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7 December 2016

To: All Councillors

As a Member or Substitute of the **Governance and Resources Committee**, please treat this as your summons to attend the meeting on **Thursday 15 December 2016 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read "Sandra Lamb". The signature is fluid and cursive, with a large loop at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

3 November 2016

3. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

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6. ANNUAL AUDIT LETTER 2015/16

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The District Auditor will present the Annual Audit letter, which summarises the key findings from the 2015/16 external audit of the District Council, all of which have been previously reported.

7. EXTERNAL AUDIT TECHNICAL UPDATE

10 - 24

To receive the External Audit Technical Update.

8. HOUSING BENEFIT PROCEDURE

25 - 34

To consider implementation of a procedure to ensure nonregulated supported accommodation meets certain standards and note the current position in relation to the costs of unregulated supported accommodation. Also, subject to approval of the above, that progress achieved following implementation of the procedure is reported to a future meeting of the Committee.

9. DEVELOPMENT MANAGEMENT SERVICES REVIEW – FINAL REPORT AND RECOMMENDATIONS

35 - 90

To note the findings of the Development Management Service Review and the resulting recommendations and consider approval of funding arrangements to enable the implementation of the new structure for Development Management in accordance with Appendix 2 of the report.

10. REVENUE DEBT RECOVERY POLICY

91 - 113

To consider approval of an updated Revenues Debt Recovery Policy as set out in Appendix 1 to the report and also the changes to the Council's Scheme of Delegation to reflect changes in staffing within the debt recovery function.

Members of the Committee - Councillors Deborah Botham, Albert Catt, Steve Flitter, Chris Furness (Vice Chair), Alyson Hill, Susan Hobson, Neil Horton, Angus Jenkins, Tony Millward BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Lewis Rose, Mark Salt, Jacquie Stevens (Chairman), Colin Swindell, John Tibenham

Substitutes – Councillors Jason Atkin, Richard Bright, Jennifer Bower, Sue Bull, Sue Burfoot, David Chapman, Phil Chell, Tom Donnelly, Ann Elliott, Helen Froggatt, Richard FitzHerbert, Vicky Massey-Bloodworth, Joyce Pawley, Mike Ratcliffe, Philippa Tilbrook, Jo Wild



Annual Audit Letter 2015/16

Derbyshire Dales District Council

October 2016



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This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. Public Sector Audit Appointments issued a document entitled Statement of Responsibilities of Auditors and Audited Bodies summarising where the responsibilities of auditors begin and end and what is expected from audited bodies. We draw your attention to this document which is available on Public Sector Audit Appointment's website (www.psa.co.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact John Cornett, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Andrew Sayers (andrew.sayers@kpmg.co.uk). After this, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing generalenquiries@psaa.co.uk, by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3HZ.

Section one

Headlines

This Annual Audit Letter summarises the outcome from our audit work at Derbyshire Dales District Council in relation to their 2015/16 audit year.

Although it is addressed to Members of the Authority, it is also intended to communicate these key messages to key external stakeholders, including members of the public, and will be placed on the Authority's website.

VFM conclusion	We issued an unqualified conclusion on the Authority's arrangements to secure value for money (VFM conclusion) for 2015/16 on 28 September 2016. This means we are satisfied that during the year, the Authority had proper arrangements for informed decision making, sustainable resource deployment and working with partners and third parties.
VFM risk areas	<p>We undertook a risk assessment as part of our VFM audit work to identify the key areas impacting on our VFM conclusion and considered the arrangements you have put in place to mitigate this risk. Our work identified the following significant matter:</p> <ul style="list-style-type: none"> — Medium Term Financial Plans – the Council has established a balanced budget for the next two years but has recognised that further savings will be required during the life of the current MTFP. The Council has started to address savings needs through service reviews but will need to achieve savings of £750,000 over the life of the MTFP.
Audit opinion	We issued an unqualified opinion on the Authority's financial statements on 28 September 2016. This means that we believe the financial statements give a true and fair view of the financial position of the Authority and of its expenditure and income for the year.
Financial statements audit	<p>The Statement of Accounts 2015/16 was prepared in a timely manner with high quality supporting work papers.</p> <p>There were no uncorrected audit adjustments at the end of the audit process.</p>
High priority recommendation	<p>We raised one high priority recommendation as a result of our 2015/16 audit work. This is detailed in Appendix 1 together with the action plan agreed by management. The recommendation was in relation to the future generation of working papers in line with our prepared by client list.</p> <p>We will formally follow up this recommendation as part of our 2016/17 work.</p>
Annual Governance Statement	We reviewed your Annual Governance Statement and concluded that it was consistent with our understanding.
Whole of Government Accounts	The Authority prepares a consolidation pack to support the production of Whole of Government Accounts by HM Treasury. We are not required to review your pack in detail as the Authority falls below the threshold where an audit is required. As required by the guidance we have confirmed this with the National Audit Office.
Certificate	We issued our certificate on 28 September 2016. The certificate confirms that we have concluded the audit for 2015/16 in accordance with the requirements of the Local Audit & Accountability Act 2014 and the Code of Audit Practice.
Audit fee	Our fee for 2015/16 was £38,295, excluding VAT in line with the previous year. Further detail is contained in Appendix 3.

Appendix 1: Key issues and recommendations

We have raised one high risk recommendation and agreed what action management will need to take.

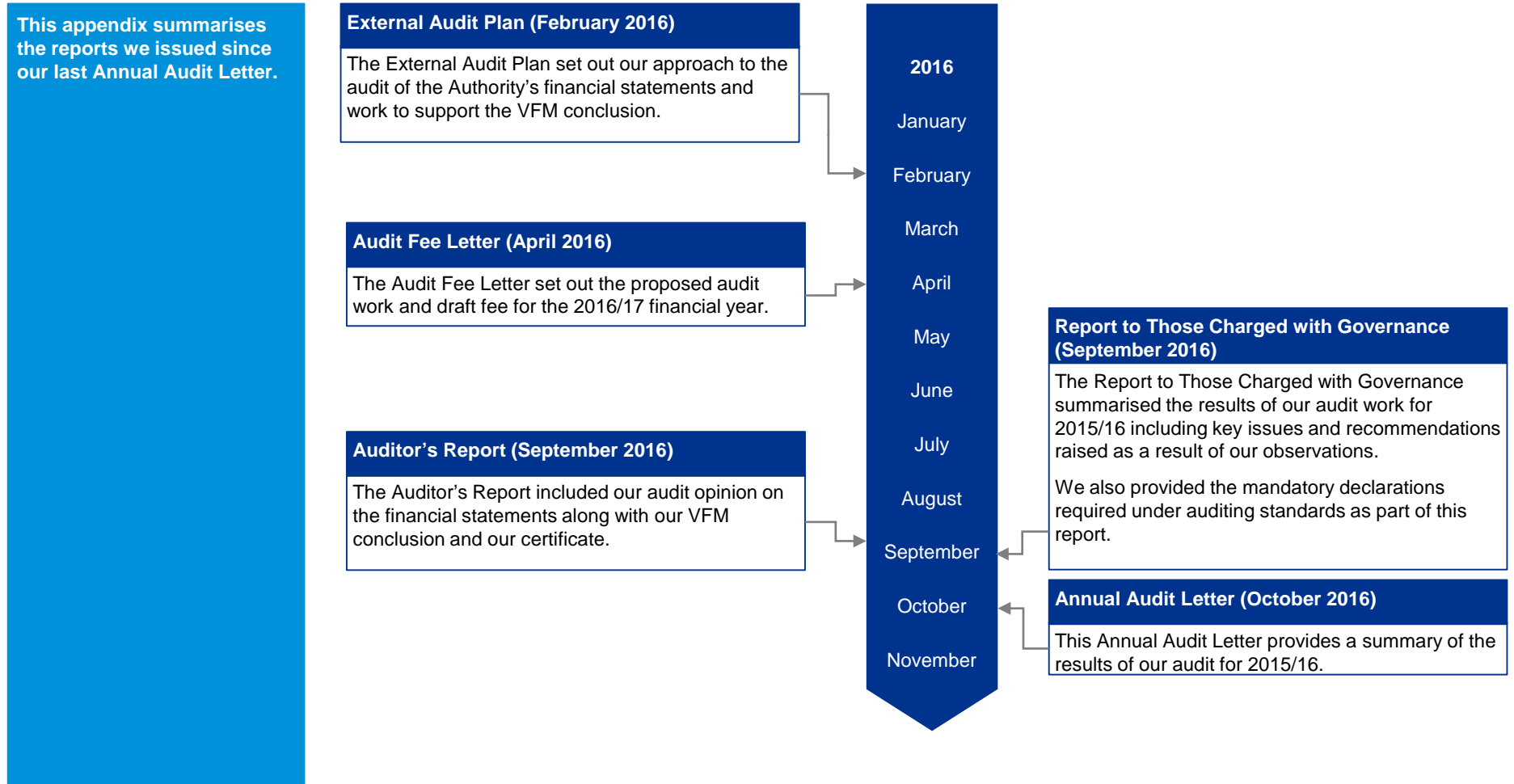
We will formally follow up this recommendation next year.

No.	Issue and recommendation	Management response / responsible officer / due date
1	<p>Working Papers and use of Prepared by Client List</p> <p>Prior to our interim visit, KPMG issue a PBC to update the Finance team with what will be required at interim. Not all the documents were available for interim visit and again at final where many working papers, mainly regarding PPE, were not provided until the end of the site visit.</p> <p>Recommendation</p> <p>We recommend going forward that the Finance team follow the PBC more closely and provide all documents requested to ensure a more efficient year end audit.</p>	<p>Recommendation agreed. The Finance team will follow the Prepared by Client List more closely when preparing the accounts for 2016/17 and will provide all documents and working papers by the agreed dates.</p> <p>Responsible Officer</p> <p>Accountancy & Exchequer Manager</p> <p>Due Date</p> <p>2016/17 final accounts production</p>

Follow up of previous recommendations

As part of our audit work we followed up on the Authority’s progress against previous audit recommendations. We are pleased to report that the Authority has taken appropriate action to address the previous recommendations.

Appendix 2: Summary of reports issued



Appendix 3: Audit fees

This appendix provides information on our final fees for the 2015/16 audit.

To ensure transparency about the extent of our fee relationship with the Authority we have summarised below the outturn against the 2015/16 planned audit fee.

External audit

Our final fee for the 2015/16 audit of the Authority was £38,295, which is in line with the planned fee.

Certification of grants and returns

Under our terms of engagement with Public Sector Audit Appointments we undertake prescribed work in order to certify the Authority's housing benefit grant claim. This certification work is still on-going. The final fee will be confirmed through our reporting on the outcome of that work in January 2017.

Other services

We charged £3,500 for additional non-audit-related services for Tax implications for Leisure Services which is outside of Public Sector Audit Appointments certification regime.



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Technical update

Incorporating the External Audit Progress Report

Derbyshire Dales District Council

December 2016

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The contacts at KPMG in connection with this report are:		Page
John Cornett Director KPMG LLP (UK) Tel: 07854 479507 john.cornett@kpmg.co.uk	External audit progress report	3
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Simon Lacey Manager KPMG LLP (UK) Tel: 07557 077454 simon.lacey@kpmg.co.uk	KPMG resources	13

This report provides the Governance and Resources Committee with an overview on progress in delivering our responsibilities as your external auditors.

The report also highlights the main technical issues which are currently having an impact in local government.

If you require any additional information regarding the issues included within this report, please contact a member of the audit team.

We have flagged the articles that we believe will have an impact at the Authority and given our perspective on the issue:

-  High impact
-  Medium impact
-  Low impact
-  For information



External audit progress report

External audit progress report

This document provides the Governance and Resources Committee with a high level overview on progress in delivering our responsibilities as your external auditors.

At the end of each stage of the audit we issue certain deliverables, including reports and opinions. A summary of progress against these deliverable is provided in Appendix 1 of this report.

Area of responsibility	Commentary
Financial statements	<p>Since the Committee meeting on 22 September 2016 we have:</p> <ul style="list-style-type: none"> issued an unqualified opinion on your 2015/16 accounts on 29 September 2016. This means that we believe the financial statements give a true and fair view of the financial position of the Authority and of its expenditure and income for the year; Issued our certificate on 28 September 2016 confirming that we have concluded the audit for 2015/16 in accordance with the requirements of the Local Audit & Accountability Act 2014 and the Code of Audit Practice; produced our 2015/16 Annual Audit Letter as required by the National Audit Office’s Code of Audit Practice. The purpose of preparing and issuing the Annual Audit Letters is to communicate to external stakeholders, including members of the public, the key issues arising from auditors’ work. This information will be published on the PSAA website and is attached as a separate paper for the Committee’s information. We encourage you to publish this information on the Authority’s website; and commenced our planning work for the 2016/17 audit. We met the Head of Resources on 9 November 2016 to understand the current issues and priorities facing the Authority.
Value for Money	<p>Also on 28 September 2016 we issued an unqualified conclusion on the Authority’s arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2016.</p>
Certification of claims and returns	<p>Under our terms of engagement with Public Sector Audit Appointments we undertake prescribed work in order to certify the Authority’s housing benefit grant claim. This certification work is in progress. We expect to conclude on the work by the deadline of 30 November 2016.</p>

Appendix 1

2015/16 audit deliverables

Deliverable	Purpose	Timing	Status
Planning			
Fee letter	Communicate indicative fee for the audit year	April 2015	Done
External audit plan	Outline our audit strategy and planned approach Identify areas of audit focus and planned procedures	February 2016	Done
Substantive procedures			
Report to those charged with governance (ISA 260 report)	Details the resolution of key audit issues. Communication of adjusted and unadjusted audit differences. Performance improvement recommendations identified during our audit. Commentary on the Council's value for money arrangements.	September 2016	Done
Completion			
Auditor's report	Providing an opinion on your accounts (including the Annual Governance Statement). Concluding on the arrangements in place for securing economy, efficiency and effectiveness in your use of resources (the VFM conclusion).	September 2016	Done
WGA	Concluding on the Whole of Government Accounts consolidation pack in accordance with guidance issued by the National Audit Office.	September 2016	Done
Annual audit letter	Summarise the outcomes and the key issues arising from our audit work for the year.	October 2016	Done
Certification of claims and returns			
Certification of claims and returns report	Summarise the outcomes of certification work on your claims and returns for Government departments.	January 2017	tbc



Technical developments

NAO Report on Capital Expenditure and Resourcing

Level of impact: ● (Low)	KPMG perspective
<p>Committee members may wish to be aware that the National Audit Office has published its report <i>Financial Sustainability of Local Authorities: Capital Expenditure and Resourcing</i>. This report found that local authorities in England have maintained their overall capital spending levels but face pressure to meet debt servicing costs and to maintain investment levels in their existing asset bases.</p> <p>The report can be accessed via the NAO website at www.nao.org.uk/report/financial-sustainability-of-local-authorities-capital-expenditure-and-resourcing/</p>	<p><i>The Committee may wish to seek assurances that the impact for their Authority is understood.</i></p>

PSAA's Value For Money Tool

Level of impact: ● (Low)	KPMG perspective
<p>The PSAA's Value for Money Profiles tool (VFM Profiles) was updated on 1 July 2016.</p> <p>The VFM profiles have been updated with the latest available data. The adult social care section has been re-designed based on the new adult social care financial return (ASC-FR). Data is available from 2014/15 onwards with no comparable data from earlier years. The children and young people section has also been updated with 2014/15 data.</p> <p>The VFM profiles have also been updated with the latest available data from the following sources:</p> <ul style="list-style-type: none">— National road maintenance condition survey (2014/15)— Finance and General Statistics (2014/15)— Revenue Collection (2014/15)— Claimant count (2016)— Affordable housing supply (2014/15)— Active people survey (2014/15) <p>The Value For Money Profiles can be accessed via the PSAA website at http://vfm.psaa.co.uk/nativeviewer.aspx?Report=/profiles/VFM_Landing</p>	<p><i>The Committee may wish to seek further understanding for areas where their Authority appears to be an outlier.</i></p>

2015/16 Code of Practice Update

Level of impact: ● (Low)	KPMG perspective
<p>CIPFA/LASAAC has issued an update to the <i>2015/16 Code of Practice on Local Authority Accounting in the United Kingdom</i> (the Code) following its consultation process. The 2015/16 Code update should be read alongside the 2015/16 Code published in April 2015.</p> <p>Authorities should note that the update confirms the transitional reporting requirements for the measurement of the Highways Network Asset. The Code does not require a change to the preceding year information for the move to measuring the Highways Network Asset at current value (and under that provision would not require a change to the balance sheet information at 1 April 2015). It also does not require a restatement of the opening 1 April 2016 information but there will need to be an adjustment to those balances.</p> <p>The Code update also includes amendments as a result of legislative changes and particularly the <i>Accounts and Audit Regulations 2015</i> for English authorities. It specifies the principles for narrative reporting which CIPFA/LASAAC considers should be used to meet the new requirements of those regulations.</p>	<p><i>The Committee may wish to seek assurances that their Authority is aware of the update to the 2015/16 Code.</i></p>

Government contracting

Level of impact: ● (For Information)

The NAO has recently published an overview of its work on the government's management of contracting which Committee members may wish to be aware of, particularly in relation to value for money arrangements.

The publication examines subjects including the government's commercial capability, accountability and transparency, and its management of contracted-out service delivery. It finds that government now spends about £225 billion a year with private and voluntary providers. The role of providers in the public sector has evolved from relatively simple contracts to provide goods or established services, to innovative high profile commissioning arrangements in sensitive public service areas such as health and justice

The overview is available from the NAO website at www.nao.org.uk/report/government-commercial-and-contracting-an-overview-of-the-naos-work/

Devolution

Level of impact: ● (For Information)

In spring 2016, the NAO published its report *English devolution deals*. This report finds that devolution deals to devolve power from central government to local areas in England offer opportunities to stimulate economic growth and reform public services for local users, but the arrangements are untested and government could do more to provide confidence that these deals will achieve the benefits intended.

The report is available free of charge and the full version or a summary can be accessed at www.nao.org.uk/report/english-devolution-deals/

Councillors' travel expenses

Level of impact: ● (Low)

KPMG perspective

HM Revenue and Customs (HMRC) are in the process of contacting Local Authorities to commence PAYE and NIC compliance reviews focusing on the historic treatment of councillors' mileage expenses. Those authorities that are unable to demonstrate they have reported payments correctly face a tax and NIC charge, with interest and potentially penalties applying.

The previous rules

Up until 5 April 2016, HMRC could agree that for some councillors, home is a place of work and therefore the cost of journeys to council offices could be paid free of tax and NIC. This could have been the case where, for example, councillors were required to see constituents at home. HMRC do not accept however that working from home out of choice makes home a place of work and in these cases, any expenses reimbursed in respect of travel to council offices should have been subject to tax and NIC.

HMRC Compliance Reviews

Those local authorities that are unable to support their historic treatment of councillor mileage expenses face a liability to unpaid PAYE, NIC, interest and potentially penalties going back four, and possibly six years. It will be important for local authorities to review their expenses records to determine how travel expenses have been treated and the processes and rationale behind that treatment. Given that different councillors can have different working patterns it will be important to review the treatment on a case by case basis.

The new rules

With effect from 6 April 2016, a new exemption has been introduced for councillors' travel expenses. From this date, a councillor's journey between their home and their office will be treated as 'business travel' which means that any mileage expenses reimbursed for this journey will, up to certain limits, be free of tax and NIC (subject to their home not being more than 20 miles outside the relevant authority boundary).

How KPMG can help

KPMG's public sector Employment Tax specialists provide practical advice on dealing with HMRC Employer Compliance reviews. We regularly assist local authorities in liaising with HMRC and staying ahead of legislative and practice developments. If you would like to speak to one of our specialists please contact your normal KPMG contact.

The Committee may wish to seek assurances how their Authority is progressing with the new requirements.



KPMG resources

Publication 'Reimagine - Local Government'

KPMG have published a number of reports under the headline of *Reimagine – Local Government*. These are summarised below:

Council cash crunch: New approach needed to find fresh income

- By 2020, councils must generate all revenue locally.
- More and more are looking towards diversifying income streams as an integral part of this.
- Councils have significant advantages in becoming a trusted, independent supplier.
- To succeed, they must invest in developing commercial capability and capacity.

Councils can save more than cash by sharing data

- Better data sharing in the public sector can save lives and money.
- The duty to share information can be as important as the duty to protect it.
- Local authorities are yet to realise the full value of their data and are wary of sharing information.
- Cross-sector structures and the right leadership is the first step to combating the problem.

English devolution: Chancellor aims for faster and more radical change

- Experience of Greater Manchester has shown importance of strong leadership.
- Devolution in areas like criminal justice will help address complex social problems.
- Making councils responsible for raising budgets locally shows the radical nature of these changes.
- Cuts to business rates will stiffen the funding challenge, even for the most dynamic councils.

Senior public sector pensions

- Recent changes to pensions taxation have particularly affected the public sector, with fears senior staff may quit as pension allowances bite.
- 'Analyse, control, engage' is the bedrock of an effective strategy.

Time for the *Care Act* to deliver

- Momentum behind last year's *Care Act* risks stalling.
- Councils are struggling to create an accessible care market with well-informed consumers.
- Local authorities must improve digital presence and engage providers.
- Austerity need not be an impediment to progress. It could be an enabler.

The publications can be found on the KPMG website <https://home.kpmg.com/uk/en/home/insights/2016/04/reimagine-local-government.html>



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GOVERNANCE AND RESOURCES COMMITTEE
15 DECEMBER 2016

Report of the Head of Housing

HOUSING BENEFIT PROCEDURE

PURPOSE OF REPORT

This report seeks approval to implement a procedure that will establish a mechanism for ensuring nonregulated supported accommodation meets certain standards.

RECOMMENDATION

1. That implementation of the Housing Benefit Procedures outlined in the report is approved.
2. That the contents of the report and the current position in relation to the costs of unregulated supported accommodation is noted.
3. That Subject to approval to (1) and (2) above, a report is brought to Committee setting out the progress achieved by the procedure.

WARDS AFFECTED

All

STRATEGIC LINK

The Housing Benefit Procedure supports the District Council's corporate priority to improve housing for vulnerable people and make efficiencies through innovative working practices.

2 REPORT

2.1 The report will cover:

- The current process on how the rent for supported accommodation is assessed and how unreasonably high rents can be challenged
- How subsidy is calculated, and what the local authority can and cannot claim back
- The escalation of costs to the local authority and why these need to be monitored
- A conclusion and recommendation on how the District Council can monitor services within the Derbyshire Dales

2.2 Accommodation-based support provides vulnerable individuals with accommodation and support to enable them to live independently e.g., people with a learning disability or fleeing domestic abuse. Supported accommodation rents are generally higher than

rents within the general needs housing sector because they comprise an amount for the rent and the support. Within the Derbyshire Dales supported rents can be between £160 and £353 per week. Supported accommodation was originally funded by housing benefit (the accommodation element) and Derbyshire County Council (the support element).

- 2.3 A reduction in the Supporting People Programme Recent provided through Derbyshire County Council has resulted in providers of accommodation based support finding alternative ways to fund and maintain service delivery. Funding for these schemes now mainly comes from housing benefit. Not all housing benefit that funds these schemes is recoverable from central government so the local authority has to contribute the shortfall. As more schemes emerge the cost to the local authority increases.
- 2.4 The way rent is calculated, paid and refunded in these circumstances is complicated and immersed in housing benefit legislation. Currently there is no prescribed consistent approach to how reasonable rent levels are calculated and how often they are reviewed.
- 2.5 **How rent for supported accommodation is assessed**

For a landlord to be eligible to make a claim for housing benefit above that of normal rent levels they must be a not for profit organisation, deliver care, support and or counselling services to a vulnerable tenant, the tenant must be ‘vulnerable’ in accordance with a social security definition i.e. that they are incapable of work and receiving a designated DWP allowance payable for disability.

The landlord is expected to provide a clear breakdown of the rent including the itemisation of service charge elements (including ineligible support costs). Please see example below:

Item	Cost per week
Rent	£135
Garden maintenance	£5
Heating	£15
Support	£25 (ineligible)
Total	£180

Support charges are ineligible so they are taken off leaving £155 actual rent. The actual rent is then referred to a Rent Officer who will determine the rental value of the property. (Rent Officers are employed by The Valuation Office Agency who are an executive agency sponsored by the HMRC, they have a number of responsibilities, including maintaining a register of fair rents, determining Local Housing Allowance and advising local authorities of the maximum subsidy level payable for housing benefit claims under the local reference rent system.) In this case the Rent Officer valuation is £95. If housing benefit think that the rent is too high they can only restrict the amount paid if there is “suitable alternative accommodation” and it is reasonable for the tenant to move there. In many cases suitable alternative accommodation does not exist so the full rent of £155 will be paid to the landlord.

2.6 How is subsidy calculated?

The local authority receives subsidy on every housing benefit application made. The rules for non-profit landlords state that only 60% above the Rent Officer value is recoverable, the remainder will be paid directly by the local authority. See breakdown below:

- **Claim for housing benefit £155**
- **Rent Officer valuation £95**
- **Actual claim is £60 above valuation**
- **60% of £60 = £36 - subsidy will be received**
- **£60 - £36 = £24 - remainder to be paid by local authority**

For one weeks rent payment of £155, Derbyshire Dales receives £131 of government subsidy, leaving the council to cover the shortfall of £24 per week or £1,248 per annum.

Some rent levels are much higher and with no suitable alternative accommodation available the rent is paid in full. Due to the reduction in commissioned Supporting People services funded by the County Council, the number of support providers making claims for housing benefit above normal rent levels continues to increase, placing a growing financial risk to district and borough councils.

An analysis of successive year's expenditure and subsidy claimed illustrates the loss in subsidy over the last two years:

Financial Year	Expenditure above Market Rent attracting a reduced rate of subsidy	Derbyshire Dales has received 60%	And has seen a loss in subsidy
2014/15	£118,369	£71,021	£47,348
2015/16	£203,619	£122,171	£81,448
2016/17*	£118,316	£70,990	£47,326

* 2016/17 is currently in Quarter 3 and so the final position will not be known until 1st April 2017

2.7 Monitoring housing benefit claims

Previously support providers received funding via the County Council; which meant services were commissioned, monitored, inspected against a framework of rigorous standards. There are no similar measures in place currently for not-for profit organisations leaving district and borough councils to take up this role. Future claims need to be monitored to ensure:

- A fair and consistent approach to each vulnerable tenant
- Legitimacy of landlords and support delivery are verified
- A transparent system is in operation for each support provider
- Local authority expenditure can be monitored and accounted for

2.8 Availability of suitable alternative accommodation

With the demise of the Supporting People programme, some service areas have seen a reduction of 75% leaving some client groups with no formal commissioned supported accommodation or floating support.

Many of those approaching the district council's housing service present with complex issues including:

- A lack of skills to live independently
- Vulnerability due to mental health or substance misuse
- Previous failed tenancies
- Have an offending history
- Excluded from Home-Options e.g. because of former tenants areas

There is very little access into affordable private rented accommodation for single people. Welfare reform prevents many from accessing social housing and registered providers are becoming increasingly risk averse.

Recent homelessness case law has lowered the threshold for vulnerability in single homelessness and Derbyshire Dales has seen an increase in cases resulting in increased use of bed and breakfast.

3 CONCLUSION AND PROPOSAL

Supported accommodation plays a vital role in enabling vulnerable individuals to live independently the community. The way some supported accommodation is currently funded is unmonitored and levels of rent claimed can vary dependent upon the landlord. Experience from the past two years indicate that costs are increasing therefore leaving the local authority exposed to increased financial risk.

It is proposed to introduce a procedure that ensures non-regulated supported accommodation is:

- monitored and costs are processed consistently and fairly
- that landlords involved comply with a set of procedures to establish what care and support is being provided and that it is needed by the tenant
- managed by educated landlords regarding the eligibility and responsibility of such tenancies
- prior to housing benefit being awarded, the terms of the letting or tenancy will be closely examined. Landlords offering accommodation and support will also be checked to ensure proper use of public funds
- landlords who follow the procedure will be reviewed on a six monthly basis ensuring any additional housing benefit that is paid is regularly monitored

The District Council will always be keen to explore opportunities to assist or encourage registered charity landlords to become registered providers, therefore reducing the potential loss of subsidy.

4 RISK ASSESSMENT

4.1 Legal

The proposals contained within the report are compliant with the enabling legislation for the Supporting People Programme – the Local Government and Housing Act 2000.

There is no statutory definition of supported housing, however, all local authorities are required to reflect local needs in their support programmes. The legal risk is therefore low to medium.

4.2 Financial

Section 2.6 of this report shows the impact of supported housing, and the loss of subsidy, on the Council's revenue account. It is expected that this could cost £80,000 to £100,000 for 2016/17. Rents for supported housing have increased steadily. The rules are clear that the Council can only restrict the rent levels where suitable alternative accommodation exists and this is increasingly difficult. The introduction of this monitoring regime should assist the Council to manage landlords and their rents. While the introduction of these proposals will mitigate the financial risk, that risk is still assessed as medium to high.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property. An Equality Impact Assessment will be undertaken prior to commencement of the procedure.

6 CONTACT INFORMATION

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Simon Beynon, Housing Strategy Officer
Telephone 01629 761370 email simon.beynon@derbyshiredales.gov.uk

7 ATTACHMENTS

Synopsis of procedure
Procedure form tenant
Procedure form landlord

Attachments

Synopsis of Procedure

- Each landlord will be requested to provide documentation proving that they are delivering support services as described and that they satisfy the rules for enhanced rates of housing benefit rather than Local Housing Allowance.
- Each tenant/ licensee will be expected to prove that they are vulnerable in terms of a social security definition and that they do require general care and support services for a designated period of time. The level of support will be considered on an individual basis and no generalisations will be made.
- The landlord will be required to provide costings which support the rent charge presented to the council. Support plans will also need to be provided giving conformation that an individual tenant is in need of support, the hours of support provided and the persons responsible for providing the support.
- Six monthly reviews of individual tenants will be conducted to ensure that where support needs have changed or have reduced then the level of housing benefit payable truly reflects this.
- Where an individual claimant is no longer in need of the enhanced rate they would transfer to Local housing Allowance Rates of housing benefit.
- Each stage of the process will be carefully monitored and recorded initially by completing the attached forms (landlord and tenant procedure).

Derbyshire Dales District Council

**Housing Benefit Procedure
ELIGIBILITY
(This section is to be completed by the tenant, assisted by the landlord)**

Name of landlord and/or organisation			
Tel no:		E-mail:	
Your name			
Address:			
Tel no			
What was your last address?			
Why did you leave that accommodation?			
Who referred you to this accommodation?			
If this is a shared house please state how many units are in the accommodation?			
Has the move-on procedure been explained to you?	yes/no		
Have you completed a housing application and MOP form?	yes/no		
<i>What type of benefit are you in receipt of?</i>	<i>ESA JSA PIP other</i>		
Are you in receipt of care, support or supervision?	yes/no* *if no please sign the return to the address over leaf		
Who identified that you were in need of care/support/supervision?			
Why do you think you need this support and how does it help you?			
Who provides the support?	DAST Landlord Other support worker Support worker funded by the landlord Other (please state)		
Name, telephone no and e-mail address of support worker (we will need to contact them)			
Do you receive the support in your own home?	yes/no* if no please tell us where you receive support		

To be completed by landlord/and or support provider with tenant

Derbyshire Dales District Council

Please provide a copy your initial assessment and support plan	Initial assessment attached Initial support plan attached
Have you provided a copy of the tenancy/license agreement? Does this include a breakdown of the rent charged and itemise the service charges included within the rent? (Please ensure that the support costs are included) if they are not the tenancy will be treated as general needs and LHA rate only will be paid	
How is the care/support funded?	
Please specify no of hours of support received per week	
Will the licensee be expected to pay anything towards the cost of their care and support?	yes/no
What is the anticipated length of stay in accommodation: Please note progress will be reviewed every six months)	
Please provide any additional information: 	
Declaration	
<p>Please read this declaration carefully before you sign and date it.</p> <p>I understand the following:</p> <ul style="list-style-type: none"> If I give information that is incorrect or incomplete the Council may take action against me. This may include legal action. You will use the information I have provided to process my claim for Housing Benefit, Council Tax Support, Free School Meals - or all of them. You may check some of the information with other sources within the Council, rent officers and other Councils. You may use the information I have provided in connection with this and any other claim for social security benefits that I have made or may make. You will give some information to other government organisations, if the law allows this. <p>I know I must tell Derbyshire Dales District Council's Benefit Section straight away, in writing, and provide proof, about any change in circumstances that might affect my claim.</p> <p>I declare that the information I have given on this form is correct and complete.</p> <p>Your signature _____</p> <p>Landlord/Support worker signature _____</p>	
Date	
Please return to: Community Housing Derbyshire Dales District Council Town Hall, Matlock, DE4 3NN, Thank you	

Derbyshire Dales District Council

**Housing Benefit Procedure
ELIGIBILITY
(To be completed by Landlord)**

Name of landlord and/or organisation			
Tel no:		E-mail:	
Current address for business purposes/correspondence:			
Is your organisation <i>(Please tick)</i>	Not for Profit	Registered Provider	
Registered charity (if yes please supply registration no)	Registered Social Landlord Full or partial registration?	Other (please state)	
Who are the directors of the company?			
Do any of the Directors own or lease properties for the purpose providing accommodation and support? <i>(Please tick)</i>		Own <input type="checkbox"/> Lease <input type="checkbox"/>	
When was your organisation set up?			
What is the aim/purpose of your organisation?			
Do you arrange for or provide general care, counselling or support to tenants in your accommodation		yes <input type="checkbox"/> no <input type="checkbox"/>	

Derbyshire Dales District Council

If yes please state by whom the support is provided; this could be by a person employed by your organisation or could be provided independently of the tenancy

Approximately how many units of accommodation do you own/lease for the purpose of providing accommodation and support in the Derbyshire Dales?

Please list the addresses for which support is provided:

Please provide any additional information:

Please sign and return the form to:

Community Housing
Town Hall
Matlock
DE4 3NN

Sign:

Date:

Thank you for completing this form

BACK TO AGENDA

GOVERNANCE AND RESOURCES
15 DECEMBER 2016

Report of the Corporate Director and Head of Regulatory Services

DEVELOPMENT MANAGEMENT SERVICE REVIEW – FINAL REPORT AND RECOMMENDATIONS

PURPOSE OF REPORT

The report informs Members of the outcome of the Development Management Service Review and seeks approval for the implementation of a new structure for the Development Management Section.

RECOMMENDATION

1. That the Committee note the findings of the Development Management Service Review and the recommendations contained therein.
2. That the Committee approve the implementation of a new structure for Development Management in accordance with Appendix 2 of the report and that expenditure in the sum of £8,230 be funded from income in 2016/17 and that Council be recommended to include £88,570 in the revenue estimate for 2017/18.

WARDS AFFECTED

All Wards

STRATEGIC LINK

Service Reviews to generate substantial savings, whilst driving improvement, support all the District Council's aims. In particular the reviews contribute to the priority of seeking efficiencies and innovative working practices.

1 SUMMARY

- 1.1 The Development Management Service Review has identified that in terms of performance, the service performs well against national performance indicators and is being delivered at low cost. However, there are significant inefficiencies in the service due to outdated processes and procedures, ineffective use of IT systems, an over reliance on paper based systems, inefficient delegation arrangements and a lack of clarity on service standards. The Service Review has therefore, identified the need to invest in the service in order to provide sufficient resources for fundamental service transformation to take place.

2 REPORT

2.1 The review of the District Council's Development Management Service was one of 3 major service reviews scheduled for 2014/15 and was the subject of a report to Council on 19th June 2014 which agreed the scope of the review.

2.2 The fundamental purpose of the review was to consider the effectiveness of the current policies and procedures with a view to:-

- streamlining service provision;
- rationalising resources;
- maintaining a good customer experience;
- improving performance standards in key areas;
- removing duplication of effort;
- identifying and implementing service efficiencies.

2.3 The corporate objectives for all service reviews requires consideration of the following questions and for all review outcomes to address 3 deliverable outcomes, reflective of low medium and high risk options in order to achieve savings:-

- a) Does the service need to be provided at all?
- b) Does the service need to be provided by the District Council?
- c) What level of service is required?

2.4 The review was specifically to consider the following elements:-

Key Theme	Main Components
Service Standards and Customer Care	<ul style="list-style-type: none"> ▪ Review of current performance ▪ Review of current service standards ▪ Customer experience and satisfaction
Pre Application Advice	<ul style="list-style-type: none"> ▪ Effectiveness of current guidance and advice to customers ▪ Streamlining Information Requirements ▪ Consistency in validation procedures ▪ Channel shift ▪ Pre-application advice - IDOX recording ▪ Introduction of charges ▪ Provision of listed building / conservation advice ▪ Website and on-line service delivery
Casework Management and Utilisation of Resources	<ul style="list-style-type: none"> ▪ Validation and registration process and procedures ▪ Electronic Document Management and workflow management ▪ Team structures ▪ Allocation of staff resources ▪ Agile / mobile working ▪ Potential of Local Development Orders
Effective Consultation and Engagement	<ul style="list-style-type: none"> ▪ Proportionate consultation and engagement – who, when, how ▪ Public Access consultee system – internal and external ▪ Publicity arrangements
Decision Making Processes	<ul style="list-style-type: none"> ▪ The efficiency of decision making processes ▪ Reducing delay in development control – speed v quality ▪ Committee structures

	<ul style="list-style-type: none"> ▪ Delegation arrangements ▪ Consistency in decision making ▪ The effective use of ICT systems
Enforcement, Monitoring and Review	<ul style="list-style-type: none"> ▪ Links to Building Control ▪ Links to other Regulatory Services ▪ Development review

3. REVIEW METHODOLOGY

- 3.1 In order to provide a degree of independent rigour, the Council agreed to commission Planning Officers Society Enterprises (POSe) to identify the strengths and weaknesses of the existing Service, assess how it compares with best practice, examine and compare staff resources and costs, identify potential savings, consider the effectiveness of processes and procedures and comment upon the suitability of the current management structure. POS Enterprises issued their report in October 2014 and their recommendations have been taken into consideration within this report and Action Plan.
- 3.2 Following receipt of the POS Report, a 'Process and Procedures Sub-Group' was established to explore, in greater detail, the recommendations of the POS Report which specifically related to process and procedural issues. This group presented their final report in April 2015. Again, their recommendations have been reviewed and taken into consideration within this report and Action Plan.
- 3.3 Due to a significant increase in workload and the inability to dedicate sufficient time to progressing the review, it was not possible to conclude the review within the original timescale. In order to progress the review to a conclusion, in March 2016, a refreshed service review team was convened and revised responsibilities were allocated.
- 3.4 The final report presented at Appendix 1 summarises all of the work undertaken to date and proposes recommendations for implementation in the form of an action plan for improvement.

4. SERVICE REVIEW RECOMMENDATIONS

- 4.1 The Development Management Service Review has identified that in terms of performance, the service performs well against national performance indicators and is being delivered at low cost. However, there are significant inefficiencies in the service due to outdated processes and procedures, ineffective use of IT systems, an over reliance on paper based systems, inefficient delegation arrangements and a lack of clarity on service standards.
- 4.2 The service review has identified a raft of measures which will improve the overall efficiency of the service and ensure that it continues to perform at the highest level possible. However, in order to achieve these objectives, it is essential that a new structure is put in place with investment in experienced, skilled and knowledgeable staff of the highest calibre. This will incur addition costs of £85,750 per annum which will be partially offset by the generation of additional income from the introduction of a pre-application charging regime.

- 4.3 However, improvements in the Development Management service cannot be achieved by the implementation of new policies and procedures alone. The service requires a fundamental change in approach and culture which must be driven by the Development Manager and supported by the Head of Regulatory Services.
- 4.4 The current demands placed upon the service as a result of a significant increase in planning applications and the demand for pre-application advice, are simply unsustainable. Unless significant measures are put in place to address the current inefficiencies in service delivery, there is a significant risk that the service will begin to fail within the next 12 months.
- 4.5 Implementation of the Action Plan will be undertaken by the Development Manager and the Head of Regulatory Services. Monitoring of the Action Plan will be undertaken by the Corporate Leadership Team every 3 months. However, Members are specifically requested to:
- a) Note the findings of the Development Management Service Review and the recommendations therein.
 - b) Approve the provision of additional resources in the sum of £85,750 to enable the implementation of a new structure for Development Management in accordance with Appendix 2 of the report.

5. RISK ASSESSMENT

5.1 Legal

The Service review examines the operational aspects of a statutory service and makes a series of recommendations aimed at improving efficiencies and making savings where practicable. The recommended actions comply with the relevant internal controls and are individually risk assessed. The overall legal risk is therefore low to medium.

5.2 Financial

Members are requested to approve a new organisational structure for Development Management which will cost an additional £88,570 per annum. This will be partially offset by the generation of additional income from the introduction of a pre-application charging regime, which is expected to generate £20,000 per annum.

There is no current budgetary provision for these items. It is recommended that expenditure in the sum of £8,230 be funded from income in 2016/17 and that Council be recommended to include £88,570 in the revenue estimates for 2017/18. Given the Council's Medium Term Financial Strategy (approved at Council on 24 November 2016), compensating savings or additional income will need to be identified to offset the additional net expenditure of £68,570 if the Council is to set a balanced, sustainable budget for 2017/18 onwards.

The financial risk is, therefore, assessed as Medium.

6. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7. CONTACT INFORMATION

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8. BACKGROUND PAPERS

Date	Description	Location
19 th June 2014	Council Report – Review of Development Management	File
October 2014	POs Enterprises – Review of the Development Management Service Final Report	File

9. ATTACHMENTS

Appendix 1 : Development Management Service Review Report

Development Management Service Review

Report of the Development Management Project Group

Project Group:-

- Paul Wilson - Corporate Director
- Tim Braund - Head of Regulatory Services
- Helen Frith - Senior Planning Officer
- Chris Whitmore - Area Planning Officer
- Caroline Leatherday - Business Support Manager
- Lucy Prime - Business Support Supervisor
- Ian Brailsford – Business Transformation Assistant



November 2016

Development Management Service Review

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1. INTRODUCTION

1.1 The review of the District Council's Development Management Service was one of 3 major service reviews scheduled for 2014/15 and was the subject of a report to Council on 14th June 2014 which agreed the scope of the review.

1.2 The fundamental purpose of the review was to consider the effectiveness of the current policies and procedures with a view to:-

- streamlining service provision;
- rationalising resources;
- maintaining a good customer experience;
- improving performance standards in key areas;
- removing duplication of effort;
- identifying and implementing service efficiencies.

1.3 The corporate objectives for all service reviews requires consideration of the following questions and for all review outcomes to address 3 deliverable outcomes, reflective of low medium and high risk options in order to achieve savings:-

- a) Does the service need to be provided at all?
- b) Does the service need to be provided by the District Council?
- c) What level of service is required?

1.4 The review was specifically to consider the following elements:-

Key Theme	Main Components
Service Standards and Customer Care	<ul style="list-style-type: none"> ▪ Review of current performance ▪ Review of current service standards ▪ Customer experience and satisfaction
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Key Theme	Main Components
Enforcement, Monitoring and Review	<ul style="list-style-type: none"> ▪ Links to Building Control ▪ Links to other Regulatory Services ▪ Development review

2. REVIEW METHODOLOGY

- 2.1 In order to provide a degree of independent rigour, the Council agreed to commission Planning Officers Society Enterprises (POSe) to identify the strengths and weaknesses of the existing Service, assess how it compares with best practice, examine and compare staff resources and costs, identify potential savings, consider the effectiveness of processes and procedures and comment upon the suitability of the current management structure. POS Enterprises issued their report in October 2014 and their recommendations have been taken into consideration within this report and Action Plan.
- 2.2 Following receipt of the POS Report, a 'Process and Procedures Sub-Group' was established to explore, in greater detail, the recommendations of the POS Report which specifically related to process and procedural issues. This group presented their final report in April 2015. Again, their recommendations have been reviewed and taken into consideration within this report and Action Plan.
- 2.3 Due to a significant increase in workload and the inability to dedicate sufficient time to progressing the review, it was not possible to conclude the review within the original timescale. In order to progress the review to a conclusion, in March 2016, a refreshed service review team was convened and revised responsibilities were allocated.
- 2.4 The following report presents the findings of all work undertaken to date and proposes recommendations for implementation in the form of an action plan for improvement.
- 2.5 The review has also had regard to the Planning Advisory Service (PAS) Development Management Challenge Kit which is designed to help Councils undertaking a sense-check or critical review of existing processes and procedures in order to stimulate thought and ideas for continuous improvement.
- 2.6 The structure of this report first discusses the concept of 'Development Management' as opposed to 'Development Control', it then looks at the current resources available to the services before discussing each aspect of the Development Management Service. The report concludes with a Summary and Action Plan for improvement.

3 WHAT IS DEVELOPMENT MANAGEMENT?

- 3.1 The whole thrust of Spatial Planning (Town and Country Planning as it used to be called) in England is to be proactive rather than reactive, creative rather than regulatory and this applies even in respect of dealing with planning applications, which the Council receives and has a statutory duty to determine. In best practice Authorities, Development Control has been replaced by Development Management.
- 3.2 What constitutes Development Management as opposed to Development Control is not concisely and precisely set out anywhere but it is helpfully summed up in the phrase 'right development, right time and right place'. It is led by Local Planning Authorities working closely with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness and supports the delivery of key priorities and outcomes. As far as Development Management is concerned this means focussing on and managing the whole process from pre-application, through processing and decision, to delivery and monitoring.
- 3.3 Development Management is not the same as development control and it is not just a new name for traditional development control services. It is about putting spatial development plans into

practice and about Authorities taking an active approach to place-shaping and positively promoting sustainable development. The traditional 'development control' approach to managing development proposals has focussed on processing planning applications and enforcing contraventions, often taking a reactive and cautious approach. However, in order to proactively fulfil the place shaping role and to actively promote sustainable development, Local Planning Authorities need to:-

- facilitate development opportunities;
- influence development proposals to achieve quality outcomes, and
- solve problems to deliver sustainable development proposals.

3.4 In order to achieve these objectives, local development management services need to be more proactive and delivery focussed, whilst being better aligned to the Authority's other strategic functions, including plan making.

3.5 The principles of development management reach beyond the scope of traditional development control services and concern all stages in the life of a development proposal, from initial scoping work through to delivery on the ground. As such, it takes in the following key components:-

- Pre-Application
- Receipt / Validation of application
- Consultation and Allocation
- Consideration
- Report
- Decision
- Decision Notice
- Monitoring Quality

3.6 In order to provide structure to this report, each constituent part of the Development Management service has been considered in detail and is presented in sections 6 to 12 of the report.

4 DEVELOPMENT MANAGEMENT SERVICE - CONTEXT

4.1 The Development Management service is a high profile, front-facing customer service. It has the ability to influence the reputation of the District Council either positively through the facilitation of high quality development and the safeguarding of an attractive environment, or negatively through inefficient, bureaucratic processes which create delay and increase developer cost.

4.2 Whilst it is a service which continues to perform well against national performance indicators, it is a service which is in need of fundamental change. Quite simply, the current method of service delivery is unsustainable in the climate of fast moving change, financial restraint and the advances of technology. Inefficient working practices and the under-utilisation of existing technology is preventing innovation in service delivery which, in itself, is creating increased pressure within the Development Management team as it seeks to respond to a significant increasing workload.

4.3 The service review has identified the following strengths and weaknesses of the existing development management service and its operation:-

Overall strengths of the service

- Experienced Officers.
- Friendly and helpful team with a high level of commitment.
- Good relationship between Officers and Members.
- Well run Committee meetings with Members displaying a high level of understanding of planning issues.
- High standard of written Officer reports.
- High quality decision making.

- Demonstrable 'added value' to achieve quality developments.

Overall weaknesses of the service

- Heavy reliance on key staff with no resilience at a senior level.
- Heavily reliant upon paper based systems.
- Inefficient procedures and processes and resource intensive working practices.
- Lack of an up-to-date Local Plan.
- Workloads which allow no time for Officers to deal effectively with pre-application queries.
- Significant employee skills gaps.
- Inadequate 'planning' technical support.
- Inappropriate first point of contact arrangements.
- Poor utilisation of IDOX Uniform and other technology.
- Inefficient use of the corporate website.
- Inability to deliver a timely pre-application advice service.
- Inadequate delegation of tasks.
- Inadequate levels of delegated decision making.
- Opportunities for maximising fee income underdeveloped.

Opportunities

- Simplify and streamline existing processes.
- Modernise service delivery by better and increased use of IDOX Uniform system capabilities
- Increased resilience.
- Staff development and training.
- Agile working.
- Introduction and rollout of new technology, e.g. Document Management System.
- Introduction of remote working.
- Delegate more responsibility.
- Introduction of a formal fee-charging pre application advice service.
- Improvements to planning pages of the authority's website.

Threats

- Loss of experienced staff.
- Reduced staff morale.
- Increased staff absence due to stress.
- Reputational impact.
- Financial impact arising from poor decisions.
- Increased likelihood of overturned decisions being lost at appeal stage due to lack of up-to-date Local Plan.
- Lack of management resilience caused by flat structure.

5 EXISTING RESOURCES AND STRUCTURE

5.1 The planning function used effectively is a powerful tool to shape the future of an area. As such, clear leadership at the right level is very important. A high quality development management service relies on good and effective planning administration, policy and plan making. Similarly, good policy and plan making needs to be rooted in the reality of what is feasible and practical to implement, through development management. In the same way, planning enforcement can only be effective if the planning decisions and policies are fit for purpose in the first place. High professional standards need to be championed and improvement driven through. At Derbyshire Dales, different elements of the planning service report to three different Service Heads (Regulatory Services, Regeneration & Policy, and Corporate Services). This is not a unique situation, particularly in smaller Authorities over the last few years during times of severe pressure on Local Government resources. However, overall leadership and particularly the resulting relationship with the policy function and administrative function has an important bearing on how effective the development management service can be.

5.2 At the present time, priority is being given to securing adoption of the Derbyshire Dales Local Plan. In this regard, the resources available for planning policy within the Authority are being

prioritised to this task which prevents any resource being dedicated to the production of master plans or design frameworks for the sites coming forward through the Local Plan, or to provide any updates to supplementary planning guidance. Whilst the scope of this review does not cover these matters, it is important to note that this will have an inevitable impact on the effectiveness and efficiency of the development management service. Following adoption of the Local Plan, it will be necessary to review the available resources and identify those areas where further support will need to be given to improve the efficiency and effectiveness of the work of the Development Management Section.

- 5.3 The Development Management Service is positioned within the Regulatory Services Department with strategic management provided by the Head of Regulatory Services.
- 5.4 Day-to-day management of the service is provided by the Development Manager who is supported by 2.6 FTE Senior Planning Officers, 2.0 FTE Area Planning Officers and 1.6 FTE Enforcement Officers. In addition, the service benefits from a Design and Conservation Officer, an Arboriculture Officer and a Landscape Design Officer (0.5 FTE). A structure diagram for the current Development Management Section is outlined at Appendix 1.
- 5.5 Prior to the implementation of a District Council corporate restructure in February 2014, the post of Director of Planning and Housing Services supplemented the development management resource and provided additional planning expertise in addition to undertaking the day-to-day strategic management of the service. Following the corporate restructure, the Head of Regulatory Services assumed strategic management responsibility for the service. However, it is not the role or responsibility of the Head of Regulatory Services to provide the same degree of planning expertise previously provided by the Director of Planning and Housing Services. As a direct consequence of the deletion of the post of Director of Planning and Housing, the Development Manager has carried a heavier burden of responsibility in terms of overall service management, member involvement, service development and day to day managerial responsibilities. This has coincided with a significant increase in the number and complexity of planning applications which has necessitated the Development Manager carrying an active case load of high profile, complex applications. In the long term, this is not a sustainable situation.
- 5.6 The role of a Development Manager is to provide professional planning leadership and strategic management to staff within the Development Management Section with a clear emphasis on continuous service improvement through the use of technology wherever appropriate. However, at the present time, the Development Manager is unable to provide the strategic leadership that is required due to the fact that he is involved at a detailed level in day-to-day operational matters and casework management. In addition to service management issues, the Development Manager is also having to provide one-to-one professional support on major cases to inexperienced Case Officers whilst also holding a caseload of major cases. There is also a lack of effective delegation within the service with the Development Manager undertaking a wide variety of administrative duties including reviewing all incoming correspondence on a daily basis, agreeing the content and accuracy of all external correspondence to applicants and agents, signing off all decision and enforcement notices and formulating the planning requirements of s.106 legal agreements.
- 5.7 As a consequence of the above, inadequate resource is being dedicated to:-
 - proactive performance monitoring and management of Officers;
 - staff training and development;
 - development and implementation of new policies and procedures;
 - customer and Member relations;
 - improvements to working practices.

Planning Officers

- 5.8 The POSe report identified that the existing team of Planning Officers has been together for some time and is experienced but has a limited experience of the types of major cases that are currently presenting themselves. Each Officer regularly has between 25-35 cases on their desk and all report that they are having to regularly work a large number of additional hours to maintain the Authority's current level of performance. Given the current expectation that the major caseload will continue at either its current rate or higher, significant professional support from the Development Manager is a priority, however, the ability to offer this support is limited by the competing priorities and pressures placed upon the Development Manager.
- 5.9 Currently, nearly all Officers regularly present at Committee, however, the POSe review noted that there are significant variances in Case Officers' presentation skills and abilities. POSe, therefore, recommended that consideration be given to the provision of formal training to assist Officers, including some mentoring from the Development Manager to ensure that Officers are well prepared for the questions that they may be asked at Committee.
- 5.10 It is also important that the level of experience and skill matches the type of applications being received. If the post of Development Manager is to concentrate on service development issues and strategic management, there is a need to ensure that there are adequate skills to deal with complex applications such as large housing schemes which are likely to figure prominently in the section's workload for the foreseeable future.

Specialist Services

- 5.11 Derbyshire Dales is fortunate in having the benefit of a specialist Design and Conservation Officer. There are over 1,330 buildings listed as being of special architectural or historic interest in the Derbyshire Dales in addition to 33 designated Conservation Areas. There are also 9 parks and gardens included on the Register of Parks and Gardens of Special Historic Interest and there is a UNESCO World Heritage Site. Prior to September 2015, the District Council retained the services of two highly skilled and experienced Design and Conservation Officers. However, in response to a request for early retirement, these resources have now been reduced to 1FTE Design and Conservation Officer whose advice and services are in high demand (both internally and externally). This demand creates significant pressures within this aspect of the service and needs to be appropriately managed. The review has, therefore, highlighted the need to introduce appropriate measures to effectively manage the demands placed upon the Design and Conservation Officer through service requests for pre-application discussions and non-cost recoverable advice services. This aspect of the review is covered in further detail in Section 6 below.
- 5.12 The District Council also retains the services of an Arboriculture Officer (1.0 FTE) and a Landscape Design Officer (0.5 FTE).

Service Cost (excluding corporate support costs)

- 5.13 The cost of the Development Management service at April 2015 is outlined at Table 1 below.

Post	FTE Number	Grade	Total Cost (incl on-costs)
Development Manager	1.0	13	£56,575.83
Senior Planning Officer	2.6	9	£99,466.43
Area Planning Officer	2.0	7	£60,245.72
Senior Design Conservation Officer	1.0	10	£42,104.34
Design and Conservation Officer	1.0	8	£34,529.18
Enforcement Officer	1.6	6	£41,738.15
Arboriculture Officer	1.0	8	£34,531.58
Landscape Officer	0.5	8	£16,704.85
Total Cost			£385,896.08

- 5.14 In September 2015, the Councils Senior Design and Conservation Officer submitted a request for early retirement and voluntary redundancy. This request was agreed by CLT and as a consequence, the overall costs of the service (after payback) reduced. The revised cost of the service at April 2016 is outlined at Table 2 below.

Post	FTE Number	Grade	Total Cost (incl on-costs)
Development Manager	1.0	13	£56,575.83
Senior Planning Officer	2.6	9	£99,466.43
Area Planning Officer	2.0	7	£60,245.72
Design and Conservation Officer	1.0	8	£34,529.18
Enforcement Officer	1.6	6	£41,738.15
Arboriculture Officer	1.0	8	£34,531.58
Landscape Officer	0.5	8	£16,704.85
Total Cost			£343,791.74

Team Capacity

- 5.15 Work undertaken by the Planning Advisory Service (PAS) some years ago identified an optimum average caseload of 150 cases per annum per full-time equivalent Officer. On the basis of 225 productive working days per annum, this allows slightly over 1.5 days per application for each full time equivalent Officer. Clearly some applications will take much more time and even simple applications can take up more time where there are significant objections or lengthy negotiations. It is also relevant that Officers deal with a significant amount of other applications not counted in the DCLG statistics, for example, a variety of other work such as the discharge of conditions and pre-application work which is becoming increasingly important.
- 5.16 It is a weakness of the service that Officer workloads cannot be systematically managed because a lot of the work undertaken is not recorded in the IDOX Uniform system. As such, there is no accurate system of managing workload pressures or monitoring individual officer performance across all work streams. Whilst the IDOX system has the capability to monitor such, this facility is not currently utilised. Such matters need to be addressed as an outcome of this review.
- 5.17 There are also a high level of heritage applications at Derbyshire Dales given the World Heritage Site and the number of Conservation Areas and listed buildings. Such applications can take extra time to deal with. Additionally, it is also the case that some large schemes are coming forward on the back of the emerging Local Plan that will require dedicated Officer attention. Overall experience would suggest that there are factors here which tend to suggest timescales will generally be longer than average.
- 5.18 An analysis of Officer caseload at Derbyshire Dales for the last four years (2012/13 – 2015/16) has been undertaken and is outlined at Table 3 below:-

	2012/13	2013/14	2014/15	2015/16	Total	4 Yr Average
Officer A	9	11	4	5	29	7
Officer B*	115	111	82	34	342	86
Officer C	15	26	39	24	104	26
Officer D	13	27	31	46	117	29
Officer E (0.6 FTE)	88	102	86	103	379	95
Officer F	137	145	132	150	564	141
Officer G	95	110	92	101	398	100
Officer H	124	149	160	191	624	156

* Absent since August 2015

- 5.19 For comparison purposes figures based on information supplied by five other Derbyshire Authorities (excluding Derbyshire County Council and Derby City) gives an average caseload of

143. It should be noted that these are overall figures and Planning Officers with a caseload comprising predominantly minor applications would be expected to be able to process significantly more applications than an officer who is dealing with more complex applications. Nonetheless, it provides an indication that generally, workloads on applications alone, are within generally acceptable levels.

5.20 Table 4 below, indicates the volume of planning application casework for the last four years (2012/13 – 2015/16).

	2012/13	2013/14	2014/15	2015/16	4yr Average
Major Applications	12	22	25	32	23
Minor Applications	221	238	200	253	228
Other Applications	350	410	384	362	377
Total Applications Determined	583	570	609	647	602
Withdrawn Applications	44	37	54	42	44

5.21 As table 4 indicates, the volume and complexity in terms of major applications has increased every year since 2012/13 and predictions for 2016/17 indicate a further increase. However, in addition to the resource expended on applications that are determined, there is a significant resource expended on applications which are not progressed to determination and are withdrawn. Whilst the Local Planning Authority retains the fee on this first application, invariably when applications are resubmitted, they benefit from the 'free-go' provisions contained in the Fees Regulations. The Authority is, therefore, doing twice as much work on these applications for only one fee. In order to reduce the number of applications that are withdrawn, concerted effort needs to be given to the provision of a quality pre-application advice service and the implementation of a triage system whereby the resources expended on an application are proportionate to the prospects of a favourable outcome.

5.22 Table 5 below, indicates the number of applications withdrawn per officer for the period 2012/13 to 2015/16.

	2012/13	2013/14	2014/15	2015/16	Total	4 Yr Average
Officer B*	11	9	10	2	32	8
Officer E	6	3	10	3	22	6
Officer F	11	16	19	15	61	15
Officer G	12	13	8	3	36	9
Officer H	15	7	11	11	44	11
Officer I**				5	5	1
Total	55	48	58	39	200	

* Absent since August 2015

** Employed since February 2016

5.23 As a consequence of increased planning application casework and, in particular, the volume of major applications which attract high planning fees, overall fee income has increased significantly during the last 4 years as outlined in Table 6 below.

	2012/13	2013/14	2014/15	2015/16	2016/17 budget estimate	Income at Sept 2016
Fee Income	£272,070	£462,339	£554,571	£611,579	£400,000	£305,811

Planning Performance

5.24 Timely and well-considered decisions on planning applications are a key part of delivering an effective planning service – giving applicants the confidence to submit proposals for

development, businesses the confidence to invest, and communities the reassurance that decisions affecting them will be taken in a reasonable manner.

- 5.25 According to the published DCLG PS2 statistics, performance against National Performance Indicators (NPI157) is currently good across all types of cases against the Government's targets of 8 and 13 weeks. Performance against a set of authority Key Performance Indicators (KPIs) is monitored by CLT on a quarterly basis.
- 5.26 Table 7 below, indicates the performance against Government targets for applications determined for the last four years (2012/13 – 2015/16):-

	2012/13	2013/14	2014/15	2015/16	4yr Average
Major Applications	66.6%	87.5%	94.0%	74.0%	80.5%
Minor Applications	80.5%	82.4%	75.6%	76.0%	78.6%
Other Applications	92.0%	95.0%	90.1%	92.0%	92.3%

- 5.27 Table 8 below indicates our performance against Government targets for applications determined compared to our Audit Commission family group for the period 2014/15:

Authority	Major Apps	Minor Apps	Other Apps
Babergh District Council	79%	58%	82%
Cotswold District Council	100%	78%	79%
Craven District Council	75%	59%	77%
Eden District Council	60%	71%	82%
Hambleton District Council	67%	75%	83%
Malvern Hills District Council	57%	73%	88%
Melton Borough Council	60%	57%	91%
Mid Devon District Council	100%	74%	91%
Mid Suffolk District Council	28%	71%	80%
North Dorset District Council	63%	51%	58%
South Norfolk Council	100%	94%	92%
Tewkesbury Borough Council	93%	79%	80%
West Devon Borough Council	100%	93%	98%
Wychavon District Council	86%	91%	94%

- 5.28 Section 62A of the Town and Country Planning Act 1990 ("the 1990 Act") allows certain applications to be made directly to the Secretary of State for Communities and Local Government where the local planning authority for the area has been designated for this purpose.
- 5.29 A local planning authority can be designated only if, by reference to the Government's criteria, the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications. For this purpose, the performance of local planning authorities is assessed in two ways: on the basis of the speed with which applications for major development are dealt with; and the extent to which such decisions are overturned at appeal (as an indicator of the quality of the decisions made by local planning authorities).
- 5.30 In regard to speed of decisions, the measure used is the percentage of decisions on applications for major development made:
- (a) within the statutory determination period; or
 - (b) within such extended period as has been agreed in writing between the applicant and the local planning authority.
- 5.31 The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation. The threshold for designation is 50% or fewer of an authority's decisions made within the

statutory determination period or such extended period as has been agreed in writing with the applicant.

- 5.32 In regard to the quality of decisions, the measure used is the percentage of decisions on applications for major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment period (as recorded in Table 152a DCLG live tables of planning application statistics). The nine months specified in the measure are to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known.
- 5.33 The threshold for designation is 20% or more of an authority's decisions on applications for major development made during the assessment period being overturned at appeal. At the present time, the Council's performance on appeals needs to be carefully monitored as Derbyshire Dales is the second worst district planning authority in the country on this performance indicator with 13.3% of major appeals being granted on appeal (January 2013 - December 2014 : 11 major appeals determined, 6 over turned). If the authority exceeds the Government's 20% threshold, it will be designated as under-performing and subject to special measures. The Secretary of State will be considering new designations towards the end of this year.
- 5.34 The consequence of designation is that Section 62A of the Town and Country Planning Act 1990 allows certain applications to be made directly to the Secretary of State for Communities and Local Government. If the authority is designated, this will afford developers the option to submit their application direct to the Secretary of State who will determine it himself. In such circumstances, the District Council will forego the majority of the planning fee and will effectively be relegated to the status of a consultee. Once designated, the special measures will be in place for one year and will only be lifted if the Secretary of State considers that the local planning authority has provided adequate evidence of sufficient improvement against areas of weakness identified in the initial assessment of its performance.
- 5.35 The review has identified that the Development Manager holds current caseload figures for individual officers and currently allocates cases based on those workloads. Performance issues are dealt with on an ad hoc basis with individual members of staff rather than through a series of regular one to one meetings. In order to improve the development of staff, it is considered that regular, scheduled 1:1 meetings would be of benefit, particularly if such discussions are focussed upon managing workloads, improving consistency and quality and reducing risk to the authority of potential designation.

Value for Money

- 5.36 An analysis of the Value for Money (VFM) spend on development control per head, based upon latest published data for 2014/15 is outlined in Table 9 below.

Indicator	Period	Value	% Change	Direction of Travel	Rank	Average
Spend on development control per head	2014/15	£8.61 per head * (Popn. 71,300)	-10%	Decrease	In the lowest 25%	£11.00
Percentage of major planning applications determined in 13 weeks	Q4 2014/15 only	80%	13%	Improving	Lowest third	83%
Percentage of minor planning	Q4 2014/15 only	84%	18%	Improving	Middle third	78%

applications determined in 8 weeks						
Percentage of other planning applications determined in 8 weeks	Q4 2014/15 only	94%	1%	Improving	Top third	86%

- 5.37 However, the VFM spend per head of population* needs to be treated with a degree of caution since the published Derbyshire Dales figure excludes the population resident in the Peak District National Park. Based upon Derbyshire Dales Local Planning Authority population (circa 44,700), the spend per head on development control is actually £13.73.
- 5.38 A comparison of our Value for Money (VFM) spend on development control per head in comparison to our Audit Commission family group is outlined in Table 10 below.

Authority	2014/15	Rank (lowest order first)
Derbyshire Dales District Council	£13.73	5
Babergh District Council	£17.58	12
Cotswold District Council	£22.27	15
Craven District Council	£10.29	2
Eden District Council	£13.54	4
Hambleton District Council	£18.65	14
Malvern Hills District Council	£15.61	9
Melton Borough Council	£11.18	3
Mid Devon District Council	£16.96	11
Mid Suffolk District Council	£14.31	8
North Dorset District Council	£14.23	7
South Norfolk Council	£15.85	10
Tewkesbury Borough Council	£10.76	1
West Devon Borough Council	£17.81	13
Wychavon District Council	£14.07	6

- 5.39 On the basis of our Audit Commission family group, it is apparent that the District Council is delivering a high performing planning service at a significantly lower cost than authorities in our family group.

Team Structure

- 5.40 The review has therefore identified that one of the key weaknesses of the current service is the 'flat' structure which provides little resilience and makes the service as a whole very vulnerable. A comprehensive review of roles and responsibilities has therefore been undertaken in order to ensure that sufficient resources are dedicated to strategic service management in addition to proactive, day to day management of casework. As part of this review, it is considered that a new structure needs to be implemented in the Development Management Section which meets the following objectives:-

- Redefinition of the role of Development Manager (DM). The DM role should provide professional planning leadership and strategic management of staff with the section with a clear emphasis on continuous service improvement through the application of information technology solutions and performance delivery.
- Introduction of a new post of Principal Planning Officer (PPO). The PPO will provide professional planning leadership and day to day operational management to staff within the section whilst maintaining an operational case load of predominantly major planning case work. As a senior planning professional with considerable experience in the management of staff and a complex workload, this is a key position in the proposed structure which will provide the added resource to enable the Development Manager to focus on strategic service delivery and improvement.
- Increase Senior Planning Officer resources by 0.4FTE for a temporary period of 3 years in order to deal with the increase in casework prior to and post Local Plan adoption.
- Extension of the current delegation arrangements in order to provide authority to the Senior Planning Officers to exercise decision making responsibilities.
- Introduction of a new post of Planning Technician (PT). The PT role will support the work of the section through the development and application of the IDOX Uniform system to deliver service transformation and the provision of general technical support and assistance in order to relieve professional planning officers from routine tasks. The PT may also deal directly with more of the technical validation process and answer the majority of frontline planning enquiries.

5.41 A proposed restructure of the Development Management Section is outlined at Appendix 2. Job descriptions for the posts of Development Manager, Principal Planner and Planning Technician are attached at Appendix 3.

5.42 The cost of the Development Management service following the proposed restructure is outlined at Table 11 below.

Post	FTE Number	Grade	Total Cost (incl on-costs)
Development Manager	1.0	13	£56,575.83
Principal Planning Officer	1.0	11	£46,733.07
Senior Planning Officer (0.4 FTE for 3 years only)	3.0	9	£115,285.58
Planning Officer	2.0	7	£60,245.72
Design and Conservation Officer	1.0	8	£34,529.18
Enforcement Officer	1.6	6	£41,738.15
Arboriculture Officer	1.0	8	£34,529.18
Landscape Officer	0.5	8	£16,704.85
Planning Technician	1.0	6	£26,020.27
Total Cost			£432,361.83
Net Difference (April 2015 cost)			+ £46,465.75
Net Difference (April 2016 cost)			+ £88,570.09

5.43 It is notable that the overall service costs will increase by 11% against the April 2015 service costs. However, this needs to be considered alongside a significant increase in fee income since 2012/13 of circa 224%. Whilst fee income for 2016/17 is likely to be less than 2015/16, nonetheless it will still exceed the budget estimate of £400,000. This increase in fee income is likely to continue the next few years at least, due to the increase in housing development arising from the Derbyshire Dales Local Plan.

- 5.44 Since 2014/15, additional resources have been invested in the Development Management service in order to cover a period of long term absence with a Senior Planning Officer (1.0 FTE), and to increase resources to support the service review (Senior Planning Officer 0.4 FTE). However, this has coincided with a significant increase in the volume and complexity of casework. If the objective is to improve the overall quality, efficiency and effectiveness of the Development Management service, the review team does not consider that this can be achieved through delivering procedural efficiencies alone, further investment in staffing resources is required.

Section 5 Recommendations

- 1) Implement a new structure for Development Management in accordance with Appendix 2 by April 2017.
- 2) Implement a system for the pro-active management of officer workload and performance utilising the IDOX Uniform system capabilities.
- 3) Implement a programme of scheduled 1:1 Meetings with Officers to discuss casework 'triage' prioritisation, workloads, performance and personal development.
- 4) Undertake a 'training needs and skills audit' and develop a training programme to ensure that all employees have the skills required to do their jobs and that they are sufficiently multi-skilled to provide a high quality, more resilient service.
- 5) Train all planning officers to be able to use the IDOX Uniform system as a comprehensive tool to process planning applications.
- 6) Nominate a client officer (Planning Technician) for the development of the IDOX Uniform system to work with BSU and to ensure that the system is updated to take account of changing legislative requirements on a structured basis.
- 7) Facilitate the use of new technology to enable agile working including photographs and reports to be uploaded at a distance.
- 8) Review the extent and nature of planning policy support and advice provided to Development Management including an appropriate programme of proactive policy advice and supporting guidance.

6. PRE-APPLICATION

- 6.1 The pre-application phase of development management is part of a positive and proactive planning process, although it is non-statutory. A good pre-application service can be provided at zero cost when recharged to applicants whilst also reducing costs to the council at application stage, can lead to fewer refusals and appeals and also turns-away 'no-hope' applications at very low cost to all.
- 6.2 It follows that as much effort should go into pre-application as to processing applications. It is at this stage that there is the most chance of influencing what an applicant will formally propose. On average, 9 out of 10 applications will be approved with a further third of applications being successful at appeal. Development management is therefore not just a 'yes' or 'no' – it is more often a 'yes' but the question is - how good can it be made so that development fits in with what the District needs?. How can value be added? This is where a more flexible approach to case management would enable officers to spend more time on proactive pre-application work in partnership with others in a 'whole development team approach'. However, it is vital that there is a clear internal view carried forward into the application stage. It is also the case, especially on larger schemes, that proactive policy work sits alongside development management negotiation. It is also appropriate to find an effective way to involve Members in pre-application work. Member involvement should be set out in clear protocols, alongside the standard of service that applicants should expect.
- 6.3 Engagement prior to any planning application being formally submitted can be critically important and should provide the applicant and the local planning authority with the opportunity to gain a clear understanding of the objectives of, and constraints on, development. It also provides an opportunity for wider engagement, where appropriate, with other stakeholders, including the local community, which can deliver better outcomes for all parties.

- 6.4 The level of pre-application engagement will be dependent on a range of considerations, including:-
- The scale and complexity of the proposals;
 - The sensitivity and constraints of the development site and wider area;
 - The resources available to the local planning authority, and
 - The willingness of those proposing development to engage.
- 6.5 In order to provide a good pre-application service, local planning authorities should clearly set out what their pre-application service provides, taking into consideration the appropriate level of service that should be provided for different types of planning applications. In particular, there is a need to explain clearly the range of guidance available to those proposing development, and the opportunities available for pre-application discussions.
- 6.6 In order to ensure that pre-application advice and discussions are both efficient and effective, there is a need to set out clear guidance on:-
- a) The minimum information that is expected from, and the other responsibilities incumbent on, those seeking pre-application advice or discussions;
 - b) The actions that the local planning authority will take to respond to properly framed requests for pre-application advice or requests for a meeting, including clear timescales and broad approach to be taken according to the scale/complexity of the proposals;
 - c) An indication of the approach to be taken to the involvement of third parties, including key consultees and the local community;
 - d) The charge (if any) for providing the pre-application service and clarity about what service levels and other support will be provided for that charge;
 - e) Where needed, the involvement of multi-disciplinary teams, and
 - f) The circumstances where the local planning authority would recommend the use of a planning performance agreement or similar project management approach.
- 6.7 A pre-application advice service for smaller developments such as house extensions, changes of use or minor works to commercial buildings can be provided in the form of readily accessible, good quality guides and supplementary guidance, supported by access to a Planning Officer at an appropriate level.
- 6.8 A Local Planning Authority has the power to charge for services provided in the form of pre-application discussions under Section 93 of the Local Government Act 2003. Where a local authority opts to charge a fee for the pre-application phase, any charge must be on a not for profit basis and over the course of each year, the income from charges for such services must not exceed the cost of providing them. However, introducing charges for pre-application advice merely as a means to generate income is not conducive to the delivery of a quality development management service as expectations are raised and the Council's reputation can be damaged if the service delivered does not match reasonable expectations both in terms of quality and timeliness of delivery.

Current Practice

- 6.9 Derbyshire Dales currently provides the following pre-application advice service:-
- Provision of a Duty Officer (without appointment) at the Town Hall during the hours 9.00am – 12.00 Monday to Friday (9.30am – 12.00 Wednesday)
 - Provision of written pre application advice in response to enquiries.
 - Provision of telephone access to all Planning Officers during normal Office hours.
- 6.10 The service review has identified that the extensive, uncontrolled public access that is provided to Officers is having a detrimental and disproportionate impact on the ability of the service to meet its primary objective which is to determine applications for planning permission within the shortest possible timescale.

- 6.11 In addition to the above, Officers deal with a considerable volume of written pre-application enquiries in the form of emails and letters. They are also available throughout the working day via direct dial telephone access to customers. Unfortunately, these are not recorded in any of the existing systems, it is therefore not possible to obtain an accurate assessment of the resources that are currently committed to pre-application enquiries. However, from observing the work of the officers, it is apparent that the volume of work and time expended dealing with such enquiries is considerable and adds significant pressure to the workload of case officers which in turn, adversely affects their ability to dedicate time to the preparation of reports on applications (for which a fee has been paid and a good level of service is expected). The constant disruptions to service delivery not only have an adverse impact upon the ability of officers to manage their work, but also impacts upon the quality of the work produced by them through time pressures, lack of concentration, increased stress etc.
- 6.12 It is estimated that the cost of dealing with a basic written pre-application enquiry for an area Planning Officer (Grade 7) is £42.42. The estimated cost of a basic written pre-application enquiry by a Senior Planning Officer (Grade 9) is £51.73. Clearly, in the case of more complex applications, this cost can increase significantly. At the present time, none of this cost is recovered.
- 6.13 The review has demonstrated that there are inconsistencies in the way in which pre-application advice is recorded. There is no systematic recording of pre-application advice within the IDOX Uniform system such that a clear audit trail of advice can be maintained. Advice can be offered verbally, via email or by written letter. In the case of written advice, a record is maintained in paper based systems however this is not always consistently applied, may be stored in a variety of locations and constitutes an inefficient use of resources. There is therefore, a pressing need to improve the recording of pre-application advice through better utilisation of the IDOX Uniform system and the corporate Document Management System (DMS).
- 6.14 The review has also demonstrated that the current means of service delivery is consuming excessive resources at the expense of delivering a high quality of service to fee paying applicants. In essence, it is attaching a higher priority to ad hoc customers who are gaining access to free, high quality advice at the expense of fee paying customers who have submitted a planning application which they expect to be determined in the shortest possible timescale. Experience also strongly indicates that the service is being abused by professional agents who are gaining access to free high quality advice only then to pass this onto their clients at a cost. Arguably, Council Tax payers of the district are therefore subsidising the advice service provided by agents.
- 6.15 Unlike a number of other Derbyshire authorities (Peak District National Park Authority and Amber Valley Borough Council), the District Council does not currently levy any charges for the provision of pre-application advice. In order to manage demand for the service and to ensure that a proportionate amount of resource is dedicated to pre-application enquiries, it is considered necessary that a regime for pre-application charges is introduced w.e.f 1st April 2017. An indicative charging regime has already been developed through the service review, however the precise details of the pre-application service should be considered in detail and agreed through the Council's relevant policy committee.
- 6.16 Based upon experience elsewhere, it is considered that income of circa £20,000 per annum could be derived from pre-application charges.

Principles of Pre-Application Charging Regime

- 6.17 The early involvement of local communities, local authorities and statutory consultees at this pre-application stage can bring about significant benefits for all parties:
- agree information requirements and weed out non-starters;

- to allow members of the public to influence the way projects are developed by providing feedback on potential options, as the staff/facility resource is funded and so provided;
 - to help local people understand better what a particular project means for them, so that concerns resulting from misunderstandings are resolved early;
 - help to communicate the vision and objectives for the area;
 - to ensure that important information about the economic, social and environmental impacts of a scheme is obtained from consultees;
 - to enable all parties to know the expectations, administrative processes and time frames involved;
 - develop a shared understanding of constraints, opportunities and context;
 - to enable potential mitigating measures to be considered and, in some cases, built into the project before an application is submitted.
- 6.18 A chargeable pre-application planning service is required when the demands of the consultation and advice process exceed the present resource capacity. The review has concluded that this point has now been reached. The introduction of new service standards aligned to a charging regime, will however provide the resources to guarantee an effective pre-application consultation service. This in turn will allow for shorter and more efficient decisions to be made.
- 6.19 The main issues of a standardised, extensive pre-application planning service are both procedural, ethical and temporal. In order to encourage prospective applicants to discuss proposals at the earliest stage and thereby achieve the potential benefits for all, a new pre-application service would need to accommodate the varying needs of prospective applicants and the range of development types. It is considered that three basic levels of service should be provided which roughly equate to small, medium and large scale developments.
- Level 1 : General pre-application information (self service via web)
 - Level 2 : Specific information and pre-application comment on a proposal (Duty planner service by appointment only)
 - Level 3: Site specific information, pre-application discussion and detailed advice provided to aid the development process (engagement with statutory consultees, community, structured community engagement, member involvement).
- 6.20 The review has therefore concluded that in order to maximise resources towards the delivery of a quality Development Management service, there is a need to refocus the pre-application advice service towards an appointment only system with the introduction of a system of charges for pre-application advice. However, in order to minimise demands on existing resources, arrangements will need to be developed for payments to be made via non-contact means for all transactional planning services requiring payment of a fee.

Section 6 Recommendations

- 1) Devise, implement and publicise a new pre-application service including performance standards in line with best practice which is based upon self- service arrangements or by appointment only.
- 2) Establish appropriate processes and protocols with internal and external key consultees to enable high quality pre-application service to be delivered.
- 3) Establish a schedule of pre-application charges to be implemented w.e.f. 1st April 2017 with a view to full cost recovery.
- 4) Devise and implement new procedures for payments to be made via non-contact means for all transactional planning services via the Council website as part of a whole Council approach.
- 5) Review first point of contact arrangements for technical planning enquiries and implement a programme of 'channel shift' and/or establish a more appropriate first point of contact.
- 6) Introduce arrangements for the management and recording of pre-application enquiries through the IDOX Uniform system.
- 7) Devise and implement an online pre application enquiry pro-forma.
- 8) Revise publicity material for pre-application advice services.

- 9) Devise and implement a protocol to encourage Member involvement in pre-application discussions in accordance with the Planning Code of Good Practice (May 2016).

7. RECEIPT / VALIDATION OF APPLICATIONS

- 7.1 The receipt and validation process, aside from any pre-application advice that may have been provided, is the first encounter that an applicant has with the Council. It is therefore important that the validation process is undertaken efficiently and effectively because it is at this point that the statutory determination timescales of 8 weeks (minor applications) and 13 weeks (major applications) commences.
- 7.2 With a complex and time sensitive procedure such as registration, it is important to keep the number of people involved in the process to a minimum to avoid delays, and ensure a clear audit trail with safeguards to avoid application files being lost between different locations. It is therefore essential that the different aspects and processes of registration and validation are not split down too far. An efficient and effective development management service will ensure that applications are validated within a few days of receipt (or shorter). During validation, it is important to strike a balance between being helpful and proportionate without doing rework for poor agents at public expense.
- 7.3 The validation and registration of applications is a vital and integral part of the overall development management process as this has a critical impact upon performance and service delivery. It is therefore important that it is seen as part of the process and not a separate element unconnected with the wider task of determining applications.
- 7.4 Following the establishment of the Business Support Unit (BSU) in April 2014, responsibility for the registration and validation of certain types of applications was transferred to BSU.
- 7.5 The service review has analysed all existing processes and procedures that are involved in the receipt, registration and validation of applications. It is apparent that at the present time, the processes that are adopted for all types of applications are not time efficient, do not utilise the full capabilities of the IDOX Uniform system and can be significantly simplified. Revised workflows therefore needed to be devised and implemented as part of a comprehensive programme of service transformation for all of the key procedures. The review team have documented all of the existing workflows that are undertaken by Development Management which clearly identifies inefficiencies in current practices. The key to eradicating these inefficiencies lies in the implementation of a corporate Electronic Document Management System (EDMS).
- 7.6 Electronic Document Management is software that is used to scan incoming mail, circulate and file documents, and to manage work flow. The Administration Service Review report (issued 28th November 2013) recommended that a document management system with workflow that links to and integrates with existing back office systems should be procured.
- 7.7 The procurement of an EDMS, along with any necessary support, was approved by Corporate Committee on 20th March 2014, subject to a business case being approved by CLT. EDMS has remained a core feature of the District Council's transformation programme and capital programme since, being included in the Service Review programme approved by Council on 23rd April 2015 and the Capital Programme approved by Council on 3rd March 2016 and 30th June 2016. EDMS is already used in the revenues and benefits section of the Council as well as by development management staff. However, the Development Management Review has identified that the system is not fully utilised by planning staff. This proposal aims to roll out EDMS across the whole council over time, commencing with development management. The potential benefits of introducing an EDMS across the District Council include:
- less reliance on costly, time-consuming paper-based systems
 - less danger of losing documents once scanned
 - fast routing of documents from person to person
 - can interface with other systems, such as the planning system

- streamlined production of letters and reports by template
- less space required for storing paper files
- improved disaster recovery
- underpins agile working.

- 7.8 As reported to the Governance and Resources Committee on 24th March 2016, the redesign of business processes in Development Management (and consequently the redesign of the organisational structure) based on 'digital by default' is dependent on the introduction of electronic document management. Subject to the implementation of the corporate EDMS, it is expected that savings from transforming the planning service would start to be generated from 2018 onwards. At the present time, it is difficult to quantify these in precise terms, however they are anticipated to be significant in terms of time resource.
- 7.9 As an example of the potential of EDMS, at the present time, approximately 70% of applications are currently received electronically via the Planning Portal. This is significantly higher than in many other authorities and should be leading to time savings for both administration and officers. However, due to the absence of a DMS, there continues to be a heavy dependence on paper files leading to copies of all application documentation being printed off for a paper-based case file and consultations. The cost of printing applications for consultations at validation and registration stage costs between £7.22 and £12.56 per application (dependent upon complexity). Based upon an average of 650 applications received and validated per annum, the costs of paper based files and consultations at validation and registration stages alone, is somewhere in the order of £4693 - £8164 per annum. These savings have previously been realised as part of the Administration Service Review.
- 7.10 Following validation, written notification is provided to the applicant that their application has been received and is deemed valid. This letter also provided information in regard to the statutory target determination date of either 8 or 13 weeks. As part of the service review, acknowledgement letters are now sent electronically wherever possible, thereby saving £1.18 per letter. Savings from this initiative are circa £978.00 and have previously been realised as part of the Administration Service Review.
- 7.11 The service review has highlighted that at the present time, staff involved in validating applications are not utilising any form of checklist to audit the completeness of each application. The advantage of using a validation checklist is that it establishes a series of tests which can be applied routinely and swiftly, focussing on what information is required for the application to be valid and ensures consistency between the submitted drawings and documents. Any information specified in the application form as being required as part of any application but not submitted to the Authority would justify not validating the application until the required information is supplied.
- 7.12 At the present time, there is considerable scope for inconsistency in the quality of validation that is being undertaken. Whilst there can be a difference between the information required to make an application valid and the information which a case officer will require in order to determine the application, the validation and registration of an application should not be held up pending the submission of the latter.
- 7.13 It is good practice to have clear service standards in place to explain how long it will take to check whether an application is valid or invalid and to inform the applicant/agent. Authorities should aim to confirm to the applicant/agent that an application is valid within 3 working days of receipt and within 5 working days if the application is invalid. Where an authority is conforming to best practice, it should be possible to confirm to an application/agent the status of most applications within 3 working days of receipt, regardless of whether it is valid or invalid. For larger major applications, the time period may be slightly longer.
- 7.14 Performance information obtained from the IDOX Uniform system indicates that in 2015/16, 63.76% of applications were validated within 3 days of receipt, 66.55% within 4 days and 69.78% within 5 days. There is therefore, a need to improve validation performance through improved accountability and clearer protocols for validation processes.

- 7.15 Under the provisions of the legislation, a Local Planning Authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than two years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.
- 7.16 The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:-
- reasonable having regard, in particular, to the nature and scale of the proposed development; and;
 - about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 7.17 A local validation list was approved by Committee and introduced in April 2011. In accordance with National Planning Practice Guidance, this should be reviewed at least every 2 years. However, this list has not been reviewed since it was first introduced and is no longer used in the validation processes currently adopted. An opportunity to ensure that the quality of applications is maximised is therefore being missed as poor quality applications are not being rejected outright as often as they should be.
- 7.18 Since April 2014 all 'non-householder' technical validation has been undertaken by Senior Planning Officers. The case files are placed in a central tray in the case officers' room and are dealt with by whichever Officer is available. There is no rota for this and as a result, during busy periods, validation but more often, allocation can slip by several days. In view of the Government's 'naming and shaming' regime based on the performance on major applications and appeal performance (which can result in a loss of planning powers by local planning authorities), processing time and the time taken for validation processes may become a more significant issue, particularly if the authority continues to see a rise in major applications. Consideration, therefore, needs to be given to the implementation of a procedure to fast track major applications through the administrative/technical stages.
- 7.19 The validation of applications by Senior Planning Officers is an expensive use of resources. It is therefore considered that additional resource should be provided to the Development Management team in the form of a Technician, who is trained to undertake all of the non-householder validation processes. Such arrangements will free up case officers to spend more time on case management and pre application negotiations. In addition to dealing with 'non-householder' validation, the Technician resource should be the first point of contact for all general development control enquiries received in writing, by telephone and via the Council; website. A proposed job description for this post is attached at Appendix 3.
- 7.20 If a planning application is deemed invalid, there is a requirement to notify the applicant in writing of the reasons unless it is clear that the omissions could be addressed rapidly, in which case it may be more efficient to telephone or email the applicant. If an applicant disagrees with a decision not to validate a planning application on the basis that the information requested is unnecessary, there is a dispute resolution procedure set out in Article 12 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. If necessary an applicant can, after the statutory time period for determining the application has expired, appeal against non-determination. In considering such an appeal the Inspector will consider both the dispute regarding invalidity and the merits of the application itself. In such cases, having clear evidence of local validation requirements is essential to support the case.

Section 7 Recommendations

- 1) Review the Local Validation Checklist in accordance with Planning Practice guidance and introduce a new Validation Checklist in 2017.
- 2) Devise and implement a clear protocol for the validation of applications linked to the local Validation Checklist and clearly defined performance standards.
- 3) Devise and implement arrangements for the 'fast tracking' validation of major applications with senior officer involvement at an early stage.

8. CONSULTATION AND ALLOCATION

8.1 There are a number of consultations involved in the processing of a planning application:

- Statutory consultees e.g. Highway Authority, Education Authority
- Discretionary consultees e.g. Wildlife Trust
- Town / Parish Councils
- Ward Members
- Immediate Neighbours
- Members of the public.

8.2 Since May 2015, consultations with statutory consultees have been based upon a practice of electronic consultation by default. As part of the review, consultations with internal consultees are also undertaken by electronic means. It is estimated that based upon the number of applications received and consultations undertaken, the saving in a full year is between £4374.82 (for BSU Grade 4 post) and £4906.88 (for BSU Grade 5 post). These savings have previously been realised as part of the Administration Service Review.

8.3 In regard to neighbour consultations, in accordance with the provisions of the Town and Country Planning (General Development Procedure) Order 2015, there is a legal requirement to publicise applications for planning permission. Individual authorities are however, free to decide on which procedure to follow for publicising the majority of applications they receive. The options generally followed include:

- reliance on site notices without neighbour notification;
- use of site notices as well as neighbour notification;
- notification of neighbours supplemented by use site notice(s) if there is doubt about who is the neighbour or if the application is likely to be of wider interest.

8.4 The third option is the most common procedure. However, it is necessary to ensure that where the authority carries out neighbour notification, that the initial processes "catch" all "neighbours" and letters of notification are sent to all of them. There is scope for errors to be made and there are numerous Ombudsman cases where maladministration has been found as a result of failing to notify neighbours in accordance with that authority's publicity procedure. There are also significant resource issues for neighbour notification, given the cost of staff time and postage. Where a site notice system is operated, the notice must be displayed properly, or there is a risk of an Ombudsman decision of maladministration.

8.5 Authorities must have a clear policy on when and how such notifications will be undertaken. This must include setting out in exactly what circumstances a neighbour will be notified by a letter or how many site notices will be displayed. It will usually be best for the standard requirements to be set out in a policy and if necessary allow for officer discretion where more than this is required. A file note should be made to explain why any additional notification has occurred.

8.6 The practice adopted at Derbyshire Dales is that publicity of planning applications exceeds the statutory requirements in the following respects:

- Major developments – newspaper advertisement, site notice and neighbour notification is undertaken. Legislation only requires press advertisement, site notice or neighbour notification.
 - Minor developments - site notice and neighbour notification is undertaken. Legislation only requires site notice or neighbour notification.
- 8.7 The provision of individual neighbour notification letters for major and minor applications is a time consuming and costly exercise, both in the production of notification letters and also postage. There is therefore, considerable potential to reduce the costs of the publicity process, however the advantages and disadvantages of this must be fully considered.
- 8.8 In regard to statutory consultees, Article 18(5) of the Development Management Procedure Order 2015 states that authorities need to “give notice” of an application, however there is no specific requirement to supply a copy of the application. Case law suggests that sufficient information must be supplied by the authority to the consultee to enable it to provide a meaningful response. An email informing a consultee of the availability of the application on the website will suffice in most cases although there are some specialist areas subject to separate directions that require the authority to “furnish” the consultee with a copy of the application and other information that the consultee might request.
- 8.9 Wherever possible, consultees should be encouraged to utilise electronic consultation systems to assist in the electronic transfer of consultations and responses. Where it is not feasible for a consultee to accept electronic consultation, the adoption of standing advice should be considered. Alternatively, consultees should seek to identify those applications the consultees will want to receive paper copies of and what drawings they might usually require.
- 8.10 In Derbyshire Dales, all statutory consultations (with the exception of the Local Highway Authority) are undertaken by electronic means. In the case of the local highway authority, specific arrangements are in place whereby a highway engineer visits the Council Offices to inspect a schedule of applications received. The Highway Engineer will then advise which applications he wishes to be consulted upon and will indicate the documentation required to facilitate that consultation.
- 8.11 As a consequence of this service review, the procedure for highway authority consultations has been modified such that only those applications which require a specific consultation are now copied and forwarded. It is estimated that in a full year, circa. 430 consultations will be undertaken with the local highway authority. This initiative will therefore result in a productivity saving (i.e. the cost of officer time) of between £1200 and £1345.

Site Notices

- 8.12 In Derbyshire Dales, it is established practice that site notices are erected for all applications. This exceeds the statutory requirements. The advantages of posting site notices for all applications is that it increases awareness of an application, but it also safeguards against errors in the neighbour notification process which occasionally can arise due to changes to property addresses, new properties constructed etc. However, the disadvantage is that it increases service costs. Whilst the service review is not recommending a change to existing practice, there is an efficient saving to be realised should the financial advantages be considered to outweigh the disadvantages.
- 8.13 For all site notices, it is common practice for a photograph to be taken of the site notice in situ. This is a positive practice since the Ombudsman regularly asks to see evidence of site notices when investigating cases where the question of publicity and consultation is an issue. In addition to photographs, a record is made on a location plan where site notices have been placed. This provides a useful audit trail.
- 8.14 However, the service review has identified inefficiencies in the posting of site notices. At the present time, site notices are posted by the Council’s Enforcement Officers which can consume

at least 2 days per week of their time. This not only reduces the amount of time that they are able to dedicate to pro-active enforcement work, but also results in multiple visits to the site since the Planning Officer and/or Conservation Officer will also visit a site at some stage in the determination process. It is therefore conceivable that every site will be visited by at least 2 officers, sometime 3 or 4 particularly where specific specialist issues are raised e.g. listed buildings, landscape etc.

- 8.15 This inefficient duplication of time and effort would be eliminated if the responsibility for posting the site notice was undertaken by the case officer. Whilst there are practicalities of timing involved, this would ensure that the case officer visits the site early on in the life of the application and is thus able to identify issues early in the process. This will avoid the need for late changes to be made to applications and should improve overall determination times. Furthermore, there is an opportunity for greater use of digital photographs to be used to illustrate specific issues which may in turn, reduce the need for other officers to visit a site.
- 8.16 The review team has given consideration to the potential for applicants or agents to put up site notices, especially if this is the principal form of publicity. However, this practice is prone to inconsistency and mistakes. The onus is on the authority to carry out this task and should an applicant or agent fail to erect the site notice it is the authority who will be subject to any complaint or investigation. It is not considered that this practice should be adopted for Derbyshire Dales.
- 8.17 In the event that a site notice is removed, there is no legal requirement to erect a replacement notice. Occasionally, resources are allocated to the erection of replacement notices. It is considered that this practice should be stopped.

Statutory Press Notices

- 8.18 Applications requiring a statutory press notice should usually be identified, and the appropriate publicity put in hand immediately after validation, entering relevant details onto the IDOX Uniform system and files. Advertisements are placed fortnightly in the Peak Advertiser, Ashbourne News Telegraph and Uttoxeter Advertiser (where required). This can result in an inbuilt average delay in processing these applications of upto 2 weeks. An application which needs a press notice must always be treated as a priority to ensure that it is advertised at the earliest possible date.
- 8.19 It is important to ensure that only those applications which require statutory press advertisement in accordance with legislative provisions are advertised. Whilst there is a significant cost involved in the advertisement of such applications (£13,600 in 2016/17) there is no scope to eliminate this cost without a change in legislation. However, there is scope to reduce service costs by ensuring that:
- Succinct descriptions of development are utilised.
 - Advertisements only contain the minimum amount of information necessary in order to comply with the legislation.
 - Column width, lines and font size are kept to a readable minimum.
 - Applications are not needlessly advertised when there is no statutory requirement to do so.
 - Regular reviews are undertaken of advertisements placed in newspapers in order to identify consistency and to minimise future spend.

Re-consultation

- 8.20 Occasionally, applications are modified by the applicant during the process of consideration. This is entirely appropriate and will often be in response to issues raised by statutory consultees, neighbours or the Planning Officer. The effect of allowing a modification is that an application can be improved such that a positive recommendation can be given. It is poor practice to refuse to consider modifications to applications since this incurs additional time delays and costs to the development industry which the Government wishes to prevent.

8.21 Practice amongst authorities varies widely when it comes to the question of re-consultation. However, consistency within the authority is vitally important and too often a re-consultation period is dictated by how long is left before the application expires. This is clearly inequitable. Authorities should have a clear policy on what scale of alterations and amendments will require re-consultation, which will require a new application and what, if any changes will not require consultation. Where re-consultation is being undertaken, there should be a consistent period given in all cases and if the period allowed for a response on a re-notification / re-consultation is less than was allowed in the initial round the policy should explain why this is so.

Section 8 Recommendations

- 1) Implement a policy of electronic consultation by default for all statutory consultees.
- 2) Implement a policy of electronic consultation by default for all internal consultees.
- 3) Undertake a review of the current policy on neighbour notifications including site notice procedures.
- 4) Undertake regular monitoring of statutory press notices to ensure that costs are managed effectively and that applications are not being advertised unnecessarily.
- 5) Develop a clear policy in regard to acceptable alterations/ amendments to applications and re-consultation in order to promote consistency for applicants and fairness for consultees and other interested parties.

9. DECISION MAKING

- 9.1 Prior to May 2015, the Council operated two area planning committees which met on the first and second Tuesday of every month, at venues in Ashbourne and Matlock. Whilst such an arrangement is not without precedent, it does put a strain on officer resources as there is no break from the committee cycle. With such arrangements, every week there is either a committee to prepare for or a committee deadline. Having regard to the demands now placed upon the service and the resources available, such arrangements are considered to be unsustainable.
- 9.2 One of the main recommendations by POSe was to consider moving to one planning committee and investigate the use of a single geographically central venue for the meetings. In response to this recommendation, meetings with the DM Review Member Panel were held on 16th January and 13th February 2015 to discuss this matter further.
- 9.3 The research into comparator authorities of a similar size and topography indicated that one Planning Committee with a smaller membership had the potential to work in the Derbyshire Dales. The proposal to move to one planning committee was seen to have the following advantages:-
- Greater specialism – which may reduce the number of decisions deviating from Officer Recommendation and less of a reliance on a membership around Ward boundaries which may give rise to conflicts of interest.
 - Tighter control on meeting performance indicators
 - Potential financial savings
- 9.4 At the annual Council meeting in May 2015, Members agreed that for a trial period (initially 1 year), a single Planning Committee would be operated. This initiative has already delivered savings of approximately £7000 per annum.
- 9.5 Experience to date indicates that the move to one planning committee has met the original objectives in terms of cost saving, member development and reductions in support services and Planning Officer resources. However, it is acknowledged that this decision coincided with a significant increase in applications being submitted to the authority which in turn, resulted in additional meetings of the Planning Committee being called. Whilst this was necessary in order to maintain the quality of decision making, it is not considered to be an indicator that the move to

one planning committee has been inappropriate. The review team therefore consider that the Council should retain a single planning committee arrangement.

9.6 Whilst all decisions are made by the Planning Authority, in practice the majority of decisions are made by planning officers under delegated authority following consultation with Ward Members. This ensures that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area. Table 12 below indicates the proportion of application determined by delegated authority and Planning Committee for the last 4 years. The review team consider the proportion of applications determined by the planning committee is not disproportionate and that resources are being used efficiently in this regard.

	2012/13	%	2013/14	%	2014/15	%	2015/16	%
Delegated Decisions	514	88	595	89	531	87	570	88
Committee Decisions	68	12	75	11	78	13	77	12
Total Decisions	582		670		609		647	

9.7 Table 13 indicates the numbers and percentage of application approved/refused for the last 4 years. Again, the review team consider the proportion of applications approved/refused is not disproportionate.

	2012/13	%	2013/14	%	2014/15	%	2015/16	%
Approved	514	88	579	86	528	87	548	85
Refused	68	12	91	14	81	13	99	15

Section 9 Recommendations

- 1) That the District Council retain the arrangement of a single planning committee.
- 2) Review Officer delegation arrangements in order to maintain efficient use of officer and Committee resources.

10. REPORT

10.1 Under the provisions of the Development Management Procedure Order, there is no statutory requirement for a report to be prepared for planning applications. However, it is considered to be good practices in order to clearly articulate how material planning considerations have been identified and evaluated and a recommendation reached. In this regard, a good planning service thinks about the audience and the purpose of the report (delegated / committee) and adjusts the content accordingly. It should ensure that reports set out the decision-making logic, accepting that these can vary widely in length, detail and approach depending on the complexity of the application. It should also be aware of the risk and potential challenges to decisions.

10.2 In the preparation of reports, there are a number of key issues to be taken into consideration:

- Who decides what form a report should take and how long should it be?
- Is there consistency among officers in the approach adopted?
- Is there clarity about who the audience is?
- Are report templates proportionate in length and detail covered?

10.3 The review has considered all of these issues and in April 2016, a new style Committee report was introduced. Key changes included:

- The introduction of a summary sheet providing all key information and a clear recommendation.
 - The inclusion of photographs to illustrate the context of the site.
 - The adoption of a clear report structure outlining the details of the application, an explanation of the site and surroundings, planning policy and legislative framework, relevant planning history, consultee responses, representations received, officer appraisal and recommendation.
- 10.4 Member feedback on the revised report has been positive, however it is considered necessary that this matter is kept under review in order to ensure that reports remain focussed and do not increase in length or complexity over time such that they represent a burden.
- 10.5 The review has identified that the process for the preparation and completion of reports is unduly onerous and resource intensive. Key issues include:
- Some Officers continuing to write reports by hand due to a lack of keyboard / IT skills.
 - No standard report templates utilised within the IDOX Uniform system to pre-populate committee and delegated reports e.g. consultee comments.
 - Significant resources dedicated to the typing, checking, amending and finalising of reports by BSU staff.
- 10.6 The IDOX Uniform system has the potential to prepare whole committee agendas, however the capabilities of the system are at the present time, significantly under-utilised in this respect. In order to deliver efficiency savings in the compilation of reports (delegated and committee), greater use needs to be made of the systems capabilities. Officer skills also need to be further developed in response to the earlier recommendation of a skills audit.
- 10.7 The review team has developed a IDOX report template for delegated reports which is due for testing and implementation. Committee reports similarly need to be progressed within the Action Plan.

Section 10 Recommendations

- 1) Review and implement a revised committee report template with summary information, photographs and clearer officer recommendations.
- 2) Devise and implement procedures for the introduction of IDOX Uniform delegated reports.
- 3) Investigate the potential for implementing IDOX Uniform Committee reports.
- 4) Investigate the potential for Committee agendas to be generated via the IDOX Uniform system.
- 5) Provide easy access to all delegated and Committee reports on the Council website.

11. DECISION NOTICE

- 11.1 Planning conditions can perform an important function in shaping planning proposals, and helping to achieve sustainable development. However, the Government is concerned that too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions which require the approval of details can mean that development is not able to be completed as quickly as it should. Unnecessary conditions and delays in discharging conditions can have significant negative impacts on all users of the planning system, not least by holding up the delivery of housing development on sites which have already been granted planning permission.
- 11.2 In the last Parliament, the Government introduced significant reforms aimed at improving the use of conditions, including the introduction of a deemed discharge in April 2015 and strengthening Planning Guidance. In the 2016 Budget, further announcements were made in regard to the intention to legislate to ensure that pre-commencement conditions can only be used with the

agreement of the applicant. In September 2016, the Government published a consultation paper which invited views on how the process of prohibiting the use of pre-commencement conditions without the agreement of the applicant would operate, and the potential for a wider application of primary legislation to prohibit conditions in targeted circumstances. The outcome of this consultation is awaited.

- 11.3 However, irrespective of the intentions of Government, it is good practice to aim to deliver a 'shovel-ready' permission wherever possible so as to minimise later work e.g. pre-commencement conditions. One of the key objectives should therefore be to minimise the number of conditions to those that are essential and minimise jargon to the legal minimum always making sure that the decision is clear and well communicated. Furthermore, decision notices can be clearer to developers if they are presented in a logical manner by the grouping of conditions into defined categories. A logical structure for a decision notice would involve the clear identification of conditions precedent i.e. conditions which needs to be discharged prior to development, ongoing requirements i.e. where the requirements of the condition will continue for the life of the development or use permitted.
- 11.4 Planning conditions can be a useful tool for both applicants and local planning authorities. They can ensure that development can go ahead which might otherwise have been refused. Conditions also offer flexibility that allows applicants to carry out further work on matters of detail after planning permission has been granted.

Conditions generally fall into two broad types:

- controls over how the development is carried out or its onward operation (i.e. controlling hours of operation in the interests of preserving local amenity)
 - conditions requiring the submission and approval (discharge) of something by the local planning authority before a prescribed part of the development goes ahead. This includes pre-commencement conditions which prevent any development taking place before approval is given
- 11.5 The main powers in primary legislation relating to local planning authority use of conditions are in Sections 70, 72, 73, 73A, 74A and Schedule 5 of the Town and Country Planning Act 1990. Section 70(1)(a) of the 1990 Act enables the local planning authority in granting planning permission to impose 'such conditions as they think fit'. This power is broad but must be interpreted in light of material factors such as the National Planning Policy Framework, its supporting guidance on the use of conditions, and relevant case law. The National Planning Policy Framework asks that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 11.6 There are three issues linked to the use of conditions, all of which have an impact on resources:
- 1) Too many unnecessary conditions are imposed;
 - 2) Inappropriate use of pre-commencement conditions;
 - 3) Poor utilisation of model conditions.
- 11.7 Particular care is needed when considering using a pre-commencement condition that will prevent any development authorised by the planning permission from taking place until detailed aspects of the development have been approved and the condition has been formally discharged. As pre-commencement condition can restrict the start of any work on a site, it is very important to ensure this approach is genuinely needed. Imposing such a constraint on development, when it is not justified, unnecessarily delays the delivery of development and drives up costs both for developers and local planning authorities. Furthermore, using pre-commencement as a point for submission of information can cause applicants particular difficulties as it can limit their ability to carry out any preliminary work and gain access to finance.

- 11.8 In preparing reports and finalising decisions, careful consideration needs to be given to the scope of planning conditions that are imposed. Conditions should only be imposed if they are 'necessary'. There is an appeal process for conditions which are imposed unreasonably.
- 11.9 The District Council has a set of 'model planning conditions' which reflect national planning guidance and consultee requirements. However, there is evidence to indicate that valuable resources are being expended in re-drafting model conditions far too frequently which not only introduces inconsistency in the way issues are dealt with, but can also have an impact upon the delivery of development. Greater emphasis should therefore be given to agreeing model conditions with all statutory consultees in order to promote consistency and reduce administrative burdens in the generation of committee reports and decision notices.
- 11.10 Under the current scheme of delegation, the Development Manager has authority to sign off all decisions. In the absence of the Development Manager, the Head of Regulatory Services also has authority to sign on behalf of the Council. The advantages of maintaining a single signatory is that it ensures a consistency of approach across decisions for the whole authority. However, there are also significant disadvantages in this approach as delegation should wherever possible be downwards rather than upwards. The review team therefore identified that consideration should be given to amending the current delegation arrangements in order to provide additional capacity and relieve the burden from the Development Manager (subject to controls being retained at an appropriate level). Monitoring of this could be undertaken by the Principal Planning Officer in the form of sampling decision notices (10-20%) for quality and consistency and mentoring initiatives.
- 11.11 In terms of procedures, decision notices are produced by members of the Business Support team and passed to the Development Manager who signs all decision notices. The Business Support team then despatch all decision notices, which are sent electronically wherever possible in order to save time and postal/administrative costs. This practice was introduced w.e.f. 1st February 2016 and saves approximately £1.18 per hard copy decision. The projected savings from 1st February 2016 to 31st December 2016 are £863.50. Estimated savings for a full year based are £942.00

Section 11 Recommendations

- 1) Revise the structure and format of decision notices in order to clearly identify the different types of planning conditions imposed e.g. conditions precedent, ongoing requirements.
- 2) Review the schedule of 'model' planning conditions and secure agreement of statutory consultees to ensure consistent wording and application of conditions.
- 3) Continue arrangements for the despatch all decision notices electronically by default.
- 4) Review the nature and scope of the officer delegation arrangements for the issuing of decisions with delegation being afforded to the lowest level where appropriate.

12. MONITORING QUALITY

- 12.1 After the decision notice has been issued, it is good practice to reflect / learn about the work undertaken. This may be undertaken in the form of post-decision site visits for the planning committee to see how schemes turned out and to assess particular issues that they had considered or acted on. It also ensures that Planning officers can continue to 'own' the development and deal with any problems or questions as they arise.
- 12.2 The Planning Code of Good Practice (May 2016) encourages an annual review of decisions which should include visits to a range of developments. It is essential that this practice is consistently adopted in order to ensure that the quality of decision maintained.

Enforcement

- 12.3 All Authorities need an Enforcement Policy in place which clearly sets out how they will deal with enforcement complaints, including dealing with both complainants and alleged offenders. An Enforcement Policy should establish the following basic procedures:-
- How each enforcement complaint will be prioritised, both on initial receipt and the process for re-categorisation following an initial site visit.
 - The timescale within which a site will be first visited - this should be related to the priority afforded to the complaint.
 - Targets for the overall time taken to deal with different categories of complaint – a service level agreement with the council's legal section signing up to targets for legal work dealing with different requests/instructions.
 - Targeted timescales for responding to complainants and alleged offenders at key stages of the process.
 - How anonymous complaints will be dealt with.
 - How confidentiality issues will be handled, including how the council will usually respond to 'freedom of information' requests, and in what circumstance the council might wish to use information which might identify a complainant.
- 12.4 Both complainants and alleged offenders should be able to tell from an Authority's Enforcement Policy what level of service/response they will receive. This means it should be clearly set out at what specific stages a complainant or the person responsible for the alleged breach will be advised on the investigation and the timescale within which a response will be given to correspondence or submissions.
- 12.5 Derbyshire Dales adopted an Enforcement Customer Charter in 2001, however this has not been revised since and is not consistently applied. The review team therefore considered that this document should be revised and adopted by the District Council and thereafter used to prioritise the management of planning enforcement case work.
- 12.6 Members also have an active role to play in planning enforcement and need to be aware of current issues affecting their ward.

Building Control Liaison

- 12.6 The service review has identified that there is no extensive use of other council services which interact with the development process. Use can be made of building control information both in terms of commencement dates and checking that drawings correspond to the approved planning drawings. Whilst this can entail a significant amount of staff time and duplication, periodic monitoring can be of benefit to the Development Management process and should be considered as part of other service improvements.

Service User Forums

- 12.7 Regular liaison can be an efficient and cost effective approach to proactive enforcement. Agents Forums can be used to raise enforcement issues, but other types of liaison can range from regular meetings with Parish/Town Councils to apprise them of what is happening in their area to liaison committee meetings on significant sites. The Derbyshire Dales Planning Agents Forum used to meet regularly every 6 months and provided an opportunity for open discussion and dissemination of information. However, the Forum has not met for at least 2 years.
- 12.8 There is an opportunity to re-introduce this initiative however it need not be confined to planning agents alone. There is an opportunity to have a Planning Forum every 6 months which would involve Parish/Town Councils, planning agents and elected members. This would provide an opportunity for areas of concerns in regard to service delivery to be raised in a constructive way and would serve to further improve relationships in regard to the Development Management service.

12.9 In July 2001, the Council adopted a Development Control Customer Charter. This charter was revised in March 2009, however it has not been updated since. The purpose of the charter is to outline the framework for service delivery and to outline the service commitments to customers. As part of this service review, it is evident that there is no clear, up to date statement of the standard of service that can be expected by customers. In order that the service is accountable, it is necessary to devise service standards and ensure that these are clearly communicated to customers via the Council website.

Section 12 Recommendations

- 1) Introduce arrangements for an annual review of planning decisions and development quality to include both Officers and Members.
- 2) Revise the Planning Enforcement Charter, secure adoption through the Council's Policy Committee and ensure that it is consistently applied to casework management.
- 3) Provide regular Enforcement monitoring reports to Committee to include individual case reporting and updates.
- 4) Introduce a procedure for the sharing of relevant information from other Council sources to improve monitoring and enforcement of development e.g. Building Control.
- 5) Reintroduce the biannual Planning Forum involving planning agents, Parish/Town Councils and Ward Members.
- 6) Prepare a new Development Management Customer Charter, secure adoption through the Council's Policy Committee and ensure that it is published and monitored.

13. FINANCIAL SUMMARY

13.1 The majority of the recommendations outlined in this service review relate to efficiency savings as a direct result of revised processes and procedures, the nature and extent of which are highly dependent upon the introduction of a corporate EDMS. The financial impact of these savings is difficult to quantify with any degree of accuracy since they relate to increased efficiency and productivity of staff time. However, if EDMS were to generate a 10% efficiency saving against the cost of delivering the DM service, this would equate to efficiency savings of £38,590 (April 2015) or £42,954 (April 2017).

13.2 A financial summary of the identified costs/savings of the Development Management Service Review is outlined at Table 12 below.

Description	Service Review Costs	Corporate Savings Delivered to Date	DM Service Review Projected Savings
Restructure of Development Management Service (Based on April 2016 establishment cost)	£88,570		
Introduction of pre-application charges			£20,000 est
EDMS Validation Costs			£4693 - £8164
Electronic Acknowledgement Letters		£978	
Electronic Consultee Consultations		£4374 - £4906	
Reduction to one Planning Committee		£7000	
Electronic Decision Notices		£942	
Total	£88,570	£17,987 - £21,990	£24,693 - £28,164

13.3 In summary, excluding EDMS efficiency savings, the net cost of the actions proposed in the Development Management Service Review are estimated to cost between £60,406 - £63,877.

14. SUMMARY AND CONCLUSIONS

14.1 The Development Management Service Review has identified that in terms of performance, the service performs well against national performance indicators and is being delivered at low cost. However, there are significant inefficiencies in the service due to outdated processes and procedures, ineffective use of IT systems, an over reliance on paper based systems, inefficient delegation arrangements and a lack of clarity on service standards.

14.2 The service review has identified a raft of measures which will improve the overall efficiency of the service and ensure that it continues to perform at the highest level possible. However, in order to achieve these objectives, it is essential that a new structure is put in place with investment in experienced, skilled and knowledgeable staff of the highest calibre. Improvements in the Development Management service cannot be achieved by the implementation of new policies and procedures alone. The service requires a fundamental change in approach and culture which must be driven by the Development Manager and supported by the Head of Regulatory Services.

14.3 The current demands placed upon the service as a result of a significant increase in planning applications and the demand for pre-application advice, are simply unsustainable. Unless significant measures are put in place to address the current inefficiencies in service delivery, there is a significant risk that the service will begin to fail within the next 12 months.

14.4 In regard to the corporate objectives for all service reviews, the following questions have been considered:

a) Does the service need to be provided at all?

Yes - the District Council is empowered by law to exercise statutory town planning functions for the area of the Derbyshire Dales (outside the Peak District National Park).

b) Does the service need to be provided by the District Council?

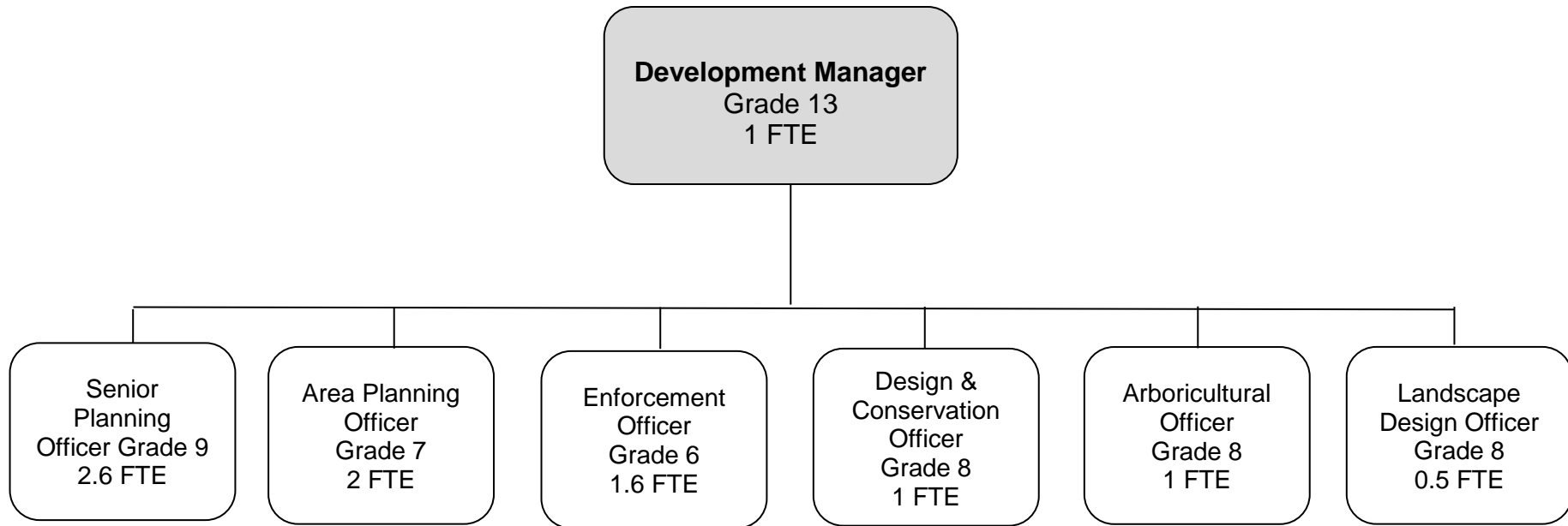
No not exclusively. There are a number of service delivery models that could be pursued which extend from contracted out service arrangements, partnership arrangements with another authority or private sector competition. However, it is considered that the District Council should benefit from the efficiency savings identified as part of this review before considering an alternative delivery model. Section 161 of the Housing and Planning Act 2016, specifically enables private sector competition in the processing of planning applications by alternative providers. Whilst the accompanying regulations to bring this statute into effect are yet to be published, it is clear that private sector competition in the delivery of planning services in the future is likely to increase.

c) What level of service is required?

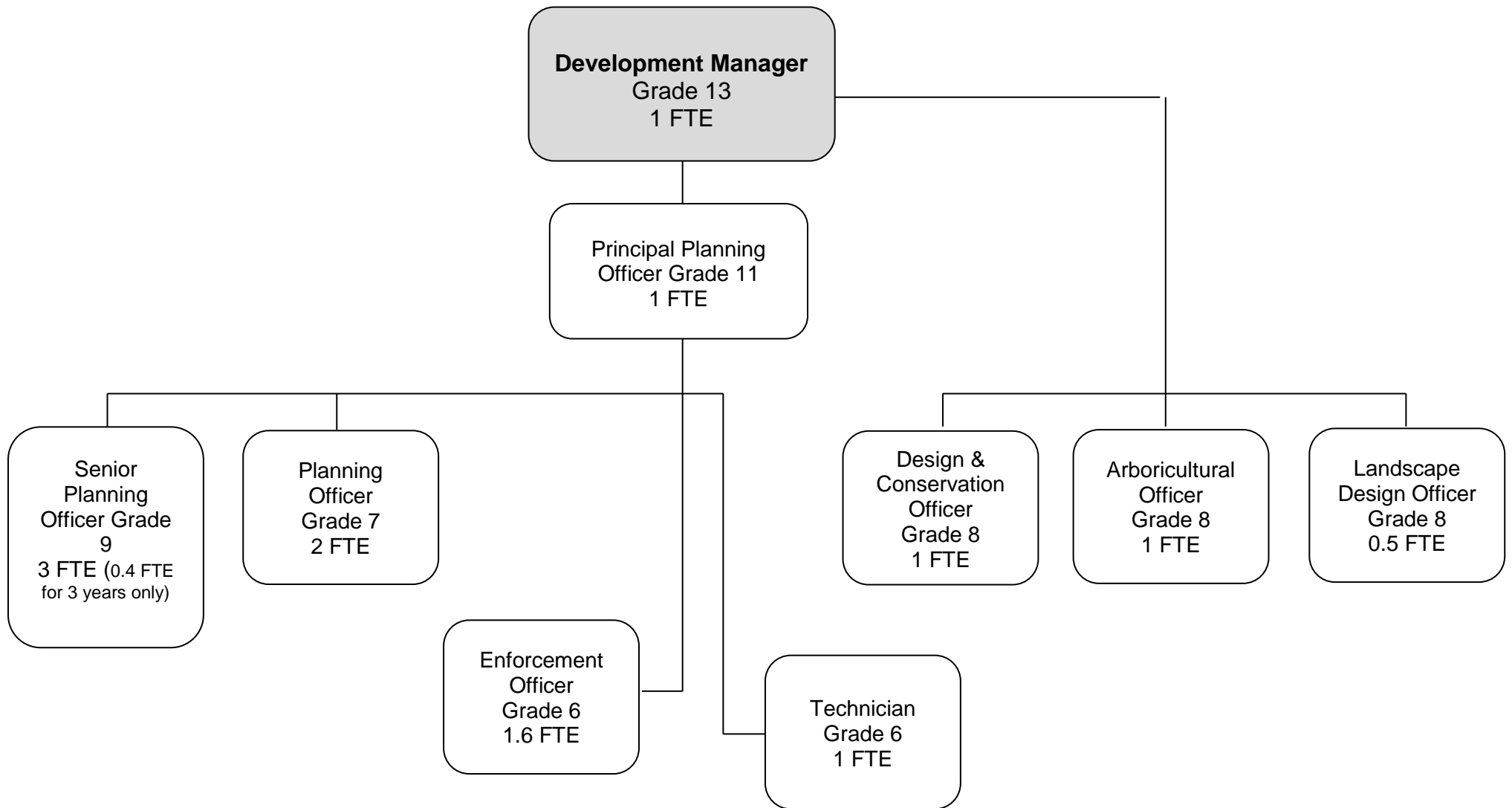
One that is structured in a way that makes best use of resources and takes advantage of information technology in service delivery, is response to the needs of customers, is delivered at the lowest possible cost and continues to transform.

14.5 A service review Action Plan is attached at Appendix 4. In order to monitor implementation of the actions arising from this review, it is considered that progress reports should be presented to the Corporate Leadership Team every 3 months until all actions are complete and fully implemented.

Current Development Management Structure



New Structure for Development Management approved by Corporate Leadership Team August 2016





JOB DESCRIPTION

Post Details - Primary

Job Title	Development Manager		
Department	Regulatory Services		
Service	Development Management		
Job Location	Town Hall, Matlock		
JE Number	JE299	Grade	13

Post Details – Other

Political Restriction	Yes
Car User/Type	Essential
CRB/BPSS Checks	No
Responsible to	Head of Regulatory Services
Responsible for	Principal Planning Officer, Design and Conservation Officer, Arboricultural Officer, Landscape Design Officer

Main Purpose of Post

To provide professional planning leadership and strategic management of staff within the Development Management Section, with a clear emphasis on continuous service improvement through the application of information technology solutions, performance delivery and a strong commitment to high standards of customer service under the overall direction of the Head of Service.

Main Duties and Responsibilities

1	To meet the Local Authority's statutory and Council requirements within Development Management by delivering effective and efficient service strategies and plans, including systems of target setting and performance management, and by ensuring effective record keeping and timely reportage.
2	To lead on the development of a performance management framework and, through regular monitoring, benchmarking and Peer Reviews, ensure continuous improvement is achieved.
3	To develop and ensure the effective delivery of an effective training programme for Development Management staff.
4	To lead, in accordance with the Council's electronic service transformation and agile working agenda, best practice, Government guidance and Audit reports, a Planning Service that is fit for purpose and, through the use of appropriate technologies, is efficient and cost effective.
5	To ensure that Development Management staff adhere to the principles of customer care and service.
6	To lead on the development of service protocols, policies and procedures to secure the efficient handling of planning applications, appeals and enforcement casework.
7	To proactively manage, develop and utilise the CAPS Uniform information system in order

	to deliver an effective and efficient Development Management service
8	To ensure that all staff maintain the highest professional standards and operate within the legal framework established through the relevant legislation appropriate to each service area.
9	To participate in the appointment, training and development and to undertake the appraisal of employees in the Development Management Section.
10	To negotiate for, and commission contracts for professional services and equipment in connection with the Council's responsibilities as a Local Planning Authority, including the authorisation of payment for such works.
11	To keep up-to-date with changes to legislation and Government guidance, amending existing procedures as necessary, and to ensure that the Council's statutory duties and powers under various legislation relating to the work of the Development Management section are implemented to a high standard in the most efficient and effective manner.
12	To formulate briefs for the commissioning of specialist services and to arrange the commissioning of such services in accordance with EU procurement regulations and Council standing orders.
13	To analyse and report prior to implementation on amended legislation, regulations, codes of practice, guidance notes, etc., relating to the work of the Development Management section and formulate the Council's responses to such consultations undertaken by Central Government and/or other Authorities.
14	To participate as a Senior Case Officer, in the work programme of the Development Management section, including the processing and reporting of planning applications, listed building and conservation area consent applications.
15	To lead the planning input into the formulation and validation of legal agreements on planning matters.
16	To exercise delegated authority for the determination of planning applications and other such planning powers as may be authorised by the Council in accordance with the Council's Constitution.
17	To develop and maintain an effective personal network with fellow professionals involved in the field of Development Management with a view to deriving the benefits to be gained from joint working opportunities and the sharing of professional knowledge.
18	To report to and attend Committee / Sub-Committee meetings and Panels of the District Council and to attend public meetings as the representative of the District Council as required.
19	To ensure there is effective management of the appeals caseload of the Development Management section and undertake appeal casework including the preparation of evidence and appearance as expert witness on behalf of the District Council at Magistrates Court hearings, Public Inquiries and Informal Hearings arising from the work of the Team, where necessary.
20	To act for and represent the Development Management section and the District Council on internal and external bodies, working parties and professional associations.

21	To establish and maintain effective relationships with Elected Members of the Council, other Council Officers, Central and Local Government, other organisations, public bodies and members of the public based on a culture of trust, respect and the highest standards of probity.
22	To play a lead role in the development and implementation of Member training programmes in relation to Development Management functions.
23	To participate in the wider management of the Council through involvement at Senior Management Team and in the management of the Regulatory Service through involvement at Departmental Management Team.
24	To provide detailed professional advice in respect of Planning and Development to the Council and its Committees, Ward Members other departments of the Council and members of the public.
25	To be the lead officer for Development Management issues in relation to liaison with other teams within the Council and in particular with Planning Policy and Business Support.
26	To contribute to the delivery of the Council's Corporate Plan /Key Priorities and manage the performance of the Development Management section in accordance with the Corporate Performance Management Framework and Key Performance Indicators.
27	To prepare and monitor annual performance plans and budgets for the functions within the Development Management section, managing the available resources in an active, effective and timely manner, thereby optimising resource levels whilst keeping within budget limits.
28	To deputise for the Head of Regulatory Services as required
29	To undertake other duties as may be required within the general responsibility level of the post, in agreement with the Head of Regulatory Services.

General Duties and Responsibilities

Equalities - The Council aims for equality in the provision of its services and in carrying out its public functions. All employees will implement and promote its Equality and Diversity policy in their own work.	
Code of Conduct - Your duty is to serve the Council as a whole in providing advice, implementing its policies and delivering services to the local community. In performing your duties, you must comply with the Employees' Code of Conduct.	
Health & Safety – The Council's policy needs full co-operation from all employees who are expected to give all possible assistance towards its successful implementation and to take reasonable care of their own safety and that of others.	
Staff Development - The Council's Personal Development Scheme is an integral part of Derbyshire Dales District Council's performance management framework as well as a key employee development procedure. Those with managerial responsibility must ensure that all staff within their section receive an annual personal development interview.	
Confidentiality - The Council is committed to maintaining the privacy of all its staff and customers. It expects all staff to handle individuals' personal information in a sensitive and professional manner. All staff are under an obligation not to gain access or attempt to gain access to information they are not authorised to have.	
Date this Job Description last amended	August 2016
Signed by Jobholder	
Print Name	
Date	

PERSON SPECIFICATION

JOB TITLE	Development Manager
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	ESSENTIAL (Must be met to be considered for interview)	DESIRABLE (Required to perform job to high standard)	AITD
SKILLS AND ABILITIES	<p>Excellent communication and inter-personal skills at all levels (written and verbal)</p> <p>Excellent customer service skills</p> <p>Self-motivated with the ability to organise and prioritise personal workload and team work programmes</p> <p>Ability to motivate a team to perform efficiently and effectively</p> <p>Enthusiastic, creative and positive approach</p> <p>Ability to work at the highest political level within an organisation</p> <p>Ability to meet targets and deadlines</p> <p>Computer literate with a commitment to the use GIS and computerised databases</p> <p>Effective problem solving and negotiating skills</p>	Administrative skills	A,I
KNOWLEDGE	<p>Up to date professional knowledge as demonstrated through CPD records</p> <p>Extensive knowledge of the professional and legal framework of Development Management</p> <p>Knowledge and development of IT systems and their application in Development Management</p>		A,I
EXPERIENCE	<p>Minimum 7 years Planning experience in Development Management at a senior level</p> <p>Service transformation and the development / application of IT solutions in service delivery</p> <p>Extensive staff Management and supervisory experience</p> <p>Detailed budget management and business planning experience</p>		A,I
QUALIFICATIONS	<p>A relevant qualification in Town Planning or a related discipline.</p> <p>Full Corporate Membership of the Royal Town Planning Institute (RTPI), in order to maintain CPD and keep up to date with legislation and practices</p>	Relevant Management Qualification	A,D
OTHER REQUIREMENTS	<p>Possession of a current, full, UK driving licence. The post-holder must be able to visit sites throughout the Council's area.</p> <p>Willingness to learn and develop new skills</p>		A

Assessed by: A = Application form I = Interview T = Test D = Documentary Evidence



JOB DESCRIPTION

Post Details - Primary

Job Title	Principal Planning Officer		
Department	Regulatory Services		
Service	Development Management		
Job Location	Town Hall, Matlock		
JE Number	JE301	Grade	11

Post Details – Other

Political Restriction	Yes
Car User/Type	Essential
DBS/BPSS Checks	No
Responsible to	Development Manager
Responsible for	Senior Planning Officers, Planning Officers, Enforcement Officers, Planning Technician

Main Purpose of Post

To provide professional planning leadership and day to day operational management to staff within the Development Management Section whilst maintaining an operational case load of predominantly major planning case work.

Main Duties and Responsibilities

1	To meet the Local Authority's statutory and Council requirements within Development Management by delivering effective and efficient service strategies and plans, including systems of target setting and performance management, and by ensuring effective record keeping and timely reportage.
2	To work with the Development Manager to develop and implement performance management procedures that deliver continuous improvement in the Development Management service.
3	To deliver the training programme for Development Management staff.
4	To work with the Development Manager to develop, promote and implement the management of existing and implementation of new systems and practices based on the electronic service transformation agenda, best practice, Government guidance and Audit reports.
5	To develop and maintain a strong commitment by Development Management staff to the principles of customer care and service.
6	To assist the Development Manager in the development and lead on the implementation of service protocols, policies and procedures to secure the efficient handling of planning applications, appeals and enforcement casework.
7	To ensure that all staff maintain the highest professional standards and operate within the legal framework established through the relevant legislation appropriate to each

	service area.
8	To support the Development Manager in the development and implementation of member training programmes in relation to Development Management functions.
9	To participate in the appointment, training and development and to undertake the appraisal of employees in the Development Management Section.
10	To manage the day-to-day operations of the Development Management section including the management of individual Officer's case work, vetting reports and signing decisions in order to maintain the highest professional standards and to achieve the best quality development.
11	To participate as a senior case officer, in the work programme of the Development Management section, including the effective and efficient management an active case load of predominantly complex major planning applications.
12	To exercise delegated authority for the determination of planning applications and other such planning powers as may be authorised by the Council in accordance with the Council's Constitution.
13	To develop and maintain an effective personal network with fellow professionals involved in the field of Development Management with a view to deriving the benefits to be gained from joint working opportunities and the sharing of professional knowledge.
14	To report to and attend Committee/Sub-Committee meetings and Panels of the District Council and to attend public meetings as the representative of the District Council as required.
15	To proactively manage the appeals caseload of the Development Management section and to undertake appeal casework including the preparation of evidence and appearance as expert witness on behalf of the District Council at Magistrates Court hearings, Public Inquiries and Informal Hearings arising from the work of the Team.
16	To act for and represent the Development Management section and the District Council on internal and external bodies, working parties and professional associations.
17	To establish and maintain effective relationships with Elected Members of the Council, other Council Officers, Central and Local Government, other organisations, public bodies and members of the public based on a culture of trust, respect and the highest standards of probity.
18	To attend Departmental / Section / Senior Management Team Meetings, making an effective contribution to the corporate management of the service.
19	To provide detailed professional advice in respect of Planning and Development to the Council and its Committees, Ward Members other departments of the Council and members of the public.
20	To develop and maintain an effective scheme for pre-application advice and validation of applications within the Development Management section.

21	To maintain professional knowledge through CPD and keep up-to-date with new legislation and practices that may affect the responsibilities of the post.
22	To provide input into the formulation and validation of legal agreements on Planning matters.
23	To contribute to the delivery of the Council's Corporate Plan /Key Priorities and manage the performance of the Development Management team in accordance with the Corporate Performance Management Framework and Key Performance Indicators.
24	To deputise for the Development Manager in his/her absence.
25	To undertake other duties as may be required within the general responsibility level of the post.

General Duties and Responsibilities

Equalities - The Council aims for equality in the provision of its services and in carrying out its public functions. All employees will implement and promote its Equality and Diversity policy in their own work.

Code of Conduct - Your duty is to serve the Council as a whole in providing advice, implementing its policies and delivering services to the local community. In performing your duties, you must comply with the Employees' Code of Conduct.

Health & Safety – The Council's policy needs full co-operation from all employees who are expected to give all possible assistance towards its successful implementation and to take reasonable care of their own safety and that of others.

Staff Development - The Council's Personal Development Scheme is an integral part of Derbyshire Dales District Council's performance management framework as well as a key employee development procedure. Those with managerial responsibility must ensure that all staff within their section receive an annual personal development interview.

Data protection - The Council is committed to maintaining the privacy of all its staff and customers. It expects all staff to handle individuals' personal information in accordance with the Data Protection Act in a sensitive and professional manner. All staff are under an obligation not to gain access or attempt to gain access to information they are not authorised to have.

Date this Job Description last amended	August 2016
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Signed by Jobholder	
Print Name	
Date	

PERSON SPECIFICATION

JOB TITLE	Principal Planning Officer
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	ESSENTIAL (Must be met to be considered for interview)	DESIRABLE (Required to perform job to high standard)	AITD
SKILLS AND ABILITIES	<p>Effective communication and inter-personal skills at all levels (written and verbal)</p> <p>Excellent customer service skills</p> <p>Self-motivated with the ability to organise and prioritise own workload</p> <p>Ability to motivate others</p> <p>Enthusiastic, creative and positive approach</p> <p>Ability to work both individually and part of a team</p> <p>Able to demonstrate sound judgement</p> <p>Ability to meet targets and deadlines</p> <p>Computer literate with a commitment to the use GIS and computerised databases</p> <p>Effective problem solving and negotiating skills</p>	Administrative skills	A,I
KNOWLEDGE	<p>Up to date professional knowledge as demonstrated through CPD records</p> <p>Extensive knowledge of the principles of Development Management</p> <p>Knowledge and development of IT systems and their application in Development Management</p>		A,I
EXPERIENCE	<p>Minimum 5 years Planning experience in Development Management at a senior level</p> <p>Service transformation and the development / application of IT solutions in service delivery</p> <p>Staff Management and supervisory experience</p>		A,I
QUALIFICATIONS	<p>A relevant qualification in Town Planning or a related discipline.</p> <p>Full Corporate Membership of the Royal Town Planning Institute (RTPI), in order to maintain CPD and keep up to date with legislation and practices</p>	Relevant Management Qualification	A,D
OTHER REQUIREMENTS	<p>Possession of a current, full, UK driving licence. The post-holder must be able to visit sites throughout the Council's area.</p> <p>Willingness to learn and develop new skills</p>		A

Assessed by: A = Application form I = Interview T = Test D = Documentary Evidence



JOB DESCRIPTION

Post Details - Primary

Job Title	Planning Technician		
Department	Regulatory Services		
Service	Development Management		
Job Location	Town Hall, Matlock		
JE Number		Grade	6

Post Details – Other

Political Restriction	No
Car User/Type	None
DBS/BPSS Checks	No
Responsible to	Principal Planning Officer
Responsible for	None

Main Purpose of Post

To support the work of the Development Management section through the development and application of the CAPS Uniform Development Management IT system to deliver service transformation and the provision of general technical support and assistance.

Main Duties and Responsibilities

1	To provide a comprehensive technical support service to the Development Management section.
2	To support the efficient delivery of a pre-application advice service in conjunction with the Development Manager and the Development Management team.
3	To provide technical support in regard to the accurate screening of applications for Environmental Impact Assessment and other similar legislative based assessments.
4	To co-ordinate the validation process for all non-domestic planning applications and to help to maintain the processes and procedures relevant to validation.
5	To assist in the management and development of the CAPS Uniform Development Management system.
6	To support the work of the Development Management section in the effective application and use of the CAPS Uniform Development Management system.
7	To provide technical support and assistance to other professional staff within the Development Management Section in connection with the various duties and responsibilities of the section.
8	To undertake any necessary research to support the work of the Development Management section.
9	To compile planning performance information to enable effective performance

	monitoring of the Development Management service.
10	To support the duty officer system within the Development Management section through the provision of general planning advice and to deal with technical enquiries from staff, members of the public, statutory consultees, Council Members and applicants/agents in writing, in person and by telephone.
11	To perform the role of web editor and maintain the Development Management elements of the Council's corporate website.
12	To help to maintain up to date electronic case files on the District Council's information systems.
13	To contribute to the delivery of the Council's Corporate Plan /Key Priorities and manage the performance of the Development Management team in accordance with the Corporate Performance Management Framework and Key Performance Indicators.
14	To establish and maintain effective relationships with Elected Members of the Council, other Council Officers, Central and Local Government, other organisations, public bodies and members of the public based on a culture of trust, respect and the highest standards of probity.
15	To undertake other duties as may be required within the general responsibility level of the post.

General Duties and Responsibilities

Equalities - The Council aims for equality in the provision of its services and in carrying out its public functions. All employees will implement and promote its Equality and Diversity policy in their own work.

Code of Conduct - Your duty is to serve the Council as a whole in providing advice, implementing its policies and delivering services to the local community. In performing your duties, you must comply with the Employees' Code of Conduct.

Health & Safety – The Council's policy needs full co-operation from all employees who are expected to give all possible assistance towards its successful implementation and to take reasonable care of their own safety and that of others.

Staff Development - The Council's Personal Development Scheme is an integral part of Derbyshire Dales District Council's performance management framework as well as a key employee development procedure. Those with managerial responsibility must ensure that all staff within their section receive an annual personal development interview.

Data protection - The Council is committed to maintaining the privacy of all its staff and customers. It expects all staff to handle individuals' personal information in accordance with the Data Protection Act in a sensitive and professional manner. All staff are under an obligation not to gain access or attempt to gain access to information they are not authorised to have.

Date this Job Description last amended

August 2016

Signed by Jobholder

Print Name

Date

PERSON SPECIFICATION

JOB TITLE	Planning Technician
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	ESSENTIAL (Must be met to be considered for interview)	DESIRABLE (Required to perform job to high standard)	AITD
SKILLS AND ABILITIES	<p>Effective communication and inter-personal skills (written and verbal)</p> <p>Excellent customer service skills</p> <p>Self-motivated with the ability to organise and prioritise own workload</p> <p>Enthusiastic, creative and positive approach</p> <p>Ability to work both individually and part of a team</p> <p>Ability to meet targets and deadlines</p> <p>Computer literate with a commitment to the use GIS and computerised databases</p> <p>Effective problem solving skills</p>		A,I
KNOWLEDGE	<p>Knowledge of database systems and their application e.g. MS Access</p>	<p>Knowledge and use of CAPS Uniform system for Development Management</p> <p>Experience of website editing</p>	A,I
EXPERIENCE	<p>Experience in the use of MS Office software</p>	<p>Local Planning Authority experience</p> <p>Website management experience</p>	A
QUALIFICATIONS	<p>Minimum of 2 'A' Levels at Grade C or above or hold a recognised qualification in Town Planning (or a related discipline) to a minimum level of HND, HNC, NVQ Level 4.</p>		A,D
OTHER REQUIREMENTS	<p>Committed to continuous personal and professional development and desire to undertake further studies in a planning related discipline.</p> <p>Willingness to learn and develop new skills</p>	<p>Committed to working towards professional or technical membership of the Royal Town Planning Institute (RTPI)</p>	I

Assessed by: A = Application form I = Interview T = Test D = Documentary Evidence

DEVELOPMENT MANAGEMENT SERVICE REVIEW

ACTION PLAN

Key :

Priority – High (<6 months), Medium (6-9 months), Low (<12 months)

Action Ref	Action	Delivery Priority	Cost	Saving	Deadline	Responsibility	Risk Rating
1.	Implement a new structure for Development Management in accordance with Appendix 2 by April 2017.	High	£85,750 p.a.	-	1 st April 2017	Head of Regulatory Services	High
2.	Implement a system for the proactive management of officer workload and performance utilising the IDOX Uniform system capabilities.	High	-	-	1 st April 2017	Development Manager	Low
3.	Implement a programme of scheduled 1:1 Meetings with Officers to discuss casework 'triage' prioritisation, workloads, performance and personal development.	High	-	-	1 st April 2017	Development Manager / Principal Planning Officer	Low
4.	Undertake a 'training needs and skills audit' and develop a training programme to ensure that all employees have the skills required to do their jobs and that they are sufficiently multi-skilled to provide a high quality, more resilient service.	High	-	-	1 st April 2017	Development Manager	Low
5.	Train all planning officers to be able to use the IDOX Uniform system as a comprehensive tool to process planning applications.	Medium	-	-	30 th September 2017	IDOX / Business Support Unit	High

6.	Nominate a client officer (Planning Technician) for the development of the IDOX Uniform system to work with BSU and to ensure that the system is updated to take account of changing legislative requirements on a structured basis.	High	-	-	1 st April 2017	Development Manager	Low
7.	Facilitate the use of new technology to enable agile working including photographs and reports to be uploaded at a distance.	Medium	-	-	Completed	Business Support Unit	Medium
8.	Review the extent and nature of planning policy support and advice provided to Development Management including an appropriate programme of proactive policy advice and supporting guidance.	Medium	-	-	30 th September 2017	Development Manager / Policy Manager	Low
9.	Devise, implement and publicise a new pre-application service including performance standards in line with best practice which is based upon self- service arrangements or by appointment only.	High	-	-	1 st April 2017	Head of Regulatory Services / Development Manager	Medium
10.	Establish appropriate processes and protocols with internal and external key consultees to enable high quality pre-application service to be delivered.	High	-	-	1 st April 2017	Development Manager	Medium
11.	Establish a schedule of pre-application charges to be implemented w.e.f. 1 st April 2017 with a view to full cost recovery.	High	-	£20,000 p.a.	1 st April 2017	Head of Regulatory Services / Development Manager	Medium

12.	Devise and implement new procedures for non-contact, pre-application payments to be made via the Council website as part of a whole Council approach.	Medium	-	-	30 th September 2017	Business Support Unit	Medium
13.	Review first point of contact arrangements for technical planning enquiries and implement a programme of 'channel shift' and/or establish a more appropriate first point of contact.	High	-	-	1 st April 2017	Development Manager / Business Support Manager	Medium
14.	Introduce arrangements for the management and recording of pre-application enquiries through the IDOX Uniform system.	High	-	-	1 st April 2017	Development Manager / Business Support Unit	Medium
15.	Devise and implement an online pre application enquiry pro-forma.	High	-	-	Completed	Business Support Unit	Low
16.	Revise publicity material for pre-application advice services.	High	-	-	1 st April 2017	Development Manager	Low
17.	Devise and implement a protocol to encourage Member involvement in pre-application discussions in accordance with the Planning Code of Good Practice (May 2016).	Medium	-	-	30 th September 2017	Development Manager	Low
18.	Review the Local Validation Checklist in accordance with Planning Practice guidance and introduce a new Validation Checklist in 2017.	Medium	-	-	30 th September 2017	Development Manager	Low
19.	Devise and implement a clear protocol for the validation of applications linked to the local Validation Checklist and clearly	Medium	-	-	30 th September 2017	Development Manager / Business	Low

	defined performance standards.					Support Unit	
20.	Devise and implement arrangements for the 'fast tracking' validation of major applications with senior officer involvement at an early stage.	High	-	-	1 st April 2017	Development Manager	Low
21.	Implement a policy of electronic consultation by default for all statutory consultees.	High	-	-	Completed	Business Support Unit	Low
22.	Implement a policy of electronic consultation by default for all internal consultees.	High	-	£4374 - £4906	Completed	Business Support Unit	Low
23.	Undertake a review of the current policy on neighbour notifications including site notice procedures.	Medium	-	-	30 th September 2017	Development Manager	Low
24.	Undertake quarterly monitoring of statutory press notices to ensure that costs are managed effectively and that applications are not being advertised unnecessarily.	High	-	-	Ongoing	Business Support Manager	Low
25.	Develop a clear policy in regard to acceptable alterations/ amendments to applications and re-consultation in order to promote consistency for applicants and fairness for consultees and other interested parties.	Medium	-	-	30 th September 2017	Development Manager	Low
26.	Retain the arrangement of a single planning committee.	High	-	£7000	18 th May 2017	Council	Medium
27.	Review Officer delegation						

	arrangements in order to maintain efficient use of officer and Committee resources.	High	-	-	18 th May 2017	Council	Medium
28.	Review and implement a revised committee report template with summary information, photographs and clearer officer recommendations.	High	-	-	Complete	Development Manager	Low
29.	Devise and implement procedures for the introduction of IDOX Uniform delegated reports.	Low	-	-	30 th December 2017	Business Support Unit	Medium
30.	Investigate the potential for implementing IDOX Uniform Committee reports.	Low	-	-	30 th December 2017	Business Support Unit	Medium
31.	Investigate the potential for Committee agendas to be generated via the IDOX Uniform system.	Low	-	-	30 th December 2017	Business Support Unit	Medium
32.	Provide easy access to all delegated and Committee reports on the Council website.	High	-	-	Completed	Business Support Unit	Low
33.	Revise the structure and format of decision notices in order to clearly identify the different types of planning conditions imposed e.g. conditions precedent, ongoing requirements.	Low	-	-	30 th December 2017	Development Manager	Low
34.	Continue arrangements for the despatch all decision notices electronically by default.	High	-	£767	Completed	Business Support Unit	Low
35.	Review the nature and scope of the						

	officer delegation arrangements for the issuing of decisions with delegation being afforded to the lowest level where appropriate.	High	-	-	18 th May 2017	Development Manager	Medium
36.	Introduce arrangements for an annual review of planning decisions and development quality to include both Officers and Members.	Low	-	-	30 th December 2017	Development Manager	Low
37.	Revise the Planning Enforcement Charter, secure adoption through the Council's Policy Committee and ensure that it is consistently applied to casework management.	Low	-	-	30 th December 2017	Development Manager	Low
38.	Provide regular Enforcement monitoring reports to Committee to include individual case reporting and updates.	High	-	-	1 st April 2017	Development Manager	Low
39.	Introduce a procedure for the sharing of relevant information from other Council sources to improve monitoring and enforcement of development e.g. Building Control.	Medium	-	-	30 th September 2017	Development Manager	Low
40.	Reintroduce the biannual Planning Forum involving planning agents, Parish/Town Councils and Ward Members.	Low	-	-	30 th December 2017	Development Manager	Low
41.	Prepare a new Development Management Customer Charter, secure adoption through the Council's Policy Committee and ensure that it is published and monitored.	Medium	-	-	30 th September 2017	Development Manager	Low

GOVERNANCE AND RESOURCES COMMITTEE
15 DECEMBER 2016

Report of the Head of Resources

REVENUES DEBT RECOVERY POLICY

PURPOSE OF THE REPORT

This report asks the Committee to approve an updated policy that sets out the approach that will be taken to the collection of debts due to the Council, and to approve changes to the scheme of delegation relation to debt recovery.

RECOMMENDATION

1. That the draft Revenues Debt Recovery Policy as set out in Appendix 1 is approved.
2. That the amendments to the scheme of delegation set out in paragraph 2.7 of the report be approved.

WARDS AFFECTED

All wards

STRATEGIC LINK

Effective arrangements for debt recovery will assist the Council in meeting its priority to achieve a sustainable budget.

1 BACKGROUND

- 1.1 Local authorities have a statutory duty to administer and arrange their financial affairs appropriately in accordance with section 151 of the Local Government Act 1972. It is therefore extremely important that the District Council applies appropriate and effective recovery processes when collecting debts.
- 1.2 The current Revenues Debt Recovery Policy was approved by the Corporate Committee in March 2013. The policy has worked well but some changes are now necessary to bring the policy up to date.

2 REPORT

- 2.1 Attached, as Appendix 1, is a draft updated Revenues Debt Recovery Policy. The policy sets out the approach that will be taken to the collection of debts due to the Council. The policy covers debts in respect of:
 - (a) Council Tax
 - (b) Business Rates (also known as National Non-Domestic Rates or NNDR)
 - (c) Sundry Debts

(d) Overpaid Housing Benefit

2.2 The policy shows the processes involved in the recovery of each type of debt. An element of discretion is built into the policy to deal with cases where it is felt appropriate to deviate from the prescribed processes, for example where a debtor is a regular defaulter a specific method of recovery may be deemed appropriate based on past history. Any such deviation will still fully comply with regulations.

2.3 The draft policy is shown in Appendix 1. The policy aims include:

- To ensure that all debtors are treated in a consistent and fair manner, taking the circumstances of individual debtors into account where these are known and it is appropriate to do so;
- To distinguish between debtors who can't pay their debts and those who won't pay and deal with them accordingly.

2.4 Only minor changes have been made to the 2013 policy. The changes are indicated by blue type in the draft policy. The changes reflect the following:

- Removal of discretionary final notices
- Change in terminology from Bailiffs to Enforcement Agents;
- Clarification on payment arrangements;
- Changes to reflect different job titles and officer responsibilities*
- Improvements to the way that we contact debtors before commencing bankruptcy proceedings
- Changes to reflect new recovery options for housing benefit overpayments.

2.5 If the policy is approved, a copy will be made available on the Council's website.

2.6 It is also necessary to update the Council's Scheme of Delegation to reflect a change in the staffing within the debt recovery function and to offer more resilience for attendances at court proceedings. The current scheme of delegation is shown below, with proposed changes in red:

County Court Proceedings	-	Authority to represent the Council in hearings at County Court	Legal Assistant /Revenues Services Manager/Local Taxation Manager / Recovery Team Leader / Senior Recovery Officer / Senior Legal Assistant (Arvato)
Magistrates' Court	Local Gov Act 1972 S223 S1	Proper Officer to prosecute or defend on behalf of the Council in proceedings before Magistrates' Courts.	Senior Solicitor/Solicitor / Revenues Manager / Local Taxation Manager / Recovery Team Leader /Senior Recovery Officer / Senior Legal Assistant (Arvato)

3 RISK ASSESSMENT

3.1 Legal

The suggested delegations are made in accordance with Section 101 of the Local Government Act 1972. The lack of a Recovery Policy may lead to complaints made to the Local Government Ombudsman being upheld resulting in adverse publicity for the Council. The legal risk is therefore low.

3.2 Financial

Any complaints upheld by the Local Government Ombudsman may result in recommended compensation payments to debtors.

The implementation of this policy should ensure that debts due to the Council are collected in a timely and professional manner, which should reduce the amount of debt that has to be written off. Therefore, it will assist the Council in meeting its priority to achieve a sustainable budget and the financial risk is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

For further information contact:

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6 BACKGROUND INFORMATION

None

7 ATTACHMENTS

Appendix 1 – Draft Revenues Debt Recovery Policy



DRAFT

Derbyshire Dales District Council

Revenues Debt Recovery Policy

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1 Aims of this Policy

1.1 To ensure that debts due to the Council are collected and recovered in a timely and professional manner.

1.2 To ensure that all debtors are treated in a consistent and fair manner, taking the circumstances of individual debtors into account where these are known and it is appropriate to do so.

1.3 To distinguish between debtors who can't pay their debts and those who won't pay and deal with them accordingly.

1.4 To encourage debtors to contact the Council as soon as possible to discuss their circumstances if they are unable to pay their debts as billed.

1.5 To ensure that debtors are given all necessary information in relation to their debt, including advice on benefits, exemptions and other reliefs to which they may be entitled.

1.6 To ensure that where third parties are employed by the Council to collect and recover amounts that they act in accordance with the Council's Policies.

1.7 To ensure where possible that where a customer owes multiple debts (including different types of debt) that these are considered together when discussing repayment options.

1.8 The general principles laid down in this policy may be varied by management according to circumstances in individual cases where it is deemed appropriate.

2 Debts covered by this Policy

2.1 This Policy covers the following debts:

- (a) Council Tax
- (b) Business Rates (also known as National Non-Domestic Rates or NNDR)
- (c) Sundry Debts
- (d) Overpaid Benefit

3 Documentation

3.1 All bills, invoices and documentation issued will comply with all relevant legislation and legal practices and be written as far as possible in plain English.

3.2 Documents will be provided in other formats on request where necessary e.g. electronically, in other languages, large print, Braille etc.

4 Staff Training

4.1 Staff will receive Customer Care training to ensure that all customers are dealt with in a courteous and professional manner. In return, staff have the right to be treated in a similar manner and have the authority to terminate conversations where they are subject to foul or abusive language or threatening behaviour.

4.2 All staff involved in the collection and recovery of debts will receive appropriate technical training to deal with customers' problems and queries and provide relevant advice including referral to external debt advice agencies.

5 General Principles of Recovery

5.1 The Council aims to make the payment of debts as convenient and straightforward as possible with Direct Debit being the Council's preferred payment method.

5.2 All action taken to recover a debt will be proportional. The particular course of action taken will depend on a number of factors including the size and nature of the debt, the effect on the debtor and the cost to the Council in taking that action.

5.3 A consistent approach will be taken to ensure that customers with similar circumstances are dealt with in similar ways. Factors such as the debtor's previous payment record will be taken into account.

5.4 At all stages of recovery, the debtor will be informed of the action being taken and what the consequences of that action may be for them.

6 Council Tax

6.1 Demand Notice

6.1.1 Council Tax demands will be sent to all liable taxpayers in accordance with legislation as soon as practicable after their liability has been determined. The demand will state the total amount due, the amounts and dates of any instalments due to be paid and provide information for the taxpayer on the various methods of payment. Direct Debit will be promoted as the Council's preferred payment method.

6.2 First Reminder

6.2.1 Where -

- (a) a reminder has not previously been issued in respect of the demand, and
- (b) an instalment is not paid by the date specified in the demand, and
- (c) there are future instalments still remaining on the demand

a reminder notice will be issued. The notice will advise the customer of the overdue amount and that if it is not paid by the date specified in the reminder, the taxpayer loses the right to pay by instalments and the whole of the remaining amount on the demand will become payable after a further 7 days. [The reminder will advise the](#)

customer that if the overdue amount is not paid no further reminder will be sent and that the remaining sum of £? will immediately become due for payment.

6.2.2 Provided the customer pays the overdue amount and continues to pay future instalments as and when they fall due, no further recovery action will be taken.

6.3 Second Reminder

6.3.1 Where -

- (a) a reminder notice has previously been issued in respect of the demand, and
- (b) a further instalment is not paid on time, and
- (c) there are future instalments still remaining on the demand

a second reminder notice will be issued. The notice will advise the customer of the overdue amount and that if it is not paid by the date specified in the reminder, the taxpayer loses the right to pay by instalments and the whole of the remaining amount on the demand will become payable after a further 7 days. Provided the customer pays the overdue amount and continues to pay future instalments as and when they fall due, no further recovery action will be taken. A taxpayer is only entitled to be sent a maximum of two reminder notices in respect of any one demand notice. [The reminder will advise the customer that if the overdue amount is not paid no further reminder will be sent and that the remaining sum of £? will immediately become due for payment.](#)

6.4 Final Reminder

6.4.1 Where -

- (a) an instalment is not paid by the date specified in the demand, and
- (b) there are no future instalments remaining to be paid on the demand

a final reminder notice will be issued. This will require the balance remaining on the demand notice to be paid within 7 days.

6.5 Final Notices

[Discretionary Final Notices](#)

6.5.1 Where -

- (a) reminders notices have previously been issued in respect of the demand, and
- (b) a further instalment is not paid on time

[No further reminders are legally required. The accounts will escalate from Reminder notice to summons.](#)

[Statutory Final Notices](#)

[6.5.2 If there has been a financial amendment to amount due](#)

a final notice will be issued. This will require the balance remaining on the demand notice to be paid within 7 days. Depending on their previous payment history, the taxpayer may have the final notice withdrawn and their instalments re-instated on condition that they pay by Direct Debit. [Failure to pay will result in the accounts escalating to Summons.](#)

6.6 Application for a Liability Order

6.6.1 Where, following the issue of a final reminder notice (see 6.4 above) or a final notice (see 6.5 above) [Discretionary or Statutory](#), the amount outstanding remains unpaid after the date specified in the notice, the Council will make an application to the Magistrates' Court for a Liability Order.

6.6.2 A summons will be served on the taxpayer informing them that the Council has made a complaint to the Magistrates' for non-payment of Council Tax. The summons will state the date, time and location of the hearing, the amount of unpaid Council Tax and the amount of costs the Council will be applying for at the hearing. At least 14 days notice will be given of the hearing date. The summons will include information and advice to enable the taxpayer to decide whether they need to attend the hearing.

6.6.3 If the taxpayer pays the total amount shown on the summons in full (including the costs) prior to the hearing, the case will be withdrawn and no further action will be taken.

6.6.4 If the taxpayer does not pay the total amount shown on the summons in full (including the costs) prior to the hearing, the case will proceed and the Magistrates will be asked to issue a Liability Order and award the costs stated on the summons.

6.6.5 Once a Liability Order is obtained, the Council can then select the most appropriate recovery method from the following options to ensure payment of the debt in the shortest time:

- (a) Use of [Enforcement Agents.\(EA\)](#)
- (b) Attachment of Earnings Order
- (c) Attachment of Benefits Order
- (d) Attachment of Allowances Order
- (e) Charging Order
- (f) Insolvency Proceedings
- (g) Committal to Prison

6.6.6 The Council may alternate between recovery methods available, but only one method, [per liability order](#), may be used at any one time.

6.7 Statutory Information Request

6.7.1 Following the issue of a Liability Order a letter will be sent to the taxpayer advising them that a Liability Order has been granted against them and outline the further recovery options that are available to the Council to recover the debt. The letter will also inform the taxpayer that if the amount is not paid in full within 14 days they [are legally](#) required to inform the Council of their employment details.

6.7.2 The letter will encourage the taxpayer to contact the Council to discuss their circumstances and make an offer or payment and warn them that **Enforcement Agents** may be instructed to collect the amount outstanding which could result in them being liable for additional substantial fees.

6.8 Payment Arrangements

6.8.1 At any time **leading up to and** following the issue of a summons for non-payment, a formal payment arrangement may be agreed with a debtor on the understanding that **if a Summons has been issued or the Taxpayer has previous bad payment history**, the Council will continue to apply for a liability order. This ensures that the Council has the means to enforce recovery of the debt if the debtor defaults on an arrangement.

6.8.2 Where the debtor has an ongoing liability to Council Tax, any payment arrangement will normally be structured to be completed by the end of the current financial year to ensure arrears are cleared before the next year's Council Tax becomes due.

6.8.3 If the debtor has a previous good payment history officers will have the discretion to waive the costs of obtaining the liability order provided the debtor maintains payments in accordance with the arrangement. Costs will not be cancelled until the Council Tax debt had been cleared.

6.8.4 Payment arrangements will be monitored and at least one reminder letter will be sent before an arrangement is cancelled and recovery is continued.

6.9 Attachment of Earnings Order

6.9.1 Where a debtor has provided employment details, an order may be sent to the debtor's employer requiring them to make deductions from the debtor's wages which must then be paid directly to the Council. The amount and frequency of deductions to be made will be in accordance with a set scale laid down in regulations. An explanatory leaflet will be included with the order explaining how to calculate the amount to be deducted from the debtor's wages.

6.9.2 A copy of the order and explanatory notes will be sent to the debtor along with an instruction that they must inform the Council if they leave their employment. The debtor must inform the Council within 14 days if their employment status changes.

6.9.3 In accordance with regulations, up to two orders may be in force concurrently.

6.9.4 The debtor's employer may make an additional deduction to cover their administration costs. The maximum amount is prescribed in regulations.

6.10 Attachment of Benefits

6.10.1 Where a debtor is in receipt of a relevant state benefit, an application may be made to the Department for Work and Pensions (DWP) requiring them to make deductions from the debtor's benefit which will then be paid directly to the Council. The amount and frequency of deductions to be made will be in accordance with a set scale laid down in regulations.

6.10.1 The DWP will confirm in writing to both the Council and the debtor any decision made to make deductions from the debtor's state benefit.

6.11 Attachment of Allowances Order

6.11.1 Where a debtor is an elected member of a billing authority or a major precepting authority, an order may be sent to that authority requiring them to make deductions from the debtor's allowances which must then be paid directly to the Council. The amount and frequency of deductions to be made will be in accordance with regulations.

6.12 Use of Enforcement Agents (EA)

6.12.1 If the debtor against whom a Liability Order has been made fails to complete and return the Statutory Information Request, or fails to make or maintain a satisfactory payment arrangement, **Enforcement Agents** may be instructed to act on behalf of the Council to collect the debt.

6.12.2 Any **EA** used by the Council will be certificated and be members of a recognised professional body. They will adhere to the service level agreement negotiated with the Council and act in accordance with national standards for **EA** as laid down by the Lord Chancellor's Department.

6.12.3 Once a Liability Order has been passed to and remains with the **EA**, all correspondence regarding payment will be dealt with by the **EA** and no arrangement for payment can be made directly with the Council, **unless the Collections Manager or Team Leader agrees that there are circumstances which dictate otherwise.**

6.12.4 If it is apparent to the **EA** that they are attempting to recover a debt from a person who may be classed as 'vulnerable' they will suspend all action and contact the Council for further instructions. 'Vulnerable' individuals may include persons who –

- (a) are elderly (aged 70 or over)
- (b) appear to be severely physically or mentally impaired or have special needs
- (c) have young children where there is also evidence of severe social deprivation
- (d) are heavily pregnant
- (e) are in mourning due to recent bereavement
- (f) have difficulty communicating due to pronounced hearing or visual impairment or have language difficulties
- (g) are unemployed and in receipt of a state benefit

6.12.5 Bailiffs will seek to collect the full debt. They may enter into a "**controlled goods order**" with the debtor subject to a satisfactory payment arrangement. This will identify goods owned by the debtor that will be left in the debtor's possession but which must not be removed or sold as they may be lawfully removed at a later time by the **EA** to be sold in satisfaction of the debt.

6.12.6 **EA** will be entitled to levy all appropriate fees as set down in regulations.

6.12.7 In the event that the debtor does not have sufficient goods (where the sale of such goods would not clear the debt) or the EA is unable to gain peaceable entry to the debtor's property, the EA will return the Liability Order to the Council endorsed 'Nulla Bona'. This will enable the Council to commence committal proceedings against the debtor where appropriate.

6.12.8 Where a EA has returned a Liability Order having been unable to collect the debt (by reason other than there being insufficient goods), the Liability Order may be recycled to another EA firm to attempt recovery.

6.13 Charging Order

6.13.1 Where recovery through an Attachment of Earnings, Benefit or Allowance is not appropriate and use of EA has been unsuccessful (or thought inappropriate or unlikely to be successful) and the debt totals more than £1000 and the debtor owns the property that the outstanding Council Tax debt relates to, a charging order may be applied for through the County Court.

6.13.2 The Council may engage external solicitors to apply for the charging order.

6.13.3 Where a charging order is made, the outstanding debt will be repaid from the proceeds of sale if the property is sold. The order will also allow the Council to commence proceedings to force the sale of the property, [if appropriate](#).

6.14 Insolvency

6.14.1 Where recovery through an Attachment of Earnings, Benefit or Allowance is not appropriate and use of EA has been unsuccessful (or thought inappropriate or unlikely to be successful) and the debt totals more than £5,000 proceedings may be instigated to have the debtor made bankrupt (in the case of an individual) or wound-up (in the case of a company).

6.14.2 The Council may engage external solicitors to apply for the bankruptcy/winding-up.

6.14.3 Prior to the bankruptcy proceedings commencing a "letter before action" will be sent to the debtor detailing the implications and possible costs of bankruptcy and options available to prevent it (as the winding up procedures are similar in process to the bankruptcy they will not be detailed in this policy but if a decision is made to start winding-up proceedings (see 6.16 below) a similar "letter before action" will be sent detailing the costs and implications of winding-up).

6.14.4 If the debtor has not paid the debt, or made an acceptable arrangement to pay it, within 14 days of the "letter before action" being sent a statutory demand will be served on the debtor (the formal commencement of bankruptcy proceedings). This demand will detail the amount outstanding and give the debtor 18 days to ask the court to stop the bankruptcy process or 21 days to pay the debt. At this stage the Council can still accept a payment arrangement that would stop the bankruptcy proceedings.

6.14.5 If the court does not stop the process, or the debtor has not made payment or a suitable arrangement a bankruptcy petition will be issued. If the debtor does not

pay the debt at this stage (plus the costs incurred by the Council) the case will go to court on the date specified in the petition and it will be up to the court to decide if the person should be made bankrupt.

6.15 Committal to Prison

6.15.1 Where recovery through an Attachment of Earnings, Benefit or Allowance is not appropriate and use of EA has been unsuccessful the Council can ask the Magistrates' Court to send a summons to the debtor to attend a committal hearing.

6.15.2 If payment in full is made at this stage (including the costs of making the application) the hearing will not proceed. However, if payment in full is not made the hearing must go ahead i.e. the Council will not accept an agreement at this stage- it will now be for the court to decide what must be paid. **Unless there are extenuating circumstances and a decision will be made by the Revenues Manager or the Collections Manager.**

6.15.3 At the hearing the Magistrates will try to establish why payment has not been made (a person can only be sent to prison for non-payment of Council Tax for either wilful refusal or culpable neglect). They will also make enquiries about a person's income and expenditure (so they can make a decision on what they think the debtor can afford to pay).

6.15.4 There are a number of decisions the Magistrates can make:

- (a) An order to pay with a suspended sentence (the debtor will be told to make payments of a set amount with the debtor being sent to prison for a certain period if the payments are not made).
- (b) An order to pay without a suspended sentence (the debtor will be told to make payments of a set amount and if those are not made the case will be referred back to the court to decide on any further action).
- (c) Write-off some or all of the debt
- (d) Adjourn the case (if they feel more evidence is needed before a decision can be made)
- (e) Committal to prison- the Magistrates can send a debtor immediately to prison for up to 3 months.

6.16 Making a decision on the recovery action to be pursued

6.16.1 It is not possible to set out a decision making process for which recovery method to use that would cover every eventuality, and so a certain level of discretion must be allowed in this process. However, where the procedure detailed below is not followed it must be approved by the **Revenues Manager** or the **Collections Manager** with an accompanying note detailing why approval has been given to deviate from the procedure.

6.16.2 In deciding what recovery action to take the effect this action will have on the debtor must be balanced against the need to collect amounts due to the Council and the need to be fair to people who have paid their legally due tax to the Council on time. The costs that will be incurred by the Council and likelihood of recovering the debt will also be taken into account.

6.16.3 The recovery actions available to the Council can be split into 3 stages depending on the effect (financial and otherwise) on the debtor (with stage 1 being the least effect and stage 3 the most). Because of this it would be the case in most circumstances that a stage 1 recovery method is used before a stage 2 and a stage 2 before a stage 3 (but there will be occasions where this is not necessarily the case).

6.16.4 The stages are:

Stage 1: Attachment of earnings/benefits/allowances

Stage 2: Use of [Enforcement Agents](#)

Stage 3: Charging Order, Bankruptcy, Committal to Prison

At all stages (except where a bankruptcy petition has been issued or a committal summons served) consideration will be given to a suitable agreement to pay the debt without further action being taken.

6.16.5 Use of stage 1 methods:

Wherever possible a stage 1 method should be used to collect a debt where an arrangement has not been made (an arrangement may not have been made because the debtor has not contacted the Council, or has offered an arrangement that is not acceptable to the Council, or has a history of not keeping to arrangements), or an arrangement has not been kept to, or a stage 1 method of recovery has been used successfully before.

6.16.6 Use of stage 2 method:

If it is not possible to use a stage 1 method (because no details of the debtor's employment or benefits are known, or a previous attempt to collect using one of these methods has failed) the stage 2 method will be considered.

6.16.7 Use of a stage 3 method

A stage 3 method will only be used where all stage 1 and 2 methods have been tried or considered. The authorisation to commence a stage 3 method must be made by the [Revenues](#) Manager or the [Collections](#) Manager. Before a stage 3 method is commenced a Recovery Decision form must be completed by one of the above mentioned officers.

In making a decision the [Revenues/Collections](#) Manager must be mindful of 6.16.2. In general it should be considered that the effect on the debtor will be in the following order (least first): charging order, bankruptcy, committal (as possible loss of liberty will be considered more detrimental than the effects of a charging order or bankruptcy). In general it should be considered that the most effective way of collecting a debt will be in the following order (least first): charging order, bankruptcy or committal (as a charging order only secures the debt and requires further court action for the Council to force sale of the property).

Although committal can be an effective method of securing payment it also potentially has the most effect on the debtor (who can be sent to prison) and so would only be considered if bankruptcy or a charging order are not appropriate.

6.16.8 Consideration for a charging order/bankruptcy

As a charging order is not as effective in producing payment it will only be considered where it appears there is a doubt that bankruptcy is appropriate due to

the circumstances of the debtor or that there is a realistic prospect of the property being sold in the near future.

Before commencing bankruptcy proceedings a senior officer will contact the debtor by telephone or email to attempt to encourage them to enter into negotiations for payment of the debt. If that is not possible a letter will be sent to ask the debtor to contact a named officer to avoid further consideration of the use of bankruptcy proceedings.

The appropriate officer will establish (via a credit search) that it appears that there is sufficient assets/equity to enable the debt to be paid in the event of bankruptcy.

The Revenues/Collections Manager will review the case to ensure that all other methods of recovery have been considered.

The appropriate officer will review the case to ensure there are no outstanding issues with regards to liability or no outstanding benefit applications.

The appropriate officer will collate any available information regarding the debtor's circumstances that may affect the appropriateness of bankruptcy action, particularly to see if there may be a disability (including mental impairment) that may affect their ability to engage with the Council or understand what is happening. This will be done by:

- (a) checking for any evidence that the about the debtor that may be relevant.
- (b) checking all benefit documents/forms for any evidence of a benefit being paid that is linked to a disability
- (c) checking details of all previous contacts with the Council Tax section for any evidence of disability/vulnerability.

If, as a result of the above, it is decided that charging order or bankruptcy proceedings may be the best method of recovery the case will be passed to the Council's solicitors asking them if they consider charging order/bankruptcy proceedings to be appropriate. If so, they will issue a "letter before action" letter to the debtor before the proceedings commence.

6.16.9 Consideration for committal action.

If a charging order/bankruptcy are not appropriate the Revenues/Collections Manager will follow the same procedure as in 6.16.8 (apart from the credit search) above to decide if committal action should be commenced.

7 Business Rates

7.1 Demand Notice

7.1.1 Business Rates demands will be sent to all liable taxpayers in accordance with legislation as soon as practicable after their liability has been determined. The demand will state the total amount due, the amounts and dates of any instalments due to be paid and provide information for the taxpayer on the various methods of payment. Direct Debit will be promoted as the Council's preferred payment method.

7.2 Reminder

7.2.1 Where an instalment, or a final balance, has not been paid a reminder will be issued for the instalment(s) or final balance outstanding. The amount shown as outstanding in this reminder is payable within 7 days.

7.2.2 If a reminder is issued for an outstanding instalment and the amount on that instalment is paid, no further reminders will be sent for any future instalments that are not paid on time. If a future instalment is not paid on time the balance of the year's charge becomes payable on that future failure to pay on time.

7.3 Final Notice

7.3.1 Where either:

- (a) a previous reminder for an outstanding instalment has been paid but a future instalment has not been paid on time (and so the whole year's balance has become payable); or
- (b) a reminder for an outstanding instalment has not been paid; or
- (c) a reminder for a final balance has not been paid

a final notice will be issued for the balance outstanding requesting payment within 7 days. If the final notice has been issued because of the "cancellation" of a year's instalments, and depending on the ratepayer's previous payment history, the ratepayer may have the final notice cancelled and their instalments re-instated on the condition that they pay by Direct Debit.

7.4 Application for a Liability Order

7.4.1 Where, following the issue of a final notice (see 7.3 above), the amount outstanding remains unpaid after the date specified in the notice, the Council will make an application to the Magistrates' Court for a Liability Order.

7.4.2 A summons will be served on the ratepayer informing them that the Council has made a complaint to the Magistrates' for non-payment of Business Rates. The summons will state the date, time and location of the hearing, the amount of unpaid Business Rates and the amount of costs the Council will be applying for at the hearing. At least 14 days notice will be given of the hearing date. The summons will include information and advice to enable the ratepayer to decide whether they need to attend the hearing.

7.4.3 If the ratepayer pays the total amount shown on the summons in full (including the costs) prior to the hearing, the case will be withdrawn and no further action will be taken.

7.4.4 If the ratepayer does not pay the total amount shown on the summons in full (including the costs) prior to the hearing, the case will proceed and the Magistrates will be asked to issue a Liability Order and award the costs stated on the summons.

7.4.5 Once a Liability Order is obtained, the Council can then select the most appropriate recovery method from the following options to ensure payment of the debt in the shortest time:

- (a) Use of [Enforcement Agents \(EA\)](#)
- (b) Committal to prison (where there is a personal liability to pay rather than a corporate liability)
- (c) Insolvency proceedings.

7.5 Payment Arrangements

7.5.1 At any time following the issue of a summons for non-payment, a formal payment arrangement may be agreed with a debtor on the understanding that the Council will continue to apply for a liability order. This ensures that the Council has the means to enforce recovery of the debt if the debtor defaults on an arrangement.

7.5.2 Where the debtor has an ongoing liability to Business Rates, any payment arrangement will normally be structured to be completed by the end of the current financial year to ensure arrears are cleared before the next year's Business Rates becomes due.

7.5.3 If the debtor has a previous good payment history officers will have the discretion to waive the costs of obtaining the liability order provided the debtor maintains payments in accordance with the arrangement. Costs will not be cancelled until the Business Rates debt had been cleared.

7.5.4 Payment arrangements will be monitored and at least one reminder letter will be sent before an arrangement is cancelled and recovery is continued.

7.6 Use of [Enforcement Agents \(EA\)](#)

7.6.1 If the debtor against whom a Liability Order has been made fails to make or maintain a satisfactory payment arrangement, [EA](#) may be instructed to act on behalf of the Council to collect the debt.

7.6.2 Any [EA](#)'s used by the Council will be certificated and be members of a recognised professional body. They will adhere to the service level agreement negotiated with the Council and act in accordance with national standards for [EA](#) as laid down by the Lord Chancellor's Department.

7.6.3 Once a Liability Order has been passed to and remains with the [EA](#), all correspondence regarding payment will be dealt with by the [EA](#) and no arrangement for payment can be made directly with the Council. [Unless the Collections Manager or Team Leader agrees that there are circumstances which dictate otherwise.](#)

7.6.4 If it is apparent to the [EA](#) that they are attempting to recover a debt from a person who may be classed as 'vulnerable' they will suspend all action and contact the Council for further instructions. 'Vulnerable' individuals may include persons who –

- (a) are elderly (aged 70 or over)
- (b) appear to be severely physically or mentally impaired or have special needs
- (c) have young children where there is also evidence of severe social deprivation
- (d) are heavily pregnant

- (e) are in mourning due to recent bereavement
- (f) have difficulty communicating due to pronounced hearing or visual impairment or have language difficulties
- (g) are unemployed and in receipt of a state benefit

7.6.5 The EA will seek to collect the full debt. They may enter into a “controlled goods order” with the debtor subject to a satisfactory payment arrangement. This will identify goods owned by the debtor that will be left in the debtor’s possession but which must not be removed or sold as they may be lawfully removed at a later time by the EA to be sold in satisfaction of the debt.

7.6.6 The EA will be entitled to levy all appropriate fees as set down in regulations.

7.6.7 In the event that the debtor does not have sufficient goods (where the sale of such goods would not clear the debt) or the EA is unable to gain peaceable entry to the debtor’s property, the EA will return the Liability Order to the Council endorsed ‘Nulla Bona’. This will enable the Council to commence committal proceedings against the debtor where appropriate.

7.6.8 Where a EA has returned a Liability Order having been unable to collect the debt (by reason other than there being insufficient goods), the Liability Order may be recycled to another EA firm to attempt recovery.

7.7 Insolvency

7.7.1 Where recovery through the use of an EA has been unsuccessful (or thought inappropriate or unlikely to be successful), or insolvency proceedings have been used successfully before, and the debt totals more than £5,000 proceedings may be instigated to have the debtor made bankrupt (in the case of an individual) or wound-up (in the case of a company).

7.7.2 The Council may engage external solicitors to apply for the bankruptcy/winding-up.

7.7.3 Prior to the bankruptcy proceedings commencing a “letter before action” will be sent to the debtor detailing the implications and possible costs of bankruptcy and options available to prevent it (as the winding up procedures are similar in process to the bankruptcy they will not be detailed in this policy but if a decision is made to start winding-up proceedings (see 7.9 below) a similar “letter before action” will be sent detailing the costs and implications of winding-up).

7.7.4 If the debtor has not paid the debt, or made an acceptable arrangement to pay it, within 14 days of the “letter before action” being sent a statutory demand will be served on the debtor (the formal commencement of bankruptcy proceedings). This demand will detail the amount outstanding and give the debtor 18 days to ask the court to stop the bankruptcy process or 21 days to pay the debt. At this stage the Council can still accept a payment arrangement that would stop the bankruptcy proceedings.

7.7.5 If the court does not stop the process, or the debtor has not made payment or a suitable arrangement a bankruptcy petition will be issued. If the debtor does not pay the debt at this stage (plus the costs incurred by the Council) the case will go to

court on the date specified in the petition and it will be up to the court to decide if the person should be made bankrupt.

7.8 Committal to prison

7.8.1 Where recovery through the use of EA has been unsuccessful the Council can ask the Magistrates' Court to send a summons to the debtor to attend a committal hearing (this method of recovery is only applicable where the debtor is an individual).

7.8.2 If payment in full is made at this stage (including the costs of making the application) the hearing will not proceed. However, if payment in full is not made the hearing must go ahead i.e. the Council will not accept an agreement at this stage- it will now be for the court to decide what must be paid.

7.8.3 At the hearing the Magistrates will try to establish why payment has not been made (a person can only be sent to prison for non-payment of Business Rates for either wilful refusal or culpable neglect). They will also make enquiries about a person's income and expenditure (so they can make a decision on what they think the debtor can afford to pay).

7.8.4 There are a number of decisions the Magistrates can make:

- (a) An order to pay with a suspended sentence (the debtor will be told to make payments of a set amount with the debtor being sent to prison for a certain period if the payments are not made.
- (b) An order to pay without a suspended sentence (the debtor will be told to make payments of a set amount and if those are not made the case will be referred back to the court to decide on any further action.
- (c) Write-off some or all of the debt
- (d) Adjourn the case (if they feel more evidence is needed before a decision can be made)
- (e) Committal to prison- the Magistrates can send a debtor immediately to prison for up to 3 months.

7.9 Making a decision on the recovery action to be pursued

7.9.1 It is not possible to set out a decision making process for which recovery method to use that would cover every eventuality and so a certain level of discretion must be allowed in the process. However, where the procedure detailed below is not followed it must be approved by the Revenues/Collections Manager with an accompanying note detailing why approval has been given to deviate from the procedure.

7.9.2 In deciding what recovery action to take the effect this action will have on the debtor must be balanced against the need to collect amounts due to the Council and the need to be fair to the people who have paid their legally due tax to the Council on time. The costs that will be incurred by the Council and likelihood of recovering the debt will also be taken into account.

7.9.3 Taking into account 7.9.2 above the preferred order of using recovery methods is as follows:

- (a) Enforcement Agents action

- (b) insolvency
- (c) committal to prison

7.9.4 Where a suitable arrangement has not been made (an arrangement may not have been made because the debtor has not contacted the Council, or has offered an arrangement that is not acceptable to the Council, or has a history of not keeping to arrangements), or an arrangement made and defaulted on, use of the EA to collect the debt will be considered.

7.9.5 Where use of the EA has been unsuccessful (or it is either not considered appropriate or unlikely to be successful in a particular case), and a suitable arrangement has not been made, use of insolvency proceedings will be considered.

The authorisation to commence Insolvency proceedings must come from the [Recovery/Collections Manager](#) and a Recovery Decision Form must be completed by one of the above officers before such action is commenced.

Before commencing insolvency proceedings [an appropriate officer](#) will consider visiting the debtor either at the business premises or at the home address (in the case of an individual).

The [appropriate officer](#) will establish (via a credit search) that it appears there is sufficient assets/equity to enable the debt to be paid in the event of insolvency.

The [appropriate officer](#) will review the case to ensure that all other methods of recovery have been considered.

The [appropriate officer](#) will review the case to ensure there are no outstanding issues with regard to liability.

In the case of an individual the [appropriate officer](#) will collate any available information regarding the debtor's circumstances that may affect the appropriateness of insolvency action, particularly to see if there may be a disability (including mental impairment) that may affect their ability to engage with the council or understand what is happening.

This will be done by:

- (a) checking for any evidence that the [debtor that may be relevant](#).
- (b) checking any benefit forms/documents for any evidence of a benefit being paid that is linked to a disability
- (c) checking details of all previous contacts with the Council Tax/Business Rates section for any evidence of disability/vulnerability.

It would not be unreasonable for the [appropriate officer](#) to conclude that if the debtor is continuing to run the business this may indicate that there are no problems with regard to the above and he/she may decide that the above checks are not necessary.

If, as a result of the above, it is decided that insolvency proceedings may be the best method of recovery the case will be passed to the Council's solicitors asking them to consider insolvency proceedings to be appropriate. If so, they will issue a "letter before action" letter to the debtor before the proceedings commence.

7.9.6 If insolvency proceedings are not appropriate, and the debtor is an individual, the appropriate officer will follow the procedure as in 7.9.5 above (except the credit search) to decide if committal action should be commenced.

7.10 County Court Action

7.10.1 The Council can pursue outstanding Business Rates through the County Court, but only where a liability order has not already been granted.

7.10.2 This option would only be considered in exceptional circumstances and would be at the discretion of the Revenues/Collection Manager. It is likely that this would only be considered where there have been previous problems in recovering amounts from a debtor using the methods above.

8 Sundry Debts

8.1 General

8.1.1 This section covers all sundry debts invoiced by the Miscellaneous Income Section.

8.1.2 Wherever appropriate, service providers will obtain payment in advance for any service. In all other cases, the service department will promptly complete an invoice requisition for the Miscellaneous Income Section to enable an invoice to be issued.

8.2 Invoice

8.2.1 The due date for payment will be determined by the service department. In the absence of any direction by the service department all invoices will request payment within 14 days.

8.3 Reminder

8.3.1 At the expiry of a period of at least 14 days from the issue of the invoice if payment (or a suitable arrangement to pay the invoice) has not been made a reminder notice will be issued.

8.3.2 Consideration may be given at this point to informing the service department of the non-payment so that they may consider removing any ongoing or future service.

8.3.3 The reminder will request payment within a further 14 days.

8.4 Final notice/Notice of intended further action

8.4.1 At the expiry of a period of at least 14 days from the issue of the reminder if payment (or a suitable arrangement to pay the balance) has not been made a final notice will be issued informing the debtor that the Council may take further action (including recovery by a debt collection agency or through the County Court) without further notice if payment is not made.

8.4.2 Consideration may be given at this point to informing the service department of the non-payment so that they may consider removing any ongoing or future service (if not already done so under 8.3.2).

8.5 Further action

8.5.1 At the expiry of a period of at least 14 days from the issue of the final notice if payment (or a suitable arrangement to pay the balance) is not made a decision will be made on what further action should be taken.

8.5.2 The following options are available at this point:

- (a) a visit to the debtor at his home or business address
- (b) referral of the case to an external debt collection agency
- (c) county court action
- (d) refer debt for write-off

8.5.3 The decision on what course of action to take will be made by the Miscellaneous Income Officer or the [Collections/Revenues Manager](#).

8.5.4 Any costs involved in pursuing court action or referral to an external debt collection agency (that is not recovered from the debtor) will be recharged to service departments. Because of this, approval to pursue one of these methods will be sought from the service department before such action is commenced.

9 Benefit Overpayments

9.1 General

9.1.1 This section covers all Housing Benefit (HB), Local Housing Allowance (LHA), Council Tax Benefit (CTB) or Council Tax Support (CTS) overpayments that have been classed as recoverable overpayments by the Benefits Section.

9.1.2 In calculating any overpayment, any underlying entitlement will be calculated to reduce the debt. Underlying entitlement is the amount of benefit that would have been payable if all the facts had been known when the benefit was originally determined. If this is greater than the actual amount of benefit paid, then the overpayment will be reduced by the difference.

9.1.3 Where a claimant has an overpayment of CTB or CTS, the overpayment will be added to the relevant Council Tax account and recovered as a Council Tax debt.

9.1.4 Where a claimant has an overpayment of HB or LHA, if the claimant is currently in either HB or LHA an amount will be deducted from the ongoing benefit payments. The amount deducted will be in accordance with standard rate deductions as determined by the Department for Work and Pensions.

9.1.5 For all other HB or LHA overpayments, an invoice will be sent for the amount overpaid. This will normally be sent to the claimant except where the original payment of benefit was made to a landlord and the overpayment has resulted from a failure on the landlord's part to notify the Council of a change in circumstances, in which case the invoice will be sent to the landlord.

9.1.6 Where a landlord is liable to repay an overpayment in respect of a claimant but the claimant is no longer in receipt of HB/LHA, if the landlord is receiving benefit payments for other tenants, the overpayment may be deducted from those other payments.

9.2 Invoice

9.2.1 An invoice will be issued by the Benefits Section requesting payment within 14 days.

9.3 Reminder

9.3.1 At the expiry of a period of at least 14 days from the issue of the invoice if payment (or a suitable arrangement to pay the invoice) has not been made a reminder notice will be issued.

9.3.2 The reminder will request payment within a further 14 days.

9.4 Final notice/Notice of intended further action

9.4.1 At the expiry of a period of at least 14 days from the issue of the reminder if payment (or a suitable arrangement to pay the balance) has not been made a final notice will be issued informing the debtor that the Council may take further action (including recovery by a debt collection agency or through the County Court) without further notice if payment is not made.

9.5 Further action

9.5.1 At the expiry of a period of at least 14 days from the issue of the final notice if payment (or a suitable arrangement to pay the balance) is not made a decision will be made on what further action should be taken.

9.5.2 The following options are available at this point:

- [Referral for deductions from Department for Work and Pensions Benefits](#)
- [Application for Direct Earnings Attachments](#)
- County court action
- Referral of the case to an external debt collection agency
- Debt for write-off

9.5.3 The decision on what course of action to take will be made by the Benefits Technical Officer or the Benefits Manager.

9.5.4 Any cases where county court action is deemed appropriate will be passed to the Miscellaneous Income Section to pursue.

10 Write-Offs

10.1 Any debt which is considered to be irrecoverable will be submitted for write-off in accordance with the Council's Financial Regulations.

10.2 Where the circumstances that led to a debt being written off change, for example where a debtor who previously could not be traced is subsequently located, the debt may then be resurrected and recovery action re-commenced.

December 2016

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