

**Please ask for: Democratic Services**

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Date: 16<sup>th</sup> November 2016

Dear Councillor,

**Housing and Community Services Committee**

A Meeting of the **Housing and Community Services Committee** will be held in the **Council Chamber**, on **Thursday, 24 November 2016 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Billings, Coe, Mrs Coyle, Grant, Muller, Swann and Mrs Wyatt.

**Labour Group**

Councillors Rhind, Richards, Mrs Stuart and Taylor.

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies and to note any substitutes appointed for the meeting.
- 2** To receive the Open Minutes of the Meeting held on 6th October 2016.  
  
Housing and Community Services Committee 6th October 2016 Open Minutes **4 - 7**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** Reports of Overview and Scrutiny Committee
- 7** CORPORATE PLAN 2016-21 - PERFORMANCE REPORT (1 JULY - 30 SEPTEMBER 2016) **8 - 39**
- 8** DERBYSHIRE HEALTHY WORKPLACES PROGRAMME **40 - 42**
- 9** SOUTH DERBYSHIRE SCHOOL SPORT PARTNERSHIP **43 - 45**
- 10** ROSLISTON FORESTRY CENTRE – UPDATE **46 - 47**
- 11** REVIEW OF IGNITING THE LEGACY PROGRAMME **48 - 51**
- 12** VOLUNTEERING POLICY **52 - 62**
- 13** CORPORATE ENFORCEMENT POLICY **63 - 83**

**Exclusion of the Public and Press:**

- 15** The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) 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.

- 16** To receive the Exempt Minutes of the Meeting held on 6th October 2016.  
Housing and Community Services Committee 6th October 2016 Exempt Minutes

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



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Housing Services

HOUSING AND COMMUNITY SERVICES COMMITTEE

6<sup>th</sup> October 2016

**PRESENT:-**

**Conservative Group**

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Billings, Mrs Coyle, Grant, Mrs Hall (substituting for Councillor Coe), Muller, Swann and Mrs Wyatt

**Labour Group**

Councillors Rhind, Richards, Mrs Stuart and Taylor

**In attendance**

Councillors Atkin (Conservative Group) and Shepherd (Labour Group)

HCS/35 **APOLOGIES**

Apologies for absence were received from Councillor Coe (Conservative Group).

HCS/36 **MINUTES**

The Open Minutes of the Meeting held on 25<sup>th</sup> August 2016 were noted and approved as a true record and signed by the Chairman.

Councillor Richards made reference to the appointment of a Chestnut Avenue caretaker and queried the recruitment process. The Director of Community and Planning Services confirmed that a recruitment exercise had been undertaken for both this role and that of Town Hall caretaker.

HCS/37 **DECLARATION OF INTEREST**

The Committee was informed that no declarations of interest had been received.

HCS/38 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

HCS/39 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

HCS/40 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

**MATTERS DELEGATED TO COMMITTEE**

HCS/41 **PRIVATE SECTOR HOUSING RENEWAL POLICY**

The Environmental Health Manager presented the report to Committee.

Councillor Taylor queried the nature of enforcement action in the private rented sector. The Environmental Health Manager confirmed that action was currently reactive due to resources, but that once legal action had been initiated, tenancies were protected, each case being dealt with on its own merits. Councillor Smith suggested publicity to make landlords aware of potential action. The Environmental Health Manager referred to recent Facebook campaigns.

Councillor Richards referenced the eligibility criteria for grants, especially for those with disabilities. The Environmental Health Manager clarified the criteria for the Healthy Homes Grant, adding that as many referrals are GP or officer sourced, these individuals invariably satisfy the requirements.

Councillor Grant commented on the empty property grant. The Environmental Health Manager confirmed that long term empty properties had been identified and were being targeted in order to return them to the housing market, with grant assistance where required. Councillor Muller queried the financial situation. The Environmental Health Manager confirmed that monies were recouped wherever possible, by way of works by agreement payment arrangements or by lodging a claim against the property, for example.

Councillor Mrs Coyle queried the impact of the NHS Sustainability and Transformation Plans, aimed at freeing up hospital beds. The Environmental Health Manager confirmed that this initiative was likely to increase demand for suitable housing, but as it was currently difficult to forecast the level of increase, the situation was being monitored.

**RESOLVED:**

***Members approved the revised Private Sector Housing Renewal Policy.***

HCS/42 **HOUSING ASSET MANAGEMENT STRATEGY 2016 - 2046**

The Housing Asset Manager presented the report to Committee, confirming that the Action Plan element was to be completed and circulated shortly.

Councillor Muller led Members in commending the officers for this document.

**RESOLVED:-**

***Members approved the adoption of the 30 Year Housing Asset Management Strategy for the period 2016-2046.***

HCS/43 **SOUTH DERBYSHIRE CYCLING PLAN 2016 – 2021**

The Director of Community and Planning Services presented the report to Committee, emphasising that South Derbyshire was the first Council in Derbyshire to adopt a Cycle Plan.

Councillor Grant referred to the aim of holding 'one large cycle promotion event per year' by 2021, stating that this should be amended to read 'at least one', a suggestion agreed by Committee.

Councillor Smith praised achievements to date, noting in particular the success of the Women's Cycling Tour of Britain's passage through South Derbyshire in the summer.

**RESOLVED:-**

***Members approved the South Derbyshire Cycling Plan for the period 2016-2021***

HCS/44 **COMMITTEE WORK PROGRAMME**

**RESOLVED:-**

***Members considered and approved the updated work programme.***

HCS/45 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**MINUTES**

***The Exempt Minutes of the Meeting held on 25<sup>th</sup> August 2016 were received.***

**TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

***The Committee was informed that no questions had been received.***

**STENSON FIELDS COMMUNITY FACILITY**

**RESOLVED:-**

***Members approved the recommendations in the report.***

The Meeting terminated at 6:45pm.

COUNCILLOR J HEWLETT

CHAIRMAN

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CORPORATE MANAGEMENT TEAM</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>MIKE HAYNES (EXT. 5775) STUART BATCHELOR (EXT. 5820)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 JULY – 30 SEPTEMBER 2016)</b>	
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

## 1.0 Recommendations

- 1.1 That progress against performance targets is considered.

## 2.0 Purpose of Report

- 2.1 To report progress against the Corporate Plan for the period 1 July to 30 September under the themes of People, Place, Progress and Outcomes.

## 3.0 Detail

- 3.1 The Corporate Plan 2016 – 2021 was approved following extensive consultation into South Derbyshire's needs, categorising them under four key themes: People, Place, Progress and Outcomes. The Corporate Plan is central to our work – it sets out our values and vision for South Derbyshire and defines our priorities for delivering high-quality services.

- 3.2 This Committee is responsible for overseeing the delivery of the following key aims:

### **People**

- *Enable people to live independently*
- *Protect and support the most vulnerable, including those affected by financial challenges.*
- *Use existing tools and powers and take appropriate enforcement action*
- *Increase levels of participation in sport, health, environmental and physical activities*
- *Develop the workforce of South Derbyshire to support growth*

### **Place**

- *Facilitate and deliver integrated and sustainable housing and community infrastructure*
- *Help maintain low crime and anti-social behaviour levels in the District*
- *Support provision of cultural facilities and activities*

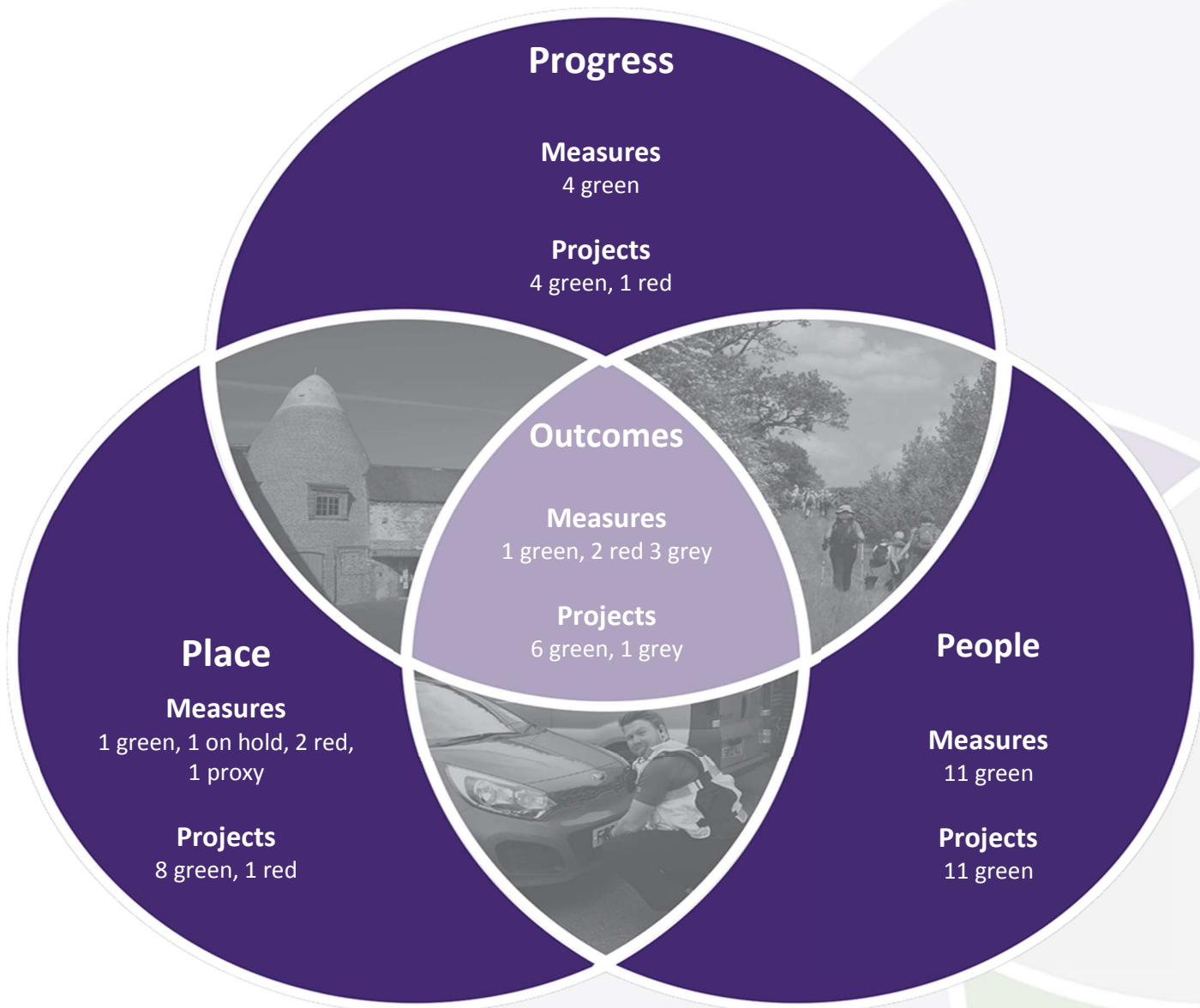
These aims are underpinned by outcomes including financial health, improved customer focus, good governance, enhanced environmental standards and maintaining a skilled workforce.

- 3.3 Of the 26 measures and projects under the jurisdiction of the Housing and Community Services Committee, 24 are showing green and none are red. One is on hold and one is a proxy measure.



3.4 More information can be found in the Performance Board in **Appendix A**. A detailed breakdown of performance for Housing and Community is available in the Success Areas document (**Appendix B**), while associated risks are contained in the risk registers in **Appendices C** and **D**. Please note that there are no action areas for consideration due to the lack of red or amber projects/measures.

#### 4.0 Overall Council performance – Quarter one (July 1 to September 30, 2016)



#### 5.0 Financial and Corporate Implications

5.1 None directly.

#### 6.0 Community Implications

6.1 The Council aspires to be an “excellent” Council in order to deliver the service expectations to local communities. This report demonstrates how priorities under the People, Place and Progress and Outcomes themes contribute to that aspiration.

#### 7.0 Appendices

Appendix A – Performance Board  
Appendix B – Housing and Community Services: Success Areas  
Appendix C – Community and Planning Risk Register  
Appendix D – Housing and Environmental Services Risk Register

# Appendix A - Performance Board

## Quarter 2 (July 1 to September 30, 2016)

People Measures						
Action	Measure	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
PE1: Enable people to live independently						
Provide an efficient and well-targeted adaptation service	% of adapted properties allocated on a needs basis <b>PE1.1</b>	88.24% <b>Target &gt;90%</b>	>90%	91.60%	>90%	11 out of 12 properties with adaptations were let on an adapted needs basis. However, we are still slightly under target for the year – 89.6%. <b>H&amp;CS</b>
	% of residents very or fairly satisfied with the quality of their new home <b>PE1.2</b>	90% <b>Target &gt;88%</b>	>88%	91%	>88%	49 tenants indicated they were satisfied with their home. Three expressed dissatisfaction, with each of these followed up by the Repairs Manager. <b>H&amp;CS</b>
PE2: Protect and help support the most vulnerable, including those affected by financial challenges						
Maintain regular contact with tenants, with a focus on those identified as	Total number of tenancy audits completed <b>PE2.1</b>	298 <b>Target 250</b>	500	500	1,000	The new 'Tenancy Visits' module is currently being tested. This will enable even more efficient

'vulnerable'						recording and monitoring of tenancy visits. <b>H&amp;CS</b>
	% of successful introductory tenancies <b>PE2.2</b>	98% <b>Target &gt;85%</b>	>85%	95.55%	>85%	43 of 45 tenancies successfully transferred from introductory to secure tenancies. <b>H&amp;CS</b>
Process Benefit claims efficiently	Average time for processing new Benefit claims <b>PE2.3</b>	33 days <b>Target &lt;18 days</b>	<18 Days	17.59 Days	<18 days	After a spike in claims in Q1, performance returned to normal levels. The automation process continues to consolidate performance. <b>F&amp;M</b>
	Average time for processing notifications of changes in circumstances <b>PE2.4</b>	7.8 days <b>Target &lt;8 days</b>	<8 days	7.99 days	<8 days	In October, the Finance and Management Committee approved the introduction of Risk Based Verification for processing "changes" and this should help to strengthen performance. <b>F&amp;M</b>
<b>PE4: Increase levels of participation in sport, health, environmental and physical activities</b>						
Delivery of sport, health and physical and environmental activity opportunities	Number of sport, health, physical activity and play scheme participations <b>PE4.1</b>	10,445 <b>Target 5,450</b>	11,500	13,394	37,845	On track, even with one week of activity in the summer holidays cut. The exceeded target could be attributed to good weather. <b>H&amp;CS</b>

	Number of Environmental Education participations <b>PE4.2</b>	4,103 <b>Target 1,250</b>	1,500	2,523	5,250	The Waste less, Save more project added more than 1,000 participations. <b>H&amp;CS</b>
	Number of Parklife opportunities <b>PE4.3</b>	780 <b>Target 100</b>	150	1,650	500	Opportunities offered include outdoor table tennis (280 participations); Bark in the Park (600); wildlife talks and events (280); and Newhall Memorial Garden opening (150). <b>H&amp;CS</b>
<b>PE5: Reduce the amount of waste sent to landfill</b>						
<b>Minimise waste sent to landfill</b>	Household waste collected per head of population <b>PE5.1</b>	120kgs <b>Target &lt;125kgs</b>	<125kgs	120kgs	<510 kg	Figure estimated. Continues to exceed target. <b>E&amp;DS</b>
	% of all collected waste recycled and composted <b>PE5.2</b>	52.9% <b>Target &gt;55%</b>	>52%	53.10%	>50%	Figure estimated. Above target for quarter, cumulative to date is slightly below target. <b>E&amp;DS</b>

# People Projects

Action	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
<b>PE1: Enable people to live independently</b>					
<b>Support the voluntary and community sector to enable people to maintain living independently</b>	Members appointed to voluntary sector bodies.	Support promotion of voluntary and community sector to Elected Members.	On track. See Detail column.	Maintain SDDC grant funding to the voluntary and community sector. <b>PE1.3</b>	SDDC has supported Goseley Festival as well as community development with the Hatton Centre. <b>F&amp;M</b>
<b>Continue to contribute to the county wide review of Disabled Facilities Grants (DFGs)</b>	Final confirmation from DCC of 2016/17 budget was pending. Estimated budget requirement submitted to DCC was £350K.	Implementation of appropriate recommendations.	On track. See Detail column.	All recommendations implemented by April 1, 2017. <b>PE1.4</b>	Budgets confirmed for 2016/2017. SDDC has been allocated £336,000 for the DFGs. Working with DCC to complete DFG review process. <b>H&amp;CS</b>
<b>Expand the use of Telecare services to increase independence</b>	GP services mapped to assess localities covered. Meetings held with GP groups to discuss referral routes.	Evaluate and assess recommendations of review of products and services.	On track. See Detail column.	Provide a value for money Supported Housing product. <b>PE1.5</b>	The Supported Housing Service is currently under review with external support. This is likely to continue into Q3 but the overall target will be met. <b>H&amp;CS</b>
<b>PE2: Protect and help support the most vulnerable, including those affected by financial challenges</b>					
<b>Approval and implementation of South Derbyshire as a Dementia friendly District</b>	SDDC Dementia Action Plan developed and approved at Committee.	Deliver Elected Member and staff dementia awareness sessions.	On track. See Detail column.	Work progressed towards Dementia Friendly Community status. <b>PE2.5</b>	71 SDDC Staff/Elected Members have so far become 'Dementia Friends'. More sessions planned for Q3. <b>H&amp;CS</b>

Provide a service for homeless applicants which is nationally recognised as delivering 'best practice'	North East Derbyshire visited and assessed. Learning disseminated to SDDC action plan for National Practitioner Support Service (NPSS) accreditation.	Introduce good practice identified from review.	On track. See Detail column.	To attain NPSS Standard for Homelessness <b>PE2.6</b>	Good practice has been identified and implemented. This includes National Homelessness Advice Service leaflets being issued as standard, confirming advice in writing and advising applicants what they need to bring to appointments. <b>H&amp;CS</b>
Develop a Community Champion Scheme through volunteer development	Draft SDDC volunteering policy and action plan produced.	Develop volunteering scheme and consult with partners.	On track. See Detail column.	Establish approved scheme <b>PE2.7</b>	Initial scheme plan drawn up. Discussions held with CVS CEO about setting up a community champion scheme. <b>H&amp;CS</b>
<b>PE3: Use existing tools and powers to take appropriate enforcement action</b>					
Publish and annually review a single Enforcement Policy covering all SDDC regulatory activity	All services relevant to the project were scoped and contacted. A draft Enforcement Policy has been issued for internal consultation.	Production of first draft of a corporate policy. Consultation with key stakeholders on the draft.	On track. See Detail column.	Develop and publish a Corporate Enforcement Policy. <b>PE3.1</b>	A final draft of the policy has been produced following consultation. Committee approval will be sought in Q3. A draft of the proposed quarterly report has been discussed with the Chairman of E&DS with a view to taking the first to Committee in Q3. <b>H&amp;CS/ E&amp;DS</b>

**PE4: Increase levels of participation in sport, health, environmental and physical activities**

<b>Develop a Healthy Communities approach for SD</b>	SDDC successfully awarded Healthy Communities Status and is now a full member of the Healthy Cities network.	Work with partners to deliver healthy communities plan.	On track. See Detail column.	Work towards Healthy Communities Accreditation. <b>PE4.4</b>	Work ongoing to support two main priority areas - physical activity and urban planning and growth. Family 'Parklife' activities in development to support priority physical activity area. <b>H&amp;CS</b>
<b>Develop a Sport, Health and Physical Activity Strategy</b>	Strategy timeline and framework agreed at H&CS Committee and at South Derbyshire Sport.	Progress strategy preparation and consultation.	On track. See Detail column.	Strategy developed and implemented. <b>PE4.5</b>	Research and data gathering undertaken. Further consultation to take place in Q3. <b>H&amp;CS</b>

**PE6: Develop the workforce of South Derbyshire to support growth**

<b>Stage a careers fair for young people and jobseekers</b>	Fair staged: 50 exhibitors. 644 adults and 238 young people attended.	Start work on planning 2017 event.	On track. See Detail column.	Deliver event, review and plan for 2017 fair. <b>PE6.1</b>	Work underway on planning for 2017 event. <b>E&amp;DS</b>
<b>Increasing school engagement to raise aspirations</b>	Progress update scheduled for the next South Derbyshire Partnership Board meeting.	Identify SDDC support for secondary schools.	On track. See Detail column.	Schools agree to work with SDDC. <b>PE6.2</b>	Raising Aspirations project update delivered at the July South Derbyshire Partnership Board. <b>H&amp;CS</b>



## Place Measures

Action	Measure	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
<b>PL1: Facilitate and deliver a range of integrated and sustainable housing and community infrastructure</b>						
<b>Increase the supply and range for all affordable housing provision</b>	Increased supply of affordable homes. <b>PL1.1</b>	45 Council homes delivered in Linton, Overseal and Swadlincote.	Proxy	23	Proxy	Homes delivered by Trent & Dove in Rose Hill, Woodville. Meeting with landlords due in November to explore increasing affordable housing provision. <b>H&amp;CS/E&amp;DS</b>
<b>Deliver Housing Asset Management Strategy</b>	Deliver against targets set out in the Asset Management Strategy Action Plan. <b>PL1.2</b>	Targets to be finalised in Q3	Not possible to set targets in Q2.	N/A	Targets to be finalised once strategy is adopted.	Asset Management Strategy approved by Committee. Action Plan will be drafted in October so performance measures can be extracted. <b>H&amp;CS</b>
<b>PL3: Help maintain low crime and anti-social behaviour levels in the District</b>						
<b>Deliver a programme of proactive interventions to reduce environmental crime</b>	Downward trend in fly-tipping incidents. <b>PL3.1</b>	142 <b>Target &lt;168</b>	<338 (cumulative)	349	<676	See Action Plan. <b>E&amp;DS</b>
<b>PL4: Connect with our communities, helping them to feel safe and secure</b>						
<b>Reduce number of noise complaints</b>	Reduce number of noise complaints. <b>PL4.1</b>	5.7 <b>Target &lt;5.2 complaints per 1,000 people.</b>	<5.5 complaints per 1,000 people.	7.1	Q2 <5.5 Q3 <4.8 Q4 <4.6	See Action Plan. <b>E&amp;DS</b>



**PL6: Deliver services that keep the District clean and healthy**

<b>Reduce contaminated risk rating of land</b>	Number of contaminated land assessments. <b>PL6.1</b>	1 <b>Target 1</b>	One Completed	2	Four contaminated land assessments completed.	Phase I site appraisal undertaken at the former Dilks garage site, in Hill Street, Swadlincote - a potential Council housing new build site. <b>E&amp;DS</b>
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## Place Projects

Action	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
<b>PL1: Facilitate and deliver integrated and sustainable housing and community infrastructure</b>					
<b>Deliver an adopted South Derbyshire Local Plan, Parts 1 and 2</b>	Main modifications consultation completed and Local Plan Part 1 adopted.	Consultation Draft Local Plan Part 2.	On track. See Detail column.	Plan adopted. <b>PL1.3</b>	Draft consultation took place from June to August 2016. Responses considered before pre-submission consultation in Q3. <b>E&amp;DS</b>
<b>Increase the supply and range of affordable housing provision</b>	Draft Supplementary Planning Document (SPD) completed and subject to due diligence.	SPD draft prepared.	On track. See Detail column.	Framework to review rural housing needs developed. Develop affordable housing SPD. <b>PL1.4</b>	Draft prepared, awaiting consultation alongside another SPD. <b>H&amp;CS</b>
<b>Consider the introduction of a Community Infrastructure Levy (CIL)</b>	Research being undertaken to enable completion of report.	Option report produced for CIL.	See Action Plan.	Informed decision made. <b>PL1.5</b>	See Action Plan. <b>E&amp;DS/F&amp;M</b>
<b>PL2: Enhance understanding of the planning process</b>					
<b>Support the development of Neighbourhood Plans</b>	Meetings held with Neighbourhood Plan groups. Draft plans being considered for Repton and Melbourne.	Provide support to interested parties.	On track. See Detail column.	Level of support provided to interested parties. <b>PL2.1</b>	Grants Panel held on October 18, on track to meet annual target. <b>E&amp;DS</b>
<b>PL3: Help maintain low crime and anti-social behaviour levels</b>					
<b>Review, publish and deliver the Safer South</b>	Plan adopted. Actions delivered. These included raising awareness	Deliver the actions and objectives within the partnership plan.	On track. See Detail column.	Plan published. Actions within the plan	Summer Scheme diversionary activities

<b>Derbyshire Community Safety Partnership Plan</b>	of hate crime, a domestic violence campaign and leaflet drops to combat acquisitive crime.			delivered. <b>PL3.2</b>	funded in urban core. Public Space Protection Order (PSPO) on Swadlincote Town Centre went live. Hate Crime drop-in sessions held. <b>H&amp;CS</b>
<b>PL5: Support provision of cultural facilities and activities</b>					
<b>Introduce and progress the Sport, Recreation and Open Space Facility Strategy</b>	Key strategy principles established and priority actions approved.	Complete facility action plan.	On track. See Detail column.	Number of facilities enhanced. <b>PL5.1</b>	Project list in production and site plans being identified. Playing Pitch Strategy update underway with Derby City Council. <b>H&amp;CS</b>
<b>Implement and manage the leisure facility capital build programme</b>	Grove Hall Active Zone fully operational with Apex Climbing Centre opened in June.	Complete Newhall Park Memorial Garden.	On track. See Detail column.	Facilities completed.  External investment and grants brought to District. <b>PL5.2</b>	Newhall Park Memorial Garden and Melbourne Sports Park officially opened. <b>H&amp;CS/F&amp;M</b>
<b>Introduce and progress the District Cycle Plan, including an annual cycle event</b>	Promotional plan and activity programme for Women's Tour produced. Event saw significant public support along the route.	Establish Stakeholder Group.	On track. See Detail column.	Develop and implement action plan. Number of opportunities offered <b>PL5.3</b>	Stakeholders identified and included. Plan adopted at Committee identifies five-year activity programme. <b>H&amp;CS</b>
<b>PL6: Deliver services that keep the District clean and healthy</b>					
<b>Ensure that food, water, housing, land and air all meet designated standards for human health</b>	Annual Status Report approved by E&DS. The report evidenced air quality across South Derbyshire met all statutory standards in 2015.	Review the air quality monitoring network in South Derbyshire.	On track. See Detail column.	Air Quality meets Directive 2008/50/EC and the Air Quality Strategy standard. <b>PL6.2</b>	Review of existing monitoring locations completed. <b>E&amp;DS</b>

## Progress Measures

Action	Measure	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
<b>PR2: Unlock development potential and ensure the continuing growth of vibrant town centres</b>						
<b>Delivery of Swadlincote Townscape project</b>	Number of target buildings offered grants. <b>PR2.1</b>	0 <b>Target 1</b>	0	0	2	Grants Panel met on October 24. On track to meet annual target. <b>E&amp;DS</b>
<b>PR3: Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend to tourists</b>						
<b>Support the development of the tourism sector</b>	Tourist centre enquiries handled. <b>PR3.1</b>	12,303 <b>Target &gt;5,000</b>	>5,000	12,622 enquiries handled	>20,000	The TIC has led and supported Council and partner initiatives including Heritage Open Days, Last Night of the Proms and the Scarecrow Hunt. It has also represented the area at Derbyshire Day and Elvaston Woodland Festival. <b>E&amp;DS</b>
<b>PR5: Provide business support and promote innovation and access to finance, including in rural areas</b>						
<b>Maximise the prosperity of businesses in South Derbyshire through the delivery of the Better Business Regulation Partnership action plan</b>	Number of food businesses which have a Food Hygiene Rating score of 5. <b>PR5.1</b>	80.6 <b>Target &gt;75%</b>	>75%	82.80	>75%	Continued progressive improvement in businesses reaching the highest standards as we develop positive working relationships. <b>E&amp;DS</b>
	Number of registered food businesses active in the District <b>PR5.2</b>	803 <b>Target &gt;790</b>	>790	805	>790	Growth in local food businesses supported through our business advice and regulatory support service. <b>E&amp;DS</b>

## Progress Projects

Action	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
<b>PR1: Work to attract further inward investment</b>					
<b>Launch new Economic Development Strategy</b>	Substantial progress made but not complete due to competing Council priorities.	Adopt Strategy.	On track. See Detail column.	New five-year strategy launched and actions from it delivered. <b>PR1.1</b>	Strategy for period 2016-2021 adopted by E&DS on September 29, 2016. <b>E&amp;DS</b>
<b>PR2: Unlock development potential and ensure the continuing growth of vibrant town centres</b>					
<b>Delivery of Swadlincote Townscape Project</b>	Town crier post offer not completed but well advanced.	Public consultation on Heritage Trail.	On track. See Detail column.	Delivery of Activity Plan. <b>PR2.2</b>	Consultation completed via events, displays, SDDC web form and social media. <b>E&amp;DS</b>
	Consideration of tenders pending for Diana Memorial Garden.	Appoint landscape architect.	On track. See Detail column.	Enhancement of Diana Memorial Garden. <b>PR2.2</b>	Landscape architects appointed. Work has started on the plans. <b>E&amp;DS</b>
<b>Organise and/or support town centre events</b>	Events held were:  Wedding Fair Farmers' Market Festival of Transport Mercia Market	Deliver one public event and two school activities based on geography/tourism.	On track. See Detail column.	Events delivered and/or supported. <b>PR2.3</b>	Events staged or supported include Farmers' and Mercia Markets, the Scarecrow Hunt and a Shopping Day. School sessions advertised and new web page set up for town centre activities. One to one planning sessions held with three Swadlincote schools. <b>E&amp;DS</b>

**PR4: Help to influence and develop the infrastructure for economic growth**

<b>Review and update the Infrastructure Delivery Plan</b>	Review underway. Assessment of amendment requirements for Part 2 to be reviewed.	Complete review of the current plan.	See Action Plan.	Plan published. <b>PR4.1</b>	See Action Plan. <b>E&amp;DS</b>
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## Outcomes Measures

Action	Measure	Last quarter	Q2 target	Q2 actual	2016/17 target	Detail
O1: Maintain financial health						
Deliver a balanced general fund	5-year General Fund reserve balance is a minimum of £1m by 2021. <b>O1.1</b>	Annual target.	Annual target.	Annual target.	General Fund Reserve Balance at £6.2m as at 31 <sup>st</sup> March 2017.	Target as per the Financial Strategy. The longer-term target will be regularly monitored as part of the MTFP. <b>F&amp;M</b>
	A balanced General Fund budget by 2018/19. <b>O1.2</b>	Annual target.	Annual target.	Annual target.	A strategy and savings plan agreed by the Council.	Target as per the Financial Strategy. The longer-term target will be regularly monitored as part of the MTFP. <b>F&amp;M</b>
Maximising income	Generate income from New Homes Bonus, Business Rates and sweating of assets. <b>O1.3</b>	Annual target.	Annual target.	Annual target.	Income from Business Rates/New Homes Bonus is £6m at March 2017.	Target included in the MTFP. <b>F&amp;M</b>
Maximise rental income to help the Council do more with less	Rent collected from current and former tenants as % rent due (excluding arrears b/f). <b>O1.4</b>	101.44% <b>Target 99.9%</b>	99.9%	100.96%	99.9%	Target rent is based on the budget in the HRA. We never budget to collect all rent due, allowing for voids and right to buys. The amount collected in Q2 was £6,261,189.23 – above the total budgeted. <b>H&amp;CS/F&amp;M</b>

### O3: Enhance environmental standards

<b>Strive to be more energy efficient.</b>	Annual improvements in the energy consumption of public buildings. <b>O3.1</b>	5.89% <b>Target 3%</b>	3%	2.78%	3%	See Action Plan. <b>E&amp;DS</b>
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### O4: Maintain a skilled workforce

<b>To strengthen measures and support employees to reduce absence due to sickness/ill-health and to promote a healthy workforce.</b>	The average working days lost per employee is less than 8 days per year (2 days per quarter). <b>O4.1</b>	1.55 days <b>Target &lt;2 days</b>	<2 days	2.78 days	<8 days	See Action Plan. <b>F&amp;M</b>
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## Outcomes Projects

Action	Last quarter	Q2 target	Q2 actual	2016/17 target	Details
<b>O1: Maintain financial health</b>					
Keep under review priorities into which available funds may be invested in communities	Annual target	Annual target	Annual target	Key priority areas evaluated and agreed by F&M. To be considered as part of 2017/18 Budget round. <b>O1.5</b>	To be considered as part of 2017/18 Budget Round in Q3. <b>F&amp;M</b>
Explore potential commercialisation opportunities and identify areas for competing with the private sector	Committee approval secured to establish Business Improvement team. Recruitment underway.	Establish timetable for processing reviews.	On track. See Detail column.	Deliver process reviews <b>O1.6</b>	Draft timetable completed. Officer appointed and project office established. <b>All Committees</b>
<b>O2: Achieve proper corporate governance</b>					
Maintain a proper Risk Management Framework	Updated registers shown as appendices to the Performance Board.	Update registers for next committee cycle.	On track. See Detail column.	Strategic and service risk registers reviewed, updated and reported to Committees on a quarterly basis. <b>O2.1</b>	Updated registers shown as appendices to the Performance Board. Financial Risk Register reported to the Council on October 13. <b>All Committees</b>
<b>O3: Enhance environmental standards</b>					
Maintain ISO 14001 certification in environmental management	Review postponed due to unforeseen unavailability of key site representatives.	Ensure continual compliance, progress the close out of all identified non-conformances.	On track. See Detail column.	Achieve ISO 14001 certification <b>O3.2</b>	Senior management review completed on September 7, 2016. All non conformances from previous audits have been closed out.

					External surveillance audit is programmed for 23-25 January 2017. <b>E&amp;DS</b>
<b>O4: Maintain a skilled workforce</b>					
<b>Maintain a skilled workforce</b>	N/A	Job competencies to be reviewed during Q2 and Q3 following review of current training and development programme.	On track. See Detail column.	Investors in People standard for staff development maintained. <b>O4.2</b>	Training and development programme reviewed and signed off by the Corporate Management Team. External facilitator to commence third year of approved programme. Mandatory courses for internal training agreed training dates set. <b>F&amp;M</b>
<b>O5: Maintain customer focus</b>					
<b>Design and deliver a new website that allows customers to search and find information easily and quickly</b>	Soft market testing undertaken. Formal procurement exercise in progress.	Complete tender exercise, select supplier and formulate project plan.	On target. See Detail column.	New website launched. <b>O5.1</b>	All completed as planned. Web Labs appointed as supplier. <b>F&amp;M</b>
<b>O6: Be aware of and plan for financial, legal and environmental risks</b>					
<b>Improve resilience to the local impacts of climate change and emergency responses.</b>	Programme of internal evaluation underway, timeframes established for a proposed climate change mitigation and adaptation strategy across SDDC.	Develop a programme of flood risk management mitigation and adaptation activities across at-risk communities in the District.	On target. See Detail column.	Deliver campaigns to mitigate and aid adaptation of climate change and flooding. <b>O6.1</b>	A programme of climate change adaptation activity is under development. This includes a collaborative flood support offering to Parish Councils from SDDC, DCC and the EA. <b>E&amp;DS</b>

Measures and projects outlined in green are on track.

Measures and projects outlined in grey have a single, annual target and are not measured on a quarterly basis.

Measures and projects outlined in purple are proxy.

Actions being taken on indicators currently not on target (coloured in red and amber) are outlined in the Action Plan in Appendix C.

# Housing and Community Services Strategic and Service Success Areas Quarter 2, 2016

## Appendix B



**600**

Strong turnout

Number of people who attended Bark in the Park at Eureka Park.



**13,394**

Target 11,500

Sport, health, physical activity and play scheme participations.



**91.60%**

Target >90%

Adapted properties allocated on a needs basis.



**71**

Worthy cause

Staff and Elected Members have become Dementia Friends.



**PSPO**

Staying safe

Swadlincote Town centre Public Spaces Protection Order (PSPO) went live to help stamp out anti-social behaviour.



**MSP**

Sport stars

Melbourne Sports Park (MSP) officially opened. Facilities support football, tennis, rugby and cricket.

## H+CS Performance Overview



■ On hold (3.85%) ■ Green (92.31%) ■ Proxy (3.85%)



**Garden**

In memorium

Newhall Park Memorial Garden opened in partnership with Friends of Newhall Park.



**4**

Tackling hate

Hate crime drop-ins and presentations held. Social Media campaign also took place for Hate Crime Awareness Week.



**100.96%**

Target 99.9%

Rent collected from current/former tenants as a percentage of rent due. This figure takes into account void loss.



**500**

Target 500

Tenancy audits completed. Plans are in place to enable officers to record and monitor tenancy visits even more efficiently.

## Community and Planning Risk Register 2016-2017

Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
Outcomes/ Maintain Financial Health	Reduced Planning Fees (DM1)	Low	High	Treat	Careful attention to forecasts/setting budgets and budget monitoring - Forecast for 2016/17 is continued high levels of income.	Tony Sylvester
Outcomes/ Maintain Financial Health	Judicial review of Planning decisions (DM2)	Low	High	Treat	<p>Weekly case review with all case officers for early identification of high-risk cases, legal opinion sought when necessary.</p> <p>On-going review of new statutory procedures, continued advice from legal when required.</p> <p>New planning officer structure in place 1/7/15 provides better capacity to monitor cases.</p>	Tony Sylvester
Outcomes/ Maintain Financial Health	Maladministration leading to injustice via LGO (DM3/BC4/PP2)	Low	Low	Treat	<p>Some documented process of procedures</p> <p>Training in processes</p> <p>Close monitoring of report recommendations</p>	Tony Sylvester

Outcomes/ Maintain Financial Health	Judicial Review of Building Control Decision (BC1)	Med	Med	Treat	Ongoing review of new statutory procedures, continued advice from counsel when required.	Tony Sylvester
Outcomes/ Maintain Financial Health	Loss of Market share below sustainable level (BC2)	Med	High	Treat	Frequent monitoring of market share, app numbers, fee income.  Frequent marketing events /direct mail.	Tony Sylvester
Outcomes/ Maintain Financial Health	Negligence resulting in loss to personal property (BC3/DM4)	Low	High	Treat	Insurance  Professional training  Maintain sound procedures and act speedily to recover ground when mistakes are made.	Tony Sylvester
Outcomes/ Maintain Financial Health	Failure to collect financial contributions or to enforce the delivery of obligations within Section Agreements (DM5)	High	Very High	Treat	Committee approval to replace Section 106 monitoring software	Helen Frazer
Outcomes/ Maintain Financial Health	Appeal against refusal of major planning applications (DM6)	High	High	Treat	Careful consideration of all major application refusals.  Legal opinions where necessary  Members training  Employ consultants	Tony Sylvester
Outcomes/ Maintain Financial Health	High volume of planning applications (DM7)	High	Med	Treat	New planning officer structure in place 1/7/15 provides better capacity to monitor cases =	Tony Sylvester

					optimum use of resources  Closely monitor inward investment related applications	
Outcomes/ Maintain Financial Health	Loss of knowledge in department relating to specialist IT solutions, GIS and others (DM8)	High	Medium		Specialist GIS knowledge outside of service e.g. specialist knowledge within IT/Corporately	Tony Sylvester
Outcomes/ Maintain Financial Health	Loss of public access to PA on website (DM9)	High	Medium	Treat	Reduce reliance on single contractor  Ensure Central IT can administer  Seek alternative solution	Tony Sylvester
Place/ Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Technical and Legal problems/threats leading to delays in the adoption of the Local Plan Documents (PP1)	High	High	Treat	Early liaison with Planning Inspectorate  Maintaining an up-to-date evidence base  Maintaining cross boundary communication  Taking legal advice  On-going political engagement in process	Tony Sylvester
Place/Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Judicial review of any aspect of the Local Plan affecting adoption (PP3)	High	High	Treat	Up-to-date evidence base  Continued cross boundary communication  Obtain legal opinion when required	Tony Sylvester



People/ Increase levels of participation in sport, health, environmental and physical activities	Reduction of council funding into Sport and Health Service Unable to source external funding to service Reserve fund being depleted for other sources other than the sport and health service delivery. (SP1)	High	High	Treat	Forward Budget Planning over a number of years.  Lobby to maintain current funding contribution that the council makes towards the service and for an increased contribution if members want the current levels of service to be maintained.  Continually seek external funding options	Hannah Peate
Place/ Support provision of cultural facilities and activities throughout the District	Managing large Capital projects (CS1)	Med	V High	Treat	Ongoing dialogue with funders  Support from internal and external specialists re legal and financial issues  Financial monitoring/attendance of CPAM meetings	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Failure of Contracts e.g. leisure centres (CS2)	Med	High	Treat	Contracts in place or held over.  Regular (monthly) contract monitoring meetings for main contracts	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Memorial monuments falling causing injury (CS3)	Low	Med	Treat	Informal checks undertaken and programme of rolling checks reintroduced	Malcolm Roseburgh



Outcomes/ Maintain Financial Health	Accidents at Play Areas (CS4)	Med	High	Treat	<p>Inspections carried out by dedicated member of staff.</p> <p>Insurance company inspect annually</p> <p>Park keepers on some sites</p> <p>New play areas are designed to meet current standards. Need to arrange further back-up cover for inspections when Inspector is absent.</p>	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Dilapidation of Leisure/Community Facilities (CS5)	Med	High	Treat	<p>Control measure in place: - securing internal and external funding, supporting VCS and parish councils with funding, improving planned preventative maintenance, transferring assets where possible, improved monitoring</p>	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Failure of Business Plan for Rosliston Forestry Centre (CS6)	High	High	Treat	<p>Monthly performance meetings</p> <p>Annual Review of Business Plan</p> <p>Development and implementation of new strategy</p> <p>Increase involvement of Forestry Commission in business planning</p>	Malcolm Roseburgh

Place/ Support provision of cultural facilities and activities throughout the District	Urban Core Cemetery Space running out (CS7)	V High	Med	Treat	Continued internal meetings with Planning and Property Services to identify land opportunities	Malcolm Roseburgh
Place/ Support provision of cultural facilities and activities throughout the District	Failing infrastructure at Rosliston Forestry Centre. (CS8)	V High	High	Treat	Complete condition survey Seek estimates for priority work. Alert senior management team Six monthly review of risk	Malcolm Roseburgh
People/Prote ct and help support the most vulnerable, including those affected by financial challenges	Sustainability of the voluntary sector (CM1)	V High	Med	Treat	Service Development proposal to continue community partnership scheme in future years. Continue partnership working with CVS and rest of VCS	Chris Smith
Place/ Support provision of cultural facilities and activities throughout the District	Failure of Sharpe's Pottery Museum (CM2)	Med	Med	Treat	Councillor representation on board  Attendance on board meetings by Officers  Support from Community Partnership Officer when required	Chris Smith

# Housing and Environmental Services Risk Register

Risk Code	Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
HES1	Maintain Financial Health	Loss of income to the Housing Revenue Account through 1% rent reduction for general needs tenancies	High	Major	Treat	<p>Restructure housing service to ensure resources deployed appropriately</p> <p>Revise all income policies and procedures to ensure they are fit for purpose</p> <p>Invest in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty</p> <p>Review 'back office' functions to ensure frontline staff are able to work effectively</p>	Chris Holloway
HES2	To protect the most vulnerable including those affected by anti-social behaviour and domestic abuse.	Loss of income to the Housing Revenue Account through roll out of Universal Credit	High	Major	Treat	<p>Restructure housing service to ensure resources deployed appropriately</p> <p>Revise all income policies and procedures to ensure they are fit for purpose</p> <p>Invest in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty</p> <p>Review 'back office' functions to ensure frontline staff are able to work effectively</p>	Chris Holloway

HES3	Keep residents happy, healthy and safe	Loss of Supporting People funding for the supported housing service	High	Severe	Treat	<p>Conduct full review of supported housing service to ensure financial viability</p> <p>Increase service delivery to private customers</p> <p>Explore new income streams working in collaboration with healthcare partners</p>	Chris Holloway
HES4	Enable people to live Independently	Loss of Supporting People funding for the sheltered housing service	High	Severe	Treat	<p>Conduct full review of supported housing service to ensure financial viability</p> <p>Increase service delivery to private customers</p> <p>Explore new income streams working in collaboration with healthcare partners</p>	Chris Holloway
HES5	To protect the most vulnerable including those affected by anti-social behaviour and domestic abuse.	Increase in homeless applications / presentations as Universal Credit rolls out	Low	Significant	Treat	<p>Restructure housing service to ensure resources deployed appropriately</p> <p>Attain National Practitioner Support Service (NPSS) standard for Homeless Service</p>	Chris Holloway
HES6	To protect the most vulnerable including those affected by anti-social behaviour and domestic abuse.	Failure to fulfil statutory homeless duty	Very Low	Significant	Tolerate	<p>Ensure policies and procedures are compliant with statute</p> <p>Ensure staff are well trained and briefed on changes to the Council's statutory obligations</p>	Chris Holloway
HES7	Maintain Financial Health	Failure to follow	Very Low	Significant	Tolerate	<p>Ensure procedures are reviewed regularly and staff are well trained</p>	Chris Holloway

		Council procedures / policies leading to Ombudsman finding of 'maladministration'					
HES8	Achieve proper Corporate Governance	Failure to fulfil Resident Scrutiny statutory duty	Very Low	Significant	Treat	Ensure Resident Scrutiny Panel in place and undertakes regular reviews of services	Martin Guest
HES9	Achieve proper Corporate Governance	Failure to meet statutory deadlines when reporting performance and statutory information to Government agencies	Very Low	Significant	Treat	Ensure deadlines are met and that ownership for each reporting deadline is identified and project managed	Martin Guest
HES10	Maintain a skilled workforce	Loss of IT Systems and lack of specialist IT knowledge in department	Very Low	Significant	Treat	Ensure IT disaster recovery plan is in place Have alternative options available with suppliers Restructure services to ensure required resources in place	Martin Guest
HES11	Maintain financial health	Failure to deliver the planned maintenance and new build programme	Medium	Significant	Treat	Ensure income team is suitably resourced to ensure maximum income. Continually review asset management data to target programme effectively.	Lee Carter
HES12	Maintain financial health	Increase in the cost of contracts	Medium	Severe	Treat	Ensure procurement of goods and services are as lucrative as possible to potential suppliers so they can see the longevity of potential contracts	Lee Carter
HES13	Maintain a skilled workforce	Failure to retain staff	Low	Significant	Treat	Ensure pay and grading review accurately remunerates staff and ensure training and development opportunities are maximised	DMT

HES14	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Lack of funding for development and regeneration programme.	Medium	Significant	Treat	Investigate all avenues for funding new build and regeneration via differing routes to ensure stock levels are maintained or increased	Mike Haynes/Lee Carter
HES15	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure	Insufficient supply of affordable homes Increase use in temporary accommodation/ increased homelessness/ loss of new homes bonus	High	Significant	Treat	Up-to-date housing needs data/ ensure maximise delivery through planning gain/ support Registered Providers with building new homes/ increase a supply through Council House building	Martin Guest/Tony Sylvester
HES16	Deliver services that keep the District clean and healthy	Major incident (disease outbreak, pollution, severe weather)	Low	Significant	Tolerate	Backfill the staff resources with agency staff	Matt Holford/ Adrian Lowery
HES17	Maintain financial health	Loss of revenue	Low	Severe	Tolerate	Main income streams are from export certificates. Volumes are entirely outside our control	Matt Holford
HES18	Achieve proper Corporate Governance	Legal challenge over statutory function	Medium	Significant	Treat	Effective governance and review of officer decisions	Matt Holford
HES19	Deliver services that keep the District clean and healthy	Failure to deliver minimum statutory service duties	Low	Minor	Tolerate	Continuously keep under review and deploy available resources based on areas of highest potential failure	Matt Holford
HES20	Deliver services that keep the District clean and healthy	Temporary loss of fuel supply at depot	Medium	Minor	Treat	Contingency suppliers in place	Adrian Lowery

HES21	Deliver services that keep the District clean and healthy	National loss of fuel supply	Low	Significant	Treat	Business continuity plan, comply with emergency planning guidance	Adrian Lowery
HES22	Deliver services that keep the District clean and healthy	Loss of vehicle fleet through theft or fire	Low	Significant	Treat	Local and national vehicle hire companies on list of suppliers	Adrian Lowery
HES23	Deliver services that keep the District clean and healthy	Loss of service delivery from contractors	Medium	Significant	Treat	Contingency plans in place to deliver service internally or back-up contractors available	Adrian Lowery
HES24	Maintain financial health	Loss of revenue	Low	Severe	Tolerate	Main income from commercial waste collections cannot compel customers to use our service	Adrian Lowery
HES25	Deliver services that keep the District clean and healthy	Loss of depot operating centre	Low	Significant	Treat	Temporary base for depot Build a new modern depot	Adrian Lowery

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<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICE COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOV 2016</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</b>	<b>OPEN:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>VICKY SMYTH 01283 595776</b> <a href="mailto:vicky.smyth@south-derbys.gov.uk">vicky.smyth@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>DERBYSHIRE HEALTHY WORKPLACES PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 Members approve South Derbyshire District Council to sign up to the Derbyshire Healthy Workplaces Programme

## **2.0 Purpose of Report**

- 2.1 To inform members about the Derbyshire Healthy Workplaces Programme
- 2.2 To approve South Derbyshire District Council's commitment to sign up to the Derbyshire Healthy Workplaces Programme

## **3.0 Detail**

- 3.1 The Derbyshire Health and Wellbeing Strategy 2015 – 2017 has a strategic vision to reduce health inequalities and improve health and wellbeing across all stages of life.
- 3.2 Working is a key stage of life and workplaces are a key setting and crucial point of contact to influence health culture, environment and behaviours to impact individual and population health.
- 3.3 Workplaces play an important role in delivery of the prevention agenda in providing a point of contact for universal health and wellbeing, and an opportunity to identify issues, to intervene early and to support employees manage ill health.
- 3.4 Significant cost savings related to a healthy and happy workforce can be gained from increased productivity and decreased sickness absence.
- 3.5 Current sickness absence levels for the Council are 7.95 days/employee (2015/2016).
- 3.6 SDDC already offer a range of preventative workplace initiatives to support staff including subsidised Leisure Centre membership, cycle to work schemes and workplace physical activity opportunities such as table tennis. However, there is scope for more innovation to support staff to be healthier.



- 3.7 This is supported by an extensive selection of mandatory training aimed at supporting the health wellbeing of our workforce. Courses include health and safety awareness, manual handling, stress awareness and risk assessments. The Council continues to look for other opportunities to support staff, such as giving practical advice on home working.
- 3.8 South Derbyshire District Council has a proven track record of supporting its workforce to become healthier. In 2011 it was runner up in the Derbyshire Active Workplace Awards, going on to successfully win the award in 2013. Some of the innovative activities that contributed towards this recognition are outlined in the table below:-

Activity	Details
'Strictly Come Dancing'	Annual dance extravaganza
SDDC Health Champions	Trained staff who peer mentor others to make positive health and wellbeing choices
Stress Awareness week	Education programme and fun physical activity sessions to encourage staff to release stress e.g. 'office boxing'
The '50 Sports for 50 years' challenge	Giving staff the opportunity to take part in different sports that have never tried before e.g. bowling, lacrosse, canoeing, golf etc
Regular staff social activities	Monday evening badminton Tuesday lunchtime football
Internal communication campaigns	Promoting everything from 'Stoptober' through to 'Workplace Challenge'.
Healthier South Derbyshire website	South Derbyshire's one stop information shop showcasing sport and health events around the district.
Body M.O.T.s	Free health checks for staff and elected members

- 3.9 Derbyshire County Council has formally invited partners to commit to signing up to the Derbyshire Healthy Workplaces Scheme.
- 3.10 They are also asking for partner support to promote the scheme across their district to other businesses. This will be supported by the work of the South Derbyshire Partnership and the SDDC economic development team.
- 3.11 The Derbyshire Healthy Workplace programme offers flexible support tailored to individual organisation needs and requirements. After identifying the key priorities that affect the health and wellbeing of staff, the Healthy Workplace team then co-produce a tailored action plan to target these key issues and offer a range of support mechanisms and initiative ideas to help address them.
- 3.12 Key priorities could include, but are not limited to:- healthy eating, stopping smoking, mental health and wellbeing, stress awareness, physical activity, alcohol and substance misuse, attendance management and health and safety.
- 3.13 Co-ordination and delivery of the action plan will be controlled by a shared project management team, with cross departmental representation.

3.14 There will be an opportunity to work towards the National Workplace Wellbeing Charter.

3.15 More information on the Derbyshire Healthy Workplace Programme can be found here: <http://www.derbyshire.gov.uk/business/healthy-workplaces/default.asp?VD=healthyworkplaces>

#### **4.0 Financial Implications**

4.1 There will be limited financial implications for the Council, as this service is free to all workplaces in Derbyshire. Staff will benefit from the programme in their own time unless prior approval is agreed in advance with Directors. Co-ordination of this programme will be controlled by a shared project management team, with cross departmental representation.

#### **5.0 Corporate Implications**

5.1 This initiative supports:-

The 'Outcomes' section of the Corporate Plan including the following actions:-

- Maintaining a skilled workforce

The 'People' section of the Corporate Plan including the following actions:-

- Enable People to live independently

#### **6.0 Community Implications**

6.1 Supports South Derbyshire's 'Healthier Communities' approach.

#### **7.0 Conclusions**

7.1 A healthy, energised and motivated team will lead to better business performance and a better working environment for everyone. Creating a healthy workforce has the potential to reduce costs, increase productivity, reduce worker absence and staff turnover, reduce the number of workplace accidents and improve our reputation across the community.

#### **8.0 Background Papers**

8.1 N/A

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: DELEGATED/</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</b>	<b>OPEN:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>HANNAH PEATE, SPORT &amp; HEALTH PARTNERSHIP MANAGER EXT: 5973</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SOUTH DERBYSHIRE SCHOOL SPORT PARTNERSHIP</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: HCS07</b>

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## **1.0 Recommendations**

- 1.1 For members to receive an update of the South Derbyshire School Sport Partnership (SSP) area of work.
- 1.2 For members to approve the continuation of the hosting of the School Sport Partnership and apply for relevant funding when available.
- 1.3 For members to approve the South Derbyshire School Sport Partnership to diversify the service offer.

## **2.0 Purpose of Report**

- 2.1 To inform Members of the continued delivery of the School Sport Partnership for South Derbyshire and gain approval for the Council to continue to host the Partnership for the foreseeable future.

## **3.0 Detail**

- 3.1 The hosting of the School Sport Partnership on behalf of the South Derbyshire schools was implemented following consultation with local schools, Derbyshire Sport, the Youth Sport Trust and Sport England back in 2012.
- 3.2 This is a partnership that delivers a range of national, county and local objectives on behalf of the Youth Sport Trust, Sport England, Derbyshire Sport and the emerging South Derbyshire Physical Activity, Sport and Recreation Strategy.
- 3.3 Schools are accountable to OFSTED for their implementation of their PE and School Sport Premium and the services that the School Sport Partnership offer contributes significantly to these.

- 3.3 Over the past four years there have been some great achievements and success in this area of work for example:-

60 Competitions and festivals delivered on average every academic year.

5,354 Bikeability places delivered to train young people in safe cycling.

812 Young leaders trained and deployed in School Sport Partnership, district and county events.

114 -560 Schemes delivered across the District- a healthy lifestyle programme aimed at increasing children's physical activity levels to 5 x 60 minutes of exercise per week and five lots of fruit and vegetables in your diet per day.

A variety of sport specific and multi-sport opportunities delivered in schools.

Hosting of county badminton and mini soccer final events.

140 Teams have represented South Derbyshire at the Derbyshire School Games.

Hilton Primary School winning the national Kinder Kids Cup Football Competition at Wembley Stadium in May 2016 before the Championship Play Off Final.

Pingle School awarded Special Educational Needs School Champions in 2015/16 academic year.

The School Sport Partnership Officer, Ian Gee who delivers the 'School Games Organisers' element of his role has been rated through various targets as within the top 10% of School Game Organisers in the Country in the past two reporting windows.

- 3.4 With the introduction of the School Sport Premium for primary schools this has meant an influx of private providers offering services to schools. The SSP has been approached by a number of schools about the feasibility of diversifying the service and offering additionality through lunch time, breakfast and after school clubs. The SSP is currently running a couple of pilots which have full cost recovery and a contribution back into service costs- subject to the pilots being successful the offer will be expanded further.

#### **4.0 Financial Implications**

- 4.1 There are no increased financial implications currently arising from the Council continuing to host the SSP. There is National and County funding that helps support the delivery of this agenda, along with affiliations that our partner schools contribute to the service. The Council fully recovers the cost of all SSP activity including a contribution to the salary of the Sport and Health Partnership Manager.

## **5.0 Corporate Implications**

- 5.1 This area of work will continue to deliver against the People, Places and Progress elements of the Corporate Plan and Community and Planning Service Plan.
- 5.2 This work is also fundamental to the delivery of the current Sport and Health Strategy and future Physical Activity, Sport and Recreation Strategy for South Derbyshire.
- 5.3 The contract to deliver this work raises the public profile and reputation of South Derbyshire District Council and the South Derbyshire School Sport Partnership within the community and across the County and region.

## **6.0 Community Implications**

- 6.1 The wide offer available through the School Sport Partnership not only delivers opportunities throughout the school day but also offers a variety of opportunities, before and after school. It works with schools and local communities to promote their venues being used for community opportunities throughout the year.

## **7.0 Conclusions**

- 7.1 The delivery and management of the School Sport Partnership work supports and cuts across all of the Corporate Plan areas-promotes progress and place and puts people at the heart of its delivery.

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</b>	<b>OPEN/EXEMPT PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>MALCOLM ROSEBURGH, 01283 595774</b> <a href="mailto:malcolm.roseburgh@south-derbys.gov.uk">malcolm.roseburgh@south-derbys.gov.uk</a> <b>LOUISE GLOVER 01283 595887</b> <a href="mailto:louise.glover@south-derbys.gov.uk">louise.glover@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>ROSLISTON FORESTRY CENTRE – UPDATE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: HCS07</b>

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## **1.0 Recommendation**

- 1.1 That the process for the future management and development of Rosliston Forestry Centre be approved.

## **2.0 Purpose of Report**

- 2.1 The report outlines the process to be undertaken for the future management and development arrangements at Rosliston Forestry Centre.

## **3.0 Detail**

- 3.1 South Derbyshire District Council (SDDC) and the Forestry Commission (FC) jointly own Rosliston Forestry Centre, which is a key visitor attraction of 62 hectares within the National Forest. The site is managed through an executive partnership of the District Council and the Forestry Commission. Rosliston Forestry Centre was the first area to be planted as part of the National Forest in 1994, over 20 years later the time has come to review and redefine the future for the site. There have been a number of management & business plans and visions written since the site's inception and much has been achieved. This vision now has to drive the future of the centre forward.
- 3.2 Aurora Country Developments LTD has managed the site for almost 20 years on behalf of the key partners. Working alongside the partners they have developed the site and helped build its reputation as a key visitor attraction within the National Forest. Their current contract ceases in 2018. This means there is a clear opportunity for SDDC and FC to re-evaluate the site and its position within both organisations' strategic requirements. In order to identify options for the next 10 years, research is being carried out, looking at the past 20 years of site development, how the site correlates to other similar venues within its catchment area, market trends, new opportunities and threats etc.

- The key milestones and timetable for this process are:

• Appointed Project Officer	Aug' 2016
• Produce 10 Year Vision and Strategy	Dec' 2016
• Produce Facility Development Plan	Feb' 2017
• Produce Options Appraisal for future management	Mar' 2017
• RFC Executive to recommend preferred option	Apr' 2017
• H&CS to approve Option	Apr' 2017
• Procurement Process started	May 2017

#### **4.0 Financial Implications**

- 4.1 There are no immediate financial implications arising directly from this report. The Options Appraisal Stage will consider the financial and managerial implications for the future of the Centre with the existing considerations for achieving long term financial sustainability for the Centre remaining.

#### **5.0 Corporate Implications**

- 5.1 Rosliston Forestry Centre's continued development as a community and visitor attraction contributes significantly to the People, Place and Progress themes in the new Corporate Plan and the strategic objective of improving the health and wellbeing of our residents and communities.

#### **6.0 Community Implications**

- 6.1 Rosliston Forestry Centre contributes to the South Derbyshire Sustainable Community Strategy and, in particular, the themes of Health and Well Being and Sustainable Communities. It has become an important community facility providing a venue for many local people and groups.
- 6.2 The Vision represents an excellent opportunity to further enhance Rosliston Forestry Centre for the benefit of both the local community and visitors from further afield.

#### **7.0 Conclusions**

- 7.1 This process enables the current partnership of SDDC and FC to develop the project plan and Options Appraisal for future determination by the Council.

#### **8.0 Background Papers**

- 8.1 N/A

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: DELEGATED/</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</b>	<b>OPEN:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STUART BATCHELOR EXT 5820 HANNAH PEATE, SPORT &amp; HEALTH PARTNERSHIP MANAGER EXT: 5973</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REVIEW OF IGNITING THE LEGACY PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: HCS07</b>

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## **1.0 Recommendations**

- 1.1 For members to receive an update and approve the work taken place under the Igniting the Legacy Programme and intention to seek future funding from Sport England.

## **2.0 Purpose of Report**

- 2.1 To inform Members on the achievements of the previously approved Igniting the Legacy Project and the future plans for physical activity provision.

## **3.0 Detail**

- 3.1 The Council first approved the ambitious Igniting the Legacy Project which incorporated both capital and revenue projects for the District to harness the power and momentum of London 2012 across South Derbyshire in 2012. This fell under two sections Sport, Recreation and Community Facilities and Sport and Physical Activity Participation.

### **Sport and Recreation Facilities**

- 3.2 Significant facility development has been delivered with the building, refurbishment or expansion of facilities. This has occurred at the following locations:

Green Bank Leisure Centre	Etwell Leisure Centre	Eureka Park
Swadlincote Skate Park	Newhall Park	Melbourne Sports Park
Rosliston Forestry Centre	Midway Community Centre	
Woodville Recreation Ground	Overseal Recreation Ground	



## Swadlincote Boxing Club

- 3.3 The total amount invested has been £5.9m of which over £4m has come from external sources.

### **Sport and Physical Activity Participation.**

- 3.4 This aspect of the project was delivered through a successful bid to the Sport England Community Sport Activation Fund.
- 3.5 The aim was to improve the participation amongst South Derbyshire predominantly in the 14-25 year old age group. By working alongside a range of partners and utilising a variety of facilities the project has delivered a significant programme of activity.
- 3.6 The partners involved were:-
- Rosliston Forestry Centre, Active Nation, Swadlincote Snow and Ski board Centre, Safer South Derbyshire Partnership, Clubs and community groups, Parish Councils.
- 3.7 These organisations committed a large amount of in-kind and financial support to match the Sport England Funding which made the project a value of £244,000.
- 3.8 The range of activities delivered through the project included:
- Dance, Archery, Street Games, Tai Chi, Wheeled Activity, Snow sports, orienteering, jogging, junior netball and basketball, back to sessions and cycling.
- 3.9 Also a junior Park Run was launched at Maurice Lea Memorial Park and a community Park Run has launched at Rosliston Forestry Centre.
- 3.10 Ambitious targets were set by Sport England and performance against these is illustrated below:

<b>Group</b>	<b>Target No.</b>	<b>No. Achieved</b>
Male	2,677	3,789
Female	2,738	4,400
0-13	840	3,581
14-25	3,003	2,807
26+	1,572	1,807
Overall Participant Target	5,415	8,189

<b>Throughput Target</b>	<b>Throughput Achieved</b>
43,565	58,126

### **Events and Festivals**

- 3.11 A range of events were also set out to be achieved as part of the Igniting the Legacy project and range have been delivered over the last 3 years.

- March 2013 the English School Cross Country Championships hosted at Catton Hall.
- The Under 17 Women's European Football Championships hosted at St Georges Park.
- South Derbyshire Day hosted at Derby County had a Igniting the Legacy theme with local athletes and volunteers being celebrated. And over a number of years has celebrated and thanked local volunteers and community groups in partnership with the South Derbyshire Partnership.
- In 2014 Australia Badminton utilised Etwall Leisure Centre as part of their pre Commonwealth Games training camp.
- June 2016 saw the Aviva Women's Cycle Tour of Britain come through the District.
- Events such as The Festival of Leisure, Schools Mini Olympics, Dance in the Forest, National Play Day, South Derbyshire Sports Awards have all contributed to continuing the Igniting the Legacy Theme throughout the District.
- Several Schools have been County and in some cases Regional and National representatives in various competitions.

## **Performance Sport**

- 3.12 Supporting the performance sport agenda through this project meant that talented athletes at County, Regional, National or International Level were supported on a local level with their training. Active Nation, the charity managing on the Councils behalf continue to provide free sports passes for representative level athletes for use of training facilities. 217 Sports passes have been awarded.
- 3.13 202 athletes have received a small grant through South Derbyshire Sport towards the cost of training / equipment / coaching costs.
- 3.14 Derbyshire Sport has also supported the performance level athletes through the County ICON scheme and the Derbyshire Institute of Sport scheme which provide athletes with bespoke strength and conditioning through to physiotherapy and a financial contribution. Since 2013, 45 awards have been for ICON to South Derbyshire athletes and 13 Derbyshire Institute of Sport Awards.
- 3.15 One such success story is Lewis White a 16 year old from Swadlincote who has been supported through a number of years locally but also received DIS support and will be heading to the Paralympic Games in Rio at the end of August to compete in various Swimming Disciplines.

## **Next Steps**

- 3.16 The securing of significant external funding over the last 4 years, along with the previous Sport England funded 'Get South Derbyshire Active' and Big Lottery

funded 'South Derbyshire Play Project' has meant that members and the community have experienced high levels of provision funded by external partners. Whilst this has been a great benefit it does mean that there is a 'Risk' of provision levels reducing as the funds are used. To mitigate this 'Risk' the following approach is proposed.

- 3.17 Firstly to complete the development of the Physical Activity, Sport and Recreation Strategy on schedule in order to consider a funding bid to the Sport England Physical Inactivity Fund which will be launched in early 2017. Such a bid would be based upon a physical activity project focused on getting residents who are currently inactive to be engaged in activity such as walking, cycling, dance and in locations within their community such as public open space, rights of way, village halls and community centres.
- 3.18 Sport England will require partnership funding if a bid is successful and it is proposed to use the Sport and Health Reserve towards that funding. Progress on seeking this funding support will be provided at future meetings.
- 3.19 Secondly to use a combination of efficiency savings and remodeling to make aspects of the Sport and Health service sustainable in the long term. The priority for this will be to sustain the playscheme service as it attracts over 6,700 visits a year and is widely recognized as a quality service, being mainly funded through bookings by Parish Councils and the Safer South Derbyshire Partnership. Progress on this process will be reported to Committee when appropriate.

#### **4.0 Financial Implications**

- 4.1 As identified above it is anticipated that the Sport and Health service provision can be maintained with a future successful bid to Sport England.

#### **5.0 Corporate Implications**

- 5.1 The Framework development and the strategy will deliver against the People, Places and Progress elements of the Corporate Plan and Community and Planning Service Plan.

#### **6.0 Community Implications**

- 6.1 The ongoing consultation and engagement with local people, community sports groups and Parish Councils throughout the development and delivery of the strategy will identify opportunities for delivering against a range of cross cutting agenda's suitable to the local area need.

#### **7.0 Conclusions**

- 7.1 South Derbyshire is continuing to plan for and provide its growing community with quality sport, physical activity and recreation offers which will promote progress, and place and put people at the heart of its delivery.

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REPORT TO:	HOUSING AND COMMUNITY SERVICES	AGENDA ITEM: 12
DATE OF MEETING:	24 <sup>th</sup> NOVEMBER 2016	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	OPEN:
MEMBERS' CONTACT POINT:	CHRIS SMITH <a href="mailto:chris.smith@south-derbys.gov.uk">chris.smith@south-derbys.gov.uk</a> 01283 595 924	DOC:
SUBJECT:	VOLUNTEERING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: HCS07

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## **1.0 Recommendations**

- 1.1 That members approve the Council Volunteer Policy.

## **2.0 Purpose of Report**

- 2.1 To obtain members approval for the Council Volunteer Policy.

## **3.0 Detail**

- 3.1 In recent years the Council has seen an increase in the amount of public events and community projects delivered across the district. Many departments are enlisting the help of volunteers to help with the running of these initiatives. Liberation Day, Dream Scheme, National Play Day, Get Active in the Forest, the Walking Festival, Village Games are just a few of the events which strongly rely on volunteers.
- 3.2 Currently there is no framework in place to ensure that we are offering a consistent approach to recruiting, managing and training volunteers across the council. This policy will help ensure that each volunteer will: receive an induction, adequate information about the role they are required to do, checked so the role is appropriate to them and is well looked after and have an enjoyable experience.
- 3.3 The Council currently involved volunteers through a wide range of volunteering opportunities across Council services. The Volunteer Policy attached as Appendix No.1 to the report confirms the Council's commitment to volunteers and established the values and standards of the Council in its involvement with them.
- 3.4 The Policy had been subject to consultation with the Council departments that use volunteers and South Derbyshire CVS. It was recommended that in order to ensure compliance with national guidelines and to better understand the climate of volunteering across services, a common approach to volunteering should be implemented across the Council.

- 3.5 There are a wide variety of roles available to volunteers which differ from service to service but by working closely with South Derbyshire CVS the Council we will seek to create more volunteering opportunities where possible.
- 3.6 In order to monitor the delivery of the policy, a baseline assessment will be undertaken to establish the number of volunteers and the types of activity they currently engage with. This will be updated by each department, creating a pool of volunteers that may be approached to assist with future events.
- 3.7 Alongside the policy a development plan has been produced which will ensure the policy is delivered. This will include the production of standard documentation (application procedure, induction pack), relevant training is provided, a webpage is developed and promotional and celebration events are held. The development plan is provided as Appendix No.2
- 3.8 A future development will be a Community Champions scheme which will recognise key people who volunteer in their communities. These individuals will be identified and approached to become 'Community Champions'. They will build on their existing role in the community and help us promote activities and events and be consulted to identify needs within their communities. This will be subject to a future report.

#### **4.0 Financial Implications**

- 4.1 There will be a small amount of finance required, to provide training courses, DBS checks and future promotion and celebration events but will be absorbed within existing budgets.

#### **5.0 Corporate Implications**

- 5.1 Within the Corporate Plan there are two aims that developing and standardising volunteering across the Council will impact on: 'Connect with our communities, helping them feel safe and secure' and 'Increase the levels of participation in sport, health, environmental, physical activities'. There are two specific projects within the Corporate Plan around volunteering: 'Develop a community champion scheme through volunteer development' and 'Support the community and voluntary sector to enable people to maintain living independently'.

#### **6.0 Community Implications**

- 6.1 This Policy will help develop a workforce of volunteers which will benefit the South Derbyshire community.

#### **7.0 Background Papers**

- 7.1 Appendix 1 – Volunteer Policy  
Appendix 2 – Volunteer Development Plan 2016-18

# South Derbyshire District Council

## **DRAFT Volunteer Policy**

**October 2016**

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## Version Control

Version	Description of version	Effective Date
1.0	SDDC Volunteer Policy	

## Approvals

Approved by	Date

## Associated Documentation

Description of Documentation	
2016-2018 Volunteer Development Plan	

## 1.0 Introduction

Volunteers may be described as individuals who put their experience, knowledge and skills at the disposal of an organisation, without pay, with the primary aim of helping the organisation to achieve its service objective of bringing some benefit to the local community.

Volunteers can come from all ages and may choose to volunteer for a variety of reasons, for example to:

- Socialise
- Put something back into the community
- Regain or learn new skills
- Improve their work experience and their CVs
- Occupy their time
- Support their local services

For the individual, volunteering can improve confidence and self-esteem, increase knowledge and skills, and bring health benefits through raised activity. Volunteers make a valuable contribution to the well-being of our society and environment, making South Derbyshire a better place to visit, work and live in.

South Derbyshire District Council ("The Council") recognises that the skill and enthusiasm of volunteers can make a significant and valuable contribution to the services it delivers and proposes to increase volunteer involvement.

Within the Council the role of volunteers is to complement the work of paid staff, adding value to and supplementing the capacity of the service and is not intended to replace the work of paid staff.

Council volunteers will be managed in a different way to employees. It is a flexible arrangement and there is no obligation for the volunteer to accept any role or for the Council to offer it. Unlike an employee, volunteers do not have a contract of employment with the Council or have the same responsibilities and obligations as employees but they will be provided with a role description which will give a clear overview of the activities they can expect to be involved in, what will be expected of them and the skills or experience they will need.

## 2.0 The Purpose of the Policy

This Policy will formalise the way volunteers are supported and managed across the service and provides a base on which to build their involvement. It sets out the Council's key principles and objectives for the involvement of volunteers within the Council and provides a framework for best practice



- Provide a framework for all SDDC staff when considering involving volunteers in their work.
- Provide a foundation on which to build our involvement with volunteers.
- Give a cohesive and consistent approach to managing volunteers to ensure that they are fully supported
- Actively encourage volunteering and build up a pool of volunteers
- Encourage the development of volunteering in all areas of the Council where appropriate
- Recognise and promote the importance of volunteering to the work of the Council
- Ensure support, training and supervision for Council volunteers
- Identify the standards to which Council staff and volunteers are expected to adhere
- Provide guidance and best practice to Council staff in working with volunteers and ensure the application of the Council's equal opportunities policy to volunteering
- Ensure that volunteering with the Council is an enjoyable and rewarding experience

The Policy will be reviewed and updated as necessary, for example, to comply with changes in the law.

### **3.0 Recruitment**

Application forms, role descriptions, policies and other documents will be available on the Council website, and via partner volunteer organisations.

An application form will be completed and informal interviews will be held with the service volunteer point of contact. Clear defined roles will be provided by each department.

Enough information will be provided both about the specific opportunity and the Council to allow a potential volunteer to make an informed decision about what they want to do.

SDDC will ensure recruitment and selection of volunteers is carried out fairly.

Where a volunteering role requires substantial access to children, young people or vulnerable adults, an enhanced check for regulated activity will be requested through the Disclosure and Barring Service (DBS) prior to the volunteer taking up their role.

### **4.0 Induction, support and training**

The Council recognises that whilst volunteering can be satisfying and enjoyable, it can also place greater demands and responsibilities on individuals.

As volunteers may be perceived by the public as representing the Council, they will be expected to abide by Council's policies and procedures whilst on Council premises, or undertaking any of their volunteering duties.

The Council will ensure that all volunteers receive appropriate induction, support and training to carry out their role and work within relevant policies and procedures. Feedback will be provided to volunteers and debriefs will be held after events and activities have taken place.

A nominated employee will address volunteers' needs for advice, guidance and training. The nature of support will vary depending on the volunteering role: a full-time volunteer may have different requirements to a volunteer undertaking a weekly or monthly supervised task. Employees that support volunteers will receive relevant training where appropriate.

## **5.0 Community-based volunteering**

There are many community based groups that work with the Council. These include 'Friends of Groups'; Footpath and environmental groups; Neighbourhood and Park Watch groups. The Council will facilitate the creation of such groups and, by providing technical support and assistance, enable them to achieve mutual goals.

As these groups are working independently and are not an integral part of the Council, they are not covered by this Policy.

## **6.0 Volunteering with the Council**

The Council wants to make information on volunteering easily available to everyone and will publicise roles on the Council's website and through the South Derbyshire CVS Volunteering opportunities database.

When required, the Council will engage with potential volunteers through specific, targeted campaigns. Volunteer opportunities may also be made available in local volunteer centres.

Volunteers in roles involving vulnerable adults or children may need particular support, advice and training. Managers should make volunteers aware of the special requirements of the role and of behaviour that is not acceptable.

## **7.0 Volunteer Agreement**

Volunteers will be asked to abide by the Volunteer Agreement, which will clearly set out the Council's expectations of volunteers with regard to behaviour and conduct, and what volunteers can expect in return.

The Volunteer Agreement is not a legally binding contract of employment between the Council and the volunteer. It may be withdrawn from at any time at the discretion of either party, although whilst the parties are working together, the principles are expected to apply. Neither party commits to any employment relationship being created either now or at any time in the future. However, this Agreement does not exclude volunteers from applying for jobs within the Council.

## **8.0 Confidentiality and data protection**

Some aspects of the volunteer's role may be confidential. Issues around confidentiality will be discussed with the volunteer during the induction process. The volunteer will also be made aware of the Council's policies on confidentiality and data protection, and will be expected to comply with them.

Personal information about volunteers will be maintained in line with South Derbyshire District Council's data protection procedures and confidentiality guidelines.

## **9.0 Insurance**

Volunteers registered with and supervised by South Derbyshire District Council are insured for personal injury and are covered by professional and public liability insurance, in the same way as employees. However, the insurance will not cover unauthorised actions, or actions outside the volunteer's role description.

Friends groups, and other volunteer groups working without charge and at the request of the Council, are also covered by the Council's insurance.

## **10.0 Volunteer expenses**

South Derbyshire District Council recognises that volunteers should not lose out financially because of their volunteering activities. The Council will provide a clear procedure for the reimbursement of eligible expenses.

All agreed, eligible expenses incurred during the course of volunteering duties and training will be reimbursed on provision of appropriate receipts and/or mileage forms.

## **11.0 Equality and diversity**

South Derbyshire District Council intends to draw on as wide a pool of volunteers as possible. Volunteers from all backgrounds, including those from the protected characteristic groups defined in the 2010 Equality Act, will be treated with respect and encouraged to work within the Council's equality and diversity policies.

During the induction process, it will be made clear to the volunteer that they should treat all employees, clients, other volunteers and members of the public with respect, regardless of their backgrounds and beliefs, and that volunteers should expect the same in return.

Volunteers will be expected to accept and adhere to the equality and diversity policies in terms of their treatment of people they come into contact with as a result of their volunteer role.

## **12.0 Health and Safety**

South Derbyshire District Council's Health and Safety policies and guidance set the standards for a safe and healthy working environment and must be followed by volunteers at all times. Health and safety information will be made available during the volunteer's induction and for reference as required throughout the placement.

The Council is responsible for the health and safety of its volunteers. A risk assessment will be undertaken for each volunteer role. Necessary personal protective equipment will be made available, either on loan or provided without charge as appropriate.

### 13.0 Safeguarding

All volunteers should be made aware of the Council's Safeguarding Policy and it should form part of the induction package for new volunteers. As a minimum all volunteers should be advised on what safeguarding is what to look out for and what to do if they witness anything that causes concern (reporting & referring).

### 14.0 Further information

Contact: Chris Smith Communities Manager on 01283 595942. [Chris.smith@south-derbys.gov.uk](mailto:Chris.smith@south-derbys.gov.uk)

## South Derbyshire Volunteer Policy Development plan 2016 - 2018

<b>Key Objective</b>	<b>Action</b>	<b>Success Measure</b>	<b>Date Due</b>	<b>Responsible Person/s</b>	<b>Progress</b>
<b>Develop internal procedures</b>	Develop a small volunteering working group of departmental single points of contact to review and deliver the Volunteering Development Plan	Group formed which meets quarterly to review Development Plan	<b>Jan 2017</b>	<b>Community Engagement Officer</b>	
<b>Develop internal procedures</b>	Produce application procedure & template forms for all departments to use for recruiting volunteers.	Development & circulation of application procedure once tried and tested.	<b>Dec 2016</b>	<b>Community Engagement Officer</b>	
<b>Develop internal procedures</b>	Develop a Role Description doc for each dept that is working with volunteers; this should give an overview of the dept's work, the volunteering opportunities available within that dept and what roles / tasks will be undertaken by volunteers.	Each department produce its own role description.	<b>March 2017</b>	<b>Departmental Single Point Of Contact</b>	
<b>Develop Internal procedures</b>	Produce a database of volunteers detailing specific roles, experience, qualifications and times available.	Joint data base will be accessed and updated by single point of contact in each department	<b>June 2016</b>	<b>Community Engagement Officer</b>	
<b>Develop internal procedures</b>	Develop the volunteering webpage on SDDC Website to include volunteering opportunities available and featuring photos / stories of existing volunteers	Add contacts, application forms, role descriptions, volunteers handbook to the page	<b>March 2017</b>	<b>Community Engagement Officer / Communities Manager</b>	

<b>Induction, Support and training</b>	Develop induction procedure and pack; include volunteers, handbook, expenses procedure, info on VCI Passport training.	Number of volunteers who have received formal induction and handbook	<b>Sept 2017</b>	<b>Community Engagement Officer / CVS</b>	
<b>Induction, Support and training</b>	Promote the VCI Passport training course for volunteers (Provided by CVS) & arrange volunteer management training for SDDC Staff	Arrange for at least one Passport training event for SDDC Volunteers & one volunteer management training for SDDC Staff	<b>March 2018</b>	<b>Community Engagement Officer / CVS</b>	
<b>Community Champions</b>	Develop a community champions scheme	Work with CVS to develop the concept & role of a community champions scheme in South Derbyshire	<b>March 2017</b>	<b>Communities Manager / Community Engagement Officer / CVS</b>	
<b>Celebrate &amp; Promote Volunteering</b>	Promote and further develop South Derbyshire Day	Work with the Events Team and CVS to produce promotional material and formalise identification of attendees.	<b>March 2017</b>	<b>Communities Manager / CVS / Cultural Services Events Team</b>	
<b>Celebrate &amp; Promote volunteering</b>	Develop a programme of initiatives for celebrating & promoting volunteering including National Volunteers Week	Work with CVS & the Strategic Volunteering Partnership to develop and deliver a number of events & activities to promote volunteering	<b>June 2017</b>	<b>Communities Manager / CVS</b>	

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<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 13</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>MIKE HAYNES – DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES</b>	<b>EXEMPT PARAGRAPH NO: Not Exempt</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>MATT HOLFORD – ENVIRONMENTAL HEALTH GAYNOR RICHARDS – SENIOR PLANNING ENFORCEMENT OFFICER</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CORPORATE ENFORCEMENT POLICY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS14 &amp; HCS10</b>

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## **1. Recommendations**

- 1.1 That Members approve a new Corporate Enforcement Policy.

## **2. Purpose of Report**

- 2.1 To advise Members of the statutory and policy framework supporting the adoption of a Corporate Enforcement Policy.
- 2.2 To present Members with a proposed Corporate Enforcement Policy to ensure the fair and proportionate enforcement of most aspects of criminal law regulated by South Derbyshire District Council.

## **3. Background**

- 3.1 There has been a concerted effort over the past decade to ensure that the potential burden of 'red tape' does not prevent the development of a vibrant economy and this is particularly the case in the current economic climate.
- 3.2 In March 2005 a report titled "Reducing Administrative Burdens; Effective Inspection and Enforcement" was published by Lord Hampton. The report had been commissioned by the Treasury in response to a request in the 2004 budget from the Chancellor of the Exchequer for them to assess the need for reducing administrative burdens by promoting more efficient approaches to regulatory inspection and enforcement, without compromising regulatory standards or outcomes.
- 3.3 The Report, and the principle of removing or reducing burdens resulting from legislation, led to the enactment of the Legislative and Regulatory Reform Act (the Act) in 2006.

- 3.4 The Act set out five principles which any person exercising a designated regulatory function must have regard to. Those five principles are that regulatory activities should be carried out in ways which are transparent, accountable, proportionate, consistent and targeted. The designated regulatory functions in the Act are defined as those covered by environmental health, licensing, trading standards and fire safety.
- 3.5 In 2013 a Regulators Code was published which the designated regulatory functions are required to have regard to when developing policies and operational procedures. The stated aim of the Code is to develop an open and constructive relationship between regulators and those they regulate aimed to provide “a clear understanding of the services that can be expected and (those regulated) will feel able to challenge if these are not being fulfilled”. In October 2013 E&DS approved an Enforcement Policy covering the Licensing and Environmental Health functions in order to meet the requirements of the Regulators Code.
- 3.6 In January 2013 E&DS also approved a Local Enforcement Plan for the use by the Head of Community and Planning Services for the everyday application of planning enforcement policy within the District. The Plan was adopted in order for the Council to show compliance with paragraph 207 of the National Planning Policy Framework.
- 3.7 In 2015 the Deregulation Act was enacted which contained a general duty on those exercising a regulatory function to “have regard to the desirability of promoting economic growth”; and in doing so to ensure that regulatory action is taken only when it is needed, and to ensure that any action taken is proportionate.
- 3.8 The publication of, and adherence to, an Enforcement Policy is a key aspect of demonstrating compliance with the duty imposed by the Deregulation Act.
- 3.9 In 2016 South Derbyshire District Council published its revised Corporate Plan. Under the ‘People’ corporate theme of *keeping residents happy, healthy and safe*, was a specific long term aim to “*Use existing tools and powers to take appropriate enforcement action*”. The corporate project to support the achievement of this aim is to “publish and annually review a single Enforcement Policy covering all SDDC regulatory activity”.

#### **4. Implementation**

- 4.1 The proposed Enforcement Policy is set out in the Appendix to this report. The Policy is based on the content of a best practice template published by the Better Regulation Delivery Office (now called the Regulatory Delivery directorate) of the Department of Business Innovation and Skills. The Policy also combines much of the relevant content previously included in the 2013 Licensing and Environmental Health Enforcement Policy and the 2013 Local Enforcement Plan.
- 4.2 The combined policy covers all of the regulatory functions of licensing, environmental health (including private sector housing), planning enforcement and building control. Civil enforcement functions such as those used by the public sector housing, business rates and council tax services are not included.
- 4.3 Each year the Council regulates the activity of the estimated population of nearly 100,000 residents and 2,200 businesses. This entails responding to an estimated 3,000 requests for action each year and approximately 1,000 proactive inspections of business premises and vehicles. The Corporate Enforcement Policy provides a single policy framework for all regulatory decisions, which enables anyone affected by a



decision to have assurances about the transparency and consistency of decision making processes and accountability of the regulatory officers.

## **5. Financial Implications**

- 5.1 Minor significant implications.

## **6. Corporate Implications**

- 6.1 Positive. The proposed Policy offers Members and all of our clients evidence that the Council is using its enforcement powers to take appropriate enforcement action. Delivery of and adherence to the Policy is a specific commitment within the 2016-17 Corporate Plan Performance Board.

## **7. Community Implications**

- 7.1 Beneficial.

## **8. Conclusion**

- 8.1 The report seeks Member agreement for a Corporate Enforcement Policy which provides a consistent framework across the whole Council for officers to make regulatory decisions, and provides transparency and accountability against which those effected by those decisions can understand a decision and challenge it where they consider it appropriate.



**South  
Derbyshire**  
District Council

# South Derbyshire District Council

## **CORPORATE ENFORCEMENT POLICY AND ASSOCIATED GUIDANCE**

**September 2016**

## 1. Introduction and Scope of Policy

1.1. Fair and effective enforcement is essential to protect the health, safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and in particular the decision to prosecute carry serious implications for all involved. The purpose of this policy is to provide guidance to ensure:

- Decisions about enforcement action are fair, proportionate and consistent;
- Officers apply current Government guidance and relevant codes of practice;
- Everyone understands the principles that are applied when enforcement action is considered.

1.2. This Enforcement Policy applies to the regulatory services provided by the development control, building control, environmental health and licensing service units. The Scheme of Delegation to Officers contained within Section 21 of the [South Derbyshire District Council constitution](#) describes which regulatory functions are delegated to which Director of the District Council. This enforcement policy relates to the following regulatory functions as they are described in the Constitution;

1.3. Powers delegated to the Chief Executive under Section 21, Part 3, paragraph 3.3(2) of the Constitution;

*To undertake all functions relating to licensing, including:*

- *street and house-to-house collections;*
- *amusements, lotteries and gaming;*
- *taxi and private hire licensing;*
- *alcohol, entertainment and late night refreshment;*
- *riding establishments;*
- *animal boarding;*
- *dog breeding;*
- *sex establishments;*
- *personal treatments i.e. tattoo, piercing;*
- *street trading;*
- *pet shops;*
- *zoos;*
- *dangerous wild animals;*
- *scrap metal.*

1.4. Powers delegated to the Director of Housing and Environmental Services under Section 21, Part 6 of the Constitution;

### 6.1 Housing Services

- *mobile homes;*
- *permanent gypsy/traveler sites;*
- *homelessness;*
- *crime, disorder and anti-social behavior reduction, in liaison with the Police, in council housing and in general community;*
- *harassment and unlawful eviction;*

### 6.2 Environmental Services and Health

*To undertake all functions relating to Environmental Services and Health, including:*

- *public health;*
- *food sales, safety and standards;*
- *caravan sites;*
- *Health and Safety at Work;*
- *cleansing of highways and other public areas;*
- *pollution control;*
- *exhumations;*

- *public conveniences;*
- *bus shelters;*
- *street furniture and litter bins*
- *refuse collection and disposal;*
- *pest control;*
- *shops and Sunday trading;*
- *animals;*
- *litter and fly tipping – prevention and clearance;*
- *home safety;*
- *water supply, standards and safety;*
- *housing conditions, standards and safety;*
- *housing improvement and renovation;*
- *public nuisance;*
- *high hedges;*
- *drainage and sewers;*
- *dogs;*
- *smoking prohibition;*
- *environmental management;*
- *climate change;*

1.5. Powers delegated to the Director of Community and Planning Services under Section 21, Part 7 of the Constitution;

#### 7.1 Community

(2) *To be responsible for all functions relating to the Safer South Derbyshire Partnership:*

- *community safety, crime, disorder and anti-social behavior reduction, in liaison with the Police.*

#### 7.3 Planning Enforcement

*To undertake all functions in relation to Planning Enforcement, including:*

- *to take any formal enforcement action in relation to cases of unauthorised Development, not covered by other specific delegated authority, in accordance with the Council's Adopted Local Enforcement Plan;*
- *to serve enforcement notices, stop notices and temporary stop notices under the Town and Country Planning Act 1990;*
- *to serve requisitions for information under Section 330 of the Town and Country Planning Act 1990;*
- *to serve planning contravention notices under Section 171C of the Town and Country Planning Act 1990;*
- *to serve breach of condition notices;*
- *to take action under Section 224 of the Town and Country Planning Act 1990 and the Town and Country (Control of Advertisement) Regulations in respect of unauthorised advertisements;*
- *to withdraw a planning enforcement notice where planning permission for the development has subsequently been granted;*
- *to remove or obliterate posters under Section 225 of the Town and Country Planning Act 1990;*
- *to serve notices under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land;*
- *to carry out any necessary changes to procedures/the Adopted Local Enforcement Plan in line with government guidance/statutory requirements;*
- *to enter land and buildings as authorised under:*
  - *Town and Country Planning Act 1990 (as may be amended);*
  - *Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as may be amended);*
  - *Planning (Hazardous Substances) Act 1990 (as amended);*
  - *Planning (Hedgerow Regulations) Act 1993*

- *Local Government (Miscellaneous Provisions) Act 1976, 1982;*
- *Planning (Consequential Provisions) Act 1990 (as amended).*

#### 7.4 Building Control

*To undertake all functions in relation to Building Control, including:*

- *site inspection of building work in progress for Building Regulation and associated legislation compliance;*
- *determination of applications and the issue of legal certificates*
- *investigation of reports of unauthorised work and the taking of appropriate action to deal with those works, along with any contravention of the regulation;*
- *Building Act 1984, Part II notices;*
- *applications for Building Regulations dispensation or relaxation;*
- *the authority to deal with the control of dangerous structures and to act as the proper officer where such emergencies make it necessary (and to authorise Surveyors at East Staffordshire Borough Council to act on the Council's behalf in accordance with an agreed protocol;*
- *enforcement notices under the Building Act 1984;*
- *to enter land and buildings as authorised under the Building Act 1984;*
- *to take all actions prescribed by Sections 77 – 81 of the Building Act 1984;*
- *to take all actions prescribed by Sections 36 and 59 of the Building Act 1984.*

1.6. This Policy also supports three of the four of the strategic objectives in [South Derbyshire District Council's Corporate Plan 2016-2021](#).

- The Policy supports the 'Outcome' objective by contributing to the key aim to *enhance environmental standards.*
- The Policy supports the 'People' objective by contributing to both the key aim to *Protect and help support the most vulnerable, including those affected by financial challenges* and the aim to *Use existing tools and powers to take appropriate crime enforcement action.*
- The Policy supports the 'Place' objective by contributing to the key aims to *Enhance understanding of the planning process, Help maintain low crime and anti-social behaviour levels in the District* and *Connect with our communities, helping them feel safe and secure.*

1.7. This Policy also provides the strategic framework to demonstrate that South Derbyshire District Council is complying with its duties under the [Legislative and Regulatory Reform Act 2006](#). This requires that the Council in the discharge of some of its regulatory functions is to maximise efficiencies in the way Councils regulate in order to reduce the burdens on business whilst maintaining standards. The Policy is central to the way the Council deploys its regulatory services and so it ensures "*that proper arrangements are in place to enable resources to be used efficiently and effectively*". This duty under the Legislative and Regulatory Reform Act specifically relates to the functions delivered by the environmental health and licensing services.

1.8. The Planning Enforcement function also has a separate [Local Enforcement Plan](#) which has been adopted as a local Planning Policy Statement. Where there is any duplication or discrepancy between the Local Enforcement Plan and this Enforcement Policy, the Local Enforcement Plan will have authority.

## 2. Legal Status of the Enforcement Policy

2.1. This Policy was approved by the Environment and Development Services Committee of South Derbyshire District Council on 17<sup>th</sup> November 2016 and by the Housing and Community Services Committee on 24<sup>th</sup> November 2016. Minor iterations of the Policy which have been subsequently approved are summarised in the Document Control table at the end of the document.

- 2.2. This policy is intended to provide guidance for officers, businesses, consumers and the public. Officers operating in a regulatory capacity for the Council are expected to act in accordance with this policy and any failures to do so will be investigated and addressed through the Council's Employee Code of Conduct. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.
- 2.3. The adoption and application of the Policy demonstrates the Council's compliance with the requirements of section 21 of the Legislative and Regulatory Reform Act 2006 and is a significant part of evidencing our compliance with the Regulators Code.
- 2.4. The [Food Law Code of Practice](#) paragraph 3.1.4 requires that a Food Authority's Enforcement Policy is readily available to food businesses and consumers. This Policy demonstrates the Council's compliance with this statutory Code.
- 2.5. The [National Local Authority Enforcement Code](#) provides direction to local authorities on how to enforce health and safety law. This Policy demonstrates the Council's compliance with this statutory Statement.

### 3. Scope and Meaning of 'Enforcement'

- 3.1. 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses that the law places duties upon, (including employers, the self-employed, employees and others) are returned to compliance or encouraged to comply with the law. This is not limited to formal enforcement action such as prosecution.
- 3.2. In certain circumstances, we will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published.
- 3.3. The Council places great importance on the consistent use of enforcement action and does not measure itself by the quantities of enforcement action it takes and so does not set targets. The Council does not take enforcement for enforcement's sake. Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be appropriate, or to assist such claims.

### 4. General Principles

- 4.1. Prevention is better than cure and our role therefore involves actively working with businesses and residents to advise on, and assist with compliance.
- 4.2. The principles of regulatory functions are stated in Section 2(3) of the Legislative and Regulatory Reform Act 2006. This states that regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent. It also states that regulatory activities should be targeted only at cases in which action is needed.
- 4.3. Further details about how to meet these principles is contained in the Regulators' Code published in 2013 by the Department for Business, Innovation and Skills. Compliance by regulatory officers with this Policy is a significant factor in demonstrating that we are meeting the requirements of the Regulators' Code.
- 4.4. Where it is considered that formal action is necessary, each case will be considered on its own merits. Decisions will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.
- 4.5. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.
- 4.6. South Derbyshire District Council is a public authority for the purposes of the [Human Rights Act 1998](#). We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

- 4.7. This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement such as targeting enforcement actions, which improve regulatory outcomes without imposing unnecessary burdens. The policy is also intended to provide a framework which ensures that similar social, environmental and economic outcomes are achieved by less burdensome means than direct regulation. This is in accordance with the Regulators' Code.
- 4.8. In exceptional instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and be documented.

## **5. Resourcing Effective Regulation**

- 5.1. The Regulators' Code section 3 requires that regulators ensure that "*Regulators should base their regulatory activities on risk*". The services covered by the Regulators Code will publish an annual Inspection Plan which will identify;
- The frameworks used to identify the risks of relevant businesses which are subject to programmed inspections;
  - A quantification of the predicted numbers of inspections required based on the risk assessment framework and the resources necessary to deliver these;
  - A summary of service standards and performance targets for the respective services.
- 5.2. Currently the service areas which publish risk based annual inspection plans are for;
- Food hygiene inspections;
  - Workplace health and safety inspections;
  - Industrial pollution control

## **6. Conduct of Investigations**

- 6.1. All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to South Derbyshire District Council:
- the Police and Criminal Evidence Act 1984
  - the Criminal Procedure and Investigations Act 1996
  - the Regulation of Investigatory Powers Act 2000
  - the Criminal Justice and Police Act 2001
  - the Human Rights Act 1998
- 6.2. These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.
- 6.3. Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated national and local guidance or codes of practice.

## **7. Notifying Alleged Offenders**

- 7.1. If we receive information (for example from a complainant) that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 7.2. During the progression of enforcement investigations (prior to any convictions), business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and in accordance with the [Data Protection Act 1998](#).



## **8. Dealing with non-compliance and deciding what level of enforcement action is appropriate**

### **Consideration of risk in enforcement action**

- 8.1. The Regulators Code requires that regulatory activities should be based on risk. We use a number of different risk models to determine the speed and frequency of our regulatory intervention;

### **Proactive Inspections of Businesses**

- Proactive food inspections are based on the guidance in the Food Law Code of Practice;
- Proactive health and safety inspections are based on guidance in the National Local Authority Enforcement Code;
- Proactive environmental permit inspections are based on Environmental Permitting General Guidance;
- Licensed caravan sites are currently inspected annually;
- Private hire vehicles are currently inspected every 6 months;
- Premises holding animal licenses are currently inspected annually on renewal of license;
- Licensed premises are currently inspected on a non-risk based sequential programme.

### **Responding to Allegations of Non-Compliance**

- We respond to about 3000 complaints a year. The details of the speed and nature of response are usually dependant on the relative risk of the allegation and are published in separate service standards for each of the service areas.

### **Levels of enforcement action:**

- 8.2. There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court, depending on increasing seriousness
- No action;
  - Informal Action and Advice;
  - Voluntary undertakings
  - Fixed Penalty Notices;
  - Penalty Charge Notices;
  - Formal Notices;
  - Forfeiture Proceedings;
  - Seizure of goods/equipment;
  - Works in default following failure to comply with a formal notice;
  - Emergency works in the event of imminent risk;
  - Injunctive Actions;
  - Refusal/suspension/revocation of a licence;
  - Simple Caution;
  - Prosecution.



- 8.3. Annex B of this policy summarises the nature of each of these interventions and some general commentary on when they may be used.
- 8.4. In assessing what enforcement action is necessary and proportionate, consideration will be given to:
- The seriousness of compliance failure;
  - Past performance and current practice;
  - The risks being controlled;
  - Legal, official or professional guidance;
  - Local priorities of the Council;
  - Business size and capacity;
  - Views of a Primary Authority (where one exists).
- 8.5. When dealing with incidents of non-compliance officers are expected to clearly explain the cause of non-compliance; the actions required to rectify the non-compliance; the decision taken by the Council as a result of the non-compliance and the reasons for each of these.
- 8.6. Effective communication requires a two way flow of information. Regulatory officers are expected to behave in a way which enables the most effective possible dialogue with all relevant parties in relation to advice given, actions required and decisions taken in relation to non-compliance. The only exception to this is where immediate enforcement action is required to prevent or respond to a serious breach, or where the dialogue would be likely to defeat the purpose of the enforcement action.
- 8.7. We recognise from our consultation with the business community that that one of the biggest barriers to compliance is a fear of business operators to openly discuss matters of compliance with regulatory officers. This policy commits that the Council will not automatically trigger enforcement action where those who are regulated show a willingness to resolve a non-compliance.

#### **Outcomes of Enforcement Action**

- 8.8. Ultimately, it is the outcome of any enforcement action that is the measure of whether the activity of the regulator has been positive or not. In considering the most appropriate enforcement action the regulator should be seeking to;
- Aim to change the behaviour of the offender;
  - Aim to eliminate financial gain or benefit from non-compliance;
  - Consider what is appropriate for any particular offender and regulatory issue, such as the risk of punishment and public stigma associated with a criminal conviction;
  - Be proportionate to the nature of offence and harm caused;
  - Aim to restore the harm caused by the non-compliance;
  - Deter future non-compliance.

### **9. Determining whether a Prosecution or Simple Caution is viable and appropriate**

- 9.1. We apply two 'tests' to determine whether a Prosecution or Caution is viable and appropriate. We follow guidance set by the Crown Prosecution Service when applying the tests. This is contained in the [Code for Crown Prosecutors](#).
- 9.2. A Caution or Prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test. The principles outlined apply equally to the other types of formal enforcement action that are available.

#### **The Evidential Test**

- 9.3. We must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or Magistrates' Court should only convict if it is sure of a defendant's guilt.

### **The Public Interest Test**

- 9.4. The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better. The message sent to the Community by a decision to prosecute or not and its potential to affect future levels of compliance will be given consideration.

## **10. Who decides what enforcement action is taken**

- 10.1. Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by South Derbyshire District Council and/or Central Government.
- 10.2. In order to ensure that decisions to prosecute are robust and consistent the Council has developed an enforcement decision template. This template requires the investigating officer(s) to take due consideration of the evidential and public interest tests before submitting the case to their Director with a recommendation to approve prosecution.
- 10.3. Where appropriate, decisions about enforcement will involve consultation between or approval from:
- Investigating Officer(s);
  - Senior Managers;
  - Legal Services;
- 10.4. The decision to prosecute must be ratified by the relevant Director.
- 10.5. Any enforcement decisions about activities directly operated by South Derbyshire District Council must be entirely free from any conflicts of interest. All decisions will be clearly evidenced and any of the actions under section 8 above will be signed off at Director level.

## **11. Liaison with other regulatory bodies and enforcement agencies**

- 11.1. Where appropriate, enforcement activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.
- 11.2. It is a statutory requirement that before any legal action is initiated against a business that has signed up to a Primary Authority partnership, that the Primary Authority is consulted about the proposed legal action. A Primary Authority partnership is a legally binding agreement between a business and a local authority that is endorsed by the Regulatory Delivery Directorate (RD) of the Department for Business Innovation and Skills (BIS). The Primary Authority provides assured advice, giving businesses consistency of regulation and reducing duplication of inspections and paperwork.
- 11.3. Details of all Primary Authority partnerships are available on the [RD](#) website. Details of the statutory notification procedures when specified enforcement action is proposed against a business in a registered primary authority partnership are contained in section 9 of the [Primary Authority Handbook](#).
- 11.4. Where an enforcement matter affects a wide geographical area beyond the boundaries of South Derbyshire District Council, or involves enforcement by one or more other local authorities or organisations, where appropriate and relevant authorities and organisations will

be informed of the matter as soon as possible and all enforcement activity coordinated with them.

11.5. We will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies. Examples include:

- Government Agencies;
- Police Forces;
- Fire Authorities;
- Statutory undertakers;
- Other Local Authorities.

## **12. Considering the views of those affected by offences**

12.1. We exercise our regulatory powers on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decisions.

## **13. Protection of Human Rights**

13.1. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:

- Right to a fair trial;
- Right of respect for private and family life, home and correspondence.

## **14. Monitoring of the Enforcement Policy**

14.1. We use an number of processes to monitor compliance with this policy and we will continue to develop these;

14.2. We monitor monthly performance indicators that provide a reflection of the quality of the service delivered by the services covered by this Policy. These are reviewed annually and are either reported as Corporate Plan performance indicators (and therefore reported to Councillors) or as local indicators (and therefore reported to and scrutinised by the relevant corporate manager stated in paragraph 1.3 to 1.5 above). These indicators are reviewed annually and where appropriate published in the Service Plan produced by each relevant Director.

## **15. Review of the Enforcement Policy**

15.1. This Policy will be fully reviewed every 3 years, minor amendments or changes in law will be amended at the discretion of the relevant Directors and brought to the attention of the Chairman of the relevant Committee that oversees the services that deliver the functions covered by this Policy.

15.2. The enforcement policy covers a diverse spectrum of our services. A copy of this policy will be published on a number of appropriate locations on the Councils website. These are;

### Licensing Function

[http://www.south-derbys.gov.uk/environment/licences/enforcement\\_policy/default.asp](http://www.south-derbys.gov.uk/environment/licences/enforcement_policy/default.asp)

### Better Regulation Information

<http://www.south-derbys.gov.uk/environment/enforcement/default.asp>

### Food Safety Regulation

[http://www.south-derbys.gov.uk/environment/health\\_and\\_safety/food\\_safety\\_inspections/default.asp](http://www.south-derbys.gov.uk/environment/health_and_safety/food_safety_inspections/default.asp)

## **16. Comments and Complaints**

- 16.1. Where you are affected by a regulatory action with which you disagree, we would always encourage dialogue between all parties to ensure that the general principles of enforcement stated in section 4 and the appropriate level of enforcement action described in section 8 can be achieved.
- 16.2. Any appeals against a regulatory decision, failure to act in accordance with the Regulators' Code (where appropriate) or conduct of staff carrying out regulatory activity on behalf of the Council should be made in the first instance to the Director of the relevant service. Appeals can be made to the relevant Director via the [corporate complaint](#) process.
- 16.3. Any appeals against formal legal notices issued by the Council will need to be made through the process described on the notice. There are usually deadlines by which any appeal against a formal legal notice must be submitted and so close attention should be given to the instructions in the appeal notes.

## **ANNEX A Bibliography**

South Derbyshire District Council Constitution (Sept 2013)

South Derbyshire District Council, Scheme of Delegation to Council Officers

South Derbyshire District Council Corporate Plan, 2016-21

Legislative and Regulatory Reform Act 2006

Food Law Code of Practice (England), April 2014

Making a Difference...The Standard for Health and Safety Enforcing Authorities, HSE & LACORS, 04/02/2008.

Section 18 HSC Guidance to Local Authorities, HMSO 2002

National Local Authority Enforcement Code, Health and Safety at Work 2013

Human Rights Act 1998

Police and Criminal Evidence Act 1984

Criminal Procedure and Investigations Act 1996

Regulation of Investigatory Powers Act 2000

Criminal Justice and Police Act 2001

Data Protection Act 1998

Enterprise Act 2002

Ministry of Justice - Simple Caution for Adult Offender guidance (MoJ Guidance), revised November 2013

Proceeds of Crime Act 2002

Code for Crown Prosecutors', 2013

Primary Authority Guidance, LBRO, 2009

Work Related Deaths, a Protocol for Liaison, 09/11

## **ANNEX B Overview of Potential Regulatory Interventions**

1. Where the law has been contravened, there is a range of enforcement options available. Under normal circumstances, a process of escalation will be used until compliance is reached. Exceptions would be where there is a serious risk to public safety or the environment or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.

### **No Action:**

2. In certain circumstances, contraventions of the law may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their wellbeing. In such cases, we will advise the offender of the reasons for taking no action. The decision to take no action rests exclusively with the Council and for example, the cost benefit equation described above will not rule out formal action if it is judged in the Public Interest.

### **Informal Action and Advice**

3. For minor breaches of the law, we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.
4. Sometimes we will advise offenders about 'good practice', but we will clearly distinguish between what they must do to comply with the law and what is advice only.
5. Failure to comply could result in an escalation of enforcement action.

### **Voluntary Undertakings**

6. We may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. We will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### **Fixed Penalty Notices**

7. Certain offences are subject to fixed penalty notices where prescribed by legislation. They are recognised as a low-level enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), the Council will normally administer a FPN on a first occasion, without issuing a warning. The decision about whether to issue an FPN having witnessed an offence will have regard to the appropriate level of enforcement action and the desired outcomes of the enforcement action described above.

### **Penalty Charge Notices**

8. Penalty Charge Notices (PCN) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the regulator in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and the Council will normally issue a PCN without first issuing a warning.

### **Formal Notice**

9. Certain legislation allows notices to be served requiring the recipient to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.
10. All notices issued will include details of any applicable Appeals Procedures.
11. Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) the Council may carry out any necessary works to satisfy the requirements of the notice. Where the law allows, the Council may then charge the person / business served with the notice for any cost incurred in carrying out the work. Whenever the urgency of the notice allows, the Council will ensure any works required in default are achieved, economically, e.g. by obtaining multiple competitive quotes for the work, unless it is a matter of urgency.

### **Action Taken by Agreement**

12. Schedule 3 of the Housing Act 2004 contains a specific provision which enables the local authority to agree to undertake the work required under a Housing Improvement Notice, with the recipient of the Notice. All expenses for the work must be met by the recipient of the Notice.

### **Forfeiture Proceedings**

13. This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

### **Seizure**

14. Certain legislation enables authorised Officers to seize goods, equipment or documents for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods, we will give the person from whom the goods are taken an appropriate receipt.

### **Works in Default / Direct Action**

15. The Council will normally only directly carry out works where the recipient of a legal notice has defaulted on the work required and when;
  - There is an imminent risk to health or safety such that the consequences of not taking immediate and decisive action would be unacceptable, or;
  - Statute does not permit prosecution for non-compliance with a statutory notice, or;
  - There are other circumstances such that carrying out the work in default is the best course of action (for example the recipient of the Notice is a vulnerable person and considered incapable of organising the work necessary to comply with the statutory Notice).
16. This course of action will be considered irrespective of any prosecution action that might also be undertaken for the same offence. The action must be approved by the relevant manager with budget responsibilities. The costs of the works required, plus the Councils' reasonable administrative charges will be charged to the responsible party and recovered through the civil court.



17. The administrative charges levied will be in accordance with the fees approved by the relevant Committee and which are reviewed annually and published as part of the Councils' annual list of fees and charges.
18. Charges will be made for abortive costs in preparing to carry out any work in default where an order has been placed and the owner then carries out the work required.
19. Where there is no prospect of the revenue or capital costs of the work in default being reclaimed, the debt should, if practicable, be placed on the relevant property as a land charge. In some cases the charge will need to include annual interest – the relevant interest rates are also included in the annual list of fees and charges.

### **Emergency Works**

20. Emergency enforcement or stop powers will only be used where there is an imminent risk of serious harm or where there is explicit provision for the use of the powers within primary legislation.
21. In such circumstances the Council will take whatever remedial action it considers necessary to remove the imminent risk. As a matter of principle the action taken will be the minimum necessary to achieve the satisfactory mitigation of the risk, based on the best information available at the time of making the decision.

### **Injunctive Actions**

22. In certain circumstances, for example, where offenders are repeatedly found guilty of similar offences or where it is considered that injunctive action is the most appropriate course of enforcement, then injunctive actions may be used to deal with repeat offenders, dangerous circumstances or significant consumer detriment.
23. Action under the Enterprise Act 2002; proceedings may be brought where an individual or organisation has acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most circumstances, action will be considered where there have been persistent breaches or where there is significant consumer detriment. Action can range from:
  - Informal undertakings;
  - Formal undertakings;
  - Interim Orders;
  - Court Orders;
  - Contempt Proceedings.
24. Criminal Behaviour Orders (CRIMBO) and Community Protection Notices (CPN). Where the non-compliance under investigation amounts to anti-social behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, following liaison with the Council's Safer Communities Team, where appropriate, a CPN or CRIMBO may be sought to stop the activity.

### **Refusal, Suspension and Revocation of Licence**

25. We issue a number of licences and permits and we have a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions that require the licence holder to take steps to ensure that, for example, a



business is properly run. Breach of these conditions may lead to a review of the licence that may result in its revocation or amendment.

26. When considering future licence applications, we may take previous breaches and enforcement action into account.
27. The Licensing Department issue a number of licence and permits under a wide range of legislation. Specific powers are contained within each piece of legislation that permits the Licensing Authority to refuse to grant a licence application or to take action to suspend or revoke once a licence is in place.
28. Under the Licensing Act 2003, an application for a premises licence must be granted unless representations are received from any of the responsible authorities or any other persons. If representations are received, the application will be determined by the Licensing and Appeals Sub-Committee who have the power to grant the application, grant with conditions or refuse whole or part of the application.
29. Under the Gambling Act 2005, applications for a premises licence will be granted unless relevant representations are received from the responsible authorities or interested parties. The Licensing and Appeals Sub-Committee will determine any application with a relevant representation. The Sub-Committee have the power to either grant or refuse the application. If the application is granted, the Sub-Committee may attach conditions to the licence and/or exclude a default condition.
30. Under the Licensing Act 2003, where a review of a premises licence application is received from a responsible authority or any other persons, the application must be determined by the Licensing and Appeal Sub-Committee. The powers available to the Sub-Committee are:
  - To modify the conditions of the licence;
  - To exclude a licensable activity from the scope of the licence;
  - To remove the designated premises supervisor;
  - Suspend the licence for a period not exceeding 3 months;
  - Revoke the licence;
  - Issue a warning letter;
  - Take no action.
31. Under the Gambling Act 2005, where a review application is received from a responsible authority or an interested party, the application must be determined by the Licensing and Appeals Sub-Committee. The powers available to the Sub-Committee are:
  - Revoke the licence;
  - Suspend the licence for a period not exceeding 3 months;
  - Exclude a default condition or remove or amend an exclusion;
  - Add, remove or amend any conditions;
  - Take no action.

32. In relation to private hire legislation, all decisions to refuse or revoke any private hire licence will be made by the Licensing and Appeals Sub-Committee. The power to suspend a private hire licence has been delegated to Officers. Each case will be decided on its own merits.
33. If it is in the interests of public safety, any decision to revoke or suspend a private hire driver's licence may take immediate effect.
34. In relation to other areas of licensing legislation, any decision to refuse or revoke any application or licence will be made by the Licensing and Appeals Sub-Committee.

### **Simple Caution**

35. A Simple Caution includes a formally documented admission of guilt, but is not a form of sentence, nor is it a criminal conviction.
36. For a Simple Caution to be issued a number of criteria must be satisfied:
- Sufficient evidence must be available to prove the case;
  - The offender must admit the offence;
  - It must be in the public interest to use a Simple Caution;
  - The offender must be 18 years or over.
37. Details on the Simple Caution process are contained in the [Ministry of Justice - Simple Caution for Adult Offender guidance \(MoJ Guidance\)](#).
38. Furthermore, South Derbyshire Policy is that the offender should not have received a simple caution for a similar offence within the last 2 years.
39. A record of the Caution will be kept on file for 5 years. If the offender commits a further offence, the Caution may influence our decision to take a prosecution. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

### **Prosecution**

40. A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:
- Deliberately, negligently or persistently breached legal obligations, which were likely to cause material loss or harm to others;
  - Deliberately or persistently ignored written warnings or formal notices;
  - Endangered, to a serious degree, the health, safety or well-being of people, animals or the environment;
  - Assaulted or obstructed an Officer in the course of their duties.
  - In the case of Food or Health and Safety where death was a result of a breach of legislation
  - Where circumstances warrant it and evidence to support a case is available we will prosecute without prior warning or recourse to alternative sanctions.

41. Where a breach of some planning control statute has occurred undetected, and therefore without any intervention, it can become lawful by the passage of time provided that it has not been deliberately concealed. The immunity timeframes are stated in the respective statutes and case law, but in brief are four years for unauthorised building, mining or engineering or change of use of a building to a single dwelling; ten years in any other case.

### **Powers of Entry**

42. Officers have various powers to enter private land. In some cases (most usually private dwellings) this requires giving prior notice. In many cases relating to entry into trade or business premises the officers have immediate power of entry provided that they can show that they are authorised to do so by the authority. The specifics of the powers of entry are contained within the specific statute.

### **Charging for Regulatory Actions**

43. In a limited number of statutes (currently only housing law) having served a legal notice the Council has the ability to make a reasonable charge to recover certain administrative and other expenses incurred in determining whether to serve the notice. The policy for determining when any such charges are applied will be agreed with the relevant Committee.

### **Proceeds of Crime Applications**

44. Applications may be made under the Proceeds of Crime Act for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. Applications are made after a conviction has been secured.

### **Document Control**

Version	Date of Issue	Author(s)	Brief Description of Change(s)
1	08/09/2016	M. Holford	Final Draft

### **Document Access**

Online publically accessible locations of this Policy;

[http://www.south-derbys.gov.uk/environment/licences/enforcement\\_policy/default.asp](http://www.south-derbys.gov.uk/environment/licences/enforcement_policy/default.asp)

[http://www.south-derbys.gov.uk/council\\_and\\_democracy/council\\_policies\\_plans/other\\_policies\\_plans\\_and\\_strategies/default.asp](http://www.south-derbys.gov.uk/council_and_democracy/council_policies_plans/other_policies_plans_and_strategies/default.asp)

[http://www.south-derbys.gov.uk/housing/private\\_housing/private\\_sector\\_housing\\_and\\_strategies/default.asp](http://www.south-derbys.gov.uk/housing/private_housing/private_sector_housing_and_strategies/default.asp)

<http://www.south-derbys.gov.uk/environment/enforcement/default.asp>

[http://www.south-derbys.gov.uk/environment/health\\_and\\_safety/food\\_safety\\_inspections/default.asp](http://www.south-derbys.gov.uk/environment/health_and_safety/food_safety_inspections/default.asp)

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<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 14</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> NOVEMBER 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES / DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STUART BATCHELOR (EXT. 5820) / MIKE HAYNES (EXT.5775)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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## **1.0 Recommendations**

1.1 That the Committee considers and approves the updated work programme.

## **2.0 Purpose of Report**

2.1 The Committee is asked to consider the updated work programme.

## **3.0 Detail**

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

## **4.0 Financial Implications**

4.1 None arising directly from this report.

## **5.0 Background Papers**

5.1 Work Programme.

**Housing and Community Services Committee – 24<sup>th</sup> November 2016**  
**Work Programme 2016 onwards**

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
<b>Reports Previously Considered By Last 3 Committees</b>		
Directorate Service Plans	9 <sup>th</sup> June 2016	Mike Haynes Director of Housing & Environmental Services (01283 595775)  Stuart Batchelor Director of Community & Planning Services (01283 595820)
Corporate Plan 2009-16: Performance Management Report (1 January – 31 March 2016)	9 <sup>th</sup> June 2016	Mike Haynes Director of Housing & Environmental Services (01283 595775)  Stuart Batchelor Director of Community & Planning Services (01283 595820)
Physical Activity, Sport and Recreation Strategy Framework	9 <sup>th</sup> June 2016	Hannah Peate Sport and Health Partnership Manager (01283) 595973
Dementia Friendly Action Plan	9 <sup>th</sup> June 2016	Vicky Smyth Health Partnership manager (01283) 595776
Safer South Derbyshire Partnership Plan 2016/17	9 <sup>th</sup> June 2016	Chris Smith Communities Manager (01283) 595924

HRA Business Plan	9 <sup>th</sup> June 2016	Mike Haynes Director of Housing & Environmental Services (01283) 595775
Resident Involvement Arrangements	9 <sup>th</sup> June 2016	Martin Guest Performance & Policy Manager (01283) 595940
Corporate Plan 2016-21: Performance Report (1 April – June 2016)	25 <sup>th</sup> August 2016	Keith Bull Head of Communications (01283 228705)
Open Space, Sport and Community Facility Development Update	25 <sup>th</sup> August 2016	Stuart Batchelor Open Space and Facility Development Manager (01283) 5955753
Housing Asset Management Strategy	6 <sup>th</sup> October 2016	Lee Carter Housing Asset Manager (01283) 595797
South Derbyshire Cycle Action Plan	6 <sup>th</sup> October 2016	Stuart Batchelor Director of Community and Planning (01283) 595820
Private Sector Renewal Policy	6 <sup>th</sup> October 2016	Matt Holford Environmental Health Manager (01283) 595856
<b>Provisional Programme of Reports To Be Considered by Committee</b>		

Derbyshire Healthy Workplaces Programme	24 <sup>th</sup> November 2016	Vicky Smyth Health Partnership manager (01283) 595776
School Sport Partnership Review	24 <sup>th</sup> November 2016	Ian Gee School Sport Manager
Performance Reports	24 <sup>th</sup> November 2016	Keith Bull Communications Team (01283) 228705
Rosliston Forestry Centre – Future Strategy	24 <sup>th</sup> November 2016	Malcolm Roseburgh Cultural Services Manager (01283) 595774
Igniting the Legacy Report	24 <sup>th</sup> November 2016	Hannah Peate Sport and Health Partnership Manager (01283) 595973
Volunteering Policy	24 <sup>th</sup> November 2016	Chris Smith Communities Manager (01283) 595924
Corporate Enforcement Policy	24 <sup>th</sup> November 2016	Matt Holford Environmental Health Manager (01283) 595856
Draft Physical Activity, Sport and Recreation Strategy	2 <sup>nd</sup> February 2017	Hannah Peate Sport and Health Partnership Manager (01283) 595973
Maintenance of Public Car Parks	2 <sup>nd</sup> February 2017	Mike Haynes Director of Housing & Environmental Services (01283) 595775

Business Improvement Programme	2 <sup>nd</sup> February 2017	Martin Guest Performance & Policy Manager (01283) 595940
Update to Tenancy Policy	2 <sup>nd</sup> February 2017	Chris Holloway Housing Operations Manager (01283 595957)
Review of Supported Housing Service	2 <sup>nd</sup> February 2017	Chris Holloway Housing Operations Manager (01283 595957)
Revised Tenancy Policy	2 <sup>nd</sup> February 2017	Chris Holloway Housing Operations Manager (01283 595957)
Derbyshire Safe Places Scheme	2 <sup>nd</sup> February 2017	Vicky Smyth Health Partnership manager (01283) 595776
Swadlincote Woodlands Management Plan	9 <sup>th</sup> March 2017	Zoe Sewter Open Space and Facility Development Manager (01283) 5955753
Active Nation Annual Report	20 <sup>th</sup> April 2017	Malcolm Roseburgh Cultural Services Manager (01283) 595774
Housing Tenancy Strategy Review (provisional)	20 <sup>th</sup> April 2017	Sharon Baxter Strategic Housing Project Officer (01283) 228758