against their targets is shown in the following table.

	In year Collection	Arrears Collection
2007/08	96.00%	NR
2008/09	96.70%	NR
2009/10	97.30%	26.70%
2010/11 (Northgate)	97.80%	22.70%
2011/12	97.90%	22.30%
2012/13	97.90%	23.40%
2013/14	97.80%	22.10%
2014/15	98.10%	18.50%
2015/16 (Projected)	98.40%	17.50%

TARGETS	97.40%	26.70%
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Notes: Northgate became responsible for collection in 2010/11
NR – not recorded.

3.16 The targets are based on the performance of the Council immediately prior to the Contract with Northgate commencing in 2010/11. The table shows that the performance in collecting arrears has dipped in recent years, although in-year collection has increased.

- 3.17 When assessing the performance of Northgate against their contractual obligations, it is the combined income figure that is used. The positive performance on in-year collection offsets any deterioration in the performance of arrears collection.
- 3.18 The percentage performance on arrears is based on the amount of arrears brought forward less write-offs.

Approach to Collection

- 3.19 The Council's policy is to concentrate on in-year collection to prevent the build-up of arrears. As the Council did before, Northgate only have a limited resource in which to collect Council Tax.
- 3.20 The collection of arrears can be costly and time consuming, but this has to be balanced against the Council's overall collection responsibilities, in fairness to the community as a whole. In addition, Northgate have to be mindful of their contractual obligations.
- 3.21 Northgate employ a dedicated in-house debt recovery team at the Council which covers all council debts apart from Housing Rents. The cost to the Council of recovery in 2014/15 They operate within set procedures and apply processes that have to be fair and reasonable to those who struggle to pay their Council Tax, whilst being more robust to those that avoid payment. This unfortunately includes cases of potential fraudulent activity.
- 3.22 Where anyone falls into difficulty, they are encouraged to contact the Council immediately. There are many cases where a revised instalment plan is agreed to help a household to pay Council Tax to prevent significant arrears building up. In addition, they may qualify for a Council Tax discount through the Local Council Tax Support Scheme, or in more serious cases are referred through a partnership arrangement to money advice services at the CAB.

The Process for Collecting Arrears

- 3.23 When a Council Tax payment, usually due to an instalment not being met, is missed, a reminder is sent after 7 days. This gives the Council Tax payer 14 days to pay. If no payment is made or an alternative agreement entered into, the instalment arrangement is revoked and the Council will apply to the Magistrates Court to issue a summons for a hearing to lay complaint, against debtors, for non-payment of Council Tax.
- 3.24 This will in most cases be for the amount due to the end of the financial year. The application once approved by the Court at the hearing provides the Council with a Liability Order that allows it to recover the debt.
- 3.25 This gives the Council the power to use a number of remedies such as an attachment of earnings, or to pass the debt to an external recovery agency, i.e. an Enforcement Agent (formerly known as a bailiff).

- 3.26 The Council has a monthly hearing in the Derby magistrate's court where summonses are returned. The volume of summonses can vary from month to month, but usually number a few hundred.
- 3.27 Debts passed to an Enforcement Agent are normally those where the Council cannot agree an attachment of earnings or other payment terms, together with those where the debtors may have moved, cannot be traced or are generally more difficult debts to collect.
- 3.28 The ultimate sanction for non-payment of Council Tax is prison. However, this sanction has been very rarely applied in any council since the introduction of Council Tax in 1992, as courts have been unwilling to take such a draconian approach. It can also be costly for a council to pursue.

The Use of Enforcement Agents

- 3.29 All Enforcement Agents are highly regulated under a national code of conduct. This sets out the practices on how and when they contact debtors, together with their general approach and standards expected. This is in addition to the Council's own Code of Conduct.
- 3.30 There were significant changes to the regulations in April 2014 governing the then bailiff industry. These were considered by the Council's Finance and Management Committee at that time. The associated report is shown in **Appendix 1**.

Costs of Enforcement

- 3.31 The fees charged by Enforcement Agents apply nationally. These are paid directly by the debtor to the company in addition to the amount of Council Tax outstanding. The Council does not incur any direct cost.
- 3.32 In addition, the Council also charges debtors up to £70 for court costs. This is also added to the amount of Council Tax owing. This is a discretionary charge and can vary between councils, although the current rate of £70 is applied across most Derbyshire authorities.

Status of Arrears

- 3.33 A further analysis of the arrears outstanding as at March 2015 detailing the various stages of recovery is shown in the following table.

	£
Awaiting further information	1,104
At Reminder Stage	547,545
Arrangements and Payment Plans	191,310
Attachment of Earnings	101,939
Attachment of Benefits	62,155
Attachment of Property	106,624
Insolvency - Awaiting Decision	2,690
With Enforcement Agents	1,062,457
At Summons Stage (awaiting Court)	36,301
Liability Orders	186,253
Deceased - awaiting Estate	407
Absconded - No current trace	176,473
Summons Costs	306,053
Statute Barred	1,188,977
Pre-enforcement	438,634
Total Arrears 31st March 2015	<u>4,408,920</u>

3.34 The situation is fluid and the debt can change category. In addition, the amount relating to Absconded (no trace) will usually be passed to the Enforcement Agents to pursue.

3.35 The amount pending with Enforcement Agents was over £1m at March 2015 and this has a good chance of being collected either in full, or through a longer term arrangement.

3.36 Overall, a fair amount of that outstanding is being paid, for example, where there are arrangements/payment plans and attachment of earnings. However, this can take some time to collect as the amount involved is based on the ability to pay.

3.37 The pre-enforcement figure relates to relatively new debt awaiting more formal action if not paid. The largest figure however, relates to amounts that are "statute barred" as the debts are over 6 years old. It is unlikely that much of this debt will be collected.

Providing for Non Collection

3.38 The Council is required under accounting standards, to make a provision for arrears that may not be collected. This becomes a cost in the Collection Fund. Consequently, the Council operates a Bad Debts Provision for doubtful and uncollectable debts.

3.39 The calculation is completed once a year as part of the closedown process for the statutory statement of accounts and is subject to audit. The calculation is based on a formula which takes into account the age of the debt and in which category it sits in. Generally, the older the debt, the greater the proportion that is set aside in the Provision.

3.40 For example, pre-enforcement debt will only have a small provision as it is relatively new debt, whereas, all debt that is statute barred will be provided for at a rate of 100%, i.e. it is assumed that this will not be collected and will need to be written-off. However, where payments are being made towards arrears outstanding, this will attract a lower percentage.

Writing-off Debt

3.41 Debts are written off where it becomes uneconomical to pursue. This particularly applies to accounts where there has been no activity for 6 years and they are statute barred. Debts written off are charged against the Bad Debts Provision.

3.42 If a debt is collected which had been provided for in the Provision, this is positive and the Provision can be reduced, therefore releasing resources back into the Collection Fund. This happens, for example, when a further dividend payment from an individual bankruptcy is received.

3.43 The value of the Bad Debts Provision as at March 2015 was approximately £2.86m against total arrears outstanding of £4.4m.

3.44 Under delegated powers, the Director of Finance and Corporate Services has authority to write off individual debts against the provision which are less than £2,500. Any debt above this level has to be approved by the Finance and Management Committee.

3.45 The total amount of debt written-off in recent years is shown in the following table.

£	
2006/07	129,696
2007/08	184,178
2008/09	61,126
2009/10	125,450
2010/11	91,413
2011/12	83,864
2012/13	525,798
2013/14	67,060
2014/15	88,219
	<u>1,356,804</u>

3.46 Debt written-off to-date in 2015/16 is approximately £65,000.

4.0 Financial Implications

4.1 As detailed in the report.

4.2 In addition, the cost of administering and collecting Council Tax is shown in the following table.

Billing, Collection and Administration	£133,000
Recovery	£125,000
Gross Cost	£258,000
Less Court and other Costs awarded	(£200,000)
Net Cost	£58,000

4.3 The Council actively encourages people to pay their Council Tax by Direct Debit, which is the easiest and less costly payment method. Approximately 65% of payments are currently made by Direct Debit; this percentage has steadily increased from year-to-year.

5.0 Corporate Implications

5.1 None directly.

6.0 Community Implications

6.1 As detailed in the report.

7.0 Background Papers

7.1 None

REPORT TO:	FINANCE AND MANAGEMENT COMMITTEE	AGENDA ITEM:
DATE OF MEETING:	24th APRIL 2014	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF FINANCE AND CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) Kevin.stackhouse@south-derbys.gov.uk	DOC: u/ks/revenues and benefits/policies and procedures/changes to debt recovery processes
SUBJECT:	REFORMS TO DEBT RECOVERY PROCESSES	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM 08

1.0 Recommendations

- 1.1 That new rules and regulations governing the action of bailiffs, including the collection of debts, are considered and noted.

2.0 Purpose of Report

- 2.1 To advise the Committee of the impact of changes to, and new regulations that affect the bailiff industry that came into effect on 6 April 2014; these will impact on some residents within South Derbyshire.

3.0 Detail

- 3.1 The reforms follow a lengthy period of consultation which had a clear objective of strengthening protection to debtors against rogue bailiffs and the unsound, unsafe or unfair methods that they were allegedly using, while at the same time making sure that debts could still be collected fairly.
- 3.2 The Council has in place a Service Level Agreement with bailiffs that it currently uses. This sets out a clear code of conduct for both the Company and the individuals employed by each organisation. The framework for setting the overriding standards and protocols for debt enforcement activity is provided by the Council's Corporate Debt Recovery and Management Policy; this has been established for several years.
- 3.3 To put the matter of bailiff activity into perspective, in the District, the following table summarises the number of Council Tax cases passed over to a collection agency in the past three years where, despite best efforts by officers, the sum due had not been paid.

Year	Value of Debt £	Cases	Amount Collected £	Amount on Arrangement £
2013/14	742,865	1,445	197,326	164,256
2012/13	617,372	1,295	343,011	73,701
2011/12	603,343	1,479	387,404	1,702

3.4 The nature of the bailiff's work inevitably results in concerns being raised by debtors and/or their representative regarding either individual bailiffs and/or the process. However, over the above period no complaint has been found, on closer examination, to be justified although in a handful of cases a change in process has been made subsequently to improve transparency and clarity.

4 Main Changes

4.1 The key changes are summarised as below:

- New rules and regulations for all debts (both High Court and non-High Court) surrounding:
 - Exemptions
 - Means and hours of entry
 - Distress (seizing goods for sale) replaced by taking control of goods
 - Bailiff replaced by Enforcement Agent
 - Minimum of 7 day notice prior to enforcement
 - 12 month time limit
- Uniformity of fees for all debts
 - Introduction of new fee structure
 - Annual increase in fees by reference to CPI
- Newly defined training and certification process, including competency and CPD

4.2 The major change in process is around the introduction of a compliance stage with a set fee of £75. This allows non-enforcement activity such as telephone calls, emails, arrangements etc. before visits take place. This interim stage will facilitate the identification of cases that should be returned to the Council for alternative action. A standard fee of £235 will subsequently apply to all visits considered necessary, prior to removal (the latter being very much a last resort).

4.3 It is expected that overall costs of enforcement activity should reduce, as should the number of visits made by agents to enforce payment.

4.4 Transitional arrangements will ensure that debtors are not treated unfairly. They have been advised of the changes and have been given a further opportunity to make an arrangement to clear any outstanding debts before enforcement action under the new rules takes place.

4.5 Consequential changes to the Council's own processes have been completed.

5.0 Community Implications

- 5.1 The specific nature of debt recovery means that Council Officers and Enforcement Agents will continue to be vigilant to identify the vulnerable and maintain liaison with welfare and advice agencies. A presentation by the Council's bailiff will be made to the Committee at the meeting in June.

6.0 Financial Implications

- 6.0 There is no change to existing financial arrangements between the Council and Enforcement Agents acting on its behalf. The Council is responsible for VAT only.

7.0 Background Papers

- 7.1 Bailiff Code of Conduct
- 7.2 Corporate Debt Recovery and Management Policy December 2008
- 7.3 Taking Control of Goods Regulations 2013
- 7.4 Taking Control of Goods Fees Regulations 2013
- 7.5 SI 2014 No 600 Taking Control of Goods (Consequential Transitional and Saving Provision) Order 2014

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	9 th DECEMBER 2015	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	TOVE CECILIA LINDGREN (Ext. 5848) tove.lindgren@south-derbys.gov.uk	DOC:
SUBJECT:	WORK PROGRAMME 2015-16	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

1.0 Recommendations

- 1.1 That the Overview and Scrutiny Committee considers its work programme and agrees the review area(s) for the next meeting.

2.0 Purpose of Report

- 2.1 To enable the Committee to review and update its work programme.

3.0 Detail

- 3.1 The Overview and Scrutiny Committee agrees an annual work programme, which is reviewed at each meeting. Attached at Annexe 'A' is the updated work programme for 2015/16. Members are asked to consider the work programme for future meetings and particularly the review areas to be included on the agenda for the next meeting.
- 3.2 Task Group Members are invited to give verbal updates.

4.0 Financial Implications

- 4.1 There are no financial implications arising from this report.

5.0 Corporate Implications

- 5.1 None arising directly from this report.

6.0 Background Papers

- 6.1 Scoping documents for reviews and previous Committee reports.

Overview & Scrutiny Work Programme 2015/16

Project	Committee & Date	Jun-15			Sep-15			Oct-15			Nov-15			Dec-15			Jan-16			Feb-16			Mar-16			Apr-16			May-16			Responsible Head of Service
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27				
Annual Report					24		9				21					9			20			10						23				Legal and Democratic Services Manager.
Setting the Work programme					24																											Director of Finance and Corporate Services
Section 106 Health Based Planning Contributions																																Director of Community and Planning
NHS Dental Provision																																Director of Community and Planning
CCG - GP Surgery Provision																																Director of Community and Planning
Cemetery Provision																																Director of Community and Planning
RIPA																																Legal and Democratic Services Manager.
Electoral Services																																Chief Executive
Budget																																Director of Finance and Corporate Services
Council Tax Arrears																																Director of Finance and Corporate Services
Festival of Leisure																																Director of Community and Planning
Community Grant Fund Process																																Director of Community and Planning
Key																																
Report to Committee																																
Report to Task Group																																