



DEMOCRATIC AND ELECTORAL SERVICES

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Date:	20 June 2017	Direct Line:	01895 837225/837224

Dear Councillor

CABINET (SBDC)

The next meeting of the Cabinet (SBDC) will be held as follows:

DATE: **WEDNESDAY, 28TH JUNE, 2017**

TIME: **6.00 PM**

VENUE: **ROOM 6, CAPSWOOD, OXFORD ROAD, DENHAM**

Only apologies for absence received prior to the meeting will be recorded.

Yours faithfully

Jim Burness

Director of Resources

To: The Cabinet (SBDC)

Mr Bagge (Leader)
Mr Egleton
Mr Kelly
Mrs Sullivan

Mr Naylor (Deputy Leader)

Audio/Visual Recording of Meetings

Please note: This meeting might be filmed, photographed, audio-recorded or reported by a party other than South Bucks District Council for subsequent broadcast or publication.

If you intend to film, photograph or audio record the proceedings or if you have any questions please contact the Democratic Services Officer (members of the press please contact the Communications Officer).

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

(Pages)

1. **Apologies for Absence**
To receive any apologies for absence.
2. **Minutes**
To confirm the minutes of the meeting held on 25 April 2017 **(7 - 18)**
3. **Declarations of Interest**
To receive any declarations of interest.

A. LEADER'S REPORTS
4. **Forward Plan of Executive Decisions**
To receive the 28 Day Notice

Appendix 1 - Cabinet 28 Day Notice (Working Draft) **(19 - 24)**
Appendix 2 - Joint Committee 28 Day Notice **(25 - 28)**
5. **Cabinet Appointments**
To confirm Cabinet appointments **(29 - 30)**
6. **Superfast Broadband Extension Funding** **(31 - 34)**
7. **Annual Performance Report 2016/17** **(35 - 36)**

Appendix A **(37 - 40)**
Appendix B **(41 - 44)**
Appendix C **(45 - 46)**

B. REPORTS OF THE PORTFOLIO HOLDERS
8. **Healthy Communities**
To note the minutes of the meeting of the PAG held on 13 June 2017 and consider the Portfolio Holder's recommendations on the following: **(To Follow)**

(a)	Food and Health and Safety Business Plans	(47 - 50)
	<i>Appendix 1</i>	(51 - 80)
	<i>Appendix 2</i>	(81 - 112)
	<i>Appendix 3</i>	(113 - 136)
(b)	Joint Housing Strategy	(137 - 140)
	<i>Appendix</i>	(141 - 176)
(c)	Corporate Enforcement Policy	(177 - 180)
	<i>Appendix 1</i>	(181 - 192)
	<i>Appendix 2</i>	(193 - 200)
(d)	Affordable Warmth Strategy	(201 - 204)
	<i>Appendix</i>	(205 - 230)
(e)	Review of Affordable Housing Payments	(231 - 234)
(f)	Funding Request from Pop Goes the Choir	(235 - 236)
(g)	Public Spaces Protection Order	
	<i>See part II of the agenda for appendix 1</i>	(237 - 242)
	<i>Appendix 2</i>	(243 - 246)
(h)	Replacement of Theatre Floor at Beacon Centre	(247 - 252)
	<i>Appendix 1</i>	(To Follow)
	<i>Appendix 2</i>	(To Follow)
	<i>Appendix 3</i>	(To Follow)
	<i>Appendix 4</i>	(To Follow)
	<i>Appendix 5</i>	(To Follow)

9. **Environment**

To note the minutes of the meeting of the PAG held on 19 June 2017. **(To Follow)**
There are no Portfolio Holder recommendations to consider.

10. **Resources**

To note the minutes of the meeting of the PAG held on 15 June 2017 and **(To Follow)**
consider the Portfolio Holder's recommendations on the following:

(a)	Establishment of Property Development and Management Company	(253 - 260)
	<i>Appendix A</i>	(261 - 282)
	<i>Appendix B</i>	(To Follow)

- (b) **Bath Road Depot**
See item 16 for part II report
- (c) **Stoke Poges Memorial Gardens 4 Months Bridging Contract**
See item 16 for part II report
- (d) **Bad Debt Write Offs**
See item 16 for part II report

11. **Sustainable Development**

The meeting that was due to be held on 15 June 2017 was cancelled due to a lack of business.

12. **Any other business which the Leader decides is urgent**

To consider any other business that the Leader deems urgent.

13. **Exclusion of Public**

The Leader to move the following resolution:-

"that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act"

- | | |
|-------------|--|
| Paragraph 1 | Information relating to any individual |
| Paragraph 2 | Information which is likely to reveal the identity of any individual. |
| Paragraph 3 | Information relating to the financial or business affairs of any particular persons (including the authority holding that information). |
| Paragraph 4 | Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority. |
| Paragraph 5 | Information in respect of which a claim to legal professional privilege could be maintained proceedings |

14. **Academy Redevelopment Tender** (285 - 290)
Appendix 1 (291 - 302)
Appendix 2 (303 - 304)
15. **Healthy Communities - Part II**
- (a) **Public Spaces Protection Order - Appendix 1**
- See agenda item 8 for the minutes and recommendations. (305 - 346)
16. **Resources - Part II**
- (a) **Bath Road Depot**
- See agenda item 10 for the minutes and recommendations.* (347 - 350)
Appendix (351 - 352)
- (b) **Stoke Poges Memorial Gardens 4 Months Bridging Contract**
- See agenda item 10 for the minutes and recommendations.* (353 - 356)
- (c) **Bad Debt Write Offs**
- See agenda item 10 for the minutes and recommendations.* (357 - 364)

The next meeting is due to take place on Wednesday, 25 October 2017

CABINET (SBDC)

Meeting - 25 April 2017

Present: Mr Bagge, Mr Naylor, Mr Egleton, Mrs Sullivan and Mr Kelly

Apologies for absence: None

56. MINUTES

The minutes of the meeting of the Cabinet held on 8 February 2017 were received.

57. DECLARATIONS OF INTEREST

None.

58. FORWARD PLAN OF EXECUTIVE DECISIONS

The Cabinet received a copy of the 28 day Notice and Forward Plan prepared in accordance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 setting out the key (and non-key) decisions the Cabinet was intending to make at public and private meetings.

The Cabinet also received a copy of the 28 day Notice setting out the key (and non-key) decisions the Chiltern and South Bucks Joint Committee were intending to make at public and private meetings.

RESOLVED that the 28 day Notices and Forward Plan be noted.

59. ECONOMIC DEVELOPMENT STRATEGY

Cabinet were asked to consider the response of the Overview and Scrutiny Committee and The Planning Policy Joint Member Reference Group (due to links with the emerging Local Plan) to the proposed Economic Development Strategy for Chiltern and South Bucks Councils 2017-2026 (Appendix 1) and to note the initial Action Plan (Appendix 2).

At its meeting on 8th February 2017, Cabinet considered and approved the Economic Development Strategy for Chiltern and South Bucks Councils 2017 to 2026 in order that it may be considered by its Overview and Scrutiny Committee, who would also receive the initial Action Plan. At its meeting on 7th February Chiltern District Council's Cabinet resolved that the Strategy be adopted, subject to no changes being suggested during consultation with the Chiltern Services Overview Committee and South Bucks Overview and Scrutiny Committee and Cabinet meeting. Due to links with the emerging Local Plan, the Strategy was also referred to the Joint Planning Policy Member Reference Group at its meeting on 8th March for consideration.

Cabinet (SBDC) - 25 April 2017

The Cabinet considered the response of the Overview and Scrutiny Committee and The Planning Policy Joint Member Reference Group as set out in the report. It was noted that the comments of the Overview and Scrutiny Committee, as set out in the consultation section of the report, would be reflected in the action plan. Cabinet agreed the importance of ensuring the ongoing measurement of the economy's performance against the strategic objectives.

The Cabinet praised the development of the Strategy and thanked the Interim Director of Services for the work carried out on the Strategy.

RESOLVED that the initial action plan attached as Appendix B be noted.

And further

RECOMMENDED to Council that the Economic Development Strategy for Chiltern and South Bucks Councils 2017-2026 be adopted subject to Chiltern District Council also approving the Strategy.

60. **QUARTER 3 PERFORMANCE REPORT 2016-17**

Cabinet received a report which outlined the performance of Council services against performance indicators and service objectives during Q3 October-December 2016-17.

The Cabinet noted that of the total 42 PIs, 6 were seen to be off-target (3 of these priority PI), with further detail of these within the two detailed performance tables accompanying the report:

- Appendix A – Priority indicators Q3 2016-17
- Appendix B – Quarterly corporate performance indicators Q3 2016-17

Cabinet were advised that the working days lost due to long term sickness absence was off target but that the 6 of the 8 cases which this referred to had now returned to work. Cabinet noted the continuing issue of temporary accommodation. The Committee further noted that the percentage of calls to the ICT helpdesk resolved within agreed timescales was off target due to an increase in workload caused by single network migrations at the same time as reduced capacity within the service and were reassured that this unique situation would not reoccur.

RESOLVED that the report be noted.

61. **PERFORMANCE INDICATOR REVIEW 2017-18**

The Cabinet considered a report providing an update on the outcomes of the Performance Indicator (PI) review for 2017/18, and sought approval for the proposed changes to reporting. The key aim of the review was to ensure that the PIs were still relevant.

It was noted that as part of the review each service area had been asked to identify 2 to 3 indicators which would be strong and meaningful measures of overall performance, avoiding duplication where they were regularly reported via PAG updates. An exception was Finance,

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where no further PIs have been deemed necessary as full reporting was included in the budget packs for each Council. Service areas would measure and monitor any remaining PIs which would be useful for day to day management of the service reporting through to PAGs/Committees where appropriate.

Cabinet were advised that if approved, for 2017/18 there would be 17 priority PIs and 32 additional corporate PIs, making a total of 49. This included 10 new PIs for Sustainable Development following the introduction of additional quantitative and qualitative targets for local planning authorities by the Government. Furthermore, for Healthy Communities, the targets for the PIs SBHS1, SBHS8 and SBHS3i which address homelessness have increased making the targets more realistic and in line with current figures due to the lack of alternative housing options.

Cabinet considered the following recommendations which were made by the Overview and Scrutiny Committee at the meeting on 20 March 2017 and Officers' comments regarding those recommendations:

Resources

- JtBS1(C) - Availability of ICT systems to staff from 8am to 6pm (by period quarterly) – to increase the target to 99.9% to reflect the expectation that the systems should be available for this amount of time, previous figure equated to 2 days a quarter which was felt to be too high.

Officers require further clarification as to how the Overview and Scrutiny Committee calculated the increased target of 99.9%, but are in agreement with the increase until this information becomes available.

- JtBS2(C) - Percentage of calls to ICT helpdesk resolved within agreed timescales – as the current target is not realistic, to increase the agreed timescale period for resolving calls rather than decrease the target of percentage of calls resolved.

Officers are currently reviewing their SLA targets and feel that would be appropriate for the target to remain at 95%.

- SbCS1(C) - Number of complaints received (cumulative, quarterly) – to be 80 in 2017/18, then reduced to 75 in 2018/19 and then 70 in 2019/20 to make it a more ambitious target.

The Head of Customer Services is in agreement with this suggestion, with further work to be done regarding this as the work of the Customer Experience Strategy Programme is progressed.

Healthy Communities

- SbCL1a(C) and SbCL1b(C) – Customer satisfaction rating at the Beacon Centre and Evreham Centre – to incrementally increase the satisfaction ratings for both these centres over the next three years to reflect the expectation for an improvement in customer satisfaction.

Officers have suggested that the Beacon Centre satisfaction rate target be raised by 1% per year – reaching 85% by 2019/20 and the Evreham Centre by 2% per year, leading to an 84% target in 2019/20.

Having considered the recommendations of the Overview and Scrutiny Committee and the comments made by Officers, Cabinet agreed Appendix A and Appendix B of the report with the following changes to Appendix B:

Cabinet (SBDC) - 25 April 2017

- JtBS1(C) - Availability of ICT systems to staff from 8am to 6pm (by period quarterly) – to increase the target to 99.9% whilst further investigations are carried out on the calculation of this increase.
- SbCS1(C) - Number of complaints received (cumulative, quarterly) – to be 80 in 2017/18, then reduced to 75 in 2018/19 and then 70 in 2019/20 to make it a more ambitious target.
- SbCL1a(C) and SbCL1b(C) – Customer satisfaction rating at the Beacon Centre be raised by 1% per year, reaching 85% by 2019/20 and the customer satisfaction rating at Evreham Centre by 2% per year, leading to an 84% target in 2019/20 to reflect the expectation for an improvement in customer satisfaction.

Cabinet agreed with the officer recommendation with regards to JtBS2(C) that the target should remain at 95% as set out in Appendix B.

RESOLVED that the following appendices attached to this report be agreed

- 1) Appendix A PI Review: Priority PIs 2017-18 – South Bucks District Council - provides proposals for reporting priority indicators during 2017/18 with future targets.
- 2) Appendix B PI Review: Corporate Indicators 2017-18 – South Bucks District Council - provides proposals for reporting Corporate PIs during 2017/18 with future targets - subject to the changes being made to JtBS1(C), SbCS1(C) and SbCL1a(C) and SbCL1b(C) as set out in the minute above.

62. **JOINT BUSINESS PLAN REFRESH 2017-20**

The Cabinet was asked to consider, and recommend to Council for approval, as part of the Budget and Policy Framework, the refreshed Joint Business Plan 2017-2020, which links to the Sustainable Community Strategy, and replaces the former Chiltern's Aims and Objectives document and South Bucks' Corporate Plan.

Cabinet were advised that the 'our values' section of the Plan had been updated to reflect the new values which were now in place and the priorities, goals and promises on pages 6 and 7 have had a light refresh this year, making reference to the Economic Development Strategy. South Bucks District Council's aims and objectives now also included improving air quality and tackling homelessness.

Following a discussion on the priorities, goals and promises set out on page 7 of the Plan, the need to support the roll out of superfast broadband to enable more working from home was highlighted as an important priority for the District.

The Cabinet welcomed the refreshed Joint Business Plan and accordingly

RECOMMENDED to **Council** that the refreshed Joint Business Plan be approved as part of the Budget and Policy Framework, subject to Chiltern District Council also approving the Plan.

63. HEALTHY COMMUNITIES

The Cabinet received the minutes of the Healthy Communities PAG held on 23 February 2017.

RESOLVED that the minutes be noted.

The following were the subject of a recommendation from the Portfolio Holder:

64. MOTORWAY AIR QUALITY MONITORING STATION IN SOUTH BUCKS

Cabinet considered the proposal that the existing motorway continuous air quality monitor situated close to the M25 in Gerrards Cross be decommissioned, allowing the Council to refocus on other hot spots in the District.

It was noted by Cabinet that a review of the current automatic monitor had identified that:

- The current running costs stand at approximately £5,800 per year.
- The kit is over 15 years old, thus more likely to fail.
- The existing budget could be more effectively utilised in monitoring other hotspot areas.
- New base line data could be established to support the review and assessment process in other areas of the district such as Iver.

RESOLVED that

- a. the current motorway air quality monitoring station be decommissioned; and
- b. the existing allocated budget be retained to undertake enhanced monitoring/action in other hotspot areas as identified in the statutory review and assessment of air quality in the District.

65. COMMUNITY AND WELLBEING PLAN

Cabinet received a report containing the South Bucks Community and Wellbeing Plan 2017-2020, attached as an Appendix. The report detailed how the Healthy Communities service would work with the community and alongside partners over the next 3 years.

Cabinet were advised that South Bucks' new Community and Wellbeing Plan would help provide a clear vision as to how the Council in partnership with a range of agencies and local voluntary groups would support communities over the next three years. The plan was important as it would help build and develop community infrastructure and directly support the Council achieve its key strategic objectives in relation to improving health and wellbeing, enabling a vibrant local economy, protecting the local environment and reducing crime and disorder. This asset based approach to community development would empower community organisations and would support their development and growth to deliver improved services to local residents.

Cabinet noted that Members of the Healthy Communities PAG and the Overview and Scrutiny Committee endorsed the proposed draft Community and Wellbeing Plan subject to the inclusion of further projects including the Good Neighbours scheme and the positive

work undertaken by faith groups across the District. The Cabinet were advised that these changes had been made to the Community and Wellbeing Plan.

The Cabinet welcomed the proposed South Bucks Community and Wellbeing Plan 2017-2020 and accordingly

RECOMMENDED to Council that the South Bucks Community and Wellbeing Plan 2017 – 2020 be approved.

66. **BUCKINGHAMSHIRE ARMED FORCES COVENANT**

The Cabinet received a report detailing the continued support for the Buckinghamshire Armed Forces Covenant, and the associated 2016/17 Action Plan appended to the report.

Cabinet were reminded that on the 5 July 2012, the Buckinghamshire Armed Forces Covenant was signed by groups including the County Council, all four district councils, NHS Buckinghamshire, Bucks Fire and Rescue and Thames Valley Police. The covenant aims to help reduce isolation, improve health and facilitate education and employment opportunities for armed forces staff and their families.

Cabinet were pleased to note that there have been community-led remembrance events held across the District since 2014, including processions, services, exhibitions and intergenerational work with schools and the armed forces charities including the Royal British Legion. In terms of commemoration of the First World War, Town & Parish Councils and Schools have been asked to inform the Council of their plans in order that they can be supported in delivering these commemorations.

RESOLVED that Cabinet continues to support the Buckinghamshire Armed Forces Covenant and the Buckinghamshire Armed Forces Covenant's associated 2016/17 action plan be agreed.

67. **ENVIRONMENT**

The meeting that was due to be held on 7 March 2017 was cancelled due to a lack of business.

68. **RESOURCES**

The Cabinet received the minutes of the Resources PAG held on 14 March 2017 .

RESOLVED that the minutes be noted.

The following were the subject of a recommendation from the Portfolio Holder:

69. SOUTH BUCKS DISTRICT COUNCIL ARREARS COLLECTION PROJECT

The Cabinet considered a report which updated Cabinet on the progress of the project to recover arrears of Council Tax, Business Rates and Housing Benefit overpayments.

In accordance with the financial procedures rules, Cabinet were requested to consider the write off of six non domestic rates debts that have a balance outstanding of over £10,000 each as set out in the schedule in the confidential appendix. These cases have been picked up by the Joint Revenues Service during the review of outstanding business rates accounts.

Cabinet were pleased to note the progress made so far to recover arrears of Council Tax, Business Rates and Housing Benefit overpayments.

RESOLVED that

1. the progress of the South Bucks District Council Recovery Project be noted; and
2. the write off of specified non domestic rates with values over £10,000 where all previous recovery attempts have failed and there are no further routes of recovery, as set out in the confidential appendix, be authorised.

70. VACATING CAPSWOOD - REPORT IN PART II

Cabinet considered a report which asked Members to consider whether to vacate the remainder of Capswood1 and the possibility of sub-leasing the space as part of the overall strategy to make the best use of office accommodation.

The report set out:

- The reasons for vacating Capswood1
- Progress in letting the first floor of Capswood1
- Proposal to decant staff to Capswood2
- Proposal to dismantle the server room
- Proposal to refurbish the ground floor
- Proposal to market the ground floor

Members of the Resources PAG, having discussed the content of the report in detail at its last meeting, felt that in order for timescales to be met, officers needed to be reactive. Following the advice of the PAG, the Portfolio Holder added a further recommendation to Cabinet to undertake the tender process for works and refurbishments as soon as practicable and that Capswood1 should be vacated within 2017 rather than within 12 months.

It was noted that Council would need to approve the addition of £115,000 to the approved Capital Programme to decant and refurbish the ground floor of Capswood1.

RESOLVED that

- 1) Capswood1 be vacated completely within 2017;
- 2) the expenditure of £20,000 to market the ground floor space be approved;

- 3) the potential capital expenditure of £115,000 to decant and refurbish the ground floor of Capswood1 be approved and added to the Capital Programme, subject to the agreement of Council;
- 4) authority be delegated to the Head of Environment in consultation with the Portfolio Holder to negotiate a sub-lease for the ground floor of Capswood1 and to spend the £115,000 in point 3 above, subject to a letting being achieved; and
- 5) to undertake the tender process for works and refurbishments as soon as practicable.

And **RECOMMENDED** to **Council** that the sum of £115,000 be added to the approved Capital Programme to decant and refurbish the ground floor of Capswood1.

71. SUSTAINABLE DEVELOPMENT

The Cabinet received the minutes of the Sustainable Development PAG held on 9 March 2017.

RESOLVED that the minutes be noted.

The following was the subject of a recommendation from the Portfolio Holder:

72. UPDATE ON HEATHROW AND RESPONSE TO NATIONAL POLICY STATEMENT

Cabinet received a report containing updates relating to Heathrow and the National Policy Statement.

Cabinet noted that the Heathrow Strategic Planning Group, which was a consortium of local authorities affected by Heathrow expansion, were holding monthly meetings to discuss the way forward following the Government's decision to expand Heathrow. It was explained that Heathrow were no longer hosting the meeting, with hosting duties given over to the member local authorities, and that South Bucks would be hosting the meeting in March.

Cabinet were advised that the transport sub-group had met to discuss the challenge set down by government that there should be no net increase in traffic to the airport. It was noted that all members of the Group would jointly sign up to a SLA (service level agreement) with Heathrow, and would instruct consultants when necessary to test and validate any evidence produced by HAL (Heathrow Airport Ltd). By doing this, the member local authorities would be able to utilize the work commissioned by HAL on matters including traffic modelling, noise and air quality, which would contribute towards research regarding surface access proposals.

Cabinet were advised that the Department for Transport had produced a draft Airports National Policy Statement for consultation and that Bucks County Council and South Bucks District Council would be producing a joint response covering all relevant issues. The Cabinet were asked to note the progress and suggested content of the draft response and to delegate authority to the Chief Executive, in consultation with the Leader and the Portfolio Holder for Sustainable Development, to submit the final response to the Department of Transport in consultation with Bucks County Council and the Bucks Thames Valley Local Enterprise Partnership.

It was noted that in addition there was also a consultation on Airspace taking place which the Council would be responding to.

Furthermore, Cabinet noted that a meeting with Heathrow Airport Ltd took place on 15th March 2017.

RESOLVED that

- 1) the progress on the Heathrow Strategic Planning Group (HSPG) and recommended future funding arrangements be noted;
- 2) that the progress and suggested content of the draft response to Department of Transport on the Draft Airports National Policy Statement be noted; and
- 3) that authority be delegated to the Chief Executive, in consultation with the Leader and the Portfolio Holder for Sustainable Development, to submit the final response to the Department of Transport in consultation with Bucks County Council and the Bucks Thames Valley Local Enterprise Partnership.

73. **RESOURCES - UPDATE ON STATION ROAD CAR PARK, GERRARDS CROSS**

The Cabinet received an update on the progress of the Station Road Car Park project.

The Cabinet report on 25th October 2016 set out the anticipated consultancy spend before and after planning consent, assuming that the planning application went to Planning Committee on the 15th February 2017 with the business case to follow once cost certainty was known in April 2017. An agreement was entered into with Balfour Beatty for the pre-construction work and they proceeded to take the project to planning application stage. The original programme expected that when the business case was reported to Cabinet, planning permission would already have been obtained and a further approval for the final tranche of consultancy costs would have been obtained at that stage.

Although the County Council as Highway Authority had been consulted prior to the planning application being lodged, their formal consultation response to the application raised objections to the proposal. Further information was deemed to be necessary by the Highway Authority and, due to the time needed to undertake the additional survey work, a decision was taken to delay the application.

It was not anticipated that there would be delays in the planning permission process and it was anticipated that Balfour Beatty would have completed all the pre-construction work at the same time as the planning decision. However, the stage payments under the contract with Balfour Beatty were not related to the timing of the grant of planning permission and were required to be paid.

In October 2016 Cabinet approved the consultancy spend prior to planning consent at £262,000 and a further £270,000 after planning consent. Due to the unexpected delay in obtaining planning consent, a further £200,000 of fees and other costs would now be incurred.

It was noted that the additional spend of £200,000 under the agreement with Balfour Beatty and for other professional fees as set out in the report would need to be approved by Council.

RESOLVED that it be noted that

- 1) the decision on the planning application for the project has been delayed;
- 2) the payments approved by the Council in November 2016 are having to be made in advance of the decision on the planning application; and
- 3) following the outcome of the revised capacity study, the design and subsequent business case would be presented to Members.

And **RECOMMENDED** to Council that the additional spend of £200,000 under the agreement with Balfour Beatty and for other professional fees as set out in the report be approved.

74. **HEALTHY COMMUNITIES - FLATS AT GRAND UNION HOUSE, IVER**

Cabinet received a report which presented the case to acquire the Grand Union House site for affordable housing and recommended that the Council enter into negotiations, subject to contract, to acquire the property. The report identified an opportunity to accommodate those in emergency accommodation in self-contained facilities, reducing the risk to the Council and enabling the Council to reduce its expenditure on homelessness provision.

The following reasons for the recommendation were noted:

- a. To support the Council's Medium Term Financial Strategy and reduce the cost of emergency accommodation for the homeless;
- b. To enable the Council to discharge its duty to accommodate those who are determined as homeless and in priority need.
- c. Purchase of the freehold of the site could increase the value of the Council's assets over a longer time period
- d. The provision of emergency accommodation in the district would reduce the health inequality risks associated with the placement of families out of the district.

Cabinet were advised that subject to agreement, the Council would enter into negotiations to acquire the site, following which detailed due diligence would be undertaken and a business plan presented to Cabinet for consideration.

Cabinet noted that expenditure required to undertake a due diligence exercise and valuation required in developing the Council's offer and subsequent negotiation by external consultants, could be allocated from unrestricted s106 contributions and agreed that up to £100,000 be earmarked in respect of this proposal.

Cabinet also had regard to comments made by members of the Healthy Communities PAG in reaching their decision.

As this proposal concerned a site in her ward, Councillor Luisa Sullivan did not take part in the decision on this item.

Having considered the case to acquire the Grand Union House site for affordable housing, Cabinet were in support of the recommendations and stressed the importance of a holistic joined up approach which would deliver exemplar accommodation provision and provide residents with access to a range of joined up services.

RESOLVED that

- a) authority be delegated to the Head of Healthy Communities, in consultation with the Head of Environment and the relevant Portfolio Holders, to enter into negotiations, subject to contract, for the acquisition of Grand Union House.
- b) Officers carry out a due diligence exercise, including legal, building/site survey and financial aspects and to explore options for the future management of the site and that a detailed business case be presented to Cabinet before a decision is taken on whether to acquire the site.
- c) up to £100,000 be allocated from s106 affordable housing contributions, to undertake the due diligence exercise and valuation required in developing the Council's offer and subsequent negotiation by external consultants.

75. ANY OTHER BUSINESS WHICH THE LEADER DECIDES IS URGENT

None.

76. EXCLUSION OF PUBLIC

"that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act "

Paragraph 1	Information relating to any individual
Paragraph 2	Information which is likely to reveal the identity of any individual.
Paragraph 3	Information relating to the financial or business affairs of any particular persons (including the authority holding that information).
Paragraph 4	Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority.
Paragraph 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

77. HEALTHY COMMUNITIES - PART II

78. FLATS AT GRAND UNION HOUSE, IVER- PART II APPENDICES

The appendices were considered in connection with minute 74.

79. **RESOURCES PART II**80. **VACATING CAPSWOOD - PART II REPORT**

The report was considered in connection with minute 70.

81. **SOUTH BUCKS DISTRICT COUNCIL ARREARS COLLECTION PROJECT - PART II APPENDIX**

The appendix was considered in connection with minute 69.

82. **SUSTAINABLE DEVELOPMENT PART II**

The Cabinet received the Part II minutes of the Sustainable Development PAG held on 9 March 2017.

RESOLVED that the minutes be noted.

The following was the subject of a recommendation from the Portfolio Holder

83. **HS2 UPDATE**

Cabinet received a report updating Members on:

- 1) The Parliamentary process and HS2
- 2) SBDC Issues and Assurances
- 3) Colne Valley Regional Park Panel Mitigation Plan proposals
- 4) Schedule 17 submissions process and resource options
- 5) SLA Update resource implications and delegations.

And **RESOLVED** that

- 1) the progress made on the Colne Valley Regional Park Panel be noted;
- 2) the on-going negotiations with HS2 to agree a Service Level Agreement be noted;
- 3) the long list of projects in the Colne Valley Regional Park Panel "Draft Additional Mitigation Plan" be supported;
- 4) the financial recommendations as set out in the report be agreed and the existing allocated funds to secure the continuation of the HS2 team including 20% for contingency be retained; and
- 5) Option 2 (Medium cost - Continued involvement of Members and the Public) be the preferred option for handling Schedule 17 approvals.

The meeting terminated at 6.50 pm



South Bucks

District Council

SOUTH BUCKS DISTRICT COUNCIL 28 DAY NOTICE

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2012)

This notice, published in accordance with Regulation 9 and Regulation 5 of the above Regulations, sets out the key decisions (and non-key decisions) that the Council's Cabinet intends to make at public or private meetings to be held within the next 28 days and beyond.

A further notice - [called the Agenda](#) – setting out the items to be considered (public and private) will be available no less than 5 working days before the meeting.

LEADER - COUNCILLOR BAGGE					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
Y	Farnham Park Playing Fields Strategy To consider options for the future facilities provided at the Farnham Park Playing Fields.	South Bucks Members Advisory Panel: 20.09.2017	Cabinet: 25.10.2017	N	Jim Burness Email: Jim.Burness@southbucks.gov.uk
Y	Portfolio Budgets 17/18 To consider the draft portfolio budgets for 17/18		Cabinet: 13.12.2017	N	Rodney Fincham Email: Rodney.Fincham@southbucks.gov.uk

SUSTAINABLE DEVELOPMENT PAG – COUNCILLOR NAYLOR					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
N	Affordable Housing Small Site Thresholds To update the position in relation to use of Local Plan thresholds for requiring affordable housing from small development sites and evidence for this in the light of recent appeal decision.	Sustainable Development PAG: 07.09.2017	For Information	N	Helen Harding Email: HHarding@chiltern.gov.uk

HEALTHY COMMUNITIES PAG – COUNCILLOR KELLY

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
N	Community Safety Update Report To provide an update on the work of the community safety team	Healthy Communities PAG: 14.09.2017	For Information	N	Kate Galvin Email: KGalvin@chiltern.gov.uk
Y	New civil penalties in relation to housing enforcement To review the implications of changes to legislative requirements to impose civil penalties	Healthy Communities PAG: 14.09.2017	Cabinet: 25.10.2017	N	Louise Quinn Email: LQuinn@chiltern.gov.uk
Y	Changes to HMO Licensing To review the implications of changes to legislative requirements	Healthy Communities PAG: 14.09.2017	Cabinet: 25.10.2017	N	Louise Quinn Email: LQuinn@chiltern.gov.uk
Y	Joint Housing Strategy To approve the Joint Housing Strategy following the consultation period	Healthy Communities PAG: 14.09.2017 Overview & Scrutiny: 16.10.2017	Cabinet: 25.10.2017 Council: 15.11.2017	N	Michael Veryard Email: mveryard@chiltern.gov.uk
N	Green House Gas Report To update members as to the progress to determine the Green House Gas arrangements in Chiltern and South Bucks	Healthy Communities PAG: 30.11.2017	Portoflio Holder for Healthy Communities 30.11.2017	N	Ben Coakley Email: bcoakley@chiltern.gov.uk
N	Sustainability and Carbon Reduction Strategy : To approve the updated joint strategy for South Bucks DC and Chiltern DC, building on existing activities and opportunities for consultation.	Healthy Communities PAG: 30.11.2017	Portoflio Holder for Healthy Communities 30.11.2017	N	Ben Coakley Email: bcoakley@chiltern.gov.uk

HEALTHY COMMUNITIES PAG – COUNCILLOR KELLY

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Appendix Lead Officer
Y	Community Safety Accreditation Scheme To seek approval for the Community Safety Accreditation Scheme.	Healthy Communities PAG: 30.11.2017	Cabinet: 07.02.2018	N	Katie Galvin Email: KGalvin@chiltern.gov.uk
Y	Sustainability and Carbon Reduction Strategy : To approve the updated joint strategy for South Bucks DC and Chiltern DC, building on existing activities and opportunities.	Healthy Communities PAG: 30.11.2017 Overview & Scrutiny: 30.01.2018	Cabinet: 07.02.2018 Council: 27.02.2018	N	Ben Coakley Email: bcoakley@chiltern.gov.uk

ENVIRONMENT PAG – COUNCILLOR SULLIVAN

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
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RESOURCES PAG – COUNCILLOR EGLETON

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
Y	Gerrards Cross Station Road Multistorey Car Park Project update and presentation of business case for approval of capital spend	Resources PAG: TBC	Cabinet: TBC	Y (Para 3)	Linda Newell Email: LNewell@chiltern.gov.uk
Y	New Grounds Maintenance Tender New contract required for SBDC, CDC and Stoke Poges Memorial Gardens.	Resources PAG: 26.09.2017	Cabinet: 25.10.2017	Y (Para 3)	Kevin Kelly Email: KKelly@chiltern.gov.uk
Y	Car Park Management Strategy To approve SBDC's strategy for all car park matters from supply and demand to car park enforcement following the consultation.	Overview and Scrutiny Committee: 16.10.2017	Cabinet: 25.10.2017 Council: 15.11.2017	N	Julie Rushton Email: JRushton@chiltern.gov.uk

1. Key Decision

The Regulations explains a “key decision” as an executive decision which is likely:-

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are significant having regard to the relevant authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant authority.

With regard to (a) a key is a decision which has income or expenditure effect of £50,000 or more but excludes contracts for and expenditure on repairs, maintenance and improvements works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or by an Officer acting under delegated powers, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

2. Report Title and Summary

A summary and title of a report is listed in this column. Reports that will be considered at a meeting will be available 5 working dates before the meeting at <http://www.sbdc-spider2.southbucks.gov.uk/democracy/uuCoverPage.aspx?bcr=1>

3. Consultation – How and When

This column shows the process of consultation, which takes place prior to Cabinet.

To support the role of the Portfolio Holders, Policy Advisory Groups (PAGs) have been set up to provide advice and guidance. A report is submitted to the PAG for its consideration, following which the minutes of the PAG are submitted to Cabinet. Cabinet considers the advice of the Portfolio Holder and the PAG when making a decision. The dates of PAGs are shown on the following notice. Whilst meetings of the PAGs are not open to the public the agenda papers and reports (except those subject to prohibition or restriction) are published on the Council’s website.

4. Decision Maker & Date

This column shows by whom the Decision will be taken and the date the Decision is due to be taken.

5. Private Report and Reason Private

Members of the public are welcome to attend meetings of the Cabinet, however the public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1, subject to the qualifications and interpretations in Parts 2 and 3, of Schedule 12A to the Local Government Act 1972 (as amended

The relevant paragraphs are listed in the table below:

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

Making Representation

If you wish to make representations about why a meeting should not take place in private then submit your representations at least 10 clear working days before the meeting to Democratic and Electoral Services, South Bucks District Council, Capswood, Oxford Road, Uxbridge, UB9 4LH - email democraticservices@southbucks.gov.uk so that they can be included in this further notice along with a statement of response to the representations as required under Regulation 5.

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28-DAY NOTICE – FORWARD PLAN

**Local Authorities (Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012**

This is a Notice of an intention to make a Key Decision on behalf of the Local authority (Regulation 9) and an intention to meet in private to consider those items marked as 'Private Reports' (Regulation 5).

A further Notice (the 'Agenda') will be published no less than 5 working-days before the date of the Cabinet meeting and will be available at: [Chiltern District Council](#) & [South Bucks District Council](#)

CHILTERN & SOUTH BUCKS JOINT COMMITTEE (JC)

Meeting: 24 July 2017 (CDC)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation How/When ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Contact Officer and Telephone Number
No	Chiltern & South Bucks Joint Committee Programme Update		JC 24 July 17	No	Jim Burness jburness@chiltern.gov.uk Jim.burness@southbucks.gov.uk
Yes	Shared Service Cost Splits: To review the costs splits that are used for shared services		JC 24 July 17	No	Rodney Fincham rfincham@chiltern.gov.uk Rodney.fincham@southbucks.gov.uk
Yes	Delivery of South Bucks Revenues and Benefits Service – Post November 2018 Information with regard to options for the future to enable JC to decide future direction.		JC 24 July 17	Yes (para 3)	Nicola Ellis NEllis@Chiltern.gov.uk Nicola.Ellis@southbucks.gov.uk
Yes	Local Land Charges Shared Service Business Case To consider the business case for creating a shared local land charges service		JC 24 July 17	Yes (para 2, 3 and 4)	Joanna Swift JSwift@Chiltern.gov.uk Joanna.Swift@Southbucks.gov.uk
Yes	Joint Scrutiny Arrangements of the Joint Working Programme To consider the arrangements for joint scrutiny of the Joint Working Programme		JC 24 July 17	No	Bob Smith bsmith@chiltern.gov.uk bob.smith@southbucks.gov.uk

- 1 The Chiltern & South Bucks Joint Committee membership comprises of the following Cabinet Members from each authority:

Chiltern District Council: I Darby; M Smith; M Stannard; L Walsh; P E C Martin; F Wilson

South Bucks District Council: L Sullivan; T Egleton; R Bagge; N Naylor; P Kelly

A Key Decision is defined as:

- a) Decisions likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the Decision relates; or
- b) To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council

Each of the constituent local authorities provides the following definition of a Key Decision, as detailed in the Constitution.

Chiltern District Council

A 'Key' Decision is any decision taken in relation to a function that is the responsibility of the Cabinet and which is likely to:

- result in expenditure (or the making of savings) over £50,000 and / or
 - have a significant impact on the community in two (or more) district wards.
- and
- relates to the development and approval of the Budget; or
 - relates to the development, approval and review of the Policy Framework, or
 - is otherwise outside the Budget and Policy Framework.

South Bucks District Council

With regards to a) a Key Decision being defined as a decision which has income or expenditure effect of £50k or more but excludes contracts for and expenditure on repairs, maintenance and improvements works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or by an Officer acting under delegated powers, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

- 2 Each item considered will have a report; appendices will be included (as appropriate). Regulation 9(1g) allows that other documents relevant to the item may be submitted to the decision-maker. Subject to prohibition or restriction on their disclosure, this information will be published on the Council website – [Chiltern District Council & South Bucks District Council](#) – usually 5 working-days before the date of the meeting. Paper copies may be requested (charges will apply) using the contact details below.
- 3 This column shows the process of consultation, which takes place prior to Joint Committee. Further information on each of the Councils' Committees can be found at: [Chiltern District Council](#) & [South Bucks District Council](#)
- 4 The public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972. The relevant paragraph numbers and descriptions are as follows:

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

Part II of Schedule 12A of the Local Government Act 1972 requires that information falling into paragraphs 1-7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Nothing in the Regulations authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information.

Should you wish to make any representations in relation to any of the items being considered in private, you can do so – in writing – using the contact details below. Any representations received, together with any response from the Council, will be published on the Notice (the 'Agenda') issued no less than 5 working-days before the meeting. This will be available on the Council website – [Chiltern District Council](#) & [South Bucks District Council](#)

Contact:

Democratic Services, Chiltern District Council, King George V House, King George V Road, Amersham, HP6 5AW; email: chiefexecs@chiltern.gov.uk; tel: 01494 732143

Democratic Services, South Bucks District Council, Capswood, Oxford Road, Denham, UB9 4LH; email: democratic.services@southbucks.gov.uk; tel: 01895 837200

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CABINET APPOINTMENTS**REPRESENTATION ON JOINT COMMITTEES AND OTHER BODIES****Joint Waste Collection Committee**

South Bucks representatives: 1 x (Cabinet Member) Luisa Sullivan
 1 x (Non-Cabinet Member – cannot be a Member of O+S) – to
 be decided by Cabinet on 28 June 2017

Evreham Sports Centre Joint Management Committee

South Bucks representatives: J. Jordan
 R. Sangster
 P. Kelly (Portfolio Holder)
 Buckinghamshire County Require Confirmation from Bucks County Council
 Representatives: Require Confirmation from Bucks County Council

The South Buckinghamshire Members Advisory Panel

R. Bagge, M. Bradford, N. Naylor, T. Egleton, P. Kelly, L. Hazell and A. Walters

OUTSIDE BODIES

Outside Body	Representative[s]	Relevant Portfolio Holder	Officer Contact
Buckinghamshire Thames Valley Local Enterprise Partnership	Ralph Bagge	Leader	Bob Smith
Bucks Planning Group	Nick Naylor	Sustainable Development	Peter Beckford
Chiltern and South Bucks Strategic Partnership	Ralph Bagge Paul Kelly Nick Naylor Ray Sangster	Leader	Rachel Prance
Colne Valley Park Community Interest Company	Luisa Sullivan	Environment	Chris Marchant
Country Parks and Green Spaces Liaison Group	Luisa Sullivan	Environment	Chris Marchant
Evreham Youth Centre Mgt Committee	Paul Kelly	Healthy Communities	Martin Holt
Groundwork South Trust Ltd	Luisa Sullivan	Environment	Simon Gray
Healthy Communities Partnership	Paul Kelly	Healthy Communities	Martin Holt

Outside Body	Representative[s]	Relevant Portfolio Holder	Officer Contact
Heathrow Airport Consultative Committee	Nick Naylor	Sustainable Development	Tracy Farrell
Local Government Association	Ralph Bagge Nick Naylor [Deputy]	Leader	Bob Smith
L & Q Shires Neighbourhood Committee	Paul Kelly	Healthy Communities	Michael Veryard
Natural Environment Partnership	Luisa Sullivan	Environment	Chris Marchant
New Denham Minerals Liaison Group	Luisa Sullivan	Environment	Tracy Farrell
Padstones	Paul Kelly Wendy Matthews [Deputy]	Healthy Communities	Michael Veryard
Park Lodge Farm Liaison Committee	Luisa Sullivan	Environment	Tracy Farrell
Pinewood Community Liaison Group	Ralph Bagge Malcolm Bradford Wendy Matthews Luisa Sullivan	Leader	Bob Smith
Thames Valley Police and Crime Panel	Trevor Egleton	Healthy Communities	Anita Cacchioli

SUBJECT:	Superfast Broadband Extension Funding
REPORT OF:	Cllr Ralph Bagge, Leader of the Council
RESPONSIBLE OFFICER	Director of Services
REPORT AUTHOR	Anita Cacchioli
WARD/S AFFECTED	All

1. Purpose of Report

To consider the allocation of £50,000 with equal match funding provided by Broad Band Delivery (BDUK), part of the Department of Media, Culture and Sport, to extend fibre infrastructure further. This will deliver access to superfast broadband to an estimated 100 more premises in the district than can be achieved without a contribution to the Connected Counties programme covering Buckinghamshire and Hertfordshire.

RECOMMENDATIONS

- The Council makes available up to £50,000 with equal match from Broadband Delivery UK (BDUK), to fund the extension of fibre infrastructure further in South Bucks.**

2. Reasons for Recommendations

The preferred recommendation is deemed to deliver superfast broadband (fibre) infrastructure in the district at value for money.

3. Content of Report

Through BDUK the Government's aim is to provide superfast broadband (speeds of 24Mbps or more) for at least 95% of UK premises and universal access to basic broadband (speeds of at least 2Mbps i.e. fast enough to watch BBC iPlayer for instance).

Phase 1 aims to provide superfast broadband to 90% of premises in the UK and universal access to basic broadband of 2Mbps, with phase 2 further extending coverage to 95% of the UK.

Buckinghamshire and Hertfordshire County Councils are working together under the name of "Connected Counties" to deliver the framework contract with BT to extend fibre infrastructure across the two counties. The first contract (2014-2016) delivered

access to Super-Fast Broadband (SFBB) to over 65,000 premises, from an investment of £18.06M.

A second contract was agreed for Hertfordshire in 2015, it was then agreed to include Buckinghamshire in August 2016. This was funded by the County Council, three of the four Buckinghamshire districts (South Bucks did not contribute at the time), BTVLEP, BDUK and BT. With the LEP and local authority's contributions attracting £2,035,000 of match funding from BDUK. A further extension was agreed in May 2017 which will bring access of SFBB to over 10,000 premises by December 2019. The opportunity exists for South Bucks to contribute to this programme with its funds being matched by BDUK.

Many businesses and residents increasingly view access to SFBB provision as an essential utility. Consultation undertaken to inform the Council's recently approved Economic Development Strategy, highlighted the importance and need for improved communications infrastructure Broadband and Mobile Wifi. Contributing to the Connected Counties programme provides an opportunity for the Council to be seen to be positively supporting SFBB roll out.

4. Consultation

The areas that will be put forward to be modelled by BT have been subject to a public consultation in September 2016 to assess any market failure in the area. Postcodes are then flagged as eligible for reinvestment.

5. Options

The options below outline how the funding can be used as well as a 'do nothing' option.

Options:

1. Connected Counties – contribute £50K funding to be matched by BDUK subject to their approval, (We have been informally advised this will be forthcoming subject to an early decision on South Bucks part) via a contract change in Contract 2 to extend fibre further in the value of £100,000 plus BT contribution. It can take under six months to model and agree the actual impact of the funding.
2. Non-Connected Counties – use the funding to invest in the delivery of fibre infrastructure via a separate procurement and/or a community led partnership. A new procurement can take at least six months to develop. There is no match funding available in such a scenario. The Council would also need to identify and potentially fund the resource to take such an approach forward.
3. Do nothing – this will mean that South Bucks would only be impacted by the current plans. This will still leave considerable areas not accessing superfast broadband.

4. Option 1 is recommended as it facilitates the ability to extend fibre further in South Bucks on a value for money basis.

7. Corporate Implications

7.1 Financial:

7.2 On the assumption that the full BDUK match funding is secured, South Bucks DC would need to release £50,000 from the Council's reserves which had been set aside for economic development related projects in 2016/17.

7.3 Legal: Within the Local Government Act 2000 all local councils were given legal powers to allow them to safeguard the "economic, social and environmental well-being" of their local areas. This was superseded by the general power of competence; a power available to local authorities in England to do "anything that individuals generally may do". It was provided for in the Localism Act 2011

7.4 The Connected Counties contract allows the inclusion of additional funding.

7.5 Equalities:

7.6 Improved connectivity is revolutionising our quality of life, from how we work and how our children learn, to how we spend our leisure time, how we do our weekly shop, and how we engage with public services. The additional investment in SFBB would reduce the number of residents and businesses unable to access services through this medium. However, a small percentage of unconnected properties will remain

7.7 Sustainability:

7.8 Provision of SFBB would help support local businesses, especially small businesses many of which are home based.

8. Links to Council Policy Objectives

The proposal supports the objective to promote local communities. It also supports the Council's business plans, and the Economic Development Strategy specific priority to support the local economy through broadband roll out.

9. Next Step

Subject to the approval of the use of £50,000 and subsequent allocation of BDUK match funding, Connected Counties would then issue a contract change request to BT requesting the modelling to extend fibre further in South Bucks at a value for £100,000 on a value for money basis. The response of the modelling can take 10-12 weeks to build, and this will identify the areas impacted, the technology to be used and the timeline for deployment.

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REPORT SUBJECT:	<i>South Bucks District Council Annual Performance Report 2016-17</i>
REPORT OF:	<i>Leader of the Council – Councillor Ralph Bagge</i>
RESPONSIBLE OFFICER	<i>Chief Executive – Bob Smith</i>
REPORT AUTHOR	<i>Rachel Prance (01494 732 903), Ani Sultan (01494 586 800)</i>
WARD(S) AFFECTED	<i>Report applies to whole district</i>

1. Purpose of Report

This report outlines the annual performance of Council services against pre-agreed performance indicators and service objectives for 2016/17.

RECOMMENDATION

Cabinet is asked to note the performance reports and review the annual report, which is provided in an infographic format (Appendix C).

2. Executive Summary

Overview of **annual 2016/17** performance indicators (PIs) against targets across the Council:

Portfolio	No of PIs	PI on target ■	PI slightly below target ■	PI off target ■	Unknown/ Data only
Leader's	5	2	1	1	1
Resources	11	8	0	2	1
Healthy communities	13	4	2	5	2
Sustainable development	11	6	0	1	4
Environment	2	2	0	0	0
Total PIs	42	22	3	9	8

3. Reasons for Recommendations

3.1. This report details factual performance against pre-agreed targets. Management Team, Cabinet and Overview & Scrutiny Committee receive regular updates detailing progress towards service plan objectives, performance targets and strategic risks, in line with our Performance and Improvement Framework.

3.2. Two detailed performance tables accompany this report:

- **Appendix A – Priority PIs 2016-17**
- **Appendix B – End of Year Report 2016-17**

4. Key points to note:

4.1. Of the 8 unknown PIs: three are provided for information only (two of these, both within the Community, Health and Housing Portfolio, are yet to be reported as data is required from third parties); three further PIs are to be updated once figures have been received from third parties; two PIs are no longer in use.

4.2. Of the nine off-target annual PIs, three were priority PIs.

- 4.2.1. **Leaders:** the PI relating to the working days lost due to long-term sickness absence was over the target of 3, at an actual of 7. All long-term absence is being managed by Personnel, alongside occupational health.
- 4.2.1. **Resources:** Percentage of calls to ICT helpdesk resolved within agreed timescales was off target. In the main this was due to the Business Support Service being 30% under capacity, whilst officers also undertook project work, primarily regarding the single network project, with the situation now having been largely resolved. Additionally, the number of complaints received was above target, with the majority of complaints being registered to Planning/ Enforcement.
- 4.2.2. **Healthy Communities:** four of the five off-target PIs relate to Housing, and continue to be in-line with the national increase in demand for temporary accommodation. The fifth off-target PI is in relation to the satisfaction with the Licensing service – Officers are keen to impress that there has not been a failure to provide a good standard within the service, but that a small number of unsatisfied customers has had a significant impact on overall satisfaction scores.

4.3. **Sustainable Development:** The priority PIs are on target for this portfolio, with performance above the target set.

4.4. **Environment:** Both PIs are on target within the Environment portfolio.

5. Consultation

Not applicable.

6. Options

Not applicable.

7. Corporate Implications

- 7.1 Financial - Performance Management assists in identifying value for money.
- 7.2 Legal – None specific to this report.
- 7.3 Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability – reports on aspects of performance in these areas.

8. Links to Council Policy Objectives

Performance management helps to ensure that performance targets set through the service planning process are met, and that any dips in performance are identified and resolved in a timely manner.

This report links to all three of the Council’s objectives, listed below:

- Objective 1 - Efficient and effective customer focused services
- Objective 2 - Safe, healthy and cohesive communities
- Objective 3 - Conserve the environment and promote sustainability

9. Next Step

Once approved, this report and appendices will be published on the website.

Background Papers:	N/A
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Appendix A - Priority PIs 2016-17 - SBDC

Code	Description	Actual 2015/16	Target 2015/16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Traffic Light	Actual 2016/17	Target 2016/17 (YTD)	2016/17 Traffic Light	Latest Note
Leader's portfolio																				
SbHR1	Working days lost due to sickness absence	14.86	12	14.4	13.2	14.12	13.92	13.22	13.28	12.89	12.09	11.25	11.06	10.99	10.92	☐	10.92	10	☐	These figures are taken from iTrent, which holds absence data. 103 working days were lost for March, with 1222.81 working days previously lost between April 2016 and February 2017, totalling 1325.81. 1325.81/ 121.38 (average FTE figure) = 10.92 average working days lost to sickness absence (cumulative).
SbHR14	Working days lost due to short term sickness absence (upto 20 working days)	New PI	New PI	3.24	2.88	2.36	2.91	2.64	3.5	3.53	3.44	3.37	3.82	3.93	3.91	☑	3.91	5	☑	These figures are taken from iTrent, which holds absence data. 38 working days were lost for March, with 436.71 working days previously lost between April 2016 and February 2017, totalling 474.71. 474.71/ 121.38 (average FTE) = 3.91 working days lost to short term sickness absence.
SbHR15	Working days lost due to long term sickness absence (more than 20 working days)	New PI	New PI	11.04	10.26	11.72	10.98	10.56	9.76	9.36	8.64	7.87	7.25	7.05	7	☒	7	3	☒	These figures are taken from iTrent, which holds absence data. 65 working days were lost for March, with 785.10 days lost between April 2016 and February 2017, totalling 850.10. 850.10 / 121.38 (average FTE) = 7.00 working days lost to long term sickness absence. All long term absences are being managed alongside occupational health.
Resources																				
SbRB1	Speed of processing - new HB/CTB claims (cumulative)	17.5	19	21.1	21.5	19.9	18.8	18.6	18.1	18	17.9	18.1	17.9	17.9	17.31	☑	17.31	19	☑	PI on target.
SbRB2	Speed of processing - changes of circumstances for HB/CTB claims (cumulative)	6.9	8	9.5	8.9	8.8	8.5	8.2	8.3	8.7	8.5	8.4	8.5	8.4	7.16	☑	7.16	8	☑	PI on target.
SbRB3	Percentage of Council Tax collected (cumulative)	97.90%	98.00%	11.80%	21.10%	30.40%	39.50%	48.70%	57.90%	67.30%	76.50%	85.60%	94.80%	96.50%	97.90%	☑	97.90%	98.00%	☑	PI on target.

Appendix

Code	Description	Actual 2015/16	Target 2015/16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Traffic Light	Actual 2016/17	Target 2016/17 (YTD)	2016/17 Traffic Light	Latest Note
SbRB4	Percentage of non-domestic rates collected (cumulative)	98.8% (57.60%)	98.80%	11.70%	20.60%	30.40%	39.50%	49.30%	58.50%	67.30%	76.40%	84.40%	93.60%	96.40%	99.00%	☑	99.00%	98.80%	☑	PI on target.
Healthy Communities																				
SbCmSF2	Percentage reduction in violent offences against a person, year on year (quarterly)	-33.40%	Data Only			-40.60%			-36.20%			-16.80%				n/a		Data Only	n/a	Data expected end of May.
SbHS1	Number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks (snapshot figure at end of month)	15	0	12	18	18	16	19	21	22	21	18	17	11	14	☒	14	0	☒	The 14 applicant households include (i) 1 households that has subsequently moved on, (ii) 3 households that are in the process of moving to alternative accommodation and (iii) 2 households who have been deemed to be intentionally homeless and are pending review
SbHS8	Number of households living in temporary accommodation (snapshot at the end of the month)	66	30	66	67	68	65	63	64	63	64	62	65	66	68	☐	68	64	☐	Figure remains high due to continued demand and limited options to move applicants on to long term accommodation. (During the quarter Jan-Mar 2017 it was possible to move on only 12 applicants to tenancies secured via the Bucks Home Choice scheme)
Sustainable Development																				
SbSD31	Special measures: speed of processing of major applications – minimum percentage of decisions on major applications which are made within 13 weeks or timescale agreed with the applicant; for assessment in October/November 2018 (cumulative)	New PI	New PI	N/A	N/A	N/A	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%				☑		51.00%		No longer in use

Appendix

Code	Description	Actual 2015/16	Target 2015/16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Traffic Light	Actual 2016/17	Target 2016/17 (YTD)	2016/17 Traffic Light	Latest Note
SbSD32	Special measures: quality of major applications— maximum percentage of major applications overturned on appeal; for assessment in October/November 2018	New PI	New PI	N/A	N/A	N/A	N/A	N/A	0.00%	0.00%	0.00%	0.00%				<input checked="" type="checkbox"/>		9.90%		No longer in use


















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Appendix B - SBDC Performance Indicator Report 2016-17

Note: Excludes Priority Performance Indicators - see Appendix A

KEY <input checked="" type="checkbox"/> This PI is below target <input type="checkbox"/> This PI is slightly below target <input checked="" type="checkbox"/> This PI is on target																					
PI code	Name	2015/16 Value	Annual target 2015/16	Apr-16 value	May-16 value	Jun-16 value	Jul-16 value	Aug-16 value	Sep-16 value	Oct-16 value	Nov-16 value	Dec-16 value	Jan-17 value	Feb-17 value	Mar-17 value	Traffic light (latest actual)	2016/17 Value	Annual target 2016/17	2016/17 Traffic light	Responsible officer	Latest notes
Leader's Portfolio																					
SbCP1 (C)	Number of unique visitors to the main website (by period)	261,452	data only	22,428	25,897	25,149	21,624	22,176	22,112	22,800	22,185	22,183	28,450	26,000	30,492	n/a	24,291	data only	n/a	Rachel Prance	As the data shows number of visitors to the website as opposed to number of unique visitors, the annual figure has been averaged in order to provide a less-inflated figure.
SbHR2 (C)	Voluntary leavers as a percentage of workforce (extrapolated for year)	10.47%	8%			15.52%			15.58%			12.39%			13.95%	<input checked="" type="checkbox"/>	13.95%	16%	<input checked="" type="checkbox"/>	Louise Cole	18 leavers / 129 average headcount * 100 = 13.95%. This information is taken from reports run on iTrent.
Resources																					
JtBS1 (C)	Availability of ICT systems to staff from 8am to 6pm (by	99.89%	99.50%			99.80%			99.80%			99.40%			99.10%	<input checked="" type="checkbox"/>	99.60%	99.50%	<input checked="" type="checkbox"/>	Sim Dixon	Slight decrease on previous quarter due to system downtime around migration into shared network.
Page 41	JtBS2 (C)	Percentage of calls to ICT helpdesk resolved within agreed timescales (by period quarterly)	n/a	95%		81.20%			81.00%			82.50%			88.50%	<input type="checkbox"/>	83.70%	95%	<input checked="" type="checkbox"/>	Sim Dixon	Steria stopped dealing with Business as Usual and Infrastructure Support for SBDC on 15th December 2015, with the work absorbed into Chiltern's ICT Department. The new Business Support Service commenced on the 1st January 2016 and was 30% under capacity. Those who would normally deal with the Business as Usual and Infrastructure Support started working on the single network project, meaning ICT Support was not fully manned for a majority of 2016. The priority level applied to a majority of the calls logged on the Service Desk gives a two day fix target, benchmarked against other local authorities and with the Service Desk Institute. It has been concluded that the 2 day fix target is unrealistic as the industry standard is between 5 and 10 working days. This will be fully reviewed within Business Support with a view to changing our priority levels so they reflect the benchmarked standards. If the priority level for P2 incidents was changed from 2 days to the industry standard of 5, the yearly percentage for JtBS2 would have been 94.2%.
	SbBS3 (C)	Percentage of responses to FOI requests sent within 20 working days (by month)	88%	90%	93%	84%	88%	94%	100%	95%	96%	100%	100%	82%	98%	n/a	?	n/a	90%	?	Sim Dixon
SbCS1 (C)	Number of complaints received (cumulative, quarterly)	75	80			17			48			64			102	<input checked="" type="checkbox"/>	102	80	<input checked="" type="checkbox"/>	Nicola Ellis	Total for fourth quarter 28 (Jan 10, Feb 5, Mar 13). Total for year 102 which is over 50% increase on last year with once again planning/enforcement registering the most complaints
SbLD2 (C)	Percentage of canvass forms returned	96.00%	90%	annual PI											98%	<input checked="" type="checkbox"/>	98%	90%	<input checked="" type="checkbox"/>	Joanna Swift	Reported annually.
SbLD3 (C)	Standard searches carried out within 5 working days (cumulative)	99.90%	97%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	<input checked="" type="checkbox"/>	100%	100%	<input checked="" type="checkbox"/>	Joanna Swift	Target consistently met.

Appendix

KEY  This PI is below target  This PI is slightly below target  This PI is on target																					
PI code	Name	2015/16 Value	Annual target 2015/16	Apr-16 value	May-16 value	Jun-16 value	Jul-16 value	Aug-16 value	Sep-16 value	Oct-16 value	Nov-16 value	Dec-16 value	Jan-17 value	Feb-17 value	Mar-17 value	Traffic light (latest actual)	2016/17 Value	Annual target 2016/17	2016/17 Traffic light	Responsible officer	Latest notes
JtLD1 (C)	Client satisfaction with the shared service. Percentage satisfied or very satisfied.	90.50%	94%	6 monthly				100.00%	6 monthly				100%		100%	96%		Joanna Swift	Reported twice-yearly.		
Healthy communities																					
SbCL1a (C)	Customer satisfaction rating at the Beacon Centre.	82.46%	81%	annual PI										82.36%		82.36%	82%		Martin Holt	Reported annually.	
SbCL1b (C)	Customer satisfaction rating at the Evreham Centre.	66.69%	78%	annual PI										70.69%		70.69%	78%		Martin Holt	Uncertainty around the contract affected customer use, now due to extension of contract, we foresee improved customer throughput and presence in the community.	
SbCL1c (C)	Satisfaction rating at the Farnham Park Golf Trust	n/a	77%	annual PI										77%		77%	77%		Martin Holt	Target met.	
JtLI3 (C)	Percentage of customers satisfied with the service received (Licensing) - (annual)	61.80%	89%	annual PI										68.30%		68.30%	89%		Martin Holt	<p>Within the survey, there were 2 recurring themes - the usability of IT systems (comprising the online payment portal and the website), and the inconsistent speed of responses to customers, which were sometimes very fast and at other times much slower. The Licensing team is constantly working with Business Support to investigate potential opportunities to make the online system more customer-friendly. The Licensing team has not failed to carry out its function as required, but due to customers being unhappy with outcomes - including those whose applications were rejected for legal reasons - poor feedback has been provided. A positive aspect of the feedback is that some of the comments that have been left give a clear indication that staff are working hard to provide good customer service.</p> <p>2083 licences were issued in 2016/17, with only 67 responses to the survey; as such a relatively small number of overall responses means that it only takes a small number of negative responses to have a significant impact on the overall satisfaction percentages. Additionally, this survey is not restricted to those who have been served by the Licensing team, as the survey is advertised on email signatures and the websites. Licensing will do more work to publicise the Survey for the next year in order to seek to make the results more representative</p>	
JtLI5 (C)	Percentages of licences received and issued/renewed within statutory or policy deadlines (cumulative quarterly)	98.40%	97%			96.30%									96.40%		97.30%	97%		Martin Holt	Only 56 out of 2083 licences issued outside of required timescales.
SbCmSf 1 (C)	Percentage reduction in burglaries from dwelling, rolling year on year (quarterly)	-6.70%	data only			-20.00%									n/a	?	n/a	data only	?	Martin Holt	Currently awaiting Q4 data.
SbEH2 (C)	Percentage of food premises (risk rating A to C) that are broadly compliant (snapshot quarterly)	96%	88%			96.28%									89%		89%	89%		Martin Holt	Target met.

KEY <input checked="" type="checkbox"/> This PI is below target <input type="checkbox"/> This PI is slightly below target <input checked="" type="checkbox"/> This PI is on target																					
PI code	Name	2015/16 Value	Annual target 2015/16	Apr-16 value	May-16 value	Jun-16 value	Jul-16 value	Aug-16 value	Sep-16 value	Oct-16 value	Nov-16 value	Dec-16 value	Jan-17 value	Feb-17 value	Mar-17 value	Traffic light (latest actual)	2016/17 Value	Annual target 2016/17	2016/17 Traffic light	Responsible officer	Latest notes
SbHS2 (C)	Number of affordable homes delivered by (i) new build (ii) vacancies generated by local authority scheme (iii) acquisition of existing properties for social housing (cumulative)	3	22			1			4			4			9	<input checked="" type="checkbox"/>	9	22	<input checked="" type="checkbox"/>	Martin Holt	Total delivery comprises (i) 0 (ii) 0 and (iii) 4 x acquisitions by L&Q and 1 x acquisitions supported by Equity Loan
SbHS3i (C)	Average Length of stay in B & B temporary accommodation for all households (snapshot at end of period)	12.00	4			16.00			22.00			20.00			12	<input checked="" type="checkbox"/>	18	10	<input checked="" type="checkbox"/>	Martin Holt	The overall average length of stay for B&B placements that ended in Quarter 4 (Jan to Mar 2017) was 12 weeks - this comprised placements that ended for 11 families (total combined stay of 1488 nights) and 10 single persons/couples (total combined stay of 264 nights).
SbHS4 (C)	Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention	0.00	15	annual PI											0	<input checked="" type="checkbox"/>	0	15	<input checked="" type="checkbox"/>	Martin Holt	SBDC has not identified significant level of long term empty accommodation available for occupation. This will be kept under review.
Regeneration																					
Sustainable development																					
SbSD1 (C)	Applications checked within 10 working days (cumulative)	92.70%	85%	85.90%	93.10%	93.40%	96.30%	99.10%	98.30%	98.30%	95.30%	95.90%	99.10%	95.90%	95.80%	<input checked="" type="checkbox"/>	95.80%	92%	<input checked="" type="checkbox"/>	Peter Beckford	Target met.
SbSD4 (C)	Customer satisfaction with the building control service. (cumulative)	92.70%	94%	100%	100%	100%	100%	100%	100%	100%	98.30%	97.00%	96.60%	96.20%	96.40%	<input checked="" type="checkbox"/>	96.40%	92%	<input checked="" type="checkbox"/>	Peter Beckford	Target met.
SbPP1 (C)	Net additional homes provided		199	annual PI											n/a	?	n/a	203	?	Peter Beckford	Data will be available end of June 2017.
SbSD7 (C)	Percentage of planning applicants who are satisfied or very satisfied with the planning service	90.30%	80%	87.50%	92.50%	90.90%	90.00%	90.60%	91.40%	92.90%	93.10%	93.00%	93.60%	93.00%	93.50%	<input checked="" type="checkbox"/>	93.50%	80%	<input checked="" type="checkbox"/>	Peter Beckford	Target consistently met.
SbSD8 (C)	Planning appeals allowed.	24.20%	30%	42.90%	44.40%	31.30%	25.00%	23.50%	23.70%	25.00%	29.40%	27.60%	27.60%	25.00%	24.30%	<input checked="" type="checkbox"/>	24.30%	35%	<input checked="" type="checkbox"/>	Peter Beckford	17 of 70 appeals allowed
SbSD10 (C)	Processing of planning applications: minor applications (cumulative)	98.22%	92%	96.00%	97.92%	94.37%	95.33%	94.66%	94.64%	95.02%	95.78%	95.70%	95.89%	96.14%	96.26%	<input checked="" type="checkbox"/>	96.26%	90%	<input checked="" type="checkbox"/>	Peter Beckford	360 of 374 processed.
SbSD11 (C)	Processing of planning applications: other applications (cumulative)	97.88%	95%	97.47%	98.24%	96.25%	96.38%	96.59%	96.25%	96.68%	96.87%	96.73%	96.52%	96.55%	96.39%	<input checked="" type="checkbox"/>	96.39%	90%	<input checked="" type="checkbox"/>	Peter Beckford	908 of 942 processed.
SbSD12 (C)	Percentage of new enforcement allegations where an initial site visit is undertaken within 20 days (the timescales set out in the Enforcement Policy and Procedure) (snapshot)	100.00%	50%			89.00%									42.00%	<input checked="" type="checkbox"/>	54.00%	70%	<input checked="" type="checkbox"/>	Peter Beckford	General enquiries are now all being logged through Uniform which don't get an initial site visit - leading to warped figures. However, Officers are aware that initial site visits are not at the performance level needed. A different mechanism to provide more accurate performance figures is planned (using Enterprise software), along with a more detailed measures of the entire enforcement workflow and performance. Previously, general enquiries were not logged in Uniform, and so didn't generate an audit trail/case number

Appendix

KEY <input checked="" type="checkbox"/> This PI is below target <input type="checkbox"/> This PI is slightly below target <input checked="" type="checkbox"/> This PI is on target																					
PI code	Name	2015/16 Value	Annual target 2015/16	Apr-16 value	May-16 value	Jun-16 value	Jul-16 value	Aug-16 value	Sep-16 value	Oct-16 value	Nov-16 value	Dec-16 value	Jan-17 value	Feb-17 value	Mar-17 value	Traffic light (latest actual)	2016/17 Value	Annual target 2016/17	2016/17 Traffic light	Responsible officer	Latest notes
SbSD33 (C)	Percentage of new enforcement cases where an initial site visit for a high-priority case is undertaken within the timescale (3 working days) set out in the enforcement and monitoring policy (Cumulative, monthly)	New PI	New PI	99.00%	99.00%	99.00%										?		98%	?	Peter Beckford	Awaiting data from July 2016 onwards
Environment																					
SbWR1 (C)	Household refuse collections, number of containers missed per month (calculated by P&C team on weekly basis)	90	125	89	88	181	138	89	100	99	108	82	89	119	99	<input checked="" type="checkbox"/>	99	100	<input checked="" type="checkbox"/>	Chris Marchant	1188/12 = 99 containers missed on average per month.
SbWR3 (C)	Percentage of household waste sent for reuse, recycling and composting (cumulative)	52.82%	50%	50.46%	5.60%	54.88%	55.40%	55.03%	54.58%	54.26%	53.93%	52.75%	52.96%	52.59%	52.44%	<input checked="" type="checkbox"/>	53.67%	53%	<input checked="" type="checkbox"/>	Chris Marchant	53.67% is an average percentage of household waste sent for reuse, recycling and composting for 16/17. The March 2017 figure is 52.44% Cumulative .



This document aims to highlight our major achievements and performance between April 2016 and March 2017

To find out more about what we are aiming to achieve, see our joint business plan with Chiltern District Council at www.southbucks.gov.uk/prioritiesandperformance

To find out more about our financial performance, see our financial accounts at www.southbucks.gov.uk/statementofaccounts

Performance against targets

We set ourselves 42 key targets to achieve. The full table and results can be viewed at www.southbucks.gov.uk/performance

Key achievements during 2016 - 2017



Chiltern and South Bucks District Councils have combined their senior management; agreed the majority of shared service teams, saving around £6m since 2012



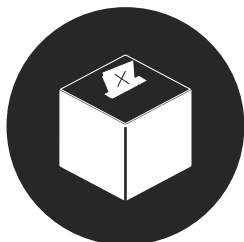
DIssued/renewed 97.3% of licences within statutory/policy deadlines



Raised awareness of Dementia through creating Dementia friendly communities



Delivered 35 disabled facilities grants in South Bucks during 2016/17



Ran the Police and Crime Commissioner's election and the European Referendum in 2016



Supported and promoted a strategic approach to mitigation of the HS2 line and other major transport projects



Over 12,000 tonnes of waste was reused, recycled or composted in South Bucks



Delivered the Open Spaces and Playing Pitch strategy and Leisure Facilities Strategy, which will inform the future needs and delivery of leisure



Continued to make savings in order to deal with ongoing reductions in Government funding



Delivered a Housing Strategy to help people in need to secure appropriate housing



Achieved the bronze Investors In People accreditation



Promoted the Community Responder initiative to communities across both Councils



Provided open days at Stoke Poges Memorial Gardens, which were warmly received



Published the Chiltern and South Bucks Joint Local Plan preferred options consultation



Continue to make savings in order to deal with on-going reductions in Government funding



Establish a trading company to deliver market rent housing



Continue to support the rollout of superfast broadband



Use the Open Spaces and Playing Pitch strategy and Leisure Facilities Strategy to improve local sporting and recreational facilities



Make our websites mobile friendly



Work with partners and respond to consultation to help mitigate infrastructure issues



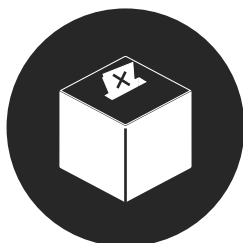
Continue to work with HS2 and partners to mitigate harm from HS2 and other major transport projects



Improve local facilities and services by supporting community groups access to a range of funding initiatives including HS2 Community fund, Sport England and Heathrow Community fund



Introduce a new Community Lottery Scheme serving both Chiltern and South Bucks District Councils



Manage the 2017 County and General Elections



Undertake a targeted recycling contamination reduction campaign



Move forward with the Chiltern and South Bucks Economic Development Strategy and its associated action plan



Draft the joint South Bucks and Chiltern local plan

SUBJECT:	FOOD AND HEALTH AND SAFETY BUSINESS PLANS
REPORT OF:	<i>Healthy Communities – Councillor Paul Kelly</i>
RESPONSIBLE OFFICER	<i>Anita Cacchioli, Interim Services Director of Services Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Ian Snudden, 01494 732057, isnudden@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The PAG is asked to advise the Portfolio Holder on the following recommendation(s) regarding the adoption of the joint Food and Health and Safety Service Plan for the year 2017/2018.

RECOMMENDATION

That Cabinet recommend to Council the approval of the joint Food and Health and Safety Service Plan and the Food and Health and Safety Enforcement Policies.

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Reasons for Recommendations

The Food Standards Agency's (FSA) Code of Practice and the Health and Safety Executive (HSE) require local authorities to produce and publish an annual service plan that demonstrates how the authorities are working to deliver its food safety and health and safety services. The Better Regulation Delivery Officer also requires local authorities to produce and publish their enforcement policies and to ensure that they comply with The Regulator's Code.

3. Report

The Food and Health and Safety Service Business Plan details how the food and health and safety enforcement services are to be delivered within both Chiltern District Council and South Bucks District Council areas for the year 2017/18.

The Service Plan is divided into the issues covered by the Food Standards Agency (FSA) Framework Agreement and the key priorities identified by the Health and Safety Executive's (HSE) Strategy Document. The Service Plan and Enforcement Policies are appended.

Food Safety Service 2017/18

In 2012, Chiltern and South Bucks District Councils launched the Food Standards Agency's national Food Hygiene Rating Scheme. Since then the percentage of all eligible rated food premises (rating of 3 or better) continues to increase and is currently 96.3% for Chiltern and 96.9% for South Bucks District Councils, higher than the national average of 94.2%. 85.2% of food businesses in Chiltern DC and 85.5% of those in South Bucks DC improved their rating or stayed the same since their last inspection. Whilst the main approach to inspections is supportive, where businesses persistently fail to engage or improve standards, then more

formal enforcement action will continue to be taken. Officers will continue to focus on the highest risk businesses and those that have a rating of 0-2.

Specific areas of work have been identified in relation to continual service improvement, introduction of flexible mobile working and increased commercialisation of the service. These are reflected in the service plan action plan.

Health and Safety Service 2017/18

Whilst health and safety remains a key priority for the Government, it aims to reduce the inspection burden on businesses. The consequence of this is that officers will only inspect businesses where there is a specific need, either due to local or national intelligence and the national strategic priorities. These priorities cover a range of sector specific interventions and cross-cutting themes.

In 2015, three fatalities were reported to Chiltern DC and resulted in Coroner's Inquests. Following an extensive investigation, one of the companies involved, Decco Ltd, Chesham was prosecuted at Aylesbury Crown Court where a fine of **£2.2 million** was issued with £21,000 costs awarded to the Council. This was an unprecedented sentence and received both local and national media interest. As a consequence, during 2017/18, projects will be developed relating to health and safety measures to protect employees from falls from height and workplace transport accidents.

Food Policy and Health and Safety Enforcement Policy

Both policies reflect the principles set out in the Regulators' Code issued by the Better Regulation Delivery Office of the Department of Business, Innovation and Skills. The key principles are to supporting growth, engaging with businesses, having a transparent and risk based approach to activities, sharing information between regulators and providing clear information and advice to businesses. The Regulators' Code applies to local authority regulatory services such as: environmental health, licensing, housing standards, planning enforcement, building control and revenues and benefits. A corporate enforcement policy has been developed and the policies have been drafted in accordance with this overarching policy.

4. Consultation

Not Applicable

5. Options

Not Applicable

6. Corporate Implications

6.1 Financial – the service plan will delivered within existing budgets

6.2 Legal – The Food Standards Agency requires local authorities to produce and publish a food service plan, as does the Health and Safety Executive for health and safety and local authorities are audited by these Government bodies for compliance against the statutory guidance. The FSA audit reports are public documents and published on the FSA website.

7. Links to Council Policy Objectives

The plan stems from the Healthy Communities Service Plan and makes a positive contribution towards the Chiltern District and South Bucks Councils' *Joint Business Plan 2015 – 2020* and *Sustainable Community Strategy 2009 – 2026*. The plan links into the Councils' Performance Management Framework.

8. Next Step

The approved action plan for the service plan will be implemented across both local authorities.

Background Papers:	None
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**CHILTERN DISTRICT COUNCIL
and
SOUTH BUCKS DISTRICT COUNCIL**

Environmental Health Section

**Joint Food and Health and Safety Service
Business Plan**

2017-2018



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1.0 INTRODUCTION

The joint Food and Health and Safety Service Business Plan outlines the nature, objectives and influences on the services and the statutory and policy framework within which the services are delivered. It sets out the key service priorities and objectives for 2017/18 and identifies the main issues planned to be addressed during the period. It also fulfils the requirements set down by the Food Standards Agency (FSA) in its 'Framework Agreement on Local Authority Food Law Enforcement' and the Health and Safety Executive (HSE) in its 'Section 18 Guidance to Local Authorities'.

2.0 SERVICE AIMS AND OBJECTIVES

2.1 Links to Corporate Objectives and Plans

The food service contributes towards the Chiltern District and South Bucks Councils' *Joint Business Plan 2015 – 2020* and *Sustainable Community Strategy, 2009-2026*, performance measures and key objectives:

- Delivering cost-effective, customer-focused services;
- Working towards safe and healthier local communities ; and
- Striving to conserve the environment and promote sustainability.

2.2 Healthy Communities Service Plan

The key objectives within the Healthy Communities Service Plan that specifically relate to the food and health and safety service for 2017/18 are:

- Improve service quality to enable communities, residents and businesses to resolve their service requests at the first point of contact or close to the first time of asking
- Provide effective and efficient regulatory services that meets customer needs
- Provide effective partnership working to protect and improve public health and environmental quality

The Division has to find substantial cost savings over the coming years, achieved by:

- Reducing costs through innovative use of technology;
- Reducing back office handling costs;
- Transferring avoidable costs of delivery along the supply chain;
- Raising income through charging for discretionary services;

- Developing the new shared service and employing lean thinking principles to review processes;
- Developing systems that will improve the ability of business to manage regulatory compliance whilst reducing the frequency of inspection by the Council.

An Environmental Health, Sustainability & Resilience service review was undertaken in 2015 with project objectives of cost savings, greater resilience and improved service quality. The outcome of the review was a single shared environmental health service between Chiltern and South Bucks District Councils with the following key features:

- a) A single team delivering a holistic service based in both Chiltern and South Bucks utilising mobile working technology to enable officers to access and retrieve information as required in external locations.
- b) A team that is able to trade with other Councils to deliver services and is structured to deliver services to businesses such as training and advice to support regulatory improvements.
- c) Administration for both Councils' areas based at Amersham supporting the delivery of the wider Healthy Communities Division.
- d) Regulatory interventions for Food and Health and Safety delivered through a dedicated team within Environmental Health that will also be responsible for the development of business and partnership working to improve regulatory compliance. The team whilst based at Denham will require being co-located and utilising mobile working technology to minimise additional mileage costs.
- e) A public protection team responsible for the Councils' response to consultations and enforcement of all matters involving; ASB, nuisance, high hedges, and public health etc. will be required to work closely with Licensing, Planning, Community Safety and the Police and RSL's.
- f) The service will maximise opportunities for channel shift to enable customers to self-serve via the website allowing access to information or to submit data (images, forms, sound files) in relation to the particular service request.
- g) The service will also seek to deliver a 'lead officer approach' to service delivery ensuring effective communication and timely case management.
- h) The team will develop joint policies in relation to enforcement, health and safety, sustainability and business continuity.

2.3 Service Aims and Objectives

The Environmental Health Section has a significant role to play in improving quality of life, predominantly through providing a proactive, accessible and efficient service that protects and promotes the health of those who work, live and visit the area. This role directly supports the Councils' Key Objective 2 (*Working towards safe and healthier local communities*).

It is the Councils' aims to:

- Support and assist businesses to become food safety compliant
- Provide consistent accurate up-to-date information aimed at providing protection to customers
- Support and assist businesses to comply with legal obligations to ensure that food is safe

The Councils will achieve this aim in the following ways:

- Targeted current relevant information to businesses
- Ensure officers are equipped with tools to effectively support businesses
- Ensure that poor performing businesses are proportionately targeted with enforcement action
- Adopt a "light touch" approach to compliant businesses, organisations and customers
- Proactive campaigns to promote food hygiene ratings
- Consider innovative opportunities and approaches to working with other regulatory stakeholders to improve businesses contact with local authorities.

2.4 Key Service Standards and Performance

As part of the Authorities' key objectives, service standards and performance measures have been set.

Services are prioritised and resources targeted at issues of greatest concern in terms of food and health and safety. The service covers inspections of businesses, complaint and accident investigation and developing schemes to assist and motivate businesses to achieve compliance and good practice. The key corporate performance measure used is: '*Percentage of food businesses that are 'broadly compliant'*' and will focus on

the highest risk categories of A – C. As well as the overall percentage of businesses broadly compliant, the success of officer's interventions in moving those businesses which are not broadly compliant to becoming broadly compliant and above will also be measured and reported as a Departmental performance indicator.

Performance monitoring has been established with reports to relevant Committees, in addition to departmental monitoring meetings and to Management Team.

Food safety carries a high priority for the Authorities and the targets set for 2017/18 (96% broadly compliant businesses within the Chiltern District and 93% broadly compliant businesses within the South Bucks District) reflect that priority and ensures that the authority complies with current government guidance in measuring outcomes rather than inputs.

The Food Standards Agency will continue to collect data on broadly compliant businesses and as part of our continual service improvement; the intention is to collect data in respect of customer satisfaction following inspections.

As a consequence of Government's aims for health and safety reform including reducing the inspection burden on business and focussing on better health and safety outcomes, proactive inspections will be targeted at high risk premises where the national priorities identifies them as being an at risk group or local intelligence identifies businesses with poor compliance records.

3.0 BACKGROUND

3.1 Profile

The Chiltern District is located in the centre of the Chiltern Hills, approximately 25 miles North West of London. The District covers an area of 19,635 hectares and has a population of approximately 93,980. It is predominantly a rural area with towns and villages set in countryside which is part of the greenbelt around London. A large part of the District forms part of the Chilterns Area of Outstanding Natural Beauty.

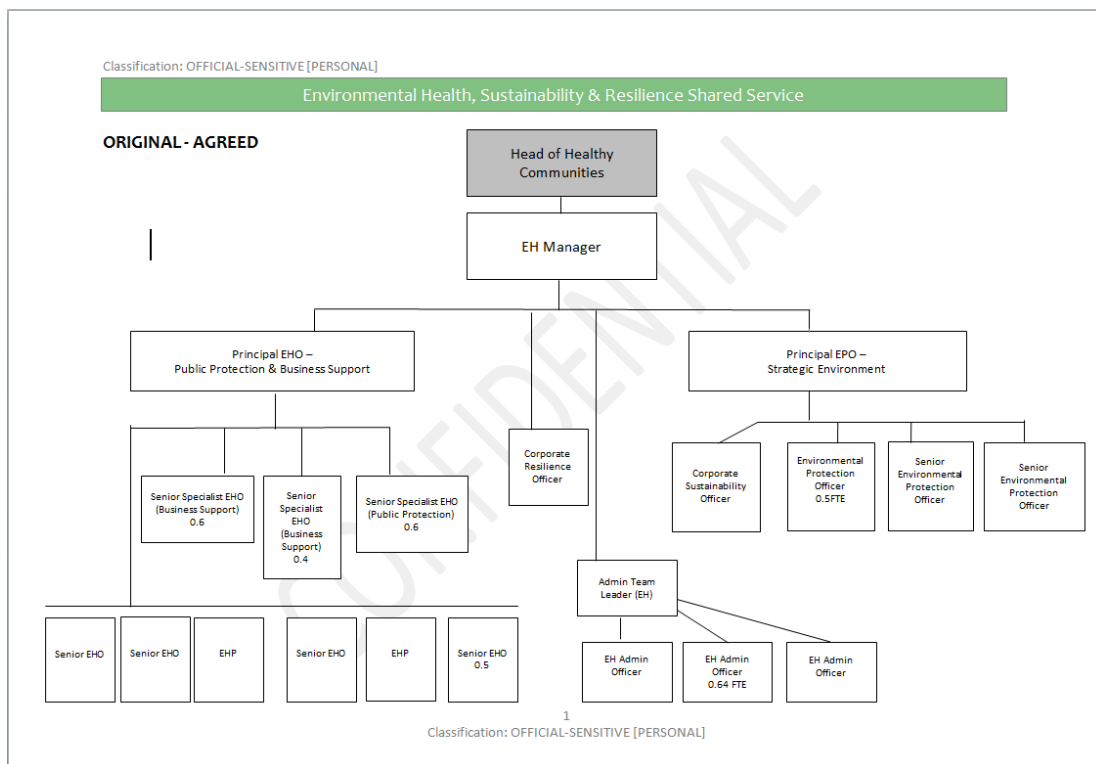
The South Bucks District covers an area of 14,150 hectares immediately to the west of Greater London with a population of approx. 68,560. The district is mainly rural in nature and large areas are within the Greater London Green Belt. The main towns in the district are Beaconsfield, Gerrards Cross Denham, Iver and Burnham.

Both Districts have good transport links with adjoining areas. Both areas are served by good national and motorway networks. Direct rail-links to central London or Northwest to Aylesbury or High Wycombe and the Midlands are provided by Chiltern Railways, Great Western Railways and London Underground Ltd.

3.2 Organisational Structure

Since April 2014, a shared senior management structure has been in place between Chiltern District Council and South Bucks District Council, comprising a Chief Executive, directors and heads of service. The Head of Healthy Communities is the head of service for environmental health across both authorities and reports to the Director of Services. The shared environmental health service came into effect on 1st December 2015 with the service being delivered from both Council offices. The food and health and safety service is delivered by specialist Environmental Health Officers within a single Business Support Team. Health promotion is delivered by the Community Team who provide links to community development, adult learning and Learning and Skills although the Business Support Team will have an increasing role in delivering promotional activities.

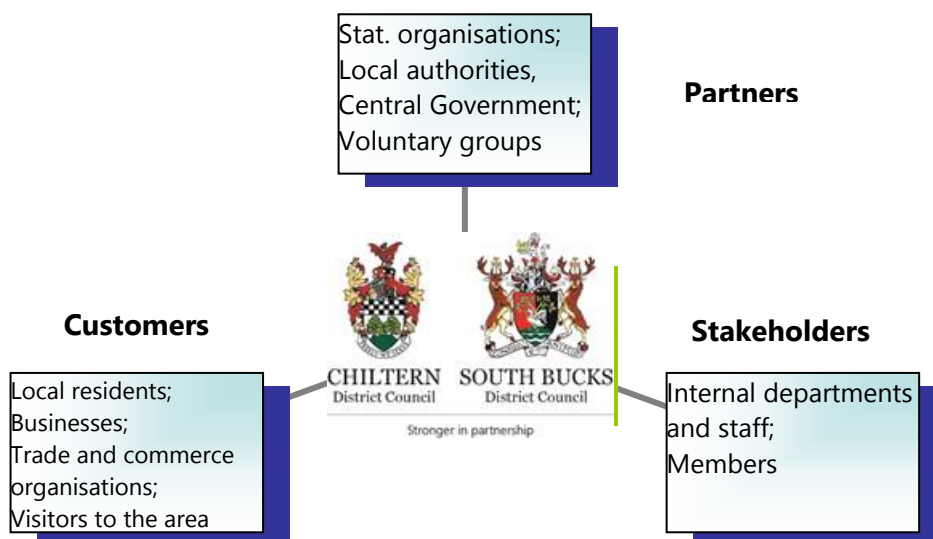
As of the March 2017, the Healthy Communities Division (inclusive of housing and licensing) comprised of 35.1 full time equivalents. The Division also employs specialist officers for Housing, Environmental Protection, Licensing, Emergency Planning and Business Continuity and Corporate Health and Safety, supported by a central administration team. In addition, the pest control service is provided on a contracted basis.



Dr Jill Morris is the appointed Consultant in Communicable Disease Control at Thames Valley Public Health England and is the 'Proper Officer' for the Authority.

The specialist officer for food safety as required by the Code of Practice is shared between the Principal Environmental Health Officer and a job shared Senior Specialist EHO post, and the Public Analyst is Anne Scarett at Hampshire Scientific Services.

3.3 Customers, Stakeholders and Partners



3.4 Scope of the Service

3.4.1 The scope of the service is:

- i) The enforcement of legislation relating to safety, welfare and hygiene;
- ii) Routine auditing of businesses in accordance with current Government requirements;

- iii) Providing support, training and advice for food handlers and businesses, either free of charge or as part of a paid-for advice service;
- iv) Investigation of consumer complaints relating to food safety and hygiene;
- v) Investigation of employee and public complaints and requests for information relating to working environments and standards;
- vi) Investigation of reportable accidents;
- vii) Health education and promotional activities to educate the consumer.

3.4.2 The scope of infectious disease control aspects of the service are:

- i) Investigation of sporadic cases and outbreaks of infectious disease within the District, in consultation with the Consultant in Communicable Disease Control;
- ii) Health education/promotion activities;
- iii) Drawing up and implementing appropriate contingency outbreak control plans;

In addition, officers also enforce the smoke-free provisions and contribute to the Safety Advisory Group.

3.5 Demands on the Food Service

As at 1st April 2017 there were 790 food premises requiring inspection in the Chiltern District and 573 in the South Bucks District. The premises profile is given in Table 1, whilst the number of premises falling into each risk category is given in Table 2 below. Classification of premises is in compliance with Food Standards Agency Code of Practice. Category A businesses, either because of the nature of their operation or poor standards of hygiene, pose a greater risk than category E. Those premises within category E are subject to an alternative enforcement strategy which takes the form of a self-assessment questionnaire. Similarly, a Category D premise will alternate every 24 months between an inspection and self-assessment questionnaire. Category C premises that are broadly compliant will have a monitoring visit every other visit. Non-rated businesses are those whose risk rating has not yet been assessed.

Table 1 Number of establishments by premise type

Premises Type	Primary producers	Manufacturers and packers	Importer Exporter	Distributor	Retailer	Caterers
Number (Chiltern DC)	4	16	1	21	137	611
Number (South Bucks DC)	2	13	1	5	116	436

Table 2 Number of premises falling into risk categories

	A	B	C	D	E	Non - rated	Outside programme	Total
Number of premises (Chiltern DC)	1	30	153	204	385	6	11	790
Number of premises (South Bucks DC)	0	16	132	218	198	3	6	573
Interval between inspections (months)	6	12	18	24	AES			

- AES – Alternative Enforcement Strategy

Within the premises profile, there are five food businesses that are approved.

One of the strengths of the service is that of promoting and educating food businesses. This tends to be targeted at new businesses and those businesses that have got a history of poor hygiene standards and has proved effective in raising and maintaining standards. Those with a food hygiene rating of 0-2 are particularly targeted.

3.6 Demands on the Health and Safety Service

As at 1st April 2017 there were 2223 premises within the Chiltern District and South Bucks District areas which are eligible for health and safety enforcement. Classification of premises is in compliance with Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority circular (LAC) 67/2 (rev6).

The assessment of the risk rating is dependent upon the identified health and safety hazards and their associated risks and the ability and confidence in the management to control them.

The service is delivered from both the Council offices in Amersham and Denham during normal office hours of 9.00 – 17.30. It is recognised that businesses operate outside normal office hours of work and so the inspection programme will take this into account. Officers are therefore expected to work outside these hours when circumstances require, for example, for food poisoning investigations and accident investigations, where the nature of the business dictates evening or early morning visits and upon request by businesses.

3.7 Enforcement Policy

The Healthy Communities Division has a generic enforcement policy that covers the majority of the work performed by the Division. However a more specific enforcement policy has been adopted and is detailed within the Food and Health and Safety Enforcement Policies, together with Enforcement Procedures that set out the actions to be taken when formal action is required.

Regard is given to the Regulator's Code published by the Department for Business Enterprise and Regulatory Reform, the Primary Authority Scheme and the Councils' overarching enforcement policy.

4.0 SERVICE DELIVERY and REVIEW

4.1 Delivery and Priorities – 2017/18

The service will be delivered through:

- i) Routine programmed inspection of food businesses, with a frequency determined by a risk assessment, with appropriate follow-up action;
- ii) Proactive targeted inspections of businesses and service sectors where there is likely to be a greater risk of injury from those activities identified by national accident statistics and local intelligence with appropriate follow-up action.
- iii) Assessment of relevant food hygiene premises to determine their food hygiene score in terms of the national Food Hygiene Rating Scheme and which will be published on the Food Standards Agency website;
- iv) Routine self-assessment questionnaires to low risk premises;
- v) Investigation of complaints with appropriate follow-up action;
- vi) Investigation of accidents with appropriate follow-up action
- vii) Participation in national and local sampling programmes;
- viii) Appropriate training, development and monitoring of officers;
- ix) Provision of information, coaching and advice to businesses about legal requirements and good practices;
- x) Provision of relevant food safety courses for food handlers and a chargeable advice service to businesses;
- xi) Promotional activities to inform and encourage high standards in businesses;
- xii) Promotional activities to educate the consumer in food hygiene and safety.

Priority will be given to targeting those activities that pose the greatest risk to the members of the public and employees:

- i) the correct and uniform identification of high-risk areas during programmed inspections and as a result of complaint and accident investigation and to concentrate efforts to reduce these risks;
- ii) focussing enforcement efforts on those businesses who pose the greatest risks e.g. those that are not broadly compliant;
- iii) ensuring efforts are focussed on persistent offenders;
- iv) ensuring compliance with the law and;
- v) engaging in those promotional activities for businesses and consumers, which are most likely to foster improved safety.

Revisits to businesses will be undertaken in accordance with the relevant policy.

4.2 Food Safety Interventions

The policy relating to the inspection of food premises is detailed in the Food Policy.

The number of premises programmed for inspection in 2017/18 has the following profile:

Risk category	A	B	C	D	E Alternative Enforcement Strategy	Non-rated	TOTAL
Number (Chiltern DC)	1	31	85	106	98	0	321
Number (South Bucks DC)	0	15	89	97	71		272

Currently 89% of food businesses risk rated A-C in the Chiltern District and South Bucks District are broadly compliant with legislation. Those that are not broadly compliant will be subject to full inspections and included within the food sampling programme. For all risk categories (A-E), 96.3% (CDC) and 96.9% (SBDC) of food businesses are broadly compliant.

A self-assessment scheme is undertaken for the lower risk premises whereby a questionnaire is sent to the business and on return an assessment is made as to its continued business use and risk. Dependent upon the outcome, the business will either be inspected or re-assessed when due another inspection. In creating more efficient, customer focused services, these questionnaires are sent out by email and an online form has been produced which enables easy completion and submission.

The revised Code of Practice introduced the opportunity to carry out alternative interventions where it is found that standards of food safety are generally good and do not warrant a full or partial inspection. Category A, B and C premises which are rated as being not broadly compliant businesses will be subject to a full or partial inspection or audit whilst category C and D food businesses that are broadly compliant could be subject to alternative interventions alternating with full or partial inspections every 18 months and 2 years respectively.

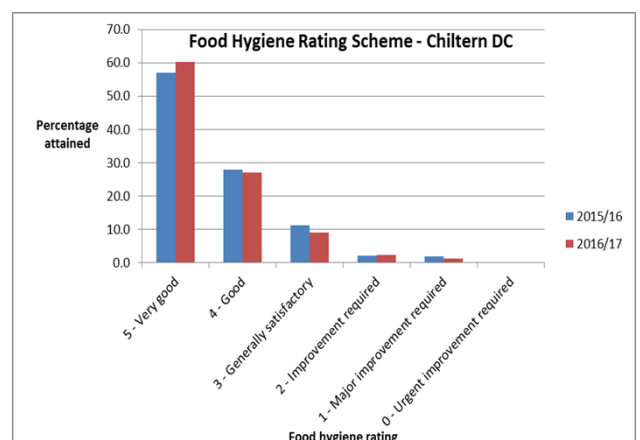
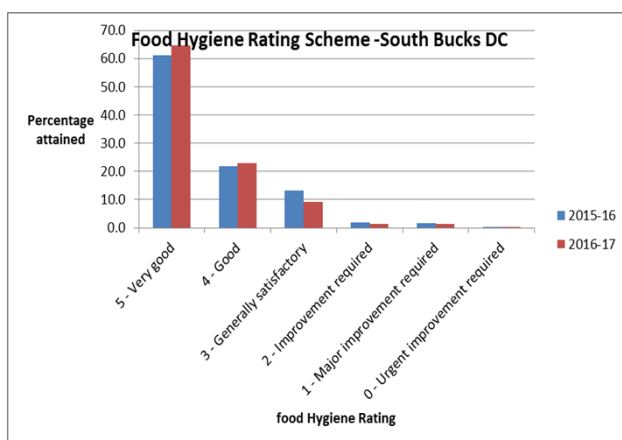
During 2015, an Environmental Health service review took place with the aim of improving service quality and resilience and identifying potential savings through sharing services between Chiltern DC and South Bucks DC. A shared Environmental Health, Sustainability & Resilience service came into effect on 1st December 2015 that

introduced a new structure and incorporated a specific Business Support Team whose role it would be to deliver Official Control interventions, respond to food and health and safety related complaints and accidents and to provide training and support for local businesses. Previously these functions were delivered by generic EHOs who also responded to environmental protection service requests. The new structure has enabled officers to develop more specialist knowledge and expertise in food hygiene and health and safety and provided capacity to develop tools to support businesses to improve standards and contribute to local economic growth, Additionally, income generation opportunities will be explored in the delivery of training courses and advice to businesses outside of the Chiltern and South Bucks areas and in providing support for other local authorities.

During 2016/17, the focus has been on the successful implementation of the shared service. To this end, policies and procedures of both authorities were reviewed and developed, taking the best practice from each. As part of an ongoing programme of service transformation, improved and more efficient and effective ways of working and delivering the service will continue to be explored using 'lean thinking' principles to increase capacity to more effectively deal with non-compliant food businesses. This will be augmented by a corporate mobile working project across both authorities.

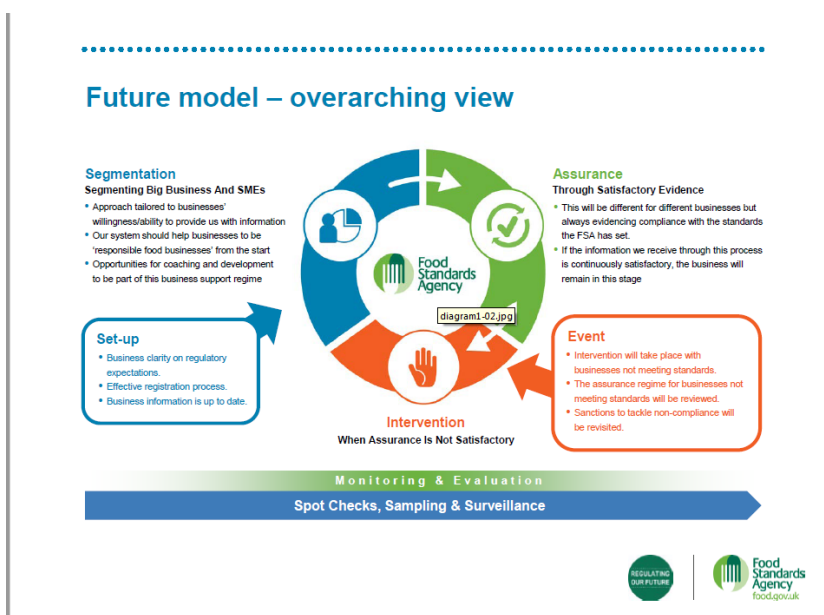
The national Food Hygiene Rating Scheme (FHRS) continues to be well received by both the public and businesses. Businesses wishing to improve their rating following an inspection can apply for a re-inspection. From the 1st April, local authorities have been able to charge for re-inspection requests to cover their costs; this is currently set at £150.

The graphs below show the percentage breakdown of food hygiene rating distribution across all rated food businesses within each authority. The aim is to increase those businesses that achieve a 5 rating to above the national average, currently at 65.8%. Both authorities have a greater percentage of broadly compliant food businesses than the national average of 94.2%. 85.2% of food businesses in Chiltern DC and 85.5% of those in South Bucks DC improved their rating or stayed the same since their last inspection.



The Food Standards Agency has embarked on a four year programme 'Regulating Our Future' to introduce a more effective system for food regulation. The two overriding priorities will be preparing for the UK leaving the European Union and regulatory reform. With increasing pressure on resources and complexity of food supply, the FSA are currently consulting on how food businesses are regulated in the future so that consumers continue to have confidence in the food that is produced. This includes the mandatory display of the food Hygiene Rating Scheme scores in England, 'Permit to Trade' arrangements for new food business registrations, examining the role of third party audits and assurance schemes to inform the regulatory process and a greater use of the primary authority scheme.

The FSA are proposing a new regulatory model which will move away from a 'one-size-fits all' inspection approach to regulation and the development of a regulatory framework that can be adapted according to different types of food businesses. Officers, through the Bucks Food Liaison Group, will continue to engage with the FSA in the new

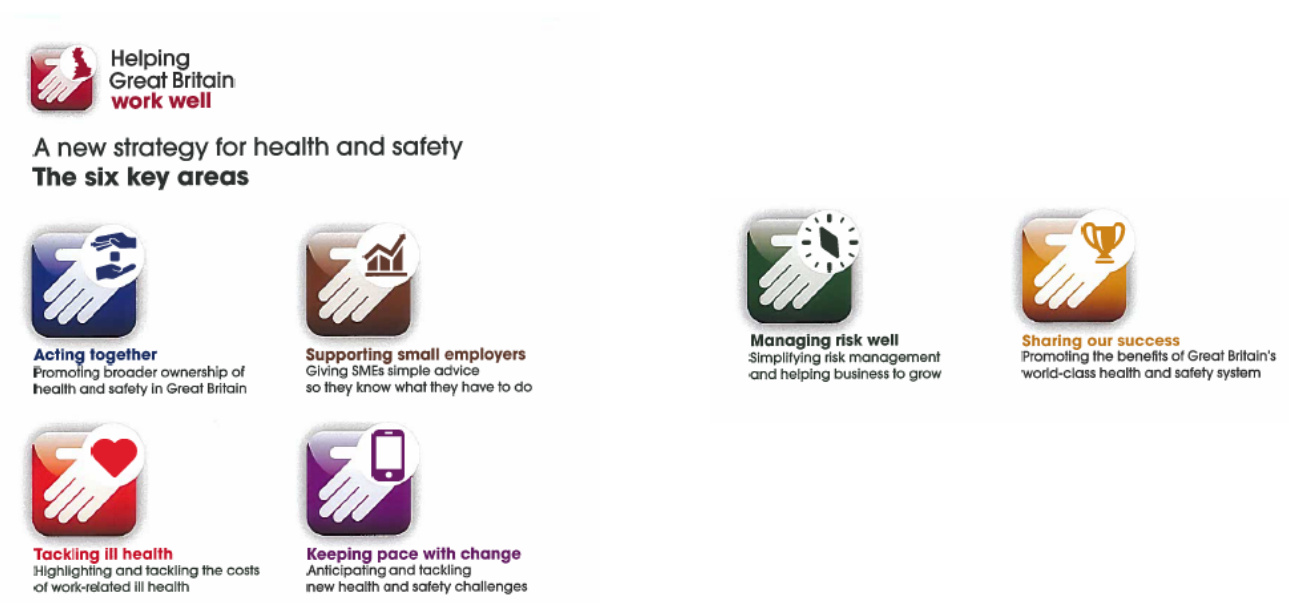


developments.

4.3 Health and Safety Interventions

In the Government Report *“Good Health and Safety, Good for Everyone”*, following Professor Lofstedt's review of health and safety legislation, protecting people in the workplace and wider society is still a Government key priority whilst reducing the inspection burden on businesses. The Government's aim is to improve the targeting of relevant and effective interventions and preserving inspection for higher risk premises and issues.

Last year, the HSE launched their new strategy for health and safety *‘Helping Great Britain Work Well’* which set out 6 key themes:



To support the strategy, guidance has been published for local authorities (LAC 67/2 (rev 6)) to aid the prioritisation of health and safety interventions. This identifies the national priorities based upon accident statistics and the associated high risk activities and business sectors. These will form the focus of our work during 2017/18. The guidance is clear however, that there should not be an inspection without a reason and that other alternative interventions may be more suitable, for example advisory visits, publicity campaigns and seminars.

List of activities/sectors for proactive inspection by LAs ₁ – only these activities falling within these sectors or types of organisation should be subject to proactive inspection			
No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures
2	Explosion caused by leaking LPG	Premises (including caravan parks) with buried metal LPG pipework	Buried metal LPG pipe work (For caravan parks to communal/amenity blocks only)
3	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions ₂	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volumes Warehousing/Distribution	Workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Workplace transport/work at height/cutting machinery /lifting equipment
6	Industrial diseases (occupational deafness/cancer/ respiratory diseases)	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants/ in-store/craft bakeries ₄ , stone wholesalers ⁵	Noise (steel stockholders), use of loose flour(in-store/craft bakeries ₄), exposure to respirable crystalline silica (outlets cutting/shaping their own stone)
7	Falls from height	High volumes Warehousing/Distribution	Work at height
8	Manual Handling	High volume Warehousing/Distribution	Lack of effective management of manual handling risks
9	Unstable loads	High volume Warehousing/Distribution Industrial Retail/Wholesale/builders/timber merchants	Vehicle loading and unloading
10	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
11	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
12	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign

In 2015, three fatalities were reported to Chiltern DC and resulted in Coroner's Inquests. Following an extensive investigation, one of the companies involved in the accidents, Decco Ltd, Chesham was prosecuted at Aylesbury Crown Court where a fine of **£2.2 million** was issued with £21,000 costs awarded to the Council. This was an unprecedented sentence and received both local and national media interest. As a consequence, during 2017/18, projects will be developed relating to health and safety measures to protect employees from falls from height and workplace transport accidents.

Category B and C premises will not form part of the inspection programme and so will not be subject to any proactive interventions unless they come within one of the priority subject areas or local intelligence suggests the need for targeted interventions.

4.4 Service Requests

The Food and Health and Safety Enforcement Policies detail the policy relating to the investigation of complaints, whether they are about hygiene standards at premises, complaints about food purchased within the Districts, safety standards at premises or welfare issues. In 2016/17 across both authorities, 58 food related service requests

were received, 38 concerning the hygiene of premises and 20 in relation to food itself. Of the 60 health and safety related service requests, 16 were requesting advice whilst 21 concerned standards at premises. Both Chiltern and South Bucks Councils have established Safety Advisory Groups, the purpose of which is to collate information about an event to enable the emergency services to gauge its potential impact upon the local community and to identify beforehand any issues or concerns which may potentially arise. In 2016/17 144 consultations were held for a variety of events.

4.5 Accident Notifications

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, employers and self-employed are required to notify the enforcing authority of any notifiable injury etc. The table below indicates the level of accident notifications for 2016/17. The policy for the investigation of accidents is detailed in the Health and Safety Enforcement Policy and accidents are investigated according to the criteria within it.

Number of accidents 2016/17

Type of Accident	2016/17 Chiltern DC	2016/17 South Bucks DC
Fatal Injuries	0	0
Non-fatal major injuries	4	9
Over 7 day injuries	20	22
Public injuries	20	28
Dangerous Occurrence	0	1
Total	44	60

4.6 Primary Authority Scheme

In July 2009, the Regulatory Enforcement and Sanctions Act introduced the concept of a 'Primary Authority' for the majority of regulatory functions. At the request of a business, a local authority is compelled to act as that company's Primary Authority. The role of the Primary Authority will be to act as a point of contact for other local authorities on policy issues, inspection programmes and when considering taking any enforcement action. The Primary Authority is able to prohibit that local authority from taking their enforcement action subject to an appeal process to the Better Regulation Delivery Office against the decision of the primary authority. The Business Support Team will actively pursue primary authority partnerships with local businesses and trade associations.

4.7 Advice to Businesses



The authority is committed to ensuring that businesses are aware of the requirements of the law and good practice, and will wherever resources permit, provide advice to assist businesses. Information fact sheets have been developed for businesses which have received positive attention from other authorities.

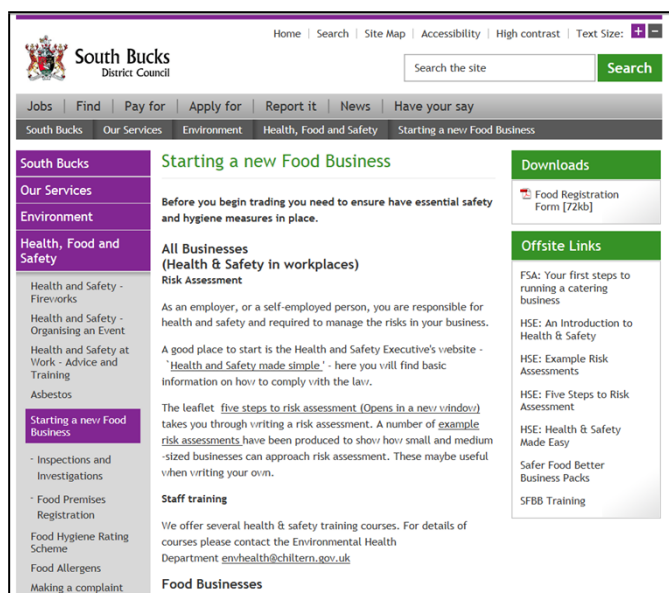
Greater links with local Chambers of Commerce and the Buckinghamshire Thames Valley Local Enterprise Partnership will be forged to support existing and new businesses and to improve awareness of the services Environmental Health can provide. For businesses, and in particular new start-ups, a 'one-stop' approach to regulatory services and compliance will be established in a bid to minimise the number of hand-ons a

business may experience.

The feasibility of providing a chargeable advice service will be explored aimed at new and existing businesses to support them in achieving higher standards of safety and compliance. A charge will be made for those businesses who wish to have a re-inspection under the Food Hygiene Rating Scheme.

Eight Level 2 'Award in Food Safety in Catering' courses are planned each year delivered by an external tutor alternating between the Chiltern DC and South Bucks DC offices. Administration staff administer the course provision and manage the bookings and payment. The authorities retain the net income. In 2016, the accrediting body, the Chartered Institute of Environmental Health, voluntarily gave up its accredited status and so we had to find another provider. Now all courses are accredited by QCA and the Highfield Awarding Body for Compliance Ltd. These courses can also to be run for organisations at their premises upon request. We also provide an online Level 2 refresher course. The Section is also able to provide a range of Institute of Occupational Health and Safety (IOSH) courses and in particular, Leading Safely, Managing Safely and Working Safely.

In addition to advice being given to businesses, information is also provided for the public in the form of information on the website and participation in National campaigns. As part of the inspection service review, the Environmental Health websites of both authorities have undergone significant development.



4.8 Food Sampling

The policy in relation to sampling is detailed in the Food Policy and covers sampling of food, water and faecal and food samples as part of food poisoning investigations.

An annual sampling programme has been drawn up to cover:

- i) Water – private supplies;
- ii) Food products manufactured locally;
- iii) National and regional co-ordinated sampling;
- iv) Imported foods;
- v) Locally co-ordinated sampling.

The sampling programme is based on the following objectives and an assessment of the potential risks associated with the particular activity:

- i) To obtain recognised and usable microbiological standards for foods, via a nationally co-ordinated sampling programme;
- ii) To fulfil legal and government driven obligations;
- iii) To monitor those businesses whose standards of hygiene are less than satisfactory;
- iv) To check that foods comply with statutory microbiological standards, where available;
- v) To check that locally manufactured and handled foods are microbiologically safe;
- vi) To identify specific foodstuffs which are more likely to be microbiologically unsound.
- vii) To form part of the non-inspection official control programme for broadly compliant food businesses.

It is recognised that good co-operation and co-ordination at a national and local level is necessary to achieve such objectives and the authorities are committed to:

- i) Participating in and co-operating with the Public Health England and Food Standards Agency's national sampling schemes;
- ii) Co-ordinating with adjoining local authorities and local PHE to agree locally co-ordinated sampling;
- iii) Ensuring 10% of samples come from third country imported foodstuffs, in line with the Food Standards Agency requirements.

Sampling is also performed on an adhoc basis as necessary, generally in response to a complaint from a member of the public, as part of a food poisoning outbreak or during a routine inspection. Where officers identify poor practices during inspections these will be incorporated into the sampling programme and inform future inspection approaches.

As part of the revised inspection processes the use of ATP analysis of hand and food contact surfaces provides rapid assessments of cleanliness and cross contamination. As well as demonstrating potential failures in hygiene arrangements, the visual nature of these tests also aids the educational aspect of the inspection.

Samples for microbiological analysis continue to be taken to the PHE laboratory at Colindale, London. The UK Food Surveillance System (UKFSS) is used to facilitate the electronic submission of samples data and receipt of results to a national database hosted by the FSA. Routine private water supply samples for chemical analysis are sent to Affinity Water and samples for examination will go to the Public Analyst.

4.9 Control and Investigation of Outbreaks and Food Related Infectious Disease

The policy for dealing with food related diseases is to:

“Prevent the spread of notifiable infectious disease in the community and particularly reduce outbreaks of food poisoning.”

a) To investigate all outbreaks of notifiable disease within the Districts in co-operation with Public Health England.

- i) to identify the cause of infection;
- ii) to prevent the spread of infection;
- iii) to educate and prevent re-occurrence.

b) Promote the training of food handlers.

Procedures have been developed in consultation with the Consultant in Communicable Disease Control and Thames Valley PHE Centre. These, together with the appropriate outbreak control plans are reviewed on a regular basis.

For 2016/17 140 sporadic cases of food related infectious disease were investigated across both authorities, an increase of 25% from the previous year. All notified cases are followed up to identify the source and cause, and to establish whether the case is within a high-risk group. The number of food poisoning outbreaks investigated during the past year remains low. Such outbreaks involve a considerable amount of time and effort to investigate and control and as a consequence, other proactive work tends to be held in abeyance until the outbreak is concluded.

4.10 Food Safety Incidents

Food Alerts are the Food Standards Agency's way of informing local authorities and consumers about problems associated with food and, in some cases, provide details of specific action to be taken. They are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. Officers will carry out action specified in the Food Alert as instructed and in the most appropriate, expeditious and cost effective manner possible to safeguard public health. Action will be taken in accordance with guidance issued by central government. Action taken in relation to food alerts associated with chemical contamination will be in consultation with Buckinghamshire and Surrey Trading Standards.

Rapid Alert System for Food and Feed (RASFF) is primarily a tool to exchange information between competent authorities on consignments of imported food and feed in cases where a risk to human health has been identified and measures have been taken. As with the food alert officers will carry out any action specified in the RASFF.

If a Food Alert or RASFF needs to be issued following complaints or issues arise as part of the routine inspection programme, the guidance in the Code of Practice will be followed.

When necessary, the Consultant in Communicable Disease Control and Public Analyst will be consulted and advice sought as to the public health significance of particular issues. Specialist experts will also be called upon as necessary. Appropriate resources will be allocated to resolving any food safety incident and alternative measures taken to deal with other work.

In 2016/17, 76 Food Alerts were issued by the Food Standards Agency, the majority of which were for information. In instances where action was required of the local authority, contact was made either by contacting food businesses directly or visiting.

4.11 Liaison with other Organisations

The Authorities have a number of formalised liaison arrangements with various public bodies and neighbouring local authorities. These include:

- i) Buckinghamshire Food and Health and Safety Liaison Groups – bi-monthly meetings to discuss current enforcement issues and to develop action plans to progress food and health and safety promotion and enforcement. Also in attendance are representatives from Trading Standards to discuss joint initiatives and the Quality Manager from the PHE, Colindale to discuss sampling results and programmes and the Health and Safety Executive.
- ii) Thames Valley PHE Centre – meetings to discuss current infectious disease issues and to progress initiatives in outbreak control.
- iii) Chiltern District Council and South Bucks District Council Safety Advisory Group – meetings with event organisers to discuss event safety management and to highlight issues of particular concern.
- iv) Thames Water Utilities and Affinity Water – 6 monthly meetings to discuss current developments in water quality and monitoring and to develop closer links between organisations.
- v) The Division also has links with other Council services e.g. Planning and Building Control regarding new applications and Engineers regarding complaints.

4.12 Promotion

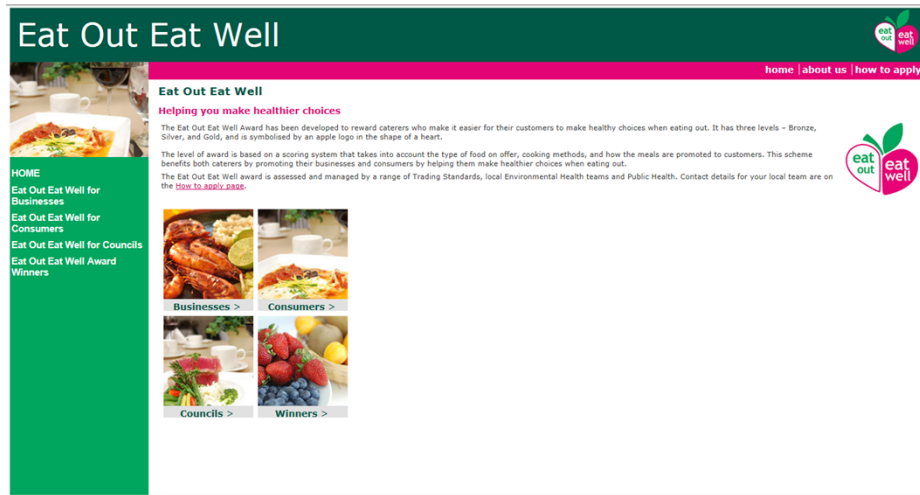
The value of safety promotions is recognised as an effective way of conveying safety information to both public and businesses and as a means to raising standards. Therefore officers actively participate in a number of promotions. These include Food Safety Week, Health and Safety Week and other local promotions organised on an adhoc basis through the Buckinghamshire Liaison Groups.

In 2016/17, officers publicised Food Safety Week using a variety of social media tools which focussed on food waste, including understanding of use by and best before dates and safe use of leftovers. Officers worked with the Waste Management Team to promote and publicise this campaign. Officers will also promote food hygiene at other times during the year at events such as the Senior Wellbeing Fair.

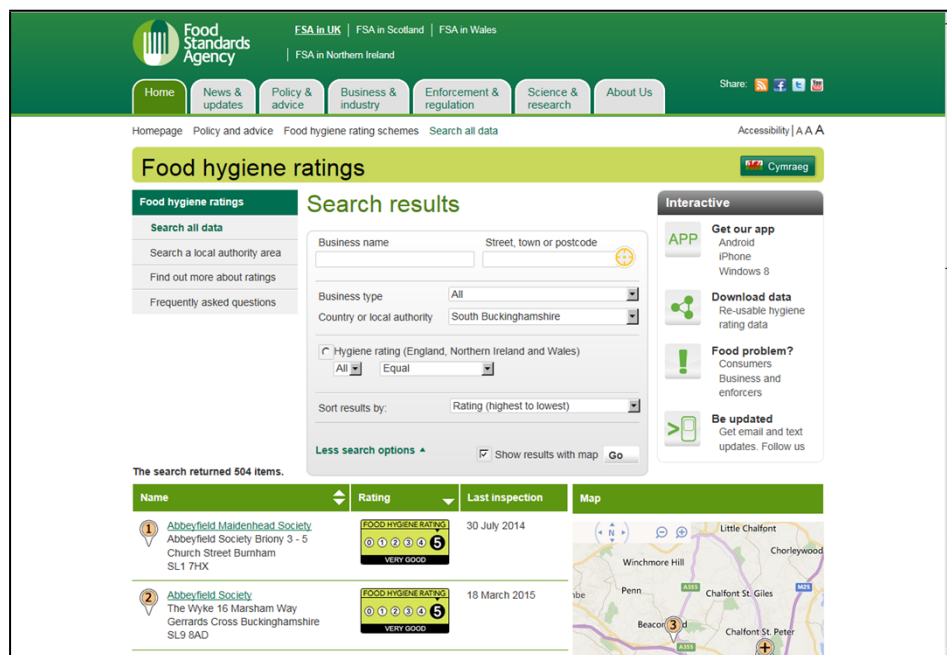
In 2014, Bucks Trading Standards introduced an 'Eat Out, Eat Well' scheme for businesses aimed at promoting healthier food choices for consumers through:

- using healthier catering practices, such as grilling instead of frying
- increasing fruit, vegetables, and starchy carbohydrates
- decreasing levels of fat (especially saturated fat), sugar and salt in food
- providing healthy options for children.

Staff will actively promote this scheme during their hygiene inspections.



The national Food Hygiene Rating Scheme shows how well food businesses are complying with food hygiene law. The scheme applies to all caterers and retailers handling and preparing open food to the public. The food business is given a sticker to display that shows their food hygiene rating out of 5. The ratings are made publicly available on a national website so that customers can make informed choices about the places where they eat out and purchase food, and through this, to encourage businesses to improve hygiene standards. Businesses are encouraged to display their rating.



5.0 RESOURCES

5.1 Staffing allocation

As a consequence of the Environmental Health shared service review, the departmental structure has significantly changed, creating a designated Business

Support Team who are responsible for undertaking food safety and health and safety interventions, investigations of accidents and hygiene complaints, food poisoning outbreaks and sporadic infectious disease cases and provide support and advice to businesses and the primary authority partnership scheme. The Team is comprised of Principal Environmental Health Officer, a job shared Senior Specialist Environmental Health Officer post, who, with the Principal EHO jointly act as the Lead officers for food and health and safety and 2.6 Environmental Health Officers, supported by 0.1 FTE Administrative Officers. Additional Environmental Health Officer resources will be deployed from the Public Protection team as required.

All officers are authorised in accordance with an assessment of their individual competencies and qualifications and in accordance with the FSA Code of Practice and Section 18. A record of authorisation for each individual is kept and any training and competency issues are dealt with throughout the year.

Contractors engaged in food or safety interventions will be appointed and authorised in accordance with the authorisation procedures and must demonstrate their competence to the satisfaction of the relevant codes of practice. During 2016 a consultant was employed to undertake food hygiene inspections across both authorities to cover maternity leave.

5.2 Staff Development Plan

The Authorities are members of the Investors in People (IIP) Scheme and are regularly appraised through audit of its membership.

The Food Standards Agency, as part of their revision of the Code of Practice, has introduced a Competency Framework for officers who are responsible for undertaking official controls. All officers authorised to carry out official control interventions will be required to complete the Competency Framework and any gaps will form part of their personal development plan.

The Staff Development Plan serves to identify the training and development activities required enabling officers to perform their duties in an efficient and effective manner. Not only does the Plan reflect the business needs of the Division, it also provides for the personal development of individual officers. The Food Standards Agency's Competency Framework has been used to identify individual competencies and training and knowledge gaps.

All training undertaken is reviewed as to its usefulness and practical applications and feedback to other officers is done as necessary.

All staff are appraised on an annual basis at which time any training needs are identified and incorporated into the Staff Development Plan. Additionally, throughout the year, core courses are identified and staff allocated to attend as necessary.

Each officer is allocated individual aims and objectives. These comprise of general performance objectives relating to standards of work and targets to be achieved and

more specific 'projects' pertinent to their work and the overall aims of the service. These are reviewed on an on-going basis and as part of the annual appraisal.

5.3 Financial Allocation

The budget for the food service is comprised of a number of elements, the greatest of which is staffing costs. This is followed by support services comprised of costs for administration, corporate services (mainly financial income administration), office running costs and internal health and safety. Legal charges are based on the actual work that is performed and a contingency is available for expert advice.

A separate budget for sampling has been allocated which is available for food complaint analysis and other sampling work, e.g. for chemical analysis of food or water.

Microbiological analysis is undertaken by the PHE who has agreed an allocation of sampling units based on one food sampling unit per 1000 head residential population. Due to the extensive sampling programme, the Division tends to use its allocation of food sampling units.

5.4 Physical Assets

The officers involved in the food service are provided with any equipment that is deemed necessary for them to carry out their duties effectively and efficiently. A record of equipment allocated to staff is listed in an equipment inventory, which also includes a record of the necessary calibration and service checks. The value of these assets costed on a replacement value is estimated to be in the order of £2000.

5.5 Information Technology

The Division operates the Uniform database and management system supplied by IDOX and is used to log complaints, investigations and inspections. The system interfaces with the corporate Geographical Information System (GIS) and is based on the Local Land and Property Gazetteer. We also use Laserforms to provide consistency in enforcement notices.

All documents are scanned and linked to the Uniform record using the IDOX Electronic Document Management System which provides a more efficient management of information and data and improved access to information and business history. Additionally, the use of online application forms and payments improves both access to services by residents and businesses and efficiency. A corporate flexible mobile working project will be implemented during 2017 which will facilitate more efficient working across both authorities.

The ICT platform is Windows 7 using Microsoft Office 2010 software packages. These systems are supported by a dedicated ICT Department.

6.0 QUALITY ASSESSMENT

It is recognised that as well as ensuring that premises due for inspection are actually inspected, the quality of the inspection is of equal importance. By ensuring and maintaining the quality of an inspection, it becomes a more focussed, effective tool in securing food safety.

To this end, the quality of the service is monitored in accordance with the 'Inspection Monitoring Management System' in compliance with FSA Code of Practice. This sets out the measures that will be taken to ensure quality and consistency of approach to inspections, information provided and correspondence.

In order to attain and maintain a quality inspectorate, minimum qualifications and experience are set for enforcement officers. This is monitored regularly. Staff also undergo shadow inspections and peer review inspections/case studies. Regular file audits and action training sessions are also carried out to maintain quality, competency and consistency within the Section.

Additionally, Notices to be served and other enforcement work are verified by the Senior Specialist EHO (Business Support) or Principal Environmental Health Officer to ensure consistency with the Enforcement Policy and compliance with the Code of Practice and correspondence and files are monitored on a routine basis.

ACTION PLAN 2016/17

Task	Responsibility	Action	Success Criteria	Monitoring	Target
Participate in the implementation of the corporate flexible mobile working project	EHM, PEHO, SSEHO (FS), SEHO	<ul style="list-style-type: none"> • Identify processes related to commercial premises inspections, accident investigations and service requests • Identify service needs for mobile working and incorporate into existing and future IT solutions • Implement new processes and procedures in terms of flexible working 	Flexible mobile working introduced across the Business Support Team More efficient, effective and streamlined service delivery.	Monthly review against project plan.	December 2017
Review the inspection process to improve hygiene standards in food businesses	PEHO SSEHO (FS)	<ul style="list-style-type: none"> • Implement a project designed to improve hygiene standards within targeted food businesses using a variety of tools, including <ul style="list-style-type: none"> ○ Business Mentoring ○ Toolkit for businesses ○ Coaching and training ○ Web information ○ Score improver training • Increased face to face contact time with businesses 	Increased number of food businesses that are Broadly Compliant	Quarterly review against project plan. Report on the percentage of businesses that are 'broadly compliant'	March 2018
Develop links with businesses through local trade associations,	PEHO SSEHO (FS)	<ul style="list-style-type: none"> • Identify relevant Chambers of Commerce, Trade Associations and contacts 	Better communication between local business	Quarterly review against project plan.	March 2017

<p>Chambers of Commerce and Bucks Local Enterprise Partnership (LEP) to improve support for businesses and provide an advisory service</p>	<p>EHM</p>	<p>within the LEP.</p> <ul style="list-style-type: none"> Identify ways in which the service can work better with these organisations to better support local businesses. Develop service delivery in light of discussions with these organisations 	<p>representatives and the authorities. Changes in service delivery to better reflect business needs</p>		
<p>Develop Primary Authority arrangements with local businesses for both food and health and safety</p>	<p>PEHO SSEHO (FS) SEHO</p>	<ul style="list-style-type: none"> Actively pursue Primary Authority Partnerships In discussion with the particular business, develop the Primary Authority Principle in line with BRDO guidance. 	<p>Successful development and smooth implementation of the Primary Authority Principle.</p>	<p>Monitoring of food and health and safety complaints/enquiries and liaison with other local authorities</p>	<p>March 2018</p>
<p>To develop and enhance the authorities' websites in relation to food and health and safety</p>	<p>SEHO/IT</p>	<ul style="list-style-type: none"> Identify ways in which the websites can be better used to provide information and guidance for businesses and to improve service delivery. Identify ways in which the websites can supplement the mobile/remote working project to provide more efficient and effective work practices. To review the content of the Councils' websites in relation 	<p>Websites enhanced – improved and readily accessible guidance and information available for businesses. Officers able to use website to improve their interaction with businesses and to enhance remote working. The relevant sections</p>	<p>Quarterly review against project plan. Quarterly review of website information to ensure that information is still current</p>	<p>March 2018</p>

		to food and health and safety and amend, remove or add new information as necessary in light of changes in legislation, government guidance and Council changes.	of the websites are up to date, relevant and readily accessible.		
Identify additional income streams for the department. Develop and deliver a chargeable advice service	PEHO SSEHO (FS) SEHO EHM	<ul style="list-style-type: none"> Identify sources of additional income that can be exploited. Develop projects that can be marketed to businesses and other local authorities as an additional service. Produce a marketing plan and identify ways in which new services can be publicised and promoted. 	<p>Increase in income generated.</p> <p>Projects identified and new services developed. Uptake of new services by businesses and local authorities.</p> <p>Business support valued by the community, active participation on training courses. Increased uptake of food and health and safety courses.</p>	Quarterly review against project plan.	March 2018
Carry out customer service survey to identify areas for service improvement	All	<ul style="list-style-type: none"> Send out questionnaires after each inspection by email to assess business's degree of satisfaction and identify areas where the service can be improved 	Questionnaire sent out to businesses after each inspection. Returns show a high degree of business satisfaction.	Report on questionnaires posted and percentage of 'satisfied' returns received.	Ongoing

<p>Ensure a programme of priority campaigns are carried out</p>	<p>All</p>	<ul style="list-style-type: none"> • In line with the HSE Strategy and guidance, identify and deliver appropriate intervention projects • Work to include articles in Grub's Up, development of website information, business seminars and targeted visits in collaboration with the HSE representative, as appropriate. 	<p>Identified projects delivered according to the project plan. Businesses increasingly aware of the priority topic areas and implementing recommendations.</p>	<p>Review meeting at end of project period. Briefing note provided on successes and lessons learned for future projects.</p>	<p>Ongoing</p>
<p>Report to the Food Standards Agency via the statutory return the percentage of businesses that are broadly compliant</p>	<p>PEHO SSEHO (FS)</p>	<ul style="list-style-type: none"> • Using the FSA's LAEMS report, identify the percentage of businesses that are/are not broadly compliant. • Target appropriate food safety interventions to increase the percentage of businesses that are 'broadly compliant'. 	<p>Increasing percentage of businesses that are 'broadly compliant'.</p>	<p>Report on the percentage of businesses that are 'broadly compliant'.</p>	<p>On-going</p>

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**CHILTERN DISTRICT COUNCIL
and
SOUTH BUCKS DISTRICT COUNCIL**

Environmental Health Section

FOOD POLICY

2017-2018



Classification: OFFICIAL

1.0	Aims, Objectives, Priorities and Methods
2.0	Standards for food related work
3.0	Planned Food Hygiene Inspections
4.0	Food Enforcement Policy
5.0	Food Complaints
6.0	Food Sampling
Appendix 1	Risk Rating Categories and Interventions
Appendix 2	Service Standards

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BACKGROUND

The Healthy Communities Division has a key role in working with businesses and consumers to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the districts, is without risk to the health or safety of the consumer.

Whilst many incidents of food borne illness arise from visits abroad and poor hygiene awareness in the home, the need for high standards of hygiene within food businesses remains paramount particularly to engender public confidence and meet consumer expectations.

The Councils' approach to the enforcement of food safety reflects the responsibilities placed upon them by the Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013, General Food Regulations 2004 (as amended), the Official Feed and Food Control (England) Regulations 2009 (as amended) and other regulations.

We aim to protect the public by delivering a complementary programme of education and enforcement which endeavours to ensure that food businesses within the districts are operated and maintained at a standard that complies with relevant legislation. We also ensure that our service fulfils the statutory duty imposed on the Councils as "food authorities" and to ensure the effective implementation of Government strategy on food safety issues.

Our enforcement policy reflects the Principles of Good Regulation set out in the Legislative and Regulatory Reform Act 2006, namely that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent; and that regulatory activities should be targeted only at cases in which action is needed.

In drafting this policy, we have taken account of the Regulator's Code and the Councils' overarching enforcement policy.

1.0 AIMS AND OBJECTIVES

1.1 Aims

It is the Councils' aims for food safety to:

- Protect public health and ensure that food intended for human consumption is safe
- Support and assist businesses to comply with legal obligations
- Provide consistent, accurate and up-to-date information aimed at providing protection to customersconsumers
- Provide effective and efficient regulatory services that meets customer needs

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1.2 Objectives

The Councils will achieve these aims in the following ways:

- Targeted, current and relevant information to businesses and consumers
- Ensure officers are equipped with tools to effectively support businesses to help them achieve good levels of compliance
- Target our enforcement activity on those areas which give rise to the most serious risks and concerns
- Ensure that poor performing businesses are proportionately targeted with support or enforcement action where appropriate
- Adopt a “light touch” approach to compliant businesses and organisations
- Proactive campaigns to promote food hygiene ratings

1.3 Service Delivery

The service will be delivered through:

- i) Routine programmed inspections of food businesses, with a frequency determined by a risk assessment, with appropriate follow-up action;
- ii) Assessment of relevant food hygiene practices to determine a food hygiene rating, in line with the [national Food Hygiene Rating Scheme \(FHRS\)](#). Premises are given a rating of between 0-5 and results are posted onto the Food Standards Agency website to provide clear, accountable evidence of visits;
- iii) Routine self-assessment questionnaires to low risk premises;
- iv) Investigation of complaints and incidents with appropriate follow-up action;
- v) Participation in national and local sampling programmes;
- vi) Appropriate training, development and monitoring of Council officers in accordance with Chapter 4 of the [FSA Food Law Code of Practice](#);
- vii) Provision of information and advice to businesses about legal requirements, good practices and what to expect of the inspecting officer/authority;
- viii) Provision of relevant food safety courses for food handlers;
- ix) Promotional activities to inform and encourage high standards;
- x) Promotional activities to educate the consumer in food hygiene and safety.

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1.4 Priorities

Priority will be given to targeting those activities that pose the greatest risk to the consumer arising from the consumption of food. This will be by:

- The correct and uniform identification of high-risk processes during programmed inspections and other interventions, including complaint investigation and to concentrate efforts to reduce significant risks;
- Focussing enforcement efforts on those businesses that pose the greatest risks e.g. those that are not broadly compliant;
- Ensuring efforts are focussed on persistent offenders;
- Ensuring compliance with the law and;
- Engaging in those promotional activities for businesses and consumers which are most likely to foster improved safety.

2.0 STANDARDS FOR FOOD RELATED WORK

2.1 Authorisations

The Councils will set standards for the qualifications, experience and competence of its officers.

In the context of the Food Safety Act 1990 and Regulations under the European Communities Act 1972, an authorised officer's powers include the inspection of food premises, the inspection, detention and seizure of food, the service of notices and taking emergency action. Authorised officers will be authorised in accordance with the [Food Safety Law Code of Practice](#).

Under the Chiltern District Council Constitution reviewed on 12 February 2008, the Head of Healthy Communities has the following delegated authority:

- i) to appoint Inspectors for all purposes in connection with the Food Safety Act 1990 and any statutory instruments made under the European Communities Act 1972 relating to food safety and/or food hygiene and all subordinate and/or related enactments thereto including (without prejudice to the generality of the foregoing);
- ii) to exercise or to authorise appointed Inspectors to exercise any of the powers specified within the enactments referred to above, including powers of:
 - Entry and inspection of premises, equipment and articles;
 - Approval or refusal of licences;
 - Registration of premises;

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- Service of improvement and emergency prohibition notices;
- Seizure and detention and remedial action notices;
- Taking of samples
- Certifying that food has not been produced and distributed in accordance with Food Hygiene Regulations, and
- To institute prosecution proceedings or issue simple cautions in connection with any offences created by the enactments above.

Under the South Bucks District Council Constitution adopted on 25th February 2015, the Director of Services has the following delegated authority:

- i) to appoint authorised officers and inspectors for functions Director of Services and issue new authorisations and powers of entry under all Acts of Parliament and Regulations within the terms of reference of the Executive, subject to any exercise of the powers being reported to the next meeting.
- ii) The seizure of food which fails to comply with food safety requirements or appears likely to cause food poisoning or any disease communicable to human beings.
- iii) The service of Improvement Notices.
- iv) The service of Emergency Prohibition Notices (in consultation with Head of Legal Services)
- v) The issue of approvals under 'Product Specific' Regulations.
- vi) Authority to make a departure from the approved Food Safety Enforcement Policy; (in consultation with the Health & Housing Portfolio Holder.
- vii) Authority to revise the policy to take account of staff and legal changes, as necessary from time to time; and
- viii) Authority to issue a formal caution as an alternative to pursuing a prosecution, in appropriate circumstances, offences in relation to Food Safety (Environmental Health Officer in consultation with the Head of Legal Services and the Head of Health and Housing/Director of Services in accordance with considerations set out in the Policy.

The Director of Services and Head of Healthy Communities, in exercising their authority to appoint authorised officers, will apply the standards contained in this policy.

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2.1.1 Inspections

The inspection of food premises will only be undertaken by officers who are suitably qualified, experienced and competent in accordance with the requirements of the Food Law Code of Practice pertinent to their duties. This will equally apply to those employed on a contract basis. Inspectors will be authorised in accordance with the '*Authorisation and Training Procedure*'.

Newly appointed officers or currently employed officers who are extending their duties will not be authorised unless they are qualified as above, that they possess the appropriate competencies, skills, qualifications and experience to undertake their duties and that they have undergone a period of structured training in accordance with the Code of Practice. The assessment of competency etc. will be undertaken by the Senior Specialist Environmental Health Officer (Business Support) in consultation with the Principal Environmental Health Officer.

2.1.2 Enforcement Notices

Service of Hygiene Improvement Notices will only be undertaken by qualified officers with experience in food law enforcement, in accordance with the Food Law Code of Practice and after consultation with the Senior Specialist Environmental Health Officer (Business Support) or Principal Environmental Health Officer.

Such persons will be an Environmental Health Officer enforcing food hygiene or food processing regulations; holders of the Higher Certificate in Food Premises Inspection authorised to carry out food hygiene inspections or; holders of the Ordinary Certificate in Food Premises Inspection authorised to carry out food hygiene inspections in risk categories C - E and who are authorised to sign notices in respect of these premises.

The service of notices by hand will be by any person who is capable of explaining the meaning and legal status of the notice. Notices served by other methods will be in accordance with current legal guidance.

The Environmental Health Officers will be authorised to serve Hygiene Emergency Prohibition Notices in accordance with the standards within the policy. Such persons will be an Environmental Health Officer authorised to inspect food premises, hold a certificate of registration issued by EHORB (or equivalent), who have at least 2 years post qualification experience in food safety matters and are currently involved in food enforcement. Where practicable, he/she will be accompanied by another EHO to corroborate the proceedings and will consult with the Senior Specialist Environmental Health Officer (Business Support) or Principal Environmental Health Officer.

2.1.3 Seizure and Detention of Food

Environmental Health Officers and officers holding the Higher Certificate in Food Premises Inspection issued by EHORB will be authorised to inspect, detain and seize

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foodstuffs subject to experience and competence.

All officers will be assessed for the necessary practical skills, experience and competency by the Senior Specialist Environmental Health Officer (Business Support)

2.1.4 Competency

The Principal Environmental Health Officer has been given specific responsibility for food hygiene and food safety matters and managing the food safety service. This will be in accordance with the documented '*Food Safety Monitoring Procedure*'.

Environmental Health Officers and Environmental Health Technical Officers will carry out inspections and exercise their powers in accordance with the relevant legislation, Food Law Code of Practice and within the restrictions of their authorisation.

The Senior Specialist Environmental Health Officer (Business Support) (or in his/her absence, the Principal Environmental Health Officer) will be responsible for the supervision and training of officers and for the maintenance of auditable records. The FSA Competency Framework will be used to establish current qualifications and competencies and to identify future training needs in order that officers can effectively carry out their duties.

Recommendations will be made by the Principal Environmental Health Officer or Senior Specialist Environmental Health Officer (Business Support), to the Head of Healthy Communities in respect of the powers to be given to officers and the category of premises to be inspected.

A list of the officers, their powers and the category of premises which the officer may inspect, will be maintained and regularly updated in an '*Authorisations Manual*'. Records of training will also be kept.

Other officers may be appointed to assist in carrying out inspections.

2.2 Guidance

The authorities will have regard to the Food Law Code of Practice and Guidance issued by the Food Standards Agency, other advice issued by the Government, advice issued by the Better Regulation Delivery Office (BRDO), information and guidance issued by a Primary Authority and any approved Industry Guides.

2.3 Approvals

Some specific food premises are required to be formally approved by the local authority. They are then given an approval number that specifically relates to their premises and products and can then use the "health mark" required by EC Directives.

The Head of Healthy Communities, in consultation with the Principal Environmental

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Health Officer, has the authority to issue or revoke such approvals.

Other suitably qualified and experienced officers will be designated as being able to approve premises which will be assessed and recorded as in 2.1, above. The ability to revoke approvals will remain solely within the authority of any of the two officers named above.

2.4 Licences and Registrations

Under the Chiltern District Council Constitution, the Head of Healthy Communities has delegated power to issue licences and registrations pursuant to Section 19 of the Food Safety Act 1990 and to refuse or revoke licences in accordance with Regulations and any guidance issued. This function is delegated to the Director of Services in South Bucks District Council. This will be in consultation with the Principal Environmental Health Officer.

2.5 Uniformity

The Authorities acknowledge the need to act in a consistent and uniform manner and advocate a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity. These are detailed in the *'Inspection Monitoring Management System'*:

- i) the awareness, adherence to and review of the food policy document and further development of office procedures;
- ii) training, qualifications, supervision of staff. Regular practical training and update sessions will be essential to ensure uniformity;
- iii) cross monitoring visits of staff;
- iv) use of the [Primary Authority Partnership Scheme](#), specified by the Better Regulation Delivery Office (BRDO);
- v) liaison with local food groups/adjoining authorities. Use of joint training initiatives. Co-operation and joint working on uniformity issues;
- vi) compliance with the Code of Practice and guidance.

2.6 Advice to Businesses

The Authorities are committed to ensuring that food businesses are aware of their legal obligations and to supporting businesses in achieving best practice by providing coaching, training and appropriate advice.

In responding to requests, the advice given should support compliance and be reliable. On a quarterly basis, the information on the Councils' website will be reviewed in light of changes in legislation and government guidance. Requests for advice should not necessarily trigger enforcement action but should be a means to forge positive relationships with businesses.

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Where opportunities arise to provide advice and guidance to businesses over and above that required to ensure legal compliance, e.g. to increase a business' food hygiene rating or to establish 'best practise' for supplier auditing purposes, then a charge may be made.

Where a charged advisory service is provided to a business and significant risks are identified which pose a serious and imminent risk to health, these will be brought to the attention of the business for immediate action to rectify. Officers will be expected to ensure that action is taken by the business and if not, appropriate enforcement action will be taken.

Where advice is provided by another agency, e.g. Trading Standards at the County Council, then the business will be appropriately signposted. In relation to allergens in food, officers will provide advice in respect of non-pre packed food. All other requests for guidance and information will be referred to Buckinghamshire County Council Trading Standards. Officers will not make direct referrals.

In particular:

- i) Businesses will be encouraged to acquire food hygiene training. To assist in this, Level 2 Food Hygiene courses will be run by or in partnership with, the authorities for as long as demanded, on a cost recovery basis in order to encourage attendance. A charitable organisation will be able to benefit from 2 discounted group courses per year, after which they will be charged at the going rate for group bookings. At all times it will be made clear that there is no legal requirement to attend the course run by the Councils;
- ii) The Councils' websites will be the primary source of information to assist businesses with interpretation of legislation or good practice. The Councils also provide services for ethnic minority groups through 'Language Line' translation services and courses in languages other than English. Where the Councils do not provide the service themselves, information will be given to businesses about other providers.
- iii) A chargeable advice service will be available to new and existing food businesses to support them in achieving high standards of safety and compliance.
- iv) Businesses will be supported and encouraged to participate in the [Primary Authority partnership scheme](#) where applicable.
- v) Coaching and mentoring visits will be made to businesses in order to raise standards of hygiene by focussing on issues identified during primary inspections. Appropriate toolkits will be used to assist effective delivery of information.

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- vi) Where there is sufficient demand occasional talks will be given to businesses. Charges to cover costs may be made for out of hour's sessions.

2.7 Advice to Consumers

The authorities are committed to assisting consumers to understand basic hygiene in the home and to providing consumer confidence in local food businesses. The Councils' website will provide access to advice and information on food safety issues and will be reviewed on a quarterly basis. The authorities will participate in national food safety activities and local events and promote the national Food Hygiene Rating Scheme. Talks to voluntary organisations and groups will be given free of charge where resources permit.

2.8 Conduct

Inspecting officers will at all times act and dress in a professional manner. Protective clothing will be worn that is appropriate to the premises being inspected and equipment will be maintained and calibrated where appropriate.

Officers will ensure the highest standards of personal hygiene and will not act in such a way as to pose a risk of cross contamination or to health.

2.9 Information Sharing

Where the legislation permits, the authorities will share information via agreed secure mechanisms with other regulatory agencies and local authorities about businesses to help target resources and activities and to minimise duplication.

The authorities will share information about businesses with the primary authority as appropriate and with other authorities when acting as a Primary Authority.

The authorities will, where feasible, follow the principle of 'collect once, use many times' when requesting information from businesses.

3.0 PLANNED FOOD HYGIENE INSPECTIONS

3.1 Premises

An up to date record will be kept and maintained on a computer database of all known food premises, together with the food register required by law. All known food businesses will be assessed for the need to be included on the planned programme of inspection based on information obtained from the food business operator or following inspection.

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Newly registered high risk food businesses will be inspected within 28 days following receipt of the application for registration. Any longer period should take account of the nature of the business and prior knowledge of the level of managerial competence.

3.2 Frequency and type of inspections

Over the last few years there have been a series of regulatory reforms, which aim to reduce red tape and regulatory burdens upon business. In light of the regulatory reviews it has been recognised that "a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection." The reviews also stated that "The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions."

Article 2 of EC Regulation 882/2004, states that, it is possible to undertake Official Controls by means other than the traditional food hygiene inspection. It goes on to recognise five other activities (classed as interventions) which are deemed to meet the requirements of an official control at a food business. They are; Inspections, Audit, Sampling, Monitoring, Surveillance and Verification. The Food Standards Agency also identifies other ways of assessing and encouraging low risk businesses to be compliant such as by coaching, advice and training.

Article 2 of Regulation 882/2004 provides the following definitions of official controls:

'Inspection' means the examination of any aspect of feed, food, animal health and welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules.

'Monitoring' means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules.

'Surveillance' means a careful observation of one or more food businesses, or food business operators or their activities.

'Verification' means the checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

'Audit' means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.

'Sampling for analysis' means taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules.

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In light of this, the Food Safety Code of Practice, to which officers must have regard when inspecting food businesses, allows authorised officers and food authorities to use a range of interventions, using strategy and officers' professional judgement to determine the most suitable level of intervention, proportionate to the activities of the food business. The range and scope of interventions is detailed in *Appendix 1*. In determining the inspection approach, officers will take into account the compliance record of the business and any other earned recognition and third party verification in place. Officers have been given training and regular reviews are in place to ensure consistency in this approach. Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. More intensive regulation will be directed at those food businesses that pose the greatest risk.

Systems will be maintained to monitor inspection frequency against the planned programme. All visits will be recorded on the computer-based system and documents scanned to the corporate Electronic Document Management System.

3.3 Inspection Procedure

3.3.1 Approach

The authorities will work to the standards in the Food Law Code of Practice and Guidance and the internal inspections procedure documents.

The main purpose of inspection is to identify potential risks to food safety or which are likely to give rise to food poisoning and to ensure that the business understands the risks and has put the necessary measures in place to minimise them. When undertaking an intervention, officers will pay particular emphasis to HACCP based management systems. However it is recognised that the seven HACCP principles are a model towards compliance and that the legislative requirement can be achieved by other simplified, effective equivalent means.

A systematic approach to risk assessment will be adopted based on The Food Safety and Hygiene (England) Regulations 2013. Where businesses have identified their own critical points for food safety and have introduced controls, the intervention will focus on the accuracy of the critical points assessment and on the effectiveness of the controls. Written assessments will normally be expected in high risk or complex businesses. Low risk or simple businesses will not be expected to have written or elaborate assessments although the use of Safer Food, Better Business will be promoted where appropriate.

Where no assessment by the business can be demonstrated the inspection will focus on the officer's own critical points assessment and examination of controls. In accordance with BRDO advice on enforcement, formal action will be considered where an informal approach has been unsuccessful in achieving compliance with the food safety management requirements.

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The whole of a premise may not necessarily be inspected at each inspection; those areas of greatest risk will be given priority. Where the inspection varies from government guidance or departmental procedures, this will be recorded.

Computer records will be updated following every visit.

Where the County and District Councils jointly have powers to enforce a particular piece of legislation e.g. with Trading Standards, then officers will liaise with the County Council to discuss the most appropriate course of action. In relation to enforcement of allergen information (Food Information Regulations 2013), officers will check for compliance when undertaking programmed official food controls and issue advice and guidance where there is non-compliance. Officers may seek formal compliance by taking enforcement where regulatory action for other food safety matters is being carried out.

3.3.2 Communication

Every intervention (including those where no defects are identified) will result in a written report to the proprietor either in the form of a letter or a carbonated report left at the premises at the time of the inspection. Copies of the report will be sent to the Manager or other relevant persons. The report will comply with the requirements of the Code of Practice and advice will be in line with guidance and relevant Industry Guides to Good Hygiene Practice issued by central government.

A standard format will be used. The report will cover the important issues noted during the inspection in priority order and will clearly distinguish between legal requirements and recommendations. It will give details of the person carrying out the inspection, date, time, the areas inspected, the FHS rating where possible and the procedure if the proprietor disagrees with the issues raised in the report.

Good communication between inspector and proprietor/manager is essential wherever possible, including ensuring that the purpose and scope of an inspection is understood and the "works" needed following the inspection with an agreed time limit. The impact of the advice should be considered so that it does not impose unnecessary burdens upon businesses.

3.3.3 Timing of Inspections

Programmed inspections will be carried out at all reasonable hours. It is recognised that food businesses operate outside normal office hours of work and so the inspection programme will take this into account. Food businesses operating outside of 'normal' office hours will, on occasions, be inspected at times when different activities occur to that in the day time.

Programmed inspections will normally be unannounced with the following exceptions:

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- i) Where officers are unlikely to gain access without notifying the proprietor e.g. sports clubs, small home caterers, church halls etc.;
- ii) Where security measures are in existence;
- iii) If full information is not able to be gained at the unannounced visit, an appointment may then be made to discuss the issues further, e.g. specific HACCP documentation, advice from a technical manager at a large manufacturer.

Notice will not be given where complaints are being investigated.

Revisit dates may be notified in advance as an aid to ensuring that works are completed and to facilitate further discussions with the proprietor.

Where alternative dates for visits are requested by a business the inspector may agree, if suitable justification is given, and the inspector is satisfied that the purpose behind the request is not to conceal a major risk. Where the officer suspects that the intention is to hide a serious offence he/she should agree to have a quick inspection and then agree a full visit at a later date.

3.3.4 Revisits

Revisit inspections will be arranged to check on matters raised during an inspection (and any obvious extra defects) where there are *significant* contraventions and/or serious risks to public health and to check on compliance with statutory notices. They will not turn into a further full inspection except where a major risk is identified. Where significant breaches of hygiene regulations have been identified, the re-visit should whenever practicable be undertaken by the same officer who undertook the initial visit. After initial inspections, employers must be made aware that a revisit will be made and appropriate dates discussed.

Revisits will not always result in a written report (unless further work is required) to the proprietor/manager although the proprietor/manager will always be advised of the outcome verbally, and in writing if requested. However, detailed records of revisits will be made and kept on the computer property database. Records will be maintained of formal and informal notices which have been complied with.

For premises with a FHRS score of 0, 1, or 2, a 2 phase revisit process will be implemented. This will apply to those businesses who have contraventions that are likely to affect the safety of the food being served, producing an 'unsafe contravention'. Where necessary, enforcement action will be taken in accordance with the Enforcement Policy. After the inspection, the business will receive a 1st revisit that will involve a coaching session in the areas that they have scored poorly on. A range of tools have been developed to aid officers when coaching these businesses. The business will then, if necessary, be given time to implement the changes before another revisit is made. Dependant upon the nature of the outstanding requirements, and the past history of the Food Business Operator, for the 2nd revisit, this may be

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able to be achieved over the phone. This process will only be implemented for non-compliant businesses that have not received any coaching or mentoring in the past. Should businesses fail to maintain their compliance during subsequent inspections, then enforcement action will be taken in accordance with the Enforcement Policy.

Where a re-inspection under the FHRS is requested, this will be in writing and supplemented with supporting evidence in order to establish whether adequate measures have been put in place to warrant a re-inspection. Re-inspections will generally be un-announced and ~~will not occur within 3 months of the initial intervention. After this 'standstill period', the re-inspection~~ will take place within a ~~further~~ 3 months of the request for re-inspection and the business re-rated according to the hygiene standards found at the time. Distinction will be made between those *re-visits* necessary to ensure compliance and to address food safety issues and those *re-inspections* at the request of the FBO to re-rate the business under the FHRS.

4.0 ENFORCEMENT POLICY

This section sets out the policy relating to the general principles of enforcement in relation to food safety and is drafted in accordance with the overarching Corporate Enforcement Policy. ~~It details the general principle of enforcement.~~ It embraces the principles set out in the 'Regulators' Code' issued by the Better Regulation Delivery Office.

More specific procedures concerned with statutory notices, emergency action, formal cautions and prosecutions are detailed in enforcement procedures. These procedures take account of all Codes of Practice and 'The Code for Crown Prosecutors'

Enforcement officers by necessity as professional officers have considerable discretion in decision making and initiating enforcement action. Such action can range from informal advice, information and support through to formal enforcement mechanisms, including the use of statutory notices and prosecution.

This part applies to all dealings, formal and informal, between officers and businesses, all of which contribute to securing compliance with the law. It will provide policy standards, aid professional judgements and decision making and ensure both consistent and effective enforcement.

4.1 Principles of Enforcement

The core expectation for those we deal with, quite reasonably, is for us to be professional, fair, co-operative and consistent in our approaches. Businesses and the public also expect local authority actions to result in the remedying of potentially risky situations and for those guilty of serious offences to be adequately punished.

We will adopt a positive and proactive approach towards ensuring compliance by:

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- i) Helping and encouraging businesses to understand and meet regulatory requirements more easily without imposing unnecessary additional cost;
- ii) Assess whether other social, environmental and economic outcomes can be achieved by less burdensome measures, and
- iii) Responding proportionately to regulatory breaches.

Enforcement should be informed by the principles of **proportionality** in applying the law and securing compliance; **consistency** of approach; **targeting** of enforcement action, **openness** about how we operate and what businesses may expect and **helpfulness** in providing advice and assisting with compliance.

Appendix 2 sets out the standards of service you should expect to receive.

It will be expected that enforcement officers, when making decisions and communicating with businesses will follow these principles, together with relevant codes of practice and guidance. The Primary Authority partnership scheme will be used where appropriate.

Any departure from this must only occur when the following criteria are complied with:

- i) in exceptional circumstances;
- ii) where actions are capable of justification;
- iii) Where there has been full consultation with the Principal Environmental Health Officer or Environmental Health manager.

~~Any In considering any sanctions or penalties being considered, regard should be given to the principles set out in the Macrory Review. These are that any sanctions should:~~

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and ~~consider what is~~ appropriate for the particular offender and regulatory issue
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and
- aim to deter future non-compliance

This policy will be reviewed periodically in response to new legislation and guidance issued by central government and BRDO.

4.1.1 Proportionality

All enforcement actions and advice must be proportional to the risks posed to the public and the seriousness of any breach of legislation.

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When considering enforcement action, consideration should be given to the cost of measures required to reduce the risk weighed against the benefit to be gained by reducing the risk. Consideration should be given as to the impact upon small businesses.

In addition, there should be a staged approach to enforcement action with increasing degrees of enforcement as management of businesses fail to respond to previous ~~requirements~~ requests. Officers should provide an opportunity for dialogue in relation to the advice, requirements and decisions.

The only exceptions to the above approach would be where a serious and/or imminent risk to public safety or health exists.

The staged approach to enforcement is further detailed in the enforcement procedures.

4.1.2 Consistency

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Businesses expect consistency from enforcing authorities in advice given, the use of statutory notices, decisions on prosecution and responses to complaints. It is recognised however, that in practice it is not simply due to the wide range of variables faced. Therefore it is expected that officers will use their professional judgement and exercise discretion, in conjunction with this policy, when coming to a decision on appropriate action.

Enforcement officers will however have the following arrangements in place in order to promote consistency of approach; -

- i) officers will perform validation exercises relating to joint inspections on an annual basis;
- ii) the Senior Specialist Environmental Health Officer (Business Support) will accompany all officers on a minimum of one initial inspection per year to assess the consistency of approach between officers;
- iii) officers openly discuss cases at team meetings and/or with the Senior Specialist Environmental Health Officer (Business Support) to provide a consensus of opinion;
- iv) ~~all~~ formal action will be 'signed off' by the Principal Environmental Health Officer
- v) ~~in the event of differences of opinion or~~ where there is a need for clarification, approaches will be made to the Bucks Food Liaison Group;
- vi) officers will participate in inter-authority consistency exercises and change working practices, if necessary, to achieve consistency;
- vii) Chiltern and South Bucks District Councils will take an active role in the Bucks Food Liaison Group;

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- viii) reference will be made to appropriate central government guidance;
- ix) reference will be made to appropriate guidance issued by a Primary Authority;
- x) Where inconsistencies arise, appropriate training will be given by the Senior Specialist Environmental Health Officer (Business Support).

4.1.3 Targeting

Inspections and enforcement action will be targeted primarily on those activities giving rise to the most serious risks or where hazards are least controlled and that action is focussed on those responsible for the risk and who are best placed to control it.

The prioritisation of inspections will be based on guidance issued by the Food Standards Agency, primarily the Code of Practice and the Regulators' Code.

4.1.4 Openness

Enforcement officers will help businesses to understand what is expected of them (and what would not be expected) and what they should expect from the enforcing authorities.

Confirmation of all work (initial inspections, revisits and complaints) will be given in writing to business managers and as appropriate to head offices. Information will clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken and the reasons for these.

There will be a clear distinction between legal requirements and good practice recommendations (either verbally or written).

The Food Standards Agency's leaflet 'Food Law Inspections and Your Business' will be brought to the attention of Food Business Operators (or their Representatives) via the Councils' website after initial inspections and after other visits if formal action is proposed.

Where notices have been served and are on a Public Register, this will be available for viewing free of charge.

If formal requests for information are received from a third party, advice will be sought from the Data Protection Monitoring Officer or the Legal Department prior to replying.

Businesses will be made aware of the Corporate Complaints Procedure when appropriate and the appeals procedure to the Principal Environmental Health Officer in the first instance. This is to be included in correspondence to businesses following inspections.

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4.1.5 Helpfulness

The principle is to actively work with businesses to advise on and assist with compliance wherever possible. To this end, officers will identify themselves by name and provide a contact point and telephone number for further dealings. Businesses will be encouraged to seek advice/information; information will be freely available on the Councils' website with links to those produced by central government. When appropriate, training courses/seminars will be provided for businesses on specific issues.

4.2 Procedures Based on HACCP Principles

Article 5 of EC Regulation 852/2004 is flexible and requires food businesses to establish procedures that control food safety hazards and integrate these with documentation and record keeping appropriate to the size and nature of the business. Whilst larger, more complex businesses and those with a high level of understanding of food safety management may choose to demonstrate compliance by having a traditional HACCP system, other may do so with simpler approaches that take account of this flexibility as long as the same outcome is achieved; safe food being produced.

4.2.1 Appropriateness of the Food Safety Management System (FSMS)

Although the Food Standards Agency has produced the SFBB packs to help a variety of businesses within the food industry e.g. catering, retail and childminders, it is recognised that it does have limitations and may not be the most appropriate FSMS to use. Therefore if inspectors identify that the scope of the food operation exceeds that of the SFBB toolkit, then the food business will be required to produce a fully documented food management system in accordance with HACCP principles.

In certain circumstances, in particular in food businesses where there is no preparation, manufacturing or processing of food, it may be the case that the relevant hazards can be controlled through the implementation of prerequisite requirements. For example, where a business is especially low risk, e.g. sweet shop, greengrocer, market stalls etc. presenting only basic hygiene hazards; it may be sufficient that the business has a guide to good hygiene practice and understands and applies it. In these circumstances, documentation and record keeping may not be necessary.

4.2.2 Enforcement

The Food Standards Agency has produced guidance and toolkits; Safer Food, Better Business (SFBB) for a variety of businesses and funded local authorities to deliver coaching during the initial introduction of SFBB. Therefore unless a new business, all established food businesses have been given a great deal of advice and guidance to meet their legal obligations.

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This policy will secure compliance with Article 5 of EC Regulation 852/2004 through a staged approach where appropriate but otherwise, where non-compliance is established, appropriate enforcement action will be taken. This will normally take the form of Hygiene Improvement Notices but where significant risks exist, more immediate action will be taken.

Where there is a partly developed system, and controls are in place and there are no significant risks to health, a more informal approach may be more appropriate.

Some of the HACCP principles are on-going, for example monitoring, so notices can not be served. It is therefore likely that notices may only be served for the implementation or review of a documented FSMS.

4.2.3 New Premises

From time to time new businesses will be established and existing premises will change ownership. The following options should be considered:

- i. New owners should be made aware of their responsibilities in respect of Article 5 (if possible before the premises are open for business);
- ii. Establish at the initial inspection that the business does not present a significant risk to public health. This inspection should be performed at the earliest opportunity following the local authority being notified;
- iii. Provided that no significant risk to public health exists, agree with the proprietor a programme of compliance with Article 5;
- iv. Where a significant risk to public health exists, action is to be taken in line with the general enforcement policy.

5.0 POLICY WITH RESPECT TO COMPLAINTS

5.1 Background

Complaints in respect of food either relate to:-

- i) hygiene issues and hence involve local businesses;
- ii) complaints relating to the actual food itself, either appearance, taste, contamination, (whether physical, chemical or allergenic where an imminent risk to health), or microbiological quality or;
- iii) Food Alerts issued by the Food Standards Agency in relation to national or international food safety issues.

The purpose of investigating such complaints is:

- i) to identify possible causes for and to resolve any problems which pose a risk to public health;

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- ii) to substantiate complaints and to provide a service to the public;
- iii) to provide information to the food industry in order to raise and maintain standards;
- iv) to perform a duty of enforcement and;
- v) to prevent further complaints.

5.2 Food Hygiene

These types of complaint generally involve a local business, either relating to the standard of hygiene seen/experienced or a complaint following illness.

Complaints that relate to issues that may pose a risk to health are considered of utmost importance and therefore require an immediate response upon notification in order to investigate as thoroughly as possible and to ensure that food continues to be prepared safely. In cases involving issues that do not pose a risk to health, these will be investigated within the departmental response time of 3 days.

Officers will conduct their investigations and visits in accordance with previously detailed policies and guidance. Where appropriate, samples will be taken in accordance with the Sampling Policy.

5.3 Food Complaints

These types of complaint relate to food that has been purchased or eaten within the District and does not meet certain health standards as defined by EC Regulation 178/2002. This could include issues such as mould growth, physical contamination or chemical contamination posing an imminent risk to health. Where the complaint is concerned with composition, adulteration, chemical contamination where no imminent risk to health or misleading claims (labelling), the complaint will be transferred to the Trading Standards Service at the County Council. Likewise, where the complaint originated outside Chiltern and South Bucks areas, the complaint shall be referred to the relevant local authority.

In relation to complaints associated with allergens, officers, will investigate complaints where there has been an alleged reaction by a member of the public. All other complaints relating to labelling and provision of information to consumers will be referred to Trading Standards if the business is not due an official food control intervention.

All investigations shall be performed in accordance with the FSA Code of Practice and Practice Guidance and the 'Primary Authority Scheme' shall prevail throughout the investigation.

Enforcement action will be in accordance with the Enforcement Policy.

5.4 Food Alerts

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The Food Standards Agency operates a system to alert the public and local authorities of serious problems concerning food that does not meet food safety requirements, food that is inadequately labelled or food that may be allergenic. Where a problem has occurred, food is normally withdrawn on a voluntary basis. However in some cases the withdrawal of food involves the food companies working with central and local Government.

When a Food Alert is issued, local authorities are informed of the action that they should take at a local level e.g. local publicity, contact with local food businesses or just to be aware of potential problems during visits to businesses.

Officers will carry out action specified in the Food Alert as instructed and in the most appropriate, expeditious and cost effective manner possible to safeguard public health. Action will be taken in accordance with guidance issued by central government.

If, following complaints, a Food Alert needs to be issued, the guidance in the Code of Practice will be followed.

When necessary, the Consultant in Communicable Disease Control and/or Public Analyst will be consulted and advice sought as to the public health significance of particular issues.

6.0 POLICY WITH RESPECT TO SAMPLING

It is recognised that food sampling provides a valuable contribution to the protection of the public and the food law enforcement functions of the authority and that the food and water sampling programme is a valuable tool to assist in determining food safety standards.

6.1 Objectives

The following are the key objectives for sampling recognised by the authorities:

- To protect the consumer through the enforcement of food legislation.
- To obtain recognised and usable microbiological standards for foods, via a nationally co-ordinated sampling programme.
- To assist in the assessment of food safety and to help in the evaluation of hazard analysis (or HACCP) management systems.
- To check that foods comply with statutory microbiological standards, where available.
- To assess the microbiological quality of food manufactured, distributed or retailed in the authority's area.
- To identify specific foodstuffs that could pose a hazard to the consumer because they may contain significant levels of pathogenic.
- To facilitate the issue of an export certificate.

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When sampling, officers will have regard to the Code of Practice and comply with additional guidance issued by the Food Standards Agency. Officers will also undertake appropriate training in sampling techniques.

6.2 Co-ordination

It is recognised that good co-operation and co-ordination at a national and local level is necessary to achieve some objectives and therefore the authority is committed to:

- i) Participating in and co-operating with the Food Standards Agency's national sampling schemes and EU co-ordinated control programmes.
- ii) Participating in and co-operating with Public Health England national schemes.
- iii) Co-ordinating with adjoining local authorities and local PHE to agree locally co-ordinated sampling.
- iv) Undertaking final product and critical control point monitoring as part of the authority's own primary authority responsibilities and to avoid duplication with other Port Health or Primary Authorities.

6.3 Sampling Programme

An annual sampling programme will be drawn up based on the objectives above to cover:

- private water supplies, locally bottled water
- PHE and FSA co-ordinated sampling
- Locally co-ordinated sampling including locally manufactured products and approved premises
- identified high risk businesses
- poor performing businesses
- lower risk businesses as part of an alternative intervention strategy

The sampling programme will take account of the number, type and risk ratings of food businesses within the Chiltern and South Bucks areas, the authorities' own Primary Authority responsibilities and the need to ensure that the provisions of food law are adequately enforced.

Adequate resources will be available to fulfil the annual sampling programme. However, in the event of food poisoning outbreaks and other emergency incidences, additional resources will be made available as necessary. A reciprocal agreement has been made between the Buckinghamshire authorities to share resources in the event of an emergency.

When deciding to sample, the following should be considered:

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- i) Whether further processing of the food will reduce or eliminate micro-organisms prior to consumption;
- ii) The role played by hazard analysis or HACCP in the production of safe food;
- iii) The statistical confidence in the sampling technique.

All businesses will be notified at the time of sampling of the purpose of taking the sample and will be sent the results. In circumstances where results are unsatisfactory, businesses will be given advice and guidance to remedy the problem.

As part of informal monitoring, the company concerned generally will volunteer the sample to the sampling officer. However, if the company requests payment or the quantity or frequency of sampling is likely to give rise to significant financial consequences for the owner of the food, then the food will be purchased.

If enforcement action is anticipated under Section 14 of the Act following microbiological examination, the sampling officer should purchase the sample. Otherwise, in other circumstances, powers under the Food Safety Act 1990 will be used. Enforcement action will be in accordance with the Enforcement Policy. In relation to nationally co-ordinated sampling programmes, the protocol concerning obtaining the sample will be followed.

6.4 Water

All private water supplies will be monitored and risk assessed in accordance with the Private Water Supplies Regulations.

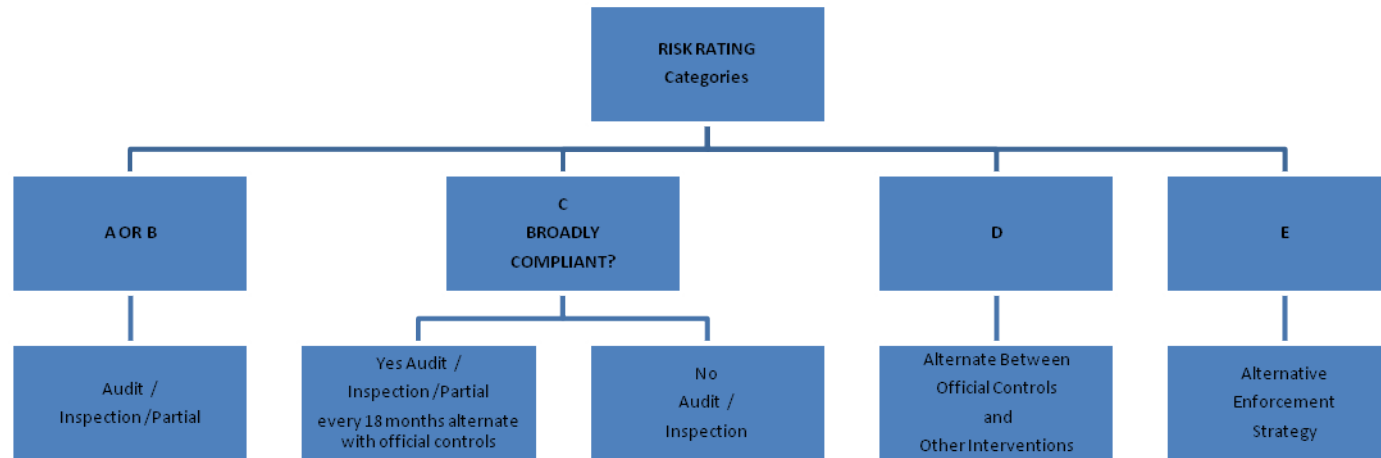
Swimming pool waters will not be routinely sampled, on the grounds that such samples are of limited snapshot value, do not necessarily fall to the authorities for enforcement purposes and should be maintained and monitored by the operator on a daily basis. However, this would not preclude the need for one-off sampling exercises particularly targeted at high risk pools such as jacuzzis' and spa pools or where incidents have been associated with a facility.

6.5 Suspect Food Poisoning

Where a food poisoning outbreak is suspected, faecal specimens will be taken together with any remaining foodstuffs, as a matter of priority.

Individual cases of suspect food poisoning will be referred initially to their General Practitioner unless officers feel other action is merited. Foodstuffs will be sampled where evidence supports this action.

APPENDIX 1 - RISK RATING CATEGORIES AND INTERVENTIONS



NB. A broadly compliant premises is one which has a risk rating score of not more than 10 points under each of the following three parts of Annex A i.e. Level of compliance relating to hygiene, structure and confidence in management. The types of intervention allowed will therefore vary depending upon the category. The following explains the types of interventions allowed for each category.

1a. Types of intervention for Category A, B & C which are not Broadly Compliant

For Categories A and B, and those category C premises that are not broadly compliant, these are considered to be the high risk premises, and therefore most of our focus will be targeted to these premises. The appropriate planned intervention should be;

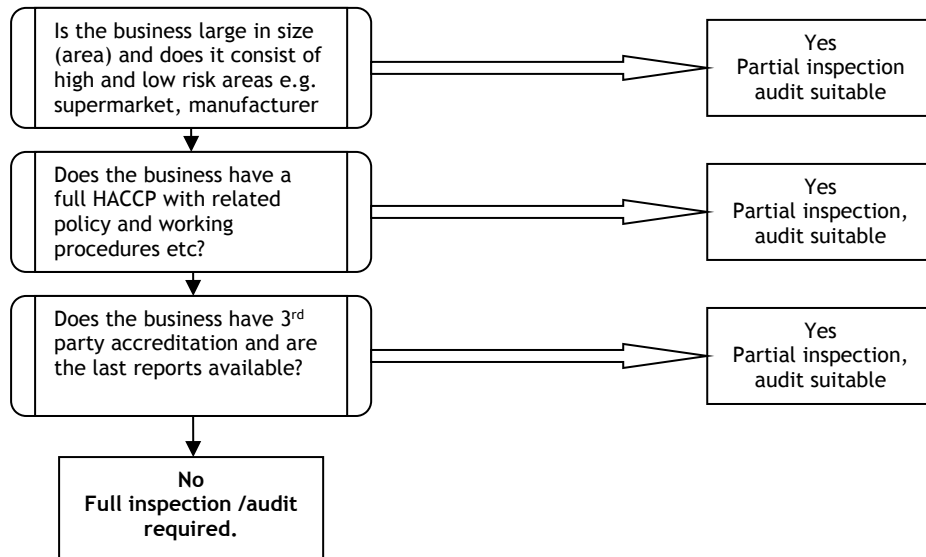
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- An inspection
- A partial inspection; or
- An Audit

Other interventions such as sampling, or education and training can also take place alongside the above interventions. Sampling of high risk premises is encouraged ~~Officers will complete a sampling request form~~ where poor practices at a high risk food business are identified, or where they do not have confidence in the method of production of a particular foodstuff.

To decide whether to conduct an Inspection, Partial Inspection or Audit the following flow chart will be considered.

For Category A & B and Broadly Compliant C, Choosing Full or Partial



1b. Types of intervention for Category A& B which are not Broadly Compliant and have persistent non compliance

At the start of each financial year the Principal Environmental Health Officer or Senior Specialist Environmental Health Officer (Business Support) will assess those premises within those categories that have **persistent** non compliance i.e. those food businesses that have been rated at Category A or B and that have not been broadly compliant on more than two occasions. Each persistent non-compliant business will be allocated to an officer and will be inspected on the due date. Case reviews of these premises will be carried out between the inspecting officer and either the Principal Environmental Health Officer or the Senior Specialist Environmental Health Officer (Business Support).

1c Food Hygiene Inspections Full and Partial

During partial or other inspections the following information as a minimum will still be ascertained;

- Confirmation of the operations carried out
- Confirmation of the Products Produced
- An assessment of the effectiveness of the critical control points
- The examination of the CCP records

Partial areas officers can choose to cover; Drainage, Personal Hygiene, Sickness Policies, Ventilation, Pest Control Records, Detailed water plans, Waste Contracts, Detailed Cleaning Schedules etc

2. Types of Intervention for Premises that are Category C and Broadly Compliant

For Category C Premises that are broadly compliant; on an 18 month alternative basis, official control interventions, other than inspections, can be used for example;

- Sampling visit
- Surveillance / alternative enforcement visit
- Monitoring and Verifications visits – risk based visit, focus on most critical points;

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- Cleaning
- Temperature Control (chilling, cooking, hot holding, cold displays)
- Cross contamination etc

3. Types of Interventions for Category D Premises

These are premises that are considered to be lower risk and therefore interventions can alternate on a 2 year alternating basis between official control interventions and non-official control interventions such as;

- Sampling visit (sampling visits will not currently be used with this type of premises unless high risk contraventions are found.)
- Surveillance / Alternative Enforcement Visit
- Monitoring and Verifications visits – risk based visit, focus on most critical points;
- Cleaning
- Temperature Control (chilling, cooking, hot holding, cold displays)
- Cross contamination etc
- Coaching Visit
- Advice, Education, Information,

However, where a business has scored 30 or 40 for 'type of food and method of handling' the official control must be an inspection, partial inspection or audit.

4. Types of interventions for Category E Premises– Alternative Enforcement Visits

Alternative food hygiene inspections are carried out in 'low risk' establishments. These are establishments which score less than 31 points overall as dictated by the Food Law Code of Practice – Food Hygiene Inspection Rating Scheme. Category E food businesses form part of the inspection programme and are monitored accordingly. The approach will be through the use of self-assessment questionnaires which are completed and returned by the food business operator and assessed by authorised officers who would also determine any necessary follow up action.

The use of an alternative enforcement strategy does not preclude the use of an official control intervention when considered necessary or appropriate

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and would not be used for those businesses that are approved under Regulation 853/2004.

Summary of Interventions relating to risk category

Premises Category	Interventions that can be undertaken
A	Inspection, Audit (Full or Partial)
B	Inspection, Audit (Full or Partial)
C (not broadly compliant)	Inspection, Audit (Full or Partial)
C (broadly compliant)	Inspection, Audit (Full or Partial) alternating (18 monthly) with Monitoring, Surveillance or Verification, Sampling
D	Inspection, Audit (Full or Partial), Monitoring, Surveillance or Verification, Sampling alternating (every 2 years) with Advice, Coaching, Information, Intelligence Gathering
E	Alternative Enforcement

The risk assessment will be reviewed at every general inspection, but not at revisits. Businesses will be encouraged to be aware of this risk assessment scheme and be encouraged to reduce their score thereby reducing the frequency of inspection. When requested, each officer will advise the food business operator/manager of their rating and be prepared to discuss how it was arrived at and how the business can reduce it.

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Appendix 2 Service Standards

Our Commitment

- We will give you verbal feedback at the end of each inspection and aim to give you written confirmation either at the time of the inspection or within 5 working days.
- We will update the FSA Food Hygiene Rating Scheme website fortnightly
- We will respond to FHRS safeguarding requests within 10 working days
- If we receive a request for service we will investigate and respond within 10 working days.
- We will answer letters within 10 working days of receiving them and if we cannot give a full reply within that time, we will let you know when you can expect one and why there is a delay.
- We will answer emails within 10 working days of receiving them.
- We will answer the telephone within 20 seconds (6 rings).
- If we cannot give you a satisfactory reply when you telephone, we will call back at an agreed time.
- We will provide you with a contact name and number.

What to do if you are unhappy with the service?

The Council has a Corporate Complaints Procedure which can be found at:

<http://www.chiltern.gov.uk/complaints>

<http://www.southbucks.gov.uk/complaints>

These pages explain how to make a complaint against any Council Service.

If you disagree with the nature of your food hygiene inspection, the FHRS outcome or wish to add a comment to your website entry, then you can use the safeguarding measures published at:

<http://www.southbucks.gov.uk/fhrssafeguards>

<http://www.chiltern.gov.uk/fhrssafeguards>

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**CHILTERN DISTRICT COUNCIL
and
SOUTH BUCKS DISTRICT COUNCIL**

Environmental Health Section

HEALTH AND SAFETY ENFORCEMENT POLICY

April 2017 - 18



Stronger in partnership

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- 1.0 Aims, Objectives, Priorities and Methods
- 2.0 Standards for health and safety related work
- 3.0 Planned Safety Inspections
- 4.0 Health and Safety Enforcement Policy
- 5.0 Health and Safety Complaints
- 6.0 Accident Investigation
- 7.0 Disclosure of Information

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BACKGROUND

The Healthy Communities Division has a key role in ensuring that everyone who works, resides or visits Chiltern and South Bucks Districts, are protected from unsafe work practices.

The Health and Safety Executive (HSE) specifies the following elements as essential for a Local Authority to adequately discharge its duty as an enforcing authority:

- i. A clear published statement of enforcement policy and practice;
- ii. A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the Health and Safety Executive (HSE) and Local Authority Unit (LAU);
- iii. A service plan detailing the local authority's priorities and its aims and objectives for the enforcement of health and safety;
- iv. The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- v. Arrangements for benchmarking performance with peer local authorities
- vi. Provision of trained and competent inspectorate;
- vii. Arrangements for liaison and co-operation in respect of the Primary Authority scheme.

This policy sets out the ways in which the Healthy Communities Division will achieve Central Government aims and objectives, and policies in relation to ensuring that standards required by the Health and Safety at Work etc Act are met, advise businesses and employees on safety issues and ensuring that preventative health measures are adopted by businesses.

Our enforcement policy reflects the Principles of Good Regulation set out in the Legislative and Regulatory Reform Act 2006, namely that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent; and that regulatory activities should be targeted only at cases in which action is needed.

In drafting this policy, we have taken account of the Regulator's Code and the Councils' overarching enforcement policy.

1.0 AIMS AND OBJECTIVES

1.1 Aim

It is the Councils' aim to:

- Support and assist businesses to comply with legislation
- Provide consistent, accurate and up-to-date information aimed at providing protection to employees and customers
- Provide effective and efficient regulatory services that meets customer needs

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1.2 Objectives

The Councils will aim to achieve these aims in the following ways:

- To protect people by providing information, training and advice, promoting a goal-setting system of regulation and undertaking enforcement in accordance with this policy and Government guidance
- Develop partnerships and approaches to service delivery to enhance services, increase impact and reduce costs through innovation;
- To support businesses to adopt best practice and to recognise their contribution towards economic growth and social benefits;
- Develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed;

1.3 Service Delivery

The service will be delivered through:

- i) Risk-based targeting of inspections of high risk businesses based on national and local intelligence, with appropriate follow-up action;
- ii) Project based intervention programmes based on the HSE's key priority areas;
- iii) Investigation of complaints with appropriate follow-up action;
- iv) Investigation of accidents with appropriate follow-up action;
- v) Suitably trained and experienced officers who are effectively monitored;
- vi) Provision of information to businesses about legal requirements, good practices and what to expect of the inspecting officer/authority;
- vii) Promotional activities to inform and encourage high standards in businesses.

1.4 Priorities

It is recognised that resources are finite. Therefore it is particularly important that resources for health and safety are targeted at activities that pose the greatest risk and that will allow for the most effective and efficient use of resources in delivering

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outcomes.

Priority will be given to targeting those activities that pose the greatest risk to employees and members of the public. In particular, priority will be given to those issues within the HSE Strategy identified as the greatest causes of accidents within the local authority enforced sector. In setting priorities and the local authorities' work plan, due regard will be given to the National Local Authority Enforcement Code published by the HSE. This will consist of having regard to national priorities and sector specific strategies set by the HSE; local priorities informed by local intelligence, workplace accidents and complaints, Matters of Evident Concern and Matters of Potential Major Concern; and Primary Authority inspection plans.

These key priorities will determine the approach taken towards individual inspections and the overall intervention programme itself. Officers will focus on these key priorities during interventions in the following way:

- the correct and uniform identification of high-risk areas with particular attention being given to the key priorities during inspections and as a result of complaint and accident investigation and to concentrate efforts to reduce these risks;
- ensuring compliance with the law and;
- engaging in those promotional activities for businesses and employees, which are most likely to foster improved health and safety;
- working with other agencies to improve health and safety standards

2.0 STANDARDS FOR HEALTH AND SAFETY RELATED WORK

2.1 Authorisations

The Councils will set standards for the qualifications, experience and competence of its officers.

In the context of the Health and Safety at Work Act 1974, an authorised officer's powers include the inspection of premises, the examination, sampling and seizure of substances, articles and equipment, the service of notices and taking emergency action. Authorised officers will be authorised in accordance with Section 18 guidance issued by the HSE.

Under the Chiltern District Council Constitution reviewed on 12 February 2008, the Head of Healthy Communities has the following delegated authority:

- i) to appoint Inspectors for all purposes in connection with the Health and Safety at Work etc Act 1974 and subordinate and related enactments;
- ii) to exercise or to authorise appointed Inspectors to exercise any of the powers specified within the enactments referred to above, including powers of:

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- a) Entry and inspection of premises, equipment and articles;
 - b) Service of improvement and prohibition notices;
 - c) Seizure and detention;
 - d) Taking of samples and;
 - e) Waiver of notification periods for control of asbestos at work.
- iii) to authorise appointed Inspectors to institute prosecution proceedings or issue formal cautions in connection with any offences created by the enactments above;
 - iv) To agree the transfer or assignment of enforcement responsibilities under the Health and Safety Enforcing Authority Regulations.

Under the South Bucks District Council Constitution adopted on 25th February 2015, the Director of Services has the following delegated authority:

- i) to appoint authorised officers and inspectors for functions Director of Services and issue new authorisations and powers of entry under all Acts of Parliament and Regulations within the terms of reference of the Executive, subject to any exercise of the powers being reported to the next meeting.
- ii) The authority for enforcement of the Health and Safety at Work etc. Act 1974 in premises and activities listed in Schedule 1 of the Regulations.
- iii) Authority to sign transfer documents (Regulations 5 and 6). (and Head of Healthy Communities
- iv) Health & Safety Enforcement — Shared Functions - authority to undertake enforcement work in the South Bucks District, with specific reference to the Local Government Act 1972 and the Health and Safety (Enforcing Authority) Regulations 1998 (Authorised Officers /Appointed Inspectors of: Aylesbury Vale DC, Wycombe DC, Milton Keynes C and Health & Safety Executive.
- v) Prosecutions: Food Safety Act 1990; Health and Safety at Work Act 1974; Control of Pollution Act 1974; Environmental Protection Act 1990; Building Act 1984 and similar Public Health Legislation - Authority to prosecute or take proceedings where a notice has been served and not complied with or where there is an immediate risk to public health and safety (Services Director of Services in consultation with the Head of Legal)

The Director of Services and Head of Healthy Communities in exercising his/her authority to appoint authorised officers will apply the standards contained in this Policy.

2.1.1 Inspections

Inspection of premises will only be undertaken by officers who are suitably qualified, experienced and competent in accordance with the requirements of Section 18 Guidance. This will equally apply to those employed on a contract basis.

Newly appointed officers or currently employed officers who are extending their duties will not be authorised unless they possess the appropriate competencies, skills,

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qualifications and experience to undertake their duties and that they have undergone a period of structured training in accordance with Section 18 Guidance. The assessment of competency etc. will be undertaken by the Senior Specialist Environmental Health Officer (Business Support) or the Principal Environmental Health Officer.

2.1.2 Enforcement Notices

Service of Improvement Notices will only be undertaken by qualified officers with experience in health and safety law enforcement, and after consultation with the Senior Specialist Environmental Health Officer (Business Support) or Principal Environmental Health Officer.

The service of notices by hand will be by any person who is capable of explaining the meaning and legal status of the notice. Notices served by other methods will be in accordance with current legal guidance.

Officers will be authorised to serve Prohibition Notices in accordance with the standards within the Policy. ~~In each instant~~ Where practicable, he/she will be accompanied by another authorised EHO to corroborate the proceedings and ~~will~~ consult with the Senior Specialist Environmental Health Officer (Business Support) or Principal Environmental Health Officer. If this is not possible, then the Environmental Health Manager is to be notified as soon as possible after service.

2.1.3 Seizure and Detention

Officers will be authorised to inspect, detain and seize articles and equipment subject to experience and competence.

All officers will be assessed for the necessary practical skills, experience and competency by the Senior Specialist Environmental Health Officer (Business Support) or Principal Environmental Health Officer.

2.1.4 Competency

The Principal Environmental Health Officer has been given specific responsibility for health and safety matters and managing the health and safety service. This will be in accordance with the documented 'Inspection Monitoring Management System'.

Environmental Health Officers and Technical Officers will carry out inspections and exercise their powers in accordance with the Health and Safety at Work etc. Act, associated Regulations and ~~accompanying~~ Codes of Practice and within the restrictions of their authorisation.

The Senior Specialist Environmental Health Officer (Business Support), (or in his/her absence, the Principal Environmental Health Officer) will be responsible for the supervision and training of officers and for the maintenance of auditable records. A training and development plan will be used to establish current qualifications and

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competencies and to identify future training needs in order that officers can effectively carry out their duties.

Recommendations will be made by the Principal Environmental Health Officer to the Head of Healthy Communities in respect of the powers to be given to officers and the nature of premises to be inspected.

A list of the officers, their powers and the nature of premises which the officer may inspect, will be maintained and regularly updated together with records of training.

2.1.5 Authorisation of Persons with Expert Knowledge.

Under Section 20(2) (c)(i) of the Health and Safety at Work etc. Act 1974 an authorised officer may take another person with them on the inspection e.g. a person with an expert knowledge of the type of activity being inspected. Authorisation of such persons is necessary to ensure the right of entry to the premises concerned. Where it is necessary to be accompanied by another person, an officer will ensure they are duly authorised in writing and empowered under Section 19 to perform such activities as are necessary under Section 20 of the Act. Such authorisation is given under the authority of the Head of Healthy Communities.

2.2 Guidance

The authorities will have regard to Codes of Practice and guidance issued by the Health and Safety Executive, other advice issued by the Government and advice issued by Health and Safety Executive/Local Authority Enforcement Liaison Committee.

2.3 Uniformity

The Authorities acknowledge the need to act in a consistent and uniform manner and advocates a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity. These are detailed in the 'Inspection Monitoring Management System':

- i) the awareness, adherence to and review of the health and safety policy document and further development of office procedures;
- ii) training, qualifications, supervision of staff. Regular practical training and update sessions will be essential to ensure uniformity;
- iii) cross monitoring visits of staff and monitoring of letters, inspection records and notices by senior officers;
- iv) use of the Primary Authority Partnership Scheme, specified in HELA Guidance and by the Better Regulation Delivery Office;
- v) liaison with local health and safety groups/adjoining authorities. Use of joint training initiatives. Co-operation and joint working on uniformity issues;

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- vi) compliance with relevant Codes of Practice and guidance from LAU;
- vii) Consistent application of the Enforcement Management Model (EMM) when making enforcement decisions.

2.4 Advice to Businesses

The authorities are committed to ensuring that businesses are aware of their legal obligations and to supporting businesses in achieving best practice by providing information and guidance to assist businesses. In particular, it is recognised that small businesses do not have access to specialist health and safety knowledge or information and so initiatives will be developed to target information for these businesses within the districts. The authorities will be committed to helping small businesses.

Where opportunities arise to provide advice and guidance to businesses over and above that required to ensure legal compliance, then a charge may be made.

- i) The Councils' websites will be the primary source of information to assist businesses with interpretation of legislation or good practice. The Councils also provide services for ethnic minority groups through 'Language Line', translation services and courses in languages other than English. Where the Councils do not provide the service itself, information will be given to businesses about other providers.
- ii) A chargeable advice service will be available to new and existing businesses to support them in achieving high standards of safety and compliance.
- iii) Businesses will be supported and encouraged to participate in the Primary Authority partnership scheme where applicable.
- iv) Where there is sufficient demand occasional talks will be given to businesses. Charges to cover costs will be made for out of hour's sessions.

2.5 Advice to Members of the Public

The Councils' websites will be the primary source of advice and information on safety issues and will be reviewed on a quarterly basis. The authorities will participate in national health and safety activities and local events. Talks to voluntary organisations and groups will be given free of charge where resources permit.

2.6 Conduct

Inspecting officers will at all times act and dress in a professional manner. Protective clothing will be worn that is appropriate to the premises being inspected and equipment will be maintained and calibrated where appropriate.

Officers will not act in such a way as to pose a risk to safety or health either to themselves, employers and employees and members of the public.

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2.7 Information Sharing

Where the legislation permits, the authority will share information via agreed secure mechanisms with other regulatory agencies and local authorities about businesses to help target resources and activities and to minimise duplication.

The authorities will share information about businesses with the Primary Authority as appropriate and with other authorities when acting as a Primary Authority.

The authorities will, where feasible, follow the principle of 'collect once, use many times' when requesting information from businesses.

3.0 HEALTH AND SAFETY INTERVENTIONS

3.1 Premises

~~Efforts will be made to keep a~~An up to date record ~~will be kept and~~ maintained on a computer database of all known premises. As necessary, businesses will be assessed for the need to be included within an intervention programme based on information obtained from the proprietor or following inspection.

3.2 Frequency of inspections

The Government Report "*Good Health and Safety, Good for Everyone*", following Professor Lofstedt's review of health and safety legislation, aims is to improve the targeting of relevant and effective interventions and preserving inspection for higher risk premises and issues. The National Local Authority Enforcement Code and HELA guidance note LAC 67/12—(Rev4.1) 'Advice to Local Authorities on Inspection Programmes and a Rating System' provide advice as to the prioritisation of inspections. Proactive inspection will be used only for the activities identified within the HSE's published list of higher risk activities or where there is local intelligence that risks are not being effectively managed. It is recognised that 'inspection' may not necessarily be the most effective means of dealing with a particular situation and that other types of interventions may be more suitable. The current guidance is that '*there should be no inspection without a reason*'.

Risk ratings alone will not be used to determine the use of a particular intervention or to decide an intervention frequency. However, whilst it is likely that premises rated Category A have been rated such because they have been judged as not managing their risks effectively, sufficient evidence will be required to justify the risk rating; confidence in management considered in isolation is not sufficient to justify an A rating.

In recognition of the HSC/HELA Strategy priorities, inspections will be programmed on a project based basis. Each project will be identified in relation to the impact it will have in addressing the key priorities and will either be a cross-cutting project

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targeting a single priority e.g. slips and trips across a wide range of businesses or will be sector specific targeted at those activities that have been identified as being high risk e.g. warehousing, or those sectors where inspections will address a number of the key priorities at the same time e.g. residential care homes.

This project based approach will provide for a more efficient use of resources and be more effective in targeting the priorities that have been identified as giving rise to the highest number of accidents. Statistical data, both nationally and locally, will be used to identify those activities which require the most attention.

Category B1, B2 and C premises will not form part of the inspection programme and so will not be subject to any proactive interventions unless they come within one of the priority subject areas.

Revisits to check on outstanding issues will be made where necessary. Where health and safety interventions coincide with food hygiene inspections, a joint inspection will be undertaken. All visits will be recorded on the computer-based system and documents scanned to the corporate Electronic Document Management System.

3.3 Inspection Procedure

3.3.1 Approach

The authorities will work to standards set within HELA Guidance and internal inspections procedure documents.

The main purpose of inspections is to identify potential risks to employee's and the public's safety or health and to ensure that the business understands the risks and has put the necessary measures in place to minimise them. When undertaking an inspection, officers will pay particular emphasis to risk assessment based management systems and the HSE key priorities.

A systematic approach to risk assessment will be adopted. Where businesses have identified their significant risks and have introduced controls, the inspection will focus on the accuracy of the assessment and on the effectiveness of the controls. Written assessments will normally be expected in high risk or complex businesses and where they employ 5 or more employees. Businesses with less than 5 employees will not be expected to have written ~~elaborate~~ assessments.

Where no assessment by the business can be demonstrated the inspection will focus on the officer's own assessment and examination of controls.

The whole of a premise may not necessarily be inspected at each inspection; those areas of greatest risk will be given priority. Officers will have regard to the key priorities and the focus will be on those which are significantly pertinent to the activities of the business being inspected.

Computer records will be updated following every visit.

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3.3.2 Communication

Every inspection (including those where no defects are identified) will result in a written report to the employer. This will take the form of either a letter or carbonated inspection report left at the premises at the time of the inspection. Copies of the report will be sent to the Manager or other relevant persons, including employee and safety representatives.

A standard format will be used. The report will cover the important issues noted during the inspection in priority order and will clearly distinguish between legal requirements and recommendations. It will give details of the person carrying out the inspection, date, time, the areas inspected and the procedure if the proprietor disagrees with the issues raised in the report.

Good communication between inspector and employer is essential wherever possible, including ensuring that the purpose and scope of an inspection is understood and the "works" needed following the inspection with an agreed time limit. The impact of the advice should be considered so that it does not impose unnecessary burdens upon businesses.

The role of Safety Representatives in preventing injuries and ill health at work and promoting good standards of health and safety in the workplace is recognised. Therefore their role will be promoted and officers will effectively consult and communicate with them where appropriate.

Section 28(8) of the Health and Safety at Work etc. Act places a duty on inspectors to provide factual information where it is necessary to do so for the purposes of assisting in keeping employees or their representatives informed about matters that affect their health and safety. This factual information will also be provided to employers. This will include correspondence, enforcement notices, results of sampling and monitoring and intentions to prosecute.

3.3.3 Timing of Inspections

Programmed inspections will be carried out at all reasonable hours. It is recognised that some businesses operate outside normal office hours of work and so the timing of interventions will take this into account. Interventions will normally be by appointment to facilitate better communication with the most appropriate person at the business. However, when circumstances dictate the use of contract staff, appointments may not be possible. Notice will not be given where poor standards are likely to be found, the nature of the project work dictates an alternative approach or where complaints or accidents are being investigated.

Revisit dates may be notified in advance as an aid to ensuring that works are completed and to facilitate further discussions with the employer. Appointments may also be made when there is a need to discuss specific issues.

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Where alternative dates for visits are requested by a business the inspector may agree, if suitable justification is given, and the inspector is satisfied that the purpose behind the request is not to conceal a major risk. Where the officer suspects that the intention is to hide a serious offence he/she should agree to have a quick look around and then agree a full visit at a later date.

3.3.4 Revisits

Revisit inspections will be arranged to check on matters raised in an inspection (and any obvious extra defects) where there are **significant** contraventions and/or serious risks to public health and to check on compliance with statutory notices. They will not turn into a further full inspection except where a major risk is identified. Where significant breaches of regulations have been identified, the re-visit should whenever practicable be undertaken by the same officer who undertook the initial visit particularly where formal notices have been served. After initial inspections, employers must be made aware that a revisit will be made and appropriate dates discussed.

Revisits will not always result in a written report (unless further work is required) to the employer although the employer will always be advised of the outcome verbally, and in writing if requested. However, detailed records of revisits will be made and kept on the property database. Clear records will be maintained of formal and informal notices which have been complied with.

4.0 ENFORCEMENT POLICY

This section sets out the policy relating to [the general principles of enforcement in relation to health and safety and is drafted in accordance with the overarching Corporate Enforcement Policy](#). It details the general principles of enforcement and embraces those set out in the 'Regulators' Code' issued by the Better Regulation Delivery Office and Section 18 Guidance issued by the HSC.

More specific procedures concerned with statutory notices, emergency action, formal cautions and prosecutions are detailed in enforcement procedures. These procedures take account of all Codes of Practice and guidance issued by HSE and 'The Code for Crown Prosecutors'.

Enforcement officers by necessity as professional officers have considerable discretion in decision making and initiating enforcement action. Such action can range from informal advice, information and support through to formal enforcement mechanisms, including the use of statutory notices and prosecution.

This part applies to all dealings, formal and informal, between officers and businesses – all of which contribute to securing compliance with the law. It will provide policy standards, aid professional judgements and decision making and ensure both consistent and effective enforcement.

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4.1 Principles of Enforcement

The core expectation for those we deal with, quite reasonably, is for us to be professional, fair, co-operative and consistent in our approaches. Businesses and the public also expect local authority actions to result in the remedying of potentially risky situations and for those guilty of serious offences to be adequately punished.

We will adopt a positive and proactive approach towards ensuring compliance by:

- Helping and encouraging businesses to understand and meet regulatory requirements more easily; without imposing unnecessary additional cost;
- Assess whether other social, environmental and economic outcomes can be achieved by less burdensome measures, and
- Responding proportionately to regulatory breaches.

Enforcement should be informed by the principles of **proportionality** in applying the law and securing compliance; **consistency** of approach; **targeting** of enforcement action, **openness** about how we operate and what businesses may expect and **helpfulness** in providing advice and assisting with compliance.

Appendix 1 sets out the standards of service you should expect to receive.

It will be expected that enforcement officers, when making decisions and communicating with businesses will follow these principles, together with relevant codes of practice and guidance. The Primary Authority partnership scheme will be used where applicable.

When considering formal action, officers will perform an assessment in accordance with the Health and Safety Executive's Enforcement Management Model (EMM). Where the proposed enforcement action deviates from the EMM, a management review will be undertaken by the Principal Environmental Health Officer.

Any departure from this must only occur when the following criteria are complied with:

- i) in exceptional circumstances;
- ii) where actions are capable of justification;
- iii) where there has been full consultation with the Principal Environmental Health Officer or Environmental Health Manager

In ~~exceptional~~ circumstances when officers become aware that they are considering measures which may be inconsistent with those adopted by other local authorities, formal action ~~should~~ may be delayed to allow the matter to be discussed at the local liaison group. Reference will also be made to the Primary Authority where appropriate. However this would not be applicable in cases where there is a serious risk to public health.

~~Any In considering any~~ sanctions or penalties ~~considered, regard should be given to the principles set out in the Macrory Review. These are that any sanctions~~ should:

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- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and ~~consider what is~~ appropriate for the particular offender and regulatory issue
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and
- aim to deter future non-compliance

This policy will be reviewed periodically in response to new legislation and guidance issued by central government and HELA.

4.1.1 Proportionality

All enforcement actions and advice must be proportional to the risks posed to the public/~~employees~~ and the seriousness of any breach of legislation. When considering enforcement action, consideration should be given to the cost of measures required to reduce the risk weighed against the benefit to be gained by reducing the risk.

In addition, there should be a staged approach to enforcement action with increasing degrees of enforcement as management of businesses ~~fails~~ to respond to previous ~~requirements~~~~requests~~. Officers should provide an opportunity for dialogue in relation to the advice, requirements and decisions.

The only exceptions to the above approach would be where a serious and/or imminent risk to safety or health exists.

The staged approach to enforcement is further detailed in the enforcement procedures.

4.1.2 Consistency

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Businesses expect consistency from enforcing authorities in advice given, the use of statutory notices, decisions on prosecution and responses to complaints.

It is recognised however, that in practice it is not simple, due to the wide range of variables faced. Therefore it is expected that officers will use their professional judgement and exercise discretion, in conjunction with this policy, when coming to a decision on appropriate action.

The following arrangements will be in place in order to promote consistency of approach:

- officers will perform validation exercises relating to joint inspections ~~on an annual basis;~~

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- ii) the Senior Specialist Environmental Health Officer (Business Support) will accompany ~~all officers on a minimum of one initial inspection per year~~ to assess the consistency of approach between officers;
- iii) officers openly discuss cases at team meetings and/or with the Principal Environmental Health Officer or Senior Specialist Environmental Health Officer (Business Support) to provide a consensus of opinion;
- iv) all formal action will be 'signed off' by the Principal Environmental Health Officer
- v) correspondence, file records and enforcement notices will be checked and monitored on a regular basis;
- vi) where inconsistencies arise, appropriate training/coaching will be given by the Senior Specialist Environmental Health Officer (Business Support);
- vii) ~~in the event of differences of opinion or~~ where there is a need for clarification, approaches will be made to the Bucks Health and Safety Liaison Group ~~and the Primary Authority where applicable~~;
- viii) officers will participate in inter-authority consistency exercises and change working practices, if necessary, to achieve consistency;
- ix) Chiltern and South Bucks District Councils will take an active role in the Bucks Health and Safety Liaison Group;
- x) reference will be made to appropriate central government guidance;
- xi) reference will be made to appropriate guidance issued by a Primary Authority.

4.1.3 Targeting

Inspections and enforcement action will be targeted primarily at those activities giving rise to the most serious risks or where hazards are least controlled and that action is focussed on those responsible for the risk and who are best placed to control it.

The prioritisation of inspections will be based on guidance issued by the HSE and informed by the HSE Strategy.

4.1.4 Openness

Enforcement officers will help businesses to understand what is expected of them (and what would not be expected) and what they should expect from the enforcing authorities.

Confirmation of all work (initial inspections, revisits and complaints) will be given in writing to business managers and as appropriate to head offices. Information will clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken and the reasons for these.

There will be a clear distinction between legal requirements and good practice recommendations (either verbally or written).

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Where notices have been served and are on a Public Register, this will be available for viewing free of charge.

If formal requests for information are received from a third party, advice will be sought from the ~~Freedom of Information~~Data Protection Monitoring Officer ~~within or~~ the Legal Department prior to replying.

Businesses will be made aware of how to access copies of procedures, the Corporate Complaints Procedure when appropriate, the informal appeals procedure to the Principal Environmental Health Officer in the first instance and any statutory appeals procedure against enforcement. This is to be included in correspondence to businesses following inspections.

4.1.5 Helpfulness

The principle is to actively work with businesses to advise on and assist with compliance wherever possible. To this end, officers will identify themselves by name and provide a contact point and telephone number for further dealings. Businesses will be encouraged to seek advice/information; information will be freely available on the Councils' website with links to those produced by central government. When appropriate, training courses/seminars will be provided for businesses on specific issues.

4.2 Prosecution of Individuals

Subject to the general provisions of this Enforcement Policy, recommendations for prosecutions of individuals will be made if warranted. The role played by individual directors, ~~managers and other employees and the management~~ chain will be taken into account, ~~particularly~~ when investigation reveals that the offence was committed with their consent or connivance or ~~to have been~~was attributable to neglect on their part.

~~Enforcement against Employees~~

~~Enforcement action may be taken against employees and others, including managers, company officers etc. under the Health and Safety at Work etc. Act 1974, Sections 7, 8, and 37(1). Prosecution will only be considered against the employee if they have been warned before, either by an authorised officer or by the business, or the employer can demonstrate that they have taken all reasonably practicable steps to ensure that safety devices were in place and the offence by the employee was flagrant.~~

4.43 Death at Work

Any authorised officer called upon to investigate a fatality should ensure that early contact with the bereaved family is made and/or arrangements made to meet the bereaved as soon as they wish in order to explain the local authority's roles and

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responsibilities and to provide them with relevant information. The Principal Environmental Health Officer will normally take responsibility for conducting the meeting with the bereaved family and act as the Family Liaison Officer, supported if necessary, by another officer but not necessarily the investigating officer. This should take place as soon as possible, bearing in mind the convenience and wishes of the family. Officers should also keep relatives informed of the progress and outcome of the investigation. The policy on the disclosure of information to bereaved relatives will be in accordance with HELA LAC 45/19 'Contact With, and Disclosure of Information to, the Relatives of People Killed Through Work Activities'.

Where there has been a breach of the law leading to a work related death, consideration will be given whether the circumstances of the case might justify a charge of manslaughter. To this end, the investigating officer will liaise with the Police, Coroner and the Crown Prosecution Service (CPS) in accordance with 'Work-Related Deaths – A Protocol for Liaison'. If they find evidence suggesting manslaughter, this will be passed to the Police or where appropriate, the CPS. If the Police or CPS decides not to pursue a manslaughter case, the local authority should consider prosecution under health and safety legislation.

5.0 POLICY WITH RESPECT TO COMPLAINTS

5.1 Background

Requests for service in respect of health and safety either relate to:

- i) Complaints received from employees or safety representatives concerning workplace issues;
- ii) complaints received from members of the public or visitors to businesses concerning the impact of a business' activity on others;
- iii) Requests for advice and information.

The purpose of investigating complaints is:

- i) to identify possible causes for and to resolve any problems which pose a risk to health and safety;
- ii) to substantiate complaints and to provide a service to the public;
- iii) to provide information to the industry in order to raise and maintain standards;
- iv) to perform a duty of enforcement and;
- v) to prevent further complaints.

Complaints that relate to issues that may pose a serious and/or imminent risk to health and/or safety are considered of utmost importance and therefore require an immediate response upon notification in order to investigate as thoroughly as possible. In cases involving issues that do not pose a serious and/or imminent risk to health and/or safety, these will be investigated within the departmental response time of 3 working days. Officers will conduct their investigations and visits in

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accordance with previously detailed policies and guidance.

All investigations shall be performed in accordance with HELA guidance and Codes of Practice and the Primary Authority principles shall prevail throughout the investigation.

Where it is determined that the HSE is the responsible enforcing authority, then appropriate liaison and transfer of the complaint will take place.

Enforcement action will be in accordance with the Enforcement Policy.

6.0 POLICY WITH RESPECT TO ACCIDENT INVESTIGATION

Local authorities are under a duty to investigate accidents that are notified to them under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

The purposes of investigating an accident are:

- i) To identify the cause of the accident, to make the situation safe and to prevent further accidents occurring;
- ii) To identify whether there have been any breaches of legislation;
- iii) To provide information to the industry in order to raise and maintain standards;
- iv) To inform local and national statistics and hence the planned inspection priorities.

6.1 Decision to Investigate

All accidents which occur at premises enforced by the local authority and involve one or more of the following shall be investigated by an authorised officer:

- i) The accident results in a fatality, except when the circumstances indicate that an investigation is inappropriate i.e. death from natural causes unrelated to a work activity;
- ii) The accident results in a serious injury or a case of ill health or a dangerous occurrence;
- iii) The accident results in a serious injury or a case of ill health to a member of the public except accidents when it is clearly unrelated to a work activity;
- iv) There is a degree of public concern. This will often be linked to an actual or perceived risk of injury or ill health;
- v) The accident is related to local special surveys or campaigns or to the HSE key priority areas;
- vi) A complaint has been made regarding an accident that has occurred;
- vii) A serious breach of the law is involved;
- viii) An accident is a recurrence or is likely to recur;
- ix) A young person or child is involved (under the age of 18);

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- x) The accident indicates a more general management failure.

The initial decision whether to investigate an accident or not and how far to carry that investigation will depend upon a number of factors. The following will be taken into consideration when deciding to investigate:

- i) severity and nature of the accident;
- ii) seriousness of the breach;
- iii) track record of the duty holder;
- iv) the relevance of event to a wider range of premises;
- v) practicality of achieving a satisfactory outcome;
- vi) legal considerations;
- vii) resource constraints.

In addition to informing the decision for the initial investigation, these factors will also determine the approach to be adopted and the extent of the investigation itself. This approach will ensure that resources are effectively targeted at the most serious accidents and which will result in the greatest effect on improving standards of health and safety.

7.0 POLICY WITH DISCLOSURE OF HEALTH AND SAFETY INFORMATION

7.1 Introduction

The purpose of this policy is to describe practices in dealing with the disclosure of information under legislation and good practice note 'Open Government: a Good Practice Note on Access to Local Authority Information'. The policy is intended to ensure consistency with the policy and practices of the Health and Safety Executive (HSE).

The good practice note requires local authorities to draw up and follow their own policy statements. This policy document seeks to fulfil that aim. It does not seek to replace any statutory requirements on disclosure where the law requires the local authority either to withhold or to disclose. Local authorities and the HSE must follow the same legislation on disclosure of health and safety information namely:

- i) Section 28 of the Health and Safety at Work etc Act 1974;
- ii) Environmental Information Regulations 2004;
- iii) Environment and Safety Information Act 1988;
- iv) Freedom of Information Act 2000.

This policy is fully retrospective, i.e. it applies to information acquired by both Chiltern District Council and South Bucks District Council before it came into effect.

7.2 Freedom of Information Act 2000

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On 1st January 2005 the Freedom of Information Act 2000 (FOI Act) created two important rights of access for any person making a request for information to a public authority:

- To be informed by the public authority whether it holds the **information** of the description specified in the request; and
- If that is the case, to have the **information** communicated to them.

The Councils have published a Freedom of Information Act Publication Scheme that will be followed should requests for information be made. These will be registered and responses monitored by the Councils' Data Protection Officer.

7.3 Section 28 of the Health and Safety at Work etc Act 1974

Section 28 of the Health and Safety at Work Act has been amended to bring restrictions on giving information into line with FOI Act.

HSWA section 28 deals with how we manage information that we have obtained using statutory powers. Until 1 January 2005, there were only limited circumstances in which this information could be disclosed.

The section 28 restrictions have now been removed and requests for this type of information can now be considered under the FOI Act.

Subject to the exemptions in the FOI Act (or EIR exemptions), the local authority can release information:

- proactively - because it is in the public interest for us to put that information into the public domain, or
- in response to a request under the FOI Act or the Environmental Information Regulations 2004

We are not required to disclose information when the public interest for making the information available is outweighed by a greater public interest in protecting it. However, applying the public interest requires us to exercise our skill and judgement and document our reasoning and decision making.

7.4 Environmental Information Regulations 2004

Chiltern District Council and South Bucks District Council recognise that these Regulations impose responsibilities in respect of the environment, environmental information held and the release of such information, subject to exempted classes of information.

Chiltern District Council and South Bucks District Council further recognise that the Regulations disapply all other statutory provisions on disclosure where those other provisions conflict with the Regulations. Section 28 in accordance with this will not

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normally apply to requests made for environmental information as defined in the Regulations.

For the purposes of the policy, environmental information is regarded as information relating to:

- i) the state of any water, air, flora, fauna, soil, natural site or other land;
- ii) any activities or measures (including activities that give rise to noise or other nuisance) which adversely affect or are likely to adversely affect anything in i);
- iii) any activities or other measure (including environmental management programmes) which are designed to protect anything in i).

This policy will not require the release of information about human health and safety except where human health and safety have been, or could be, affected through environmental media (e.g. air, water or soil). For example, information that workers were directly harmed in the manufacture of a substance is not releasable under the Regulations as environmental media are not involved. However, if fish were harmed, or could have been harmed, because a substance got into the food chain, such information would have to be released on request as environmental media are involved.

Local Authorities are within scope of the Regulations as we have environmental responsibilities and hold environmental information. We may obtain environmental information in carrying out any of our functions or in any area of our responsibilities and such information is subject to the requirements of the Regulations. For example, information could be obtained on noise, Legionnaires' disease, ionising or non-ionising radiations and may be disclosable to the extent that it relates to the environment.

7.5 Environment and Safety Information Act 1988

In order to comply with the provisions of the Act Chiltern District Council and South Bucks District Council will maintain public registers of information on improvement or prohibition notices having public safety or environmental implications.

The register entries will include brief details of the breach of legislation and action required and will consist of the first page of the notices.

No charge will be raised for the inspection of the register.

7.6 Enforcement Notices, Inspection Reports and Convictions

7.6.1 Enforcement Notices

Information on only some notices is on the public registers kept under the Environment and Safety Information Act 1988. Under this policy Chiltern and South Bucks District Councils will also provide enquirers with information on any other health and safety notice it has served. The information provided will include the name and address of the premises, the date of the notice, the statutory breach and the date

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by which the breach must be remedied.

7.6.2 Inspection Reports

Requests for inspection reports will be considered in accordance with the Councils' FOI Publication Scheme and the Environmental Information Regulations 2004.

7.6.3 Convictions

Chiltern District Council and South Bucks District Council may hold on public registers the names and addresses of firms/individuals convicted of breaches of health and safety legislation.

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Appendix 1. Service Standards

Our Commitment

- We will give you verbal feedback at the end of each inspection and aim to give you written confirmation either at the time of the inspection or within 5 working days.
- If we receive a request for service we will investigate and respond within 10 working days.
- We will answer letters within 10 working days of receiving them and if we cannot give a full reply within that time, we will let you know when you can expect one and why there is a delay.
- We will answer emails within 10 working days of receiving them.
- We will answer the telephone within 20 seconds (6 rings).
- If we cannot give you a satisfactory reply when you telephone, we will call back at an agreed time.
- We will provide you with a contact name and number.

What to do if you are unhappy with the service?

The Council has a Corporate Complaints Procedure which can be found at:

<http://www.chiltern.gov.uk/complaints>

<http://www.southbucks.gov.uk/complaints>

These pages explain how to make a complaint against any Council Service.

SUBJECT:	Joint Housing Strategy (Affordable Housing and Homelessness)
REPORT OF:	Councillor Paul Kelly (Healthy Communities)
RESPONSIBLE OFFICER	Martin Holt – Head of Healthy Communities
REPORT AUTHOR	Michael Veryard – Housing Manager – mveryard@chiltern.gov.uk (01494 732200)
WARD/S AFFECTED	All

1. Purpose of Report

The PAG is asked to comment on the draft joint strategy and provide comments as appropriate and advise the Portfolio Holder on the following recommendation(s)

RECOMMENDATION(s) to Cabinet:

1. **That Cabinet authorises the Head of Healthy Communities to prepare a Joint Housing Strategy (Affordable Housing and Homelessness).**
2. **The Members consider the draft joint strategy and provide comments as appropriate.**
3. **That members note the intention to undertake a 6 week consultation on the joint strategy (as required by the Policy and Budgetary Framework procedure rules) following the Cabinet meeting on 28th June 2017.**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Executive Summary

Not applicable

3. Reasons for Recommendations

3.1 The current Housing and Homelessness Strategies for Chiltern District Council and South Bucks District Council need to be reviewed and updated in view of the current housing situation across the two districts and new statutory requirements that are coming into force.

3.2 The joint Member Housing Workshop on 3rd February 2016 highlighted a range of issues to be taken forward in the development of a joint strategy. The Joint Private Sector Housing Strategy and Joint Temporary Accommodation Framework have already been agreed by the Councils. The Joint Housing Strategy (Affordable Housing and Homelessness) will complete the picture and sit alongside these documents to provide the overall strategic framework for the Council's housing service.

4. Content of Report

- 4.1 The Council has a range of statutory and legal housing duties encompassing meeting affordable housing needs, providing homelessness advice and support, tackling poor housing conditions and assisting households with repairs and adaptations.
- 4.2 The Joint Member Housing Workshop in 3rd February 2016 focussed on three key areas of the Council's housing responsibilities:
- Affordable Housing
 - Homelessness
 - Housing Standards (Private Sector Housing)
- 4.3 Following on from this workshop, a Joint Private Sector Housing Strategy 2017-2021 was drafted and adopted by the Councils. For the other two key areas, Affordable Housing and Homeless, a number of specific tasks and actions were taken forward including drafting and agreeing a Joint Temporary Accommodation Framework. However, the development of a formal Joint Housing (Affordable Housing and Homelessness) Strategy was held back because a range of new legislation and guidance was launched during 2016/17 including the Housing and Planning Act 2016 and the Homelessness Reduction Bill. Officers wanted to monitor the progress of these as details emerged and get a clearer idea of the potential implications for the Council before bringing forward a draft strategy for consultation. Following Royal Assent being granted for the Homelessness Reduction Bill, it is now felt appropriate to move forward with the Joint Housing (Affordable Housing and Homelessness) Strategy.
- 4.4 A draft Joint Housing (Affordable Housing and Homelessness) Strategy has now been drafted and is contained in **Appendix 1**. This draft strategy will provide the framework for a wider consultation with key partner agencies. Following this strategy will be revised as appropriate and finalised for adoption by both Councils.

5. Consultation

The basis of the development of the draft Strategy is the joint Member Workshop that took place on 3rd February 2016. The draft document will be subject to a formal 6 week consultation period with partner agencies.

6. Options

- 6.1 The Council has a specific statutory duty to publish a Homelessness Strategy. Therefore, if the Council does not proceed with preparing and authorising this Joint Housing Strategy document then it will still have to draft a Homelessness Strategy.
- 6.2 The Council could choose instead to continue to operate its own separate Housing strategy and policies. However, operationally, Chiltern District Council and South Bucks District Council are facing many of the same housing issues and there are efficiencies in the authorities taking a joint approach to addressing these issues. If the Council was to continue to operate a separate strategy, this would be out of step with the single shared housing service. This would also be out of step with the other documents which have been

adopted since the joint Member Housing workshop, namely the Joint Private Sector Housing Strategy 2017-2021 and the Joint Temporary Accommodation Framework

7. Corporate Implications

7.1 Financial – The Strategy does highlight the potential resources available to support service delivery but it does not propose any formal funding allocations or additional spend. The proposed consultation will be funded within current budgetary estimates.

7.2 Legal – The Council has a range of statutory housing duties and legal responsibilities and this Strategy (along with the Joint Private Sector Housing Strategy 2017-2021 and the Joint Temporary Accommodation Framework) provides a clear framework for the activities required to meet these duties and responsibilities. The Council's Policy and Framework Procedure rules require Cabinet to publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, together with arrangements for consultation after publication of those initial proposals. The consultation period shall in each instance be no less than 6 weeks.

8. Links to Council Policy Objectives

This report links to the Council aims of:

- Working towards safe and healthier communities
- Striving to conserve the environment and promote sustainability

9. Next Step

The draft strategy will be amended to reflect Members comments and will then be subject to a six week consultation period. Following consultation officers will collate responses and suggest any further amendments to the draft policy before submission to Cabinet for further consideration and then onto Council for adoption.

Background Papers:	None.
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APPENDIX

**CHILTERN DISTRICT COUNCIL
AND
SOUTH BUCKS DISTRICT COUNCIL

JOINT HOUSING STRATEGY
(AFFORDABLE HOUSING AND
HOMELESSNESS)
2017-2021**

CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL**JOINT HOUSING STRATEGY 2017-2021****(AFFORDABLE HOUSING AND HOMELESSNESS)**

This Strategy should be read in conjunction with the following documents:

- (i) **Chiltern District Council and South Bucks District Council Joint Private Sector Housing Strategy**
- (ii) **Chiltern District Council and South Bucks District Council Joint Temporary Accommodation Framework**

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1. INTRODUCTION

Chiltern District Council and South Bucks District Council have a range of statutory and legal housing duties including:

- Assessing current and future need for affordable housing and supporting the delivery of affordable housing to meet local needs
- Securing that advice and information is available to prevent and reduce homelessness
- Assessing applications for homelessness assistance and providing advice and support (including the provision of emergency and long term accommodation where appropriate)
- Operating an allocations scheme to allocate social housing vacancies
- Tackling poor housing conditions
- Licensing HMOs (Houses in Multiple Occupation)
- Supporting households to improve and maintain their homes and install adaptations when necessary

Since April 2014, the Councils have operated a single shared housing service to deliver many of these duties across the two districts. This service is facing significant challenges as it moves forward. The Chiltern and South Bucks districts have some of the highest housing costs in the country (outside London) for buying and renting. This is placing increasing pressure on the Shared Housing Service as more people seek help from the Councils because they cannot afford to secure housing in the private sector. In particular, there is a high demand for homelessness assistance in both districts with a large number of households in temporary accommodation (including bed and breakfast). There is also the increased risk of more landlords letting poor quality accommodation to exploit a market where low income households have no other housing options available to them.

Alongside this, opportunities to secure additional new affordable housing across both districts are being restricted by limited site availability, high land values and some private developers challenging the viability of delivering any affordable housing on site. Government subsidy for affordable rented housing is very limited and many Registered Providers (the traditional providers of affordable housing for rent and sale) have reviewed their business plans and are re-assessing what type of housing they develop and who they house. Many Registered Providers will no longer develop affordable homes for rent without significant

support and incentives from local authorities and some are now refusing to re-house clients perceived to be “high risk”. Meanwhile, welfare reforms continue to progress with increasing restrictions on the level of benefits available to support low income and workless households to meet their housing costs.

This Joint Strategy Document sets down how Chiltern District Council and South Bucks District Council are addressing these challenges as both authorities move forward.

This strategy should be read in conjunction with the following documents:

- (i) Chiltern District Council and South Bucks District Council Joint Private Sector Housing Strategy
- (ii) Chiltern District Council and South Bucks District Council Joint Temporary Accommodation Framework

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2. BACKGROUND TO JOINT HOUSING STRATEGY

Chiltern District Council and South Bucks District Council share three headline aims:

1. Delivering cost-effective, customer-focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability

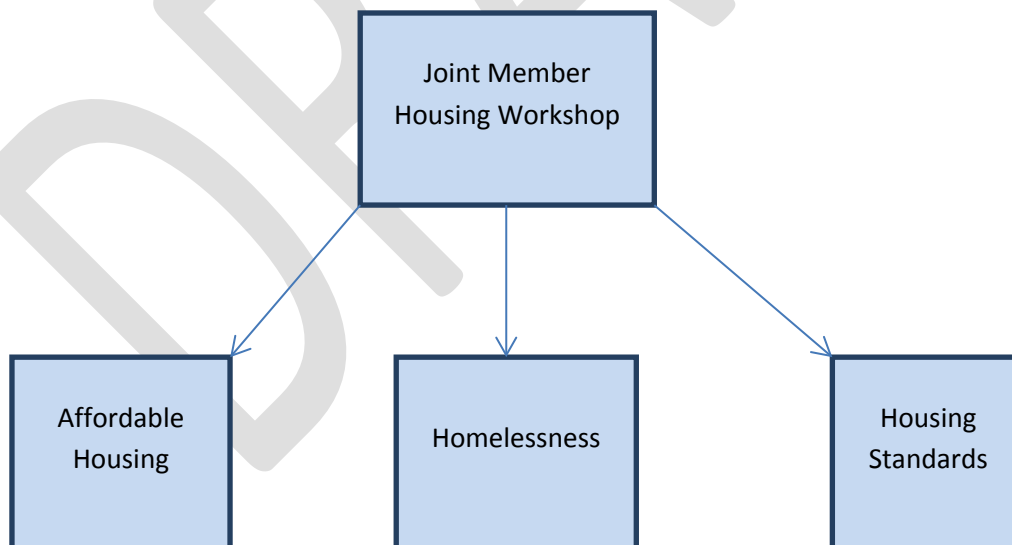
The Joint Business Plan 2016-2020 (Stronger in Partnership) published in May 2016 set down a number of actions for the Councils and the Housing service to work towards in order to deliver the shared Aims 2 and 3:

Aim 2 – Working towards safe and healthier local communities	
<p>Objective: Promote Healthier Communities</p>	<p>Actions (Housing): -Monitor effectiveness of Bucks Home Choice policy -Revise and update homelessness strategy and review actions to prevent homelessness</p>
<p>Objective: Promote local communities</p>	<p>Actions (Housing): -Work with partners to deliver Disabled Facilities Grants through the Better Care Fund</p>
Aim 3 – Striving to conserve the environment and promote sustainability	
<p>Objective: Promote sustainability</p>	<p>Actions (Housing): -Work with landowners/prospective developers to secure high quality proposals for development opportunity sites -Maintain focused monitoring of homelessness trends and provide feedback to Members and Management Team -Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness -Facilitate the provision of new affordable housing commensurate with Development Plan projections -Replenish the stock of social and affordable rented property through a targeted programme of acquisition to enable re-letting -Set up a Members Working Group to look at an affordable housing strategy (CDC only)</p>

Aim 3 – Striving to conserve the environment and promote sustainability - (Continued)	
<p>Objective: Promote sustainability (continued)</p>	<p>Actions (Housing) - continued</p> <ul style="list-style-type: none"> -Use the Council’s property assets for affordable housing where consistent with the Development Plan and supported by local communities - Encourage towns and parishes to come forward with proposals for affordable housing and facilitate their implementation -Use maximum leverage on S106 monies to provide for the needs of local families

This Joint Housing (Affordable Housing and Homelessness) Strategy Document and the joint Private Sector Housing Strategy set down the activities being undertaken across both Councils to deliver the housing requirements of the shared Joint Business Plan.

The development of this Strategy originated from a joint Housing Member Workshop held at South Bucks District Council on Wednesday 3rd February 2016 and attended by over 30 Members from both authorities. The workshop comprised briefings and discussions looking at three key areas of the Housing service:



The workshop produced a wide range of issues and ideas to be taken forward in developing a Chiltern District Council and South Bucks District Council Joint Housing Strategy. Some specific points were directly incorporated into the Joint Business Plan (see above).

Following on from the workshop, the issues and ideas raised for the Housing Standards service area have informed the development of the **Joint Private Sector Housing Strategy 2017-2021** which was formally adopted by both Councils in 2017.

For the other two areas of the service covered at the workshop, Affordable Housing and Homelessness, the development of a formal Joint Strategy was held back while officers considered the implications for the Councils of the Housing and Planning Act 2016 and subsequently the Homelessness Reduction Bill. However, a number of tasks and initiatives have moved forward in the meantime in response to the issues and tasks highlighted in the Workshop and Business Plan. These include:

- Affordable Housing Members Working Group established in Chiltern District Council
- Joint Temporary Accommodation Framework agreed and put in place
- Reviews of Council-owned sites undertaken by both Councils
- Development of Emerging Local Plan
- Joint working between Housing and Revenues Teams and key partner agencies to manage impact of welfare reforms on local residents
- Funding support for specific affordable housing developments

The Homelessness Reduction Bill received Royal Assent on 27th April 2017 and this Joint Housing Strategy is now being brought forward to address the issues of Affordable Housing and Homelessness. **This Strategy will sit alongside the Joint Private Sector Housing Strategy and Joint Temporary Housing Framework to provide the overall strategic framework for the Council's Housing service.**

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3. HOUSING SERVICE – THE FIVE MAIN CHALLENGES FOR 2017-2021

At the time of drafting this strategy document, the key affordable housing and homelessness issues facing the Council Housing Service as it moves into the 2017-2021 period can be grouped into five main challenges.

3A. Homelessness Reduction Act

3B. Housing White Paper

3C. Temporary Accommodation for Homeless Households

3D. Affordable Housing Options

3E. Affordable Housing Supply

A brief summary of the each challenge is given below in order to provide some broader context for the Action Plans that follow:

3A. Homelessness Reduction Act

The Homelessness Reduction Act was given Royal Assent on 27th April 2017 and it is anticipated that the Act will be implemented in 2018. The Act makes significant changes to the Council statutory homelessness duties as follows:

- Councils must act within 56 days of a household being threatened with homelessness (this was previously 28 days)
- Councils must try to prevent or relieve homelessness for all eligible people threatened with homelessness (including households who are not in priority need)
- Councils must offer advice to anyone who needs it on preventing homelessness, how to get accommodation, their rights and how to access help
- Advice services must in particular meet the needs of people released from prison, care leavers, former Armed Forces members, domestic abuse victims, people leaving hospital, those suffering from a mental illness and anyone else identified as particularly at risk of homelessness
- If a council believes a person is homeless or threatened with homelessness the council must assess the person's housing and support needs

The Councils will need to ensure that the Housing service has sufficient capacity to meet the new statutory requirements set down in the Act and that policies and procedures are revised to meet the Act's requirements. Alongside this, the Councils will need to be pro-active in developing more affordable housing options and more support for households in order to prevent or relieve homelessness as much as possible.

3B. Housing White Paper

The Government's Housing White Paper "Fixing Our Broken Housing Market" was published in February 2017. It has raised a number of issues which impact directly on the Emerging Chiltern and South Bucks District Council Local Plan (2014-2036). This includes proposals to introduce a standardised approach to housing needs assessment and guidance that green belt release should only take place after a Council has examined fully all other reasonable options. Until this is clarified in a revised National Planning Policy Framework, any local authority in green belt (which includes both Chiltern and South Bucks District Councils) faces significant risks in progressing a Local Plan. The White Paper proposals also have some specific implications for new affordable housing delivery. In particular, the White Paper proposes a revised National Policy definition of "Affordable Housing" that may bring in higher costs products linked to home ownership and squeeze out genuinely affordable housing for low income households. This is a particular concern for Chiltern and South Bucks where the very high local housing market costs mean that any form of discounted home ownership or shared ownership will normally be too expensive for households who are homeless or seeking rehousing via the Bucks Home Choice scheme.

3C. Temporary Accommodation

Part 7 (Homelessness) of the Housing Act 1996 places a statutory duty on the Council to secure that temporary accommodation is available to homeless households in a range of circumstances. Chiltern District Council and South Bucks District Councils are both facing significant pressures on temporary accommodation provision caused by the demand for homelessness assistance and the lack of alternative affordable housing options in both the social and private housing sectors (see statistics in Appendix 1). This has impacts on the welfare of clients and is a major financial cost to both Councils. Alongside this, Statutory Instrument 2003/3326 places a duty on Councils that a household with (or expecting) children should not be placed in bed and breakfast accommodation unless no other accommodation is available and, in any event, the period in B&B should not exceed 6 weeks. The Council is at risk of legal challenge if it breaches this requirement.

Against this backdrop, the new Homelessness Reduction Act could potentially see an increase in the number of households that the Councils have to place in temporary accommodation. Going forward, the Councils need to develop more temporary accommodation options in order to reduce the need to utilise bed and breakfast accommodation and minimise the cost. It also needs to ensure wherever possible that it can prevent or relieve homelessness in order to prevent the need for clients to be placed in temporary accommodation.

3D. Affordable Housing Supply

To date, additional affordable housing properties in Chiltern and South Bucks have been delivered by:

- Planning system (Section 106 agreements requiring that a new development includes a proportion of affordable housing)
- Registered Provider new development programmes
- Street property purchases and equity loans partially funded by commuted sums

For the Council's housing service, the key demand is for affordable rented housing. Most households who approach the Council for homelessness assistance or for re-housing via Bucks Home Choice will be unable to afford the cost of shared ownership (i.e. part-buy/part-rent) or other discounted home ownership products.

The delivery of additional housing properties in Chiltern and South Bucks has been limited in recent years (see Appendix 1) by a range of factors including:

- high land and property values,
- limited development opportunities due to green belt/AONB restrictions,
- viability challenges (whereby developers challenge Section 106 affordable housing requirements by citing that the scheme will be unviable as a result) and
- changes in the Registered Provider sector.

On the last point, the combination of Government funding cuts, rent reductions (affecting income streams) and continued welfare reforms means that all Registered Providers have been reviewing their Business plans and making significant decisions on their future direction and development strategies. Nationally, a number of Providers are shifting their focus onto developing discounted home ownership properties rather than rented housing. Sites and schemes previously earmarked for affordable rented housing have been subject to tenure change or, in some cases, sold off altogether to generate income for the provider. Some providers are also becoming more risk averse with regard to who they re-house. They are applying stricter allocation criteria and refusing some nominees on the grounds of affordability, anti-social behaviour or previous poor tenancy history etc.

The lack of additional affordable housing delivery has significant knock-on effects with homeless households facing longer periods in temporary accommodation (and the consequent cost to the Council) and others facing long periods waiting on the Bucks Home Choice scheme.

3E. Affordable Housing Options

The problems caused by the restricted amount of additional affordable housing delivery (see above) are exacerbated by the lack of alternative affordable housing options in Chiltern and South Bucks. High private sector rent levels and the continued welfare reforms mean that many low income households simply cannot afford to rent privately within the two districts. The Local Housing Allowance (the cap on Housing Benefit payable on a private sector tenancy) is £400 to £500 below the average market rent for a family home and this gap is likely to grow as LHA rates remain frozen. The situation has been made even more challenging by the latest cut in the household Benefit Cap (from £26,000 to £20,000 per annum for a family) in November 2016.

The outcome of this is that many landlords in Chiltern and South Bucks are unwilling to consider letting tenancies to households on low or even average incomes. This will become even more challenging with the roll-out of Universal Credit across both districts during 2018

In addition, across Buckinghamshire as a whole we are seeing an increasing number of homeless households being placed in private rented tenancies by other local authorities (predominantly London boroughs) who are making incentive payments direct to landlords. Currently, this is predominantly taking place in other districts within Buckinghamshire with only a small number of recorded placements in Chiltern or South Bucks. However, this will be a growing challenge as other local authorities increasingly use "out-of-borough" accommodation to meet their housing duties. This will directly impact on the private rented market and on landlord expectations on what level of support and payments they will require from us in return for providing a tenancy for a client.

The ability of the Councils to secure alternative housing for clients in the private rented sector and elsewhere has become even more important in light of the new Homelessness Reduction Act. As stated above, the Act places a clear duty on the Councils to take steps to prevent or relieve homelessness and to secure alternative housing options for clients who are seeking assistance. Without these alternative options being available, the Councils will struggle to fulfil this duty. The outcome of this will be more households having to be placed in temporary accommodation if the Council is unable to source any alternative housing options.

4. FUNDING

The table below gives an overview of some of the funding streams available to the Councils in responding to the challenges highlighted in Section 3 and in taking forward the actions set down in Section 5

FUNDING	CHILTERN DC	SOUTH BUCKS DC
Housing Revenue Budgets	Details in Annual Budget Book	Details in Annual Budget Book
Discretionary Housing Payments (DHP) <ul style="list-style-type: none"> - DHP is available to alleviate financial hardship where a tenant needs additional help to meet rent payments - 	Annual allocation managed by Revenues and Benefits Team	Annual allocation managed by Revenues and Benefits Team
Capital Funding <ul style="list-style-type: none"> - Section 106 Affordable Housing Contributions - Affordable Housing Capital Reserves - 	Ongoing	Ongoing
DCLG Flexible Homelessness Support Grant <ul style="list-style-type: none"> - This replaces the Temporary Accommodation Fee that was previously paid to some local authorities (not to CDC or SBDC). The grant is intended for use by authorities to support a full range of homelessness prevention and support services. 	2017/18 = £95,226.02 2018/19 = £109,566.78	2017/18 = £113,007.38 2018/19 = £130,025.97
DCLG Community Housing Fund <ul style="list-style-type: none"> - This fund is intended to help the Council support local communities to develop their capacity and skills in order to be able to lead and deliver new housing schemes for local people. The delivery of new homes could be delivered by a number of routes including community- led housing organisations, Community Land Trusts and/or partnerships with developers or Registered Providers. 	2016/17 = £14,596 2017/18 = £14,596	2016/17 = £12,834 2017/18 = £12,834

FUNDING (Continued)	CHILTERN DC	SOUTH BUCKS DC
DCLG Homelessness Prevention Trailblazer	A total of £625,998 has been allocated from the DCLG to support a Trailblazer project in Bucks following the successful County-wide bid led by AVDC. The County-wide "Building Resilience" scheme will be delivered by Connection Support who will work with statutory agencies (including CDC and SBDC) to deliver early intervention support to prevent homelessness.	
DCLG Funding Support for Implementation of Homelessness Reduction Act 2017	DCLG advises that £61 million will be made available nationally to support Councils in implementing the Act. No specific Council allocations have yet been made and no timescale for payments has been published.	

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5. HOUSING SERVICE ACTION PLANS 2017-2021

This section contains a series of Action Plans setting down the objectives and associated actions for the Councils in respect of:

- Affordable Housing Delivery
- Homelessness

Each of these two areas has been sub-divided into separate Action Plans for Chiltern District Council and South Bucks District Council. A number of the objectives and actions are common to both districts and in these situations we will explore opportunities for shared working across the two districts to deliver the outcomes that we are seeking.

The objectives and actions within the Plans have been drawn from a range of sources including:

- The outcomes and recommendations of the joint Member Housing Workshop held on 3rd February 2016
- Chiltern District Council and South Bucks District Council Joint Business Plan 2016-2020
- The Chiltern District Council and South Bucks District Council joint Temporary Accommodation Framework document
- The Action Plan for the Chiltern District Council AHMWG (Affordable Housing Members Working Group)
- Government guidance and legislative announcements including the Homelessness Reduction Act 2017 and the Housing White Paper (Fixing our Broken Housing Market)

These Action Plans are specifically referring to objectives and actions for the Council's Housing Service. Some of these objectives and actions will overlap with other services (e.g. Planning, Estates, Finance, Revenues and Benefits etc.) and the Housing Service will work jointly with the services concerned in taking these forward.

To assist in distinguishing the Plans, the numbered actions in the Chiltern District Council Plans are prefaced with the letter C (e.g. C1) and the numbered actions in the South Bucks District Council Plans are prefaced with the letter S (e.g. S1)

CHILTERN DISTRICT COUNCIL – AFFORDABLE HOUSING DELIVERY – ACTION PLAN

	OBJECTIVE	Actions and Progress to Date
C1	Set up a Members Working Group to look at an affordable housing strategy	AHWMG (Affordable Housing Member Working Group) was established in July 2016
C2	Ensure that the need to maximise affordable housing delivery is embedded in CDC corporate working	<p>Affordable housing delivery is embedded in Joint Business Plan 2016-2020 (Stronger in Partnership) Aims and Actions</p> <p>Emerging Local Plan process is ongoing and the Plan's approach to affordable housing will be evidence led. The process is currently assessing the potential impact of the Housing White Paper.</p>
C3	Support joint working with affordable housing providers to deal with CDC corporately when bringing forward proposals	<p>Presentations were made by Paradigm Chief Executive to the AHWG (8/11/17) and full Council (10/1/17) on joint working opportunities.</p> <p>Development Control Manager and Housing Service are working with Paradigm to review development opportunities on sites in Paradigm ownership. This could provide a template for an effective corporate approach to working with affordable housing providers.</p> <p>The CDC/SBDC Joint Planning Team is holding a workshop in July 2017 with L&Q and Paradigm to look at Estate Renewal opportunities on land owned by them.</p>
C4	Support the development of the Emerging Chiltern and South Bucks District Council Local Plan (2014-2036)	See C2
C5	Assess CDC sites to identify opportunities for affordable housing development	CDC-owned sites have been identified and reviewed by the AHMWG. Where review has identified an affordable housing opportunity this is being taken forward on a site by site basis

C6	Assess potential for CDC to acquire and assemble sites	AHMWG has concluded local land values may result in CDC quickly exhausting its capital resources if it started a general programme of acquiring sites. Potential acquisitions will be assessed on a scheme-by-scheme basis.
C7	Call for sites from Towns and Parish Councils	This has been undertaken as part of the "Call for Sites" in connection with the development of the Emerging Local Plan
C8	Appointment of consultant to develop Rural Housing Exception Sites	<p>AHMWG has decided to not to appoint consultant at this time.</p> <p>Officers to take forward a consultation with Town and Parish Councils to establish what level of interest there is in exploring opportunities for rural exception schemes.</p> <p>Government has launched a Community Housing Fund to support community-led housing developments in areas which have significant numbers of second homes. CDC has received funding of approximately £27,000 and will use it to promote community-led housing opportunities and support specific schemes.</p>
C9	Assess possibilities for additional/expansion of current Park Homes	Park Home Sites are in the Green Belt and so expansion options need to be considered against planning policy. Officers are to review list of sites and assess opportunities.
C10	Discuss with Paradigm Housing Group to bring forward potential opportunities for additional affordable housing development on PHG owned sites in Chiltern	See C3
C11	Consider the resource opportunities to return empty homes to use to deliver additional affordable housing	<p>Capacity Grid has completed review of the Council Tax database to ensure that Empty Property records are up to date and accurate.</p> <p>Housing officers will be assessing the updated records and review the number and type of long term empty properties and</p>

		identify what opportunities exist to return them back to use to support the Council's housing service.
C12	Replenish the stock of social and affordable rented property through a targeted programme of acquisition to enable re-letting	The most recent acquisition programme was undertaken by Paradigm Housing in 2014 with CDC Grant subsidy. Subsequent proposals for a further acquisition programme were put on hold following changes to in Government policy on Registered Providers. This will be kept under review by officers in consultation with Paradigm and other potential providers.
C13	Utilise available capital funds from commuted sums and reserves to facilitate affordable housing provision and ensure that these funds are used smartly to derive maximum return from investing capital (e.g. site assembly, match funding etc.)	Allocation of £280,000 was agreed to support Paradigm to convert the development of its site at Springett Place, Amersham (7 dwellings), from shared ownership to affordable rented housing. Other opportunities to utilise capital funds will be assessed as and when they arise.
C14	Work with other public sector bodies who have land and property in Chiltern/South Bucks to explore opportunities to deliver affordable housing	No specific opportunities identified to date. Discussions with other bodies are ongoing.
C15	Explore options for: - leasing Council-owned land/sites for development or - acquiring properties and leasing them to other agencies (e.g. registered provider), with CDC retaining an interest in the land/property and receiving an income.	No models have been identified to date that would give a reasonable rate of return to the Council. Officers are continuing to explore options.

SOUTH BUCKS DISTRICT COUNCIL – AFFORDABLE HOUSING DELIVERY – ACTION PLAN

	OBJECTIVE	Actions and Progress to Date (May 2017)
S1	Ensure that the need to maximise affordable housing delivery is embedded in SBDC corporate working	<p>Affordable housing delivery is now embedded in Joint Business Plan 2016-2020 (Stronger in Partnership) Aims and Actions</p> <p>The Emerging Local Plan process is ongoing and the Plan's approach to affordable housing will be evidence led. The process is currently assessing the potential impact of the Housing White Paper.</p>
S2	Support the development of the Emerging Chiltern and South Bucks District Council Local Plan (2014-2036)	See S1
S3	Assess SBDC-owned sites to identify opportunities for affordable housing	A general review of land assets held by SBDC has been undertaken. This was not undertaken to identify affordable housing opportunities. Affordable housing provision on SBDC-owned sites will be assessed on a site by site basis if and when deemed appropriate by the Council.
S4	Promote joint working with affordable housing providers (Registered Providers) to work with SBDC and develop more affordable housing	<p>Officers are working with Registered Providers and developers to develop new affordable housing as and when site opportunities arise.</p> <p>A total of 27 new build affordable rented homes are due to be delivered in South Bucks in 2017. This will be the first new build affordable housing properties delivered in the district since 2014/15.</p> <p>The CDC/SBDC Joint Planning Team is holding a workshop in July 2017 with L&Q and Paradigm to look at Estate Renewal opportunities on land owned by them.</p>

S5	Assess potential for SBDC to acquire and assemble sites	Opportunities to acquire sites are being assessed by SBDC on a case by case basis. Affordable housing provision in relation to a proposed site acquisition will be assessed on a site by site basis if and when deemed appropriate by the Council.
S6	Encourage towns and parishes to come forward with proposals for affordable housing and facilitate their implementation	<p>Town and Parish Councils were included in the "Call for Sites" in connection with the development of the Emerging Local Plan</p> <p>Officers to take forward a consultation with Town and Parish Councils to establish what level of interest there is in exploring opportunities for rural exception schemes</p> <p>Government has launched a Community Housing Fund to support community-led housing developments in areas which have significant numbers of second homes. SBDC has received funding of approximately £25,000 and will use it to promote community-led housing opportunities and support specific schemes.</p>
S7	Consider the resource opportunities to return empty homes to use to deliver additional affordable housing	<p>Capacity Grid has completed review of the Council Tax database to ensure that Empty Property records are up to date and accurate.</p> <p>Housing officers will be assessing the updated records and review the number and type of long term empty properties and identify what opportunities exist to return them back to use to support the Council's housing service.</p>
S8	Replenish the stock of social and affordable rented property through a targeted programme of acquisition to enable re-letting	L&Q is continuing to undertake a programme of acquisitions in South Bucks supported by SBDC grant funding of up to £80,000 per property (funded by Section 106 Affordable Housing Contributions). These were let to SBDC-nominees. High local house prices have made it increasingly challenging for L&Q to secure properties within the price range that it can afford. A total of 4 acquisitions took place in 2016/17.

S9	<p>Utilise available capital funds from commuted sums and reserves to facilitate affordable housing provision and ensure that these funds are used smartly to derive maximum return from investing capital (e.g. site assembly, match funding etc.)</p>	<p>SBDC has an ongoing programme of utilising Section 106 Affordable Housing Contributions to support additional affordable housing delivery, including the L&Q acquisition programme (see S8).</p> <p>A specific allocation of £235,000 was agreed to support Hightown Housing Association to deliver 12 affordable rented homes on the former SGT site in Taplow which is due for completion in September 2017..</p> <p>Other opportunities to utilise capital funds will be assessed as and when they arise.</p>
S10	<p>Work with other public sector bodies who have land and property in Chiltern/South Bucks to explore opportunities to deliver affordable housing</p>	<p>Discussions are ongoing with other public sector bodies on potential opportunities. These will be brought forward for consideration as and when appropriate.</p>
S11	<p>Explore options for:</p> <ul style="list-style-type: none"> - leasing Council-owned land/sites for development or - acquiring properties and leasing them to other agencies (e.g. registered provider), <p>with SBDC retaining an interest in the land/property and receiving an income.</p>	<p>Following the SBDC acquisition of the Gerrards Cross Police Station site in March 2017, the Council now has a short term arrangement in place to lease 8 former Police Houses to Bucks Housing Association to be utilised as temporary accommodation. This could provide a template model for other similar arrangements. The rate of return will be limited by the levels of rent that can be charged and the tenancy management costs associated with the properties.</p> <p>Officers are continuing to explore options as and when further opportunities arise.</p>

CHILTERN DISTRICT COUNCIL – HOMELESSNESS - ACTION PLAN

	OBJECTIVE	Actions and Progress to Date (May 2017)
C1	Monitor effectiveness of Bucks Home Choice policy and ensure social housing stock is being used as effectively as possible	<p>CDC/SBDC leads both the countywide Management Board and the Practitioner Group which regularly reviews the operation of the Bucks Home Choice scheme. The Board is currently reviewing the scheme Allocations Policy to identify what amendments may be required in view of current housing circumstances in Bucks and the requirements of the Homelessness Reduction Act 2017.</p> <p>Officers are also monitoring allocations within Chiltern district on a regular basis to ensure that the scheme is targeting local need as effectively as possible.</p>
C2	Agree and implement Temporary Accommodation Framework document	Temporary Accommodation Framework document is agreed and in place to ensure that CDC fulfils its statutory duties under Part 7 of the Housing Act 1996 and provide a clear and transparent framework for the Council in securing and allocating temporary accommodation
C3	Optimise current temporary accommodation provision	The measures and processes in the Temporary Accommodation Framework document (see C1) are ensuring that the current temporary accommodation provision is used effectively.
C4	Ensure all necessary procedures and documentation in place to implement the provisions of the Homelessness Reduction Act 2017	<p>Officers are reviewing the contents of the Act to assess the appropriate changes to policy and procedures. This is will informed by Government guidance as and when it is published, training from the NPSS (National Practitioner Support Service) and other guidance and advice that is available.</p> <p>The date for the Act to be enacted is not yet known. It is anticipated that this will be early 2018, but officers will be working get the necessary changes in place as early as possible.</p>

C5	Prevent or relieve homelessness wherever possible to minimise the demand for temporary accommodation	<p>In line with the requirements of the Homelessness Prevention Act (see C4) officers will review the measures that are currently available to prevent homelessness and identify what could be done to increase successful preventions. This will include assessing how we can make best use of the financial resources available to support this, including:</p> <ul style="list-style-type: none"> - CDC Homelessness Prevention Fund (within Housing revenue budget) - CDC Discretionary Housing Payments (administered by the Revenues and Benefits team) - DCLG Flexible Homelessness Support Grant - DCLG Funding to support implementation of Homelessness Prevention Act 2017 (to be confirmed)
C6	Work with Registered Providers to secure: -additional temporary accommodation and - more private rented tenancy options.	<p>CDC already works with Registered Providers to maximise the use of temporary self - contained accommodation from within their existing housing stock, including the 20-unit Tom Scott House owned by Paradigm Housing. CDC will continue to look at more temporary accommodation opportunities with Paradigm and other providers.</p> <p>It will also explore options for registered providers to deliver more private rented accommodation that CDC can utilise to provide housing options for clients and/or discharge its homelessness duty. This will include models such as private sector leasing schemes. Any initiatives can potentially be supported by the funding streams summarised in C5 above.</p>
C7	Working with the private rental sector to secure: - temporary accommodation and - private rented tenancies for clients to prevent or relieve homelessness	<p>Officers have secured an increasing supply of self-contained accommodation from private accommodation providers to minimise the use of bed and breakfast accommodation. However, the ability to secure private rented tenancies for clients remains challenging due</p>

		<p>to high local rent levels and welfare benefit restrictions.</p> <p>Officers are reviewing how the Council can work with private landlords and letting agents to secure more private rented accommodation for clients including looking at:</p> <ul style="list-style-type: none"> - payments/guarantees to help meet the cost of deposits and rent in advance - funding the shortfall between rent levels and benefit levels - rent guarantees - incentive payments to landlords - use of Credit Union to support clients to meet up front tenancy costs - private sector leasing schemes (including schemes delivered by Registered Providers) <p>Any new models can potentially be funded from the resources highlighted in C5 above.</p>
C8	<p>Look for opportunities to develop additional temporary accommodation on CDC-owned land (including possible low cost development using off-site construction, pre-fab, mobile homes etc.)</p>	<p>No opportunities have been identified as yet. Any potential scheme will be assessed on an "invest to save" basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation</p>
C9	<p>Explore options to work with South Bucks District Council and other statutory partners to secure additional temporary accommodation provision</p>	<p>CDC will assess opportunities for the shared housing service to deliver joint provision that can support both authorities. It will also consider any opportunities that arise for joint working with other partners (including Wycombe District Council and Aylesbury Vale District Council) to deliver additional temporary accommodation provision.</p>

C10	Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness	<p>CDC operates a joint forum between the Housing and Revenues Team and Paradigm Housing to share information, monitor tenants affected by Housing Benefit changes and target intervention as required. This will continue to operate as further reforms come into effect, including the roll-out of Universal Credit (June 2018) and the introduction of LHA (Local Housing Allowance) caps for Registered Provider tenants from April 2019.</p> <p>CDC will also seek to mitigate the impact of Housing Benefit changes by:</p> <ul style="list-style-type: none"> - utilising DHP (Discretionary Housing Payments) where appropriate, - supporting agencies such as CAB to deliver welfare benefits and debt advice direct to clients and - potentially utilising funding from other sources as listed in C5 above.
C11	Work in partnership with other agencies to secure suitable advice and support to prevent and relieve homelessness	<p>CDC provides grant funding to Chiltern CAB and Connection Support (Housing Interaction Trust) to deliver advice and support services that target homeless intervention. CDC monitors these services on a quarterly basis.</p> <p>CDC will continue to engage with other partnerships and services that directly impact on homelessness prevention in the district.</p>
C12	Work with the Bucks "Building Resilience" Service to ensure that early intervention is targeted as effectively as possible in the District.	<p>CDC/SBDC was part of a countywide bid led by Aylesbury Vale District Council which secured DCLG funding totalling £625,996 from the Homelessness Prevention Trailblazer fund. This is being used to establish the "Building Resilience" service to provide targeted early intervention to persons who are at risk of homelessness. Connection Support was appointed in April 2017 to deliver the project and CDC/SBDC is member of the Steering Group that is taking the project forward.</p>

SOUHT BUCKS DISTRICT COUNCIL – HOMELESSNESS - ACTION PLAN

	OBJECTIVE	Actions and Progress to Date (May 2017)
S1	Monitor effectiveness of Bucks Home Choice policy and ensure social housing stock is being used as effectively as possible	<p>CDC/SBDC leads both the countywide Management Board and the Practitioner Group which regularly reviews the operation of the Bucks Home Choice scheme. The Board is currently reviewing the scheme Allocations Policy to identify what amendments may be required in view of current housing circumstances in Bucks and the requirements of the Homelessness Reduction Act 2017.</p> <p>Officers are also monitoring allocations within South Bucks district on a regular basis to ensure that the scheme is targeting local need as effectively as possible.</p>
S2	Agree and implement Temporary Accommodation Framework document	The Temporary Accommodation Framework document is agreed and in place to ensure that SBDC fulfils its statutory duties under Part 7 of the Housing Act 1996 and provide a clear and transparent framework for the Council in securing and allocating temporary accommodation
S3	Optimise current temporary accommodation provision	The measures and processes in the Temporary Accommodation Framework document (see S1) are ensuring that the current temporary accommodation provision is used effectively.
S4	Ensure all necessary procedures and documentation in place to implement the provisions of the Homelessness Reduction Act 2017	Officers are reviewing the contents of the Act to assess the appropriate changes to policy and procedures. This is will informed by Government guidance as and when it is published, training from the NPSS (National Practitioner Support Service) and other

		<p>guidance and advice that is available.</p> <p>The date for the Act to be enacted is not yet known. It is anticipated that this will be early 2018, but officers will be working get the necessary changes in place as early as possible.</p>
S5	<p>Prevent or relieve homelessness wherever possible to minimise the demand for temporary accommodation</p>	<p>In line with the requirements of the Homelessness Prevention Act (see S4) officers will review the measures that are currently available to prevent homelessness and identify what could be done to increase successful preventions. This will include assessing how we can make best use of the financial resources available to support this, including:</p> <ul style="list-style-type: none"> - SBDC Homelessness Prevention Fund (within Housing revenue budget) - SBDC Discretionary Housing Payments (administered by the Revenues and Benefits team) - DCLG Flexible Homelessness Support Grant - DCLG Funding to support implementation of Homelessness Prevention Act 2017 (to be confirmed)
S6	<p>Work with Registered Providers to secure:</p> <p>-additional temporary accommodation and</p> <p>- more private rented tenancy options.</p>	<p>SBDC already works with Registered Providers to maximise the use of temporary self-contained accommodation from within their existing housing stock or via leasing arrangements. SBDC currently secures dwellings from directly from L&Q and Paradigm and also utilises the eight former Police Houses in Gerrards Cross via a leasing arrangement with Bucks Housing Association. SBDC will continue to look at more temporary accommodation opportunities with these and other Registered Providers.</p>

		<p>It will also explore options for registered providers to deliver more private rented accommodation that the Council can then utilise to provide housing options for clients and/or discharge its homelessness duty. This will include models such as private sector leasing schemes. Any initiatives can potentially be supported by the funding streams summarised in S5 above.</p>
S7	<p>Working with the private rental sector to secure:</p> <ul style="list-style-type: none"> - temporary accommodation and - private rented tenancies for clients to prevent or relieve homelessness 	<p>Officers have secured an increasing supply of self-contained accommodation from private accommodation providers to minimise the use of long term bed and breakfast accommodation for SBDC clients. However, the ability to secure private rented tenancies for clients remains challenging due to high local rent levels and welfare benefit restrictions.</p> <p>Officers are reviewing how SBDC can work with private landlords and letting agents to secure more private rented accommodation for clients including looking at:</p> <ul style="list-style-type: none"> - payments/guarantees to help meet the cost of deposits and rent in advance - funding the shortfall between rent levels and benefit levels - rent guarantees - incentive payments to landlords - use of Credit Union to support clients to meet up front tenancy costs - private sector leasing schemes (including schemes delivered by Registered Providers) <p>Any new models can potentially be funded from the resources highlighted in S5 above.</p>

S8	Look for opportunities to develop additional temporary accommodation on SBDC-owned land (including possible low cost development using off-site construction, pre-fab, mobile homes etc.)	Opportunities are being explored as and when a potential site is identified for consideration. Any potential scheme will be assessed on an "invest to save" basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation
S9	Explore options to work with Chiltern District Council and other statutory partners to secure additional temporary accommodation provision	SBDC will assess opportunities for the shared housing service to deliver joint provision that can support both authorities. It will also consider any opportunities that arise for joint working with other partners (including Wycombe District Council and Aylesbury Vale District Council) to deliver additional temporary accommodation provision.
S10	Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness	<p>The shared Housing Team has a regular Forum with the Revenues and Benefits section to monitor tenants affected by Housing Benefit changes across SBDC and CDC. This Forum identifies vulnerable clients and targets intervention as required. This will continue to operate as further reforms come into effect, including the roll-out of Universal Credit (June 2018) and the introduction of LHA (Local Housing Allowance) caps for Registered Provider tenants from April 2019.</p> <p>SBDC will also seek to mitigate the impact of Housing Benefit changes by:</p> <ul style="list-style-type: none"> - utilising DHP (Discretionary Housing Payments) where appropriate, - supporting agencies such as CAB to deliver welfare benefits and debt advice direct to clients and - potentially utilising funding from other sources as listed in S5 above. -

S11	Work in partnership with other agencies to secure suitable advice and support to prevent and relieve homelessness	SBDC provides grant funding to South Bucks CAB to support the delivery of advice and support services that support homelessness prevention. SBDC continues to engage with other partnerships and services that directly impact on homelessness prevention in the district.
S12	Work with the Bucks “Building Resilience” Service to ensure that early intervention is targeted as effectively as possible in the District.	CDC/SBDC was part of a countywide bid led by Aylesbury Vale District Council which secured DCLG funding totalling £625,996 from the Homelessness Prevention Trailblazer fund. This is being used to establish the “Building Resilience” service to provide targeted early intervention to persons who are at risk of homelessness. Connection Support was appointed in April 2017 to deliver the project and CDC/SBDC is member of the Steering Group that is taking the project forward.

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APPENDIX**BACKGROUND STATISTICS****A1. - SOCIAL HOUSING LETTINGS**

Social housing tenancies are allocated via the Bucks Home Choice scheme (for more details please go to www.buckshomechoice.gov.uk)

Number of households seeking a social housing tenancy:

As at 16th May 2017, the number of applicants registered for re-housing on the Bucks Home Choice scheme were as follows:

Property size required	Number of Applicants	
	CDC	SBDC
1 bedroom	364	277
2 bedrooms	77	116
3 bedrooms	89	69
4 bedrooms	11	5
Total	541	467

Availability of social housing tenancies:

Chiltern District Council – Lettings via Bucks Home Choice 1/4/16 to 31/3/17		
Property Type	Number of lettings	Average time spent on Housing Register for applicant offered tenancy
Sheltered	43	19 months
Studio	1	120 months
1 bedroom general needs	77	19 months
2 bedroom flat/maisonette	71	8 months
2 bedroom house	31	13 months
3 bedroom flat/maisonette	3	7 months
3 bedroom house	29	31 months
4 bedroom or more	0	No lettings
TOTAL LETTINGS	255	

South Bucks District Council – Lettings via Bucks Home Choice 1/4/16 to 31/3/17		
Property Type	Number of lettings	Average time spent on Housing Register for applicant offered tenancy
Sheltered	22	9 months
Studio	1	2 months
1 bedroom general needs	36	18 months
2 bedroom flat/maisonette	32	15 months
2 bedroom house	10	15 months
3 bedroom flat/maisonette	1	17 months
3 bedroom house	10	28 months
4 bedroom or more	2	23 months
TOTAL LETTINGS	114	

Headlines:

- The turnover and availability of social housing lettings does not meet the overall demand for tenancies. This is particularly challenging in South Bucks.
- The availability of larger family-sized housing (i.e. 3 or more bedrooms) across both districts is limited in comparison with demand. This has a particular impact on the ability of both Councils to secure long term accommodation for households who are homeless or threatened with homelessness (with a consequent knock-on effect on the length of time that larger families have to spend in temporary accommodation).

A.2 - HOMELESSNESS**(a) Total Number of Homelessness Applications for Assistance**

	Year							
	2013/14		2014/15		2015/16		2016/17	
	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SBDC
Total number of homeless applications for assistance	56	59	87	75	95	88	80	102

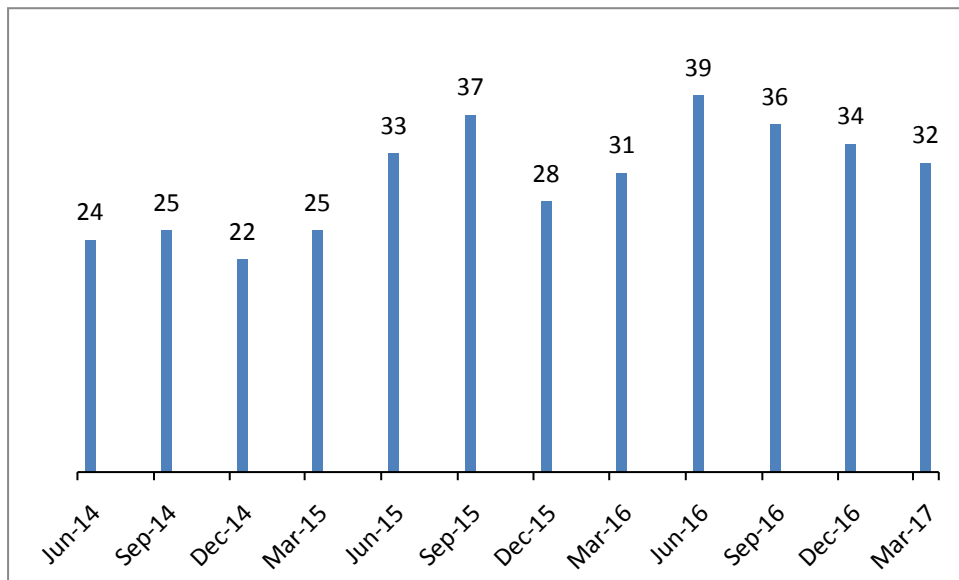
(b) Accepted Homelessness Applications & Reasons

Out of the total number of applications in Table (a) above the following applications were accepted as being subject to the Council's main housing duty to secure accommodation.

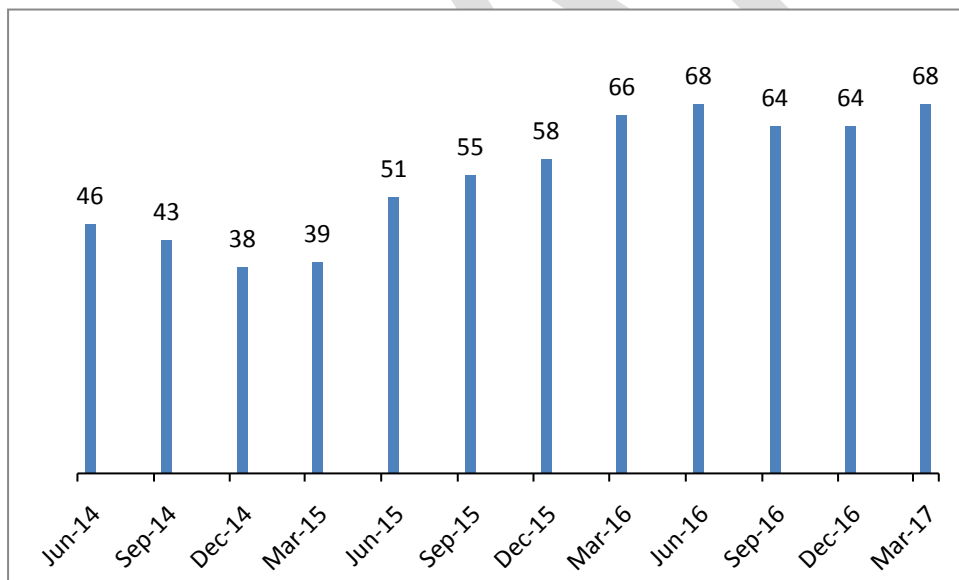
Homeless Cases Accepted as Duty to Secure Accommodation								
Reason for Homelessness	Year							
	2013/14		2014/15		2015/16		2016/17	
	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SBDC
Parents/Family not willing to accommodate	3	25	24	19	21	30	14	27
End of Tenancy by Landlord	10	14	21	17	22	15	17	18
Domestic Violence	2	4	7	3	7	6	8	8
Other Violence/Harassment	1	0	0	1	7	3	0	3
Rent/Mortgage Arrears	5	0	4	0	1	2	6	2
Other	3	1	3	7	5	11	5	9
Total	24	44	59	47	63	67	50	67

(c) Number of Homeless Households in Temporary Accommodation

Chiltern DC - Quarterly Snapshot of Number of Households in TA



South Bucks DC - Quarterly Snapshot of Number of Households in TA



Headlines:

- Both Chiltern and South Bucks have seen an upturn in applications for homelessness assistance since 2013/14
- South Bucks District Council is facing significant pressures on temporary accommodation. The challenge facing the Council in moving on families from temporary accommodation is exacerbated by the limited availability of social housing tenancies in the district (see above)

A3 - DELIVERY OF ADDITIONAL AFFORDABLE HOUSING**Number of additional affordable homes (rented or shared ownership) delivered since 2011/12**

The table below summarises the number of additional affordable homes delivered by Registered Providers in Chiltern and South Bucks since 2011/12:

YEAR	DISTRICT							
	CHILTERN				SOUTH BUCKS			
	New Build Rent	New Build S/Owners	Purchases	Other	New Build Rent	New Build S/Owners	Purchases	Other (Equity Loan)
2011/12	26	3	0	0	15	0	9	9
2012/13	57	35	0	0	7	17	4	8
2013/14	6	0	8	0	12	3	4	3
2014/15	34	0	7	0	6	0	10	0
2015/16	18	4	0	0	0	0	2	3
2016/17	26	9	0	0	4	0	5	2

Headlines:

- The level of new build rented affordable housing has fluctuated from year to year and has been particularly limited in South Bucks in recent years. This is due to a range of factors including (i) limited development opportunities coupled with high land values, (ii) changes in the funding arrangements for Registered Providers and (iii) increasing numbers of housing developers challenging the viability of delivering affordable housing on site and instead paying an affordable housing contribution (or no contribution)
- The purchase of existing properties by registered providers has contributed to delivering additional affordable homes across both districts. However, this has declined in recent years due to rising house prices and the increasing levels of subsidy required to make such schemes viable.

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SUBJECT:	CORPORATE ENFORCEMENT POLICY
REPORT OF:	<i>Healthy Communities – Councillor Paul Kelly</i>
RESPONSIBLE OFFICER	<i>Anita Cacchioli, Interim Director of Services Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Ian Snudden, 01494 732057, isnudden@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The PAG is asked to advise the Portfolio Holder on the following recommendation(s) regarding the adoption of the Corporate Enforcement Policy.

RECOMMENDATION that Cabinet recommend to Council the approval of the draft Corporate Enforcement Policy for regulatory compliance and enforcement services at Appendix 1.

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Reasons for Recommendations

The Regulators’ Code came into statutory effect on 6 April 2014. A key action required to comply with the Code is to have an enforcement policy explaining how the local authority responds to regulatory non-compliance. With the majority of services now being shared across both Chiltern and South Bucks District Councils it is appropriate at this time to review the enforcement policies and to publish a joint Corporate Enforcement Policy that sets out the guiding principles of how regulatory services will engage with those they regulate.

3. Report

The government is committed to reducing regulatory burdens on business and supporting the growth of compliant businesses through open and constructive relationships between regulators and those they regulate.

The Regulators’ Code came into statutory effect on 6 April 2014, replacing the Regulators’ Compliance Code. It provides a principles-based framework for how regulators should engage with those they regulate. The specific local authority services covered by the regulatory code are all within the Services Directorate (food safety, environmental protection, health and safety, private sector housing, public health, waste and licensing). There are also a number of other regulatory and enforcement services which are not covered by the code most notably Planning, Building Control, Revenues and Benefits and Parking Services enforcement. However the broad principles contained within the draft enforcement policy are equally applicable to all council enforcement services and it is therefore recommended that this is adopted as a corporate approach to enforcement.

Local authorities need to have regard to the Code when developing standards, policies or procedures that either guide their regulatory activities with business or apply to other regulators.

The Regulator's Code

The Regulator's Code is based on 6 broad principles which are set out below. The Code contains a section on each of these which sets out what is expected of the regulator in each case:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- Regulators should provide straightforward ways to engage with those they regulate and hear their views;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent.

A key action required to ensure compliance with the Code is to have an enforcement policy explaining how the local authority responds to non-compliance. The majority of regulatory services are now within shared services across Chiltern and South Bucks District Councils and so it is an opportune time to develop a joint Corporate Enforcement Policy that sets out the main principles of enforcement for all regulatory compliance and enforcement services.

It is also a requirement of the Code that mechanisms are put in place to engage with those they regulate including engagement in the development and review of policies and service standards.

Overview of the Enforcement Policy

Chiltern and South Bucks District Councils carry out a wide range of regulatory roles in meeting its many statutory duties of protecting the public, individuals and the environment. These functions are discharged through a combination of programmed inspections, responding to complaints, issuing licences and offering advice. This policy is an overarching policy that applies to all the Councils' services with enforcement duties but it should be noted that various additional service specific enforcement requirements may also apply.

The enforcement policy is intended to protect the public, the environment, consumers and workers through:

- Enforcing the law in a fair, equitable and consistent manner;
- Assisting broadly compliant businesses to meet their legal obligations;
- Taking firm action against those who flout the law or act irresponsibly.

The policy sets out the broad approach that the Councils will take to enforcement which takes account of the Regulator's Code and commits us to being:

- *Proportionate* – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence;
- *Accountable* – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- *Consistent* – our advice to those we regulate will be robust and reliable and we will respect advice provided by others;
- *Transparent* – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- *Targeted* – we will focus our resources on higher risk enterprises and activities.

Services covered by the policy will work with and consult other council services, partners and other regulators where there is a shared or complementary enforcement role to ensure a consistent approach to enforcement and to avoid duplication.

The policy sets out the levels of enforcement action available to the councils, how we will determine which action is appropriate in the event of non-compliance and how we will conduct our investigations.

4. Consultation

The draft enforcement policy has been consulted upon internally with other regulatory services and externally with trade representative bodies. This took the form of an online survey advertised through the Councils' websites and specific email contact with local Chambers of Commerce, Revitalisation groups and Bucks Business First.

Two responses were received, both in support of the policy. The policy has been slightly amended at 3.8 in response to a comment to make it clearer when correspondence is posted to help those who have been asked to respond back to the councils.

5. Options

No alternative options have been identified which would secure compliance with the Regulators' Code

7. Corporate Implications

Reports must include specific comments addressing the following implications;

3.1 Financial - none

3.2 Legal – local authorities with enforcement and regulatory services are required to have enforcement policies that comply with the Regulator's Code

8. Links to Council Policy Objectives

This policy contributes to the key aims and objectives of:

1. Delivering cost- effective, customer- focused services
2. Working towards safe and healthier local communities

and the Joint Business Plan 2016-20.

9. Next Step

When approved, the Corporate Enforcement Policy will be published on the Councils' websites. Staff briefings will be held to promote the principles within the corporate policy and Heads of Service will be required to have regard to it when developing their own service plans.

Background Papers:	Regulator's Code
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**CHILTERN DISTRICT COUNCIL
and
SOUTH BUCKS DISTRICT COUNCIL**

CORPORATE ENFORCEMENT POLICY

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ENFORCEMENT POLICY

1. INTRODUCTION

- 1.1 A Joint Sustainable Community Strategy 2013-2026, has been produced by the Chiltern and South Bucks Strategic Partnership and sets out the long-term aspirations and vision of the communities in Chiltern and South Bucks. One aspect of the Partnership's joint vision is for *'Chiltern and South Bucks Districts to be places with prosperous and diverse economies that encourage local employers and small businesses so we can protect the areas' economy for the future and achieve a better balance between the jobs available and the people to fill them;*
- 1.2 To this end, regulatory services within both councils will work in partnership with businesses and organisations to achieve this. However it is recognised that enforcement action plays a part in this, ensuring not only legal compliance and safeguards, but also a fair and equal business environment in which those that seek to gain economic advantage through illegal means are appropriately dealt with. Therefore in circumstances where enforcement is necessary the councils will use appropriate powers to achieve legal compliance.
- 1.3 This policy is also designed to address residents or businesses who contravene legislation in terms of, for example, food and health and safety, environmental protection, council tax fraud, housing benefit fraud, non-domestic rates debts, non-payment of council tax and non-compliance with planning and building control requirements, car parking contraventions and fraudulently obtaining council services.
- 1.4 The aim for both councils is to ensure clear and consistent enforcement which takes account of national guidance and good practice in terms of decision-making and enforcement practise. All enforcement decisions will be made in accordance with this Policy. Whilst some areas of work have more detailed enforcement arrangements and specific policies, the principles of this policy will continue to apply.
- 1.5 This Policy is intended to provide general guidance for officers, businesses, consumers and the public as regards the approach that will normally be taken in relation to the enforcement of the relevant statutory provisions. It does not fetter the discretion of the councils to take legal proceedings where this is considered to be in the public interest.

2. MEANING OF 'ENFORCEMENT'

- 2.1 Whilst the Regulator's Code only applies to enforcement activities undertaken in respect of environmental health and licensing services, the overriding principles of the Code will also be applied to others with enforcement responsibilities.
- 2.2 'Enforcement' includes any action taken by officers including both criminal and civil action aimed at ensuring that individuals or businesses comply with the law and is not limited to formal enforcement action such as prosecution.
- 2.3 The term 'enforcement action' has been defined as any action:
 - (a) to secure compliance with a restriction, requirement or condition in relation to a breach or supposed breach;

- (b) taken in connection with imposing a sanction for an act or omission; and
- (c) taken in connection with the pursuit of a statutory remedy for an act or omission.

2.4 The councils require its officers to interpret and apply relevant legal requirements and enforcement policies fairly and consistently between like-regulated entities in similar situations.

2.5 Whilst not a direct form of enforcement, officers will seek to raise awareness and increase compliance levels by making public details of evidence of unlawful practice and any legal action taken where in their opinion it is appropriate to do so.

3. ENFORCEMENT PRINCIPLES

3.1 Prevention is better than cure and the approach to be taken includes working with businesses and individuals to advise on and assist with compliance. Where formal action is considered necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy.

3.2 The principles of enforcement outlined in this policy will be applied equally in all cases, irrespective of whether enforcement action is against individuals or organisations,

3.3 Enforcement decisions will be fair, independent and objective and 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.

3.4 Where enforcement is necessary it will be undertaken without fear or favour, will be impartial and objective, and comply with the requirements of relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action and in particular, the Equality Act 2010, Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and The Protection of Freedoms Act 2012.

3.5 Wherever practicable, the councils will ensure that enforcement actions will:-

- aim to eliminate any financial gain or benefit from non-compliance;
- aim to change the behaviour of the offender;
- provide an opportunity for the person to put things right where possible and appropriate;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate;
- aim to deter future non-compliance;
- ensure that no improper/undue pressure from any source inside or outside the councils affect those decisions; and
- ensure that all relevant information is given to the Defendant and to the Court as appropriate.

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3.6 The general principles to be applied are informed by The Regulators' Code and the Guidance of the Better Regulation Delivery Office. The six principles of the Regulators Code are:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
- Regulators should base regulatory activities on risk.
- Regulators should share information about compliance and risk.
- Regulators should ensure that clear information, guidance and advice are available to help those they regulate meet their responsibilities to comply.
- Regulators should ensure that their approach to their regulatory activities is transparent.

Economic growth and business support

3.7 This Enforcement Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. The councils' services have a positive impact on the economic progress and growth of the local economy and it is part of the councils' role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

Communication

3.8 Communication from officers will be clear and simple and will normally be confirmed in writing, including electronic communication, explaining why any work or actions may be necessary and stating the timescale for progress and completion. A clear distinction will be made between legal requirements and best or desirable practice.

All official communication should have a 'date when mailed' (mark) so that recipients who have been asked to 'respond within XX days' know when that response date should be.

Comment [IS1]: From consultation response

Prior to formal action being taken i.e. any enforcement process defined in legislation, opportunities will be provided for individuals or organisations to resolve the issues in question. This can take the form of face to face meetings, telephone conversations, correspondence or, in cases of debt recovery, reminder letters **unless** immediate action is required (for example a serious risk to health and safety or to prevent evidence being destroyed). In circumstances where immediate action is necessary a verbal explanation of why such action was required will be given at the time or, if this is not practical, as soon as is practicable. In some cases such as the service of a Fixed Penalty Notice or Penalty Charge Notice a written explanation is not considered necessary.

Where there are rights of appeal against specific actions, advice on the mechanism to be followed will be given in writing and where possible this will be included with the enforcement notice or other documentation.

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Risk based activity

3.9 Resources will be targeted where they will be most effective and intelligence and a privacy risk assessment will inform all aspects of the approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;
- Enforcement activity and sanctions.

When determining risk, the following will be considered:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

Relevant intelligence will be used to direct inspection based projects and target enforcement where there are known issues. A complaint may also trigger a visit if that is the most appropriate response. The approach to regulatory activities will be reviewed from time to time, in order to remove any unnecessary burdens from businesses.

Information sharing

3.10 Where legislation permits information sharing between enforcement agencies and in other circumstances where appropriate information sharing protocols are in place, the authorities will take a proactive approach to data matching and the sharing of information via agreed secure mechanisms with other regulatory agencies and local authorities about businesses and individuals to help target resources and activities and to minimise duplication of enforcement activity.

Personal information will be held by enforcement agencies and will only be shared in accordance with the relevant information sharing protocol or legislation. When sharing information, a clear distinction will be made between the offender/perpetrator and the complainant/victim. Confidentiality will be maintained unless with the express agreement of the individual or in circumstances to safeguard the health and wellbeing of an individual.

Where a Primary Authority** agreement exists, the authorities will share information about businesses with that primary authority as appropriate and with other authorities when acting as a Primary Authority.

Advice and Guidance

3.11 General information, advice and guidance will be provided to make it easier for individuals and businesses to understand and meet their obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to the councils' regulatory activities, as

well as changes to legal requirements. Where changes are of great significance, the councils will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

Targeted and practical advice will be provided through personal visits, telephone and the promotion of self service via the website. The councils will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources.

When offering advice, a clear distinction between statutory requirements and advice or guidance aimed at improvements above minimum legal standards will be given. The councils will seek to provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business or individual concerned. Advice will be confirmed in writing, if requested.

Where a business or individual knows they have a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate the councils will seek to support the remedial action to prevent future problems but reserve the right to take enforcement action in serious cases.

4. ENFORCEMENT ACTIONS

The councils are committed to delivering their statutory enforcement duties consistently although they recognise that individual circumstances may modify the action to be taken. Actions will be delivered within the framework outlined below although some discretion may be required dependent on local circumstances. All enforcement officers will receive appropriate training and supervision to support them in their application of this policy and be appropriately authorised. Investigations and formal proceedings will be undertaken in line with the Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996, Regulation of Investigatory Powers Act 2000 and associated Codes of Practice.

Transparency

- 4.1 Information and advice will be published in plain language concerning the legislation which the councils are applying. Officers will be open about the work required, including any financial costs in complying, and consultation will take place as appropriate. Discussion will take place concerning general enforcement issues, specific compliance failures or problems with anyone who is experiencing difficulties. In addition interpretation services can be provided for anyone whose first language is not English if required.

Helpfulness

- 4.2 Officers will provide a courteous and efficient enforcement service and individual officers will identify themselves by name. A contact telephone number and an e-mail address will be provided for on-going discussions. Businesses and individuals will be actively encouraged to seek advice and information relating to the councils' enforcement role.

Proportionality

4.3 Costs of compliance are to be minimised to ensure that any actions required by the councils are proportional to the risks involved e.g. risk to public health and/or the environment and the scale, seriousness and intentionality of any non-compliance. Where the law allows, officers will take account of the circumstances of a case and the offender's attitude when considering the level of enforcement action. Except in the most serious of cases or where advice/warnings have not been heeded, the level of enforcement taken will be the minimum at which a satisfactory and timely solution is thought to be achievable.

Consistency

4.4 Consistency means taking a similar approach in similar circumstances to achieve similar ends. The aim is to achieve consistency in the advice given, the response to incidents and the ways in which statutory powers are used. Consistency does not mean simple uniformity and officers will need to take into account many variables such as the scale of the risk, the attitude and actions of those involved and history of compliance, whether positive or negative.

Decisions on enforcement action are a matter of professional judgement and officers will frequently be required to use discretion in prioritisation and in actions taken. Enforcement priorities may be determined in order to meet local circumstances or to address a specific local need. However the overarching principles in this policy will be followed at all times to maintain a consistent approach and where necessary corporate guidance will be provided. Efforts will continue in order to develop arrangements for promoting consistency including effective arrangements for liaison with neighbouring authorities and other enforcing agencies.

Some activities may require investigations by different sections of the councils or other agencies at the same time. In these circumstances activity will be co-ordinated wherever possible to maximise effectiveness in dealing with these issues and reduce legislative burden for business operating in the districts. Also enforcement intelligence and any successful actions will be shared with other enforcing authorities or agencies where appropriate, subject to statutory constraints.

5. ASSESSING APPROPRIATE ACTION

Informal Action

5.1 The councils aim to resolve the vast majority of cases informally through negotiation, discussion or advice, providing the breach is a first occurrence, does not result in a serious risk to public health, safety, amenity or the environment and the officer is confident that informal action will be effective.

Informal Action can be of one or more of the following:

- Verbal advice;
- Verbal request for action;
- Written request for action; and/or
- Written warning of formal action, if contraventions are not corrected.

Officers will clearly identify those matters that are contraventions of the law and those that are simply recommendations reflecting good practice. Recipients of informal action will be given the opportunity to discuss the requirements with the investigating officer and agree an appropriate programme of work and a suitable timetable for completion. Regular contact with the investigating officer will be encouraged.

However when informal action is not successful or not appropriate, for example Council Tax and Non-Domestic Rates debt recovery, a range of other formal enforcement actions are available. The final action will depend on any modifying or mitigating factors present and account will be taken of any national or local guidance available.

In some circumstances contraventions may not warrant any action for example where the cost of compliance 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. A decision to take no action will be recorded in writing and will take into account the overall implications of the contravention.

Formal Action

5.2 A range of formal actions are available to the councils which will normally be instigated where one or more of the following apply:-

- It is prescribed by law as obligatory;
- Informal approaches have failed or are not appropriate;
- The matter is of such seriousness or urgency that an informal approach is inappropriate;
- Enforcement is necessary to remedy an unsatisfactory condition relating to health, safety, amenity or the environment;
- There is a need to ensure a decision or policy of the councils is enforced.

Formal Action consists of one or more of the following:

- The service of statutory notices and orders;
- The issue of simple cautions;
- Prosecution;
- Application for injunction or Criminal Behaviour Orders;
- Debt recovery work or possession action;
- Council Tax Administrative Penalties;
- Council Tax and NNDR Recovery Processes;
- Issue of licenses, approvals or registrations;
- Issue fixed penalty notices and penalty charge notice;
- Use of other enforcement powers by officers authorised by specific legislation (e.g. detention of food, sampling of food or substances, seizure of equipment or food, prohibition of processes or activities).

For the purposes of this policy formal action includes written warnings, notices, simple cautions, fixed penalty notices, penalty charge notices, prosecutions and civil proceedings.

Written Warnings

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5.3 A written warning will:-

- clearly state the nature of the problem and suggest either specific remedies or a standard to be achieved;
- state the actions which may follow if matters do not improve;
- designate a named officer as point of contact;
- clearly distinguish between a legal requirement and 'desirable standard';
- indicate any follow-up action intended (e.g. a re-visit within a specified period of time); and,
- where possible point the way to specialist advice or additional information.

Notices

5.4 Some legislation allows for the service of a statutory notice to secure compliance. The method of service of a formal notice may be specified in individual legislation and in such cases that method of service will be followed. Notices will be in the required format and contain the information required by law.

Simple Cautions

5.5 A 'Simple Caution' is one of a range of out-of-court disposals that provides an effective, swift and speedy resolution in appropriate cases. It aims to divert offenders away from Court, and to reduce the likelihood that they will offend again and is a formal mechanism that can be offered as an alternative to prosecution by the councils. The caution is offered in writing and if accepted will be administered at a formal interview. If it is not accepted then a prosecution will usually be undertaken. A simple caution is not a criminal conviction, but a record will be kept and it may be used in Court as evidence when making relevant representations to the Court on sentencing for any subsequent prosecution.

The councils can/will only issue a Simple Caution if:

- there is evidence an offender is guilty
- the offender is 18 years of age or over
- the offender admits they committed the crime
- the offender agrees to be given a caution – if the offender does not accept the Caution, then a prosecution will generally be undertaken

When deciding whether to offer a Simple Caution, the following factors may be considered:

- The offence is relatively minor and any Court sentence is likely to be minimal
- The loss to public funds is small
- Any alternative penalty appropriate to the alleged offence is considered unsuitable
- Whether the offender has any unspent previous convictions, cautions or administrative penalties
- Relevant guidance issued by the Home Office, the Crown Prosecution Service or other national agencies

Fixed Penalty Notices/Penalty Charge Notices

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5.6 Some legislation allows for Fixed Penalty Notices (FPN) or Penalty Charge Notices (PCN) to be issued against someone who has committed a specific offence. These offer the individual the opportunity not to be prosecuted for that offence by payment of a penalty set out in the relevant legislation. No further legal proceedings will be taken by the councils for the offence if the individual pays the penalty within the required time period set out in the notice. The individual will be liable to prosecution for the offence if the penalty is not paid within the required time period.

Prosecution

5.7 The decision to prosecute is not taken lightly. Each case is unique and will be processed according to its own merits. There is no suggestion that prosecution will automatically follow the discovery of an alleged offence. The decision whether to prosecute will be kept under review.

The other formal actions detailed above may be taken in addition to or as an alternative to prosecution if considered to be an appropriate sanction.

Before a decision to prosecute is taken the case must satisfy the evidential test. This means there must be enough evidence to provide a "realistic prospect of conviction". If this is satisfied, then the public interest test is applied in accordance with the Code for Crown Prosecutors.

In appropriate cases an application under the Proceeds of Crime Act 2002 may be made to the Court to restrain and/or confiscate the assets of an offender. The recovery of costs incurred as a consequence of legal action will be applied for where appropriate. Similarly, where appropriate, an application for a Criminal Behaviour Order will be made under the Anti-social Behaviour, Crime and Policing Act 2014.

Officers undertake enforcement on behalf of the public at large and not just in the interests of any particular individual or group. When determining the public interest test, the consequences of the decision whether or not and how to take enforcement action on those affected by the offence and any views expressed by those affected, will be considered.

In dealing with minors (less than 18 years of age) officers will consider the age of the offender in deciding whether it is in the public interest to prosecute. However prosecution will not be avoided simply because of the defendant's age. The seriousness of the offence or examination of past behaviour is equally important.

Cases involving minors are usually only referred for prosecution if the young person has already received a reprimand and final warning, unless the offence is so serious that neither of these were appropriate or he/she does not admit committing the offence. Reprimands and final warnings are intended to prevent re-offending. Further offences indicate that attempts to keep the young person out of the court system have proven ineffective. In such cases the public interest test may require prosecution.

The Code for Crown Prosecutors will also be followed for:-

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- Accepting guilty pleas; and,
- Re-starting a prosecution.

Civil Proceedings

5.8 Civil proceedings cover a variety of actions including applications for Injunctions, debt recovery or possession actions. In deciding to begin civil proceedings the councils will consider the evidence available and the range of enforcement options that are available to us in each case.

The councils must be satisfied there is enough usable evidence for the case to succeed on the civil standard of proof (namely on the balance of probabilities) and that proceedings are expedient for the promotion or protection of the interest of the councils and the residents of their areas. Once these points have been satisfied and there is sufficient evidence for a case to proceed consideration may be given to the following options:

- the possibilities for the matter to be remedied without further action;
- the likelihood of the Defendant having the means to meet the claim, e.g. a debtor having the means to pay;
- the length of time between the events giving rise to the case and the decision to take legal action;
- the nature of the Defendant (their age, health, etc.); and
- the consequences of the matter for the councils (e.g. the size of the debt).

Having considered the above and having decided to proceed with some form of formal action, the councils will consider what civil remedy to use.

6. MONITORING

The councils are committed to making sure its Enforcement Policy is effective. The councils welcome information from businesses, regulated bodies and residents should they believe that officers have not acted in accordance with the Policy and its supporting standards.

Comments, Compliments or Complaints

If an individual or business is unhappy with the outcome of enforcement proceedings taken by the councils, then immediate independent legal advice should be sought. If the concern is with the way in which the councils have handled their case, then the councils have a formal complaints procedure, which can be used.

The procedure is published on the website at www.chiltern.gov.uk or www.southbucks.gov.uk

Footnote **

Regardless of its size, a business operating across council boundaries can form a **primary authority partnership** with a single local authority in relation to regulatory compliance. These partnerships can cover environmental health and trading standards legislation, or specific functions such as food safety or petroleum licensing.

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Businesses should be able to rely on the environmental health, licensing and trading standards advice received from local authorities, in the knowledge that it is expert opinion and a secure basis for investment and operational decisions. Primary Authority addresses inconsistency and delivers assured advice for other councils to take into account when carrying out inspections or dealing with non-compliance.

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Department
for Business
Innovation & Skills

Better
Regulation
Delivery Office

Regulators' Code

April 2014

Foreword



In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities¹ and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities², for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

1.4 Regulators should ensure that their officers understand the statutory principles of good regulation³ and of this Code, and how the regulator delivers its activities in accordance with them.

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

¹ The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

² The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

³ The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf.

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate⁴.

3. Regulators should base their regulatory activities on risk

- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework⁵, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

⁴ The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

⁵ The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

4. Regulators should share information about compliance and risk

- 4.1 Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.
- 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

- 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
- 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
- 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
- 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
- 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
- 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.

6. Regulators should ensure that their approach to their regulatory activities is transparent

- 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
- 6.2 Regulators' published service standards should include clear information on:
- a) how they communicate with those they regulate and how they can be contacted;
 - b) their approach to providing information, guidance and advice;
 - c) their approach to checks on compliance⁶, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

⁶ Including inspections, audit, monitoring and sampling visits, and test purchases.

- d) their enforcement policy, explaining how they respond to non-compliance;
 - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and
 - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point⁷ on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

⁷ This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.

Monitoring the effectiveness of the Regulators' Code

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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SUBJECT:	<i>Buckinghamshire Affordable Warmth Strategy 2017-2022</i>
REPORT OF:	<i>Portfolio for Health and Housing – Cllr Paul Kelly</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Louise Quinn 01494 732209 lquinn@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The purpose of the report is to:-

- Advise Members of the draft updated Buckinghamshire Affordable Warmth Strategy
- Seek Members comments on the draft updated Strategy
- Seek delegated authority for the Head of Health Communities to adopt the final Buckinghamshire Affordable Warmth Strategy, following the consultation period.

The PAG is asked to advise the Portfolio Holder on the following recommendation(s):

RECOMMENDATIONS to Cabinet that

- 1. Members note the draft strategy and comment, as appropriate.**
- 2. authority be delegated to the Head of Healthy Communities to adopt the final updated Buckinghamshire Affordable Warmth Strategy, in consultation with the Portfolio Holder.**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Reasons for Recommendations

The current Affordable Warmth Strategy is now out of date. The updated version will provide a clear direction and focus to the Council and its partners in targeting actions towards those residents who are most at risk of fuel poverty. The delegation of authority to the Head of Healthy Communities will allow for amendments to be made to the strategy following consultation and following consideration by the other Buckinghamshire authorities.

3. Content of Report

South Bucks District Council is a member of the Bucks-wide Affordable Warmth Network, a partnership of the four district councils, the county council and the National Energy Foundation, which aims to ensure that all residents of Buckinghamshire can heat their homes adequately and affordably.

In 2009, in response to a government requirement to report on 'National Indicators', the partnership produced a county-wide Affordable Warmth Strategy, which identified the geographical areas and communities most at risk of fuel poverty, the range of help or

assistance available to residents and set out an action plan to target the key causes of fuel poverty.

The Strategy has been implemented chiefly via the Affordable Warmth Network's delivery partner, the National Energy Foundation, which

- operates a free helpline providing advice to residents on grants and financial assistance for insulation and heating measures, dealing with fuel debt, supplier switching, energy efficiency advice etc
- provides free local training in affordable warmth and energy awareness to health, care and other professionals and community groups in Buckinghamshire who support people who are vulnerable to fuel poverty
- attends local events to give face-to-face information and advice
- seeks funding to operate schemes to install measures in homes, such as the recent British Gas Energy Trust funded 'Better Housing Better Health' project which installed heating and insulation improvements in the homes of residents with respiratory and cardiovascular disease.

Since the strategy was first prepared, the definition of fuel poverty has been revised by government and many of the schemes and organisations providing financial or other support for residents have changed.

The strategy has therefore been revised and updated by the National Energy Foundation to reflect the current position both locally and nationally. The draft updated Buckinghamshire Affordable Warmth Strategy is contained as an Appendix.

The updated strategy seeks to identify those residents who are most vulnerable to fuel poverty, and to target actions at these groups to address the key causes of fuel poverty.

Once approved, the strategy will be implemented and monitored by the Affordable Warmth Network, which meets quarterly to review progress made by the National Energy Foundation in undertaking the above-mentioned activities.

The Council's role in implementing the strategy will be principally to promote the Affordable Warmth Helpline, and any schemes, events or services which support the aims of reducing fuel poverty.

4. Consultation

The National Energy Foundation is undertaking a six week consultation with key stakeholders, seeking comments on the strategy and the action plan. Stakeholders include the Citizens Advice Bureau, AgeUK, Children's Centres, Community Practice Workers, Clinical Commissioning Groups, voluntary and community groups such as Carers Bucks and Older People's Action Groups, and social landlords including Paradigm Housing and London and Quadrant.

5. Options

The options are:

1. Members agree to give delegated authority to the Head of Healthy Communities to adopt the final strategy following the consultation period.
2. The final strategy is reported back to Members for agreement following the consultation with third parties and the other Bucks Councils.

Option 1 is recommended as this will allow for amendments to be made to the strategy following consultation and following consideration by the other Buckinghamshire authorities.

6. Corporate Implications

Financial	There are no financial implications. The actions under the Strategy will be met within existing budgets and resources.
Legal	The current Joint Private Sector Housing Strategy and the Home Energy Conservation Act progress report commits the Council to updating the Buckinghamshire Affordable Warmth Strategy.
Sustainability	The proposed actions set out in the report will help to reduce carbon emissions by improving home energy efficiency.

7. Links to Council Policy Objectives

The strategy contributes to the 'Working towards safe and healthier local communities' and 'Striving to conserve the environment and promote sustainability' aims of the Joint Business Plan 2014-19.

8. Next Step

Once the final strategy is adopted, the Council will seek to promote the services available to residents to address fuel poverty and will support and monitor the work of the National Energy Foundation in implementing the action plan.

Background Papers:	None
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Buckinghamshire Affordable Warmth Strategy 2017 – 2022



Affordable Warmth Network

Bucks Affordable Warmth Network



Stronger in partnership



Chiltern

Clinical Commissioning Group



Aylesbury Vale

Clinical Commissioning Group



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1.1. INTRODUCTION

Fuel poverty continues to be a major concern for local authorities, registered housing providers, and other support organisations. National Energy Action (NEA) estimates that just over 4 million households in the UK are living in fuel poverty and the latest figures from Government show that the number of fuel poor households in England in 2014 was 2.38 million, an increase of around 1.4% from 2013. This rise in fuel poverty has been summarised as being due to increasing fuel prices (outweighing the energy efficiency gains) and a generally lower rate of disposable income.

The Government defines a household as living in fuel poverty if “*required fuel costs are above average and if they were to spend that amount, they would be left with a residual income below the official poverty line*”. This updated definition was created as a result of the Hills Fuel Poverty review published in 2012 and shows a shift away from the previously implemented 10% definition in the hope of addressing fuel poverty as a distinct issue away from more generalised poverty. The Government now measures fuel poverty by using the ‘Low Income High Costs (LIHC)’ indicator, with a household being considered as fuel poor if:

- Their income is below the poverty line (taking into account energy costs); *and*
- Their energy costs are higher than is typical for their household type.

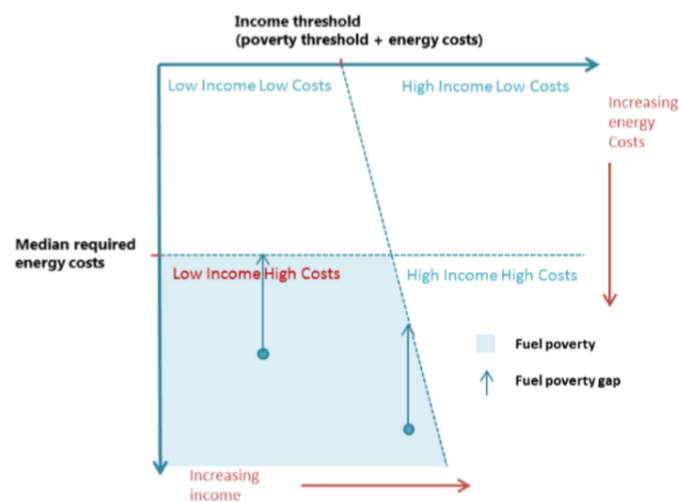


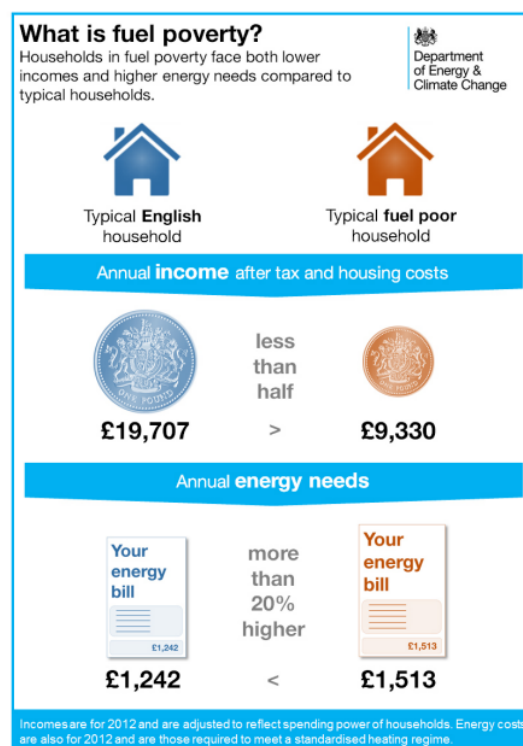
Figure 1: Low Income High Cost (LIHC) Indicator. DECC, 2016

Prior to this, the Government previously defined a household as fuel poor if they were spending *'more than 10% of income on energy bills'*. This definition is still used in parts of the UK such as Scotland, Wales and Northern Ireland. However, as a result of the updated definition in England, the number of fuel poor households nationally have been significantly reduced (as shown in the table below).

Table 1: Buckinghamshire fuel poverty levels in 2012 with the change of definition

Definition	Year	Region	No. of Fuel Poor Households	Proportion of fuel poor households
10%	2012	Buckinghamshire	38,802	10%
LHC	2012	Buckinghamshire	15,207	7.6%

The LHC definition also describes a fuel poverty gap. This is the difference between a household's modelled bill and what their bill would need to be for them to no longer be fuel poor. This approach therefore provides twin indicators of the 'extent' and 'depth' of fuel poverty. Example values for typical income and typical energy bills are given by the Department of Energy and Climate Change (now BEIS) in the diagram below:-



In this example, figures on the left hand side represent a typical English household with an annual income (after tax and housing costs) of around £19,700 and annual energy needs equating to around £1,242. The right hand side shows a fuel poor household, with a much lower annual income of around £9,300 (after tax and housing costs). Usually these households have above average energy needs (often due to a resident over the age of 60 or long-term health conditions) resulting in higher energy bills.

Alongside the financial and comfort implications of fuel poverty, there are many health risks associated with living in a cold and damp home which include heart attacks, strokes, respiratory illness, hypothermia and falls.

Fuel poverty can also be associated with mental health issues, increasing the likelihood of depression, anxiety and social exclusion.

According to Age_UK, the estimated cost of cold homes to the NHS is around £1.36 billion (Age_UK, 2012), with around 24,300 excess winter deaths occurring in 2015/16. Health risks associated with fuel poverty can apply to all parts of society, however, there are certain demographics that are more susceptible to these risks due to spending longer periods of time at home and these are listed below:

- Older people
- Disabled residents
- Residents with long term conditions
- Unemployed residents
- Children under 5

These residents are often the hardest to reach with information. We should also appreciate that for many in this demographic, it can sometimes be a choice between adequately heating their home or buying other essential items such as food.

1.2. POSSIBLE CAUSES OF FUEL POVERTY

There are six main reasons people find themselves in fuel poverty:

1. **Low household income** – This could be caused by unemployment, inability to work due to ill health or caring responsibilities. Pensioners may also find themselves in this situation.
2. **Inefficient homes** – This could be because there is little or no insulation, leading to higher fuel bills.
3. **Inefficient heating systems** – Old boilers with limited controls and storage heaters can be expensive to run.
4. **Under-occupancy** – With only a small number of people living in a large house, it costs more, per person, to keep warm.
5. **Fear of high bills** – Householders can fear receiving high energy bills so they do not switch their heating on, resulting in them living in cold homes. -This is particularly an issue among older people.
6. **High fuel costs** – Increasing fuel bills are still being experienced. Low income households often use prepayment meters to pay for their heating, which is still more expensive than paying by direct debit. Many residents are sometimes confused by the different tariffs on offer from energy companies. There is also a lack of confidence when it comes to switching supplier, which results in many not actively checking whether they are on the cheapest tariff. Also, properties that are located off the mains gas network are subject to more expensive fuels such as oil and LPG.

The majority of these scenarios can be resolved and potential solutions to each are highlighted below:

Potential Solutions:

- 1.1. **Low household income** – This could be improved by carrying out a benefits assessment to check whether the householder is receiving all support they are entitled to.
- 1.2. **Inefficient homes** – Raise awareness of energy efficiency and enhance through physical improvements such as increased insulation (encourage resident to explore potential ECO funding to assist with this/and or any potential Local Authority support).
- 1.3. **Inefficient heating systems** – explore grant options available nationally or locally to upgrade to a more efficient system.
- 1.4. **Limited awareness of alternative tariffs and fear of high bills** – Ensure the general public are educated in the importance of switching energy tariff or supplier.

- 1.5. **High fuel costs** – whilst we cannot control external pressure on fuel costs, it is hoped that the Smart Meter roll out will increase awareness of associated increases in fuel bills. It is possible for residents to improve the fabric and heating in a property to such an extent that increases in fuel bills will have less impact. It is also important to ensure the general public are educated in the importance of switching energy tariff or supplier

1.3. EXCESS SUMMER DEATHS

Whilst in a temperate nation such as the UK, it is winter cold that tends to headline as the major cause of death and hospital admissions, excess summer heat can also be damaging to health leading to heat stroke, additional hospital admissions and occasionally death.

Affordable cooling is a term that will become more prevalent as extreme weather events/conditions normalise with the effects of climate change. For example in 2003, over 70,000 excess deaths occurred in the summer as a direct result of the heat and the actions taken or not taken across Europe. During this year, the hottest temperature ever recorded in the UK was experienced in Kent where temperatures reached 38.5°C. There are many health risks associated with extreme heat and these include:

- Dehydration
- Heat rash
- Heat cramp
- Exhaustion
- Heatstroke
- Increased incidents of skin cancer
- Hay fever irritation
- Overheating (can pose serious risk to those with underlying health conditions)

Residents should not only ensure that themselves and their properties will be warm enough during the winter period, but also that they are cool enough during particularly hot spells during the summer.

Well insulated and energy efficient homes will help to protect residents from excess heat and reduce the need for use of electrical cooling systems such as fans and air conditioning units.

1.4. AIM OF THE STRATEGY

The aim of this strategy is to enable residents within Buckinghamshire to achieve affordable warmth. Affordable Warmth can be accomplished through well insulated homes with, efficient use of all fuel types. This is, in part, facilitated by access to grant assistance and income maximisation services. As a result, residents will benefit from warmer homes, lower fuel bills, improved health, greater comfort and better housing conditions. This strategy is not only aimed at those classed as living in fuel poverty, but aims to help anyone struggling to adequately heat their home. It requires a strategic approach, reflecting the complexity of the issue.

2. PROFILE OF BUCKINGHAMSHIRE

POPULATION

Buckinghamshire County is in the South East region of England. It is 600 square miles in size with a population of 505,300 (Census, 2011). Figures show a largely ageing population, with a 24% increase of people over the age of 60 accounting for just under a quarter of Buckinghamshire's total population. However, 25% of the population is still made up of people aged 19 and under. 13.6% of the population are of a non-white ethnic background, made up mainly of Asian and Asian British populations (Bucks County Council, 2017).

HOUSING

The population are living in 200,727 houses (Bucks County Council, 2017) showing a 6.7% increase in housing from the 2009-2014 strategy. Almost a third of the population live in two main towns; High Wycombe and Aylesbury. The housing type in Buckinghamshire County is vast, with properties ranging from pre-1919 to new builds (Table 1)¹. The age of a property is a major determinant in how energy efficient it is, with properties from the mid-1930s often having cavity walls which can be filled with insulation to reduce heat loss. Older properties tend to have solid walls, so insulation is more difficult. Generally, newer properties are more energy efficient.

Table 2: Age of Properties in Buckinghamshire

	Pre 1919	1919 - 1944	1945 - 1964	1965 - 1980	Post 1980
Aylesbury	10.3%	9.0%	18.0%	33.7%	29.0%
Chiltern	12.6%	21.4%	24.6%	25.5%	16%
South Bucks	DATA NOT COLLECTED				
Wycombe	10.1%	13.7%	23.1%	35.4%	17.8%

Tenure can also affect the energy efficiency of a property (Table 2)² and majority of housing in Buckinghamshire falls within the Private Sector. Most social housing is likely to have already had cost-effective insulation installed whereas within the private sector, it is the responsibility of the homeowner or landlord to improve the energy efficiency of the property. Often, there is high upfront cost associated with this which is one of the reasons why private sector housing is usually not as energy efficient at that of social tenure.

	Local Authority	Social Housing	Other public sector	Private sector	Total
Buckinghamshire	10	28,260	970	186,000	215,240
Aylesbury Vale	0	10,770	410	65,150	76,330
Chiltern	0	4,840	50	34,150	39,050
South Bucks	0	3,550	20	24,780	28,350
Wycombe	10	9,100	490	61,920	71,520

Table 3: Tenure of properties in Buckinghamshire, 2015

HEALTH

The residents of Buckinghamshire are generally healthier than the national average, experiencing better self-reported health; a good proxy for mental and physical health. Life expectancy at birth for females in the area

¹ Data from the district councils

² Data from Department of Communities and Local Government (DCLG), 2015

is 85 compared to 83 nationally and for males is 81 compared to 79 nationally (Public Health England, 2014). However, 13.4% of the population are reported to have a limiting long-term illness (Census, 2011) and as highlighted previously, these residents may be particularly susceptible to issues around living in a cold and damp home.

Excess Winter Deaths

Excess winter deaths are additional deaths that occur during the winter period due to cold weather. These are monitored using the excess winter mortality index, which calculates how many more deaths occur during the winter months compared to the summer months. This is calculated as winter deaths (deaths occurring between December and March) minus the average of non-winter deaths (April to July of the current year and August to November of the previous year) and is expressed as a percentage.

Figure 3 shows the excess winter mortality index between 2012 and 2015 for each local authority district in Buckinghamshire (Office for National Statistics, 2015). The graph shows that the index has ranged between 4% and 33% more winter deaths than non-winter deaths during this three year period, with the highest winter mortality seen in the winter of 2014/15. During this winter, the excess winter mortality index reported 33% more deaths in winter in Wycombe, 30% in Aylesbury Vale, 26% in South Buckinghamshire and 22% in Chiltern. Nationally, the year 2014/15 saw abnormally high winter deaths, with an estimated 43,900 excess winter deaths occurring in England (the highest number since 1999/00). This shows the importance of ensuring homes are well insulated and adequately heated, especially where there is a resident suffering with a long-term health condition residing within the property.

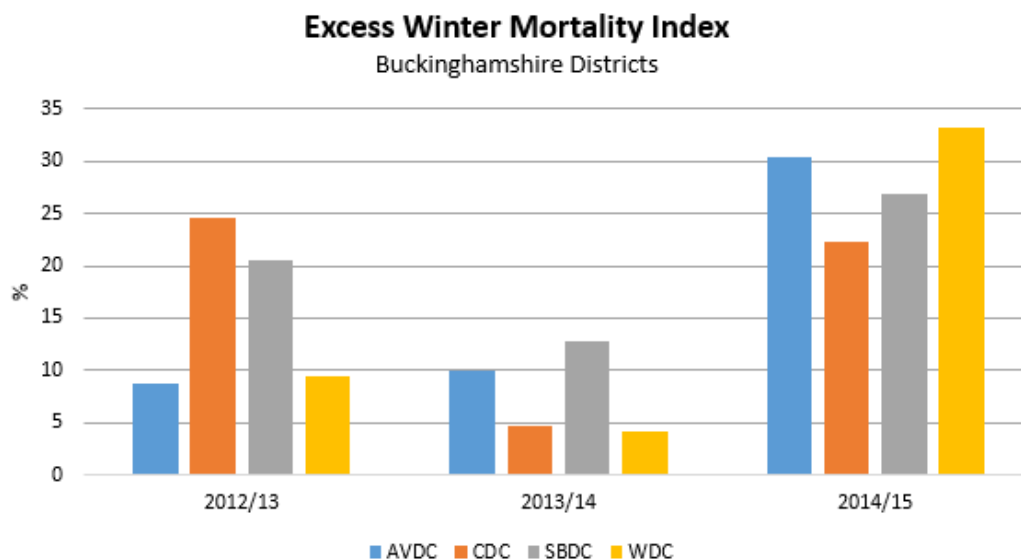
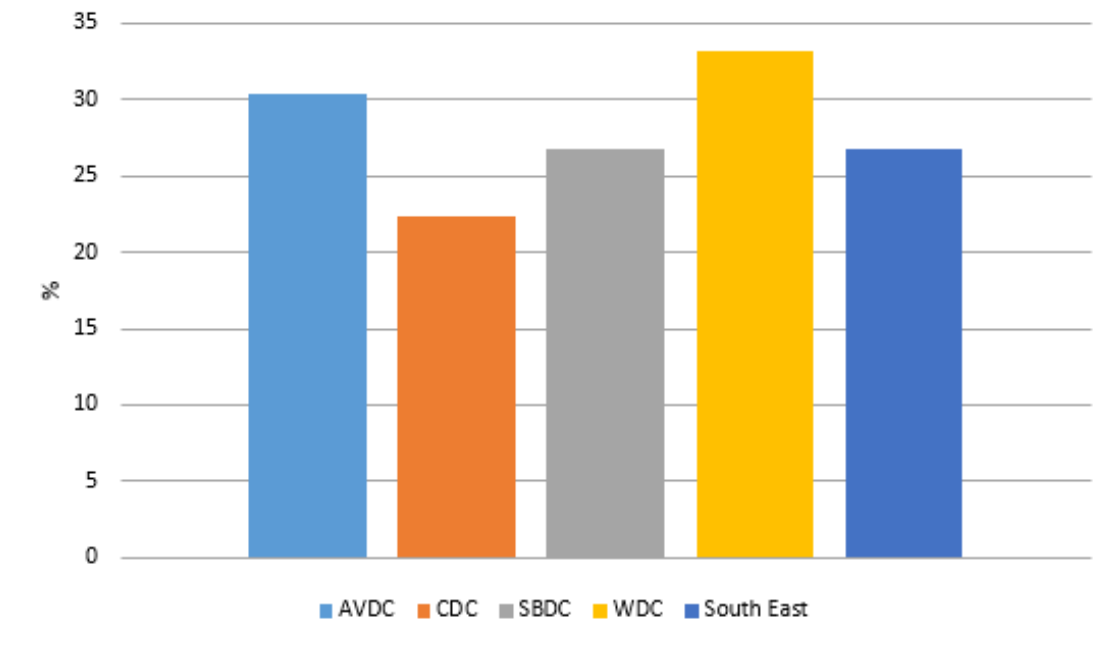


Figure 2: Excess Winter Mortality Index for Buckinghamshire Districts between 2012 and 2015. ONS, 2015

When comparing 2014/15 figures for Buckinghamshire districts against the South East average, South Bucks (SBDC) is on par with the regional average and Chiltern (CDC) slightly below this. Both districts, however, still experienced over 20% excess winter mortalities during 2014/15. Aylesbury Vale (AVDC) and Wycombe (WDC) districts have both experienced more excess winter mortalities than the regional average, with Aylesbury Vale observing 30.4% excess winter mortalities and Wycombe experiencing the highest in the County of 33.2%. These points highlight the need for support around keeping warm and well during the winter in Buckinghamshire to ensure that excess winter mortalities do not increase further over the next reporting period.

2014/15 Excess Winter Mortality Index
Buckinghamshire Districts vs South East average



MULTIPLE DEPRIVATION

The Index of Multiple Deprivation is the official measure of deprivation for small areas in England. The measure combines information from seven domains³ in order to produce an overall score for Lower Super Output Areas (LSOA)⁴ and then ranks these in terms of their multiple deprivation, with 1 being the most deprived and 32,844 being the least. In 2015, 12 LSOA's in Buckinghamshire featured within the 30% most deprived areas in England (Department for Communities and Local Government, 2015). These are highlighted in red in Figure 2 below and are clustered in Aylesbury and High Wycombe, with one in Chesham.

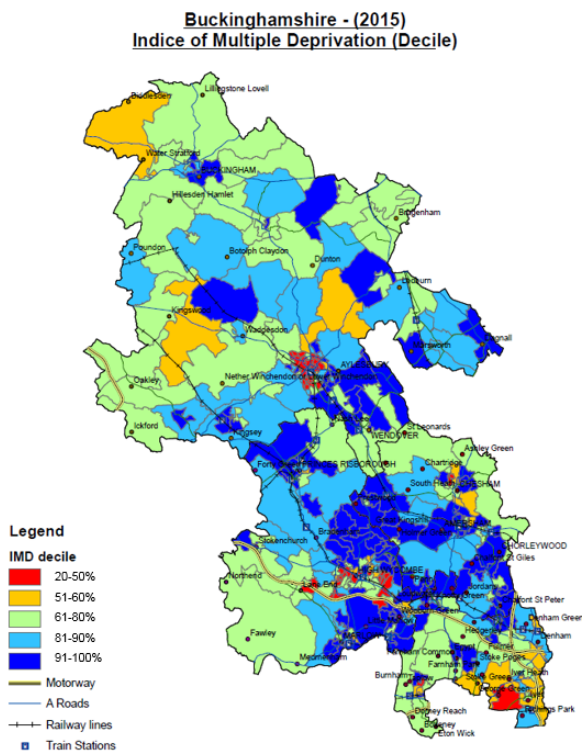


Figure 3: Index of Multiple Deprivation deciles for Buckinghamshire. (DCLG, 2015)

EMPLOYMENT

Buckinghamshire is a very affluent county compared to the national average, with unemployment only at 2.6% among those who are able to work (Office for National Statistics, 2016). The workforce is highly skilled, with 35% of Buckinghamshire population being educated to degree level or above. It also has above average representation of managers, senior officials and other professional occupations (Census, 2011).

³ Income deprivation, Employment deprivation, Education, skills and training deprivation, Health deprivation and disability, Crime, Barriers to housing and services and Living environment deprivation

⁴ A LSOA is a geographic area used to improve reporting of small area statistics. It typically includes (on average) a population of around 1,500 but will also involve a minimum of 1,000.

Comment [LQ1]: I don't understand the legend on this map. What does the red show? There is a large red area shown in South Bucks (which seems to show low levels of FP in the next map) and a smaller one in Burnham but these are not referred to in the text.

Comment [CL2]: The red highlights the LSOAs that feature between the top 20 and 50% most deprived wards in England.

Comment [LQ3]: Is it possible to change the legend to 20-50% (etc) rather than 2.00 – 5.00?

Comment [CL4]: Perhaps that is a little clearer now?

3. FUEL POVERTY IN BUCKINGHAMSHIRE

Fuel Poverty data in this strategy has been obtained from recent annual statistics published by the Department of Business, Energy and Industrial Strategy (BEIS), using the Low Income, High Cost definition. Figure 4 shows the most recent mapped fuel poverty data for Buckinghamshire, with red areas highlighting locations that are experiencing highest levels of fuel poverty. A map featuring individual legends for each district can be found in Appendix A, which illustrates higher levels of fuel poverty for each local authority area.

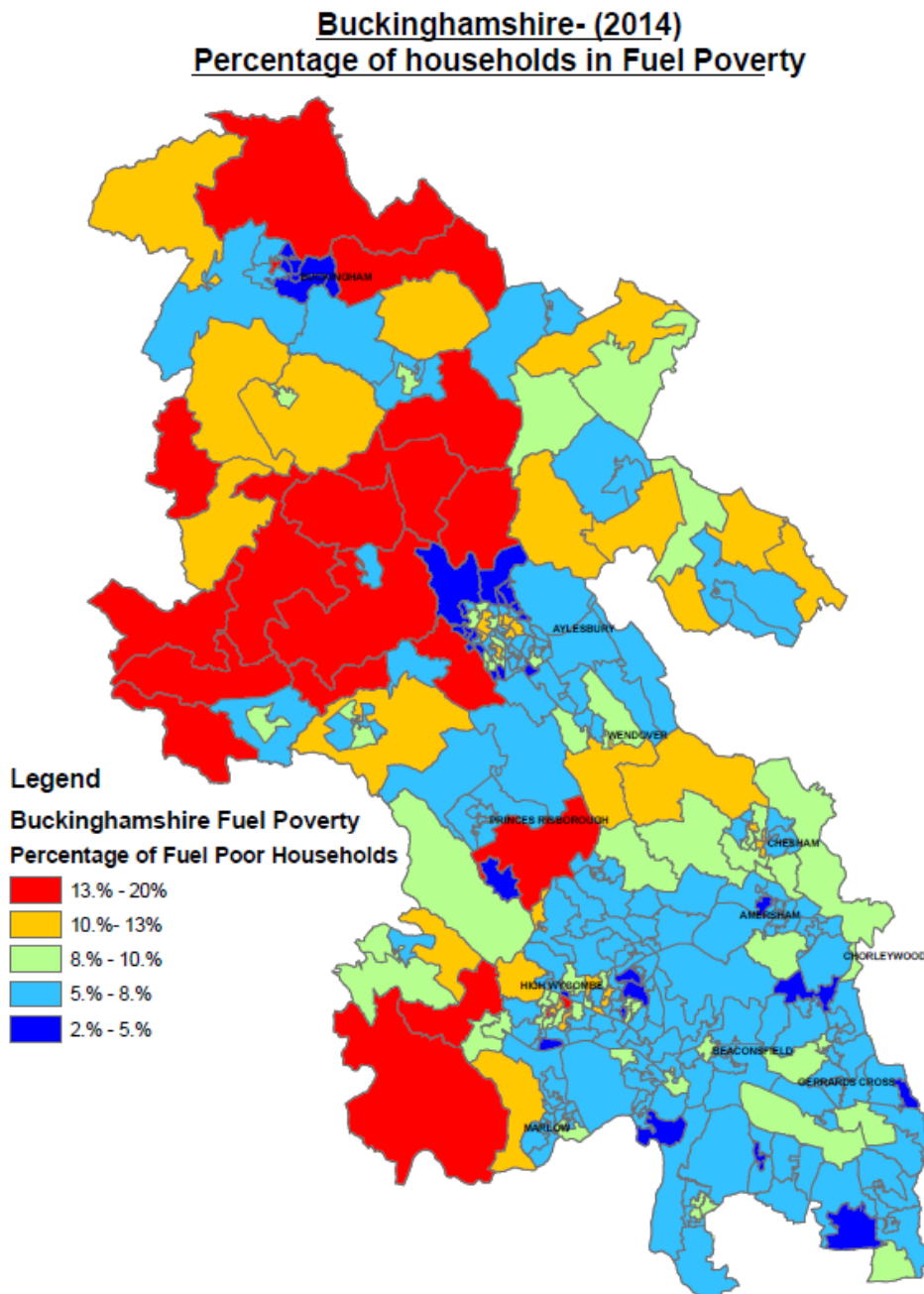


Figure 4: Percentage of Fuel Poor residents in Buckinghamshire 2015.

Between 2012 and 2014, there was a 0.3% increase of fuel poor households within the County, but this still remains below South East and national averages. It is likely that this slight increase is associated with

increasing energy prices and the ageing population within the county, resulting in the need to heat properties for longer. This highlights how there is still scope to increase the energy efficiency of properties within the County and raise awareness around the importance of keeping warm and well, especially to those residents who fall into vulnerable categories identified previously.

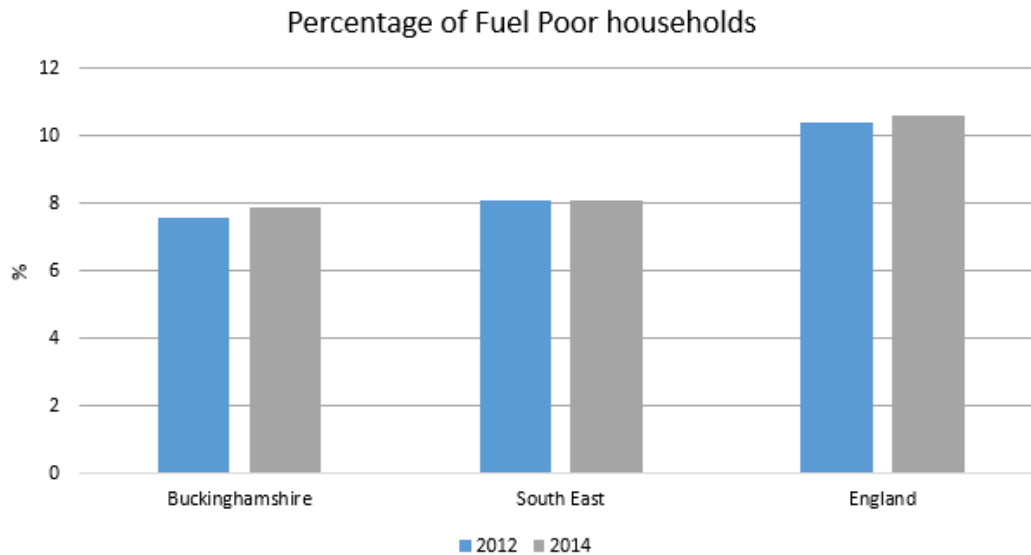


Figure 5: Percentage of Fuel Poor households in Buckinghamshire, South East and England. (BEIS, 2016)

4. HARD TO TREAT PROPERTIES

The age and build of a property that a resident lives in can greatly influence the level (and cost) of energy efficiency measures. A 'hard to treat' property is defined as a dwelling that is unable to accommodate cost effective energy efficiency improvements and includes homes with solid walls, limited or no loft space, homes without a mains gas connection and homes where for technical reasons, an energy efficiency measure cannot be fitted (BRE, 2008). It can be very expensive to install energy efficiency measures on these types of properties and this is often the reason that they remain inefficient therefore resulting in the resident living in a cold home.

Tackling 'hard to treat' properties will form a huge part of making homes warmer and more energy efficient in the UK. Displayed in Figure 6, is the percentage of solid walled properties in Buckinghamshire, with darker areas of the map showing areas with higher proportions of solid walled properties. Overall, solid walled properties feature across the County but are especially concentrated in Aylesbury Vale. However, it must be noted that some may be listed buildings or in conservation areas that are potentially difficult to insulate due to building regulations.

Over this period, the Affordable Warmth Network will continue to seek funding that will help assist residents in installing expensive measures such as solid wall insulation which will substantially improve the efficiency of their property. The Network will also work alongside energy companies to seek funding under Energy Company Obligation (ECO) phase ECO2 Transition which may also assist eligible residents in installing insulation measures on their homes.

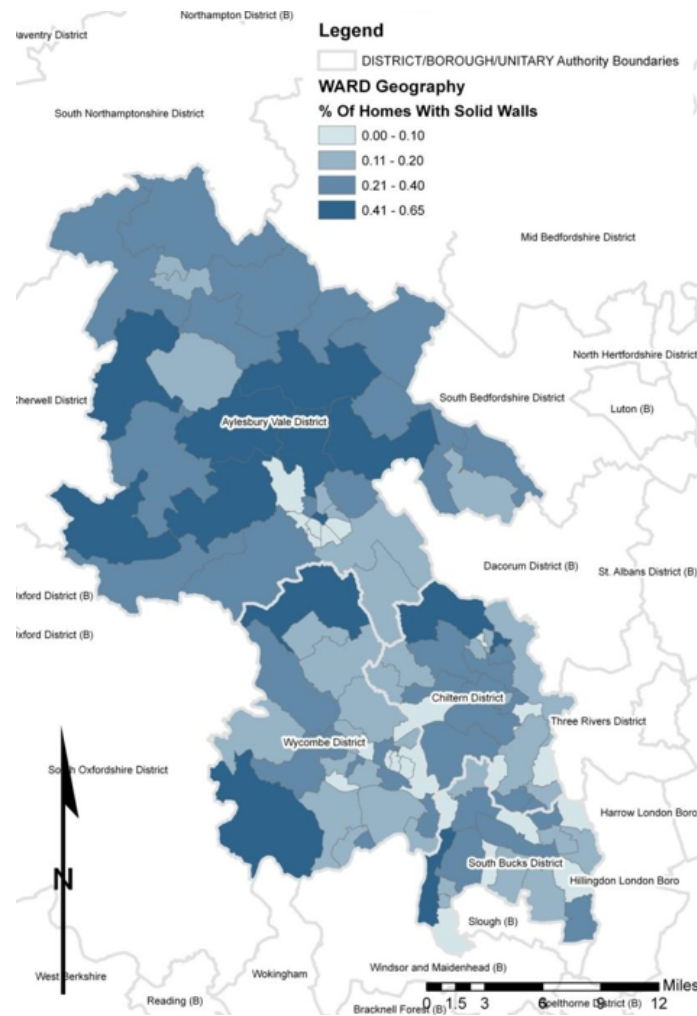


Figure 6 - Solid Walled Properties in Buckinghamshire. CSE, 2009

5. INCOME MAXIMISATION AND FUEL POVERTY

Latest statistics from the Department for Work and Pensions show that in 2014/15, around £16.6 billion of benefits went unclaimed. It is becoming increasingly apparent that income maximisation should be playing a larger role in combatting fuel poverty and can include support around assessing whether residents are receiving all the benefits they are entitled to, supporting those who are currently in debt to their supplier and even checking if someone is on the best energy tariff. Alongside improving the efficiency of a property, residents should also be looking at ways they can save money and these simple steps could potentially increase a household’s income which could go towards heating the property efficiently and eventually being lifted out of fuel poverty. The main organisations that provide this service are listed in Table 4, and residents (especially those who are struggling to pay fuel bills) should be encouraged to contact these providers to find out if they are claiming all that they are entitled to.

Table 4: Contact details of income maximisation support in Buckinghamshire

Organisation	Contact details
Citizens Advice	https://www.citizensadvice.org.uk/ Telephone - 034444 111 444
Age UK	www.ageuk.org.uk Age UK Advice – 0800 169 2081
Disability Alliance Network	www.disabilityrightsuk.org Personal budgets helpline – 0300 555 1525 E-mail – personalbudgets@disabilityrightsuk.org
Turn2Us	https://benefits-calculator.turn2us.org.uk/AboutYou

Within this reporting period, the Affordable Warmth Network will continue to build upon relationships established with the Citizens Advice (CAB) through the now completed Better Housing, Better Health project. The network will continue to provide onward referrals to services such as CAB and Prevention Matters to ensure that residents are receiving the maximum amount of support available when contacting the helpline.

6. COMMUNITY ENGAGEMENT

The Government has highlighted that community-led action often leads to greater change and tackling local issues more effectively than a top down approach (DECC,2014). Engaging the local community is a huge part of the Affordable Warmth Network in Buckinghamshire, this manifests through regular outreach events in local communities and training sessions available for local groups. Ensuring that as many local residents are aware of and understand the signs and implications of Fuel Poverty will play a pivotal role in achieving Affordable Warmth across the County. Over the coming period, the Affordable Warmth Network will continue to work and engage closely with local communities to promote the service and support on offer, along with raising awareness of the implications of living in a cold or damp home. Assistance will also include providing information and advice where relevant around Smart Meters and how they can be used within the home to monitor energy along with the advantages of this.

Engagement with these groups will be made either through existing relationships already created through the Network (such as connections with Prevention Matters and Age_UK events) or through the creation of new relationships by further promoting the Network and its benefits.



Figure 7 - Promotional material used for Affordable Warmth Outreach

7. PARTNERS INVOLVED WITH AFFORDABLE WARMTH IN BUCKINGHAMSHIRE

Fuel Poverty and Affordable Warmth are terms that are commonly used interchangeably but are issues that can impact any parts of society, therefore we are calling for a multifaceted approach, which includes many different stakeholders and organisations.

The Buckinghamshire Affordable Warmth Network allows the collaboration of organisations that work with vulnerable people across Buckinghamshire. The network specifically aims to assist residents at risk of fuel poverty, or impaired health as a result of living in a cold or damp home. It includes representatives from Buckinghamshire local authorities, health authority partners, local support services and the National Energy Foundation, who work together using a cross-referral mechanism in order to maximise the benefit to residents. Although the service targets vulnerable residents, there is no eligibility criteria for accessing it and it is hoped that this encourages residents to not only assess their own situations, but to look out for others who may benefit from support in making their homes warmer and healthier places to live.

Of course, resident behaviour also plays a huge part in ensuring homes are adequately heated, especially where there are vulnerable residents within the property. This is why advice, outreach and training feature heavily across the network, allowing experts to discuss ways in which residents can not only keep their homes warmer (and potentially healthier and safer) in winter but also how they can potentially save money on their fuel bills.

8. PREVENTION MATTERS

The Buckinghamshire Affordable Warmth Network is partly funded by Prevention Matters which is delivered by Buckinghamshire County Council. The service provides advice that can support residents in regaining confidence, independence and ways to prevent loneliness. A referral mechanism has been set up so any residents who contact the Affordable Warmth helpline and may benefit from the support available will be referred across to Prevention Matters. Alternatively, residents can also obtain a referral from their local GP or health professional. It is hoped that this service will improve their quality of life of residents who contact the Network alongside

9. SUPPORT AVAILABLE

The table below shows the various local and national schemes available to residents in Buckinghamshire that may assist financially in improving the warmth of their home. To find out further information, residents should contact the **Buckinghamshire Affordable Warmth Helpline** on **0800 107 0044**.

Scheme	National/ Local	Purpose of the scheme	Qualifying criteria	Automatic/Apply for
Affordable Warmth Helpline	Local	Advice for those struggling with heating their home	Available to all – contact 0800 107 0044	N/A
Prevention Matters	Local	Free advice service that links adults to social activities, volunteers and community services	Available to eligible adults (over the age of 18)	Referral
Citizens Advice	National	Financial advice for those struggling with fuel bills and benefits assessments	Available to all – visit your local centre or call 03444 111 444	N/A
Winter Fuel Payment	National	Money for the cost of keeping warm through the winter	Over 60's	Automatic
ECO – HHCRO (Affordable Warmth) grant	National	Able to fund energy efficiency measures that will help reduce a residents heating bills. The stream accounts for 70% of all activity funded through ECO.	Eligibility based on fuel poverty (some benefits used as proxies), EPC ratings in Social Housing and households identified by local authorities under 'flexible eligibility'	Apply via AWN Helpline
ECO – CERO grant	National	Currently able to fully-fund cavity-wall insulation, and loft insulation where current level does not exceed 100mm	The amount of carbon that can be saved through insulating the property	Apply via AWN Helpline
Flexible Home Improvement Loan	Countywide	Low interest loan for home improvements. Minimum loan £1,000	Homeowners in Buckinghamshire aged over 60	Apply via Local Authority
Aylesbury Essential Repairs Grant	Local	Grant of £2,500 for minor repairs of an emergency nature	Owner occupier in receipt of means tested state benefit, Aged 60+ or Under 60 with 1+ child under 10 years	Apply via Local Authority
Chiltern & South Bucks Home Renovation Loan	Local	Means tested loan of up to £20,000 for repairs and hazards addressed under HHSRS	Owner-occupier, on low income and not eligible for a Flexible Home Loan. Repayable on sale of property with 10% fee	Apply via Local Authority
Chiltern & South Bucks Safer Homes Grant	Local	Small means tested grant of up to £5,000 to address significant hazards (including lack of heating)	Homeowners on low incomes. Repayable if property sold within 3 years of work completion	Apply via Local Authority
Chiltern & South Bucks Mobile Home Grant	Local	Means tested grant of up to £10,000 to carry out essential repairs and energy efficiency measures	Owner-occupiers on low incomes and live in a mobile home	Apply via Local Authority

Disabled Facilities Grant	Local	Up to £30,000 available for specific adaptations to the property to accommodate individual needs. Grant amount is allocated based upon household income	Residents with a permanent and substantial disability	Referral from Occupational Therapist
Wycombe Healthy Homes on Prescription Grant	Local	Grant up to £5,000 available to residents with disability or long-term conditions to provide small scale adaptations, repairs or improvements to properties	Residents with long-term condition or disability and at high risk of hospital admission or awaiting discharge	Referral from Health professional

10. DEVELOPMENT OF THE STRATEGY

This strategy has been updated from the previous county-wide fuel poverty strategy (2009 – 2014) by the National Energy Foundation with partners from the Bucks Affordable Warmth Steering Group. Partners included in the development of the strategy are listed below:

- National Energy Foundation (NEF)
- Aylesbury Vale District Council
- Chiltern District Council
- South Bucks District Council
- Wycombe District Council
- Prevention Matters (Buckinghamshire County Council)

11. ACTION PLAN

The Affordable Warmth Network works together to help alleviate fuel poverty and improve energy efficiency across the county. They do this in a number of ways and will use the following action plan to track progress. The status of the action plan will be reviewed on an annual basis with suggestions accepted at any point during the year. There is some flexibility, as grants and government focus change and the Affordable Warmth Network will always try to make best use of funds available. The following action plan has been agreed for the next five year period.

Factor	Objectives	Key Actions	Timescale	Organisations involved
Low Income	1. Use benefit assessments to increase income	<ul style="list-style-type: none"> • Link up with benefit agencies • Promote benefit assessments at events 	<ul style="list-style-type: none"> • Short term • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC Welfare Benefits Team • Age Concern • CAB
	2. Increase awareness of available schemes	<ul style="list-style-type: none"> • Promote Affordable Warmth Helpline • Promote flexible home improvement loans • Promote district council grants 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils • BCC • CCG / Public Health
	3. Supplier switching/social tariff promotion	<ul style="list-style-type: none"> • Promote U Switch as an independent switching service • Organise switching events • Promote social tariffs • Promote Ebico – the non-profit energy company who charge the same to all their customers regardless of payment method • Advise on spreading the cost through direct debits 	<ul style="list-style-type: none"> • Ongoing • Short term • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • Housing Associations • District councils • BCC • CAB
Energy Efficiency	1. Improve the energy efficiency of properties in owner occupied tenure	<ul style="list-style-type: none"> • Promote availability of Energy Company Obligation (ECO) grants for heating and insulation improvements • Investigate an ECO referral mechanism through Affordable Warmth Helpline • Target eligible households in each district under the new ECO 2T 'flexible eligibility' • Launch community focused projects • Promote flexible home improvement loans • Undertake mail out(s) to promote funding • Look into developing a carbon offset fund in Bucks to provide insulation measures at low cost • Work with NHS-CCG and NEF to link up GP referrals 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Short Term • Medium term • Ongoing • Medium term 	<ul style="list-style-type: none"> • NEF • District councils • BCC • Community groups • CCG

		for boilers and energy efficient technologies and thereby free up hospital beds.	<ul style="list-style-type: none"> • Ongoing 	
	2. Improve energy efficiency of properties in private rented tenure	<ul style="list-style-type: none"> • Continue to use landlord’s forums to disseminate information • Promote availability of ECO grants for insulation and heating improvements • Ensure properties are meeting minimum energy efficiency standards 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils
	3. Improve energy efficiency of properties in social tenure	<ul style="list-style-type: none"> • Establish relationship with Housing Associations • Train Housing Association staff • Host Switching Days for social housing tenants to help them find the best deal for their gas and electricity 	<ul style="list-style-type: none"> • Ongoing • Short term • Short term 	<ul style="list-style-type: none"> • NEF • Housing Associations •

	4. Promote Energy Saving Advice	<ul style="list-style-type: none"> • Raise awareness of the benefits of energy efficiency • Increase awareness of energy use through current cost monitors libraries 	<ul style="list-style-type: none"> • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils • BCC • BCC Libraries
Expensive Fuels	1. Encourage bulk buying oil	<ul style="list-style-type: none"> • Use Community Impact Bucks to promote bulk buying oil in off gas network communities 	<ul style="list-style-type: none"> • Medium term 	<ul style="list-style-type: none"> • NEF • Community Impact Bucks • Community groups
	2. Large scale renewable energy schemes	<ul style="list-style-type: none"> • Look into possible funding streams for renewable energy schemes including BSP innovation funding • Look into LEADER funding (to rejuvenate rural business) for potential wood pellet scheme in off gas network communities 	<ul style="list-style-type: none"> • Long term • Long term 	<ul style="list-style-type: none"> • BCC • NEF • Community Energy Groups
Hard to Treat properties	1. Investigate possible solutions to solid walled properties	<ul style="list-style-type: none"> • Look at funding opportunities to deal with solid walled properties 	<ul style="list-style-type: none"> • Long term 	<ul style="list-style-type: none"> • NEF • District councils
	2. Explore ways to help mobile homes	<ul style="list-style-type: none"> • Look into possible funding for improving the energy efficiency of mobile homes 	<ul style="list-style-type: none"> • Medium term 	<ul style="list-style-type: none"> • NEF • District councils
Accessing hard to reach groups	1. Work with the disabled and long-term sick	<ul style="list-style-type: none"> • Work with Clinical Commissioning Group / Public Health through GP surgeries, flu campaigns and events • Launch health focused projects • Try to seek additional funding for continuation of Better Housing, Better Health project (which ended in December 2016) 	<ul style="list-style-type: none"> • Ongoing • Medium term • Ongoing 	<ul style="list-style-type: none"> • NEF • CCG / Public Health • NHS • District councils
	2. Work with the unemployed	<ul style="list-style-type: none"> • Establish relationships with job centres • Launch community focused projects 	<ul style="list-style-type: none"> • Short term • Medium term 	<ul style="list-style-type: none"> • NEF • Job centres • Community groups

	3. Work with older people	<ul style="list-style-type: none"> Attend senior wellbeing days Work with Women’s Institutes Work with Bucks Age_Well group to link into older people activities 	<ul style="list-style-type: none"> Ongoing Medium term Short term 	<ul style="list-style-type: none"> NEF Bucks AgeWell group Women’s Institute AgeUK
	4. Target single parent families or families with very young children	<ul style="list-style-type: none"> Continue to work with children centres Link with Bucks Family Information Services Launch community focused projects 	<ul style="list-style-type: none"> Ongoing Ongoing Medium term 	<ul style="list-style-type: none"> NEF Children centres BFIS team (BCC) Community groups
	5. Work with BME groups	<ul style="list-style-type: none"> Use minority community leaders to promote available schemes 	<ul style="list-style-type: none"> Medium term 	<ul style="list-style-type: none"> NEF Community leaders
	6. Develop partnerships with other agencies who work with hard to reach groups	<ul style="list-style-type: none"> Identify key partners including voluntary and community groups Share information and data to target the right groups Identify any training needs 	<ul style="list-style-type: none"> Short term Ongoing Short term 	<ul style="list-style-type: none"> NEF Voluntary groups Community groups
Confusion among residents	1. Promote the Affordable Warmth Helpline as referral service	<ul style="list-style-type: none"> Train trusted professionals such as health, social and advisory staff around fuel poverty and how to use referral network Promote helpline through partner’s websites Promote helpline through council newsletters 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing 	<ul style="list-style-type: none"> NEF CCG / Public Health BCC District councils Advice agencies CAB Job centres
	2. Continue to attend events to educate residents	<ul style="list-style-type: none"> Affordable warmth advice stands at organised events Affordable warmth talks to community groups 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> NEF Community groups

	3. Work closely as partners	<ul style="list-style-type: none"> • Confirm projects and schemes work together • Verify there is consistency of message • Identify and work collectively on bids for potential extensions to the network that mirror previous projects such as Better Housing, Better Health 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils • BCC • CCG / Public Health
Targeting appropriate areas/groups	1. Target through GIS mapping	<ul style="list-style-type: none"> • Continue to map areas with high levels of fuel poverty • Improve existing mapping of off gas households, solid walled properties and low income and use as indicators of fuel poor households • Use mapped data as a way of targeting households for support and assistance 	<ul style="list-style-type: none"> • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • District councils
	2. Use partner databases	<ul style="list-style-type: none"> • Continue to work with BCC InTouch team and Prevention Matters 	<ul style="list-style-type: none"> • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC • Prevention Matters
Smart meter roll out	1. Raise awareness of smart meters	<ul style="list-style-type: none"> • Promote the installation and benefits of Smart meters • Use project run by Community Impact Bucks to help promote smart meters to off-gas residents • Encourage householder behaviour change • Make use of smart meter data to target energy efficiency campaigns 	<ul style="list-style-type: none"> • Medium term • Ongoing • Ongoing • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC • District councils • Community Impact Bucks • CAB
Affordable Cooling	1. Raise awareness of benefits of insulation in keeping homes cool during hot weather	<ul style="list-style-type: none"> • Promote benefits of insulated homes during periods of hot weather 	<ul style="list-style-type: none"> • Ongoing 	<ul style="list-style-type: none"> • NEF • BCC • District councils

12. REVIEWING AND MONITORING

This strategy needs to be reviewed and monitored to ensure aims and objectives are being met. Monitoring should be carried out by the Affordable Warmth Steering group, and should be reviewed at the quarterly meeting with a progress report produced annually.

All members of the Affordable Warmth Network have made a commitment to working to support this strategy and comments and suggestions will be continually reviewed by the Steering Group.

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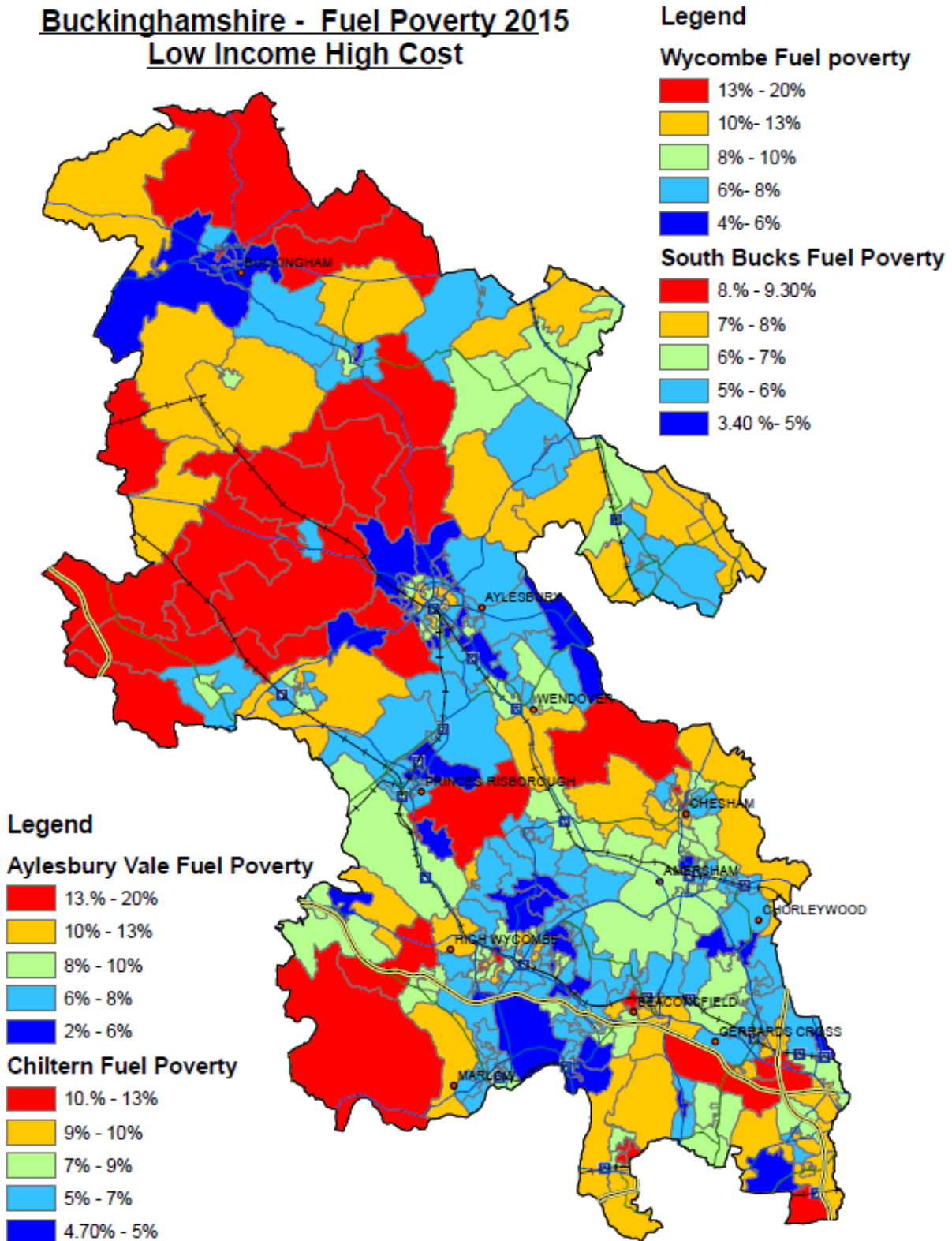
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APPENDIX A – FUEL POVERTY IN BUCKINGHAMSHIRE – MAP 2

Buckinghamshire - Fuel Poverty 2015
Low Income High Cost



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SUBJECT:	<i>Review of Affordable Housing Payments</i>
REPORT OF:	<i>Councillor Paul Kelly – Portfolio Holder for Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Martin Holt – Head of Healthy Communities</i>
REPORT AUTHOR	<i>Melissa Sparks – Housing Enabling Officer (01494 732785) – msparks@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To provide an update of the affordable housing schemes delivered through the Housing Commuted Sums derived from developers and consider future opportunities to deliver affordable housing.

The PAG is asked to advise the Portfolio Holder on the following recommendation(s):

RECOMMENDATIONS to Cabinet that

1. **Cabinet agrees to the continued operation of the Acquisition, Equity Loan and Downsizing schemes within the current allocated funding levels.**
2. **Cabinet agree to allocating the available £3.6M Affordable Housing Contributions (commuted sums) for opportunities that arise by working in partnership with Registered Providers , other public bodies and or developers to provide grant funding to deliver affordable rented properties on-site or to purchase temporary accommodation to support homelessness services.**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Reasons for Recommendations

The recommendation is intended to ensure the Council can continue to secure a supply of additional affordable housing and can ensure that it is making the best use of all funding allocations that are using the Affordable Housing Contributions (commuted sums).

3. Content of Report

The Core Strategy adopted in 2011 and the Affordable Housing Supplementary Planning Document adopted 2013, introduced a commuted sum policy allowing developers to make a financial contribution in-lieu of on-site provision of affordable housing.

3.1 In 2011 the Cabinet approved 4 schemes to deliver affordable housing units through the use of commuted sums:

a) The **Acquisition** programme delivered by L&Q, to buy back ex-social housing to increase the supply of affordable rented accommodation. To-date 36 properties have been purchased. A third programme of purchases is currently in place and requires £80K commuted sum subsidy per unit.

b) The provision of **Your Choice Equity Loans** delivered by Catalyst Housing enables first-time buyers access to an equity loan to purchase housing on the open market; the loan is repayable

to the Council on sale of the property. The scheme has enabled 25 households to access accommodation. The original scheme funding has been exhausted however 7 equity loans have been redeemed which will allow £296,806 (original loan plus 50% profit share) to be recycled through the current scheme.

c) **Downsizing** – The ‘incentive to move’ scheme offers existing Registered Provider tenants, and incentive payment of up to £7K to downsize to smaller, 1 bedroom accommodation. The scheme does not add to the supply of affordable rented units but attempts to make best use of the existing stock by freeing up larger properties. Three moves have been made with this scheme for the year 2016/17 leaving approximately £12K of the revised £60K of approved funding.

d) **Incentive to Purchase** – this scheme was ceased in July 2016 due to limited take-up.

3.2 As at 30th April 2017, since January 2011 the commuted sums position was as follows:

Committed Sums	£
Sum Received	8,877,438
Sum Spent	4,004,606
Committed funds (not yet spent)	1,222,054
Uncommitted Funds	3,650,778

3.3 The position as at 30th April 2017 for expenditure and delivery for each of the following approved schemes since 2011 is as follows:

Scheme	Sum Allocated	Sum Spent	Committed Funds (not yet spent)	Delivery since 2011
Property Acquisitions Phases 1,2 &3	£3,145,000	£2,480,000	£665,000	36 affordable rented properties
Your Choice Equity Loan	£1,060,000 £296,806	£1,047,460 £0	£12,540 £296,806	25 equity loans Redeemed Loans and profit share to be recycled
Downsizing – existing tenants	£60,000	£47,292	£12,708	12 existing family sized properties made available for re-letting
Incentive to Purchase – existing tenants	£40,000	£40,000	£0,000	1 existing family sized property made available for re-letting – scheme ceased July 2016.
Former SGT Site	£235,000	£0	£235,000	Funding agreement – subsidy for 106 agreement – 12 properties for affordable

				rent - completion due mid-June 2017
L&Q Garage site (Hanbury Close)	£160,000	£160,000	£0	3 properties were converted to affordable rent from market sale in a garage site redevelopment by L+Q
Total	£4,996,806	£3,774,752*	£1,222,054	

**the sum spent figure in this table does not include internal charges or valuation fees*

- 3.4 There are no commuted sums imminent for payment at the time of writing the report.
- 3.5 Potential commuted sums from planning permissions where development has not started (and therefore not guaranteed) amount to approximately £1.8M.
- 3.6 For the financial year 2016/17 only 12 units of affordable housing were reported as completed (against an annual target of 22). Four of the units were new-build properties delivered by L&Q on infill sites. The remaining 8 consisted of 5 purchases by L&Q and 3 Your Choice equity loans.
- 3.7 There are currently four new-build developments on-site which are scheduled to deliver 174 affordable housing units over the next two years:

Former SGT site, Institute Road, Taplow	12 units for affordable rent
Institute Road, Taplow Rural Exception Site	5 units for affordable rent 7 units for shared ownership
The Mill site, Taplow	40 units for affordable rent (55 years+ priority) 20 units for shared ownership
Denham Media Park, Denham Green	63 units for affordable rent 27 units for shared ownership

4. Corporate Implications

Reports must include specific comments addressing the following implications;

3.1 *Financial*

3.2 *Legal*

3.3 *And where appropriate; Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability*

5. Links to Council Policy Objectives

This should be a brief statement identifying the elements of the Community or Corporate Plan the report aims to advance and which specific Council policies it may address or relate to.

Key Objectives available here:

<http://www.southbucks.gov.uk/prioritiesandperformance>

Background Papers:	None
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SUBJECT:	<i>Funding request from Pop Goes the Choir</i>
REPORT OF:	<i>Healthy Community Portfolio Holder – Cllr Paul Kelly</i>
RESPONSIBLE OFFICER	<i>Martin Holt – Head of Healthy Communities</i>
REPORT AUTHOR	<i>Claire Speirs – Leisure & Community Officer</i>
WARD/S AFFECTED	<i>Burnham</i>

1. Purpose of Report

To consider a request for funding from Pop Goes the Choir (PTGC) to perform at a Christmas market in France.

RECOMMENDATIONS

- 1. That Cabinet considers whether to fund Pop Goes the Choir £2,500 for the 2018 Christmas market in St Denis De L'Hotel**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG. Members of the Healthy Communities PAG considered the application to be linked to a Twinning event that did not support the local area and considered this would set a precedent if supported. PAG members advised that other funding streams should be considered.

2. Reasons for Recommendations

PGTC has requested project funding towards a trip to France to perform at the 2018 Christmas market as part of a twinning event. The portfolio holder is in favour of supporting the choir.

The Portfolio Holder has advised that the group supports the communities of Burnham, Taplow, Burnham Lent Rise and the Farnhams. The Portfolio Holder considers that the group applied to the Council for overall financial support and has named the French project as a project that it can identify to meet the Councils requirements.

The Portfolio Holder advises that the group supports a wide range of community activities and organisations including; Mencap, SportsAble, the Lions and Rotary organisations and other local groups and charities.

3. Content of Report

- 3.1 A funding request has been submitted from PGTC, a community choir from Burnham with over 100 members.
- 3.2 Funding has been requested to contribute towards the costs of visiting St Denis De L'Hotel to perform at the 2017 Christmas market as part of Burnham's twinning celebration. Funding has been requested to help cover the costs of flights, accommodation and food for 40 members of the choir.
- 3.3 The total cost of the visit to St Denis De L'Hotel is £5,908, PGTC is requesting £2,500 from SBDC, the Council of St Denis are contributing €2,000 (equates to £1735 at time of

writing report) and PGTC is contributing £2,000. Total amount of funding requested equates to £6235.

3.4 It is estimated 6,000 people will attend the Christmas market; however the population of the town is 2,900. On application PGTC were asked how the project benefits residents of South Bucks, the response was Burnham residents can continue to enjoy the benefits of the twinning relationship with their twin village.

3.5 Cabinet has agreed that the 2017/18 grants programme is outsourced to Heart of Bucks. Members could advise the group to apply for funding from the Heart of Bucks matched fund when it becomes live in July or to support the Portfolio Holders recommendation to fund the group from existing resources.

4. Consultation

Not Applicable

5. Options

5.1 Advise the group to apply to the Heart of bucks managed fund

5.2 Approve funding of £2,500 towards the project

5.3 Approve funding of £2,173, which with the other grant funding received should allow PGTC to meet their project costs of £5,908.

6. Corporate Implications

6.1 Financial – Members have agreed to outsource the Councils grant programme to Heart of Bucks to create a matched funded award of £20,000. Funding for this project would be made from the current revenue budget for the joint Community and Leisure service.

6.2 Legal – None

7. Links to Council Policy Objectives

Promote local communities

Support the voluntary sector and promote volunteering

8. Next Step

Should funding be refused applicant will be advised to contact the Heart of Bucks Community Foundation and Community Impact Bucks for potential funding streams.

Background Papers:	None
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SUBJECT:	<i>Introduction of Public Spaces Protection Orders (PSPOs)</i>
REPORT OF:	<i>Councillor Paul Kelly – Cabinet Member for Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Caroline Saunders. Community Safety Officer, 01494 732089, csaunders@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To propose the introduction of a Public Spaces Protection Order (PSPO) for South Bucks.

The PAG is asked to advise the Portfolio Holder on the following recommendation(s):

RECOMMENDATIONS to Cabinet

1. **To retain the current designated dog fouling areas and undertake further consultation in relation to the introduction of any Public Spaces Protection Order (PSPO).**
2. **To further consult on the introduction of a district wide PSPO to include the following dog control measures across the whole district, whereby the following actions mean an offence is committed:**
 - a- **If a person in charge of a dog fails to clean up its faeces.**
 - b- **To fail to put a dog on a lead when directed to do so by an authorised officer.**
 - c- **To allow a dog into enclosed children's playgrounds.**
3. **To support the proposed Fixed Penalty Notice (FPN) fine at £100.**
4. **That once this report has gone through this initial Cabinet cycle, that delegated authority be given to the Head of Healthy Communities in conjunction with the Head of Legal to publish appropriate PSPOs as a result of evidence being obtained and make amendments to any PSPOs as necessary.**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Reasons for Recommendations

Public Spaces Protection Orders (PSPOs) are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014.

Using the new PSPO powers to replace current powers for dog fouling will mean standardised fines of £100 can be introduced. Dog control measures will be made easier to understand as they will apply across the whole district. At present the offence of dog fouling is restricted to certain areas and controls are not in place to address other antisocial issues relating to

responsible dog ownership. Introducing a PSPO allows new dog control measures e.g. failing to put a dog on a lead when directed to do so by an authorised officer and allowing a dog into enclosed children's playgrounds or sports fields.

3. Content of Report

Public Spaces Protection Orders (PSPOs) are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

A number of recommendations have been made as a result of the research into the proposed PSPO. The behaviour being restricted has to meet a test which is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if we are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

At present there is broad support for all of the proposed dog control restrictions but in order to meet the above test, further evidence is required to support their introduction.

Current Orders

There are currently a number of designated dog fouling areas across the district that were put in place 13 or more years ago. Please see appendix 2 for the full list and all available orders and maps. The current restrictions fall under the Dogs Fouling of Land Act, under which restrictions **do not** apply to carriageways above 40mph, agricultural land, woodland or common land. The PSPO however, will apply to all land to which the public has access.

It is proposed that the current designated dog fouling areas are kept as they currently are for now while further consultation takes place towards the introduction of a new Public Spaces Protection Order (PSPO) to cover additional dog control measures.

Dog control measures

During consultation, broad support was given to including all of the proposed dog control measures across the whole district.

It is proposed that support is given to continue the process and gather further evidence to back the introduction of a PSPO including the following dog control measures across the whole district, whereby the following actions mean an offence is committed:

- a) If a person in charge of a dog fails to clean up its faeces.
- b) To fail to put a dog on a lead when directed to do so by an authorised officer.
- c) To allow a dog into enclosed children's playgrounds.

Alcohol restrictions

Councils were granted three years from the introduction of PSPOs to remove any current Designated Public Place Orders (DPPOs) with alcohol restrictions or they will automatically become PSPOs. If no action is taken the current DPPOs will automatically become PSPOs in October 2017. There are no such areas in South Bucks.

Fixed Penalty Notices (FPNs)

It is proposed to support setting the Fixed Penalty Notice (FPN) fine at the maximum amount of £100 for any offence committed under the PSPO.

4. Consultation

4 weeks of consultation were carried out across South Bucks between 17th April and 14th May 2017. An email was sent containing a link to a SmartSurvey consultation, inviting opinions on the proposed introduction of the PSPO. The email was sent out to all Town & Parish Councils, District and County Councillors, Community Associations, Sports Clubs, Animal Associations (RSPCA, Dogs Trust, Kennel Club) and other interested parties (Highways, City of London Corporation, Housing Associations, Country Parks, Friends of Chesham Cemetery, and relevant internal departments at South Bucks District Council). A link was also put on the main South Bucks website and Intranet. In total 171 responses were received with a mixture of multiple choice answers and free text, used to gain more understanding of the reasons behind respondents' answers.

The following results emerged from the consultation and have been taken into consideration in the recommendations:

- The current dog fouling measures were overwhelmingly supported by 98% of respondents, however although support was received additional evidence is required to demonstrate the test.
- All additional proposed dog control measures were supported with between 84% and 90% of respondents agreeing to them.
- These include district-wide powers for dealing with dog fouling (90%), putting a dog on a lead upon request (90%), exclusion from children's playgrounds (88%) and needing to be able to produce a means to pick up after your dog (84%).
- Comments received also gave suggested a desire for sports fields and pitches to also be areas where dog are excluded, which would make enforcement more difficult as they form part of other public open spaces and are often not enclosed.
- Between 66% and 78% of respondents supported retaining all of the current DPPOs. The majority of the rest of respondents chose 'don't know', and cited that they were unfamiliar with the areas concerned.
- There seems to be a call for alcohol restrictions in some additional areas e.g. Burnham, further evidence for their introduction will be sought from the Parish Council and the Police to identify if there is sufficient evidence to pass the test for introducing additional restrictions.

The Dogs Trust and the Kennel Club commented on the proposed dog control options:

- The Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. This view was also given by the Kennel Club.

- The Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however they would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. This view was also given by the Kennel Club.
- The Dogs Trust supports Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official). They consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. This view was also given by the Kennel Club.
- However, the Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but they have some concerns, for example if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out. If the Council proceeds to introduce such a measure it is essential it provides greater clarity to dog walkers on how to comply with the Order, such as ensuring bags are provided adjacent to waste bins. The Dogs Trust did not comment on this proposal. This option has currently been removed from the Council's proposals.

5. Options

- 1) To keep the current situation as regards to dog fouling and gather further evidence towards the introduction of a new district-wide PSPO. The fine for breach will be set at a universal amount of £100.
- 2) To decide not to continue with the introduction of the PSPO restricting enforcement in relation to dog fouling to the existing designated areas.

6. Corporate Implications

- 3.1 Financial: There are financial implications in setting up the PSPO, estimated at £3,000 dependant on the number and type of signs required. Signs will have to be erected in areas with specific restrictions. Costs will be met from existing resources. If FPNs are issued then there may be a small amount of income received.
- 3.2 Legal: The Anti-Social Behaviour, Crime and Policing Act 2014 enables the Council to issue PSPO providing compliance with the current guidance is followed. The order would exclude Burnham Beeches which is the subject of the City of London Corporation.
- 3.3 Crime and Disorder: The PSPO should deter dog related anti-social behaviour from taking place and will enable us to enforce the restrictions.
- 3.4 Environmental Issues: The PSPO should discourage dog fouling which will make the environment safer and more appealing.
- 3.5 Partnership: the recommendations follow consultation with partners.

7. Links to Council Policy Objectives

We will deliver cost-effective, customer-focused services
Listen to our customers

- Consult with you on key issues and respond to results

We will work towards safer and healthier local communities

Improve community safety

- Work with partners to reduce crime, fear of crime and antisocial behaviour

We will strive to conserve the environment and promote sustainability

Conserve the environment

8. Next Step

If authority is given we will start the process of further consultation with Town and Parish Councils and the Police to gather more evidence.

If sufficient evidence is gathered, we will then consult with the public about the restrictions we have chosen to go ahead with and will start drafting the PSPO to be published at a later date.

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.

9. Appendices

Private Appendix 1 – Consultation and results

Appendix 2 – Current designated dog fouling areas list and all available orders and maps.

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Designated areas in South Bucks District

Designated areas where it's an offence not to clear up your dog's mess includes:

- 1) All roads/pavements and verges adjoining roads with speed limits of 40mph or less.
- 2) Open spaces in the following areas:

Parish of Beaconsfield

1. Memorial Green Windsor End.
2. St Michael's Green, off Warwick Rd.
3. Gurney's Green and the other un-named.
4. Grass areas adjacent to the footbridge between Gregories Rd and Baring Rd.
5. St Mary's Church Yard, Windsor End.
6. Wheelers Piece at the junction of Candlemas Lane and Candlemas Mead.
7. Oak Lodge Meadow.
8. Corner of The Spinney and Wattleton Road.
9. Corner of Hedgerley Lane and Windsor End.
10. Grass strip East and West of Windsor End between Hedgerley Lane and the Rugby Club.
11. Amenity area Hyde Green.
12. Hyde Green (Access way).
13. Amenity area Stile Meadow.
14. Amenity area Chesterton Green.
15. Amenity area Malthouse Square.
16. Amenity area Candlemas Mead.
17. Ronald Road/Fernhurst Way/Waller Road (Access way).
18. Amenity area Shepherds Close.
19. The Beacon Centre.

Parish of Burnham

1. Burn Walk.
2. Burnham Churchyard and Church Street.
3. Taplow Churchyard and Hitcham Lane.
4. Amenity area The Green.
5. Lent Green Lane Flats (Open plan area adjacent to pond).

6. Orchard Bungalows (Area used by public on Burnham Beeches).
7. Fairview Road (area to front of flats Nos.2-56).
8. Amenity area Bayley Close.
9. Alice Lane/Orchardville (Access way).
10. Gore Road/Clonmel Way/Wyndham Crescent (Access way).
11. Eastfield Road/Maypole Road (Access way).
12. Clonmel Way (both green areas).
13. Amenity area Hanbury Close.

Parish of Denham

1. Savay Close (Denham Green).
2. Priory Close - Oakside (Denham Village).
3. Denham Village Green.
4. River Misbourne Green.
5. Amenity Area James Martin Close.
6. Goodlake Court Denham (open area to front of flats).

Parish of Dorney

1. Dorney Lake site.
2. Denham Village Green.
3. River Misbourne Green.
4. Amenity Area James Martin Close.
5. Goodlake Court Denham (open area to front of flats).
6. Dorney Village Memorial Ground.
7. Oak Stubbs Green.

Parish of Farnham Royal

1. Grass verge at the junction of Parsonage Lane and Park Road adjacent to Farnham Common Sports Ground.
2. Bishop's Orchard.
3. Kingsway.
4. TempleDell.

5. Farnham Park Sports Field.
6. Amenity are Home Meadow.
7. Devonshire Green.

Parish of Hedgerley & Gerrards Cross

1. Gaviots Green.
2. Gaviots Close.
3. Hedgerley Village Green.
4. Amenity area Mount Close.

Parish of Iver

1. Amenity area Heatherden Green Iver Heath.
2. Area of land at Love Green Lane junction with Bangors Road South.
3. Triangles of land at Thornbridge Road and Ashford Road Iver Heath.
4. 2 Triangles of land at Pinewood Green Iver Heath.
5. Iver Heath Recreation ground.
6. Iver Recreation Ground.
7. Iver Heath Fields.
8. Land adjacent to the medical centre Trewarden Ave/Glaiser Way.
9. Amenity are Barnfield.
10. Amenity area Evreham Road into Barnfield.
11. Amenity area Victoria Crescent.
12. Church Road (both Sides).
13. Love Lane (bottom of).
14. Love Green Lane junction.
15. Colne Orchard.

Parish of Stoke Poges

1. Bells Hill Recreation Ground.
2. Plough Lane Recreation Ground.
3. Bells Hill Green.

4. Bus stop opposite Pennyletts Green.
5. Land adjacent to Hollybush Hill to Bells Hill B416.
6. Land adjacent to Church Lane.
7. Amenity area Decies Way.
8. Amenity area Penn Meadow.
9. Amenity area Sefton Paddock.
10. The Lanes Golf Course.
11. Vine Road/Duffield Lane (Access way).

Parish of Taplow

1. Grass verge between Rectory Rd and the Junction with footpath 9.
2. Conservation area in River Rd.
3. Taplow Village Green.
4. White Place Taplow.
5. Trumpers Field - Hall, Picnic Park, Sports Ground, Car Park and entrances.
6. Amenity area Desborough Cottages.
7. Amenity areas Buffins (both green areas).

SUBJECT:	Replacement of theatre floor at Beacon Centre
REPORT OF:	Cllr Paul Kelly – Healthy Communities Portfolio Holder
RESPONSIBLE OFFICER	Martin Holt – Head of Healthy Communities
REPORT AUTHOR	Claire Speirs – Leisure & Community Officer. Claire.Speirs@southbucks.gov.uk 01895 837306
WARD/S AFFECTED	Beaconsfield

1. Purpose of Report

To consider the options detailed in the report for replacement of the Beacon Centre theatre floor and seating.

RECOMMENDATIONS to Cabinet to agree to;

1. Install Bleacher seating on a Sprung Floor enabling the Beacon Centre to be used for theatre style events and meetings.
2. To tender for the installation of Bleacher seating on a Sprung Floor, the final agreement on costs to be delegated to the Head of Healthy Communities in consultation with the Portfolio Holder for Healthy Communities
3. Recommend to GLL to raise the hire charges for Theatre events to enable reinvestment in to lighting and other equipment needs.
4. Improve the marketing of the centre to encourage wider community use of the theatre/events space.

2. Report

- 2.1. The theatre at the Beacon Leisure Centre is currently used as a multi-functional space used for theatre hire, event hire and a range of keep fit aerobic activities. The main use of the facility is aerobic activities which accounts for 94% of the block bookings.
- 2.2. Over many years the bleacher style seating has caused point loading damage to the floor area to such an extent that it is no longer repairable and requires replacement. Specialist advisors advised that the repaired floor was at significant risk of failing when a full load was applied to the bleacher seating. The bleacher seating also became bowed in its central area and for health and safety risk reasons deemed unsafe to use.
- 2.3. A semi sprung floor is required to safely provide high impact aerobic exercises, specialist suppliers of seating have advised that bleacher seating is compatible with a semi sprung floor

providing the floor is designed to withstand the weight and point loading of the seats. Quotes to replace the floor range between £21,980 and £32,772.

- 2.4. The cost to replace the bleacher seating is between £30,556 for 162 seats and £53,793 for 208 seats
- 2.5. Increasing hire charges and providing bleacher seating and a semi- sprung floor would allow GLL to expand their offer to customers and increase throughput and operating revenue
- 2.6. In deciding to replace the bleacher seating officers would be required to retender the works to enable the appropriate floor to be installed the meets the requirements of the seating type. The quotes in Appendix 1 are for flooring without bleacher seating being installed.

3. **Content of Report**

3.1. **Current Position**

- 3.1.1. The Beacon Sports Centre and Theatre is owned by South Bucks District Council and operated by Greenwich Leisure Limited (GLL) under the Leisure Management Contract until 20th October 2021. The centre consists of a sports hall, 40+ station gym, outdoor football pitches and a 209 seat theatre.
- 3.1.2. The theatre is currently used by 9 groups, over the last year the seats have been used 42 times for 9 different events. 8 of these times were by Beaconsfield Theatre Group, 10 were used for one off events and 24 were used by U3A. Not all 24 of the U3A meetings used the bleacher seats, sometimes they used round cabaret style seating.
- 3.1.3. The theatre floor is a semi-sprung 'Gransprung' floor which has a 6mm gap between the top layer and the concrete base.
- 3.1.4. The floor has suffered substantial point load damage in the area of the tracks of the bleacher seating unit. The damage is in the form of cracked and broken Granwood tiles, track marks and depressions etc. There are now also a number of sharp edges currently present and these may be a possible risk of injury to users particularly if barefoot (there are currently no activities where users would be barefoot at the centre).
- 3.1.5. The damage has been sustained both when the bleacher seating is opened and when additional stresses are being placed on the floor when the seating is in use. The construction of the existing floor doesn't provide sufficient strength and flexibility to accommodate the weight and movement of the bleacher unit. An external inspection has advised 'it is reasonable to accept that the current floor is not fit for purpose and further damage or total collapse are inevitable'. Should this occur when the seats in use there is a significant risk of injury.
- 3.1.6. A joint risk assessment undertaken by SBDC and GLL resulted in the seats being taken out of use and not being deployed until appropriate systems are installed. Members of Community PAG agreed at the meeting held on 15th September to remove the existing bleacher seats.

The seat removal was carried out in February 2017 by a specialist company at a cost of £4,670.

3.1.7. The current position is the floor needs to be replaced to enable continuation of sport activities and the use of the theatre.

3.2. **Product options**

Floors:

3.2.1. An options appraisal of the flooring has been undertaken by GLL. There are three different types of floor that have been considered; traditional wooden sprung floor, sprung floor with lino and Pulastic floor. Information about each quote, type of floor, seating that can be used on the floor is detailed in **Appendix 1**.

3.2.2. A sprung floor is the most popular flooring in sports facilities, it is the most suitable floor surface for exercise activities as it reduces point of impact pressures on the body. An underfloor batten system is installed on the floor base surface, foam based cradles are used on the battens to give the sprung effect. A sprung floor with lino is the same product but with an additional 2.5mm linoleum surface. Two quotes have been provided for a sprung floor, the costs are £21,980 and £27,730

3.2.3. A Pulastic floor is a 2mm elastic polyurethane top layer which is applied to a plywood layered flooring base. The surface offers good rebound and shock absorption qualities with a matt coating. The cost of a Pulastic floor is £32,772

3.2.4. It is recommended to install a sprung floor which meets the needs of all users.

Seating:

3.2.5. The recommendations from the Building Surveyor is to select seating before any decision is made about the flooring as the flooring can be designed to accommodate the chosen seating.

3.2.6. Two options appraisals have been carried out for seating options. The first is a direct replacement consisting of 208 seats. The second being a scaled back version of the existing seats which will offer either 162, 172 or 182 seats. Both options are tiered, upholstered benches. **Appendix 2** details the seating quote appraisal carried out.

3.2.7. The Senior Building Surveyor in the Estates Team has been asked to look at the quotes received from a technical point of view and comment on the suitability of each proposal. The full response is detailed in **Appendix 3**

3.2.8. Senior Building Surveyor also looked into the option of repairing the existing Gransprung floor and hiring mobile tiered seating when needed. The report states 'It is possible to undertake localised repairs to Gransprung floors. However, the extent of the damage to the floor at the Beacon Centre means it is not cost effective to undertake repairs when compared to the cost of full replacement.'

Temporary seating

3.2.9. There are a number of companies who hire event and auditorium seating. One of the largest suppliers of temporary seating in the country has quoted for the cost of hiring a tiered system of 200 individual tip up seats in plastic. During the popular months of June, July and December the cost is in the region of £3,000 plus VAT plus insurance for one week's hire.

3.2.10. Another temporary seating option which has been considered is the use of flat seats which can be used in the theatre hired by GLL or the venue hirer. Flat seats have been used in the theatre since the bleacher seats have been taken out of use.

3.3. Impact

3.3.1. A variety of fitness classes, including judo, circuits, dance, kickboxing, karate, body conditioning, children's rugby and the rock choir also use the theatre space but without the seats. When the theatre seats are in use these classes have to move to the sports hall. If the sports hall is also occupied the classes are cancelled.

3.3.2. Current income generated from the theatre is £5,736. The cost to manage the theatre per year is £7,312, the breakdown of these costs is below:

Income	
Theatre hire	£5,136
Bar sales	£600
Total income	£5,736
Expenditure	
Staffing	£1,344
Current class cancellation	£1,545
Repairs & Maintenance	£4,423
Total	£7,312
Total Profit/loss	-£1,576

3.3.3. Under the current contract GLL is required to increase throughput for classes and sporting activities which is linked to both the council and GLL's performance indicators and supports GLL to deliver increased income to the council.

3.3.4. The replacement of the bleacher seats will enable GLL to continue to operate fitness classes with improved decoration that can still be used by the theatre groups. Such a facility could increase customer throughput and by enabling GLL to increase hire charges additional income to GLL would support the improved provision of the equipment and decoration.

3.4. Consultation

3.4.1. Theatre seats are currently used by nine theatre groups and in the last year the seats have been used thirty nine times over eleven bookings. Each user of the theatre (non-exercise users) has been contacted and asked for their feedback on how they would be impacted should the seats be removed. Two groups responded to the consultation, Beaconsfield Theatre Group (BTG) and Through the Wardrobe Children's Theatre Company (TTW). Both

groups use the theatre as it has bleacher seating and feel removing the seats altogether would impact their bookings, full details of the user response can be found in **Appendix 4**.

4. Options

- 4.1. Option 1: Replace floor and continue use of flat seats at no cost to SBDC.
- 4.2. Option 2: Replace bleacher seating and install a new floor. Seating unit to be selected first, flooring to be designed around the chosen seating option.
- 4.3. Option 3: Replace floor and hirer or GLL provides temporary arena seating which prevents other use of the theatre for the period of hire. This would cost an additional £3,150 for the seats and insurance and a hire cost of the theatre at £3,349, resulting in a weekly cost of hire £6,499.50. This option will also impact other users of the theatre leading to potential class cancellations. This would appear to be uneconomic but may still be an option for hirers to consider.

4.4. Indicative Seating Options:

Option	Product	Price
1	Specialists in Seating 162/172 seats	£30,556
2	Auditoria 162/172 seats	£31,973
3	Hussey 162/172 seats	£35,566
4	Audience systems 162/172 seats	£38,653
5	Specialists in Seating 208 seats	£39,236
6	Auditoria 208 seats	£44,320
7	Hussey 208 seats	£52,772
8	Audience systems 208 seats	£53,793

4.5. Indicative Flooring Options:

Option	Product	Price
1	Ryan Leisure Junkers New Era floor	£21,980
2	Sport & Play Pulastic Elit Classic 20	£32,772
3	Gransprung	£27,730

4.6. Budget:

- 4.6.1. There is £120,000 in the budget for the replacement of the floor; Option 1 and 2 will enable the works to be carried out within the current financial year.

5. Corporate Implications

- 5.1 Financial – As referred to above there are sufficient funds in the capital budget to carry out flooring replacements. There is no income return to the Council from the centre and so the additional cost of the sprung floor and bleacher seating would not be repaid back to the Council.

5.2 Legal – There is no obligation on the Council to provide bleacher style seating but if provided the Council will be responsible for the repair and maintenance

5.3 Health & Safety – the floor is not currently fit for purpose, however this is being mitigated by the use of mats. Whilst it is possible to undertake local repairs the extent in damage means it is not cost effective compared to full cost of replacement.

6 Links to Council Policy Objectives

6.1 Promote Healthier Communities. The provision of a semi-sprung floor at the Beacon Centre will assist in promoting physical activity in line with the Active Bucks programme and the Councils Community Objectives.

6.2 Equally, the provision of drama space enables drama groups to supports social interaction and skill development through art and drama.

7 Next Steps

Commence project to replace the floor and seating as decided replacement works as soon as possible, should members recommend replacing the seating units quotes will be sought to line up with the flooring product selected. Seating options will be brought back to members for consideration. . If members recommend replacing the seats a request for additional budget allocation will be made to Cabinet and Full Council.

Background Papers:	Seating and flooring quotes. Seating/flooring report
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SUBJECT:	<i>Establishment of a Property Development and Management Company</i>		
REPORT OF:	<i>Leader of the Council</i>	<i>Cllr Bagge</i>	
	<i>Resources Portfolio Holder</i>	<i>Cllr Egleton</i>	
RESPONSIBLE OFFICER	<i>Director of Resources</i>	<i>Jim Burness</i>	
	<i>Director of Services</i>	<i>Anita Cacchioli</i>	
REPORT AUTHOR	<i>Head of Finance</i>	<i>Rodney Fincham</i>	<i>01494 732260</i>
	<i>Principal Solicitor</i>	<i>Sue Markham</i>	<i>01895 837326</i>
WARD/S AFFECTED	<i>All</i>		

1. Purpose of Report

- 1.1 To present for approval the business case for setting up a local authority trading company, focusing on Property Development and Management, and to seek formal agreement to the setting up of this company.

RECOMMENDATIONS TO COUNCIL

1. **To approve the business case, as detailed in Appendix A, for setting up a local authority trading company, focusing on Property Development and Management.**
2. **To approve the establishment of a local authority trading company to allow the Council to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011 to facilitate income generation based on the Articles of Association detailed in Appendix B The Director of Resources to have the delegated authority to agree the final version of these.**
3. **To appoint the Chief Executive and the Director of Services as Company Directors.**
4. **To adopt a new Minimum Revenue Provision (MRP) policy as detailed in Appendix C.**
5. **To approve the following SBDC delegations:**
 - **The Director of Resources to have the authority to make secured loans to the trading company, up to the limits in the approved Company Business Plan.**
 - **The Director of Resources to have the authority to make unsecured working capital loans to the trading company, up to the limits in the approved Company Business Plan.**

RECOMMENDATIONS TO COUNCIL

- **The Director of Resources to have the authority, following consultation with the Leader, to use any sums specifically set aside in the Council's Capital programme to purchase assets on receipt of a viable outline business case.**
- 6 To note the matters set out in this report relating to the issue of affordable housing, and delegate to the Director of Resources, in consultation with the Leader, authority to establish suitable arrangements to address those points.**
- 7 To delegate to the Director of Resources authority to undertake any further actions to give effect to the contents of this report, in consultation with the Leader.**

2. Reasons for Recommendations

- 2.1 There is a robust business case for the establishment of a local authority trading company ***to develop and manage property*** in order to deliver a financial return to the Council.
- 2.2 The company will also deliver wider beneficial impacts eg increasing housing supply and / or new commercial property.

3. Legislative Background

- 3.1 Under the 'general power of competence' introduced by Section 1 of the Localism Act 2011 local authorities have a general power that enables them to do anything that a private individual is entitled to do, subject to certain statutory limitations. However things done for a commercial purpose even under the Localism Act 2011 must be done through a company.
- 3.2 There are specific powers contained in the Local Government Act 2003 which allow a local authority to undertake trading activities. However the Regulations made under the 2003 Act require a business case to be prepared to support the use of the trading powers and the Council must approve the said business case.

4. Business Case

- 4.1 Appendix A sets out the business case that has been produced for the establishment of a Property Development and Management Company owned by SBDC.
- 4.2 The Business Case does not envisage that the Company will repay the Council loans. Instead the Council will continue to receive an interest return. The Council therefore needs to amend its Minimum Revenue Provision (MRP) policy to ensure that it does not have to set aside revenue each year to cover these loans. See Appendix C for further details.

5. Company Structure and Governance

- 5.1 The Company will be a private limited company, with SBDC as the sole corporate shareholder. The proposed Articles of Association are detailed in Appendix B.
- 5.2 The primary aim of the company will be:
To develop and manage property in order to deliver a financial return to the Council.
- 5.3 The company will be set up to operate in line with good professional practice, and will be required to follow all local authority planning policies.
- 5.4 The company will be set up with significant commercial flexibility to change and adapt as needed. However there will be number of 'Reserved Matters' to reserve certain decisions to SBDC (as Shareholder) as detailed in the Articles of Association.

6. Company Directors

- 6.1 SBDC (as Shareholder) will appoint (and dismiss) the Company Directors.
- 6.2 The role of Company Directors is to oversee the operation of the Company, ensuring it delivers its aim, whilst complying with all the legal and financial duties imposed on companies.
- 6.3 The Company Director's duties include:
- Personally exercising reasonable care and diligence over the Company's dealings.
 - Confining themselves to what the Company was set up to do.
 - Not fettering their decision-making, and

- Where there is one, declaring an interest in a proposed transaction with the Company.
- 6.4 Company Directors are required to abide by the seven duties of directors, codified in the Companies Act 2006. Company Directors failing to observe these duties are open to prosecution and there are cases of Company Directors being fined and / or stripped of their ability to be a Company Director in the future.
- 6.5 Where a Company Director is professionally qualified (ie legal, finance) then a higher standard of duty is also expected on those matters that fall within their professional field. The other Company Directors are also able to place reliance on the advice of the professionally qualified Company Directors.
- 6.6 The requirements of Company Directors under the Companies Act can conflict with Members roles as elected members and representatives of their communities. Therefore to minimise Members' exposure to conflict of interest situations, Members are recommended to confine themselves to overseeing the company via the Shareholder role. A strong Shareholder Agreement would facilitate effective Member oversight.
- 6.7 It is proposed that the Company's Board of Directors should:
- Have at least 2 Directors.
 - Initially consist of 2 Directors, with the scope to increase this to up to 5 Directors as the company grows.
 - Have a majority of Directors being senior Council officers, to ensure effective communication between the Council and Company.
- 6.8 It is not recommended that:
- All 3 members of the SBDC Management Team (Chief Executive and the 2 Directors) are appointed as Company Directors. This would ensure that there is always one member of Management Team that is fully independent of the company to avoid conflicts of interest.
 - The Section 151 Officer (Director of Resources) is not appointed as a Company Director, as they have prime s151 responsibility to the Council. This could cause a conflict issue with the s151 Officer proposing a Business Plan as a Company Director, and advising the Council on the viability of the Plan.
 - The Head of Environment is not initially appointed as a Company Director, as they have responsibility for the Council's property estate. They therefore need to be independent when negotiating any Council asset sales to the Company.
- 6.9 It is therefore proposed that initially the Chief Executive and the Director of Services are appointed as Company Directors.

6.10 The Board of Directors will be supported by company personnel. It is highly likely that the Company would seek to appoint staff / contractors with relevant expertise and experience to fulfil the Company Secretary role and more importantly to provide leadership and support in relation to property development matters.

7. Company Name

7.1 The name of the Company is an important issue. To stress its commercial aims and remit it is considered beneficial to select a name that is not immediately linked to the Council (ie not South Bucks Property Ltd).

7.2 However the name could have some local connection. For instance it could be related to:

Rivers in the area Misbourne, Colne, Alder Bourne

Colne Valley

Capswood

Burnham Beeches ie Beech Tree Property, or Fagales – Latin for beech (trees)

Bulstrode after the scheduled Iron Age monument

Waller after the Beaconsfield poet Edmund Waller

Shark Bay World Heritage Area in Western Australia (twinned to Denham)

Pinewood

7.3 Alternatively links could be made to the Council's crest ie

Consilio Taken from motto on South Bucks crest *

Animis Taken from motto on South Bucks crest *

Wisdom Taken from motto on South Bucks crest *

* Motto - CONSILIO ET ANIMIS (By wisdom and courage).

7.4 The preferred company name is Consilio Property Ltd, and Cabinet are requested to agree this.

8. Development and Approval of Property Schemes

8.1 The company will put forward plans / business cases to SBDC (as Shareholder/ funder / land owner) to develop / manage specific schemes / programs of work as and when necessary.

8.2 SBDC will provide equity and loan financing to the Company. Loans will be based on commercial terms (to avoid state aid issues).

8.3 Initially developments are expected to be in the South Bucks area. However in order to give maximum flexibility, the Company will be able to operate across the UK provided any schemes are in line with the approved Company Business Plan.

9. Affordable Housing

9.1 An issue that remains to be resolved is the precise details of the governance structures that will be utilised around the holding of affordable housing within a Council controlled subsidiary company. There is a need to ensure that the arrangements adopted are lawful.

9.2 There are a range of options being considered and other councils have considered these options and so these alternative approaches are being reviewed. One option may be to consider incorporating a further subsidiary company to hold the affordable housing, but all options are being considered.

9.3 It is appropriate that members are aware of this and recommendation 6 delegates the final decision on the governance arrangements on this point to the Director of Resources, in consultation with the Leader.

10. SBDC Delegations

10.1 As it is intended for the Company to operate commercially in a competitive environment, it will be necessary for SBDC to implement a number of specific delegations in order to ensure quick decisions are able to be taken when appropriate.

10.2 The following delegations are therefore proposed:

- The Director of Resources to have the authority to make secured loans to the trading company, up to the limits in the approved Company Business Plan.
- The Director of Resources to have the authority to make unsecured working capital loans to the trading company, up to the limits in the approved Company Business Plan.

10.3 In addition the SBDC Capital Programme includes an allocation of £6.75million (18/19 £2m, 19/20 £2.25m, 20/21 £2.5m) to support new development projects primarily through the Property Development and Management Company.

- 10.4 It is therefore proposed to delegate to the Director of Resources authority, following consultation with the Leader, to use any such sums to purchase assets on behalf of the Company on receipt of an outline business case. To support this it is also proposed that SBDC should produce a Property Acquisition / Disposal Strategy.

11. Consultation

- 11.1 Whilst the authority does not by law have to follow any formal consultation process before setting up a trading company, this part of the process (an open report through the Council's decision making process) makes the public aware of the Council's intentions at a formative stage and provides an opportunity to engage with the proposal being considered

12. Options

- 12.1 The Council could undertake developments without setting up a trading company. However any such development could not be done for a purely commercial purpose, as things done for a commercial purpose even under the Localism Act 2011 must be done through a company.
Nb: Even with the company set up, there may well be developments that the Council would wish to undertake outside the company for service delivery or financial reasons.
- 12.2 The Council could restrict itself to developments that do not result in private assured short hold tenancies (and thus not require a company to manage these). However this could restrict returns, and could result in SBDC houses having to be managed via a Housing Revenue Account and being subject to right to buy.
- 12.3 The Council could look to enter into a joint arrangement with a private development partner. A private partner would share the risk and reward of developments. However as the initial opportunities are on Council owned land and are already progressing there is limited benefit from engaging with a partner at this stage. However this does not rule out working with a partner on future opportunities if there is a good reason for doing so.

13. Corporate Implications

Financial

13.1 The business case in Appendix A sets out the financial implications.

Legal

13.2 See section 3 'Legislative Background'.

Risks

13.3 Setting up a Trading Company does come with risks, primarily financial and reputation risks if the company does not trade successfully.

14. Links to Council Policy Objectives

14.1 Setting up a local authority trading company, focusing on Property Development and Management, will support the Council aim of delivering cost effective, customer focused services, particularly by providing a return to the Council and optimising the effective use of resources and assets.

14.2 Setting up a Property Development and Management company could also help ensure that local housing needs can be met.

15. Next Step

15.1 If agreed the Property Development and Management Company will be established and commence trading.

Background Papers:	Cabinet Report 8 February 17 entitled Establishment of a Local Authority Trading Company
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Appendix A**Business Case for the Establishment of a Property Development and Management Company owned by SBDC**

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1. Background

- 1.1 Increasingly local authorities are looking to act more commercially in order to generate revenue income to meet local priorities, particularly since the Localism Act 2011 has given greater freedoms and flexibilities to councils wishing to establish companies.
- 1.2 With specific regard to acting more commercially in the housing market, the national Elphicke-House report (2015) set out how councils could and should become Housing Delivery Enablers. The report suggests that a move towards councils acting as developers and private landlords would be a positive shift, helping to ensure that the local housing needs and demands of an area can be best met.
- 1.3 In a Ministerial Housing Statement on 20th March 2015, Brandon Lewis MP signalled the Government's support for councils setting up local housing companies. Although it should be noted that the Government does not support the setting up of such companies where this is done to deliberately avoid the right to buy.
- 1.4 The rationale for the setting up of a property development and management company can be summarised as follows:
 - The Council is facing significant reductions in Government grant funding and so is looking to be more innovative and behave in more commercial ways to address revenue shortfalls while addressing local issues. Establishing a property development and management company would contribute toward generating revenue income at a greater level than simply selling assets and investing the receipt.
 - Any Council lending to the Company, which would involve prudential borrowing by the Council, would be on a commercial basis generating an internal rate of return.
 - The ability to operate on a commercial basis coincides with addressing certain demand in the housing market, notably the demand for good quality private rented housing.
 - It is widely viewed that the relative immaturity of the Private Rented Sector offers institutions and larger organisations such as local authorities an opportunity to shape the sector, and the Government are encouraging this activity.
 - It is widely recognised that commercial development and housing growth are key drivers to stimulating wider economic growth.
 - There is therefore an opportunity for the Council to provide good quality, well managed commercial property and / or homes while delivering an income stream to the Council to invest in protecting and supporting other services.

2. Aim of the Company

Primary Aim

2.1 The primary aim of the Company would be:

To develop and manage property in order to deliver a financial return to the Council.

Wider Beneficial Impacts

2.2 A series of wider beneficial impacts would also arise because of the establishment of the Company, including:

- Meeting the Council's planning policies relating to the provision of affordable housing, and in doing so contributing to addressing local affordable housing needs - the Company would be required to comply with local planning policies just like any other private developer.
- Contributing to remedying housing supply issues in South Bucks which jeopardise the economic and social well-being of residents and can undermine growth in the local economy.
- Contributing to the Council's Economic Development Strategy by providing new commercial property.
- Providing commercial property to provide local work, in accordance with the Joint Sustainable Community Strategy aspiration of 'supporting the local economy to continue to thrive and provide local jobs for local people'.
- Developing, so long as a clear commercial financial case can be demonstrated, housing of a specialist nature such as keyworker housing, temporary accommodation and retirement housing.
- Acting as an exemplar of good practice in property development and management, with the aim of deriving reputational and commercial benefits for the Council as Shareholder.

Changing the Aim

2.3 As the Company aim will be enshrined in the Company's Memorandum of Association and Articles of Association, changing the aim in the future would require Board and Shareholder approval, and reregistration at Companies House.

2.4 Alternatively if Members wished to pursue different aims in the future, it would be possible to set up new companies to meet these new aims.

3. Case for Establishing a Property Development and Management Company

Options

- 3.1 The proposal to establish a Property Development and Management Company is based on there being an opportunity for the Council to provide good quality, well managed commercial property and / or homes while delivering an income stream to the Council to invest in protecting and supporting other services.
- 3.2 The alternatives are:
- Do nothing beyond supporting new commercial property and / or housing through traditional means, including disposing of land and / or providing financial grants to housing associations. **This is rejected** as the development company approach affords a better use of scarce financial resources and is in line with the Council's developing commercial approach.
 - The Council to carry out all building directly. **This is rejected** as local authorities do not have powers to directly undertake commercial activity and can only do so through a company.
 - Joint venture model with a private developer. **This is rejected** as this option would take time to establish, the structure would compromise the Council's control and flexibility, and revenue income would have to be shared.

The Benefits of Operating through a Company

- 3.3 A company is a particularly good way to operate for the following reasons:
- By clearly asserting the Company's commercial character, it is unlikely to be considered by any parties as being a 'body governed by public law'. This means that it would not be obliged to follow European Union procurement regulations. Therefore the Company would act on the same basis as its competitors, although it could opt to follow EU procurement rules if this was considered beneficial.
 - A company vehicle can potentially extend its operations to wider trading functions, subject to Shareholder approval.
 - A company structure affords flexibility in that it would allow other district authorities or public bodies to be admitted as Shareholders in the future.

The Financial Benefits of Establishing a Local Authority Trading Company

3.4 There are a series of ways in which the Council will be able to generate financial income through a wholly-owned company. Notably:

- **Interest on loans to the Company
(Return earned as Lender)**

The Council has the power to make loans to the Company. Commercial rates would need to be applied to be compliant with State Aid regulations. This would attract a margin over the Council's own cost of (PWLB) borrowing.

- **Receipts from assets sold / leased by the Council to the Company
(Return earned as Seller)**

Council assets will be sold / leased to the Company at market value (in line with State Aid regulations / the duty to obtain best value) and the Council will receive a receipt for the asset, which may be in the form of an equity investment in the company.

- **Distributions of profit made by the Company through dividends
(Return earned as Equity Investor / Shareholder)**

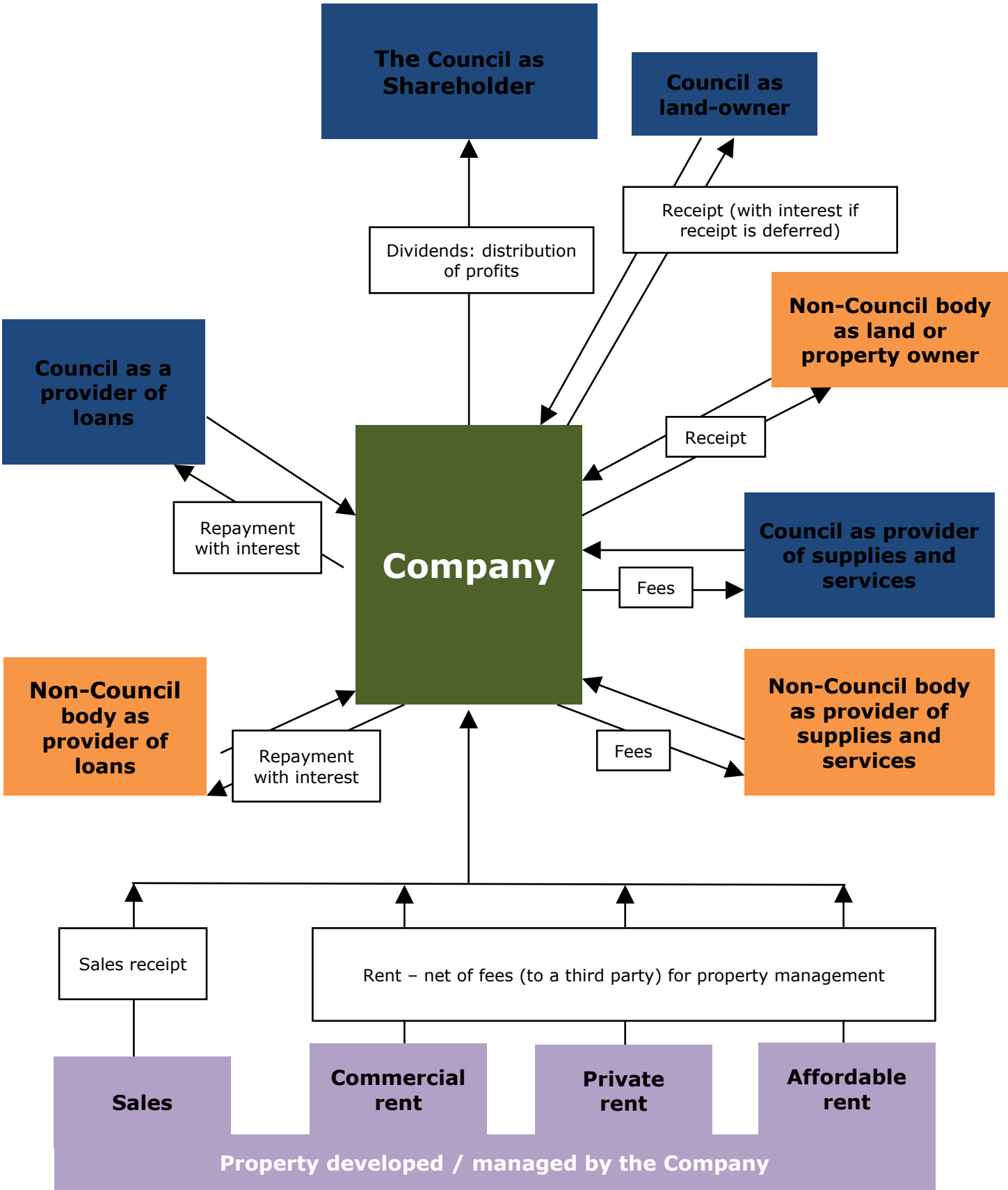
The Company will derive an income from rental income net of management and maintenance costs and / or sales and uplift in the capital value of its assets, net of any overage agreements in place. These profits, net of tax, would be distributed to the Shareholder (the Council).

- **Purchase of services from the Council
(Return earned as Supplier)**

The Company may wish to purchase services such as property development expertise, housing, legal, HR, Finance or IT support from the Council at a market rate. At this stage the assumption has been made that the Council will be able to support these services from within existing staff resources.

3.5 The diagram below shows the possible financial flows between the Company, the Council, and other non-Council bodies. Other non-Council bodies would include the contractors building the properties, and any owners of private land or properties which the Company may acquire in the future. This could also include other sources of loan funding available in the future.

Diagram: Financial flows



4. Legal Considerations and Governance of the Company

Legal Context

- 4.1 Specialist external legal advisors have provided detailed advice on the legal aspects of establishing a local authority trading company, focusing on Property Development and Management. The information in this section of the report has been taken from the advice they have provided.
- 4.2 Section 1 of the Localism Act 2011 provides local authorities with the power to do anything an individual may do, subject to a number of limitations. This is referred to as the 'general power of competence'. A local authority may exercise the general power of competence for a commercial purpose.
- 4.3 Section 95 of the Local Government Act 2003 is also of relevance. The associated regulation, Regulation 2 of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009, requires a business case to be prepared and approved by the Council before a company starts trading. This report constitutes that business case for the Property Development and Management Company.
- 4.4 Section 4 of the Localism Act 2011 requires that where a local authority exercises the general power of competence for a commercial purpose it must do this through a company. The Council can rely upon the general power of competence to form a local authority trading company for the purpose of that company developing and managing property.
- 4.5 In order to gain planning permission for development of housing on sites in the South Bucks area, the Company will need to have regard to the Council's Planning Policies, in particular the requirement for larger sites to deliver at least 40% affordable housing.

Form of Company

- 4.6 The legal advice is that the Company should be a company limited by shares. This form of company complies with the ability to trade provisions set out within the Localism Act 2011. South Bucks District Council (as the corporate body) will initially own the entire share capital.
- 4.7 There are certain requirements that will apply to the Company, some of which are statutory, such as the obligation to file annual returns and accounts, while others the Council will be able to determine itself, including the governance arrangements.

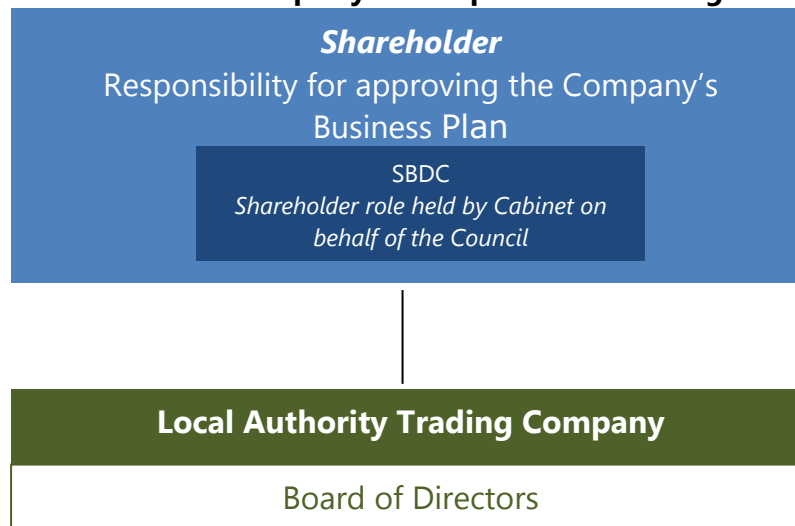
Governance Structure

4.8 The proposed governance structure for the Company is set out in the diagram below. This is viable from both a regulatory and constitutional perspective.

4.9 There are two key components of this structure:

- The Council (as the Corporate body) being the Shareholder
- The Company's Board of Directors.

Governance Structure for the Property Development and Management Company



The Council's Shareholder Role

4.10 Acting in its Shareholder role, SBDC will be charged with protecting the Council's interests as owner of the Company.

4.11 Under the Council's constitution responsibility for overseeing the Company falls within the responsibility of the Executive, ie the Cabinet.

The Cabinet would therefore:

- Advise on the overall strategic direction of the Company.
- Consider, comment on, and suggest content for and amendments to the draft Business Plan produced by the Company.
- Receive and review quarterly trading update reports on the performance of the Company.
- Meet with the Directors of the Company as necessary.
- Consider how the Company could further the priorities of the Shareholder (the Council), while not at any time undermining the Company's primary commercial focus.

4.12 Integral to the Shareholder role is the detailed consideration of the Company's draft Business Plan. Cabinet will discuss its contents with representatives of the Company and seek to satisfy itself of its viability and robustness.

- 4.13 Cabinet will then recommend, or otherwise, approval of the Business Plan by Full Council.
- 4.14 The proposed Shareholder Agreement requires the Company to provide a draft Annual Business Plan to the Shareholder in October each year. This affords the Shareholder (the Council) sufficient time to scrutinise the proposals, seek any clarifications and / or amendments and factor in the capital and revenue implications to the Council's coming year's capital programme and revenue budget, as well as incorporating the longer term implications in the Council's Medium Term Financial Strategy.
- 4.15 The Company will not be able to act outside of the financial caps and limits set in the approved Business Plan without Shareholder consent.
- 4.16 The Council's Overview and Scrutiny Committee would review the decisions of SBDC (as Shareholder) in line with its general scrutiny role.
- 4.17 The Leader would nominate a Member / officer to attend / vote at the Company's Annual General Meeting (on behalf of SBDC as Shareholder). Although, there would be an open invitation for Members to attend the Company's Annual General Meeting, the right to speak and question the Company could only be exercised by the nominated Member / officer (as the Shareholder representative).

The Board of Directors

- 4.18 The Council (as Shareholder) will have the right under the Company's Articles of Association to appoint and dismiss the Company's Directors.
- 4.19 The Company Directors will have full and ultimate responsibility for directing the activities of the Company, ensuring that it is well run and delivering the outcomes for which it has been established.
- 4.20 Company Directors are required to act in line with the Memorandum and Articles of Association and the Shareholder Agreement, with their roles including:
- Ensuring compliance with the Company's objects, purposes and values.
 - Ensuring the Company complies with all relevant regulations and laws.
 - Drawing up the Company's Business Plan for onward submission to the Council (as Shareholder) to consider and approve.
 - Setting budgets, policies and plans.
 - Monitoring performance of the Company.
 - Setting a framework for internal controls.
 - Ensuring the financial strength, solvency and good performance of the Company.
 - Dealing with the appointment and appraisal of staff, should any be directly employed by the Company.
 - Procuring services necessary for the execution of the Company's objectives.

- 4.21 The Company would be legally separate from SBDC, and as such there would be no requirement for agendas, papers and minutes to be published, nor for Board meetings to be open to the public.
- 4.22 The Company would be required to hold an Annual General meeting to discuss such matters as:
- Approval of the Company's Business Plan.
 - Agreement of dividend payments.
 - Approval of the Accounts.
 - Appointment of Auditors.
 - Remuneration (if any) of Directors.
- 4.23 The proposed Shareholder Agreement provides for the Council (as Shareholder) to have the right of access to all Company records, including full financial records. However these will be on a confidential basis, as they are private company records and could be commercially sensitive.
- 4.24 The Council would charge the Company for the time Council officers spend on Company business. The Company would have the discretion to pay any Company Director who does not already receive a salary from the Council.

Does the Council's Interest in the Company Compromise its Commercial Character?

- 4.25 The Company's primary purpose is to act as a commercial entity and make a financial return from developing and managing property. A necessary consequence of such activity undertaken by any private house-builder, and indeed a beneficial one from the Council's perspective, is that affordable housing is also provided. The Council acting as planning authority and promoters of the well-being of the local community and the local economy require private companies to provide affordable homes in line with local needs, as reflected in their planning policies. Requiring the Company to adhere to local planning policies does not compromise the Company's commercial aims. Indeed, it is an everyday occurrence for successful private house-builders to fund planning contributions and affordable housing requirements within their business plans.
- 4.26 The Council has a number of ways in which it can legitimately guide the activity of the Company, including:
- As a Shareholder – Appointing and removing Company Directors, signing off the Company's Business Plan, and signing off any changes to the Company's Memorandum and Articles of Association.
 - As a land owner – Making available land to the Company, and deciding whether or not to dispose of particular sites to the Company. Note: disposal must be at market value so as not to contravene State Aid regulations and to

satisfy the Council's Local Government Act 1972 Section 123 duty to obtain the best consideration that can be reasonably obtained.

- As a funder – Deciding whether or not to make loans to the Company. It is considered that it would be difficult for the newly formed Company to secure affordable loans by any other means. Note: loans must be at commercial rates so as not to contravene State Aid regulations.
- As a strategic housing authority – As when working with any housing developer, directing the required affordable housing mix and / or the need for specialist housing on sites in line with the relevant planning policies.
- As a planning authority – As with any developer, assessing whether a particular proposal by the Company meets planning requirements.

The Council as Funder

- 4.27 The primary task for the Council, when acting as a Funder, will be to assess the Company's viability as an entity, and the viability of each project for which loan funding is being sought. Consideration of a number of factors will need to be taken into account to determine whether to release loan funding to the Company such as: the value of assets available to be used as security; state aid compliant equity versus debt ratios for the Company; policy compliance; and acceptable level of risk exposure for the Shareholder.
- 4.28 The Funder Role also incorporates regularly monitoring and analysing financial information generated by the Company during the lifetime of each loan to ensure that the Company is not in breach of key financial requirements which would be stipulated as funding conditions for each loan.
- 4.29 The key areas the Council in its Funder Role will want to be satisfied with, prior to providing funding for a development, are likely to include:
- That the financial modelling demonstrates that the loan is capable of being repaid.
 - That any loans accord with the Council's approved loan policies, notably with regard to security considerations.
 - There is confidence that the projected rental stream can be maintained.
 - The base level sensitivities, which would in turn trigger warning signals, for the Company's general performance and the performance of each proposed development are properly set and that a sufficient margin is added to the base level to provide reassurance.
 - That the loan is State Aid compliant.

Procurement

- 4.30 The Company as proposed would be unlikely to face a successful challenge that it is a body governed by public law and so would not need to follow public procurement rules. However the Company's Board, acting like any other entity, would need to determine its own procurement policy in accordance with best practice and relevant legislation.
- 4.31 The Shareholder Agreement will oblige the Company to establish and follow its own set of financial regulations and standing orders in line with good professional practice. Some of the financial framework will be contained in the Articles of Association.

5. Financial Case

Overview of Likely Property Schemes

- 5.1 The Company will be set up with significant commercial flexibility to change and adapt as needed. The Company may therefore carry out any number of property related schemes. However the main types of scheme are likely to be as follows:
- Development of land / property currently owned by the Council, to develop a rental stream from the developed assets.
 - Purchase of land / property on the open market followed by development, to develop a rental stream from the developed assets.
 - Purchase of property on the open market, to develop a rental stream from the purchased assets.
- 5.2 The Company could also develop for sale (as opposed to for rent). However this is not currently envisaged as the Company will be aiming to develop a long term revenue stream from managing property.

Financial Operating Model

- 5.3 In outline terms, the financial operating model is as follows.

Funding the Purchase of Land and the Building of Properties

- 5.4 The Company purchases land / property, and builds commercial property / homes of all tenures.
- 5.5 The Company has no assets or financial resources with which to buy the land / property at the beginning of the development, so the Council agrees to sell the land / property to the Company, which initially will (at least partially) be in return for an equity stake in the Company.
Note: At this stage as part of the disposal process the Council could insist on sale conditions ie the asset must be used to provide affordable housing on site.
- 5.6 The Company has no financial resources to pay for the construction of the commercial property / homes, so the Council lends the Company money. The Council charges an interest rate commensurate with market rates.
- 5.7 Once built the Company repays the loan from the Council (for the development) by taking out a loan / mortgage (from the Council) on the developed properties. The loan / mortgage will be secured on the asset to protect the Council's interests. The Council charges an interest rate commensurate with market rates
- 5.8 Note: The rate of interest on development financing is normally higher than mortgage financing, to reflect the higher level of risk. However both rates are likely

to be higher than the Council's rate of (PWLB) borrowing and so this represents an income margin to the Council.

Making a Profit - Company

- 5.9 The Company's on-going profit is the difference between the rent it receives, net of the cost of managing and maintaining the properties, and the interest on the mortgage on these properties. The profits net of any Company running costs and tax payable are available as dividends to the Council (as Shareholder).
- 5.10 In the future, some or all of the properties could be sold with the values achieved, net of repayment of any mortgage still attached to these properties, available as dividends to the Council (as Shareholder).

Making a Profit - SBDC

Interest margin on loans (Return earned as Lender)

- 5.11 The business case is based of prudential borrowing by the Council with on-lending to the Company. The following margins are likely to be achieved:
- 3% (secured) for development finance
 - 2% (secured) for mortgage finance
 - 3% (unsecured) for working capital.

This is based on an estimated 3% cost to the Council to borrow the money from the PWLB.

- 5.12 The actual interest margins will need to be determined on a case by case basis, based on the market rates at the time loans are agreed.
- 5.13 The Council will not be required to make a Minimum Revenue Provision (MRP) for the loans to the Company. Subject to Members agreeing a new MRP policy.

Dividends (Return earned as Equity Investor / Shareholder)

- 5.14 The Company's profits, net of tax, would be available to be distributed to the Council (as Shareholder) and this would be revenue income for the Council.
- 5.15 There is an expectation that the Shareholder(s) will receive dividends annually. However, the amount and timing (when these come to fruition) will need to be set out as part of the business planning process and confirmed annually in the Business Plan and as part of the Annual General Meeting of the Company.

Generic Financial Modelling

5.16 The financial viability of property development and management by a wholly-owned company has been modelled using the following example development scheme / costs.

Development Costs		£	
Land Value (Council owned)		900,000	
Development Costs		1,000,000	18 month development period
Development Fees	10%	<u>100,000</u>	
		2,000,000	

Assumptions

5.17 The modelling is based on a series of realistic assumptions as follows.

- A gross rental income of 8% is achievable.
- A vacancy factor of 5%.
- Property management costs will be no more than 20% of gross rental income.
- The general cost of running the company is initially no more than £25,000 a year.
- The corporation tax rate is 20% a year - Detailed tax advice has not yet been obtained so a 20% corporation tax rate has been used, with no adjustment for allowable (including capital allowances) and non-allowable expenses.

5.18 The model also assumes that any development would take place within the Company. However there can be tax advantages if SBDC carries out development (rather than the Company). Specifically:

- SBDC can normally reclaim all input VAT back, whereas a Company is more restricted. This can be a particular issue regarding reclaiming VAT on pre development professional fees (ie architects fees) when exempt residential letting are proposed.
- SBDC is not liable for corporation tax, whereas a Company is. More profit in the Company (rather than in SBDC) equates to more corporate tax. So if development is undertaken by SBDC then corporation tax is not payable on the 'development profit'. Equally a higher interest charge to the Company would shift profit from the Company to SBDC.
- SBDC is not liable for Capital Gains Tax, whereas the company will be liable for Corporation Tax on the profit ('chargeable gain') from selling or disposing of an asset.

Council Investment

5.19 The Council land / property will be sold (or potentially leased if this was financial beneficial) to the Company at market value (in line with State Aid regulations / the duty to obtain best value) and the Council will receive a receipt for the land in the form of an equity investment in the company.

5.20 The Council is also assumed to be the main funder of the Company for the development costs.

5.21 The table below shows the total Council investment in the Company.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
	£	£	£	£	£	£	£
Council Investment							
Equity Amount (Land value)	900,000	900,000	900,000	900,000	900,000	900,000	900,000
Loan Amount (Development phase)	733,333	550,000					
Loan Amount (Mortgage value)		550,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000

Nb: This is based on the Council not requiring the loan amount to be repaid over time.

5.22 When funds are required for the development phase, these are assumed to be available from the Council (as Lender) as secured loans. These will accrue a 6% rate of return up until the loan is repaid by the Company.

5.23 Development loan repayments will take place following the development as part of a refinancing agreement.

5.24 Following the development, a long-term loan / mortgage will be taken out by the Company secured on the property portfolio so refinancing can take place.

5.25 It is assumed that the Council (as lender) will provide the long term (30 year) loan / mortgage. Although as the loan could be secured against the properties the Company may in due course be able to access alternative funding.

5.26 Interest will be payable at a rate of approximately 5% on these long term secured loans.

5.27 Note: Further consideration will be required by the Council as Lender on the loan security value against the loan value. I.e a bank would not lend to the Company if the Company was not also risking its own equity and thus the Company needs equity investment in order to be commercial venture. The amount of equity is determined by the amount of loan compared to the value of the company. For the purposes of the model the security value is assumed to be sufficient.

Working capital loan(s)

5.28 It is likely that a working capital balance for the Company will also be required and the Council will be the main funder for this. This working capital will take the form of an unsecured loan agreement and will accrue a 6% rate of return. It is proposed that initially a facility of £500,000 is provided to enable the Company to start transacting.

5.29 As it is unknown what working capital is required, and as it would be a loan facility that can be called upon when required, the analysis below excludes the interest payable / receivable.

Business Case - Company

5.30 The table below details the Company's revenue budgets over the next few years.

		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
		£	£	£	£	£	£	£
Business Case - Company								
Gross rental income	8%		80,000	160,000	160,000	160,000	160,000	160,000
Vacancy factor	5%		-4,000	-8,000	-8,000	-8,000	-8,000	-8,000
Management costs	20%		-16,000	-32,000	-32,000	-32,000	-32,000	-32,000
Operating costs	Fixed	-25,000	-25,000	-25,000	-25,000	-25,000	-25,000	-25,000
Development interest	6%	-44,000	-33,000					
Mortgage interest	5%		-27,500	-55,000	-55,000	-55,000	-55,000	-55,000
Tax	20%		0	-8,000	-8,000	-8,000	-8,000	-8,000
Profit for year		-69,000	-25,500	32,000	32,000	32,000	32,000	32,000
Cumulative Profit		-69,000	-94,500	-62,500	-30,500	1,500	33,500	65,500

5.31 Nb: The model above excludes the effect of inflation. As time passes inflation is likely to increase the gross income receivable. However the loan amount remains fixed which results in increasing profits over time.

Business Case - SBDC

5.32 The table below details the impact on the Council's revenue budgets over the next few years.

		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
		£	£	£	£	£	£	£
Business Case - SBDC								
Interest payable	3%	-22,000	-33,000	-33,000	-33,000	-33,000	-33,000	-33,000
Interest receivable from company		44,000	60,500	55,000	55,000	55,000	55,000	55,000
Dividends received from company		0	0	0	0	1,500	32,000	32,000
		22,000	27,500	22,000	22,000	23,500	54,000	54,000
Return on investment		1.3%	1.4%	1.1%	1.1%	1.2%	2.7%	2.7%

Purchase of Services from the Council (Return earned as Supplier)

5.33 The Company may also wish to purchase services such as property development expertise, housing, legal, HR, Finance or IT support from the Council at a market rate. At this stage the assumption has been made that the Council will be able to support these services, however this will need to be considered on a case-by-case basis. The revenue modelling currently excludes any income with regards to these services.

Sensitivity Modelling

- 5.34 The impact of negative movement in a number of key assumptions has been modelled.
- 5.35 In summary, the sensitivity testing indicates that schemes would remain viable with positive, albeit reduced, profits available for distribution as dividends even if:
- Gross rental income was only 7%.
 - 10% of rental properties were standing empty throughout the period.
 - Property management costs were 30% of gross rental income.
 - The PWLB loan rate increased to 4% (with loan margins unchanged).

Specific Financial Modelling

- 5.36 Detailed financial appraisals will be carried out by the Company on a scheme-by-scheme basis to ensure each scheme is viable. Furthermore in order to maximise oversight these detailed financial appraisals will need to be agreed with the Council (as Shareholder / funder).
- 5.37 This will ensure that all schemes will always be subject to a detailed financial appraisal based on current market conditions, inflation rates and the like. Should at this point the return not be considered viable, or felt to be too low in relation to the risk involved, the Council will be under no obligation to proceed. In this way, the Council can make pragmatic decisions regarding the level of risk involved.
- 5.38 The Council has two exemplar sites and Savills have conducted a positive financial appraisal of these sites. Savills full report is exempt from consideration in public as it contains valuation details for sites in the Council's ownership, publication of which could fetter the achievement of best value.

6. Operation of the Property Development and Management Company

Company Organisational Structure

- 6.1 The Company will initially require a very light overall structure, to reflect the fact that it is a small start-up company with limited resources.
- 6.2 However in addition to the Company Directors, it will be necessary to employ someone with the appropriate property development skills and experience, even if only initially on a part time basis, to drive forward the Company's business plan. This role could potentially be designated as the Chief Operating Officer.
- 6.3 It is envisaged that the Company will initially employ any staff:
- From the Council through a Service Level Agreement (for which the Company would pay), or
 - Via a third party agency, or
 - Via consultancy arrangements.
- 6.4 However the Company will be free to appoint its own staff, once the Company is of sufficient size that it is more practical / tax efficient to employ staff directly. For instance the Company could employ a handyperson to deal with minor repairs once the property portfolio was of sufficient size to warrant this. The Shareholder Agreement will prevent the Company paying anyone more than the top of the SBDC Director pay scale, unless prior agreement is given by the Shareholder (SBDC).
- 6.5 The company will also be free to appoint its own suppliers / own support services. Although again it may be beneficial for these to initially be provided by SBDC through a Service Level Agreement. For instance maintenance responsibilities could be sub contracted to the Council's facilities management contractor.

Development of Property

- 6.6 The company will put forward plans / business cases to SBDC (as Shareholder/ funder / land owner) to develop / manage specific schemes / programs of work as and when necessary.
- 6.7 In order to prepare robust business cases and ensure efficient delivery of projects it is likely the Council / Company will need to carry out advance planning work, this could even include applying for planning permission before acquisition.
- 6.8 The Company will initially primarily develop a portfolio of both market and affordable homes for rent on Council owned land.
- 6.9 In order to gain access to the necessary skills and expertise, and minimise costs, the Company would employ, either directly or through an SLA with the Council, an

employer's agent to oversee the drawing up of construction specifications, the lettings of contracts and the management of development.

- 6.10 The Company would secure appropriate development expertise and would appropriately tender the construction and management of units.
- 6.11 The Company may choose to select technical consultants and construction contractors from established frameworks such as those held by the Homes and Communities Agency (HCA).
- 6.12 The Company would not be required to follow European Union procurement regulations, although it could choose to.

Management of Property

- 6.13 It is envisaged that both the market and affordable homes portfolios will initially be managed and maintained by third parties under contract, with the affordable homes in all probability managed by a housing association.
- 6.14 Any commercial property could be managed by the Council / Company.
- 6.15 Private rented dwellings, owned by the Company, will be let on Assured Shorthold Tenancies. The Company will be able to set its own letting policy to maximise return.
- 6.16 Affordable rented dwellings, owned by the Company, will be let at sub market rents with appropriate management and tenancy arrangements.
- 6.17 The Company will be required to have due regard to the Bucks Tenancy Strategy with regard to the affordable properties' rents, length of tenancies and means of allocation.

Sale of Property

- 6.18 It is not currently proposed to sell any of the developed properties, as the business plan envisages retaining the rental streams.
- 6.19 However in the future there may be circumstances where disposals are appropriate, and any disposals will either need to be included in the approved Business Plan or will need specific Shareholder approval.
- 6.20 At present properties delivered by Local Authority Housing Companies are excluded from right to buy. However the recent Housing White paper indicates that this position may change in the future.

Exit Strategy

- 6.21 It is important to ensure that from the outset the Council / Company has an exit strategy, even if it is not envisaged that this will be required.
- 6.22 Essentially there are two exit options:
- The Council (as Shareholder) could sell the Company to release its equity investment.
 - The Company could sell its property portfolio to be able to repay its loans and generate cash to redeem the equity investment.

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Appendix C

Minimum Revenue Provision (MRP)

Regulations 27 and 28 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 [SI 3146, as amended] require local authorities to set aside each year some of their revenue, as provision for the repayment of debt¹. This is known as the Minimum Revenue Provision (MRP).

The Secretary of State has issued statutory guidance on determining the 'prudent' level of MRP, to which authorities are required to have regard.

Under the guidance authorities are required to prepare an annual statement in respect of their policy on making MRP. This must be submitted to Full Council and will form part of the annual prudential indicator report.

The guidance provides 4 options for making a 'prudent' provision as follows.

Option 1 – Regulatory Method

Where debt is supported by Revenue Support Grant (RSG), authorities can continue using a formulae set out in the un-amended Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

This option should only be used for capital expenditure incurred prior to 1st April 2008 and thus is not relevant for this authority.

Option 2 – CFR Method

This is based upon 4% of an authority's non housing CFR (capital financing requirement) at the end of the preceding financial year.

This option should only be used for capital expenditure incurred prior to 1st April 2008 and thus is not relevant for this authority.

Option 3a – Asset Life Method - Equal Instalments

Here equal annual instalments of MRP will be made over the estimated life of assets financed by borrowing.

This method allows an authority to defer MRP on a newly constructed building or infrastructure asset until the asset comes into service.

Option 3b – Asset Life Method - Annuity Method

Here annual instalments of MRP, calculated in accordance with an annuity payment profile, will be made over the estimated life of assets financed by borrowing.

This method allows an authority to defer MRP on a newly constructed building or infrastructure asset until the asset comes into service.

¹ More precisely, the provision is in respect of capital expenditure financed by borrowing or credit arrangements.

Option 4 – Depreciation Method

This approach requires an authority to charge MRP in accordance with the standard rules for depreciation accounting.

As with option 3 the MRP holiday will be available for assets yet to be brought into service.

However the guidance only makes recommendations to authorities on the interpretation of a 'prudent' provision. The actual duty is for each authority each year to make an amount of MRP **which it considers** to be 'prudent'. Therefore there is a 5th option which is any other method that the Council considers prudent.

For instance where an Authority incurs borrowing in order to fund a loan to another party (say a Property Company), and it expects the other party to repay the borrowing in full, then it would be reasonable not to set aside any of the Council's revenue, as provision for the repayment of this debt (as in due course the debt would be fully covered by the repayment from the other party).

This decision would be further supported if the loan was secured on an asset, which essentially would ensure that even if the other party could not repay, the Authority could still recover the loan amount by acquiring the underlying security.

However to ensure that this approach is prudent, the Authority would need to review this decision each year to ensure that it continues to be the case that full repayment was likely, and if not then the Authority would need to consider setting aside some revenue for the possible non repayment.

It is also reasonable to use different MRP calculations for different types of borrowing, to reflect the different characteristics.

It is therefore recommended that:

The equal annual instalments Asset Life Method (option 3a), is adopted as the Council's policy on making MRP for 2017/18.

Exceptions will be made when borrowing is incurred for the specific purpose of on lending to a wholly owned or controlled Council Company, and the lending is secured on an asset(s) of equal or greater value. In which case no MRP would be made, unless it was determined that there was a risk of non repayment. In these situations the risk of non repayment will be reviewed annually, including a valuation of the asset(s) on which the loan is secured and formally reported at part of the Authority's compliance with the Prudential Code.